

Act 477 of the 1989 Regular Session.

Act 477

HB1574

By: Representative Horn

"AN ACT TO AMEND ARKANSAS CODE 19-11-259 (a) (3) 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. It is hereby found and determined by the General Assembly of the State of Arkansas that the bidder's preference for firms resident in Arkansas on purchases of commodities by public agencies has been declared unconstitutional because of the vague definition of "firm resident in Arkansas"; that the bidder's preference law is beneficial to the state; and corrective legislation should be enacted to reinstitute bidder's preference law. Therefore, the purpose of this act is to redefine "firm resident in Arkansas" in Arkansas Code 19-11-259 in order to correct constitutional deficiencies.

SECTION 2. Arkansas Code 19-11-259 (a) (3) 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., 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 3. 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 4. All laws and parts of laws in conflict with this Act are hereby repealed.

APPROVED: March 10, 1989

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