

1 HB106  
2 173253-1  
3 By Representative Hanes  
4 RFD: Public Safety and Homeland Security  
5 First Read: 03-FEB-16

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8 SYNOPSIS: This bill would require existing  
9 non-volunteer fire departments in the state that  
10 have firefighters on duty eight hours or more per  
11 day to install in the fire station building, within  
12 five years of the effective date of this act, a  
13 diesel exhaust system that captures the apparatus  
14 exhaust.

15 This bill would require any new construction  
16 of a fire station to include in the design the  
17 installation of a diesel exhaust system, or if the  
18 design process is complete and construction has  
19 already commenced, this bill would require a diesel  
20 exhaust system be installed within five years of  
21 the effective date of this act.

22 This bill would exempt a fire station with  
23 an existing filter-type system unless the system  
24 needs replacing.

25 Amendment 621 of the Constitution of Alabama  
26 1901 prohibits a general law whose purpose or  
27 effect would be to require a new or increased

1 expenditure of local funds from becoming effective  
2 with regard to a local governmental entity without  
3 enactment by a 2/3 vote unless: it comes within one  
4 of a number of specified exceptions; it is approved  
5 by the affected entity; or the Legislature  
6 appropriates funds, or provides a local source of  
7 revenue, to the entity for the purpose.

8 The purpose or effect of this general law  
9 would be to require a new or increased expenditure  
10 of local funds within the meaning of Amendment 621.  
11 If this bill is not enacted by a 2/3 vote, it will  
12 not become effective with regard to a local entity  
13 unless approved by the local entity or until, and  
14 only as long as, the Legislature appropriates funds  
15 or provides for a local source of revenue.

16  
17 A BILL  
18 TO BE ENTITLED  
19 AN ACT

20  
21 Relating to non-volunteer fire departments; to  
22 require a diesel exhaust system be installed in the fire  
23 station building within a certain time frame and under certain  
24 conditions; to provide exemptions; and in connection therewith  
25 would have as its purpose or effect the requirement of a new  
26 or increased expenditure of local funds.

27 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

1           Section 1. (a) This act shall apply only to  
2 non-volunteer fire departments in the state that have  
3 firefighters on duty eight hours or more per day.

4           (b) Any existing fire station that does not have a  
5 diesel exhaust system that captures the apparatus exhaust  
6 installed in the fire station building shall install a diesel  
7 exhaust system that captures the apparatus exhaust within five  
8 years of the effective date of this act.

9           (c) The construction of any new fire station, where  
10 the design process for the fire station begins after the  
11 effective date of this act, shall have a diesel exhaust system  
12 incorporated in the design that captures diesel exhaust in the  
13 apparatus bay designed to house the apparatus truck. The fire  
14 station shall also have a separate room sealed from the  
15 apparatus bay to store the protective gear used by the  
16 firefighters of the station.

17           (d) Any new construction of a fire station that  
18 commenced before the effective date of this act that does not  
19 have a diesel exhaust system included in the design of the  
20 fire station shall be required to install, within five years  
21 of the effective date of this act, a diesel exhaust system  
22 that captures the apparatus exhaust.

23           (e) A fire station with an existing filter-type  
24 system in place on the effective date of this act is exempt  
25 from the provisions of this act, unless the existing  
26 filter-type system of the fire station needs replacing, and

1 then the fire station shall comply with the provisions of this  
2 act.

3 Section 2. This bill would have as its purpose or  
4 effect the requirement of a new or increased expenditure of  
5 funds, and thus, must be enacted by a 2/3 vote in order to be  
6 effective with regard to a local entity, unless approved by  
7 the local entity or until, and only as long as, the  
8 Legislature appropriates funds or provides for a local source  
9 of revenue.

10 Section 3. This act shall become effective on the  
11 first day of the third month following its passage and  
12 approval by the Governor, or its otherwise becoming law.