

1 INTERIM STUDY PROPOSAL 2011-099

2 State of Arkansas

As Engrossed: H3/21/11

3 88th General Assembly

A Bill

4 Regular Session, 2011

HOUSE BILL 1940

5
6 By: Representative Nickels

7 Filed with: Interim House Committee on Public Health, Welfare and Labor
8 pursuant to A.C.A. §10-3-217.

For An Act To Be Entitled

9
10 AN ACT TO REESTABLISH FAIRNESS, TRANSPARENCY, AND
11 COMPETITION IN THE BIDDING PRACTICES FOR THE
12 CONSTRUCTION OF PUBLICLY FUNDED BUILDINGS,
13 INFRASTRUCTURE, AND FACILITIES; AND FOR OTHER
14 PURPOSES.

Subtitle

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18 TO REESTABLISH FAIRNESS, TRANSPARENCY,
19 AND COMPETITION IN THE BIDDING PRACTICES
20 FOR THE CONSTRUCTION OF PUBLICLY FUNDED
21 BUILDINGS, INFRASTRUCTURE, AND
22 FACILITIES.

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

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27 *SECTION 1. The introductory language of Arkansas Code § 19-4-1413(a),*
28 *concerning construction projects using private funds, is amended to read as*
29 *follows:*

30 *(a) ~~In the event~~ If funds from private sources are provided to a*
31 *public institution of higher education for ~~projects which exceed five million~~*
32 *~~dollars (\$5,000,000) regulated in this subchapter a project regulated in this~~*
33 *subchapter that exceeds twenty million dollars (\$20,000,000) sufficient to*
34 *finance at least eighty percent (80%) of the estimated cost of the proposed*
35 *project, excluding the cost of land, the provisions of this subchapter and ~~of~~*
36 *all other provisions of the Arkansas Code governing construction of public*

1 facilities, including, ~~but not limited to, the provisions of~~ without
2 limitation §§ 22-9-101 and 22-9-103 and §§ 22-9-201 – 22-9-212 ~~shall not be~~
3 ~~applicable, do not apply to such projects~~ the project, subject to the
4 following:

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6 SECTION 2. The catchline for Arkansas Code § 19-4-1415 is amended to
7 read as follows:

8 19-4-1415. Projects exceeding ~~five million dollars~~ twenty million
9 dollars.

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11 SECTION 3. Arkansas Code § 19-4-1415(a), concerning construction
12 projects for public facilities, is amended to read as follows:

13 (a) ~~In the event~~ If funds from any sources are provided to state
14 ~~agencies a state agency for projects which exceed five million dollars~~
15 ~~(\$5,000,000) a project that exceeds twenty million dollars (\$20,000,000),~~
16 excluding the cost of land, the provisions of this subchapter and all other
17 provisions of the Arkansas Code governing construction of public facilities,
18 including, ~~but not limited to, without limitation~~ the provisions of § 22-9-
19 201 et seq. at the election of ~~state agencies a state agency or the~~
20 ~~institutions an institution~~ of higher education ~~set forth~~ listed in
21 ~~subdivision (b)(5) of this section shall not be applicable~~ do not apply to
22 ~~the projects~~ project if the selection and contracting process ~~set forth~~
23 stated in this section is followed.

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25 /s/Nickels
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33 Referred by the Arkansas House of Representatives
34 Prepared by: ANS/VJF
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