

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

State of Arkansas
93rd General Assembly
Regular Session, 2021

A Bill

SENATE BILL 154

By: Senator K. Hammer
By: Representative L. Fite

For An Act To Be Entitled

AN ACT TO AMEND THE LAW CONCERNING THE CREATION AND ASSESSMENT COLLECTION MATTERS OF CERTAIN FIRE DEPARTMENTS AND IMPROVEMENT DISTRICTS; AND FOR OTHER PURPOSES.

Subtitle

TO AMEND THE LAW CONCERNING THE CREATION AND ASSESSMENT COLLECTION MATTERS OF CERTAIN FIRE DEPARTMENTS AND IMPROVEMENT DISTRICTS.

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

SECTION 1. Arkansas Code § 14-284-204(a) and (b), concerning the establishment of a fire protection district outside of a city or town by petition and adoption of an ordinance, are amended to read as follows:

(a)(1)(A) If petitions containing a description of the territory for a proposed fire protection district, along with an accurate map of the proposed fire protection district boundaries, and containing the signatures of ten percent (10%) or more total of the qualified electors within the proposed fire protection district are filed with the county clerk and quorum court of a county in which the proposed fire protection district is to be located to request a public hearing and the establishment of a fire protection district in the county, then the ~~county quorum~~:

(i) County clerk or clerks, if the proposed fire protection district is located in more than one (1) county, shall determine



the sufficiency of and certify the signatures; and

(ii) Quorum court or quorum courts, if the proposed fire protection district is located in more than one (1) county, shall conduct a public hearing to determine the support for the proposed fire protection district.

(B)(i) A The signatures and sufficiency of the petition shall be certified by the ~~quorum court~~ county clerk within sixty (60) days of receipt of the petition under subdivision (a)(1)(A) of this section.

(ii) The quorum court shall respond in writing to the petitioners within the sixty-day period under subdivision (a)(1)(B)(i) of this section if there are issues or questions the quorum court would like addressed in the petition, but in no event shall the quorum court delay the sixty-day period under subdivision (a)(1)(B)(i) of this section.

(2)(A) The quorum court shall set the time for the hearing to be held not less than thirty (30) days nor more than sixty (60) days after the petitions are certified and shall set the place for the hearing to be held ~~within the boundaries of~~ by the quorum court on the proposed fire protection district, but in no event shall the quorum court delay the time for the hearing beyond sixty (60) days.

(B) When a time and place for the hearing are set, the quorum court shall publish notice of the hearing in a newspaper of general circulation in the county.

(3)(A) Before setting the ~~initial~~ hearing on the adoption of an ordinance to establish a fire protection district, petitions filed with the ~~county~~ quorum court shall be ~~sent to~~ filed with the county clerk of the county where the proposed fire protection district is to be located.

(B) It shall be the duty of the county clerk or clerks, as the case may be, to determine the sufficiency of the signatures and to certify the sufficiency in writing to the quorum court as provided under this section.

(C) The petitions shall indicate the elector's name, address, and signature and shall contain a verification of the signatures pursuant to § 7-9-109.

(b)(1) After the petitions are certified ~~and the initial public hearing held~~, the ~~county~~ quorum court shall conduct a public hearing and adopt an ordinance to establish the fire protection district, and to levy

assessments on property or the landowners, or both, ~~and to call for a public hearing on the ordinance.~~

(2) The ordinance shall set ~~the time and place for a public hearing on the ordinance to be held within~~ the boundaries of the proposed fire protection district.

SECTION 2. Arkansas Code § 14-284-216(a)(4), concerning the time for payment of and failure to pay assessments, is amended to read as follows:

(4)(A) The collector shall add to the amount of the delinquent assessment a penalty of ten percent (10%) and shall collect the delinquent assessment in the same manner as delinquent ad valorem real property taxes.

(B)(i) The collector may ~~certify~~ return delinquent assessments for collection after January 1 each year.

(ii) A delinquent assessment that existed before January 1, 2020, is deemed uncollectible.

SECTION 3. Arkansas Code § 14-284-226 is repealed.

~~14-284-226. Conversion to fire protection district.~~

~~(a) The governing body of a fire department that seeks to become a fire protection district shall make the request by petition to the quorum court of the county, or counties if the fire department serves more than one (1) county.~~

~~(b)(1)(A) Upon the request by petition in subsection (a) of this section, the quorum court shall grant the petition to convert the fire department to a fire protection district within sixty (60) days of receipt of the petition.~~

~~(B) The quorum court shall respond in writing to the fire department within the sixty day period under subdivision (b)(1)(A) of this section if there are issues or questions the quorum court would like addressed in the petition, but in no event shall the quorum court delay the sixty day period under subdivision (b)(1)(A) of this section.~~

~~(2) The fire protection district assessments shall be listed annually beginning with the next ad valorem real property tax statement and collected under § 14-284-216.~~