

Hall of the House of Representatives
85th General Assembly - Regular Session, 2005
Amendment Form

Subtitle of House Bill No. 2427

"AN ACT TO AMEND THE CAPITAL IMPROVEMENT LAWS."

Amendment No. 1 to House Bill No. 2427.

Amend House Bill No. 2427 as originally introduced:

Delete Section 1 in its entirety and substitute the following:

"SECTION 1. Arkansas Code § 26-75-203 is amended to read as follows:
26-75-203. Definitions.

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

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

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

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

- (A) ~~Streets~~ Street facilities;
- (B) ~~Roads~~ Road facilities;
- (C) Public parks and other recreational facilities;
- (D) Port facilities;
- (E) Tourism facilities;
- (F) Airport facilities;
- (G) Sewerage facilities;
- (H) Waterworks facilities;
- (I) Fire protection facilities;
- (J) Convention center facilities;
- (K) City halls and other municipal buildings;
- (L) Courthouses;
- (M) Police facilities;
- (N) Public transit facilities;
- (O) Auditoriums;
- (P) Prisons;
- (Q) Libraries;
- (R) Hospital and nursing home facilities;
- (S) Solid waste facilities;
- (T) Sanitation facilities;
- (U) Bridges;
- (V) Electric facilities;
- (W) Hydroelectric facilities;



industry;

(X) Facilities for the securing and developing of

- (Y) Natural gas facilities;
- (Z) Parking facilities;
- (AA) Public housing facilities;
- (BB) Pollution control facilities;
- (CC) Public education facilities;
- (DD) Drainage facilities;
- (EE) Pedestrian facilities;
- (FF) Lakes;
- (GG) Dams; and
- (HH) Waterways;

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

(5) "Acquire" means to obtain at any time by gift, purchase, or other arrangement any capital improvement of a public nature, or any portion thereof, whether theretofore constructed and equipped, theretofore partially constructed and equipped, or being constructed and equipped at the time of acquisition for such consideration and pursuant to such terms and conditions as the governing body of the municipality shall determine;

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

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

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

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

AND

Delete Section 2 in its entirety and substitute the following:

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

effective on:

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

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

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

The Amendment was read _____

By: Representative Thyer

KLL/MEM - 03-16-2005 12:03

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Chief Clerk