

## HB321 INTRODUCED



1 HB321  
2 HGNWY68-1  
3 By Representative Colvin (N & P)  
4 RFD: Local Legislation  
5 First Read: 22-Jan-26



A BILL  
TO BE ENTITLED  
AN ACT

Relating to Marshall County; to amend Sections 45-48-142.22, 45-48-142.24, and 45-48-142.26, Code of Alabama 1975; to authorize the Marshall County Commission to annex new areas into existing volunteer fire districts; to define "business property" and "dwelling" for the application of a fire service fee; to include recreational vehicles, mobile homes, and tiny homes; to impose a delinquent fee, citation fee, and a penalty for late payments; to authorize the revenue commissioner to collect the fees and penalties; and to require the revenue commissioner to create reports of the assessment, collection, and distribution of the fees.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Sections 45-48-142.22, 45-48-142.24, and 45-48-142.26, Code of Alabama 1975, are amended to read as follows:

"§45-48-142.22

(a) The Marshall County Commission shall request the Marshall County Association of Fire Departments and Rescue Squads to develop a plan that defines the requirements of a district, monitors its performance and adherence to



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requirements, and provides for dissolution of the volunteer fire district.

(b) Existing volunteer fire departments with their respective geographic service coverage area as defined by Marshall County E911 on May 22, 2013, may be established as a fire district pursuant to this subpart. The volunteer fire department shall be certified by the Alabama Forestry Commission, Section 9-3-17, and an existing member of the Marshall County Association of Fire Departments and Rescue Squads. The requesting volunteer fire department shall submit a request to the Marshall County Association of Fire Departments and Rescue Squads (association), which shall review and verify the request information pursuant to the association's qualification plan and then submit a recommendation to the Marshall County Commission for the final decision of approval for a fire district.

(c) New volunteer fire districts may be formed in accordance with requirements defined by Section 9-3-17; the Marshall County Association of Fire Departments and Rescue Squads plan provided for pursuant to this subpart; and Part 8, commencing with Section 45-48-247, of Article 24 of this chapter; and approval by the county commission.

(d) (1) The qualified electors of a municipality, township, or other articulable geographic area in the county may file a petition, signed by at least five percent of the number of qualified electors therein who voted in the last general election, with the county commission requesting the area to be annexed into an adjacent, existing voluntary fire



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district.

(2) The commission may hold a hearing on the petition to allow individuals who live in the area to comment before the county commission votes on the approval of the annexation.

(3) If the existing service coverage area is subject to a fire protection service fee pursuant to Sections 45-48-142.23 and 45-48-142.24, the following procedures shall apply:

a. The county commission is required to hold the hearing under subdivision (2).

b. The county commission must notify all individuals who shall be subject to the fee regarding the hearing and the possibility of annexation.

c. If the county commission approves the annexation, the fee shall be applied to the entirety of the municipality, township, or other articulable geographic area."

"§45-48-142.24

(a) For the purposes of this article, the following terms have the following meanings:

(1) BUILDING, STRUCTURE, OR OTHER IMPROVEMENT. Any structure that may be entered and used by individuals for business, public use, lodging, or the storage of goods.

(2) BUSINESS ENTITY. A corporation, association, partnership, limited liability company, limited liability partnership, or any other legal entity that files state business related taxes and that engages in acts or practices in any trade or commerce.

(3) BUSINESS PROPERTY. A building, structure, or other



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improvement owned, leased, or rented by a business entity and used in furtherance of the business. The property may be a standalone structure or designated space within a larger structure. The property may include a portable structure, trailer, food truck, or other vehicle.

(4) DWELLING. A building, structure, or other improvement used or regularly used by an individual for sleeping, living, or lodging.

(5) TINY HOME. A small house or mobile home that has a floor plan of less than 500 square feet.

(b) (1) If a majority of the votes cast at ~~the election~~ a referendum held under Section 45-48-142.23 are affirmative votes, the fire service fee ~~on each residence, dwelling, and business within the geographic boundaries of the fire district~~ shall become effective on the first day of the next month following approval and shall be paid within one year following approval. ~~For the purpose of this subpart, a dwelling shall be defined as any building, structure, or other improvement to real property used or expected to be used as a dwelling or residence for one or more human beings, including specifically and without limiting the generality of the foregoing:~~

~~(1) A building, structure, or improvement assessed for purposes of state and county ad valorem taxation, as Class III single-family owner-occupied residential property.~~

~~(2) A duplex or an apartment building.~~

~~(3) Any mobile home or house trailer.~~

(2) The fee shall apply to all dwellings and business properties in the geographic boundaries of the fire district,



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including, but not limited to, the following:

a. Buildings, structures, or other improvements assessed for the purposes of state or county ad valorem taxation as Class III single family owner-occupied or renter-occupied residential property.

b. Dwelling units where each unit is separated by structural partitions or walls and the units do not share mechanical systems or utilities. Each unit shall have the fee applied separately.

c. Portable or movable buildings, structures, or other improvements that are used as a dwelling and connected to utilities.

d. Recreational vehicles placed on owned or rented property which are connected to utilities or furnished with self-contained utilities. The fee shall not apply to recreational vehicles that are in storage and not connected to utilities, regardless of whether in commercial storage or on the owner's property.

e. Mobile homes, tiny homes, and manufactured homes.

(3)a. If a dwelling or business property consists of two or more units separately occupied or secured by different owners, renters, or business entities, a separate fee shall be assessed for each separate unit or space located within the building, structure, or other improvement.

b. A business entity that operates from a dwelling, and thereby makes the dwelling a business property, shall have the fee apply to the building, structure, or improvement only once.



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~~(b)~~ (c) A building, structure, or other improvement shall be classified as a dwelling for the purposes of this ~~subpart~~ article notwithstanding either of the following:

(1) That it is wholly or partially vacant or uninhabited at any time during the year for which a fire protection service fee with respect thereto is or is to be levied.

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

~~(e)~~ (d) The fire protection service fee shall not be construed as a tax on property. The fees shall be levied for the purpose of funding fire protection services to dwellings and businesses under this subpart.

~~(d)~~ (e) The fire protection fee for a district may not be increased for a period of five years after approval of the initial fire protection service fee. Any increase in the amount of the fee shall not be effective until after the approval at a referendum election held for the purpose of increasing the fee.

~~(e)~~ (f) If a majority of the votes cast at the election are negative, another election for setting the amount of the fire protection fee shall not be held for two years from the time of the prior election. "

"§45-48-142.26

(a) (1) The revenue commissioner shall collect, administer, and enforce the fire protection service fee ~~shall be collected, administered, and enforced as closely as~~



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possible at the same time, in the same manner, and under the same requirements and laws as ~~are~~ the ad valorem taxes of the state. In the case of mobile homes, the fee shall be collected, administered, and enforced as closely as possible at the same time, in the same manner, and under the same requirements and laws as the annual registration fee for manufactured homes provided in Section 40-12-255.

(2)a. The revenue commissioner shall collect a delinquent fee of twenty-five dollars (\$25) from owners of property subject to the fee under Section 45-48-142.24 who have failed to pay their service fee by the time required by the revenue commissioner.

b. The revenue commissioner shall issue citations to owners of property covered under Section 45-48-142.24 for failure to pay a fire service fee or a delinquent fee under paragraph a.

c. The revenue commissioner shall enforce the delinquent fees and the unpaid balance of the fire service fee as an equitable lien against the property subject to the fire service fee when the fire service fee has not been paid.

(3) The proceeds of the collected fees, minus an administration fee not to exceed five percent, shall be paid to the respective volunteer fire districts. The delinquent fee and citation fee imposed under subdivision (2) shall be distributed in the same manner as the fire service fee.

(b) Funds paid to the volunteer fire districts shall only be expended for fire protection and emergency services purposes to include the purchase of vehicles and equipment,





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daily operations, training, supplies, and insurances. Each fire district receiving funds shall maintain financial records in accordance with the Financial and Compliance Guidelines for Volunteer Fire Departments, August 2009, of the Department of Examiners of Public Accounts.

(c) By September 15th of each year, the volunteer fire district receiving fire protection service fees shall file a financial statement with the county commission detailing the receipt and expenditure of all funds generated by this subpart during the previous 12-month period. The filing shall also account for all unspent funds and whether the unspent funds have been obligated. The county commission shall supply the accounting forms to each eligible fire district.

(d) (1) The revenue commissioner shall issue monthly fire protection service fee financial reports detailing the assessment, collection, and distribution of the fee. The revenue commissioner shall create separate reports for each fire district.

(2) The revenue commissioner shall deliver a copy of each report to the corresponding volunteer fire department, the county commission, and the Marshall County Association of Fire Departments and Rescue Squads. Once delivered, the revenue commissioner shall make each report publicly available."

Section 2. This act shall become effective on October 1, 2026.