

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

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.

27
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