

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

2
3
4
5
6
7
8
9 A BILL
10 TO BE ENTITLED
11 AN ACT
12

13 Relating to Cullman County; to amend Sections 1 and
14 2 of Act 469 of the 1977 Regular Session (Acts 1977, p. 612),
15 to provide for the election of two additional associate
16 commissioners of the county commission; to amend Section
17 45-22-71 of the Code of Alabama 1975, to further provide for
18 the operation of the county roads on the county unit system;
19 to further provide for the compensation of the associate
20 commissioners of the county commission; and to repeal Section
21 45-22-70 of the Code of Alabama 1975, relating to the
22 associate county commissioners of the county.

23 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

1 "Section 1. (a) After the effective date of this act
2 Effective until the end of the term of the members of the
3 county commission expiring in November 2022, the county
4 commission of Cullman County shall be composed of three
5 members who shall be nominated and elected by the qualified
6 electors of the county at large. One member shall be elected
7 for each district defined herein and ~~such~~ the member shall be
8 a resident and elector of the district from which ~~such~~ the
9 member is elected; however, the ~~chairman~~ chair of ~~said~~ the
10 commission shall be a resident and elector from anywhere in
11 ~~said~~ the county. The powers, duties, terms, compensation, and
12 manner of election for the members of ~~said~~ the commission
13 shall be the same as now provided by law, except as otherwise
14 herein provided, and the incumbent ~~commissioner~~ commissioners
15 shall continue to serve until the expiration of their current
16 terms at which time his or her successor shall qualify as
17 herein provided.

18 "(b) (1) Effective for the term of the Associate
19 Commissioners of the Cullman County Commission commencing in
20 November 2022, the Cullman County Commission shall be composed
21 of a chair and four associate commissioners who shall be
22 nominated and elected by the qualified electors of the county
23 at large.

24 (2) One associate commissioners shall be elected for
25 each district defined herein and each associate commissioner
26 shall be a resident and elector of the district which the
27 member represents. The districts of the county commission

1 shall be designated Commission District One; Commission
2 District Two; Commission District Three; and Commission
3 District Four. In order to stagger the terms of the associate
4 commissions, the associate commissioners initially elected
5 from Commission District Three and Commission District Four
6 shall be elected for an initial term of two years and the
7 associate commissioners elected from Commission District One
8 and Commission District Two shall be elected for a term of
9 four years. Thereafter, successors shall be elected for terms
10 of four years. The associate county commissioners shall serve
11 on a part-time basis.

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

16 (4) The powers, duties, terms, and manner of
17 election for the members of the commission shall be the same
18 as now provided by law, except as provided otherwise in this
19 section. The chair of the county commission may not vote
20 except in the case of a tie vote of the associate
21 commissioners.

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

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

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

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

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

13 Section 2. Section 45-22-71 of the Code of Alabama
14 1975, is amended to read as follows:

15 "§45-22-71.

16 "The Cullman County Commission or like governing
17 body of Cullman County shall be solely responsible for the
18 construction, repair, and maintenance of the roads and bridges
19 in the county; but all ~~such~~ construction, repair, and
20 maintenance shall be done on the basis of the county as a
21 unit, without regard to district or quadrant lines, and under
22 the supervision of an engineer or other qualified road
23 supervisor. The county governing body shall have all the
24 powers and jurisdiction with respect to county roads and
25 bridges which are or which hereafter may be vested in or
26 required of county governing bodies by the general laws of
27 this state, or vested in or required of the governing body of

1 Cullman County by local law: and except as may be otherwise
2 provided herein members of the county governing body of
3 Cullman County shall perform all the duties and services and
4 shall exercise all the powers and authority with respect to
5 the construction, repair, and maintenance of county roads and
6 bridges which are or hereafter may be provided by law for
7 members of county governing bodies. The county engineer shall
8 be responsible for the day-to-day operation of the county road
9 department on a unit basis and shall carry out policy and
10 projects of the county in accordance with decisions of the
11 county commission by a majority vote except in the case of a
12 tie vote, in which case the chair of the county commission may
13 vote. The county engineer shall report on a regular basis to
14 the chair in the organizational structure of the county and
15 the chair shall keep the remainder of the county commission
16 informed on the operation of the county road department."

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

1 (b) The Chair of the Cullman County Commission shall
2 continue to receive the same salary per year payable in equal
3 monthly installments from the general fund of the county as
4 provided in the effective date of this act.

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

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

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