

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.

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State of Arkansas  
83rd General Assembly  
Regular Session, 2001

*As Engrossed: H3/19/01,S3/30/01*

# A Bill

**Act 1568 of 2001**

HOUSE BILL 2555

By: Representative W. Walker

## For An Act To Be Entitled

AN ACT TO EXEMPT THE PROVISION OF FOSTER CARE SERVICES FROM THE ARKANSAS PURCHASING LAW AND TO EXEMPT CERTAIN PROFESSIONAL SERVICES PROVIDED THOSE CONTRACTS AND SERVICE COMPANIES COMPLY WITH ALL APPLICABLE ETHICAL STANDARDS; AND FOR OTHER PURPOSES.

## Subtitle

AN ACT TO EXEMPT THE PROVISION OF FOSTER CARE SERVICES FROM THE ARKANSAS PURCHASING LAW AND TO EXEMPT CERTAIN PROFESSIONAL SERVICES.

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

SECTION 1. Arkansas Code 19-11-203(14) is amended to add the following subdivision:

(14) "Exempt commodities and services" means:

(A) Advertising in newspapers, periodicals, and related publications, television, radio, and billboards;

(B) Animals procured for medical research;

(C) Commodities procured for resale in cafeterias, commissaries, bookstores, gift shops, canteens, and other similar establishments. However, such commodities procured shall not be sold or transferred to any agency with the intent of circumventing applicable procurement procedures;

(D) Commodities procured from nonprofit workshops in

1 accordance with §§ 19-11-501 - 19-11-504;

2 (E) Contracts awarded by agencies for the construction of  
3 buildings and facilities and for major repairs. These contract exemptions  
4 shall not extend to the procurement of any commodities not otherwise exempt,  
5 which are to be furnished by the agency under any such contract;

6 (F) Contracts awarded by the Arkansas State Highway and  
7 Transportation Department for the construction, reconstruction, and  
8 maintenance of roads and bridges in the state highway system and for the  
9 county, rural road aid, and city street aid programs;

10 (G) Contracts by institutions of higher learning for  
11 disposal of personal and consulting services and contracts with students;

12 (H) Farm products procured or sold by a state agency  
13 having an agency purchasing official. The current trade customs with respect  
14 to the procurement or sale of cotton, cotton seed, rice, and other farm  
15 products shall be followed when it is necessary to do so in order to obtain  
16 the best price for the commodities procured or sold;

17 (I) Fees, including medical fees and physician fees;

18 (J) Freight and storage charges and demurrage;

19 (K) Licenses;

20 (L) Livestock procured by an agency having an official  
21 experienced in selection and procurement of livestock. Such procurement will  
22 be reported to the State Purchasing Director, giving details of the purchase;

23 (M) Livestock procured for breeding, research, or  
24 experimental purposes;

25 (N) Maintenance on office machines and technical  
26 equipment;

27 (O) Medical items specifically requested by a physician  
28 for treatment or diagnosis of patients in his care, including prosthetic  
29 devices, surgical instruments, heart valves, pacemakers, radioisotopes, and  
30 catheters;

31 (P) Membership in professional, trade, and other similar  
32 associations;

33 (Q) Perishable foodstuffs for immediate use or processing;

34 (R) Postage;

35 (S) Published books, manuals, maps, periodicals, films,  
36 technical pamphlets, and copyrighted educational aids for use in libraries

1 and for other informational or instructional purposes in instances in which  
2 other applicable law does not provide a restrictive means for the acquisition  
3 of them;

4 (T) Services of visiting speakers, lecturers, and  
5 performing artists;

6 (U) Taxes;

7 (V) Travel expense items such as room and board and  
8 transportation charges;

9 (W) Utility services or equipment which is defined,  
10 recognized, and regulated by the Arkansas Public Service Commission as a  
11 monopoly offering;

12 (X) Works of art for museum and public display;

13 (Y) Professional and consultant services procured in  
14 accordance with § 19-4-101 et seq.; ~~and~~

15 (Z) Commodities and services for use in research,  
16 education, and treatment for the diagnosis, cure, and prevention of disease  
17 may be procured, with administrative approval, through a group purchasing  
18 entity serving other public health institutions when substantial savings are  
19 available. A report shall be filed annually with the Division of Legislative  
20 Audit reflecting the justification of and the estimated savings accruing due  
21 to the use of this exemption; and

22  
23 AA) Foster care maintenance services provided by foster  
24 family homes approved by the Division of Children & Family Services for  
25 children whose placement and care are the responsibility of the Division of  
26 Children & Family Services.

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28 SECTION 2. Arkansas Code 19-4-1705, concerning exempt contracts, is amended  
29 to add the following subsection:

30 (c) The provisions of this subchapter do not apply to contracts  
31 created pursuant to federally approved state plans for services reimbursed  
32 under Title V or Title XIX of the federal Social Security Act, as it existed  
33 on January 1, 2001, provided that those contracts and services conform to all  
34 applicable federal laws and rules, and to the ethical standards beginning at  
35 § 19-11-704.

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*/s/ W. Walker*

APPROVED: 4/12/2001