

1 State of Arkansas
2 80th General Assembly
3 Regular Session, 1995
4 By: Representatives Curran, Watts, Jordan, Wooldridge, Wyrick, Bryant,
5 Lavery and Wilkinson

A Bill

HOUSE BILL 1332

For An Act To Be Entitled

"AN ACT TO AMEND VARIOUS SECTIONS OF SUBCHAPTER 3 OF TITLE
22, CHAPTER 9, OF THE ARKANSAS CODE OF 1987, ANNOTATED, TO
EXEMPT MUNICIPAL AND COUNTY GOVERNMENTS_ FROM PAYMENT OF
THE MINIMUM PREVAILING WAGE RATES ON ALL PUBLIC WORKS
CONSTRUCTION AND MAINTENANCE PROJECTS; AND FOR OTHER
PURPOSES."

Subtitle

"TO EXEMPT THE PUBLIC WORKS CONSTRUCTION
PROJECTS OF MUNICIPAL AND COUNTY
GOVERNMENTS FROM THE MINIMUM PREVAILING
WAGE RATE LAW."

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

SECTION 1. Arkansas Code § 22-9-302 is amended to read as follows:

"22-9-302. Definitions. As used in this subchapter, unless the
context otherwise requires:

(1) Construction means construction, reconstruction, improvement,
enlargement, alteration, painting and decorating, or major repair, where the
cost of all labor and material exceeds seventy-five thousand dollars
(\$75,000);

(2) Department means the Arkansas Department of Labor;

(3) Minimum prevailing wage rates means the wages paid, generally,
in the county in which the public works are being performed, to workmen
engaged in work of a similar character;

(4) County means the county where the physical work upon the public

1 works is performed;

2 (5) Maintenance work means the repair, but not the replacement, of
3 existing facilities when the size, type, or extent of the existing facilities
4 is not thereby changed or increased;

5 (6) Public body means the State of Arkansas or any officer, board,
6 or commission of the state, any political subdivision, or any of the agencies
7 thereof, but shall exclude all county governments and all municipalities and
8 incorporated towns of Arkansas and all their agencies and departments;

9 (7) Public works means all works constructed for public use, whether
10 or not done under public supervision or direction or paid for wholly or in
11 part out of public funds, but it does not include any work done for or by any
12 drainage, improvement, or levee district;

13 (8) Workmen means laborers, workmen, and mechanics, but special
14 rates for apprentices shall apply only when the apprentices are registered in
15 a recognized management-labor apprenticeship training program."

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18 SECTION 2. Arkansas Code § 22-9-303 is amended to read as follows:

19 "22-9-303. Exceptions.

20 (a) The provisions of this subchapter shall not apply to workers who
21 are employed as part-time or full-time employees of any public body; it is
22 not the intent of this subchapter to prohibit any public body from performing
23 necessary improvements of their public property, either by construction or
24 maintenance, with public employees.

25 (b) Nothing contained in this subchapter shall be construed to apply
26 to or affect highway, road, street, or bridge construction and maintenance or
27 related work contracted for or performed by the Arkansas State Highway and
28 Transportation Department.

29 (c) This subchapter shall not affect any public school construction
30 unless federal matching funds are employed in paying for the construction.

31 (d) The provisions of this subchapter shall not apply to or affect
32 highway, road, street, or bridge construction and maintenance or related work
33 contracted for or performed by incorporated towns, cities, or counties or to
34 any other construction, maintenance, or public works contracted for or
35 performed by incorporated towns, cities, or counties or by any of their

1 agencies or departments."

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3 SECTION 3. Arkansas Code § 22-9-308 is amended to read as follows:

4 "22-9-308. Ascertainment of minimum prevailing wage before awarding
5 contract - Specification of wage rate - Contractor's bonds.

6 (a) Before any public body, excluding the Arkansas State Highway and
7 Transportation Department or any incorporated town, city or county, awards a
8 contract or begins supervised construction for public works, it shall notify
9 the department to ascertain the prevailing hourly rate of wages in the county
10 in which the work is to be performed, for each craft or type of worker needed
11 to execute the contract or project.

12 (b)(1) The public body shall specify in the resolution or ordinance
13 and in the call for bids for the contract that the minimum prevailing wage
14 rates for each craft or type of worker and the prevailing wage rate for
15 holiday and overtime work shall be paid.

16 (2) There shall be included in every specification for work
17 coming under the provisions of this subchapter the minimum prevailing wage
18 rates for each craft or type of worker as determined by the department, and
19 it shall be mandatory upon the public body, if it is supervised work, or upon
20 the contractor to whom the contract is awarded and upon any subcontractor
21 under him, to pay not less than the specified rates to all workers employed
22 by them in the execution of the contract.

23 (c) The public body awarding the contract shall cause to be inserted
24 in the contract a stipulation to the effect that not less than the prevailing
25 hourly rate of wages as found by the department or determined by the court on
26 appeal shall be paid to all workers performing work under the contract.

27 (d) The public body awarding the contract shall require in all the
28 contractor's bonds that the contractor include such provisions as will
29 guarantee the faithful performance of the prevailing hourly wage clause as
30 provided by the contract."

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32 SECTION 4. All provisions of this act of general and permanent nature
33 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
34 Revision Commission shall incorporate the same in the Code.

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1 SECTION 5. If any provisions of this act or the application thereof to
2 any person or circumstance is held invalid, the invalidity shall not affect
3 other provisions or applications of the act which can be given effect without
4 the invalid provisions or application, and to this end the provisions of this
5 act are declared to be severable.

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7 SECTION 6. All laws and parts of laws in conflict with this act are
8 hereby repealed.

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