

1 HB436
2 154294-2
3 By Representative Beech (N & P)
4 RFD: Local Legislation
5 First Read: 11-FEB-14

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9 A BILL
10 TO BE ENTITLED
11 AN ACT
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13 Relating to Choctaw County; to further provide for
14 the operation of the county commission; to provide for the
15 compensation of the commission; to provide for a centralized
16 road system for the operation of the county roads and bridges;
17 to provide for the employment of a county engineer; to provide
18 for the continual supervision of the roads and bridges by the
19 commission; and to repeal conflicting laws.

20 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

21 Section 1. This act shall apply only in Choctaw
22 County.

23 Section 2. Beginning with the next term of office
24 for any commissioner of the county commission which commences
25 in November 2014, or thereafter, each member of the county
26 commission, except the Judge of Probate of Choctaw County
27 serving as chair, shall serve on a part-time basis and receive

1 a salary of twenty thousand dollars (\$20,000) annually,
2 payable in equal monthly installments. The members of the
3 commission shall not receive an expense allowance or other
4 benefit for serving on a part-time basis except as expressly
5 provided in this act. The members may participate in the
6 county health insurance program provided the members pays all
7 costs relating to participation.

8 Section 3. The Choctaw County Commission shall
9 establish a centrally located shop and centralized road system
10 for the operation of the county roads and bridges. The county
11 commission may vote to establish a second shop location when
12 the county engineer recommends an additional location is
13 needed to facilitate the economical use of equipment and
14 funds. The county engineer shall at the first regularly
15 scheduled meeting of the county commission in July make
16 recommendations for a yearly work plan and present an annual
17 budget. The commission at its regular meetings shall discuss
18 needs as they arise and vote on all issues that might affect
19 the county.

20 Section 4. The county commission may employ clerical
21 help and assistance deemed necessary for the proper,
22 efficient, and economical operation of the county commission.
23 The chair of the commission shall have entered the minutes of
24 all proceedings of the county commission in a well-bound book
25 provided for that purpose. The book shall be kept in the
26 office of the county commission and shall be open to the
27 inspection of the public at all reasonable hours. The county

1 treasurer shall keep a complete record of all receipts and
2 disbursements of all county funds.

3 Section 5. The county commission shall employ a
4 county engineer, who shall be a qualified and competent civil
5 engineer, possessing all of the qualities as specified for
6 county engineers pursuant to law. The county engineer shall
7 devote his or her time and attention to the maintenance and
8 construction of the public roads, highways, and bridges of the
9 county, the county shop, and all work otherwise authorized by
10 law. The county engineer shall perform all of the following
11 duties:

12 (1) Employ, supervise, and direct all assistants
13 necessary to properly maintain and construct the public roads,
14 highways, bridges, and county shop of the county and all work
15 otherwise authorized by law.

16 (2) Perform engineering and surveying services as
17 required, and prepare and maintain all necessary maps and
18 records.

19 (3) Maintain and construct all county roads on the
20 basis of the county as a whole, without regard to any district
21 or beat lines. The county engineer is designated as the person
22 authorized to make written requisition to the chair of the
23 commission or his or her duly designated purchasing agent for
24 all articles, materials, supplies, and equipment necessary for
25 the maintenance and construction of the roads, bridges, and
26 county shop in the county. The county commission shall fix,
27 from time to time, in accordance with prevailing economic

1 conditions, the number of employees and the various scales of
2 wages or salaries to be paid for labor and materials necessary
3 in the maintenance and construction of the roads, bridges, and
4 county shop operation, and the wage or salary scale shall not
5 be exceeded by the county engineer in the employment of labor
6 and assistants. The county commission shall fix the amount of
7 the salary of the county engineer, payable in equal monthly
8 installments from the gasoline tax fund of the county. Before
9 entering upon his or her duties, the county engineer shall
10 make and enter into a surety bond in an amount set, from time
11 to time, by the county commission, conditioned for the
12 faithful discharge and performance of his or her duties as
13 county engineer, and for the faithful accounting of all monies
14 or property of the county, which may come into his or her
15 possession or custody. The bond shall be executed by a surety
16 company authorized and qualified to do business in Alabama,
17 approved by the chair of the county commission, and the
18 premiums thereon shall be paid by the county. The county
19 commission shall furnish the county engineer with an office
20 and all necessary office supplies, and shall furnish him or
21 her with necessary transportation in connection with his or
22 her duties pursuant to this act. The county engineer shall be
23 the custodian of all road tools, machinery, supplies, and
24 equipment. The county commission shall furnish the necessary
25 storage facilities in which to keep the tools, machinery,
26 supplies, and equipment and the county engineer shall keep on
27 file in his or her office, at all times, an up-to-date

1 inventory, containing a list of all the tools, machinery,
2 equipment, and supplies belonging to the county. The authority
3 of the county engineer shall be limited to the expenditure of
4 funds for the purposes of construction, maintenance, or
5 repairs of public roads and bridges of the county as
6 appropriated by the county commission. The county commission
7 shall fix and determine the amount of funds which shall be
8 available for the purpose of building, maintaining, and
9 constructing public roads, bridges, and ferries of Choctaw
10 County for the ensuing fiscal year, beginning on October 1.
11 That amount, other than the salary of the county engineer, and
12 his or her necessary expenses, shall not be exceeded, except
13 that the county commission may, from time to time, within any
14 period, increase the amount allowed to be expended by the
15 county engineer during the period, provided that the
16 authorization does not conflict with other provisions of law.

17 Section 6. Each member of the county commission
18 shall inspect the roads and bridges of his or her district,
19 from time to time, hear the suggestions and complaints of the
20 citizens regarding the condition of the county roads and
21 bridges, and report the suggestions or complaints to the
22 county commission with his or her recommendations. The members
23 of the commission may use a county vehicle for the performance
24 of their duties.

25 Section 7. All laws or parts of laws which conflict
26 with this act are repealed. Act 88-402 of the 1988 Regular

1 Session (Acts 1988, p. 598), now appearing as Section 45-12-70
2 of the Code of Alabama 1975, is expressly repealed.

3 Section 8. Sections 2 through 7, inclusive, of this
4 act shall be operative only if approved by a majority of the
5 qualified electors of Choctaw County who vote thereon at a
6 referendum held for such purpose. The election shall be held
7 and conducted as nearly as may be in the same way as county
8 elections and shall be held on the date of the June 2014 first
9 primary election. Notice of the election shall be given by the
10 Judge of Probate of Choctaw County, which notice shall be
11 published once a week for three successive weeks before the
12 day of the election. On the ballots to be used at the
13 election, the proposition to be voted on shall be stated
14 substantially as follows: "Do you favor the adoption of Act
15 No. _____ of the 2014 Regular Session providing for the county
16 commission to serve on a part-time basis and providing for a
17 Unit System that establishes a centralized road system for the
18 operation of Choctaw County's roads and bridges? Yes () No ()"
19 If a majority of the votes cast at the election are
20 affirmative votes, those sections shall be in full force and
21 effect immediately thereafter. If a majority of the votes cast
22 are in the negative, this act shall have no further effect.
23 The Judge of Probate of Choctaw County shall certify the
24 results of the election to the Secretary of State.

25 Section 9. This act shall become effective
26 immediately following its passage and approval by the
27 Governor, or its otherwise becoming law. Sections 3, 4, 5, and

1 6 of this act shall be operative if approved as provided in
2 Section 8 for the fiscal year commencing October 1, 2014,
3 including actions provided therein required to be taken prior
4 to October 1, 2014.