

Stricken language would be deleted from and underlined language would be added to present law.

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



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

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

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

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

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

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

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

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

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

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

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

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

20-2502.

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

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

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

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

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

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

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

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

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

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

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

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

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

report and the date the action was completed; or

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

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

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

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

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

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

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

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

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

(B) Upon receipt of the ~~superintendent's~~ local official's notification to the quorum court, the quorum court shall disburse any Fire Protection Premium Tax Fund apportionment previously withheld due to the fire 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

follows:

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