

HB153 INTRODUCED



1 HB153
2 5VGK96M-1
3 By Representative Garrett (N & P)
4 RFD: County and Municipal Government
5 First Read: 13-Jan-26
6 PFD: 12-Jan-26



4 SYNOPSIS:

5 Under existing law, each county with a
6 population of 400,000 or more shall have a county
7 personnel board for all employees and appointees
8 holding positions in the classified service of the
9 county and each municipality with a population of 5,000
10 or more.

11 This bill would authorize a Class 8 municipality
12 with a population of 25,000 or more according to the
13 last decennial census and that has a corporate limit
14 lying in two counties to opt out of the county
15 personnel board's jurisdiction after six months notice,
16 and to opt back in to the jurisdiction of the county
17 personnel board not less than 10 years thereafter at
18 the sole discretion of the municipality.

19 This bill would require a municipality that opts
20 out of a county personnel board's jurisdiction to
21 create its own municipal civil service system and
22 continue all vested rights and interests of employees
23 and appointees who were subject to the county personnel
24 board.

25 This bill would prohibit a municipality subject
26 to this act from engaging in discrimination which is in
27 violation of federal or state law and would require the
28 municipality to adopt a certain antidiscrimination



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policy.

This bill would provide and confirm that the act is intended to be retroactive and curative.

This bill would also repeal a law that authorizes certain Class 8 municipalities to opt out of a county personnel board.

A BILL
TO BE ENTITLED
AN ACT

Relating to county personnel boards; to add Section 11-43-5.3 to the Code of Alabama 1975, to authorize certain municipalities to opt out from the jurisdiction of a county personnel board and to require a municipality that opts out from the jurisdiction of a county personnel board to create a civil service system and continue the rights of employees and officials vested or vesting in the county personnel board; to repeal Section 11-43-5.2, Code of Alabama 1975, which authorizes certain Class 8 municipalities to opt out of a county personnel board; and to provide and confirm that the act is retroactive and curative.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Section 11-43-5.3 is added to the Code of Alabama 1975, to read as follows:

§11-43-5.3

(a) This section shall apply to any Class 8



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municipality with a corporate limit lying in two counties, which has a population equal to or greater than 25,000 according to the last decennial census and which was subject, on January 1, 2023, to a county personnel board.

(b) (1) The governing body of a municipality, by ordinance, may opt out from the jurisdiction of a county personnel board, effective six months after the effective date of the ordinance. A copy of the ordinance shall be transmitted to the county personnel board following its passage by the municipal governing body.

(2) Not less than 10 years after a municipality opts out from the county personnel board's jurisdiction as provided in subdivision (1), the municipality, by ordinance, may opt back in to a county personnel board's jurisdiction, effective six months after the effective date of the ordinance. A copy of the ordinance shall be transmitted to the county personnel board following its passage by the governing body.

(c) Any municipality that opts out from the county personnel board's jurisdiction as provided in subdivision (b) (1) shall create its own municipal civil service system which shall ensure that the vested or vesting rights of any existing appointees of the county civil service system are protected and not otherwise altered or diminished, except as otherwise provided for by law.

(d) (1) Any municipality exercising its rights under this section may not engage in any type or form of discrimination that is prohibited by federal or state law.

(2) Any municipality that elects to opt out as provided



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85 in this section shall enact a policy that explicitly prohibits
86 the appointment, promotion, demotion, or dismissal of an
87 employee from any position which in any way favors or
88 discriminates against the employee because of his or her
89 political or religious opinions or affiliations or because of
90 his or her race or gender or for any other reason that is
91 prohibited by state or federal law.

92 Section 2. It is the intent of the Legislature that
93 this act be construed as retroactive and curative, and the
94 actions of any municipality that opted out from the county
95 personnel board's jurisdiction and created its own municipal
96 civil service system pursuant to Act 2023-460 of the 2023
97 Regular Session are hereby ratified, validated, approved, and
98 confirmed.

99 Section 3. Section 11-43-5.2, Code of Alabama 1975,
100 created by Act 2023-460 of the 2023 Regular Session and which
101 authorizes certain Class 8 municipalities to opt out of a
102 county personnel board and create its own municipal civil
103 service system, is repealed.

104 Section 4. This act shall become effective immediately.