

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

1 State of Arkansas
2 86th General Assembly
3 Regular Session, 2007
4

As Engrossed: H2/27/07

A Bill

HOUSE BILL 1477

5 By: Representative Pickett
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For An Act To Be Entitled

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 AN ACT TO PROTECT PUBLIC SCHOOL
15 BUILDINGS FROM FIRE HAZARDS AND TO
16 ENSURE REGULAR FIRE INSPECTIONS FOR ALL
17 PUBLIC SCHOOL BUILDINGS IN THE STATE OF
18 ARKANSAS.
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22 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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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~~
36 ~~secondary school in this state shall request an inspection of the premises by~~



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

6 (a) Each fire department providing fire protection to a public school
7 building in this state shall inspect the public school building at least
8 seven (7) calendar days prior to:

9 (1) The beginning of Christmas break for the school district;
10 and

11 (2) The end of the school year for the school district.

12 (b) The State Fire Marshal Enforcement Section of the Department of
13 Arkansas State Police, with the advice of the Department of Education, shall
14 develop standardized criteria and reporting forms for inspections of Arkansas
15 public school buildings.

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

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

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

24 ~~(6)(2)(A)~~ The superintendent's report shall indicate:

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

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

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

35 (f)(1)(A) If the superintendent does not receive a written inspection
36 report for a public school building as required by this section from the

1 chief executive officer of the fire department providing fire protection to
2 the public school building, the superintendent shall notify:

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

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

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

10 (2) A fire department that is the subject of a
11 notification under this subsection (f) is not eligible to receive an
12 apportionment of distributions from the Fire Protection Premium Tax Fund
13 under § 14-284-403.

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

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

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

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

28 (h) The chief executive officer shall notify the State Fire Marshal
29 Enforcement Section of the Arkansas State Police and the Department of
30 Education if:

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

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

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

4 (2) The failure of a public school superintendent to respond as
5 provided in subsection (e) of this section to correct the deficiencies noted
6 in an inspection report is an indicator of fiscal distress under § 6-20-
7 1904(2).

8 (j)(1) This section also applies to any building that meets the
9 following requirements:

10 (A) Is not owned by a public school district;

11 (B) Is non-residential property; and

12 (C) Is used for the purpose of educating students in
13 grades kindergarten through twelve (K-12) for whom the state provides funds
14 for all or a part of their education.

15 (2) The deadline for the inspection of school buildings under
16 this subsection (j) shall be the date under subsection (a) for public school
17 buildings that the fire department serves.

18 (3) For purposes of this subsection (j), the chief officer of
19 any school operated in a building under subdivision (j)(1) of this section
20 shall have the same obligations as a superintendent under this section.

21
22 SECTION 2. Arkansas Code § 14-284-403(a)(2), concerning apportionment
23 of funds from the Fire Protection Premium Tax Fund, is amended to read as
24 follows:

25 (2)(A) The moneys shall be apportioned by each quorum court to
26 the districts and municipalities within the county based upon population
27 unless the County Intergovernmental Cooperation Council notifies the quorum
28 court of the fire protection needs of the districts and municipalities, in
29 which case the moneys shall be apportioned by the quorum court based on those
30 needs.

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

34 (C) Fire departments which are not certified by the Office
35 of Fire Protection Services pursuant to §§ 20-22-801 - 20-22-809 shall also
36 be eligible to receive moneys disbursed under this section so long as all

1 moneys received are spent directly on equipment, training, capital
2 improvements, or other expenditures necessary for upgrading the service
3 provided by the department.

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/s/ Pickett