

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

1 State of Arkansas  
2 84th General Assembly  
3 Regular Session, 2003  
4

As Engrossed: H4/16/03

# A Bill

HOUSE BILL 2762

5 By: Representative Jones  
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## For An Act To Be Entitled

9 AN ACT TO REQUIRE, UNDER CERTAIN CIRCUMSTANCES,  
10 MINORITY SUBCONTRACTORS IN ALL STATE CONTRACTS  
11 OVER ONE MILLION DOLLARS; AND FOR OTHER PURPOSES.  
12

### Subtitle

14 AN ACT TO REQUIRE, UNDER CERTAIN  
15 CIRCUMSTANCES, MINORITY SUBCONTRACTORS  
16 IN ALL STATE CONTRACTS OVER ONE MILLION  
17 DOLLARS.  
18  
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20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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22 SECTION 1. (a) For purposes of this act:

23 (1) "State contract" means all types of state agreements,  
24 regardless of what they may be called, for the purchase of commodities,  
25 services, and contracts awarded by the Arkansas State Highway and  
26 Transportation Department for the construction, reconstruction, and  
27 maintenance of roads and bridges in the state highway system and contracts  
28 awarded by state agencies, commissions, boards, institutions of higher  
29 education and retirement systems for capital improvements, and for the  
30 disposal of surplus commodities; and

31 (2) "Minority" means black or African American, Hispanic  
32 American, American Indian or Native American, Asian, and Pacific Islander,  
33 and businesses whose ownership is at least fifty-one percent (51%) female.

34 (b) Except as provided in subsection (c) of this section, for all  
35 state contracts in excess of one million dollars (\$1,000,000), including but  
36 not limited to state contracts awarded pursuant to Arkansas Code §§ 22-9-201



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1 through 22-9-702 and Arkansas Code §§ 19-4-1413 through 19-4-1415 that  
2 include subcontractors, the prime contractor shall, all economic  
3 considerations being equal, use a minority subcontractor.

4 (c)(1) If a minority subcontractor is not available, under regulations  
5 promulgated by the Advisory Council of the Division of Minority Business  
6 Enterprise of the Department of Economic Development, the contractor may  
7 apply for a waiver from the Advisory Council to the Division of Minority  
8 Business Enterprise of the Department of Economic Development.

9 (2) The council shall render its decision within fifteen (15)  
10 business days of receipt of the waiver request.

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12 /s/ Jones  
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