

Stricken language would be deleted from and underlined language would be added to present law.

1 State of Arkansas  
2 91st General Assembly  
3 Third Extraordinary Session, 2018  
4

# A Bill

DRAFT JLL/JLL  
SENATE BILL

5 By: Senator <NA>  
6

## For An Act To Be Entitled

8 AN ACT TO ELIMINATE THE REQUIREMENT THAT THE  
9 LEGISLATIVE COUNCIL APPROVE VEHICLE LEASES BY STATE  
10 AGENCIES; AND FOR OTHER PURPOSES.  
11

## Subtitle

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14 TO ELIMINATE THE REQUIREMENT THAT THE  
15 LEGISLATIVE COUNCIL APPROVE VEHICLE  
16 LEASES BY STATE AGENCIES.  
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18  
19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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21 SECTION 1. Arkansas Code § 22-8-102(b), concerning the leasing and  
22 renting of vehicles by state agencies, is amended to read as follows:

23 (b)(1) Before ~~any~~ a state agency ~~shall~~ may lease ~~any~~ a motor vehicle  
24 or renew ~~any~~ an existing lease for a motor vehicle, the state agency shall  
25 submit a written request to the State Procurement Director identifying the  
26 motor ~~vehicles~~ vehicle sought to be leased by the state agency and all facts  
27 and circumstances the director may request to enable him or her to determine  
28 the economics, need, and feasibility of leasing the motor vehicle.

29 (2) Upon receipt, the director shall review the request to lease  
30 the motor vehicle, and if he or she determines that the lease is in the best  
31 interest of the State of Arkansas and that the state agency has adequate  
32 funds to pay the lease, he or she may approve the request ~~but only if he or~~  
33 ~~she has first received the approval of the Legislative Council.~~

34 (3) ~~After receiving the approval of the Legislative Council, If~~  
35 the director approves a proposed lease of a motor vehicle, the director shall  
36 stamp his or her approval on the request and return it to the state agency,

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1 which may then proceed to enter into the lease as proposed and approved by  
2 the director.

3 ~~(4) In emergency situations, the director may approve a~~  
4 ~~temporary lease of a motor vehicle, not to exceed thirty (30) days, but only~~  
5 ~~if he or she has sought the advice of the cochairs of the Legislative Council~~  
6 ~~and scheduled the temporary lease of a motor vehicle for consideration at the~~  
7 ~~next meeting of the Legislative Council.~~

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8 AN ACT TO AMEND THE ARKANSAS PROCUREMENT LAW  
9 CONCERNING THE CONTENT, TERM, AND REVIEW OF CONTRACTS  
10 PROCURED BY THE STATE; TO PROVIDE CERTAIN COMPLIANCE  
11 REQUIREMENTS FOR PERSONS CONTRACTING WITH THE STATE;  
12 AND FOR OTHER PURPOSES.

## Subtitle

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14  
15 TO AMEND THE ARKANSAS PROCUREMENT LAW  
16 CONCERNING THE CONTENT, TERM, AND REVIEW  
17 OF CONTRACTS PROCURED BY THE STATE; AND  
18 TO PROVIDE CERTAIN COMPLIANCE  
19 REQUIREMENTS FOR PERSONS CONTRACTING WITH  
20 THE STATE.  
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24 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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26 SECTION 1. Arkansas Code § 19-11-219 is amended to read as follows:

27 19-11-219. Legal counsel - Contract review.

28 (a) The Attorney General shall act as counsel for the State  
29 Procurement Director in preparation of necessary contracts and in all legal  
30 matters.

31 (b)(1) A contract that the director has designated as requiring review  
32 shall be reviewed by a person employed as an attorney with a state agency.

33 (2) The review required under this subsection shall occur before  
34 the contract is executed.

35  
36 SECTION 2. Arkansas Code § 19-11-238(c), concerning multiyear

1 contracts, is amended to read as follows:

2 (c)(1) Termination Due to Unavailability of Funds in Succeeding Years.  
3 Original terms of such multiyear contracts shall ~~terminate on the last day of~~  
4 ~~the current biennium, and any renewals by the state based upon continuing~~  
5 ~~appropriation shall not exceed the next succeeding biennium~~ not exceed four  
6 (4) years.

7 (2) When funds are not appropriated or otherwise made available  
8 to support continuation of performance in ~~a subsequent year of a multi-year a~~  
9 multiyear contract, the contract ~~for such subsequent year~~ shall be terminated  
10 and the contractor may be reimbursed for the reasonable value of any  
11 nonrecurring costs incurred but not amortized in the price of the commodities  
12 or services delivered under the contract.

13 (3) The cost of termination under subdivision (c)(2) of this  
14 section may be paid from:

15 ~~(1)~~ (A) Appropriations currently available for performance  
16 of the contract;

17 ~~(2)~~ (B) Appropriations currently available for procurement  
18 of similar commodities or services and not otherwise obligated; or

19 ~~(3)~~ (C) Appropriations made specifically for the payment  
20 of such termination costs.

21

22 SECTION 3. Arkansas Code Title 19, Chapter 11, Subchapter 2, is  
23 amended to add an additional section to read as follows:

24 19-11-273. Compliance.

25 (a) A contractor shall ensure, in cooperation with a state agency,  
26 that the contract between the contractor and the state agency adheres to the  
27 requirements of this chapter, including without limitation the inclusion of  
28 any mandatory language and the submission of the contract for any required  
29 review.

30 (b)(1) After any required review of a contract has been completed, the  
31 signature of the contractor shall be placed on the final contract between the  
32 contractor and the state agency.

33 (2) The signature required under this subsection serves as an  
34 acknowledgement that the contractor is:

35 (A) Equally responsible with the state agency for adhering  
36 to the requirements of this chapter related to the content and review of the

1 contract; and

2 (B) Subject to the relevant ethical provisions of § 19-11-  
3 701 et seq.

4  
5 SECTION 4. DO NOT CODIFY. Additional duties of State Procurement  
6 Director – Rules.

7 (a) The State Procurement Director shall:

8 (1) Adopt rules to implement § 19-11-219(b), including without  
9 limitation rules to:

10 (A) Designate contracts that require the review of a  
11 person employed as an attorney with a state agency before execution of the  
12 contract, which may include without limitation contracts:

13 (i) Over a certain dollar amount;

14 (ii) That modify the standard state terms and  
15 conditions; and

16 (iii) Based on other stated criteria; and

17 (B) Identify the requirements for the attorneys who may  
18 review contracts, including without limitation:

19 (i) An attorney employed with the Office of State  
20 Procurement, an institution of higher education, or the Office of the  
21 Attorney General; and

22 (ii) Any other attorney employed by the state and  
23 licensed to practice law in Arkansas; and

24 (2) Measure and track the contract routing process to identify  
25 stakeholders that may be contributing to the elongation of the review  
26 process.

27 (b)(1) When adopting the initial rules required under this section,  
28 the final rule shall be filed with the Secretary of State for adoption under  
29 § 25-15-204(f):

30 (A) On or before January 1, 2020; or

31 (B) If approval under § 10-3-309 has not occurred by  
32 January 1, 2020, as soon as practicable after approval under § 10-3-309.

33 (2) The director shall file the proposed rules with the  
34 Legislative Council under § 10-3-309(c) sufficiently in advance of January 1,  
35 2020, so that the Legislative Council may consider the rules for approval  
36 before January 1, 2020.