

1 State of Arkansas

2 80th General Assembly

3 Regular Session, 1995

4 By: Representative Molinaro

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For An Act To Be Entitled

8 "AN ACT TO PROVIDE QUALIFYING MUNICIPALITIES WITH TWO (2)
9 FIRE PROTECTION DISTRICTS WITHIN THEIR BOUNDARIES MAY CALL
10 A SPECIAL ELECTION ON THE ISSUE OF CONSOLIDATING THE
11 DISTRICTS AND TO PROVIDE FOR THE CONSOLIDATION OF THE
12 DISTRICTS AND THEIR FACILITIES AND SERVICES; AND FOR OTHER
13 PURPOSES."

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Subtitle

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

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23 SECTION 1. (a) As used in this act, a "qualifying municipality" means
24 any city of the first class with a population of no less than fifteen
25 thousand (15,000) people and no more than twenty thousand (20,000) people in
26 a county of more than one hundred fifty thousand (150,000) population in
27 accordance with the latest federal decennial census and which contains two
28 (2) or more fire protection districts to provide fire protection services
29 within the city.

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31 (b) The mayor of any qualifying municipality shall, upon passage of a
32 resolution by a majority of the governing body of the city, be entitled to
33 issue a proclamation calling a special election on the question of
34 consolidating fire protection districts within its boundaries and, upon a
35 majority of those voting on the question voting in favor of the consolidation
of the districts at the special election provided for under this act, shall

1 have the districts consolidated.

2 (c) Upon a proclamation calling for the special election being filed
3 with the county board of election commissioners of the county in which a
4 qualifying municipality is located, the election commission shall call a
5 special election to determine the issue. The consolidation election shall be
6 held within sixty (60) days of the filing of the proclamation. Only those
7 electors from within the boundaries of the qualifying municipality shall be
8 entitled to vote on the question of consolidating districts.

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10 SECTION 2. (a) At the special election, the consolidation issue shall
11 be printed on the ballot in substantially the following form:

12 "For the Fire Protection District and the Fire
13 Protection Districts to be consolidated into a single consolidated fire
14 protection district."

15 "Against the Fire Protection District and the Fire
16 Protection Districts to be consolidated into a single consolidated fire
17 protection district."

18 (b) If at the consolidation election a majority of the qualified
19 electors voting on the issue vote against the consolidated fire protection
20 district, then the fire protection districts shall continue as separate and
21 distinct and no further elections shall be held to consolidate the districts
22 until after a passage of at least five (5) years.

23 (c) If at the consolidation election a majority of the qualified
24 electors voting on the issue vote for the consolidation of the fire
25 protection districts, then the consolidation of the districts shall be
26 effective on January 1 of the next year.

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28 SECTION 3. (a) On January 1 of the next year, the consolidated
29 district shall begin operation of the consolidated fire protection services.
30 Prior to consolidation of services, the boards of the respective districts
31 shall meet and merge the districts' facilities, and the operation and
32 maintenance of the respective districts into joint services. The board of
33 commissioners for the consolidated district shall consist of a merged board
34 of the two (2) former districts with the same number of members as the two
35 (2) former fire protection district boards and shall consist of the same

1 board members. The consolidated board members shall be selected, vacancies
2 filled, and shall serve terms as they were selected, filled, and serve under
3 the same terms and laws as they did under the former districts.

4 (b) The consolidated board of commissioners shall have the authority,
5 after notice and a public hearing, to set the rate of service charges for the
6 consolidated district. The service charges shall be sufficient to meet the
7 operating costs of the consolidated district and to pay and discharge any
8 bonded indebtedness of the districts joining in the consolidation. The
9 consolidated district may borrow money for improvements, enlargements or
10 betterments of any fire protection facilities and services of the
11 consolidated district.

12 (c) These consolidated systems may borrow money to pay and discharge
13 any outstanding bond issues and indebtedness of the districts joining in the
14 consolidations and may borrow money also for improvement, enlargement, and
15 betterment of the facilities of the consolidated systems. To accomplish
16 these purposes, consolidated systems may issue negotiable bonds or notes
17 evidencing the money so borrowed, to be secured solely by a pledge of the net
18 revenues derived from service charges, to bear interest at a rate as
19 prescribed by the consolidated board of the district, and to mature at the
20 time and places as the board shall decide best, and to be issued with terms
21 of payment, call provisions, and interest rates as the board shall deem to be
22 in the best interest of the inhabitants of the consolidated district.

23 (d) Consolidated districts organized pursuant to the provisions of
24 this act may provide fire protection services to lands outside the boundaries
25 of the city. These services may be continued or extended on such terms as
26 the commissioners may dictate. However, no lands outside the city shall be
27 subject to fire protection services of the consolidated district, except on
28 payment to the district of service charges equal to not less than the charges
29 made against similarly benefited lands within the city.

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31 SECTION 4. In the event the two boards of commissioners do not reach
32 an agreement concerning the joining and merging of the districts' facilities
33 and their operations and maintenance into joint services of a consolidated
34 district within 90 days after the election or by January 1 of the next year,
35 whichever is earlier, then either of the boards, the city, or any voter in

1 either district shall have standing to sue, in circuit court of the county
2 wherein the city is located, to force agreement of the districts in
3 consolidating facilities and services and the court shall have authority to
4 order the agreement into force.

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6 SECTION 5. All expenses of special elections for the consolidation of
7 the fire protection districts shall be paid by the municipality reimbursing
8 the county for the expenses of the special election.

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

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

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

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