

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

A Bill

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

18
19 "AN ACT TO AMEND VARIOUS ARKANSAS CODES
20 PERTAINING TO FIRE PROTECTION
21 DISTRICTS."
22

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

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

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

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

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

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

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

1 the meeting and the place of the meeting being within the district. The
2 commissioners shall be elected by the qualified electors residing within the
3 district.

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

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

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

22

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

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

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

1 (3) If the elected board of commissioners of fire protection
2 districts formed after July 3, 1995, under this subchapter, assesses the flat
3 fee per landowner and also establishes different flat fee classifications per
4 parcel, and if a landowner owns more than one parcel of property within the
5 fire district with different flat fee classifications, the landowner is to be
6 annually assessed one time the highest flat fee classification assessment.

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

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

24

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

26 "§ 14-284-215. Assessments - Filing and collection.

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

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

1 (1) The collector shall deduct three percent (3%) of the
2 assessments collected, shall retain one-half (1/2) thereof as his fee for
3 collecting the benefits, and shall pay over the remaining one-half (1/2) of
4 this amount to the clerk of the county, or to the appropriate county official
5 who extended the assessment, as his fee for extending the assessments on the
6 assessment records.

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

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

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

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

32

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

34 "§ 14-284-216. Assessments - Time for payment - Failure to pay.

35 (a) All annual assessments extended and levied under the terms of this

1 subchapter shall be payable at the time ad valorem taxes are payable. If any
2 annual assessments levied by the board pursuant to this subchapter are not
3 paid when due, the collector shall not embrace the assessments in the taxes
4 for which the collector shall sell the lands, but the collector shall report
5 the delinquencies to the board of commissioners , who shall add to the amount
6 of the annual assessment a penalty of ten percent (10%).

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

10

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

14

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

20

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

23

24

25

26

27

28

29

30

31

32

33

34

35

1
2
3
4
5
6