

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.

Act 706 of the Regular Session

1 State of Arkansas
2 87th General Assembly
3 Regular Session, 2009

A Bill

HOUSE BILL 1919

4
5 By: Representative Maloch
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For An Act To Be Entitled

8 AN ACT TO AMEND ARKANSAS LAW TO MEET THE
9 REQUIREMENTS AND DEADLINES OF THE AMERICAN
10 RECOVERY AND REINVESTMENT ACT OF 2009; AND FOR
11 OTHER PURPOSES.
12

Subtitle

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14 TO AMEND ARKANSAS LAW TO MEET THE
15 REQUIREMENTS AND DEADLINES OF THE
16 AMERICAN RECOVERY AND REINVESTMENT ACT
17 OF 2009.
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21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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23 SECTION 1. TEMPORARY. DO NOT CODIFY. Contracts using funds provided
24 by American Recovery and Reinvestment Act of 2009.

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

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

32 (i) Minor projects that are time critical; or

33 (ii) Capital improvement projects that do not exceed
34 five million dollars (\$5,000,000) in cost.

35 (B) A rule, procedure, or criteria shall not increase the



1 period of years required by § 19-11-238;

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

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

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

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

18 (i) Information technology; or

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

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

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

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

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

1 for the preservation of the public peace, health, and safety shall become
2 effective on:

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

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

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

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APPROVED: 3/31/2009