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Hager

By Mr. Hager

Propositions to amend the constitution in regard to county city & town governments —

1

1. The several counties of this state as they now exist are hereby recognized as legal subdivisions of the state.

2. County seats shall not be removed by ~~general law~~ special law; but such removals may be provided for by general law. No county seat shall be removed unless two thirds of the qualified voters of the county shall at a general election vote in favor of such removal. A proposition of removal shall not be submitted in the same county more than ~~once~~ in five years.

3. No new counties shall be established which shall reduce any county to less than four hundred square miles or to a population of less than ten thousand inhabitants: nor shall any new county be formed of less area or containing a less population: nor shall any line thereof pass within ten miles of the county seat of any county proposed to be divided; nor shall a county be divided or have any portion taken therefrom, unless a majority of all the qualified electors of the county or counties affected, voting at a general election, shall vote therefor. New counties when created or portions of a county when added to another county shall be liable for and obliged to pay their just proportion of all debts and liabilities then existing, of the county or counties out of which they are respectively formed or taken.

4 The Legislature shall establish a system of county and town-ship governments which shall be uniform throughout the State

5. County officers shall consist of Boards of Supervisors, Sheriffs Coroners, recorders of deeds, auditors, clerks, treasurers, surveyors, District attorneys

and such others as may be established by law, who shall receive such compensation and perform such duties as may be prescribed by law.

No sheriff or treasurer shall be eligible for the term next succeeding the one for which he may be elected. County officers shall be elected as prescribed by law ~~law~~.

No person shall be eligible to a county office unless he has been a citizen and a resident within the county for two years next preceding his election or appointment.

6. The Legislature, except as otherwise in this ~~constitution~~ provided shall provide for the Election or appointment of such County township and municipal officers as public convenience may require, ~~and their terms of office and~~ with such duties as may be prescribed by law; ~~and~~ it shall by laws uniform in their operation regulate the fees of ~~the terms of any County, city, town or municipal office~~ all County officers and for this purpose may classify the Counties by population; and shall provide by law for the strict accountability of all County & ~~the Le~~ township officers, as well for the fees which may be collected by them as for all public or municipal moneys which may be paid to them.

7 Supervisors shall be elected

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8. corporations for municipal purposes shall not be created by special laws; but the legislature by general laws shall provide for the incorporation organization & classification, in proportion to inhabitants, of cities and towns; and cities and towns heretofore incorporated or created by special laws may become organized under and subject to such ~~special laws~~ general laws.

Cities and towns, ~~any~~ having a population of at least ten thousand inhabitants, may become incorporated under general laws whenever a majority of the electors thereof shall ~~vote~~ at a general election vote in favor of the same.

9. In any county having a city therein containing over one hundred thousand inhabitants the city & county ~~and city~~ governments thereof, with an area of less than four hundred square miles, may be consolidated into one municipal government & may be incorporated under ~~the~~ general laws providing for the incorporation & ~~class~~ organization of ~~municipal~~ corporations for municipal purposes. The provisions of this constitution applicable to cities and also those applicable to counties so far as not inconsistent shall be applicable to such consolidated governments. In consolidated ~~county~~ city & county governments there shall be two Boards of Supervisors or houses of legislation. One of which, to consist of twelve persons, shall be elected by general ticket from the city and county at large, ~~they~~ and shall be so classified that six shall be elected every two years ~~and~~ in the election of supervisors by general ticket from the ~~city~~ & county

at large each qualified elector shall vote for no more than one half the number to be elected and the persons having the highest number of votes shall be elected. ~~Vacancies~~ Any casual vacancy in the office of supervisor in either Board shall be filled by the county Judge.

10. Any city having a population of more than one hundred thousand inhabitants, may frame

11. The term of any county, city town or municipal office shall not exceed years; and no person shall be eligible thereto unless he has been a citizen and resident of such county, city or town respectively for years next preceding his election or appointment.

12. No county city town or municipal officer shall receive to his own use in salary or fees more than thousand dollars for any one year. Any such officer receiving fees shall make returns quarterly to the of all fees by him received and disbursed; stating the same fully in detail, verified by his oath; and for any statement or omission in such return, contrary to truth, such officer shall be guilty of perjury, and may be prosecuted and punished therefor as prescribed by law. The Legislature shall also provide for the removal from office of county city town & municipal officers for wilful corrupt misconduction, or neglect of official duty.

13. The compensation or fees of any county city town or municipal officer shall not be increased after his election or during his term of office; nor shall the term of any such officer be extended beyond the period for which he was elected or appointed.

14. No county city town or other public or municipal corporation; nor the inhabitants thereof, nor the property therein, shall be released or discharged from their or its ~~debts~~ proportionate share of taxes to be levied for state purposes, nor shall commutation for such taxes be authorised in any form whatsoever.

15. Taxes for county city, town and school purposes may be levied on all subjects and objects of taxation; but the valuation of property therefor shall not exceed the valuation of the same property for state purposes.

Lee Inc. Pt. 55.56 S 11 12.13.

16 The Legislature shall have no power to impose taxes upon counties, cities towns or other public or municipal corporations, or upon the inhabitants or property thereof, for county, city town or other municipal purposes; but may by general laws vest in the corporate authorities thereof the power to assess and collect taxes for such purposes.

17 The Legislature shall ~~have no power and shall~~ not delegate to any special commission private corporation company association or individual any power to make control appropriate supervise or in any way interfere with any ~~in~~ county city ~~town~~ or municipal improvement money property or effects whether held in trust or otherwise or to levy taxes or assessments or perform any municipal functions whatever

~~17. Corporations for municipal purposes shall not be created by special laws; but the legislature by general laws shall provide for the ~~organization~~ incorporation organization and classification ~~in proportion to inhabitants~~ of cities and towns ~~and~~ in proportion to inhabitants~~

18. No state office shall be continued or created in any county city ~~or~~ town or other municipality for the inspection measurement or graduation of any merchandise manufacture or commodity; but such county city town or municipality may, when authorized by law and the public interest demands it, appoint such officers.

19. Private property shall not be taken or sold for the payment of the corporate debt of any political or municipal corporation.

~~No county city town or other public or municipal corporation, by a vote of its citizens or otherwise shall become a subscriber to the capital stock or a stockholder in any corporation association or company, or make any appropriation or donation or loan its credit to, or in aid of any person corporation association company or institution.~~

20. All moneys assessments and taxes belonging to or collected for the use of any county city town or other public or municipal corporation, coming into the hands of any officer thereof, shall immediately on the receipt thereof be deposited with the treasurer or other legal depositary to the credit of such city town or other corporation respectively ~~as required by law~~ for the benefit of the funds to which they respectively belong.

21. The making of profit out of county city town or public school money, or using the same for any purpose not authorized by law, by any officer having the possession or control thereof shall be a felony & shall be prosecuted & punished ~~by law~~ as prescribed by law

22. No county city town, township Board of Education school District or District or other political or municipal corporation, shall incur any indebtedness or liability, in any manner or for any purpose, exceeding in any year the income and revenue provided for them respectively for such year, without the assent of two thirds of the voters thereof voting at an election to be held for that purpose; nor in cases requiring such assent shall any indebtedness be incurred (except by a county to erect a court house or jail) to an amount ~~exceeding~~ including existing indebtedness, in the aggregate, exceeding five percentum on the value of the taxable property therein, to be ascertained by the assessment next before the last assessment for state and county purposes previous to the incurring such indebtedness; unless upon or at the time of incurring such indebtedness provision shall be made for the collection of an annual tax sufficient to pay the interest on such indebtedness as it falls due, and also to constitute a sinking fund for the payment of the principal thereof within twenty years from the time of contracting the same.

23. No County City town or other public or municipal corporation, by a vote of its citizens or otherwise shall become a subscriber to the capital stock or a stockholder in any corporation association or company, or make any appropriation or donation or loan its credit to, or in aid of, any person corporation, association company or institution

24. No law shall be passed by the legislature granting the right to construct and operate a railroad within any city town village, or on any public street or highway thereof, without the consent of the municipal or other proper local authorities having the control of such street or highway proposed to be occupied by such rail road.

25. Before any public work or improvement of any description whatsoever shall be made or done, in any City in upon or about the streets thereof or otherwise, the cost & expense of which is made chargeable, or may be assessed upon ~~the~~ private property by special assessment, an estimate of such expense shall be made, and an assessment, in proportion to benefits, shall be made and levied on the property to be benefited and shall be collected & paid into the City treasury, before such work or improvement shall be made, or any contract for letting or doing the same shall be authorized or performed.

26. The Legislature shall not pass any local or special law in the cases following:

Regulating the affairs of counties cities towns, townships wards, city or county Boards of Education, school Districts ~~their~~ or other political or municipal corporation or subdivision of the State; ~~or appointing commissioners therefor~~:

Authorising the laying out opening altering, maintaining or vacating roads highways streets alleys town plats or parks;

Relating to cemeteries, grave yards or public grounds not of the state:

Locating or changing county seats:

Incorporating cities towns or villages or changing their charters:

Creating officers or prescribing the powers & duties of officers in counties cities towns townships or school districts:

Regulating the fees or extending the powers & duties of county or municipal officers:

Regulating the management & maintenance of public schools, the building or repairing of school houses and raising of money for such purposes.

Extending the time for the assess=ment or collection of county, city or other municipal taxes or otherwise relieving any assessor or collector of county or city taxes from the due performance of the official duties or their sureties from liability:

Legalizing the unauthorized or invalid acts of any officer or agent of any county or municipality thereof:

Directing the payment of money out of the treasury, or by any officer of any county, city or town without the consent of such county, city or town.