

1 HB3
2 166282-4
3 By Representative Morrow (N & P)
4 RFD: Local Legislation
5 First Read: 03-AUG-15

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9 A BILL
10 TO BE ENTITLED
11 AN ACT
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13 Relating to Franklin County; to provide that the
14 existing volunteer fire districts and the City of Russellville
15 shall constitute districts for the purpose of preventing fires
16 and for fire protection; to provide for the manner in which a
17 new district may be formed; to authorize a referendum in each
18 fire district to provide funding for the district through a
19 fire protection service fee on each occupied residence,
20 dwelling, or business; to provide for certain exemptions for
21 the service fee; to provide for the collection and
22 distribution of the funds derived from the service fee; to
23 provide for the expending and accounting of funds; to provide
24 for the treatment of funds upon dissolution or abandonment of
25 a volunteer fire district; and to provide that the county
26 shall be immune from certain liability.

27 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

1 Section 1. This act shall apply only in Franklin
2 County.

3 Section 2. The Legislature declares that volunteer
4 fire districts which receive funds pursuant to this act are
5 organizations which are public in nature as they protect the
6 health, safety, and welfare of the citizens of the county.

7 Section 3. The Franklin County Commission may
8 establish one or more volunteer fire districts within the
9 geographic boundaries of the county. No land lying within the
10 boundaries of a municipality at the time a district is formed
11 shall be included in a district unless the municipality adopts
12 a resolution to be included in a district. Nothing in this act
13 shall be construed to limit or impede the rights or ability of
14 a municipality to provide fire protection within its corporate
15 limits or its police jurisdiction.

16 Section 4. (a) Existing volunteer fire departments
17 with their respective geographic service coverage area, as
18 defined by Franklin County E911 on the effective date of this
19 act and the City of Russellville, are established as fire
20 districts pursuant to this act. The volunteer fire departments
21 shall be certified by the Alabama Forestry Commission, Section
22 9-3-17, Code of Alabama 1975.

23 (b) New volunteer fire districts may be formed in
24 accordance with the requirements defined by Section 9-3-17,
25 Code of Alabama 1975, and approval by the county commission.

26 Section 5. (a) The qualified electors of a fire
27 district may file a petition, signed by at least 50 registered

1 voters in the fire district, with the office of the judge of
2 probate, who shall then order a referendum to be held in the
3 fire district on the question of establishing a fire
4 protection service fee for the fire district. Section 9 shall
5 apply to all elections provided for by this act.

6 (b) The petition shall contain the name and
7 description of the fire district area and shall request the
8 judge of probate to call an election on the following
9 question:

10 "Do you favor the assessment of a fire protection
11 service fee in the amount of \$_____ a month collected annually
12 with property tax payments for the purpose of funding fire
13 protection services in this volunteer fire district? Yes ___ No
14 ___."

15 (c) The fee may not exceed six dollars (\$6) a month.

16 Section 6. (a) If a majority of the votes cast at
17 the election are affirmative votes, the fire protection
18 service fee on each residence, dwelling, and business within
19 the geographic boundaries of the fire district shall become
20 effective on the first day of the next month following
21 approval and shall be paid within one year following approval.
22 For the purposes of this act, a "dwelling" shall be defined as
23 any building, structure, or other improvement to real property
24 used or expected to be used as a dwelling or residence for one
25 or more human beings, including, but not limited to, (1) a
26 building, structure, or improvement assessed for purposes of
27 state and county ad valorem taxation, as Class III

1 single-family owner-occupied residential property, (2) a
2 duplex or an apartment building, and (3) any mobile home or
3 house trailer. A building, structure, or other improvement
4 shall be classified as a dwelling if either of the following
5 apply:

6 (1) It is wholly or partially vacant or uninhabited
7 at any time during the year for which a fire protection
8 service fee is or is to be levied.

9 (2) It is also used or expected to be used
10 simultaneously for a purpose, whether or not commercial in
11 nature, other than as a dwelling or residence.

12 (b) The fire protection service fee may not be
13 construed as a tax on property. The fees shall be levied for
14 the purpose of funding fire protection services to dwellings
15 and businesses under this act.

16 (c) The fire protection service fee for a district
17 may not be increased for a period of five years after approval
18 of the initial fire protection service fee. Any increase in
19 the amount of the fee may not be effective until after the
20 approval at a referendum election held for the purpose of
21 increasing the fee.

22 (d) If a majority of the votes cast at the election
23 are negative, another election for setting the amount of the
24 fire protection fee may not be held for two years from the
25 time of the prior election.

26 Section 7. Any person who meets the requirements of
27 Sections 40-9-19 and 40-9-21, Code of Alabama 1975, as last

1 amended, for the over 65 disability special homestead
2 exemption shall be exempt from paying the fire protection
3 service fee.

4 Section 8. (a) The fire protection service fee shall
5 be collected with taxes and shall be collected, administered,
6 and enforced as closely as possible at the same time, in the
7 same manner, and under the same requirements and laws as are
8 the ad valorem taxes of the state. In the case of mobile
9 homes, the fee shall be collected, administered, and enforced
10 as closely as possible at the same time, in the same manner,
11 and under the same requirements and laws as the annual
12 registration fee for manufactured homes provided in Section
13 40-12-255, Code of Alabama 1975. The fire protection fee shall
14 begin to be assessed at the beginning of the month after the
15 approval of the fee and shall be collected annually with
16 annual property tax payments. The proceeds of the collected
17 fees, minus an administration fee not to exceed three percent,
18 shall be paid to the respective volunteer fire district or to
19 the City of Russellville.

20 (b) Funds paid to the volunteer fire districts shall
21 only be expended for fire protection and emergency services
22 purposes, to include the purchase of vehicles and equipment,
23 erect and maintain fire stations, daily operations, training,
24 supplies, and insurance. No portion of the fire protection fee
25 collected pursuant to this act may be used for salaries or
26 payments to firefighters in any manner. Each volunteer fire
27 district receiving funds shall maintain financial records in

1 accordance with the Financial and Compliance Guidelines for
2 Volunteer Fire Departments, August 2009, of the Department of
3 Examiners of Public Accounts. Funds distributed to the City of
4 Russellville shall be used for the operation of the fire
5 department.

6 Section 9. (a) The election laws governing the
7 registration of voters, equipment at polling places,
8 furnishing of supplies, appointment of election officers,
9 voting, and canvassing returns at a general election shall
10 apply to the elections for fire district funding.

11 (b) When a petition for the holding of an election
12 is filed with the judge of probate not less than 30 days and
13 not more than 90 days prior to some other election to be held
14 in the territory in which the election is sought by the
15 petition, the judge of probate shall order the election sought
16 by the petition to be held the same day as the other election
17 held. The county governing body shall pay for the necessary
18 expenses of advertising and conducting the election out of the
19 general funds of the county.

20 (c) The judge of probate shall give notice of any
21 election held under Section 5, publishing for three weeks, at
22 least once a week, on the same day of each week, in a
23 newspaper of general circulation in the territory where the
24 election is to be held, a notice that on the day fixed for the
25 election, the location of the election, and the questions to
26 be voted on shall be submitted to the electors of the
27 territory.

1 Section 10. Upon dissolution or abandonment of any
2 eligible volunteer fire district, any remaining funds derived
3 from this act or any assets purchased with the funds derived
4 from this act, after all indebtedness has been satisfied,
5 shall be transferred to the association. The funds and assets
6 shall be reallocated to remaining volunteer fire districts
7 that provide fire protection services for the dissolved or
8 abandoned area. In the event there are no remaining volunteer
9 fire districts, the funds or assets shall be distributed to
10 remaining volunteer fire departments in the county. Upon
11 dissolution or abandonment of the fire district, the
12 collection of fire protection service fees shall cease unless
13 a new district is formed within 30 days to replace the
14 dissolved or abandoned district.

15 Section 11. A fire district shall be exempt from all
16 taxes levied by any county, municipality, or other political
17 subdivision of the state, including, but not limited to,
18 license, utility, and excise taxes imposed for engaging in any
19 of the activities of the district. The district shall be
20 exempt from any fees, taxes, or costs related to its
21 incorporation, or recording of any document in the office of
22 the judge of probate in the county.

23 Section 12. The personnel of volunteer fire
24 districts provided for in this act may not be considered as
25 employees, servants, or agents of the county and the members
26 of the county commission and the employees of the county may
27 not be liable in either their official capacity or private

1 capacity for the actions of the personnel of the volunteer
2 fire districts.

3 Section 13. This act is supplemental and may not be
4 construed to repeal any law not in conflict with this act. The
5 county commission of Franklin County shall retain the right to
6 set district lines, except as provided in this act.

7 Section 14. This act shall become effective
8 immediately following its passage and approval by the
9 Governor, or its otherwise becoming law.