

1 State of Arkansas
2 89th General Assembly
3 Regular Session, 2013
4

A Bill

HOUSE BILL 1310

5 By: Representative Linck
6

For An Act To Be Entitled

8 AN ACT TO ESTABLISH PROCEDURES FOR THE PRESERVATION
9 OR 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) Lack of use or under-utilization of real property as a result of
24 the consolidation of a school district can cause a significant loss of
25 investment to the state and the communities where the real property is
26 located.

27 (b) It is in the best interest of the state and the communities where
28 the real property is located to ensure the real property is utilized.
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30 SECTION 2. Arkansas Code § 6-13-111 is amended to read as follows:
31 6-13-111. Consolidated school districts.

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

34 (1) Sell ~~buildings~~ a building or ~~lands~~ real property owned by
35 the school district that ~~are~~ is no longer used by the school district at a
36 fair market value; or



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

3 (3) Lease a building or real property owned by the school
 4 district that is no longer used by the school district; or

5 (4) Donate a building or real property owned by the school
 6 district that is no longer used by the school district as allowed under § 6-
 7 21-108(b).

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

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

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

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

17 (B) Include compensation for ~~any~~ improvements to the
 18 building or real property.

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

21 6-21-108. School districts authorized to own and convey real property
 22 -- Donation of property for educational purposes ~~only~~ and beneficial
 23 educational services only.

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

32 (b)(1) If the board of directors for a school district determines that
 33 ~~any~~ real estate property owned or controlled by the school district is not
 34 required for the present or ~~anticipated~~ future needs of the school district
 35 and that the donation ~~thereof~~ of the real property would serve a beneficial
 36 educational service for the ~~pupils~~ citizens of the school district, then the

1 school district ~~is also empowered and authorized to~~ may donate real property
 2 ~~or any part thereof~~ to a publicly supported institution of higher education,
 3 a technical institute, a community college, a not-for-profit organization, a
 4 county, a city, or any entity thereof for ~~any of~~ the following limited
 5 purposes:

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

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

13 (C) Providing community programs and beneficial
 14 educational services, social enrichment programs, or after-school programs
 15 ~~for students who are from the school district or educating pupils from within~~
 16 ~~the donating school district even if other persons in the community or~~
 17 ~~students from outside the school district might also benefit.~~

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

25 (3) If two (2) years after the effective date of consolidation
 26 the real property of the consolidated school district is not used by the
 27 school district for educational purposes and has not been sold, preserved,
 28 leased, or donated, the school district board of directors shall make the
 29 real property available to a publicly supported institution of higher
 30 education, a technical institute, a community college, a not-for-profit
 31 organization, a county, or a city, by donation or low-cost long-term lease,
 32 for the following limited purposes:

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

35 (B) Providing a publicly supported institution of higher
 36 education, a technical institute, or a community college with the donated

1 property in which to hold classes; or

2 (C) Providing community programs and beneficial
3 educational services, social enrichment programs, or after-school programs.

4 (c) ~~The execution of all contracts and conveyances and~~ A contract,
5 conveyance, or lease ~~contracts~~ shall be ~~performed~~ executed by the president
6 and confirmed by the secretary of the school ~~district~~ board of directors ~~when~~
7 after the contract, conveyance, or lease is authorized by a written
8 resolution ~~in writing and~~ approved by a majority vote of the school district
9 board of directors.

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

14 (2) The school district ~~shall~~ is not ~~be~~ required to compensate
15 the entity for ~~any~~ improvements to real property reacquired under this
16 ~~subsection~~ section.

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