

1 State of Arkansas  
2 89th General Assembly  
3 Regular Session, 2013  
4

# A Bill

HOUSE BILL 2031

5 By: Representatives S. Malone, Alexander, D. Altes, C. Armstrong, E. Armstrong, Baine, Ballinger,  
6 Baltz, Barnett, Bell, Biviano, Bragg, Branscum, Broadaway, J. Burris, Carnine, Catlett, Clemmer, Collins,  
7 Copenhaver, Cozart, Dale, Davis, Deffenbaugh, J. Dickinson, Dotson, C. Douglas, D. Douglas, J.  
8 Edwards, Eubanks, Farrer, Ferguson, Fielding, Fite, Gillam, Gossage, Hammer, Harris, Hawthorne,  
9 Hickerson, Hillman, Hobbs, Hodges, Holcomb, Hopper, House, Hutchison, Jean, Jett, Julian, Kerr,  
10 Kizzia, Lampkin, Lea, Leding, Lenderman, Linck, Love, Lowery, Magie, Mayberry, McCrary, McElroy,  
11 McGill, McLean, D. Meeks, S. Meeks, Miller, Murdock, Neal, Nickels, B. Overbey, Payton, Perry,  
12 Ratliff, Rice, Richey, Sabin, Scott, Shepherd, Slinkard, F. Smith, Steel, Talley, T. Thompson, Vines, W.  
13 Wagner, Walker, Wardlaw, Westerman, D. Whitaker, B. Wilkins, H. Wilkins, Williams, Word, Wren,  
14 Wright

## For An Act To Be Entitled

15  
16 AN ACT TO ASSIST NOT-FOR-PROFIT ORGANIZATIONS; TO  
17 ALLOW NOT-FOR-PROFIT ORGANIZATIONS TO PURCHASE  
18 SURPLUS PUBLIC COMMODITIES; AND FOR OTHER PURPOSES.  
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20  
21

## Subtitle

22 TO ASSIST NOT-FOR-PROFIT ORGANIZATIONS;  
23 AND TO ALLOW NOT-FOR-PROFIT ORGANIZATIONS  
24 TO PURCHASE SURPLUS PUBLIC COMMODITIES.  
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28 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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30 SECTION 1. Arkansas Code § 19-11-242 is amended to read as follows:  
31 19-11-242. Commodity management regulations.

32 The State Procurement Director shall promulgate regulations governing:

33 (1) The sale, lease, or disposal of surplus commodities by  
34 public auction, competitive sealed bidding, or other appropriate method  
35 designated by regulation, and no employee of the Department of Finance and  
36 Administration or member of the employee's immediate family shall be entitled



1 to purchase any such commodities; ~~and~~

2 (2) Transfer of excess commodities within the state; ~~and~~

3 (3) The sale, lease, or disposal of surplus commodities to not-  
 4 for-profit organizations under § 22-1-101.

5  
 6 SECTION 2. Arkansas Code Title 22, Chapter 1, Subchapter 1, is amended  
 7 to add an additional section to read as follows:

8 22-1-101. Sale of surplus commodities to not-for-profit organizations  
 9 before being offered for sale to the public.

10 (a)(1) As used in this section:

11 (A) "Commodities" means commodities under § 19-11-203;

12 (B) "Not-for-profit organization" means a private  
 13 corporation under § 4-28-201 et seq. that:

14 (i) Has a benevolent, philanthropic, patriotic, or  
 15 charitable purpose; and

16 (ii) Performs a function that would be performed at  
 17 the public expense if it were not performed by the organization.

18 (b) Before a state, county, or municipal government entity offers  
 19 surplus commodities for sale to the public, the state, county, or municipal  
 20 government entity:

21 (1) Shall consider offers by not-for-profit organizations for  
 22 the surplus commodities made by not-for-profit organizations; and

23 (2) May accept a reasonable bid or offer for the surplus  
 24 commodities from a not-for-profit organization.

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 26 SECTION 3. Arkansas Code § 25-8-106(f), concerning the promulgation of  
 27 rules for the sale of public property by the Department of Finance and  
 28 Administration, is amended to read as follows:

29 (f) The Director of the Department of Finance and Administration is  
 30 authorized to promulgate reasonable rules and regulations, not inconsistent  
 31 with law, for compliance with the provisions of this section, the Arkansas  
 32 Procurement Law, § 19-11-201 et seq., ~~and~~ the General Accounting and  
 33 Budgetary Procedures Law, § 19-4-101 et seq., and the sale of surplus  
 34 commodities to not-for-profit organizations under § 22-1-101.