

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.

1 State of Arkansas  
2 83rd General Assembly  
3 Regular Session, 2001  
4

# A Bill

Act 1205 of 2001  
SENATE BILL 829

5 By: Senator Baker  
6  
7

## For An Act To Be Entitled

9 AN ACT TO AMEND ARKANSAS CODE 14-284-203 AND 14-284-  
10 204 TO REQUIRE TEN PERCENT (10%) OF THE QUALIFIED  
11 ELECTORS TO SIGN PETITIONS FOR ESTABLISHMENT OF A  
12 FIRE PROTECTION DISTRICT BEFORE A QUORUM COURT ADOPTS  
13 AN ORDINANCE TO CREATE A DISTRICT, AND TO HOLD A  
14 PUBLIC HEARING WITHIN THE DISTRICT; AND FOR OTHER  
15 PURPOSES.  
16

## Subtitle

17 TO REQUIRE 10% OF THE VOTERS TO SIGN  
18 PETITIONS FOR ESTABLISHMENT OF A FIRE  
19 PROTECTION DISTRICT BEFORE THE QUORUM  
20 COURT ADOPTS AN ORDINANCE TO CREATE A  
21 DISTRICT.  
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24  
25 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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27 SECTION 1. Arkansas Code 14-284-203 is amended to read as follows:  
28 14-284-203. Methods of establishment.

29 Fire protection districts may be established to serve all or any  
30 defined portion of any county in any of the following ways:

31 (1) By the quorum court by ordinance enacted after notice and public  
32 hearing ten percent (10%) of the qualified electors in the proposed district  
33 petitioning the quorum court to hold a public hearing and to form a district,  
34 and by the quorum court adopting an ordinance calling for notice and a public  
35 hearing within the district;

36 (2) By the county court pursuant to an election of the qualified

1 electors of the proposed district initiated, called, and conducted as  
2 provided in this subchapter; or

3 (3) By the county court pursuant to a resolution of a suburban  
4 improvement district, approved by unanimous vote of its board of  
5 commissioners, to convert to a fire protection district to be administered  
6 under this subchapter.

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8 SECTION 2. Arkansas Code 14-284-204 is amended to read as follows:  
9 14-284-204. Establishment by petition and adoption of ordinance.

10 (a)(1) If petitions containing a description of the territory for a  
11 proposed fire protection district along with an accurate map of the proposed  
12 district boundaries and containing the signatures of ten percent (10%) or  
13 more of the qualified electors within the proposed district are filed with  
14 the county quorum court of a county in which the proposed fire protection  
15 district is to be located, requesting a public hearing and the establishment  
16 of a fire protection district in the county, then the county quorum court, or  
17 quorum courts if the district is located in more than one (1) county, shall  
18 conduct a public hearing to determine the support for the proposed district.

19 (2)(A) The quorum court shall set the time for the hearing to be  
20 held not less than thirty (30) days nor more than sixty days (60) days after  
21 the petitions are certified and shall set the place for the hearing to be  
22 held within the boundaries of the proposed district.

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

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

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

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

36 (b)(1) After the petitions are certified and the initial public

1 hearing held, the county quorum court may adopt an ordinance to establish the  
2 district, to levy assessments on property or the landowners, or both, and to  
3 call for a public hearing on the ordinance.

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

7 ~~(a)(1)(c)(1)~~ When an ordinance is adopted by the quorum court  
8 establishing a fire protection district, the quorum court shall publish  
9 notice of the adoption of the ordinance in a newspaper of general circulation  
10 in the county. The notice shall include a copy of the ordinance and shall  
11 prescribe a time and place within the proposed district for a public hearing  
12 on the ordinance.

13 (2) A public hearing shall be held at some large public facility  
14 within the boundaries of the proposed district at least ~~thirty (30)~~ sixty  
15 (60) days and not more than ~~sixty (60)~~ ninety (90) days after the date of  
16 publication of the notice.

17 (A) If at the hearing a majority of the qualified electors  
18 in the proposed district appear in person to oppose the establishment of the  
19 district or if petitions opposing the establishment of the district and  
20 containing the signatures of a majority of the qualified electors in the  
21 proposed district are filed at or before the public hearing, the ordinance  
22 creating the district shall be void.

23 (B) If a majority of the qualified electors of the  
24 proposed district do not object to the establishment of the district in  
25 person or by petition within the time prescribed in subsection ~~(a)(c)~~, the  
26 ordinance shall be valid and the district shall be established. The board of  
27 commissioners for the district shall be appointed and serve, and the levy of  
28 assessed benefits to support the district may be made, in the same manner as  
29 is provided in this subchapter for fire protection districts established  
30 pursuant to a vote of the electors.

31 ~~(b)(1)(d)(1)~~ A fire protection district established by ordinance of  
32 the quorum court without a vote of the electors of the district shall have no  
33 authority to issue bonds and to pledge assessed benefits of the district to  
34 secure bonds unless the question of the issuance of bonds by the district is  
35 first submitted to and approved by a majority of the qualified electors of  
36 the district voting on the issue.

1           (2) The question of the issuance of bonds by a fire protection  
2 district established by ordinance of the quorum court may be submitted to the  
3 electors of the district at an election called by the county court either at  
4 the request of the board of commissioners of the district or upon petition  
5 signed by ten percent (10%) of the electors of the district as determined by  
6 the number of votes cast by the electors of the district for all candidates  
7 for Governor at the last preceding general election.

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