

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

A Bill

HOUSE BILL 1719

5 By: Representatives Williams, Vines
6

For An Act To Be Entitled

8 AN ACT TO REPEAL PROVISIONS OF TITLE 22 OF THE
9 ARKANSAS CODE CONCERNING PUBLIC PROPERTY; AND FOR
10 OTHER PURPOSES.
11
12

Subtitle

14 TO REPEAL PROVISIONS OF TITLE 22 OF THE
15 ARKANSAS CODE CONCERNING PUBLIC PROPERTY.
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18 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
19

20 SECTION 1. Arkansas Code § 22-4-111 is repealed because this report is
21 submitted with the agency's annual budget request.

22 ~~22-4-111. Annual report of State Parks, Recreation, and Travel~~
23 ~~Commission.~~

24 ~~(a) It shall be the duty of the State Parks, Recreation, and Travel~~
25 ~~Commission, on or before the first Monday in December of each year, to~~
26 ~~prepare and present to the Governor a report showing the operations of the~~
27 ~~commission since the date of its last annual report and including a statement~~
28 ~~of all receipts and disbursements.~~

29 ~~(b) In each annual report immediately preceding the regular session of~~
30 ~~the General Assembly, the commission shall submit an itemized estimate of~~
31 ~~moneys required to administer, manage, support, extend, repair, or~~
32 ~~permanently improve the state parks system for the ensuing two (2) years,~~
33 ~~together with any recommendations for legislative action that the commission~~
34 ~~deems proper for the better accomplishment of the purposes of this chapter.~~

35 ~~(c) The Governor shall submit copies of the report and recommendations~~
36 ~~to the convening General Assembly, and each regular session of the General~~



1 ~~Assembly shall appropriate such funds as it may deem proper for the~~
2 ~~continuation of the work of the commission.~~

3
4 SECTION 2. Arkansas Code § 22-5-305 is repealed because the State Land
5 Use Committee no longer exists.

6 ~~22-5-305. State Land Use Committee—Commissioner of State Lands as~~
7 ~~secretary—Employment of person with technical training—Assignment of~~
8 ~~employees—Supervision.~~

9 ~~(a) A State Land Use Committee shall be appointed by the Commissioner~~
10 ~~of State Lands, to be composed of nine (9) members, each of whom shall be a~~
11 ~~qualified elector.~~

12 ~~(b) The Commissioner of State Lands shall appoint one (1) member from~~
13 ~~each of the seven (7) congressional districts and two (2) members at large~~
14 ~~for a term of two (2) years.~~

15 ~~(c) The appointments shall be made with the advice and consent of the~~
16 ~~Senate.~~

17 ~~(d) The Commissioner of State Lands shall serve as Secretary to the~~
18 ~~committee and shall receive a salary of two thousand dollars (\$2,000) per~~
19 ~~year for his or her services.~~

20 ~~(e) The Commissioner of State Lands may employ one (1) person who has~~
21 ~~had technical training in problems relating to land use and who shall assist~~
22 ~~in the performance of any duties that may be required by the committee. The~~
23 ~~Commissioner of State Lands shall determine the salary of this employee.~~

24 ~~(f) The supervising officer of any state agency or institution of~~
25 ~~learning may detail or assign to the committee members of the staff of the~~
26 ~~agency or institution and may make such special reports, investigations, or~~
27 ~~studies as the committee may request.~~

28 ~~(g) The Commissioner of State Lands may request the committee and~~
29 ~~other state or federal agencies whose regular functions require an~~
30 ~~understanding of land qualities and land classification for particular uses~~
31 ~~to supervise the inspection, classification, and appraisal of state-owned~~
32 ~~land according to its most appropriate use, having regard to the present and~~
33 ~~future welfare of the state.~~

34
35 SECTION 3. Arkansas Code § 22-5-307(a), concerning the classification
36 and disposition of state lands generally, is amended to read as follows:

1 (a) State lands shall be classified as to whether they should be
 2 retained in public ownership, ~~allocated for agricultural settlement, as~~
 3 ~~provided in § 22-5-308,~~ or returned to private ownership through sale or
 4 donation, and the classification may be changed.

5
 6 SECTION 4. Arkansas Code §§ 22-5-308 – 22-5-311 are repealed because
 7 the State Land Use Committee no longer exists and there is no more
 8 agricultural land owned by the state that would apply to these statutes.

9 ~~22-5-308. Agricultural lands — Disposition in manner prescribed by~~
 10 ~~federal government.~~

11 ~~(a) The Commissioner of State Lands may allocate lands suitable for~~
 12 ~~agricultural settlement, or for uses in connection with agricultural~~
 13 ~~settlement, to the United States or agencies of the United States, or to~~
 14 ~~individuals, organizations, and associations approved by the United States or~~
 15 ~~agencies of the United States and cooperating in federal programs, under such~~
 16 ~~conditions as may be agreed upon by the Commissioner of State Lands and the~~
 17 ~~United States or any agency of the United States.~~

18 ~~(b) In pursuance of such allocation, the Commissioner of State Lands~~
 19 ~~may enter into sale contracts, sell, deed, purchase, exchange, lease, or~~
 20 ~~dispose of lands with or without consideration, or waive rights and~~
 21 ~~priorities, in such manner and under such conditions as may be required by~~
 22 ~~the United States or agencies of the United States, and agreed upon by the~~
 23 ~~Commissioner of State Lands, in order to effect the policies declared in §~~
 24 ~~22-5-301.~~

25
 26 ~~22-5-309. Agricultural lands — Donation.~~

27 ~~(a) The Commissioner of State Lands, with the advice of the State Land~~
 28 ~~Use Committee, shall prescribe rules and regulations for the donation of~~
 29 ~~lands suitable for agricultural settlement, in such manner as to safeguard~~
 30 ~~the future general welfare and agricultural interests of the state, and to~~
 31 ~~prevent isolated settlement, settlement on land not suited to agriculture, or~~
 32 ~~settlement in areas or under conditions where it seems apparent that the~~
 33 ~~donee could not farm successfully and would suffer undue hardships.~~

34 ~~(b) The Commissioner of State Lands shall deliver a deed to the donee,~~
 35 ~~containing such restrictions, covenants, and restraints on alienation as the~~
 36 ~~committee shall determine are necessary to safeguard the future general~~

1 welfare and agricultural interests of the state.

2 ~~(c) The Commissioner of State Lands, with the advice of the committee,~~
3 ~~shall determine the size of tracts which may be donated and shall not permit~~
4 ~~the donation of an area larger than can be worked by a farm family nor an~~
5 ~~area smaller than will produce an adequate living for a farm family,~~
6 ~~considering its location, fertility, and the type of farming which may~~
7 ~~appropriately be conducted upon it.~~

8 ~~(d) The Commissioner of State Lands may arrange with the United States~~
9 ~~and the agencies of the United States for assistance to and supervision of~~
10 ~~donees and prospective donees upon such terms as may be agreed upon by the~~
11 ~~Commissioner of State Lands and the United States or agencies of the United~~
12 ~~States. The Commissioner of State Lands may execute such conveyances,~~
13 ~~waivers, subordination agreements, or other instruments as may be required to~~
14 ~~enable donees and prospective donees to participate in and benefit from~~
15 ~~federal programs.~~

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17 ~~22-5-310. Agricultural lands — Sale to adjoining landowners.~~

18 ~~(a) The Commissioner of State Lands may sell, at their appraised~~
19 ~~value, tracts of land suitable for agriculture to adjoining landowners who~~
20 ~~desire the land to add to their farms.~~

21 ~~(b) No sales shall be authorized where the resulting farm would~~
22 ~~contain an area greater than a family-sized farm, considering the location of~~
23 ~~the tract and the types of farming appropriate to the area.~~

24 ~~(c) Deeds for land so sold shall be made in the same manner as deeds~~
25 ~~provided for in § 22-5-307.~~

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27 ~~22-5-311. Agricultural lands — Development.~~

28 ~~(a) Where lands have been classified as lands which could be made~~
29 ~~suitable for agriculture through further development, the Commissioner of~~
30 ~~State Lands shall investigate and recommend possible methods of financing the~~
31 ~~cost of the development and may request the aid of other state, local, and~~
32 ~~federal agencies in the investigations.~~

33 ~~(b) If the investigation reveals that the area is suitable for~~
34 ~~agricultural development and that the cost of proper development will be~~
35 ~~reasonable, the Commissioner of State Lands may make applications to the~~
36 ~~United States and to agencies of the United States for assistance in the~~

development projects, may make contracts with or conveyances to the agencies or to associations, organizations, or individuals cooperating with or approved by the agencies, and may make or arrange for the making of such contributions to the cost of the improvements as may be required by the cooperating federal agency.

(c) The contribution of the Commissioner of State Lands shall be limited to such amounts as shall be necessary to facilitate the initiation of settlement projects in conformity with § 22-5-301 but shall not include the financing of any development project.

SECTION 5. Arkansas Code § 22-6-114 is repealed because this information is no longer provided in this manner.

~~22-6-114. List of lands sold furnished to county clerks.~~

(a) The Commissioner of State Lands shall, each year at least thirty (30) days prior to the time fixed by law for the annual assessment of personal property, make out from the records of his or her office complete and accurate lists by counties and by proper descriptions of all lands and town lots which may have been sold or otherwise disposed of by the state and properly subject to taxation; he or she shall forward the lists, when so made, to the clerks of the respective counties wherein the lands lie.

(b) It is the duty of the clerks, immediately upon the receipt of the lists, to enter the lists upon the tax books of the county as lands subject to taxation, and the assessors shall assess the lands for taxation and the lands shall be taxed beginning with the year certified by the Commissioner of State Lands as the year in which the lands were disposed of by the state.

SECTION 6. DO NOT CODIFY. The enactment and adoption of this act shall not repeal, expressly or impliedly, the acts passed at the regular session of the Eighty-Ninth General Assembly. All such acts shall have full force and effect, and so far as those acts intentionally vary from or conflict with any provision contained in this act, those acts shall have the effect of subsequent acts amending or repealing the appropriate parts of the Arkansas Code of 1987.