

Stricken language would be deleted from and underlined language would be added to present law.

1 State of Arkansas  
2 92nd General Assembly  
3 Regular Session, 2019  
4

As Engrossed: S3/7/19

# A Bill

SENATE BILL 457

5 By: Senator B. Ballinger  
6

## For An Act To Be Entitled

8 AN ACT TO REGULATE THE ADMINISTRATION OF REAL  
9 PROPERTY OF THE STATE AND POLITICAL SUBDIVISIONS OF  
10 THE STATE; AND FOR OTHER PURPOSES.  
11

## Subtitle

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13  
14 TO REGULATE THE ADMINISTRATION OF REAL  
15 PROPERTY OF THE STATE AND POLITICAL  
16 SUBDIVISIONS OF THE STATE.  
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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 § 22-2-121 is amended to read as follows:*

22 *22-2-121. Real estate ~~compilation~~ notification.*

23 *~~(a) The Building Authority Division of the Department of Finance and~~*  
24 *~~Administration shall:~~*

25 *~~(1) Perform a compilation of all real property owned by state~~*  
26 *~~agencies, including boards, commissions, and institutions of higher~~*  
27 *~~education, the Arkansas State Game and Fish Commission, the Arkansas~~*  
28 *~~Department of Transportation, and the State Highway Commission;~~*

29 *~~(2) Create a database that shall include a description of each~~*  
30 *~~piece of real property owned; and~~*

31 *~~(3) Maintain the database with current information.~~*

32 *~~(b) The initial compilation of all real property shall be completed by~~*  
33 *~~January 1, 2002.~~*

34 *~~(c) All state agencies identified in subdivision (a)(1) of this~~*  
35 *~~section shall provide the necessary information to the division.~~*

36 *~~(d) The division, in accordance with the Arkansas Administrative~~*



1 ~~Procedure Act, § 25-15-201 et seq., may adopt rules necessary to administer~~  
2 ~~the provisions of this section.~~ notify the Commissioner of State Lands of the  
3 Governor's approval of a state agency's request to purchase or sell property  
4 under § 22-6-601.

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6 SECTION 2. Arkansas Code § 22-5-209 is amended to read as follows:

7 22-5-209. Deeds, abstracts, and contracts affecting state lands filed  
8 in office of Commissioner of State Lands – Additional information – Failure  
9 to comply.

10 (a) All deeds, abstracts, contracts, and other evidences of title to  
11 realty belonging to the State of Arkansas shall be filed in the office of the  
12 Commissioner of State Lands to be preserved by the Commissioner of State  
13 Lands as the other public records and files of his or her office.

14 (b) ~~In the event any state office, department, agency, or institution~~  
15 ~~fails or refuses to~~ Separately for each item of real property in the  
16 possession of a state agency, the state agency shall maintain and furnish to  
17 the Commissioner of State Lands a record containing:

18 (1)(A) The official recording information shown by the county  
19 recorder's records and the legal description of the real property.

20 (B) A copy of the most recent deed to the real property  
21 may be furnished to the Commissioner of State Lands if the copy contains the  
22 official recording information and the legal description;

23 (2) If the real property was purchased by a state agency, the  
24 date of purchase and the purchase price; and

25 (3) The name of the state agency holding title to the real  
26 property for the state.

27 (c) If the description of real property required under subsection (b)  
28 of this section is excessively voluminous, the Commissioner of State Lands  
29 may permit the state agency in possession of the real property to furnish the  
30 description in summary form.

31 (d) If a state agency does not comply with the provisions of  
32 subsection (a) of this section, the Commissioner of State Lands shall report  
33 the failure or refusal to comply to the Governor, who shall notify the  
34 administrative officer of the office, department, state agency, or  
35 institution to immediately report to him or her the reasons for his or her  
36 the state agency's failure or refusal to comply.

1       ~~(e)~~(e) Willful failure ~~or refusal~~ to comply with this section by ~~any~~  
2 ~~officer~~ a public official shall constitute nonfeasance in office.

3       (f)(1) As used in this section, "state agency" means an  
4 instrumentality of state government, including without limitation an office,  
5 a department, an agency, a board, a commission, or an institution of the  
6 state.

7       (2) As used in this section, "state agency" does not include:

8               (A) The Arkansas Department of Transportation Department;

9               (B) An institution of higher education;

10              (C) The Arkansas Public Employees' Retirement System;

11              (D) The Arkansas Teacher Retirement System;

12              (E) The Arkansas State Game and Fish Commission; or

13              (F) The Arkansas Department of Emergency Management.

14  
15       SECTION 3. Arkansas Code Title 22, Chapter 5, Subchapter 2, is amended  
16 to add an additional section to read as follows:

17       22-5-210. Real property records of the Arkansas Department of  
18 Transportation Department, institutions of higher education, Arkansas Public  
19 Employee's Retirement System, Arkansas Teacher Retirement System, and certain  
20 other properties.

21       (a) With respect to real property administered by the Arkansas  
22 Department of Transportation, an institution of higher education, the  
23 Arkansas Public Employees' Retirement System, and the Arkansas Teacher  
24 Retirement System:

25              (1) The Arkansas Department of Transportation, an institution of  
26 higher education, the Arkansas Public Employees' Retirement System, and the  
27 Arkansas Teacher Retirement System shall each maintain inventory records of  
28 the real property it owns or controls; and

29              (2) The commissioner of State Lands may:

30                      (A) Review, verify, and maintain inventory records of the  
31 real property; and

32                      (B) Prepare reports and make recommendations concerning  
33 the best use of the real property.

34       (b) At the request of the Commissioner of State Lands:

35              (1) The Arkansas Department of Transportation shall submit its  
36 real property inventory records that are not related to the roadways and

1 bridges it maintains; and

2 (2) No more than semiannually, the real property inventory  
 3 records of an institution of higher education, the Arkansas State Game and  
 4 Fish Commission, the Arkansas Public Employees' Retirement System, and the  
 5 Arkansas Teacher Retirement System may be submitted to the Commissioner of  
 6 State Lands for information purposes only.

7 (c) The duties of the Commissioner of State Lands under this  
 8 subchapter and § 22-5-301 et. seq. do not apply to:

9 (1) Real property that is owned by the state but is managed by  
 10 the United States Government;

11 (2) The real property composing the State Capitol complex;

12 (3) The real property composing the Arkansas Governor's Mansion;

13 (4) The real property composing the state veteran's cemetery  
 14 system;

15 (5) Highway rights-of-way owned by the Arkansas Department of  
 16 Transportation;

17 (6) The real property composing the Old State House Museum; and

18 (7) The real property owned by the Arkansas Department of  
 19 Emergency Management.

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 21 SECTION 4. Arkansas Code § 22-5-303 is amended to read as follows:

22 22-5-303. Additional duties of Commissioner of State Lands.

23 *In addition to other duties and powers conferred by law upon the*  
 24 *Commissioner of State Lands, he or she shall ~~have the following duties and~~*  
 25 *~~powers:~~*

26 *(1) ~~To effectuate~~ Effectuate the policies and carry out the*  
 27 *purposes declared in § 22-5-301, ~~to carry out its purposes including~~ by*  
 28 *securing the cooperation and assistance of the United States Government and*  
 29 *any of its agencies, ~~and to enter~~ entering into contracts, agreements, and*  
 30 *conveyances necessary to secure such federal assistance;*

31 *(2) ~~To conduct~~ Conduct investigations, independently or jointly*  
 32 *with other state and federal agencies, relating to conditions and factors*  
 33 *affecting, and methods of accomplishing more effectively, the purposes of*  
 34 *this subchapter; ~~and~~*

35 *(3) ~~To assign~~ Assign lands to the several state agencies for*  
 36 *administration, subject to their agreement and acceptance; and*

1 (4) Review, compile, and maintain inventory records of the real  
2 property owned by the State of Arkansas based upon the information submitted  
3 under §§ 22-5-209 and 22-5-411 and the records in his or her office.

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5 SECTION 5. Arkansas Code § 22-5-305(b), concerning the membership of  
6 the State Land Use Committee, is amended to read as follows:

7 (b) The Commissioner of State Lands shall appoint one (1) member from  
8 each of the ~~seven (7)~~ four (4) congressional districts and ~~two (2)~~ five (5)  
9 members at large for a term of two (2) years.

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12 /s/B. Ballinger  
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