

1 State of Arkansas
2 93rd General Assembly
3 Regular Session, 2021
4

A Bill

SENATE BILL 154

5 By: Senator K. Hammer
6 By: Representative L. Fite
7

For An Act To Be Entitled

9 AN ACT TO AMEND THE LAW CONCERNING THE CREATION AND
10 ASSESSMENT COLLECTION MATTERS OF CERTAIN FIRE
11 DEPARTMENTS AND IMPROVEMENT DISTRICTS; AND FOR OTHER
12 PURPOSES.
13
14

Subtitle

15 TO AMEND THE LAW CONCERNING THE CREATION
16 AND ASSESSMENT COLLECTION MATTERS OF
17 CERTAIN FIRE DEPARTMENTS AND IMPROVEMENT
18 DISTRICTS.
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22 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
23

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

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

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



1 the sufficiency of and certify the signatures; and

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

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

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

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

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

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

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

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

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

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

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

6
7 SECTION 2. Arkansas Code § 14-284-216(a)(4), concerning the time for
8 payment of and failure to pay assessments, is amended to read as follows:

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

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

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

16
17 SECTION 3. Arkansas Code § 14-284-226 is repealed.

18 ~~14-284-226. Conversion to fire protection district.~~

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

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

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

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

35 **APPROVED: 2/9/21**