

1 State of Arkansas
2 80th General Assembly
3 Regular Session, 1995

A Bill

HOUSE BILL 1554

4 By: Representatives Molinaro and D. Wood

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For An Act To Be Entitled

8 "AN ACT TO AMEND VARIOUS SECTIONS OF SUBCHAPTER 2 OF TITLE
9 14, CHAPTER 284 OF THE ARKANSAS CODE OF 1987, ANNOTATED,
10 TO AUTHORIZE FIRE PROTECTION DISTRICTS TO PROVIDE
11 AMBULANCE AND EMERGENCY MEDICAL SERVICES TO THE RESIDENTS
12 OF THEIR DISTRICTS; AND FOR OTHER PURPOSES."

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Subtitle

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15 "TO AUTHORIZE FIRE PROTECTION DISTRICTS
16 TO PROVIDE AMBULANCE AND EMERGENCY
17 MEDICAL SERVICES TO THE RESIDENTS OF
18 THEIR DISTRICTS"

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

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22 SECTION 1. Arkansas Code § 14-284-201 is amended to read as follows:
23 "14-284-201. Applicability.

24 (a)(1) Fire protection districts established under the provisions of
25 this subchapter shall cover only territory within the county, or within the
26 defined district, outside the corporate limits of cities and towns.

27 (2) However, if any city or town within the district does not
28 have an organized or volunteer fire department and desires to be included
29 within the fire protection district, upon the adoption of an ordinance
30 therefor by the governing body of the city or town, addressed to the county
31 judge and quorum court, the area covered by the fire protection district may
32 be extended to provide fire protection within the city limits of the city or
33 town by ordinance adopted by the quorum court.

34 (b) In order to avoid duplication of fire protection services, fire
35 protection districts established under this subchapter shall be established

1 for the primary purpose of providing fire protection in rural areas for
2 buildings, structures, and other man-made improvements. In addition, fire
3 protection districts may provide ambulance and emergency medical services to
4 residents of their district. Nothing in this subchapter shall be construed
5 to relieve the Arkansas Forestry Commission of responsibility for providing
6 for fire protection for forest lands.

7 (c) For the purposes of this subchapter, the term fire protection
8 services shall include providing ambulance and emergency medical services to
9 the residents of the district, if the board of commissioners decides those
10 services are necessary for the resident's health and well-being."

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12 SECTION 2. Arkansas Code § 14-284-211 is amended to read as follows:

13 "14-284-211. Board of commissioners - Power and authority.

14 The board of commissioners of any district created pursuant to this
15 subchapter shall have the power and authority to:

16 (1) Execute contracts and other instruments for and in behalf of the
17 district;

18 (2) Cooperate with any other fire protection district, municipal fire
19 department, or any political subdivision or agency of this state or the
20 United States in carrying out the purposes of the district;

21 (3) Establish rules and regulations for the transaction of the
22 district's business and for carrying out the purposes of the district;

23 (4) Make assessments of benefits against real property in the district
24 benefited by fire protection services of the district and make assessments of
25 benefits against real property in the district whose property holders are
26 benefited by the ambulance and emergency medical services and provide for the
27 collection of the assessments;

28 (5) Issue bonds as provided in this subchapter to finance the district
29 and its purposes. However, districts established by ordinance of the quorum
30 court shall have no authority to issue bonds unless the question is first
31 submitted to and approved by the electors of the district as provided in
32 §§ 14-284-204 and 14-284-205; and

33 (6) Do any and all other actions necessary or desirable to enable the
34 board to carry out its responsibilities and to accomplish the purposes of the
35 district."

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SECTION 3. Arkansas Code § 14-284-212 is amended to read as follows:

"14-284-212. Preparation of plans - Assessors and assessments generally.

(a) As soon as is practical after its establishment, the board shall prepare plans for providing fire protection services and for acquiring the property and equipment necessary to carry out the purposes of the district. In addition, if the board determines that ambulance and emergency medical services for the residents of the district are necessary for the resident_s health and well-being, the board shall prepare plans for providing those services and for acquiring the equipment and training necessary to carry out those other services.

(b) They shall thereupon appoint three (3) assessors to assess the annual benefits which will accrue to the real property and to the property holders within the district from the providing of fire protection and other services and shall fix their compensation. The assessors shall take an oath that they will well and truly assess all annual benefits that will accrue to the protected landowners of the district by the providing of fire protection and other services.

(c) The assessors shall thereupon proceed to assess the annual benefits to the lands within the district and shall inscribe in a book each tract of land and extend opposite the inscription of each tract of land the amount of annual benefits that will accrue each year to that land by reason of the services.

(d) The original assessment of benefits and any reassessment shall be advertised and equalized in the same manner as provided in this subchapter, and owners of all property whose assessment has been raised shall have the right to be heard and to appeal from the decision of the assessors, as hereinafter provided.

(e) The assessors shall place opposite each affected tract the name of the supposed owner as shown by the last county assessment, but a mistake in the name shall not void the assessment, and the assessors shall correct errors which occur in the county assessment list.

(f) The commissioners shall have the authority to fill any vacancy in the position of assessor, and the assessors shall hold office at the pleasure

1 of the board.

2 (g) The boards of commissioners of fire protection districts formed
3 after July 3, 1989, under this subchapter may, as an alternative to assessing
4 benefits, assess a flat fee per parcel of land located within the district.
5 Furthermore, the boards may establish a different fee for commercial property
6 than for residential property and for fire services than for ambulance
7 services, or both in combination."

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9 SECTION 4. Arkansas Code § 14-284-214 is amended to read as follows:

10 "14-284-214. Assessments - Annual reassessments.

11 (a) The commissioners shall once a year order the assessors to
12 reassess the annual benefits of protected property in the district if there
13 have been improvements made or improvements destroyed or removed from one (1)
14 or more tracts of land in the district, making it necessary to have the
15 annual benefits revised.

16 (b)(1) Whereupon, it shall be the duty of the assessors to reassess
17 the benefits of the district, and the annual benefits assessed may be raised
18 or lowered as fire protection and other services benefiting the property
19 change.

20 (2) If the commissioners determine that there have been no
21 significant changes in improvements on the lands in the district, they may
22 direct that assessed benefits remain the same as the benefits assessed the
23 preceding year."

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25 SECTION 5. Arkansas Code § 14-284-223 is amended to read as follows:

26 "14-284-223. Authority to contract with other governmental entities to
27 provide fire protection services.

28 Fire protection improvement districts or fire protection districts
29 organized under this subchapter are authorized to contract with a city, town,
30 or county, the state, the federal government, or an existing fire protection
31 improvement district or fire protection district for the provision of fire
32 protection services or for other services."

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34 SECTION 6. All provisions of this act of general and permanent nature
35 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code

1 Revision Commission shall incorporate the same in the Code.

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3 SECTION 7. If any provisions of this act or the application thereof to
4 any person or circumstance is held invalid, the invalidity shall not affect
5 other provisions or applications of the act which can be given effect without
6 the invalid provisions or application, and to this end the provisions of this
7 act are declared to be severable.

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

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