

1 SB367  
2 159603-4  
3 By Senator Marsh (Constitutional Amendment)  
4 RFD: Governmental Affairs  
5 First Read: 13-FEB-14

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4 ENGROSSED

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7 A BILL  
8 TO BE ENTITLED  
9 AN ACT

10  
11 To propose an amendment to the Constitution of  
12 Alabama of 1901, that would permit each county commission in  
13 the state to establish certain programs relating to the  
14 administration of county affairs and with regard to certain  
15 specified county programs or activities.

16 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

21 PROPOSED AMENDMENT

22 (a) Except where otherwise provided for or  
23 specifically prohibited by the constitution or by general or  
24 local law and subject to the limitations set forth herein, the  
25 county commission of each county in this state may exercise  
26 those powers necessary to provide for the administration of  
27 the affairs of the county through the programs, policies, and

1 procedures described in subsection (b), subject to the  
2 limitations set forth in subsection (c).

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

5 (1) Programs, policies, and procedures relating to  
6 county personnel, including, but not limited to: Establishment  
7 of a county personnel system; the provision of employee  
8 benefits; allowing a deputy to be given his or her badge and  
9 pistol upon retirement; creating employee incentive programs  
10 related to matters such as attendance, performance, and  
11 safety; creating incentive programs related to the retirement  
12 of county employees; and creating employee recognition and  
13 appreciation programs.

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

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

1           (4) Programs related to the operation of county  
2 offices, including, but not limited to, one-stop tag programs;  
3 commissaries for inmates at the county jail; disposal of  
4 unclaimed personal property in the custody of the county;  
5 management of county offices; management of the county highway  
6 department; administration of tax collection; online  
7 collection of fees, licenses, or taxes; automation of county  
8 activities; and establishment of unit or district systems for  
9 the maintenance of county roads and bridges.

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

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

26           (d) Any programs, policies, or procedures proposed  
27 for adoption by the county commission pursuant to the

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

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

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

25 "Proposing an amendment to the Constitution of  
26 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 ( )."

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Senate

Read for the first time and referred to the Senate  
committee on Governmental Affairs..... 13-FEB-14

Read for the second time and placed on the calen-  
dar with 1 substitute and..... 04-MAR-14

Read for the third time and passed as amended .... 20-MAR-14

Yeas 25  
Nays 3

Patrick Harris  
Secretary