

SB 317

ACCG's Reasons for Opposing SB 317

Talking Points

- ACCG is only interested in the statewide impact of this bill.
- This bill sets a dangerous precedent by authorizing a local delegation to go around the local elected officials and ask the voters if they want to abolish a local service (in this case the county police department).
- This statewide policy has never been done before and changes the process for deciding how a local service is abolished.
- The constitution only authorizes the General Assembly to limit supplemental powers through general law and does not authorize the General Assembly to withdraw such powers. This bill attempts to authorize the withdraw of a supplemental power through a local referendum called by local legislation.
- The current provision in law to require a referendum to create a police department is simply a General Act and does not violate the Constitution. That law, created by General Act, does not grant authorization to limit our police power through local legislation. The constitution intends that any limitation on supplemental powers be applied uniformly statewide and not be left to local discretion through local legislation.
- This bill is a violation of "Home Rule" and a change to the established process for the governing authority over a local service to have sole discretion to continue or eliminate a service defined under the Supplemental Powers. The voters can express their opinions on county services through the local election process.
- Lines 20-22 of the bill also conflict with 36-5-22.1(a)(1) which provides that the county governing authority has original and exclusive jurisdiction over county property.
- In closing, ACCG believes if this legislation is passed, it will set a precedent that will likely lead to the expansion of this process for abolishing other supplemental services provided by both counties and cities.