

1 State of Arkansas  
2 90th General Assembly  
3 Third Extraordinary Session, 2016  
4

# A Bill

Call Item 14  
SENATE BILL 15

5 By: Senator Caldwell  
6 By: Representative Wallace  
7

## For An Act To Be Entitled

9 AN ACT TO AMEND THE LAW CONCERNING LOCAL BUILDING  
10 REQUIREMENTS; TO DECLARE AN EMERGENCY; AND FOR OTHER  
11 PURPOSES.  
12  
13

## Subtitle

15 TO AMEND THE LAW CONCERNING LOCAL  
16 BUILDING REQUIREMENTS AND TO DECLARE AN  
17 EMERGENCY.  
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20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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22 SECTION 1. Arkansas Code § 12-80-104(a)(2), concerning design  
23 requirements, is amended to read as follows:

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

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



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

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

8 13-2-105. Municipal and county public libraries prohibited in flood  
9 zones or flood-prone buildings – Exceptions.

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

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

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

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

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

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

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

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

1 General Assembly of the State of Arkansas that seismic design requirements  
2 found in the Arkansas Fire Prevention Code are overly restrictive based on  
3 current scientific data; that the nature of these restrictions require  
4 businesses to expend significant resources; and that this act is immediately  
5 necessary to correct this restriction, to ease the burden on businesses  
6 considering construction in Arkansas, and to promote local economic  
7 development efforts. It is also found and determined by the General Assembly  
8 of the State of Arkansas that public libraries are essential resources to the  
9 health, education, and general welfare of our communities; that the books and  
10 digital media contained within public libraries are particularly susceptible  
11 to destruction by excessive rain, moisture, or humidity; that the spring and  
12 summer months in Arkansas tend to yield the most precipitation; and that this  
13 act is immediately necessary to protect the knowledge resources of certain  
14 communities of this state. Therefore, an emergency is declared to exist, and  
15 this act being immediately necessary for the preservation of the public  
16 peace, health, and safety shall become effective on:

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

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

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

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