

INTERIM STUDY PROPOSAL 2023-009

1 State of Arkansas  
2 94th General Assembly  
3 Regular Session, 2023

# A Bill

TSA/TSA  
HOUSE BILL

4 By: Representative Ennett  
5 By: Senator K. Hammer

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

## For An Act To Be Entitled

8 AN ACT TO AMEND THE LAWS CONCERNING THE POWERS AND  
9 DUTIES OF THE DEPARTMENT OF AGRICULTURE AND THE STATE  
10 FORESTRY COMMISSION; TO AMEND THE LAWS RELATING TO  
11 FIRE PROTECTION DISTRICTS; TO AMEND THE AUTHORITY OF  
12 THE DEPARTMENT OF AGRICULTURE TO ADJUST FIRE  
13 PROTECTION DISTRICT BOUNDARIES HAVING OVERLAPPING  
14 BOUNDARIES; TO AMEND THE AUTHORITY OF THE DEPARTMENT  
15 OF AGRICULTURE TO RECOMMEND CHANGES TO OTHER FIRE  
16 PROTECTION DISTRICT BOUNDARIES; AND FOR OTHER  
17 PURPOSES.

## Subtitle

18 TO AMEND THE LAWS CONCERNING THE POWERS  
19 AND DUTIES OF THE DEPARTMENT OF  
20 AGRICULTURE AND THE STATE FORESTRY  
21 COMMISSION; AND TO AMEND THE LAWS  
22 RELATING TO FIRE PROTECTION DISTRICT  
23 BOUNDARIES.

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

25 SECTION 1. Arkansas Code § 14-284-125 is amended to read as follows:  
26 14-284-125. Boundaries of overlapping, abutting, or contiguous  
27 districts.  
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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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