

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 2186 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 1612

5 By: Representative Pace  
6 By: Senators Bisbee, Hendren  
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9 **For An Act To Be Entitled**

10 AN ACT TO DISCLOSE THE TOTAL PAYMENT OF PUBLIC  
11 FUNDS ON CAPITAL IMPROVEMENT PROJECTS; AND FOR  
12 OTHER PURPOSES.

13 **Subtitle**

14 AN ACT TO DISCLOSE THE TOTAL PAYMENT OF  
15 PUBLIC FUNDS ON CAPITAL IMPROVEMENT  
16 PROJECTS.  
17  
18

19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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21 SECTION 1. Arkansas Code § 19-4-1402 is amended to read as follows:

22 (a) Executed counterparts of all contracts entered into by any state  
23 agency with respect to proposed projects for new improvements or major  
24 repairs or additions to existing buildings and facilities shall be filed with  
25 the Arkansas State Building Services Authority prior to the issuance of any  
26 vouchers making payments under ~~any such~~ the contract, unless the contract is  
27 exempted from the jurisdiction of the Arkansas ~~State Building Services~~  
28 Authority by any law or a regulation promulgated pursuant to the Arkansas  
29 Administrative Procedure Act, § 25-15-201 et seq.

30 (b)(1) The Boards of Trustees of the University of Arkansas, Arkansas  
31 State University, University of Central Arkansas, Henderson State University,  
32 Arkansas Tech University, and Southern Arkansas University, respectively, are  
33 exempt from the requirements of this section requiring the filing of ~~such~~ the  
34 contracts with the Arkansas ~~State Building Services~~ Authority.

35 ~~(2)(A)~~(2) The governing boards of all other public institutions



1 of higher education shall be exempt from filing ~~such~~ the contracts with the  
2 Arkansas State Building Services Authority;

3 (A) ~~upon~~ Upon approval of the Department of Higher  
4 Education; and

5 (B) ~~Provided, that~~ If prior to granting ~~such~~ approval, the  
6 department shall have reviewed and approved policies and procedures adopted  
7 by the governing boards of the institutions with respect to bidding and  
8 construction of capital improvement projects.

9 (3) Nothing in this section shall prevent ~~any of the foregoing~~  
10 ~~institutions exempt from filing such contracts with Arkansas State Building~~  
11 ~~Services~~ an institution exempt under this subsection (b) from entering into  
12 an agreement with the Arkansas State Building Services Authority to file ~~such~~  
13 ~~its~~ contracts with ~~it~~ the authority.

14 (c)(1) All contracts for new improvements or major repairs or  
15 additions to existing buildings and facilities under this subchapter shall  
16 include a project disclosure statement prepared by the agency, board,  
17 commission, or institution of higher education.

18 (2) The disclosure statement shall provide the estimated  
19 timeline, scope, and cost of the total project.

20 (3) The disclosure statement shall not be construed as  
21 authorizing any:

22 (A) Additional work which is beyond the scope of the bid  
23 documents; or

24 (B) Payment exceeding the contract amount.

25 (d) Nothing in this section shall prohibit any agency, board,  
26 commission, or institution of higher education from executing contract  
27 amendments.

28  
29 /s/ Pace

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32 APPROVED: 4/13/2005

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