

1 State of Arkansas
2 88th General Assembly
3 Regular Session, 2011
4

A Bill

HOUSE BILL 1892

5 By: Representative Linck
6

For An Act To Be Entitled

8 AN ACT TO ESTABLISH PROCEDURES FOR THE PRESERVATION
9 AND DISPOSAL OF SCHOOL BUILDINGS IN SCHOOL DISTRICTS
10 THAT HAVE BEEN CONSOLIDATED; AND FOR OTHER PURPOSES.
11

Subtitle

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14 TO ALLOW SCHOOL DISTRICTS THAT HAVE BEEN
15 CONSOLIDATED TO SELL, PRESERVE, LEASE, OR
16 DONATE REAL PROPERTY THAT IS NO LONGER
17 UTILIZED BY THE SCHOOL DISTRICTS.
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20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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22 SECTION 1. DO NOT CODIFY.

23 (a) Real property belonging to a school district that is consolidated
24 can cause a significant loss of investment to the state and the communities
25 where the real property is located.

26 (b) It is in the best interest of the state and the communities where
27 the real property is located to ensure the real property is utilized.
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29 SECTION 2. Arkansas Code § 6-13-111 is amended to read as follows:

30 6-13-111. Consolidated school districts.

31 (a) A school district in the State of Arkansas that is consolidated
32 with one (1) or more school districts may:

33 (1) Sell buildings or ~~lands~~ real property owned by the school
34 district that ~~are~~ is no longer used by the school district; ~~or~~

35 (2) Preserve buildings or ~~lands~~ real property owned by the
36 school district that ~~are~~ is no longer used by the school district;



1 (3) Lease buildings or real property owned by the school
 2 district that is no longer used by the school district; or

3 (4) Donate buildings or real property owned by the school
 4 district that is no longer used by the school district.

5 (b) If the school district sells or otherwise disposes of a building
 6 or ~~land~~ real property to a person or entity under this section, then:

7 (1) The school district shall have the right of first refusal to
 8 purchase or otherwise reacquire the building or real property if the person
 9 or entity decides to sell the building or real property; and

10 (2) The sale price of the building or real property when
 11 repurchased or otherwise reacquired by the school district shall not:

12 (A) Exceed the price that the person or entity paid the
 13 school district for the building or real property; and

14 (B) Include compensation for any improvements to the
 15 building or real property.

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 17 SECTION 3. Arkansas Code § 6-21-108 is amended to read as follows:

18 6-21-108. School districts authorized to own and convey real property
 19 – Donation of property for educational ~~purposes only~~ or community purposes.

20 (a) In addition to the authority of school districts under § 6-13-620
 21 ~~to have the care and custody of the schoolhouse, grounds, and other property~~
 22 ~~belonging to the school district, the~~ , a school board of directors ~~for any~~
 23 ~~Arkansas school district shall be authorized and empowered to~~ may acquire and
 24 hold real estate, tenements, hereditaments, and other real property ~~as is~~
 25 necessary ~~and proper~~ for the ~~purposes of~~ the education of ~~pupils~~ students ~~of~~
 26 ~~the school district~~ and the administration of the ~~schools of the school~~
 27 district.

28 (b)(1) If the board of directors for a school district determines that
 29 any real ~~estate~~ property owned or controlled by the school district is not
 30 required for the present or ~~anticipated~~ future needs of the school district
 31 and that the donation ~~thereof~~ of the real property would ~~serve a beneficial~~
 32 ~~educational service for~~ benefit the ~~pupils~~ citizens of the school district,
 33 then the school district ~~is also empowered and authorized to~~ may donate real
 34 property ~~or any part thereof~~ to a publicly supported institution of higher
 35 education, a technical institute, a community college, a not-for-profit
 36 organization, a county, a city, or any entity thereof for ~~any of the~~

1 following limited purposes:

2 (A) Having the real property preserved, improved,
3 upgraded, rehabilitated, or enlarged by the donee;

4 (B) Providing a publicly supported institution of higher
5 education ~~or~~, a technical institute, or a community college with the donated
6 property ~~in which to hold classes for students who are from the school~~
7 ~~district or to educate pupils from within the donating school district even~~
8 ~~if students from outside the school district might also benefit; or~~

9 (C) Providing community programs or services, social
10 enrichment programs, or after-school programs ~~for students who are from the~~
11 ~~school district or educating pupils from within the donating school district~~
12 ~~even if other persons in the community or students from outside the school~~
13 ~~district might also benefit.~~

14 (2) ~~Furthermore, A school districts~~ district may donate the fee
15 simple title and absolute interest, without any reservations or restrictions,
16 ~~in and to all the~~ real property, ~~or any part of the property to the a~~
17 ~~publicly supported institution of higher learning, a technical institute, or~~
18 ~~a community college, a not-for-profit organization, a county, or a city if~~
19 ~~this property was previously conveyed or otherwise transferred by the~~
20 ~~institution or college to the school district without cost.~~

21 (3) If two (2) years after the effective date of consolidation
22 the real property of the consolidated school district is not used by the
23 school district for educational purposes and has not been sold, preserved,
24 leased, or donated, the school board of directors shall make the real
25 property available to a not-for-profit organization, a county, or a city
26 either by donation or low-cost long-term lease for the following limited
27 purposes:

28 (A) Having the real property preserved, improved,
29 upgraded, rehabilitated, or enlarged by the donee;

30 (B) Providing a publicly supported institution of higher
31 education, a technical institute, or a community college with the donated
32 property to hold classes; or

33 (C) Providing community programs or services, social
34 enrichment programs, or after-school programs.

35 ~~(c) The execution of all contracts and conveyances and A contract,~~
36 ~~conveyance, or lease contracts shall be performed~~ executed by the president

1 and confirmed by the secretary of the school board of directors ~~when~~ after
2 the contract, conveyance, or lease is authorized by a written resolution ~~in~~
3 ~~writing~~ and approved by a majority vote of the school board of directors.

4 (d)(1) If the school district donates real property to an entity under
5 this section, ~~then~~ the school district shall have the right of first refusal
6 to reacquire the real property if the entity decides to sell or otherwise
7 dispose of the real property.

8 (2) The school district shall not be required to compensate the
9 entity for any improvements to real property reacquired under this ~~subsection~~
10 section.

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