

State of Arkansas
94th General Assembly
Regular Session, 2023

A Bill

SENATE BILL 558

By: Senator J. Dismang

For An Act To Be Entitled

AN ACT TO AMEND THE LAW CONCERNING PUBLIC WORKS PROJECTS BY THE DEPARTMENT OF PARKS, HERITAGE, AND TOURISM; TO AMEND THE DEFINITION OF "CAPITAL IMPROVEMENT" FOR CERTAIN PROJECTS PERFORMED BY THE DEPARTMENT OF PARKS, HERITAGE, AND TOURISM; AND FOR OTHER PURPOSES.

Subtitle

TO AMEND THE LAW CONCERNING PUBLIC WORKS PROJECTS BY THE DEPARTMENT OF PARKS, HERITAGE, AND TOURISM.

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

SECTION 1. Arkansas Code § 22-2-102(1)(B), concerning the definition of "capital improvement" to be used under the Building Authority Division Act, is amended to read as follows:

(B) Except that "capital improvement" shall not include: ~~construction~~

(i) Construction and reconstruction of roads and bridges in the state highway system by the State Highway Commission, ~~nor shall the term "capital improvement" include any;~~

(ii) A building, facility, plant, structure, or other improvement constructed by or on behalf of the Arkansas Department of Transportation or the State Highway Commission, ~~nor shall the term "capital improvement" include any lands;~~

(iii) Lands, buildings, or other structures or



facilities now owned or hereafter acquired by an Arkansas state retirement system as an investment or as a result of the investment of assets of the system; or

(iv) Repair, alteration, and maintenance projects that do not exceed one hundred fifty thousand dollars (\$150,000) and are undertaken, owned, operated, or otherwise managed by the Department of Parks, Heritage, and Tourism from the tax revenues received under Arkansas Constitution, Amendment 75, § 2, and appropriated for special maintenance to the Division of Arkansas State Parks;

SECTION 2. Arkansas Code § 22-9-101(c), effective until December 31, 2023, and concerning the requirement that the plans, specification, and estimates for certain public works projects be executed under the observation of a registered professional, is amended to read as follows:

(c) This section does not apply to:

(1) A school district, county, municipality, or township project that is planned and executed according to plans and specifications furnished by authorized state agencies; ~~or~~

(2)(A) The design or construction of an unpaved trail project as defined under § 22-2-102.

(B) The State Parks, Recreation, and Travel Commission shall ensure that an unpaved trail project created under this subdivision (c)(2) meets the standards for observation by registered professionals as established by the Building Authority Division; or

(3) Repair, alteration, and maintenance projects that do not exceed one hundred fifty thousand dollars (\$150,000) and are undertaken, owned, operated, or otherwise managed by the Department of Parks, Heritage, and Tourism from the tax revenues received under Arkansas Constitution, Amendment 75, § 2, and appropriated for special maintenance to the Division of Arkansas State Parks.

SECTION 3. Arkansas Code § 22-9-101(c), as suspended by Acts 2021, No. 568, § 4, to be effective December 31, 2023, concerning the requirement that the plans, specification, and estimates for certain public works projects be executed under the observation of a registered professional, is amended to read as follows:

(c) This section does not apply to:

(1) A school district, county, municipality, or township project that is planned and executed according to plans and specifications furnished by authorized state agencies; ~~or~~

(2)(A) The design or construction of an unpaved trail project as defined under § 22-2-102.

(B) The State Parks, Recreation, and Travel Commission shall ensure that an unpaved trail project created under this subdivision (c)(2) meets the standards for observation by registered professionals as established by the Building Authority Division; or

(3) Repair, alteration, and maintenance projects that do not exceed one hundred fifty thousand dollars (\$150,000) and are undertaken, owned, operated, or otherwise managed by the Department of Parks, Heritage, and Tourism from the tax revenues received under Arkansas Constitution, Amendment 75, § 2, and appropriated for special maintenance to the Division of Arkansas State Parks.

APPROVED: 4/11/23