

1 HB780
2 65047-2
3 By Representative Allen (Constitutional Amendment)
4 RFD: Tuscaloosa County Legislation
5 First Read: 14-APR-05

ACT No. 2005-107
(CA)

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ENROLLED, An Act,

Proposing an amendment to Constitutional Amendment No. 358 of the Constitution of Alabama of 1901, relating to Tuscaloosa County, to authorize districts for fire protection and garbage disposal to include territory within the corporate limits of a municipality having a population of 10,000 or less with the approval of the municipal governing body.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. The following amendment to the Constitution of Alabama of 1901, is proposed and shall become valid as a part of the Constitution when all requirements of this act are fulfilled:

PROPOSED AMENDMENT

"Amendment No. 358

"Fire Protection or Garbage and Trash Disposal Districts in Tuscaloosa County.

"The ~~legislature~~ Legislature may provide for the formation of districts in Tuscaloosa ~~county~~ County, Alabama, for establishing and maintaining a system for fighting or preventing fires or for the collection and disposal of garbage and trash or for either or both of said purposes; provided, however, that no territory lying within the limits of a municipal corporation at the time of the establishment of any such district shall be included within such district except

1 that all or part of any territory lying within a municipality
2 having a population of 10,000 inhabitants or less may be
3 included within a district upon approval by resolution of the
4 governing body of the municipality; and, provided further,
5 that no such district shall be established unless the
6 establishment thereof has been first approved by the qualified
7 electors residing within the proposed district at an election
8 held as provided for by a law or laws adopted by the
9 ~~legislature~~ Legislature. The ~~legislature~~ Legislature may
10 provide for submitting to the qualified electors residing
11 within the proposed district the question of whether the
12 district shall be created for either or both of the aforesaid
13 purposes.

14 "The expenses of establishing and maintaining any
15 such fire fighting and fire prevention system or any such
16 garbage collection and disposal system in a district, as the
17 case may be, shall be paid for exclusively by the proceeds of
18 a service charge, which shall be levied and collected in an
19 amount sufficient to pay the said expenses.

20 "Said service charges shall be levied upon and
21 collected from the persons and property to whom and to which
22 such services are available; and the service charge shall be a
23 lien upon any such property.

24 "The ~~legislature~~ Legislature may provide for the
25 enlargement of a district by the addition of territory

1 thereto, subject to the following conditions: (1) No territory
2 lying within a municipal corporation at the time of such
3 enlargement shall be added to a district except that all or
4 part of any territory lying within a municipality having a
5 population of 10,000 inhabitants or less may be included
6 within a district upon approval by resolution of the governing
7 body of the municipality; (2) subject to (3), next below, no
8 territory shall be added unless the qualified electors thereof
9 have approved the addition of such territory to the district
10 at an election held for that purpose within the territory
11 proposed to be added; (3) the ~~legislature~~ Legislature may
12 provide a procedure whereby territory will be included in a
13 district upon the written petition for its inclusion signed by
14 at least seventy percent (70%) of the qualified electors
15 residing within said territory.

16 "The ~~legislature~~ Legislature shall adopt laws
17 providing for the administration of the affairs of the
18 district by the governing body of the county or by an agency
19 of the county, and empowering the body administering the
20 affairs of the district to levy and collect the service
21 charge, subject to such restrictions and conditions as the
22 ~~legislature~~ Legislature imposes. The ~~legislature~~ Legislature
23 may provide that any such service charge shall not become
24 effective unless approved by the electors of the territory,

1 and may provide the conditions on which an election on such
2 service charge shall be held.

3 "The ~~legislature~~ Legislature shall be authorized to
4 enact laws providing for the collection and enforcement of the
5 service charges and of the lien for such charges.

6 "The ~~legislature~~ Legislature may provide for the
7 issuance of bonds for such districts with or without an
8 election; provided, however, that all bonds issued hereunder
9 shall be payable only out of the proceeds of the service
10 charge authorized hereby, and no such bond shall be a general
11 obligation of the county."

12 Section 2. An election upon the proposed amendment
13 shall be held in accordance with Amendment 555 to the
14 Constitution of Alabama of 1901, and the election laws of this
15 state.

16 Section 3. The appropriate election official shall
17 assign a ballot number for the proposed constitutional
18 amendment on the election ballot and shall set forth the
19 following description of the substance or subject matter of
20 the proposed constitutional amendment:

21 "Relating to Tuscaloosa County, proposing an
22 amendment to the Constitution of Alabama of 1901, to amend
23 Amendment No. 358, to authorize districts for fire protection
24 and garbage disposal to include territory within the corporate

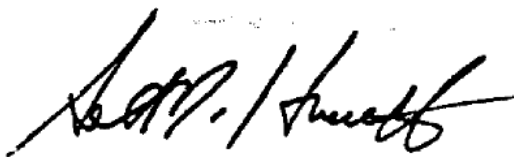
1 limits of a municipality having a population of 10,000 or less
2 with the approval of the municipal governing body.

3 "Proposed by Act _____"

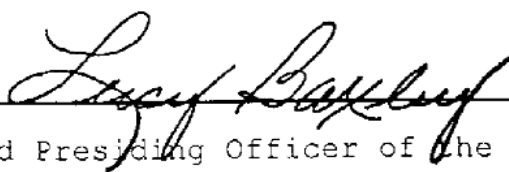
4 This description shall be followed by the following
5 language:

6 "Yes () No ()."

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Speaker of the House of Representatives



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 27-APR-05.

Greg Pappas
Clerk

Senate

05-MAY-05

Passed

Alabama Secretary Of State

Act Num....: 2005-107
Bill Num....: H-780

Recv'd 05/05/05 01:54pmSXH