

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

A Bill

SENATE BILL 1106

4
5 By: Senator Holt
6
7

For An Act To Be Entitled

9 AN ACT TO CREATE THE PRAIRIE GROVE BATTLEFIELD
10 STATE PARK ADVISORY COMMISSION; TO REPEAL
11 PROVISIONS CONCERNING THE PRAIRIE GROVE
12 BATTLEFIELD COMMISSION; AND FOR OTHER PURPOSES.
13

Subtitle

14 TO CREATE THE PRAIRIE GROVE BATTLEFIELD
15 STATE PARK ADVISORY COMMISSION AND
16 REPEAL PROVISIONS CONCERNING THE PRAIRIE
17 GROVE BATTLEFIELD COMMISSION.
18
19
20

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

23 SECTION 1. Arkansas Code Title 13, Chapter 7, Subchapter 4 is amended
24 to read as follows:

25 13-7-401. Creation – Members.

26 (a) There is created a Prairie Grove Battlefield State Park Advisory
27 Commission.

28 (b)(1) The advisory commission shall be composed of ~~five (5)~~ seven (7)
29 qualified electors of the State of Arkansas to be appointed by the Governor
30 and shall ~~be charged with the powers, duties, and responsibilities provided~~
31 ~~for in this subchapter~~ serve in an advisory capacity to the State Parks
32 Division of the Department of Parks and Tourism.

33 (2) Four (4) of the advisory commission members shall be
34 residents of Washington County.

35 (3) One (1) of the advisory commission members shall be a
36 historian by profession.



1 (c) The members of the commission shall be appointed for five-year
2 staggered terms of office.

3 (d) Vacancies on the commission caused by death, resignation, or any
4 other reason shall be filled by appointment by the Governor for the unexpired
5 portion of the term.

6 (e) The commission shall advise the division in the establishment of
7 policies and procedures for the development and operation of the Prairie
8 Grove Battlefield State Park. However, final authority for all matters
9 relating to the development and operation of the park shall rest with the
10 Director of the Department of Parks and Tourism.

11 (f) Under the supervision of the Superintendent of the Prairie Grove
12 Battlefield State Park and with the approval of the Director of the State
13 Parks Division of the Department of Parks and Tourism, the commission shall
14 develop and coordinate efforts to encourage gifts or donations to the park.

15
16 13-7-402. Officers – Oaths and compensation of members.

17 (a) Before any member of the Prairie Grove Battlefield State Park
18 Advisory Commission shall enter upon his or her duties as a member of the
19 commission, his or her shall take the oath required of elected state
20 officials and shall file a copy of the oath in the office of the Secretary of
21 State.

22 (b) Upon its appointment, the commission shall meet and organize by
23 electing one (1) of its members as chair and one (1) member as secretary and
24 shall elect any other officers as the commission deems necessary. The
25 officers shall be elected annually.

26 (c) Members of the commission shall serve without compensation,
27 provided that the members may receive expense reimbursement in accordance
28 with § 25-16-901 et seq.

29
30 ~~13-7-403. Powers and duties.~~

31 ~~The Prairie Grove Battlefield Commission shall have the following~~
32 ~~powers and duties:~~

33 ~~(1) To acquire and develop such lands and improvements thereon~~
34 ~~and monuments adjacent to the present Prairie Grove Battleground Park located~~
35 ~~in Washington County as the commission deems necessary to preserve and~~
36 ~~develop it as a proper memorial to the officers and men of the Confederacy~~

1 who fought in the battle;

2 (2) ~~To convey any and all of the land and other property~~
3 ~~acquired to the United States Government, or any of its agencies, to be used~~
4 ~~as a part of a national park or to convey it to the Department of Parks and~~
5 ~~Tourism for maintenance and operation as a part of the state parks system if~~
6 ~~the commission deems it in the best interest of the state;~~

7 (3) ~~To exercise the right of eminent domain to appropriate or~~
8 ~~condemn lands or improvements thereon, or waters as may be necessary for~~
9 ~~inclusion in the Prairie Grove Battlefield project authorized in this~~
10 ~~subchapter, which condemnation shall be in conformity with the requirements~~
11 ~~set forth in the laws of this state under which the State Highway Commission~~
12 ~~is authorized to appropriate and condemn lands and improvements thereon;~~

13 (4) ~~To employ such legal counsel, engineers, surveyors, or other~~
14 ~~personnel as may be necessary to carry out the purposes of this subchapter;~~
15 ~~and~~

16 (5) ~~To accept gifts, grants, or donations of real or personal~~
17 ~~property to be used for the purposes of this subchapter.~~

18
19 13-7-404. ~~Acquisition of land.~~

20 (a) ~~Before the Prairie Grove Battlefield Commission shall buy any land~~
21 ~~under the provisions of this subchapter, the commission shall cause an~~
22 ~~appraisal of the land to be made by three (3) qualified and impartial~~
23 ~~appraisers, and the commission shall not pay any greater price for the land~~
24 ~~than the appraised value thereof.~~

25 (b) ~~If the owner or owners of the land refuse to sell it to the~~
26 ~~commission or if they seek a greater price than the appraised value of the~~
27 ~~land, the commission may acquire the land by condemnation as authorized in §~~
28 ~~13-7-403 and pay for the land at the price fixed by the court.~~

29 (c)(1) ~~All suits for the condemnation of property under the provisions~~
30 ~~of this subchapter shall be brought in the name of the State of Arkansas for~~
31 ~~the use and benefit of the commission.~~

32 (2) ~~Before any suit can be brought, it shall be necessary for~~
33 ~~the commission to unanimously pass a resolution to that effect setting forth~~
34 ~~the necessity and purpose for which the land is to be condemned, together~~
35 ~~with the legal description of the lands sought to be condemned.~~

36 (3) ~~A copy of the resolution shall then be transmitted to the~~

1 ~~prosecuting attorney of the district in which the land is situated.~~

2 ~~(4) It shall then be the duty of the prosecuting attorney to~~
3 ~~institute proper proceedings for the condemnation of the land, or, if the~~
4 ~~commission elects, it may employ its own counsel to institute condemnation~~
5 ~~proceedings.~~

6
7 ~~13-7-405. Payment for land acquired.~~

8 ~~(a) When the Prairie Grove Battlefield Commission shall have~~
9 ~~ascertained the description of the lands to be acquired and shall have~~
10 ~~satisfied itself as to the title thereto and the amount of payment to be made~~
11 ~~to the owner or owners of the lands, the commission shall certify to the~~
12 ~~Auditor of State its findings, giving the name of the landowner, the~~
13 ~~description of the land involved, and the compensation due the landowner.~~

14 ~~(b) When these facts shall have been certified to the Auditor of~~
15 ~~State, the Auditor of State shall draw his or her warrant against the~~
16 ~~appropriation made for that purpose for the amount due the landowner and the~~
17 ~~Treasurer of State shall pay the amount of the warrant or voucher upon~~
18 ~~presentation.~~