

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

Act 438 of the Regular Session

As Engrossed: H2/10/05 S2/22/05

A Bill

1 State of Arkansas
2 85th General Assembly
3 Regular Session, 2005

HOUSE BILL 1441

4
5 By: Representative Wood
6 By: Senator Salmon

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9 **For An Act To Be Entitled**

10 AN ACT TO PROVIDE FOR THE CONSOLIDATION OF FIRE
11 PROTECTION DISTRICTS IN CITIES OF THE FIRST CLASS
12 BY A VOTE OF THE PEOPLE; AND FOR OTHER PURPOSES.

13
14 **Subtitle**

15 AN ACT TO PROVIDE FOR THE CONSOLIDATION
16 OF FIRE PROTECTION DISTRICTS IN CITIES
17 OF THE FIRST CLASS BY A VOTE OF THE
18 PEOPLE.

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

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23 SECTION 1. Arkansas Code § 14-284-124 is amended to read as follows:
24 14-284-124. Consolidation - Conditions and procedures.

25 (a) Fire protection districts organized under this subchapter may
26 consolidate if:

- 27 (1) The districts are geographically contiguous;
28 (2) Located in the same county; and
29 (3) No parcel of land in the new district will be more than

30 three (3) miles from an existing fire station.

31 (b)(1) Consolidation of fire protection districts may be initiated
32 upon the adoption of a resolution for consolidation by the board of directors
33 of each district.

34 (2)(A) Upon adopting a resolution, each fire protection district
35 shall hold a public hearing to be held in the district no sooner than twenty



1 (20) days and no later than forty-five (45) days following the adoption of
2 the resolution.

3 (B)(i) Each district shall publish notice of its hearing
4 in a newspaper of general circulation in the district once a week for two (2)
5 consecutive weeks.

6 (ii) The notice shall include the date, time, place,
7 and purpose of the hearing.

8 (3)(A) Following the hearing, the commissioners of the district
9 shall vote on a resolution finding that consolidation of the districts is in
10 the best interest of the landowners of the district.

11 (B) If the resolution is adopted by the board of
12 commissioners, a copy of the resolution shall be sent to the county court in
13 the county where the district is located.

14 (4)(A) Upon receiving a resolution from each district to be
15 consolidated, the county court shall order the districts consolidated and
16 shall name five (5) commissioners of the new district.

17 (B) The new commissioners shall be appointed pursuant to §
18 14-284-105.

19 (c)(1) In cities of the first class that have two (2) or more full-
20 time volunteer fire protection districts, the governing body of the city may
21 refer to the voters in the fire protection districts the option to
22 consolidate the districts.

23 (2) If a majority of the voters in each district vote in favor
24 of consolidation, the districts shall consolidate as set forth in subsections
25 (d) through (f) of this section.

26 ~~(d)~~(1) Any fire protection district which is formed by the
27 consolidation of two (2) or more fire protection districts shall consolidate
28 all assets held by it arising from any of the districts and shall also assume
29 all liabilities of the districts. The assets may be used by the district for
30 any purpose allowed by law, and the liabilities of the district may be paid
31 with funds arising from any source.

32 (2) All the provisions, rights, securities, pledges, covenants,
33 and limitations contained in the instrument creating a liability shall not be
34 affected by the consolidation but shall apply with the same force and effect
35 as provided in the original creation of liability.

36 ~~(d)~~(e)(1) The existing assessments of each district consolidated into

1 the new district shall remain in force until the end of the year in which the
2 districts are consolidated.

3 (2) The commissioners shall order the assessors to reassess the
4 annual benefits of the new district for the following year.

5 ~~(e)~~(f)(1) A consolidated fire protection district shall not have notes
6 outstanding at any one (1) time in excess of one hundred thousand dollars
7 (\$100,000).

8 (2) The limitation of the excess outstanding note balance under
9 this subsection shall not apply to a consolidation of fire protection
10 districts in a city of the first class that has two (2) or more full-time
11 volunteer fire protection districts that have received funding from the city.

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13 /s/ Wood
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16 APPROVED: 03/02/2005
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