

1 HB586
2 157410-1
3 By Representatives Johnson (K) and Baughn (N & P)
4 RFD: Local Legislation
5 First Read: 11-MAR-14

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9 A BILL
10 TO BE ENTITLED
11 AN ACT
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13 Relating to Winston County; to increase the fee for
14 service of process; to provide for the distribution of the
15 fees; and to provide a referendum on this act.

16 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

17 Section 1. This act shall only apply to Winston
18 County.

19 Section 2. (a) In addition to all other charges,
20 fees, judgments, and costs of court, the clerk, sheriff, or
21 other appropriate court official in the criminal division of
22 the district and circuit courts of Winston County shall
23 collect a service of process fee of twenty dollars (\$20) on
24 each document requiring personal service of process.

25 (b) In addition to all other charges, fees,
26 judgments, and costs of court, the clerk, sheriff, or other
27 appropriate court official in the civil division of the

1 district and circuit courts of Winston County shall collect a
2 service of process fee of twenty dollars (\$20) on each
3 document requiring personal service of process.

4 (c) The court official designated in Winston County
5 by law for the respective courts shall collect the service of
6 process fee designated in subsections (a) and (b) and remit
7 the fees as follows: Ten dollars (\$10) of each fee collected
8 shall be distributed to the Winston County Commission for
9 deposit in the Winston County Law Enforcement Fund to be used
10 for law enforcement purposes and the remaining ten dollars
11 (\$10) shall be distributed to the Circuit Clerk's Fund to be
12 used for the operation of the clerk's office.

13 Section 3. Sections 1 and 2 of this act shall become
14 operative only if approved by a majority of the qualified
15 electors of Winston County who vote in an election to be held
16 on the day designated by the Judge of Probate of Winston
17 County. The notice of the election shall be given by the judge
18 of probate, and the election shall be held, conducted, and the
19 results canvassed in the manner as other county elections. The
20 election shall be held in conjunction with the next regularly
21 scheduled state or local election to be held in the county.
22 The question shall be, "Do you favor the adoption of Act ____,
23 of the _____ Session of the Alabama Legislature, providing for
24 a service of process fee of twenty dollars (\$20) on each
25 document requiring personal service of process in the criminal
26 and civil division of the district and circuit courts in the
27 county and for the distribution of the proceeds to the Law

1 Enforcement Fund and the Circuit Clerk's Fund? Yes () No (
2)." The county shall pay any costs and expenses not otherwise
3 reimbursed by a governmental agency which are incidental to
4 the election. If a majority of the votes cast in the election
5 are "Yes," Sections 1, 2, and 3 shall become operative
6 immediately. If the majority of the votes are "No," this act
7 shall be repealed and shall have no further effect. The Judge
8 of Probate of Winston County shall certify the results of the
9 election to the Secretary of State.

10 Section 4. All laws or parts of laws which conflict
11 with this act are repealed.

12 Section 5. This act shall become effective on the
13 first day of the third month following its passage and
14 approval by the Governor, or its otherwise becoming law.