

1 **State of Arkansas**
2 **78th General Assembly**
3 **Regular Session, 1991**

A Bill

HOUSE BILL

4 **By: Representatives Hutchinson and Flanagin**

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For An Act To Be Entitled

8 "AN ACT TO REPEAL ARKANSAS CODE § 22-9-206 PROVIDING AN
9 ARKANSAS BIDDER'S PREFERENCE FOR PUBLIC WORKS PROJECTS; TO
10 REPEAL ARKANSAS CODE § 19-11-259 PROVIDING FOR AN ARKANSAS
11 BIDDER'S PREFERENCE UNDER THE ARKANSAS PURCHASING LAW FOR
12 PURCHASES BY PUBLIC AGENCIES; TO REPEAL SUBCHAPTER 3 OF
13 TITLE 19, CHAPTER 11 OF THE ARKANSAS CODE OF 1987,
14 ANNOTATED, PROVIDING FOR A STATE INDUSTRY PRIORITY RELATED
15 TO THE ARKANSAS PURCHASING LAW BIDDER'S PREFERENCE; TO
16 REPEAL SUBSECTIONS (c) AND (d) OF ARKANSAS CODE § 14-22-
17 111 PROVIDING FOR A COUNTY BIDDER'S PREFERENCE FOR
18 PURCHASES BY A COUNTY GOVERNMENT; TO DECLARE AN EMERGENCY;
19 AND FOR OTHER PURPOSES."

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

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23 SECTION 1. Arkansas Code § 22-9-206 is hereby repealed.

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25 SECTION 2. Arkansas Code § 19-11-259, the same being Section 76 of Act
26 482 of 1979, as amended by Act 477 of 1989, is hereby repealed.

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28 SECTION 3. Subchapter 3 of Title 19, Chapter 11 of the Arkansas Code of
29 1987, Annotated, Arkansas Code §§ 19-11-301 through 19-11-306, are hereby
30 repealed.

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32 SECTION 4. Subsections (c) and (d) of Arkansas Code § 14-22-111 are
33 hereby repealed.

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35 SECTION 5. All provisions of this Act of a general and permanent nature

1 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
2 Revision Commission shall incorporate the same in the Code.

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4 SECTION 6. If any provision of this act or the application thereof to
5 any person or circumstance is held invalid, such invalidity shall not affect
6 other provisions or applications of the act which can be given effect without
7 the invalid provision or application, and to this end the provisions of this
8 act are declared to be severable.

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10 SECTION 7. EMERGENCY. It is hereby found and determined by the
11 Seventy-Eighth General Assembly of the State of Arkansas that the numerous
12 bidder's preferences for resident firms in Arkansas in purchases and in public
13 works projects have been under repeated and constant constitutional challenge
14 for their vagueness and their impact on interstate commerce; that the bidder's
15 preference laws for resident firms have resulted in increased cost for
16 purchases by public agencies and for public works projects in some instances;
17 that the situation with repeated litigation and extra costs should be remedied
18 as soon as possible; and that this act will remedy the situation by repealing
19 the various bidders preference laws. Therefore, in order to remedy this
20 situation as soon as possible, an emergency is hereby declared to exist and
21 this act being immediately necessary for the preservation of the public peace,
22 health and safety shall be in full force and effect from and after its passage
23 and approval.

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