

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.

**Act 538 of the Regular Session**

*As Engrossed: H2/27/07 H3/5/07 H3/12/07*

**A Bill**

1 State of Arkansas  
2 86th General Assembly  
3 Regular Session, 2007

HOUSE BILL 1477

4  
5 By: Representative Pickett  
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**For An Act To Be Entitled**

8  
9 AN ACT TO PROTECT PUBLIC SCHOOL BUILDINGS FROM  
10 FIRE HAZARDS; TO ENSURE REGULAR FIRE INSPECTIONS  
11 FOR ALL PUBLIC SCHOOL BUILDINGS IN THE STATE OF  
12 ARKANSAS; AND FOR OTHER PURPOSES.  
13

**Subtitle**

14  
15 AN ACT TO PROTECT PUBLIC SCHOOL  
16 BUILDINGS FROM FIRE HAZARDS AND TO  
17 ENSURE REGULAR FIRE INSPECTIONS FOR ALL  
18 PUBLIC SCHOOL BUILDINGS IN THE STATE OF  
19 ARKANSAS.  
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21

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

24 SECTION 1. Arkansas Code § 6-21-106 is amended to read as follows:

25 6-21-106. Fire hazards inspection prior to closing for breaks.

26 *(a)(1) At least seven (7) calendar days prior to the beginning of*  
27 *Christmas break, the school superintendent of each public elementary and*  
28 *secondary school in this state shall request an inspection of the premises by*  
29 *the fire department providing fire protection to the school buildings. If the*  
30 *chief executive officer of the fire department receives the request at least*  
31 *seven (7) calendar days prior to the beginning of Christmas break, he or she*  
32 *shall cause the school buildings to be inspected for fire hazards. The*  
33 *inspection shall be conducted prior to the beginning of Christmas break.*

34 *(2) At least seven (7) calendar days prior to the end of the*  
35 *school year, the school superintendent of each public elementary and*



1 secondary school in this state shall request an inspection of the premises by  
2 the fire department providing fire protection to the school buildings. If the  
3 chief executive officer of the fire department receives the request at least  
4 seven (7) calendar days prior to the end of the school year, he or she shall  
5 cause the buildings to be inspected for fire hazards. The inspection shall  
6 occur prior to the end of the school year.

7 ~~(3)(c)~~ The chief executive officer of the fire department shall  
8 file a written report of the inspection with the superintendent for the  
9 school district where the public school building is located within ~~seven (7)~~  
10 ten (10) calendar days after the inspection.

11 ~~(4)(d)~~ The inspection shall be at no cost to the school.

12 ~~(5)(e)(1)~~ The superintendent shall file a written report with  
13 the chief executive officer of the fire department within seven (7) calendar  
14 days after receiving the inspection report.

15 ~~(6)(2)(A)~~ The superintendent's report shall indicate:

16 (i) ~~what~~ What action was taken in response to the  
17 inspection report and the date the action was completed; or

18 (ii) What action will be taken in response to the  
19 inspection by the chief executive officer of the fire department and the  
20 anticipated date of completion of the action.

21 (3) If the inspection report of the fire department includes  
22 deficiencies that require a response or other action, the superintendent  
23 shall also file the superintendent's report required by this subsection (e)  
24 with the State Fire Marshal Enforcement Section of the Department of Arkansas  
25 State Police.

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

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

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

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

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

6                   (3) If the required inspection is subsequently performed, the  
7 fire department shall file the report required by subsection (c) of this  
8 section with the superintendent and the State Fire Marshal Enforcement  
9 Section of the Department of Arkansas State Police.

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

13                   (B) Upon receipt of the superintendent's notification to  
14 the quorum court, the quorum court shall disburse any Fire Protection Premium  
15 Tax Fund apportionment previously withheld due to the fire department's  
16 ineligibility under this section.

17                   (g) The chief executive officer of the fire department may inspect any  
18 work performed by or on behalf of the school or school district to correct  
19 deficiencies noted in the inspection report.

20                   (h) The chief executive officer shall notify the State Fire Marshal  
21 Enforcement Section of the Arkansas State Police and the Department of  
22 Education if:

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

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

29                   ~~(b)(i)(1)~~ Any person who intentionally violates this section shall be  
30 guilty of a violation and is subject to a fine not to exceed one hundred  
31 dollars (\$100) per violation.

32                   (2) The failure of a public school superintendent to respond as  
33 provided in subsection (e) of this section to correct the deficiencies noted  
34 in an inspection report is an indicator of facilities distress under § 6-21-  
35 811.

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1 SECTION 2. Arkansas Code § 14-284-403(a)(2), concerning apportionment  
2 of funds from the Fire Protection Premium Tax Fund, is amended to read as  
3 follows:

4 (2)(A) The moneys shall be apportioned by each quorum court to  
5 the districts and municipalities within the county based upon population  
6 unless the County Intergovernmental Cooperation Council notifies the quorum  
7 court of the fire protection needs of the districts and municipalities, in  
8 which case the moneys shall be apportioned by the quorum court based on those  
9 needs.

10 (B) The funds shall be distributed to municipalities and  
11 those certified departments in districts which are in compliance with this  
12 subchapter, ~~and §§ 20-22-801 - 20-22-809, and 6-21-106.~~

13 (C) Fire departments which are not certified by the Office  
14 of Fire Protection Services pursuant to §§ 20-22-801 - 20-22-809 shall also  
15 be eligible to receive moneys disbursed under this section so long as all  
16 moneys received are spent directly on equipment, training, capital  
17 improvements, or other expenditures necessary for upgrading the service  
18 provided by the department.

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20 /s/ Pickett

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22 APPROVED: 3/28/2007  
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