

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



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

3
 4 SECTION 2. Arkansas Code § 22-2-108(9)(B), concerning the powers and
 5 duties of the Building Authority Division of the Department of Finance and
 6 Administration, is amended to read as follows:

7 (B) However, the division shall not:

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

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

16
 17 SECTION 3. Arkansas Code § 22-2-113(a)(7) and (8), concerning the
 18 duties of the Building Authority Division of the Department of Finance and
 19 Administration regarding the schedule of supervision of capital improvement
 20 projects, are amended to read as follows:

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

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

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

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

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

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

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

2
3 SECTION 4. Arkansas Code § 22-9-101(c), concerning the requirement of
4 observation by registered professionals for capital improvements of public
5 works, is amended to read as follows:

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

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

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

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

17
18 SECTION 5. EMERGENCY CLAUSE. It is found and determined by the
19 General Assembly of the State of Arkansas that the efficient design and
20 construction of unpaved trail projects on property of the State Parks,
21 Recreation, and Travel Commission will increase economic development in the
22 state; that certain regulatory requirements have delayed unpaved trail
23 projects in the state; that it is in the best interest of the state to remove
24 certain regulatory burdens on these unpaved trail projects; and that the
25 immediate implementation of this act will allow for the expedited design and
26 construction of these unpaved trail projects and improve economic development
27 across the state through the ability to immediately improve Arkansas's state
28 parks and increase tourism. Therefore, an emergency is declared to exist,
29 and this act being immediately necessary for the preservation of the public
30 peace, health, and safety shall become effective on:

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

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

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