

1 State of Arkansas  
2 94th General Assembly  
3 Regular Session, 2023  
4

# A Bill

HOUSE BILL 1163

5 By: Representative Bentley  
6 By: Senator G. Stubblefield  
7

## For An Act To Be Entitled

9 AN ACT TO AMEND THE LAW RELATED TO THE MANAGEMENT OF  
10 LANDS LOCATED OR CREATED WITHIN LAKES OR RIVERS BY  
11 THE COMMISSIONER OF STATE LANDS; AND FOR OTHER  
12 PURPOSES.  
13  
14  
15

## Subtitle

16 TO AMEND THE LAW RELATED TO THE  
17 MANAGEMENT OF LANDS LOCATED OR CREATED  
18 WITHIN LAKES OR RIVERS BY THE  
19 COMMISSIONER OF STATE LANDS.  
20  
21  
22

23 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
24

25 SECTION 1. Arkansas Code § 22-5-405 is amended to read as follows:  
26 22-5-405. Deeds to lands in lakes or rivers.

27 (a) The Commissioner of State Lands is empowered and authorized to  
28 execute deeds to lands described in § 22-5-404 to riparian owners upon  
29 application and the filing of proof of record ownership of adjacent lands and  
30 proof of proper survey of the lands, conveying all the right, title, and  
31 interest of the State of Arkansas to lands as have emerged or may emerge to  
32 the mean high-water mark of any such stream or lake.

33 (b) All applicants for deeds under this section shall ~~;~~ ~~upon filing an~~  
34 ~~application therefor, deposit with the Commissioner of State Lands the~~  
35 ~~estimated cost of survey of the lands to be fixed by the Commissioner of~~  
36 ~~State Lands. He or she shall thereupon direct the county surveyor of the~~



~~county in which the lands are located, or some other competent surveyor to be selected by the Commissioner of State Lands, to accurately survey the lands and compile the field notes and plat the lands in reference to the survey of adjacent lands, by the extension of township, range, and section lines, and to file the field notes and plats in the office of the Commissioner of State Lands~~

(1)(A) Submit a completed application to the Commissioner of State Lands.

(B) The Commissioner of State Lands shall develop the application and provide an application form in electronic format available online;

(2)(A) Submit a survey of the land.

(B) A survey of the land under subdivision (b)(2)(A) of this section shall:

(i) Include field notes and plats;

(ii) Be performed by a professional surveyor licensed by the State of Arkansas; and

(ii) Be completed within the six-month period directly preceding the submission date of the application;

(3)(A) Submit the affidavits of three (3) competent persons having full personal knowledge of the facts.

(B) Each affidavit under subdivision (b)(3)(A) of this section shall include without limitation statements that the applied-for lands:

(A) Have emerged to the high water mark; and

(B) Are capable of cultivation; and

(4)(A) Submit payment in the amount of one hundred twenty-five dollars (\$125) to the Commissioner of State Lands.

(B) Payment submitted under subdivision (b)(4)(A) of this section shall be tendered by certified funds, including without limitation:

(i) Credit card;

(ii) Debit card;

(iii) Electronic check;

(iv) Escrow check;

(v) Money order;

(vi) Cashier's check; or

1                                    (vii) Certified bank check.

2            ~~(c) Upon the filing of the field notes and plats, the Commissioner of~~  
 3 ~~State Lands shall pay for the cost of the survey of lands applied for out of~~  
 4 ~~the money deposited as provided in subsection (b) of this section~~ receipt and  
 5 verification of all submissions under subsection (b) of this section, the  
 6 Commissioner of State Lands may issue the deed.

7            ~~(d) The applicant shall, after the filing of the field notes and~~  
 8 ~~survey, file affidavits of at least three (3) competent persons having full~~  
 9 ~~personal knowledge of the facts, stating that the lands applied for have~~  
 10 ~~actually emerged to high water mark and are capable of cultivation, whereupon~~  
 11 ~~the Commissioner of State Lands may issue the deed upon the payment of a deed~~  
 12 ~~fee of five dollars (\$5.00)~~ Commissioner of State Lands shall promulgate  
 13 rules under the Arkansas Administrative Procedure Act, § 25-15-201 et seq.,  
 14 to carry out the duties of this section.

15  
 16            SECTION 2. DO NOT CODIFY. Rules.

17            (a) When adopting the initial rules required under this act, the  
 18 Commissioner of State Lands shall file the final rules with the Secretary of  
 19 State for adoption under § 25-15-204(f):

20                                    (1) On or before January 1, 2024; or

21                                    (2) If approval under § 10-3-309 has not occurred by January 1,  
 22 2024, as soon as practicable after approval under § 10-3-309.

23            (b) The Commissioner of State Lands shall file the proposed rules with  
 24 the Legislative Council under § 10-3-309(c) sufficiently in advance of  
 25 January 1, 2024, so that the Legislative Council may consider the rules for  
 26 approval before January 1, 2024.