

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

State of Arkansas
94th General Assembly
Regular Session, 2023

A Bill

SENATE BILL 496

By: Senator K. Hammer
By: Representative L. Johnson

For An Act To Be Entitled

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

Subtitle

TO AMEND THE DUTIES AND MEMBERSHIP OF THE
ARKANSAS FIRE PROTECTION SERVICES BOARD;
TO ABOLISH THE STATE FIRE PREVENTION
COMMISSION; 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or standards of the State Fire Prevention Commission shall continue to be in effect until they are amended or repealed under authority given by law.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 Arkansas Code Title 20, Chapter 22, Subchapter 2, is repealed.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 3. 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 (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 4. 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)(i)~~ 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~~

(ii) If a candidate removes his or her application for consideration, the rank of the candidates shall be adjusted to fill that numerical rank to ensure the Director of the Arkansas Fire Training Academy considers the top three (3) remaining 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 the Office of Fire Protection Services from the top three (3) recommended candidates; and

(ii) If a candidate removes his or her application for 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) Provide oversight for the Director of the Division of Emergency Management for the Office of Fire Protection Services;

(13)(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;

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

(15) Develop and maintain a Uniform Fire Department Insurance Reimbursement Billing Form; and

(16) 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; and

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

~~(b)~~(c) 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.

~~(e)~~(1)(d)(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 5. 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 6. DO NOT CODIFY. Terms of new members of the Arkansas Fire Protection Services Board.

(a) Upon appointment, the two (2) members of the Arkansas Fire Protection Services Board appointed after consultation with the Arkansas Fire Marshal's Association shall determine the length of terms by lot.

(b) One (1) member shall serve an initial term of two (2) years and the other member shall serve a term of three (3) years.

SECTION 7. 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 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.