

State of Arkansas
91st General Assembly
Second Extraordinary Session, 2018

A Bill

Call Item 8
HOUSE BILL 1005

By: Representative Bentley
By: Senator G. Stubblefield

For An Act To Be Entitled

AN ACT TO EXEMPT CERTAIN PROPERTY UNDER THE CONTROL AND MANAGEMENT OF THE STATE PARKS, RECREATION, AND TRAVEL COMMISSION FROM REQUIREMENTS OF THE BUILDING AUTHORITY DIVISION OF THE DEPARTMENT OF FINANCE AND ADMINISTRATION; TO DECLARE AN EMERGENCY; AND FOR OTHER PURPOSES.

Subtitle

TO AMEND THE REQUIREMENT FOR CERTAIN PROPERTY UNDER THE CONTROL AND MANAGEMENT OF THE STATE PARKS, RECREATION, AND TRAVEL COMMISSION; AND TO DECLARE AN EMERGENCY.

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

SECTION 1. Arkansas Code § 22-2-102, concerning the definitions used in the Building Authority Division Act, is amended to add an additional subdivision to read as follows:

- (4) "Unpaved trail project" means a project to create a trail:
- (A) That is on property under the immediate control and management of the State Parks, Recreation, and Travel Commission;
- (B) That is either:
- (1) To be used solely for recreational purposes; or
- (2) Otherwise necessary to carry out the mission of the commission; and



(C) For which the labor, services, and commodities are donated.

SECTION 2. Arkansas Code § 22-2-108(9)(B), concerning the powers and duties of the Building Authority Division of the Department of Finance and Administration, is amended to read as follows:

(B) However, the division shall not:

(i) engage Engage in the production of architectural plans and specifications, with the exception that the architects and engineers employed by the division may provide and make available technical assistance to the division's sections listed in § 22-2-107 and other agencies regarding capital improvements involving roofing projects, repairs, alterations, or renovations; or

(ii) Apply minimum design and construction standards and criteria to the design or construction of an unpaved trail project.

SECTION 3. Arkansas Code § 22-2-113(a)(7) and (8), concerning the duties of the Building Authority Division of the Department of Finance and Administration regarding the schedule of supervision of capital improvement projects, are amended to read as follows:

(7)(A) Review and approve construction plans ~~so as~~ to ensure compliance with minimum construction standards and criteria promulgated by the director as provided in this chapter~~+~~.

(B)(i) This subdivision (a)(7) does not apply to the design or construction of an unpaved trail project.

(ii) The State Parks, Recreation, and Travel Commission shall ensure that an unpaved trail project created under this subdivision (a)(7) meets the standards for observation by registered professionals as established by the division.

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

(B)(i) This subdivision (a)(8) does not apply to the design or construction of an unpaved trail project.

(ii) The State Parks, Recreation, and Travel Commission shall ensure that an unpaved trail project created under this

subdivision (a)(8) adheres to applicable public works laws.

SECTION 4. Arkansas Code § 22-9-101(c), concerning the requirement of observation by registered professionals for capital improvements of public works, is amended to read as follows:

(c) This section ~~shall~~ does not apply to:

(1) any A school district, county, municipality, or township project that is planned and executed according to plans and specifications furnished by authorized state agencies; or

(2)(A) The design or construction of an unpaved trail project as defined under § 22-2-102.

(B) The State Parks, Recreation, and Travel Commission shall ensure that an unpaved trail project created under this subdivision (c)(2) meets the standards for observation by registered professionals as established by the Building Authority Division of the Department of Finance and Administration.

SECTION 5. EMERGENCY CLAUSE. It is found and determined by the General Assembly of the State of Arkansas that the efficient design and construction of unpaved trail projects on property of the State Parks, Recreation, and Travel Commission will increase economic development in the state; that certain regulatory requirements have delayed unpaved trail projects in the state; that it is in the best interest of the state to remove certain regulatory burdens on these unpaved trail projects; and that the immediate implementation of this act will allow for the expedited design and construction of these unpaved trail projects and improve economic development across the state through the ability to immediately improve Arkansas's state parks and increase tourism. Therefore, an emergency is declared to exist, and this act being immediately necessary for the preservation of the public peace, health, and safety shall become effective on:

(1) The date of its approval by the Governor;

(2) If the bill is neither approved nor vetoed by the Governor, the expiration of the period of time during which the Governor may veto the bill; or

(3) If the bill is vetoed by the Governor and the veto is overridden, the date the last house overrides the veto.

APPROVED: 3/19/18