

Stricken language would be deleted from and underlined language would be added to present law.
Act 841 of the Regular Session

State of Arkansas
94th General Assembly
Regular Session, 2023

As Engrossed: H4/3/23
A Bill

HOUSE BILL 1766

By: Representative L. Johnson

By: Senator K. Hammer

For An Act To Be Entitled

AN ACT TO ABOLISH THE STATE FIRE PREVENTION COMMISSION; TO AMEND THE DUTIES AND MEMBERSHIP OF THE ARKANSAS FIRE PROTECTION SERVICES BOARD; TO CREATE THE POSITION OF STATE FIRE MARSHAL; TO CREATE THE ARKANSAS FIRE PROTECTION SERVICES GRANT PROGRAM; TO DECLARE AN EMERGENCY; AND FOR OTHER PURPOSES.

Subtitle

TO ABOLISH THE STATE FIRE PREVENTION COMMISSION; TO AMEND THE DUTIES AND MEMBERSHIP OF THE ARKANSAS FIRE PROTECTION SERVICES BOARD; TO CREATE THE POSITION OF STATE FIRE MARSHAL; AND TO DECLARE AN EMERGENCY.

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

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

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

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



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

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

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or standards of the State Fire Prevention Commission shall continue to be in effect until they are amended or repealed under authority given by law.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(1) The chief executive officer of the fire department does not receive the local official's report required 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 local official's report.

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

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

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

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

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

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

~~As used in this subchapter:~~

~~(1) "Building" means any structure, framework, or housing, public or private;~~

~~(2) [Repealed.]~~

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

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

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

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

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

~~(7) "Peace officer" includes every type of law enforcement officer commissioned and active within this state;~~

~~(8) "Person" means any individual, copartnership, corporation, or voluntary association; and~~

~~(9) "Premises" means any parcel of land, exclusive of buildings~~

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- ~~(5) Enforce the Arkansas Fire Prevention Code and periodically revise and update the Arkansas Fire Prevention Code;~~
- ~~(6) Investigate fires of a suspicious nature in the state;~~
- ~~(7) Do and perform such other functions as will promote an efficient and effective fire prevention and control program in the state;~~
- ~~(8) Review fire protection class code determinations by an advisory organization and determine if the evaluation of fire protection services is reasonable and appropriate; and~~
- ~~(9) Upon request, make recommendations to the Insurance Commissioner concerning filings made to the commissioner concerning fire protection standards.~~

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

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

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

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

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

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

- ~~(1) The prevention of fires;~~
- ~~(2) The storage, sale, and use of combustibles and explosives;~~
- ~~(3) The installation and maintenance of automatic or other fire alarm systems and fire extinguishing equipment;~~
- ~~(4) The construction, maintenance, and regulation of fire escapes;~~
- ~~(5) The means and adequacy of exits in case of fire from factories, asylums, hospitals, churches, schools, halls, theaters, and all other places in which numbers of people work, live, or congregate from time to time, for any purpose; and~~
- ~~(6) The suppression of arson and the investigation of the cause;~~

~~origin, and circumstances of fires.~~

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

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

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

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

12-13-108. Ex officio deputies.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

19-5-1277. Fire Services Fund.

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

(b) The fund shall consist of:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

~~Subchapter 2 — State Fire Prevention Commission~~

~~20-22-201. — Legislative findings.~~

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

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

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

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

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

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

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

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

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

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

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

~~or her designee.~~

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Class C misdemeanor.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(a) The Arkansas Fire Protection Services Board shall:

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

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

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

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

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

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

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

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

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

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

(7) ~~Advise~~ Provide oversight for the Director of the Arkansas Fire Training Academy in matters related to the:

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

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

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

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

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

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

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

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

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

(i) Job duties and directions; and

(ii) Expectations;

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

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

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

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

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

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

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

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

(i) Job duties and directions; and

(ii) Expectations.

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

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

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

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

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

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

(i) Job duties and directions; and

(ii) Expectations.

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

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

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

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

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

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

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

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

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

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

specific needs of urban and rural areas;

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

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

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

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

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

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

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

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

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

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

(A) Volunteer fire fighters; and

(B) Professional fire fighters.

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

~~803.~~

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

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

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

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

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

(7) To assist the State Fire Marshal.

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

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

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

20-22-1009. State Fire Marshal.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- (1) The prevention of fires;
- (2) The storage, sale, and use of combustibles and explosives;
- (3) The installation and maintenance of automatic or other fire alarm systems and fire extinguishing equipment;
- (4) The construction, maintenance, and regulation of fire escapes;
- (5) The means and adequacy of exits in case of fire from factories, asylums, hospitals, churches, schools, halls, theaters, and all other places in which numbers of people work, live, or congregate from time to time, for any purpose; and
- (6) The suppression of arson and the investigation of the cause, origin, and circumstances of fires.

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

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

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

20-22-1011. Fire drills.

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

20-22-1012. Inspection of buildings.

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

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

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

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

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

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

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

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

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

20-22-1014. Temporary door barricade devices.

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

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

When the Arkansas Fire Prevention Code conflicts with the 2010

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

SECTION 48. EMERGENCY CLAUSE.

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

/s/L. Johnson

APPROVED: 4/13/23