

1 State of Arkansas
2 94th General Assembly
3 Regular Session, 2023
4

A Bill

HOUSE BILL 1735

5 By: Representative Wardlaw
6 By: Senator J. Dotson
7

For An Act To Be Entitled

9 AN ACT TO AMEND THE POWERS AND DUTIES OF THE STATE
10 PROCUREMENT DIRECTOR; TO AUTHORIZE THE STATE
11 PROCUREMENT DIRECTOR TO ENTER INTO NONMANDATORY STATE
12 CONTRACTS IN CERTAIN CIRCUMSTANCES; AND FOR OTHER
13 PURPOSES.
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Subtitle

16
17 TO AMEND THE POWERS AND DUTIES OF THE
18 STATE PROCUREMENT DIRECTOR; AND TO
19 AUTHORIZE THE STATE PROCUREMENT DIRECTOR
20 TO ENTER INTO NONMANDATORY STATE
21 CONTRACTS IN CERTAIN CIRCUMSTANCES.
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23

24 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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26 SECTION 1. Arkansas Code § 19-11-217(c)(2), concerning the powers and
27 duties of State Procurement Director as subject to the limitations of the
28 Arkansas Procurement Law and related rules, is repealed.

29 ~~(2)(A) Shall develop and implement a plan for all state agencies~~
30 ~~acquiring vehicles that will reduce the overall annual petroleum consumption~~
31 ~~of those state agencies by at least ten percent (10%) by January 1, 2009,~~
32 ~~through measures that include:~~

33 ~~(i) The use of alternative fuels, as defined by 42~~
34 ~~U.S.C. § 13211, as it existed on January 1, 2005;~~

35 ~~(ii) The acquisition of vehicles with higher fuel~~
36 ~~economy, such as a hybrid vehicle operating on electricity and gasoline or~~



1 ~~diesel or bio diesel fuel; and~~

2 ~~(iii) The substitution of cars for light trucks.~~

3 ~~(B)(i) By January 30 of each year, the director shall~~
 4 ~~submit to the Legislative Council his or her report evaluating the progress~~
 5 ~~of the plan toward achieving the goal set in subdivision (c)(2)(A) of this~~
 6 ~~section.~~

7 ~~(ii) The report shall include:~~

8 ~~(a) The number and type of alternative fueled~~
 9 ~~vehicles, as defined by 42 U.S.C. § 13211, as it existed on January 1, 2005,~~
 10 ~~procured;~~

11 ~~(b) The total number of alternative fueled~~
 12 ~~vehicles used by each state agency;~~

13 ~~(c) The difference between the cost of the~~
 14 ~~purchase, maintenance, and operation of alternative fueled vehicles and~~
 15 ~~comparable conventionally fueled motor vehicles, as defined by 42 U.S.C. §~~
 16 ~~13211, as it existed on January 1, 2005;~~

17 ~~(d) An evaluation of the plan's success; and~~

18 ~~(e) Suggestions for modifying the plan;~~

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 20 SECTION 2. Arkansas Code § 19-11-217(c), concerning the powers and
 21 duties of State Procurement Director as subject to the limitations of the
 22 Arkansas Procurement Law and related rules, is amended to add an additional
 23 subdivision to read as follows:

24 (15) May negotiate and enter into a nonmandatory state contract
 25 with retailers for special prices or rates for commodities or services, or
 26 both, for the benefit of public procurement entities, independent of the
 27 source selection methods in §§ 19-11-228 and 19-11-229, if the contractor
 28 agrees to provide the commodities or services, or both, subject to the
 29 contract at either the standard retail price or a discounted price.

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 32 **APPROVED: 4/11/23**