

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 84th General Assembly  
3 Regular Session, 2003  
4

# A Bill

SENATE BILL 749

5 By: Senators Salmon, Wilkinson, Trusty, J. Bookout, Baker  
6  
7

## For An Act To Be Entitled

9 AN ACT TO PROVIDE THAT THE ADJUTANT GENERAL HAS  
10 THE AUTHORITY TO CONVEY AND TO DISPOSE OF THE  
11 STATE'S INTEREST IN EXCESS MILITARY PROPERTY; AND  
12 FOR OTHER PURPOSES.  
13

## Subtitle

14 TO PROVIDE THAT THE ADJUTANT GENERAL HAS  
15 THE AUTHORITY TO CONVEY AND TO DISPOSE  
16 OF THE STATE'S INTEREST IN EXCESS  
17 MILITARY PROPERTY.  
18  
19  
20

21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
22

23 SECTION 1. PURPOSE. The purpose of this act is to clarify that the  
24 Adjutant General of Arkansas has the authority, acting in the best interests  
25 of the security and defense of the state and of the United States, to convey  
26 any estate in military real property of which the Adjutant General is  
27 custodian, by any lawful method of conveyance, upon the terms and conditions  
28 as he or she may deem appropriate, and subject to the approval of the United  
29 States.  
30

31 SECTION 2. FINDINGS. The General Assembly finds that:

32 (1) The Adjutant General is the custodian of the military  
33 reservations and military property of the State of Arkansas;

34 (2) The United States retains a reversionary estate in all of  
35 the military reservations, and furthermore the United States retains various  
36 regulatory interests in and to other military properties located within the

1 State of Arkansas;

2 (3) A conveyance of unneeded excess military real properties is  
3 subject to the consent of the United States acting by and through the  
4 Secretary of the Army or the Secretary of the Air Force;

5 (4) The disposal of military real properties is presently  
6 restricted by law to the disadvantage of the best interests of the people of  
7 the State of Arkansas;

8 (5) The authority of the Adjutant General to convey estates in  
9 military real property is unreasonably restricted; and

10 (6) The restrictions at law should be removed.

11  
12 SECTION 3. Arkansas Code § 12-63-305 is amended to read as follows:

13 12-63-305. ~~Sale, lease, rental, etc., of unused property~~ Conveyance or  
14 disposal of military real property.

15 (a)(1)(A) ~~In case a National Guard unit stationed in any county shall~~  
16 ~~cease ceases to exist or the location of its headquarters is removed to~~  
17 ~~another county or another location, or if for any other reason an armory, If~~  
18 the Adjutant General determines that any military reservation, armory,  
19 landing field, hanger, or any other estate in real property owned or  
20 possessed by the State of Arkansas for the use and benefit of the Arkansas  
21 National Guard or the armed forces of the United States becomes is no longer  
22 useful or necessary for National Guard or for other military purposes, then  
23 the Adjutant General shall have authority to sell, convey, or to otherwise  
24 dispose of the property. and,

25 (B) The Adjutant General may sell, convey, or otherwise  
26 dispose of property under this section by deed, lease, license, permit, or  
27 other instrument executed by him or her on behalf of, and in the name and  
28 behalf of, the State of Arkansas, to convey to the purchaser thereof, as the  
29 ~~Adjutant General may approve, any property, or improvements thereon located,~~  
30 ~~owned by the State of Arkansas for the use and benefit of the Arkansas~~  
31 ~~National Guard.~~

32 (C) The Adjutant General shall approve for such the price,  
33 consideration, and on such other terms and conditions related to the sale,  
34 conveyance, or other disposal of property under this section.