

Stricken language would be deleted from and underlined language would be added to present law.

State of Arkansas  
89th General Assembly  
Regular Session, 2013

As Engrossed: H1/15/13  
**A Bill**

HOUSE BILL 1019

By: Representative Nickels

### **For An Act To Be Entitled**

AN ACT TO ENACT THE BUY AMERICAN IN STATE PUBLIC WORKS ACT; TO FOSTER THE PURCHASE AND USE OF AMERICAN-MADE METALS AND PRODUCTS IN STATE PUBLIC WORKS PROJECTS; AND FOR OTHER PURPOSES.

### **Subtitle**

TO ENACT THE BUY AMERICAN IN STATE PUBLIC WORKS ACT AND TO FOSTER THE PURCHASE AND USE OF AMERICAN-MADE METALS AND PRODUCTS IN STATE PUBLIC WORKS PROJECTS.

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

SECTION 1. Arkansas Code *Title 22, Chapter 9*, is amended to add an additional subchapter to read as follows:

*Subchapter 8 – Buy American in State Public Works Act*

*22-9-801. Title.*

This subchapter shall be known and may be cited as the "Buy American in State Public Works Act".

*22-9-802. Purpose.*

The purpose of this subchapter is to ensure that American iron, steel, metals, and manufactured products be used to construct all state buildings and public works projects.

*22-9-803. Definitions.*

As used in this subchapter:



(1) "Manufactured in the United States" means that the final assembly, processing, packaging, testing, or other process that adds value, quality, or reliability to a manufactured product occurs in the United States;

(2) "Manufactured product" means a manufactured or assembled:

(A) Article;

(B) Material;

(C) Supply;

(D) Good; or

(E) Piece of equipment or a part, component, or subcomponent of the equipment;

(3) "Purchasing agency" means a state agency, instrumentality, department, authority, board, commission, or institution of higher education; and

(4) "United States" means the United States of America and any place subject to the jurisdiction of the United States of America.

22-9-804. Use of American iron, steel, metals, and manufactured products.

(a) The contract of a purchasing agency for the construction, alteration, maintenance, or repair of a state public building or public work shall require that all of the iron, steel, metals, and manufactured products used in the project be manufactured in the United States.

(b) Subsection (a) of this section does not apply to the extent that the head of the purchasing agency finds that:

(1) Iron, steel, metals, or manufactured products are not produced in the United States in sufficient and reasonably available quantities and of a satisfactory quality; or

(2) Inclusion of iron, steel, metals, and manufactured products manufactured in the United States will increase the cost of the overall project by more than twenty-five percent (25%).

*/s/Nickels*