

1 State of Arkansas
2 93rd General Assembly
3 Regular Session, 2021
4

A Bill

SENATE BILL 241

5 By: Senator Caldwell
6 By: Representatives Hollowell, Murdock
7

For An Act To Be Entitled

9 AN ACT TO AMEND THE LAW CONCERNING THE SALE OF STATE
10 LAND; TO ESTABLISH A PROCESS TO SELL STATE LAND; TO
11 DECLARE AN EMERGENCY; AND FOR OTHER PURPOSES.
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Subtitle

15 TO AMEND THE LAW CONCERNING THE SALE OF
16 STATE LAND; TO ESTABLISH A PROCESS TO
17 SELL STATE LAND; AND TO DECLARE AN
18 EMERGENCY.
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21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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23 SECTION 1. Arkansas Code § 6-64-218 is amended to read as follows:
24 6-64-218. Sale of donated and purchased land.

25 (a) The Board of Trustees of the University of Arkansas:

26 (1) may May sell any land purchased by the University of
27 Arkansas or donated to the University of Arkansas by individuals,
28 partnerships, corporate entities, the State of Arkansas, or the United States
29 Government, following the procedures established under § 22-6-121;

30 (2) Shall not sell land containing a deed restriction stating
31 that the land must continue to be used for public purposes; and

32 (3) May donate land purchased by or donated to the University of
33 Arkansas to:

34 (A) A department, agency, board, commission, or
35 institution of higher education of the State of Arkansas;

36 (B) A non-profit corporation organized with the primary



1 mission to keep the land open to the public and available for public use.

2 (b) When the purchase price is paid to the treasurer of the
3 university, the president and secretary of the board shall execute a deed
4 conveying the lands to the purchaser.

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6 SECTION 2. Arkansas Code Title 22, Chapter 6, Subchapter 1, is amended
7 to add an additional section to read as follows:

8 22-6-121. Sale of state land – Definitions.

9 (a) As used in this section:

10 (1) “State entity” means any instrumentality of state
11 government, including without limitation a board, commission, committee,
12 advisory board, office, department, institution, bureau, council,
13 administrative program, agency, or division; and

14 (2) “State land” means real property acquired by or donated to
15 the State of Arkansas or a state entity and any improvements that may have
16 been made on the real property.

17 (b) This section applies to a proposed sale of state land with a value
18 of over five hundred thousand dollars (\$500,000).

19 (c)(1) If the proposed sale of state land concerns state land used:

20 (A) Primarily for agricultural purposes, agricultural
21 research, timber production or research, or is designated as wetlands, the
22 proposed sale shall be reviewed by the House Committee on Agriculture,
23 Forestry, and Economic Development and the Senate Committee on Agriculture,
24 Forestry, and Economic Development meeting jointly;

25 (B) Currently or previously as a transportation facility,
26 road, or railroad, the proposed sale shall be reviewed by the House Committee
27 on Public Transportation and the Senate Committee on Public Transportation,
28 Technology, and Legislative Affairs meeting jointly; or

29 (C) For all other purposes, the proposed sale shall be
30 reviewed by the House Committee on State Agencies and Governmental Affairs
31 and the Senate Committee on State Agencies and Governmental Affairs meeting
32 jointly.

33 (2) Before review under subdivision (c)(1) of this section, a
34 state entity proposing to sell state land shall:

35 (A) Notify the public the state land is proposed to be
36 declared surplus by publishing a notice on the website of the state entity

1 declaring proposal to declare the state land surplus and for future sale for
 2 a period of twenty-one (21) consecutive calendar days identifying the state
 3 land to be declared surplus and for sale by:

4 (i) Legal description of the state land in
 5 metes and bounds; and

6 (ii) Physical address, if available;

7 (B)(i) Hold a public hearing regarding the proposed sale
 8 of state land:

9 (ii) The public hearing shall be held in the county
 10 in which the state land is located;

11 (iii) The public hearing shall be conducted in a
 12 manner in which the public is allowed to appear in person; and

13 (iv) All comments, written or in another form,
 14 opposing the public sale shall be recorded by the state entity.

15 (C)(i) Determine the estimated market value of the state
 16 land at the time the state land is proposed to be declared surplus and for
 17 sale.

18 (ii) Estimated market value of the state land shall
 19 be determined by the average of three (3) appraisals conducted by three (3)
 20 appraisers certified or licensed under the Arkansas Appraiser Licensing and
 21 Certification Act, § 17-14-101 et seq., § 17-14-201 et seq., and § 17-14-301
 22 et seq.; and

23 (D) Provide a report to the committee designated under
 24 subdivision (c)(1) of:

25 (i) The estimated market value of the property
 26 proposed to be surplus; and

27 (ii) All public comments opposing the surplus
 28 property declaration.

29 (3) After review under subdivision (c)(1) of this section, a
 30 state entity proposing to sell state land shall:

31 (A) Declare the state land to be surplus and for sale;

32 (B) Notify the public the state land has become surplus
 33 and is for sale by publishing a notice on the website of the state entity
 34 declaring the state land surplus and for sale for a period of twenty-one (21)
 35 consecutive calendar days identifying the state land declared surplus and for
 36 sale by:

1 (i) Legal description of the state land in
 2 metes and bounds; and

3 (ii) Physical address, if available;

4 (C) Dispose of the surplus state land:

5 (i)(a) At public sale.

6 (b) Notice of the public sale shall be
 7 published on the website of the state entity for a period of twenty-one (21)
 8 consecutive calendar days.

9 (c) The notice shall specify the description
 10 of the state land to be sold and the time and place of the public sale.; or

11 (ii) Through a negotiated sale with the approval of
 12 the Legislative Council or, if the General Assembly is in session, the Joint
 13 Budget Committee.

14 (d) The Commissioner of State Lands may convey state land sold under
 15 this section and owned by the State of Arkansas.

16 (e) A state entity may convey state land sold under this section and
 17 owned by the state entity.

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 19 SECTION 3. EMERGENCY CLAUSE. It is found and determined by the
 20 General Assembly of the State of Arkansas that state lands are held and
 21 managed for the benefit of the citizens of Arkansas; that transparency in the
 22 management and sale of state lands is necessary to preserve the ability of
 23 citizens to comment on the sale of state lands; that transparency in the
 24 actions of state entities is necessary to preserve the trust of the citizens
 25 and preserve the public peace; and that this act is immediately necessary
 26 because protection of the trust of the citizens is endangered by a lack of
 27 the ability of citizens to participate in the process of determining valuable
 28 state lands to be surplus. Therefore, an emergency is declared to exist, and
 29 this act being immediately necessary for the preservation of the public
 30 peace, health, and safety shall become effective on:

31 (1) The date of its approval by the Governor;

32 (2) If the bill is neither approved nor vetoed by the Governor,
 33 the expiration of the period of time during which the Governor may veto the
 34 bill; or

35 (3) If the bill is vetoed by the Governor and the veto is
 36 overridden, the date the last house overrides the veto.