1   SB129

2   215793-1

3   By Senator McClendon (N & P)

4   RFD: Local Legislation

5   First Read: 01-FEB-22

1   215793-1:n:12/03/2021:FC/ma LSA2021-2455

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9   A BILL

10   TO BE ENTITLED

11   AN ACT

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13   Relating to St. Clair County; to amend Act 2017-265

14   of the 2017 Regular Session, authorizing the establishment of

15   the Davis Lake Volunteer Fire Department as a fire district

16   for fire protection purposes; to specify that the fire

17   protection fees would be separately stated on the ad valorem

18   tax bills by the revenue commissioner.

19   BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

20   Section 1. Section 13 of Act 2017-265 of the 2017

21   Regular Session, as last amended by Act 2020-174 of the 2020

22   Regular Session, is amended to read as follows:

23   "(a) No service charge or fee shall be levied unless

24   the same has first been approved by the majority of the votes

25   cast at an election held hereunder by the qualified electors

26   residing within the district, or within the proposed district.

27   No additional fee shall be assessed in addition to one hundred

fifty dollars ($150) per residence or commercial building. Any property owner may withdraw from the district if the property owner has fire protection services from another district or from a municipality as a result of annexation into the municipality. If a property owner in the district requests to withdraw from the district and the withdrawal is not effectuated by the district, the property owner may appeal the withdrawal to a board of review composed of the local legislative delegation. Upon a majority vote of the board of review, a letter confirming the withdrawal shall be forwarded to the 911 agency and the revenue commissioner approving withdrawal from the district, which removal shall be effective immediately. No service charge or fee may be levied upon the withdrawal of a property owner from the district. No service charge or fee may be levied upon a property owner if he or she contracts with a different fire department.

"(b) An election on the question levying a service charge or fee in a proposed district may be held at the same time that the election is held on the creation of the district; provided that the petition for the election on the question of the service charge or fee accompanies the petition for the election on the establishment of the proposed district as provided herein. An election on the question of a service charge or fee may be held upon the board of the district submitting to the judge of probate a petition for an election as provided. The board shall file in the office of the judge of probate a petition that he or she call an election in the

1   district on the question of whether the service charge or fee

2   proposed should be levied. No election shall be required to

3   refund overpaid service charges or fees to correct errors in

4   the assessment thereof or to terminate the assessment and

5   collection thereof upon withdrawal of a property owner from a

6   district as provided herein, all of which shall be effectuated

7   automatically and immediately upon the effective date of the

8   written withdrawal. In addition, any property annexed into a

9   municipality shall be automatically and immediately withdrawn

10 from the district and the property owner shall not be liable

11 for any additional fees or costs.

12   "(c) ~~After the effective date of the act adding this~~

13 ~~language, the~~ The fire protection service charge or fee on

14 each residence or commercial building may not exceed one

15 hundred fifty dollars ($150) per year.

16   "(d) The fire protection service fee of the Davis

17 Lake Volunteer Fire Department and the exact amount of the

18 fee, including the account number, shall be separately stated

19 by the Revenue Commissioner of St. Clair County on the ad

20 valorem tax bill of the taxpayer."

21   Section 2. This act shall become effective

22 immediately following its passage and approval by the

23 Governor, or its otherwise becoming law.