

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 83rd General Assembly
3 Regular Session, 2001

A Bill

HOUSE BILL 2374

4
5 By: Representative Cleveland
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For An Act To Be Entitled

8
9 AN ACT TO CREATE A PROCEDURE FOR THE DISPOSAL OF
10 SCHOOL PROPERTY; AND FOR OTHER PURPOSES.
11

Subtitle

12
13 AN ACT TO CREATE A PROCEDURE FOR THE
14 DISPOSAL OF SCHOOL PROPERTY.
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17 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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19 SECTION 1. (a)(1) The board of directors of each school district may
20 sell any real estate or personal property belonging to the school district and
21 shall appropriate the proceeds of the sale for the use of the school district
22 by proceeding in the manner described in this section.

23 (2)(A) If a school district decides to sell any real or personal
24 property belonging to the school district, the board of directors shall obtain
25 a written appraisal of the property at its fair market value by either the
26 county assessor, a state certified appraiser, a state certified residential
27 appraiser, or a state licensed appraiser.

28 (B) The appraiser must be licensed or certified by the
29 Arkansas Appraiser Licensing and Certification Board.

30 (3) The property shall not be sold for less than its appraised
31 value as determined by the certificate of the assessor or appraiser.

32 (4)(A) Notice of the sale shall be published once each week for
33 two (2) consecutive weeks in a newspaper of general circulation in each of the
34 counties in which the school district maintains a school building, and in a
35 newspaper of general circulation in this state.

36 (B) The notice shall specify:

- 1 (i) The description of the property to be sold;
- 2 (ii) The time and place for submitting written bids;
- 3 (iii) The appraised value of the property to be sold;

4 and

- 5 (iv) The date of the notice.

6 (5) The president of the school's board of directors shall have
7 the right to reject any and all bids received pursuant to the notice.

8 (6)(A) When a bid has been accepted for the property by the
9 president, the president shall immediately call a meeting of the board, and
10 the proposals to sell at the acceptable bid shall be submitted to the board
11 for its approval.

12 (B) If a majority of the board approves the sale, then the
13 president may sell the property to the highest bidder.

14 (C) When the sale has been approved and completed, the
15 board of directors shall enter in its minutes a resolution approving the sale,
16 which shall set forth the details of the sale and the name and address of the
17 purchaser.

18 (7)(A) Any sale or conveyance of real or personal property
19 belonging to any school district not made under the terms of this section
20 shall be null and void.

21 (B) Any taxpayer may, within two (2) years from the date a
22 sale is consummated, bring an action to cancel the sale and to recover
23 possession of the property sold.

24 (C) An action for the recovery of school district property
25 for the school district under this section, shall be taken in the chancery
26 court of the county in which the sale is made or in any county where personal
27 property sold may be found.

28 (D) In the event the property is recovered for the school
29 district in the action, the purchaser shall not be entitled to a refund of the
30 consideration paid by the purchaser for the sale.

31 (b) The board of directors of a school district may give any real
32 estate or personal property belonging to the school district to other
33 governmental agencies or to non-profit corporations organized under the laws
34 of this state.

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