

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

1 State of Arkansas
2 83rd General Assembly
3 Regular Session, 2001
4

A Bill

Act 238 of 2001
HOUSE BILL 1381

5 By: Representative Shoffner
6 By: Senator B. Walker
7

For An Act To Be Entitled

10 AN ACT TO AMEND ARKANSAS CODE 22-2-114 PERTAINING TO
11 STATE BUILDING SERVICES; AND FOR OTHER PURPOSES.
12

Subtitle

14 AN ACT TO AMEND ARKANSAS CODE 22-2-114
15 PERTAINING TO STATE BUILDING SERVICES.
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18 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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20 SECTION 1. Arkansas Code 22-2-114(a) is amended to read as follows:

21 (a) It is the intent of the General Assembly that state agencies be
22 housed, whenever possible, in public buildings as soon as space and facilities
23 in such public buildings are available and that the acquisition and granting
24 of leasehold interests in land be regulated and supervised by Arkansas State
25 Building Services. Arkansas State Building Services and all other state
26 agencies are authorized and directed to implement that intent as follows:

27 (1) Arkansas State Building Services is given the authority and
28 responsibility to act as the leasing agent for all state agencies and
29 component parts thereof, acting either as lessor or lessee, and to act as the
30 agent for leasing space in all public buildings located in the State of
31 Arkansas. In addition, Arkansas State Building Services is given the
32 authority and responsibility to act as the leasing agent for any nonagency
33 state entity if requested, in writing by a nonagency state entity to act in
34 such manner and the responsibility for such services is accepted in writing by
35 Arkansas State Building Services. After July 1, 1975, no state agency shall
36 enter into or renew or otherwise negotiate a lease between itself as lessor or

1 lessee and a nongovernmental or other government lessor or lessee. Arkansas
2 State Building Services shall determine the needs of the state agency, locate
3 appropriate rental space, and act as the agent for the state agency in
4 negotiating the lease for the rental space;

5 (2) All state agencies and component parts thereof shall, when
6 requested by Arkansas State Building Services, execute and enter into leases
7 with Arkansas State Building Services for the leasing or renting of space and
8 facilities in any public buildings. The leases may be upon such conditions,
9 for such terms, for such rentals, and may contain such other provisions as may
10 be determined by the council and the state agency involved to be appropriate
11 and in the best interests of all concerned;

12 (3) Any state agency or component part thereof needing new or
13 additional space shall notify Arkansas State Building Services, and Arkansas
14 State Building Services shall prepare a lease for the space based upon the
15 standards and criteria as adopted by the council. If space is available in a
16 public building, the lease will be negotiated for placement in the public
17 building;

18 (4) If the Leasing Section of Arkansas State Building Services
19 determines that adequate space is not available in public buildings, it shall
20 act as provided in subdivision (1) of this subsection to obtain adequate space
21 from a privately owned facility;

22 (5)(A) The council shall adopt standards and criteria for the
23 leasing and utilization of space and the allocation of space to state
24 agencies. These standards and criteria shall be used as a basis for all
25 planning, leasing of space, allocation of space to state agencies, or advising
26 state agencies on leasing considerations. These standards and criteria shall
27 include, but not be limited to, equipment, work stations, private offices,
28 conference rooms, reception areas, general equipment, vaults, and the
29 necessary space to ensure adequate and effective circulation within and access
30 to all state agencies, including parking and traffic patterns.

31 (B) In cities and towns having a population of less than
32 twenty-five thousand (25,000) according to the last federal decennial census,
33 for those state agencies providing direct public access services, preference
34 shall be granted to lease space located in existing buildings in the central
35 business district, as defined by the locality's planning commission or, in the
36 absence thereof, by the municipality's governing body, except in cases where

1 location within the central business district would impair or restrict the
2 intent of the services being provided to the public or the state's proximity
3 to other state or nongovernmental services or where rental rates justify other
4 locations.

5 (6) Leases as to office space, buildings, structures, parking
6 lots, and grounds from private individuals, firms, and corporations by state
7 agencies and component parts thereof shall be on a standard lease form
8 approved by the council. The standard lease form shall contain all terms and
9 conditions deemed necessary based on the type and purpose of the leased
10 property. The council shall also adopt a standard lease form to be used by
11 state agencies when subleasing from Arkansas State Building Services. Both
12 standard lease forms shall be approved as to the legality of form and content
13 by the Attorney General before becoming a requirement;

14 (7) Arkansas State Building Services shall obtain and maintain
15 files of all leases in existence, from and after July 1, 1975, to which a
16 state agency or component part thereof is a party.

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APPROVED: 2/13/2001