

1 SB508
2 170463-2
3 By Senator Beasley (N & P)
4 RFD: Local Legislation
5 First Read: 28-MAY-15

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4 With Notice and Proof

5
6 ENGROSSED

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9 A BILL

10 TO BE ENTITLED

11 AN ACT

12
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
26 fire department; to provide that the county shall be immune
27 from certain liability; and to provide for a referendum.

1 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

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

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

13 (1) COMMERCIAL BUILDING. Any building, structure, or
14 other improvement to real property used or expected to be used
15 for commercial or business purposes, including rental or lease
16 property. This term may not apply to any school, church,
17 senior citizen facility, or any building used primarily for
18 volunteer fire services and may not apply to any building or
19 structure used primarily for agricultural purposes or poultry
20 production by the owner or an employee of an agricultural or
21 poultry business or concern. The terms commercial building,
22 commercial business, or residence shall not include any
23 utility distribution or transmission poles or towers, or
24 utility substations.

25 (2) ELIGIBLE VOLUNTEER FIRE DEPARTMENT. A certified
26 nonprofit volunteer fire department located in Russell County
27 that is certified under the Alabama Forestry Commission

1 guidelines and is a member in good standing of the Russell
2 County Firefighters Association.

3 (3) RESIDENCE. Any building, structure, or other
4 improvement to real property used or expected to be used as a
5 dwelling or residence for one or more human beings, including,
6 but not limited to, any of the following:

7 a. Any building, structure, or improvement assessed,
8 for the purposes of state and county ad valorem taxation, as
9 Class III single-family, owner-occupied residential property.

10 b. Any mobile home or house trailer used or expected
11 to be used as a dwelling or residence for one or more human
12 beings.

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

14 d. Any residential property used to generate
15 revenue.

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

20 f. Any building, structure, or other improvement
21 that is used or expected to be used simultaneously for a
22 purpose, whether or not commercial in nature, other than as a
23 residence.

24 Section 4. The purposes and uses of the funds
25 generated by this act are to enable all participating eligible
26 volunteer fire departments in Russell County to lower their
27 ISO ratings and to provide fire protection services and

1 emergency medical services to the citizens of the county. All
2 eligible volunteer fire departments shall attain and maintain
3 an ISO rating of 7/10 or below within two years of the
4 effective date of this act.

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

11 (b) The fire protection service fee shall not be
12 construed as a tax on property. The fee shall be levied for
13 the purposes of funding fire protection services and emergency
14 medical services under this act.

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

18 (d) (1) Any person less than the age of 65 and having
19 an annual adjusted gross income of twelve thousand dollars
20 (\$12,000) or less, as shown on the latest United States income
21 tax return of the person or of the person and his or her
22 spouse, may apply for an exemption annually and shall be
23 exempted from paying the fee levied by this act for the
24 principal residence of the household, provided the person
25 seeking to claim the exemption shall present proof of income
26 to the county administrator no later than July 1 of any year
27 in which the exemption is desired.

1 (2) In the event that a person or the person and his
2 or her spouse are not required to file a United States income
3 tax return, then an affidavit indicating that the annual gross
4 income of the person or the person and his or her spouse for
5 the preceding taxable year was twelve thousand dollars
6 (\$12,000) or less shall be sufficient proof.

7 (3) The exemption under this subsection shall apply
8 only so long as the annual gross income of the person or of
9 the person and his or her spouse is twelve thousand dollars
10 (\$12,000) or less and shall be requested each year in which
11 the exemption is desired.

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

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

18 Section 6. (a) The fire protection service fee shall
19 be collected, administered, and enforced in the same manner,
20 and under the same requirements and laws, as are the ad
21 valorem taxes of this state. In the case of mobile homes, the
22 fee shall be collected, administered, and enforced at the same
23 time, in the same manner, and under the same requirements and
24 laws as the annual registration fee for manufactured homes
25 provided in Section 40-12-255 of the Code of Alabama 1975.

26 (b) The proceeds of the fee shall be paid into a
27 special county fire services fund no later than March 1.

1 Within 30 days of payment into the special fund, the county
2 commission shall transfer the funds to the eligible volunteer
3 fire departments in the following manner:

4 (1) 32.5 percent of the fee shall be distributed
5 among the eligible volunteer fire departments in the county in
6 equal shares.

7 (2) 67.5 percent of the fee shall be distributed
8 among the eligible volunteer fire departments based on the
9 number of eligible residences and commercial buildings in
10 their respective fire districts as defined by E-911 protective
11 districts.

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

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

23 (c) The funds may not be expended for salaries,
24 food, drink, social activities, or fund-raising activities.

25 (d) After receiving the funds, the eligible
26 volunteer fire departments shall keep accurate records to
27 verify that the funds were properly expended.

1 (e) With regard to the administration of the fees
2 levied by this act, the Russell County Commission shall
3 exercise regulatory control and supervision over the fees and
4 may adopt rules and regulations as needed to meet the
5 requirements of this act, including an increase or decrease in
6 the amount of the fire protection service fee needed to meet
7 the requirements of this act.

8 (f) Should the Russell County Commission, in its
9 sole discretion, find or determine that funds provided for by
10 this act have been improperly expended by an eligible
11 volunteer fire department, the department that has improperly
12 expended the funds shall reimburse and refund to the Russell
13 County Commission all the funds found by the county commission
14 to have been improperly expended and shall pay a penalty in
15 the amount equal to 10 percent of all improperly expended
16 funds.

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

22 Section 8. (a) Upon dissolution or abandonment of
23 any eligible volunteer fire department, any remaining funds
24 derived from this act or any assets purchased with funds
25 derived from this act, after all lawful indebtedness has been
26 satisfied, shall be transferred to the county commission.

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

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

17 Section 10. This act shall be inoperative and void
18 unless it is approved by the Russell County Commission and
19 shall have been approved by a majority of the qualified
20 electors of Russell County, except for those qualified
21 electors who reside in the city limits of the City of Phenix
22 City, who vote thereon at a referendum held for that purpose
23 and conducted as nearly as may be in the same way as elections
24 on amendments to the Constitution, and shall be held on the
25 same day as the next primary, general, or special countywide
26 election following final passage of this act. Notice of the
27 election shall be given by the Judge of Probate of Russell

1 County, which notice shall be published in accordance with
2 state law governing the publication of local bills of the
3 Legislature. On the ballots to be used at the election, the
4 proposition to be voted on shall be stated substantially as
5 follows:

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

15 Yes_____ No_____"

16
17 If the majority of the votes cast at the election
18 are affirmative votes, this act shall be in full force and
19 effect immediately thereafter. If the majority of the votes
20 cast are in the negative, the act shall have no further
21 effect. The Judge of Probate of Russell County shall certify
22 the results of the election to the Secretary of State. The
23 cost of the election shall be paid out of the county general
24 fund.

25 Section 11. This act shall become effective
26 immediately following its passage and approval by the
27 Governor, or its otherwise becoming law.

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Senate

Read for the first time and referred to
the Senate committee on Local Legislation..... 28-MAY-15

Read for the second time and placed on
the calendar..... 02-JUN-15

Read for the third time and passed as
amended 03-JUN-15

Yeas 26
Nays 0
Abstaining 2

Patrick Harris
Secretary