

1 State of Arkansas  
2 91st General Assembly  
3 Regular Session, 2017  
4

*As Engrossed: H3/14/17*

# A Bill

HOUSE BILL 2182

5 By: Representative Ballinger  
6

## For An Act To Be Entitled

8 AN ACT TO MODIFY THE PROCESS BY WHICH THE STATE  
9 HIGHWAY COMMISSION MAY SELL OR DISPOSE OF SURPLUS  
10 PROPERTY; AND FOR OTHER PURPOSES.  
11  
12

## Subtitle

14 TO MODIFY THE PROCESS BY WHICH THE STATE  
15 HIGHWAY COMMISSION MAY SELL OR DISPOSE OF  
16 SURPLUS PROPERTY.  
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18

19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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21 *SECTION 1. Arkansas Code § 27-67-321(d), concerning the sale of*  
22 *surplus highway property, is amended to read as follows:*

23 *(d) When the sale is approved by a resolution of the commission, then*  
24 *the ~~chairman~~ chair or other presiding officer of the commission is authorized*  
25 *to execute to the county, city, incorporated town, person, company, or*  
26 *corporation purchasing the real estate or other property, a deed conveying*  
27 *all the right, title, interest, and equity of the commission, the Arkansas*  
28 *State Highway and Transportation Department, and the State of Arkansas in and*  
29 *to the lands.*  
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31 *SECTION 2. Arkansas Code § 27-67-322(b), concerning the sale of*  
32 *surplus property, is amended to read as follows:*

33 *(b)(1) The owner from whom the property was acquired or his or her*  
34 *heirs, successors, or assigns shall be notified:*

35 *(A) In writing at their last known address; or*

36 *(B)(i) By a one-time publication in one (1) newspaper*



1 either in the county where the property is located or in one (1) newspaper of  
2 statewide circulation one (1) time per week for three (3) consecutive weeks  
3 and in a publication placed on the website of the State Highway Commission  
4 for a period of twenty-one (21) consecutive calendar days. ~~† or~~

5 (ii)(a) ~~If no~~ The newspaper is published in the  
6 county, then publication shall be made by posting written or printed notices  
7 in a conspicuous location in the county courthouse for three (3) consecutive  
8 weeks publication required under subdivision (b)(1) of this section may  
9 reference the legal description of the real property by job number and tract  
10 number, and the publication shall contain a reference or website link to the  
11 publication required under subdivision (b)(1) of this section on the website  
12 of the State Highway Commission.

13 (b) The publication placed on the website of  
14 the State Highway Commission as provided under this subdivision (b)(1) shall  
15 contain the legal description of the real property in metes and bounds.

16 (2) Within sixty (60) days after written notice or ~~first~~  
17 publication the owner from whom the property was acquired or his or her  
18 heirs, successors, or assigns shall have the option to purchase the property.

19 (3) If the option to purchase under this section is not  
20 exercised within sixty (60) days of written notice or ~~first~~ publication, the  
21 ~~commission~~ State Highway Commission may proceed to dispose of the property at  
22 public sale.

23  
24 SECTION 3. Arkansas Code § 27-67-322(d), concerning the sale of  
25 surplus property, is amended to read as follows:

26 (d)(1) ~~When real property originally acquired by the State Highway~~  
27 ~~Commission has been improved by the State Highway Commission with offices,~~  
28 ~~shops, storage yards, or other necessary or auxiliary facilities and the real~~  
29 property or a portion of the real property held as a capital asset by the  
30 State Highway Commission is later declared surplus, the real property may be  
31 reacquired at the market value of the real property and all improvements at  
32 the time the real property and improvements are declared surplus the owner  
33 from whom the property was acquired or his or her heirs, successors, or  
34 assigns shall be notified as required under subdivision (b)(1)(B) of this  
35 section.

36 (2) The market value of the real property and improvements shall

1 be determined by three (3) appraisers certified or licensed ~~pursuant to § 17-~~  
2 ~~14-101 et seq~~ under the Arkansas Appraiser Licensing and Certification Act, §  
3 17-14-101 et seq., § 17-14-201 et seq., and § 17-14-301 et seq.

4 (3) The option to purchase authorized under subsection (c) of  
5 this section shall not apply to a capital asset.

6 (4) As used in this subsection, "capital asset" means real  
7 property acquired by the State Highway Commission and improved by the State  
8 Highway Commission with offices, shops, storage yards, or other necessary or  
9 auxiliary facilities.

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11 SECTION 4. Arkansas Code § 27-67-323 is repealed.

12 ~~27-67-323. Reacquisition of abandoned land by city or town.~~

13 ~~(a) Whenever the State Highway Commission obtains title to land from~~  
14 ~~any city or incorporated town in this state for state highway purposes and~~  
15 ~~thereafter abandons and discontinues using the land for those purposes, the~~  
16 ~~commission shall, in writing, notify the city or incorporated town that the~~  
17 ~~land has been abandoned and shall offer to reconvey the title thereof to the~~  
18 ~~city or town for the same consideration that the commission had paid the city~~  
19 ~~or town initially for title to such land.~~

20 ~~(b) If the city or incorporated town, within thirty (30) days from the~~  
21 ~~date of receiving the offer, accepts the offer, the commission shall reconvey~~  
22 ~~title to the land to the city or incorporated town originally conveying the~~  
23 ~~title to the commission, upon the payment by the city or town of the~~  
24 ~~consideration initially paid by the commission for title to the land.~~

25 ~~(c) If the city or town has not accepted the offer within the thirty-~~  
26 ~~day period above provided, the commission shall proceed to dispose of the~~  
27 ~~land as now provided by law.~~

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29 /s/Ballinger  
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