

1 HB660  
2 136085-4  
3 By Representatives Rich and Long (N & P)  
4 RFD: Local Legislation  
5 First Read: 10-APR-12

2  
3  
4  
5  
6  
7  
8  
9 A BILL  
10 TO BE ENTITLED  
11 AN ACT  
12

13 Relating to Marshall County; to provide that the  
14 county commission, under certain conditions, may establish  
15 volunteer fire districts; to authorize a referendum in each  
16 district to provide funding for the district through either a  
17 meter fee or a service fee on each occupied residence or  
18 dwelling; and to provide for the collection and distribution  
19 of the moneys.

20 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

21 Section 1. The Marshall County Commission may  
22 establish one or more volunteer fire districts within the  
23 geographic boundaries of the county. Each volunteer fire  
24 district shall be the same as the service area of a volunteer  
25 fire department that is certified by the Alabama Forestry  
26 Commission pursuant to Section 9-3-17, Code of Alabama 1975.

1                   Section 2. (a) Once the county commission  
2 establishes the geographic boundaries of a district, the  
3 qualified electors of each district may call for a referendum  
4 establishing a manner of funding the district pursuant to  
5 subsection (c).

6                   (b) The referendum shall provide one of the  
7 following methods for funding the district:

8                   (1) A fire protection service fee not to exceed one  
9 hundred twenty dollars (\$120) per year on each occupied  
10 residence or dwelling and business in the geographic  
11 boundaries of the district to be collected by the revenue  
12 commissioner and distributed to the volunteer fire district.  
13 For purposes of this subdivision, residence or dwelling means  
14 any building, structure, mobile home or house trailer, or  
15 other improvement to real property used or expected to be used  
16 as a dwelling or residence.

17                   (2) A water meter fee of up to ten dollars (\$10) per  
18 month on each water customer in the geographic boundaries of  
19 the district to be collected by the water board or authority  
20 serving the area and distributed to the volunteer fire  
21 district.

22                   (3) An electric meter fee of up to ten dollars (\$10)  
23 per month on each electric customer within the geographic  
24 boundaries of the district to be collected by all public  
25 utilities that provide electric service to customers in the  
26 district and distributed to the volunteer fire district.

1 (c) The qualified electors of any district within  
2 the county by referendum may authorize a fee to provide for  
3 the funding of the district by submitting to the probate judge  
4 a petition signed by at least five percent of the electors of  
5 the district who voted in the last gubernatorial election. The  
6 petition shall specify which one of the funding options  
7 authorized pursuant to subsection (a) shall be used to fund  
8 the fire district. The volunteer fire department shall conduct  
9 the referendum and the department shall publish notice of the  
10 referendum in a newspaper of general circulation in the area  
11 once a week for three weeks. All expenses of the referendum  
12 shall be paid by the volunteer fire department. On the ballot  
13 used in the referendum election, the question shall appear in  
14 substantially the following form:

15 "Do you favor the assessment of a (meter fee/fire  
16 protection service fee) in the amount of \_\_\_\_\_ (dollars) for  
17 the purpose of funding a volunteer fire district?"

18 (d) If the meter fee or service fee is approved by  
19 the qualified electors of the district, the entity responsible  
20 for collecting the utility charges shall begin collecting the  
21 fee on the next month's bill and distribute the proceeds, less  
22 the administrative fee, to the volunteer fire district. If the  
23 voters approve the fire protection service fee, the revenue  
24 commissioner shall begin collecting the fee, and distribute  
25 the proceeds, less the administrative fee, to the volunteer  
26 fire district. The entity or official collecting the meter fee  
27 or fire protection service fee may retain as an administrative

1 fee five percent of the proceeds of the meter fee or fire  
2 protection service fee. If the county commission subsequently  
3 establishes a new district, any fee to fund the new district  
4 must be approved by the voters of the new district in the  
5 manner provided in subsection (c).

6 (e) Any person who is one hundred percent (100%)  
7 disabled as defined by the State of Alabama, or 65 years of  
8 age or older having a net annual taxable income of seven  
9 thousand five hundred dollars (\$7,500) or less, as shown on  
10 the person's and spouse's latest United States income tax  
11 return shall be exempt from paying the fire protection  
12 service/meter fee. In the event that the person and spouse are  
13 not required to file a United States income tax return, then  
14 an affidavit indicating that the net taxable income of the  
15 person and spouse for the preceding taxable year was seven  
16 thousand five hundred dollars (\$7,500) or less shall be  
17 sufficient proof. Proof of age shall be furnished when the  
18 exemption provided herein is claimed.

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