

1 SB129  
2 215793-2  
3 By Senator McClendon (N & P)  
4 RFD: Local Legislation  
5 First Read: 01-FEB-22

1 SB129

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4 With Notice and Proof

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6 ENROLLED, An Act,

7 Relating to St. Clair County; to amend Act 2017-265  
8 of the 2017 Regular Session, authorizing the establishment of  
9 the Davis Lake Volunteer Fire Department as a fire district  
10 for fire protection purposes; to specify that the fire  
11 protection fees would be separately stated on the ad valorem  
12 tax bills by the revenue commissioner.

13 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

14 Section 1. Section 13 of Act 2017-265 of the 2017  
15 Regular Session, as last amended by Act 2020-174 of the 2020  
16 Regular Session, is amended to read as follows:

17 "(a) No service charge or fee shall be levied unless  
18 the same has first been approved by the majority of the votes  
19 cast at an election held hereunder by the qualified electors  
20 residing within the district, or within the proposed district.  
21 No additional fee shall be assessed in addition to one hundred  
22 fifty dollars (\$150) per residence or commercial building. Any  
23 property owner may withdraw from the district if the property  
24 owner has fire protection services from another district or  
25 from a municipality as a result of annexation into the

1 municipality. If a property owner in the district requests to  
2 withdraw from the district and the withdrawal is not  
3 effectuated by the district, the property owner may appeal the  
4 withdrawal to a board of review composed of the local  
5 legislative delegation. Upon a majority vote of the board of  
6 review, a letter confirming the withdrawal shall be forwarded  
7 to the 911 agency and the revenue commissioner approving  
8 withdrawal from the district, which removal shall be effective  
9 immediately. No service charge or fee may be levied upon the  
10 withdrawal of a property owner from the district. No service  
11 charge or fee may be levied upon a property owner if he or she  
12 contracts with a different fire department.

13 "(b) An election on the question levying a service  
14 charge or fee in a proposed district may be held at the same  
15 time that the election is held on the creation of the  
16 district; provided that the petition for the election on the  
17 question of the service charge or fee accompanies the petition  
18 for the election on the establishment of the proposed district  
19 as provided herein. An election on the question of a service  
20 charge or fee may be held upon the board of the district  
21 submitting to the judge of probate a petition for an election  
22 as provided. The board shall file in the office of the judge  
23 of probate a petition that he or she call an election in the  
24 district on the question of whether the service charge or fee  
25 proposed should be levied. No election shall be required to

1 refund overpaid service charges or fees to correct errors in  
2 the assessment thereof or to terminate the assessment and  
3 collection thereof upon withdrawal of a property owner from a  
4 district as provided herein, all of which shall be effectuated  
5 automatically and immediately upon the effective date of the  
6 written withdrawal. In addition, any property annexed into a  
7 municipality shall be automatically and immediately withdrawn  
8 from the district and the property owner shall not be liable  
9 for any additional fees or costs.

10 ~~"(c) After the effective date of the act adding this~~  
11 ~~language, the~~ The fire protection service charge or fee on  
12 each residence or commercial building may not exceed one  
13 hundred fifty dollars (\$150) per year.

14 "(d) The fire protection service fee of the Davis  
15 Lake Volunteer Fire Department and the exact amount of the  
16 fee, including the account number, shall be separately stated  
17 by the Revenue Commissioner of St. Clair County on the ad  
18 valorem tax bill of the taxpayer."

19 Section 2. This act shall become effective  
20 immediately following its passage and approval by the  
21 Governor, or its otherwise becoming law.

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President and Presiding Officer of the Senate

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Speaker of the House of Representatives

SB129

Senate 03-FEB-22

I hereby certify that the within Act originated in and passed the Senate.

Patrick Harris,  
Secretary.

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House of Representatives  
Passed: 16-FEB-22

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By: Senator McClendon