

1 State of Arkansas
2 94th General Assembly
3 Regular Session, 2023

A Bill

SENATE BILL 558

4
5 By: Senator J. Dismang

For An Act To Be Entitled

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

Subtitle

14
15
16 TO AMEND THE LAW CONCERNING PUBLIC WORKS
17 PROJECTS BY THE DEPARTMENT OF PARKS,
18 HERITAGE, AND TOURISM.

19
20
21
22 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

23
24 SECTION 1. Arkansas Code § 22-2-102(1)(B), concerning the definition
25 of "capital improvement" to be used under the Building Authority Division
26 Act, is amended to read as follows:

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

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

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

36 (iii) Lands, buildings, or other structures or



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

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

10
11 SECTION 2. Arkansas Code § 22-9-101(c), effective until December 31,
12 2023, and concerning the requirement that the plans, specification, and
13 estimates for certain public works projects be executed under the observation
14 of a registered professional, is amended to read as follows:

15 (c) This section does not apply to:

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

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

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

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

31
32 SECTION 3. Arkansas Code § 22-9-101(c), as suspended by Acts 2021, No.
33 568, § 4, to be effective December 31, 2023, concerning the requirement that
34 the plans, specification, and estimates for certain public works projects be
35 executed under the observation of a registered professional, is amended to
36 read as follows:

1 (c) This section does not apply to:

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

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

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

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

17
18
19 **APPROVED: 4/11/23**
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36