

State of Arkansas
89th General Assembly
Regular Session, 2013

A Bill

HOUSE BILL 2031

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

For An Act To Be Entitled

AN ACT TO ASSIST NOT-FOR-PROFIT ORGANIZATIONS; TO
ALLOW NOT-FOR-PROFIT ORGANIZATIONS TO PURCHASE
SURPLUS PUBLIC COMMODITIES; AND FOR OTHER PURPOSES.

Subtitle

TO ASSIST NOT-FOR-PROFIT ORGANIZATIONS;
AND TO ALLOW NOT-FOR-PROFIT ORGANIZATIONS
TO PURCHASE SURPLUS PUBLIC COMMODITIES.

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

SECTION 1. Arkansas Code § 19-11-242 is amended to read as follows:
19-11-242. Commodity management regulations.

The State Procurement Director shall promulgate regulations governing:

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



to purchase any such commodities; ~~and~~

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

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

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

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

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

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

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

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

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

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

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

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

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

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

APPROVED: 04/10/2013