

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

1 State of Arkansas
2 84th General Assembly
3 Regular Session, 2003
4

As Engrossed: H4/3/03 S4/9/03

A Bill

Act 1459 of 2003
HOUSE BILL 1878

5 By: Representatives White, Jeffrey
6 By: Senator G. Jeffress
7

For An Act To Be Entitled

10 AN ACT TO TRANSFER THE POWERS, DUTIES, AND
11 FUNCTIONS OF VARIOUS FIRE SERVICES BOARDS INTO
12 THE ARKANSAS FIRE SERVICES ADVISORY BOARD; AND
13 FOR OTHER PURPOSES.
14

Subtitle

15 AN ACT TO TRANSFER THE POWERS, DUTIES,
16 AND FUNCTIONS OF VARIOUS FIRE SERVICES
17 BOARDS INTO THE ARKANSAS FIRE SERVICES
18 ADVISORY BOARD.
19
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21

22 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
23

24 SECTION 1. Arkansas Code § 20-22-802, is amended to read as follows:
25 20-22-802. Definitions.

26 As used in this subchapter, unless the context otherwise requires:

27 (1) "Board" means the Arkansas Fire Protection Services Board;

28 (2) "Certified fire department" means any fire department
29 certified by the Director of the Office of Fire Protection Services as
30 meeting minimum standards prescribed by the Arkansas Fire Protection Services
31 Board;

32 (3) "Director" means the Director of the Office of Fire
33 Protection Services;

34 (4) "Fire department" means any organization established for the
35 prevention or extinguishment of fires including, but not limited to, fire
36 departments organized under municipal or county ordinances, improvement



1 districts, membership fee-based private fire departments, and volunteer fire
2 departments; and

3 (5) "Fire fighter" means any paid or volunteer member of a fire
4 department.

5
6 SECTION 2. Arkansas Code § 20-22-803, is amended to read as follows:

7 20-22-803. Arkansas Fire Protection Services Board - Creation,
8 members, etc.

9 (a)(1) There is created the Arkansas Fire Protection Services Board.
10 ~~The board shall be composed of nine (9) members to be appointed by the~~
11 ~~Governor;~~

12 ~~(A) Three (3) of the board members shall be members of~~
13 ~~rural fire departments;~~

14 ~~(B) Three (3) members shall represent municipal fire~~
15 ~~departments;~~

16 ~~(C) One (1) member shall be a representative of a~~
17 ~~municipal volunteer fire department;~~

18 ~~(D) One (1) member shall be from the insurance industry;~~
19 ~~and~~

20 ~~(E) One (1) member shall be from industry in this state.~~

21 (2)(A) The terms of office of members serving on February 28,
22 2003, expire on March 1, 2003.

23 (B) The members of the Arkansas Fire Advisory Board
24 serving on February 28, 2003 shall constitute the board of the Arkansas Fire
25 Protection Services Board as of March 1, 2003 and shall serve as such until
26 July 1, 2003 at which time appointments shall be made under subsection (a)(3)
27 of this section.

28 (3) Beginning July 1, 2003, the Arkansas Fire Protection
29 Services Board shall be composed of fifteen (15) members to be appointed by
30 the Governor as follows:

31 (A) Two (2) members shall be fire chiefs recommended by
32 the Arkansas Association of Fire Chiefs;

33 (B) Four (4) members shall be recommended by the Rural and
34 Volunteer Firefighters Association;

35 (C) Four (4) members recommended by the Arkansas State
36 Firefighters Association, two (2) of which shall be volunteer firefighters

1 and two (2) of which shall be career firefighters;

2 (D) Two (2) members shall be recommended by the Arkansas
3 Professional Firefighters Association;

4 (E) One (1) member shall be in a retired status and shall
5 be recommended by the Arkansas Fire Protection Services Board;

6 (F) The Director of the Arkansas Department of Emergency
7 Management; and

8 (G) The Director of the Arkansas Fire Training Academy.

9 (4) A representative of the Arkansas Forestry Commission shall
10 be an ex-officio member of the board.

11 ~~(2)(5)(A)~~ The members of the board shall serve three year
12 staggered terms. The initial appointed board members under subsection (a)(3)
13 shall determine their terms of office by drawing lots to result in four (4)
14 members serving one-year terms, four (4) members serving two-year terms, and
15 five (5) members serving three-year terms.

16 (B) Successor appointed members shall serve three-year
17 terms.

18 ~~(3)(6)~~ Each board member shall hold office until his successor
19 is appointed and qualified.

20 (7) Each recommending organization shall submit a minimum of
21 three (3) names for consideration for appointment by the Governor for each
22 position vacancy on the board.

23 (b)(1) The board shall annually elect a ~~chairman~~ chair, vice-chair,
24 and secretary.

25 (2) The board shall meet at the call of the ~~chairman~~ chair or a
26 majority of the members of the board.

27 (3) A majority of the members shall constitute a quorum.

28 (c) The Governor shall fill vacancies occurring on the board with
29 appointments for the duration of the unexpired term.

30 (d) The members of the board shall serve without pay but may receive
31 expense reimbursement in accordance with § 25-16-901 et seq.

32
33 SECTION 3. Arkansas Code § 20-22-804, is amended to read as follows:
34 20-22-804. Arkansas Fire Protection Services Board - Duties and
35 powers.

36 (a) The Arkansas Fire Protection Services Board shall:

1 (1) Prescribe by regulation minimum standards for the
2 certification of fire departments and standards for the classification of
3 fire departments as to their level of service including, but not limited to,
4 standards for training levels for fire fighters of fire departments, minimum
5 levels of equipment, and minimum performance standards;

6 (2) Establish a system of identification for fire fighters of
7 certified fire departments for the purpose of assisting fire fighters to
8 carry out their duties;

9 (3) Assist fire departments with training programs and assist
10 with the establishment and upgrading of fire departments;

11 (4) Promote the exchange of information among fire departments
12 and state agencies;

13 (5) Serve in an advisory capacity to the Director of the
14 Arkansas Department of Emergency Management *with respect to the operation of*
15 *The Office of Fire Protection Services fire services and the matters*
16 *concerning the certification and standards related to fire services in the*
17 *state; and*

18 (6) Periodically review and evaluate current and proposed
19 national and international activities related to the improvement and
20 upgrading of fire services to ensure that the state maintains acceptable
21 standards of fire protection for its citizens and standards for training for
22 its firefighters;

23 (7) Advise the Director of the Arkansas Fire Training Academy in
24 matters related to the training and certification of fire services personnel
25 in Arkansas, and curriculum and instructional content of the curriculum
26 offered by the Arkansas Fire Training Academy;

27 (8) Advise the Chancellor of Southern Arkansas University Tech
28 in matters regarding the appointment and retention of the Director of the
29 Arkansas Fire Training Academy; and

30 ~~(9)~~ (9) Establish such other reasonable rules and regulations as
31 may be necessary for the purposes of this subchapter.

32 (b) As of March 1, 2003, the Fire Training Academy Board created by §
33 12-13-202 and the Fire Advisory Board created by § 20-22-1005 are transferred
34 by a Type 3 transfer under § 25-2-106 to the Arkansas Fire Protection
35 Services Board created by § 20-22-803.

36

1 SECTION 4. Arkansas Code § 12-13-202 is repealed.

2 ~~12-13-202. Board created—Members—Meetings.~~

3 ~~(a) There is created the Arkansas Fire Training Academy Board which~~
4 ~~shall be composed of fifteen (15) members to be appointed by the Governor and~~
5 ~~confirmed by the Senate.~~

6 ~~(b) The board shall consist of four (4) fire chiefs; two (2) volunteer~~
7 ~~fire fighters, two (2) paid fire fighters, one (1) county judge, one (1)~~
8 ~~municipal mayor, two (2) private sector fire professionals, two (2)~~
9 ~~representatives from the administrative staff of the governing institution of~~
10 ~~the Arkansas Fire Training Academy, and one (1) state agency representative.~~

11 ~~(c) Members of the Arkansas Fire Training Academy Board shall be~~
12 ~~appointed to terms of five (5) years.~~

13 ~~(d) The board shall meet as soon as practicable after its appointment.~~
14 ~~At such organization meeting, the board shall select from its own membership~~
15 ~~a chairman, vice chairman, and such other officers as the board deems~~
16 ~~necessary to enable it to efficiently carry out its responsibilities.~~

17 ~~(e) The board shall meet at least quarterly and at such other times as~~
18 ~~it shall deem necessary to enable it to efficiently carry out its duties.~~

19 ~~(f) Members of the board shall receive no compensation or per diem for~~
20 ~~their services, but may receive expense reimbursement in accordance with §~~
21 ~~25-16-901 et seq.~~

22
23 SECTION 5. Arkansas § 12-13-203 is repealed.

24 ~~12-13-203. Duties of board.~~

25 ~~The Arkansas Fire Training Academy Board shall have the authority and~~
26 ~~responsibility to advise the Chancellor at Southern Arkansas University, SAU~~
27 ~~—Tech, on service needs, curriculum, instructional content, and problems at~~
28 ~~the Arkansas Fire Training Academy and on the appointment and retention of~~
29 ~~the Director of the Arkansas Fire Training Academy.~~

30
31 SECTION 6. Arkansas Code § 20-22-1005 is repealed.

32 ~~20-22-1005. Arkansas Fire Advisory Board.~~

33 ~~(a) There shall be established by this subchapter the Arkansas Fire~~
34 ~~Advisory Board. The advisory board shall consist of thirteen (13) members, to~~
35 ~~be composed of:~~

36 ~~(1) Nine (9) members of the Arkansas Fire Protection Services~~

1 ~~Board who shall be appointed and whose terms shall be as provided for in §~~
2 ~~20-22-803,~~

3 ~~(2) Four (4) members, consisting of two (2) persons representing~~
4 ~~municipal fire services and two (2) persons representing rural volunteer fire~~
5 ~~services, who shall be appointed by the Governor for a term of three (3)~~
6 ~~years; and~~

7 ~~(3) One (1) member who is the Director of the Arkansas~~
8 ~~Department of Emergency Management and who shall serve as chairman of the~~
9 ~~board.~~

10 ~~(b) The advisory board shall advise the Director of the Arkansas~~
11 ~~Department of Emergency Management and the Director of the Office of Fire~~
12 ~~Protection Services on matters concerning the training, certification, and~~
13 ~~standards related to fire services in the State of Arkansas and advise the~~
14 ~~Office of Fire Protection Services in the development and formulation of the~~
15 ~~Arkansas Fire Protection Services Resources Plan.~~

16 ~~(c) The advisory board shall periodically review and evaluate current~~
17 ~~and proposed national and international activities related to the improvement~~
18 ~~and upgrading of fire services to ensure that the state maintains the maximum~~
19 ~~possible standards of fire protection for its citizens and standards for~~
20 ~~training for its fire fighters.~~

21
22 SECTION 7. EMERGENCY CLAUSE. It is found and determined by the
23 General Assembly of the State of Arkansas that fire protection services in
24 this state are not being adequately addressed by the existing boards
25 responsible for these services; that some fire protection services are being
26 duplicated by the various boards; and that this act is immediately necessary
27 because without proper services for our firefighters, their lives could be at
28 risk. Therefore, an emergency is declared to exist and this act being
29 immediately necessary for the preservation of the public peace, health, and
30 safety shall become effective on:

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

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

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

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/s/ White

APPROVED: 4/16/2003