

Stricken language would be deleted from and underlined language would be added to law as it existed prior to the 82nd General Assembly.

State of Arkansas

*As Engrossed: H3/3/99 H3/24/99*

82nd General Assembly

# A Bill

Regular Session, 1999

SENATE BILL 289

By: Senators B. Walker, Argue, Riggs

## For An Act To Be Entitled

"AN ACT TO AMEND SECTIONS OF THE ARKANSAS CODE  
PERTAINING TO CAPITAL IMPROVEMENTS. "

## Subtitle

"TO AMEND SECTIONS OF THE ARKANSAS CODE  
PERTAINING TO CAPITAL IMPROVEMENTS. "

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

SECTION 1. Arkansas Code 22-3-1402 is hereby amended to read as follows:  
"22-3-1402. Construction.

(a) This subchapter shall be construed liberally.

(b) 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.

~~(c)(1) Except to the limited extent provided in subdivision (c)(2) of this section, nothing in this subchapter shall be construed to provide or allow for the construction of any new office building to house a governmental agency of the state.~~

~~(2) In the exercise of the powers and authority granted to State Building Services in this subchapter, it may construct new storage facilities, warehouses, garages, parking facilities, and other ancillary and related facilities, whether as an addition to, an extension of, or in proximity to, existing facilities housing state agencies, to enable the continued or enhanced utilization of such existing facilities, including, without limitation, facilities owned by the state."~~

SECTION 2. Arkansas Code 22-3-1403 is hereby amended to read as follows:

"22-3-1403. Definitions.

Whenever used in this subchapter, unless a different meaning clearly appears from the context:

(1) 'Agency' or 'state agency' means any agency, board, office, commission, department, division, or institution of the State of Arkansas;

(2) 'Bonds' or 'revenue bonds' mean any bonds, notes, debentures, interim certificates, grant and revenue anticipation notes, interest in a lease, lease certificates of participation or evidences of indebtedness, whether or not the interest on them is subject to federal income taxation;

(3) 'State Building Services' means the public agency known as 'Arkansas State Building Services' and the 'State Building Services Council', as established under § 22-2-101 et seq.;

(4) '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 therewith ~~and facilities acquired under this subchapter~~ 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 subchapter;

(5) 'Authority' means the Arkansas Development Finance Authority created pursuant to § 15-5-101 et seq."

SECTION 3. Arkansas Code 22-3-1404 is hereby amended to read as follows:

"22-3-1404. Powers.

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

(1) Acquire, construct and equip buildings or by purchase, exchange, barter, gift, eminent domain, long-term lease, or other means, buildings and facilities in Little Rock, Arkansas, to house state agencies; and to repair, remodel, and renovate such buildings and facilities as it shall deem necessary and appropriate to accommodate state agencies;

(2) Exercise the power of eminent domain, within Pulaski County only, for the purpose of acquiring buildings and facilities and to otherwise carry out the purposes and intent of this subchapter, with such power to be

1 exercised in the manner provided in § 22-2-109;

2 (3) ~~Arrange~~ Provide for the housing of state agencies in ~~such the~~  
3 buildings and facilities so acquired or constructed to the extent that space  
4 and facilities are available for such purpose, under such terms and  
5 conditions, and for such rentals and charges, as State Building Services may  
6 determine;

7 (4) Acquire, construct, or cause to be constructed, parking facilities,  
8 storage facilities, warehouses, garages, and other ancillary and related  
9 facilities to serve the facility;

10 (5) *Purchase, lease, or rent, and receive* bequests or donations of or  
11 otherwise acquire, sell, trade, or barter, any property, real, personal, or  
12 mixed, and convert such property into money or other property;

13 (6) Contract and be contracted with;

14 (7) Apply for, receive, accept, and use any moneys and property from the  
15 government of the United States, any agency, any state, or governmental body  
16 or political subdivision, any public or private organization or corporation,  
17 of any nature, or any individual;

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

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23 SECTION 4. Arkansas Code 22-3-1406 is repealed.

24 ~~22-3-1406. Limits on total cost of an acquisition.~~

25 ~~(a) No single acquisition under the provisions of this subchapter may~~  
26 ~~exceed a total cost of eight million dollars (\$8,000,000) in value, whether~~  
27 ~~acquired by purchase, exchange, eminent domain, long-term lease, or other~~  
28 ~~means, exclusive of the cost of any repairs, remodeling, and renovation of~~  
29 ~~such buildings and facilities as State Building Services deems necessary and~~  
30 ~~appropriate to accommodate state agencies.~~

31 ~~(b) Provided, such repairs, remodeling, and renovation shall not result~~  
32 ~~in increasing the area of the structure of any such existing building or~~  
33 ~~facility by more than ten percent (10%).~~  
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35 SECTION 5. Arkansas Code 22-3-1407 is hereby amended to read as follows:

36 "22-3-1407. Revenue bonds.

1 (a) Pursuant to the intention of the General Assembly expressed in § 15-  
2 5-303, the authority, in cooperation with State Building Services, is hereby  
3 authorized and empowered to issue revenue bonds, at one (1) time or from time  
4 to time, and to use the proceeds thereof for defraying the costs of  
5 accomplishing all or part of the powers, purposes, and authorities set forth  
6 in this subchapter, and all expenses incidental thereto, including, without  
7 limitation, expenses of the operation and maintenance of such facilities  
8 pending completion of the construction, repair, remodeling or renovation,  
9 paying the expenses of authorizing and issuing the bonds, establishing a debt  
10 service reserve to secure the payment of the bonds, if the authority deems  
11 such desirable, and making provision for the payment of debt service on the  
12 bonds, including fees of trustees and paying agents, until revenues for the  
13 payment thereof are available.

14 (b) The bonds outstanding under this subchapter may be in such principal  
15 amount as the authority and State Building Services shall determine to be  
16 necessary for the accomplishment of the purposes of this subchapter.

17 (c) The bonds shall be authorized, shall be sold by such means, shall  
18 bear such rate or rates of interest, and shall be executed and delivered in  
19 such manner as the authority may determine pursuant to the provisions of §§  
20 15-5-301 - 15-5-316, inclusive.

21 (d)(1) The authority is authorized to enter into such authorizing  
22 resolutions and trust indentures as it deems necessary to secure the revenue  
23 bonds.

24 (2) No member of the authority shall be personally liable on the  
25 bonds.

26 (e) Nothing in the provisions of this subchapter shall be deemed to  
27 remove, modify, or amend § 15-5-303."  
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29 SECTION 6. Arkansas Code 22-3-1415 is hereby amended to read as follows:  
30 "22-3-1415. Supervision and management of buildings and facilities.

31 (a) The State Building Services is hereby authorized to supervise and  
32 manage buildings and other facilities ~~acquired~~ constructed pursuant to the  
33 authority granted herein and to manage, maintain, and repair said buildings  
34 and facilities to provide rental space to be made available for the housing of  
35 state agencies, departments, boards, commissions, and institutions, or other  
36 tenants, at such rental rates as deemed necessary:

1           (1) To provide sufficient funds to enable the authority to meet,  
2 when due, the payment of principal of, interest on, and trustees' and paying  
3 agents' fees in connection with all bonds issued under this subchapter;

4           (2) To enable the authority to establish and maintain such  
5 reserves, and other financial obligations in regard to the bonds issued under  
6 the provisions of this subchapter, as shall be set forth in any authorizing  
7 resolution or trust indenture utilized for that purpose; and

8           (3) In addition thereto, to pay the costs of utilities, insurance,  
9 janitorial supplies and services, building maintenance, upkeep, repair, and  
10 remodeling as deemed necessary, including the accumulation of reserves deemed  
11 necessary for such purposes as authorized under the provisions of this  
12 subchapter, and, in connection therewith, the State Building Services may  
13 establish one (1) or more accounts in one (1) or more banks authorized to do  
14 business in this state to accomplish such purposes.

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

17           (c) [Repealed.]”  
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19           SECTION 7. All provisions of this act of a general and permanent nature  
20 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code  
21 Revision Commission shall incorporate the same in the Code.  
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23           SECTION 8. If any provision of this act or the application thereof to  
24 any person or circumstance is held invalid, such invalidity shall not affect  
25 other provisions or applications of the act which can be given effect without  
26 the invalid provision or application, and to this end the provisions of this  
27 act are declared to be severable.  
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29           SECTION 9. All laws and parts of laws in conflict with this act are  
30 hereby repealed.

31   /s/ B. Walker, et al  
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