

As Engrossed: 3/27/95 4/7/95

1 **State of Arkansas**
2 **80th General Assembly**
3 **Regular Session, 1995**
4 **By: Senator Harriman**

A Bill

ACT 1229 OF 1995
SENATE BILL 712

For An Act To Be Entitled

8 "AN ACT TO AMEND SUBCHAPTER 2 OF CHAPTER 9 OF TITLE 22 OF
9 THE ARKANSAS CODE TO EXEMPT PUBLIC CONSTRUCTION PROJECTS
10 CONDUCTED BY STATE BUILDING SERVICES OR OTHER STATE
11 AGENCIES FROM LOCAL REGULATIONS; AND FOR OTHER PURPOSES."

Subtitle

14 "TO EXEMPT PUBLIC CONSTRUCTION PROJECTS
15 CONDUCTED BY STATE BUILDING SERVICES OR
16 OTHER STATE AGENCIES FROM LOCAL
17 REGULATIONS."

18
19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

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21 SECTION 1. Subchapter 2 of Chapter 9 of Title 22 of the Arkansas Code
22 is amended by adding a new section at the end to read as follows:

23 "22-9-213. Exemption of State Projects from Local Regulation.

24 Public works construction projects conducted by State Building Services
25 or other state agencies are exempt from permit fees or inspection requirements
26 of county or municipal ordinances.

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28 SECTION 2. Section 13(c) of uncodified Act 1173 of 1991 the "State
29 Facilities Acquisition Act" is hereby repealed.

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31 SECTION 3. Section 3(c) of uncodified Act 235 of 1991 the "Capitol Mall
32 Facility and State Agencies Facilities Acquisition Act of 1991" is hereby
33 repealed.

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35 SECTION 4. Section 3(b) of uncodified Act 235 of 1991 is amended to
36 read as follows:

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1 " (b) ACQUISITION OF BUILDINGS AND FACILITIES. In addition to the
2 purposes, powers, and authority set forth in subsection (a) of this section
3 and as set forth elsewhere in this act or in other laws, the State Building
4 Services is hereby authorized and empowered to acquire buildings and
5 facilities located in the city in which the seat of State Government is
6 located to house state agencies, and repair, remodel, and renovate such
7 buildings and facilities as State Building Services shall deem necessary and
8 appropriate to accommodate state agencies whether acquired by purchase,
9 exchange, eminent domain, long-term lease, or other means, exclusive of the
10 cost of repairs, remodeling, and renovation of such buildings and facilities
11 as State Building Services deems necessary and appropriate to accommodate
12 state agencies, provided that the area of the structure of any such existing
13 building or facility is not expanded by more than ten percent (10%) in
14 connection therewith. All property acquired on a specific site shall be
15 considered as a part of a single acquisition. In furtherance of the purposes
16 authorized by this subsection, State Building Services is hereby authorized
17 and empowered to:

18 (1) exercise the power of eminent domain for the purpose of
19 acquiring buildings and facilities and to otherwise carry out the purposes and
20 intent of this act, with such power to be exercised in the manner provided in
21 Arkansas Code 22-2-109;

22 (2) arrange for the housing of state agencies in such buildings
23 and facilities to the extent that space and facilities are available for such
24 purpose, under such terms and conditions and for such rentals and charges as
25 State Building Services may determine;

26 (3) acquire, construct, or cause to be constructed parking
27 facilities to serve the facility;

28 (4) obtain the necessary funds for accomplishing its powers,
29 purposes, and authority from any source or sources, including, without
30 limitation, the proceeds of revenue bonds issued hereunder and other funds as
31 may be appropriated or made available therefor;

32 (5) purchase, lease, or rent, and receive bequests or donations
33 of or otherwise acquire, sell, trade, or barter, any property (real, personal,
34 or mixed), and convert such property into money and/or other property;

35 (6) contract and be contracted with;

1 (7) apply for, receive, accept, and use any monies and property
2 from the government of the United States of America, any agency, any state, or
3 governmental body or political subdivision, any public or private organization
4 or corporation, of any nature, or any individual;

5 (8) invest and reinvest any of its money (in securities selected
6 by State Building Services);

7 (9) take such other actions not inconsistent with law as may be
8 necessary or desirable to carry out the powers, purposes, and authority as set
9 forth herein, in accordance with the duly promulgated policies of the State
10 Building Services Council."

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12 SECTION 5. All provisions of this act of a general and permanent nature
13 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
14 Revision Commission shall incorporate the same in the Code.

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16 SECTION 6. If any provision of this act or the application thereof to
17 any person or circumstance is held invalid, such invalidity shall not affect
18 other provisions or applications of the act which can be given effect without
19 the invalid provision or application, and to this end the provisions of this
20 act are declared to be severable.

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22 SECTION 7. All laws and parts of laws in conflict with this act are
23 hereby repealed.

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25 SECTION 8. EMERGENCY. It is hereby found and determined by the General
26 Assembly that under present law it is unclear whether public construction
27 projects conducted by State Building Services or other State agencies are
28 subject to the payment of local construction fees, inspection by local
29 inspectors, local zoning laws and other local regulations; that it is urgent
30 that this matter be clarified immediately in order to protect the State from
31 unnecessary restrictions on State construction projects and should be given
32 effect immediately. Therefore, an emergency is hereby declared to exist and
33 this act being necessary for the preservation of the public peace, health and
34 safety shall be in full force and effect from and after its passage and
35 approval.

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/s/Harriman

APPROVED: 4-12-95

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SB 712

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