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ENROLLED, An Act,

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

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

"§11-88-1.

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

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

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

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

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

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

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

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

13 "(8) DIRECTOR. A member of the board of directors of
14 the authority.

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

23 "(10) FIRE PROTECTION SERVICE. All services involved
24 in protecting property and life from fires, including but not
25 limited to discovering, ascertaining, extinguishing,

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

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

1 "(18) PUBLIC SEWER SYSTEM. A sewer system which is
 2 owned or operated by the United States of America, the state,
 3 a county, a municipality, a public corporation organized under
 4 the laws of the state, any combination of any thereof or any
 5 agency or instrumentality of any one or more thereof or in
 6 which any one or more thereof or any agency or instrumentality
 7 of any one or more thereof holds a reversionary or remainder
 8 interest.

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

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

24 "(21) SEWER SERVICE. All services involved in
 25 collecting, transporting, treating, and disposing of sanitary

1 sewage and the performing of all functions and activities
2 reasonably incident to the operation of a sewer system.

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

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

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

24 "(25) WATER SYSTEM. Land, plants, systems,
25 facilities, buildings, and other property, or any combination

1 of any thereof, which are used or useful or capable of future
2 use in providing, furnishing, supplying, or distributing
3 water, including but not limited to water supply systems,
4 water distribution systems, reservoirs, wells, intakes, mains,
5 laterals, aqueducts, pumping stations, standpipes, filtration
6 plants, purification plants, meters, valves, and all necessary
7 appurtenances and equipment, and all properties, rights,
8 easements, and franchises deemed necessary or desirable by the
9 authority for use in rendering water service."

10 Section 2. This act shall become effective
11 immediately following its passage and approval by the
12 Governor, or its otherwise becoming law.

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Speaker of the House of Representatives

Kay Ivey

President and Presiding Officer of the Senate

House of Representatives

I hereby certify that the within Act originated in
and was passed by the House 25-APR-13, as amended.

Jeff Woodard
Clerk

Senate

20-MAY-13

Passed

APPROVED May 23, 2013
TIME 2:20 p.m.
Robert Bentley
GOVERNOR

Alabama Secretary Of State

Act Num....: 2013-334
Bill Num....: H-251

Recv'd 05/24/13 11:12amSLF

NSOR

Catchoon

SPONSORS

Gall

Atterson

Johnson Jr.

Dall

Williams S.

Vance

Williams S.

HOUSE ACTION

I HEREBY CERTIFY THAT THE RESOLUTION AS REQUIRED IN SECTION C OF ACT NO. 81-889 WAS ADOPTED AND IS ATTACHED TO THE BILL, H.B. 251
YEAS 98 NAYS 0
JEFF WOODARD, Clerk

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, H.B. _____ AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.
JEFF WOODARD, Clerk

CONFERENCE COMMITTEE
House Conferees _____

SENATE ACTION

DATE: 5-2 2013
RD 1 RFD CT&L

This Bill was referred to the Standing Committee of the Senate on CT&L and was acted upon by such Committee in session and is by order of the Committee returned therefrom with a favorable report w/amend(s) _____ w/sub _____ by a vote of yeas 4 nays 0 abstain 1 this 7 day of May 2013
Pratt Chairperson

DATE: 5-9 2013
RF CT&L RD 2 CAL

DATE: _____ 20____
RE-REFERRED _____ RE-COMMITTED
Committee _____

I hereby certify that the Resolution as required in Section C of Act No. 81-889 was adopted and is attached to the Bill, HB _____
YEAS _____ NAYS _____
PATRICK HARRIS, Secretary