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## Limited home-rule law a hit with most voters

Sunday, November 19, 2006

In the baseball game of "home rule," the Association of County Commissioners of Alabama was stuck at home plate - in the batter's box. Whenever the commission tossed out the idea of giving counties power to govern themselves, the Legislature wouldn't even play ball.

The association finally decided there was no point in swinging for the fences. It decided to change strategy and play "small ball."

In 2005, the association pushed a very limited home-rule bill that would allow voters to choose whether to give their county commissions the power to deal with health and safety issues. With voter approval, commissions could regulate things like litter, sewage, weeds, junkyards, animals and noise.



BOB BLALOCK



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The Legislature in 2005 approved the bill, and the new law's first test came this June. In the primaries, voters in all five counties with the measure on the ballot

approved it. On Nov. 7, nine of the 14 counties OK'd limited home rule.

### Stealing second:

Finally, the association put the ball in play.

"I think we're probably leading off first base with the third base coach telling us to steal second," says Sonny Brasfield, the association's assistant executive director. "But we haven't got up the nerve to steal second yet."

That'll take another 20 to 30 counties putting the issue on the ballot, which could happen in two years, he says. With about 20 percent of the counties now having limited home rule, Brasfield guesses that in another four election cycles, voters in all counties will have had a chance to have their say about giving counties limited home rule.

"That's pretty good when you consider it's taken us more than 100 years for us to get here," he says.

Brasfield is referring to the time that has passed since the writing of the 1901 Constitution, which drafters made sure concentrated power in Montgomery. They gave counties no home rule. Instead, county commissions had to beg the Legislature to pass measures that, with a decent constitution, would have been routine ordinances for a commission to approve. They had to ask lawmakers to pass laws and constitutional amendments dealing with rodents, litter, weed control, picking up dead animals and what not.

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## Limited home-rule law a hit with most voters

Page 2 of 2

The lack of home rule is one of the reasons the 1901 Constitution has more amendments than Hank Aaron hit home runs. Counties not being able to govern themselves is the most grievous of many deep flaws in the constitution. The limited home-rule law doesn't solve that problem, but it's a step in the right direction.

"The ultimate goal is for county governments to have the ability to deal with local problems without having to come to Montgomery, period," Brasfield says. "(Limited home rule) is really not the means to reaching that goal. It's a means to deal with the health issues out there."

If counties deal effectively with health issues, it may help convince naysayers that local governments deserve more control. Ultimately, that could mean giving counties the power to plan and zone and, yes, tax.

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### Home plate:

That would be stepping on home plate, Brasfield says. As long as it has taken

to get to first base, though, he doesn't believe county governments will be making it all the way around the bases anytime soon.

What he does hope is that voters in counties without home rule will embrace the limited version after they see it work in the counties that have chosen it.

"This additional authority isn't going to make the world come to an end," Brasfield says. "Those who oppose this have tried to portray that this will turn the county commission into some kind of three-horned, pitchfork-carrying monster."

Fourteen counties now have limited home rule, joining a handful of mostly urban counties over the years that have won some form of self-government.

Limited home rule isn't rewriting the Alabama Constitution, anymore than Tee Ball is Major League Baseball. But given the past 100 years, it may be the only thing remotely resembling constitution reform that we see for a long while. Bob Blalock is editorial page editor of The News. E-mail: [bblalock@bhamnews.com](mailto:bblalock@bhamnews.com).

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