

1 State of Arkansas  
2 90th General Assembly  
3 Regular Session, 2015  
4

# A Bill

HOUSE BILL 1367

5 By: Representative Hammer  
6

## For An Act To Be Entitled

8 AN ACT TO AMEND THE LAW CONCERNING THE COLLECTION OF  
9 DUES FOR VOLUNTEER FIRE DEPARTMENTS; TO DECLARE AN  
10 EMERGENCY; AND FOR OTHER PURPOSES.  
11

## Subtitle

12  
13 TO AMEND THE LAW CONCERNING THE  
14 COLLECTION OF DUES FOR VOLUNTEER FIRE  
15 DEPARTMENTS; TO DECLARE AN EMERGENCY.  
16  
17  
18

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

21 SECTION 1. Arkansas Code § 14-20-108 is amended to read as follows:

22 14-20-108. Dues for volunteer fire departments.

23 (a)(1)(A) The quorum court of each county, upon request filed with the  
24 quorum court by one (1) or more volunteer fire departments in the county, may  
25 adopt an ordinance authorizing a designated county official to collect and  
26 remit to the volunteer fire department the annual ~~or quarterly~~ dues charged  
27 by the volunteer fire department in consideration of providing fire  
28 protection to unincorporated areas in the county.

29 (B)(i)(a) When a quorum court receives a request for the  
30 levy of volunteer fire department dues and the request has been signed by the  
31 fire chief and the chair and secretary of the board of directors, if any, of  
32 a volunteer fire department and filed with the county clerk, the quorum court  
33 by ordinance shall call for an election on the issue of the levy of the  
34 volunteer fire department dues on each residence and on each business having  
35 an occupiable structure.

36 (b)(1) The issue may be placed on the ballot



1 at a special election by order of the quorum court in accordance with § 7-11-  
2 201 et seq.

3 (2) The special election shall be held  
4 by August 1.

5 (c) If an attested petition is filed with the  
6 county clerk and signed by a majority of registered voters in the volunteer  
7 fire department district voting in the immediately preceding general  
8 election, then the quorum court by ordinance shall dispense with a special  
9 election on the issue of the levy of volunteer fire department dues.

10 ~~(e)~~(d)(1) If the levy of volunteer fire  
11 department dues is approved by a majority of those voting on the issue or the  
12 county clerk determines that the number of signatures of registered voters is  
13 sufficient and the quorum court dispenses with a special election, the  
14 volunteer fire department dues shall be listed annually on real property tax  
15 statements and collected by the county collector at the same time and in the  
16 same manner as real property taxes.

17 (2)(A) The county collector shall report  
18 delinquencies to the volunteer fire department for collection.

19 (B) A volunteer fire department  
20 may collect volunteer fire department dues that have become delinquent and  
21 may enforce collection by proceedings in a court of proper jurisdiction.

22 (ii) The cost of the election shall be borne by the  
23 volunteer fire department that requested the levy.

24 (2) The ordinance enacted by the quorum court shall set forth  
25 the terms and conditions on which the volunteer fire department dues are to  
26 be collected by the county and for the remission of the volunteer fire  
27 department dues to the volunteer fire department.

28 (3) However, an active member of a volunteer fire department  
29 whose annual ~~or quarterly~~ volunteer fire department dues are collected in  
30 this manner may be exempt from the annual ~~or quarterly dues charged by the~~  
31 volunteer fire department dues at the discretion of the volunteer fire  
32 department in consideration of providing services to the volunteer fire  
33 department.

34 (b)(1) The quorum court by majority vote may designate the  
35 geographical area that a volunteer fire department serves.

36 (2) Upon request by a volunteer fire department, the quorum

1 court of each county involved may authorize a volunteer fire department to  
2 ~~serve a geographical area to~~ extend its geographical service area across the  
3 county boundary lines.

4 (c) The quorum court may establish its own countywide fire department,  
5 either regular or voluntary.

6 (d) This section does not change the authority of intergovernmental  
7 cooperation councils to enter into reciprocal agreements or to distribute  
8 funds under § 14-284-401 et seq. and § 26-57-614.

9 (e)(1) If approved by ordinance by the governing body of an  
10 incorporated town or a city of the second class on the signed request of ~~and~~  
11 ~~signed by~~ the fire chief and the chair and secretary of the board of  
12 directors, if any, of a volunteer fire department, an incorporated town or a  
13 city of the second class located in the volunteer fire department district  
14 that is not served by a fire department may be included in the fire  
15 protection area with the volunteer fire department dues levied and collected  
16 in the same manner as in the unincorporated areas served by the volunteer  
17 fire department district.

18 (2)(A) The governing body of the incorporated town or city of  
19 the second class by ordinance shall call for an election on the ordinance  
20 under subdivision (e)(1) of this section.

21 (B) The issue may be placed on the ballot at a special  
22 election by order of the governing body in accordance with § 7-11-201 et  
23 seq., and the special election shall be held by August 1.

24 (C) If the issue is approved by a majority of those voting  
25 on the issue, the incorporated town or city of the second class shall be  
26 served by the volunteer fire department district with the volunteer fire  
27 department dues levied and collected in the same manner as in the  
28 unincorporated areas served by the volunteer fire department district.

29 (D) The cost of the election shall be borne by the  
30 governing body of the incorporated town or city of the second class that  
31 called for the election.

32 (f) At the discretion of a volunteer fire department, a church served  
33 by a volunteer fire department may be exempt from volunteer fire department  
34 dues if the church is exempt from real property taxes.

35 (g)(1)(A) By December 15 of each year or upon the creation of a  
36 volunteer fire department, a volunteer fire department that uses or intends

1 to use the county collector for collection of the volunteer fire department  
2 dues shall file an annual report with the county clerk in any county in which  
3 a portion of the volunteer fire department is located.

4 (B) The county clerk shall not charge any costs or fees  
5 for filing the annual report.

6 (C) The volunteer fire department shall deliver a filed  
7 copy of the annual report to the county collector within five (5) days of  
8 filing.

9 (2) The annual report shall contain the following information as  
10 of December 15 of the current calendar year:

11 (A) Identification of the volunteer fire department board  
12 members and contact information;

13 (B) The contact information for the volunteer fire  
14 department chief;

15 (C) Information concerning to whom the official designated  
16 to remit the volunteer fire department dues is to pay volunteer fire  
17 department dues; and

18 (D) The amount of the annual dues charged by the volunteer  
19 fire department by parcel or on each residence or business having an  
20 occupiable structure.

21 (h) The official designated to remit the volunteer fire department  
22 dues under this section shall not remit the dues collected by the county  
23 collector to any volunteer fire department until the annual report has been  
24 filed.

25 (i) A volunteer fire department that is required to file a report  
26 under § 14-86-2102 is not required to file a separate report under this  
27 section.

28 (j) This section applies to all volunteer fire departments, however  
29 organized.

30  
31 SECTION 2. EMERGENCY CLAUSE. It is found and determined by the General  
32 Assembly of the State of Arkansas that there are scores of volunteer fire  
33 departments in this state; that in many areas the only fire protection  
34 available is through the local volunteer fire department; and that this act  
35 is immediately necessary to ensure the volunteer fire departments can remain  
36 viable and continue to serve the state. Therefore, an emergency is declared

1 to exist, and this act being immediately necessary for the preservation of  
2 the public peace, health, and safety shall become effective on:

3 (1) The date of its approval by the Governor;

4 (2) If the bill is neither approved nor vetoed by the Governor,  
5 the expiration of the period of time during which the Governor may veto the  
6 bill; or

7 (3) If the bill is vetoed by the Governor and the veto is  
8 overridden, the date the last house overrides the veto.

9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36