

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.

1 State of Arkansas  
2 87th General Assembly  
3 Regular Session, 2009  
4

As Engrossed: H2/25/09

# A Bill

HOUSE BILL 1492

5 By: Representative Overbey  
6  
7

## For An Act To Be Entitled

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

### Subtitle

11 TO AMEND COUNTY SALE, LEASE, AND  
12 PROCUREMENT PROCEDURES.  
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17 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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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.  
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36 SECTION 2. Arkansas Code § 14-14-1102(b)(5)(A), concerning the



1 employment of necessary personnel, is amended to read as follows:

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

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

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

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

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

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

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

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

35 (2)(A) Notice of the sale shall be published for two (2)  
36 consecutive weekly insertions in some newspaper published and having a

1 general circulation in the county.

2 (B) The notice shall specify:

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

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

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

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

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

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

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

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

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

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

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

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

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

2 14-16-109. Lease of county lands to municipality.

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

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

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

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

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

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

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

36 (ii) This statement shall be filed with the county

1 clerk at the time of purchase.

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

5 (14) Motor fuels, oil, asphalt, asphalt oil, and natural gas;  
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7 SECTION 10. Arkansas Code § 14-22-106, concerning commodities that  
8 may be purchased without soliciting bids, is amended to add new subdivisions  
9 to read as follows:

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

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

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

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

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

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25 /s/ Overbey  
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