

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

A Bill

HOUSE BILL 1164

5 By: Representative Bentley
6 By: Senator G. Stubblefield
7

For An Act To Be Entitled

9 AN ACT TO AMEND THE LAW CONCERNING THE CORRECTION OF
10 ERRORS ARISING FROM THE ERRONEOUS SALE OF LANDS OF
11 THE STATE OF ARKANSAS; TO AMEND THE LAW CONCERNING
12 THE DUTIES OF THE COMMISSIONER OF STATE LANDS; AND
13 FOR OTHER PURPOSES.
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Subtitle

16 TO AMEND THE LAW CONCERNING THE
17 CORRECTION OF ERRORS ARISING FROM THE
18 ERRONEOUS SALE OF LANDS OF THE STATE OF
19 ARKANSAS; AND TO AMEND THE LAW CONCERNING
20 THE DUTIES OF THE COMMISSIONER OF STATE
21 LANDS.
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25 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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27 SECTION 1. Arkansas Code § 22-6-102 is amended to read as follows:
28 22-6-102. Correction of errors growing out of erroneous sales.

29 (a) The Commissioner of State Lands shall have the power to correct
30 errors that exist or may exist arising from the erroneous sale of lands
31 belonging or formerly belonging to the state.

32 (b) The Commissioner of State Lands shall have the power to correct
33 all manifest errors in the description of lands sold, in the amounts of notes
34 given for lands sold by the state, and also in cases where notes may have
35 been given for the purchase of a greater number of acres than has been
36 confirmed to the state.



1 (c) ~~It shall be the duty of the Commissioner of State Lands to~~
2 ~~maintain a record of errors existing in the sales of swamp and overflowed~~
3 ~~lands.~~

4 (d) ~~Certified extracts from the record shall be received as evidence~~
5 ~~in any court of this state.~~

6 (e) ~~In all cases where lands have been erroneously confirmed to the~~
7 ~~state and sold by it, twice sold by commissioners, sold by them when the~~
8 ~~lands were unconfirmed or misdescribed, in whole or in part, or when the~~
9 ~~sales are in any way irregular, informal, or incomplete, the Commissioner of~~
10 ~~State Lands shall issue a certificate or take steps to perfect the entry or~~
11 ~~to enable the purchasers, their heirs, or assigns to have refunded to them~~
12 ~~any money which they may have paid on any entry that is void or voidable.~~

13 (f) ~~In all cases where by any reason the State of Arkansas shall be~~
14 ~~unable to make title to any purchaser of state lands, it shall be lawful for~~
15 ~~the Commissioner of State Lands to issue a refunding certificate for the~~
16 ~~amount received from the purchase which shall have been paid into the State~~
17 ~~Treasury.~~

18 (g) ~~The Auditor of State, upon examination of the certificate, if he~~
19 ~~or she finds that the certificate is properly issued and that the money has~~
20 ~~been paid into the State Treasury, shall draw his or her warrant upon the~~
21 ~~Treasurer of State therefor.~~

22 (h) ~~The Commissioner of State Lands, on production of proof~~
23 ~~satisfactory to him or her, may correct errors and put land in a situation to~~
24 ~~have deeds thereon made.~~

25 (i) ~~The action of the Commissioner of State Lands shall be final~~
26 ~~unless set aside by judgment or decree of a court having competent~~
27 ~~jurisdiction thereof.~~

28 (j)(1) ~~The Commissioner of State Lands may furnish a person with a~~
29 ~~statement of any amounts that may be due in order to perfect any entry or~~
30 ~~purchase to be paid directly into the State Treasury, or he or she may issue~~
31 ~~a warrant for any amount due, after issuing a refunding certificate.~~

32 (2) ~~For such service, the Commissioner of State Lands shall be~~
33 ~~allowed such fees as allowed by law.~~

34 (k) Any action to correct errors on the part of the Commissioner of
35 State Lands shall be legal and binding until overruled or set aside by the
36 decision of a court having competent jurisdiction.