

1 HB557  
2 164456-1  
3 By Representative Lindsey (N & P)  
4 RFD: Local Legislation  
5 First Read: 23-APR-15

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9 A BILL  
10 TO BE ENTITLED  
11 AN ACT  
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13 Relating to Cleburne County; to provide for an  
14 additional fire protection service fee on certain owners of  
15 dwellings, commercial buildings, and agricultural buildings in  
16 the county to be collected by the revenue commissioner at the  
17 same time as ad valorem taxes; to provide certain exemptions;  
18 to provide for collection of the fee; to provide for  
19 distribution of the funds to Cleburne County Search and Rescue  
20 and to the Cleburne County Association of Volunteer Fire  
21 Department, Inc.; to provide for the expenditure of the funds;  
22 and to provide that failure to pay to fee shall constitute a  
23 lien on the property.

24 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

25 Section 1. (a) Pursuant to the authority granted by  
26 Amendment 586 of the Constitution of Alabama of 1901, now  
27 appearing as Cleburne County, Section 2, Local Amendment of

1 the Official Recompile, in addition to all other service  
2 fees or taxes now or hereafter provided by law, there shall be  
3 levied a fire protection service fee of fifty dollars (\$50)  
4 per year on each residence or dwelling, one hundred fifty  
5 dollars (\$150) per year on each commercial business at a  
6 specified location, and thirty dollars (\$30) per year on each  
7 agricultural building in excess of 2,000 square feet.

8 (b) For purposes of this act, a residence or  
9 dwelling shall be defined as any building, structure, or other  
10 improvement to real property used or expected to be used as a  
11 dwelling or residence for one or more human beings, including,  
12 but not limited to:

13 (1) Any building, structure, or improvement  
14 assessed, for the purposes of state and county ad valorem  
15 taxation, as "Class III" single-family owner-occupied  
16 residential property.

17 (2) Any mobile home or house trailer used or  
18 expected to be used as a dwelling or residence for one or more  
19 human beings.

20 (c) Any buildings, structure, or other improvement  
21 shall be classified as a dwelling for purposes of this act  
22 notwithstanding:

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

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

4           (d) For the purposes of this act, a commercial  
5 building shall be defined as any building, structure, or other  
6 improvement to real property used or expected to be used for  
7 commercial or business purposes including rental or lease  
8 property. A duplex or apartment building or other rental  
9 residential property is considered a commercial building if  
10 used for rental or lease income. The term commercial building  
11 shall not apply to any school, church, senior citizen  
12 facility, or any building used primarily for volunteer fire  
13 services and shall not apply to any building or structure used  
14 primarily for agricultural purposes or poultry production by  
15 the owner or an employee of an agricultural or poultry  
16 business or concern.

17           (e) The service fee shall not be construed as a tax  
18 on property. The service fee shall be levied for the purposes  
19 of funding fire protection services under this act.

20           (f) Any person exempt from the payment of ad valorem  
21 taxes pursuant to Section 91 of the Constitution of Alabama of  
22 1901, any person age 65 or older exempt from paying property  
23 tax in Cleburne County in partial or in whole, or anyone,  
24 regardless of age, who is exempt due to total and permanent  
25 disability or who is blind shall also be exempt from paying  
26 the fee levied by this act.

1           (g) Failure to pay the service fee shall constitute  
2 a lien of the property.

3           Section 2. (a) The fire protection service fee shall  
4 be collected by the revenue commissioner and shall be  
5 administered and enforced in the same manner and under the  
6 same requirements and laws as are the ad valorem taxes of this  
7 state. In the case of mobile homes, the fee shall be  
8 collected, administered, and enforced at the same time, in the  
9 same manner, and under the same requirements and laws as the  
10 annual registration fee for manufactured homes provided in  
11 Section 40-12-255, Code of Alabama 1975. The proceeds of the  
12 fee shall be paid into a special county fire services fund no  
13 later than February 1. Within 30 days of payment into the  
14 special fund, the county commission shall transfer fifteen  
15 thousand dollars (\$15,000) of the funds to Cleburne County  
16 Search and Rescue and the remainder of the funds to the  
17 Cleburne County Association of Volunteer Fire Departments,  
18 Inc. Up to three percent of the fee may be distributed to the  
19 Cleburne County Commission for administrative costs incurred  
20 for the collection, expending, and accounting for the funds.

21           (b) The proceeds of the service fee shall be used  
22 for fire equipment purchases to be determined on a needs basis  
23 by the Cleburne County Association of Volunteer Fire  
24 Departments, Inc. The equipment shall be purchased by the  
25 association and ownership transferred to the volunteer fire  
26 department receiving it. Up to ten thousand dollars (\$10,000)  
27 per year of the service fee may be expended as determined by

1 the association on training to use the equipment purchased.  
2 Should Cleburne County Search and Rescue cease to exist, the  
3 portion of the service fee distributed to it shall be  
4 distributed to the Cleburne County Association of Volunteer  
5 Fire Departments, Inc. The funds may not be expended for food,  
6 drink, or social activities, even if the purchase would be in  
7 conjunction with training.

8           Section 3. This act shall become effective  
9 immediately following its passage and approval by the  
10 Governor, or its otherwise becoming law.