

State of Arkansas
90th General Assembly
Regular Session, 2015

A Bill

SENATE BILL 220

By: Senator J. English
By: Representative Johnson

For An Act To Be Entitled

AN ACT TO AMEND LAWS RELATING TO PUBLIC CONTRACTS; TO
AMEND THE ARKANSAS PROCUREMENT LAW AND LAWS
APPLICABLE TO THE AWARD OF PUBLIC WORKS CONTRACTS; TO
EXEMPT FROM STATE PROCUREMENT LAWS AND LAWS
CONCERNING THE AWARD OF PUBLIC WORKS CONTRACTS,
CONTRACTS FOR THE ACQUISITION OF SERVICES AND
COMMODITIES BY A MUNICIPAL UTILITY PROVIDING UTILITY
SERVICES, OPERATIONS, OR MAINTENANCE TO A MILITARY
INSTALLATION WITHIN THE STATE; TO DECLARE AN
EMERGENCY; AND FOR OTHER PURPOSES.

Subtitle

TO EXEMPT FROM STATE PROCUREMENT LAWS
CONTRACTS FOR THE ACQUISITION OF SERVICES
AND COMMODITIES BY A MUNICIPAL UTILITY TO
A MILITARY INSTALLATION WITHIN THE STATE;
AND TO DECLARE AN EMERGENCY.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

SECTION 1. Arkansas Code § 19-11-213 is amended to read as follows:
19-11-213. Federal assistance requirements.

~~In the event~~ If federal assistance requirements or federal contract
requirements conflict with ~~the provisions of~~ this subchapter or regulations
promulgated under it, nothing in this subchapter or its regulations shall
prevent ~~any~~ a state agency or political subdivision from complying with the



1 terms and conditions of the federal assistance requirements or the federal
2 contract requirements.

3
4 SECTION 2. Arkansas Code § 19-11-259(c), concerning preferences among
5 bidders under the Arkansas Procurement Law, is amended to read as follows:

6 (c)(1)(A) ~~The provisions of this section shall only apply~~ This section
7 applies only to projects designed to provide utility needs of a county or
8 municipality.

9 (2) ~~(B) Those projects shall include, but shall not be~~
10 ~~limited to,~~ without limitation pipeline installation, sanitary projects, and
11 waterline, sewage, and water works.

12 (2) To the extent that federal purchasing laws or bidding
13 preferences conflict, this subchapter does not apply to projects related to
14 supplying water or wastewater utility services, operations, or maintenance to
15 a federal military installation by a municipality of the state.

16
17 SECTION 3. Arkansas Code § 22-9-201, concerning the applicability of
18 certain provisions related to the award of public works contracts, is amended
19 to add an additional subsection to read as follows:

20 (d) To the extent that federal purchasing laws or bidding preferences
21 conflict, this subchapter does not apply to projects related to supplying
22 water or wastewater utility services, operations, or maintenance to a federal
23 military installation by a municipality of the state.

24
25 SECTION 4. EMERGENCY CLAUSE. It is found and determined by the
26 General Assembly of the State of Arkansas that an immediate need exists to
27 allow municipal utilities to fulfill their duties to purchase commodities and
28 enter into legal and enforceable contracts for services to maintain and
29 operate utility facilities on federal military installations within the
30 state; that the window of opportunity for municipalities to enter into third
31 party contracts for maintaining and operating utility facilities serving the
32 utility needs of federal military installations is narrow; that the effective
33 operation of federal military installations in the state depends on the
34 maintenance and operation of these utility facilities; and that this act is
35 immediately necessary because national security and the general welfare,
36 material wellbeing, and economic stability of the citizens of this state will

1 be furthered by this act. Therefore, an emergency is declared to exist, and
2 this act being immediately necessary for the preservation of the public
3 peace, health, and safety shall become effective on:

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

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

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