

1 HB110  
2 97533-2  
3 By Representative Lindsey  
4 RFD: County and Municipal Government  
5 First Read: 05-FEB-08  
6 PFD: 01/22/2008



1 11-16-26, inclusive; 11-16-33 to 11-16-38, inclusive; 11-18-3;  
2 11-25-2 to 11-25-3, inclusive; and 36-22-1, Code of Alabama  
3 1975.

4 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

5 Section 1. Sections 11-1-6, 11-1-12, 11-2-1, 11-2-4,  
6 11-2-5, 11-2-6, 11-2-7, 11-2-20, 11-2-21, 11-3-1, 11-12-4,  
7 11-12-10, 11-12-11, 11-12-12, ~~11-12-15,~~ 11-12-16, 11-13-6,  
8 11-16-1, 11-16-2, 11-16-9, 11-16-10, 11-16-19, 11-18-1, and  
9 11-25-1, Code of Alabama 1975, are amended to read as follows:

10 "§11-1-6.

11 "Whenever it is determined that any money ~~to which~~  
12 ~~due~~ the state ~~is entitled and which should be paid into the~~  
13 ~~state treasury~~ is erroneously or wrongfully paid into the  
14 county treasury, ~~to the credit of any fund therein or whenever~~  
15 ~~any money from any source is in the county treasury and~~  
16 ~~belongs to the state, the county commission in such county~~  
17 ~~shall draw a warrant~~ shall be drawn from the county treasury  
18 made payable to the state Comptroller who shall be responsible  
19 for proper distribution of the money in favor of the person  
20 ~~whose duty it is to collect and pay said money into the state~~  
21 ~~treasury, and it shall be the duty of the person in whose~~  
22 ~~favor the warrant is drawn to collect said money and pay it~~  
23 ~~into the state treasury as in other cases.~~

24 "§11-1-12.

25 "The county ~~commissions~~ commission shall have  
26 ~~prepared~~ pay for the periodic preparation of county assessment  
27 maps or plats showing the county boundary lines, main creeks,

1 rivers, railroads, exempt lands, public roads, subdivision of  
2 lands, schoolhouses, and churches, and all lands in the county  
3 which have escaped state and county taxation for the next  
4 preceding five years ~~in their respective counties, and which~~  
5 ~~shall also show all subdivisions of lands made for the~~  
6 ~~assessment of taxes or other purposes and shall pay for the~~  
7 ~~same out of the county treasury~~ upon a request from the tax  
8 assessor or other taxing official responsible for assessment  
9 evidencing the need for the maps or plats.

10 "§11-2-1.

11 "(a) For the purposes of this chapter, the following  
12 words have the following meanings:

13 "(1) COUNTY EMPLOYEE. An employee or clerk, deputy,  
14 or employee in any county office, but shall not mean an  
15 employee of the county board of education.

16 "(2) COUNTY OFFICIAL or COUNTY OFFICER. A county  
17 commissioner, county taxing official, judge of probate,  
18 sheriff, coroner, or a constable.

19 "(3) COUNTY TAXING OFFICIAL. A tax assessor, tax  
20 collector, revenue commissioner, license commissioner, or  
21 other person charged by law in a county with the assessing or  
22 collecting of taxes.

23 "(b) All county officials of all counties in this  
24 state and any county employee designated by law or the county  
25 commission shall be required to execute official bonds payable  
26 ~~to the state of Alabama~~ for the faithful performance of their  
27 duties and such additional official bonds as from time to time

1 the public interest may demand and as may be required by the  
2 provisions of law. Except for a local taxing official  
3 executing bond pursuant to Section 40-4-1 or 40-5-3, any  
4 official bond executed on behalf of a county official or  
5 county employee on and after the effective date of this  
6 amendatory act shall be made payable to the county treasury.

7 "(c) (1) In addition to the foregoing, the county  
8 commission may require any person appointed by the county  
9 commission to serve as director or member of any public board  
10 or commission to execute an official bond for the faithful  
11 performance of his or her duties on the public board or  
12 commission, which bond shall be in an amount set by the county  
13 commission and made payable to the board or commission upon  
14 which the person will serve.

15 "(2) The governing body of any public board or  
16 commission created by the county commission may require an  
17 official bond for the faithful performance of his or her  
18 duties from any person employed by the public board or  
19 commission, which bond shall be set by the governing body of  
20 the board or commission and payable to the board or commission  
21 employing the person.

22 "(d) Any official bond executed under this section  
23 shall be obligatory on the principal and sureties for any of  
24 the grounds set out in Section 36-5-18, and in the event of  
25 forfeiture, the proceeds shall be distributed to the state or  
26 county fund or funds entitled to payment or reimbursement as a  
27 result of the breach of office. Payment shall be made to each

1 eligible entity in proportion to the loss of or reduction in  
2 public funds caused by the breach of office resulting in the  
3 forfeiture.

4 "§11-2-4.

5 ~~"The~~ Except as otherwise provided by law or in this  
6 section, the premiums on all bonds of all county ~~officers~~  
7 officials and county employees required by the provisions of  
8 ~~this Code chapter,~~ when made by surety companies shall be paid  
9 by the respective counties out of the general funds of ~~said~~  
10 the county; except, that the . The premiums on the bonds of  
11 county taxing officials shall be paid on a pro rata basis by  
12 each fund or agency receiving ad valorem taxes paid in the  
13 county determined by computing the percentage that the total  
14 collections for each fund or agency bears to the total  
15 collections of ad valorem taxes. The premiums on the bonds of  
16 the superintendent of education and of the ~~custodian of county~~  
17 ~~public school funds~~ chief school financial officer of the  
18 county shall be paid by the board of education of ~~said the~~  
19 county out of the three mill school tax, ~~and the premiums on~~  
20 ~~all bonds of \$1,000.00 or less shall be paid by the officer~~  
21 ~~making said bond.~~

22 "§11-2-5.

23 ~~"Whenever, in the judgment of the county commission~~  
24 ~~of any county, the amount of the bond of any county official~~  
25 ~~or employee or clerk, deputy or employee in any county office~~  
26 ~~which is required to be approved by such county commission is~~  
27 ~~greater than is necessary, said county commission is hereby~~

1 authorized and empowered to reduce the amount of said bond,  
2 but not below the minimum fixed by this Code. A resolution to  
3 that effect shall be adopted by said county commission and  
4 spread upon its minutes and a certified copy thereof served  
5 upon all of the obligors in said bond. The liability of said  
6 obligors under said bond so reduced for any breach occurring  
7 after said reduction shall not exceed the amount of said bond  
8 as so reduced. In event of such reduction the obligors shall  
9 refund to said county commission the pro rata unearned premium  
10 on the amount of said reduction.

11 "Whenever, in the judgment of the board of education  
12 of any county the amount of the bond of the superintendent of  
13 education or of the ~~custodian of county public school funds~~  
14 chief school financial officer is greater than is necessary,  
15 ~~said the~~ board of education is hereby authorized and empowered  
16 ~~to~~ may reduce the amount of ~~said the~~ bond, but not below the  
17 minimum fixed by this ~~Code~~ chapter. A resolution to that  
18 effect shall be adopted by ~~said the~~ board and spread upon its  
19 minutes and a certified copy thereof served upon all of the  
20 obligors in ~~said the~~ bond. The liability of ~~said the~~ obligors  
21 under ~~said the~~ bond ~~so~~ reduced for any breach occurring after  
22 ~~said the~~ reduction shall not exceed the amount of ~~said the~~  
23 bond as ~~so~~ reduced. In event of ~~such the~~ reduction, the  
24 obligors shall refund to ~~said the~~ board of education the pro  
25 rata net unearned premium on the amount of ~~said the~~ reduction.

26 "§11-2-6.

1           "Official bonds required of all county  
2 ~~officers~~ officials or county employees of the various county  
3 commissions, boards, agencies, and commissions or any  
4 additional bond that may be required ~~must~~ shall be made by a  
5 surety company or surety companies or a guaranty company or  
6 guaranty companies authorized by the laws of this state to  
7 make ~~such~~ bonds and qualified to do business in this state.  
8 Section 36-5-2 notwithstanding, the bond for a county official  
9 shall be filed no later than the date that the official takes  
10 office or, in the case of appointment to an office, within  
11 five working days of the date the appointment is made. County  
12 officials and county employees required to post bond shall be  
13 required to renew or execute a new official bond at any time  
14 that the original bond expires as a result of the end of a  
15 term of office or otherwise.

16           "§11-2-7.

17           "Any person or corporation who is surety upon the  
18 official bond of any county ~~officer~~ official or county  
19 employee, ~~by whomsoever approved,~~ may discharge himself or  
20 itself of ~~such~~ the suretyship upon making sworn application in  
21 writing addressed to the official, county commission, board,  
22 or commission required to approve ~~such~~ the bonds, setting  
23 forth ~~such facts~~ the reason for requesting discharge. Upon the  
24 filing of ~~such~~ the application, ~~said~~ the official, board, or  
25 commission to whom ~~such~~ the application is addressed shall  
26 forthwith cause personal written notice to be served upon ~~said~~  
27 the county official or county employee as principal fixing a

1 day not less than 15 nor more than 30 days after the date of  
2 the filing of ~~such~~ the application requiring ~~such principal~~  
3 the county official or county employee to ~~appear before him or~~  
4 ~~it on and at a certain date and place and give~~ provide a new  
5 bond. Upon the failure of ~~such principal~~ the county official  
6 or county employee to ~~give such~~ provide the bond within the  
7 time specified in ~~such~~ the notice, he or she vacates his or  
8 her office or employment, and the official, county commission,  
9 board, or commission giving ~~such~~ the notice ~~must~~ shall at once  
10 certify ~~such~~ the vacation to the appointing power ~~who must~~  
11 required by law to fill the vacancy. If a new bond is filed,  
12 ~~the same~~ it must shall be in ~~such~~ the amount and filed and  
13 approved as provided in this ~~Code~~ chapter. On the execution,  
14 approval, and filing of ~~such~~ the new bond, ~~such~~ the original  
15 surety ~~will stand~~ is discharged from all liability for any  
16 breach of ~~said~~ the bond occurring thereafter, but ~~said~~ the  
17 discharge shall not affect the ~~previous~~ liability of any of  
18 the obligors for any actions or inactions occurring prior to  
19 the execution, approval, and filing of the new bond. ~~and in~~ In  
20 case of the discharge of any one or more obligors under this  
21 section, the ~~same~~ discharge shall operate as a discharge of  
22 all other obligors on ~~said~~ the bond. When the sureties on  
23 either bond have made any payments thereon on account of the  
24 principal obligor therein, they are entitled to the same  
25 remedies and recoveries against the sureties in the remaining  
26 bonds as ~~was~~ provided by ~~section~~ in Section 11-2-29. Every  
27 such new or additional bond approved and filed as provided in

1 this section is binding upon the obligors from the time of its  
2 approval and subjects them to the same liabilities,  
3 proceedings, and remedy as are provided in relation to the  
4 first official bond of ~~such officer~~ the county official or  
5 county employee.

6 "§11-2-20.

7 "(a) Except where otherwise specifically provided by  
8 general law in effect on the effective date of this act, the  
9 bond for each county official shall be one-half of one percent  
10 of the amount budgeted in the then current county budget for  
11 activities conducted by or under the direction of the  
12 individual county official, but the bond amount for any county  
13 official shall not exceed fifty thousand dollars (\$50,000).  
14 The bond for any county employee required to post bond shall  
15 be set in an amount determined proper by the county  
16 commission. In the alternative, the county commission may  
17 execute a blanket bond covering the performance of duties of  
18 all county employees in an amount determined by the county  
19 commission to adequately protect all county funds and revenue.

20 "(b) When in the judgment of the county commission  
21 of any county any, the bond provided for in this Code chapter  
22 for a county official or county employee is insufficient  
23 either as to the penalty or the surety to fully protect the  
24 public interests and safeguard the public funds, such the  
25 county commission may require ~~such officer~~ the county official  
26 or county employee or ~~deputy, clerk or employee in any county~~  
27 office to make an additional bond in ~~such~~ the amount and with

1 ~~such the~~ sureties as may be approved by ~~said resolution of the~~  
2 county commission, ~~provided, that the foregoing shall not~~  
3 ~~apply to the county superintendent of education or the~~  
4 ~~custodian of county public school funds, but, when,~~

5 "(c) When in the judgment of the county school  
6 board, the bond of the superintendent of education or the  
7 ~~custodian of county public school funds~~ chief school financial  
8 officer of ~~said the~~ county is insufficient either in penalty  
9 or surety to fully safeguard the public school funds, ~~such the~~  
10 county school board shall require ~~such the~~ officer to make  
11 additional bonds in ~~such the~~ amounts and with ~~such the~~  
12 sureties as may be approved by ~~said the~~ board.

13 "§11-2-21.

14 "Whenever any county commission or county board of  
15 education ~~of any county shall,~~ pursuant to ~~the provisions of~~  
16 this article, ~~require~~ requires any additional bond from any  
17 county official, county employee, ~~deputy, clerk~~ or employee in  
18 ~~any county office, such requisition must be in writing and of~~  
19 the board of education, the requirement shall be adopted by  
20 resolution of the county commission or board of education  
21 signed by the chair and personally served on the county  
22 official, county employee, or employee of the board of  
23 education required to give additional bond. The resolution  
24 shall state the amount of additional bond required proper  
25 ~~officer making the same and must state the date and place when~~  
26 ~~and where the person cited must appear and to give such bond.~~  
27 ~~and the amount thereof, and a copy of such requisition must be~~

1 ~~personally served on such person before the date specified~~  
2 ~~therein. Such person must~~ The official or employee shall give  
3 ~~such~~ additional bond within 15 days after the date specified  
4 in ~~such requisition~~ the resolution, or ~~and failing to do so he~~  
5 vacates his or her office or employment if he or she fails to  
6 comply., ~~and the officer making the requisition must at once~~  
7 ~~certify the same to the appointing power by whom the vacancy~~  
8 ~~must be filled.~~

9 "§11-3-1.

10 "(a) Any person who is a qualified elector of the  
11 county and has resided in the county for at least one year  
12 prior to the date upon which he or she would take office is  
13 eligible to seek office as county commissioner. In counties  
14 where the county commissioners represent a certain district,  
15 any person seeking office as county commissioner shall be a  
16 qualified elector of and reside within the district which he  
17 or she seeks to represent upon election or appointment for at  
18 least one year prior to the date that he or she would take  
19 office. Notwithstanding the foregoing, the one-year residency  
20 requirement provided above shall not apply to the first  
21 election following any redistricting of county commission  
22 districts in a county. Any person serving as county  
23 commissioner, at all times while in office, shall meet the  
24 qualified elector and residency requirements set out herein,  
25 and in the case of a district commissioner shall reside in the  
26 district as it existed at the time of his or her election.

1           "(b) Unless a local law authorizes a special  
2 election, any vacancy on the county commission shall be filled  
3 by appointment by the Governor, and the person so appointed  
4 shall hold office for the remainder of the term of the  
5 commissioner in whose place he or she is appointed. ~~If the~~  
6 ~~appointment occurs at least 30 days before the closing of~~  
7 ~~party qualifying as provided in Section 17-13-5, the person~~  
8 ~~appointed to the vacated office shall only serve until seven~~  
9 ~~days after the next general election following the appointment~~  
10 ~~as provided herein. The person so appointed to fill the~~  
11 ~~vacancy shall meet the residency requirements in subsection~~  
12 ~~(a), and shall hold office from the date of appointment until~~  
13 ~~the eighth day following the next general election. If the~~  
14 ~~original term in which the vacancy occurred would not have~~  
15 ~~expired on the eighth day following the next general election~~  
16 ~~after the appointment, the person elected at the election~~  
17 ~~required by operation of this subsection shall serve for a~~  
18 ~~period of time equal to the remainder of the term in which the~~  
19 ~~vacancy was created. Thereafter, election for the county~~  
20 ~~commission seat shall be as otherwise provided by law.~~

21           "(c) Unless otherwise provided by local law, by  
22 court order, or governed by Section 11-80-12, and as otherwise  
23 provided in subsection (d), there shall be in every county a  
24 county commission, composed of the judge of probate, who shall  
25 serve as chairman, and four commissioners, who shall be  
26 elected at the time prescribed by law and shall hold office

1 for four years until their successors are elected and  
2 qualified.

3 "(d) Notwithstanding any other provision of law  
4 related to election canvassing, certification, or contest, the  
5 term of office for county commissioner shall commence at 12:00  
6 a.m. on the second Wednesday following the general election at  
7 which he or she is elected and shall expire at 11:59 p.m. on  
8 the first Tuesday following the day of the general election at  
9 which the successor to that office is elected.

10 "(e) Each county commission shall meet on the  
11 Wednesday following the election and tabulation of provisional  
12 ballots pursuant to Section 17-10-2 of any one of its members  
13 whose term commences on that day pursuant to subsection (d),  
14 and at this meeting, shall establish the regular meeting days  
15 for the county commission as provided in Section 11-3-8. The  
16 meeting shall be in lieu of any meeting of the county  
17 commission required by law to be held within the same calendar  
18 week and shall be in all respects and for all purposes a  
19 regular meeting of the county commission. The county  
20 commission shall not meet following the election of any one of  
21 its members until the meeting provided by this subsection,  
22 unless there is a declared emergency.

23 "An emergency may be declared for the purposes of  
24 this subsection upon a unanimous vote of the entire membership  
25 of the county commission.

26 "(f) Except as specifically provided in subsections  
27 (b) and (c), this section applies in all counties and may not

1 be altered or amended by local law. Any existing local law or  
2 portion thereof in conflict with this section is specifically  
3 repealed to the extent of the conflict effective with the next  
4 election following September 1, 2007. It is the intent of the  
5 foregoing that a portion of a local law in direct conflict  
6 with this section shall be repealed, and any remaining  
7 portions of the local law not in conflict shall remain in full  
8 force and effect.

9 "§11-12-4.

10 "The county commission ~~must audit~~ shall investigate  
11 all claims against the county, and every claim or ~~such~~ part  
12 thereof ~~as~~ that is allowed ~~must~~ shall be registered in a book  
13 kept for that purpose. ~~and the chairman of~~ Any claim  
14 authorized shall be paid pursuant to procedures established by  
15 the county commission. ~~must give the claimant a warrant on the~~  
16 ~~treasury for the amount so allowed, but bonds~~ Bonds and  
17 interest coupons evidencing interest on such bonds lawfully  
18 issued by the county shall not be required to be registered or  
19 to be proved nor shall warrants be required to issue therefor,  
20 but, in addition to all other privileges, shall be held to  
21 enjoy all the privileges of registered warrants from the date  
22 of their lawful issue and shall be held to be allowed claims  
23 from the date of their lawful issue.

24 "§11-12-10.

25 "It shall be the duty of the ~~chairman of~~ chief  
26 administrative officer or other person designated by the  
27 county commission ~~or such other officer as is authorized by~~

1 ~~law to draw county warrants upon the county treasurer or~~  
2 ~~county depository to inspect and review each new or renewed~~  
3 ~~claim presented for payment from the public funds of the~~  
4 ~~county, irrespective of whether such claim has previously been~~  
5 ~~audited and allowed by the county commission, and such officer~~  
6 ~~shall to examine and determine independently with reference to~~  
7 ~~each of such claims whether or not the expenditure of public~~  
8 ~~money of the county in payment of such the claim is authorized~~  
9 ~~by law and whether or not public funds of the county may be~~  
10 ~~expended for the purpose or purposes shown in such itemized in~~  
11 ~~the claim; provided, that the, and to recommend to the county~~  
12 ~~commission whether or not the claim should be paid pursuant to~~  
13 ~~procedures established by the county commission. The~~  
14 ~~provisions of this section and ~~sections~~ Sections 11-12-11 and~~  
15 ~~11-12-12 shall not apply to those claims by law excepted by~~  
16 ~~law from the requirement of audit and allowance by the~~  
17 ~~governing body of the county.~~

18 "§11-12-11.

19 ~~"In making such The determination with reference to~~  
20 ~~the authorized expenditure of public funds of the county in~~  
21 ~~payment of the whether claims ~~so~~ presented and filed for~~  
22 ~~payment with to the county commissioner pursuant to Section~~  
23 ~~11-12-10 are valid and subject to payment, such officer shall~~  
24 ~~make such include investigation and inquiry, both as to fact~~  
25 ~~and legal sufficiency, as he shall deem reasonably necessary~~  
26 ~~to correctly ascertain the legal liability of the county with~~

1 ~~reference to~~ regarding each of the claims presented for  
2 payment.

3 ~~"In the event it should be~~ If it is determined by  
4 ~~such officer, as a result of such investigation and inquiry,~~  
5 that payment of ~~such~~ a claim or claims may not lawfully be  
6 made from the public funds of the county, ~~he~~ payment shall be  
7 refused by the county commission ~~refuse to affix his signature~~  
8 ~~to or draw warrant upon the county treasurer or county~~  
9 ~~depository authorizing payment of such claim or claims from~~  
10 ~~the public funds of the county.~~

11 "§11-12-12.

12 ~~"Should such officer draw a warrant upon the county~~  
13 ~~treasurer or county depository in~~ If the county commission  
14 authorizes payment of a claim or claims not legally chargeable  
15 to or payable from the public funds of the county ~~such~~  
16 ~~officer,~~ each member of the county commission, including the  
17 chair, who votes in favor of payment shall be held jointly  
18 ~~liable with the other members of the county commission of the~~  
19 ~~county for~~ such the unauthorized or unlawful expenditure of  
20 the public funds of the county and shall bear the same  
21 responsibilities and suffer the same penalties as do the other  
22 members of the county commission ~~of the county~~ with reference  
23 to the unauthorized or unlawful expenditure of public funds of  
24 the county; ~~provided, that sections.~~ Sections 11-12-10 through  
25 ~~11-12-12~~ and 11-12-11, and this section shall in no way affect  
26 or repeal the protection to such official or officials as  
27 provided for under written opinion of the ~~attorney general~~

1 Attorney General, section Section 36-15-19 and/or, or under  
2 written opinion of the county attorney, or any combination  
3 thereof.

4 "§11-12-15.

5 ~~"(a) The following claims are declared to be~~  
6 ~~preferred claims against the county, and they shall be given~~  
7 ~~priority in the order named:~~

8 ~~"(1) Costs of heating maintaining the county jail, of~~  
9 ~~supplying it with wholesome water for drinking and bathing,~~  
10 ~~of keeping it in a cleanly condition and free from offensive~~  
11 ~~odors and of providing it with necessary water closets and dry~~  
12 ~~earth, beds, bedding and clothing; fuel; water; light;~~  
13 ~~janitor's services of the courthouse and jail; premiums for~~  
14 ~~fire insurance on the public buildings of the county; and~~  
15 ~~premiums on surety bonds of public officers county officials~~  
16 ~~or county employees where authorized or required by law to be~~  
17 ~~paid by the county.~~

18 ~~"(2) Compensation of the members of the county~~  
19 ~~commission; compensation of deputy sheriffs, the probate~~  
20 ~~judge, the sheriff, the tax assessor, the county treasurer,~~  
21 ~~and jailers for services performed by them and authorized to~~  
22 ~~be paid to them by law; claims for the removal of prisoners;~~  
23 ~~and, claims for conveying insane persons to state~~  
24 ~~institutions.~~

25 ~~"(3) Claims for necessary stationery and office~~  
26 ~~supplies, including typewriters and supplies and telephones~~  
27 ~~and telephone services, for offices of the judge of probate~~

1 ~~judge, tax assessor, and tax collector; and claims for the use~~  
2 ~~of a building or buildings for a courthouse and a jail where~~  
3 ~~the county does not have a suitable building or buildings for~~  
4 ~~a courthouse and jail; and, claims of the secretary of state~~  
5 ~~for certified copies of field notes.~~

6 ~~"(4) All claims authorized to be paid from funds~~  
7 ~~appropriated by the county commission of the county to assist~~  
8 ~~in financing a program of agriculture and farm home life in~~  
9 ~~cooperation with the extension service created under an act of~~  
10 ~~the congress of the United States approved May 8, 1914, and~~  
11 ~~generally known as the Smith-Lever Act for extension work in~~  
12 ~~agriculture and home economics.~~

13 ~~"(5) Interest on bonds heretofore and hereafter~~  
14 ~~lawfully issued by the county, in the order of their issuance,~~  
15 ~~as evidenced by the interest coupons attached to such bonds or~~  
16 ~~by the bonds themselves.~~

17 ~~"(b) For the payment of the above recited claims, in~~  
18 ~~the order named, it shall be the duty of the county treasurer~~  
19 ~~or custodian of the county funds to set apart a sufficient~~  
20 ~~fund from the moneys of the county, and he and his official~~  
21 ~~bond shall be held liable for a failure to do so, insofar as~~  
22 ~~the funds of the county make it possible for him to do so.~~

23 ~~"§11-12-16.~~

24 ~~"The county commission may appropriate from the~~  
25 ~~general or special funds of the county such sums of money as~~  
26 ~~such county commission it shall determine from time to time~~  
27 ~~for the following purposes:~~

1           "(1) To reimburse any person, firm, or corporation  
2 who in good faith has performed services, advanced money or  
3 property for the use of the county, or who has in good faith  
4 bought county warrants issued under invalid acts of the  
5 ~~legislature for tick eradication or for building public roads~~  
6 Legislature.

7           "(2) To refund to any person, firm, or corporation  
8 money or ~~compensate him or it~~ compensation for services  
9 rendered or money or property advanced and devoted to the use  
10 of the county in procuring funds for carrying on ~~road~~  
11 ~~improvement, tick eradication or~~ any lawful public work where,  
12 after ~~the advancement of such~~ advancing the money or property  
13 or rendering the ~~rendition of such~~ service, it was declared by  
14 decision of ~~the supreme~~ a court of competent jurisdiction or  
15 ~~by the decision of the attorney general~~ Attorney General that  
16 the county was without legal authority to pay such claims ~~on~~  
17 ~~account of a defect in any law or any other reason.~~

18           "§11-13-6.

19           "(a) ~~The~~ Except as otherwise provided herein, the  
20 county commission shall pay from the county treasury, at the  
21 regular legal rate, the cost of the advertising of notice and  
22 substance of all local bills which may be introduced in the  
23 Legislature by any member of the Legislature from the county,  
24 if the notice is signed by the member, whether the bill is  
25 passed by the Legislature or not. If the bill is for the  
26 benefit of or in reference to subjects or matters ~~exclusively~~  
27 relating to one or more municipalities in the county, the

1 municipality or municipalities shall ~~reimburse the county~~ pay  
2 for the cost of the advertising. If two or more municipalities  
3 are liable ~~to reimburse the county~~ for payment of the cost of  
4 advertising the same bill, each municipality shall pay ~~to the~~  
5 ~~county~~ an amount which bears the same ratio to the total cost  
6 of advertising as such municipality's population bears to the  
7 total population of all the municipalities affected by the  
8 bill.

9 " (b) ~~After August 1, 1998, except~~ Except in the case  
10 of a bill for the benefit of or on subjects or matters  
11 ~~exclusively~~ relating to one or more municipalities in the  
12 county wherein the municipality or municipalities are  
13 responsible for payment of the costs as set out in subsection  
14 (a), if a proposed local law raising revenue for a public or  
15 private local entity other than the county commission becomes  
16 law, the public or private local entity receiving the proceeds  
17 of the revenue raising measure shall reimburse the county  
18 commission for the cost of advertising the local law from the  
19 first revenues generated by the local law. If the proposed  
20 local law would raise revenue for two or more local public or  
21 private entities, including the county commission or a  
22 municipality, each entity shall pay from the first revenues  
23 generated by the law, a pro rata share of the cost of  
24 advertising based upon the proposed percentage of generated  
25 revenue to each entity under the local law.

26 "§11-16-1.

1            "A majority of the qualified electors of any county,  
2            except those counties that have built new courthouses in the  
3            past 20 years, may petition the governor in writing, ~~praying~~  
4            ~~that an~~ calling for a referendum election to be held in such  
5            the county for the purpose of determining whether the county  
6            seat ~~or site~~ shall be removed from the city, town, or village  
7            where it is then located to another designated city, town, or  
8            village in such county. The petition shall state the city,  
9            town, or village petitioners request be designated as the new  
10           county seat. Upon receipt of the petition, the Governor shall  
11           forward the petition to the judge of probate of the county who  
12           shall, within 30 days of receipt, verify that the signatures  
13           on the petition are, in fact, qualified electors of the  
14           county, and report his or her findings to the Governor.

15            "§11-16-2.

16            "The ~~governor~~ Governor shall, within 30 days after  
17            ~~the filing of~~ receiving verification from the judge of probate  
18            ~~that the petition with him, appoint three commissioners for~~  
19            ~~such election who shall be qualified electors of such county~~  
20            ~~and shall not hold any state or county office, and, thereupon,~~  
21            ~~the governor shall cause them to be notified of their~~  
22            ~~appointment.~~ has been signed by a majority of the qualified  
23            electors in the county, issue a proclamation that the request  
24            for designation of a new county seat has been made by petition  
25            and declaring that the referendum shall be included on the  
26            ballot at the next regularly scheduled primary or general  
27            election to be held in the county. The election shall be

1 governed in all respects under the election laws of the state  
2 related to referendums.

3 "§11-16-9.

4 "The ~~order~~ proclamation of the Governor may be  
5 substantially as follows:

6 "Order for county seat ~~election~~ referendum. The  
7 ~~state~~ State of Alabama, \_\_\_\_\_ county. A majority of the  
8 qualified electors of this county having petitioned the  
9 ~~governor praying that an~~ Governor calling for a referendum  
10 election to be held in this county on the question of removing  
11 the county seat from \_\_\_\_\_ to \_\_\_\_\_, in this county, ~~and the~~  
12 ~~governor having appointed the undersigned as the board of~~  
13 ~~commissioners of county seat election, as provided by law.~~ It  
14 is hereby ordered that ~~an~~ the referendum election be included  
15 on the ballot at the next regularly scheduled election to be  
16 ~~held at the usual voting places in this county, by the~~  
17 ~~qualified electors thereof,~~ on Tuesday, the \_\_\_\_\_ day of  
18 \_\_\_\_\_, 19\_\_\_\_, ~~between the hours of 9:00 A.M. and 5:00 P.M.~~ 2,  
19 on the question of such removal, at which election the elector  
20 who desires that the county site shall remain at \_\_\_\_\_ shall  
21 have written or printed on his or her ballot the words:  
22 "Against removal"; and the elector who desires that the county  
23 seat shall be removed to \_\_\_\_\_ shall have written or printed  
24 on his or her ballot the words: "For removal to \_\_\_\_\_. "Done  
25 this, the \_\_\_\_\_ day of \_\_\_\_\_, 19 2\_\_\_\_. (Signed \_\_\_\_\_, the  
26 ~~board of commissioners of county seat election~~ Governor of the  
27 State of Alabama.)

1                   "§11-16-10.

2                   ~~"Said commissioners shall give notice~~ Notice of the  
3 date established for holding the referendum election by  
4 ~~publishing a copy of said order for four consecutive weeks in~~  
5 ~~a newspaper published in the county or, if there be no~~  
6 ~~newspaper published in the county, by posting a copy of said~~  
7 ~~order at the courthouse and at five other public places in the~~  
8 ~~county, such publication to begin or such notices to be posted~~  
9 ~~within 15 days from the time of making said order~~ shall be  
10 made in the same manner and at the same time as provided by  
11 law for notice of the primary or general election.

12                   "§11-16-19.

13                   ~~"Each qualified elector shall be entitled to cast~~  
14 ~~one ballot and no more, which~~ The ballot must be a paper  
15 ticket on which must be written or printed the words, "For  
16 removal to \_\_\_\_\_," or the words, "Against removal," as the  
17 elector may desire to vote. No official ballot shall be  
18 required nor shall any ballot be rejected for the want of form  
19 if the inspectors are able to determine therefrom how the  
20 elector intended to vote. shall read as follows: Do you favor  
21 the removal of the county seat from \_\_\_\_\_ to \_\_\_\_\_? ( )  
22 Yes or ( ) No.

23                   "§11-18-1.

24                   "The several counties of the state and the county  
25 commissions thereof, jointly, separately, and severally, ~~are~~  
26 ~~authorized with the approval of the governor but not compelled~~  
27 ~~to~~ may acquire lands by donation or purchase, ~~one~~ or both, and

1 make improvements thereon for county, state, national, and  
2 public purposes. Any lands acquired shall be maintained in the  
3 manner determined by the county commission to be in the best  
4 interests of the public.

5 "§11-25-1.

6 "The governing body of each county may by resolution  
7 ~~thereof shall have the power to~~ establish and maintain a  
8 county law library for each courthouse in their respective  
9 counties for the use and benefit of the county and state  
10 officials, the court system, and the public; and ~~shall have~~  
11 ~~the power to~~ may appropriate and set aside for the  
12 establishment, maintenance, and support of ~~said libraries,~~  
13 ~~such~~ the library, space and funds as it shall deem necessary  
14 and appropriate. ~~All resolutions setting up county law~~  
15 ~~libraries shall be filed in the probate office of the county~~  
16 ~~where located and with the administrative director of courts.~~  
17 Any county law library in effect on the date of the act adding  
18 this language shall be deemed to have been established in  
19 compliance with this section."

20 Section 2. Sections 11-1-13 to 11-1-14, inclusive;  
21 11-2-22 to 11-2-27, inclusive; 11-2-30 to 11-2-34, inclusive;  
22 11-3-3; 11-5-3; 11-3-10; 11-3-15; 11-3-25; 11-7-1 to 11-7-12,  
23 inclusive; 11-12-1 to 11-12-3, inclusive; 11-12-9; 11-12-13;  
24 11-12-15; 11-13-1 to 11-13-5, inclusive; 11-16-3 to 11-16-8,  
25 inclusive; 11-16-11 to 11-16-18, inclusive; 11-16-20 to  
26 11-16-26, inclusive; 11-16-33 to 11-16-38, inclusive; 11-18-3;

1 11-25-2 to 11-25-3, inclusive; and 36-22-1, Code of Alabama  
2 1975, are hereby repealed.

3 Section 3. This act shall become effective on the  
4 first day of the third month following its passage and  
5 approval by the Governor, or its otherwise becoming law.

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House of Representatives

Read for the first time and re-  
ferred to the House of Representa-  
tives committee on County and Mu-  
nicipal Government ..... 05-FEB-08

Read for the second time and placed  
on the calendar with 1 substitute  
and ..... 14-FEB-08

Read for the third time and passed  
as amended ..... 26-FEB-08

Yeas 79, Nays 5, Abstains 2

Greg Pappas  
Clerk