

State of Arkansas  
90th General Assembly  
Third Extraordinary Session, 2016

# A Bill

Call Item 14  
SENATE BILL 15

By: Senator Caldwell  
By: Representative Wallace

## For An Act To Be Entitled

AN ACT TO AMEND THE LAW CONCERNING LOCAL BUILDING REQUIREMENTS; TO DECLARE AN EMERGENCY; AND FOR OTHER PURPOSES.

### Subtitle

TO AMEND THE LAW CONCERNING LOCAL BUILDING REQUIREMENTS AND TO DECLARE AN EMERGENCY.

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

SECTION 1. Arkansas Code § 12-80-104(a)(2), concerning design requirements, is amended to read as follows:

(2)(A) Design loads and seismic design requirements shall be, as a minimum, those listed in the Chapter of Structure Loads and referenced chapters from the Arkansas Fire Prevention Code.

(B) Buildings or other structures classified as Category I or Category II occupancies as described in Table 1604.5, Arkansas Fire Prevention Code, Volume II, 2012 Edition, or in American Society of Civil Engineers (ASCE) Standard 7-10, Table 1.5-1, that are constructed for manufacturing or industrial occupancy or for public works may be designed using the mapped ground motion response accelerations for a ten percent probability of exceeding the design seismic event in a fifty-year period based on United States Geological Survey data, instead of the mapped ground motion response accelerations for a two percent or other probability of exceeding the design seismic event in a fifty-year period as set out in the



Arkansas Fire Prevention Code, 2012 Edition, or subsequent editions of the Arkansas Fire Prevention Code if the alternate design standard has been properly adopted by ordinance in the locality in which the building or other structure is to be constructed.

SECTION 2. Arkansas Code Title 13, Chapter 2, Subchapter 1, is amended to add an additional section to read as follows:

13-2-105. Municipal and county public libraries prohibited in flood zones or flood-prone buildings – Exceptions.

(a)(1) Except as provided in subdivision (a)(2) and subsection (b) of this section, a municipal or county public library shall not be placed:

(A) In a building that is designated as in a flood zone or on land designated as a flood zone; or

(B) In a building that has flooded due to rain or rainwater drainage.

(2) Upon request by the county quorum court for a county public library or the city council or other governing body of the city for a municipal public library, the Legislative Council during the interim or the Joint Budget Committee when the General Assembly is in session, may permit the county quorum court, city council, or other governing body of the city to place a public library in a location prohibited by subdivision (a)(1) of this section if the county quorum court, city council, or other governing body of the city shows that:

(A) The geography, architecture, engineering, or other circumstance of the land or structure that will house the public library ensures that the books, digital media, and other commodities and property owned by the public library are sufficiently safe from damage or destruction by flooding or floodwater; or

(B) Sufficient accommodations will continue to be made to protect the books, digital media, and other commodities and property owned by the public library from damage or destruction by flooding or floodwater.

(b) A public library that is housed in a location prohibited by subdivision (a)(1) of this section on the effective date of this section may remain in that location.

SECTION 3. EMERGENCY CLAUSE. It is found and determined by the

General Assembly of the State of Arkansas that seismic design requirements found in the Arkansas Fire Prevention Code are overly restrictive based on current scientific data; that the nature of these restrictions require businesses to expend significant resources; and that this act is immediately necessary to correct this restriction, to ease the burden on businesses considering construction in Arkansas, and to promote local economic development efforts. It is also found and determined by the General Assembly of the State of Arkansas that public libraries are essential resources to the health, education, and general welfare of our communities; that the books and digital media contained within public libraries are particularly susceptible to destruction by excessive rain, moisture, or humidity; that the spring and summer months in Arkansas tend to yield the most precipitation; and that this act is immediately necessary to protect the knowledge resources of certain communities of this state. 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.