



STATE OF ARKANSAS
OFFICE OF THE ATTORNEY GENERAL
JUSTICE BUILDING, LITTLE ROCK 72201

(501) 371-2007

STEVE CLARK
ATTORNEY GENERAL

OPINION NO. 85-119

May 28, 1985

Honorable Art Givens
State Representative, District 69
1004 - 300 Spring Building
Little Rock, Arkansas 72201

Dear Representative Givens:

This is in response to your request for an opinion on the following question:

When a contractor bids a job to build a U.S. Post Office, like they have recently done in Sherwood, Pulaski County, Arkansas, is the contractor required to abide by and comply with all of the state statutes, rules and regulations promulgated by any state agency and all local ordinances, rules and regulations promulgated and published by the city in which the building is to be built?

You add the information that the contractor who is building the post office in Sherwood is under the impression that because the building will ultimately be occupied by the U.S. Post Office that he is not required to submit to the State Health Department inspections of the plumbing, nor to obtain any permits from the City of Sherwood or submit to any of the normal and usual inspections conducted by the City of Sherwood for all structures constructed within Sherwood City limits. We further understand that the Postal Service owns the property and is contracting for the construction of the building.

The Postal Service, an independent establishment of the federal government, 39 U.S.C. §201, is granted the power to construct buildings, 39 U.S.C. §401(g) and to determine the need for and to provide post offices as it determines are needed. 39 U.S.C. §404(a)(3).

It appears from the foregoing sections that the Congress intended to vest in the Postal Service the power to determine the specifications of post office buildings. Regulation of building specifications of privately owned property is generally vested in local governments. However, where such

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local regulation conflicts with federal law, the latter will prevail and the contractor is responsible for the standards imposed by the federal government rather than local authorities. Miller v. Arkansas, 352 U.S. 187 (1956). The Postal Service interprets the law to make privately owned buildings leased to the Postal Service subject to local building standards.

The foregoing opinion, which I hereby approve, was prepared by Assistant Attorney General Thomas S. Gay.

Sincerely,

A handwritten signature in dark ink, appearing to read "Steve Clark", written in a cursive style.

STEVE CLARK
Attorney General

JSC:TSG:jk