

Stricken language would be deleted from and underlined language would be added to present law.
Act 972 of the Regular Session

State of Arkansas
92nd General Assembly
Regular Session, 2019

As Engrossed: H3/20/19 S4/3/19

A Bill

HOUSE BILL 1767

By: Representative Payton

By: Senator G. Stubblefield

For An Act To Be Entitled

AN ACT TO REGULATE THE ADMINISTRATION OF REAL
PROPERTY OF THE STATE; AND FOR OTHER PURPOSES.

Subtitle

TO REGULATE THE ADMINISTRATION OF REAL
PROPERTY OF THE STATE.

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

SECTION 1. Arkansas Code § 22-5-303 is amended to read as follows:

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

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

(1) ~~To effectuate~~ Effectuate the policies and carry out the
purposes declared in § 22-5-301, ~~to carry out its purposes~~ including by
~~securing:~~

(A) Securing the cooperation and assistance of the United
States and any of its agencies; ~~and to enter~~

(B) Entering into contracts, agreements, and conveyances
necessary to secure such federal assistance;

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

(3) ~~To assign~~ Assign lands to the several state agencies for



administration, subject to their agreement and acceptance.

SECTION 2. Arkansas Code § 22-5-305 is repealed.

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

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

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

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

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

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

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

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

SECTION 3. Arkansas Code § 22-5-306, as amended by Acts 2019, No. 315, is amended to read as follows:

22-5-306. Appraisers – Qualifications, oath, and bond.

(a) The Commissioner of State Lands shall may appoint ~~such~~ appraisers ~~as are provided for by any appropriation~~ to inspect and appraise state-owned

lands for sale, transfer, or donation.

(b) *It shall be unlawful for the Commissioner of State Lands to dispose of state-owned lands without an appraisal made by appraisers appointed by the Commissioner of State Lands, except that he or she may sell or dispose of town lots and acreage descriptions of ten (10) acres or less without an appraisal.*

(c) Each appraiser selected shall, by education or experience, be familiar with and know how to arrive at the value of lands, water rights, mineral rights, timber lands, rural lands, agricultural lands, and noncultivable lands; shall understand legal descriptions of real properties; shall have a working knowledge of county and state real property records; and shall be capable of passing dependable judgments upon the values of rural properties.

(d) Upon entering the duties of his or her office, each appraiser shall take an oath of office as prescribed in the Arkansas Constitution, Article 19, § 20. This oath shall state that he or she will not, directly or indirectly, be engaged in the purchase of state-owned lands during his or her continuance in office and that he or she will not engage in any speculation of state-owned lands or give information to any agent, friend, or secret or other partner so as to secure the advantages of that information to himself or herself or to any person, association, or company to the prejudice or exclusion of other persons.

(e) Each appraiser shall enter into bond to the state in the sum of one thousand dollars (\$1,000), to be furnished by a surety company authorized to do business in the State of Arkansas, conditioned that he or she will faithfully discharge all of his or her duties according to law and the rules of the ~~State Land Use Committee~~ Commissioner of State Lands.

(f) After qualifying as provided in this section, each appraiser shall perform his or her duties in the manner prescribed by the Commissioner of State Lands.

SECTION 4. Arkansas Code § 22-5-307 is amended to read as follows:

22-5-307. Classification and disposition of state lands generally.

(a) State lands shall be classified as to whether they should be retained in public ownership or returned to private ownership through sale or donation, and the classification may be changed.

(b)(1) The Commissioner of State Lands shall dispose of the lands and make deeds to the lands in accordance with ~~this~~ the classification under subsection (a) of this section.

~~(2) Only~~ With the approval of the Governor and review by the General Assembly or the Legislative Council, lands classified as suitable for return to private ownership ~~shall be subject to sale~~ may be sold under § 22-5-312 and subsection (e) of this section to private ~~individuals~~ parties by the Commissioner of State Lands.

(c) The Commissioner of State Lands may direct that land shall be retained and administered by certain appropriate state or local agencies or shall be disposed of and deeded in such manner that the state shall be eligible for any benefits under any act of the United States Congress.

(d) Where lands are disposed of by return to private ownership, the deeds shall contain such restrictive covenants or restraints on alienation as the ~~State Land Use Committee~~ Commissioner of State Lands may deem necessary to ensure the protection and use of the land in a manner beneficial to the public. All coal, oil, gas, and mineral rights shall be reserved to the state except in the case of tax-forfeited lands. However, the original owner or his or her heirs shall be allowed to redeem or acquire these lands in accordance with the provisions of this subchapter without the oil, gas, and mineral rights being restricted or reserved.

(e)(1) Where land is classified as land which should be returned to private ownership by sale, the Commissioner of State Lands shall offer the land for sale to the highest bidder, but only if his or her bid is at least equal to the appraised value.

(2) ~~No land~~ Land shall not be sold for less than its appraised value, except that, pending appraisal ~~by the committee,~~ the Commissioner of State Lands is authorized to continue sales of state lands as provided for in §§ 26-37-101 – 26-37-105, 26-37-201 – 26-37-205, and 26-37-301 – 26-37-303.

(f) ~~No lands~~ Land shall not be donated by the Commissioner of State Lands until they have been classified as appropriate for donation by the ~~committee~~ Commissioner of State Lands.

(g) If, at the end of three (3) years after appraisal by the ~~committee~~ Commissioner of State Lands, lands classified as land which should be returned to private ownership by sale shall remain unsold on the books of the Commissioner of State Lands, the unsold lands shall be reappraised by the

~~committee~~ Commissioner of State Lands.

(h) Tax delinquent lands are not subject to the terms and restrictions of this section and may be disposed of as required by law.

/s/Payton

APPROVED: 4/12/19