

"AN ACT TO AMEND ARKANSAS STATUTE 14-614.2 TO PROVIDE THAT ANY CONTRACTOR MAINTAINING A STAFFED OFFICE IN ARKANSAS SHALL HAVE A PREFERENCE OVER OUT-OF-STATE CONTRACTORS FOR PUBLIC WORKS PROJECTS, AND FOR OTHER PURPOSES."

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

SECTION 1. Section 1 of Act 102 of 1977, the same being Arkansas Statute 14-614.2 is hereby amended to read as follows:

"Section 1. In awarding contracts covered by the provisions of Act 159 of 1949, as amended, by Act 183 of 1957, bids of contractors who have satisfactorily performed prior contracts, who maintain at least one (1) staffed office in this State, and who have paid taxes for not less than two (2) successive years immediately prior to submitting a bid under The Arkansas Employment Security Act, and amendments thereto, and either The Arkansas Gross Receipts Act and amendments thereto or The Arkansas Compensating Tax Act and amendments thereto, on any property used or intended to be used for or in construction or in connection with the contractors construction business, and further within the two (2) year period have paid any taxes to one (1) or more counties, school districts, or municipalities of the State of Arkansas on either real or personal property used or intended to be used in performance of or in connection with construction contracts, shall be deemed a better bid than the bid of a competing contractor who has not paid such taxes, whenever the bid of the competing contractor is less than three percent (3%) lower, and the contractor making a bid as provided by this Act which is deemed the better bid, shall be awarded the contract."

SECTION 2. Any laws or parts of laws in conflict with this Act are hereby repealed.

SECTION 3. It is hereby found and determined by the General Assembly that the present statute offering a bidders preference for Arkansas Contractors is insufficient; that this Act provides more protection to Arkansas contractors; that until this Act becomes effective, Arkansas contractors will still not enjoy the consideration that should be given to them in the law; and that this Act should, therefore, go into immediate effect. Therefore, an emergency is hereby declared to exist and this Act being immediately necessary for the preservation of the public peace, health and safety shall be in full force and effect from and after its passage and approval.

APPROVED: March 17, 1987

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