

# COUNTY MODERNIZATION – PART II

**Senate Bill 211 – Senator Sanders**  
**House Bill 110 – Representative Lindsey**

This bill proposes several changes to Alabama's current law relating to county government aimed at revising and modernizing general county law. As outlined below, this legislation proposes to repeal several obsolete provisions of the Code and rewrite other sections to clarify confusing provisions and more accurately reflect county government as it operates today. The major components of the bill are:

## **Bonds of Officials and Employees**

Currently, bonds for county officials and employees are set so low that even if forfeited, they will not adequately reimburse public funds for mistakes or improper activities. This bill sets reasonable bond amounts, clarifies current provisions related to when and how bonds are purchased and filed, and provides for forfeiture payments to be made to the funds affected by actions leading to forfeiture. Additionally, the bill:

- Sets bond at ½ of 1% of budget associated with an official or employee's activities
  - Current bonding provisions for probate judge and tax officials are unchanged
  - Caps the bonding amount at \$50,000
- Clarifies current law on surety discharge and procedures for increasing bond amount
- Allows for bonding of county-appointed board members and board employees
- Provides that agencies receiving ad valorem tax proceeds share cost of tax officials' bonds
  - Will also share in proceeds from forfeiture
- Allows for blanket bonds for employees

## **Claims and Demands Against Counties**

This bill also rewrites many provisions related to the processing of claims and demands made against counties. These changes are not substantive, but rather more accurately reflect the current operation of the county commission office. Examples are:

- Providing for chief administrative officer (rather than commission chair) to investigate claims and recommend to county commission whether claim should be paid
- Providing that all commissioners voting to pay claim, including chair, shall be jointly liable for payment of unauthorized or unlawful claim
- Removing outdated provisions setting preferred claims
- Requiring municipalities to pay directly for cost of advertising their local bills
  - Currently the county pays for publication of municipal bills and seeks reimbursement from the municipality

## **Repeal of Obsolete Provisions**

This bill proposes to repeal a variety of obsolete provisions currently found in Title 11 of Alabama's Code related to county government. Some examples include the following:

- Sections related to roads and bridges which are adequately provided for in Title 23
- Sections requiring counties to contract with Secretary of State and pay for certified copies of government survey field notes
- Sections related to setting precinct and beat lines for territory across county lines
- Sections authorizing counties to appoint land surveyors to three year terms
- Sections authorizing county payment for dipping cattle
- Sections regarding claims destroyed by fire
- Sections related to publication and codification of local laws
- Some sections related to operation of the county law library
- Sections related to special elections for the relocation of county seats and courthouses

## **Filling Vacancies on the County Commission**

Act No. 2007-488, the first effort at county modernization, altered the procedure for filling vacancies on the county commission by providing that the governor would fill the position until the next general election, at which time a county commissioner would be elected to serve the remainder of the original term. This bill proposes to restore the old law providing that the governor fills vacancies on the county commission absent a local law requiring a special election.

- This change is made at the request of the Governor's office
- Counties agreed to include this provision in the bill to avoid the Governor's veto of Act No. 2007-488