

State of Arkansas
87th General Assembly
Regular Session, 2009

A Bill

HOUSE BILL 1919

By: Representative Maloch

For An Act To Be Entitled

AN ACT TO AMEND ARKANSAS LAW TO MEET THE
REQUIREMENTS AND DEADLINES OF THE AMERICAN
RECOVERY AND REINVESTMENT ACT OF 2009; AND FOR
OTHER PURPOSES.

Subtitle

TO AMEND ARKANSAS LAW TO MEET THE
REQUIREMENTS AND DEADLINES OF THE
AMERICAN RECOVERY AND REINVESTMENT ACT
OF 2009.

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

SECTION 1. TEMPORARY. DO NOT CODIFY. Contracts using funds provided
by American Recovery and Reinvestment Act of 2009.

(a) Due to restrictive time limitations to award contracts with
supplemental federal funding provided by the United States Government under
the American Recovery and Reinvestment Act of 2009, P.L. 111-5, the following
shall apply to contracts using those funds:

(1)(A) For the purposes of a contract using funds provided by
the American Recovery and Reinvestment Act of 2009, P.L. 111-5, a design
professional contract means a contract that is primarily for:

(i) Minor projects that are time critical; or
(ii) Capital improvement projects that do not exceed
five million dollars (\$5,000,000) in cost.

(B) A rule, procedure, or criteria shall not increase the
period of years required by § 19-11-238;



1 (2)(A) A contract for professional and consultant services,
2 including a design professional contract, when the total contract amount
3 exceeds twenty-five thousand dollars (\$25,000) shall not require review by
4 the Legislative Council or the Joint Budget Committee if the General Assembly
5 is in session before execution of the contract.

6 (B) The Bureau of Legislative Research shall be notified
7 as soon as practicable of contracts before execution.

8 (C) Contracts shall be identified and reported on a
9 monthly basis to the Legislative Council or the Joint Budget Committee if the
10 General Assembly is in session; and

11 (3)(A) A contract for technical and general services, except
12 those that are specifically exempt from review, requiring the service of an
13 individual for regular full-time or part-time weekly work in the following
14 areas shall not require prior review by the Legislative Council or the Joint
15 Budget Committee, if the General Assembly is in session, if the total amount
16 of a contract exceeds one hundred thousand dollars (\$100,000):

17 (i) Information technology; or

18 (ii) The actual delivery of health care, human
19 services, or educational services.

20 (B) The Bureau of Legislative Research shall be notified
21 as soon as practicable of a contract before execution of the contract.

22 (C) Contracts shall be identified and reported on a
23 monthly basis to the Legislative Council or to the Joint Budget Committee, if
24 the General Assembly is in session, if the total amount of the contract
25 exceeds one hundred thousand dollars (\$100,000).

26 (b) This act expires on September 30, 2010.
27

28 SECTION 2. EMERGENCY CLAUSE. It is found and determined by the
29 General Assembly of the State of Arkansas that the American Recovery and
30 Reinvestment Act of 2009 is providing supplemental federal funding to
31 stabilize state and local government budgets in order to minimize and avoid
32 reductions in essential services; and this act is necessary to amend
33 procurement processes to expeditiously enter into contracts in compliance
34 with the constructive time limits to utilize these federal funds. Therefore,
35 an emergency is declared to exist and this act being immediately necessary
36 for the preservation of the public peace, health, and safety shall become

1 effective on:

2 (1) The date of its approval by the Governor;

3 (2) If the bill is neither approved nor vetoed by the Governor,
4 the expiration of the period of time during which the Governor may veto the
5 bill; or

6 (3) If the bill is vetoed by the Governor and the veto is
7 overridden, the date the last house overrides the veto.