HB193

163392-2

By Representative Davis (Constitutional Amendment)

RFD: Constitution, Campaigns and Elections

First Read: 05-MAR-15
SYNOPSIS: Under existing law, a county commission has limited powers. Under existing law, the power to establish new programs that provide for the administration of the affairs of the county are required to be expressly authorized by general or local law.

This bill would propose an amendment to the Constitution of Alabama of 1901, giving county commissions the authority to establish, subject to certain limitations, certain programs relating to the administration of the affairs of the county, including establishing personnel policies and procedures for county employees, community programs, transportation programs, programs providing for the operation of county offices, and emergency assistance programs.

A BILL
TO BE ENTITLED
AN ACT
To propose an amendment to the Constitution of Alabama of 1901, that would permit each county commission in the state to establish certain programs relating to the administration of county affairs and with regard to certain specified county programs or activities.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

   Section 1. The following amendment to the Constitution of Alabama of 1901, is proposed and shall become valid as a part of the Constitution when all requirements of this act are fulfilled:

   PROPOSED AMENDMENT

   (a) Except where otherwise provided for or specifically prohibited by the constitution or by general or local law and subject to the limitations set forth herein, the county commission of each county in this state may exercise those powers necessary to provide for the administration of the affairs of the county through the programs, policies, and procedures described in subsection (b), subject to the limitations set forth in subsection (c).

   (b) Subject to the limitations of subsections (a) and (c), each county commission in the state may establish:

      (1) Programs, policies, and procedures relating to county personnel, including, but not limited to: Establishment of a county personnel system; the provision of employee benefits; allowing a deputy to be given his or her badge and pistol upon retirement; creating employee incentive programs

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related to matters such as attendance, performance, and safety; creating incentive programs related to the retirement of county employees; and creating employee recognition and appreciation programs.

(2) Community programs to provide for clean roadways and public facilities and public property and to protect citizens from dangerous animals running loose or otherwise creating an imminent threat to persons other than the owner thereof, provided no such programs shall relate to or restrict the use of animals for hunting purposes or the use of animals being raised for sale or kept for breeding, food or fiber production purposes, or otherwise used in connection with farming, poultry and egg, dairy, livestock, and other agricultural or farming operations.

(3) Programs related to local transportation, including, but not limited to, public transportation programs and programs to encourage safety on public roads and rights-of-way.

(4) Programs related to county offices, including, but not limited to, one-stop tag programs; commissaries for inmates at the county jail; disposal of unclaimed personal property in the custody of the county; management of the county highway department; automation of county activities; and establishment of unit or district systems for the maintenance of county roads and bridges. Programs involving the operation of the office of an elected county official may only be established pursuant to this subdivision with the
written consent and cooperation of the elected official
charged by law with the responsibility for the administration
of the office.

(5) Emergency assistance programs, including, but
not limited to, programs related to ambulance service and
programs to improve county emergency management services.

(c) Nothing in this amendment may be construed to
provide a county commission any authority to levy or assess a
tax or fee or to increase the rate of any tax or fee
previously established, or to establish any program that would
infringe on a citizen's rights with respect to the use of his
or her private property or infringe on a right of a business
entity with respect to its private property. Except as
authorized in subdivision (4) of subsection (b), nothing in
this amendment shall authorize the county commission to limit,
alter, or otherwise impact the constitutional, statutory, or
administrative duties, powers, or responsibilities of any
other elected officials or to establish, increase, or decrease
any compensation or expense allowance for any elected
officials of the county.

(d) Any programs, policies, or procedures proposed
for adoption by the county commission pursuant to the
authority granted under subsection (a) shall only be voted on
at a regular meeting of the county commission. Prior to the
adoption of the programs, policies, and procedures, the county
commission shall provide notice of its intention to consider
the matter by announcing at a regular county commission
meeting that the matter will be on the agenda at the next
regular meeting of the county commission and that any members
of the public desiring to be heard on the matter will be
granted that opportunity at the meeting where the matter will
be considered. Notice of the meeting at which the matter will
be considered by the county commission shall be given in
compliance with the notice requirements for county commissions
provided in the general law.

Section 2. An election upon the proposed amendment
shall be held in accordance with Sections 284 and 285 of the
Constitution of Alabama of 1901, now appearing as Sections 284
and 285 of the Official Recompilation of the Constitution of
Alabama of 1901, as amended, and the election laws of this
state.

Section 3. The appropriate election official shall
assign a ballot number for the proposed constitutional
amendment on the election ballot and shall set forth the
following description of the substance or subject matter of
the proposed constitutional amendment:

"Proposing an amendment to the Constitution of
Alabama of 1901, to authorize each county commission in the
state to establish, subject to certain limitations, certain
programs related to the administration of the affairs of the
county.

"Proposed by Act ________."}

This description shall be followed by the following
language:
"Yes ( ) No ( )."