A Bill

For An Act To Be Entitled
AN ACT TO AMEND PROVISIONS OF THE ARKANSAS CODE
CONCERNING PUBLIC SCHOOL ACADEMIC FACILITIES; AND FOR
OTHER PURPOSES.

Subtitle
TO AMEND PROVISIONS OF THE ARKANSAS CODE
CONCERNING PUBLIC SCHOOL ACADEMIC
FACILITIES.

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

SECTION 1. Arkansas Code § 6-20-1206(a)(2)(A), concerning the manner and terms of sale of school bonds, is amended to read as follows:

(2)(A)(i) Advertisement of a bond sale under this section shall be published in at least one (1) two (2) separate dates in a newspaper published in the county with the publication to be one (1) time a week for two (2) weeks.

(ii) The first publication shall be at least thirteen (13) eight (8) days before the date of the sale, with the second publication on any date before the date of the sale.

SECTION 2. Arkansas Code § 6-20-1229(b), concerning the issuance of second-lien commercial bonds, is amended to read as follows:

(b) All second-lien bonds issued by school districts shall have semiannual interest payments, with the first interest payment due within eight (8) months of the issuance of the second-lien bond. All second-lien
bonds shall be repaid on payment schedules that are either:
   
   (1) Equalized payments in which the annual payments are
       substantially equal in amount; or
   
   (2) Decelerated payments in which the annual payments decrease
       over the life of the schedule.

SECTION 3. Arkansas Code § 6-20-2502, concerning the definitions of
the Arkansas Public School Academic Facilities Funding Act, is amended to add
an additional subdivision to read as follows:

   (13) "Building" means a structure used or intended for
        supporting or sheltering any use or occupancy.

SECTION 4. Arkansas Code § 6-20-2507(b)(2)(A), concerning the Academic
Facilities Partnership Program, is amended to read as follows:

   (2)(A) The life-cycles requirement contained in the state
        facility assessment of 2004 Life cycle data is advisory only and shall not be
        sufficient to support the approval of those items in the list of approved
        projects or individual items within a project.

SECTION 5. Arkansas Code § 6-20-2509(a)(3), concerning academic
facility project cost guidelines within the Arkansas Public School Facilities
Funding Act, is amended to read as follows:

   (3) The division shall establish a process for determining the
        cost of local enhancements and shall include a mechanism in the formulas for
        determining basic project cost that excludes the cost of local enhancements
        from the adjusted qualified project cost.

SECTION 6. Arkansas Code § 6-20-2509(b), concerning academic facility
project cost guidelines within the Arkansas Public School Facilities Funding
Act, is amended to read as follows:

   (b)(1) When a school district applies for state financial
        participation, the division shall use the appropriate formula to compute an
        adjusted a qualified project cost.

   (2) The division shall determine the estimated amount of the
        state's share of financial participation based on the adjusted qualified
        project cost and the school district's wealth index as determined under § 6-
SECTION 7. Arkansas Code § 6-21-106 is amended to read as follows:
6-21-106. Fire hazards inspection prior to closing for breaks.
   (a)(1)(A) At least seven (7) calendar days prior to the beginning of
   Christmas break, the school superintendent a local official of each public
   elementary and secondary school in this state shall request an inspection of
   the premises by the fire department providing fire protection to the school
   buildings.
   (B) If the chief executive officer of the fire department
   receives the request at least seven (7) calendar days prior to the beginning
   of Christmas break, he or she shall cause the school buildings to be
   inspected for fire hazards.
   (C) The inspection shall be conducted prior to the
   beginning of Christmas break.
   (2)(A) At least seven (7) calendar days prior to the end of the
   school year, the school superintendent a local official with each public
   elementary and secondary school in this state shall request an inspection of
   the premises by the fire department providing fire protection to the school
   buildings.
   (B) If the chief executive officer of the fire department
   receives the request at least seven (7) calendar days prior to the end of the
   school year, he or she shall cause the buildings to be inspected for fire
   hazards.
   (C) The inspection shall occur prior to the end of the
   school year.
   (b) The chief executive officer of the fire department shall file a
   written report of the inspection with the superintendent local official for
   the school district where the public school building is located within ten
   (10) calendar days after the inspection.
   (c) The inspection shall be conducted at no cost to the school.
   (d)(1) The superintendent local official shall file a written report
   with the chief executive officer of the fire department within seven (7)
   calendar days after receiving the inspection report.
   (2) The superintendent's local official's report shall indicate:
   (A) What action was taken in response to the inspection
report and the date the action was completed; or

(B) What action will be taken in response to the
inspection report and the anticipated date of completion of the action.

(3) If the inspection report of the fire department includes
deficiencies that require a response or other action, the superintendent
local official shall also file the superintendent’s
subsection with the State Fire Marshal Enforcement Section of the Department
of Arkansas State Police.

(e)(1)(A) If the superintendent local official does not receive a
written inspection report for a public school building as required by this
section from the chief executive officer of the fire department providing
fire protection to the public school building, the superintendent local
official shall notify:

(i) The State Fire Marshal Enforcement Section of
the Department of Arkansas State Police; and

(ii) The quorum court of the county in which the
fire department is located.

(B) The superintendent local official shall provide the
notifications required by this subdivision (e)(1) not less than thirty (30)
days from the date the inspection was required to take place.

(2) The quorum court shall withhold from a fire department that
is the subject of notification under this subsection the fire department’s
apportionment of distributions from the Fire Protection Premium Tax Fund
under § 14-284-403 until the fire department completes the inspection and
delivers the report to the superintendent local official.

(3) If the required inspection is subsequently performed, the
fire department shall file the report required by under subsection (b) of
this section with the superintendent local official and the State Fire
Marshal Enforcement Section of the Department of Arkansas State Police.

(4)(A) Immediately upon receipt of the required report from the
fire department, the superintendent will the local official shall notify the
quorum court that the required report has been received.

(B) Upon receipt of the superintendent’s local official’s
notification to the quorum court, the quorum court shall disburse any Fire
Protection Premium Tax Fund apportionment previously withheld due to the fire
department’s ineligibility under this section.
(f) The chief executive officer of the fire department may inspect any work performed by or on behalf of the school or school district to correct deficiencies noted in the inspection report.

(g) The chief executive officer of the fire department shall notify the State Fire Marshal Enforcement Section of the Department of Arkansas State Police and the Department of Education if:

(1) The chief executive officer of the fire department does not receive the superintendent's local official's report required by subsection (d) of this section, within seven (7) days of the date the report was due; or

(2) The school district does not correct all deficiencies noted in the inspection report by the completion date indicated in the superintendent's local official's report.

(h)(1) Any person who intentionally violates this section is subject to a fine not to exceed one hundred dollars ($100) per violation.

(2) The failure of a public school superintendent local official to respond as provided in subsection (d) of this section to correct the deficiencies noted in an inspection report is an indicator of facilities distress under § 6-21-811.

SECTION 8. Arkansas Code § 6-21-806(b), concerning academic facility master plans, is amended to an additional subdivision to read as follows:

(11) An update in a format prescribed by the division of any new public school facilities, as defined in § 6-21-803, constructed since the last master plan submission, including individual room types and sizes.

SECTION 9. Arkansas Code § 6-21-811(g)(11)(C) is amended to read as follows:

(C) Except as set forth in subdivision (g)(11)(D) or subsection (m) of this section, the state board shall consolidate, annex, or reconstitute any school district that fails to remove itself from the classification of a school district in facilities distress within five (5) consecutive school years of classification of facilities distress status.

SECTION 10. Arkansas Code § 6-21-811(m)(1) is amended to read as
follows:

(1) During the second full school year following a school district's classification as being in facilities distress status the assumption of authority, the commission shall determine the extent of the school district's progress toward correcting all issues that caused the classification of facilities distress;

APPROVED: 04/05/2017