

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

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ENROLLED, An Act,

Relating to Mobile County; to amend and reenact Act 2015-258 of the 2015 Regular Session, authorizing the Mobile County Commission to create a North Mobile County Volunteer Fire Department Board to review and evaluate the delivery of volunteer fire services to property owners within the unincorporated area in Mobile County Commission District 1 and any incorporated area in the district served by a volunteer fire department; to provide further for the date to implement the fire protection and suppression plan and a fire protection and suppression service fee on certain owners of dwellings and commercial buildings in Mobile County Commission District 1; to provide for certain exemptions and collection of the service fee; to provide for audits; to provide that municipal funding shall not be diminished; and to provide for the distribution of funds derived from the service fee.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

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

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

1           (1) COMMERCIAL BUILDING. Any building, structure, or  
2 other improvement to real property used or expected to be used  
3 for commercial or business purposes including rental property.  
4 The term does not include a school, church, senior citizens  
5 facility, or utility distribution or transmission poles or  
6 towers, utility substations, or any building used primarily  
7 for fire or emergency services.

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

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

15           b. A duplex or an apartment building.

16           c. Residential property used to generate rental  
17 income.

18           d. Any manufactured home or house or travel trailer  
19 used or expected to be used as a dwelling or residence for one  
20 or more human beings. A building, structure, or other  
21 improvement shall be classified as a "dwelling" for purposes  
22 of this act notwithstanding the following:

23           1. That it is wholly or partially vacant or  
24 uninhabited at any time during the year for which a fire

1 protection and suppression service fee with respect thereto is  
2 to be levied.

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

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

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

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

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

24 (d) The Mobile County Commission shall appoint the  
25 members of the board as follows: Three members shall be

1 members of a volunteer fire department; one member shall be a  
2 representative or employee of a public water supplier; and one  
3 member shall be a member of the general public. The members of  
4 the board shall elect a chair for conducting business.

5 Meetings of the board shall be held on call of the chair and  
6 at other times as the board may determine.

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

22 "Section 5. Upon receiving the report from the  
23 board, the Mobile County Commission shall adopt all rules  
24 necessary to provide for and facilitate the adequacy of fire  
25 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

1 for the billing and collection of the fire protection and  
2 suppression service fee.

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

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

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

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

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

24           "Section ~~11~~ 12. Any fire protection and suppression  
25 service fee levied pursuant to this act shall not be construed



1 as a tax on property. The fire protection and suppression  
2 service fee shall be levied for the purpose of funding fire  
3 protection and suppression under this act."

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

