

1 HB195  
2 196118-1  
3 By Representative Bracy (N & P)  
4 RFD: Mobile County Legislation  
5 First Read: 19-MAR-19

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9 A BILL  
10 TO BE ENTITLED  
11 AN ACT  
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13 Relating to Mobile County; to amend and reenact Act  
14 2015-258 of the 2015 Regular Session, authorizing the Mobile  
15 County Commission to create a North Mobile County Volunteer  
16 Fire Department Board to review and evaluate the delivery of  
17 volunteer fire services to property owners within the  
18 unincorporated area in Mobile County Commission District 1 and  
19 any incorporated area in the district served by a volunteer  
20 fire department; to provide further for the date to implement  
21 the fire protection and suppression plan and a fire protection  
22 and suppression service fee on certain owners of dwellings and  
23 commercial buildings in Mobile County Commission District 1;  
24 to provide for certain exemptions and collection of the  
25 service fee; to provide for audits; to provide that municipal  
26 funding shall not be diminished; and to provide for the  
27 distribution of funds derived from the service fee.

1 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

2 Section 1. Act 2015-258 of the 2015 Regular Session  
3 is amended and reenacted to read as follows:

4 "Section 1. This act shall only apply to Mobile  
5 County.

6 "Section 2. For the purposes of this act, the  
7 following words shall have the following meanings:

8 (1) COMMERCIAL BUILDING. Any building, structure, or  
9 other improvement to real property used or expected to be used  
10 for commercial or business purposes including rental property.  
11 The term does not include a school, church, senior citizens  
12 facility, or utility distribution or transmission poles or  
13 towers, utility substations, or any building used primarily  
14 for fire or emergency services.

15 (2) DWELLING. Any building, structure, or other  
16 improvement to real property used or expected to be used as a  
17 dwelling or residence for one or more human beings, including,  
18 but not limited to, any of the following:

19 a. A building, structure, or improvement assessed,  
20 for the purposes of state and county ad valorem taxation, as  
21 Class III single-family owner-occupied residential property.

22 b. A duplex or an apartment building.

23 c. Residential property used to generate rental  
24 income.

25 d. Any manufactured home or house or travel trailer  
26 used or expected to be used as a dwelling or residence for one  
27 or more human beings. A building, structure, or other

1 improvement shall be classified as a "dwelling" for purposes  
2 of this act notwithstanding the following:

3 1. That it is wholly or partially vacant or  
4 uninhabited at any time during the year for which a fire  
5 protection and suppression service fee with respect thereto is  
6 to be levied.

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

10 (3) VOLUNTEER FIRE DEPARTMENT. An organized group of  
11 area residents who meet the requirements of Section 9-3-17,  
12 Code of Alabama 1975.

13 "Section 3. (a) The Mobile County Commission may  
14 create a North Mobile County Volunteer Fire Department Board,  
15 hereinafter referred to as the "board."

16 (b) The jurisdiction of the board pursuant to this  
17 act shall be all unincorporated area in Mobile County  
18 Commission District 1 and any incorporated area in the  
19 district served by a volunteer fire department.

20 (c) The board shall be composed of five members who  
21 are qualified electors in the unincorporated area in Mobile  
22 County Commission District 1 or any incorporated area in the  
23 district served by a volunteer fire department and property  
24 owners subject to the fire protection and suppression service  
25 fee provided in this act. All members shall serve without  
26 compensation, and no member shall be a county officer or  
27 employee.

1 (d) The Mobile County Commission shall appoint the  
2 members of the board as follows: Three members shall be  
3 members of a volunteer fire department; one member shall be a  
4 representative or employee of a public water supplier; and one  
5 member shall be a member of the general public. The members of  
6 the board shall elect a chair for conducting business.  
7 Meetings of the board shall be held on call of the chair and  
8 at other times as the board may determine.

9 "Section 4. The board shall review and evaluate the  
10 delivery of volunteer fire services to owners of dwellings and  
11 commercial buildings within the unincorporated area in Mobile  
12 County Commission District 1 and any incorporated area in the  
13 district served by a volunteer fire department. The board  
14 shall study and evaluate fire suppression, emergency  
15 communication and dispatch, water supply and facilities, and  
16 the adequacy of fire protection within the district. The board  
17 shall also review and collect data regarding a reasonable fire  
18 protection and suppression service fee for funding fire  
19 protection, suppression, and emergency dispatch. The board  
20 shall report its findings to the Mobile County Commission no  
21 later than August 1, ~~2015~~ 2020. Thereafter, the board shall  
22 continue to serve in an advisory capacity as long as needed by  
23 the Mobile County Commission.

24 "Section 5. Upon receiving the report from the  
25 board, the Mobile County Commission shall adopt all rules  
26 necessary to provide for and facilitate the adequacy of fire  
27 protection services in Mobile County Commission District 1.

1 The county commission may impose a fire protection and  
2 suppression service fee not to exceed fifty dollars (\$50), on  
3 the owner or owners of any dwelling or commercial building in  
4 any unincorporated area in Mobile County Commission District 1  
5 or any incorporated area in the district served by a volunteer  
6 fire department.

7 "Section 6. The fire protection and suppression  
8 service fee shall be effective ~~October 1, 2015,~~ upon adoption  
9 by the Mobile County Commission and shall be billed and  
10 collected annually by the Mobile County Revenue Commissioner  
11 at the same time and in the same manner as the ad valorem tax  
12 bill of the state. In the event a fire protection and  
13 suppression service fee payable to a volunteer fire department  
14 district is assessed and paid on the property where the  
15 dwelling or commercial building is located, a credit against  
16 the fire protection and suppression service fee shall be given  
17 the owner for any amount assessed for a volunteer fire  
18 department district. No fire protection and suppression  
19 service fee shall be levied or collected on any commercial  
20 building on a governmental dedicated industrial park or on any  
21 commercial building owned by or on property where the business  
22 provides its own established fire protection department. The  
23 Mobile County Commission and the board shall provide to the  
24 Mobile County Revenue Commissioner the appropriate information  
25 for the billing and collection of the fire protection and  
26 suppression service fee.

1           "Section 7. The proceeds of the fire protection and  
2 suppression service fee levied shall be paid into the Mobile  
3 County General Fund. The Mobile County Commission may retain  
4 two percent of the funds to cover the cost of administration  
5 of the program and also an additional two percent shall be  
6 held by the county commission in a segregated account for  
7 future unexpected expenses of the volunteer fire departments  
8 covered under this act.

9           "Section 8. The remaining proceeds from this act  
10 shall be distributed among the volunteer fire departments  
11 serving residents in Mobile County Commission District 1 and  
12 which have written contracts with the Mobile County  
13 Commission. The funds may only be expended for fire  
14 protection, emergency medical services, training, supplies and  
15 equipment, and to purchase insurance including liability  
16 insurance to insure coverage of acts or omissions which are  
17 directly related to the functions of a fire department which  
18 are committed by a fire department and the personnel of a  
19 volunteer fire department. The funds may not be expended for  
20 food, drink, social activities, fund-raising activities, or  
21 salaries for the volunteer fire department. After receiving  
22 the funds, the fire departments shall keep accurate records to  
23 verify that the funds were properly expended.

24           " Section 9. Municipal funding to any volunteer fire  
25 department may not be diminished, diverted, or eliminated  
26 because of the supplemental funding provided in this act.

1                   "Section ~~9~~ 10. All funds distributed to the  
2 volunteer fire departments under this act may be audited by  
3 the Mobile County Commission at any time, but not less than  
4 every two years. If the Mobile County Commission finds or  
5 determines that funds provided by this act have been  
6 improperly expended by an eligible fire volunteer department,  
7 the department shall return all funds improperly expended and  
8 in addition thereto shall pay a penalty equal to 10 percent of  
9 all improperly expended funds. At the discretion of the Mobile  
10 County Commission, any volunteer fire department that fails to  
11 comply with this act may be deemed to have forfeited its right  
12 to receive any funds generated by this act.

13                   "Section ~~10~~ 11. If the Mobile County Commission  
14 finds or determines that the funds provided by this act, after  
15 the deductions for administrative costs and investment, exceed  
16 the financial needs of the eligible volunteer fire  
17 departments, the Mobile County Commission may invest any  
18 excess funds for future expenses or use those funds for other  
19 fire suppression or protection service programs located within  
20 Mobile County Commission District 1.

21                   "Section ~~11~~ 12. Any fire protection and suppression  
22 service fee levied pursuant to this act shall not be construed  
23 as a tax on property. The fire protection and suppression  
24 service fee shall be levied for the purpose of funding fire  
25 protection and suppression under this act."



1                   Section 2. This act shall become effective  
2 immediately following its passage and approval by the  
3 Governor, or its otherwise becoming law.