

**QUESTIONNAIRE FOR FILING PROPOSED RULES AND REGULATIONS  
WITH THE ARKANSAS LEGISLATIVE COUNCIL AND JOINT INTERIM COMMITTEE**

DEPARTMENT/AGENCY Arkansas Building Authority  
 DIVISION Real Estate Services  
 DIVISION DIRECTOR Anne Laidlaw, ABA Director; Catherine Mulkey RES Admin  
 CONTACT PERSON Catherine Mulkey  
 ADDRESS 501 Woodlane, Suite 101N, Little Rock, AR  
 PHONE NO. 501-682-5570 FAX NO. 501-682-5589 E-MAIL cmulkey@aba.state.ar.us  
 NAME OF PRESENTER AT COMMITTEE MEETING Catherine Mulkey  
 PRESENTER E-MAIL cmulkey@aba.state.ar.us

**INSTRUCTIONS**

- A. Please make copies of this form for future use.
- B. Please answer each question completely using layman terms. You may use additional sheets, if necessary.
- C. If you have a method of indexing your rules, please give the proposed citation after "Short Title of this Rule" below.
- D. Submit two (2) copies of this questionnaire and financial impact statement attached to the front of two (2) copies of the proposed rule and required documents. Mail or deliver to:

**Donna K. Davis  
 Administrative Rules Review Section  
 Arkansas Legislative Council  
 Bureau of Legislative Research  
 Room 315, State Capitol  
 Little Rock, AR 72201**

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1. What is the short title of this rule? ABA Minimum Standards and Criteria  
Section Five Real Estate Services

2. What is the subject of the proposed rule? The proposed revisions are being made to the ABA  
leasing policies and to the mandated state lease  
forms.

3. Is this rule required to comply with a federal statute, rule, or regulation? Yes  No   
 If yes, please provide the federal rule, regulation, and/or statute citation.

4. Was this rule filed under the emergency provisions of the Administrative Procedure Act? Yes  No

If yes, what is the effective date of the emergency rule? N/A

When does the emergency rule expire? N/A

Will this emergency rule be promulgated under the permanent provisions of the Administrative Procedure Act? Yes  No

5. Is this a new rule? Yes  No   
If yes, please provide a brief summary explaining the regulation.

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Does this repeal an existing rule? Yes  No   
If yes, a copy of the repealed rule is to be included with your completed questionnaire. If it is being replaced with a new rule, please provide a summary of the rule giving an explanation of what the rule does.

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Is this an amendment to an existing rule? Yes  No   
If yes, please attach a mark-up showing the changes in the existing rule and a summary of the substantive changes. **Note: The summary should explain what the amendment does, and the mark-up copy should be clearly labeled "mark-up."**

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6. Cite the state law that grants the authority for this proposed rule?  
If codified, please give Arkansas Code citation.  
Ark. Code Ann. §22-2-107(4) and §22-2-114(a)(6)

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7. What is the purpose of this proposed rule? Why is it necessary?  
The purpose of these revisions are to provide clarification to leasing terms as well as to reflect current business practices with the Real Estate Services Section policies and to revise the mandate state lease forms.

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8. Please provide the address where this rule is publicly accessible in electronic form via the Internet as required by Arkansas Code § 25-19-108(b).  
www.aba.arkansas.gov

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9. Will a public hearing be held on this proposed rule? Yes  No   
If yes, please complete the following:  
Date: 1/20/12  
Time: 10:00 am  
Place: Real Estate Commission Meeting Room, 612 South Summit, Little Rock, AR

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10. When does the public comment period expire for permanent promulgation? (Must provide a date.) January 10, 2011

11. What is the proposed effective date of this proposed rule? (Must provide a date.) 30 days after the filing of the final rule

12. Do you expect this rule to be controversial? Yes  No   
If yes, please explain. \_\_\_\_\_

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13. Please give the names of persons, groups, or organizations that you expect to comment on these rules? Please provide their position (for or against) if known.  
ABA has provided information to a professional organization known as BOMA (Building Owners and Managers Association of Greater Little Rock) who membership consists of persons who the state leases

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from. The Arkansas Attorney General has reviewed and approved the state leasing forms #1 (leasing from private lessors) and #2 (leases for ABA owned buildings). ABA has not received any negative comments or concerns and we do not expect any.

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**FINANCIAL IMPACT STATEMENT**

PLEASE ANSWER ALL QUESTIONS COMPLETELY

**DEPARTMENT** Arkansas Building Authority  
**DIVISION** Real Estate Services  
**PERSON COMPLETING THIS STATEMENT** Catherine Mulkey  
**TELEPHONE NO.** 501-682-5570 **FAX NO.** 501-682-5589 **EMAIL:** cmulkey@aba.state.ar.us

To comply with Act 1104 of 1995, please complete the following Financial Impact Statement and file two copies with the questionnaire and proposed rules.

**SHORT TITLE OF THIS RULE** Arkansas Building Authority Minimum Standards and Criteria Section Five: Real Estate Services

1. Does this proposed, amended, or repealed rule have a financial impact? Yes  No

2. Does this proposed, amended, or repealed rule affect small businesses? Yes  No   
If yes, please attach a copy of the economic impact statement required to be filed with the Arkansas Economic Development Commission under Arkansas Code § 25-15-301 et seq.

3. If you believe that the development of a financial impact statement is so speculative as to be cost prohibited, please explain.

4. If the purpose of this rule is to implement a federal rule or regulation, please give the incremental cost for implementing the rule. Please indicate if the cost provided is the cost of the program.

**Current Fiscal Year**

General Revenue \_\_\_\_\_  
Federal Funds \_\_\_\_\_  
Cash Funds \_\_\_\_\_  
Special Revenue \_\_\_\_\_  
Other (Identify) \_\_\_\_\_  
Total \$0

**Next Fiscal Year**

General Revenue \_\_\_\_\_  
Federal Funds \_\_\_\_\_  
Cash Funds \_\_\_\_\_  
Special Revenue \_\_\_\_\_  
Other (Identify) \_\_\_\_\_  
Total \$0

5. What is the total estimated cost by fiscal year to any party subject to the proposed, amended, or repealed rule? Identify the party subject to the proposed rule and explain how they are affected.

**Current Fiscal Year**

\$ not known

**Next Fiscal Year**

\$ not known

The party that is affected by the proposed rule are those leasing to the state.

6. What is the total estimated cost by fiscal year to the agency to implement this rule? Is this the cost of the program or grant? Please explain.

**Current Fiscal Year**

\$ \$0

**Next Fiscal Year**

\$ \$0

**QUESTIONNAIRE FOR FILING OF PROPOSED RULES WITH THE ARKANSAS  
LEGISLATIVE COUNCIL AND JOINT INTERIM COMMITTEE**

**SECTION 5 OF THE QUESTIONNAIRE:**

**SUMMARY OF ARKANSAS BUILDING AUTHORITY MINIMUM STANDARDS AND  
CRITERIA SECTION 5 – REAL ESTATE SERVICES**

Summary: The revisions to Section 5 consist of adhering to laws recently passed affecting references to disabled individuals and other minor clarifications/clean up of the rules. Other revisions expand the lease terms for the procurement of leases in §5-101 (H) & (I) from up to six (6) years to ten (10) years for requests for proposals and from up to ten (10) years to fifteen (15) years for requests for bids on new facilities process. These expanded terms are necessary to allow the Lessor to meet their financing terms and to allow the state agencies to lease property and meet it programming mandates.

# ARKANSAS BUILDING AUTHORITY

MIKE BEEBE, GOVERNOR

• ANNE W. LAIDLAW, DIRECTOR

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501 WOODLANE • SUITE 101N • LITTLE ROCK, AR • 72201 • (501) 682-1833 • FAX (501) 682-5589 • TDD (501) 682-1487

November 14, 2011

Grant Tennille, Interim Director  
Arkansas Economic Development Commission  
900 W. Capitol, Suite 400  
Little Rock, AR 72201

Re: Small Business Impact Statements for revisions to the Arkansas Building Authority  
Minimum Standards and Criteria, Sections 2-5

Dear Mr. Tennille:

Please find enclosed copies of the proposed revisions to the Arkansas Building Authority Minimum Standards and Criteria. ABA has not begun the rule making process for the promulgation of these proposed revisions to the current rules. We are planning to begin the formal process on December 7, 2011 with the presentation of these revisions to the ABA Council with hopes to begin the 30 day notice period on December 8<sup>th</sup>. This submission today is to provide you and your staff time to review the proposed changes prior to ABA's formal processes.

In accordance with state laws, we are submitting the revisions to your office for your review and comment. A substantial portion of these revisions are referencing current laws or policies, or both. As you will find, ABA does not foresee any of these revisions to have a negative impact on small businesses.

For your ease of reference, we developed a cover sheet for each section of the four (4) sections of the ABA Minimum Standards and Criteria. The name of the administrator who completed the review is on each of these cover sheets. Should you or your staff have any questions, please direct them to the name and phone number listed on the applicable coversheet. Should you have any questions regarding the rulemaking process, please contact Susan Wilson, Deputy Director at 682-5091.

Sincerely,



Anne W. Laidlaw  
Director

## IMPACT ON SMALL BUSINESS

Completed by Catherine Mulkey, ABA Real Estate Services Administrator  
(682-5570)

Name of the Rule: ABA Minimum Standards and Criteria, Section 5- Real Estate Services  
Impact Statement Completion Date: November 10, 2011

- (1) Identification of the small business:
  - a. What are the types of small business that will be directly affected by the proposed rule? Lessors who rent private (as opposed to public space) space to state agencies or private Lessees who rent public space from state agency owners/operators of facilities.
  - b. What types of small business will bear the cost of the proposed rule? None
  - c. What types of small business will directly benefit from the proposed rule? Same as (a.) above.
- (2) Provide a description of how small businesses will be adversely affected. None
- (3) Provide a reasonable determination of the dollar amounts the proposed rule will cost small businesses in terms of fees, administrative penalties, reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs associated with compliance. None
- (4) Provide a reasonable determination of the dollar amounts of the costs to ABA of implementing the proposed rule, as well as the financial benefit to the agency of implementing the rule. No additional cost to ABA for implementation of the rules.
- (5) State as to whether and to what extent alternative means exist for accomplishing the objectives of the proposed rule that might be less burdensome to small businesses and why such alternatives are not being proposed. Not Applicable or no known alternatives exist.
- (6) Is there a state or federal counterpart of the proposed rules? If yes, please compare. No.