

1 HB557
2 169244-2
3 By Representative Lindsey (N & P)
4 RFD: Local Legislation
5 First Read: 23-APR-15

ENGROSSED

A BILL
TO BE ENTITLED
AN ACT

Relating to Cleburne County; to provide for an additional fire protection service fee on certain owners of dwellings, commercial buildings, and agricultural buildings in the county to be collected by the revenue commissioner at the same time as ad valorem taxes; to provide certain exemptions; to provide for collection of the fee; to provide for distribution of the funds to Cleburne County Search and Rescue and to the Cleburne County Association of Volunteer Fire Department, Inc.; to provide for the expenditure of the funds; to provide that failure to pay to fee shall constitute a lien on the property; and to provide for a referendum.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. (a) Pursuant to the authority granted by Amendment 586 of the Constitution of Alabama of 1901, now appearing as Cleburne County, Section 2, Local Amendment of the Official Recompilation, in addition to all other service fees or taxes now or hereafter provided by law, there shall be levied a fire protection service fee of fifty dollars (\$50) per year on each residence or dwelling, one hundred fifty dollars (\$150) per year on each commercial business at a

1 specified location, and thirty dollars (\$30) per year on each
2 agricultural building in excess of 2,000 square feet.

3 (b) For purposes of this act, a residence or
4 dwelling shall be defined as any building, structure, or other
5 improvement to real property used or expected to be used as a
6 dwelling or residence for one or more human beings, including,
7 but not limited to:

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

12 (2) Any mobile home or house trailer used or
13 expected to be used as a dwelling or residence for one or more
14 human beings.

15 (c) Any buildings, structure, or other improvement
16 shall be classified as a dwelling for purposes of this act
17 notwithstanding:

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

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

24 (d) For the purposes of this act, a commercial
25 building shall be defined as any building, structure, or other
26 improvement to real property used or expected to be used for
27 commercial or business purposes including rental or lease

1 property. A duplex or apartment building or other rental
2 residential property is considered a commercial building if
3 used for rental or lease income. The term commercial building
4 shall not apply to any school, church, senior citizen
5 facility, or any building used primarily for volunteer fire
6 services and shall not apply to any building or structure used
7 primarily for agricultural purposes or poultry production by
8 the owner or an employee of an agricultural or poultry
9 business or concern. The terms commercial building, commercial
10 business, or dwelling shall not include any utility
11 distribution or transmission poles or towers or utility
12 substations.

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

16 (f) Any person exempt from the payment of ad valorem
17 taxes pursuant to Section 91 of the Constitution of Alabama of
18 1901, any person age 65 or older exempt from paying property
19 tax in Cleburne County in partial or in whole, or anyone,
20 regardless of age, who is exempt due to total and permanent
21 disability or who is blind shall also be exempt from paying
22 the fee levied by this act.

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

25 Section 2. (a) The fire protection service fee shall
26 be collected by the revenue commissioner and shall be
27 administered and enforced in the same manner and under the

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

14 (b) The proceeds of the service fee shall be used
15 for fire equipment purchases to be determined on a needs basis
16 by the Cleburne County Association of Volunteer Fire
17 Departments, Inc. The equipment shall be purchased by the
18 association and ownership transferred to the volunteer fire
19 department receiving it. Up to ten thousand dollars (\$10,000)
20 per year of the service fee may be expended as determined by
21 the association on training to use the equipment purchased.
22 Should Cleburne County Search and Rescue cease to exist, the
23 portion of the service fee distributed to it shall be
24 distributed to the Cleburne County Association of Volunteer
25 Fire Departments, Inc. The funds may not be expended for food,
26 drink, or social activities, even if the purchase would be in
27 conjunction with training.

1 Section 3. The fire protection service fees levied
2 by this act shall be subject to approval of the qualified
3 electors in Cleburne County in a referendum held at the next
4 primary election following the effective date of this act.

5 Section 4. This act shall become effective
6 immediately following its passage and approval by the
7 Governor, or its otherwise becoming law.

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House of Representatives

Read for the first time and re-
ferred to the House of Representa-
tives committee on Local Legisla-
tion..... 23-APR-15

Read for the second time and placed
on the calendar..... 05-MAY-15

Read for the third time and passed
as amended..... 14-MAY-15

Yeas 24, Nays 0, Abstains 73

Jeff Woodard
Clerk