

Stricken language would be deleted from and underlined language would be added to law as it existed prior to the 82nd General Assembly.

1 State of Arkansas  
2 82nd General Assembly  
3 Regular Session, 1999  
4

# A Bill

Act 776 of 1999  
SENATE BILL 471

5 By: Senator D. Malone  
6  
7

## For An Act To Be Entitled

8  
9 "AN ACT TO AMEND VARIOUS SECTIONS OF THE ARKANSAS CODE  
10 PERTAINING TO PUBLIC WORKS; AND FOR OTHER PURPOSES."  
11

### Subtitle

12  
13 "TO AMEND VARIOUS SECTIONS OF THE  
14 ARKANSAS CODE PERTAINING TO PUBLIC WORKS  
15 PROJECTS."  
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18 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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20 SECTION 1. Arkansas Code 22-9-104 is amended to read as follows:

21 "22-9-104. Proposed capital expenditures.

22 (a) Prior to the convening of regular sessions of the General Assembly,  
23 each state agency, department, or institution shall submit a proposed capital  
24 expenditures request which shall:

25 (1) Identify each public works construction project proposed to  
26 be constructed or obligated by construction contract by the governmental body  
27 during the next biennial period of the state;

28 (2) Indicate a method of financing the construction through state  
29 appropriation, federal grants, revenue bonds or revenue notes provided by law,  
30 the use of agency or institutional receipts, the use of donated funds from  
31 private sources, or a combination of one (1) or more such sources; and

32 (3) Be accompanied by estimates of the cost of maintaining and  
33 operating the capital improvement facilities once constructed.

34 (b) After appropriate hearings and review, the General Assembly shall  
35 designate each proposed capital expenditure for construction which has been  
36 approved and the method of financing the proposed capital expenditure.

1 (c) Proposed capital expenditure projects shall not be undertaken until  
2 approved by the General Assembly.

3 (d)(1) In unusual circumstances between sessions of the General  
4 Assembly, a state agency, department, or institution which needs to make a  
5 capital expenditure in excess of ~~fifty thousand dollars (\$50,000)~~ two hundred  
6 fifty thousand dollars (\$250,000), which has not been approved by the General  
7 Assembly, may submit a request for the expenditure to the Chief Fiscal Officer  
8 of the State, who shall review the request and submit his recommendation for  
9 the method of finance for the expenditure to the Legislative Council for its  
10 advice and recommendation.

11 (2) Upon obtaining the advice and recommendation of the  
12 Legislative Council, the state agency, department, or institution is  
13 authorized to proceed with the capital expenditure, subject to the provisions  
14 of the General Accounting and Budgetary Procedures Law, § 19-4-101 et seq.,  
15 and other fiscal laws of the state.

16 (e) As used in this section, 'public works construction project' means  
17 the purchase or construction of all lands, buildings, structures, utility  
18 systems, and similar facilities for the use of the governmental body filing  
19 the request but shall not include projects involving less than ~~fifty thousand~~  
20 ~~dollars (\$50,000)~~ two hundred fifty thousand dollars (\$250,000) ~~or the mere~~  
21 ~~repair, alteration, or renovation of facilities.~~

22 (f) Nothing in this section shall apply to public school districts."  
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24 SECTION 2. Arkansas Code 22-9-201 is amended to add a subsection to  
25 read as follows:

26 "(c) The notice provisions of §§§ 19-4-1401, 19-4-1405, 22-9-204 shall  
27 not apply to contracts in the performance of any work or making of any capital  
28 improvements due to emergency contracting procedures.

29 (1) Emergency contracting procedures means the acquisition of  
30 services and materials for capital improvements which are in accordance with  
31 the State Building Services Minimum Standards and Criteria.

32 (2) The Director of Arkansas State Building Services or a  
33 designee may make or authorize others to make emergency contracting procedures  
34 as defined in (c)(1) above, and in accordance with the State Building Services  
35 Minimum Standards and Criteria."  
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1 SECTION 3. Arkansas Code 19-4-1401 is amended to read as follows:

2 "19-4-1401. Notice required.

3 In all instances wherein the state has any interest whatsoever in  
4 construction work requiring bids, the notice provisions of §§ 22-9-201 - 22-9-  
5 204 shall be strictly complied with and observed. Nothing in this subchapter  
6 shall be construed to amend or repeal these statutes, except those emergency  
7 procedures provided by §§ 22-9-201 - 22-9-204."

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9 SECTION 4. Arkansas Code 22-9-208 is amended to read as follows:

10 "22-9-208. Renovation of historic sites - Legislative intent and  
11 construction.

12 (a) The General Assembly finds and determines that the:

13 (1) Mandatory adherence to competitive bidding of all costs in  
14 altering, repairing, or renovating historic sites and structures has resulted  
15 in increased costs due to the inability of bidders to accurately determine, on  
16 the basis of only an external examination of the historic sites and  
17 structures, the exact quantity of labor, materials, and supplies necessary to  
18 meet the restoration standards;

19 (2) The State of Arkansas would conserve state revenues by giving  
20 agencies charged with restoring or maintaining historic properties authority  
21 to select the contractors on the basis of the lowest responsible bid price,  
22 the bidder's experience in like work, and the techniques he proposes to  
23 employ, and by giving the agencies authority to reimburse contractors on an  
24 actual cost basis for those cost components which cannot be accurately  
25 predetermined before undertaking the project; and

26 (3) Procedures provided in subdivision (a)(2) of this section  
27 should be applicable for specific projects only after review and approval by  
28 the Chief Fiscal Officer of the State, the State Building Services Council,  
29 and the Legislative Council. The state or entities thereof shall make an  
30 assessment regarding the applicability of those procedures provided in  
31 subdivision (2) on a project-by-project basis.

32 (b) In the event there is conflict between the provisions of this  
33 section and §§ 22-9-209 - 22-9-211 and the provisions of any other act insofar  
34 as the restoration of historic structures is concerned, the procedures set  
35 forth in this section and §§ 22-9-209 - 22-9-211 shall govern."

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1 SECTION 5. All provisions of this act of a general and permanent nature  
2 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code  
3 Revision Commission shall incorporate the same in the Code.

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5 SECTION 6. If any provision of this act or the application thereof to  
6 any person or circumstance is held invalid, such invalidity shall not affect  
7 other provisions or applications of the act which can be given effect without  
8 the invalid provision or application, and to this end the provisions of this  
9 act are declared to be severable.

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11 SECTION 7. All laws and parts of laws in conflict with this act are  
12 hereby repealed.

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15 APPROVED: 3/22/1999  
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