

Act 45 of the Third Special Session of 1989.

Act 45

HB1030

By: Representative Gibson

For An Act To Be Entitled
"AN ACT TO AMEND ARKANSAS CODE 19-11-259 TO REDEFINE THE
TERM 'FIRM RESIDENT IN ARKANSAS' FOR THE PURPOSE OF A
BIDDER'S PREFERENCE IN THE PURCHASE OF COMMODITIES BY PUBLIC
AGENCIES; AND FOR OTHER PURPOSES."

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

SECTION 1. Arkansas Code 19-11-259(a)(3), as amended by Act 477 of 1989, is hereby amended to read as follows:

"(3) "Firm resident in Arkansas" shall mean any individual, partnership, association, or corporation, whether domestic or foreign, who:

(A) maintains at least one staffed office in this state,

(B) for not less than two (2) successive years immediately prior to submitting a bid, has paid taxes under the Arkansas Employment Security Act, 11-10-101 et seq. unless exempt therefrom, and either the Arkansas Gross Receipts Act, 26-52-101 et seq., or the Arkansas Compensating Tax Act, 26-53-101 et seq., on any property used or intended to be used for or in connection with the firm's business; and

(C) within the two (2) year period, has paid any taxes to one or more counties, school districts, or municipalities of the State of Arkansas on either real or personal property used or intended to be used or in connection with the firm's business."

SECTION 2. All provisions of this Act of a general and permanent nature are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code Revision Commission shall incorporate the same in the Code.

SECTION 3. All laws and parts of laws in conflict with this Act are hereby repealed.

SECTION 4. Emergency. It is hereby found and determined by the General Assembly that the present bidder's preference law requires the Arkansas bidder to have paid Arkansas unemployment taxes; that some employers are exempt from paying unemployment taxes and therefore the requirement should not apply in those instances; that this Act will change the bidder's preference law to not disqualify an Arkansas firm who does not pay unemployment taxes because of being exempt therefrom; and that this Act should go into effect immediately in order to correct the inequity as soon as possible. Therefore, an emergency is hereby declared to exist and this Act being immediately necessary for the preservation of the public peace, health and safety shall be in full force and effect from and after its passage and approval.

APPROVED: November 14, 1989
