

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

Act 1930 of the Regular Session

1 State of Arkansas  
2 85th General Assembly  
3 Regular Session, 2005  
4

As Engrossed: H3/18/05

A Bill

HOUSE BILL 2427

5 By: Representative Thyer  
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7

8 **For An Act To Be Entitled**

9 AN ACT TO AMEND THE CAPITAL IMPROVEMENT LAWS; AND  
10 FOR OTHER PURPOSES.  
11

12 **Subtitle**

13 AN ACT TO AMEND THE CAPITAL IMPROVEMENT  
14 LAWS.  
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17 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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19 *SECTION 1. Arkansas Code § 26-75-203 is amended to read as follows:*  
20 *26-75-203. Definitions.*

21 *As used in this subchapter, unless the context otherwise requires:*

22 (1) *"City" means any city of the first class, city of the second*  
23 *class, or incorporated town of the State of Arkansas;*

24 (2) *"Director" means the Director of the Department of Finance*  
25 *and Administration, or any successor thereof, or any authorized agent*  
26 *thereof;*

27 (3) *"Capital improvements of a public nature" means:*

28 (A) ~~Streets~~ Street facilities;

29 (B) ~~Roads~~ Road facilities;

30 (C) Public parks and other recreational facilities;

31 (D) Port facilities;

32 (E) Tourism facilities;

33 (F) Airport facilities;

34 (G) Sewerage facilities;

35 (H) Waterworks facilities;



- 1 (I) Fire protection facilities;
- 2 (J) Convention center facilities;
- 3 (K) City halls and other municipal buildings;
- 4 (L) Courthouses;
- 5 (M) Police facilities;
- 6 (N) Public transit facilities;
- 7 (O) Auditoriums;
- 8 (P) Prisons;
- 9 (Q) Libraries;
- 10 (R) Hospital and nursing home facilities;
- 11 (S) Solid waste facilities;
- 12 (T) Sanitation facilities;
- 13 (U) Bridges;
- 14 (V) Electric facilities;
- 15 (W) Hydroelectric facilities;
- 16 (X) Facilities for the securing and developing of
- 17 industry;
- 18 (Y) Natural gas facilities;
- 19 (Z) Parking facilities;
- 20 (AA) Public housing facilities;
- 21 (BB) Pollution control facilities;
- 22 (CC) Public education facilities;
- 23 (DD) Drainage facilities;
- 24 (EE) Pedestrian facilities;
- 25 (FF) Lakes;
- 26 (GG) Dams; and
- 27 (HH) Waterways;

28 (4) "Facilities" means real property, personal property, or  
 29 mixed property of any and every kind, including, without limitation, rights-  
 30 of-way, utilities, vehicles, materials, equipment, fixtures, machinery,  
 31 furniture, furnishings, buildings, and other improvements of every kind;

32 (5) "Acquire" means to obtain at any time by gift, purchase, or  
 33 other arrangement any capital improvement of a public nature, or any portion  
 34 thereof, whether theretofore constructed and equipped, theretofore partially  
 35 constructed and equipped, or being constructed and equipped at the time of  
 36 acquisition for such consideration and pursuant to such terms and conditions

1 as the governing body of the municipality shall determine;

2 (6) "Construct" means to build, in whole or in part, in such  
3 manner and by such method, including contracting therefor, and if the latter,  
4 by negotiation or bidding upon such terms and pursuant to such advertising as  
5 determined by the governing body of the municipality, under the circumstances  
6 existing at the time, as will most effectively serve the purposes of this  
7 subchapter;

8 (7) "Equip" means to install or place in or on any building or  
9 structure equipment of any and every kind, whether or not affixed, including,  
10 without limitations, building service equipment, fixtures, heating equipment,  
11 air conditioning equipment, machinery, furniture, furnishings, and personal  
12 property of every kind;

13 (8) "Lease" means a lease of capital improvements of a public  
14 nature by and between a city as lessee and another person as lessor, except  
15 as used in § 26-75-214; and

16 (9) "Calendar quarter" means the three-month period beginning on  
17 January 1, April 1, July 1, or October 1.

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20 SECTION 2. EMERGENCY CLAUSE. It is found and determined by the  
21 General Assembly of the State of Arkansas that there is a need for the law to  
22 include other facilities and buildings in the definition of "capital  
23 improvements of a public nature" and vehicles in the definition of  
24 "facilities" to provide the means for cities to accomplish needed municipal  
25 projects; that this act is necessary to correct deficiencies in the law; and  
26 that this act is immediately necessary because cities need the ability to  
27 begin the steps necessary to accomplish municipal projects. Therefore, an  
28 emergency is declared to exist and this act being immediately necessary for  
29 the preservation of the public peace, health, and safety shall become  
30 effective on:

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

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

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

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*/s/ Thyer*

*APPROVED: 04/11/2005*

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