

1 State of Arkansas
2 94th General Assembly
3 Regular Session, 2023
4

As Engrossed: H4/3/23

A Bill

HOUSE BILL 1766

5 By: Representative L. Johnson
6 By: Senator K. Hammer
7

For An Act To Be Entitled

9 AN ACT TO ABOLISH THE STATE FIRE PREVENTION
10 COMMISSION; TO AMEND THE DUTIES AND MEMBERSHIP OF THE
11 ARKANSAS FIRE PROTECTION SERVICES BOARD; TO CREATE
12 THE POSITION OF STATE FIRE MARSHAL; TO CREATE THE
13 ARKANSAS FIRE PROTECTION SERVICES GRANT PROGRAM; TO
14 DECLARE AN EMERGENCY; AND FOR OTHER PURPOSES.
15
16

Subtitle

18 TO ABOLISH THE STATE FIRE PREVENTION
19 COMMISSION; TO AMEND THE DUTIES AND
20 MEMBERSHIP OF THE ARKANSAS FIRE
21 PROTECTION SERVICES BOARD; TO CREATE THE
22 POSITION OF STATE FIRE MARSHAL; AND TO
23 DECLARE AN EMERGENCY.
24
25

26 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
27

28 SECTION 1. DO NOT CODIFY. Abolition of State Fire Prevention
29 Commission.

30 (a) The State Fire Prevention Commission is abolished, and its
31 authority, duties, functions, records, contracts, personnel, property, and
32 unexpended balances of appropriations, allocations, and other funds,
33 including the functions of budgeting or purchasing, are transferred to the
34 Arkansas Fire Protection Services Board.

35 (b) The State Fire Prevention Commission's statutory powers, duties,
36 and functions, including the functions of budgeting or purchasing, records,



1 contracts, personnel, property, and unexpended balances of appropriations,
2 allocations, and other funds are transferred to the Arkansas Fire Protection
3 Services Board.

4 (c)(1) The abolishment of the State Fire Prevention Commission does
5 not affect the orders, rules, directives, registration, licensing, or
6 standards made or promulgated by the State Fire Prevention Commission before
7 the effective date of this act.

8 (2) The orders, rules, directives, registration, licensing, or
9 standards of the State Fire Prevention Commission shall continue to be in
10 effect until they are amended or repealed under authority given by law.

11
12 SECTION 2. Arkansas Code § 6-20-1407(f), concerning the approval of
13 public school building plans, is amended to read as follows:

14 (f)(1) For additions or renovations, a copy of final construction
15 documents shall be submitted to the ~~State Fire Marshal Enforcement Section~~
16 State Fire Marshal within the Office of Fire Protection Services for review
17 in regard to compliance with the Arkansas-adopted Americans with Disabilities
18 Act Accessibility Guidelines, 42 U.S.C. § 12101 et seq.

19 (2) All review comments received from the ~~State Fire Marshal~~
20 ~~Enforcement Section~~ State Fire Marshal within the Office of Fire Protection
21 Services shall be in writing.

22 (3) Corrected construction documents shall be received and
23 approved by the ~~State Fire Marshal Enforcement Section~~ State Fire Marshal
24 within the Office of Fire Protection Services.

25 (4) No additions or renovation project shall be released for
26 bidding or construction until the requirements of this subsection are met.

27
28 SECTION 3. Arkansas Code § 6-21-106(d)(3), concerning fire hazards
29 inspection before closing for breaks, is amended to read as follows:

30 (3) If the inspection report of the fire department includes
31 deficiencies that require a response or other action, the local official for
32 the school district shall also file the report required by this subsection
33 with the State Fire Marshal ~~Enforcement Section~~ within the Office of Fire
34 Protection Services.

35
36 SECTION 4. Arkansas Code § 6-21-106(e)(1)(A)(i), concerning fire

1 hazards inspection before closing for breaks, is amended to read as follows:

2 (i) ~~The State Fire Marshal Enforcement Section~~ State
3 Fire Marshal within the Office of Fire Protection Services; and

4
5 SECTION 5. Arkansas Code § 6-21-106(e)(3), concerning fire hazards
6 inspection before closing for breaks, is amended to read as follows:

7 (3) If the required inspection is subsequently performed, the
8 fire department shall file the report required under subsection (b) of this
9 section with the local official and the ~~State Fire Marshal Enforcement~~
10 Section State Fire Marshal within the Office of Fire Protection Services.

11
12 SECTION 6. Arkansas Code § 6-21-106(g), concerning fire hazards
13 inspection before closing for breaks, is amended to read as follows:

14 (g) The chief executive officer of the fire department shall notify
15 the ~~State Fire Marshal Enforcement Section~~ State Fire Marshal within the
16 Office of Fire Protection Services and the Division of Elementary and
17 Secondary Education if:

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

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

24
25 SECTION 7. Arkansas Code § 8-7-802(a)(2)(C)(ii), concerning the
26 Arkansas Pollution Control and Ecology Commission and the Division of
27 Environmental Quality duties regarding above-ground storage tank monitoring,
28 is amended to read as follows:

29 (ii) The fee shall be used by the Division of
30 Environmental Quality for administrative and program costs, and ten dollars
31 (\$10.00) of the fee collected by the Division of Environmental Quality shall
32 be remitted to the State Treasury, there to be deposited as special revenues
33 to the credit of the ~~Division of Arkansas State Police~~ Fire Services Fund to
34 be used for the purposes of above-ground storage tank monitoring and
35 regulation by the ~~Division of Arkansas State Police~~ State Fire Marshal within
36 the Office of Fire Protection Services.

1
2 SECTION 8. Arkansas Code § 12-8-106(d), concerning the powers and
3 duties of the Division of Arkansas State Police related to the State Fire
4 Marshal, is amended to read as follows:

5 (d) The police officers shall ~~have all the power and authority of the~~
6 ~~State Fire Marshal and shall assist in making investigations of arson, § 5-~~
7 ~~38-301, and other such offenses~~ fire investigations as the director may
8 direct and shall be subject to the call of the circuit courts of the state
9 and the Governor.

10
11 SECTION 9. Arkansas Code § 12-13-102 is repealed.

12 ~~12-13-102. Definitions.~~

13 ~~As used in this subchapter:~~

14 (1) ~~“Building” means any structure, framework, or housing,~~
15 ~~public or private;~~

16 (2) ~~[Repealed.]~~

17 (3) ~~“Fire hazard” means any building, premises, place, or thing~~
18 ~~which by reason of its nature, location, occupancy, condition, or use may~~
19 ~~cause loss, damage, or injury to persons or property by reason of fire,~~
20 ~~explosion, or action of the elements;~~

21 (4) ~~“Members of fire departments” includes the personnel of all~~
22 ~~departments supported wholly or partially by public funds;~~

23 (5) ~~“Officer” means an officer of the Division of Arkansas State~~
24 ~~Police whom the Director of the Division of Arkansas State Police may appoint~~
25 ~~or designate to execute the powers and perform the duties specified in this~~
26 ~~subchapter and also includes all peace officers as defined in subdivision (7)~~
27 ~~of this section;~~

28 (6)(A) ~~“Owner” shall be given its ordinary meaning and includes~~
29 ~~any trustee or any person having a freehold interest in property.~~

30 (B) ~~However, a lessee or mortgagee of property shall not~~
31 ~~be deemed the owner thereof;~~

32 (7) ~~“Peace officer” includes every type of law enforcement~~
33 ~~officer commissioned and active within this state;~~

34 (8) ~~“Person” means any individual, copartnership, corporation,~~
35 ~~or voluntary association; and~~

36 (9) ~~“Premises” means any parcel of land, exclusive of buildings~~

1 ~~thereon, and includes parking lots, tourist camps, trailer camps, airports,~~
2 ~~stockyards, junkyards, and other places or enclosures, however owned, used,~~
3 ~~or occupied.~~

4
5 SECTION 10. Arkansas Code § 12-13-103 is repealed.

6 ~~12-13-103. Officer's neglect of duty—Penalty.~~

7 ~~(a) Any officer referred to in this subchapter who neglects to comply~~
8 ~~with any requirement of this subchapter shall be guilty of a violation.~~

9 ~~(b) Upon conviction, the officer shall be punished by a fine of not~~
10 ~~less than twenty five dollars (\$25.00) nor more than one hundred dollars~~
11 ~~(\$100) for each neglect or violation.~~

12
13 SECTION 11. Arkansas Code § 12-13-104 is repealed.

14 ~~12-13-104. Administration and enforcement.~~

15 ~~(a) The administration and enforcement of this subchapter are vested~~
16 ~~in the Division of Arkansas State Police.~~

17 ~~(b) The Director of the Division of Arkansas State Police is empowered~~
18 ~~to create and maintain a State Fire Marshal Enforcement Section in the~~
19 ~~Division of Arkansas State Police and to appoint such personnel with such~~
20 ~~duties, powers, and titles as he or she may deem necessary for the proper~~
21 ~~administration and enforcement of this subchapter.~~

22
23 SECTION 12. Arkansas Code § 12-13-105 is repealed.

24 ~~12-13-105. Duties of State Fire Marshal Enforcement Section.~~

25 ~~The State Fire Marshal Enforcement Section shall have the~~
26 ~~responsibility to:~~

27 ~~(1) Provide sufficient training to the several deputy fire~~
28 ~~marshals in the State of Arkansas to enable them to better understand their~~
29 ~~duties and their authority and to motivate them to perform their duties in an~~
30 ~~effective and efficient manner;~~

31 ~~(2) Coordinate fire prevention efforts with other agencies and~~
32 ~~groups;~~

33 ~~(3) Develop and present public awareness programs in fire~~
34 ~~prevention and protection;~~

35 ~~(4) Develop and disseminate fire prevention information and~~
36 ~~material;~~

1 ~~(5) Enforce the Arkansas Fire Prevention Code and periodically~~
2 ~~revise and update the Arkansas Fire Prevention Code;~~

3 ~~(6) Investigate fires of a suspicious nature in the state;~~

4 ~~(7) Do and perform such other functions as will promote an~~
5 ~~efficient and effective fire prevention and control program in the state;~~

6 ~~(8) Review fire protection class code determinations by an~~
7 ~~advisory organization and determine if the evaluation of fire protection~~
8 ~~services is reasonable and appropriate; and~~

9 ~~(9) Upon request, make recommendations to the Insurance~~
10 ~~Commissioner concerning filings made to the commissioner concerning fire~~
11 ~~protection standards.~~

12
13 SECTION 13. Arkansas Code § 12-13-106 is repealed.

14 ~~12-13-106. Section personnel.~~

15 ~~The members or heads of the State Fire Marshal Enforcement Section of~~
16 ~~the Division of Arkansas State Police shall be appointed and serve in the~~
17 ~~same manner as provided by law for the operation of other divisions of the~~
18 ~~Division of Arkansas State Police.~~

19
20 SECTION 14. Arkansas Code § 12-13-107 is repealed.

21 ~~12-13-107. Director of the Division of Arkansas State Police—Duties~~
22 ~~generally.~~

23 ~~(a) It shall be the duty of the Director of the Division of Arkansas~~
24 ~~State Police and his or her officers and deputies to enforce all laws and~~
25 ~~ordinances with regard to the following:~~

26 ~~(1) The prevention of fires;~~

27 ~~(2) The storage, sale, and use of combustibles and explosives;~~

28 ~~(3) The installation and maintenance of automatic or other fire~~
29 ~~alarm systems and fire extinguishing equipment;~~

30 ~~(4) The construction, maintenance, and regulation of fire~~
31 ~~escapes;~~

32 ~~(5) The means and adequacy of exits in case of fire from~~
33 ~~factories, asylums, hospitals, churches, schools, halls, theaters, and all~~
34 ~~other places in which numbers of people work, live, or congregate from time~~
35 ~~to time, for any purpose; and~~

36 ~~(6) The suppression of arson and the investigation of the cause;~~

1 ~~origin, and circumstances of fires.~~

2 ~~(b) The director is empowered to adopt reasonable rules for the~~
3 ~~effective administration of this subchapter to accomplish its intent and~~
4 ~~purposes, and to safeguard the public from fire hazards.~~

5 ~~(c) The director shall make reasonable rules for the keeping, storing,~~
6 ~~using, manufacture, selling, handling, transportation, or other disposition~~
7 ~~of highly inflammable materials and rubbish, gunpowder, dynamite, crude~~
8 ~~petroleum or any of its products, explosives or compounds or any other~~
9 ~~explosive, including fireworks, and firecrackers, and he or she may prescribe~~
10 ~~the materials and construction of receptacles and buildings to be used for~~
11 ~~any of those purposes.~~

12 ~~(d) Nothing in this subchapter shall apply to the inspection of~~
13 ~~boilers, § 20-23-101 et seq., the administration and enforcement of which is~~
14 ~~now vested in the Division of Labor.~~

15
16 SECTION 15. Arkansas Code § 12-13-108 is amended to read as follows:

17 12-13-108. Ex officio deputies.

18 All mayors, members of fire departments, and peace officers shall be ex
19 officio deputies to the Director of the Division of Arkansas State Police.
20 They shall be subject to the duties and obligations imposed by ~~this~~
21 ~~subchapter~~ law in fire prevention and in the investigation of the cause,
22 origin, and circumstances of fires within their jurisdiction.

23
24 SECTION 16. Arkansas Code § 12-13-109 is repealed.

25 ~~12-13-109. Fire drills.~~

26 ~~It shall be the duty of the Director of the Division of Arkansas State~~
27 ~~Police, his or her officers, and deputies to require teachers of public and~~
28 ~~private schools and all educational institutions to have one (1) fire drill~~
29 ~~each month and to keep all doors and exits unlocked during school hours.~~

30
31 SECTION 17. Arkansas Code § 12-13-110 is repealed.

32 ~~12-13-110. Inspection of buildings.~~

33 ~~(a)(1) Upon complaint of any person or on their own motion, the~~
34 ~~Director of the Division of Arkansas State Police and his or her officers or~~
35 ~~deputies may inspect all buildings and premises within their jurisdiction and~~
36 ~~issue an order for the compliance with the director's rules.~~

1 ~~(2) Failure or refusal to comply with an order of the director~~
2 ~~in the enforcement of the rules shall be a Class A misdemeanor.~~

3 ~~(b)(1) The director and his or her officers and deputies shall inspect~~
4 ~~all places of public assembly, including factories or industrial plants~~
5 ~~normally employing ten (10) or more persons, where hazards to the lives and~~
6 ~~safety of citizens might be present.~~

7 ~~(2) If upon completion of the inspection an unsafe or hazardous~~
8 ~~condition is found to exist, then the director shall promptly notify the~~
9 ~~owner or operator of the public assembly in writing.~~

10 ~~(3) Upon the receipt of the written notice, the owner or~~
11 ~~operator shall remove the hazardous or unsafe condition.~~

12 ~~(4)(A) On failure to remedy the condition, the director may file~~
13 ~~injunction proceedings in the circuit court of the jurisdiction to abate the~~
14 ~~condition as being a nuisance.~~

15 ~~(B) The suit shall be filed in the name of the director~~
16 ~~for the use and benefit of the State of Arkansas without bond for costs.~~

17
18 SECTION 18. Arkansas Code § 12-13-115 is repealed.

19 ~~12-13-115. Annual report to Governor.~~

20 ~~Annually on or before July 1, the Director of the Division of Arkansas~~
21 ~~State Police shall transmit to the Governor a full report of his or her~~
22 ~~proceedings under this subchapter, including statistics and recommendations~~
23 ~~he or she may deem advisable.~~

24
25 SECTION 19. Arkansas Code § 12-13-116 is repealed.

26 ~~12-13-116. Disposition of penalties, fees, and forfeitures.~~

27 ~~All penalties, fees, or forfeitures collected under the provisions of~~
28 ~~this subchapter shall be deposited into the State Treasury to the credit of~~
29 ~~the Department of Arkansas State Police Fund.~~

30
31 SECTION 20. Arkansas Code § 12-13-117 is repealed.

32 ~~12-13-117. Temporary door barricade devices.~~

33 ~~A person may install and use a temporary door barricade device or~~
34 ~~security lockdown device for security purposes to protect individuals during~~
35 ~~active shooter events or other similar situations.~~

36

1 SECTION 21. Arkansas Code § 12-13-118 is repealed.

2 ~~12-13-118. Americans with Disabilities Act compliance.~~

3 ~~When the Arkansas Fire Prevention Code conflicts with the 2010~~
4 ~~Americans with Disabilities Act Standards for Accessible Design, the~~
5 ~~conflicting provisions of the 2010 Americans with Disabilities Act Standards~~
6 ~~for Accessible Design shall control.~~

7
8 SECTION 22. Arkansas Code § 12-13-119 is repealed.

9 ~~12-13-119. Review of fire protection class code determinations by~~
10 ~~advisory organizations—Recommendations to Insurance Commissioner.~~

11 ~~(a) The State Fire Marshal Enforcement Section may review fire~~
12 ~~protection standards filings filed by an advisory organization with the~~
13 ~~Insurance Commissioner if:~~

14 ~~(1) The filing is based on the effectiveness of fire protection~~
15 ~~services; and~~

16 ~~(2) Upon request of the commissioner or a person affected by a~~
17 ~~rate filing.~~

18 ~~(b) The section shall review a fire protection class code~~
19 ~~determination by:~~

20 ~~(1) Reassessing the fire protection services of each area of the~~
21 ~~state under approved standards to determine whether or not the analysis of~~
22 ~~the area's fire protection services were graded accurately considering the~~
23 ~~area's concerns, characteristics, and equipment and support available for~~
24 ~~fire protection services;~~

25 ~~(2) Advising the commissioner if the fire protection class code~~
26 ~~determination is reasonable and appropriate; and~~

27 ~~(3) Recommending further review or action by the commissioner~~
28 ~~concerning the fire protection class code determination.~~

29 ~~(c) A recommendation by the section is not binding on the~~
30 ~~commissioner.~~

31 ~~(d) The section shall make its recommendations under this section to~~
32 ~~the commissioner within thirty (30) days after receipt of a request to review~~
33 ~~a fire protection standards filing.~~

34 ~~(e) The section shall draw upon the experience and knowledge of~~
35 ~~different individuals in this state to make an informed recommendation to the~~
36 ~~commissioner.~~

1
2 SECTION 23. Arkansas Code § 14-284-304(4), concerning the power and
3 duties of the Rural Fire Protection Service and the State Fire Marshal's
4 Office, is amended to read as follows:

5 (4) To provide leadership and to cooperate with the Division of
6 Emergency Management, the State Fire ~~Marshal~~ ~~Marshal's office~~, the Office of
7 Fire Protection Services, and the Arkansas Fire Training Academy in
8 coordinating the efforts of these agencies with the efforts and services of
9 rural fire protection districts for the purpose of coordinating and making
10 maximum use of the services and resources of this state in providing rural
11 fire protection services in this state;

12
13 SECTION 24. Arkansas Code Title 19, Chapter 5, Subchapter 12, is
14 amended to add an additional section to read as follows:

15 19-5-1277. Fire Services Fund.

16 (a) There is created on the books of the Treasurer of State, the
17 Auditor of State, and the Chief Fiscal Officer of the State a miscellaneous
18 fund to be known as the "Fire Services Fund".

19 (b) The fund shall consist of:

20 (1) Special revenues collected under § 8-7-802;

21 (2) Special revenues from the license fee for fireworks, under
22 §§ 20-22-701 – 20-22-715;

23 (3) Special revenues from the Fire Protection Premium Tax Fund §
24 19-6-468.

25 (4) Any other funds authorized or provided by law; and

26 (5) Any remaining fund balances carried forward from year to
27 year.

28 (c) The fund shall be used by the Division of Emergency Management and
29 the Office of Fire Protection Services to provide fire protection services.

30 (d) Moneys remaining in the fund at the end of each fiscal year shall
31 carry forward and be made available for the purposes stated in this section
32 in the next fiscal year.

33
34 SECTION 25. Arkansas Code § 19-6-301(164), concerning the enumeration
35 of special revenues, is amended to read as follows:

36 (164) Those additional insurance premium taxes as specified in §

1 26-57-614, the portion of premium tax designated in § 26-57-603(d), and the
2 amount of insurance premium taxes transferred due to the provisions of §§ 24-
3 11-301 and 24-11-809;

4
5 SECTION 26. Arkansas Code § 19-6-468 is amended to read as follows:

6 19-6-468. Fire Protection Premium Tax Fund.

7 (a) There is created on the books of the Treasurer of State, the
8 Auditor of State, and the Chief Fiscal Officer of the State a special revenue
9 fund to be known as the "Fire Protection Premium Tax Fund", which shall
10 consist of those special revenues as specified in § 19-6-301(164), there to
11 be used for fire protection services as set out in § 26-57-614 and § 14-284-
12 401 et seq.

13 (b)(1) The Insurance Commissioner shall immediately deposit all moneys
14 collected under § 26-57-614 and § 14-284-401 et seq. into the Revenue Holding
15 Fund Account as provided in § 19-5-204. On the last business day of each
16 quarter, the Chief Fiscal Officer of the State shall determine the amount of
17 net special revenues to be transferred to the Fire Protection Premium Tax
18 Fund by the Treasurer of State.

19 (2) By the last business day of the quarter after July 1, 2023,
20 and by the last business day of each following quarter, the Chief Fiscal
21 Officer of the State shall:

22 (A) Determine the amount of collections deposited into the
23 Fire Protection Premium Tax Fund during the current quarter and the amount of
24 collections deposited into the Fire Protection Premium Tax Fund during the
25 same quarter of the immediately preceding year; and

26 (B) Certify the amount by which the collections deposited
27 into the Fire Protection Premium Tax Fund for the current quarter exceed the
28 amount of collections deposited into the Fire Protection Premium Tax Fund
29 during the same quarter of the immediately preceding year;

30 (C) Transfer fifty percent (50%) of the amount certified
31 under subdivision (b)(2)(B) of this section to the Fire Services Fund.

32 (3) The Chief Fiscal Officer of the State shall be the
33 disbursing officer for the Fire Protection Premium Tax Fund, and shall
34 distribute the moneys as provided in § 26-57-614 and § 14-284-401 et seq.

35 (c) The Insurance Commissioner shall disburse any refunds which may be
36 due insurance carriers from the Miscellaneous Revolving Fund after certifying

1 to the Chief Fiscal Officer of the State the amount to be refunded. The Chief
2 Fiscal Officer of the State shall direct that the certified amount be
3 transferred from the Revenue Holding Fund Account to the Miscellaneous
4 Revolving Fund as provided in § 19-5-106(a)(3).

5 (d) Beginning January 1, 2024, any funds that remain unclaimed in the
6 Fire Protection Premium Tax Fund for over two (2) of the immediately prior
7 calendar years shall be transferred to a cash fund and deposited into the
8 State Treasury as determined by the Chief Fiscal Officer of the State to be
9 used exclusively by the Arkansas Fire Protection Services Board for Fire
10 Protection Services grants.

11
12 SECTION 27. Arkansas Code Title 20, Chapter 22, Subchapter 2, is
13 repealed.

14 ~~Subchapter 2 — State Fire Prevention Commission~~

15
16 ~~20-22-201. Legislative findings.~~

17 ~~The General Assembly finds and declares that:~~

18 ~~(1) A significant part of the population of this state needs~~
19 ~~improved fire prevention;~~

20 ~~(2) The establishment and maintenance of a coordinated program~~
21 ~~for fire prevention for the entire state is necessary to protect the safety~~
22 ~~and wellbeing of the citizens and residents of this state;~~

23 ~~(3) Adequate fire prevention is more likely to become a reality~~
24 ~~when certain provisions are enacted by law; and~~

25 ~~(4) Fire prevention is a public purpose and a responsibility of~~
26 ~~government for which public funds may be spent.~~

27
28 ~~20-22-202. State Fire Prevention Commission established — Members.~~

29 ~~(a)(1) The State Fire Prevention Commission shall be composed of~~
30 ~~eleven (11) residents of the State of Arkansas.~~

31 ~~(2) Membership of the State Fire Prevention Commission shall~~
32 ~~consist of the following members by virtue of their office:~~

33 ~~(A) The State Fire Marshal or his or her designee;~~

34 ~~(B) The Director of the Arkansas Fire Training Academy or~~
35 ~~his or her designee; and~~

36 ~~(C) The Chair of the Arkansas Forestry Commission or his~~

1 ~~or her designee.~~

2 ~~(3) The following members of the State Fire Prevention~~
3 ~~Commission shall be appointed by the Governor:~~

4 ~~(A) One (1) volunteer firefighter below the rank of chief;~~

5 ~~(B) One (1) volunteer fire chief or chief officer of a~~
6 ~~voluntary municipal fire department;~~

7 ~~(C) One (1) full-time fire chief or chief officer of a~~
8 ~~municipality having a population of more than sixty thousand (60,000)~~
9 ~~residents;~~

10 ~~(D) One (1) full-time firefighter or fire department~~
11 ~~officer of a municipality having a population of less than sixty thousand~~
12 ~~(60,000) residents;~~

13 ~~(E) Two (2) members at large active in fire protection or~~
14 ~~safety; and~~

15 ~~(F) Two (2) persons representing the general public.~~

16 ~~(b) Appointed members shall be appointed to three-year terms. All~~
17 ~~appointed members shall serve until their respective successors are appointed~~
18 ~~and qualify.~~

19 ~~(c) Vacancies shall be filled by appointment by the Governor for the~~
20 ~~unexpired terms.~~

21 ~~(d) The members of the State Fire Prevention Commission shall serve~~
22 ~~without compensation but may receive expense reimbursement in accordance with~~
23 ~~§ 25-16-901 et seq.~~

24
25 ~~20-22-203. Staff, offices, and supplies provided.~~

26 ~~The Department of Public Safety shall provide staff, office space and~~
27 ~~supplies, and other assistance as may be necessary for the day-to-day~~
28 ~~operation of the State Fire Prevention Commission and its activities.~~

29
30 ~~20-22-204. Powers and duties.~~

31 ~~(a) The State Fire Prevention Commission may:~~

32 ~~(1)(A) Obtain all necessary information from fire departments,~~
33 ~~police or sheriffs' departments, the Division of Arkansas State Police, other~~
34 ~~state agencies, clinics, insurance companies, or any other person with regard~~
35 ~~to fire, its causes, and its methods of prevention.~~

36 ~~(B)(i) Notwithstanding any provision of law to the~~

1 ~~contrary, information furnished under this subsection shall be confidential~~
2 ~~and maintained as such if so requested by the persons providing the~~
3 ~~information.~~

4 ~~(ii) Nothing in this subsection shall prohibit the~~
5 ~~use of confidential information to prepare statistics or other general data~~
6 ~~when it is presented so as to prevent identification of the source of~~
7 ~~information; and~~

8 ~~(2) Receive and expend funds obtained from the United States~~
9 ~~Government or other sources by means of contracts, grants, awards, gifts, and~~
10 ~~other devices in support of fire prevention related scientific and technical~~
11 ~~programs, studies, or other operations beneficial to the state.~~

12 ~~(b) The State Fire Prevention Commission shall have the following~~
13 ~~duties and responsibilities:~~

14 ~~(1) Develop a plan for statewide fire prevention, including~~
15 ~~plans for urban and rural fire prevention;~~

16 ~~(2) Develop and maintain a fire prevention database upon which~~
17 ~~decisions concerning fire prevention and policy may intelligently be made;~~

18 ~~(3) Identify state needs relative to fire prevention, including~~
19 ~~specific needs of urban and rural areas;~~

20 ~~(4) Recommend actions to meet identified state needs relative to~~
21 ~~fire prevention;~~

22 ~~(5) Monitor and review the effectiveness of existing and~~
23 ~~proposed fire prevention programs;~~

24 ~~(6) Maintain an awareness of fire prevention research and~~
25 ~~development of importance to the state in order to promote information~~
26 ~~exchange and coordination of efforts;~~

27 ~~(7) Recommend legislative and executive action to encourage~~
28 ~~development of fire prevention resources and the efficient utilization of the~~
29 ~~resources;~~

30 ~~(8) Administer a public fire prevention awareness program to~~
31 ~~inform the public of the importance and methods of fire prevention;~~

32 ~~(9) Advise the General Assembly, the Governor, the State Fire~~
33 ~~Marshal, the Arkansas Forestry Commission, the Director of the Arkansas Fire~~
34 ~~Training Academy, the Director of the Division of Arkansas State Police, and~~
35 ~~the Insurance Commissioner on fire prevention and program matters of~~
36 ~~importance to each;~~

1 ~~(10) Advise on the delegation of responsibilities to state~~
2 ~~agencies responsible for fire prevention and policy and recommend resolution~~
3 ~~of conflicts between the various agencies on fire prevention matters;~~

4 ~~(11) Develop an annual report on the activities of the State~~
5 ~~Fire Prevention Commission and transmit the report to the Secretary of the~~
6 ~~Department of Public Safety and the General Assembly on or before November 30~~
7 ~~annually; and~~

8 ~~(12) Coordinate activities with the Federal Emergency Management~~
9 ~~Agency and any of the other federal or state agencies involved with fire~~
10 ~~prevention matters.~~

11
12 ~~20-22-205. Cooperation by other agencies.~~

13 ~~All other state agencies shall cooperate and coordinate with the State~~
14 ~~Fire Prevention Commission to the utmost degree within the range of action~~
15 ~~permissible within statutory authority.~~

16
17 SECTION 28. Arkansas Code § 20-22-701(5), concerning the definition of
18 "license" under the law concerning fireworks, is amended to read as follows:

19 (5) "License" means the written authority of the ~~Director of the~~
20 ~~Division of Arkansas State Police~~ State Fire Marshal issued under the
21 authority of this subchapter to a distributor, jobber, wholesaler,
22 manufacturer, importer, or retailer for a fee as provided in § 20-22-707;

23
24 SECTION 29. Arkansas Code § 20-22-701(7), concerning the definition of
25 "permit" under the law concerning fireworks, is amended to read as follows:

26 (7) "Permit" means the written authority of the ~~director~~ State
27 Fire Marshal issued for a public fireworks display under the authority of
28 this subchapter;

29
30 SECTION 30. Arkansas Code § 20-22-702(a), concerning public displays
31 of fireworks and exceptions, is amended to read as follows:

32 (a) Nothing in this subchapter shall be construed as applying to the
33 shipping, sale, possession, and use of fireworks for public displays by
34 holders of a permit for a public display to be conducted in accordance with
35 the rules promulgated by the ~~Director of the Division of Arkansas State~~
36 ~~Police~~ State Fire Marshal. Such items of fireworks which are to be used for

1 public display only and which are otherwise prohibited for sale and use
2 within the state shall include display shells designed to be fired from
3 mortars and display set pieces of fireworks classified by the regulations of
4 the United States Surface Transportation Board as Class B special fireworks
5 and shall not include such items of commercial fireworks as cherry bombs,
6 tubular salutes, repeating bombs, aerial bombs, and torpedoes.

7
8 SECTION 31. Arkansas Code § 20-22-702(b)(1), concerning public
9 displays of fireworks and exceptions, is amended to read as follows:

10 (b)(1) Public displays shall be performed only under competent
11 supervision and after the persons or organizations making the displays have
12 applied for and received a permit for the displays issued by the ~~director~~
13 State Fire Marshal.

14
15 SECTION 32. Arkansas Code § 20-22-702(d)(1), concerning public
16 displays of fireworks and exceptions, is amended to read as follows:

17 (d)(1) The ~~Division of Arkansas State Police~~ Office of Fire Protection
18 Services may charge a fee not to exceed fifty dollars (\$50.00) for each
19 permit issued under this section.

20
21 SECTION 33. Arkansas Code § 20-22-702(d)(3), concerning public
22 displays of fireworks and exceptions, is amended to read as follows:

23 (3) All permit fees shall be remitted to the division and shall
24 be deposited into the State Treasury as special revenues to the credit of the
25 ~~Division of Arkansas State Police~~ Fire Services Fund.

26
27 SECTION 34. Arkansas Code § 20-22-703(a)(1)(D), concerning exceptions
28 from fireworks licensing law, is amended to read as follows:

29 (D) Transportation, sale, or use of permissible fireworks
30 as defined in § 20-22-708 or special fireworks as defined in § 20-22-701
31 solely for agricultural or industrial purposes, provided that the purchaser
32 first secures a written permit to purchase and use the fireworks for
33 agricultural or industrial purposes from the ~~Director of the Division of~~
34 ~~Arkansas State Police~~ State Fire Marshal.

35
36 SECTION 35. Arkansas Code § 20-22-703(a)(2), concerning exceptions

1 from fireworks licensing law, is amended to read as follows:

2 (2) No permit for use of fireworks for agricultural purposes
3 shall be issued by the ~~director~~ State Fire Marshal except after approval of
4 the county agricultural agent of the county in which the fireworks are to be
5 used.

6
7 SECTION 36. Arkansas Code § 20-22-707 is amended to read as follows:
8 20-22-707. License – Application and issuance.

9 (a)(1)(A) To be licensed as a manufacturer, importer, distributor,
10 jobber, retailer, retailer all-year, or shooter of fireworks, a first-time
11 applicant shall submit to the ~~Director of the Division of Arkansas State~~
12 ~~Police~~ State Fire Marshal an application on a form provided by the ~~director~~
13 State Fire Marshal setting forth the information that the ~~director~~ State Fire
14 Marshal determines necessary to ensure public health, safety, and welfare.

15 (B) The license for a manufacturer, importer, distributor,
16 jobber, retailer, or retailer all-year shall be effective from the date of
17 issuance through the next April 30.

18 (C) The license for a shooter shall be valid for five (5)
19 years from the date of issuance.

20 (D) Upon approval of the application by the ~~director~~ State
21 Fire Marshal and before the issuance of the license, the applicant shall pay
22 to the ~~director~~ State Fire Marshal a license fee for each type of business
23 conducted based on the following schedule:

- 24 (i) Manufacturer..... \$1,000.00
- 25 (ii) Importer..... 750.00
- 26 (iii) Distributor..... 500.00
- 27 (iv) Jobber..... 100.00
- 28 (v) Retailer..... 25.00
- 29 (vi) Shooter..... 50.00
- 30 (vii) Retailer All-Year..... 500.00

31 (E) The fee for a shooter shall be waived if the applicant
32 verifies that he or she is a professional or volunteer firefighter.

33 (2)(A) A retailer may purchase a license from its vendor if the
34 vendor is a licensed importer, distributor, or jobber or from the ~~State Fire~~
35 ~~Marshal Enforcement Section~~ Office of Fire Protection Services. The
36 retailers' licenses shall be made available by the ~~Division of Arkansas State~~

1 Office of Fire Protection Services to the vendor in books of twenty (20)
2 licenses to a book.

3 (B) The vendor shall record the sales of the licenses to
4 retailers and submit its records to the ~~director~~ State Fire Marshal
5 semiannually on January 31 and July 31 of each year. Each semiannual report
6 shall cover the preceding six-month period.

7 (3) A person that does not obtain a required license commits a
8 violation of this subchapter.

9 (b)(1) A person may renew a license as a manufacturer, importer,
10 distributor, jobber, retailer, or shooter by payment of the fee under
11 subsection (a) of this section to the ~~director~~ State Fire Marshal.

12 (2) A license renewal application received by the ~~director~~ State
13 Fire Marshal after May 1 of each year shall be assessed a late penalty in an
14 amount equal to two (2) times the renewal fee, under subsection (a) of this
15 section.

16 (c) All funds collected under this subchapter by the ~~director~~ State
17 Fire Marshal, including license fees and penalties, shall be deposited into
18 the State Treasury to the credit of the ~~Division of Arkansas State Police~~
19 Fire Services Fund.

20 (d) The ~~director~~ State Fire Marshal shall assign a license number to
21 each license issued. This number shall be affixed by the person to whom such
22 a license is issued to all invoices issued or used by each manufacturer,
23 importer, distributor, or jobber.

24 (e)(1) It shall be unlawful for a jobber licensed under this
25 subchapter or for an Arkansas-domiciled retailer to purchase fireworks from a
26 distributor, importer, or manufacturer domiciled outside the State of
27 Arkansas unless the distributor, manufacturer, or importer can show proof
28 that the distributor, manufacturer, or importer holds a valid license under
29 this subchapter to perform functions of the distributor, importer, or
30 manufacturer, or all of them, as the case may be.

31 (2) In the event of a violation of this section, if the
32 distributor, importer, or manufacturer cannot show valid proof of being
33 properly and currently licensed under this subchapter and if purchase of
34 fireworks is consummated by a wholesale jobber licensed under this subchapter
35 or by an Arkansas retailer from the distributor, importer, or manufacturer,
36 then the jobber or retailer shall become liable, as a civil penalty, for the

1 full amount of the license fee required by this subchapter from the
2 distributor, importer, or manufacturer. The amount of the license fee is
3 payable immediately, or in the event of failure to pay the penalty within
4 thirty (30) days of the violation, the distributor, importer, or manufacturer
5 shall be subject to the criminal penalties provided by this subchapter.

6 (3) Furthermore, unless the out-of-state distributor, importer,
7 or manufacturer pays the license fee required under the provisions of this
8 subchapter within a period of thirty (30) days after being so notified by
9 registered mail, the person shall thereafter be prohibited from engaging in
10 the business defined in this subchapter in the State of Arkansas.

11 (f)(1) No permit or license provided for in this subchapter shall be
12 transferable, nor shall a person be permitted to operate under a permit or
13 license issued to any other person.

14 (2) No permit or license shall be issued to a person under
15 twenty-one (21) years of age.

16 (3)(A) Each retailer and holder of a license under the
17 provisions of this subchapter shall keep an accurate record of each shipment
18 received.

19 (B) Each distributor, importer, jobber, or wholesaler
20 shall keep a record of each shipment received and each sale, delivery, or
21 out-shipment of fireworks.

22 (C) The records shall be clear, legible, and accurate,
23 showing the name and address of the seller or purchaser, item, and quantity
24 received or sold.

25 (D) The records are to be kept at each place of business
26 and shall be subject to examination by the ~~director~~ State Fire Marshal or his
27 or her agents who shall have the authority at any time to require any
28 manufacturer, importer, distributor, wholesaler, jobber, or retailer to
29 produce records for the current year and the immediately preceding full
30 license year.

31 (E) Each shooter shall keep a record of the date,
32 location, and type of display conducted within the State of Arkansas.

33 (g) Mail-order sales of fireworks to consumers through any medium of
34 interstate or intrastate commerce are prohibited. Sales of fireworks to
35 consumers may be made only at properly licensed retail locations within the
36 State of Arkansas. Any person violating this subsection shall be guilty of a

1 Class C misdemeanor.

2 (h) The ~~director~~ State Fire Marshal may revoke or deny an application
3 for any license or permit at any time for violating any provision of this
4 subchapter or for falsifying any information provided to the division as part
5 of an application for a license or permit.

6 (i) The ~~director~~ State Fire Marshal may promulgate rules necessary to
7 enforce this subchapter.

8

9 SECTION 37. Arkansas Code § 20-22-710(e), location, display, sale of
10 fireworks, is amended to read as follows:

11 (e) All licensees under this subchapter shall have a fire extinguisher
12 of a type approved by the ~~Director of the Division of Arkansas State Police~~
13 State Fire Marshal in an area readily accessible to any point of storage or
14 sale of fireworks. In lieu of such an extinguisher, retailers may maintain a
15 common type of water hose, charged and connected to a water system, which is
16 readily available to any area where fireworks are stored or sold.

17

18 SECTION 38. Arkansas Code § 20-22-714 is amended to read as follows:
19 20-22-714. Seizure of contraband fireworks.

20 (a) The ~~Director of the Division of Arkansas State Police~~ State Fire
21 Marshal within the Office of Fire Protection Services shall seize as
22 contraband any fireworks other than Class C common fireworks defined in § 20-
23 22-708 or special fireworks for public displays as provided in § 20-22-702 or
24 for agricultural or industrial purposes as provided in § 20-22-703, which are
25 sold, displayed, used, or possessed in violation of this subchapter.

26 (b) The ~~director~~ State Fire Marshal may destroy fireworks so seized.

27

28 SECTION 39. Arkansas Code § 20-22-7015(a), concerning a notice of
29 violation of the fireworks licensing law, is amended to read as follows:

30 (a) With reference to the administrative and civil penalties
31 imposed by this subchapter, the ~~Director of the Division of Arkansas State~~
32 ~~Police~~ State Fire Marshal shall notify the person accused of a violation,
33 setting a time and place for hearing to be held by the ~~director~~ State Fire
34 Marshal or his or her designated agent.

35

36 SECTION 40. Arkansas Code § 20-22-803(a)(2), concerning the creation

1 and membership of the Arkansas Fire Protection Services Board, is amended to
2 read as follows:

3 (2) The board shall be composed of ~~fifteen (15)~~ seventeen (17)
4 members to be appointed by the Governor subject to confirmation by the Senate
5 as follows:

6 (A)(i) Four (4) members shall be fire chiefs appointed by
7 the Governor after consulting the Arkansas Association of Fire Chiefs.

8 (ii) ~~Two (2) of the fire chiefs under this~~
9 ~~subdivision (a)(2)(A) shall be full paid fire chiefs, one~~ One (1) shall be a
10 volunteer fire chief, ~~and one (1) shall be a retired fire chief or a~~
11 ~~volunteer fire chief;~~

12 (B) Two (2) members shall be appointed after consulting
13 the Arkansas Rural and Volunteer Firefighters Association;

14 (C) Four (4) members shall be appointed after consulting
15 the Arkansas State Firefighters Association, Inc. ~~all of whom shall be~~
16 ~~volunteer firefighters of which:~~

17 (i) Two (2) members shall be full paid firefighters;
18 and

19 (ii) Two (2) members shall be volunteer
20 firefighters;

21 (D) Four (4) members shall be appointed by the Governor
22 after consulting the Arkansas Professional Fire Fighters Association; ~~and~~

23 (E) The State Forester of the Arkansas Forestry Commission
24 or his or her designee; and

25 (F) Two (2) members shall be appointed after consulting
26 the Arkansas Fire Marshal's Association.

27

28 SECTION 41. Arkansas Code § 20-22-804 is amended to read as follows:

29 20-22-804. Arkansas Fire Protection Services Board – Duties and powers.

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

31 (1)(A) Prescribe by rule minimum standards for the certification
32 of fire departments and standards for the classification of fire departments
33 as to their level of service, including, but not limited to, standards for
34 training levels for firefighters of fire departments, minimum levels of
35 equipment, and minimum performance standards.

36 (B) A fire department shall be certified when it meets the

1 minimum standards, training, and equipment set forth for each classification;

2 (2) Establish a system of identification for firefighters of
3 certified fire departments for the purpose of assisting firefighters to carry
4 out their duties;

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

7 (4) Promote the exchange of information among fire departments
8 and state agencies;

9 (5) Serve in ~~an advisory~~ a governing capacity ~~to~~ with the
10 Director of the Division of Emergency Management with respect to the:

11 (i) operation ~~operation~~ Operation of fire services; and

12 (ii) the matters ~~the matters~~ Matters concerning certification and
13 standards related to fire services in the state;

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

19 ~~Advise~~ Provide oversight for the Director of the Arkansas
20 Fire Training Academy in matters related to the:

21 (i) training ~~training~~ Training and certification of fire services
22 personnel in Arkansas; and

23 (ii) curriculum ~~curriculum~~ Curriculum and instructional content of
24 the curriculum offered by the Arkansas Fire Training Academy;

25 (8)(A) Advise the President of Southern Arkansas University in
26 matters regarding the appointment and retention of the Director of the
27 Arkansas Fire Training Academy, including without limitation:-

28 ~~(B)(i) The Arkansas Fire Protection Services Board shall~~
29 ~~review~~ Reviewing the applications for the position of Director of the
30 Arkansas Fire Training Academy submitted to the president; and

31 (ii) recommend three (3) Ranking the candidates for
32 the position in a descending order for ~~to~~ the president.

33 ~~(C)(B)~~ The president shall appoint the Director of the
34 Arkansas Fire Training Academy from the Arkansas Fire Protection Services
35 Board's top three (3) recommended candidates; and

36 (9)(A) Advise the president in the creation and maintenance of

1 the job description of the Director of the Arkansas Fire Training Academy.

2 (B) The job description for the Director of the Arkansas
3 Fire Training Academy shall define the Director of the Arkansas Fire Training
4 Academy's:

5 (i) Job duties and directions; and

6 (ii) Expectations;

7 ~~(9)(10)~~ Establish other reasonable rules as may be necessary for
8 the purposes of this subchapter;

9 (11)(A) Advise the Director of the Division of Emergency
10 Management in matters regarding the employment and retention of the
11 Coordinator of the Office of Fire Protection Services including without
12 limitation:

13 (i) Reviewing the applications for the Coordinator
14 of the Office of Fire Protection Services and submitted to the Division of
15 Emergency Management; and

16 (ii) Ranking the candidates for Coordinator of the
17 Office of Fire Protection Services in a descending order for the Director of
18 the Division of Emergency Management.

19 (B)(i) The Director of the Division of Emergency
20 Management shall employ the Coordinator of Fire Protection Services from the
21 top three (3) recommended candidates; and

22 (ii) If a candidate removes his or her application
23 from consideration, the rank of the candidates shall be adjusted to fill that
24 numerical rank to ensure the Director of the Division of Emergency Management
25 considers the top three (3) remaining recommended candidates; and

26 (12)(A) Advise the Director of the Division of Emergency
27 Management in the creation and maintenance of the job description for the
28 Coordinator of the Office of Fire Protection Services.

29 (B) The job description for the Coordinator of the Office
30 of Fire Protection Services shall define the Coordinator of the Office of
31 Fire Protection Services':

32 (i) Job duties and directions; and

33 (ii) Expectations.

34 (12)(A) Advise the Director of the Division of Emergency
35 Management in matters regarding the employment and retention of the State
36 Fire Marshal, including without limitation:

1 (i) Reviewing the applications for the State Fire
2 Marshal and submitted to the Division of Emergency Management; and

3 (ii) Ranking the candidates for State Fire Marshal in
4 a descending order for the Director of the Division of Emergency Management.

5 (B) The Director of the Division of Emergency Management
6 shall employ the State Fire Marshal from the top three (3) recommended
7 candidates; and

8 (13)(A) Advise the Director of the Division of Emergency
9 Management in the creation and maintenance of the job description for the
10 State Fire Marshal.

11 (B) The job description for the State Fire Marshal shall
12 define the State Fire Marshal's:

13 (i) Job duties and directions; and

14 (ii) Expectations.

15 (14) Provide oversight for the Director of the Division of
16 Emergency Management for the Office of Fire Protection Services;

17 (15)(A) Provide guidance to fire departments concerning
18 compliance with rules or orders of the Arkansas Fire Protection Services
19 Board.

20 (B) The Office of Fire Protection Services shall be
21 responsible for oversight of the fire coordinators of each county to ensure
22 the information, guidance, rules, and orders of the Arkansas Fire Protection
23 Services Board are complied with by the fire departments;

24 (16) Adopt rules to create the form and allowable rates for
25 insurance reimbursement;

26 (17) Develop a Uniform Fire Department Insurance Reimbursement
27 Billing Form;

28 (18) Develop the Arkansas Fire Protection Services Grant
29 Program.

30 (b) The Arkansas Fire Protection Services Board shall have the
31 following duties and responsibilities:

32 (1) Develop a plan for statewide fire prevention, including
33 plans for urban and rural fire prevention;

34 (2) Develop and maintain a fire prevention database upon which
35 decisions concerning fire prevention and policy may intelligently be made;

36 (3) Identify state needs relative to fire prevention, including

1 specific needs of urban and rural areas;

2 (4) Recommend actions to meet identified state needs relative to
3 fire prevention;

4 (5) Monitor and review the effectiveness of existing and
5 proposed fire prevention programs;

6 (6) Maintain an awareness of fire prevention research and
7 development of importance to the state to promote information exchange and
8 coordination of efforts;

9 (7) Recommend legislative and executive action to encourage
10 development of fire prevention resources and the efficient utilization of the
11 resources;

12 (8) Administer a public fire prevention awareness program to
13 inform the public of the importance and methods of fire prevention;

14 (9) Advise the General Assembly, the Governor, the State Fire
15 Marshal, the Arkansas Forestry Commission, the Director of the Arkansas Fire
16 Training Academy, the Director of the Division of Arkansas State Police, and
17 the Insurance Commissioner on fire prevention and program matters of
18 importance to each;

19 (10) Advise on the delegation of responsibilities to state
20 agencies responsible for fire prevention and policy and recommend resolution
21 of conflicts between the various agencies on fire prevention matters;

22 (11) Develop an annual report on the activities of the Arkansas
23 Fire Protection Services Board and transmit the report to the Secretary of
24 the Department of Public Safety and the General Assembly on or before
25 November 30 annually;

26 (12) Coordinate activities with the Federal Emergency Management
27 Agency and any other federal or state agencies involved with fire prevention
28 matters;

29 (13) Establish, maintain, and update a list of all the following
30 in the state:

31 (A) Volunteer fire fighters; and

32 (B) Professional fire fighters.

33 ~~(b) As of March 1, 2003, the Arkansas Fire Training Academy Board~~
34 ~~created by § 12-13-202 [repealed] and the Arkansas Fire Advisory Board~~
35 ~~created by § 20-22-1005 [repealed] are transferred by a Type 3 transfer under~~
36 ~~§ 25-2-106 to the Arkansas Fire Protection Services Board created by § 20-22-~~

1 ~~803.~~

2 (c)(1) The Arkansas Fire Protection Services Board may revoke the
3 certification of any firefighter who has been convicted of a felony under §
4 17-3-102.

5 (2) Before the Arkansas Fire Protection Services Board revokes
6 the certification of a firefighter under this subsection, the firefighter may
7 request a hearing in accordance with the Arkansas Administrative Procedure
8 Act, § 25-15-201 et seq.

9 (3) If the Arkansas Fire Protection Services Board revokes the
10 firefighter's certification under this subsection, the firefighter may appeal
11 the Arkansas Fire Protection Services Board's decision to the Pulaski County
12 Circuit Court in accordance with the Arkansas Administrative Procedure Act, §
13 25-15-201 et seq.

14 (4) The Arkansas Fire Training Academy shall be the custodian of
15 all records on the decertification of firefighters under this subsection.

16
17 SECTION 42. Arkansas Code § 20-22-1004(a), concerning the Office of
18 Fire Protection Services, is amended to add an additional subdivision to read
19 as follows:

20 (7) To assist the State Fire Marshal.

21
22 SECTION 43. Arkansas Code § 20-22-1004(c)(1), concerning the Office of
23 Fire Protection Services, is amended to read as follows:

24 (1) ~~The State Fire Marshal~~ Arkansas law enforcement officers,
25 ~~who is~~ are responsible for providing the services and functions related to
26 the investigation of arson and enforcement of arson laws, ~~fire safety, public~~
27 ~~awareness,~~ and other functions as may be specified by law ~~for the office;~~

28
29 SECTION 44. Arkansas Code Title 20, Chapter 22, Subchapter 10, is
30 amended to add an additional section to read as follows:

31 20-22-1009. State Fire Marshal.

32 (a) There is created the position of State Fire Marshal within the
33 Office of Fire Protection Services of the Division of Emergency Management.

34 (b) The State Fire Marshal shall be under the supervision and
35 direction of the Director of the Division of Emergency Management.

36 (c) The State Fire Marshal shall work in coordination with the

1 Coordinator of the Office of Fire Protection Services, the Arkansas Fire
2 Protection Services Board and the Director of the Division of Emergency
3 Management.

4 (d) The State Fire Marshal, who shall be employed by the Director of
5 the Division of Emergency Management, in consultation with the Secretary of
6 the Department of Public Safety, shall have the responsibility to carry out
7 the administrative functions and directives assigned to the State Fire
8 Marshal.

9 (e) The State Fire Marshal may delegate administrative and
10 investigative duties to the qualified personnel of the Office of Fire
11 Protection Services.

12
13 20-22-1010. Duties of State Fire Marshal.

14 (a) The State Fire Marshal of the Office of Fire Protection Services
15 shall have the responsibility to:

16 (1) Provide sufficient training to the several deputy fire
17 marshals in the State of Arkansas to enable them to better understand their
18 duties and their authority and to motivate them to perform their duties in an
19 effective and efficient manner;

20 (2) Coordinate fire prevention efforts with the State Fire
21 Marshal Enforcement Section and other agencies and groups;

22 (3) Develop and present public awareness programs in fire
23 prevention and protection;

24 (4) Develop and disseminate fire prevention information and
25 material;

26 (5) Enforce the Arkansas Fire Prevention Code and periodically
27 revise and update the Arkansas Fire Prevention Code;

28 (6) Do and perform such other functions as will promote an
29 efficient and effective fire prevention and control program in the state;

30 (7) Review fire protection class code determinations by an
31 advisory organization and determine if the evaluation of fire protection
32 services is reasonable and appropriate;

33 (8) Upon request, make recommendations to the Insurance
34 Commissioner concerning filings made to the commissioner concerning fire
35 protection standards;

36 (b) The State Fire Marshal, in conjunction with the appropriate law

1 enforcement agency, enforce all laws and ordinances with regard to the
2 following, including without limitation:

3 (1) The prevention of fires;

4 (2) The storage, sale, and use of combustibles and explosives;

5 (3) The installation and maintenance of automatic or other fire
6 alarm systems and fire extinguishing equipment;

7 (4) The construction, maintenance, and regulation of fire
8 escapes;

9 (5) The means and adequacy of exits in case of fire from
10 factories, asylums, hospitals, churches, schools, halls, theaters, and all
11 other places in which numbers of people work, live, or congregate from time
12 to time, for any purpose; and

13 (6) The suppression of arson and the investigation of the cause,
14 origin, and circumstances of fires.

15 (c)(1) The State Fire Marshal within the Office of Fire Protection
16 Services shall adopt reasonable rules for the effective administration of
17 this subchapter to accomplish its intent and purposes, and to safeguard the
18 public from fire hazards.

19 (d) The State Fire Marshal within the Office of Fire Protection
20 Services shall make reasonable rules for the keeping, storing, using,
21 manufacture, selling, handling, transportation, or other disposition of
22 highly inflammable materials and rubbish, gunpowder, dynamite, crude
23 petroleum or any of its products, explosives or compounds, or any other
24 explosive, including fireworks, and firecrackers, and he or she may prescribe
25 the materials and construction of receptacles and buildings to be used for
26 any of those purposes.

27 (e) Nothing in this subchapter shall apply to the inspection of
28 boilers, § 20-23-101 et seq., the administration and enforcement of which is
29 now vested in the Division of Labor.

30
31 20-22-1011. Fire drills.

32 It shall be the duty of the State Fire Marshal, or his or her designee,
33 to require teachers of public and private schools and all educational
34 institutions to have one (1) fire drill each month and to keep all doors and
35 exits unlocked during school hours.

36

1 20-22-1012. Inspection of buildings.

2 (a)(1) Upon complaint of any person or on their own motion, the State
3 Fire Marshal, or his or her designee, may inspect all buildings and premises
4 within their jurisdiction and issue an order for the compliance with the
5 State Fire Marshal's rules.

6 (2) Failure or refusal to comply with an order of the State Fire
7 Marshal in the enforcement of the rules shall be a Class A misdemeanor.

8 (b)(1) The State Fire Marshal, or his or her designee, shall inspect
9 all places of public assembly, including factories or industrial plants
10 normally employing ten (10) or more persons, where hazards to the lives and
11 safety of citizens might be present.

12 (2) If upon completion of the inspection an unsafe or hazardous
13 condition is found to exist, then the State Fire Marshal, or his or her
14 designee, shall promptly notify the owner or operator of the public assembly
15 in writing.

16 (3) Upon the receipt of the written notice, the owner or
17 operator shall remove the hazardous or unsafe condition.

18 (4)(A) On failure to remedy the condition, the State Fire
19 Marshal, or his or her designee, may file injunction proceedings in the
20 circuit court of the jurisdiction to abate the condition as being a nuisance.

21 (B) The suit shall be filed in the name of the State Fire
22 Marshal for the use and benefit of the State of Arkansas without bond for
23 costs.

24
25 20-22-1013. Disposition of penalties, fees, and forfeitures.

26 All penalties, fees, or forfeitures collected under the provisions of
27 this subchapter shall be deposited into the State Treasury to the credit of
28 the Fire Services Fund.

29
30 20-22-1014. Temporary door barricade devices.

31 A person may install and use a temporary door barricade device or
32 security lockdown device for security purposes to protect individuals during
33 active shooter events or other similar situations.

34
35 20-22-1015. Americans with Disabilities Act compliance.

36 When the Arkansas Fire Prevention Code conflicts with the 2010

1 Americans with Disabilities Act Standards for Accessible Design, the
2 conflicting provisions of the 2010 Americans with Disabilities Act Standards
3 for Accessible Design shall control.

4
5 20-22-1016. Review of fire protection class code determinations by
6 advisory organizations – Recommendations to Insurance Commissioner.

7 (a) The State Fire Marshal, or his or her designee, may review fire
8 protection standards filings filed by an advisory organization with the
9 Insurance Commissioner if:

10 (1) The filing is based on the effectiveness of fire protection
11 services; and

12 (2) Upon request of the commissioner or a person affected by a
13 rate filing.

14 (b) The section shall review a fire protection class code
15 determination by:

16 (1) Reassessing the fire protection services of each area of the
17 state under approved standards to determine whether or not the analysis of
18 the area's fire protection services were graded accurately considering the
19 area's concerns, characteristics, and equipment and support available for
20 fire protection services;

21 (2) Advising the commissioner if the fire protection class code
22 determination is reasonable and appropriate; and

23 (3) Recommending further review or action by the commissioner
24 concerning the fire protection class code determination.

25 (c) A recommendation by the section is not binding on the
26 commissioner.

27 (d) The section shall make its recommendations under this section to
28 the commissioner within thirty (30) days after receipt of a request to review
29 a fire protection standards filing.

30 (e) The section shall draw upon the experience and knowledge of
31 different individuals in this state to make an informed recommendation to the
32 commissioner.

33
34 SECTION 45. Arkansas Code § 25-43-1402(16), concerning the state
35 entities transferred to the Department of Public Safety by a cabinet-level
36 department transfer, is repealed.

1 ~~(16) The State Fire Prevention Commission, created under § 20-~~
2 ~~22-202, and~~

3 SECTION 46. Arkansas Code § 26-57-614(a), concerning an additional tax
4 and fire protection services, is amended to read as follows:

5 (a)(1) It is found and determined by the General Assembly that
6 additional funding is needed to improve the fire protection services in this
7 state.

8 (2) It is further found and determined that the public policy of
9 this state is to provide adequate fire protection services for property of
10 citizens through the use of properly trained and equipped firefighters, the
11 effective administration of fire protection services through the Office of
12 Fire Protection Services and the State Fire Marshal, and that the provisions
13 of this section and §§ 14-284-401 – 14-284-409 are necessary in furtherance
14 of the public health and safety.

15
16 SECTION 47. DO NOT CODIFY. Transfer of duties and personnel from the
17 State Fire Marshal Enforcement Section of the Division of State Police to the
18 Office of Fire Protection Services within the Division of Emergency
19 Management.

20 (a)(1) The administrative duties and certain personnel of the State
21 Fire Marshal Enforcement Section of the Division of Arkansas State Police are
22 transferred to the Office of Fire Protection Services within the Division of
23 Emergency Management.

24 (2) The administrative duties transferred under subdivision
25 (a)(1) of this section includes all authority, powers, duties, functions,
26 records, and property, including the functions of budgeting or purchasing as
27 established by law.

28 (3) The State Fire Marshal Enforcement Section of the Division
29 of Arkansas State Police and the Office of Fire Protection Services within
30 the Division of Emergency Management shall jointly determine the personnel to
31 be transferred.

32 (b) All rules promulgated by the Division of Arkansas State Police
33 concerning fire enforcement or the Fire Prevention Act, § 12-13-101 et seq.
34 or the Arkansas Fire Code shall continue to be in effect and shall be adopted
35 by the State Fire Marshal as rules of the Office of Fire Protection Services.
36

1 SECTION 48. EMERGENCY CLAUSE.

2 It is found and determined by the General Assembly of the State of
3 Arkansas that it is important to the citizens of Arkansas that state
4 government services be provided in an efficient and cost-effective manner;
5 that the consolidation of state boards that perform similar functions and
6 serve similar constituencies is an effective way to achieve both operational
7 efficiencies and economies of scale; that this act abolishing and
8 transferring the duties of the State Fire Prevention Commission to the
9 Arkansas Fire Protection Services Board will increase the effectiveness of
10 fire protection for all citizens and protect the citizens' health, safety,
11 and property; that fire protection services and fire prevention programs
12 benefit Arkansans and preserve the public peace, health and safety by
13 preventing the devastation caused by fire and providing fire prevention
14 services to rural and urban communities in Arkansas is exceptionally
15 beneficial; that this act abolishing and transferring the duties of the State
16 Fire Prevention Commission to the Arkansas Fire Protection Services Board
17 should become effective on July 1, 2023, to coincide with the appropriation
18 bill of the Department of Public Safety, and the beginning of the state's
19 fiscal year, as it provides its expanded vital services as the transfer of
20 duties is implemented and does not experience any issues with funding under
21 the transfer of duties. Therefore, an emergency is declared to exist, and
22 this act being necessary for the preservation of the public peace, health,
23 and safety shall become effective on July 1, 2023.

24
25 /s/L. Johnson

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28 **APPROVED: 4/13/23**
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