

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 85th General Assembly
3 Regular Session, 2005
4

As Engrossed: H3/9/05 H3/18/05 S4/7/05

A Bill

HOUSE BILL 2936

5 *By: Representatives Willis, Davis*
6 *By: Senator Higginbotham*
7

For An Act To Be Entitled

9 AN ACT TO ESTABLISH PROCEDURES FOR THE
10 PRESERVATION, DISPOSAL, OR BOTH OF SCHOOL
11 BUILDINGS IN SCHOOL DISTRICTS THAT HAVE BEEN
12 CONSOLIDATED; AND FOR OTHER PURPOSES.
13

Subtitle

14 TO ESTABLISH PROCEDURES FOR THE
15 PRESERVATION, DISPOSAL, OR BOTH OF
16 SCHOOL BUILDINGS IN SCHOOL DISTRICTS
17 THAT HAVE BEEN CONSOLIDATED.
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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 Title 6, Chapter 13, Subchapter 1 is amended*
24 *to add an additional section to read as follows:*

25 *6-13-111. Consolidated school districts.*

26 *(a) A school district in the State of Arkansas that is consolidated*
27 *with one (1) or more school districts may:*

28 *(1) Sell buildings or lands owned by the school district that*
29 *are no longer used by the school district; or*

30 *(2) Preserve buildings or lands owned by the school district*
31 *that are no longer used by the school district.*

32 *(b) If the school district sells or otherwise disposes of a building*
33 *or land to a person or entity under this section, then:*

34 *(1) The school district shall have the right of first refusal to*
35 *purchase or otherwise reacquire the real property if the person or entity*
36 *decides to sell the real property; and*



1 (2) The sale price of the real property when repurchased or
2 otherwise reacquired by the school district shall not:

3 (A) Exceed the price that the person or entity paid the
4 school district for the property; and

5 (B) Include compensation for any improvements to the
6 property.

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8 SECTION 2. Arkansas Code § 6-21-108 is amended to read as follows:

9 6-21-108. School districts authorized to own and convey real property
10 – Donation of property for educational purposes only.

11 (a) In addition to the authority of school districts under § 6-13-620
12 to have the care and custody of the schoolhouse, grounds, and other property
13 belonging to the district, the board of directors for any Arkansas school
14 district shall be authorized and empowered to acquire and hold real estate,
15 tenements, hereditaments, and other real property as is necessary and proper
16 for the purposes of the education of pupils of the district and the
17 administration of the schools of the district.

18 (b)(1) If the board of directors for a school district determines that
19 any real estate owned or controlled by the district is not required for the
20 present or anticipated future needs of the school district and that the
21 donation thereof would serve a beneficial educational service for the pupils
22 of the district, then the school district is also empowered and authorized to
23 donate property or any part thereof to a publicly supported institution of
24 higher education, ~~or a vocational technical~~ or a technical institute, a
25 community college, a not-for-profit organization, or any entity thereof, for
26 any of the following limited purposes:

27 (A) Having the real property improved, upgraded,
28 rehabilitated, or enlarged by the donee; ~~or~~

29 (B) Providing a publicly supported institution of higher
30 education ~~or a vocational technical~~ technical institute or community college
31 with the donated property in which to hold classes for students who are from
32 the district or to educate pupils from within the donating school district
33 even if students from outside the district might also benefit; ~~or~~

34 (C) Providing community programs, social enrichment
35 programs, or after-school programs for students who are from the district or
36 to educate pupils from within the donating school district even if other

1 persons in the community or students from outside the district might also
2 benefit.

3 ~~(2) All donation instruments shall contain provisions by which~~
4 ~~the title to the property donated shall revert to the donating school~~
5 ~~district when the donated property is no longer used by the donee for the~~
6 ~~purposes for which it was donated.~~

7 ~~(3)(2)~~ Furthermore, school districts may donate the fee simple
8 title and absolute interest, without any reservations or restrictions, in and
9 to all real property or any part of the property to the publicly supported
10 institution or college if this property was previously conveyed or otherwise
11 transferred by the institution or college to the school district without
12 cost.

13 (c) The execution of all contracts and conveyances and lease contracts
14 shall be performed by the president and confirmed by the secretary of the
15 school board when authorized by a resolution in writing and approved by a
16 majority vote of the school board.

17 (d)(1) If the school district donates real property to an entity under
18 this section, then the school district shall have the right of first refusal
19 to reacquire the real property if the entity decides to sell or otherwise
20 dispose of the real property.

21 (2) The school district shall not be required to compensate the
22 entity for any improvements to real property reacquired under this
23 subsection.

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25 /s/ Willis
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