

Stricken language would be deleted from present law. Underlined language would be added to present law.

1 State of Arkansas
2 81st General Assembly
3 Regular Session, 1997

A Bill

HOUSE BILL 2149

4
5 By: Representative Molinaro

For An Act To Be Entitled

9 "AN ACT TO AUTHORIZE THE FORMATION OF VOLUNTEER FIRE
10 PROTECTION ASSOCIATIONS IN COUNTIES HAVING A POPULATION OF
11 200,000 OR MORE; TO PRESCRIBE THE PROCEDURE FOR FORMATION
12 OF SUCH ASSOCIATIONS AND THEIR POWERS, FUNCTIONS AND
13 DUTIES; TO PROVIDE THAT ALL VOLUNTEER FIRE PROTECTION
14 ASSOCIATIONS, WHETHER HERETOFORE OR HEREAFTER FORMED,
15 SHALL BE SUBJECT TO THE PROVISIONS OF THIS ACT; AND FOR
16 OTHER PURPOSES."

Subtitle

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18
19 "TO PROVIDE FOR THE FORMATION OF
20 VOLUNTEER FIRE PROTECTION ASSOCIATIONS."

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

23
24 SECTION 1. The purpose for the formation of a volunteer fire
25 association shall be the building, equipping, and operation of a fire station
26 or stations equipped and staffed with equipment and personnel for
27 extinguishing fires and providing services for rescue of persons or property
28 endangered by fire or the threat of fire, and for providing necessary first
29 response in life threatening emergencies.

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31 SECTION 2. All volunteer fire protection associations heretofore or
32 hereafter formed in counties of this state having a population of 200,000 or
33 more shall be subject to the provisions of this act.

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35 SECTION 3. A volunteer fire protection association may be formed in any
36 county of this state having a population of 200,000 or more by not less than

1 fifty (50) resident owners of property in the area proposed to be served. The
2 association shall be administered by a board of directors of five (5) members
3 elected by owners of property in the area to be served, which board shall be
4 elected within sixty (60) days after the formation of the association, or in
5 case of associations formed before the effective date of this act, within
6 sixty (60) days after the effective date hereof. All elections to elect
7 members of the board shall be called by the county court. The court shall
8 prescribe the time and place of the election within the area served and shall
9 conduct and declare the outcome of the election. Only paper ballots shall be
10 used. All members of the board shall be resident owners of property in the
11 area to be served at the time of election. Any board member who ceases to be
12 a resident owner of property in the area or fails to make timely payment of
13 dues assessed for membership in the association shall cease to be a member of
14 the board and his or her position shall be filled by appointment by the
15 remaining members of the board for the remainder of the term. The first
16 members elected to the board shall draw lots for terms, with two (2) of such
17 members to serve terms of one (1) year and three (3) of such members to serve
18 terms of two (2) years. Thereafter, all members of the board shall be elected
19 to terms of two (2) years. The elections to elect subsequent members of the
20 board shall be held annually in the anniversary month of the original
21 election. All qualified electors who are owners of property in the area to be
22 served shall be eligible to vote in the first election to select members of
23 the board of directors. Any resident owner of property in the area who is a
24 qualified elector may seek election to the initial board by filing as a
25 candidate with the county court in the manner prescribed by the court. At
26 subsequent elections of board members, only qualified association members may
27 be candidates for membership on the board. In subsequent elections, only
28 qualified electors who are property owners in the area and who have paid
29 current association membership dues shall be eligible to vote. Electors
30 voting in such elections shall be entitled to cast one (1) vote for each
31 current paid up association membership.

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33 SECTION 4. Members of the board may be removed by a special election to
34 be held within ninety (90) days after the presentation of a special election
35 removal petition signed by twenty-five percent (25%) of the qualified electors
36 in the association. The removal of the board member or members shall be

1 determined by a majority of the votes cast in person at the special election.

2

3 SECTION 5. The board shall organize by annually electing one (1) of its
4 members chairman and shall annually elect a secretary/treasurer or a secretary
5 and treasurer.

6 The board shall agree to the selection of volunteer fire fighters among
7 persons who volunteer for such duties. The board shall select a fire chief
8 who shall not be a member of the board. Other volunteer fire fighters shall
9 not be board members. No compensation may be paid for the services of
10 volunteer fire fighters nor the volunteer fire chief. Substantiated expenses
11 incurred by the chief or a fire fighter may be reimbursed.

12 The board shall organize a voluntary fire department as it deems best,
13 and shall be empowered to enter into necessary agreements for the formation
14 and operation thereof.

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16 SECTION 6. (a) The board of directors shall meet at least quarterly
17 and at such other times as it may deem necessary to properly carry out its
18 responsibilities.

19 (b) Meetings shall be called by the chairman or a majority of the
20 members of the board.

21 (c) Three (3) members of the board shall constitute a quorum and any
22 action of the board shall require an affirmative vote of at least three (3)
23 members.

24 (d) All board meetings shall be open to the public and notification of
25 all board meetings shall be publicized in a manner deemed appropriate by the
26 board to insure widespread knowledge of the time and place of meetings.

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28 SECTION 7. The board of directors of any volunteer fire association
29 created pursuant to this law shall have the power and authority to:

30 (1) Execute contracts and other instruments for and in behalf of the
31 volunteer fire association;

32 (2) Cooperate with any other volunteer fire association, fire
33 protection district, municipal fire department, or any political subdivision
34 or agency of this state or the United States in carrying out the purposes of
35 the department;

36 (3) Do any and all other actions necessary or desirable to enable the

1 board to carry out its responsibilities and to accomplish the purposes of the
 2 association.

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4 SECTION 8. A member of the board of directors shall not be liable for
 5 any damages as a result of board actions unless the board and the individual
 6 members acted with corrupt and malicious intent.

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8 SECTION 9. (a) The board shall select an appropriate financial
 9 institution as depository of its funds.

10 (b) The depository shall pay out no money except upon the order of the
 11 board and upon a voucher check signed by at least two (2) of the board
 12 members. Every voucher check shall state upon its face to whom payable, the
 13 amount and the purpose for which issued. All voucher checks shall be dated
 14 and numbered consecutively in a record to be kept by the board showing the
 15 number and amount of each.

16 (c) (1) The board of directors shall file with the county court in
 17 January of each year a certified itemized report showing all monies received,
 18 the date of receipt, and the source from which received. The report shall
 19 further show all monies paid out, the date paid, to whom paid, and for what
 20 purpose, during the preceding year.

21 (2) Copies of the report shall be made and furnished to the chief
 22 of the fire department, who shall keep the reports at the fire station or
 23 stations, to be made available on request to property holders within the area
 24 served.

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26 SECTION 10. A map of the area to be served by the volunteer fire
 27 association shall be prepared by the board of directors. The area shall be
 28 outlined on a county map of at least a scale of one-half inch (1/2") to the
 29 mile and a copy displayed in the fire station for observation by members of
 30 the volunteer fire association.

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32 SECTION 11. (a) Membership in the volunteer fire association shall be
 33 limited to persons owning real property in the area of service.

34 (b) Annual dues for membership in the association shall be set by the
 35 board. Dues so determined may be adjusted by a majority vote of the current
 36 dues paid members in attendance at a dues review meeting of the board which

1 shall be called for that purpose within thirty (30) days of any meeting at
2 which dues were set. Dues shall be set for residential property and
3 commercial property separately as a class.

4 (c) Dues shall be collected annually. Statements shall be mailed or
5 distributed to each property owner eligible to be a member of the association.
6 This distribution shall take place in the same month of each year, the month
7 to be selected by the board. Dues may be collected by volunteer persons
8 within the association or by mail or may be paid in person. Receipts shall be
9 issued for all payments of membership dues.

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11 SECTION 12. 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.

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15 SECTION 13. 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.

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21 SECTION 14. All laws and parts of laws in conflict with this act are
22 hereby repealed.

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24 SECTION 15. EMERGENCY. It is hereby found and determined by the
25 General Assembly that laws relating to volunteer fire associations are either
26 non-existent or vague, and that volunteer fire associations have no laws
27 regarding accountability for private or public funds received or disbursed;
28 that this act is designed to provide for acceptable and reasonable
29 organization and operation of volunteer fire associations in counties having a
30 population of 200,000 or more and to provide for the protection of lives from
31 the danger of fire and should be given effect immediately. Therefore, an
32 emergency is declared to exist and this act being immediately necessary for
33 the preservation of the public peace, health and safety shall become effective
34 on the date of its approval by the Governor. If the bill is neither approved
35 nor vetoed by the Governor, it shall become effective on the expiration of the
36 period of time during which the Governor may veto the bill. If the bill is

1 vetoed by the Governor and the veto is overridden, it shall become effective
2 on the date the last house overrides the veto.

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