

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.

Act 410 of the Regular Session

1 State of Arkansas  
2 87th General Assembly  
3 Regular Session, 2009

As Engrossed: H2/25/09

A Bill

HOUSE BILL 1492

4  
5 By: Representative Overbey  
6  
7

8 **For An Act To Be Entitled**

9 AN ACT TO AMEND COUNTY SALE, LEASE, AND  
10 PROCUREMENT PROCEDURES; AND FOR OTHER PURPOSES.  
11

12 **Subtitle**

13 TO AMEND COUNTY SALE, LEASE, AND  
14 PROCUREMENT PROCEDURES.  
15

16  
17 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
18

19 SECTION 1. Arkansas Code § 14-14-1102(b)(3), concerning custody of  
20 county property, is amended to read as follows:

21 (3)(A) Custody of County Property. The county judge, as the  
22 chief executive officer of the county, shall have custody of county property  
23 and ~~shall be~~ is responsible for the administration, care, and keeping of such  
24 county property, including the right to dispose of county property in the  
25 manner and procedure provided by law for the disposal of county property by  
26 the county court. The county judge shall have the right to lease, assign, or  
27 not assign use of such property whether or not the county property was  
28 purchased with county funds or was acquired through donations, gifts, grants,  
29 confiscation, or condemnation.

30 (B) In addition to other terms the county court finds  
31 reasonable and proper, the contract for the lease of county property shall  
32 provide that when the leased property ceases to be used for the purpose  
33 expressed in the lease or needs to be used by the county, the lease may be  
34 cancelled by the county court after reasonable notice.  
35



1 SECTION 2. Arkansas Code § 14-14-1102(b)(5)(A), concerning the  
2 employment of necessary personnel, is amended to read as follows:

3 (5) Hiring of County Employees, Except Those Persons Employed by  
4 Other Elected Officials of the County.

5 (A) The county judge, as the chief executive officer of  
6 the county, ~~shall be~~ is responsible for the employment of the necessary  
7 personnel or for the purchase of labor or services performed by individuals  
8 or firms employed by the county, or an agency thereof, for salaries, wages,  
9 insurance, or other forms of compensation.

10  
11 SECTION 3. Arkansas Code § 14-16-105(d)(1), concerning the appraised  
12 value of property that is under a certain dollar amount and the subsequent  
13 sale, is amended to read as follows:

14 (d)(1) If the appraised value of the property described in the order  
15 is less than the sum of ~~one thousand dollars (\$1,000)~~ two thousand dollars  
16 (\$2,000), the property may thereafter be *sold and* conveyed by the county  
17 judge, either at public or private sale, for not less than three-fourths ( $\frac{3}{4}$ )  
18 of the appraised value as shown by the certificate of appraisal filed by the  
19 assessor.

20  
21 SECTION 4. Arkansas Code § 14-16-105(e), concerning the appraised  
22 value of property that is over a certain dollar amount and the subsequent  
23 sale, is amended to read as follows:

24 (e)(1)(A)(i) If the appraised value of the property to be sold exceeds  
25 the sum of ~~one thousand dollars (\$1,000)~~ two thousand dollars (\$2,000), the  
26 county judge may sell the property to the highest and best bidder, upon  
27 sealed bids received by the judge.

28 (ii) The sheriff, the treasurer, and the circuit  
29 clerk of the county in which the property is to be sold shall constitute a  
30 board of approval for the sales, and the judge shall be the ex officio chair  
31 of the board without a vote.

32 (B) Such property, when it exceeds the appraised value of  
33 ~~one thousand dollars (\$1,000)~~ two thousand dollars (\$2,000), shall not be  
34 sold for less than three-fourths ( $\frac{3}{4}$ ) of its appraised value as determined by  
35 the certificate of the assessor.

36 (2)(A) Notice of the sale shall be published for two (2)

1 consecutive weekly insertions in some newspaper published and having a  
2 general circulation in the county.

3 (B) The notice shall specify:

4 (i) The description of the property to be sold;

5 (ii) The time and place for submitting written bids,  
6 including that the sale may be conducted on the Internet; and

7 (iii) The appraised value of the property to be  
8 sold.

9 (C) *The notice shall be dated and signed by the judge.*

10 (D) If the sale is conducted on the Internet, the invoice  
11 from the Internet vendor or publisher shall be accompanied by a statement  
12 from the Internet vendor or publisher that the sale was published and  
13 conducted on the Internet.

14 (3) *The judge shall have the right to reject any and all bids*  
15 *received by him or her pursuant to the notice.*

16 (4)(A) When the judge has accepted a bid for the property, he or  
17 she, as chair of the approval board, shall immediately call a meeting of the  
18 board, and the proposals to sell at the acceptable bid shall be submitted to  
19 the board for its approval.

20 (B)(i) If a majority of the board approves the sale, then  
21 the judge may sell and convey the property to the highest bidder.

22 (ii) When the sale has been approved and completed,  
23 the county court shall enter an order approving the sale, which shall set  
24 forth the details of the sale as provided in subdivision (d)(2)(B) of this  
25 section.

26  
27 *SECTION 5. Arkansas Code § 14-16-105(g), concerning the sale of county*  
28 *hospitals, is amended to read as follows:*

29 (g)(1) County hospitals constructed or maintained in whole or part by  
30 taxes approved by the voters shall not be sold unless the sale is approved by  
31 the majority of electors voting on the issue at a general or special  
32 election. This subsection is applicable to county hospitals constructed  
33 before and after July 20, 1987.

34 (2) An election shall not be required for the sale of a  
35 county hospital that has been vacant or not used as a county hospital for  
36 more than one hundred twenty (120) days.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36

SECTION 6. Arkansas Code § 14-16-109 is amended to read as follows:

14-16-109. Lease of county lands to municipality.

(a) Any county in this state ~~is authorized and empowered to~~ may lease any lands owned by the county to any municipality in the county, to be used for such purposes, subject to such restrictions, and for such consideration or compensation as shall be agreed upon by the contracting county and municipality.

(b) In addition to other terms the county court finds reasonable and proper, the contract for the lease of county property shall provide that when the leased property ceases to be used for the purpose expressed in the lease or needs to be used by the county, the lease may be cancelled by the county court after reasonable notice.

SECTION 7. Arkansas Code § 14-16-110(c)(3), concerning leases of county property to educational institutions, is amended to read as follows:

(3) Any such lease shall provide, in addition to any other terms as the county court shall deem reasonable and proper, that when the property ~~shall cease~~ ceases to be used for the foregoing purposes or needs to be used by the county, ~~then~~ the lease may be cancelled by the county court, after reasonable notice.

SECTION 8. Arkansas Code § 14-22-101(8), concerning the definition of "used or secondhand motor vehicles, equipment, or machinery", is amended to read as follows:

(8)(A) "Used or secondhand motor vehicles, equipment, or machinery" means any motor vehicles, equipment, or machinery at least two (2) years in age from the date of original manufacture or that has at least five hundred (500) working hours' prior use or ten thousand (10,000) miles' prior use.

(B)(i) Any purchase of a used motor vehicle, equipment, or machinery shall be accompanied by a statement in writing from the vendor on the bill of sale or otherwise documenting that the motor vehicle, equipment, or machinery is at least two (2) years in age from the date of original manufacture or has been used a minimum of five hundred (500) hours or driven a minimum of ten thousand (10,000) miles.

1 (ii) This statement shall be filed with the county  
2 clerk at the time of purchase.

3  
4 SECTION 9. Arkansas Code § 14-22-106(14), concerning commodities that  
5 may be purchased without soliciting bids, is amended to read as follows:

6 (14) Motor fuels, oil, asphalt, asphalt oil, and natural gas;  
7

8 SECTION 10. Arkansas Code § 14-22-106, concerning commodities that  
9 may be purchased without soliciting bids, is amended to add new subdivisions  
10 to read as follows:

11 (17)(A) New motor vehicles purchased from a licensed automobile  
12 dealership located in Arkansas for an amount not to exceed the fleet price  
13 awarded by the Office of State Procurement and in effect at the time the  
14 county submits the purchase order for the same make and model motor vehicle.

15 (B) The purchase amount for a new motor vehicle may  
16 include additional options up to six hundred dollars (\$600) over the fleet  
17 price awarded;

18 (18) Renewal or an extension of the term of an existing  
19 contract;

20 (19) Purchase of insurance for county employees, including  
21 without limitation health insurance, workers' compensation insurance, life  
22 insurance, risk management services, or dental insurance; and

23 (20) Purchases made through programs of the National Association  
24 of Counties or the Association of Arkansas Counties.

25  
26 /s/ Overbey

27  
28 **APPROVED: 3/13/2009**  
29  
30  
31  
32  
33  
34  
35  
36