

State of Arkansas

77th General Assembly

Regular Session, 1989

A Bill

HOUSE BILL

1376

By: Representative J. Miller

For An Act To Be Entitled

"AN ACT TO AUTHORIZE THE STATE BUILDING SERVICES TO CONSTRUCT AND OPERATE FACILITIES TO BE KNOWN AS THE 'CAPITOL MALL FACILITY' ON THE STATE CAPITOL GROUNDS, FOR HOUSING OF STATE AGENCIES, DEPARTMENTS, BOARDS, AND COMMISSIONS; TO AUTHORIZE THE STATE BUILDING SERVICES TO ESTABLISH A SYSTEM OF CHARGES FOR RENTS TO BE COLLECTED FROM STATE AGENCIES, DEPARTMENTS, BOARDS, AND COMMISSIONS HOUSED IN SAID FACILITY; TO AUTHORIZE THE CONSTRUCTION OF PARKING FACILITIES AND NECESSARY STREETS, CURBS, AND GUTTERS IN CONNECTION THEREWITH; TO AUTHORIZE THE ISSUANCE OF REVENUE BONDS TO PROVIDE FUNDS FOR FINANCING THE CONSTRUCTION OF SAID FACILITY; AND FOR OTHER PURPOSES."

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

SECTION 1. This act shall be known and cited as the "State Capitol Mall Facility Act of 1989".

SECTION 2. Definitions. Whenever used in this act, unless a different meaning clearly appears from the context:

(a) "Act No. 716" means Act 716 of 1975, as amended.

(b) "Agency" or "state agency" means any agency, board, office, commission, department, division or institution of the state of Arkansas.

(c) "Bonds" or "revenue bonds" means revenue bonds and any series of revenue bonds authorized by and issued pursuant to the passage of this act.

(d) "The Capitol Mall Facility" or the term "the facility" means those structures contained in the "Facilities -- Master Plan -- Year 1985" on page 79 of the Arkansas State Capitol Complex Master Plan, as prepared under the direction of the Arkansas Public Building Authority authorized by Act 236 of

1973, dated June, 1974, and any architectural drawings prepared in connection therewith which are on file with State Building Services, to include the following:

- (i) Building Number 1 under the Legend, entitled "Agency Office, Module A; Visitor Center, 220 Car Garage;"
- (ii) Building Number 2 under the Legend, entitled "Agency Office, Module B;"
- (iii) Building and Facility Number 4 under Legend, entitled "750 Car Garage;"
- (iv) the necessary tie-in to the State Capitol Building and to connect Building Number 3 under the Legend, entitled "Library Archives -- Museum Module" now existing, which is commonly referred to as the "Big Mac" or "Capitol Mall No. 1" Building;
- (v) such modifications to the aforementioned buildings and facilities, and the architectural drawings prepared in connection therewith, as are deemed necessary to meet current and projected needs;
- (vi) landscaping and other improvements in connection with the project deemed necessary to accommodate the overall architectural and topographical scheme of the State Capitol grounds; and
- (vii) related structures, fixtures, and facilities (including, without limitation, parking facilities, streets, curbs, gutters, and a maintenance/operations center necessary to accommodate such facility), as may be determined to be appropriate.

(e) "State Building Services" means the public agency known as "Arkansas State Building Services" and the "Arkansas Building Services Council", as established under Act 716 of 1975 and any laws amendatory thereto.

(f) The "Capitol Mall area" means the state-owned grounds commonly known as the "Mall area" to the west of the State Capitol Building, upon which is to be located the "Capitol Mall Facility", as defined and identified herein.

(g) "Construct" means to acquire, construct, reconstruct, remodel, install, and equip any lands, buildings, structures, improvements or other property, real, personal or mixed, useful in connection with the facility and to make other necessary expenditures in connection therewith, by such methods

and in such manner as the State Building Services shall determine to be necessary or desirable to accomplish the powers, purposes, and authority set forth in this act.

SECTION 3. In addition to the purposes, powers, and authority set forth elsewhere in this act or in other laws, the State Building Services is hereby authorized and empowered to:

(a) construct on the State Capitol grounds the Capitol Mall Facility as defined herein;

(b) arrange for the housing in the Capitol Mall Facility of state agencies to the extent that space and facilities are available for such purpose, under such terms and conditions and for such rentals and charges as State Building Services may determine;

(c) construct or cause to be constructed streets, curbs, gutters, and parking facilities to serve the facility;

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

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

(f) contract and be contracted with:

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

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

(i) take such other actions not inconsistent with law as may be necessary or desirable to carry out the powers, purposes, and authority as set forth herein, in accordance with the duly-promulgated policies of the State Building Services Council, under and pursuant to Act 716.

SECTION 4. REVENUE BONDS.

(a) The State Building Services is hereby authorized and empowered to

issue revenue bonds, at one (1) time or from time to time, and to use the proceeds thereof for defraying the cost of accomplishing all or part of the powers, purposes, and authorities set forth in this act, pay all incidental expenses in connection therewith, paying the expenses of authorizing and issuing the bonds, establishing a debt service reserve to secure the payment of the bonds, if the State Building Services deems such desirable, and making provisions for the payment of interest on the bonds during and up to one (1) year after construction, if the State Building Services deems such desirable. Bonds outstanding under this act may be in such principal amount as the State Building Services shall determine to be necessary for the accomplishment of the improvements as intended by this act.

(b) The bonds shall be authorized by resolution of the State Building Services Council ("authorizing resolution"). The bonds may be coupon bonds, payable to bearer, or may be registrable as to principal only or as to principal and interest, may be made exchangeable for bonds of another denomination, may be in such form and denomination, may have such date or dates, may be stated to mature at such time or times, may bear interest payable at such times and at such rate or rates, may be payable at such place or places within or without the state of Arkansas, may be made subject to such terms of redemption in advance of maturity at such prices, and may contain such terms and conditions, all as the State Building Services shall determine. The bonds shall have the quality of negotiable instruments under the laws of the state of Arkansas, subject to provisions as to registration, as set forth above. The authorizing resolution may contain any other terms, covenants, and conditions that are deemed desirable by the State Building Services, including, without limitation, those pertaining to the maintenance of various funds and reserves, the nature and extent of the security, the issuance of additional bonds and the nature of the lien and pledge (parity or priority) in that event, the custody and application of the proceeds of the bonds, the collection and disposition of revenues, the investing and reinvesting (in securities specified by the State Building Services) of any bond proceeds or other funds received under this act during periods not needed for authorized purposes, and the rights, duties, and obligations of the State Building Services and of the holders and registered owners of the bonds.

The authorizing resolution may provide for the execution by the State Building Services with a bank or trust company within or without the state of

Arkansas of a trust indenture. The trust indenture may contain any terms, covenants, and conditions that are deemed desirable by the State Building Services, including, without limitation, those pertaining to the maintenance of various funds and reserves, the nature and extent of the security, the issuance of additional bonds, and the nature of the lien and pledge (parity or priority) in that event, the custody and application of the proceeds of the bonds, the collection and disposition of revenues, the investment or reinvesting (in securities specified by the State Building Services) of any bonds during periods not needed for authorized purposes, and the rights, duties, and obligations of the State Building Services and the holders and registered owners of the bonds.

(c) The bonds shall be sold at public sale on sealed bids, and notice of the sale shall be published once in a newspaper published in city of Little Rock, Arkansas, having a general circulation throughout the state of Arkansas at least twenty (20) days prior to the date of sale, and may be published in such other publications as the State Building Services may determine. The bonds may be sold at such prices as the State Building Services may accept, including sale at a discount, but in no event shall any bid be accepted which results in a net interest cost (determined by computing the aggregate interest cost from date to maturity at the rate or rates bid and deducting any premium or adding the amount of any discount) in excess of the interest cost computed at par for bonds bearing interest at the rate of eight percent (8%) per annum. The award, if made, shall be to the bidder whose bid results in the lowest net interest cost.

(d) The bonds shall be executed by the manual or facsimile signature of the chairman and secretary of the State Building Services Council, provided that one of such signatures must be manual. The coupons attached to the bonds shall be executed by the facsimile signature of the chairman of the Council. In case any of the officers whose signatures appear on the bonds or coupons shall cease to be such officers before the delivery of such bonds or coupons, their signatures shall, nevertheless, be valid and sufficient for all purposes. The State Building Services shall adopt and use a seal in the execution and issuance of the bonds, and each bond shall be sealed with the seal of the State Building Services.

(e) There may be issued separate bonds hereunder and separate series within each issue. In any event, the authorizing resolution may specify the

amount of revenues, as defined herein, to be pledged for the security and payment of bonds authorized hereby.

SECTION 5. (a) It shall be plainly stated on the face of each bond that it has been issued under the provisions of this act, that the bonds shall be obligations only of the State Building Services, that in no event shall they constitute an indebtedness for which the faith and credit of the state of Arkansas or any of its revenues (within the meaning of Amendment 20 to the Constitution of the state of Arkansas) are pledged, and that they are not secured by a mortgage or lien on any land or buildings belonging to the state of Arkansas. No member of the State Building Services Council shall be personally liable for the bonds or for any damages sustained by anyone in connection with any contracts entered into in carrying out the purposes and intent of this act, unless he shall have acted with a corrupt intent.

(b) The principal of, premiums, if any, interest on, and trustees' and paying agents' fees in connection with the bonds shall be secured by a lien on and pledge of and shall be payable from the pledged revenues, defined in Section 6 hereof. The authorizing resolution or trust indenture shall set forth details of the nature and extent of the lien and pledge, including provisions for the use of surplus revenues, if any, for other lawful purposes.

SECTION 6. (a) The principal of, premiums, if any, interest on, and trustees' and paying agents' fees in connection with all bonds issued under this act shall be secured solely by a lien on and pledge of the gross revenues derived from the leasing or renting to state agencies or other tenants of space in the Capitol Mall Facility, the pledging of such revenues (the "pledged revenues") being hereby authorized. All pledged revenues are hereby specifically declared to be cash funds restricted in their use and dedicated (and) to be used solely as provided and authorized in this act. Commencing the first day of the month succeeding the issuance of the bonds hereunder and so long as any bonds are outstanding hereunder, the pledged revenues shall not be deposited into the State Treasury and shall not be subject to legislative appropriation, but, as and when received (by the State Building Services, or by any other state agency, as the case may be) shall be deposited in a bank or banks selected by the State Building Services, to the credit of funds designated the "Capitol Mall Facility Revenue Bond Fund", with appropriate

identification for separate issues or series. So long as any bonds are outstanding hereunder, all monies in any bond fund shall be used solely for the payment of the principal of, premiums, if any, interest on, and trustees' and paying agents' fees in connection with the bonds, with the maintenance of necessary funds and reserves, except that the authorizing resolution or trust indenture may provide for the withdrawal, for other purposes, of surplus monies, as defined in the authorizing resolution or trust indenture. Nothing in this section is intended to prohibit the State Building Services from investing monies received hereunder, as provided in this Act.

(b) So long as there are outstanding any bonds issued under this act, the General Assembly shall pass no laws or take any action to eliminate or change the schedule of rental fees as promulgated by the State Building Services or in any other respect diminish the revenues pledged under the provisions of this act except on condition that there is always maintained in effect and made available for the payment of outstanding bonds sources of revenue which produce revenues at least sufficient in amount to provide for the payment when due of the principal of, premiums, if any, interest on, and trustees' and paying agents' fees in connection with the outstanding bonds and to comply with all covenants (including, without limitation, the maintenance of funds and reserves) in favor of the holders or registered owners of such outstanding bonds.

SECTION 7. Any authorizing resolution and trust indenture shall, together with this act, constitute a contract between the State Building Services and the holders and registered owners of the bonds, which contract, and all covenants, agreements and obligations therein, shall be promptly performed in strict compliance with the terms and provisions of such contract, and the covenants, agreements, and obligations of the State Building Services may be enforced by mandamus or other appropriate proceedings at law or in equity. In this regard, in addition to other provisions referred to above, the State Building Services is hereby expressly authorized to include in any authorizing resolution or trust indenture all or any part of the following covenants:

(1) that, to the fullest extent possible, it will continuously operate the Capitol Mall Facility as a revenue-producing undertaking, including the maintenance of occupancy and the use of facilities and space so as to avoid

any impairment of the security for the bonds; and

(2) that, to the fullest extent possible, it will always charge, impose and collect sufficient rentals and other revenue to meet, as due, all debt service requirements, maintain reserves at proper levels, and otherwise comply with any provisions of authorizing resolutions or trust indentures concerning revenues and bonds.

SECTION 8. It has been found by the General Assembly of the state of Arkansas that it is in the public interest that the agencies and departments of state government be located, to the fullest extent possible, on the State Capitol grounds, thereby making said agencies and departments readily available to the public and to promote efficiency in the management, supervision, and operation of said agencies and departments; and that there has developed an extreme shortage of available office space on the State Capitol grounds which has forced many state agencies and departments to be housed some distance from the seat of government and that the passage of this act is essential to provide a means of funding the construction of the Capitol Mall Facility to assist in relieving such office space shortage.

SECTION 9. Bonds issued under the provisions of this act, and the interest thereon, shall be exempt from all state, county, and municipal taxes, and the exemption shall include income, inheritance, and estate taxes.

SECTION 10. The General Assembly recognizes that the State Building Services has in its possession the original architectural drawings and plans for the construction of the Capitol Mall Facility as developed for and in behalf of the Public Building Authority under the authority of Act 236 of 1973, and the State Building Services is hereby authorized to employ architects to review such plans and to prepare such additional plans, specifications and estimates of costs for the construction of the Capitol Mall Facility and the various facilities in connection therewith and to supervise and inspect such construction. After the State Building Services shall have approved the plans and specifications reviewed, modified and prepared by the architect, it shall proceed to advertise for bids and contract for the construction of the facility in accordance with applicable laws governing the construction of public buildings. In addition, the State Building Services is hereby



authorized to engage and pay such professional, technical, and other help as it shall determine to be necessary or desirable in assisting it to carry out effectively the authorities, functions, powers, and duties conferred and imposed upon it by this act.

SECTION 11. The State Building Services shall include necessary provisions in the authorizing resolution or trust indenture to require the deposit of the proceeds of the bonds or any series thereof (except amounts for interest or reserve, which may be deposited in the Bond Fund) into a special Construction Fund ("Construction Fund") which shall be a trust fund in such depository as the State Building Services shall designate, which depository shall be a member of the Federal Deposit Insurance Corporation, and all monies in the Construction Fund in excess of the amount insured by the Federal Deposit Insurance Corporation must be secured by direct obligations of the United States of America, unless invested in securities specified by the State Building Services. The monies in the Construction Fund shall be used solely for the powers, purposes, and authorities set forth in this act.

SECTION 12. REFUNDING BONDS. Bonds may be issued for the purpose of refunding any bonds issued under this act. Refunding bonds may either be sold or delivered in exchange for the bonds being refunded. If sold, the proceeds may be either applied to the payment of the bonds being refunded or deposited in trust and there maintained in cash or authorized investments for the retirement of the bonds being refunded, as shall be specified by the State Building Services in the authorizing resolution or trust indenture securing the refunding bonds and subject to compliance with the provisions of the authorizing resolution or trust indenture securing the bonds being refunded. The authorizing resolution or trust indenture securing the refunding bonds may provide that the refunding bonds shall have the same priority of pledge as was enjoyed by the bonds refunded. Refunding bonds shall be sold and secured in accordance with the provisions of this act pertaining to the sale and security of revenue bonds.

SECTION 13. This act shall not create any right in any bondholder for bonds issued pursuant to this act, and no right of such bondholder shall arise under it, until bonds authorized by this act (of the initial issue or series)

shall have been sold and delivered by the State Building Services.

SECTION 14. In the event the State Building Services proceeds to award a contract for the construction of the Capitol Mall Facility as authorized under the provisions of this act, the Governor shall declare a moratorium on all construction of buildings, or the purchase and renovation of buildings, or the lease for more than two (2) years of buildings or space therein, by state departments, agencies, boards and commissions located in Pulaski County during the period of construction of the Capitol Mall Facility, in order that the space needs for said agencies may be reviewed and consideration given to the relocation of such state departments, agencies, boards and commissions in the Capitol Mall Facility upon its completion.

During the period of such moratorium, which shall last until the Capitol Mall Facility is completed for occupancy, no state department, agency, board or commission located in Pulaski County shall expend funds from any source for the purpose of new construction or renovation of any existing building or facility, or enter into any agreement to lease building space for more than two (2) years to house such state department, agency, board or commission, without first submitting a request therefor to State Building Services, who shall conduct a study thereof, and, after submitting a copy of its recommendation to the Legislative Council for its information and review, submit a copy of such recommendation to the Governor, who shall, if he approves such construction, renovation or lease, sign his written approval thereupon.

Provided, that this section shall not apply to the Arkansas State Highway and Transportation Department or to the University of Arkansas at Little Rock, or to the campuses or facilities of the University of Arkansas located in Pulaski County.

SECTION 15. (a) In the event the provisions of this act are implemented, the following-described lands acquired in the name of the state of Arkansas by the Arkansas Revenue Department Building Commission pursuant to the provisions of Act 151 of 1965 and any laws amendatory thereto, shall be transferred by said commission to the State Building Services, to be held in the name of the state of Arkansas, to be used by the State Building Services for the purposes provided in this act, all of said lands being situated in the

city of Little Rock, Pulaski County, Arkansas, to wit:

"A tract of land located in the E| of S4, T1N, R12W of the 5th Principal Meridian, said tract being located within the limits of the State Office Complex for the State Capitol at Little Rock, Pulaski County, Arkansas, as shown on the map titled Boundary Survey, State Office Complex by Edward G. Smith & Associates dated October 30, 1974, more particularly described as follows:

Commencing at the SW corner of Lot 12, Block 345 of Barton's Subdivision: thence S89°-57'-45W 1430.81 feet to a point; thence North 569.68 feet to the point of beginning; thence West 320.0 feet to a point; thence North 115.0 feet to a point; thence East 320.0 feet to a point; thence South 115.0 feet to the point of beginning, said tract containing .8448 acres more or less."

(b) In the event revenue bonds are issued for the purpose of constructing the Capitol Mall Facility, as defined herein, the State Building Services shall have jurisdiction and control over the following lands, which include the lands described in subsection (a) of this section, located on the State Capitol Grounds, to wit:

A tract of land located in the E| of S4, T1N, R12W of the 5th Principal Meridian, said tract being located within the limits of the State Office Complex for the State Capitol at Little Rock, Pulaski County, Arkansas, as shown on the map titled Boundary Survey State Office Complex by Edward G. Smith & Associates dated October 30, 1974. The tract is more particularly described as follows:

Commencing at the SW corner of Lot 12, Block 345 of Barton's Subdivision; thence S89-57-45W 985.81 feet along the North Boundary of 7th Street to point of beginning; thence continuing S-89-57-45W 445.0 feet to a point; thence North 569.68 feet to a point; thence West 320.0 feet to a point; thence North 115.0 feet to a point; thence East 320.0 feet to a point; thence North 692.27 feet to a point on the South Right-of-Way of the Missouri Pacific RR and the North Boundary of the State Office Complex; thence N54-57E 35.83 feet to a point; thence N88-09E 63.5 feet to a point; thence S 01-56E 18.18 feet to a point; thence North 54-55E 83.29 feet to a point on the South Right-of-Way of West 3rd Street being the North Boundary of the State Office Complex; thence S89-29E 783.47 feet along the South Boundary of 3rd Street to a point; thence S 967.54

feet to a point; thence West 380.0 feet to a point; thence North 200.0 feet to a point; thence West 390.0 feet to a point; thence South 300.0 feet to a point; thence East 270.0 feet to a point; thence South 354.39 feet to the point of beginning, said tract containing 24.04 acres more or less."

(c) The State Building Services, on behalf of the state of Arkansas, is hereby granted an easement or license over the State Capitol, the various buildings on the State Capitol grounds, and the State Capitol grounds, for the purpose of installing or relocating utilities, connecting the Capitol Mall Facility to existing structures, and such other purposes necessary and consistent with the Capitol Mall Facility project, as authorized in this act.

(d) Expenses incurred in utility installation or relocation and those directly associated with the connection of the Capitol Mall Facility to existing structures on the State Capitol grounds, shall be paid as a part of the project cost.

(e) Should it be necessary to relocate the cafeteria now located in the State Capitol Building, to connect the Capitol Mall Facility with the State Capitol Building, the Secretary of State may make necessary arrangements for the cafeteria to be temporarily relocated in the State Capitol Building if the area in the Capitol Mall Facility for the cafeteria is not yet completed for its relocation. The cost of relocation of the cafeteria, if the Secretary of State deems the same to be necessary, shall be defrayed from funds appropriated or provided for the operation and support of the Secretary of State's office.

(f) The State Building Services shall coordinate with the affected agencies and the Secretary of State efforts to relocate occupants of existing structures on the State Capitol grounds during construction, into state-owned facilities if available, and to pay any additional rentals for space used to house such agencies as a part of the cost of the project for the term of the construction of the project unless funds are otherwise provided by the General Assembly therefor.

(g) The granite boulder placed June 15, 1936, in celebration of the state's centennial, and the bauxite boulder placed March 1943, honoring the state's contribution to the World War II effort, now located on the site of the proposed Capitol Mall Facility, shall be relocated by the State Building Services to such other areas or sites as may be designated by the Secretary of

State. Costs of relocating these monuments shall be considered a cost of the project unless funds are otherwise provided for such purposes.

(h) The State Building Services is hereby authorized to demolish the building known as the "old boiler house", located north of the Multi-Agency Complex on the State Capitol grounds, which currently houses the workshop and storage facilities for the Secretary of State's office, and construct as a cost of this project a replacement building or buildings at a site on the State Capitol grounds to be agreed upon by the Secretary of State and the State Building Services, for storage, maintenance and repair services, to be used by the Secretary of State or by the Secretary of State and the State Building Services jointly under an appropriate agreement for sharing space therein. The replacement building or buildings shall be of sufficient size to provide necessary storage, maintenance, and repair services to serve and meet the needs of all occupants of the Capitol Mall Facility.

SECTION 16. (a) The State Building Services is hereby authorized to:

(1) acquire from the Employment Security Division of the Department of Labor any title and interest in the building it now has or may hereafter acquire, located on the State Capitol grounds, known as the "Employment Security Building", in exchange for which the Employment Security Division may be granted an advance rental payment credit in an amount to be determined by the value of the building, reduce the Division's rental payment for occupancy in the Capitol Mall Facility, or,

(2) purchase, on behalf of the state of Arkansas, from the Employment Security Division the building on the State Capitol grounds at a price agreed to by the parties involved. If the building is purchased by the State Building Services, then no relocation costs shall be paid to the Employment Security Division.

(b) As evidence of this transfer, the Director of the Department of Labor is hereby authorized to execute any instrument or conveyance or contract as the Attorney General of the state of Arkansas shall deem necessary.

SECTION 17. No member of the State Building Services Council shall be held personally liable for any act taken by the Council or for any damages sustained by anyone in any contract entered into in carrying out the purposes and intent of this act, unless he (she) shall have acted with a corrupt

intent.

SECTION 18. (a) The State Building Services is hereby authorized to supervise and manage the Capitol Mall Facility upon completion of its construction, and to manage, maintain and repair said facility to provide rental space to be made available for the housing of state agencies, departments, boards, commissions and institutions, or other tenants, at such rental rates as deemed necessary:

(i) to provide sufficient funds to be paid into the Bond Fund to enable the State Building Services to meet, when due, the payment of principal of, interest on, and paying agents' fees in connection with all bonds issued under this act; (ii) to establish and maintain such reserves, and other financial obligations in regard to the bonds issued under the provisions of this act as set forth in the bond agreement; and (iii) in addition thereto, to pay the costs of utilities, insurance, janitorial supplies and services, building maintenance, upkeep, repair, and remodeling as deemed necessary, including the accumulation of reserves deemed necessary for such purposes as authorized under the provisions of this act, and, in connection therewith, the State Building Services may establish one or more accounts in one or more banks authorized to do business in this state to accomplish such purposes.

(b) The State Building Services is hereby authorized to hire legal counsel of its choice to assist in the administration of this act.

(c) The State Building Services is hereby authorized to lease additional temporary parking areas near the State Capitol Building during the construction phase of the project and to provide and operate, if necessary, one or more shuttle buses between such parking areas and the State Capitol grounds. The State Highway and Transportation Department shall assist the State Building Services in ground preparation and surfacing of additional temporary parking spaces as authorized in this act.

(d) Upon completion of the construction phase of the Capitol Mall Facility project, the State Building Services shall develop parking regulations which will maintain equitable parking among the tenants of the Capitol Mall Facility and the public, and may establish reasonable rental or other charges for parking therein. The State Capitol Police shall provide the necessary traffic patrols and policing of the Capitol Mall Facility parking areas.

SECTION 19. (a) The State Building Services is hereby authorized to negotiate with any state agency or department now occupying existing structures on the site of the Capitol Mall Facility and to provide for the relocation of the agency or department during the construction of the Capitol Mall Facility, or may provide compensation for the existing structure(s) should acquisition of the structure(s) be necessary in connection with the project. The compensation paid for acquisition of existing structure(s) must be submitted to and approved by the Governor and the same shall constitute a cost of the Capitol Mall Facility project.

(b) The State Building Services, shall, prior to the beginning of the project, develop a proposed master plan of housing state agencies and departments within the facilities of the Capitol Mall project, and shall recommend in such plan the priorities by which space is to be provided for rental by state agencies and departments identified in the plan, and shall submit such plan, together with the recommended schedule of rental payments deemed necessary by the State Building Services to defray the cost of the project on a year-to-year basis, to the Governor for his review and approval, and shall submit a copy thereof to the Legislative Council for its information and review. Upon receipt of such proposed plan the Governor shall review the same and may make such changes therein, including the priorities in providing space for state agencies and departments, as he deems appropriate, and shall endorse his approval thereon.

It is the intent of this subsection that the Governor shall determine the needs and priorities for locating or relocating state agencies and departments into space in the Capitol Mall project facilities. After the proposed plan is approved by the Governor, the State Building Services shall confer from time to time with the Governor in connection with priorities in the location or relocation of state agencies and departments in said Facility.

SECTION 20. If the Seventy-Seventh General Assembly shall provide funds for, or shall provide other means for construction of, the Capitol Mall Facility in a different manner from the method provided in this act, either through the appropriation or providing of state funds therefor, or by such other method of finance other than the method provided in this act, and if the construction of the Capitol Mall Facility is implemented under any such

plan, then the method provided for the construction of the Capitol Mall facility under the provisions of this act shall not be implemented.

SECTION 21. This act shall be construed liberally. The enumeration of any object, purpose, power, manner, method, and thing shall not be deemed to exclude like or similar objects, purposes, powers, manners, methods, and things.

SECTION 22. All provisions of this act of a general and permanent nature are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code Revision Commission shall incorporate the same in the Code.

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



