

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 H3/5/07 H3/12/07

A Bill

HOUSE BILL 1477

5 By: Representative Pickett
6
7

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.
19
20
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*
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 ~~(3)(c)~~ The chief executive officer of the fire department shall
7 file a written report of the inspection with the superintendent for the
8 school district where the public school building is located within ~~seven (7)~~
9 ten (10) calendar days after the inspection.

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

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

14 ~~(6)(2)(A)~~ The superintendent's report shall indicate:

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

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

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

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

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

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

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

36 (2) The quorum court shall withhold from a fire department

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

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

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

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

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

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

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

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

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

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

35
36 SECTION 2. Arkansas Code § 14-284-403(a)(2), concerning apportionment

1 of funds from the Fire Protection Premium Tax Fund, is amended to read as
2 follows:

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

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

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

18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36

/s/ Pickett