

1 **State of Arkansas**
2 **80th General Assembly**
3 **Regular Session, 1995**
4 **By: Representative D. Wood**

A Bill

ACT 286 OF 1995
HOUSE BILL 1228

For An Act To Be Entitled

8 "AN ACT TO AMEND ARKANSAS CODE TITLE 14, CHAPTER 284,
9 SUBCHAPTER 1 TO AUTHORIZE FIRE PROTECTION DISTRICTS
10 ORGANIZED UNDER THE SUBCHAPTER TO CONSOLIDATE; AND FOR
11 OTHER PURPOSES."

Subtitle

15 "AN ACT TO AUTHORIZE CERTAIN FIRE
16 PROTECTION DISTRICTS TO CONSOLIDATE."

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

20 SECTION 1. Arkansas Code Title 14, Chapter 284, Subchapter 1 is amended
21 by adding the following new section:

22 "14-284-124. Consolidation of fire protection districts.

23 (a) Fire protection districts organized under this subchapter may
24 consolidate if the districts are geographically contiguous, located in the
25 same county, and no parcel of land in the new district will be more than three
26 (3) miles from an existing fire station.

27 (b)(1) Consolidation of fire protection districts may be initiated upon
28 the adoption of a resolution for consolidation by the board of directors of
29 each district. Upon adopting a resolution, each fire protection district
30 shall hold a public hearing to be held in the district no sooner than twenty
31 (20) days and no later than forty-five (45) days following the adoption of the
32 resolution. Each district shall publish notice of its hearing in a newspaper
33 of general circulation in the district once a week for two (2) consecutive
34 weeks. The notice shall include the date, time, place, and purpose of the
35 hearing.

36 (2) Following the hearing, the commissioners of the district

1 shall vote on a resolution finding that consolidation of the districts is in
2 the best interest of the landowners of the district. If the resolution is
3 adopted by the board of commissioners, a copy of the resolution shall be sent
4 to the county court in the county where the district is located.

5 (3) Upon receiving a resolution from each district to be
6 consolidated, the county court shall order the districts consolidated and
7 shall name five (5) commissioners of the new district. The new commissioners
8 shall be appointed pursuant to § 14-284-105.

9 (c)(1) Any fire protection district, which is formed by the
10 consolidation of two or more fire protection districts shall consolidate all
11 assets held by it arising from any of the districts and shall also assume all
12 liabilities of the districts. The assets may be used by the district for any
13 purpose allowed by law, and the liabilities of the district may be paid with
14 funds arising from any source.

15 (2) All the provisions, rights, security, pledges, covenants, and
16 limitations contained in the instrument creating a liability shall not be
17 affected by the consolidation but shall apply with the same force and effect
18 as provided in the original creation of liability.

19 (d) The existing assessments of each district consolidated into the new
20 district shall remain in force until the end of the year in which the
21 districts are consolidated. The commissioners shall order the assessors to
22 reassess the annual benefits of the new district for the following year."

23 (e) A consolidated fire protection district shall not have notes
24 outstanding at any one time in excess of one hundred thousand dollars
25 (\$100,000)."

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27 SECTION 2. All provisions of this act of a general and permanent
28 nature are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas
29 Code Revision Commission shall incorporate the same in the Code.

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31 SECTION 3. If any provision of this act or the application thereof to
32 any person or circumstance is held invalid, such invalidity shall not affect
33 other provisions or applications of the act which can be given effect without
34 the invalid provision or application, and to this end the provisions of this
35 act are declared to be severable.

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SECTION 4. All laws and parts of laws in conflict with this act are hereby repealed.

APPROVED: 2-13-95

