

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 *As Engrossed: H1/16/01 S2/19/01 S2/26/01*

2 83rd General Assembly

# A Bill

3 Regular Session, 2001

HOUSE BILL 1062

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5 By: Representative Minton

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## For An Act To Be Entitled

9 AN ACT TO AMEND ARKANSAS CODE 22-6-601 PERTAINING TO  
10 THE DISPOSITION OF STATE LANDS; AND FOR OTHER  
11 PURPOSES.

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## Subtitle

14

TO AMEND ARKANSAS CODE 22-6-601

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PERTAINING TO THE DISPOSITION OF STATE

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LANDS.

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

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21 SECTION 1. Arkansas Code 22-6-601(a) though (d) is amended to read as  
22 follows:

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(a)(1) The several state boards or commissions having supervision of the affairs of the charitable, penal, correctional, educational, and other institutions of the State of Arkansas, and all other state boards and commissions, except the State Highway *Commission*, the Arkansas State Game and Fish Commission, the Arkansas Natural Heritage Commission, ~~and~~ the State Parks, Recreation, and Travel Commission, the Department of Higher Education, and institutions of higher education, and the executive heads of all state offices, departments, and agencies, all referred to separately as "state agency", ~~are each empowered from time to time to~~ may sell, for cash in hand, and upon compliance with the provisions of this section, the lands, in whole or in part, belonging to or under the supervision or control of the respective state agency, or belonging to the state and held for the use or benefit of the state agency. State agencies may purchase lands, so that the lands, in whole or in part, shall belong to or be under the supervision or control of the

1 respective state agency, or belong to the state and be held for the use or  
2 benefit of the state agency.

3 (2) The provisions of this section shall not apply to:

4 (A) The sale of land by the Commissioner of State Lands; ~~or~~  
5 The transfer of state lands to political subdivisions *of the State of Arkansas*  
6 or the transfer of state lands between state entities; or  
7 The exchange of state lands for other lands which are suitable for state  
8 purposes if the Director has made a recommendation to the Governor that the  
9 exchange be made and the Governor has approved the exchange.

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11 (b)(1) State agencies ~~are empowered to~~ may transfer lands in whole or  
12 in part to State Building Services for use of that agency or other state  
13 agencies.

14 (2) In the event State Building Services shall sell the lands at  
15 a later date, the provisions of this section shall apply and the proceeds of  
16 the sale, less any expenses and liquidated damages, shall be deposited in the  
17 State Treasury as a nonrevenue receipt, to the credit of the fund from which  
18 the agency that transferred the land to State Building Services is operated.

19 (c)(1) In the event a state agency elects to sell certain of its lands  
20 or purchase lands, the agency shall certify to State Building Services its  
21 proposal for any sale or purchase.

22 (2) The state agency proposing the sale or purchase of land shall  
23 obtain the services of a qualified appraiser to appraise the lands so proposed  
24 to be sold or purchased, with notice to the Director of State Building  
25 Services.

26 (A) The appraiser selected by the state agency, by  
27 education or experience, shall:

28 (i) Be capable of determining the value of lands,  
29 water and mineral rights, timber, and rural, agricultural, and noncultivable  
30 lands;

31 (ii) Understand legal descriptions of real  
32 properties;

33 (iii) Have a working knowledge of county and state  
34 real property records; and

35 (iv) Be capable of rendering dependable judgments of  
36 the values of properties, determining the flood plains of the properties, and

1 of previous uses of the properties, which may result in environmental  
2 remediation.

3 (B) The appraiser shall be licensed and certified by the  
4 Arkansas Appraiser Licensing and Certification Board.

5 (C) The appraiser shall take an oath or certify that he  
6 will not, directly or indirectly, be engaged in the purchase or selling of the  
7 land or give information to any agent, friend, secret partner, or other  
8 partner so as to secure advantages of ~~such~~ the information to himself or any  
9 person, association, or company to the prejudice or exclusion of any other  
10 person.

11 (d)(1) The Director of State Building Services shall furnish to the  
12 Governor:

13 (A) The appraisal;

14 (B) The agency proposal to sell or purchase; and

15 (C) State Building Services' recommendations.

16 The Governor, if he approves the proposed sale or purchase, shall endorse his  
17 approval of the proposal and transmit a copy of the proposal to the Director  
18 of State Building Services.

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20 *SECTION 2. Arkansas Code 22-6-601(h) is amended to read as follows:*

21 *(h)(1) The lands shall be sold for the highest aggregate bid, and no*  
22 *such sale shall be otherwise than for cash, nor for less than the amount of*  
23 *the appraisal.*

24 *(2)(A) Upon approval by the Governor, lands may be sold for less*  
25 *than the amount of the appraisal if the bid process has been utilized and it*  
26 *has been determined and recommended by the agency director and the Director of*  
27 *the State Building Services that further solicitation of bids is unnecessary.*

28 *(B) The Legislative Council shall review the sale of the*  
29 *land before the agency finalizes the sale.*

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31 *SECTION 3. Arkansas Code 22-6-601 is amended by adding an additional*  
32 *subsection to read as follows:*

33 *(k)(1) Before any agency may receive donated land, the agency director*  
34 *shall certify the proposed donation request to the State Building Services.*

35 *(2) The Director of the State Building Services shall forward a*  
36 *recommendation to the Governor.*

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(3) No donation shall be made without approval from the Governor.

/s/ Minton