

State of Arkansas
90th General Assembly
Regular Session, 2015

A Bill

SENATE BILL 220

By: Senator J. English
By: Representative Johnson

For An Act To Be Entitled

AN ACT TO AMEND LAWS RELATING TO PUBLIC CONTRACTS; TO AMEND THE ARKANSAS PROCUREMENT LAW AND LAWS APPLICABLE TO THE AWARD OF PUBLIC WORKS CONTRACTS; TO EXEMPT FROM STATE PROCUREMENT LAWS AND LAWS CONCERNING THE AWARD OF PUBLIC WORKS CONTRACTS, CONTRACTS FOR THE ACQUISITION OF SERVICES AND COMMODITIES BY A MUNICIPAL UTILITY PROVIDING UTILITY SERVICES, OPERATIONS, OR MAINTENANCE TO A MILITARY INSTALLATION WITHIN THE STATE; TO DECLARE AN EMERGENCY; AND FOR OTHER PURPOSES.

Subtitle

TO EXEMPT FROM STATE PROCUREMENT LAWS CONTRACTS FOR THE ACQUISITION OF SERVICES AND COMMODITIES BY A MUNICIPAL UTILITY TO A MILITARY INSTALLATION WITHIN THE STATE; AND TO DECLARE AN EMERGENCY.

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

SECTION 1. Arkansas Code § 19-11-213 is amended to read as follows:
19-11-213. Federal assistance requirements.

~~In the event~~ If federal assistance requirements or federal contract requirements conflict with ~~the provisions of~~ this subchapter or regulations promulgated under it, nothing in this subchapter or its regulations shall prevent ~~any~~ a state agency or political subdivision from complying with the



terms and conditions of the federal assistance requirements or the federal contract requirements.

SECTION 2. Arkansas Code § 19-11-259(c), concerning preferences among bidders under the Arkansas Procurement Law, is amended to read as follows:

~~(c)(1)(A) The provisions of this section shall only apply~~ This section applies only to projects designed to provide utility needs of a county or municipality.

~~(2) (B) Those projects shall include, but shall not be limited to,~~ without limitation pipeline installation, sanitary projects, and waterline, sewage, and water works.

(2) To the extent that federal purchasing laws or bidding preferences conflict, this subchapter does not apply to projects related to supplying water or wastewater utility services, operations, or maintenance to a federal military installation by a municipality of the state.

SECTION 3. Arkansas Code § 22-9-201, concerning the applicability of certain provisions related to the award of public works contracts, is amended to add an additional subsection to read as follows:

(d) To the extent that federal purchasing laws or bidding preferences conflict, this subchapter does not apply to projects related to supplying water or wastewater utility services, operations, or maintenance to a federal military installation by a municipality of the state.

SECTION 4. EMERGENCY CLAUSE. It is found and determined by the General Assembly of the State of Arkansas that an immediate need exists to allow municipal utilities to fulfill their duties to purchase commodities and enter into legal and enforceable contracts for services to maintain and operate utility facilities on federal military installations within the state; that the window of opportunity for municipalities to enter into third party contracts for maintaining and operating utility facilities serving the utility needs of federal military installations is narrow; that the effective operation of federal military installations in the state depends on the maintenance and operation of these utility facilities; and that this act is immediately necessary because national security and the general welfare, material wellbeing, and economic stability of the citizens of this state will

be furthered by this act. 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.

APPROVED: 02/23/2015