

1 State of Arkansas  
2 94th General Assembly  
3 Regular Session, 2023  
4

# A Bill

SENATE BILL 496

5 By: Senator K. Hammer  
6 By: Representative L. Johnson  
7

## For An Act To Be Entitled

9 AN ACT TO AMEND THE DUTIES AND MEMBERSHIP OF THE  
10 ARKANSAS FIRE PROTECTION SERVICES BOARD; TO ABOLISH  
11 THE STATE FIRE PREVENTION COMMISSION; TO DECLARE AN  
12 EMERGENCY; AND FOR OTHER PURPOSES.  
13  
14

## Subtitle

15 TO AMEND THE DUTIES AND MEMBERSHIP OF THE  
16 ARKANSAS FIRE PROTECTION SERVICES BOARD;  
17 TO ABOLISH THE STATE FIRE PREVENTION  
18 COMMISSION; AND TO DECLARE AN EMERGENCY.  
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21

22 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
23

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

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

31 (b) The State Fire Prevention Commission's statutory powers, duties,  
32 and functions, including the functions of budgeting or purchasing, records,  
33 contracts, personnel, property, and unexpended balances of appropriations,  
34 allocations, and other funds are transferred to the Arkansas Fire Protection  
35 Services Board.

36 (c)(1) The abolishment of the State Fire Prevention Commission does



1 not affect the orders, rules, directives, registration, licensing, or  
 2 standards made or promulgated by the State Fire Prevention Commission before  
 3 the effective date of this act.

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 6 effect until they are amended or repealed under authority given by law.

7  
 8 SECTION 2. Arkansas Code Title 20, Chapter 22, Subchapter 2, is  
 9 repealed.

10 ~~Subchapter 2 — State Fire Prevention Commission~~

11  
 12 ~~20-22-201. — Legislative findings.~~

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

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

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

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

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

23  
 24 ~~20-22-202. — State Fire Prevention Commission established — Members.~~

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

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

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

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

32 ~~(C) The Chair of the Arkansas Forestry Commission or his~~  
 33 ~~or her designee.~~

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

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

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

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

6                   ~~(D) One (1) full-time firefighter or fire department~~  
7 ~~officer of a municipality having a population of less than sixty thousand~~  
8 ~~(60,000) residents;~~

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

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

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

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

17           ~~(d) The members of the State Fire Prevention Commission shall serve~~  
18 ~~without compensation but may receive expense reimbursement in accordance with~~  
19 ~~§ 25-16-901 et seq.~~

20  
21           ~~20-22-203. Staff, offices, and supplies provided.~~

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

25  
26           ~~20-22-204. Powers and duties.~~

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

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

32                   ~~(B)(i) Notwithstanding any provision of law to the~~  
33 ~~contrary, information furnished under this subsection shall be confidential~~  
34 ~~and maintained as such if so requested by the persons providing the~~  
35 ~~information.~~

36                   ~~(ii) Nothing in this subsection shall prohibit the~~

1 ~~use of confidential information to prepare statistics or other general data~~  
2 ~~when it is presented so as to prevent identification of the source of~~  
3 ~~information; and~~

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

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

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

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

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

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

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

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

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

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

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

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

36 ~~(11) Develop an annual report on the activities of the State~~

1 ~~Fire Prevention Commission and transmit the report to the Secretary of the~~  
 2 ~~Department of Public Safety and the General Assembly on or before November 30~~  
 3 ~~annually; and~~

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

7  
 8 ~~20-22-205. Cooperation by other agencies.~~

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

12  
 13 SECTION 3. Arkansas Code § 20-22-803(a)(2), concerning the creation  
 14 and membership of the Arkansas Fire Protection Services Board, is amended to  
 15 read as follows:

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

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

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

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

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

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

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

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

36 (E) The State Forester of the Arkansas Forestry Commission

1 or his or her designee; and

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

4  
 5 SECTION 4. Arkansas Code § 20-22-804 is amended to read as follows:  
 6 20-22-804. Arkansas Fire Protection Services Board – Duties and powers.

7 (a) The Arkansas Fire Protection Services Board shall:

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

13 (B) A fire department shall be certified when it meets the  
 14 minimum standards, training, and equipment set forth for each classification;

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

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

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

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

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

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

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

32 ~~Advise~~ Provide oversight for the Director of the Arkansas  
 33 Fire Training Academy in matters related to the:

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

36 (ii) ~~curriculum~~ Curriculum and instructional content of

1 the curriculum offered by the Arkansas Fire Training Academy;

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

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

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

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

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

17 (9)(A) Advise the president in the creation and maintenance of  
 18 the job description of the Director of the Arkansas Fire Training Academy.

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

22 (i) Job duties and directions; and

23 (ii) Expectations;

24 ~~(9)(10)~~ Establish other reasonable rules as may be necessary for  
 25 the purposes of this subchapter-;

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

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

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

36 (B)(i) The Director of the Division of Emergency

1 Management shall employ the Coordinator of the Office of Fire Protection  
2 Services from the top three (3) recommended candidates; and

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

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

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

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

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

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

20 (16) Develop the Arkansas Fire Protection Services Grant  
21 Program.

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

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

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

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

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

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

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



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

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

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

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

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

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

21       ~~(b)~~(c) As of March 1, 2003, the Arkansas Fire Training Academy Board  
22 created by § 12-13-202 [repealed] and the Arkansas Fire Advisory Board  
23 created by § 20-22-1005 [repealed] are transferred by a Type 3 transfer under  
24 § 25-2-106 to the Arkansas Fire Protection Services Board created by § 20-22-  
25 803.

26       ~~(e)~~~~(1)~~(d)(1) The Arkansas Fire Protection Services Board may revoke  
27 the certification of any firefighter who has been convicted of a felony under  
28 § 17-3-102.

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

33           (3) If the Arkansas Fire Protection Services Board revokes the  
34 firefighter's certification under this subsection, the firefighter may appeal  
35 the Arkansas Fire Protection Services Board's decision to the Pulaski County  
36 Circuit Court in accordance with the Arkansas Administrative Procedure Act, §

1 25-15-201 et seq.

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

5 SECTION 5. Arkansas Code § 25-43-1402(16), concerning the state  
6 entities transferred to the Department of Public Safety by a cabinet-level  
7 department transfer, is repealed.

8 ~~(16) The State Fire Prevention Commission, created under § 20-~~  
9 ~~22-202; and~~

10  
11 SECTION 6. DO NOT CODIFY. Terms of new members of the Arkansas Fire  
12 Protection Services Board.

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

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

18  
19 SECTION 7. EMERGENCY CLAUSE.

20 It is found and determined by the General Assembly of the State of  
21 Arkansas that it is important to the citizens of Arkansas that state  
22 government services be provided in an efficient and cost-effective manner;  
23 that the consolidation of state boards that perform similar functions and  
24 serve similar constituencies is an effective way to achieve both operational  
25 efficiencies and economies of scale; that this act abolishing and  
26 transferring the duties of the State Fire Prevention Commission to the  
27 Arkansas Fire Protection Services Board will increase the effectiveness of  
28 fire protection for all citizens and protect the citizens' health, safety,  
29 and property; that this act abolishing and transferring the duties of the  
30 State Fire Prevention Commission to the Arkansas Fire Protection Services  
31 Board should become effective on July 1, 2023, to coincide with the  
32 appropriation bill of the Department of Public Safety, and the beginning of  
33 the state's fiscal year, as it provides its expanded vital services as the  
34 transfer of duties is implemented and does not experience any issues with  
35 funding under the transfer of duties. Therefore, an emergency is declared to  
36 exist, and this act being necessary for the preservation of the public peace,

1 health, and safety shall become effective on July 1, 2023.

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