

State of Arkansas  
91st General Assembly  
Regular Session, 2017

# A Bill

SENATE BILL 646

By: Senator J. English  
By: Representative C. Douglas

## For An Act To Be Entitled

AN ACT TO AMEND PROVISIONS OF THE ARKANSAS CODE  
CONCERNING PUBLIC SCHOOL ACADEMIC FACILITIES; AND FOR  
OTHER PURPOSES.

## Subtitle

TO AMEND PROVISIONS OF THE ARKANSAS CODE  
CONCERNING PUBLIC SCHOOL ACADEMIC  
FACILITIES.

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

SECTION 1. Arkansas Code § 6-20-1206(a)(2)(A), concerning the manner  
and terms of sale of school bonds, is amended to read as follows:

(2)(A)(i) Advertisement of a bond sale under this section shall  
be published ~~in on~~ at least ~~one (1)~~ two (2) separate dates in a newspaper  
published in the county ~~with the publication to be one (1) time a week for~~  
~~two (2) weeks.~~

(ii) The first publication shall be at least  
~~thirteen (13)~~ eight (8) days before the date of the sale, with the second  
publication on any date before the date of the sale.

SECTION 2. Arkansas Code § 6-20-1229(b), concerning the issuance of  
second-lien commercial bonds, is amended to read as follows:

(b) All second-lien bonds issued by school districts shall have  
semiannual interest payments, ~~with the first interest payment due within~~  
~~eight (8) months of the issuance of the second lien bond. All second lien~~



1 ~~bonds shall be repaid on payment schedules that are either:~~

2 ~~(1) Equalized payments in which the annual payments are~~  
 3 ~~substantially equal in amount; or~~

4 ~~(2) Decelerated payments in which the annual payments decrease~~  
 5 ~~over the life of the schedule.~~

6  
 7 SECTION 3. Arkansas Code § 6-20-2502, concerning the definitions of  
 8 the Arkansas Public School Academic Facilities Funding Act, is amended to add  
 9 an additional subdivision to read as follows:

10 (13) "Building" means a structure used or intended for  
 11 supporting or sheltering any use or occupancy.

12  
 13 SECTION 4. Arkansas Code § 6-20-2507(b)(2)(A), concerning the Academic  
 14 Facilities Partnership Program, is amended to read as follows:

15 (2)(A) ~~The life cycles requirement contained in the state~~  
 16 ~~facility assessment of 2004~~ Life cycle data is advisory only and shall not be  
 17 sufficient to support the approval of those items in the list of approved  
 18 projects or individual items within a project.

19  
 20 SECTION 5. Arkansas Code § 6-20-2509(a)(3), concerning academic  
 21 facility project cost guidelines within the Arkansas Public School Facilities  
 22 Funding Act, is amended to read as follows:

23 (3) The division shall establish a process for determining the  
 24 cost of local enhancements and shall include a mechanism in the formulas for  
 25 determining basic project cost that excludes the cost of local enhancements  
 26 from the ~~adjusted~~ qualified project cost.

27  
 28 SECTION 6. Arkansas Code § 6-20-2509(b), concerning academic facility  
 29 project cost guidelines within the Arkansas Public School Facilities Funding  
 30 Act, is amended to read as follows:

31 (b)(1) When a school district applies for state financial  
 32 participation, the division shall use the appropriate formula to compute ~~an~~  
 33 ~~adjusted~~ a qualified project cost.

34 (2) The division shall determine the estimated amount of the  
 35 state's share of financial participation based on the ~~adjusted~~ qualified  
 36 project cost and the school district's wealth index as determined under § 6-

1 20-2502.

2  
3 SECTION 7. Arkansas Code § 6-21-106 is amended to read as follows:

4 6-21-106. Fire hazards inspection prior to closing for breaks.

5 (a)(1)(A) At least seven (7) calendar days prior to the beginning of  
6 Christmas break, ~~the school superintendent~~ a local official of each public  
7 elementary and secondary school in this state shall request an inspection of  
8 the premises by the fire department providing fire protection to the school  
9 buildings.

10 (B) If the chief executive officer of the fire department  
11 receives the request at least seven (7) calendar days prior to the beginning  
12 of Christmas break, he or she shall cause the school buildings to be  
13 inspected for fire hazards.

14 (C) The inspection shall be conducted prior to the  
15 beginning of Christmas break.

16 (2)(A) At least seven (7) calendar days prior to the end of the  
17 school year, ~~the school superintendent~~ a local official ~~with~~ each public  
18 elementary and secondary school in this state shall request an inspection of  
19 the premises by the fire department providing fire protection to the school  
20 buildings.

21 (B) If the chief executive officer of the fire department  
22 receives the request at least seven (7) calendar days prior to the end of the  
23 school year, he or she shall cause the buildings to be inspected for fire  
24 hazards.

25 (C) The inspection shall occur prior to the end of the  
26 school year.

27 (b) The chief executive officer of the fire department shall file a  
28 written report of the inspection with the ~~superintendent~~ local official for  
29 the school district where the public school building is located within ten  
30 (10) calendar days after the inspection.

31 (c) The inspection shall be conducted at no cost to the school.

32 (d)(1) The ~~superintendent~~ local official shall file a written report  
33 with the chief executive officer of the fire department within seven (7)  
34 calendar days after receiving the inspection report.

35 (2) The ~~superintendent's~~ local official's report shall indicate:

36 (A) What action was taken in response to the inspection

1 report and the date the action was completed; or

2 (B) What action will be taken in response to the  
3 inspection report and the anticipated date of completion of the action.

4 (3) If the inspection report of the fire department includes  
5 deficiencies that require a response or other action, the ~~superintendent~~  
6 local official shall also file the ~~superintendent's~~ report required by this  
7 subsection with the State Fire Marshal Enforcement Section of the Department  
8 of Arkansas State Police.

9 (e)(1)(A) If the ~~superintendent~~ local official does not receive a  
10 written inspection report for a public school building as required by this  
11 section from the chief executive officer of the fire department providing  
12 fire protection to the public school building, the ~~superintendent~~ local  
13 official shall notify:

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

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

18 (B) The ~~superintendent~~ local official shall provide the  
19 notifications required by this subdivision (e)(1) not less than thirty (30)  
20 days from the date the inspection was required to take place.

21 (2) The quorum court shall withhold from a fire department that  
22 is the subject of notification under this subsection the fire department's  
23 apportionment of distributions from the Fire Protection Premium Tax Fund  
24 under § 14-284-403 until the fire department completes the inspection and  
25 delivers the report to the ~~superintendent~~ local official.

26 (3) If the required inspection is subsequently performed, the  
27 fire department shall file the report required by under subsection (b) of  
28 this section with the ~~superintendent~~ local official and the State Fire  
29 Marshal Enforcement Section of the Department of Arkansas State Police.

30 (4)(A) Immediately upon receipt of the required report from the  
31 fire department, the ~~superintendent will~~ the local official shall notify the  
32 quorum court that the required report has been received.

33 (B) Upon receipt of the ~~superintendent's~~ local official's  
34 notification to the quorum court, the quorum court shall disburse any Fire  
35 Protection Premium Tax Fund apportionment previously withheld due to the fire  
36 department's ineligibility under this section.

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

(g) The chief executive officer of the fire department shall notify the State Fire Marshal Enforcement Section of the Department of Arkansas State Police and the Department of Education if:

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

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

(h)(1) Any person who intentionally violates this section is subject to a fine not to exceed one hundred dollars (\$100) per violation.

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

SECTION 8. Arkansas Code § 6-21-806(b), concerning academic facility master plans, is amended to an additional subdivision to read as follows:

(11) An update in a format prescribed by the division of any new public school facilities, as defined in § 6-21-803, constructed since the last master plan submission, including individual room types and sizes.

SECTION 9. Arkansas Code § 6-21-811(g)(11)(C) is amended to read as follows:

(C) Except as set forth in subdivision (g)(11)(D) or ~~subsection (m)~~ subsection (n) of this section, the state board shall consolidate, annex, or reconstitute any school district that fails to remove itself from the classification of a school district in facilities distress within five (5) consecutive school years of classification of facilities distress status.

SECTION 10. Arkansas Code § 6-21-811(m)(1) is amended to read as

1 follows:

2 (1) During the second full school year following ~~a school~~  
3 ~~district's classification as being in facilities distress status~~ the  
4 assumption of authority, the commission shall determine the extent of the  
5 school district's progress toward correcting all issues that caused the  
6 classification of facilities distress;