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3 SENATE LL1 SUBSTITUTE FOR SB11
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9 A BILL
10 TO BE ENTITLED
11 AN ACT
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13 Relating to Russell County; to provide for the
14 support of volunteer fire departments delivering fire
15 protection services and emergency medical services; to levy a
16 fire protection service fee on certain owners of residences
17 and commercial buildings outside the corporate limits of the
18 City of Phenix City; to provide for certain exemptions; to
19 provide for the purposes and uses of funds generated by the
20 fee; to provide for the collection of funds derived from the
21 fee; to provide for the distribution of funds derived from the
22 fee to eligible volunteer fire departments and to the Russell
23 County Firefighters Association; to provide for the expending
24 and accounting of the funds; to provide for the treatment of
25 funds upon dissolution or abandonment of an eligible volunteer

1 fire department; to provide that the county shall be immune
2 from certain liability; and to provide for a referendum.

3 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

4 Section 1. This act shall apply to all portions of
5 Russell County except that portion of Russell County which
6 lies within the city limits of the City of Phenix City.

7 Section 2. The Legislature hereby declares that
8 eligible volunteer fire departments and the Russell County
9 Firefighters Association that receive funds pursuant to this
10 act are nonprofit organizations which are public in nature, as
11 they protect the health, safety, and welfare of the citizens
12 of the county.

13 Section 3. For the purposes of this act, the
14 following terms shall have the following meanings:

15 (1) COMMERCIAL BUILDING. Any building, unit,
16 structure, or other improvement to real property used or
17 expected to be used for commercial or business purposes,
18 including rental or lease property. This term may not apply to
19 any school, church, senior citizen facility, any local,
20 county, state or federal government owned buildings, water
21 authority owned buildings, or any building used primarily for
22 volunteer fire services and may not apply to any building or
23 structure used primarily for agricultural purposes or poultry
24 production by the owner or an employee of an agricultural or
25 poultry business or concern. The terms commercial building,
26 commercial business, or residence shall not include any

1 utility distribution or transmission poles or towers, or
2 utility substations.

3 (2) ELIGIBLE VOLUNTEER FIRE DEPARTMENT. A certified
4 nonprofit volunteer fire department located in Russell County
5 that is certified under the Alabama Forestry Commission
6 guidelines and is a member in good standing of the Russell
7 County Firefighters Association.

8 (3) RESIDENCE. 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. Any 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. Any mobile home or house trailer used or expected
16 to be used as a dwelling or residence for one or more human
17 beings.

18 c. Any unit in a duplex or apartment building.

19 d. Any residential property used to generate
20 revenue.

21 e. Any building, structure, or other improvement
22 that is wholly or partially vacant or uninhabited at any time
23 during the year for which a fire protection service fee with
24 respect thereto is to be levied.

25 f. Any building, structure, or other improvement
26 that is used or expected to be used simultaneously for a

1 purpose, whether or not commercial in nature, other than as a
2 residence.

3 Section 4. The purposes and uses of the funds
4 generated by this act are to enable all participating eligible
5 volunteer fire departments in Russell County to lower their
6 ISO ratings and to provide fire protection services and
7 emergency medical services to the citizens of the county. All
8 eligible volunteer fire departments shall attain and maintain
9 an ISO rating of 8/10 or below within two years of the
10 effective date of this act. If a department fails to maintain
11 the minimum ISO rating, then the Russell County Commission may
12 consider consolidating that department into the remaining
13 eligible departments and distribute its funds based on the
14 eligible residences and commercial buildings to the acquiring
15 departments.

16 Section 5. (a) There is hereby levied on the owner
17 of each residence in Russell County outside the corporate
18 limits of the City of Phenix City, a fire protection service
19 fee of fifty dollars (\$50) per year and on each commercial
20 business at a specified location, a fire protection service
21 fee of one hundred dollars (\$100) per year.

22 (b) The fire protection service fee shall not be
23 construed as a tax on property. The fee shall be levied for
24 the purposes of funding fire protection services and emergency
25 medical services under this act.

1 (c) Any person age 65 or older exempted from paying
2 property tax in Russell County in part or in whole shall also
3 be exempted from paying the fee levied by this act.

4 (d) (1) Any person less than the age of 65 and having
5 an annual adjusted gross income of twelve thousand dollars
6 (\$12,000) or less, as shown on the latest United States income
7 tax return of the person or of the person and his or her
8 spouse, may apply for an exemption annually and shall be
9 exempted from paying the fee levied by this act for the
10 principal residence of the household, provided the person
11 seeking to claim the exemption shall present proof of income
12 to the county administrator no later than July 1 of any year
13 in which the exemption is desired.

14 (2) In the event that a person or the person and his
15 or her spouse are not required to file a United States income
16 tax return, then an affidavit indicating that the annual gross
17 income of the person or the person and his or her spouse for
18 the preceding taxable year was twelve thousand dollars
19 (\$12,000) or less shall be sufficient proof.

20 (3) The exemption under this subsection shall apply
21 only so long as the annual gross income of the person or of
22 the person and his or her spouse is twelve thousand dollars
23 (\$12,000) or less and shall be requested each year in which
24 the exemption is desired.

1 (e) The fee levied by this act shall be assessed
2 unless application for exemption is submitted to the Russell
3 County Commission, or its designee, and approved.

4 (f) Any person who knowingly provides false or
5 misleading information in order to obtain an exemption under
6 this section shall lose his or her household exemption.

7 Section 6. (a) The fire protection service fee shall
8 be collected, administered, and enforced in the same manner,
9 and under the same requirements and laws, as are the ad
10 valorem taxes of this state. In the case of mobile homes, the
11 fee shall be collected, administered, and enforced at the same
12 time, in the same manner, and under the same requirements and
13 laws as the annual registration fee for manufactured homes
14 provided in Section 40-12-255 of the Code of Alabama 1975.

15 (b) The proceeds of the fee shall be paid into a
16 special county fire services fund monthly. Within 30 days of
17 payment into the special fund, the county commission shall
18 transfer the funds to the Russell County Fire Fighters
19 Association and within 20 days of receipt of the funds from
20 the county commission, the Russell County Fire Fighters
21 Association shall further distribute the funds to the eligible
22 volunteer fire departments in the following manner:

23 (1) 32.5 percent of the fee shall be distributed
24 among the eligible volunteer fire departments in the county in
25 equal shares.

1 (2) 67.5 percent of the fee shall be distributed
2 among the eligible volunteer fire departments based on the
3 number of eligible residences and commercial buildings in
4 their respective fire districts as defined by E-911 protective
5 districts or other methods approved by majority vote of the
6 Russell County Commission based on the number of eligible
7 residences and commercial buildings located outside the
8 corporate limits of Phenix City.

9 Section 7. (a) Funds paid to the eligible volunteer
10 fire departments shall only be expended for fire protection
11 services and emergency medical services, including training,
12 supplies, and equipment.

13 (b) In addition to subsection (a), funds may be
14 expended to purchase insurance, including liability insurance,
15 to insure coverage of acts or omissions which are directly
16 related to the functions of an eligible volunteer fire
17 department which are committed by an eligible volunteer fire
18 department and the personnel of an eligible volunteer fire
19 department.

20 (c) The funds may not be expended for food, social
21 activities, or fund-raising activities.

22 (d) After receiving the funds, the eligible
23 volunteer fire departments shall keep accurate records to
24 verify that the funds were properly expended.

25 (e) With regard to the administration of the fees
26 levied by this act, the Russell County Commission shall

1 exercise regulatory control and supervision over the fees and
2 may adopt rules and regulations as needed to meet the
3 requirements of this act, including an increase or decrease in
4 the amount of the fire protection service fee needed to meet
5 the requirements of this act.

6 (f) Should the Russell County Commission, in its
7 sole discretion, find or determine that funds provided for by
8 this act have been improperly expended by an eligible
9 volunteer fire department, the department that has improperly
10 expended the funds shall reimburse and refund to the Russell
11 County Commission all the funds found by the county commission
12 to have been improperly expended and shall pay a penalty in
13 the amount equal to 10 percent of all improperly expended
14 funds. The returned improperly expended funds and any
15 penalties shall be transferred from the Russell County
16 Commission to the Russell County Fire Fighters Association for
17 disbursement in equal amounts to the remaining eligible
18 volunteer fire departments in Russell County.

19 (g) Any eligible volunteer fire department that
20 fails to comply with this act, at the discretion of the
21 Russell County Commission, may be deemed to have forfeited the
22 funds generated by this act and shall be subject to the
23 penalties provided in this section.

24 Section 8. (a) Upon dissolution or abandonment of
25 any eligible volunteer fire department, any remaining funds
26 derived from this act or any assets purchased with funds

1 derived from this act, after all lawful indebtedness has been
2 satisfied, shall be transferred to the county commission.

3 (b) If an eligible volunteer fire department is
4 abandoned or dissolved, the county commission shall equally
5 divide and transfer the funds to the remaining eligible
6 volunteer fire departments in good standing with the Russell
7 County Firefighters Association and the Alabama Forestry
8 Commission.

9 Section 9. The personnel of eligible volunteer fire
10 departments or the volunteer fire association provided for in
11 this act may not be considered employees, servants, or agents
12 of the county, absent their own negligence, willfulness,
13 wantonness, or intentional conduct, and the members of the
14 county commission and the officers and employees of the county
15 may not be liable in either their official capacity or in a
16 private or individual capacity for the actions of the eligible
17 volunteer fire departments, volunteer fire association, or
18 their personnel.

19 Section 10. This act shall be inoperative and void
20 unless it is approved by the Russell County Commission and
21 shall have been approved by a majority of the qualified
22 electors of Russell County, except for those qualified
23 electors who reside in the city limits of the City of Phenix
24 City, who vote thereon at a referendum held for that purpose
25 and conducted as nearly as may be in the same way as elections
26 on amendments to the Constitution, and shall be held on the

1 same day as the next primary, general, or special countywide
2 election following final passage of this act. Notice of the
3 election shall be given by the Judge of Probate of Russell
4 County, which notice shall be published in accordance with
5 state law governing the publication of local bills of the
6 Legislature. On the ballots to be used at the election, the
7 proposition to be voted on shall be stated substantially as
8 follows:

9
10 "Do you favor the local law authorizing the levy of
11 a fire protection service fee of fifty dollars (\$50) per year
12 on each residence and one hundred dollars (\$100) per year on
13 each commercial business outside of the City of Phenix City,
14 which shall be used to fund volunteer fire departments
15 delivering fire protection services and emergency medical
16 services outside of the City of Phenix City in Russell
17 County?"

18 Yes_____ No_____"

19
20 If the majority of the votes cast at the election
21 are affirmative votes, this act shall be in full force and
22 effect immediately thereafter. If the majority of the votes
23 cast are in the negative, the act shall have no further
24 effect. The Judge of Probate of Russell County shall certify
25 the results of the election to the Secretary of State. The

1 cost of the election shall be paid out of the county general
2 fund.

3 Section 11. This act shall become effective
4 immediately following its passage and approval by the
5 Governor, or its otherwise becoming law.