

1 **State of Arkansas**
2 **79th General Assembly**
3 **Regular Session, 1993**

A Bill

ACT 1303 OF 1993
HOUSE BILL 2126

4 **By: Representatives Hawkins, Steele, Maddox and Holland**

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For An Act To Be Entitled

8 "AN ACT TO ESTABLISH A COMPREHENSIVE FIRE SERVICES OFFICE
9 TO MANAGE, COORDINATE AND ADMINISTER THOSE PUBLIC SAFETY
10 FUNCTIONS RELATED TO STATE RESPONSIBILITIES FOR FIRE
11 PREVENTION, FIRE TRAINING, FIRE MITIGATION, STANDARDS AND
12 CERTIFICATIONS, AND OTHER FUNCTIONS RELATED TO FIRE
13 FIGHTING BY STATE, COUNTY AND MUNICIPAL GOVERNMENTS AND TO
14 ENSURE THE MOST EFFECTIVE AND ECONOMICAL USE OF PERSONNEL,
15 EQUIPMENT AND RESOURCES IN FIRE SERVICES TO PROTECT THE
16 HEALTH, SAFETY, AND WELFARE OF THE CITIZENS OF ARKANSAS
17 AND THEIR PROPERTY, PRIVATE AND PUBLIC, FROM THE RAVAGES
18 OF ACCIDENTAL OR UNCONTROLLED FIRES AND OTHER RELATED
19 SERVICES; AND FOR OTHER PURPOSES."

20

21

Subtitle

22 "ARKANSAS COMPREHENSIVE FIRE PROTECTION ACT OF 1993."

23

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

25

26 SECTION 1. Short title. This act may be cited as the "Arkansas
27 Comprehensive Fire Protection Act of 1993."

28

29 *SECTION 2. Policy and Purpose. Because of the existing and increasing*
30 *occurrence of fires that damage and destroy the public and private property of*
31 *the citizens of Arkansas and because of the increase in population and*
32 *structures that form the residences, businesses and institutions of this*
33 *state, its business, industrial and environmental resources and threaten the*
34 *safety, health and welfare of its citizens, it is hereby found and declared to*
35 *be necessary:*

36 (1) *to facilitate the cooperation and efficient coordination of the*

1 current state functions related to fire prevention, training and management
2 through the Office of Fire Protection Services for more effective and
3 economical use of existing personnel, equipment, facilities and resources;

4 (2) to provide a fire services management system to be responsive to
5 local government for current and future fire services needs related to
6 continued population and economic growth;

7 (3) to direct the designation of fire protection services liaisons
8 within each affected state department or agency and each local government;

9 (4) to prepare, develop, formulate, and engage in a comprehensive
10 program for the orderly coordination, cooperation and development of fire
11 protection service resources of the State of Arkansas and its local
12 governments, to be referred to as the Arkansas Fire Protection Service
13 Resources Plan.

14

15 SECTION 3. Definitions. As used in this act, unless the context
16 otherwise requires:

17 (1) "Fire services" means those functions of fire fighting, fire
18 prevention, fire mitigation, fire training, and fire administration performed
19 by rural or municipal, volunteer or paid professional fire fighters and fire
20 departments created in accordance with the laws of the State of Arkansas.

21 (2) "Fire prevention" means, but is not limited to, those actions taken
22 directly, or indirectly by an entity of state, county or municipal government
23 to prevent the occurrence of fire whether the result of accident or through
24 arson.

25 (3) "Fire mitigation" means, but is not limited to, those activities
26 designed to lessen the impact of fire upon structures, persons or the natural
27 environment.

28 (4) "Fire training" refers to those teaching, educational, or training
29 activities conducted to improve the ability of an individual, or a fire
30 department, to contain, suppress or otherwise reduce the danger incurred from
31 fire, and includes not only technical training on the use of equipment and
32 resources for fire suppression, but those administrative, training, fiscal and
33 other programs designed to enhance an individual_s or a fire department_s
34 ability to perform its assigned duties.

35 (5) "Adjunct services" as used in this act refers to those activities

1 related to, or performed by, fire service agency such as hazardous/toxic
2 materials response and recovery, search and rescue, and such other functions
3 as may be assigned, or reasonably expected of local fire service agency.

4 (6) "Local government" means a county, city of the first class, city of
5 the second class, or an incorporated town, a fire protection district, a
6 subordinate service district of a county, or an improvement district organized
7 to provide fire services or any other fire department created in accordance
8 with the laws of the State of Arkansas.

9

10 SECTION 4. State Office of Fire Protection Services.

11 (a) The State Office of Fire Protection Services, as established by Act
12 280 of 1993, shall have the following duties and functions:

13 (1) to be responsible to carry out the administrative functions and
14 directives of the Fire Protection Services Board and manage those activities
15 prescribed for the Board under the provisions of Act 833 of 1991;

16 (2) to act as coordinator of the activities for the programs and
17 functions prescribed under this act;

18 (3) to act as point of contact for the State of Arkansas concerning
19 federal, state and local fire service related programs.

20 (4) to advise and direct the designation of fire service liaisons
21 within each affected state department or agency and each local government;

22 (5) to prepare, publish, and keep current a listing of the various fire
23 service agencies of the State and its local governments and the fire fighting,
24 prevention, training, mitigation, and adjunct services they are trained and
25 equipped to perform;

26 (6) to facilitate and coordinate the preparation, formulation, and
27 development of the Arkansas Fire Service Resources Plan, a comprehensive plan
28 for the orderly coordination, cooperation and development of fire service
29 resources of the State of Arkansas and its local governments.

30 (b) The State Office of Fire Protection Services shall have such
31 professional, technical, secretarial, and administrative, and secretarial
32 employees and may make the expenditures within the appropriation therefor made
33 available to it from whatever sources for the purpose of fire service
34 coordination as may be necessary to carry out the functions of this act.

35 (c) The State Office of Fire Protection Services shall coordinate the

1 activities prescribed under this act and shall cooperate with and receive
2 cooperation from the following fire service agencies of the State of Arkansas:

3 (1) The State Fire Marshal, who is responsible for providing the
4 services and functions related to the investigation of arson and enforcement
5 of arson laws, fire safety, public awareness and such other functions as may
6 be specified by law for the office.

7 (2) The Arkansas Fire Training Academy, which shall provide such
8 fire services and adjunct training and education services as required to
9 ensure the maximum possible professionalism and competence of fire fighters in
10 Arkansas.

11 (3) The Rural Fire Protection Service of the Arkansas Forestry
12 Commission, which shall provide refurbished and repaired vehicles and other
13 equipment for fire fighting operations and provides technical assistance and
14 guidance to rural fire protection districts.

15 (d) All state agencies involved in fire services, including the State
16 Fire Marshal, the Arkansas Fire Training Academy, and the Rural Fire
17 Protection Service, and all fire service agencies of local governments shall
18 cooperate to the fullest extent possible with the State Office of Fire
19 Protection Services in the performance of their duties and functions under
20 this act.

21

22 SECTION 5. Arkansas Fire Advisory Board.

23 (a) There shall be established by this act the Arkansas Fire Advisory
24 Board, which shall be merged with the existing Fire Protection Services Board
25 created in Act 837 of 1987, Arkansas Code § 20-22-803. The Arkansas Fire
26 Advisory Board shall consist of thirteen (13) members comprised as follows:

27 (1) nine (9) members of the Fire Protection Services Board who
28 shall be appointed and whose terms shall be as provided for in Act 837 of
29 1987, Arkansas Code § 20-22-803; and

30 (2) four (4) members consisting of two (2) persons representing
31 municipal fire services and two (2) persons representing rural volunteer fire
32 services, who shall be appointed by the Governor for a term of three (3) years
33 and whose terms shall be staggered so one (1) serves an initial term of one
34 (1) year, one (1) serves an initial term of two (2) years, and two (2) serve
35 initial terms of three (3) years; and

1 (3) one (1) member who is the Director, State Office of Emergency
2 Services and who shall serve as chairman of the Board.

3 (b) The Advisory Board shall advise the Director, State Office of
4 Emergency Services and the Administrator, Office of Fire Protection Services
5 on matters concerning the training, certification and standards related to
6 fire services in the State of Arkansas and advise the Office of Fire
7 Protection Services in the development and formulation of the Arkansas Fire
8 Service Resources Plan.

9 (c) The Advisory Board shall periodically review and evaluate current
10 and proposed national and international activities related to the improvement
11 and upgrading of fire services to ensure the State maintains the maximum
12 possible standards of fire protection for its citizens and standards for
13 training for its fire fighters.

14

15 SECTION 6. Arkansas Fire Protection Service Resources Plan.

16 (a) The State Office of Fire Protection Services shall facilitate and
17 coordinate, with the cooperation and assistance of the fire service agencies
18 listed in Section 4 (c) of this act, the development and formulation of a
19 comprehensive program for the orderly coordination, cooperation and
20 development resources of the State of Arkansas and its local governments, to
21 be referred to as the Arkansas Fire Protection Service Resources Plan. The
22 Arkansas Fire Protection Service Resources Plan shall include plans:

23 (1) for providing fire services in the various rural areas of
24 this state which do not have available the benefits or services of an
25 organized or voluntary fire fighting program;

26 (2) for updating and improving fire services in urban, suburban,
27 and rural areas which have fire services, but need improvements, and to assist
28 existing organized or volunteer fire fighting services in making those
29 improvements;

30 (3) on the type, needs, and means to procure fire fighting
31 vehicles and equipment for fire service agencies of local governments;

32 (4) on developing training programs designed to instruct and
33 train fire fighters at the State Fire Training Academy to be employed or used
34 by both urban and rural organized and volunteer fire service agencies;

35 (5) to coordinate the efforts of all State and local government

1 fire service agencies for the purpose of making maximum use of the services
2 and resources for the prevention and mitigation of injury and damage caused by
3 fire and other hazards;

4 (6) to measure the prompt and effective response to fires and
5 other hazards and disasters;

6 (7) to identify areas particularly vulnerable to fire and hazards
7 and other disasters; and

8 (8) to make recommendations for improvements in the fire
9 fighting, prevention, training, mitigation, and adjunct services for State and
10 local fire service agencies.

11 (b) In coordinating the preparation and revision of the Arkansas Fire
12 Protection Service Resources Plan, the Office of Fire Protection Services
13 shall seek the advice and assistance of and cooperate with State agencies,
14 including the State Fire Marshal, the Arkansas Fire Training Academy, and the
15 Rural Fire Protection Service, and all fire service agencies of local
16 governments, and business, labor, industry, agriculture, civic and volunteer
17 organizations, and community leaders.

18 (c) The Arkansas Fire Protection Service Resources Plan or any part
19 thereof may be incorporated in regulations of the State Office of Fire
20 Protection Services, the Office of Emergency Services or executive orders
21 which have the force and effect of law.

22

23 SECTION 7. State and local government agencies - Liaison officers.

24 (a) It is directed by this act that the head of each State agencies
25 with fire services, including the State Fire Marshal, the Arkansas Fire
26 Training Academy, and the Rural Fire Protection Service, and all fire service
27 agencies of local governments shall appoint a member or members of his staff
28 as fire service liaison officer or officers to act on his behalf in
29 coordinating and insuring the agency's capability to fulfill its role in fire
30 service activities.

31 (b) It will be the responsibilities of this officer to:

32 (1) maintain close and continuous liaison with the State Office
33 of Fire Protection Services as applicable;

34 (2) prepare agency operations plan in cooperation with this act
35 and with the State Office of Fire Protection Services;

1 (3) submit a list of the various fire fighting, prevention,
2 training, mitigation, and adjunct services the agency is trained and equipped
3 to perform;

4 (4) maintain files of agency resources to include personnel,
5 facilities, and equipment available for fire service and adjunct service
6 operations;

7 (5) submit a semiannual report to the office of the various fire
8 fighting, prevention, training, mitigation, and adjunct services the agency is
9 trained and equipped to perform;

10 (6) insure that the agency can respond promptly and cooperatively
11 with other agencies in any fire fighting situations or major emergency
12 situation under the procedures cooperatively agreed to in the Arkansas Fire
13 Protection Service Resources Plan and coordinated by the State Office of Fire
14 Protection Services; and

15 (7) perform other related functions necessary to carry out the
16 purpose of this act.

17 (c) Nothing in the foregoing shall be interpreted as relieving or
18 otherwise abridging the responsibility and authority of any State or local
19 agency directors in carrying out the fire service and adjunct service
20 operations for which their agencies are solely responsible.

21

22 SECTION 8. Utilization of existing services and facilities.

23 All fire service agencies of the State, including the State Fire
24 Marshal, the Arkansas Fire Training Academy, and the Rural Fire Protection
25 Service, and all fire service agencies of local governments shall, to the
26 maximum extent practicable, utilize services, facilities, equipment and
27 personnel of their existing departments, offices and agencies to carry out the
28 provisions of this act.

29

30 SECTION 9. All provisions of this act of a general and permanent nature
31 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
32 Revision Commission shall incorporate the same in the Code.

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34 SECTION 10. If any provision of this act or the application thereof to
35 any person or circumstance is held invalid, such invalidity shall not affect

1 other provisions or applications of the act which can be given effect without
2 the invalid provision or application, and to this end the provisions of this
3 act are declared to be severable.

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5 SECTION 11. All laws and parts of laws in conflict with this act are
6 hereby repealed.

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8 SECTION 12. *Emergency. It is hereby found and determined by the*
9 *Seventy-Ninth General Assembly of the State of Arkansas that the Office of*
10 *Fire Protection Services needs to coordinate the current state functions*
11 *related to fire prevention, training and management to more effectively and*
12 *economically use existing personnel, equipment, facilities and resources; that*
13 *a fire services management system which is responsive to local government for*
14 *current and future fire services needs to be related to continued population*
15 *and economic growth; that the State of Arkansas needs to develop and formulate*
16 *a comprehensive plan for the orderly management and development of fire*
17 *protection service resources of the State of Arkansas and its local*
18 *governments; and that this act is designed to accomplish these functions and*
19 *should be given effect immediately. Therefore, an emergency is hereby*
20 *declared to exist, and this act being necessary for the immediate*
21 *preservation of the public peace, health, and safety, shall be in full force*
22 *and effect from and after its passage and approval.*

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/s/Bruce Hawkins, et al

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APPROVED: 4/23/93

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As Engrossed: 3/18/93 3/30/93

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