

1 SB367  
2 156330-2  
3 By Senator Marsh (Constitutional Amendment)  
4 RFD: Governmental Affairs  
5 First Read: 13-FEB-14

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8 SYNOPSIS: Under existing law, a county commission has  
9 limited powers of home rule. Under existing law,  
10 the power to establish new programs that provide  
11 for the administration of the affairs of the county  
12 must be expressly authorized by general or local  
13 law.

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

25  
26 A BILL  
27 TO BE ENTITLED

1 AN ACT

2  
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 specifically prohibited  
15 by the constitution or by general law and subject to the  
16 limitations set forth herein, the county commission of each  
17 county in this state may exercise those powers necessary to  
18 provide for the administration of the affairs of the county  
19 through the programs, policies, and procedures described in  
20 subsection (b), subject to the limitations set forth in  
21 subsection (c).

22 (b) Subject to the limitation of subsections (a) and  
23 (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  
27 benefits; allowing a deputy to be given his or her badge and

1 pistol upon retirement; creating employee incentive programs  
2 related to matters such as attendance, performance, and  
3 safety; creating incentive programs related to the retirement  
4 of county employees; and creating employee recognition and  
5 appreciation programs.

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

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

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

1 activities; and establishment of unit or district systems for  
2 the maintenance of county roads and bridges.

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

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

10 (c) Nothing in this amendment may be construed to  
11 provide a county commission any authority to levy or assess a  
12 tax or fee or to increase the rate of any tax or fee  
13 previously established, or to establish any program that would  
14 infringe on a citizen's rights with respect to the use of his  
15 or her private property.

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

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

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

5                   "Proposed by Act \_\_\_\_\_."

6                   This description shall be followed by the following  
7 language:

8                   "Yes ( ) No ( )."