

1 HB251
2 147835-1
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

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8 SYNOPSIS: Under existing law, a county may authorize
9 the incorporation of water, sewer, and fire
10 protection authorities to provide water service,
11 sewer service, fire protection service, or a
12 combination of services.

13 This bill would specify that the definition
14 of "fire protection service" under the authorizing
15 law includes searching for, testing, drilling for,
16 installation of necessary access ways, and
17 electric, gas, sewer, telephone, and water lines
18 to, from, and for the construction, operation, and
19 maintenance of buildings and accessory structures
20 used for pumping from a well, a spring, a creek, a
21 river or tributary thereof, a reservoir, or a tank,
22 by an authority.

23
24 A BILL
25 TO BE ENTITLED
26 AN ACT
27

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

11 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

12 Section 1. Section 11-88-1 of the Code of Alabama
13 1975, is amended to read as follows:

14 "§11-88-1.

15 "When used in this article, the following words and
16 phrases shall have the following meanings, respectively,
17 unless the context clearly indicates otherwise:

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

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

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

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

26 "(5) CONCISE LEGAL DESCRIPTION. A reasonably concise
27 description of a particular geographic area which may be by

1 metes and bounds or by reference to government surveys,
2 recorded maps and plats, municipal, county, or state boundary
3 lines, well-defined landmarks and other monuments, or any
4 combination of the foregoing.

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

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

9 "(8) DIRECTOR. A member of the board of directors of
10 the authority.

11 "(9) FIRE PROTECTION FACILITY. Land, plants,
12 systems, facilities, buildings, fire engines, fire hydrants,
13 ladders, equipment, hoses, alarm apparatus, chemicals,
14 uniforms, supplies, or any combination of any thereof used or
15 useful or capable of future use in furnishing fire protection
16 service and all other property deemed necessary or desirable
17 by the authority for use in furnishing fire protection
18 service.

19 "(10) FIRE PROTECTION SERVICE. All services involved
20 in protecting property and life from fires, including but not
21 limited to discovering, ascertaining, extinguishing,
22 preventing the spread of or fighting fires, or inspecting
23 property for fire hazards, or any part or combination thereof.
24 The supplying of water for use in the rendition of fire
25 protection service shall be deemed to constitute fire
26 protection service. The searching for, testing for, drilling
27 for, installation of necessary access ways, electric, gas,

1 sewer, telephone and water lines to, from, and for the
2 construction, operation, and maintenance of buildings and
3 accessory structures used for pumping from a well, a spring, a
4 creek, a river or tributary thereof, a reservoir, or a tank by
5 public corporation organized under the provisions of this
6 chapter shall be deemed to constitute fire protection service.

7 "(11) GOVERNING BODY. The county commission of a
8 county.

9 "(12) INCORPORATORS. The persons forming a public
10 corporation organized pursuant to the provisions of this
11 article.

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

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

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

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

26 "(17) PUBLIC FIRE PROTECTION FACILITY. A fire
27 protection facility which is owned or operated by the United

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

7 "(18) PUBLIC SEWER SYSTEM. A sewer 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 "(19) PUBLIC WATER SYSTEM. A water system which is
16 owned or operated by the United States of America, the state,
17 a county, a municipality, a public corporation organized under
18 the laws of the state, any combination of any thereof or any
19 agency or instrumentality of any one or more thereof or in
20 which any one or more thereof or any agency or instrumentality
21 of any one or more thereof holds a reversionary or remainder
22 interest.

23 "(20) SERVICE AREA. The geographic area or areas in
24 which an authority is authorized by its certificate of
25 incorporation or any amendment thereto to render water
26 service, fire protection service, sewer service or any
27 thereof, which area may include not only territory located

1 outside the boundaries of any municipality but also territory
2 located within the boundaries of one or more municipalities.

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

7 "(22) SEWER SYSTEM. A sanitary sewer system,
8 including mains, laterals, sewage disposal plants, and sewage
9 treatment plants and all appurtenances to such a system and
10 all properties, rights, easements, and franchises deemed
11 necessary or desirable by the authority for use in rendering
12 sewer services.

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

14 "(24) WATER SERVICE. The providing, furnishing,
15 supplying, or distributing of water and the performing of all
16 of the functions and activities reasonably incident to the
17 operation of a water system.

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

1 easements, and franchises deemed necessary or desirable by the
2 authority for use in rendering water service."

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