

1 **State of Arkansas**
2 **78th General Assembly**
3 **Regular Session, 1991**
4 **By: Senator Todd**

A Bill

SENATE BILL

For An Act To Be Entitled

8 "AN ACT TO AMEND THE FIRE PROTECTION DISTRICT LAW TO
9 REQUIRE QUORUM COURTS TO ESTABLISH FIRE PROTECTION SERVICE
10 AREAS NOT TO EXCEED A RADIUS OF FIVE (5) MILES FROM EACH
11 FIRE STATION; PROVIDING A MECHANISM FOR ANNEXING TERRITORY
12 TO A FIRE PROTECTION DISTRICT; AND FOR OTHER PURPOSES."

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

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16 SECTION 1. Arkansas Code 14-284-207 is hereby amended to read as
17 follows:

18 "14-284-207. Quorum court to establish fire protection service area -
19 Furnishing of maps.

20 (a) The quorum court of each county wherein is located a fire
21 protection district or nonprofit corporation formed for fire protection
22 purposes shall establish the service area of the fire protection districts and
23 nonprofit fire protection corporations to not exceed a radius of five (5)
24 miles from each fire station.

25 (b) The quorum courts shall furnish the fire protection organizations
26 with a map indicating their service area."

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28 SECTION 2. Subchapter 2 of Chapter 284 of Title 14 of the Arkansas Code
29 is hereby amended by inserting an additional section at the end thereof to
30 read as follows:

31 "14-284-224. (a) When petitions are filed with the board of
32 commissioners of a fire protection district created pursuant to this
33 subchapter containing the signatures of at least ten percent (10%) of
34 qualified electors of a portion of the unincorporated area of the county, as
35 determined by the number of votes cast by the qualified electors of that

1 portion of the county for all candidates for Governor at the last preceding
 2 general election, requesting the annexation of the territory to an existing
 3 fire protection district created under this subchapter and requesting that
 4 assessed benefits be made on the property located within the area to be
 5 annexed to help finance the operation of the district, the Board of
 6 Commissioners shall conduct a public hearing on the petition and if the Board
 7 determines the annexation to be desirable the Board shall notify the quorum
 8 court and the quorum court may at its discretion call a special election
 9 within the area of the existing fire protection district and the area proposed
 10 to be annexed to determine whether the annexation should occur. No annexation
 11 shall occur except pursuant to an election under paragraph (b) or by ordinance
 12 under paragraph (d).

13 (b) The special election called by the quorum court to submit the
 14 question of the annexation and financing of the fire protection district to
 15 the electors of the district and the area to be annexed shall be held within
 16 ninety (90) days after the quorum court received notification from the Board
 17 of Commissioners. At the election, the question of annexing the area to the
 18 district and the financing of the district shall be placed on the ballot in
 19 substantially the following form:

20 'FOR the annexation of.....(description of area to be annexed),
 21 and the levy of assessed benefits on real property within the area to be
 22 annexed to help finance the district.....[]

23 AGAINST the annexation of(description of area to be annexed), and
 24 the levy of assessed benefits on real property within the area to be annexed
 25 to help finance the district.....[]'

26 (c) If a majority of those voting at the election who reside within the
 27 area to be annexed and if a majority of those voting at the election who
 28 reside within the existing district vote in favor of the annexation, the area
 29 shall be deemed annexed and shall become a part of the fire protection
 30 district and governed accordingly.

31 (d) As an alternative to an election on the annexation issue, if the
 32 Board of Commissions of a fire protection district are in favor of the
 33 annexation, the Board may refer the petitions to the county quorum court who
 34 may then accomplish the annexation by enactment of a county ordinance
 35 providing therefor. Provided, however, that the ordinance shall not go into

1 effect until sixty (60) days after its enactment during which time if
2 petitions calling for a referendum on the ordinance are presented to the
3 quorum court and the petitions are signed by the number prescribed in
4 subsection (a) above, the quorum court shall call a special election on the
5 issue of the annexation and such election shall be conducted as prescribed in
6 subsection (b) above, and unless at least a majority of those voting at the
7 election who reside within the area to be annexed and a majority of those
8 voting at the election who reside within the existing district vote in favor
9 of the annexation, the annexation shall not occur. If the petitions are filed
10 within sixty (60) days after enacting the ordinance, the ordinance shall not
11 go into effect until and unless the annexation is approved at the election
12 provided for herein.

13 (e) An attempt at annexation under this section, whether successful or
14 not, shall in no way reduce the bonding authority of the fire protection
15 district nor shall the failure of the attempt at annexation have any effect on
16 the existing fire protection district.

17 (f) No area shall be annexed under this section if it is located within
18 the service area of another fire protection entity pursuant to Arkansas Code
19 14-284-207."

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21 SECTION 3. All provisions of this Act of a general and permanent nature
22 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
23 Revision Commission shall incorporate the same in the Code.

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25 SECTION 4. If any provision of this Act or the application thereof to
26 any person or circumstance is held invalid, such invalidity shall not affect
27 other provisions or applications of the Act which can be given effect without
28 the invalid provision or application, and to this end the provisions of this
29 Act are declared to be severable.

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31 SECTION 5. All laws and parts of laws in conflict with this Act are
32 hereby repealed.

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