

1 HB193  
2 163392-5  
3 By Representative Davis (Constitutional Amendment)  
4 RFD: Constitution, Campaigns and Elections  
5 First Read: 05-MAR-15

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ENROLLED, 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

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

8 (2) Community programs to provide for ~~clean~~  
9 litter-free roadways and public facilities and public property  
10 ~~and to protect citizens from dangerous animals running loose~~  
11 ~~or otherwise creating an imminent threat to persons other than~~  
12 ~~the owner thereof, provided no such programs shall relate to~~  
13 and subject to any limitations in general law, programs  
14 related to control of animals and animal nuisances, provided  
15 no programs shall: a. result in the destruction of an animal  
16 unless required by the public health laws of the state; or b.  
17 relate to or restrict the use of animals for hunting purposes  
18 or the use of animals being raised for sale or kept for  
19 breeding, food or fiber production purposes, or otherwise used  
20 in connection with farming, poultry and egg, dairy, livestock,  
21 and other agricultural or farming operations.

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

1           (3) Programs related to public transportation and  
2           programs to promote and encourage safety when using public  
3           roads and rights-of-way, provided the programs do not in any  
4           way conflict with general law.

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

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

20          (c) Nothing in this amendment may be construed to  
21          provide a county commission any authority to levy or assess a  
22          tax or fee or to increase the rate of any tax or fee  
23          previously established, or to establish any program that would  
24          infringe on a citizen's rights with respect to the use of his  
25          or her private property or infringe on a right of a business

1 entity with respect to its private property. Except as  
2 authorized in subdivision (4) of subsection (b), nothing in  
3 this amendment shall authorize the county commission to limit,  
4 alter, or otherwise impact the constitutional, statutory, or  
5 administrative duties, powers, or responsibilities of any  
6 other elected officials or to establish, increase, or decrease  
7 any compensation, term of office, or expense allowance for any  
8 elected officials of the county.

9 (d) Any programs, policies, or procedures proposed  
10 for adoption by the county commission pursuant to the  
11 authority granted under subsection (a) shall only be voted on  
12 at a regular meeting of the county commission. Prior to the  
13 adoption of the programs, policies, and procedures, the county  
14 commission shall provide notice of its intention to consider  
15 the matter by announcing at a regular county commission  
16 meeting that the matter will be on the agenda at the next  
17 regular meeting of the county commission and that any members  
18 of the public desiring to be heard on the matter will be  
19 granted that opportunity at the meeting where the matter will  
20 be considered. Notice of the meeting at which the matter will  
21 be considered by the county commission shall be given in  
22 compliance with the notice requirements for county commissions  
23 provided in the general law. Nothing herein shall authorize a  
24 county commission to supersede, amend, or repeal an existing  
25 local law.

1                   (e) The provisions of this amendment shall not apply  
2                   to Jefferson County.

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

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

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

19                  "Proposed by Act \_\_\_\_\_."

20                  This description shall be followed by the following  
21                  language:

22                  "Yes ( ) No ( )."

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Speaker of the House of Representatives



President and Presiding Officer of the Senate

House of Representatives

I hereby certify that the within Act originated in  
and was passed by the House 07-APR-15, as amended.

Jeff Woodard  
Clerk

Senate	26-MAY-15	Amended and Passed
House	26-MAY-15	Concurred in Senate Amendment

Alabama Secretary Of State

Act Num....: 2015-220  
Bill Num...: H-193

DATE: 4-14 2015

RD 1 RFD CAS

This Bill was referred to the Standing Committee of the Senate on OFF and was acted upon by such Committee in session and is by order of the Committee returned therefrom with a favorable report w/amend(s) \_\_\_ w/sub \_\_\_ by a vote of years 5 nays 2 abstain 0 this 20 day of APRIL 2015 BILL WOODARD, Chairperson

DATE: 4-28 2015

RF FAJ RD 2 CAL

DATE: 20\_\_

RE-REFERRED  RE-COMMITTED

Committee \_\_\_\_\_

I hereby certify that the Resolution as required in Section C of Act No. 81-889 was adopted and is attached to the Bill, HB 193

YEAS 26 NAYS 2

PATRICK HARRIS, Secretary

I HEREBY CERTIFY THAT THE RESOLUTION AS REQUIRED IN SECTION C OF ACT NO. 81-889 WAS ADOPTED AND IS ATTACHED TO THE BILL, H.B. 193

YEAS 98 NAYS 0

JEFF WOODARD, Clerk

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, H.B. \_\_\_\_\_ AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JEFF WOODARD, Clerk

CONFERENCE COMMITTEE

House Conferees \_\_\_\_\_