

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 84th General Assembly
3 Regular Session, 2003
4

As Engrossed: S3/17/03

A Bill

Act 1094 of 2003
SENATE BILL 749

5 By: Senators Salmon, Wilkinson, Trusty, J. Bookout, Baker
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For An Act To Be Entitled

9 AN ACT TO PROVIDE THAT THE ADJUTANT GENERAL HAS
10 THE AUTHORITY TO CONVEY AND TO DISPOSE OF THE
11 STATE'S INTEREST IN EXCESS MILITARY PROPERTY; AND
12 FOR OTHER PURPOSES.
13

Subtitle

15 TO PROVIDE THAT THE ADJUTANT GENERAL HAS
16 THE AUTHORITY TO CONVEY AND TO DISPOSE
17 OF THE STATE'S INTEREST IN EXCESS
18 MILITARY PROPERTY.
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21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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SECTION 1. Purpose.

24 The purpose of this act is to clarify that the Adjutant General of
25 Arkansas has the authority, acting in the best interests of the security and
26 defense of the state and of the United States, to convey any estate in
27 military real property of which the Adjutant General is custodian, by any
28 lawful method of conveyance, upon the terms and conditions as he or she may
29 deem appropriate, and subject to the approval of the United States.
30

SECTION 2. Findings.

32 The General Assembly finds that:

33 (1) The Adjutant General is the custodian of the military
34 reservations and military property of the State of Arkansas;

35 (2) The United States retains a reversionary estate in all of
36 the military reservations, and furthermore the United States retains various



1 regulatory interests in and to other military properties located within the
 2 State of Arkansas;

3 (3) A conveyance of unneeded excess military real properties is
 4 subject to the consent of the United States acting by and through the
 5 Secretary of the Army or the Secretary of the Air Force;

6 (4) The disposal of military real properties is presently
 7 restricted by law to the disadvantage of the best interests of the people of
 8 the State of Arkansas;

9 (5) The authority of the Adjutant General to convey estates in
 10 military real property is unreasonably restricted; and

11 (6) The restrictions at law should be removed.

12
 13 SECTION 3. Arkansas Code § 12-63-305 is amended to read as follows:

14 12-63-305. ~~Sale, lease, rental, etc., of unused property~~ Conveyance or
 15 disposal of military real property.

16 ~~(a)(1)(A) In case a National Guard unit stationed in any county shall~~
 17 ~~cease to exist or the location of its headquarters is removed to another~~
 18 ~~county or another location, or if for any other reason an armory, If the~~
 19 Adjutant General determines that any military reservation, armory, landing
 20 field, hanger, or any other estate in real property owned or possessed by the
 21 State of Arkansas for the use and benefit of the Arkansas National Guard or
 22 the armed forces of the United States becomes is no longer useful or
 23 necessary for National Guard or for other military purposes, then the
 24 Adjutant General shall have authority to sell, convey, or to otherwise
 25 dispose of the property. and,

26 (B) The Adjutant General may sell, convey, or otherwise
 27 dispose of property under this section by deed, lease, license, permit, or
 28 other instrument executed by him or her on behalf of, and in the name and
 29 behalf of, the State of Arkansas, to convey to the purchaser thereof, as the
 30 Adjutant General may approve, any property, or improvements thereon located,
 31 owned by the State of Arkansas for the use and benefit of the Arkansas
 32 National Guard.

33 (C) The Adjutant General shall approve the price,
 34 consideration, and other terms and conditions related to the sale,
 35 conveyance, or other disposal of property under this section.

36 (2) The Adjutant General may also enter into agreements with

1 cities, ~~or~~ counties, school boards, other political subdivisions of the
2 state, or any other public entity, body, board, commission, agency, or
3 governmental corporation to convey an estate in real property or other
4 improvements formerly used for National Guard purposes to ~~such city or county~~
5 the political subdivision or public entity in the event the Adjutant General
6 determines that the transfer would be in the better interest of the National
7 Guard and the local community, ~~where the city or county furnishes or has~~
8 ~~furnished land for an armory site~~ subject to any reversionary interest that
9 may exist with respect to the estate in favor of the State of Arkansas or of
10 the United States.

11 (3) Any conveyance under this section is subject to approval of
12 the Secretary of the Army or the Secretary of the Air Force, as the case may
13 be, and in compliance with the applicable regulations and instructions.

14 (b)(1) When and if, in the judgment of the Adjutant General, the use
15 of any parcel of real property or any armory, warehouse, or other
16 improvements thereon located, owned by or leased to the State of Arkansas for
17 the use and benefit of the Arkansas National Guard or any portion thereof is
18 temporarily not required and not necessary for National Guard purposes, the
19 Adjutant General shall have authority to lease or sublease such real property
20 or portion thereof for such rental, and on such terms and conditions and for
21 such period of time, as the Adjutant General shall deem to the best interest
22 of the National Guard. The lease or sublease contract shall be executed by
23 the Adjutant General, for and in the name and behalf of the State of
24 Arkansas.

25 (2) Every lease contract shall contain suitable provision for
26 the immediate suspension or termination thereof in the event of the
27 occurrence of an emergency rendering the use of the property by the National
28 Guard of Arkansas necessary for its military purposes and may provide for a
29 refund, out of the Special Military Fund, to the lessee or sublessee, of
30 rental paid in advance for the period covered by the lease during which the
31 lessee or sublessee is by reason of the emergency deprived of the use of said
32 property.

33 (c)(1)(A) Before the Adjutant General shall lease, rent, sell, convey,
34 or otherwise dispose of any estate in any real ~~such~~ property or improvement
35 on the property, other than a lease or rental for thirty (30) days or less
36 for the use of real property, buildings, armories, airfields, or other

1 improvements that are temporarily not required for military purposes, he
 2 shall publish a notice one (1) time in some newspaper published and having a
 3 general circulation in the ~~county where the property is located~~ state, at
 4 least ten (10) days prior to the date on which the property will be offered
 5 for ~~sale, lease, or rent~~ conveyance or disposal.

6 (B) The notice shall describe ~~such~~ the estate or property
 7 and notify all persons interested that the estate or property will be ~~leased,~~
 8 ~~rented, or sold~~ conveyed or disposed, and of the conditions, terms, time, and
 9 place at which bids or requests for proposals shall be received therefor.

10 (2) Bids or proposals for the conveyance, disposal, purchase, ~~or~~
 11 lease, or other disposition of the estate in any real property, substantially
 12 on the terms specified in the notice, shall be received by the Adjutant
 13 General at the time and place specified in the notice, in the form of open or
 14 sealed bids, or requests for proposals ~~or sealed bids~~, as the Adjutant
 15 General may direct.

16 (3) Subject to the Adjutant General's right to reject all bids
 17 and proposals, the property shall be ~~sold or leased~~ conveyed to the person,
 18 firm, or corporation submitting the bid or proposal which, in the judgment of
 19 the Adjutant General, taking into consideration the amount to be paid and the
 20 terms ~~of the lease or sale~~ and conditions of the conveyance, is most
 21 advantageous to the security and interests of the State of Arkansas ~~for the~~
 22 ~~use and benefit of the National Guard~~ and the United States.

23 (d)(1) The purchase price, rental, or other moneys to be paid for the
 24 conveyance of the estate or property, ~~or for the use thereof,~~ for a period of
 25 more than thirty (30) days, under the terms, conditions, and consideration of
 26 the ~~sale or lease or sublease~~ conveyance shall be deposited in the State
 27 Treasury.

28 (2) The moneys shall be credited to the Special Military Fund,
 29 to be used by the Adjutant General for the purposes of constructing,
 30 repairing, or maintaining hangars, armories, or other property held by the
 31 State of Arkansas for the use and benefit of its National Guard, subject to
 32 any priority interest and estate of the United States in such proceeds.

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 34 /s/ Salmon
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APPROVED: 4/4/2003

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