

Stricken language would be deleted from and underlined language would be added to present law.

State of Arkansas
90th General Assembly
Regular Session, 2015

As Engrossed: S3/16/15
A Bill

HOUSE BILL 1367

By: Representative Hammer

By: Senators A. Clark, Collins-Smith, S. Flowers, Flippo, Irvin

For An Act To Be Entitled

AN ACT TO AMEND THE LAW CONCERNING THE COLLECTION OF
DUES FOR VOLUNTEER FIRE DEPARTMENTS; TO DECLARE AN
EMERGENCY; AND FOR OTHER PURPOSES.

Subtitle

TO AMEND THE LAW CONCERNING THE
COLLECTION OF DUES FOR VOLUNTEER FIRE
DEPARTMENTS; TO DECLARE AN EMERGENCY.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

SECTION 1. Arkansas Code § 14-20-108 is amended to read as follows:

14-20-108. Dues for volunteer fire departments.

(a)(1)(A) The quorum court of each county, upon request filed with the quorum court by one (1) or more volunteer fire departments in the county, may adopt an ordinance authorizing a designated county official to collect and remit to the volunteer fire department the annual ~~or quarterly~~ dues charged by the volunteer fire department in consideration of providing fire protection to unincorporated areas in the county.

(B)(i)(a) When a quorum court receives a request for the levy of volunteer fire department dues and the request has been signed by the fire chief and the chair and secretary of the board of directors, if any, of a volunteer fire department and filed with the county clerk, the quorum court by ordinance shall call for an election on the issue of the levy of the volunteer fire department dues on each residence and on each business having an occupiable structure.



(b)(1) The issue may be placed on the ballot at a special election by order of the quorum court in accordance with § 7-11-201 et seq.

(2) The special election shall be held by August 1.

(c) If an attested petition is filed with the county clerk and signed by a majority of registered voters in the volunteer fire department district voting in the immediately preceding general election, then the quorum court by ordinance shall dispense with a special election on the issue of the levy of volunteer fire department dues.

~~(e)~~(d)(1) If the levy of volunteer fire department dues is approved by a majority of those voting on the issue or the county clerk determines that the number of signatures of registered voters is sufficient and the quorum court dispenses with a special election, the volunteer fire department dues shall be listed annually on real property tax statements and collected by the county collector at the same time and in the same manner as real property taxes.

(2)(A) The county collector shall report delinquencies to the volunteer fire department for collection.

(B) A volunteer fire department may collect volunteer fire department dues that have become delinquent and may enforce collection by proceedings in a court of proper jurisdiction.

(ii) The cost of the election shall be borne by the volunteer fire department that requested the levy.

(2) The ordinance enacted by the quorum court shall set forth the terms and conditions on which the volunteer fire department dues are to be collected by the county and for the remission of the volunteer fire department dues to the volunteer fire department.

(3) However, an active member of a volunteer fire department whose annual ~~or quarterly~~ volunteer fire department dues are collected in this manner may be exempt from the annual ~~or quarterly dues charged by the~~ volunteer fire department dues at the discretion of the volunteer fire department in consideration of providing services to the volunteer fire department.

(b)(1) The quorum court by majority vote may designate the geographical area that a volunteer fire department serves.

(2) Upon request by a volunteer fire department, the quorum court of each county involved may authorize a volunteer fire department to ~~serve a geographical area to~~ extend its geographical service area across the county boundary lines.

(c) The quorum court may establish its own countywide fire department, either regular or voluntary.

(d) This section does not change the authority of intergovernmental cooperation councils to enter into reciprocal agreements or to distribute funds under § 14-284-401 et seq. and § 26-57-614.

(e)(1) If approved by ordinance by the governing body of an incorporated town or a city of the second class on the signed request of ~~and signed by~~ the fire chief and the chair and secretary of the board of directors, if any, of a volunteer fire department, an incorporated town or a city of the second class located in the volunteer fire department district that is not served by a fire department may be included in the fire protection area with the volunteer fire department dues levied and collected in the same manner as in the unincorporated areas served by the volunteer fire department district.

(2)(A) The governing body of the incorporated town or city of the second class by ordinance shall call for an election on the ordinance under subdivision (e)(1) of this section.

(B) The issue may be placed on the ballot at a special election by order of the governing body in accordance with § 7-11-201 et seq., and the special election shall be held by August 1.

(C) If the issue is approved by a majority of those voting on the issue, the incorporated town or city of the second class shall be served by the volunteer fire department district with the volunteer fire department dues levied and collected in the same manner as in the unincorporated areas served by the volunteer fire department district.

(D) The cost of the election shall be borne by the governing body of the incorporated town or city of the second class that called for the election.

(f) At the discretion of a volunteer fire department, a church served by a volunteer fire department may be exempt from volunteer fire department dues if the church is exempt from real property taxes.

(g)(1)(A) By December 15 of each year or upon the creation of a

volunteer fire department, a volunteer fire department that uses or intends to use the county collector for collection of the volunteer fire department dues shall file an annual report with the county clerk in any county in which a portion of the volunteer fire department is located.

(B) The county clerk shall not charge any costs or fees for filing the annual report.

(C) The volunteer fire department shall deliver a filed copy of the annual report to the county collector within five (5) days of filing.

(2) The annual report shall contain the following information as of December 15 of the current calendar year:

(A) Identification of the volunteer fire department board members and contact information;

(B) The contact information for the volunteer fire department chief;

(C) Information concerning to whom the official designated to remit the volunteer fire department dues is to pay volunteer fire department dues; and

(D) The amount of the annual dues charged by the volunteer fire department by parcel or on each residence or business having an occupiable structure.

(h) The official designated to remit the volunteer fire department dues under this section shall not remit the dues collected by the county collector to any volunteer fire department until the annual report has been filed.

(i) A volunteer fire department that is required to file a report under § 14-86-2102 is not required to file a separate report under this section.

(j) This section applies to all volunteer fire departments, however organized.

SECTION 2. EMERGENCY CLAUSE. It is found and determined by the General Assembly of the State of Arkansas that there are scores of volunteer fire departments in this state; that in many areas the only fire protection available is through the local volunteer fire department; and that this act is immediately necessary to ensure the volunteer fire departments can remain

viable and continue to serve the state. Therefore, an emergency is declared to exist, and this act being immediately necessary for the preservation of the public peace, health, and safety shall become effective on:

(1) The date of its approval by the Governor;

(2) If the bill is neither approved nor vetoed by the Governor, the expiration of the period of time during which the Governor may veto the bill; or

(3) If the bill is vetoed by the Governor and the veto is overridden, the date the last house overrides the veto.

/s/Hammer