

HB355 INTRODUCED



1 HB355
2 Z07EKK-1
3 By Representative Yarbrough (N & P)
4 RFD: Local Legislation
5 First Read: 21-Mar-24



1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

A BILL
TO BE ENTITLED
AN ACT

Relating to Lawrence County; to provide for the formation of fire districts by the county commission and municipalities; to provide by voter approval for the funding of fire districts by fire protection fees with collection by the revenue commissioner; to further provide for election procedures; and to repeal Act 92-409 of the 1992 Regular Session (Acts 1992, p. 838), now appearing as Part 2, Article 14, Chapter 40 of Title 45, Code of Alabama 1975.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. This act applies only to Lawrence County.

Section 2. For the purposes of this act, the following words have the following meanings:

(1) BUSINESS. Any occupation or enterprise that requires purchase of a business license, regardless of whether the occupation or enterprise is the sole occupant of a structure or shares the structure with at least one other occupation, enterprise, or a dwelling.

(2) DISTRICT BOARD. A board of directors of a fire district as authorized by the county commission or a municipal governing body pursuant to Chapter 89, Title 11, Code of



HB355 INTRODUCED

29 Alabama 1975.

30 (3) DWELLING. A structure that is inhabited for at
31 least a part of a calendar year as a residence by at least one
32 individual regardless of whether it is also used for a
33 nonresidential purpose, including all of the following:

34 a. A structure assessed for the purpose of ad valorem
35 taxation as a Class III single-family, owner-occupied
36 residential property.

37 b. A unit in a condominium, duplex, or apartment
38 building.

39 c. A manufactured home, mobile home, or house trailer.

40 (4) INCORPORATED AREA. Any area within Lawrence County
41 which is within the corporate limits of a municipality.

42 (5) LEVY. Any introduction of a fire protection fee or
43 the increase of an existing fire protection fee.

44 (6) MUNICIPAL GOVERNING BODY. The governing body of a
45 municipality as defined in Section 11-89-1, Code of Alabama
46 1975.

47 (7) UNINCORPORATED AREA. Any area within Lawrence
48 County which is outside the corporate limits of a
49 municipality.

50 Section 3. (a) Any volunteer fire department that
51 serves an area within Lawrence County may apply to incorporate
52 as a fire district pursuant to Chapter 89, Title 11, Code of
53 Alabama 1975.

54 (b) The application shall be filed with the county
55 commission if the proposed fire district is for an
56 unincorporated area or with the municipal governing body and



HB355 INTRODUCED

57 the county commission if the proposed fire district includes
58 incorporated and unincorporated areas.

59 (c) A fire district authorized by the county
60 commission, or the county commission and a municipal governing
61 body if applicable, may upon incorporation provide for its
62 governance under bylaws best suited to the needs of the fire
63 district.

64 Section 4. (a) Fire protection may be funded by a fee
65 collected from a business or dwelling located in any fire
66 district.

67 (b) A fire protection fee may not be assessed on any of
68 the following:

69 (1) A school, church, hospital, or senior care
70 facility.

71 (2) A building used for fire protection or emergency
72 rescue service.

73 (3) A building or structure used primarily for
74 agricultural purposes.

75 (4) A structure or any part of a structure occupied by
76 a political subdivision of the State of Alabama.

77 (5) Any structure owned and used exclusively by any
78 fraternal veterans organization, community service
79 organization, or fraternal lodge as provided in Section
80 40-9-1, Code of Alabama 1975.

81 (6) Any structure owned or used by the Alabama National
82 Guard.

83 (7) The dwelling of any individual who is 65 years of
84 age or older having a net annual taxable income of twelve



HB355 INTRODUCED

85 thousand dollars (\$12,000) or less as shown on that
86 individual's latest United States income tax return or, if the
87 individual is not required to file a United States income tax
88 return, as shown by an affidavit attesting that the net annual
89 taxable income for the preceding tax year was twelve thousand
90 dollars (\$12,000) or less.

91 (c) (1) Fire protection fee revenue shall only be spent
92 on the expenses of providing fire protection and related
93 emergency services within the district in which the fee is
94 collected, including training, salaries, supplies,
95 administration, buildings, capital improvements, equipment,
96 insurance, and professional services.

97 (2) Fire protection fee revenue may not be spent for
98 food and drink, social activities, or fundraising.

99 Section 5. (a) A municipal governing body shall
100 determine, in consultation with the district board, the amount
101 of any fire protection fee to be levied in that municipality's
102 incorporated area of a fire district and approve the proposed
103 fee by ordinance without an election.

104 (b) (1) A fire protection fee for an unincorporated area
105 may not be levied unless the fee has been approved for
106 collection by the county revenue commissioner by a majority of
107 the votes cast by the qualified electors residing in the
108 unincorporated area of a fire district according to the
109 following steps:

110 a. A district board shall determine the proposed amount
111 of a fire protection fee for an unincorporated area of a fire
112 district subject to approval by the county commission.



HB355 INTRODUCED

113 b. Immediately upon approval of the proposed amount by
114 the county commission, the county commission shall pass a
115 resolution requesting that the judge of probate call an
116 election on one of the following questions:

117 1. "Do you favor the assessment of a fee in the amount
118 of \$__ a month, to be collected annually with property tax
119 payments by the county revenue commissioner for the purpose of
120 funding fire protection services in this fire district?

121 Yes__ No__."

122 2. "Do you favor raising the existing fee from the
123 current amount of \$__ a month to the amount of \$__ a month, to
124 be collected annually with property tax payments by the county
125 revenue commissioner for the purpose of funding fire
126 protection in this fire district?

127 Yes__ No__."

128 c. When the county commission has filed the resolution
129 with the office of the judge of probate, the judge of probate
130 shall order an election on the question to be held in the fire
131 district not less than 60 nor more than 360 days from the date
132 of submission of the request. The judge of probate may order
133 that the vote be taken in conjunction with the next scheduled
134 statewide or countywide election.

135 d. The county commission shall pay all expenses of the
136 election held in the fire district unless the election is held
137 in conjunction with a statewide or countywide election, in
138 which case the district board shall pay all expenses of the
139 election not otherwise reimbursed by a governmental agency.

140 e. The district board shall be responsible for



HB355 INTRODUCED

141 publishing the notice of the election, which shall specify the
142 amount of the fire protection fee proposed to be levied. No
143 later than 30 days before the election, the notice shall be
144 published by posting it on the website of the county, at the
145 office of the county commission, and prominently on or within
146 at least three public or commercial buildings located within
147 the unincorporated area of the fire district which are
148 frequented by the public.

149 (2) If a majority of qualified electors in the
150 unincorporated area of a fire district approve the levy of the
151 fire protection fee, another election on levy of a fire
152 protection fee may not be held within five years of the
153 election. If a majority of the qualified electors in the
154 unincorporated area of a fire district disapprove the levy of
155 the fire protection fee, another election on levy of the fire
156 protection fee may not be held within two years of the
157 election.

158 (c) Any fire protection fee levied pursuant to this
159 section shall be collected by the revenue commissioner of the
160 county.

161 (1) The fire protection fee as levied shall be assessed
162 on the basis of a year beginning October 1 and ending
163 September 30, with a new assessed rate starting on the October
164 1 immediately following approval by the municipal governing
165 body or the qualified electors.

166 (2) The fire protection fee shall be assessed at the
167 same rate for a business and a dwelling.

168 (3) The fire protection fee shall be collected at the



HB355 INTRODUCED

169 same time each year as ad valorem taxes.

170 (4) The revenue commissioner of the county shall
171 dispense the fire protection fee revenue to the fire district
172 on terms as agreed upon by the revenue commissioner and the
173 district board.

174 (5) The district board may provide that when a person
175 has been delinquent for more than 60 days in paying the annual
176 fire protection fee due, the person shall be liable for, in
177 addition to the fire protection fee, a reasonable late fee
178 subject to the approval of the county commission or the
179 municipal governing body and any costs and attorney fees
180 incurred by the fire district in collecting the fire
181 protection fee.

182 Section 6. (a) This act does not supersede any valid
183 act relating to fire service fees in the county.

184 (b) If a fire protection fee has not been levied for
185 any unincorporated area pursuant to section 5, any district
186 board may fix, revise, and collect a reasonable fee for fire
187 protection as provided under Chapter 89, Title 11, Code of
188 Alabama 1975.

189 Section 7. No fire district shall have the power to
190 exercise eminent domain.

191 Section 8. A fire district shall have primary
192 responsibility in its area as defined pursuant to Chapter 89,
193 Title 11, Code of Alabama 1975, for all fire and related
194 emergency incidents that are not the primary responsibility of
195 law enforcement authorities.

196 Section 9. Any individual serving as chief of a fire



HB355 INTRODUCED

197 district created pursuant to this act, at the request of the
198 state Fire Marshal, shall provide support and assistance in
199 carrying out the duties imposed by Article 1, Chapter 19,
200 Title 36, Code of Alabama 1975.

201 Section 10. Act 92-409 of the 1992 Regular Session
202 (Acts 1992, p. 838), now appearing as Part 2, Article 14,
203 Chapter 40 of Title 45, Code of Alabama of 1975, providing for
204 the levy of a fire protection services and emergency medical
205 care fee, is repealed.

206 Section 11. This act shall become effective on October
207 1, 2024.