

1 **State of Arkansas**
2 **79th General Assembly**
3 **Regular Session, 1993**
4 **By: Senator Scott**

A Bill

ACT 263 OF 1993
SENATE BILL 50

For An Act To Be Entitled

8 "AN ACT TO AMEND ARKANSAS CODE 19-11-259 THE ARKANSAS
9 BIDDER PREFERENCE LAW RELATING TO THE PURCHASE OF
10 COMMODITIES BY PUBLIC AGENCIES; AND FOR OTHER PURPOSES."

Subtitle

13 **"AN ACT TO REPEAL THE ARKANSAS BIDDER**
14 **PREFERENCE LAW RELATING TO THE PURCHASE OF**
15 **COMMODITIES BY PUBLIC AGENCIES."**

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

19 ***SECTION 1. Arkansas Code 19-11-259 (a)(4) is amended to read as follows:***

20 ***"(4) 'Commodities' shall mean materials and equipment used in the construction of***
21 ***public works projects."***

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

27 **SECTION 3. If any provision of this act or the application thereof to any person or**
28 **circumstance is held invalid, such invalidity shall not affect other provisions or applications of**
29 **the act which can be given effect without the invalid provision or application, and to this end**
30 **the provisions of this act are declared to be severable.**

32 **SECTION 4. All laws and parts of laws in conflict with this act are hereby repealed.**

34 **SECTION 5. EMERGENCY. It is hereby found and determined by the General**
35 **Assembly that the current law provides that in public purchasing of commodities, Arkansas**
36 **bidders who have an established business in and are paying state and local taxes in Arkansas,**

1 are to be given a five percent preference over out-of-state bidders who maintain no established
2 business facility in the state and who are not paying state and local taxes in Arkansas; that this
3 law which was obviously enacted to benefit Arkansas businesses now appears to be having the
4 opposite effect due to the fact that some states have reciprocated by penalizing Arkansas
5 businesses which bid on public contracts for commodities in those states, and some state
6 agencies simply refuse to do business with Arkansas businesses because of the Arkansas
7 preference law; and that it is in the overall best interest of Arkansas businesses that this
8 preference be abolished as soon as possible. Therefore, an emergency is hereby declared to
9 exist and this act being necessary for the preservation of the public peace, health and safety
10 shall be in full force and effect from and after its passage and approval.

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/s/ Senator Scott

APPROVED: 02/26/93