

1 State of Arkansas

2 80th General Assembly

3 Regular Session, 1995

4 By: Representative D. Wood

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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."

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Subtitle

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

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

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

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

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

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

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

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

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

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

24 (e) A consolidated fire protection district shall not have notes
25 outstanding at any one time in excess of one hundred thousand dollars
26 (\$100,000)."

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

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

1 act are declared to be severable.

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

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