Who Can Decide?

Local choices within state-set limits

SS24.AS.19 "Describe the relationship between Alabama's state government and local governments, considering the concept of home rule and Dillon's Rule."

NAME _____ DATE _____

1 READ AND MARK

Read it twice

YOUR JOB Underline two actions local officials might take, circle each place the passage describes a limit on their authority, and number the steps officials should take before adopting a new charge. Use your marks to track how state authority shapes local decisions.

The Drainage Decision

1. After heavy rain, a blocked drainage ditch sends water across a road outside an Alabama city. Residents ask their county commission to clear the ditch and consider a new fee to pay for repairs. The commission handles local needs, but it is not a separate source of unlimited lawmaking power. Alabama's state constitution and state laws establish local governments and set the boundaries of their authority. Counties serve areas that include communities outside city limits, while municipalities govern within their city or town limits. A practical local plan must fit the powers the state has granted.

2. One way to describe this relationship is Dillon's Rule: local governments may exercise powers the state grants them, powers necessarily implied by those grants, and powers essential to carrying out their stated purposes. A county cannot assume that spotting a problem gives it power to create a new fee. County officials would need to check state law before choosing how to fund the drainage work. If existing authority does not cover the proposed charge, state action may be needed. The state legislature can grant authority through laws, including laws that apply to particular localities.

3. Home rule means local officials have some authority to make decisions about local matters without seeking a new state law for every choice. Alabama offers limited home rule, not complete independence from the state. Municipalities often have broader powers under general state laws than counties, but both must stay within state-set limits. For example, a nearby city might choose a drainage maintenance schedule under authority it already has, while the county checks whether its proposed funding method is permitted. The key question is not whether residents need help. It is which level of government has authority to make each decision.

2 ANSWER WITH EVIDENCE

Use the passage

1. How do Alabama's constitution and state laws shape both the county's and the city's drainage decisions?

2. Under Dillon's Rule, why is the residents' request not enough to let the county create a new fee?

3. How might the city and county differ in their ability to act under general state laws?

4. How could the city change its drainage maintenance schedule without a new state law, and what limit would still apply?

3 YOUR TURN

Your own words

Imagine a different local problem, not drainage. In four sentences, propose one city or county action, explain how limited home rule and Dillon's Rule affect it, and state what officials should do if they lack legal authority.

ANSWER KEY

Who Can Decide?

HIGH SCHOOL · SS24.AS.19

PART 1 · READ AND MARK

Underline two actions local officials might take, circle each place the passage describes a limit on their authority, and number the steps officials should take before adopting a new charge. Use your marks to track how state authority shapes local decisions. Accept any marking that follows this job and points at the right text.

PART 2 · ANSWERS

#	QUESTION	ANSWER
1	How do Alabama's constitution and state laws shape both the county's and the city's drainage decisions?	**They establish local governments and set the limits of their authority, so both governments must act within powers the state has granted.**
2	Under Dillon's Rule, why is the residents' request not enough to let the county create a new fee?	**A request does not grant legal power. The county must check whether state law authorizes the fee.**
3	How might the city and county differ in their ability to act under general state laws?	**Municipalities often have broader powers under general state laws than counties, although both face state-set limits.**
4	How could the city change its drainage maintenance schedule without a new state law, and what limit would still apply?	**Limited home rule could allow the city to make the choice under authority it already has, but the schedule must remain within state-set limits.**

PART 3 · YOUR TURN (SAMPLE ANSWER)

A city could set rules for a new weekend street market. Limited home rule could let city officials make those rules under authority already granted by state law. Under Dillon's Rule, officials must confirm that the state has granted or necessarily implied the power to adopt the rules. If they lack that authority, they should seek state legislation rather than act on their own.

Accept other local problems and reasonable proposed actions if the response distinguishes local decision-making from state-granted authority. Do not require students to identify a specific Alabama law for their invented proposal.