

ARKANSAS MUNICIPAL LEAGUE



Fire Protection Services Program



JANUARY 2014

Foreword

The Arkansas Legislature enacted the Fire Protection Services Program Act Of Arkansas with Act 833 of 1991, as amended during subsequent legislative sessions.

The Fire Protection Services Program increased fire insurance premiums for revenues that may be used to defray training expenses of firefighters and to purchase, improve, or buy firefighting equipment in compliance with the National Fire Protection Association standards. The program revenues also enable initial capital construction and improvements of fire departments.

This booklet shows how municipalities and communities and their fire departments may apply for the money made available under the Fire Protection Services Program to meet their firefighting needs.

The Arkansas Municipal League hopes this information is helpful in reaching your firefighting goals.

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General Procedures

The following procedures have been established by the Department of Finance and Administration, Office of Administrative Services (DFA-OAS) to implement the Fire Protection Services Program Act of Arkansas, Act 833 of 1991, as amended during subsequent legislative sessions.

The procedures are divided into three sections:

- A. General procedures applying to all Fire Departments/Districts
- B. Rural Volunteer Fire Departments/Districts
- C. Certified Municipal Fire Departments

A. Premium Taxes

- A1. Beginning Jan. 1, 1992, a premium tax of 1/2 of 1% on fire insurance will be collected by the Arkansas Insurance Commissioner from insurers.
- A2. The insurers will estimate their net direct written premiums and remit premium taxes quarterly based on these estimates to the Arkansas Insurance Commissioner. The first quarter's collections should be available for distribution by DFA-OAS to Fire Departments in July. The other quarterly collections should be available in October, January, and April. The final collection will be an adjusted collection to reflect the actual net direct premiums written for the previous year.
- A3. The collections will be deposited into the Fire Protection Premium Tax Fund quarterly and will be divided by county using the following percentages as stated in the Act:

Arkansas	0.78%	Ashley	1.39%	Baxter	1.78%
Benton	3.86%	Boone	1.46%	Bradley	0.52%
Calhoun	0.51%	Carroll	0.97%	Chicot	0.51%
Clark	1.13%	Clay	1.10%	Cleburne	1.11%
Cleveland	0.66%	Columbia	1.24%	Conway	1.04%
Craighead	2.91%	Crawford	1.98%	Crittenden	1.32%
Cross	0.84%	Dallas	0.45%	Desha	0.71%
Drew	0.80%	Faulkner	2.30%	Franklin	0.97%
Fulton	0.84%	Garland	3.12%	Grant	1.13%
Greene	1.39%	Hempstead	1.89%	Hot Spring	1.46%
Howard	0.75%	Independence	1.90%	Izard	0.91%
Jackson	0.95%	Jefferson	2.32%	Johnson	1.05%
Lafayette	0.71%	Lawrence	0.96%	Lee	0.73%
Lincoln	1.12%	Little River	0.77%	Logan	1.06%
Lonoke	1.70%	Madison	0.95%	Marion	1.00%
Miller	1.44%	Mississippi	1.77%	Monroe	0.53%
Montgomery	0.66%	Nevada	0.58%	Newton	0.67%
Ouachita	1.37%	Perry	0.62%	Phillips	1.12%
Pike	0.87%	Poinsett	1.14%	Polk	1.01%
Pope	1.73%	Prairie	0.83%	Pulaski	5.99%
Randolph	0.96%	St. Francis	1.45%	Saline	3.00%
Scott	0.59%	Searcy	0.73%	Sebastian	2.06%
Sevier	0.82%	Sharp	1.30%	Stone	0.77%
Union	2.01%	Van Buren	1.18%	Washington	3.46%
White	2.71%	Woodruff	0.47%	Yell	1.11%

- A4. The population of each county and incorporated city and town within the county will be determined using the latest U. S. Census. All special census information will be input at the beginning of each program year. DFA-OAS will use this information to determine the percentage population of each incorporated city and town and the remaining unincorporated percentage population of the county.

A5. Funds distributed under this program shall only be spent on the following three items:

- (1) Training of fire fighters at the Arkansas Fire Training Academy and/or fire training centers certified by the AFPSB.
- (2) Purchase and improvement of fire fighting equipment or improvements of fire departments.
- (3) Pledging as security for a period of not more than ten years in the financing of the purchase of fire fighting equipment and initial capital construction or improvement of fire departments. All equipment purchased must comply with National Fire Protection Association (NFTA) standards.

A6. The funds for each county shall be apportioned to the districts and municipalities within the county based on population unless the County Intergovernmental Cooperation Council (CICC) notifies the quorum court of the fire protection needs of the districts and municipalities, in which case the monies will be apportioned by the quorum court based on those needs.

A7. Each County Quorum Court should notify DFA-OAS through Arkansas Department of Emergency Management, Office of Fire Services (ADEM-OFS) by November 30 of each calendar year of the fire protection needs of the districts and municipalities of their county as determined by the CICC. If no notification is received, the distribution within the county will be based on the population as determined by the latest U.S. Census of the incorporated municipalities and on a first come, first served basis for the unincorporated areas. Counties that have previously notified DFA-OAS through ADEM-OFS, of their fire protection needs of the districts and municipalities, will have their apportionment's carried forward to the new program year, from the previous year, unless DFA-OAS through ADEM-OFS is notified of any changes no later than November 30 each calendar year.

A8. As soon as ADEM-OFS has reviewed and approved the apportionment and/or changes, the transactions will be routed to DFA-OAS to adjust the distribution of each county as noted and approved.

A9. As funds are received from Premium Tax collections, DFA-OAS will allocate them to each county using the percentages stated in A3 of the General Procedures. Each county's funds will then be allocated based on the county's population percentage distribution or Quorum Court's designated fire protection needs as apportioned.

See page 10 for an example of a County Needs Assessment.

B. Rural Volunteer Fire Departments/Districts Procedures

- B1. No rural volunteer fire department/district will receive payments from this program unless the County Quorum Court and the Board of Commissioners of the Fire Protection District designate a County Fire Service Coordinator who will be responsible for seeing that standard guidelines established by the Arkansas Fire Protection Services Board pursuant to Ark. Code Ann. §20-22-801 et seq., are followed.
- B2. Rural volunteer fire departments/districts which are in compliance with these procedures and Ark. Code Ann. §§ 20-22-801 - 20-22-809 will be eligible for funds under this program.
- B3. No rural volunteer fire department/district shall receive funds under this program after January 1, 1998, unless the fire department/district is certified by the Arkansas Fire Protection Services Board (Act 1112 of 1995). Until that time, ADEM-OFS shall approve only requests for upgrading, which will move the department/district towards meeting the minimum certification standards. All monies received from this program are to be spent directly on equipment, training, capital improvements, or other expenditures necessary for upgrading the service provided by the department/district. (Act 10-First Extraordinary Session of 1992)
- B4. Rural volunteer fire departments/districts should complete a Certification Application Form. This form must be completed at the beginning of every program year. After the Certification Application is approved by the rural fire department/district it is then submitted to the County Fire Service Coordinator for review and approval. The County Fire Service Coordinator then submits the form to the County Quorum Court for review and approval.
- B5. After approval and signatures, the Certification Application should be sent to ADEM-OFS for review and approval at the following address:

**Arkansas Dept Of Emergency Management Office Of Fire Services
Camp Joseph T. Robinson Bldg. 9501
North Little Rock, AR 72199**

- B6. After approval by ADEM-OFS the Certification Application will be sent to DFA-OAS for processing of payment.
- B7. The payment will be sent by ADEM-OFS to the County Judge with a return receipt enclosed.
- B8. The County Treasurer will receive and deposit these funds in a Special County Revenue Fund designated specifically for fire protection. The funds will then be disbursed to the rural volunteer fire department/district who requested them.
- B9. The Board of Commissioners of any FIRE PROTECTION DISTRICT receiving funds under this program shall make no contract for the purchase of material or equipment costing five hundred (\$500) or more except upon sealed bids opened in public, and it shall be the duty of the secretary of the district to call on the telephone or notify in person no less than ten (10) property holders, not less than forty-eight (48) hours or more than one (1) week before the time of receiving the bids. The secretary shall also deliver to the daily papers in the county and at least one (1) weekly paper a news item notice of the intention to receive bids on certain equipment. (Act 10-First Extraordinary Session of 1992)
- B10. All funds received under this program must be EXPENDED or ALLOCATED for expenditure on or before the expiration of twelve (12) months from the date of receipt. Any excess or surplus funds which are not expended or allocated for expenditure within such twelve (12) month period shall be returned to the DFA-oas no later than sixty (60) days following the expiration of such twelve (12) month period. The returned funds will be deposited to the Fire Protection Premium Tax Fund and will be reallocated as described in Section A9 of the General Procedures.
- B11. Each rural volunteer fire department/district which receives funds under this program shall file reports on December 1 annually with Quorum Court through the County Clerk's Office or other office designated by the Quorum Court stating how such funds were expended during the preceding twelve (12) months.

B12. The Quorum Court of each county through their County Clerk's Office shall file reports on January 15 annually with the State Auditor and Department of Emergency Management stating how such funds were expended during the preceding twelve (12) months. Send the reports to the following addresses:

**Auditor Of State
State Capitol Room 230
Little Rock, AR 72201**

**Arkansas Department Of Emergency Management
Office of Fire Services
Camp Joseph T. Robinson Bldg. 9501
North Little Rock, AR 72199**

- B13. If any Quorum Court or rural volunteer fire department/district fails to make the reports as stated in B11 and B12, the fire department/district shall not be eligible for new or additional funds until the reports are filed.
- B14. Any fire department/district which fails to expend funds in due compliance with the program until the department/district reimburses the exact amount of those monies improperly retained or expended.

C. Certified Municipal Fire Department Procedures

- C1. Municipal fire departments which are in compliance with these procedures and ACA §§ 20-22-801 through 809 shall be eligible for funds under this program.
- C2. Municipal fire departments must be willing to provide fire protection through mutual aid agreements in areas within five (5) miles of its corporate limits. Municipal fire departments shall not be required to respond when, in the opinion of proper municipal authorities, municipal property or fire classification rating would be jeopardized. Municipal fire departments must furnish an official municipal resolution signed by the Chief Executive Officer of that municipality stating their willingness to provide fire protection through mutual aid agreements. Copies of the mutual aid agreements should be sent to OES-OFS.
- C3. Certified municipal fire departments must complete a Certification Application Form. It must have the signature/ approval of the Fire Department and Chief Executive Officer- Municipality.
- C4. After approval and signatures, the Certification Application should be sent to ADEM-OFS for review and approval at the following address:

**Arkansas Dept Of Emergency Management Office Of Fire Services
Camp Joseph T. Robinson Bldg. 9501
North Little Rock, AR 72199**

- C5. After approval by ADEM-OFS, the Certification Application will be sent to DFA-OAS for processing. Payments will be sent as funds become available each quarter.
- C6. The payments will be sent by ADEM-OFS to the municipality with a return receipt enclosed.
- C7. The City Treasurer will receive and deposit these funds as special revenue.
- C8. All funds received under this program must be expended or allocated for expenditure on or before the expiration of twelve (12) months from the date of receipt. Any excess or surplus funds which are not expended or allocated for expenditure within such twelve (12) month period shall be returned to the DFA-OAS no later than sixty (60) days following the expiration of such twelve (12) month period. The returned funds will be deposited to the Fire Protection Premium Tax Fund and will be reallocated as described in Section A9 of the General Procedures.
- C9. Each municipal fire department which receives such funds shall file reports on January 15 annually with ADEM-OFS stating how such funds were expended during the preceding twelve (12) months.
- C10. If any municipal fire department fails to make the report as stated in C10, the fire department shall not be eligible for new or additional funds until the report is filed.
- C11. Any municipal fire department which fails to expend funds in due compliance with the provisions of these procedures shall not be eligible for new or additional funds under this program until the department reimburses the exact amount of those monies improperly retained or expended.

Example County Needs Assessments

County XYZ has four incorporated cities. Without any notification of the fire protection needs of the county, DFA-OAS would distribute funds through OES-OFS as follows:

NAME	POPULATION	DISTRIBUTION
County Total	20,000	100%
City A	10,000	50%
City B	1,000	5%
City C	1,000	5%
City D	200	1%
Unincorporated Area	7,800	39% first come,first served basis

County XYZ’s County Intergovernmental Cooperation Council meets and reviews the fire protection needs of the county. It finds that there are three rural fire departments serving the unincorporated areas of the county, one of which is twice as big as the other two. Also, City D does not have a fire department and its fire needs are met by City C. The County Intergovernmental Cooperation Council makes the following needs assessment to the County Quorum Court:

NAME	POPULATION	DISTRIBUTION
County Total	20,000	100%
City A	10,000	50%
City B	1,000	5%
City C	1,000	6%
City D	200	0%
Rural Department E		19%
Rural Department F		10%
Rural Department G		10%
Unincorporated Area	7,800	

Since the county has determined its needs of both the incorporated and unincorporated areas, the funds will be distributed using the new percentage distribution. The incorporated municipalities will receive their funds quarterly as it is received. The unincorporated rural fire department/districts must apply for the funds. However, since the unincorporated areas have designated needs, these funds will be reserved for them until requested.

If the needs for Year B are the same as previous Year A then nothing needs to be submitted, Year A’s percentage distribution will carry over to Year B. However, if City A is going to assume the fire protection services of Rural Fire Department E a new percentage distribution based on needs must be submitted by November 30. The distribution would then be as follows:

NAME	POPULATION	DISTRIBUTION
County Total	20,000	100%
City A	10,000	59%
City B	1,000	5%
City C	1,000	6%
City D	200	0%
Rural Department E		10%
Rural Department F		10%
Rural Department G		10%
Unincorporated Area	7,800	

The above needs distribution will carry over to Year C unless DFA-OAS through OES is otherwise notified.

Act 833 Certification Application

The Arkansas Department of Emergency Management Office of Fire Services has available online the current Act 833 Certification Application, including application deadlines, guidelines, and reporting requirements.

To access a downloadable PDF of the latest Act 833 application form, go to the front page of ADEM's website, www.adem.arkansas.gov, click on Administration and choose Fire Services. Then choose Act 833 and a link to an application package will be available. You may also type the direct link to the page into your browser: www.adem.arkansas.gov/ADEM/Divisions/Admin/FS/act833.aspx.

For further guidance, contact Kendell Snyder, Arkansas Department of Emergency Management Office of Fire Services, Camp Joseph T. Robinson, Building 9501, North Little Rock, AR 72199; fax 501-683-7891; or email kendell.snyder@adem.arkansas.gov.

Fire Protection Services

§ 20-22-801. General Assembly--Findings and determinations

It is found and determined by the General Assembly that a system of certification and classification of fire departments should be established to encourage the improvement of the fire protection services in this state and to provide the people of this state with information about the level of service they are receiving. It is further found and determined that the public policy of this state should be to encourage individuals and organizations to provide fire protection services and that, to further this policy, workers' compensation coverage should be extended to volunteer firefighters of rural fire departments and that the civil liability of certified fire departments and their firefighters should be limited.

History

Acts of 1987, Act 837, § 1.

§ 20-22-802. Definitions

As used in this subchapter:

- (1) "Board" means the Arkansas Fire Protection Services Board;
- (2) "Certified fire department" means any fire department certified by the Director of the Office of Fire Protection Services as meeting minimum standards prescribed by the Arkansas Fire Protection Services Board;
- (3) "Director" means the Director of the Office of Fire Protection Services;
- (4) "Fire department" means any organization established for the prevention or extinguishment of fires, including, but not limited to, fire departments organized under municipal or county ordinances, improvement districts, membership fee-based private fire departments, and volunteer fire departments; and
- (5) "Firefighter" means any paid or volunteer member of a fire department who engages in fire suppressions, rescue, pump operations, or other fire-ground activities.

History

Acts of 1987, Act 837, § 2; Acts of 2003, Act 1396, § 1, eff. July 16, 2003; Acts of 2003, Act 1459, § 1, eff. April 16, 2003.

§ 20-22-803. Arkansas Fire Protection Services Board--Creation -- Membership.

- (a) (1) There is created the Arkansas Fire Protection Services Board.
- (2) The board shall be composed of fifteen (15) members to be appointed by the Governor as follows:
 - (A) (i) Four (4) members shall be fire chiefs recommended by the Arkansas Association of Fire Chiefs.
 - (ii) Two (2) of the fire chiefs under this subdivision (A) shall be full paid fire chiefs, one (1) shall be a volunteer fire chief, and one (1) shall be a retired fire chief or a volunteer fire chief;
 - (B) Two (2) members shall be recommended by the Arkansas Rural and Volunteer Firefighters Association;
 - (C) Four (4) members recommended by the Arkansas State Firefighters Association, all of whom of which shall be volunteer firefighters;
 - (D) Four (4) members shall be recommended by the Arkansas Professional Fire Fighters Association; and
 - (E) The Director of the Arkansas Forestry Commission or his or her designee.
- (3) The Director of the Arkansas Fire Training Academy, the Director of the Arkansas Department of Emergency Management or his or her designee, and the State Fire Marshal or his or her designee shall be ex officio members.
- (4) Members shall serve three-year terms.

- (5) Each member shall hold office until his or her successor is appointed and qualified.
 - (6) Each recommending organization shall submit a minimum of three (3) names for consideration for appointment by the Governor for each position vacancy on the board.
- (b) (1) The board shall elect annually a chair, vice chair, and secretary.
- (2) The board shall meet at the call of the chair or a majority of the members.
 - (3) A majority of the members constitutes a quorum.
- (c) The Governor shall fill vacancies occurring on the board with appointments for the duration of the unexpired terms.
- (d) The members shall serve without pay but may receive expense reimbursement in accordance with § 25-16-901 et seq.

History

Acts of 1987, Act 837, § 3; Acts of 1997, Act 250, § 195, eff. Feb. 24, 1997; Acts of 2003, Act 1459, § 2, eff. April 16, 2003; Acts of 2013, Act 1256, § 1, eff. Aug. 16, 2013.

§ 20-22-804. Arkansas Fire Protection Services Board--Duties and powers

(a) The Arkansas Fire Protection Services Board shall:

- (1) Prescribe by regulation minimum standards for the certification of fire departments and standards for the classification of fire departments as to their level of service, including, but not limited to, standards for training levels for firefighters of fire departments, minimum levels of equipment, and minimum performance standards;
 - (2) Establish a system of identification for firefighters of certified fire departments for the purpose of assisting firefighters to carry out their duties;
 - (3) Assist fire departments with training programs and assist with the establishment and upgrading of fire departments;
 - (4) Promote the exchange of information among fire departments and state agencies;
 - (5) Serve in an advisory capacity to the Director of the Arkansas Department of Emergency Management with respect to the operation of fire services and the matters concerning certification and standards related to fire services in the state;
 - (6) Periodically review and evaluate current and proposed national and international activities related to the improvement and upgrading of fire services to ensure that the state maintains acceptable standards of fire protection for its citizens and standards for training its firefighters;
 - (7) Advise the Director of the Arkansas Fire Training Academy in matters related to the training and certification of fire services personnel in Arkansas and curriculum and instructional content of the curriculum offered by the Arkansas Fire Training Academy;
 - (8) (A) Advise the President of Southern Arkansas University in matters regarding the appointment and retention of the director of the academy.
 - (B) The board shall review the applications for the position of director of the academy submitted to the President of Southern Arkansas University and recommend three (3) candidates for the position to the President.
 - (C) The President shall appoint the director of the academy from the three (3) recommended candidates; and
 - (9) Establish other reasonable rules and regulations as may be necessary for the purposes of this subchapter.
- (b) As of March 1, 2003, the Arkansas Fire Training Academy Board created by § 12-13-202 and the Arkansas Fire Advisory Board created by § 20-22-1005 are transferred by a Type 3 transfer under § 25-2-106 to the Arkansas Fire Protection Services Board created by § 20-22-803.

History

Acts of 1987, Act 837, § 3; Acts of 1993, Act 280, § 1, eff. Feb. 26, 1993; Acts of 1999, Act 646, § 58, eff. July 30, 1999; Acts of 2003, Act 1459, § 3, eff. April 16, 2003; Acts of 2013, Act 1091, § 1, eff. Aug. 16, 2013.

§ 20-22-805. Office of Fire Protection Services--Creation

- (a) There is created the Office of Fire Protection Services which shall be under the supervision and direction of the Director of the Arkansas Department of Emergency Management.
- (b) The Director of the Office of Fire Protection Services, who shall be employed by the Director of the Arkansas Department of Emergency Management, shall have the responsibility to carry out the administrative functions and directives of the Arkansas Fire Protection Services Board.
- (c) The Director of the Office of Fire Protection Services may employ personnel as may be authorized by law to carry out the duties of the office.

History

Acts of 1987, Act 837, § 4; Acts of 1993, Act 280, § 2, eff. Feb. 26, 1993; Acts of 1999, Act 646, § 59, eff. July 30, 1999.

§ 20-22-806. Certification and classification of fire departments

- (a) Fire departments in this state may apply for annual certification and classification by the Director of the Office of Fire Protection Services. Each fire department applying for certification shall submit such information as may be required by the director to determine whether the fire department meets minimum certification standards and to classify the department as to its level of service.
- (b) (1) Certification standards for fire departments shall not be changed unless the changes are approved by the Arkansas Fire Protection Services Board.
 - (2) Any change to the certification standards under this subsection shall not be effective until twelve (12) months after the adoption of the published change.
- (c) (1) Firefighters shall maintain a minimum of sixteen (16) hours per year of certifiable training meeting the standards of the Arkansas Fire Training Academy.
 - (2) A firefighter who receives more certified hours than required in subdivision (c)(1) of this section in a year may carry over the additional certified hours to the next year only.
- (d) Firefighters shall also receive within the first year of service as a firefighter:
 - (1) Up to sixteen (16) hours in the Introduction to Firefighting course;
 - (2) Up to sixteen (16) hours in the Personal Protective Equipment course; and
 - (3) Up to eight (8) hours in the Wildland Fire Suppression course.
- (e) (1) A member of a fire department who does not engage in firefighting is exempt from the requirements of this section.
 - (2) A member under subdivision (e)(1) of this section shall be eligible for workers' compensation coverage under § 20-22-809.
 - (3) A member under subdivision (e)(1) of this section is considered a firefighter for the purpose of number of members of the fire department.
- (f) A fire department that complies with this section is eligible for insurance premium tax moneys under § 14-284-401 et seq.

History

Acts of 1987, Act 837, § 5; Acts of 2007, Act 362, § 1, eff. July 31, 2007; Acts of 2009, Act 808, § 1, eff. July 31, 2009.

§ 20-22-807. Certified fire departments--Powers

Certified fire departments and their firefighters shall have the authority to do all acts reasonably necessary to extinguish fires and protect life and property from fire.

History

Acts of 1987, Act 837, § 6.

§ 20-22-808. Certified fire departments--Liability

(a) Any certified fire department that does not have tort immunity as provided by state law shall be subject to limited liability as provided in this section.

(b) Certified fire departments entitled to limited immunity under this section shall not be liable for damages to persons or property resulting from an act or omission of the fire department or the firefighter occurring at the scene of a reported fire and related to the suppression of the reported fire if the act or omission did not constitute gross negligence, wanton conduct, or intentional wrongdoing.

History

Acts of 1987, Act 837, § 7.

§ 20-22-809. Workers' compensation

(a) For the purpose of workers' compensation coverage in cases of injury to or death of an individual, volunteer firefighters of certified fire departments, other than municipal fire departments, who meet the requirements of this section are county employees and shall receive minimum compensation. Their survivors shall receive death benefits in the same manner as regular county employees for injury or death arising out of and in the course of their activities as firefighters.

(b) Volunteer firefighters requesting workers' compensation coverage shall annually file with the county clerk evidence that:

(1) The firefighter has met the minimum training standards recommended by the Arkansas Fire Protection Services Board; and

(2) The volunteer firefighter is a member of a certified fire department other than a municipal fire department.

(c) A member of a fire department under § 20-22-806 who does not engage in firefighting is eligible for workers' compensation under this section.

History

Acts of 1987, Act 837, § 8; Acts of 2009, Act 808, § 2, eff. July 31, 2009.

§ 20-22-810. Legislative purpose and intent

(a) The General Assembly finds that:

(1) The specialized and hazardous nature of firefighting requires that firefighters possess the requisite knowledge and demonstrate the ability to perform certain skills to carry out their responsibilities; and

(2) The activities of firefighters are important to the health, safety, and welfare of the people of this state.

(b) It is the intent of the General Assembly to require minimum standards for training for entry level, full-time firefighters.

History

Acts of 2003, Act 1396, § 2, eff. July 16, 2003.

§ 20-22-811. Training requirements

(a) (1) After January 1, 2004, no person shall be hired as a full-time firefighter by any local government firefighting unit for a period exceeding one (1) year or for a cumulative time exceeding two thousand nine hundred twelve (2,912) compensated hours unless that person is certified as having completed the mandatory training requirements in subsection (c) of this section.

(2) Any state agency or political subdivision that employs a person as a firefighter for a period exceeding one (1) year or for a cumulative time exceeding two thousand nine hundred twelve (2,912) compensated hours who does not meet the requirements of subsection (c) of this section is prohibited from performing the duties of fire suppression, rescue, pump operations, or other fire ground activities as described in § 20-22-802(5).

(3) The Arkansas Fire Advisory Board may grant an extension to individuals employed within the guidelines as established by the board.

(b) Firefighters serving as full-time employees before January 1, 2004, in a local firefighting unit shall not be required to meet the minimum requirements in subsection (c) of this section.

(c) (1) The uniform training standards for entry level, full-time firefighters shall consist of satisfactory completion of a training program administered by the Arkansas Fire Training Academy which shall utilize the "National Fire Protection Association 1001: Standard for Fire Service Professional Qualifications".

(2) The academy shall be the certifying agency for fire service personnel.

(3) Any person seeking employment from another state shall submit his or her certification to the academy for review and approval.

History

Acts of 2003, Act 1396, § 2, eff. July 16, 2003.

County Intergovernmental Cooperation Councils

§ 14-27-101. Purpose of chapter

(a) It is the purpose of this chapter to require the executives of all political subdivisions of each county to meet on a regular basis for the purpose of encouraging cooperation by the various local government jurisdictions within each county in the most efficient use of their mutual resources and in the providing of services to their local communities in the most efficient and mutually advantageous manner possible.

(b) It is expected that regular dialogue between the executives of the various local government subdivisions within each county will encourage these governmental units to:

- (1) Share facilities, equipment, employees, and services to provide each with a mutual benefit to the advantage of all governments within the county;
- (2) Explore the use of joint purchasing and buying agreements to purchase goods and services in an effort to achieve economies of scale that would not be possible without mutual cooperation; and
- (3) Identify the areas of duplication of services so they may be eliminated to the maximum extent possible.

History

Acts of 1987, Act 510, § 1.

§ 14-27-102. Establishment

(a) There is established within each county of this state a county intergovernmental cooperation council to facilitate cooperation among all the local government subdivisions of each county, to encourage the efficient use of local government resources, and to eliminate the duplication of services by local governments.

(b) The membership of each cooperation council shall consist of the county judge, the county clerk, and the mayor of each city and incorporated town within each county.

- (1) (A) The county judge of each county shall serve as chairman of the cooperation council.
 - (B) The county judge shall have full voting power and shall have veto power over any action taken by the council.
 - (C) It shall require a two-thirds ($\frac{2}{3}$) majority vote of all council members to override a veto.
- (2) The county clerk of each county shall serve as the secretary of the cooperation council, shall preside over cooperation council meetings in the absence of the council chairman, and shall be responsible for writing and submitting all reports of the cooperation council.

(c) Each member of the council shall have one (1) vote for the local government jurisdiction he represents on the cooperation council.

(d) The members of the cooperation council shall serve without compensation for their services.

(e) A quorum shall consist of a majority of the council's membership and shall be necessary to conduct its business.

History

Acts of 1987, Act 510, § 2; Acts of 1993, Act 776, § 1.

§ 14-27-103. Meetings; requirements

(a) Each county intergovernmental cooperation council shall meet at least one (1) time annually.

(b) All meetings of the council shall be open to the public and shall be held in a public meeting room.

(c) All meetings of the cooperation council shall be at the call of the chair unless a majority of the council's membership shall petition for a meeting to be held.

(d) The secretary of each council shall notify the public and the press of council meetings no later than ten (10) days prior to the date of such meetings.

History

Acts of 1987, Act 510, § 3; Acts of 2001, Act 784, § 1, eff. March 14, 2001.

§ 14-27-104. Review of public services

(a) At least one (1) time annually, the county intergovernmental cooperation council shall review the delivery of services by the various local government subdivisions within the county in the following areas:

- (1) Law enforcement services;
- (2) Fire protection services;
- (3) Jail facilities and correctional services;
- (4) Ambulance and emergency medical services;
- (5) Library services;
- (6) Motor vehicle liability insurance;
- (7) Workers' compensation coverage;
- (8) Solid waste management services;
- (9) Street, road, and highway repair and construction;
- (10) Parks and recreation facilities and services;
- (11) Planning and zoning services;
- (12) Health and sanitation services;
- (13) Public transit and transportation services; and
- (14) Any other service area of local government.

(b) (1) The annual review of various services can occur at any or all meetings of the council during the year.

(2) Each service area shall be examined to determine whether or not the employees, equipment, or facilities of service areas could be shared to reduce cost or eliminated to avoid the duplication of services and whether or not the goods and services purchased individually in each of these areas could be purchased jointly or cooperatively to reduce the unit cost to all local governments within the county.

(3) If it is determined by the cooperation council that duplicative services exist and can be eliminated or that joint purchases could be made at reduced costs, this determination shall be reported to the governing body of the local government jurisdictions involved along with any recommendations for consolidation of services or purchases.

History

Acts of 1987, Act 510, § 4.

ACT 833 & Related Provisions

§ 14-284-401. General Assembly; findings and determinations

It is hereby found and determined by the General Assembly of the State of Arkansas that additional funding is needed to improve the fire protection services in this state. It is further found and determined that the public policy of this state is to provide adequate fire protection services for property of citizens through the use of properly trained and equipped fire fighters, and that the provisions of § 26-57-614 and this subchapter, are necessary in furtherance of the public health and safety.

History

Acts of 1991, Act 833, § 1.

§ 14-284-402. Interpretation of provisions

The provisions of § 26-57-614 and this subchapter are intended to be supplemental to current provisions of Arkansas law, and shall not be construed as repealing or superseding any other laws applicable thereto.

History

Acts of 1991, Act 833, § 8.

§ 14-284-403. Apportionment of funds

(a) (1) These premium tax moneys are assessed for disbursement from the Fire Protection Premium Tax Fund, § 19-6-468, by the Department of Finance and Administration to the counties in the following percentages: Arkansas County -- 0.78%, Ashley County -- 1.39%, Baxter County -- 1.78%, Benton County -- 3.86%, Boone County -- 1.46%, Bradley County -- 0.52%, Calhoun County -- 0.51%, Carroll County -- 0.97%, Chicot County -- 0.51%, Clark County -- 1.13%, Clay County -- 1.10%, Cleburne County -- 1.11%, Cleveland County -- 0.66%, Columbia County -- 1.24%, Conway County -- 1.04%, Craighead County -- 2.91%, Crawford County -- 1.98%, Crittenden County -- 1.32%, Cross County -- 0.84%, Dallas County -- 0.45%, Desha County -- 0.71%, Drew County -- 0.80%, Faulkner County -- 2.30%, Franklin County -- 0.97%, Fulton County -- 0.84%, Garland County -- 3.12%, Grant County -- 1.13%, Greene County -- 1.39%, Hempstead County -- 1.89%, Hot Spring County -- 1.46%, Howard County -- 0.75%, Independence County -- 1.90%, IZARD COUNTY -- 0.91%, Jackson County -- 0.95%, Jefferson County -- 2.32%, Johnson County -- 1.05%, Lafayette County -- 0.71%, Lawrence County -- 0.96%, Lee County -- 0.73%, Lincoln County -- 1.12%, Little River County -- 0.77%, Logan County -- 1.06%, Lonoke County -- 1.70%, Madison County -- 0.95%, Marion County -- 1.00%, Miller County -- 1.44%, Mississippi County -- 1.77%, Monroe County -- 0.53%, Montgomery County -- 0.66%, Nevada County -- 0.58%, Newton County -- 0.67%, Ouachita County -- 1.37%, Perry County -- 0.62%, Phillips County -- 1.12%, Pike County -- 0.87%, Poinsett County -- 1.14%, Polk County -- 1.01%, Pope County -- 1.73%, Prairie County -- 0.83%, Pulaski County -- 5.99%, Randolph County -- 0.96%, St. Francis County -- 1.45%, Saline County -- 3.00%, Scott County -- 0.59%, Searcy County -- 0.73%, Sebastian County -- 2.06%, Sevier County -- 0.82%, Sharp County -- 1.30%, Stone County -- 0.77%, Union County -- 2.01%, Van Buren County -- 1.18%, Washington County -- 3.46%, White County -- 2.71%, Woodruff County -- 0.47%, Yell County -- 1.11%.

(2) (A) The moneys shall be apportioned by each quorum court to the districts and municipalities within the county based upon population unless the county intergovernmental cooperation council notifies the quorum court of the fire protection needs of the districts and municipalities, in which case the moneys shall be apportioned by the quorum court based on those needs.

(B) The moneys shall be distributed to municipalities and those certified departments in districts that are in compliance with this subchapter, § 20-22-801 et seq., and § 6-21-106.

(C) Fire departments that are not certified by the Office of Fire Protection Services under § 20-22-801 et seq. shall also be eligible to receive moneys disbursed under this section so long as all moneys received are spent directly on

equipment, training, capital improvements, insurance for buildings, utility costs, or other expenditures necessary for upgrading the service provided by the department.

(D)(i) An inactive fire department, as determined by the county judge, is not eligible to receive moneys disbursed under this section.

(ii) Any moneys allocated by the county intergovernmental cooperation council and any moneys that would have been apportioned to an inactive fire department based upon population shall be disbursed by the quorum court to the active departments based upon fire protection needs.

(iii) If a quorum court has passed a resolution that reallocates the moneys remaining after the disbursement of moneys under this section, then the moneys shall be reallocated based upon the quorum court resolution.

(b) Disbursements shall be made on forms prescribed by the Department of Finance and Administration.

(c) A county treasurer shall not collect the treasurer's commission provided in § 21-6-302 on any of the premium tax moneys disbursed from the Fire Protection Premium Tax Fund.

History

Acts of 1991, Act 833, § 3; Acts of 1992 (1st Ex. Sess.), Act 10, § 4; Acts of 2005, Act 435, § 1, eff. Aug. 12, 2005; Acts of 2007, Act 538, § 2, eff. July 31, 2007; Acts of 2011, Act 880, § 1, eff. July 27, 2011; Acts of 2013, Act 91, § 1, eff. Aug. 16, 2013.

§ 14-284-404. Use of funds

(a) (1) The funds shall be used:

(A) To defray training expenses of fire fighters at the Arkansas Fire Training Academy and fire training centers certified by the Arkansas Fire Protection Services Board;

(B) For the purchase and improvement of, or for pledging as security for a period of not more than ten (10) years in the financing of the purchase and improvement of, fire fighting equipment and initial capital construction or improvements of fire departments;

(C) For insurance for buildings; or

(D) For utility costs.

(2) Municipalities, fire departments, and districts must expend or allocate for expenditure all funds received under this subchapter on or before the expiration of twelve (12) months from the date of receipt.

(3) Any excess or surplus funds which are not expended or allocated for expenditure within each twelve-month period shall be remitted to the fund no later than sixty (60) days following the expiration of each twelve-month period.

(b) Equipment funded under this section shall be used by the municipalities and departments located in fire protection districts which have been duly formed or established under the provisions of § 14-284-201 et seq.

History

Acts of 1991, Act 833, § 3; Acts of 2013, Act 91, § 2, eff. Aug. 16, 2013.

§ 14-284-405. Volunteer fire departments; funds; conditions

(a) No rural volunteer fire department or district shall receive payments or disbursements from the Fire Protection Premium Tax Fund unless the county quorum court and the board of commissioners of the fire protection district designate the current county fire service coordinator or designate a county fire service coordinator who shall be responsible for seeing that standard guidelines established by the Arkansas Fire Protection Services Board pursuant to § 20-22-801 et seq., are followed.

(b) No funds shall be paid to any certified rural volunteer fire department or fire protection district until a written proposal stating the following information has been approved by the quorum court and the Arkansas Fire Protection Services Board:

- (1) Amount of funds requested;
 - (2) Purpose for which funds will be expended;
 - (3) Plans for training of fire fighters; and
 - (4) Anticipated time of completion of project.
- (c) (1) Rural volunteer fire departments and fire protection districts shall supply such statistical and operational information to the Arkansas Fire Protection Services Board and quorum court as required.
- (2) The quorum court of each county shall file reports on January 15 annually with the State Auditor and Department of Finance and Administration stating how such funds were expended during the preceding twelve (12) months.
- (3) Each rural volunteer fire department and fire protection district which receives such funds shall file reports on December 1 annually with the quorum court stating how such funds were expended during the preceding twelve (12) months.
- (4) If any quorum court, rural volunteer fire department, or fire protection district fails to make such reports, the fire department or district shall not be eligible for new or additional funds until the reports are filed.

§ 14-284-406. Areas with no rural volunteer fire department or fire protection district--Areas in two (2) or more counties

- (a) (1) Pursuant to § 14-284-201(a)(2), in any area in any county in which there is no rural volunteer fire department or fire protection district which qualifies for funds under the provisions of this subchapter, the quorum court is authorized, in its discretion and with the approval of the Arkansas Fire Protection Services Board, to designate any unincorporated area of the county to be served by a municipal fire department, if approved by the governing authorities of the municipality.
- (2) (A) In addition to funds the municipality is otherwise entitled to under this subchapter, the municipality serving any such designated area shall receive the funds that the rural volunteer fire department or fire protection district would have been eligible to receive.
- (B) The funds shall be used by the municipality to provide training, to purchase equipment necessary to provide fire protection in the designated unincorporated area in compliance with this subchapter, to purchase insurance for buildings, or to pay utility costs.
- (b) (1) No municipality shall receive funds under this subchapter unless it is willing to provide fire protection through mutual aid agreements in areas within five (5) miles of its corporate limits.
- (2) A municipality shall not be required to respond when, in the opinion of proper municipal authorities, its municipal property or fire classification rating would be jeopardized.
- (c) (1) A rural volunteer fire department or fire protection district that qualifies for funds under this subchapter and that provides fire protection services in two (2) or more counties shall be eligible to receive moneys from each of the counties under § 14-284-403(a)(2).
- (2) The county quorum court of each county shall apportion the funds to the fire departments or districts eligible under this subsection in accordance with § 14-284-403(a)(2).

History

Acts of 1991, Act 833, § 3; Acts of 2003, Act 200, § 1, eff. July 16, 2003; Acts of 2013, Act 91, § 3, eff. Aug. 16, 2013.

§ 14-284-407. Volunteer fire department; organization

Nothing in this subchapter shall be construed to prevent the organization of a volunteer fire department or district pursuant to the provisions of Arkansas law. If such a volunteer fire department or district is organized after January 1, 1992, the Department of Finance and Administration shall distribute funds provided by § 26-57-614 and this subchapter upon

due compliance by the volunteer fire department and district with the eligibility requirements of this subchapter and §§ 20-22-801 -- 20-22-809.

History

Acts of 1991, Act 833, § 4.

§ 14-284-408. Contributions; funds; water

(a) Nothing in this subchapter shall be construed to prevent quorum courts and governing bodies of municipalities from contributing funds directly to any volunteer fire department or district serving such county or municipality.

(b) Nothing in this subchapter shall be construed to prevent county, municipal, or local water utilities or associations from contributing water free of charge for fire fighting and training activities to volunteer fire departments and districts.

History

Acts of 1991, Act 833, §§ 5, 6.

§ 14-284-409. Maintenance of real property of rural volunteer fire department

The county judge of any county is hereby authorized and empowered, in his or her discretion, to grade, gravel, pave, and maintain real property of a rural volunteer fire department, including roads or driveways, as necessary for the effective and safe operation of the rural volunteer fire department.

History

Acts of 1991, Act 833, § 7; Acts of 2003, Act 102, § 1, eff. July 16, 2003.

§ 14-284-410. Certification

No fire department shall receive funds under this subchapter after January 1, 1998, unless the fire department is certified by the Arkansas Fire Protection Services Board.

History

Acts of 1993, Act 1208, § 1; Acts of 1995, Act 1112, § 1.

§ 14-284-411. County Intergovernmental Cooperation Council membership

For the purposes of this subchapter, the mayor of any city or incorporated town whose fire protection district extends into an adjoining county shall be a member of the County Intergovernmental Cooperation Council of the adjoining county.

History

Acts of 1995, Act 1147, § 2.

Sample Mutual Aid Agreement

MUTUAL AID FIRE SERVICES AGREEMENT BETWEEN THE CITY OF _____
AND
_____ RURAL VOLUNTEER FIRE DEPARTMENT AND/OR DISTRICT

This agreement made and entered into on this day of 20 , by and between the city of Arkansas, a municipal corporation (hereinafter referred to as city) and rural volunteer fire department and/or district (hereinafter referred to as department or district).

The parties hereto mutually agree as follows:

- (1) City agrees to respond to all fire calls and operate equipment within rural volunteer fire service areas and districts whenever such fires shall be reported to the city fire department in accordance with this agreement.
- (2) City agrees to respond to fire calls within fire districts and rural volunteer service areas whenever the person turning in the alarm for such fire shall give accurate information concerning the location of the fire, his or her name, and from what station the call is made. The municipality shall not be required to respond when, in the opinion of proper municipal authorities, municipal property or fire classification rating would be jeopardized.
- (3) If the fire is in a position not adjacent to a highway, the person reporting the fire shall furnish, if possible, someone at the highway to lead the firefighters to the fire.
- (4) City, rural departments and fire districts agree to use equipment as is required to cover all fires to which the city, department or district responds. It shall be the duty of the officers of the departments or districts to keep city informed as to the boundaries of said fire districts and volunteer fire service areas and the amount of territory therein at all times.
- (5) Any calls concerning territory outside rural volunteer service areas and fire districts may be answered at the discretion of city or its designated official giving due consideration as to whether such call would be practicable and whether the area could be reached within a reasonable time to abate the hazard.
- (6) City shall have complete control of equipment and firefighters in going to, during and returning from fires, and shall use such equipment and firefighters as in its discretion, the circumstances would necessitate.
- (7) The department or district agrees to respond to fires within the city, under like terms as above, when requested by proper municipal authorities.
- (8) This agreement may be terminated by either party hereto, without cause, only on July 1 st of any year during the existence of this agreement; provided however, that in the event of termination, the terminating party shall give to the other party, written notice of its intention to terminate at least thirty days prior to July 1st of the year in which termination is desired.

In witness whereof, the parties hereto have caused this agreement to be executed by their respective property officers duly authorized by respective resolutions of the governing bodies, the day and year first above mentioned.

City of _____

Fire District or Dept. _____

By: _____
Mayor

Date: _____



Arkansas Municipal League

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501-374-3484

www.arml.org

January 2014