HB193
163392-5
By Representative Davis (Constitutional Amendment)
RFD: Constitution, Campaigns and Elections
First Read: 05-MAR-15
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
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
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
litter-free 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
and subject to any limitations in general law, programs
related to control of animals and animal nuisances, provided
no programs shall: a. result in the destruction of an animal
unless required by the public health laws of the state; or b.
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.
(3) Programs related to public transportation and programs to promote and encourage safety when using public roads and rights-of-way, provided the programs do not in any way conflict with general law.

(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, term of office, 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. Nothing herein shall authorize a
county commission to supersede, amend, or repel an existing
local law.
(e) The provisions of this amendment shall not apply to Jefferson County.

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 ( )."
Speaker of the House of Representatives

Kay Ivey

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
Recv'd 05/26/15 06:27pSAM

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This Bill was referred to the Standing Committee of the Senate on

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

yeas 5 nays 2 abstain 0

this 20 day of APRIL 2015

BILL HIGHTOWER, Chairperson

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 98 NAYS 0

JEFF WOODARD, Clerk

CONFERENCE COMMITTEE

House Conferees

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 98 NAYS 0

PATRICK HARRIS,
Secretary