

State of Arkansas
90th General Assembly
First Extraordinary Session, 2015

Call Item 4

A Bill

HOUSE BILL 1001

By: Representative Branscum

By: Senators J. Hendren, J. Dismang, Bledsoe, E. Cheatham, A. Clark, Collins-Smith, J. Cooper, J. English, Hester, J. Hutchinson

For An Act To Be Entitled

AN ACT TO TRANSFER THE ARKANSAS BUILDING AUTHORITY TO THE DEPARTMENT OF FINANCE AND ADMINISTRATION, THE ARKANSAS SCIENCE AND TECHNOLOGY AUTHORITY AND THE DEPARTMENT OF RURAL SERVICES TO THE ARKANSAS ECONOMIC DEVELOPMENT COMMISSION, AND THE DIVISION OF LAND SURVEYS OF THE ARKANSAS AGRICULTURAL DEPARTMENT TO THE ARKANSAS GEOGRAPHIC INFORMATION SYSTEM OFFICE; TO AMEND THE POWERS AND DUTIES OF THE ARKANSAS BUILDING AUTHORITY COUNCIL, THE DIRECTOR OF THE DEPARTMENT OF FINANCE AND ADMINISTRATION, THE EXECUTIVE DIRECTOR OF THE ARKANSAS ECONOMIC DEVELOPMENT COMMISSION, THE ADVISORY BOARD TO THE ARKANSAS SCIENCE AND TECHNOLOGY AUTHORITY, THE ARKANSAS RURAL DEVELOPMENT COMMISSION, THE LAND SURVEY ADVISORY BOARD, AND THE ARKANSAS GEOGRAPHIC INFORMATION SYSTEMS BOARD; TO AMEND A PORTION OF THE LAW RESULTING FROM INITIATED ACT 1 OF 2000; TO DECLARE AN EMERGENCY; AND FOR OTHER PURPOSES.

Subtitle

TO TRANSFER THE ARKANSAS BUILDING AUTHORITY, THE ARKANSAS SCIENCE AND TECHNOLOGY AUTHORITY, THE DEPARTMENT OF RURAL SERVICES, AND THE DIVISION OF LAND SURVEYS; AND TO AMEND A PORTION OF INITIATED ACT 1 OF 2000.



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

SECTION 1. DO NOT CODIFY. Transfer of the Arkansas Building Authority to the Department of Finance and Administration.

(a)(1) The Arkansas Building Authority is transferred to the Department of Finance and Administration by a type 2 transfer under § 25-2-105.

(2) For the purposes of this act, the Department of Finance and Administration shall be considered a principal department established by Acts 1971, No. 38.

(b) All authority, powers, duties, functions, records, personnel, property, unexpended balances of appropriations, allocations, and other funds, including the functions of budgeting or purchasing, are transferred to the Department of Finance and Administration, except as specified by this act.

(c) All powers, duties, and functions, including rulemaking, regulation, and licensing, promulgation of rules, rates, regulations, and standards, and the rendering of findings, orders, and adjudications are transferred to the Director of the Department of Finance and Administration.

(d) The members of the Arkansas Building Authority Council, and their successors, shall continue to be selected in the manner and serve for the terms provided by the statutes applicable to the council except as specified in this act.

(e) The Arkansas Code Revision Commission shall make appropriate name changes in the Arkansas Code to implement this act.

SECTION 2. Arkansas Code § 6-21-112(d)-(h), concerning the duties, authority, and composition of the Division of Public School Academic Facilities and Transportation, as amended by Acts 2015, No. 722, are amended to read as follows:

(d) The Director of the Division of Public School Academic Facilities and Transportation, with guidance and approval from the commission, shall be responsible for hiring all employees of the ~~division~~ Division of Public School Academic Facilities and Transportation.

(e)(1) The Director of the Department of Information Systems shall assign one (1) individual to serve as a technology liaison to the division.

(2) The Director of the ~~Arkansas Building Authority~~ Department of Finance and Administration shall assign one (1) individual from the staff of the ~~Arkansas Building Authority~~ Division of the Department of Finance and Administration to serve as a physical plant liaison to the ~~division~~ Division of Public School Academic Facilities and Transportation.

(f) The ~~division~~ Division of Public School Academic Facilities and Transportation shall:

(1) Provide information or assistance to the Academic Facilities Oversight Committee as requested;

(2) Use recommendations or assessments of the Academic Facilities Oversight Committee or the General Assembly as a basis for establishing the policies and procedures of the ~~division~~ Division of Public School Academic Facilities and Transportation;

(3) Develop and implement the Arkansas Public School Academic Facilities Program Act ~~as established in~~, § 6-21-801 et seq.;

(4) Administer the various programs of state financial participation in support of local academic facilities;

(5)(A) Develop and implement an ongoing uniform process for collecting, inventorying, and updating information on the ~~state of~~ condition of all public school academic facilities in the state.

(B) If the process developed is an automated statewide system, it shall encompass all school districts;

(6) Develop and implement an ongoing process for collecting records from state agencies of all lawfully required inspections of public school academic facilities conducted by state agencies and commissions;

(7) Develop a facility cost index that provides a methodology for comparing the cost of repairing the condition of a public school academic facility to the cost of replacing the public school academic facility with a facility containing the same amount of square footage;

(8) Conduct unannounced random on-site inspections of public school academic facilities;

(9) Enforce through planning minimum standards for accessibility to public school academic facilities and programs for individuals with disabilities;

(10) Develop guidelines for competitive bidding, competitive negotiation, and other methods of procurement for public school academic facilities projects;

(11) Develop incentive programs to reward school districts for innovative, effective, and efficient use of local and state resources with regard to public school academic facilities;

(12) Review applicable statutes and rules for conflicts with or omission of energy-related content;

(13) Administer the school transportation program in the various school districts of Arkansas, including without limitation:

(A) The training of school bus drivers; and

(B) The inspection of school buses, as defined in § 6-19-110;

(14) Keep records showing a description of each school district in the state, a map showing the school districts with current and accurate boundaries, the location of the academic facilities, and the electoral zones, if any, into which each school district has been divided;

(15)(A) Report by October 1 of each year to the Governor, the House Committee on Education, the Senate Committee on Education, and the Academic Facilities Oversight Committee on the status of implementation of the Arkansas Public School Academic Facilities Program Act, § 6-21-801 et seq.

(B) The report also shall include summary results of lawfully required inspections of public school academic facilities by state agencies and commissions;

(16) Report by October 1 of each even-numbered year to the Governor, the House Committee on Education, the Senate Committee on Education, and the Academic Facilities Oversight Committee on the state academic facilities master plan;

(17) Maintain a public access website dedicated to public school academic facilities; and

(18) Develop and implement a statewide facilities needs priority list that provides a methodology for:

(A) Prioritization of state school district facility needs; and

(B) Comparing the school district advancement of improving

facility conditions with school district master plans.

(g) The ~~division~~ Division of Public School Academic Facilities and Transportation may:

(1) Contract with, retain the services of, or designate and fix the compensation of consultants, advisors, architects, engineers, and other independent contractors as may be necessary or desirable to carry out the Arkansas Public School Academic Facilities Program or any related program over which the ~~division~~ Division of Public School Academic Facilities and Transportation has authority;

(2)(A) Accept all donations, grants of money, equipment, supplies, materials, and services conditional or otherwise from private sources, from municipal and county governments, from the state, and from the federal government.

(B) The ~~division's~~ Division of Public School Academic Facilities and Transportation may use any of its resources to further the ~~division~~ Division of Public School Academic Facilities and Transportation's purposes and functions; and

(3) Make and enter into all contracts, commitments, and agreements and execute all instruments necessary or incidental to the performance of its duties and powers under this section, the Arkansas Public School Academic Facilities Program, or any other related program over which the ~~division~~ Division of Public School Academic Facilities and Transportation has authority.

(h) The Department of Education shall coordinate and share certain administrative, custodial, legal, internal finance, and other necessary personnel and responsibilities to effectuate the daily operations of the ~~division~~ Division of Public School Academic Facilities and Transportation and the ~~department~~ Department of Information Systems.

SECTION 3. Arkansas Code § 6-62-302(b), concerning the exemption from the requirement of approval by the Arkansas Building Authority for certain institutions of higher education, is amended to read as follows:

(b) No board of trustees of such public institutions of higher education shall be required to obtain any prior review, consultation, approval, assistance, or advice from ~~Arkansas~~ the Building Authority ~~Division of the Department of Finance and Administration~~ Division of the Department of Finance and Administration for projects undertaken based

on the foregoing powers and authority. Provided, however, nothing in this subsection shall prevent any board of trustees of such public institutions of higher education from entering into an agreement with the ~~authority~~ division to provide review, consultation, approval, assistance, or advice for such projects. However, public institutions of higher education exempt from project review, consultation, approval, assistance, or advice of the ~~authority~~ division shall remain subject to other laws governing public works, including, without limitation, § 22-9-101 et seq. and § 19-4-1401 et seq.

SECTION 4. Arkansas Code § 6-62-606 is amended to read as follows:

6-62-606. Exemption from compliance with certain state and local laws – Review by ~~Arkansas the~~ Building Authority Division of the Department of Finance and Administration.

(a) A board and an owner proceeding under this subchapter shall be exempt from compliance with all municipal and county land use restrictions, including, without limitation, zoning laws and requirements for obtaining building permits.

(b) In proceeding under this subchapter, it shall not be necessary for the board to comply with any other laws relating to the procurement, disposal, or leasing of property, including, without limitation, laws concerning the appointment of appraisers in connection therewith, laws restricting the obligation of funds for construction, and laws dealing with the improvement of historic structures, except that the transfer and the lease agreement shall be subject to the review and approval of ~~Arkansas the~~ Building Authority Division of the Department of Finance and Administration.

SECTION 5. Arkansas Code § 6-62-611(a)(2), concerning agreement for transfer or lease of property by the board of trustees of certain institutions of higher education, is amended to read as follows:

(2) The agreement may provide that the owner will make improvements or additions to the property subject to the inspection and approval of all improvements and additions to the property by ~~Arkansas the~~ Building Authority Division of the Department of Finance and Administration.

SECTION 6. Arkansas Code § 13-3-101(b), concerning the facility needs of the Arkansas History Commission, is amended to read as follows:

(b) The commission and the ~~Arkansas~~ Building Authority Division of the Department of Finance and Administration shall determine the facility needs of the commission.

SECTION 7. Arkansas Code § 13-8-209 is amended to read as follows:
13-8-209. Award of contracts.

Pursuant to the instruction of the selection committee for the project, the ~~Arkansas~~ Building Authority Division of the Department of Finance and Administration shall award contracts for the purchase or commission of art work for the Arkansas Public Art Program, and the owner agency shall administer payments.

SECTION 8. Arkansas Code § 18-44-503(b), concerning public buildings and improvements, is amended to read as follows:

(b) All persons, firms, associations, and corporations who have valid claims against the bond may bring an action on the bond against the corporate surety, provided that no action shall be brought on the bond after twelve (12) months from the date on which the ~~Arkansas~~ Building Authority Division of the Department of Finance and Administration or institutions exempt from construction review and approval by the ~~authority~~ division approve final payment on the state contract, nor shall any action be brought outside the State of Arkansas.

SECTION 9. Arkansas Code § 19-1-205 is amended to read as follows:
19-1-205. Office.

The ~~Arkansas~~ Building Authority Division of the Department of Finance and Administration shall assign to the Department of Finance and Administration and divisions of the department suitable office space with the necessary conveniences for the transaction of the department's business and the safe-keeping of the department's records.

SECTION 10. Arkansas Code § 19-4-1402(a) and (b), concerning contracts for certain improvements, repairs, or additions to public buildings, are amended to read as follows:

(a) Executed counterparts of all contracts entered into by any state agency with respect to proposed projects for new improvements or major

repairs or additions to existing buildings and facilities shall be approved by and filed with the ~~Arkansas~~ Building Authority Division of the Department of Finance and Administration before the issuance of any vouchers making payments under the contract, unless the contract is exempted from the jurisdiction of the ~~authority~~ division by a law or a regulation promulgated under the Arkansas Administrative Procedure Act, § 25-15-201 et seq.

(b)(1) The Boards of Trustees of the University of Arkansas, Arkansas State University, University of Central Arkansas, Henderson State University, Arkansas Tech University, and Southern Arkansas University, respectively, are exempt from the requirements of this section requiring the filing of the contracts with the ~~authority~~ division.

(2) The governing boards of all other public institutions of higher education shall be exempt from the requirement for approval and filing of the contracts with the ~~authority~~ division:

(A) Upon approval of the Department of Higher Education;
and

(B) If, prior to granting approval, the department shall have reviewed and approved policies and procedures adopted by the governing boards of the public institutions of higher education with respect to bidding and construction of capital improvement projects.

(3) Nothing in this section shall prevent a public institution of higher education exempt under this subsection from entering into an agreement with the ~~authority~~ division to file its contracts with the ~~authority~~ division.

SECTION 11. Arkansas Code § 19-4-1415(b) and (c)(1), concerning state agency projects exceeding five million dollars (\$5,000,000), as amended by Acts 2015, No. 218, is amended to read as follows:

(b)(1) No contract for projects between the state agency and the construction manager, general contractor, architect, or engineer shall be entered into without first obtaining approval of the ~~Arkansas~~ Building Authority Division of the Department of Finance and Administration and review by the Legislative Council.

(2) The ~~authority~~ division shall have involvement in the selection and contract process from the project inception.

(3) There shall be separate contracts for design and construction

services.

(4) The ~~authority~~ division shall have the authority to promulgate rules and regulations pertaining to the process for awarding and overseeing the contracts.

(5) The Board of Trustees of the University of Arkansas and the Board of Trustees of Arkansas State University shall be exempt from review and approval by the ~~authority~~ division and any regulations promulgated by it, provided that the Board of Trustees of the University of Arkansas and the Board of Trustees of Arkansas State University have adopted policies and procedures involving the awarding and oversight of the contracts for design and construction services.

(6) All procedures pertaining to the contracts shall provide, to the extent practicable, substantial uniformity between these institutions with respect to the policies and procedures to be followed.

(c)(1) For all projects contemplated or contracted for, the ~~authority~~ division shall:

(A) Review and approve the advertisement as stated in subsection (d) of this section, the scope of work, the site selection, funding review, and, to the extent available, all project drawings, plans, and specifications prior to any solicitation of proposals for the project;

(B) Conduct on-site observations of the construction project on a regular basis and maintain project records; and

(C)(i) Review and approve all contract amendments.

(ii) State agencies shall submit a summary of all contract amendments to the Legislative Council.

SECTION 12. Arkansas Code § 19-4-1415(e)(1) and (2), concerning state agency projects exceeding five million dollars (\$5,000,000), is amended to read as follows:

(e)(1)(A) A preselection committee, which shall be composed of no more than three (3) members from the state agency and two (2) members from the ~~authority~~ division, shall review the proposals.

(B) A preselection committee for institutions of higher education stated in subdivision (b)(5) of this section shall consist of at least three (3) members as determined by each of the institutions, and the members may be from the ~~authority~~ division.

(C) The preselection committee shall select a maximum of five (5) applicants and schedule interviews.

(D) The state agency or an institution of higher education as stated in subdivision (b)(5) of this section shall notify the finalists of their status.

(2)(A) The final selection committee shall be composed of the (3) three members from the state agency on the preselection committee.

(B) The final interviews shall be held at the time and date as designated by the final selection committee.

(C) Representatives of the ~~authority~~ division may attend the final selection meeting, but shall not vote in the final selection process.

(D) The final selection committee for institutions of higher education stated in subdivision (b)(5) of this section shall consist of at least three (3) members as determined by each of the institutions.

(E) Members of a preselection committee may also serve as members of the final selection committee of the institutions.

(F) In selecting a general contractor, construction manager, architect, or engineer, the state agency or institution of higher education as stated in subdivision (b)(5) of this section shall consider their established criteria which shall include, but are not limited to, the following:

(i) The experience of the professional or professionals in similar projects;

(ii) The record of the professional or professionals in timely completion of the projects with high quality workmanship; and

(iii) Other similar matters to determine that the professional or professionals will complete the project within the time and budget and to the specifications set by the state agency or institution of higher education as stated in subdivision (b)(5) of this section.

SECTION 13. Arkansas Code § 19-4-1415(h)(6)(A), concerning state agency projects exceeding five million dollars (\$5,000,000), is amended to read as follows:

(6)(A) The minimum standards of the ~~authority~~ division and criteria pertaining to projects constructed under this section.

SECTION 14. Arkansas Code § 19-5-308 is repealed.

~~19-5-308. Arkansas Building Authority Account.~~

~~(a) There is established on the books of the Treasurer of State, the Auditor of State, and the Chief Fiscal Officer of the State an account to be known as the "Arkansas Building Authority Account" of the General Improvement Fund.~~

~~(b) This account shall consist of funds authorized for deposit in the State Treasury by the General Assembly.~~

~~(c) This account shall be used for the purposes authorized and required by the Arkansas Building Authority Act, § 22-2-101 et seq.~~

SECTION 15. Arkansas Code § 19-5-1046 is amended to read as follows:

19-5-1046. ~~Arkansas~~ Building Authority Division Maintenance Fund.

(a)(1) There is established on the books of the Treasurer of State, the Auditor of State, and the Chief Fiscal Officer of the State a fund to be known as the "~~Arkansas~~ Building Authority Division Maintenance Fund".

(2) The fund shall be used for the maintenance, operation, and improvement of lands, buildings, and facilities that may be acquired by the ~~Arkansas~~ Building Authority Division of the Department of Finance and Administration.

(b)(1) The fund shall consist of all moneys received in connection with the leasing, management, and operation of building facilities and lands belonging to or managed by the ~~authority~~ division.

(2) The moneys received by the ~~authority~~ division are declared to be nonrevenue receipts.

SECTION 16. Arkansas Code § 19-5-1052(b), concerning the contents of the Justice Building Fund, is amended to read as follows:

(b) ~~This fund~~ The Justice Building Fund shall consist of all moneys transferred or deposited from the State Administration of Justice Fund, there to be used exclusively by the ~~Arkansas~~ Building Authority Division of the Department of Finance and Administration for the maintenance of the Arkansas Justice Building.

SECTION 17. Arkansas Code § 19-5-1087(a), concerning the creation of

the Justice Building Construction Fund, is amended to read as follows:

(a) There is hereby created in accordance with §§ 19-4-801 – 19-4-806, inclusive, and § 19-6-101 et seq., a cash fund entitled the “Justice Building Construction Fund”, which shall be maintained in such depository bank or banks as may, from time to time, be designated by the ~~Arkansas~~ Building Authority Division of the Department of Finance and Administration.

SECTION 18. Arkansas Code § 19-5-1087(c), concerning the administration of the Justice Building Construction Fund, is amended to read as follows:

(c) The fund shall be held and the amounts therein invested by the ~~Arkansas Building Authority~~ division in accordance with the authority provided in § 22-3-901 et seq. The ~~Arkansas Building Authority~~ division may also use the fund to provide for the repayment of obligations issued by the Arkansas Development Finance Authority pursuant to the State Agencies Facilities Acquisition Act of 1991, as amended, § 22-3-1401 et seq., to accomplish the purposes specified in subsection (b) of this section and to pay the costs and expenses related to the issuance of such obligations.

SECTION 19. Arkansas Code § 19-5-1206 is amended to read as follows:
19-5-1206. ~~Arkansas~~ Building Authority Division Real Estate Fund.

(a) There is established on the books of the Treasurer of State, the Auditor of State, and the Chief Fiscal Officer of the State a fund to be known as the “~~Arkansas~~ Building Authority Division Real Estate Fund”.

(b)(1) ~~This fund~~ The Building Authority Division Real Estate Fund shall consist of funds transferred to it from the General Improvement Fund or other funds, gifts, bequests, foundation grants and gifts, Governor’s or other emergency funds, federal grants and matching funds, short-term loans and advances, proceeds from bond issues, leases, service charges or fees, interagency transfers of funds, partnerships and debentures, and other funds as may be appropriated by the General Assembly.

(2) The ~~fund~~ Building Authority Division Real Estate Fund shall be used to acquire either by deed or by lease, to own or operate, to maintain, to repair, to renovate, to develop, or to construct real properties, including any necessary demolition and site improvements, for use by state agencies, as defined in § 22-2-102, for capital improvement needs

under the jurisdiction of the ~~Arkansas~~ Building Authority Division of the Department of Finance and Administration.

SECTION 20. Arkansas Code § 20-46-301 is amended to read as follows:

20-46-301. Department of Human Services – Division of Behavioral Health Services – Powers and duties.

(a) The Department of Human Services shall have the authority and power to create and maintain a Division of Behavioral Health Services and to provide services for community mental health clinics and centers, which shall be administered through such divisions, offices, sections, or units of the department as may be determined by the Director of the Department of Human Services.

(b) The ~~department~~ Department of Human Services shall have the authority to establish or assist in the establishment and direction of those mental health clinics and centers in local and regional areas of the state which shall be operated under such divisions, offices, sections, or units of the department as may be determined by the director.

(c) The ~~department~~ Department of Human Services, in cooperation with the ~~Arkansas~~ Building Authority Division of the Department of Finance and Administration, may sell, donate, lease on a short-term or long-term basis, or assign the use of any property and equipment owned by the ~~department~~ Department of Human Services, including real property, furniture, fixtures, and office equipment and supplies, to those community mental health clinics and centers to assist them in the advancement of mental health in the state.

(d) The ~~department~~ Department of Human Services shall engage in programs of mental health education in cooperation with the state's governmental units and established mental health education organizations, organized civic groups, lay organizations, and recognized mental health authorities, utilizing therefor the facilities of those organizations and groups for the advancement of mental health.

(e)(1) In the event that a state-operated community mental health center acquires private nonprofit status, the ~~division~~ Division of Behavioral Health Services shall have the authority to lease employees of the ~~division~~ Division of Behavioral Health Services to perform services for the private nonprofit community mental health center to ensure the continued delivery of satisfactory levels of mental health services consistent with the goals and

objectives of the department and the ~~division~~ Division of Behavioral Health Services.

(2) The director shall have the authority to negotiate an employee leasing arrangement with the private nonprofit community mental health center as an ongoing contract to perform mental health services for the center. The arrangement shall provide, at a minimum:

(A) For reimbursement for all leased ~~division~~ Division of Behavioral Health Services employee financial obligations with respect to wages, employment taxes, and employee benefits of each employee providing services for the center and for reimbursement of administrative costs associated with the leased employees;

(B) That all leased employees are covered by workers' compensation insurance provided in conformance with laws of the state and which may be provided by either the ~~department~~ Department of Human Services or the center;

(C) That all leased employees shall be limited to providing services to clients or in support of clients which are consistent with the goals and objectives of the ~~division~~ Division of Behavioral Health Services and the ~~department~~ Department of Human Services;

(D) That the ~~division~~ Division of Behavioral Health Services and the ~~department~~ Department of Human Services shall not be vicariously liable for the liabilities of the center, whether contractual or otherwise;

(E) That the center shall provide liability insurance for the employees and indemnify the state for any actions of the employees; and

(F) That the leasing arrangement shall not be effective for a period of time to exceed each state fiscal biennium, and that payment and performance obligations of the arrangement are subject to the availability and appropriation of funds for the employees' salaries and other benefits.

(3) Employer responsibilities for leased employees shall be shared by the ~~department~~ Department of Human Services and the community mental health center. The ~~department~~ Department of Human Services shall be responsible for the administration and management of employee compensation and all employee benefit and welfare plans. The center may exercise day-to-day supervision and control of the employees' delivery of services in conformity with all ~~division~~ Division of Behavioral Health Services and

~~department~~ Department of Human Services policies and procedures.

SECTION 21. Arkansas Code § 22-2-102(2) and (3), concerning the definitions of "council" and "director", are repealed, and the subdivisions of the section shall be appropriately renumbered by the Arkansas Code Revision Commission.

~~(2) "Council" means the Arkansas Building Authority Council established within the Arkansas Building Authority as created by this chapter;~~

~~(3) "Director" means the Director of the Arkansas Building Authority as created by this chapter;~~

SECTION 22. Arkansas Code § 22-2-104 is amended to read as follows:
22-2-104. Creation.

~~There is created a public agency of the State of Arkansas to be known as the Arkansas Building Authority~~ The Building Authority Division of the Department of Finance and Administration is created. The ~~authority division~~ shall carry out the duties and responsibilities set out in § 22-2-108 under the policies, guidelines, standards, and procedures established by the Arkansas Department of Finance and Administration with the advice of the Building Authority Council ~~as created by § 22-2-106.~~

SECTION 23. Arkansas Code § 22-2-105 is amended to read as follows:

22-2-105. Director of the Department of Finance and Administration - duties.

~~(a) The Arkansas Building Authority shall be administered by a director, who shall be appointed by and serve at the pleasure of the Governor and shall be confirmed by the Senate.~~

~~(b) The director shall have experience in property development and management.~~

~~(c) The director~~ Director of the Department of Finance and Administration may hire sufficient staff as authorized by legislation to perform the duties of the ~~authority~~ Building Authority Division of the Department of Finance and Administration. Personnel employed by the director shall be compensated according to the Uniform Classification and Compensation Act, § 21-5-201 et seq., for similar duties and responsibilities.

~~(d)~~(b) The director shall be responsible for administering the rules, regulations, and policies ~~of the Arkansas~~ adopted by the Department of Finance and Administration with the advice of the Building Authority Council pursuant to the provisions of this chapter.

~~(e)~~(c) The director shall be the disbursing agent for the ~~authority~~ division and shall pay any and all accounts upon prior approval of the council. The disbursing agent shall furnish and keep in effect a bond to the state with a corporate surety thereon which, together with any other bonds furnished by him or her, shall total in final sum not less than fifty thousand dollars (\$50,000) and is conditioned that he or she will faithfully perform his or her duties and properly handle all funds received and disbursed by him or her and account for those funds; the bond so furnished shall be filed in the office of the Auditor of State. The premium on the bond shall be a proper charge against funds of the ~~authority~~ division.

SECTION 24. Arkansas Code § 22-2-106 is amended to read as follows:

22-2-106. ~~Arkansas~~ Building Authority Council.

(a) ~~There is created an Arkansas Building Authority Council,~~ hereinafter referred to as the "council" The Building Authority Council is created.

(b) The council shall have eleven (11) members as follows:

(1)(A) Six (6) members shall be appointed by the Governor and confirmed by the Senate, one (1) of whom shall be from each congressional district and two (2) of whom shall be representative of the state at large;

(B) One (1) member shall be designated by the Speaker of the House of Representatives and one (1) member shall be designated by the President Pro Tempore of the Senate, but no member so designated by the Speaker of the House of Representatives or the President Pro Tempore of the Senate shall be a member of the General Assembly;

(C) All appointees or designees shall serve three-year staggered terms, and all appointees or designees may be subject to reappointment or redesignation; and

(D) The members of the council appointed by the Governor and designated by the Speaker of the House of Representatives and the President Pro Tempore of the Senate shall be reflective of the economic, geographic, and social characteristics of the state.

(2) The Secretary of State or a designee shall be a full voting member of the council.

(3)(A) From among its members, the House of Representatives shall select one (1) member who shall be a nonvoting ex officio member of the council, and from among its members, the Senate shall select one (1) member who shall be a nonvoting ex officio member of the council.

(B) Such ex officio members shall serve two-year terms.

(c) The Governor shall designate one (1) of the members of the council as chair, except that no ex officio member shall be so designated.

(d) Members of the council shall receive no pay for their services, but those members who are not government officials may receive expense reimbursement and stipends in accordance with § 25-16-901 et seq.

SECTION 25. Arkansas Code § 22-2-107 is amended to read as follows:

22-2-107. Creation of sections.

(a) There are created within the ~~Arkansas~~ Building Authority Division of the Department of Finance and Administration the following sections which shall have the duties and responsibilities designated by the Director of the ~~Arkansas Building Authority~~ Department of Finance and Administration with the ~~approval~~ advice of the ~~Arkansas~~ Building Authority Council and which may include, in relation to other provisions of this chapter, the duties and responsibilities respectively designated in this section:

(1) Construction Section. The Construction Section shall:

(A) Supervise the bidding and awarding of contracts for new construction and renovations for or by state agencies' capital improvements;

(B) Establish and maintain complete construction files on all jobs, including plans and specifications for alterations, renovations, and repairs of all capital improvements;

(C) Approve all proposed contracts, change orders, and final payments requests;

(D) Ensure that on-site observation of all construction projects, alterations, and repairs is accomplished on a regular basis and maintain records of those observations;

(E) Obtain and maintain construction inspection and observation reports from architects or engineers or their consultants from state agencies and institutions for all capital improvement construction

projects;

(F)(i) Conduct visits with the design professional to determine the responsibility and performance required by the contract documents.

(ii) On-site observations by design professionals shall concur with the contractor's payment request and shall be submitted in written form with the pay request.

(iii) The inspection and observation reports shall be as adopted by the director with the advice of the council.

(iv) State agencies shall engage the services of licensed architects or engineers for all projects covered by the Arkansas Architectural Act, § 17-15-101 et seq., and the Arkansas Engineering Act, § 17-30-101 et seq.; and

(G) Ensure that the construction of all projects complies with the contract documents;

(2) Building Operations Section. The Building Operations Section shall:

(A) Operate, maintain, and manage public buildings as required by the provisions of this chapter or otherwise by law;

(B) Provide for maintenance and operation, including janitorial services for any buildings, structures, or grounds which are owned, leased, or managed by the ~~authority~~ division as may be required by the provisions of this chapter; and

(C) Develop and, upon adoption by the director with the advice of the council, enforce procedures, standards, and criteria designed to standardize the level of maintenance on all public buildings and other capital improvements;

(3) Design Review Section. The Design Review Section shall:

(A) Establish procedures approved by the council for the selection of engineering, environmental, architectural, and building design consultants' services by state agencies and by the ~~authority~~ division. The procedures shall ensure an equitable opportunity for all persons and firms;

(B) Encourage, within the rules and regulations of the state, the timely and expedient commitment and expenditure of appropriations for capital improvements;

(C) Establish standard fee schedules approved by the

council for design professional consultant services for capital improvements;

(D) Develop and upon adoption by the council establish minimum design standards and criteria, which shall be made available to all design professionals in the state;

(E) Utilize, require, or undertake studies concerning the needs for and costs of proposed capital improvements;

(F) Review and approve, consistent with the provisions of this chapter, contracts for design professional consultant services, preliminary plans, cost estimates, building programs, feasibility studies, and construction bid documents for capital improvements and mediate architectural and engineering design and construction-related problems;

(G) Assist in analyzing architectural and engineering design and construction problems at state-owned facilities; and

(H) Ensure that state agencies shall engage the services of licensed architects and licensed engineers for capital improvement projects which are not exempted by the requirements of:

(i) The Arkansas Architectural Act, § 17-15-101 et seq.;

(ii) Section 17-30-101 et seq.; and

(iii) Section 22-9-101 et seq.

(I) The director shall employ within the Design Review Section ~~of the authority~~ a State Architect and a State Engineer who shall have sufficient private practice experience within his or her respective field as well as be registered and licensed within the state; and

(4) Real Estate Services Section. The Real Estate Services Section shall:

(A) Develop and enforce minimum leasing, sale, and purchase of property standards and criteria for consideration and adoption by the director with the advice of the council;

(B) Design standard lease forms to be approved by the director with the advice of the council for use by state agencies as provided in this chapter;

(C) Assist state agencies, the director, and the council in determining and evaluating rental space needs and the allocation of space for state agencies;

(D) Conduct surveys to determine available rental space

that meets minimum leasing standards and criteria and that may be available for use by state agencies;

(E) Otherwise carry out and administer those duties and responsibilities delegated to the ~~section~~ Real Estate Services Section by the director and assist state agencies and the council to ensure that rental space acquired and utilized by state agencies is acquired and utilized in a manner consistent with the intent of this chapter so that no state agency shall lease space that is not absolutely essential to the efficient performance of its duties and responsibilities; and

(F) Carry out and administer those duties and responsibilities involving the purchase or sale of property by state agencies that are under the jurisdiction of the ~~authority~~ division so as to ensure that the property is sold or purchased in a manner consistent with Arkansas laws and regulations.

(b) The director may transfer the various duties and functions among the various sections of the ~~authority~~ division and effect any other organizational or administrative changes that may be necessary to bring about the efficient and effective implementation of this chapter.

SECTION 26. Arkansas Code § 22-2-108 is amended to read as follows:

22-2-108. Powers and duties generally.

As may be provided, allowed, or limited by the provisions of this chapter, the ~~Arkansas Building Authority Council is authorized and empowered to~~ Director of the Department of Finance and Administration with the advice of the Building Authority Council may establish policies, guidelines, standards, and procedures which shall guide and govern the ~~Arkansas Building Authority~~ Division of the Department of Finance and Administration with regard to the following responsibilities, duties, powers, and activities:

(1) To investigate and obtain information concerning the various boards, commissions, authorities, agencies, departments, and offices of the state, which are the "state agencies", in relation to:

(A) Where they are housed;

(B) Their present and projected needs for space and facilities;

(C) The rental being paid and the rental that state agencies could reasonably pay for space and facilities in public and private

buildings; and

(D) The public building space and facilities that can be feasibly financed from appropriated funds available to the ~~authority~~ division;

(2)(A) To construct and equip buildings or to acquire by gift or purchase existing buildings and the sites upon which they are situated for use as public buildings.

(B) However, before the ~~authority~~ division may construct and equip buildings or acquire by purchase existing buildings and the sites upon which they are situated for use as public buildings, requests for the construction and equipping of those buildings or the acquisition of those existing buildings shall have been first submitted to the General Assembly or to the Legislative Council when the General Assembly is not in session, and the General Assembly shall have reviewed and appropriated the funds therefor or specifically approved the method of funding their construction, equipping, or acquisition thereof;

(3)(A) To provide for the operation and management of the public buildings so constructed or acquired and arrange for the housing of state agencies as space and facilities permit and to rent and lease space and facilities upon such terms and conditions and for such rentals as the ~~authority~~ division may determine.

(B) Should there be any surplus space in a public building above the requirements of the state agencies that can be feasibly housed in the building, then the ~~authority~~ division may lease or rent the surplus space to individuals and organizations other than state agencies until it is needed by state agencies;

(4) To use the lands acquired by the Arkansas Revenue Department Building Commission which were transferred to the ~~authority~~ State Building Services under Acts 1975, No. 716, § 6, as sites for public buildings and acquire additional sites as provided in § 22-2-109;

(5) To wreck, remove, and dispose of or salvage buildings or other improvements as necessary for the construction and equipping of public buildings or for future use of an unspecified project;

(6) To purchase, lease, or rent and receive devises, bequests, or donations of and sell or otherwise dispose of any property, real, personal, or mixed, on its own behalf and without the approval of any other board,

commission, agency, department, or officer, and the ~~council~~ Building Authority Council may convert into money any property bequeathed or donated to it or not needed or which cannot be used in the form received;

(7)(A) To execute contracts necessary to accomplish the purposes of this chapter.

(B) However, no contract shall be entered into for the purchase of any real property unless the ~~authority shall have first submitted~~ division submits the contract for review to the General Assembly or to the Legislative Council when the General Assembly is not in session a request to purchase the property, and the General Assembly ~~shall have provided~~ provides the funds for or ~~shall have approved~~ approves the method of funding the purchase;

(8) To apply for, receive, accept, and use any moneys and properties from:

(A) The United States or any state, or any department or agency thereof;

(B) Any public or private corporation of any nature; and

(C) Any individual or group;

(9)(A) To establish, promulgate, and enforce minimum design and construction standards and criteria for all capital improvements undertaken by any state agency, including without limitation procedures regarding flood plain management and the bidding and awarding of capital improvements regarding projects under the jurisdiction of the ~~authority~~ division.

(B) However, the ~~authority~~ division shall not engage in the production of architectural plans and specifications, with the exception that the architects and engineers employed by the ~~authority~~ division may provide and make available technical assistance to the ~~authority's~~ division's sections listed in § 22-2-107 and other agencies regarding capital improvements involving roofing projects, repairs, alterations, or renovations;

(10) To establish and enforce minimum standards and criteria for the management, maintenance, and operation of all public buildings and capital improvements;

(11) To establish and enforce minimum standards and criteria for the leasing and renting of space for and by state agencies;

(12) To provide for the management, maintenance, and operation of

those public buildings as may be required by this chapter or otherwise by law to be managed, maintained, or operated by the ~~authority~~ division and provide technical advice on management, maintenance, and operation to agencies with existing capital improvements;

(13) To provide monthly reports to the Legislative Council and to the Governor, or as otherwise may be requested by the Legislative Council, the Governor, or the General Assembly;

(14) To obtain and keep on file copies of architectural and engineering plans and construction documents for all public buildings and capital improvements, including those plans and documents for all existing public buildings and capital improvements for which plans and documents exist;

(15)(A)(i) To assume all duties and responsibilities for minor alterations and repairs of existing public buildings and capital improvements previously vested within the Office of State Procurement by Acts 1955, No. 313 [repealed], as amended by Acts 1959, No. 29 [repealed], as implemented and developed by the Construction Section.

(ii) These duties and responsibilities of the office are transferred to the ~~authority~~ division.

(B) It is the intent of this chapter that the above-mentioned and all other duties and responsibilities of the Construction Section shall be transferred to the ~~authority~~ division, including approval authority for real property purchases by any agency, board, commission, or department; and

(16) To promulgate reasonable rules, regulations, and procedures as may be required to carry out its duties, responsibilities, powers, and authorities under this chapter which are consistent with the purposes and intent of this chapter.

SECTION 27. Arkansas Code § 22-2-109 is amended to read as follows:
22-2-109. Acquisition of additional sites.

(a)(1) Additional sites may be acquired from state agencies, either with or without compensation, by making necessary arrangements with any state agency for any lands owned by that state agency or owned by the State of Arkansas and under the control or jurisdiction of that state agency.

(2) In the alternative, a site may be obtained by the ~~Arkansas~~

Building Authority Division of the Department of Finance and Administration by gift, purchase, or, within Pulaski County, Arkansas, by condemnation under the power of eminent domain.

(b)(1) In the event the sites cannot be purchased by negotiation, the ~~authority is authorized to~~ division may institute condemnation proceedings under the power of eminent domain for the acquisition of sites.

(2)(A) Condemnation proceedings under the power of eminent domain may be exercised within Pulaski County, Arkansas, in the manner now provided in §§ 18-15-1202 – 18-15-1207 or pursuant to any other applicable statutory provisions for the exercise of the power of eminent domain in the State of Arkansas or by any state agency.

(B) However, ~~in the event the authority shall acquire if~~ the division acquires under the power of eminent domain a building which is a general purpose office building located within the Capitol Zoning District, as zoned by § 22-3-302(a), the following provisos shall be applicable:

(i)(a) In addition to all other elements constituting just compensation for the taking of property, which are usually and regularly considered in condemnation actions, an owner-tenant may be entitled to reasonable moving expenses for the moving of that tenant to a location within Pulaski County, Arkansas.

(b) The reasonable moving expense shall be fixed by the court and at its discretion;

(ii)(a) Upon a final award in such a condemnation proceeding, the court in which the action is being undertaken may grant the condemnee in an owner-occupied structure the right to remain in occupation of the structure without payment of rent by the owner-occupier for a reasonable period of time to be determined in the discretion of the court, but such period of time shall not exceed three (3) years.

(b) However, if the monetary award is demanded by the condemnee and paid pursuant to the award, the court shall fix a reasonable rental for that part of the property occupied by the condemnee subsequent to the final award. All other tenants occupying all or any part of the condemned premises, by lease or otherwise, shall pay rentals to the condemnor from the date of the final award or payment and so long as such tenants occupy the premises or any part thereof.

(c) Title to all lands acquired under this

chapter shall be taken in the name of the State of Arkansas; and

(iii) Should the owner of the building being acquired under the power of eminent domain also own unimproved property adjacent to or near the building and should there be a connected or unity of use between the condemned building and the unimproved property, including a parking lot adjacent to or near an office building, the ~~authority shall be obliged to~~ division shall also take by purchase or under the power of eminent domain such unimproved property.

SECTION 28. Arkansas Code § 22-2-110 is amended to read as follows:

22-2-110. Schedule of supervision generally.

The powers, authorities, and responsibilities of the ~~Arkansas Building Authority Council~~ Director of the Department of Finance and Administration relating to the acquisition of properties and to the supervision of all capital improvements, as defined in § 22-2-102, shall be in accordance with the schedules of supervision as provided in §§ 22-2-111 – 22-2-113.

SECTION 29. Arkansas Code § 22-2-111 is amended to read as follows:

22-2-111. Schedule of supervision – Type one – Undesignated funds.

From the funds appropriated by the General Assembly to the ~~Arkansas Building Authority~~ Division of the Department of Finance and Administration not designated to be spent for a particular public building or capital improvement for a particular state agency, the ~~authority~~ division shall:

(1)(A) Use the lands acquired by the Arkansas Revenue Department Building Commission which are transferred to the ~~authority~~ State Building Services under Acts 1975, No. 716, § 6, as sites for public buildings and obtain additional sites as provided in this chapter.

(B)(i) The additional sites may be obtained either with or without compensation by making necessary arrangements with any state agency for any lands owned by the state agency or by the State of Arkansas and under the control or jurisdiction of that state agency.

(ii) In the alternative, a site may be obtained by the ~~authority~~ division by gift, purchase, or condemnation under the power of eminent domain at any suitable location.

(C) In the event the needed sites cannot be purchased by negotiation, the ~~authority~~ division is authorized to institute condemnation

proceedings in Pulaski County, Arkansas, under the power of eminent domain for the acquisition of sites.

(D) Condemnation proceedings under the power of eminent domain may be exercised within Pulaski County, Arkansas, in the manner now provided by §§ 18-15-1202 – 18-15-1207, or pursuant to any applicable statutory provisions for the exercise of the power of eminent domain by the State of Arkansas or by any state agency.

(E) Title to all lands acquired under this chapter shall be taken in the name of the State of Arkansas;

(2) Construct, repair, renovate, alter, and equip buildings and capital improvements or acquire, by gift or purchase, existing buildings or capital improvements and the sites upon which they are situated for use as public buildings;

(3)(A) Operate, manage, maintain, and otherwise provide for the operation of the public buildings or capital improvements so constructed or acquired and arrange for the housing of state agencies as space and facilities permit upon such terms and conditions and for such rentals as the ~~authority~~ division may determine.

(B) Should there be any surplus space in a public building above the requirements of state agencies that can be feasibly housed in the building, the ~~authority~~ division may lease or rent the surplus space to individuals and organizations other than state agencies until it is needed by state agencies; and

(4) Demolish, remove, and dispose of or salvage any buildings or other capital improvements as necessary for the construction and equipping of public buildings or capital improvements.

SECTION 30. Arkansas Code § 22-2-112 is amended to read as follows:

22-2-112. Schedule of supervision – Type two – Designated funds.

From the funds appropriated by the General Assembly to the ~~Arkansas~~ Building Authority Division of the Department of Finance and Administration for the construction or purchase of a particular building or capital improvement which is specifically designated to be purchased, constructed, or improved for a particular state agency, the ~~authority~~ division shall carry out the powers, authorities, and responsibilities in respect to that construction or purchase as designated in § 22-2-111. The ~~authority~~ division

shall review and approve architectural and engineering design plans and construction plans to ensure compliance with minimum design and construction standards and criteria promulgated by the ~~Arkansas~~ Director of the Department of Finance and Administration with the advice of the Building Authority Council pursuant to this chapter. The ~~authority~~ division shall negotiate all contracts for architectural and engineering and construction services and revisions and modifications to those contracts.

SECTION 31. Arkansas Code § 22-2-113 is amended to read as follows:

22-2-113. Schedule of supervision – Type three – All other cases.

(a) In all other cases, within or without Pulaski County, Arkansas, when the construction of public buildings or capital improvements is undertaken or is presently being undertaken or is authorized but not presently under contract by or for a state agency, then the ~~Arkansas~~ Building Authority Division of the Department of Finance and Administration shall serve in a technical advisory capacity to advise an agency in relation to that agency's capital improvement and to perform review and approval duties, specifically including, but not limited to, the provision and performance of the following services and duties:

(1) Consult with the agency as to the need for and the type, cost, and design of the capital improvement;

(2) Assist the agency in reviewing architectural proposals and advising the agency in the selection of persons to perform architectural and engineering services, but the agency shall have the responsibility of selecting those persons. However, nothing in this subdivision (a)(2) shall affect the power and responsibility of the ~~authority~~ division to review and approve architectural and engineering design plans and to negotiate contracts for architects' and engineers' services as otherwise provided in this section;

(3) Review and approve architectural and engineering plans and designs to ensure compliance with minimum design and construction standards and criteria promulgated by the ~~Arkansas~~ Director of the Department of Finance and Administration with the advice of the Building Authority Council pursuant to this chapter;

(4) As agent for the state agency, negotiate and approve any contractual terms, relationships, or responsibilities for architectural and

engineering services;

(5) Assist the state agency in receipt of bids for construction contracts necessary for the capital improvement if bids are required by law;

(6) Advise and assist the agency in the selection of persons to perform construction services, but the agency shall have the responsibility of selecting the persons to perform the services. However, nothing in this subdivision (a)(6) shall affect the powers and responsibilities of the ~~authority~~ division consistent with subdivisions (a)(7) and (8) of this section;

(7) Review and approve construction plans so as to ensure compliance with minimum construction standards and criteria promulgated by the director with the advice of the council as provided in this chapter;

(8) As agent for the agency, negotiate and approve all construction contracts and revisions and modifications thereto necessary for the capital improvement;

(9) Assist and advise the state agency as to the operation, management, and maintenance of the capital improvement. However, the operation, management, and maintenance shall be in accordance with minimum standards as promulgated by the director with the advice of the council; and

(10) Otherwise take such action as may be necessary to carry out the policies, standards, criteria, and other rules and regulations as may be adopted or promulgated by the director with the advice of the council to implement the provisions of this chapter.

(b)(1) The boards of trustees of the University of Arkansas, Arkansas State University, University of Central Arkansas, Henderson State University, Arkansas Tech University, and Southern Arkansas University, respectively, are exempt from review, consultation, assistance, advice, and approval by the ~~authority~~ division for those items listed in subsection (a) of this section. Upon approval of the Department of Higher Education, the governing boards of all other public institutions of higher education shall be exempt from review and approval by the ~~authority~~ division for those items listed in subsection (a) of this section. Provided that prior to granting such approval, the ~~department~~ Department of Higher Education shall have reviewed and approved policies and procedures adopted by the governing board with respect to bidding and construction of capital improvement projects. Nothing in this subdivision (b)(1) shall prevent any of the foregoing institutions exempt

from review and approval of the ~~authority~~ division from entering into an agreement with the ~~authority~~ division to provide reviews and approval of all items listed in subsection (a) of this section.

(2) However, any of the foregoing boards, which are exempt as set forth in subdivision (b)(1) of this section and which do not enter into an agreement with the ~~authority~~ division, shall adopt policies and procedures involving the bidding and awarding of capital improvement contracts and shall furnish such policies and procedures to the ~~department~~ Department of Higher Education for its review and advice. It is the intention of this section that any and all adopted policies and procedures pertaining to the bidding and awarding of capital improvement contracts from public funds as stated herein shall provide a uniformity among the foregoing institutions with respect to the policies and procedures to be followed.

SECTION 32. Arkansas Code § 22-2-114, as amended by Acts 2015, No. 879 is amended to read as follows:

22-2-114. Leasing responsibilities.

(a) It is the intent of the General Assembly that state agencies be housed, whenever possible, in public buildings as soon as space and facilities in public buildings are available and that the acquisition and granting of leasehold interests in land be regulated and supervised by the ~~Arkansas~~ Building Authority Division of the Department of Finance and Administration. The ~~authority~~ division and all other state agencies are authorized and directed to implement that intent as follows:

(1)(A) The ~~authority~~ division is given the authority and responsibility to act as the leasing agent for all state agencies and component parts thereof, acting either as lessor or lessee, and to act as the agent for leasing space in all public buildings located in the State of Arkansas.

(B) In addition, the ~~authority~~ division is given the authority and responsibility to act as the leasing agent for any nonagency state entity if requested in writing by a nonagency state entity to act in that manner and if the responsibility for the services is accepted in writing by the ~~authority~~ division.

(C)(i) After July 1, 1975, no state agency shall enter into or renew or otherwise negotiate a lease between itself as lessor or lessee

and a nongovernmental or other government lessor or lessee.

(ii) The authority division shall determine the needs of the state agency, locate appropriate rental space, and act as the agent for the state agency in negotiating the lease for the rental space;

(2) All state agencies and component parts thereof, when requested by the authority division, shall execute and enter into leases with the authority division for the leasing or renting of space and facilities in any public buildings. The leases may be upon such conditions, for such terms, for such rentals, and may contain such other provisions ~~as may be determined by that the Arkansas Building Authority Council Department of Finance and Administration~~ and the state agency involved determine to be appropriate and in the best interests of all concerned;

(3) Any state agency or component part thereof needing new or additional space shall notify the authority division, and the authority division shall prepare a lease for the space based upon the standards and criteria as adopted by the ~~council~~ Director of the Department of Finance and Administration with the advice of the Building Authority Council. If space is available in a public building, the lease will be negotiated for placement in the public building;

(4) If the ~~Leasing Section of the authority~~ Real Estate Services Section of the division determines that adequate space is not available in public buildings, it shall act as provided in subdivision (a)(1) of this section to obtain adequate space from a privately owned facility;

(5)(A)(i) The director with the advice of the council shall adopt standards and criteria for the leasing and utilization of space and the allocation of space to state agencies.

(ii) These standards and criteria shall be used as a basis for all planning, leasing of space, allocation of space to state agencies, or advising state agencies on leasing considerations.

(iii) These standards and criteria shall include, but not be limited to, equipment, work stations, private offices, conference rooms, reception areas, general equipment, vaults, and the necessary space to ensure adequate and effective circulation within and access to all state agencies, including parking and traffic patterns.

(B) In cities and towns having a population of less than twenty-five thousand (25,000) according to the last federal decennial census,

for those state agencies providing direct public access services, preference shall be granted to lease space located in existing buildings in the central business district, as defined by the locality's planning commission, or, in the absence thereof, by the municipality's governing body, except in cases where location within the central business district would impair or restrict the intent of the services being provided to the public or the state's proximity to other state or nongovernmental services or where rental rates justify other locations;

(6) Leases as to office space, buildings, structures, parking lots, and grounds from private individuals, firms, and corporations by state agencies and component parts thereof shall be on a standard lease form approved by the director with the advice of the council. The standard lease form shall contain all terms and conditions deemed necessary based on the type and purpose of the leased property. The director with the advice of the council also shall adopt a standard lease form to be used by state agencies when subleasing from the authority division. Both standard lease forms shall be approved as to the legality of form and content by the Attorney General before becoming a requirement; and

(7) The authority division shall obtain and maintain files of all leases in existence from and after July 1, 1975, to which a state agency or component part thereof is a party.

(b) All leases referred to in this section and all covenants and agreements contained therein shall be binding in all respects upon the parties thereto and their successors, and all the provisions thereof shall be enforceable by mandamus and other remedies provided by law.

(c) This section shall not apply to the State Highway Commission, the Arkansas State Highway and Transportation Department, or the Arkansas State Game and Fish Commission.

(d) If acting as the leasing agency for a state agency as a lessee in a private building, the authority division shall consult the Building and Sites Database maintained by the Arkansas Economic Development Commission to determine if there is a property available for lease that meets the practical and financial needs and specifications of the state agency.

SECTION 33. Arkansas Code § 22-2-115(a) and (b), concerning lease-purchase agreements, are amended to read as follows:

(a) For the express purpose of providing adequate office facilities, the ~~Arkansas Building Authority Council~~ Director of the Department of Finance and Administration, acting as the primary lessor, ~~is authorized to~~ and with the advice of the Building Authority Council, may enter into lease-purchase agreements to obtain facilities for state agencies. Each lease-purchase agreement shall contain a provision whereby the agreement shall be cancelled at the close of each fiscal biennium, if necessary, if funds for the payment of the rent under the lease-purchase agreement will not be available.

(b)(1) The ~~council~~ director shall make the final determination, regarding the location or construction of facilities with the ~~advice~~:

(A) Advice of the council; and

(B) Advice and consent of the appropriate state agency, ~~regarding the location or construction of facilities~~.

(2) All agreements and other matters concerning the buying, trading, selling, renting, renovating, or acquiring of any real or personal property as authorized by this section shall be matters of public record and available for public inspection.

SECTION 34. Arkansas Code § 22-2-116 is amended to read as follows:
22-2-116. Maintenance responsibilities generally.

(a) The ~~Arkansas~~ Building Authority Division of the Department of Finance and Administration shall provide for the management, maintenance, and operation of public buildings as may be required by the provisions and implementation of this chapter, or as may otherwise be required by law.

(b) The ~~authority~~ division may enter into agreements with agencies to provide for the management, maintenance, and operation of those public buildings which are not owned by the ~~authority~~ division.

SECTION 35. Arkansas Code § 22-2-117(a) and (b), concerning maintenance responsibilities in the Capitol Zoning District, are amended to read as follows:

(a) As to all presently existing public buildings and capital improvements within the Capitol Zoning District, as zoned by § 22-3-302(a), any person or entity responsible for the custody, management, maintenance, repair, operation, or landscaping of such public buildings and capital improvements and their grounds shall be accountable to the ~~Arkansas~~ Building

Authority Division of the Department of Finance and Administration as follows:

(1) The ~~authority~~ division shall approve all plans and expenditures for alterations, repairs, maintenance, operation, management, landscaping, and provisions of utilities of and for the buildings, improvements, and grounds;

(2) The ~~authority~~ division shall establish and enforce minimum standards and criteria for the maintenance, management, and operation of the buildings, improvements, and grounds, including the establishment of maintenance schedules; and

(3) The ~~authority~~ division shall approve the purchase or rental of equipment and supplies for use in the management, maintenance, operation, repair, and landscaping of the buildings, improvements, and grounds.

(b) The Secretary of State shall remain as custodian of the State Capitol Building and the grounds immediately surrounding the State Capitol Building upon which the State Capitol Building is located. The Secretary of State, except as may otherwise be provided by law, shall have full responsibility for the maintenance, management, and operation of the building and its grounds, including the grounds commonly known as the "Mall Area" to the west of the State Capitol Building and the Capitol Hill Building and adjacent parking areas thereto. The Secretary of State shall not be accountable to the ~~authority~~ division for such maintenance, management, and operation.

SECTION 36. Arkansas Code § 22-2-118 is amended to read as follows:

22-2-118. Plans, specifications, and estimates of costs.

The ~~Arkansas~~ Building Authority Division of the Department of Finance and Administration is authorized to employ, except as limited by § 22-2-108(9), such persons as may be necessary to prepare plans, specifications, and estimates of costs for capital improvements which, under the provisions of this chapter, are the responsibility of the ~~authority~~ division.

SECTION 37. Arkansas Code § 22-2-120 is amended to read as follows:

22-2-120. Exemption from statutes concerning Capitol Zoning District.

(a) The construction, acquisition, management, maintenance, or operation of capital improvements and public buildings by the ~~Arkansas~~

Building Authority Division of the Department of Finance and Administration under this chapter is declared to be exempt from the operation and implementation of the provisions of §§ 22-3-301 – 22-3-311.

(b) The ~~Arkansas~~ Director of the Department of Finance and Administration with the advice of the Building Authority Council shall endeavor to cooperate with the Capitol Zoning District Commission so as to establish coordinated physical development in the State Capitol area and to promote the uniform and appropriate regulation and development of the State Capitol area.

SECTION 38. Arkansas Code § 22-2-121 is amended to read as follows:
22-2-121. Real estate compilation.

(a) The ~~Arkansas~~ Building Authority Division of the Department of Finance and Administration shall:

(1) Perform a compilation of all real property owned by state agencies, including boards, commissions, and institutions of higher education, the Arkansas State Game and Fish Commission, the Arkansas State Highway and Transportation Department, and the State Highway Commission;

(2) Create a database that shall include a description of each piece of real property owned; and

(3) Maintain the database with current information.

(b) The initial compilation of all real property shall be completed by January 1, 2002.

(c) All state agencies identified in subdivision (a)(1) of this section shall provide the necessary information to the ~~authority~~ division.

(d) The ~~authority~~ division, in accordance with the Arkansas Administrative Procedure Act, § 25-15-201 et seq., may adopt rules ~~and regulations~~ necessary to administer the provisions of this section.

SECTION 39. Arkansas Code § 22-3-405(b) and (c), concerning the Capitol Parking Control Committee, are amended to read as follows:

(b) The committee shall be composed of three (3) members, as follows:

(1) The Secretary of State or a designee;

(2) The Director of the ~~Arkansas Building Authority~~ Department of Finance and Administration or a his or her designee; and

(3) A state employee designated by the Secretary of State who is

employed on the State Capitol grounds in a position of administrator or higher by an agency or office other than that of the Secretary of State or of the ~~authority~~ Building Authority Division of the Department of Finance and Administration.

(c) The Secretary of State shall be the chair of the committee, and the Director of the ~~Arkansas Building Authority~~ Department of Finance and Administration or his or her designee shall serve as secretary.

SECTION 40. Arkansas Code § 22-3-406 is amended to read as follows:

22-3-406. Capitol Parking Control Committee – Powers and duties.

Upon the passage of this subchapter, the Capitol Parking Control Committee shall proceed to study the traffic conditions on the drives of the State Capitol grounds and shall make a study of the existing and anticipated needs for parking space on the State Capitol grounds and other parking lots and drives leased by or in the custody of the Secretary of State or the ~~Arkansas Building Authority~~ Division of the Department of Finance and Administration. Upon completion of the study, the committee shall establish rules and regulations and shall amend or change them from time to time as deemed necessary in the following manner:

(1) Establish maximum speed limits for motor vehicles traveling upon the regulated streets and drives;

(2) Direct the flow of traffic on the regulated streets and drives;

(3) Prohibit the parking, during normal business hours, of motor vehicles on the regulated streets and drives;

(4) Establish or assign parking spaces that shall be available for use as designated by the various offices or persons working in the State Capitol Building or in any of the other buildings on the State Capitol grounds and regulate parking by elected officials in the spaces set aside for that purpose; and

(5) Do all other things reasonable and necessary to properly regulate and control the flow of traffic on the State Capitol grounds and to provide parking facilities for use by the public on the grounds.

SECTION 41. Arkansas Code § 22-3-905 is amended to read as follows:

22-3-905. Duties and powers of ~~Arkansas Building Authority~~ Division of the Department of Finance and Administration generally.

It shall be the function, power, and duty of the ~~Arkansas Building Authority~~ Division of the Department of Finance and Administration to:

- (1) Equip the Arkansas Justice Building and any extensions thereof;
- (2) Have exclusive jurisdiction over the operation of the building, including, without limiting the generality of this grant, the execution of lease agreements covering the leasing of space in the building in such form, for such terms, with such provisions, for such amounts, and with such parties, including, but not limited to, state agencies, as the ~~authority~~ division shall determine;
- (3) Purchase, lease, or rent any corporeal or personal property;
- (4) Receive bequests or donations of any real, corporeal, or personal property;
- (5) Sell, barter, lease, or rent any real, corporeal, or personal property, or convert into money any property which cannot be used in the form received;
- (6) Establish accounts in one (1) or more banks, and thereafter, from time to time, make deposits in and withdrawals from those accounts;
- (7) Contract and be contracted with; and
- (8) Take such other action, not inconsistent with law, as it may deem necessary or desirable to carry out the intent and purposes of this subchapter.

SECTION 42. Arkansas Code § 22-3-906 is amended to read as follows:

22-3-906. Director of ~~Arkansas Building Authority~~ the Department of Finance and Administration.

(a) The Director of the ~~Arkansas Building Authority~~ Department of Finance and Administration shall be the custodian of all property held in the name of the ~~authority~~ Building Authority Division of the Department of Finance and Administration, shall be its disbursing agent and executive officer, and shall administer the provisions of this subchapter and the rules, regulations, and orders established thereunder.

(b) ~~The authority may, by resolution duly adopted, delegate to the director any of the powers or duties vested in or imposed upon it by this subchapter. Until the resolution shall subsequently have been modified or rescinded, the delegated powers and duties may be exercised by the director~~

~~in the name of the authority.~~

~~(e) The director, subject to the approval of the authority,~~ shall employ such assistants and other personnel as are, in his or her opinion, necessary to properly administer the provisions of this subchapter.

~~(d)(1)(c)(1)~~ The director shall furnish bond to the state, with a corporate surety thereon, in the penal sum of twenty-five thousand dollars (\$25,000), conditioned that he or she will faithfully perform his or her duties and properly account for all funds received and disbursed by him or her.

(2) An additional disbursing agent's bond shall not be required of the director, and the bond so furnished shall be filed in the office of the Secretary of State, and an executed counterpart thereof shall be filed with the Auditor of State.

(3) The premium on the bond shall be a proper charge against the funds under the control of the ~~authority~~ director.

SECTION 43. Arkansas Code § 22-3-907 is amended to read as follows:

22-3-907. Financing authority of ~~Arkansas~~ Building Authority Division of the Department of Finance and Administration.

The ~~Arkansas~~ Building Authority Division of the Department of Finance and Administration is authorized and empowered to enter into the necessary contracts for the borrowing of all funds that it determines will be required in connection with the financing of the Arkansas Justice Building or the construction of extensions, additions, or improvements thereto. The cost of construction may include architectural, engineering, legal, and other similar expenses.

SECTION 44. Arkansas Code § 22-3-916 is amended to read as follows:

22-3-916. Audit of accounts – Reports.

The agency of the state authorized by law to audit the records and accounts of the various state agencies is authorized and directed to audit the records and accounts of the ~~Arkansas~~ Building Authority Division of the Department of Finance and Administration and to furnish a copy of the report thereof to the ~~authority~~ division and to the trustee for the bondholders.

SECTION 45. Arkansas Code § 22-3-917(a), concerning employment of an

architect by the Arkansas Building Authority, is amended to read as follows:

22-3-917. Employment of architect – Fees.

(a)(1) The ~~Arkansas~~ Building Authority Division of the Department of Finance and Administration may employ an architect to prepare plans, specifications, and estimates of cost for the construction of the Arkansas Justice Building and to supervise and inspect the construction.

(2) The ~~authority~~ division and the architect shall consult with the members of the Supreme Court concerning the plans and specifications for the construction.

SECTION 46. Arkansas Code § 22-3-918 is amended to read as follows:

22-3-918. Notice for bids for construction – Bonds – Execution of contracts.

(a)(1) After the ~~Arkansas~~ Building Authority Division of the Department of Finance and Administration has approved the plans and specifications prepared by the architect, it shall proceed to advertise for bids for the construction of the Arkansas Justice Building.

(2) The notice shall be published one (1) time each week for not less than three (3) consecutive weeks in one (1) or more newspapers of general circulation published in the City of Little Rock, and in such other newspapers and trade or construction journals as may, in the opinion of the ~~authority~~ division, be desirable.

(3) The notice shall provide for the receipt of sealed bids, shall set forth the time and place at which the bids will be received, shall give the name and address of the architect from whom copies of plans, specifications, and drafts of the proposed contract to be entered into with the successful bidder may be obtained, and shall contain any other information and requirements as, in the opinion of the ~~authority~~ division, may be necessary or desirable.

(b)(1) On the date and time fixed in the notice, the ~~authority~~ division shall open, tabulate, and compare the bids and shall award the contract to the lowest responsible bidder.

(2) The ~~authority~~ division shall have the right to reject any or all bids.

(c) The successful bidder shall be required to furnish bonds to the State of Arkansas for the use and benefit of the ~~authority~~ division, with a

corporate guaranty of indemnity sureties thereon. Bond shall be both for the completion of the construction free of all liens and encumbrances in an amount fixed by the ~~authority~~ division and for the protection of the ~~authority~~ division and its members against all liability for injury to person or damage to or loss of property arising or claimed to have arisen in the course of the construction, within limits fixed by the ~~commission~~ division.

(d) The ~~chairman and secretary, acting on behalf of the authority,~~ Director of the Department of Finance and Administration shall execute all contracts awarded by the ~~authority~~ division.

SECTION 47. Arkansas Code § 22-3-923 is amended to read as follows:
22-3-923. Allocation of space.

(a)(1) It is found and determined by the General Assembly that:

(A) The Arkansas Justice Building was constructed primarily to house the higher appellate courts and that other agencies were permitted to occupy portions of the building only because the space was not needed by the courts at that time;

(B) Since construction of the building, the electors of the state authorized the establishment of a new appellate court, the Court of Appeals;

(C) The Court of Appeals is in urgent need of additional space in the Arkansas Justice Building in order to perform its responsibilities; and

(D) It is essential that the additional space to be provided the Court of Appeals is contiguous to the space now assigned to that court.

(2) Furthermore, it is the purpose and intent of this section to establish specific priorities for use of space in the Arkansas Justice Building and to specifically authorize the ~~Arkansas~~ Building Authority Division of the Department of Finance and Administration to allocate space in the Arkansas Justice Building in accordance with those priorities to assure that the appellate courts and the services and facilities essential to the effective and efficient operation of the courts, such as library facilities, are given first priority in the use of space in the building.

(b)(1) Space in the Arkansas Justice Building shall be allocated by the ~~authority~~ division, after seeking the advice of the Joint Interim Committee

on Legislative Facilities, to the following courts, library, and offices in the order of priority listed:

- (A) The Supreme Court;
- (B) The Court of Appeals;
- (C) The Clerk of the Supreme Court;
- (D) The Supreme Court Library; and
- (E) The Administrative Office of the Courts.

(2) The space requirements of each court, library, or office listed in this subsection must be adequately met before any space is allocated to any other office or agency.

(c) If the space requirements of the courts, library, and offices listed in subsection (b) of this section are adequately met, the ~~authority~~ division, after seeking the advice of the Joint Interim Committee on Legislative Facilities, may allocate any additional space to any other offices or agencies it deems appropriate.

(d) The ~~authority~~ division shall allocate space in accordance with the priorities prescribed in this section as soon as practicable after April 3, 1985, in order that the additional space allocated to the courts, library, and offices enumerated in this section shall be available on or before July 1, 1985.

(e)(1) The provisions of §§ 22-3-901 – 22-3-918 and the covenants and obligations of the ~~authority~~ division entered into in connection with the issuance of bonds under §§ 22-3-901 – 22-3-918 are ratified and confirmed.

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

SECTION 48. Arkansas Code § 22-3-1404 is 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, ~~Arkansas the~~ Building Authority is hereby authorized and empowered to Division of the Department of Finance and Administration may:

- (1) Acquire, construct, and equip buildings or by purchase,

exchange, barter, gift, long-term lease, or other means, buildings and facilities to house 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 exercised in the manner provided in § 22-2-109;

(3) Provide for the housing of state agencies in the buildings and facilities so acquired or constructed to the extent that space and facilities are available for such purpose, under such terms and conditions, and for such rentals and charges, as ~~Arkansas Building Authority may determine~~ the division determines;

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

(5) 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 or other property;

(6) Contract and be contracted with;

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

(8) 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 in this section in accordance with the ~~duly promulgated~~ promulgated by the Director of the Department of Finance and Administration with the advice of the ~~Arkansas~~ Building Authority Council.

SECTION 49. Arkansas Code § 22-3-1405 is amended to read as follows:
22-3-1405. Duties.

In addition to the purposes, powers, and authority set forth elsewhere in this subchapter or in other laws, in connection with the construction and equipping of buildings and facilities in Little Rock, Arkansas, to house state agencies, the ~~Arkansas Building Authority is hereby authorized to~~ Division of the Department of Finance and Administration may:

(1) Obtain the necessary funds for accomplishing the purposes set

forth in this subchapter from any source or sources, including, without limitation, the proceeds of revenue bonds or lease financings as authorized herein, and other funds as may be appropriated or may be available therefor; ~~and~~

(2) Contract and be contracted with; ~~and~~

(3) Invest and reinvest any of the proceeds of such revenue bonds as provided in such authorizing resolution or trust indenture, hereinafter authorized; and

(4) Take such other actions not inconsistent with law as may be necessary or desirable to carry out the powers, purposes, and authority set forth herein, in accordance with the ~~duly promulgated~~ policies promulgated by the Director of the Department of Finance and Administration with the advice of the Arkansas Building Authority Council as authorized by law.

SECTION 50. Arkansas Code § 22-3-1415 is amended to read as follows:
22-3-1415. Supervision and management of buildings and facilities.

(a) ~~Arkansas~~ The Building Authority is hereby authorized to Division of the Department of Finance and Administration may supervise and manage buildings and other facilities constructed pursuant to the authority granted in this subchapter and to manage, maintain, and repair those buildings and facilities 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:

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

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

(3) 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 subchapter, and, in

connection therewith, ~~Arkansas Building Authority~~ the division may establish one (1) or more accounts in one (1) or more banks authorized to do business in this state to accomplish those purposes.

(b) ~~Arkansas Building Authority is hereby authorized to~~ The division ~~may~~ hire legal counsel of its choice to assist in the administration of this subchapter.

SECTION 51. Arkansas Code § 22-3-1505 is amended to read as follows:
22-3-1505. Funding.

(a)(1) The ~~Arkansas Building Authority~~ Division of the Department of Finance and Administration 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, including, without limitation, contracting with the Arkansas Development Finance Authority to provide for the issuance of bonds by the Arkansas Development Finance Authority in accordance with the State Agencies Facilities Acquisition Act of 1991, § 22-3-1401 et seq.

(A) For the purpose of securing bonds issued pursuant to the State Agencies Facilities Acquisition Act of 1991, § 22-3-1401 et seq., the ~~Arkansas Building Authority~~ division is authorized hereby to grant to the Arkansas Development Finance Authority, on behalf of the State of Arkansas, one (1) or more leasehold interests, each of which shall be for a term not to exceed fifty (50) years from the date of the grant, in a part of the State Capitol grounds as shall be determined by the ~~Arkansas Building Authority~~ division to be a suitable site for the location of parking facilities.

(B) Any leasehold interest granted to the Arkansas Development Finance Authority may be assigned or mortgaged from time to time by the Arkansas Development Finance Authority to secure bonds of the Arkansas Development Finance Authority for the construction, extension, renovation, or repair of parking facilities, but any assignment or mortgage shall include in each case a provision that the assignment or mortgage shall terminate upon full and final payment of the particular bonds secured thereby and the discharge of the obligations of the Arkansas Development Finance Authority or of the ~~Arkansas Building Authority~~ division related to the bonds secured thereby.

(C) Any leasehold interest granted also may include any

easements over, above, or below the State Capitol grounds for vehicular or utility access to and from the parking facilities as the ~~Arkansas Building Authority~~ division shall determine to be necessary.

(3) In the event of a default on any bonds, the assignee of the leasehold interest securing the bonds may occupy and control the parking facilities related thereto for the term of the leasehold interest and may impose fees, charges, licenses, or rents as it may determine without obtaining the approval of any agency or instrumentality of the State of Arkansas.

(b) All fees, charges, licenses, rents, or other income of any nature derived from the operation of the parking facilities, or provided for that purpose to the ~~Arkansas Building Authority~~ division from whatever source, are hereby specifically declared to be cash funds restricted in their use and are dedicated and shall be used solely as provided and authorized in this subchapter.

(c)(1) Commencing on the first of the month following the first issuance of the bonds of the Arkansas Development Finance Authority pursuant to the State Agencies Facilities Acquisition Act of 1991, § 22-3-1401 et seq., and for so long as any of the bonds are outstanding for the purposes authorized by this subchapter, the revenues shall not be deposited into the State Treasury and shall not be subject to legislative appropriation but, as and when received by the ~~Arkansas Building Authority~~ division, the Arkansas Development Finance Authority or a trustee or agent acting on behalf of either the ~~Arkansas Building Authority~~ division or the Arkansas Development Finance Authority, as the case may be, shall be deposited in a bank or banks selected by the ~~Arkansas Building Authority~~ the division to the credit of a fund designated as the "~~Arkansas Building Authority~~ Division Parking Facilities Revenue Bond Fund", with appropriate accounts therein for separate bond issues or series, where applicable.

(2) Notwithstanding any other provision of law, moneys in the fund may be pledged from time to time to secure the payment of bonds of the Arkansas Development Finance Authority issued to finance the parking facilities and may be deposited and invested by or on behalf of ~~Arkansas Building Authority~~ division in the manner as may be directed or required by a bond resolution or trust indenture related to any bond financing of the Arkansas Development Finance Authority.

SECTION 52. Arkansas Code § 22-3-1901 is amended to read as follows:
22-3-1901. Sustainable Building Design Program for State Agencies.

There is created the Sustainable Building Design Program for State Agencies to be administered by the ~~Arkansas~~ Building Authority Division of the Department of Finance and Administration.

SECTION 53. Arkansas Code § 22-3-1902 is amended to read as follows:
22-3-1902. Rules.

(a) The ~~Arkansas Building Authority~~ Director of the Department of Finance and Administration with the advice of the Building Authority Council shall promulgate rules for the implementation of the Sustainable Building Design Program for State Agencies.

(b) The rules shall include without limitation:

- (1) Application forms;
- (2) Origination fees, if any;
- (3) Eligibility requirements;
- (4) Review standards; and
- (5) Loan requirements.

SECTION 54. Arkansas Code § 22-3-1903 is amended to read as follows:
22-3-1903. Loans.

(a) Under the Sustainable Building Design Program for State Agencies, the ~~Arkansas~~ Building Authority Division of the Department of Finance and Administration may authorize money to be loaned from the Sustainable Building Design Revolving Loan Fund to a state agency, board, or commission.

(b) A loan made under subsection (a) of this section shall be:

- (1) For a renovation of state-owned property; and
- (2) In an amount that exceeds two hundred fifty thousand dollars (\$250,000).

(c)(1) The ~~authority~~ division shall credit an origination fee to the ~~Arkansas~~ Building Authority Division Maintenance Fund for expenses associated with the administration of the program.

(2) The term for repayment of the loan may not exceed ten (10) years.

SECTION 55. Arkansas Code § 22-9-204(c)(2), concerning subcontractors exceeding fifty thousand dollars (\$50,000), as amended by Acts 2015, No. 1048, is amended to read as follows:

(2) In the event that one (1) or more of the subcontractors named by the prime contractor in his or her successful bid thereafter refuses to perform his or her contract or offered contract, the prime contractor may substitute another subcontractor licensed by the board after having obtained prior approval from the architect or engineer and the owner. Additional approval must be obtained from the ~~Arkansas~~ Building Authority Division of the Department of Finance and Administration for capital improvement projects under its jurisdiction.

SECTION 56. Arkansas Code § 22-9-208(a)(3), concerning renovation of historic sites, is amended to read as follows:

(3) The procedures provided in subdivision (a)(2) of this section should be applicable for specific projects only after review and approval by the Chief Fiscal Officer of the State, the ~~Arkansas~~ Building Authority Council, and the Legislative Council. Provided, however, projects undertaken by public institutions of higher education exempt from review and approval of ~~Arkansas~~ Building Authority Division of the Department of Finance and Administration shall not require review and approval by the ~~Arkansas~~ Director of the Department of Finance and Administration or the Building Authority Council.

SECTION 57. Arkansas Code § 22-9-213 is amended to read as follows:
22-9-213. Exemption of state projects from local regulation.

Public works construction projects conducted by ~~Arkansas~~ the Building Authority Division of the Department of Finance and Administration or other state agencies are exempt from permit fees or inspection requirements of county or municipal ordinances.

SECTION 58. Arkansas Code § 23-46-202(b), concerning offices of the State Bank Department, is amended to read as follows:

(b) The ~~department~~ State Bank Department is authorized and empowered to obtain the necessary funds to accomplish the purposes stated in subsection (a) of this section from any source or sources necessary, including without

limitation contracting with the ~~Arkansas~~ Building Authority Division of the Department of Finance and Administration or the Arkansas Development Finance Authority to provide for the issuance of bonds under the State Agencies Facilities Acquisition Act of 1991, § 22-3-1401 et seq., or the Arkansas Development Finance Authority Act, § 15-5-101 et seq., § 15-5-201 et seq., and § 15-5-301 et seq.

SECTION 59. Arkansas Code § 25-1-302(a)(20), concerning the prohibition of members of the General Assembly from holding office on the Arkansas Building Authority Council, is amended to read as follows:

(20) ~~Arkansas~~ Building Authority Council, § 22-2-106;

SECTION 60. Arkansas Code § 25-16-903(52), concerning authorization for stipends for members of the Arkansas Building Authority Council, is amended to read as follows:

(52) ~~Arkansas~~ Building Authority Council;

SECTION 61. Arkansas Code § 25-30-205 is amended to read as follows:
25-30-205. Office facilities.

The ~~Arkansas~~ Building Authority Division of the Department of Finance and Administration shall ensure that all offices of ~~the~~ Arkansas Rehabilitation Services of the Department of Career Education are exemplary models of accessibility and conform to the Americans with Disabilities Act, 42 U.S.C. § 12101 et seq., accessibility guidelines.

SECTION 62. DO NOT CODIFY. Transfer of the Arkansas Science and Technology Authority.

(a)(1) The Arkansas Science and Technology Authority is transferred to the Arkansas Economic Development Commission by a type 2 transfer under § 25-2-105.

(2) For the purposes of this act, the commission is the principal department under Acts 1971, No. 38.

(b) The statutory authority, powers, duties, functions, records, personnel, property, unexpended balances of appropriations, allocations, and other funds, including the functions of budgeting or purchasing, of the authority are transferred to the commission, except as specified in this act.

(c) The prescribed powers, duties, and functions, including rulemaking, regulation, and licensing; promulgation of rules, rates, regulations, and standards; and the rendering of findings, orders, and adjudication of the authority are transferred to the executive director of the commission, except as specified in this act.

(d) The members of the Board of Directors of the Arkansas Science and Technology Authority, and their successors, shall continue to be selected in the manner and serve for the terms provided by the statutes applicable to the board except as specified in this act.

SECTION 63. Arkansas Code § 4-113-103(b), concerning making grants for Connect Arkansas, is amended to read as follows:

(b) The Governor, and with the consent of the Governor, the Arkansas Economic Development Commission, ~~the Arkansas Science and Technology Authority,~~ and any other state entity may make grants available for the purpose of supporting Connect Arkansas.

SECTION 64. Arkansas Code § 4-113-104(b)(5), concerning membership of the Arkansas Broadband Council, is amended to read as follows:

(5) ~~The President of the Arkansas Science and Technology Authority~~ Executive Director of the Arkansas Economic Development Commission or his or her designee who shall serve as an ex officio member of the council.

SECTION 65. Arkansas Code § 6-1-301(b)(5), concerning membership of the Arkansas Commission for Coordination of Educational Efforts, is amended to read as follows:

(5) The Executive Director of the Arkansas Economic Development Commission or his or her designee;

SECTION 66. Arkansas Code § 6-1-301(b)(7), concerning membership of the Arkansas Commission for Coordination of Educational Efforts, is repealed.

~~(7) The President of the Arkansas Science and Technology Authority;~~

SECTION 67. Arkansas Code § 6-5-1102(b), concerning membership of the

Council on Postsecondary Education and Career Readiness, is amended to read as follows:

(b) The council shall consist of ~~twelve (12)~~ eleven (11) members as follows:

- (1) The Commissioner of Education or his or her designee;
- (2) The Director of the Department of Higher Education or his or her designee;
- (3) The Director of the Department of Career Education or his or her designee;
- (4) The Executive Director of the Arkansas Economic Development Commission or his or her designee;
- ~~(5) The President of the Arkansas Science and Technology Authority or his or her designee;~~
- ~~(6)~~ The Director of the Department of Workforce Services or his or her designee;
- ~~(7)~~(6) A president or chancellor of an Arkansas four-year institution of higher education or his or her designee, appointed annually by the Director of the Department of Higher Education;
- ~~(8)~~(7) The Executive Director of the Arkansas Association of Educational Administrators or his or her designee;
- ~~(9)~~(8) The Executive Director of the Arkansas Association of Two-Year Colleges or his or her designee;
- ~~(10)~~(9) The Executive Director of the Arkansas Education Association or his or her designee;
- ~~(11)~~(10) The Executive Director of the Arkansas School Boards Association or his or her designee; and
- ~~(12)~~(11) The President of the Arkansas State Chamber of Commerce and the Associated Industries of Arkansas or his or her designee.

SECTION 68. Arkansas Code § 6-16-139(b)(1)(A), concerning the development of knowledge-based technology curriculum, is amended to read as follows:

(b)(1)(A) In order to further the intent of this section, the ~~Arkansas Division of Science and Technology Authority of the Arkansas Economic Development Commission, with the advice of the Board of Directors of the Division of Science and Technology of the Arkansas Economic Development~~

Commission, shall develop a knowledge-based technology curriculum for use in grades seven through twelve (7-12).

SECTION 69. Arkansas Code § 6-42-303(b)(3)(A)(iii), concerning the membership of the Board of Visitors for the Arkansas School for the Mathematics, Sciences, and the Arts is amended to read as follows:

(iii) ~~The President of the Arkansas Science and Technology Authority~~ Executive Director of the Arkansas Economic Development Commission or his or her designee;

SECTION 70. Arkansas Code § 6-46-501 is amended to read as follows:
6-46-501. Technical assistance.

The Department of Career Education, the Department of Higher Education, the Arkansas Economic Development Council, and the Arkansas ~~Science and Technology Authority~~ Economic Development Commission shall provide technical assistance to the Arkansas High Technology Training Center.

SECTION 71. Arkansas Code § 6-47-305(c)(6), as amended by Acts 2015, No. 1159, Section 1, concerning the membership of the Distance Learning Coordinating Council, is amended to read as follows:

(5) One (1) member who is an employee of the ~~Arkansas Division of Science and Technology Authority~~ of the Arkansas Economic Development Commission appointed by the ~~President of the Arkansas Science and Technology Authority~~ Executive Director of the Arkansas Economic Development Commission;

SECTION 72. Arkansas Code § 6-61-129(d), concerning applications to become centers for excellence, is amended to read as follows:

(d)(1) Two (2) representatives of the Department of Higher Education as designated by the Director of the Department of Higher Education, and one (1) representative ~~each~~ of the Arkansas Economic Development Commission ~~and the Arkansas Science and Technology Authority~~ shall meet as needed to review applications jointly.

(2) The Department of Higher Education, ~~and~~ and the Arkansas Economic Development Commission, ~~and the Arkansas Science and Technology Authority~~ shall jointly make a recommendation to the board regarding which institutions shall be acknowledged as centers of excellence in a particular program or

field of study based on factors, including, but not limited to:

- (A) Number, type, and demand for related jobs;
 - (B) Quality of related instructional or research programs,
- or both;
- (C) Availability of faculty;
 - (D) Student accessibility;
 - (E) Feasibility of expected program cost; and
 - (F) Research capability.

SECTION 73. Arkansas Code § 6-61-1502(b), concerning membership of the Electrical Energy Advancement Program Fund Board, is amended to read as follows:

(b) The board is composed of ~~sixteen (16)~~ fifteen (15) members as follows:

(1)(A) The executive director of the University of Arkansas, Fayetteville, National Center for Reliable Electric Power Transmission or the director's designee, who shall serve as chair of the board and represent the University of Arkansas, Fayetteville.

(B) The chair shall be a regular voting member with one (1) vote;

(2) Seven (7) of the members from the private electrical energy sector;

(3) Three (3) of the members from the United States Department of Energy national laboratories;

~~(4) The president of the Arkansas Science and Technology Authority or the president's designee;~~

~~(5)~~ One (1) member who is designated by Arkansas State University;

~~(6)~~(5) One (1) member who is designated by the University of Arkansas, Little Rock;

~~(7)~~(6) The executive director of the Arkansas Economic Development Commission or the executive director's designee; and

~~(8)~~(7) One (1) member who is designated by the Arkansas Public Service Commission.

SECTION 74. Arkansas Code § 10-3-1707(c), concerning agencies

assisting the Joint Committee on Advanced Communications and Information Technology, is amended to read as follows:

(c) All other appropriate state agencies, including, but not limited to, the Department of Information Systems, the ~~Arkansas Science and Technology Authority~~ Economic Development Commission, and public colleges and universities in the State of Arkansas, shall be available to assist the committee on advanced communications and information technology matters as may be requested by the Joint Committee on Advanced Communications and Information Technology.

SECTION 75. Arkansas Code § 10-3-2504(a)(3), concerning the membership of the Arkansas Cyberinfrastructure Task Force, is amended to read as follows:

(3) ~~The President of the Arkansas Science and Technology Authority~~ Executive Director of the Arkansas Economic Development Commission or his or her designee;

SECTION 76. Arkansas Code Title 15, Chapter 3, Subchapter 1 is amended to read as follows:

Subchapter 1 – ~~Arkansas~~ Division of Science and Technology Authority of the Arkansas Economic Development Commission

15-3-101. Definitions.

As used in this chapter:

(1) “Applied research” means any activity which seeks to utilize, synthesize, or apply existing knowledge, information, or resources to the resolution of a specified problem, question, or issue;

~~(2) “Authority” means the Arkansas Science and Technology Authority established by this chapter;~~

~~(3)~~ (2) “Basic research” means any original investigation for the advancement of scientific or technological knowledge;

~~(4) “Board” means the Board of Directors of the Arkansas Science and Technology Authority;~~

~~(5)~~ (3) “Construct” means to acquire or build, in whole or in part, in such manner and by such method, including contracting therefor, and if the latter, by negotiation or bidding upon such terms and pursuant to such

advertising as the ~~authority~~ commission shall determine to be in the public interest and necessary, under the circumstances existing at the time, to accomplish the purposes of and authorities set forth in this chapter;

~~(6) "Endowment fund" means the Arkansas Science and Technology Authority Endowment Fund created by § 15-3-118;~~

~~(7)~~ (4) "Enterprise" means a business with its principal place of business in Arkansas and which is or proposes to be engaged in this state in manufacturing, research, and development, or the provision of services involving a significant amount of technology;

~~(8)~~ (5) "Equip" means to install or place on or in any building or structure equipment of any and every kind, whether or not affixed, including, without limiting the generality of the foregoing, building service equipment, fixtures, heating equipment, air conditioning equipment, machinery, laboratories, scientific equipment, furniture, furnishings, and personal property of every kind;

~~(9)~~ (6) "Facilities" means any real property, personal property, or mixed property of any and every kind that can be used or that will be useful in securing or developing industry, including science and high-technology, including, without limiting the generality of the foregoing, rights-of-way, roads, streets, pipes, pipelines, reservoirs, utilities, materials, equipment, fixtures, machinery, furniture, furnishings, instrumentalities, and other real, personal, or mixed property of every kind;

~~(10)~~ (7) "Industry" shall include, but not be limited to, manufacturing facilities, warehouses, distribution facilities, repair and maintenance facilities, agricultural facilities, and corporate management offices for industry;

~~(11)~~ (8) "Initial capitalization" means financing that is provided for the development, refinement, and commercialization of a product or process and other working capital needs;

~~(12)~~ (9) "Investment fund" means the fund created by § 15-3-120;

~~(13)~~ (10) "Lease" means to lease for such rentals, for such period or periods, and upon such terms and conditions as the ~~authority~~ commission shall determine, including, without limiting the generality of the foregoing, the granting of such renewal or extension options for such rentals, for such period or periods, and upon such terms and conditions as the ~~authority~~ commission shall determine, and the granting of such purchase

options for such prices and upon such terms and conditions as the ~~authority~~ commission shall determine;

~~(14)~~ (11) "Qualified security" means any note, stock, treasury stock bond, debenture, evidence of indebtedness, certificate of interest or participation in any profit-sharing agreement, preorganization certificate or subscription, transferable share, investment contract, certificate of deposit for a security, certificate of interest or participation in a patent or application therefor, or in royalty or other payments under such a patent or application or, in general, any interest or instrument commonly known as a "security" or any certificate for, receipt for, guarantee of, or option, warrant, or right to subscribe to or purchase any of the foregoing, provided that in the valuation of "qualified security", no value shall be placed on in-kind services;

~~(15)~~ (12) "Scientific and technological project" means a project undertaken in Arkansas by an enterprise, which project the ~~board~~ Board of Directors of the Division of Science and Technology of the Arkansas Economic Development Commission shall have determined promotes the purposes of this chapter and otherwise benefits the state and its citizens; and

~~(16)~~ (13) "Sell" means to sell for such price, in such manner, and upon such terms as the ~~authority~~ commission shall determine, including, without limiting the generality of the foregoing, private or public sale, and if public, pursuant to such advertisement as the ~~authority~~ commission shall determine, sell for cash or credit payable in lump sum or installments over such period as the ~~authority~~ commission shall determine, and if on credit, with or without interest and at such rate or rates as the ~~authority~~ commission shall determine; ~~and~~

~~(17) "State" means the State of Arkansas.~~

15-3-102. Construction.

(a) This chapter shall be liberally construed to accomplish the intent and purpose thereof and shall be the sole authority required for the accomplishment of such purposes.

(b) To this end, it shall not be necessary for the ~~Arkansas~~ Division of Science and Technology Authority of the Arkansas Economic Development Commission to comply with general provisions of other laws dealing with public facilities and equipment, their acquisition, construction, leasing,

encumbering, or disposition.

15-3-103. Establishment of the authority.

There is established for the State of Arkansas the ~~Arkansas~~ Division of Science and Technology Authority of the Arkansas Economic Development Commission, hereinafter referred to as the "authority", which shall have the powers, functions, and duties, as provided in this chapter, to be the instrumentality of this state to exert leadership in and to give direction to a broad spectrum of programs and services designed to gain for this state and its people the benefits and opportunities to be realized through advanced science and technology.

15-3-104. Members.

(a) The Executive Director of the Arkansas Science and Technology Authority Economic Development Commission shall be ~~governed~~ advised by fourteen (14) directors, who together shall serve as the Board of Directors of the ~~Arkansas~~ Division of Science and Technology Authority of the Arkansas Economic Development Commission.

(b) Directors shall be legal residents of the State of Arkansas.

(c) The board shall consist of the Director of the Department of Higher Education or the director's designee, and thirteen (13) directors who shall be appointed by the Governor, subject to confirmation by the Senate, as follows:

(1) Three (3) directors shall be engineers or scientists recognized for their scientific or technological research efforts;

(2) Two (2) directors shall be appointed as representatives of academic institutions who have an extended extensive involvement in science and technology research;

(3) Five (5) directors shall be representatives of the private sector of the state, who shall be persons with knowledge or experience in the fields of agriculture, forestry, finance, economic development, or science and technology; and

(4) Three (3) directors shall be appointed as representatives of the private sector of the state, who shall be persons with knowledge or experience in the field of manufacturing.

(d) In making appointments, the Governor shall give consideration to

geographical representation in order that each major area of the state will be represented on the board.

(e) Directors shall be appointed for terms running four (4) years from January 14 of the year of appointment. Directors shall hold office for the terms of their appointments and until their successors have been appointed and qualified.

(f) In the event of a vacancy in the position of director, the vacancy shall be filled by appointment by the Governor in the same manner as provided for the initial appointment for the remainder of the unexpired portion of the term of the director.

(g) No director ~~of the authority~~ shall serve more than two (2) terms of office.

(h) A director ~~of the authority~~ may be removed by the Governor for cause, stated in writing, after a hearing or upon joint address of a majority of the membership of both houses of the General Assembly at a regular session, fiscal session, or special session.

(i) Unless otherwise provided by law, a director ~~of the authority~~ may receive expense reimbursement in accordance with § 25-16-901 et seq. Such expenses and mileage shall be paid from funds appropriated for such purpose or otherwise available to the ~~authority~~ commission.

15-3-105. Organization.

(a) Directors of the ~~Arkansas Board of Directors of the Division of Science and Technology Authority of the Arkansas Economic Development Commission~~ shall annually elect from their membership one (1) member as chair, one (1) member as vice chair, and one (1) member as secretary.

~~(b)(1) The directors shall select some person who is not a member of the Board of Directors of the Arkansas Science and Technology Authority to serve at the pleasure of the Governor as President of the Arkansas Science and Technology Authority.~~

~~(2) The directors~~ Executive Director of the Arkansas Economic Development Commission may also employ such other officers and employees as ~~they~~ he or she may deem necessary.

~~(3)~~ (2) Any such officer shall be eligible for selection to succeed himself or herself.

15-3-106. Executive committee.

(a) The directors shall establish an Executive Committee of the ~~Arkansas Division of Science and Technology Authority of the Arkansas Economic Development Commission~~, to be composed of the chair, the vice chair, the secretary, and two (2) additional members to be chosen by the chair from the remaining directors.

(b) The committee, in intervals between meetings of the board, may transact any business of the board that has been delegated to the committee.

(c) A majority of the committee may conduct business, and a favorable vote of three (3) members shall be deemed consent of the committee.

15-3-107. Meetings.

(a) ~~Directors of the Arkansas~~ The Board of Directors of the Division of Science and Technology Authority of the Arkansas Economic Development Commission shall meet at least one (1) time during each calendar quarter and at such other times as may be provided in the rules of the ~~authority~~ Arkansas Economic Development Commission, upon call by the ~~president~~, the chair, or upon written request of a majority of the directors.

(b) A majority of the directors shall be necessary to transact business of the ~~authority~~ board, and all actions of the directors shall be by a majority vote of the full number of the members of the Board of Directors of the ~~Arkansas Division of Science and Technology Authority of the Arkansas Economic Development Commission~~.

15-3-108. Nature, powers, and duties generally.

(a) The ~~Arkansas Division of Science and Technology Authority of the Arkansas Economic Development Commission~~ shall be a body corporate and politic, having the powers and jurisdiction hereinafter enumerated and additional powers as conferred upon it by the General Assembly, the Executive Director of the Arkansas Economic Development Commission, or ~~by~~ the people of this state.

(b) The ~~authority~~ executive director, with the advice of the Board of Directors of the Division of Science and Technology of the Arkansas Economic Development Commission, is authorized and designated to engage in undertakings, programs, enterprises, and activities involving agriculture, manufacturing, medical and health care, transportation, public utility

services, research and development, and other programs involving the establishment and encouragement of science and technological research.

(c) The ~~authority~~ executive director, the division, and its board, employees, and agents shall be immune from civil liability for performing the duties ~~of the authority~~ under this chapter.

(d) In the furtherance of ~~its~~ the division's purposes, the ~~authority~~ executive director shall have all the powers necessary to carry out ~~its~~ the division's purposes, which shall include, but not be limited to:

(1) Make, amend, and repeal bylaws, rules, and regulations for the management of ~~its~~ the affairs of the division;

(2) Adopt an official seal for the division;

(3) Sue and be sued in ~~its~~ his or her own name;

(4) Make contracts and execute all instruments necessary or convenient for carrying out ~~its~~ the business of the division;

(5) Acquire, own, hold, dispose of, and encumber real or personal property of any nature, both tangible and intangible, or any interest therein;

(6) Enter into agreements or other transactions with any federal, state, county, or municipal agency and with any individual, corporation, firm, association, or any other entity involving science and technology;

(7) Acquire real property or an interest in real property by purchase or foreclosure when such an acquisition is necessary or appropriate to protect or secure any investment or loan in which the ~~authority~~ division has an interest;

(8) Sell, transfer, and convey any such property to a buyer, and in the event the sale, transfer, or conveyance cannot be effected with reasonable promptness or at a reasonable price, lease the property to a tenant;

(9) Invest any funds appropriated by the state and held in reserve in funds not required for immediate disbursement, in investments that may be lawful for fiduciaries in the State of Arkansas, and invest funds received from gifts, grants, donations, and other operations of the ~~authority~~ division in investments that would be lawful for a private corporation having purposes similar to the ~~authority~~ division;

(10) Borrow money and give guaranties, provided that the indebtedness and other obligations of the ~~authority~~ division shall be

payable solely out of its own resources and shall not constitute a pledge of the full faith and credit of the State of Arkansas or any of its revenues;

(11) Appoint officers, employees, consultants, agents, and advisors and prescribe their duties;

(12) Appear ~~in its own~~ on behalf of the division before boards, commissions, departments, or other agencies of municipal, county, state, or federal government;

(13) Procure insurance against any losses in connection with ~~its~~ the properties of the division in amounts from insurers that may be necessary or desirable;

(14) Consent, subject to the provisions of any contract with noteholders, whenever ~~it~~ he or she deems it necessary or desirable in the fulfillment of the purposes of this chapter, to the modifications with respect to the rate of interest, time payment, or of any installment, of principal and interest, or any terms of any contract or agreement of any kind to which the ~~authority~~ division is a party;

(15)(A) Accept any and all donations, grants, bequests, and devises, conditional or otherwise, of money, property, services, or other things of value that may be received from the federal government or any agency thereof, any governmental agency, or any institution, person, firm, or corporation, public or private, to be held, used, or applied for any or all of the purposes specified in this chapter in accordance with the terms and conditions of any such grant.

(B) Receipt of each such donation or grant shall be detailed in the annual report of the ~~authority~~ division.

(C) This report shall include the identity of the donor or lender, the nature of the transaction, and any conditions attaching thereto;

(16) Trade, buy, or sell qualified securities;

(17) Finance, conduct, or cooperate in the financing or conducting of scientific, technological, business, financial, or other investigations that are related or likely to lead to business and economic development involving science and technology by making and entering into contracts or other appropriate arrangements, including the provision of grants, loans, and other forms of assistance;

(18) Solicit, study, and assist in the preparation of business plans and proposals of new or established science and technologically

oriented businesses and advance the state of science in Arkansas for those purposes;

(19) Prepare, publish, and distribute, with or without charge as the ~~authority~~ executive director may determine, such technological studies, reports, bulletins, and other materials as ~~it~~ he or she deems appropriate, subject only to the maintenance and responsibility for confidentiality of the client's proprietary information;

(20) Organize, conduct, sponsor, or cooperate in and assist the conduct of special institutes, conferences, demonstrations, and studies relating to the stimulation and formulation of basic science, applied science, and technologically oriented businesses and studies relating to the formulation of scientific or technologically oriented business and industry endeavors;

(21) Own and possess patents, copyrights, and proprietary processes and enter into contracts and establish charges for the use of such patents, copyrights, and proprietary processes involving science or technology;

(22) Provide and pay for advisory services and technical assistance that may be necessary or desirable to carry out the purposes of this chapter;

(23) Exercise any other powers necessary for the operation and functioning of the ~~authority~~ division within the purposes authorized in this chapter;

(24)(A) Provide scientific and technological data and information required by the Governor, the General Assembly, or its committees, and to state agencies and cities, counties, and school districts, and to private citizens and groups, within the limitations of the resources available to the ~~authority~~ division.

(B) This service shall be in addition to any services currently being provided to the General Assembly by any higher education institution, committee, or any other organization; and

(25) Prepare, publish, amend, and distribute a research and development plan to guide investments in research and commercialization, strategic research, and technology-based enterprises.

15-3-109. Power to carry out programs.

(a) In relation to ~~its~~ the authorization under this chapter to engage in undertakings, programs, enterprises, and activities involving research and development and other programs involving the establishment and encouragement of scientific and technological research, the ~~Arkansas Science and Technology Authority~~ Executive Director of the Arkansas Economic development Commission shall have all the powers necessary to carry out programs which include, but are not limited to:

(1) Funding basic research at Arkansas colleges and universities as specified in § 15-3-110;

(2) Stimulating applied research partnerships between private industry and Arkansas colleges and universities and matching funds from private sources for proposed applied research projects as specified in § 15-3-110;

(3) Assisting small businesses in identifying and applying for funds to conduct research and development work on innovative technical ideas;

(4) Transferring knowledge and technology from college, university, and government laboratories to private industry;

(5) Creating, in cooperation with Arkansas colleges and universities, facilities to foster the growth of technology-based enterprises;

(6) Developing emerging product and process technologies which contribute to business and economic growth;

(7) Engaging in innovative demonstration and pilot projects involving improved education and preparation of the future workforce in the areas of science, technology, and mathematics; and

(8) Transferring knowledge and technology from colleges, universities, government entities and laboratories, and other sources of innovation to public schools.

(b) In establishing and maintaining the programs authorized by this section, the ~~authority~~ executive director may utilize moneys drawn from the investment fund and such other moneys as are lawfully available to the ~~authority~~ executive director for supporting ~~its~~ the purposes of the Division of Science and Technology of the Arkansas Economic Development Commission.

15-3-110. Power to promote basic and applied research at Arkansas colleges and universities.

(a) ~~The Arkansas Science and Technology Authority is empowered to~~ Executive Director of the Arkansas Economic Development Commission may make such rules and regulations as ~~it~~ he or she may deem appropriate to enable ~~it~~ he or she to create and fund programs designed to promote basic and applied research at Arkansas colleges and universities and to develop technology emerging from sources of innovation in this state, including, but not limited to, colleges and universities, federal laboratories, small businesses, and inventors.

(b)(1) In carrying out ~~its~~ his or her functions under this section, the ~~Board of Directors of the Arkansas Science and Technology Authority~~ executive director may create such advisory committees as may be useful in evaluating research and development proposals.

(2) The memberships of these advisory committees may include both directors and staff members of the ~~authority~~ Division of Science and Technology of the Arkansas Economic Development Commission and other persons drawn from sources other than the ~~authority division~~, all of whom shall serve at the pleasure of the ~~board~~ executive director.

(3) Members of such advisory committees shall serve without compensation for their membership on such committees but may receive expense reimbursement in accordance with § 25-16-901 et seq.

(c)(1) Any moneys lawfully available to the ~~authority~~ division for the purpose of supporting basic research at Arkansas colleges and universities shall in no event defray more than sixty percent (60%) of the total cost of the proposed basic research project being funded.

(2) The remaining forty percent (40%) of the total cost of the proposed research project shall be funded by moneys or in-kind services provided by the college or university proposing the research project.

(d)(1)(A) Any moneys lawfully available to the ~~authority~~ division for the purpose of creating applied research partnerships between private industry and Arkansas colleges and universities shall in no event defray more than fifty percent (50%) of the total cost of the proposed applied research project.

(B) However, the contribution of the ~~authority~~ executive director may, ~~at the board's sole discretion~~, defray up to sixty-six and two-thirds percent (66 2/3%) of the total cost of a proposed applied research project if the ~~board~~ executive director, with the advice of the Board of

Directors of the Division of Science and Technology of the Arkansas Economic Development Commission, finds that the participating private industry is principally located in Arkansas and employs fifty (50) or fewer persons.

(2) The proposed applied research project shall be submitted by an Arkansas college or university, and the proposal shall state that a percentage of the total cost of the proposed applied research project will be provided by private sources in accordance with the matching provisions of this subsection.

(3) The ~~board~~ executive director shall approve for funding only those proposed applied research projects for which the ~~board~~ executive director finds that enhanced employment opportunity within Arkansas will be a likely result.

(e)(1) Any moneys lawfully available to the ~~authority~~ division for the purpose of supporting technology development shall in no event exceed one hundred thousand dollars (\$100,000) per project being funded.

(2) The ~~board~~ executive director shall impose a reasonable, nonrefundable fee for the evaluation of the technological and economic potential of emerging technologies contained in proposals from nonpublic sources of innovation.

(3) The ~~board~~ executive director is authorized to incorporate a royalty provision not to exceed five percent (5%) of net sales revenue per year for a period of not more than ten (10) years as a condition of award.

(4) The ~~board~~ executive director shall approve for funding only those proposed technology development projects for which the ~~board~~ executive director finds that enhanced economic opportunity within Arkansas will be a likely result.

15-3-111. Additional powers.

The ~~Arkansas Science and Technology Authority~~ Executive Director of the Arkansas Economic Development Commission shall have such additional powers and duties as may be hereafter delegated to or imposed upon ~~it~~ him or her from time to time by the General Assembly.

15-3-112. Prohibition on personal interest in contracts.

(a) No director, officer, or employee of the ~~Arkansas~~ Division of Science and Technology Authority of the Arkansas Economic Development

Commission or of the Board of Directors of the Division of Science and Technology of the Arkansas Economic Development Commission, for purpose of personal gain, shall have or attempt to have, directly or indirectly, any interest in any contract or agreement of the ~~authority~~ division in connection with the qualified investments or other programs of the ~~authority~~ division.

(b) The ~~authority~~ Executive Director of the Arkansas Economic Development Commission shall not invest, pursuant to § 15-3-122, in any qualified security of:

(1) Any enterprise that is owned, wholly or partially, directly or indirectly, by any director or officer of the division; or

(2) Any enterprise that employs a director of the division.

(c) It shall not be a violation of this section for the ~~authority~~ executive director to permit any college, university, or other nonprofit institution with which a director is affiliated to participate in any program of the ~~authority~~ division, provided that the director shall promptly disclose the nature of the affiliation to the ~~Board of Directors of the Arkansas Science and Technology Authority~~ board.

(d)(1) It shall not be a violation of this section for the ~~authority~~ executive director to permit a manufacturer or other for-profit entity with which a director is affiliated to pay to the ~~authority~~ division fees for services and receive, in return for those fees, services:

(A) That are generally available to all manufacturers or other for-profit entities; and

(B) That are not available to the manufacturer or other for-profit entity solely due to its affiliation with a director.

(2)(A) A director affiliated with a manufacturer or other for-profit entity that enters into a contract or an agreement pursuant to subdivision (d)(1) of this section shall disclose the contract or agreement in writing to the ~~president of the authority~~ executive director.

(B) The ~~president of the authority~~ executive director shall inform the board of the contract or agreement at its next regularly scheduled meeting and attach a copy of the written disclosure to the minutes of that meeting.

15-3-113. Studies, planning, and recommendations – Cooperation with other agencies.

(a) The ~~Arkansas~~ Division of Science and Technology Authority of the Arkansas Economic Development Commission shall, from time to time, make studies and develop plans and programs in the sciences and technologies to support industrial development in certain areas of research and development.

(b) The Executive Director of the Arkansas Economic Development Commission shall recommend to the General Assembly proposed laws and regulations to support the growth and development of programs and research in the sciences and specialized areas of high technology.

(c) The ~~authority~~ executive director may provide leadership and assistance in cooperation with the ~~Arkansas Transportation Commission~~ ~~abolished~~, the Arkansas Public Service Commission, or any other federal, state, county, or municipal authority and to private industries in this state for the adoption and execution of any improvements, changes in methods of operation, rates of transportation, utilities and, zoning and building requirements and covenants which, in the opinion of the ~~authority~~ executive director, may be designed to improve or better operate the existing programs and research in the sciences and specific areas of high technology and related industrial development.

15-3-114. Use of land, buildings, or facilities for science and high technology.

The Arkansas ~~Science and Technology Authority~~ Economic Development Commission, with the advice of the Board of Directors of the Division of Science and Technology of the Arkansas Economic Development Commission, is authorized to own, acquire, construct, reconstruct, extend, equip, improve, operate, maintain, sell, lease, contract concerning, or otherwise deal in or dispose of any land, buildings, or facilities of any and every nature whatever that can be used in securing or developing industry, transportation facilities, research and technological laboratories and production facilities, and agricultural, medical, and scientific enterprises involving the use of science and high technology, hereinafter referred to as "industry" or "industries", within this state.

15-3-115. Pledging of credit.

The ~~Arkansas~~ Division of Science and Technology Authority of the Arkansas Economic Development Commission shall not pledge the credit of the

State of Arkansas or any of its revenues, except by the authority granted to it by the General Assembly and upon approval of the electors of this state as may be required by Arkansas Constitution, Amendment 20.

15-3-116. Deposit of moneys – Audit.

(a) All moneys coming into the hands of the ~~Arkansas Science and Technology Authority~~ Division of Science and Technology of the Arkansas Economic Development Commission shall be deposited in one (1) or more financial institutions selected by the ~~authority~~ Executive Director of the Arkansas Economic Development Commission with the advice of the Board of Directors of the Division of Science and Technology of the Arkansas Economic Development Commission and authorized to do business in this state.

(b) Moneys received by the ~~authority~~ division from appropriations of the General Assembly shall be deposited, administered, and accounted for in such manner as the General Assembly may provide.

(c) The ~~authority~~ executive director shall provide for an audit to be performed and accepted by a certified public accountant or firm within sixty (60) days following the conclusion of each fiscal year of the ~~authority~~ division, and shall file copies thereof with the Legislative Joint Auditing Committee.

(d) The committee may accept such audit report or direct an audit of the financial record of the ~~authority~~ division by the staff of the committee.

15-3-117. Use of revenues – Assistance to minority businesses.

(a) The Arkansas ~~Science and Technology Authority~~ Economic Development Commission is authorized to use any available revenues for the accomplishment of the purposes set forth in this subchapter.

(b) In carrying out the purposes set forth in this subchapter, the ~~authority~~ commission will assist minority businesses in obtaining loans or other means of financial assistance.

(c) The terms and conditions of such loans or financial assistance, including the charges for interest and other services, will be consistent with the provisions of this subchapter.

(d) In order to comply with this requirement, efforts will be made to solicit for review and analysis proposed minority business ventures.

(e) It is further provided that basic loan underwriting standards will

not be waived to inconsistently favor minority persons or businesses, or both, from the intent of the ~~authority's~~ commission's lending practices.

~~15-3-118. Establishment of endowment fund—Deposits and disbursements.~~

~~(a) There is established on the books of the Treasurer of State, the Auditor of State, and the Chief Fiscal Officer of the State a trust fund to be known as the "Arkansas Science and Technology Authority Endowment Fund", hereafter known as the "endowment fund", to which shall be credited any state appropriations specifically so designated.~~

~~(b) The Board of Directors of the Arkansas Science and Technology Authority, from time to time, may increase the fund by crediting to it such unrestricted appropriations, gifts, donations, or grants from any source, in amounts as the board shall determine.~~

~~(c) No disbursement may be made from the corpus of the fund to support the Arkansas Science and Technology Authority's activities as provided in this chapter, it being intended that only the income from the fund, as earned pursuant to § 15-3-119, shall be available for such purposes.~~

~~15-3-119. Investment of endowment fund assets.~~

~~(a) The moneys and other assets composing the Arkansas Science and Technology Authority Endowment Fund shall be invested in such manner and in such instruments as the Treasurer of State may direct.~~

~~(b) The income from the investment of the fund shall be redeposited in the fund, and such income shall be subject to appropriation under § 15-3-120 for the use of the Arkansas Science and Technology Authority in carrying out the purposes of this chapter.~~

~~15-3-120. Creation of investment fund—Deposits credited to fund.~~

~~(a) There is created an investment fund, to be held and managed by the Arkansas Science and Technology Authority as provided in this chapter, to which shall be appropriated all net income of the Arkansas Science and Technology Authority Endowment Fund.~~

~~(b) The net income of the endowment fund so appropriated to the investment fund shall be credited to the investment fund at the times directed in the appropriations act.~~

~~(c) The Board of Directors of the Arkansas Science and Technology Authority, from time to time, may credit to the investment fund such other moneys as are available to the authority, from whatever source derived.~~

~~(d) The authority shall hold the investment fund in an account or accounts separate from other funds and shall manage its investment as set forth in § 15-3-121.~~

~~(e) All moneys received by the authority and deposited to the investment fund are specifically declared to be cash funds, restricted in their use, and to be used solely as provided in this chapter.~~

~~15-3-121. Use of investment fund generally.~~

~~The Arkansas Science and Technology Authority may use the investment fund and the income thereof as follows:~~

~~(1) To carry out the purposes of this chapter through investment in qualified securities and through the forms of financial assistance authorized by this chapter, including, but not limited to, the following:~~

~~(A) Loans;~~

~~(B) Equity investments;~~

~~(C) Leaseholds;~~

~~(D) Management or consultant service agreements;~~

~~(E) Loans with warrants attached that are beneficially owned by the authority;~~

~~(F) Loans with warrants attached that are beneficially owned by a party other than the authority; and~~

~~(G)(i) Any other contractual arrangement in which the authority is providing scientific and technological services to any federal, state, county, or municipal agency, or to any individual, corporation, firm, association, or any other entity involving science and technology.~~

~~(ii) In connection with the provision of any form of financial assistance, the authority may enter into royalty agreements with an enterprise;~~

~~(2) To pay all or a portion of the operating expenses of the authority; and~~

~~(3) To invest in such other investments as are lawful for fiduciaries in Arkansas.~~

15-3-122. Purchase of qualified securities – Prerequisites – Advisory committees.

(a) The Arkansas ~~Science and Technology Authority~~ Economic Development Commission may utilize the investment fund to purchase qualified securities issued by enterprises as a part of a scientific and technological project for the purpose of raising the initial capitalization for such projects subject to the conditions set forth in this section.

(b) The ~~authority~~ commission shall purchase qualified securities issued by an enterprise as a part of a scientific and technological project only after:

(1) Receipt of an application from the enterprise which contains:

(A) A business plan, including a description of the enterprise and its management, product, and market;

(B) A statement of the amount, timing, and projected use of the capital required;

(C) A statement of the potential economic impact of the enterprise, including the number, location, and types of jobs expected to be created; and

(D) Such other information as the ~~Board of Directors of the Arkansas Science and Technology Authority~~ commission shall request; and

(2) Approval of the investment by the ~~board~~ Executive Director of the Arkansas Economic Development Commission, with the advice of the Board of Directors of the Division of Science and Technology of the Arkansas Economic Development Commission, after the ~~board~~ executive director shall find, based upon the application submitted by the enterprise and such additional investigation as the staff of the ~~authority~~ commission shall make, and incorporate in its minutes that:

(A) The proceeds of the investment will only be used to cover the initial capitalization needs of the enterprise except as hereinafter authorized;

(B) The enterprise has a reasonable chance of success;

(C) The ~~authority's~~ commission's participation is necessary to the success of the enterprise because funding for the enterprise is unavailable in the traditional capital markets or because funding has been offered on terms that would substantially hinder the success of the enterprise;

(D) The enterprise has the reasonable potential to create a substantial amount of primary employment within the state;

(E) The entrepreneur and other founders of the enterprise have already made or are contractually committed to make a substantial financial and time commitment to the enterprise;

(F) The securities to be purchased are qualified securities;

(G) There is a reasonable possibility that the ~~authority~~ commission will recoup at least its initial investment; and

(H) Binding commitments have been made to the ~~authority~~ commission by the enterprise for adequate reporting of financial data to the ~~authority~~ commission, which shall include a requirement for an annual or other periodic audit of the books of the enterprise and for such control on the part of the ~~authority~~ commission as the ~~board~~ executive director shall consider prudent over the management of the enterprise so as to protect the investment of the ~~authority~~ commission, including, in the discretion of the ~~board~~ executive director and without limitation, right of access to financial and other records of the enterprise.

(c)(1) In carrying out ~~its~~ his or her functions under this section, the ~~board~~ executive director may create such advisory committees as may be useful in evaluating potential investments in qualified securities.

(2) The memberships of these advisory committees may include both directors and staff members of the ~~authority~~ commission and other persons drawn from sources other than the ~~authority~~ commission, all of whom shall serve at the pleasure of the ~~board~~ executive director.

(3) Members of these advisory committees shall serve without compensation for their membership on the committees but may receive expense reimbursement in accordance with § 25-16-901 et seq.

(d) The ~~authority~~ commission shall not make investments in qualified securities issued by enterprises in excess of the following limits:

(1) Not more than five hundred thousand dollars (\$500,000) shall be invested in the qualified securities of any one (1) enterprise; and

(2) The ~~authority~~ commission shall not own securities representing more than forty-nine percent (49%) of the voting stock of any one (1) enterprise at the time of the purchase by the ~~authority~~ commission, after giving effect to the conversion of all outstanding convertible

securities of the enterprise. However, in the event of severe financial difficulty of the enterprise threatening, in the judgment of the ~~board executive director~~, the investment of the ~~authority~~ commission therein, a greater percentage of such securities may be owned by the ~~authority~~ commission.

(e) The ~~authority~~ commission may not invest nor may it commit to invest in any qualified securities prior to the ~~board's~~ commission's adopting rules to govern the programs authorized under this section.

15-3-123. Annual report.

Unless and until otherwise provided, the Arkansas ~~Science and Technology Authority~~ Economic Development Commission shall make an annual report to the Governor and to both houses of the General Assembly setting forth in detail the operations and transactions conducted by it pursuant to this chapter and any other legislation thereafter provided.

15-3-124 – 15-3-129. [Reserved.]

15-3-130. Centers for applied technology – Definition.

For the purposes of this section and §§ 15-3-131 – 15-3-134, “center for applied technology” or “center” means a college or university or university-affiliated unit, or a consortium of such units, which conducts a continuing program of basic and applied research, development, and technology transfer in one (1) or more technological areas in collaboration with and through the support of private enterprises.

15-3-131. Centers for applied technology – Authority to designate.

In order to encourage greater collaboration between private enterprises and Arkansas colleges and universities in the development and application of new technologies, the Arkansas ~~Science and Technology Authority is authorized to~~ Economic Development Commission may designate technological areas as having significant potential for economic growth in Arkansas or in which the application of new technologies could significantly enhance the productivity and stability of Arkansas enterprises.

15-3-132. Centers for applied technology – Criteria – Designation.

(a) The ~~Arkansas~~ Division of Science and Technology Authority of the Arkansas Economic Development Commission shall:

(1) Identify technological areas for which centers should be designated, including, but not limited to, technological areas that are related to enterprises with significant potential for economic growth and development in Arkansas and areas that are related to the enhancement of productivity in various enterprises in Arkansas;

(2) Establish, in consultation with the Department of Higher Education, criteria that must be satisfied for designation as a center, including, but not limited to:

(A) An established record of research, development, and instruction in the area of technology;

(B) The capacity to conduct research and development activities in collaboration with private enterprises;

(C) The capacity to secure substantial private and other government funding for the proposed center;

(D) The ability and willingness to cooperate with other colleges and universities in conducting research and development activities and in disseminating research results and to work with institutions of higher learning to enhance the quality of technological education in the area or areas of technology involved; and

(E) The ability and willingness to cooperate with the ~~authority~~ division, the Arkansas Economic Development Council, and other economic development agencies in promoting the growth and development in Arkansas of enterprises based upon or benefiting from the areas of technology involved; and

(3) Designate, using a competitive selection process, those centers for applied technology to be created in cooperation with colleges and universities in the state.

(b) The ~~authority~~ division may not designate technological areas or establish centers prior to the ~~Board of Directors of the Arkansas Science and Technology Authority's~~ division's adopting rules to govern the program authorized under this section, §§ 15-3-130, § 15-3-131, § 15-3-133, and § 15-3-134.

15-3-133. Centers for applied technology – Advisory committees.

(a) In carrying out its functions under this section, §§ 15-3-130 – 15-3-132, and § 15-3-134, the ~~Board of Directors of the Arkansas~~ Division of Science and Technology Authority of the Arkansas Economic Development Commission may create such advisory committees as may be useful in evaluating potential technological areas and centers.

(b) The memberships of these advisory committees may include both directors and staff members of the ~~Arkansas Science and Technology Authority~~ division and other persons drawn from sources other than the ~~authority~~ division, all of whom shall serve at the pleasure of the ~~board~~ Executive Director of the Arkansas Economic Development Commission.

(c) Members of such advisory committees shall serve without compensation for their membership on such committees but may receive expense reimbursement in accordance with § 25-16-901 et seq.

15-3-134. Centers for applied technology – Disposition of funds.

Any moneys lawfully available to the Arkansas ~~Science and Technology Authority~~ Economic Development Commission for the purpose of creating centers for applied technology may be used for the purchase of equipment and fixtures, employment of faculty and support staff, provision of graduate fellowships, and other purposes approved by the ~~authority~~ commission but may not be used for capital construction.

15-3-135. Promotion of scientific, medical, and technological jobs and infrastructure enhancements.

(a) As used in this section, the term “qualified medical company” means a corporation engaged in:

- (1) Research and development in the medical field; and
- (2) Manufacture and distribution of medical products, including therapeutic and diagnostic products.

(b)(1) All agencies, departments, boards, commissions, and other instrumentalities of this state and all political subdivisions of this state and all agencies, departments, boards, commissions, and other instrumentalities thereof, to the greatest extent possible, shall expedite the processing of all lawful applications and requests required or permitted by law which are submitted or made by qualified medical companies and, in considering all such applications and requests, give due consideration to the

purposes of this section.

(2) To the extent available time, personnel, and other resources permit, all state-funded colleges and universities shall provide research assistance to the Arkansas ~~Science and Technology Authority~~ Economic Development Commission to assist with planning to develop scientific, medical, and technological commercial infrastructure enhancements to encourage qualified medical companies to locate in this state.

SECTION 77. Arkansas Code § 15-3-202(b), concerning administration of the Arkansas Research Matching Fund, is amended to read as follows:

(b) The fund shall be administered by the Arkansas ~~Science and Technology Authority~~ Economic Development Commission and shall be for the benefit of colleges and universities located within the State of Arkansas.

SECTION 78. Arkansas Code § 15-3-203 is amended to read as follows:
15-3-203. Administration.

(a) In order to obtain moneys from the Arkansas Research Matching Fund:

(1) A college or university may provide the Arkansas ~~Science and Technology Authority~~ Economic Development Commission with the research grant proposal for federal funds submitted with a letter of intent to apply for a match to one (1) of the funding agencies identified in § 15-3-205;

(2)(A) A college or university shall apply to the ~~authority~~ commission for a match from this fund in writing within two (2) weeks of the notice of an award of federal funds from one (1) of the funding agencies identified in § 15-3-205.

(B) In addition to the grant proposal submitted to the federal agency, the application shall include an approved budget and an official notice of the grant award from the federal funding agency; and

(3) A college or university shall adhere to the rules and regulations that may be promulgated by the ~~authority~~ commission for administration of this fund.

(b)(1) Upon receipt of an application for matching funds to match federal funds from one (1) of the funding agencies identified in § 15-3-205, the ~~authority~~ commission, with the advice of the Board of Directors of the Division of Science and Technology of the Arkansas Economic Development Commission, shall determine the eligibility for matching funds based on a

finding that the proposed research is in fields having long-term economic or commercial value to the state and which have been identified in the research and development plan approved by the ~~Board of Directors of the Arkansas Science and Technology Authority~~ Executive Director of the Arkansas Economic Development Commission.

(2) The ~~authority~~ commission shall promptly review applications for matching funds for consistency with this subchapter.

(3) The ~~board~~ commission shall ensure that no commitments for matching funds shall be made in excess of funds available for any given year and may review and approve those applications that have:

(A) Provided the information on the application for matching funds in accordance with the provisions of this subchapter;

(B) Included an official notice of award of a research grant from one (1) of the funding agencies identified in § 15-3-205; and

(C) Filed a proposal for federal funding consistent with the types of research authorized by this subchapter.

SECTION 79. Arkansas Code § 15-3-204 is amended to read as follows:
15-3-204. Disbursement of funds.

(a) The matching funds authorized by this subchapter are to be used primarily to attract federal funds to the state for basic and strategic research.

(b) The Executive Director of the Arkansas Economic Development Commission, with the advice of the Board of Directors of the ~~Arkansas Division of Science and Technology Authority~~ of the Arkansas Economic Development Commission may approve multi-year research grants, but disbursements of the matching funds authorized by this subchapter shall be for no more than a twelve-month period.

SECTION 80. Arkansas Code § 15-3-206 is amended to read as follows:
15-3-206. Reporting.

The Arkansas ~~Science and Technology Authority~~ Economic Development Commission shall present to the Governor's office and the General Assembly a report on the investment from the Arkansas Research Matching Fund by April 1 of each even-numbered year.

SECTION 81. Arkansas Code § 15-3-208 is amended to read as follows:
15-3-208. Rules and regulations.

The Arkansas ~~Science and Technology Authority~~ Economic Development Commission has the authority to establish guidelines by which eligible institutions might access research funds created by this subchapter through the promulgation of administrative rules ~~and regulations~~ in accordance with the Arkansas Administrative Procedure Act, § 25-15-201 et seq.

SECTION 82. Arkansas Code § 15-3-304 is amended to read as follows:

15-3-304. Collaboration of Arkansas ~~Science and Technology Authority~~ Economic Development Commission with research universities and private business sector representatives.

(a) The Arkansas ~~Science and Technology Authority~~ Economic Development Commission may work with the chancellors and presidents of research universities and the private business sector to support collaborations establishing an alliance for the purpose of improving the economy of the state through:

- (1) Improving research infrastructure;
- (2) Increasing the focus on job-creating research activities within or supported by the research universities; and
- (3) Expanding job-creating research activities toward producing more knowledge-based and high-technology jobs in this state.

(b) The ~~authority~~ commission shall designate no more than five (5) institutions of higher education as research universities for the purposes of this subchapter.

SECTION 83. Arkansas Code § 15-3-305 is amended to read as follows:

15-3-305. Areas of collaboration.

The Arkansas ~~Science and Technology Authority~~ Economic Development Commission may recommend that a research alliance under this subchapter:

- (1) Identify specific areas where scientific research and technological investigation may contribute to the creation and growth of knowledge-based and high-technology jobs in Arkansas;
- (2) Determine specific areas in which financial investment in scientific and technological research and development from federal agencies or private businesses located in Arkansas could be enhanced or increased if

state resources were made available to assist in financing research infrastructure;

(3) Advise universities of the research needs of Arkansas businesses and improve the exchange of scientific and technological information for the mutual benefit of universities and private businesses;

(4) Encourage collaborations among scholars and faculty of research universities in the areas of research identified by the alliance;

(5)(A) Recommend state investments in research infrastructure.

(B) In determining the recommendations for state investments in research infrastructure, the alliance shall invite from research universities:

(i) Assessments of the capabilities of the research universities to seize research opportunities in the areas of research identified by the alliance; and

(ii) Investments that would accelerate the creation of economic opportunities for the citizens of the state;

(6) Certify investments in research infrastructure from the Arkansas Research Infrastructure Fund; and

(7) Monitor, in the specific areas identified by the alliance:

(A) Growth in university research funding;

(B) Intellectual property creation;

(C) Licensing of technology to entrepreneurial firms and existing Arkansas companies;

(D) Growth in venture capital investments in Arkansas; and

(E) Employment in knowledge-based and high-technology employees.

SECTION 84. Arkansas Code § 15-3-306 is amended to read as follows:

15-3-306. Contracting with research alliance.

(a) In order to assist a research alliance in achieving the objectives identified in § 15-3-305, the Arkansas ~~Science and Technology Authority~~ Economic Development Commission may contract with a research alliance or any nonprofit organization recommended by a research alliance for activities consistent with the research alliance's purpose under § 15-3-305.

(b) When contracting with the alliance or its designee under this subchapter, the ~~authority~~ commission may directly enter into agreements with

persons or entities and shall not be bound by the provisions of Arkansas procurement law requiring competitive bids.

SECTION 85. Arkansas Code § 15-3-402 is amended to read as follows:

15-3-402. Application for funding.

(a) The Arkansas ~~Science and Technology Authority~~ Economic Development Commission shall make available forms upon which a business eligible for a grant under § 15-3-403 may apply for a grant to support the hiring of postdoctoral science and engineering graduates to work in areas of their expertise in Arkansas.

(b) Within thirty (30) days of the receipt of an application, the ~~authority~~ commission shall notify the applicant whether:

- (1) The applicant meets the criteria for benefits; and
- (2) Funds are available to assist the business in the hiring of postdoctoral science and engineering graduates.

SECTION 86. Arkansas Code § 15-3-404(b) and (c), concerning grants for economic development and knowledge-based job growth, is amended to read as follows:

(b) The grants authorized by this section shall be administered and paid according to rules established by the Arkansas ~~Science and Technology Authority~~ Economic Development Commission.

(c) The ~~authority~~ commission shall not provide further grant funds to the approved business if at any time during the five-year grant period the postdoctoral graduate is no longer employed in Arkansas by the approved business.

SECTION 87. Arkansas Code § 15-3-405 is amended to read as follows:

15-3-405. Rules.

(a) The Arkansas ~~Science and Technology Authority~~ Economic Development Commission, through the promulgation of rules in accordance with the Arkansas Administrative Procedure Act, § 25-15-201 et seq., shall establish procedures consistent with this subchapter to carry out the intent of this legislation.

(b) The ~~authority~~ commission shall establish by rule opportunities for assisting in the hiring of postdoctoral graduates in each of the four (4) congressional districts in the state.

SECTION 88. Arkansas Code § 15-3-503 is amended to read as follows:
15-3-503. Advisory capacity of Arkansas Research Alliance.

(a) The Arkansas Research Alliance shall serve in an advisory capacity to the Governor, the General Assembly, the Arkansas ~~Science and Technology Authority~~ Economic Development Commission, and other agencies responsible for programs enumerated in subsection (b) of this section.

(b)(1) The Arkansas Research Alliance shall make recommendations regarding support and assistance for the accelerated growth of knowledge-based and high-technology jobs in the State of Arkansas through focused funding of the state's initiatives and programs.

(2) For funds in the Arkansas Acceleration Fund, § 19-5-1243, the Arkansas Research Alliance shall make recommendations to the ~~authority~~ commission regarding the allocation or reallocation of funds and moneys for programs and initiatives authorized by the:

- (A) Arkansas Research Alliance Act, § 15-3-301 et seq.;
- (B) Innovate Arkansas Fund, § 19-5-1237;
- (C) Arkansas Risk Capital Matching Fund Act of 2007, § 15-5-1601 et seq.;
- (D) Supplemental science, technology, engineering, and math fund grants under § 6-17-2701 et seq.;
- (E) Existing programs of the ~~authority~~ commission authorized under § 15-3-101 et seq., § 15-3-201 et seq., the Arkansas Research Alliance Act, § 15-3-301 et seq., and § 15-3-401 et seq.;
- (F) Arkansas Technical Careers Student Loan Forgiveness Program, § 6-50-201; and
- (G) Any other programs or activities aimed at the creation of knowledge-based and high-technology jobs.

(3) In consultation with members of the Arkansas Research Alliance, the Chief Executive Officer of the Arkansas Research Alliance may solicit input, advice, or counsel from any group or individual concerning a policy or funding decision of the Arkansas Research Alliance, including without limitation Accelerate Arkansas, Innovate Arkansas, and Connect Arkansas.

SECTION 89. Arkansas Code § 15-3-505 is amended to read as follows:

15-3-505. Recommendations.

(a) Upon receiving funding for knowledge-based and high-technology job advancement, the ~~Arkansas Division of Science and Technology Authority of the Arkansas Economic Development Commission~~ shall ensure that the Arkansas Research Alliance meets at least annually to recommend the allocation and priorities of funding, funding ratios, and the maximum amounts to be made available among the particular programs to be supported under this chapter and that will accelerate the development of knowledge-based and high-technology jobs in Arkansas.

(b) The alliance may base its recommendations for investment and reinvestment on an analysis of the growth in the state's knowledge-based and high-technology jobs and associated wages and estimated individual state income tax revenue.

(c) The alliance's recommendations may be used to guide the preparation of budget requests by the ~~Arkansas Science and Technology Authority~~ division or budget requests by state agencies for the programs stated in § 15-3-503(b).

(d)(1) The ~~Board of Directors of the Arkansas Science and Technology Authority~~ Executive Director of the Arkansas Economic Development Commission with the advice of the Board of Directors of the Division of Science and Technology of the Arkansas Economic Development Commission may act on the alliance's recommendations.

(2) The governing body of each agency listed under § 15-3-503(b) may act on the alliance's recommendations for the programs listed in its area.

(3) The ~~board~~ director shall report ~~its~~ his or her actions to the Governor by June 30 of each year and shall forward copies of the report to the agencies included in the report's recommendations.

SECTION 90. Arkansas Code § 15-4-915(c)(1)(A), concerning ex officio members of the board of directors the development finance corporation, is amended to read as follows:

(c)(1)(A) In addition to the directors elected by the holders of common stock of a development finance corporation, the Executive Director of the Arkansas Economic Development Commission, and the President of the Arkansas Development Finance Authority, ~~and the Executive Director of the Arkansas~~

~~Science and Technology Authority~~ or persons holding similar executive positions in any agency or instrumentality succeeding thereto shall be ex officio members of the board of directors of each corporation created under this subchapter.

SECTION 91. Arkansas Code § 15-4-1008(a)(1), concerning ex officio members of the governing board of capital development companies, is amended to read as follows:

(a)(1) The Executive Director of the Arkansas Economic Development Council, and the President of the Arkansas Development Finance Authority, ~~and the President of the Arkansas Science and Technology Authority~~, or their respective designees, or persons holding similar executive positions in any agency or instrumentality succeeding thereto, or their respective designees, shall be ex officio members of the governing board of each capital development company created under this subchapter during their respective terms of office.

SECTION 92. Arkansas Code § 15-4-2703(8), concerning the definition of "director", is amended to read as follows:

(8) "Director" means the Executive Director of the Arkansas Economic Development Commission;

SECTION 93. Arkansas Code § 15-4-2703(10)(I), concerning the definition of "eligible businesses", is amended to read as follows:

(I) The Executive Director of the Arkansas Economic Development Commission may classify a nonretail business as an eligible business if the following conditions exist:

(i) The business receives at least seventy-five percent (75%) of its sales revenue from out of state; and

(ii) The business proposes to pay wages in excess of one hundred ten percent (110%) of the county or state average hourly wage, whichever is less;

SECTION 94. Arkansas Code § 15-4-2703(12)(C), concerning the definition of "existing employees", is amended to read as follows:

(C) If the Executive Director of the Arkansas Economic

Development Commission and the Director of the Department of Finance and Administration find that a significant impairment of Arkansas job opportunities for existing employees will otherwise occur, they may jointly authorize the counting of existing employees as new full-time permanent employees;

SECTION 95. Arkansas Code § 15-4-2703(17)(A)(ii)(b), concerning the definition of "in-house research", is amended to read as follows:

(b) A contractual agreement with a state college, state university, or other research organization to perform research for a targeted business if the ~~President of the Arkansas Science and Technology Authority~~ Executive Director of the Arkansas Economic Development Commission with the advice of the Board of Directors of the Division of Science and Technology of the Arkansas Economic Development Commission makes a written determination before the research is performed that the research is essential to the core function of the targeted business.

SECTION 96. Arkansas Code § 15-4-2703(32)(A), concerning the definition of "project plan", is amended to read as follows:

(A) Submitted to the commission containing such information as may be required by the Executive Director of the Arkansas Economic Development Commission to determine eligibility for benefits; and

SECTION 97. Arkansas Code § 15-4-2703(41), concerning the definition of "strategic research", is amended to read as follows:

(41) "Strategic research" means research that has strategic economic or long-term commercial value to the state and that is identified in the research and development plan approved from time to time by the Executive Director of the Arkansas Economic Development Commission with the advice of the Board of Directors of the Arkansas Division of Science and Technology Authority Arkansas Economic Development Commission;

SECTION 98. Arkansas Code § 15-4-2708(d)(1)(B) and (d)(2), concerning qualifications for a research and development tax credit, are amended to read as follows:

(B) Projects under the research and development programs of

the ~~Arkansas~~ Division of Science and Technology Authority of the Arkansas Economic Development Commission when the projects directly involve an Arkansas business and are approved by the Executive Director of the Arkansas Economic Development Commission with the advice of the Board of Directors of the ~~Arkansas~~ Division of Science and Technology Authority of the Arkansas Economic Development Commission under rules promulgated by the ~~authority~~ division for those programs.

(2) However, the maximum tax credit for a qualified business engaged in a research area of strategic value or involved in research and development programs sponsored by the ~~authority~~ division shall not exceed fifty thousand dollars (\$50,000) per year.

SECTION 99. Arkansas Code § 15-4-3303(b)(1), concerning the equity investment incentive tax credit, is amended to read as follows:

(b)(1) The award of the equity investment incentive tax credit to a qualified business under subsection (a) of this section shall be determined jointly at the discretion of the Executive Director of the Arkansas Economic Development Commission, with the advice of the Board of Directors of the Division of Science and Technology of the Arkansas Economic Development Commission and the President of the Arkansas Development Finance Authority, ~~and the President of the Arkansas Science and Technology Authority.~~

SECTION 100. Arkansas Code § 15-4-3304(b) and (c), as amended by Act 164 of 2015, concerning applications for an equity investment incentive tax credit, is amended to read as follows:

(b) The application shall include:

(1) A business plan describing the proposed business for which an equity investment incentive tax credit is sought;

(2) A projection of the amount of capital being sought for the proposed business;

(3) If the application proposes to use a convertible financing structure, a clear statement concerning the timing and conditions under which the convertible financing structure converts into equity; and

(4) Other information requested jointly by the Executive Director of the Arkansas Economic Development Commission, and the President of the Arkansas Development Finance Authority, ~~and the President of the~~

~~Arkansas Science and Technology Authority.~~

(c)(1) The commission shall gather information necessary to determine the eligibility of a business that seeks an equity investment incentive tax credit and process the application.

(2) The commission shall share the application and all information concerning the business with the Arkansas Development Finance Authority and the ~~Arkansas~~ Division of Science and Technology Authority of the Arkansas Economic Development Commission for review and concurrence on whether or not an equity investment incentive is offered to the business.

SECTION 101. Arkansas Code § 15-4-3306 is amended to read as follows:
15-4-3306. Rules.

The Arkansas Economic Development Commission, and the Arkansas Development Finance Authority, ~~and Arkansas Science and Technology Authority~~ shall promulgate jointly rules to implement this subchapter.

SECTION 102. Arkansas Code § 15-5-1603(5), concerning the definition of "review committee", is amended to read as follows:

(5) "Review committee" means a committee composed of the President of the Arkansas Development Finance Authority, ~~the President of the Arkansas Science and Technology Authority~~, and the Executive Director of the Arkansas Economic Development Commission;

SECTION 103. Arkansas Code § 15-5-1603(8), concerning the definition of "Venture Capital Investment Trust", is amended to read as follows:

(8) "Venture Capital Investment Trust" means the public trust formed July 21, 2003, under § 28-72-201 et seq., the trustees of which are the President of the Arkansas Development Finance Authority, ~~the President of the Arkansas Science and Technology Authority~~ the Executive Director of the Arkansas Economic Development Commission, and the Director of the Department of Finance and Administration, and that has as a principal purpose increasing the availability of equity capital and near-equity capital for emerging and expanding enterprises in the State of Arkansas.

SECTION 104. Arkansas Code § 15-5-1605(c)(1), concerning funding of the Arkansas Risk Capital Matching Fund, is amended to read as follows:

(c)(1) Moneys and funds received by the Arkansas Development Finance Authority, ~~the Arkansas Science and Technology Authority,~~ or the Arkansas Economic Development Commission designated for use or ownership by the fund shall be deposited to the trust and held in the Technology Validation Account and the Enterprise Development Account of the fund, as applicable and as specified in this subchapter, until used for the purposes of this subchapter.

SECTION 105. Arkansas Code § 15-5-1608(2)(D)-(F), concerning publication of the annual report concerning the Venture Capital Investment Trust, is amended to read as follows:

- (D) Arkansas Development Finance Authority; and
- (E) ~~Arkansas Science and Technology Authority;~~ and
- ~~(F)~~ Arkansas Economic Development Commission; and

SECTION 106. Arkansas Code § 15-9-104(a) as amended by Act 1100 of 2015, concerning the membership of the Commission on Information Age Communities, is amended to read as follows:

(a) There is created the Commission on Information Age Communities, which shall consist of ~~nine (9)~~ eight (8) voting members:

- ~~(1) The President of the Arkansas Science and Technology Authority;~~
- ~~(2)~~ The Executive Director of the Arkansas Economic Development Commission;
- ~~(3)~~(2) The Director of the Department of Finance and Administration;
- ~~(4)~~(3) The Director of the Department of Information Systems;
- ~~(5)~~(4) The Director of the Department of Education;
- ~~(6)~~(5) The Director of the Department of Higher Education; and
- ~~(7)(A)~~(6)(A) Three (3) members appointed by the Governor subject to confirmation by the Senate who are knowledgeable in various aspects of information technology and community development.

(B) The members appointed by the Governor shall serve staggered three-year terms.

(C) The Governor shall consult the commission before making an appointment under this subdivision (a)(7).

SECTION 107. Arkansas Code § 19-5-1208(b), concerning administration of the Arkansas Research Matching Fund, is amended to read as follows:

(b) The Arkansas Research Matching Fund shall be administered by the ~~Arkansas Science and Technology Authority~~ Executive Director of the Arkansas Economic Development Commission and shall be for the benefit of colleges and universities located within the State of Arkansas.

SECTION 108. Arkansas Code § 19-5-1236(c), concerning use of the Technology Acceleration Fund, is amended to read as follows:

(c) The Technology Acceleration Fund shall be used by the Arkansas Economic Development Commission, ~~the Arkansas Science and Technology Authority~~, and the Arkansas Development Finance Authority for investment incentives to enhance the economy of the state through technology development.

SECTION 109. Arkansas Code § 19-5-1236(e), concerning use of the Technology Acceleration Fund, is amended to read as follows:

(e)(1) Any proposed use of the Technology Acceleration Fund by the Arkansas Economic Development Commission, ~~Arkansas Science and Technology Authority~~, or Arkansas Development Finance Authority shall first be approved by the Governor.

(2) The Arkansas Economic Development Commission, ~~the Arkansas Science and Technology Authority~~, and the Arkansas Development Finance Authority shall make a joint recommendation to the Governor for any proposed use of the Technology Acceleration Fund.

SECTION 110. Arkansas Code § 19-5-1243(c), concerning use of the Arkansas Acceleration Fund, is amended to read as follows:

(c) The fund shall be used by the ~~Arkansas~~ Division of Science and Technology Authority of the Arkansas Economic Development Commission to provide support and assistance for the accelerated growth of knowledge-based and high-technology jobs in the State of Arkansas through focused funding of the state initiatives and programs as defined under the Arkansas Acceleration Fund Act, § 15-3-501 et seq.

SECTION 111. Arkansas Code § 19-6-808(c), concerning use of the

Arkansas Research Infrastructure Fund, is amended to read as follows:

(c) The fund shall be used by the ~~Arkansas Division of~~ Science and Technology ~~Authority of the Arkansas Economic Development Commission~~ for the purposes delineated under the Arkansas Research Alliance Act, § 15-3-301 et seq.

SECTION 112. Arkansas Code § 19-12-115(c)(1), concerning membership of the Arkansas Biosciences Institute Board, and amending a portion of the law resulting from Initiated Act 1 of 2000, is amended to read as follows:

(c)(1) Arkansas Biosciences Institute Board. There is hereby established the Arkansas Biosciences Institute Board which shall consist of the following: the President of the University of Arkansas; the President of Arkansas State University; the Chancellor of the University of Arkansas for Medical Sciences; the Chancellor of the University of Arkansas at Fayetteville; the Vice President for Agriculture of the University of Arkansas; the Executive Director of the ~~Arkansas Science and Technology Authority~~ Arkansas Economic Development Commission; the Director of the National Center for Toxicological Research; the President of Arkansas Children's Hospital; and two (2) individuals possessing recognized scientific, academic or business qualifications appointed by the Governor. The two (2) members of the Arkansas Biosciences Institute Board who are appointed by the Governor will serve four (4) year terms and are limited to serving two consecutive four (4) year terms. The terms shall commence on October 1 of each year. These members appointed by the Governor are not entitled to compensation for their services, but may receive expense reimbursement in accordance with § 25-16-902, to be paid from funds appropriated for this program. The Arkansas Biosciences Institute Board shall establish and appoint the members of an Industry Advisory Committee and a Science Advisory Committee composed of knowledgeable persons in the fields of industry and science. These Committees shall serve as resources for the Arkansas Biosciences Institute Board in their respective areas and will provide an avenue of communication to the Arkansas Biosciences Institute Board on areas of potential research.

SECTION 113. Arkansas Code § 19-12-117(a), concerning membership of the Arkansas Tobacco Settlement Commission and amending a portion of the law

resulting from Initiated Act 1 of 2000, is amended to read as follows:

(a) There is hereby created and recognized the Arkansas Tobacco Settlement Commission, which shall be composed of the following:

- (1) The ~~Executive~~ Director of the Arkansas ~~Science and Technology Authority~~ Economic Development Commission or his or her designee;
- (2) The Director of the Department of Education or his or her designee;
- (3) The Director of the Department of Higher Education or his or her designee;
- (4) The Director of the Department of Human Services or his or her designee;
- (5) The Director of the Department of Health or his or her designee;
- (6) A healthcare professional to be selected by the President Pro Tempore of the Senate;
- (7) A healthcare professional to be selected by the Speaker of the House of Representatives;
- (8) A citizen selected by the Governor; and
- (9) A citizen selected by the Attorney General.

SECTION 114. Arkansas Code § 25-1-302(a)(18), concerning the prohibition of membership on specified executive branch boards and commissions by members of the General Assembly, is amended to read as follows:

(18) ~~Arkansas Science and Technology Authority, § 15-3-103~~ Board of Directors of the Division of Science and Technology of the Arkansas Economic Development Commission, § 15-3-105;

SECTION 115. Arkansas Code § 25-27-103(a)(1), as amended by Acts 2013, No. 1100, Section 62, concerning the membership of the Information Network of Arkansas board, is amended to read as follows:

(1) The ~~President of the Arkansas Science and Technology Authority, or the president's~~ Executive Director of the Arkansas Economic Development Commission or his or her designee;

SECTION 116. Arkansas Code § 25-42-106(a)(3)(xiii), concerning the

membership of the Health Information Exchange Council, is amended to read as follows:

(xiii) A representative of the ~~Arkansas Division of Science and Technology Authority of the Arkansas Economic Development Commission~~;

SECTION 117. Arkansas Code § 26-51-815(d)(2)(D), concerning the definition of "qualified technology incubator", is amended to read as follows:

(D) "Qualified technology incubator" means a business incubator certified by the Executive Director of the Arkansas Economic Development Commission with the advice of the Board of Directors of the Arkansas Division of Science and Technology Authority of the Arkansas Economic Development Commission as being a facility operated in cooperation with an Arkansas college or university to foster the growth of technology-based enterprises.

SECTION 118. Arkansas Code § 26-51-1101(8), concerning the definition of "qualified research program", is amended to read as follows:

(8) "Qualified research program" means a program of applied or basic research undertaken by a qualified educational institution pursuant to rules jointly prescribed by the ~~Arkansas Division of Science and Technology Authority of the Arkansas Economic Development Commission~~ and the Department of Higher Education under § 15-3-110;

SECTION 119. Arkansas Code § 26-51-1102(c)(2)(A), concerning qualifications for the tax credit for certain donations to qualified educational institutions for a qualified education program or a qualified research program, is amended to read as follows:

(A) Be consistent with the research and development plan approved by the Executive Director of the Arkansas Economic Development Commission with the advice of the Board of Directors of the Arkansas Division of Science and Technology Authority of the Arkansas Economic Development Commission, as evidenced by a letter of support from the ~~President of the Arkansas Science and Technology Authority executive director~~; and

SECTION 120. Arkansas Code § 26-51-1104(b), concerning documentation required to claim a tax credit for certain donations to qualified educational institutions for a qualified education program or a qualified research program, is amended to read as follows:

(b) To claim the credit granted by § 26-51-1102, the taxpayer must show that the Arkansas Division of Science and Technology Authority of the Arkansas Economic Development Commission and the Department of Higher Education have approved the qualified research expenditure as a part of a qualified research program.

SECTION 121. Arkansas Code § 26-51-1105 is amended to read as follows:
26-51-1105. Rules and regulations.

The Director of the Department of Finance and Administration, the Director of the Department of Higher Education, the Director of the Department of Career Education, the Director of the Department of Workforce Education, and the ~~President of the Arkansas Science and Technology Authority~~ Executive Director of the Arkansas Economic Development Commission shall promulgate such reasonable rules ~~and regulations~~ as they shall deem necessary and appropriate to carry out the purposes of this subchapter.

SECTION 122. DO NOT CODIFY. Transfer of the Department of Rural Services to the Arkansas Economic Development Commission.

(a)(1) The Department of Rural Services is transferred to the Arkansas Economic Development Commission by a type 2 transfer under § 25-2-105.

(2) As used in this act, the Arkansas Economic Development Commission is the principal department.

(b) All authority, powers, duties, functions, records, personnel, property, unexpended balances of appropriations, allocations, and other funds, including the functions of budgeting or purchasing, are transferred to the Arkansas Economic Development Commission, except as specified by this act.

(c) All powers, duties, and functions, including rulemaking, regulation, and licensing, promulgation of rules, rates, regulations, and standards, and the rendering of findings, orders, and adjudications are transferred to the Executive Director of the Arkansas Economic Development Commission.

(d) The members of the Board of Directors of the Arkansas Rural Development Commission, and their successors, shall continue to be selected in the manner and serve for the terms provided by the statutes applicable to the commission except as specified in this act.

(e) Except as specified in this act, the Arkansas Code Revision Commission shall replace "Department of Rural Services" with "Rural Services Division of the Arkansas Economic Development Commission".

SECTION 123. Arkansas Code § 15-6-102(a)(4), concerning the legislative intent of the "Arkansas Rural Development Program Act" and certain duties of the Department of Rural Services, is amended to read as follows:

(4) Since no state office has been specifically created to promote, harmonize, or assist efforts to address the unique needs, conditions, and strengths of rural areas of the state, it is, therefore, the intent of the General Assembly to create the Arkansas Rural Development Commission and a ~~Department of Rural Services~~ Division of the Arkansas Economic Development Commission. The ~~commission~~ division shall serve as the focal point for generating rural development policy initiatives for the State of Arkansas.

SECTION 124. Arkansas Code § 15-6-102(b), concerning the legislative intent of the "Arkansas Rural Development Program Act" and certain duties of the Department of Rural Services, is amended to read as follows:

(b) The ~~department~~ division shall:

(1) Serve as a single contact point for rural governments, service providers, state and federal agencies, and for individuals interested in rural policies and programs of the state;

(2) Strive to promote cooperative and integrated efforts among such agencies and programs that are designed to address rural needs; and

(3) Recommend to the Governor and to the General Assembly the suitable use of policies, programs, long-range plans, laws, and regulatory mechanisms in order to meet such needs.

SECTION 125. Arkansas Code § 15-6-103(1)-(3), concerning the definitions of "commission", "department", and "director", are repealed.

~~(1) "Commission" means the Arkansas Rural Development Commission as established by this chapter;~~

~~(2) "Department" means the Department of Rural Services established by this chapter;~~

~~(3) "Director" means the chief administrative officer of the Department of Rural Services as established by this chapter;~~

SECTION 126. Arkansas Code § 15-6-104, concerning the creation of the Arkansas Rural Development Commission, is amended to add an additional subsection to read as follows:

(e) The commission shall advise and assist the Executive Director of the Arkansas Economic Development Commission in the performance of his or her duties under this subchapter.

SECTION 127. Arkansas Code § 15-6-105 is amended to read as follows:

15-6-105. ~~Department of Rural Services~~ Division of the Arkansas Economic Development Commission.

(a) There is created the ~~Department of Rural Services~~ Division of the Arkansas Economic Development Commission.

(b) The head of the ~~department~~ division shall be the Director of the ~~Department of Rural Service, who shall be appointed by the Governor and shall serve at his or her pleasure, subject to confirmation by the Arkansas Rural Development Commission~~ Arkansas Economic Development Commission.

(c) The ~~director~~ division shall employ necessary staff to carry out the duties and functions of the ~~department~~ division as otherwise provided in this chapter or as otherwise provided by law.

(d) The Governor shall direct that all state agencies provide the director with assistance in advancing the purpose of the ~~department~~ division to assure that the activities of the ~~department~~ division are fully coordinated with the activities of state agencies providing related services.

SECTION 128. Arkansas Code § 15-6-106, as amended by Acts 2015, No. 371, is amended to read as follows:

15-6-106. Arkansas Rural Development Commission – ~~Department of Rural Services~~ Division of the Arkansas Economic Development Commission – Functions, powers, and duties.

(a) ~~The Arkansas Rural Development Commission, by and through the Department of Rural Services, the Director of the Department of Rural Services, and his or her duly authorized officers and employees, Executive Director of the Arkansas Economic Development Commission by and through the Division of Rural Services of the Arkansas Economic Development Commission~~ shall have the following functions, powers, and duties:

(1) To serve as a clearinghouse and provide comprehensive information relating to rural development and revitalization upon request to any agency, individual, or corporation;

(2) To advise and assist agencies, individuals, and corporations in answering particular rural revitalization and development needs, including cooperative efforts among such agencies, individuals, and corporations to solve common problems or provide services in these areas;

(3)(A) To receive notification from all state and federal agencies, individuals, or corporations engaged in rural development and revitalization of program descriptions, appropriation data, and application procedures.

(B) The ~~department~~ division shall maintain a listing of existing programs and advise local agencies, individuals, or corporations of their existence;

(4) To assist, upon request, applicant local agencies, individuals, or corporations located in rural areas in obtaining timely and efficient responses from state and federal agencies, to assist such applicants in consideration of alternative program grant strategies, to assist state and federal agencies in cooperative approaches to address the needs of such applicants, and to provide technical assistance to agencies in formulating and implementing rural development and revitalization programs;

(5) To assist the Governor and the General Assembly in the integration and formulation of state rural development and revitalization policy and long-range plans for rural areas and in answering needs related thereto;

(6) To analyze and make recommendations concerning proposed new state legislation or programs that may affect rural areas;

(7) To apply for and receive grants or financial assistance from the federal government or other agencies, individuals, or corporations;

(8) To assist the Governor in coordinating the activities and

services of those departments and agencies of the state having relationships with local rural agencies, individuals, and corporations in order to provide more effective service to them and to simplify state procedures relating thereto;

(9) To keep the Governor informed about the problems and needs of agencies, individuals, and corporations that are involved with rural development and revitalization and to assist in formulating policies with respect thereto and utilizing the resources of state government for the benefit of rural areas; ~~and~~

(10) To promote and encourage the establishment of a nonprofit foundation, a Center for Rural Arkansas, and to cooperate and coordinate with and assist the center in accessing state and federal government and private nonprofit and corporate foundation grant funds to aid in rural development and revitalization for rural Arkansas; ~~and~~

(11) To administer the conservation education program established under § 6-16-1101 for the benefit of all school districts and conservation districts in the state, regardless of population.

(b) ~~The commission shall have the power to~~ executive director may prescribe and issue, pursuant to the Arkansas Administrative Procedure Act, § 25-15-201 et seq., such reasonable rules ~~and regulations~~ as may be necessary to carry out the provisions of this chapter.

(c) ~~The commission~~ division shall prepare and submit biennially on January 1 a comprehensive report concerning the assistance activities undertaken by the ~~department under the direction of the commission~~ division, any recommendations for legislative proposals, data concerning program activities in rural areas, and other pertinent information which, ~~in the opinion of the commission,~~ will indicate the activities conducted by the ~~department and the commission~~ division in the previous biennium.

SECTION 129. Arkansas Code § 15-6-107 is amended to read as follows:
15-6-107. Assistance programs and grants.

(a) ~~The Department of Rural Services~~ Division of the Arkansas Economic Development Commission shall request such specific information as the ~~Arkansas Rural Development Commission and the Director of the Department of Rural Services determine~~ Executive Director of the Arkansas Economic Development Commission determines to be necessary concerning assistance

programs and grants administered by federal, state, and local agencies, individuals, and corporations designed to enhance rural areas. The information shall be used to advise local agencies, individuals, or corporations for the purpose of promoting coordination in program or grant efforts wherever feasible or proper.

(b) Any political subdivision requesting program grants or assistance in order to address rural development and revitalization needs, conditions, or strengths in rural areas, pursuant to the rules of the ~~commission~~ Arkansas Economic Development Commission, may confer with the ~~department~~ division to obtain assistance in gaining the most prompt and efficient processing and review of any grant applications.

(c) The ~~department~~ division, so far as possible, shall render such assistance, and the ~~commission~~ executive director may designate an officer or employee of the ~~department~~ division to act as an expediter for the purpose of:

(1) Facilitating contacts for the applicant with state, federal, or local agencies, individuals, or corporations responsible for processing and reviewing grant applications;

(2) Arranging conferences to clarify the interest and requirements of any such agency, individual, or corporation with respect to grant applications;

(3) Considering with the agency, individual, or corporation the feasibility of consolidating hearings and data required of the applicant;

(4) Assisting the applicant in the resolution of outstanding issues identified by the agency, individual, or corporation, including delays experienced in application review; and

(5) Coordinating federal, state, and local grant application review actions and assistance programs to the extent practicable.

SECTION 130. Arkansas Code § 15-47-103 is amended to read as follows:
15-47-103. Wildlife Recreation Facilities Pilot Program.

(a) There is created a program to be known as the "Wildlife Recreation Facilities Pilot Program".

(b) The program shall be developed, implemented, and administered by the ~~Department of Rural Services and the Arkansas Rural Development Commission~~ Division of the Arkansas Economic Development Commission with the

assistance of the Arkansas State Game and Fish Commission.

(c) The purpose of the program is to:

- (1) Create better access to outdoor wildlife recreational activities for Arkansans;
- (2) Attract tourists for the enjoyment and utilization of wildlife sports, including hunting and fishing;
- (3) Ignite interest in the wildlife resources and nature appreciation activities of Arkansas; and
- (4) Promote economic development in the state through the use and enjoyment of the state's abundant wildlife resources.

(d) The ~~department and the commission~~ division and the Arkansas State Game and Fish Commission agree to work cooperatively to establish criteria and recommendations for wildlife recreation facilities, including without limitation the development of community ponds, shooting ranges, community fishing, and access areas for fishing for the enjoyment of the wildlife resources of the state by our citizens and visitors to the state who are attracted to Arkansas's abundant wildlife resources.

(e) The ~~department and the commission~~ division and the Arkansas State Game and Fish Commission agree to develop plans and review the needs and requirements for the construction and development of wildlife recreation facilities under the program.

(f) The ~~department~~ division, with the assistance and advice of the ~~commission~~ Arkansas State Game and Fish Commission, shall establish criteria for the wildlife recreation facilities by the promulgation of rules in accordance with the Arkansas Administrative Procedure Act, § 25-15-201 et seq., for the development of wildlife recreation facilities in the program.

SECTION 131. Arkansas Code § 15-47-104 is amended to read as follows:
15-47-104. Funding.

(a)(1) The Arkansas State Game and Fish Commission voluntarily agrees to make available an amount not to exceed five hundred thousand dollars (\$500,000) for the fiscal year beginning July 1, 2011, and ending June 30, 2012, for the Wildlife Recreation Facilities Pilot Program for the development of wildlife recreation facilities under this subchapter from moneys that the commission has received from oil and gas leases in the Fayetteville Shale.

(2) The General Assembly recognizes that the agreement under subdivision (a)(1) of this section does not constitute:

- (A) A mandate by the General Assembly;
- (B) An appropriation of funds by the General Assembly; or
- (C) A waiver or relinquishment by the commission of the authority vested in the commission under Arkansas Constitution, Amendment 35.

(3) Before any moneys are distributed under this section, the ~~commission~~ Arkansas State Game and Fish Commission shall retain the right to approve or disapprove the release of moneys.

(4) Future funding for the program is subject to the review under subdivisions (b)(2) and (3) of this section and shall be determined by and distributed from the availability of royalties from oil and gas leases in the Fayetteville Shale that the commission receives or from other sources that are not from the ~~commission~~ Arkansas State Game and Fish Commission.

(b)(1) The ~~Department of~~ Rural Services Division of the Arkansas Economic Development Commission and the ~~commission~~ Arkansas State Game and Fish Commission agree to execute a memorandum of understanding to delineate each party's participation, obligation, and cooperation in the program sufficient to fulfill the requirements of this section.

(2) The ~~department~~ division and the ~~commission~~ Arkansas State Game and Fish Commission agree to review the memorandum of understanding every two (2) years to evaluate the effectiveness and success of the program and to reexamine the need for moneys to be made available to the ~~department~~ division to fund the development of wildlife recreation facilities.

(3) If both the ~~commission~~ Arkansas State Game and Fish Commission and the ~~department~~ division agree that the program meets or exceeds the purpose of the legislation or agree that to discontinue the program would result in an undue disruption of progress, the parties shall reexecute a memorandum of understanding under subdivision (b)(1) of this section.

(c) An agreement for funding in a memorandum of understanding under subdivision (b)(1) of this section and a distribution of money under this subchapter require the final approval of the ~~commission~~ Arkansas State Game and Fish Commission.

(d) The maximum grant amount for a single project funded under the program is one hundred thousand dollars (\$100,000) per year.

SECTION 132. Arkansas Code § 14-272-101(b)(1)(I), concerning the membership of the Rural Fire Department Study Committee, is amended to read as follows:

(I) The Director of the ~~Department of Rural Services~~ Arkansas Economic Development Commission or the director's designee; and

SECTION 133. Arkansas Code § 19-5-997(b), concerning the contents of the Center for Rural Arkansas Trust Fund, is amended to read as follows:

(b) This fund shall consist of those funds that may be received from private, foundation, and corporate sources and funds provided by the General Assembly to be used to finance the ~~appropriation made by this act for the~~ Center for Rural Arkansas. The ~~Department of Rural Services~~ Division of the Arkansas Economic Development Commission shall only transfer the interest earnings from the fund annually to finance the appropriations made for its matching grant programs with the principal amount to remain in the fund.

SECTION 134. Arkansas Code § 19-5-1136(d)(3)(A), concerning the distribution of the Animal Rescue and Shelter Trust Fund, is amended to read as follows:

(3)(A) Thirty percent (30%) is distributed to the ~~Department of Rural Services~~ Division of the Arkansas Economic Development Commission to provide grants to a county or municipality based only on the infrastructure needs for animal rescues or animal shelters.

SECTION 135. Arkansas Code § 19-6-811 is amended to read as follows:
19-6-811. Wildlife Recreation Facilities Fund.

(a) There is created on the books of the Treasurer of State, the Auditor of State, and the Chief Fiscal Officer of the State a special revenue fund to be known as the "Wildlife Recreation Facilities Fund" administered by the ~~Department of Rural Services~~ Division of the Arkansas Economic Development Commission.

(b) The fund shall consist of:

(1) Those special revenues and any other revenues authorized by law;

(2) Any moneys appropriated to it by the General Assembly; and

(3) Any gifts, contributions, grants, or bequests received from federal, private, or other sources.

(c) The fund shall be used by the ~~department~~ division to develop criteria to establish and fund the development and maintenance of wildlife recreation facilities.

SECTION 136. Arkansas Code § 27-3-103(b)(3)(E), concerning the membership of the Arkansas Public Transportation Coordination Council, is amended to read as follows:

(E) The Director of the ~~Department of Rural Services~~ Arkansas Economic Development Commission or his or her designee;

SECTION 137. DO NOT CODIFY. Transfer of the Division of Land Surveys of the Arkansas Agriculture Department to the Arkansas Geographic Information System Office.

(a)(1) The Division of Land Surveys of the Arkansas Agriculture Department is transferred to the Arkansas Geographic Information System Office by a type 2 transfer under § 25-2-105.

(2) As used in this act, the Arkansas Geographic Information System Office is the principal department.

(b) All authority, powers, duties, functions, records, personnel, property, unexpended balances of appropriations, allocations, and other funds, including the functions of budgeting or purchasing, are transferred to the Arkansas Geographic Information System Office, except as specified by this act.

(c) All powers, duties, and functions, including rulemaking, regulation, and licensing, promulgation of rules, rates, regulations, and standards, and the rendering of findings, orders, and adjudications are transferred to the Arkansas Geographic Information Systems Board.

(d) The members of the Advisory Board to the Division of Land Surveys, and their successors, shall continue to be selected in the manner and serve for the terms provided by the statutes applicable to the board except as specified in this act.

(e) Except as specified in this act, the Arkansas Code Revision Commission shall replace "Division of Land Surveys of the Arkansas Agriculture Department" with "Division of Land Surveys of the Arkansas

Geographic Information System Office".

SECTION 138. Arkansas Code § 15-21-101 is amended to read as follows:

15-21-101. Restoration of General Land Office corners.

(a) In order to expedite the restoration of original United States General Land Office, or GLO, corners by placement of markers and monuments, a contract between certified land surveyors of this state and the Division of Land Surveys of the ~~Arkansas Agriculture Department~~ Arkansas Geographic Information System Office shall not be required.

(b) Compensation may be made to any certified surveyor who provides proof of restoration according to specifications prescribed by the ~~State Surveyor~~ Arkansas Geographic Information Systems Board.

SECTION 139. Arkansas Code § 15-21-201(a), concerning the creation of the Division of Land Surveys, is amended to read as follows:

(a) There is created ~~in the Arkansas Agriculture Department~~ a Division of Land Surveys of the Arkansas Geographic Information System Office.

SECTION 140. Arkansas Code § 15-21-202 is amended to read as follows:

15-21-202. Land ~~survey advisory board~~ Survey Advisory Board – Creation – Members.

(a) ~~(1)~~ There is created ~~an~~ the Land Survey Advisory Board ~~to the Division of Land Surveys~~.

(2) The Land Survey Advisory Board shall assist and advise the Arkansas Geographic Information Systems Board concerning the powers, authority, and duties conferred upon the Arkansas Geographic Information Systems Board under this subchapter.

(b) The ~~board~~ Land Survey Advisory Board shall consist of the following:

(1) One (1) person who is a professional engineer and registered professional surveyor designated by the State Board of Licensure for Professional Engineers and Professional Surveyors;

(2) One (1) person who is a registered professional surveyor designated by the Arkansas Association of Professional Surveyors;

(3) One (1) person designated by the Arkansas Realtors Association;

(4) One (1) person who is a registered professional engineer and registered professional surveyor with the Arkansas State Highway and Transportation Department designated by the State Highway Commission;

(5) One (1) person designated by the Arkansas County Judges Association;

(6) One (1) licensed abstractor designated by the Arkansas Abstractors Association; and

(7) One (1) registered professional surveyor designated by the Arkansas Forestry Commission.

(c) All members of the ~~board~~ Land Survey Advisory Board shall serve for terms of six (6) years.

(d) Members of the ~~board~~ Land Survey Advisory Board shall serve without compensation but may receive expense reimbursement and stipends in accordance with § 25-16-901 et seq.

SECTION 141. Arkansas Code § 15-21-203 is amended to read as follows:

15-21-203. Land Survey Advisory Board ~~board~~ Board – Organization and meetings.

The ~~Advisory Board to the Division of Land Surveys~~ Land Survey Advisory Board shall select a chair from its membership. The board shall meet at least quarterly and at any other times as shall be determined by the ~~Chair of the Advisory Board to the Division of Land Surveys~~ chair.

SECTION 142. Arkansas Code § 15-21-204 is amended to read as follows:

15-21-204. Land Survey Advisory Board ~~board~~ Board – Duties.

The ~~Advisory Board to the Division of Land Surveys created by this subchapter~~ Land Survey Advisory Board shall act in an advisory capacity to the ~~Secretary of the Arkansas Agriculture Department and the State Surveyor~~ Arkansas Geographic Information Systems Board in all matters relative to formulating policies of the Division of Land Surveys of the Arkansas Geographic Information System Office and in promulgating the regulations designed to establish uniform professional surveying and mapping methods and standards for the state and in formulating other policies, practices, and regulations as the ~~secretary and the State Surveyor shall deem~~ Arkansas Geographic Information Systems Board with the advice of the Land Survey Advisory Board deems necessary to carry out the purpose and intent of this

subchapter.

SECTION 143. Arkansas Code § 15-21-205 is amended to read as follows:
15-21-205. State Surveyor – Generally.

(a) The Arkansas Geographic Information Systems Board may employ a State Surveyor to be the head of the Division of Land Surveys ~~shall be headed by and shall be under the direction, supervision, and control of the State Surveyor of the Arkansas Geographic Information System Office.~~

(b) The State Surveyor shall:

(1) Be a person of proven administrative ability, a registered professional surveyor, and a resident of the State of Arkansas with training and experience properly qualifying the person for the performance of his or her official duties;

(2) Be appointed by and serve at the pleasure of the ~~Secretary of the Arkansas Agriculture Department, provided that the secretary shall appoint the State Surveyor after consulting~~ Arkansas Geographic Information Systems Board after the Arkansas Geographic Information Systems Board consults with the State Board of Licensure for Professional Engineers and Professional Surveyors and the Arkansas Society of Professional Surveyors;

(3) Devote his or her full time to the performance of his or her official functions and duties as prescribed in this subchapter;

(4) Hold no other lucrative position while serving as State Surveyor; and

(5) Receive such compensation as may be prescribed by law.

SECTION 144. Arkansas Code § 15-21-206 is amended to read as follows:

15-21-206. ~~State Surveyor~~ Arkansas Geographic Information Systems Board
– Powers and duties.

The ~~State Surveyor, acting under the supervision and direction and with the approval of the Secretary of the Arkansas Agriculture Department~~ Arkansas Geographic Information Systems Board, shall have the following authority and responsibility:

(1) To:

(A) Restore, maintain, and preserve the land survey monuments, section corners, and quarter section corners established by the United States Public Land Survey within the State of Arkansas, together with

all pertinent field notes, plats, and documents; and

(B) Restore, establish, maintain, and preserve other boundary markers as may be determined to be necessary or important in establishing and maintaining accurate land descriptions in this state;

(2)(A) To design and cause to be placed at established public land survey corner sites, where practical, substantial monuments permanently indicating with words and figures the exact location involved.

(B) If the monuments cannot be placed at the exact corner point, then witness corners of similar design shall be placed as near as is possible with words and figures indicating the bearing and distance to the true corner;

(3) To establish, maintain, and provide safe storage facilities for a comprehensive system of recordation of information respecting all monuments established by the United States Public Land Survey within this state and any records as may be pertinent to the Division of Land Surveys of the ~~Office of the Commissioner of State Lands~~ Arkansas Geographic Information System Office establishment or maintenance of other land corners, Arkansas coordinate system stations and accessories, and monuments in general;

(4) To extend throughout the state a triangulation and leveling net of precision whereby the Arkansas Coordinate System 1983, § 15-21-301 et seq., already initiated in this state by the United States National Geodetic Survey may be made to cover to the necessary extent those areas of the state that do not now have enough geodetic control stations to permit the general use of the system by land surveyors and others;

(5) To collect and preserve information obtained from surveys made by those authorized to establish land monuments or land boundaries and to assist in the proper recording of the information by the duly constituted county officials or other appropriate officials;

(6)(A) To furnish certified copies of records created or maintained by the division to any person, entity, or agency upon request therefor and payment of the prescribed fees.

(B) All such records when certified by the ~~State Surveyor~~ division or a designated assistant shall be admissible in evidence in any court in this state as the original record filed with this agency;

(7) To:

(A) Prescribe reasonable rules not inconsistent with law

designed to establish uniform professional surveying and mapping methods and standards in this state;

(B) Disseminate the rules to those engaged in the profession of land surveying; and

(C) Administer the rules by referring evidence of violations to the State Board of Licensure for Professional Engineers and Professional Surveyors under subdivision (9) of this section;

(8) To promote the training and the increase in number of quality surveyors in this state;

(9) To receive and investigate complaints against any surveyor and to present the results from the investigation of complaints to the board for any action the board considers appropriate;

(10) To assist the county assessors in establishing accurate land descriptions of the state-owned or state-claimed lands and to assist the public and private surveyors to obtain land ownership information for surveying purposes;

(11) To accept for the state gifts, grants, and donations from any and all persons, corporations, associations, and foundations and from the federal or state government or any agency or program thereof to be deposited in a financial institution in this state;

(12) To enter into such agreements or contracts with agencies of the United States Government, agencies of the State of Arkansas, other states, and registered land surveyors as ~~he or she~~ the Arkansas Geographic Information Systems Board deems necessary or desirable to properly plan and execute projects within the scope and purpose of this subchapter; and

(13) To employ such surveyors and other professional and nonprofessional assistants and to take other reasonable action as deemed necessary to carry out the purposes of this subchapter.

SECTION 145. Arkansas Code § 15-21-207(a), concerning registration of surveyors, is amended to read as follows:

(a) Every employee of the Division of Land Surveys of the Arkansas Geographic Information System Office who performs any work required by law to be done by a registered professional surveyor shall be a registered surveyor.

SECTION 146. Arkansas Code § 15-21-208 is amended to read as follows:

15-21-208. Right to enter private property.

(a) The State Surveyor or any employee of the Division of Land Surveys of the Arkansas Geographic Information System Office shall have the right to enter upon private property for the purpose of making surveys or searching for, locating, relocating, or remonumenting land monuments, levelling stations, or section corners.

(b) Employees of the division ~~and~~, members of the ~~Advisory Board to the Division of Land Surveys~~ Survey Advisory Board, and members of the Arkansas Geographic Information Systems Board shall be immune from arrest for trespass in performing their duties as prescribed in this subchapter but shall always, where practical, announce and identify themselves and their intentions before entering upon private property. The employees and ~~board~~ members of the Land Survey Advisory Board and the Arkansas Geographic Information Systems Board shall be personally liable for any damage caused to private property by their wantonness, willfulness, or gross negligence.

SECTION 147. Arkansas Code § 15-21-209(a), concerning copies of certain land records, is amended to read as follows:

(a) When the State Surveyor so requests, the public recorder of deeds, mortgages, or other instruments dealing with interest in real property and all state agencies, boards, and commissions and all county and municipal officials shall furnish to the Division of Land Surveys of the Arkansas Geographic Information System Office certified copies of records in their custody which are essential for the division to carry out its duties under the provisions of this subchapter.

SECTION 148. Arkansas Code § 15-21-210(a), concerning the sale of information by the Division of Land Surveys, is amended to read as follows:

(a) The Division of Land Surveys of the Arkansas Geographic Information System Office may produce, reproduce, and sell maps, plats, and records and shall prescribe a reasonable charge therefor.

SECTION 149. Arkansas Code § 17-48-106(a)(2), concerning the filing of boundary surveys, is amended to read as follows:

(2) A licensed surveyor shall file the plat with the ~~State Surveyor~~ Division of Land Surveys of the Arkansas Geographic Information

System Office within thirty (30) days after payment for performing the survey or the plat is completed, whichever event occurs last.

SECTION 150. Arkansas Code § 25-38-209 is repealed.

~~25-38-209. Transfer of the Division of Land Surveys.~~

~~(a)(1) Effective July 1, 2007, the Division of Land Surveys in the Office of Commissioner of State Lands is transferred to the Arkansas Agriculture Department and shall be administered by the Secretary of the Arkansas Agriculture Department.~~

~~(2) All authority, powers, duties, functions, records, authorized positions, property, unexpended balances of appropriations, allocations, or other funds of the Division of Land Surveys are transferred to the Arkansas Agriculture Department.~~

~~(b) In order to protect the Division of Land Surveys, to allow for continuation of necessary procedures, and to provide for a smooth transition to the Department of Agriculture, the Secretary of the Arkansas Agriculture Department may not realign the functions and records of the Division of Land Surveys of the Arkansas Agriculture Department before July 1, 2008.~~

SECTION 151. Arkansas Code § 25-16-903(47), concerning the authorization of the Advisory Board to the Division of Land Surveys to receive stipends, is amended to read as follows:

(47) ~~Advisory Board to the Division of Land Surveys~~ Survey Advisory Board;

SECTION 152. DO NOT CODIFY.

(a) Any funds authorized by the Ninetieth General Assembly from the Arkansas Building Authority Maintenance Fund may be deemed payable from the Building Authority Division Maintenance Fund.

(b) Any funds authorized by the Ninetieth General Assembly from the Arkansas Building Authority Real Estate Fund may be deemed payable from the Building Authority Division Real Estate Fund.

SECTION 153. EMERGENCY CLAUSE. It is found and determined by the General Assembly of the State of Arkansas that the Arkansas Building Authority, the Arkansas Science and Technology Authority, the Department of

Rural Services, and the Division of Land Surveys of the Arkansas Agriculture Department are inefficiently structured; that this inefficient structuring causes an excessive and unnecessary cost to the taxpayers of the this state; and that this act is essential to alleviating that financial burden. Therefore, an emergency is declared to exist, and this act being necessary for the preservation of the public peace, health, and safety shall become effective on July 1, 2015.

APPROVED: 05/29/2015