

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

A Bill

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."

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

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
26 requirements of county or municipal ordinances.

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29 Facilities Acquisition Act" is hereby repealed.

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33 hereby repealed.

35 SECTION 4. Section 3(b) of uncodified Act 235 of 1991 is amended to

1 read as follows:

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

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

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

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

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

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

1 property;

2 (6) contract and be contracted with;

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

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

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

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

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

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

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

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

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1 health and safety shall be in full force and effect from and after its
2 passage and approval.

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/s/Harriman

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