

1 State of Arkansas  
2 88th General Assembly  
3 Regular Session, 2011  
4

# A Bill

HOUSE BILL 1404

5 By: Representative Vines  
6 By: Senator R. Thompson  
7

## For An Act To Be Entitled

9 AN ACT TO AMEND OR REPEAL PROVISIONS OF THE ARKANSAS  
10 JUSTICE BUILDING ACT; AND FOR OTHER PURPOSES.  
11

## Subtitle

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13  
14 TO AMEND OR REPEAL PROVISIONS OF THE  
15 ARKANSAS JUSTICE BUILDING ACT.  
16  
17

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

20 SECTION 1. Arkansas Code § 22-3-902 is amended to read as follows:  
21 22-3-902. Definitions.

22 As used in this subchapter:

23 (1) ~~“Arkansas Public Service Commission” means the Arkansas Public~~  
24 ~~Service Commission as constituted and with the authority existing on the date~~  
25 ~~of adoption of this subchapter, and at any time thereafter, and any successor~~  
26 ~~commission or agency since that date or thereafter created and in existence,~~  
27 ~~exercising all or any part of the functions exercised by the Arkansas Public~~  
28 ~~Service Commission, including particularly and without limitation the~~  
29 ~~Arkansas State Highway and Transportation Department; “Arkansas Justice~~  
30 Building” means any building constructed or purchased and renovated through  
31 the issuance of bonds under § 22-3-908 for the purpose of housing any of the  
32 agencies of the Arkansas judiciary as described in § 22-3-923(b)(1); and

33 (2) ~~“Construct” or “construction”~~ “Construction” means the initial  
34 construction and equipment of the Arkansas Justice Building and any  
35 subsequent reconstruction, equipment, extension, or improvement ~~thereof; and~~  
36 of the Arkansas Justice Building.



1           ~~(3) “Workers’ Compensation Commission” means the Workers’ Compensation~~  
 2 ~~Commission as constituted and with the authority existing on March 24, 1955,~~  
 3 ~~and at any time thereafter, and any successor commission or agency since that~~  
 4 ~~date or thereafter created and in existence, exercising all or any part of~~  
 5 ~~the functions exercised at any time by the Workers’ Compensation Commission.~~

6  
 7           SECTION 2. Arkansas Code § 22-3-917 is amended to read as follows:  
 8           22-3-917. Employment of architect – Fees.

9           (a)(1) The Arkansas Building Authority ~~is authorized to~~ may employ an  
 10 architect to prepare plans, specifications, and estimates of cost for the  
 11 construction of the Arkansas Justice Building and to supervise and inspect  
 12 the construction.

13           (2) The authority and the architect shall ~~advise~~ consult with  
 14 the members of the Supreme Court, ~~the Attorney General, the Workers’~~  
 15 ~~Compensation Commission, and the Arkansas Public Service Commission~~  
 16 concerning the plans and specifications for the construction.

17           (b)(1) The fees or commissions of the architect shall not exceed six  
 18 percent (6%) of the total construction cost, and none of the fees or  
 19 commissions ~~shall be~~ are due and payable until the construction contracts  
 20 ~~shall have been~~ are awarded and then only to the extent of sixty percent  
 21 (60%) of the total amount of the fees or commissions.

22           (2) The remainder of the architect’s fees or commissions ~~shall~~  
 23 ~~be~~ are due and payable as the construction work progresses.

24  
 25           SECTION 3. Arkansas Code § 22-3-921 is repealed.

26           ~~22-3-921. Lease to Workers’ Compensation Commission.~~

27           ~~(a) The Workers’ Compensation Commission, or any successor commission~~  
 28 ~~exercising the functions now exercised by the commission, is expressly~~  
 29 ~~authorized, empowered, and directed to enter into and execute a lease~~  
 30 ~~agreement with the Arkansas Building Authority covering the space in the~~  
 31 ~~Arkansas Justice Building to be utilized by the commission for such term,~~  
 32 ~~containing such provisions, and for such amount as the commission and the~~  
 33 ~~authority shall determine.~~

34           ~~(b) The lease agreement may be executed at any time after the plans~~  
 35 ~~for the Arkansas Justice Building have been prepared and approved in the~~  
 36 ~~manner provided in this subchapter.~~

1           ~~(c) If executed prior to completion of the Arkansas Justice Building,~~  
2 ~~the lease shall provide that the commission shall not be obligated to begin~~  
3 ~~the rental payments provided therein until it shall actually occupy its~~  
4 ~~facilities in the Arkansas Justice Building, which occupancy shall be as soon~~  
5 ~~as practicable after the completion of the Arkansas Justice Building. The~~  
6 ~~lease agreement shall be effective and binding upon the parties from and~~  
7 ~~after the date of its actual execution.~~

8           ~~(d) The rental payments under the lease shall be made and handled as~~  
9 ~~follows:~~

10           ~~(1) The commission, or any successor commission exercising the~~  
11 ~~functions now exercised by the commission, shall remit directly to the~~  
12 ~~Secretary of the Arkansas Justice Building Commission for deposit in the~~  
13 ~~Justice Building Fund the amount due on the annual rental under the lease~~  
14 ~~from the moneys received directly by it from the insurance carrier fees and~~  
15 ~~the premium tax levied under the Workers' Compensation Law, as amended, § 11-~~  
16 ~~9-101 et seq.;~~

17           ~~(2) If the moneys so received directly by the commission are not~~  
18 ~~sufficient to pay the amount due on the annual rental, the Chair of the~~  
19 ~~Workers' Compensation Commission shall certify the amount of the deficiency~~  
20 ~~to the Insurance Commissioner, or any successor exercising the functions now~~  
21 ~~exercised by the Insurance Commissioner. The Insurance Commissioner shall~~  
22 ~~remit, from the receipts of the premium tax collected by him or her under the~~  
23 ~~Workers' Compensation Law, as amended, § 11-9-101 et seq., the amount of such~~  
24 ~~deficiency directly to the secretary of the commission for deposit in the~~  
25 ~~Justice Building Fund;~~

26           ~~(3) The rental payments shall be made by the commission or by~~  
27 ~~the Insurance Commissioner, if there is a deficiency, from the moneys~~  
28 ~~received by them prior to the deposit of the moneys in the Workers'~~  
29 ~~Compensation Fund in the State Treasury; and~~

30           ~~(4) Upon the discharge of all bonds authorized by this~~  
31 ~~subchapter, rental payments shall be deposited into the Justice Building Fund~~  
32 ~~and applied to the operation and maintenance of the Arkansas Justice~~  
33 ~~Building, as set forth in this subchapter.~~

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35           SECTION 4. Arkansas Code § 22-3-922 is repealed.

36           ~~22-3-922. Lease to Arkansas Public Service Commission.~~

1           ~~(a) The Arkansas Public Service Commission, or any successor~~  
2 ~~commission, including the Arkansas Transportation Commission, exercising the~~  
3 ~~functions now exercised by the Arkansas Public Service Commission, is~~  
4 ~~expressly authorized, empowered, and directed to house itself in the Arkansas~~  
5 ~~Justice Building. It is expressly authorized, empowered, and directed to~~  
6 ~~enter into and execute a lease agreement with the Arkansas Building Authority~~  
7 ~~covering the space in the Arkansas Justice Building to be utilized by the~~  
8 ~~Arkansas Public Service Commission for such term, containing such provisions,~~  
9 ~~and for such amount as the Arkansas Public Service Commission and the~~  
10 ~~authority shall determine.~~

11           ~~(b) The lease agreement may be executed at any time after the plans~~  
12 ~~for the Arkansas Justice Building have been prepared and approved in the~~  
13 ~~manner provided in this subchapter.~~

14           ~~(c) If executed prior to the completion of the Arkansas Justice~~  
15 ~~Building, the lease shall provide that the Arkansas Public Service Commission~~  
16 ~~shall not be obligated to begin the rental payments provided therein until it~~  
17 ~~shall actually occupy its facilities in the Arkansas Justice Building, which~~  
18 ~~occupancy shall be as soon as practicable after the completion of the~~  
19 ~~Arkansas Justice Building, and the lease agreement shall be effective and~~  
20 ~~binding upon the parties from and after the date of its actual execution.~~

21           ~~(d) The rental payments under the lease shall be made and handled as~~  
22 ~~follows:~~

23                   ~~(1) The Secretary of the Arkansas Public Service Commission, or~~  
24 ~~any successor commission, including the Arkansas Transportation Commission,~~  
25 ~~exercising the functions now exercised by the Arkansas Public Service~~  
26 ~~Commission, shall remit directly to the secretary of the commission for~~  
27 ~~deposit in the Justice Building Fund the amount due on the annual rental~~  
28 ~~under the lease from the fees or other imposts collected for its operation~~  
29 ~~and maintenance, as provided by §§ 23-2-101 and 23-16-101 et seq., and such~~  
30 ~~rentals shall be an allowable charge in determining the amounts due by~~  
31 ~~utilities, rail carriers, and other carriers;~~

32                   ~~(2) The rental payments shall be made by the Secretary of the~~  
33 ~~Arkansas Public Service Commission from the moneys received by the Arkansas~~  
34 ~~Public Service Commission prior to the payment of any of the moneys into the~~  
35 ~~State Treasury; and~~

36                   ~~(3) Upon the discharge of all bonds authorized by this~~

1 ~~subchapter, rental payments shall be deposited into the Justice Building Fund~~  
 2 ~~and applied to the operation and maintenance of the Arkansas Justice~~  
 3 ~~Building, as set forth in this subchapter.~~

4  
 5 SECTION 4. Arkansas Code § 22-3-923(e), regarding allocation of space  
 6 within the Arkansas Justice Building, is amended as follows:

7 (e)(1) The provisions of §§ 22-3-901-22-3-918, ~~22-3-921, and 22-3-922~~  
 8 and the covenants and obligations of the authority entered into in connection  
 9 with the issuance of bonds ~~pursuant thereto~~ under §§ 22-3-901-22-3-918 are  
 10 ratified and confirmed.

11 (2) Nothing in this section is intended or shall be interpreted to  
 12 alter the amounts of, due dates for, or obligors of lease rentals payable  
 13 pursuant to leases entered into between the authority and any lessee  
 14 identified in §§ 22-3-901-22-3-918, ~~22-3-921, and 22-3-922~~, or any successor  
 15 thereto, or to alter the handling, deposit, or application of the lease  
 16 rentals.