

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

State of Arkansas  
83rd General Assembly  
Regular Session, 2001

## A Bill

SENATE BILL 518

By: Senator P. Malone  
By: Representative Seawel

### For An Act To Be Entitled

AN ACT TO AMEND THE ARKANSAS CODE TO PROVIDE FOR THE  
CONSTRUCTION, OPERATION, AND FINANCING OF PARKING  
FACILITIES FOR THE STATE CAPITOL GROUNDS; AND FOR  
OTHER PURPOSES.

### Subtitle

AN ACT TO AMEND THE ARKANSAS CODE TO  
PROVIDE FOR THE CONSTRUCTION, OPERATION,  
AND FINANCING OF PARKING FACILITIES FOR  
THE STATE CAPITOL GROUNDS.

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

SECTION 1. Arkansas Code 22-3-1502 is hereby amended to read as follows:

22-3-1502. Authority to build and maintain parking deck facility.

~~Section 19-99-912 notwithstanding, Arkansas State Building Services is hereby authorized to construct, manage, and maintain a parking deck facility, surface parking, and street improvements in the area described in § 22-3-302(a). Arkansas State Building Services shall not be responsible for maintaining or assigning parking spaces designated for use by constitutional officers or the General Assembly. Any other provision of law to the contrary notwithstanding, Arkansas State Building Services is hereby authorized to construct, manage, and maintain parking deck facilities, surface parking, and street improvements, called in this subchapter 15 the "parking facilities", in the area described in § 22-3-302(a). Arkansas State Building Services shall~~

not be responsible for maintaining or assigning parking spaces designated for use by constitutional officers or the General Assembly; provided, however, that if parking spaces in the parking facilities described in this subchapter 15 are to be used by constitutional officers or the General Assembly, the charges for such parking spaces shall be on the same terms accorded to other state agencies, employees, and the public. In connection with management of parking facilities, Arkansas State Building Services may contract with private persons for management services in such manner and for such periods of time as Arkansas State Building Services shall determine to be necessary for the satisfactory operation thereof.

SECTION 2. Arkansas Code 22-3-1505 is hereby amended to read as follows:  
22-3-1505. Funding.

(a) Arkansas State Building Services is authorized and empowered to obtain the necessary funds for accomplishing its powers, purposes, and authority from any source or sources necessary and consistent with this subchapter 15, including without limitation, contracting with the Arkansas Development Finance Authority (the "Authority") to provide for the issuance of bonds by the Authority in accordance with the State Agencies Facilities Acquisition Act (Arkansas Code of 1987 Annotated, as amended, Sections 22-3-1401 to 1415, inclusive) (the "Act"). For the purpose of securing bonds issued pursuant to the Act, Arkansas State Building Services is authorized hereby to grant to the Authority, on behalf of the State of Arkansas, one or more leasehold interests, each of which shall be for a term not to exceed fifty (50) years from the date of such grant, in such of the State Capitol grounds as shall be determined by Arkansas State Building Services to be a suitable site for location of parking facilities. Any such leasehold interest granted to the Authority may be assigned or mortgaged from time to time by the Authority to secure bonds of the Authority for the construction, extension, renovation, or repair of parking facilities, but any such assignment or mortgage shall, in each case, include a provision that such assignment or mortgage shall terminate upon full and final payment of the particular bonds secured thereby and the discharge of the obligations of the Authority or Arkansas State Building Services related to the bonds secured thereby. Any leasehold interest granted may also include such easements over, above, or below the State Capitol grounds for vehicular or utility access to and from

1 the parking facilities as Arkansas State Building Services shall determine to  
 2 be necessary. In the event of a default on any bonds, the assignee of the  
 3 leasehold interest securing such bonds may occupy and control the parking  
 4 facilities related thereto for the term of such leasehold interest and may  
 5 impose such fees, charges, licenses, or rents as it may determine without  
 6 obtaining the approval of any agency or instrumentality of the State of  
 7 Arkansas.

8 (b) All fees, charges, licenses, rents, or other income of any nature  
 9 (the "Revenues") derived from the operation of the parking facilities, or  
 10 provided for such purpose to the Arkansas State Building Services from  
 11 whatever source, are hereby specifically declared to be cash funds restricted  
 12 in their use and are dedicated and shall be used solely as provided and  
 13 authorized in this subchapter 15.

14 (c) Commencing on the first of the month following the first issuance  
 15 of the bonds of the Authority pursuant to the Act, and for so long as any such  
 16 bonds are outstanding for the purposes authorized by this subchapter 15, the  
 17 Revenues shall not be deposited into the State Treasury and shall not be  
 18 subject to legislative appropriation, but, as and when received by the  
 19 Arkansas State Building Services, the Authority, or a trustee or agent acting  
 20 on behalf of either, as the case may be, shall be deposited in a bank or banks  
 21 selected by Arkansas State Building Services to the credit of a fund  
 22 designated as the "State Building Services Parking Facilities Revenue Bond  
 23 Fund" (the "Revenue Bond Fund") with appropriate subaccounts therein for  
 24 separate bond issues or series, where applicable. Moneys in the Revenue Bond  
 25 Fund may be pledged from time to time to secure the payment of bonds of the  
 26 Authority issued to finance the parking facilities, and may be deposited and  
 27 invested by or on behalf of Arkansas State Building Services in such manner as  
 28 may be directed or required by a bond resolution or trust indenture related to  
 29 any bond financing of the Authority, notwithstanding any other provision of  
 30 law.

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 32 SECTION 3. The provisions of Arkansas Code of Sections 22-3-301 – 313,  
 33 inclusive, pertaining to the Capitol Zoning District Commission Sections; 22-  
 34 3-401 – 408, inclusive, and Sections 22-3-501 – 504, inclusive, pertaining to  
 35 the Capitol Parking Control Committee; and Section 22-3-202 pertaining to the  
 36 Secretary of State, or any other provision of law inconsistent with the intent

1 of this subchapter 15, shall not be applicable to Arkansas State Building  
2 Services in connection with the parking facilities contemplated by this  
3 subchapter 15, and no filings, consents or approvals shall be required from  
4 any agency of the state prior to the construction, renovation or repair of  
5 parking facilities or concerning the operations thereof.

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7       SECTION 4. Emergency Clause. It is hereby found and determined by the  
8 Eighty-third General Assembly that the effectiveness of this act on July 1,  
9 2001, is essential to the operation of the state government and that in the  
10 event of an extension of the regular session, the delay of this act beyond  
11 July 1, 2001, could work irreparable harm upon the proper administration of  
12 essential governmental programs, contrary to the public interest. Therefore,  
13 an emergency is declared to exist and this act being immediately necessary for  
14 the preservation of the public peace, health and safety shall become effective  
15 on July 1, 2001.