

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

# A Bill

SENATE BILL 358

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 OVER  
11 A CERTAIN DOLLAR AMOUNT; TO AMEND THE LAW CONCERNING  
12 THE SALE OF LAND OWNED BY AN INSTITUTION OF HIGHER  
13 EDUCATION; TO DECLARE AN EMERGENCY; AND FOR OTHER  
14 PURPOSES.  
15

## Subtitle

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18 TO AMEND THE LAW CONCERNING THE SALE OF  
19 STATE LAND; TO ESTABLISH A PROCESS TO  
20 SELL STATE LAND; TO AMEND THE LAW  
21 CONCERNING THE SALE OF LAND OWNED BY AN  
22 INSTITUTION OF HIGHER EDUCATION; AND TO  
23 DECLARE AN EMERGENCY.  
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25

26 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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28 SECTION 1. Arkansas Code Title 6, Chapter 60, Subchapter 1, is amended  
29 to add an additional section to read as follows:

30 6-60-113. Sale of donated and purchased land.

31 (a) The board of trustees of an institution of higher education:

32 (1)(A) May sell any land purchased by the institution of higher  
33 education or donated to the institution of higher education by an individual,  
34 partnership, corporate entity, the State of Arkansas, or the United States  
35 Government, unless otherwise prohibited by law.

36 (B) An institution of higher education shall follow the



1 procedures established under § 22-6-121 for the sale of land appraised at  
2 five hundred thousand dollars (\$500,000) or more;

3 (2) Shall not sell land to a private ownership interest if the  
4 deed to the property contains a deed restriction stating that the land must  
5 continue to be used for public purposes; and

6 (3) May donate or sell land purchased by or donated to the  
7 institution of higher education containing a deed restriction stating that  
8 the land must continue to be used for public purposes to:

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

11 (B) A nonprofit corporation organized with the primary  
12 mission to keep the land open to the public and available for public use.

13 (b) When the purchase price is paid to the treasurer of an institution  
14 of higher education, the president and secretary of the board of trustees  
15 shall execute a deed conveying the lands to the purchaser.

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17 SECTION 2. Arkansas Code § 6-64-218 is repealed.

18 ~~6-64-218. Sale of donated land.~~

19 ~~(a) The Board of Trustees of the University of Arkansas may sell any~~  
20 ~~land donated to the University of Arkansas by individuals.~~

21 ~~(b) When the purchase price is paid to the treasurer of the~~  
22 ~~university, the president and secretary of the board shall execute a deed~~  
23 ~~conveying the lands to the purchaser."~~

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25 SECTION 3. Arkansas Code Title 22, Chapter 6, Subchapter 1, is amended  
26 to add an additional section to read as follows:

27 22-6-121. Sale of state land with value over 500,000 – Definitions.

28 (a) As used in this section:

29 (1)(A) "State entity" means an instrumentality of state  
30 government, including without limitation a board, commission, committee,  
31 advisory board, office, department, institution, bureau, council,  
32 administrative program, agency, or division.

33 (B) "State entity" does not mean:

34 (i) The Arkansas Public Employees' Retirement  
35 System; and

36 (ii) The Arkansas Teacher Retirement System; and

1           (2) "State land" means real property acquired by or donated to  
2 the State of Arkansas or a state entity and any improvements that may have  
3 been made on the real property.

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

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

7                   (A) Primarily for agricultural purposes, agricultural  
8 research, timber production or research, or is designated as wetlands, the  
9 proposed sale shall be reviewed by the House Committee on Agriculture,  
10 Forestry, and Economic Development and the Senate Committee on Agriculture,  
11 Forestry, and Economic Development meeting jointly;

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

16                   (C) For all other purposes, the proposed sale shall be  
17 reviewed by the House Committee on State Agencies and Governmental Affairs  
18 and the Senate Committee on State Agencies and Governmental Affairs meeting  
19 jointly.

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

22                   (A) Notify the public the state land is proposed to be  
23 declared surplus by publishing a notice on the website of the state entity  
24 stating the proposal to declare the state land surplus and for future sale  
25 for a period of twenty-one (21) consecutive calendar days identifying the  
26 state land to be declared surplus and for sale by:

27                           (i) Legal description of the state land in  
28 metes and bounds; and

29                                   (ii) Physical address, if available;

30                   (B)(i) Hold a public hearing regarding the proposed sale  
31 of state land.

32                                   (ii) The public hearing shall be held in the county  
33 in which the state land is located.

34                                   (iii) The public hearing shall be conducted in a  
35 manner in which the public is allowed to appear in person.

36                                   (iv) All comments, written or in another form,

1 opposing the public sale shall be recorded by the state entity;

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

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

10 (D) Provide a report to the committee designated under  
 11 subdivision (c)(1) of this section of:

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

14 (ii) All public comments opposing the surplus  
 15 property declaration.

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

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

19 (B) Notify the public the state land has become surplus  
 20 and is for sale by publishing a notice on the website of the state entity  
 21 declaring the state land surplus and for sale for a period of twenty-one (21)  
 22 consecutive calendar days identifying the state land declared surplus and for  
 23 sale by:

24 (i) Legal description of the state land in  
 25 metes and bounds; and

26 (ii) Physical address, if available; and

27 (C) Dispose of the surplus state land:

28 (i)(a) At public sale.

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

32 (c) The notice shall specify the description  
 33 of the state land to be sold and the time and place of the public sale;

34 (ii) Through a negotiated sale with the approval of  
 35 the Legislative Council or, if the General Assembly is in session, the Joint  
 36 Budget Committee; or

1 (iii) Through the procedures established under § 22-  
2 5-307 or § 22-6-601.

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

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

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8 SECTION 4. EMERGENCY CLAUSE. It is found and determined by the  
9 General Assembly of the State of Arkansas that state lands are held and  
10 managed for the benefit of the citizens of Arkansas; that transparency in the  
11 management and sale of state lands is necessary to preserve the ability of  
12 citizens to comment on the sale of state lands; that transparency in the  
13 actions of state entities is necessary to preserve the trust of the citizens  
14 and preserve the public peace; and that this act is immediately necessary  
15 because protection of the trust of the citizens is endangered by a lack of  
16 the ability of citizens to participate in the process of determining valuable  
17 state lands to be surplus. Therefore, an emergency is declared to exist, and  
18 this act being immediately necessary for the preservation of the public  
19 peace, health, and safety shall become effective on:

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

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

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

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