

1 State of Arkansas *As Engrossed: H3/20/19 S4/3/19*

2 92nd General Assembly

# A Bill

3 Regular Session, 2019

HOUSE BILL 1767

4

5 By: Representative Payton

6 *By: Senator G. Stubblefield*

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## For An Act To Be Entitled

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AN ACT TO REGULATE THE ADMINISTRATION OF REAL

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PROPERTY OF THE STATE; AND FOR OTHER PURPOSES.

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## Subtitle

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TO REGULATE THE ADMINISTRATION OF REAL

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PROPERTY OF THE STATE.

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

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20 SECTION 1. Arkansas Code § 22-5-303 is amended to read as follows:

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22-5-303. Additional duties of Commissioner of State Lands.

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In addition to other duties and powers conferred by law upon the

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Commissioner of State Lands, he or she shall ~~have the following duties and~~

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~~powers:~~

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(1) ~~To effectuate~~ Effectuate the policies and carry out the

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purposes declared in § 22-5-301, ~~to carry out its purposes~~ including by

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~~securing:~~

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(A) Securing the cooperation and assistance of the United

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States and any of its agencies; ~~and to enter~~

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(B) Entering into contracts, agreements, and conveyances

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necessary to secure such federal assistance;

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(2) ~~To conduct~~ Conduct investigations, independently or jointly

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with other state and federal agencies, relating to conditions and factors

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affecting, and methods of accomplishing more effectively, the purposes of

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this subchapter; *and*

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(3) ~~To assign~~ Assign lands to the several state agencies for



1 *administration, subject to their agreement and acceptance.*

2 SECTION 2. Arkansas Code § 22-5-305 is repealed.

3 ~~22-5-305. State Land Use Committee—Commissioner of State Lands as~~  
4 ~~secretary—Employment of person with technical training—Assignment of~~  
5 ~~employees—Supervision.~~

6 ~~(a) A State Land Use Committee shall be appointed by the Commissioner~~  
7 ~~of State Lands, to be composed of nine (9) members, each of whom shall be a~~  
8 ~~qualified elector.~~

9 ~~(b) The Commissioner of State Lands shall appoint one (1) member from~~  
10 ~~each of the seven (7) congressional districts and two (2) members at large~~  
11 ~~for a term of two (2) years.~~

12 ~~(c) The appointments shall be made with the advice and consent of the~~  
13 ~~Senate.~~

14 ~~(d) The Commissioner of State Lands shall serve as secretary to the~~  
15 ~~committee and shall receive a salary of two thousand dollars (\$2,000) per~~  
16 ~~year for his or her services.~~

17 ~~(e) The Commissioner of State Lands may employ one (1) person who has~~  
18 ~~had technical training in problems relating to land use and who shall assist~~  
19 ~~in the performance of any duties that may be required by the committee. The~~  
20 ~~Commissioner of State Lands shall determine the salary of this employee.~~

21 ~~(f) The supervising officer of any state agency or institution of~~  
22 ~~education may detail or assign to the committee members of the staff of the~~  
23 ~~agency or institution and may make such special reports, investigations, or~~  
24 ~~studies as the committee may request.~~

25 ~~(g) The Commissioner of State Lands may request the committee and~~  
26 ~~other state or federal agencies whose regular functions require an~~  
27 ~~understanding of land qualities and land classification for particular uses~~  
28 ~~to supervise the inspection, classification, and appraisal of state-owned~~  
29 ~~land according to its most appropriate use, having regard to the present and~~  
30 ~~future welfare of the state.~~

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32 SECTION 3. Arkansas Code § 22-5-306, as amended by Acts 2019, No. 315,  
33 is amended to read as follows:

34 22-5-306. Appraisers – Qualifications, oath, and bond.

35 (a) The Commissioner of State Lands shall may appoint ~~such~~ appraisers  
36 ~~as are provided for by any appropriation~~ to inspect and appraise state-owned

1 lands for sale, transfer, or donation.

2 (b) *It shall be unlawful for the Commissioner of State Lands to*  
3 *dispose of state-owned lands without an appraisal made by appraisers*  
4 *appointed by the Commissioner of State Lands, except that he or she may sell*  
5 *or dispose of town lots and acreage descriptions of ten (10) acres or less*  
6 *without an appraisal.*

7 (c) Each appraiser selected shall, by education or experience, be  
8 familiar with and know how to arrive at the value of lands, water rights,  
9 mineral rights, timber lands, rural lands, agricultural lands, and  
10 noncultivable lands; shall understand legal descriptions of real properties;  
11 shall have a working knowledge of county and state real property records; and  
12 shall be capable of passing dependable judgments upon the values of rural  
13 properties.

14 (d) Upon entering the duties of his or her office, each appraiser  
15 shall take an oath of office as prescribed in the Arkansas Constitution,  
16 Article 19, § 20. This oath shall state that he or she will not, directly or  
17 indirectly, be engaged in the purchase of state-owned lands during his or her  
18 continuance in office and that he or she will not engage in any speculation  
19 of state-owned lands or give information to any agent, friend, or secret or  
20 other partner so as to secure the advantages of that information to himself  
21 or herself or to any person, association, or company to the prejudice or  
22 exclusion of other persons.

23 (e) Each appraiser shall enter into bond to the state in the sum of  
24 one thousand dollars (\$1,000), to be furnished by a surety company authorized  
25 to do business in the State of Arkansas, conditioned that he or she will  
26 faithfully discharge all of his or her duties according to law and the rules  
27 of the ~~State Land Use Committee~~ Commissioner of State Lands.

28 (f) After qualifying as provided in this section, each appraiser shall  
29 perform his or her duties in the manner prescribed by the Commissioner of  
30 State Lands.

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32 SECTION 4. Arkansas Code § 22-5-307 is amended to read as follows:

33 22-5-307. Classification and disposition of state lands generally.

34 (a) State lands shall be classified as to whether they should be  
35 retained in public ownership or returned to private ownership through sale or  
36 donation, and the classification may be changed.

1 (b)(1) The Commissioner of State Lands shall dispose of the lands and  
2 make deeds to the lands in accordance with ~~this~~ the classification under  
3 subsection (a) of this section.

4 (2) ~~Only~~ With the approval of the Governor and review by the  
5 General Assembly or the Legislative Council, lands classified as suitable for  
6 return to private ownership ~~shall be subject to sale~~ may be sold under § 22-  
7 5-312 and subsection (e) of this section to private ~~individuals~~ parties by  
8 the Commissioner of State Lands.

9 (c) The Commissioner of State Lands may direct that land shall be  
10 retained and administered by certain appropriate state or local agencies or  
11 shall be disposed of and deeded in such manner that the state shall be  
12 eligible for any benefits under any act of the United States Congress.

13 (d) Where lands are disposed of by return to private ownership, the  
14 deeds shall contain such restrictive covenants or restraints on alienation as  
15 the ~~State Land Use Committee~~ Commissioner of State Lands may deem necessary  
16 to ensure the protection and use of the land in a manner beneficial to the  
17 public. All coal, oil, gas, and mineral rights shall be reserved to the state  
18 except in the case of tax-forfeited lands. However, the original owner or his  
19 or her heirs shall be allowed to redeem or acquire these lands in accordance  
20 with the provisions of this subchapter without the oil, gas, and mineral  
21 rights being restricted or reserved.

22 (e)(1) Where land is classified as land which should be returned to  
23 private ownership by sale, the Commissioner of State Lands shall offer the  
24 land for sale to the highest bidder, but only if his or her bid is at least  
25 equal to the appraised value.

26 (2) ~~No land~~ Land shall not be sold for less than its appraised  
27 value, except that, pending appraisal ~~by the committee~~, the Commissioner of  
28 State Lands is authorized to continue sales of state lands as provided for in  
29 §§ 26-37-101 – 26-37-105, 26-37-201 – 26-37-205, and 26-37-301 – 26-37-303.

30 (f) ~~No lands~~ Land shall not be donated by the Commissioner of State  
31 Lands until they have been classified as appropriate for donation by the  
32 ~~committee~~ Commissioner of State Lands.

33 (g) If, at the end of three (3) years after appraisal by the ~~committee~~  
34 Commissioner of State Lands, lands classified as land which should be  
35 returned to private ownership by sale shall remain unsold on the books of the  
36 Commissioner of State Lands, the unsold lands shall be reappraised by the

1 ~~committee~~ Commissioner of State Lands.  
2 (h) Tax delinquent lands are not subject to the terms and restrictions  
3 of this section and may be disposed of as required by law.  
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6 /s/Payton  
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9 **APPROVED: 4/12/19**  
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