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3 SENATE COMMITTEE ON GA SUBSTITUTE FOR SB367
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8 SYNOPSIS: Under existing law, a county commission has
9 limited powers. Under existing law, the power to
10 establish new programs that provide for the
11 administration of the affairs of the county must be
12 expressly authorized by general or local law.

13 This bill would propose an amendment to the
14 Constitution of Alabama of 1901, giving county
15 commissions the authority to establish certain
16 programs relating to the administration of the
17 affairs of the county, including establishing
18 personnel policies and procedures for county
19 employees, community programs, transportation
20 programs, programs providing for the operation of
21 county offices, emergency assistance programs, and
22 programs providing for the operation of elections
23 and polling places.

24
25 A BILL
26 TO BE ENTITLED

1 AN ACT

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3 To propose an amendment to the Constitution of
4 Alabama of 1901, that would permit each county commission in
5 the state to establish certain programs relating to the
6 administration of county affairs and with regard to certain
7 specified county programs or activities.

8 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

13 PROPOSED AMENDMENT

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

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

24 (1) Programs, policies, and procedures relating to
25 county personnel, including, but not limited to: Establishment
26 of a county personnel system; the provision of employee

1 benefits; allowing a deputy to be given his or her badge and
2 pistol upon retirement; creating employee incentive programs
3 related to matters such as attendance, performance, and
4 safety; creating incentive programs related to the retirement
5 of county employees; and creating employee recognition and
6 appreciation programs.

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

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

21 (4) Programs related to the operation of county
22 offices, including, but not limited to, one-stop tag programs;
23 commissaries for inmates at the county jail; disposal of
24 unclaimed personal property in the custody of the county;
25 management of county offices; management of the county highway
26 department; administration of tax collection; online

1 collection of fees, licenses, or taxes; automation of county
2 activities; and establishment of unit or district systems for
3 the maintenance of county roads and bridges.

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

7 (6) Programs providing for the administration of
8 election polling places, including, but not limited to, the
9 creation of voting centers and the use of public or private
10 facilities for voting.

11 (c) Nothing in this amendment may be construed to
12 provide a county commission any authority to levy or assess a
13 tax or fee or to increase the rate of any tax or fee
14 previously established, or to establish any program that would
15 infringe on a citizen's rights with respect to the lawful use
16 of his or her private property or infringe on a business
17 entity's right with respect to its private property. Nothing
18 in this amendment shall authorize the county commission to
19 limit, alter, or otherwise impact the constitutional,
20 statutory, or administrative duties, powers, or
21 responsibilities of any other elected officials or to
22 establish, increase, or decrease any compensation or expense
23 allowance for any elected officials of the county.

24 (d) Any programs, policies, or procedures proposed
25 for adoption by the county commission pursuant to the
26 authority granted under subsection (a) shall only be voted on

1 at a regular meeting of the county commission. Prior to the
2 adoption of the programs, policies, and procedures, the county
3 commission shall provide notice of its intention to consider
4 the matter by announcing at a regular county commission
5 meeting that the matter will be on the agenda at the next
6 regular meeting of the county commission and that any members
7 of the public desiring to be heard on the matter will be
8 granted that opportunity at the meeting where the matter will
9 be considered. Notice of the meeting at which the matter will
10 be considered by the county commission shall be given in
11 compliance with the notice requirements for county commissions
12 provided in the general law.

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

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

24 "Proposing an amendment to the Constitution of
25 Alabama of 1901, to authorize each county commission in the

1 state to establish certain programs related to the
2 administration of the affairs of the county.

3 "Proposed by Act _____."

4 This description shall be followed by the following
5 language:

6 "Yes () No ()."