

State of Arkansas
94th General Assembly
Regular Session, 2023

A Bill

TSA/TSA
HOUSE BILL

By: Representative Ennett
By: Senator K. Hammer

Filed with: Arkansas Legislative Council
pursuant to A.C.A. §10-3-217.

For An Act To Be Entitled

AN ACT TO AMEND THE LAWS CONCERNING THE POWERS AND
DUTIES OF THE DEPARTMENT OF AGRICULTURE AND THE STATE
FORESTRY COMMISSION; TO AMEND THE LAWS RELATING TO
FIRE PROTECTION DISTRICTS; TO AMEND THE AUTHORITY OF
THE DEPARTMENT OF AGRICULTURE TO ADJUST FIRE
PROTECTION DISTRICT BOUNDARIES HAVING OVERLAPPING
BOUNDARIES; TO AMEND THE AUTHORITY OF THE DEPARTMENT
OF AGRICULTURE TO RECOMMEND CHANGES TO OTHER FIRE
PROTECTION DISTRICT BOUNDARIES; AND FOR OTHER
PURPOSES.

Subtitle

TO AMEND THE LAWS CONCERNING THE POWERS
AND DUTIES OF THE DEPARTMENT OF
AGRICULTURE AND THE STATE FORESTRY
COMMISSION; AND TO AMEND THE LAWS
RELATING TO FIRE PROTECTION DISTRICT
BOUNDARIES.

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

SECTION 1. Arkansas Code § 14-284-125 is amended to read as follows:
14-284-125. Boundaries of overlapping, abutting, or contiguous
districts.

1 (a)(1) The ~~State Forestry Commission~~ Department of Agriculture may
2 adjust the boundaries of ~~fire protection~~ districts having overlapping
3 boundaries.

4 (2) The ~~commission~~ department shall adjust the boundaries of
5 overlapping ~~fire~~ districts upon the request of either district.

6 (3) The ~~commission~~ department shall adjust the boundaries so
7 that each district receives approximately fifty percent (50%) of the area
8 that is within the boundaries of both districts.

9 (4) An adjustment to the boundaries of districts shall be
10 certified by the department to the county court of the counties in which the
11 area of adjustment exists.

12 (5) The county court shall enter an order recognizing the
13 boundary adjustment made under this subsection.

14 (b)(1) The department may recommend the adjustment of boundaries of a
15 district abutting an area for which there is no fire protection service.

16 (2) A district may request in writing a recommendation for an
17 adjustment from the department under this subsection.

18 (3) The department shall notify the district that requested the
19 recommendation under subdivision (b)(2) of this section if the department
20 will make a recommendation to adjust the boundaries under this subsection.

21 (4) If the department makes a recommendation under this
22 subsection to adjust the boundaries of a district:

23 (A) Within thirty (30) days of the recommendation, the
24 district that requested a recommendation under subdivision (b)(2) of this
25 section shall file a petition to adjust the boundary by order of the county
26 court with the county court of the county in which the area of adjustment
27 exists and shall attach the recommendation to the petition;

28 (B) Upon the setting of a hearing by the county court, the
29 district that requested a recommendation under subdivision (b)(2) of this
30 section shall provide public notice of the county court hearing by
31 publication in a newspaper of general circulation in the county at least one
32 (1) time, one (1) week in advance of the county court hearing; and

33 (C) The county court shall approve the recommended
34 adjustment of boundaries filed under subdivision (b)(4)(A) of this section,
35 unless the county court determines the recommended adjustment to be unjust
36 and improper.

1 (c)(1) The department may recommend the adjustment of the boundaries
2 of contiguous districts.

3 (2) A district may request in writing a recommendation for an
4 adjustment from the department under this subsection:

5 (A) If an agreement exists among the affected districts;
6 or

7 (B) Upon a showing of good cause for the alteration of the
8 boundaries of the districts.

9 (3) The department shall notify the district that requested the
10 recommendation under subdivision (c)(2) of this section if the department
11 will make a recommendation to adjust the boundaries under this subsection.

12 (4) If the department makes a recommendation under this
13 subsection to adjust the boundaries of a district:

14 (A) Within thirty (30) days of the recommendation, the
15 district that requested a recommendation under subdivision (c)(2) of this
16 section shall file a petition to adjust the boundary by order of the county
17 court with the county court of the county in which the area of adjustment
18 exists and shall attach the recommendation to the petition;

19 (B) Upon the setting of a hearing by the county court, the
20 district that requested the recommendation under subdivision (c)(2) of this
21 section shall provide public notice of the county court hearing by
22 publication in a newspaper of general circulation in the county at least one
23 (1) time, one (1) week in advance of the county court hearing; and

24 (C) The county court shall determine if the recommended
25 adjustment of boundaries is just and proper and in the best interest of the
26 county.

27 (d)(1) As used in this section, "district" means a district that
28 provides fire protection services.

29 (2) As used in this section, "district" includes without
30 limitation a:

31 (A) Nonprofit fire protection corporation;

32 (B) Nonprofit corporation organized as a volunteer fire
33 department or a rural fire department;

34 (C) Fire protection district organized under § 14-284-101
35 et seq. or § 14-284-201 et seq.;

1 (D) Suburban fire improvement district organized under §
2 14-92-201 et seq.;

3 (E) County fire department, regular or volunteer,
4 organized under § 14-20-108(c); and

5 (F) County-created subordinate service district that
6 provides fire protection services under §§ 14-14-708 and 14-14-709.

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9 Referred by Representative Ennett

10 Prepared by: TSA/TSA

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