

1 **State of Arkansas**
2 **80th General Assembly**
3 **Regular Session, 1995**
4 **By: Senator Gordon**

A Bill

ACT 766 OF 1995
SENATE BILL 187

For An Act To Be Entitled

8 "AN ACT TO AMEND ARKANSAS CODE 14-284-205 AND 14-284-208
9 TO CLARIFY THE SERVICE AREA FOR FIRE PROTECTION DISTRICTS
10 AND CLARIFY THE PUBLIC ELECTION OF FIRE DISTRICT BOARD OF
11 COMMISSIONERS; TO AMEND ARKANSAS CODE 14-284-212 TO
12 CLARIFY THE FLAT FEE ASSESSMENTS FOR FIRE PROTECTION
13 DISTRICTS; TO AMEND ARKANSAS CODE 14-284-215 TO CLARIFY
14 FILING AND COLLECTION OF FLAT FEE ASSESSMENTS FOR FIRE
15 PROTECTION DISTRICTS AND TO AMEND ARKANSAS CODE 14-284-216
16 TO CLARIFY FLAT FEE ASSESSMENT COLLECTION PROCEDURES; AND
17 FOR OTHER PURPOSES."

Subtitle

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19
20 "AN ACT TO AMEND VARIOUS ARKANSAS CODES
21 PERTAINING TO FIRE PROTECTION
22 DISTRICTS."

23
24 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

25
26 SECTION 1. Arkansas Code 14-284-205 is amended to read as follows:

27 "§ 14-284-205. Establishment by election.

28 (a) When petitions are filed with the county court of any county
29 wherein the fire protection district to be established is located in a single
30 county, or if the fire protection district is to be located in more than one
31 county and the petitions are filed with the county courts of all counties
32 wherein the fire protection district is to be established, and the petitions
33 contain the signatures of ten percent (10%) or more of the qualified electors
34 within the proposed fire protection district boundaries as determined by the
35 number of votes cast by the qualified electors within the proposed fire
36 protection district boundaries for all candidates for Governor at the last

1 preceding general election, requesting the establishment of a fire protection
2 district in the county or a designated portion thereof and requesting that
3 assessments be made on the property or assessments be made on the landowners
4 or assessments be made both on the property and the landowners located in the
5 district to finance the operation of the district, the county court, or county
6 courts if the fire protection district is located in more than one (1) county,
7 shall call a special election within the fire protection district to determine
8 whether a fire protection district shall be established for the area.

9 (b) The county court, or county courts if the proposed fire protection
10 district is located in more than one county, shall call a special election to
11 submit the question of the establishment and financing of a fire protection
12 district to the electors of a proposed district. The special election shall
13 be held within ninety (90) days after the filing of the petitions requesting
14 the election. If the proposed fire protection district is located within more
15 than one (1) county, the county courts shall set the date of the election on
16 the same date and set the places of the election within the proposed fire
17 protection district boundaries. At the election, the question of establishing
18 and financing the district shall be placed on the ballot in substantially the
19 following form:

20 _FOR the establishment of a fire protection district in
21 . . (county), (designated area), and the levy of assessed
22 benefits on real property in the district to finance the district[]

23 AGAINST the establishment of a fire protection district in
24 . . . (county), (designated area), and the levy of assessed
25 benefits on real property in the district to finance the district[]_"

26 SECTION 2. Arkansas Code 14-284-208(f) is amended to read as follows:

27 "(f) (1) If the district includes territory from more than one (1)
28 county, the board of commissioners shall be composed of seven (7) members:

29 (2) The members of the board of commissioners of multi-county
30 fire protection districts formed after July 3, 1995, under this subchapter,
31 shall be residents of the fire protection district and elected at a public
32 meeting as agreed upon by the county courts in order to establish the time of
33 the meeting and the place of the meeting being within the district. The
34 commissioners shall be elected by the qualified electors residing within the
35 district.

1 (3) The members of the board of commissioners shall serve
2 staggered terms with four (4) members of the initial board serving three (3)
3 years and three (3) members of the initial board serving two (2) years and the
4 term of each initial board member shall be determined by the drawing of straws
5 with the three (3) shortest straws drawn by the initial board members
6 determining their initial term to be two (2) years.

7 (4) Vacancies occurring on the board due to resignation, removal,
8 or otherwise shall be filled by the remaining board members for the unexpired
9 term.

10 (5) Members of the board may be removed by a special election to
11 be held within ninety (90) days after the presentation of a special election
12 removal petition signed by ten percent (10%) of the assessed landowners or the
13 assessed per parcel owners with the removal of the board member to be
14 determined by the majority votes of the votes cast in person by the assessed
15 landowners or the assessed per parcel property owners. Each assessed
16 landowner or assessed parcel property owner shall have one (1) vote per paid
17 assessment. The election for the removal of board members shall be held at a
18 designated location within the fire protection district."

19

20 SECTION 3. Arkansas Code 14-284-212(g) is amended to read as follows:

21 "(g) (1) The elected boards of commissioners of fire protection
22 districts formed after July 3, 1995, under this subchapter may, as an
23 alternative to assessing benefits, assess a flat fee per parcel of land
24 located within the district or assess a flat fee per landowner who owns land
25 located within the district.

26 (2) The elected board of commissioners of fire protection
27 districts formed after July 3, 1995, under this subchapter, may establish a
28 different flat fee for the classification of property as commercial property
29 other than for residential property and a different flat fee for the
30 classification of property as unimproved property. The elected board of
31 commissioners may determine if a parcel of property is to be classified as
32 commercial, residential, or unimproved property.

33 (3) If the elected board of commissioners of fire protection
34 districts formed after July 3, 1995, under this subchapter, assesses the flat
35 fee per landowner and also establishes different flat fee classifications per

1 parcel, and if a landowner owns more than one parcel of property within the
2 fire district with different flat fee classifications, the landowner is to be
3 annually assessed one time the highest flat fee classification assessment.

4 (4) If the elected board of commissioners of fire protection
5 districts formed after July 3, 1995, under this subchapter, assess an increase
6 in the flat fee per parcel classification or an increase in the assessment per
7 landowner or an increase in the assessment for both parcel classification and
8 landowner, the increased assessment must be approved in an election by a
9 majority vote of the votes cast in person by the assessed landowners or the
10 assessed per parcel property owners. Each assessed landowner or assessed
11 parcel property owner shall have one (1) vote per paid assessment. The
12 election for the assessment increase shall be held at a designated location
13 within the fire protection district.

14 (5) The election called by the elected board of commissioners for
15 an increase in the flat fee assessment shall be held within ninety (90) days
16 after the board of commissioners meeting that approves the assessment
17 increase. Notice of the election must be published at least three (3) times
18 by insertion in a newspaper of general circulation within the fire protection
19 district, and a public notice posted at the fire stations within the fire
20 protection district."

21

22 SECTION 4. Arkansas code 14-284-215 is amended to read as follows:

23 "§ 14-284-215. Assessments - Filing and collection.

24 (a) The original benefit assessment or flat fee assessment or any
25 reassessment shall be filed with the county clerk, of each county within which
26 the district is located and it shall be the duty of the county clerk to extend
27 the annual benefit assessment or flat fee assessment annually upon the tax
28 books of each county for the property within the fire protection district as
29 located within that county until the district is dissolved.

30 (b) It is the duty of the collector each year to collect the annual
31 benefit assessment, flat fee assessment or reassessment so extended, along
32 with the other taxes.

33 (1) The collector shall deduct three percent (3%) of the
34 assessments collected, shall retain one-half (1/2) thereof as his fee for
35 collecting the benefits, and shall pay over the remaining one-half (1/2) of

1 this amount to the clerk of the county, or to the appropriate county official
2 who extended the assessment, as his fee for extending the assessments on the
3 assessment records.

4 (2) The collector shall remit the remainder of the assessments
5 collected to the secretary-treasurer of the district at the same time the
6 collector remits tax collections to the county treasurer.

7 (3) Upon receipt of the assessed benefits, the
8 secretary-treasurer of the district shall execute a receipt for the funds,
9 deliver it to the county collector, and shall deposit the funds so received in
10 a bank or banks that are located within the district or a bank or banks
11 designated by the board of commissioners if no bank or banks are located
12 within the district, with said funds to be used solely and exclusively for
13 district purposes.

14 (c)(1) If there is any change in the annual assessments, a certified
15 copy of the revised assessment shall be filed with the county clerk who shall
16 extend the revised assessment annually upon the tax books until a new
17 assessment is made, which shall be extended upon the tax books in like manner.
18 The power to reassess and extend the assessment upon the tax books shall be a
19 continuing power as long as the district continues to exist. It shall be the
20 duty of the county collector to collect the taxes so extended.

21 (2) In lieu of filing the reassessment, the assessors may make
22 the changes in the assessment in red ink on the assessment already on file, or
23 the assessment record may contain many columns, at the head of which the year
24 shall be designated, and, in the corresponding column, the new annual
25 assessment may be shown in red ink which will indicate any increase or
26 decrease in the original annual assessment extended. When the change is made,
27 a red ink line shall be drawn through the figures showing the previous annual
28 assessment extended."

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30 SECTION 5. Arkansas Code 14-284-216 is amended to read as follows:

31 "§ 14-284-216. Assessments - Time for payment - Failure to pay.

32 (a) All annual assessments extended and levied under the terms of this
33 subchapter shall be payable at the time ad valorem taxes are payable. If any
34 annual assessments levied by the board pursuant to this subchapter are not
35 paid when due, the collector shall not embrace the assessments in the taxes

1 for which the collector shall sell the lands, but the collector shall report
2 the delinquencies to the board of commissioners , who shall add to the amount
3 of the annual assessment a penalty of ten percent (10%).

4 (b) The board of commissioners shall enforce the collection by chancery
5 proceedings in the chancery court of the county in the manner provided by
6 §§ 14-121-426 - 14-121-432."

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8 SECTION 6. All provisions of this act of a general and permanent nature
9 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
10 Revision Commission shall incorporate the same in the Code.

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12 SECTION 7. If any provision of this act or the application thereof to
13 any person or circumstance is held invalid, such invalidity shall not affect
14 other provisions or applications of the act which can be given effect without
15 the invalid provision or application, and to this end the provisions of this
16 act are declared to be severable.

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18 SECTION 8. All laws and parts of laws in conflict with this act are
19 hereby repealed.

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APPROVED: 3-24-95

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