

1 HB486
2 204140-5
3 By Representatives Shedd and Harbison (N & P)
4 RFD: Local Legislation
5 First Read: 04-MAY-20

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ENROLLED, An Act,

Relating to Cullman County; to amend Sections 1 and 2 of Act 469 of the 1977 Regular Session (Acts 1977, p. 612), to provide for the election of two additional associate commissioners of the county commission; to amend Section 45-22-71 of the Code of Alabama 1975, to further provide for the operation of the county roads on the county unit system; to further provide for the compensation of the associate commissioners of the county commission; and to repeal Section 45-22-70 of the Code of Alabama 1975, relating to the associate county commissioners of the county.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Sections 1 and 2 of Act 469 of the 1977 Regular Session (Acts 1977, p. 612), are amended to read as follows:

"Section 1. (a) After the effective date of this act
Effective until the end of the term of the members of the
county commission expiring in November 2022, the county commission of Cullman County shall be composed of three members who shall be nominated and elected by the qualified electors of the county at large. One member shall be elected for each district defined herein and ~~such~~ the member shall be a resident and elector of the district from which ~~such~~ the member is elected; however, the ~~chairman~~ chair of ~~said~~ the

1 commission shall be a resident and elector from anywhere in
 2 ~~said~~ the county. The powers, duties, terms, compensation, and
 3 manner of election for the members of ~~said~~ the commission
 4 shall be the same as now provided by law, except as otherwise
 5 herein provided, and the incumbent ~~commissioner~~ commissioners
 6 shall continue to serve until the expiration of their current
 7 terms at which time his or her successor shall qualify as
 8 herein provided.

9 "(b) (1) Effective for the term of the Associate
 10 Commissioners of the Cullman County Commission commencing in
 11 November 2022, the Cullman County Commission shall be composed
 12 of a chair and four associate commissioners who shall be
 13 nominated and elected by the qualified electors of the county
 14 at large.

15 (2) One associate commissioners shall be elected for
 16 each district defined herein and each associate commissioner
 17 shall be a resident and elector of the district which the
 18 member represents. The districts of the county commission
 19 shall be designated Commission District One; Commission
 20 District Two; Commission District Three; and Commission
 21 District Four. In order to stagger the terms of the associate
 22 commissions, the associate commissioners initially elected
 23 from Commission District Three and Commission District Four
 24 shall be elected for an initial term of two years and the
 25 associate commissioners elected from Commission District One

1 and Commission District Two shall be elected for a term of
2 four years. Thereafter, successors shall be elected for terms
3 of four years. The associate county commissioners shall serve
4 on a part-time basis.

5 (3) The Chair of the Cullman County Commission shall
6 continue to be a resident and elector from anywhere in the
7 county and shall serve on a full-time basis. The chair of the
8 county commission shall continue to serve a four-year term.

9 (4) The powers, duties, terms, and manner of
10 election for the members of the commission shall be the same
11 as now provided by law, except as provided otherwise in this
12 section. The chair of the county commission may not vote
13 except in the case of a tie vote of the associate
14 commissioners.

15 (5) Effective beginning in November 2020, the county
16 commission shall hold at least one meeting of the commission
17 each month after 6:00 p.m., in order to encourage members of
18 the working public to attend commission meetings.

19 "Section 2. (a) Commissioner Commission District One
20 is described as follows: That area of the county which lies to
21 the East of U.S. Highway 31 and North of U.S. Highway 278.

22 "(b) Commissioner Commission District Two is
23 described as follows: That area of the county which lies to
24 the West of U.S. Highway 31 and North of U.S. Highway 278.

1 "(c) Commission District Three is described as
2 follows: That area of the county which lies East of U.S.
3 Highway 31 and South of U.S. Highway 278.

4 "(d) Commission District Four is described as
5 follows: That area of the county which lies West of U.S.
6 Highway 31 and South of U.S. Highway 278."

7 Section 2. Section 45-22-71 of the Code of Alabama
8 1975, is amended to read as follows:

9 "§45-22-71.

10 "The Cullman County Commission or like governing
11 body of Cullman County shall be solely responsible for the
12 construction, repair, and maintenance of the roads and bridges
13 in the county; but all ~~such~~ construction, repair, and
14 maintenance shall be done on the basis of the county as a
15 unit, without regard to district or quadrant lines, and under
16 the supervision of an engineer or other qualified road
17 supervisor. The county governing body shall have all the
18 powers and jurisdiction with respect to county roads and
19 bridges which are or which hereafter may be vested in or
20 required of county governing bodies by the general laws of
21 this state, or vested in or required of the governing body of
22 Cullman County by local law: and except as may be otherwise
23 provided herein members of the county governing body of
24 Cullman County shall perform all the duties and services and
25 shall exercise all the powers and authority with respect to

1 the construction, repair, and maintenance of county roads and
2 bridges which are or hereafter may be provided by law for
3 members of county governing bodies. The county engineer shall
4 be responsible for the day-to-day operation of the county road
5 department on a unit basis and shall carry out policy and
6 projects of the county in accordance with decisions of the
7 county commission by a majority vote except in the case of a
8 tie vote, in which case the chair of the county commission may
9 vote. The county engineer shall report on a regular basis to
10 the chair in the organizational structure of the county and
11 the chair shall keep the remainder of the county commission
12 informed on the operation of the county road department."

13 Section 3. (a) Effective beginning the next term of
14 office of the Associate Commissioners of the Cullman County
15 Commission commencing in November 2022, the Associate
16 Commissioners of the Cullman County Commission shall receive a
17 salary of twenty-five thousand dollars (\$25,000) per year,
18 payable from the general fund of the county. Notwithstanding
19 the foregoing, any associate commissioner serving on the
20 effective date of the act adding this language who continues
21 to be reelected for consecutive terms shall continue to
22 receive the same salary he or she is receiving on that date as
23 long as the commissioner is reelected for consecutive terms.

24 (b) The Chair of the Cullman County Commission shall
25 continue to receive the same salary per year payable in equal

1 monthly installments from the general fund of the county as
2 provided in the effective date of this act.

3 (c) The chair and the associate commissioners of the
4 county commission shall be entitled to participate in the
5 county health insurance program without costs to the member.

6 Section 4. All laws or parts of laws which conflict
7 with this act are repealed. Section 45-22-70 of the Code of
8 Alabama 1975, is specifically repealed effective beginning the
9 next term of office of the associate commissioners of the
10 county commission commencing in November, 2022.

11 Section 5. This act shall become effective
12 immediately following its passage and approval by the
13 Governor, or its otherwise becoming law.

