

State of Arkansas
93rd General Assembly
Regular Session, 2021

As Engrossed: H1/27/21

A Bill

HOUSE BILL 1113

By: Representative Dotson

By: Senator J. English

For An Act To Be Entitled

AN ACT TO AMEND THE COMMISSIONER OF STATE LANDS URBAN HOMESTEAD ACT TO PERMIT THE DEVELOPMENT OF SCHOOLS ON LAND DONATED BY THE COMMISSIONER OF STATE LANDS WHEN THE LAND IS NOT BEING UTILIZED AS A HOMESTEAD; TO DECLARE AN EMERGENCY; AND FOR OTHER PURPOSES.

Subtitle

TO AMEND THE COMMISSIONER OF STATE LANDS URBAN HOMESTEAD ACT TO PERMIT THE DEVELOPMENT OF SCHOOLS ON LAND DONATED BY THE COMMISSIONER OF STATE LANDS WHEN THE LAND IS NOT BEING UTILIZED AS A HOMESTEAD; AND TO DECLARE AN EMERGENCY.

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

SECTION 1. DO NOT CODIFY. Legislative findings and intent.

The General Assembly finds that:

(1) The Commissioner of State Lands Urban Homestead Act is intended to prevent waste of available valuable real property for the development of affordable housing for low-income families;

(2) Areas in need of affordable housing benefit from expanded educational opportunities afforded by the development of schools; and

(3) Parcels of land donated by the Commissioner of State Lands that are not being used as homesteads by eligible persons may be better utilized to provide schools in areas with a higher-than-average poverty



level.

SECTION 2. Arkansas Code Title 20, Chapter 80, Subchapter 4, is amended to add an additional section to read as follows:

20-80-412. Public school development.

(a) A donated parcel of land held by a community organization under this subchapter may be used for educational purposes by a public school district or open-enrollment public charter school if:

(1) The donated parcel of land is in a census tract with a poverty rate higher than the average poverty rate in the State of Arkansas;

(2) The community organization received the donated parcel of land from the Commissioner of State Lands at least three (3) years earlier;

(3) An eligible person does not currently use the donated parcel of land for a homestead; and

(4) The proposed activities or uses are not prohibited by any use restrictions that were placed on the property for the purpose of protecting:

(A) Human health; or

(B) The integrity of any remedial action measures implemented on the property to protect human health or the environment.

(b)(1) A community organization that receives a donated parcel of land may transfer the donated parcel of land to a recipient that shall use the donated parcel of land for development by a public school district or an open-enrollment public charter school.

(c) Once a public school district or an open-enrollment public charter school begins to use a donated parcel of land under this section for educational purposes, the donated parcel of land shall be released from present and future obligations, restrictions, and reversions imposed on the use and development of the donated parcel of land, except as provided by subdivision (a)(4) of this section.

(d) Taxes from previous tax years shall not apply to a donated parcel of land utilized by a public school district or an open-enrollment public charter school under this section.

SECTION 3. EMERGENCY CLAUSE. It is found and determined by the General Assembly of the State of Arkansas that this act is necessary to

promote and improve educational opportunities for low-income families as a matter of public policy of the State of Arkansas. Therefore, an emergency is declared to exist, and this act being immediately necessary for the preservation of the public peace, health, and safety shall become effective on:

(1) The date of its approval by the Governor;

(2) If the bill is neither approved nor vetoed by the Governor, the expiration of the period of time during which the Governor may veto the bill; or

(3) If the bill is vetoed by the Governor and the veto is overridden, the date the last house overrides the veto.

/s/Dotson

APPROVED: 3/15/21