

1 HB251
2 151493-3
3 By Representatives McCutcheon, Ball, Patterson, Johnson (W),
4 Hall, Williams (D), Vance and Williams (P)
5 RFD: County and Municipal Government
6 First Read: 12-FEB-13

1 ENGROSSED

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4 A BILL
5 TO BE ENTITLED
6 AN ACT
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8 To amend Section 11-88-1, Code of Alabama 1975,
9 relating to water, sewer, and fire protection authorities, to
10 specify that the definition of "fire protection service,"
11 includes searching for, testing for, drilling for,
12 installation of necessary access ways, electric, gas, sewer,
13 telephone and water lines to, from and for the construction,
14 operation, and maintenance of buildings and accessory
15 structures used for pumping from a well, a spring, a creek, a
16 river or tributary thereof, a reservoir, or a tank by an
17 authority.

18 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

19 Section 1. Section 11-88-1 of the Code of Alabama
20 1975, is amended to read as follows:

21 "§11-88-1.

22 "When used in this article, the following words and
23 phrases shall have the following meanings, respectively,
24 unless the context clearly indicates otherwise:

25 "(1) APPLICANT. A natural person who files a written
26 application with the governing body of any county in
27 accordance with the provisions of Section 11-88-3.

1 "(2) AUTHORITY. A public corporation organized
2 pursuant to the provisions of this article.

3 "(3) BOARD. The board of directors of an authority.

4 "(4) BONDS. Bonds, notes, and certificates
5 representing an obligation to pay money.

6 "(5) CONCISE LEGAL DESCRIPTION. A reasonably concise
7 description of a particular geographic area which may be by
8 metes and bounds or by reference to government surveys,
9 recorded maps and plats, municipal, county, or state boundary
10 lines, well-defined landmarks and other monuments, or any
11 combination of the foregoing.

12 "(6) COUNTY. Any county in the state.

13 "(7) DETERMINING COUNTY. Any county the governing
14 body of which shall have made findings and determinations of
15 fact in accordance with the provisions of Section 11-88-3.

16 "(8) DIRECTOR. A member of the board of directors of
17 the authority.

18 "(9) FIRE PROTECTION FACILITY. Land, plants,
19 systems, facilities, buildings, fire engines, fire hydrants,
20 ladders, equipment, hoses, alarm apparatus, chemicals,
21 uniforms, supplies, or any combination of any thereof used or
22 useful or capable of future use in furnishing fire protection
23 service and all other property deemed necessary or desirable
24 by the authority for use in furnishing fire protection
25 service.

26 "(10) FIRE PROTECTION SERVICE. All services involved
27 in protecting property and life from fires, including but not

1 limited to discovering, ascertaining, extinguishing,
2 preventing the spread of or fighting fires, or inspecting
3 property for fire hazards, or any part or combination thereof.
4 The supplying of water for use in the rendition of fire
5 protection service shall be deemed to constitute fire
6 protection service. The searching for, testing for, or
7 drilling for water, the installation of necessary access ways,
8 electric, gas, sewer, telephone, and water lines to, from, and
9 for, the construction of buildings and accessory structures
10 used for, and the operation and maintenance of, and pumping
11 water from a well, a spring, a creek, a river or tributary
12 thereof, a reservoir, or a tank by a public corporation
13 organized under the provisions of this chapter which has as
14 one of its stated purposes, within its certificate of
15 incorporation or a duly adopted amendment thereto, the
16 rendering of fire protection services shall be deemed to
17 constitute fire protection service. Anything herein to the
18 contrary notwithstanding, no provision of this definition
19 shall apply to any public corporation organized under this
20 chapter which does not specifically have as one of its stated
21 purposes, within its certificate of incorporation or a duly
22 adopted amendment thereto, the rendering of fire protection
23 services.

24 "(11) GOVERNING BODY. The county commission of a
25 county.

1 "(12) INCORPORATORS. The persons forming a public
2 corporation organized pursuant to the provisions of this
3 article.

4 "(13) MUNICIPALITY. An incorporated city or town of
5 the state.

6 "(14) NEW TERRITORY. Any territory added, by
7 amendment to the certificate of incorporation of an authority,
8 to the area or areas in which that authority is authorized to
9 render water service, fire protection service, sewer service
10 or any thereof.

11 "(15) PERSON. Unless limited to a natural person by
12 the context in which it is used, such term includes a public
13 or private corporation, a municipality, a county, or an
14 agency, department, or instrumentality of the state or of a
15 county or municipality.

16 "(16) PROPERTY. Real and personal property and
17 interests therein.

18 "(17) PUBLIC FIRE PROTECTION FACILITY. A fire
19 protection facility which is owned or operated by the United
20 States of America, the state, a county, a municipality, a
21 public corporation organized under the laws of the state, any
22 combination of any thereof or any agency or instrumentality of
23 any one or more thereof or in which any one or more thereof or
24 any agency or instrumentality of any one or more thereof holds
25 a reversionary or remainder interest.

26 "(18) PUBLIC SEWER SYSTEM. A sewer system which is
27 owned or operated by the United States of America, the state,

1 a county, a municipality, a public corporation organized under
2 the laws of the state, any combination of any thereof or any
3 agency or instrumentality of any one or more thereof or in
4 which any one or more thereof or any agency or instrumentality
5 of any one or more thereof holds a reversionary or remainder
6 interest.

7 "(19) PUBLIC WATER SYSTEM. A water system which is
8 owned or operated by the United States of America, the state,
9 a county, a municipality, a public corporation organized under
10 the laws of the state, any combination of any thereof or any
11 agency or instrumentality of any one or more thereof or in
12 which any one or more thereof or any agency or instrumentality
13 of any one or more thereof holds a reversionary or remainder
14 interest.

15 "(20) SERVICE AREA. The geographic area or areas in
16 which an authority is authorized by its certificate of
17 incorporation or any amendment thereto to render water
18 service, fire protection service, sewer service or any
19 thereof, which area may include not only territory located
20 outside the boundaries of any municipality but also territory
21 located within the boundaries of one or more municipalities.

22 "(21) SEWER SERVICE. All services involved in
23 collecting, transporting, treating, and disposing of sanitary
24 sewage and the performing of all functions and activities
25 reasonably incident to the operation of a sewer system.

26 "(22) SEWER SYSTEM. A sanitary sewer system,
27 including mains, laterals, sewage disposal plants, and sewage

1 treatment plants and all appurtenances to such a system and
2 all properties, rights, easements, and franchises deemed
3 necessary or desirable by the authority for use in rendering
4 sewer services.

5 "(23) STATE. The State of Alabama.

6 "(24) WATER SERVICE. The providing, furnishing,
7 supplying, or distributing of water and the performing of all
8 of the functions and activities reasonably incident to the
9 operation of a water system, including the provision of water
10 to a fire protection authority to be used in the rendition of
11 fire protection service. The searching for, testing for,
12 drilling for, installation of necessary access ways, electric,
13 gas, sewer, telephone, and water lines to, from, and for the
14 construction, operation, and maintenance of buildings and
15 accessory structures used for pumping from a well, a spring, a
16 creek, a river or tributary thereof, a reservoir, or a tank by
17 a public corporation organized under the provisions of this
18 chapter shall be deemed to be an authorized function of water
19 service, but shall not exclusively constitute water service.

20 "(25) WATER SYSTEM. Land, plants, systems,
21 facilities, buildings, and other property, or any combination
22 of any thereof, which are used or useful or capable of future
23 use in providing, furnishing, supplying, or distributing
24 water, including but not limited to water supply systems,
25 water distribution systems, reservoirs, wells, intakes, mains,
26 laterals, aqueducts, pumping stations, standpipes, filtration
27 plants, purification plants, meters, valves, and all necessary

1 appurtenances and equipment, and all properties, rights,
2 easements, and franchises deemed necessary or desirable by the
3 authority for use in rendering water service."

4 Section 2. This act shall become effective
5 immediately following its passage and approval by the
6 Governor, or its otherwise becoming law.

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House of Representatives

Read for the first time and re-ferred to the House of Representatives committee on County and Municipal Government..... 12-FEB-13

Read for the second time and placed on the calendar with 1 substitute and..... 16-APR-13

Read for the third time and passed as amended..... 25-APR-13

Yeas 99, Nays 0, Abstains 0

Jeff Woodard
Clerk