

1 State of Arkansas
2 94th General Assembly
3 Regular Session, 2023
4

A Bill

HOUSE BILL 1528

5 By: Representative B. McKenzie
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For An Act To Be Entitled

8 AN ACT TO AMEND THE LAW GOVERNING FIRE PROTECTION
9 DISTRICTS OUTSIDE OF CITIES AND TOWNS; TO REQUIRE A
10 BALLOT MEASURE BEFORE A FIRE PROTECTION DISTRICT CAN
11 BE CREATED; TO REQUIRE THAT THE VALUE OF REAL
12 PROPERTY IN THE FIRE PROTECTION DISTRICT MATCH THE
13 VALUE AS DETERMINED BY THE COUNTY ASSESSOR; AND FOR
14 OTHER PURPOSES.
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Subtitle

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18 TO REQUIRE A BALLOT MEASURE BEFORE A FIRE
19 PROTECTION DISTRICT CAN BE CREATED; AND
20 TO REQUIRE THAT THE VALUE OF REAL
21 PROPERTY IN THE FIRE PROTECTION DISTRICT
22 MATCH THE VALUE AS DETERMINED BY THE
23 COUNTY ASSESSOR.
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26 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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28 SECTION 1. Arkansas Code § 14-284-203 is amended to read as follows:
29 14-284-203. Methods of establishment.

30 ~~Fire~~ A fire protection ~~districts~~ district may be established to serve
31 all or any defined portion of any county in ~~any~~ one of the following ways:

32 (1) ~~By ten percent (10%) of the qualified electors in the~~
33 ~~proposed district's petitioning the quorum court to hold a public hearing and~~
34 ~~to form a district, and by the quorum court's adopting an ordinance calling~~
35 ~~for notice and a public hearing within the district;~~

36 ~~(2)~~ By the county court pursuant to an election of the qualified



1 electors of the proposed district initiated, called, and conducted as
 2 provided in this subchapter; or

3 ~~(3)(2)~~ By the county court pursuant to a resolution of a
 4 suburban improvement district, approved by unanimous vote of its board of
 5 commissioners, to convert to a fire protection district to be administered
 6 under this subchapter.

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 8 SECTION 2. Arkansas Code § 14-284-204 is repealed.

9 ~~14-284-204. Establishment by petition and adoption of ordinance.~~

10 ~~(a)(1)(A) If petitions containing a description of the territory for a~~
 11 ~~proposed fire protection district, along with an accurate map of the proposed~~
 12 ~~fire protection district boundaries, and containing the signatures of ten~~
 13 ~~percent (10%) or more total of the qualified electors within the proposed~~
 14 ~~fire protection district are filed with the county clerk and quorum court of~~
 15 ~~a county in which the proposed fire protection district is to be located to~~
 16 ~~request a public hearing and the establishment of a fire protection district~~
 17 ~~in the county, then the:~~

18 ~~(i) County clerk or clerks, if the proposed fire~~
 19 ~~protection district is located in more than one (1) county, shall determine~~
 20 ~~the sufficiency of and certify the signatures; and~~

21 ~~(ii) Quorum court or quorum courts, if the proposed~~
 22 ~~fire protection district is located in more than one (1) county, shall~~
 23 ~~conduct a public hearing to determine the support for the proposed fire~~
 24 ~~protection district.~~

25 ~~(B)(i) The signatures and sufficiency of the petition~~
 26 ~~shall be certified by the county clerk within sixty (60) days of receipt of~~
 27 ~~the petition under subdivision (a)(1)(A) of this section.~~

28 ~~(ii) The quorum court shall respond in writing to~~
 29 ~~the petitioners within the sixty-day period under subdivision (a)(1)(B)(i) of~~
 30 ~~this section if there are issues or questions the quorum court would like~~
 31 ~~addressed in the petition, but in no event shall the quorum court delay the~~
 32 ~~sixty-day period under subdivision (a)(1)(B)(i) of this section.~~

33 ~~(2)(A) The quorum court shall set the time for the hearing to be~~
 34 ~~held not less than thirty (30) days nor more than sixty (60) days after the~~
 35 ~~petitions are certified and shall set the place for the hearing to be held by~~
 36 ~~the quorum court on the proposed fire protection district, but in no event~~

1 ~~shall the quorum court delay the time for the hearing beyond sixty (60) days.~~

2 ~~(B) When a time and place for the hearing are set, the~~
3 ~~quorum court shall publish notice of the hearing in a newspaper of general~~
4 ~~circulation in the county.~~

5 ~~(3)(A) Before setting the hearing on the adoption of an~~
6 ~~ordinance to establish a fire protection district, petitions filed with the~~
7 ~~quorum court shall be filed with the county clerk of the county where the~~
8 ~~proposed fire protection district is to be located.~~

9 ~~(B) It shall be the duty of the county clerk or clerks, as~~
10 ~~the case may be, to determine the sufficiency of the signatures and to~~
11 ~~certify the sufficiency in writing to the quorum court as provided under this~~
12 ~~section.~~

13 ~~(C) The petitions shall indicate the elector's name,~~
14 ~~address, and signature and shall contain a verification of the signatures~~
15 ~~pursuant to § 7-9-109.~~

16 ~~(b)(1) After the petitions are certified, the quorum court shall~~
17 ~~conduct a public hearing and adopt an ordinance to establish the fire~~
18 ~~protection district and to levy assessments on property or the landowners, or~~
19 ~~both.~~

20 ~~(2) The ordinance shall set the boundaries of the fire~~
21 ~~protection district.~~

22 ~~(c)(1)(A) When an ordinance is adopted by the quorum court~~
23 ~~establishing a fire protection district, the quorum court shall publish~~
24 ~~notice of the adoption of the ordinance in a newspaper of general circulation~~
25 ~~in the county.~~

26 ~~(B) The notice shall include a copy of the ordinance and~~
27 ~~shall prescribe a time and place within the proposed district for a public~~
28 ~~hearing on the ordinance.~~

29 ~~(2)(A) A public hearing shall be held at some large public~~
30 ~~facility within the boundaries of the proposed district at least sixty (60)~~
31 ~~days and not more than ninety (90) days after the date of publication of the~~
32 ~~notice.~~

33 ~~(B) If at the hearing a majority of the qualified electors~~
34 ~~in the proposed district appear in person to oppose the establishment of the~~
35 ~~district or if petitions opposing the establishment of the district and~~
36 ~~containing the signatures of a majority of the qualified electors in the~~

~~proposed district are filed at or before the public hearing, the ordinance creating the district shall be void.~~

~~(C)(i) If a majority of the qualified electors of the proposed district do not object to the establishment of the district in person or by petition within the time prescribed in this subsection, the ordinance shall be valid and the district shall be established.~~

~~(ii) The board of commissioners for the district shall be appointed and serve, and the levy of assessed benefits to support the district may be made, in the same manner as is provided in this subchapter for fire protection districts established pursuant to a vote of the electors.~~

~~(d)(1) A fire protection district established by ordinance of the quorum court without a vote of the electors of the district shall have no authority to issue bonds and to pledge assessed benefits of the district to secure bonds, unless the question of the issuance of bonds by the district is first submitted to, and approved by, a majority of the qualified electors of the district voting on the issue.~~

~~(2) The question of the issuance of bonds by a fire protection district established by ordinance of the quorum court may be submitted to the electors of the district at an election called by the county court either at the request of the board of commissioners of the district or upon petition signed by ten percent (10%) of the electors of the district as determined by the number of votes cast by the electors of the district for all candidates for Governor at the last preceding general election.~~

SECTION 3. Arkansas Code § 14-284-212(b), concerning the assessment of the annual benefits accruing to the owners of real property inside a fire protection district, is amended to read as follows:

(b)(1) They The board shall thereupon appoint three (3) assessors to assess the annual benefits ~~which that~~ will accrue to the real property within the district from the providing of fire protection services and shall fix ~~their the~~ compensation of the assessors.

(2) 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 services.

(3) When conducting their assessment under this section, the

1 assessors shall value the real property in an amount equal to the market
2 value set by the county assessor at the most recent county assessment.

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