

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

State of Arkansas
95th General Assembly
Regular Session, 2025

A Bill

HOUSE BILL 1983

By: Representative Eubanks
By: Senator G. Stubblefield

For An Act To Be Entitled

AN ACT TO AMEND ACTS 1973, NO. 167, § 4, CONCERNING THE SALE OF CERTAIN PROPERTY TO THE WESTARK AREA COUNCIL, INC., BOY SCOUTS OF AMERICA; AND FOR OTHER PURPOSES.

Subtitle

TO AMEND ACTS 1973, NO. 167, § 4, CONCERNING THE SALE OF CERTAIN PROPERTY TO THE WESTARK AREA COUNCIL, INC., BOY SCOUTS OF AMERICA.

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

SECTION 1. DO NOT CODIFY. LEGISLATIVE INTENT.

(a) The General Assembly finds:

(1) By Acts 1973, No. 167, the General Assembly authorized the Board of Trustees of the Arkansas Tuberculosis Sanatorium at Booneville to sell and convey to Westark Area Council, Inc., Boy Scouts of America, not more than two thousand eight hundred forty-two (2,842) acres of surplus lands, conditioned upon certain restrictive uses and related rights of reverter recited in Acts 1973, No. 167;

(2) The sale and conveyance under Acts 1973, No. 167, was accomplished by deed dated June 30, 1973, and recorded with the Circuit Clerk of Logan County, Arkansas, on February 18, 1976, at Miscellaneous Deed Book 79, page 534, with the deed incorporating by reference all of the restrictive uses and related rights of reverter prescribed by Acts 1973, No. 167;

(3) By Acts 1991, No. 38, the General Assembly sought to confirm



the earlier conveyance, noting in its legislative intent that as a result of a survey, an ambiguity may exist regarding the subject matter of Acts 1973, No. 167, and to “preempt any questions which may arise regarding the subject matter of Act 167 of 1973 such that the Westark Area Council, Inc., of the Boy Scouts of America may forever be free from any danger, however remote, of a hostile claim,” authorized the Developmental Disabilities Services Board to execute a quitclaim deed in favor of Westark Area Council, Inc., of the Boy Scouts of America;

(4) The quitclaim deed under Acts 1991, No. 38, was executed on September 19, 1991, and recorded with the Circuit Clerk of Logan County on October 17, 1991;

(5) Despite the intentions expressed by Acts 1991, No. 38, reasonable concern for hostile claims against the Westark Area Council, Inc., of the Boy Scouts of America arising from these acts and deeds continues to exist as follows:

(A) The quitclaim deed related to Acts 1973, No. 167, recites two thousand eight hundred fifty-two (2,852) acres, being ten (10) more acres than the legal description in Acts 1973, No. 167 and Acts 1991, No. 38;

(B) There is uncertainty as to whether the Developmental Disabilities Services Board was the full and apt successor in interest to the Arkansas Tuberculosis Sanatorium with authority to release by quitclaim deed any additional real property, or the original conditions of use or rights of reverter, which the Arkansas Tuberculosis Sanatorium retained by virtue of Acts 1973, No. 167; and

(C) There is uncertainty whether Acts 1991, No. 38, based on resolving ambiguities arising from a survey, intended or had the effect of releasing conditions of use and rights of reverter unrelated to any survey;

(6) Westark Area Council, Inc., of the Boy Scouts of America, by Articles of Merger duly filed with the Secretary of State and effective November 16, 2023, merged into and with Quapaw Area Council Incorporated of the Boy Scouts of America, creating as successor in interest to Westark Area Council, Inc., of the Boy Scouts of America, the Natural State Council of Boy Scouts of America, Inc.; and

(7) While the land subject to Acts 1973, No. 167 and Acts 1991, No. 38 has excess acreage beyond what is necessary to maintain a safe and

appropriate facility for Boy Scout camping and activities, the Natural State Council of Boy Scouts of America, Inc., has expressed that any plan for the future of the land includes reserving and maintaining appropriate land and facilities to be retained in perpetuity for Boy Scout camping, training, and other scouting activities.

(b) It is the intent of this act to clarify and confirm absolute and sole title to the subject property, as described in the 1991 quitclaim deed, in Westark Area Council, Inc., of the Boy Scouts of America, specifically free and clear of any and all conditions or restrictive uses or rights of reverter in favor of the State of Arkansas or any of its agencies or instrumentalities with the exception of Lot 9 and Lot 10 of the Southwest Quarter of Section 31, Township 5, Range 28 West, Logan County, Arkansas and the Southwest Quarter of the Southeast Quarter, Section 31, Township 5 North, Range 28 West, Logan County, Arkansas, and those portions of Lots 1 and 3 of the Fractional Northeast Quarter and of Lots 1 and 2 of the Fractional Northwest Quarter, lying East of Boy Scout Road and West of an unnamed road running North and South within the Fractional Northeast Quarter, all in Section 1, Township 4 North, Range 29 West, which shall be used in connection with boy scouts programs benefiting boy scouts throughout Arkansas, girl scouts and other proposed youth recreational activities, or for partial or controlled use under agreement with the Arkansas State Game and Fish Commission and other public agencies where the use for public purposes will not impair the uses by the Boy Scouts for scouts and youth recreational purposes.

SECTION 2. Acts 1973, No. 167, § 4, concerning the sale of certain property to the Westark Area Council, Inc., Boy Scouts of America, is amended to read as follows:

SECTION 4. Upon determining the acquisition cost in public funds for the initial acquisition of the described lands, and upon completion of the appraisal of the estimated current value of man-made buildings and structures located upon said lands which were provided from public funds, the Board shall certify the amount thereof, together with the estimated cost for the sale of said lands as provided herein, to the Governor, together with a copy of the proposal received from the Boy Scouts for the acquisition of the described lands for purchase by cash, or for the lease of said lands for a

period of not more than five years to the Boy Scouts, with the option of the Boy Scouts to purchase the described lands for cash within the period of the lease, not to exceed five years. Upon receipt thereof, the Governor shall review the same, and if he shall determine that all matters pertaining thereto have been in compliance with the provisions of this Act, he shall by proclamation certify his approval thereof and furnish same to the Board. The Board shall notify the Westark Area Council, Inc., Boy Scouts of America of the approval of the Governor thereof, and may proceed to sell the same for cash, or, to lease said lands to the Boy Scouts for a period not exceeding five years at an annual lease rental of One Thousand Dollars (\$1,000.00) per year, with the option of the Boy Scouts to purchase said lands for cash at any time within the period of the lease, not exceeding five years, and if the option to purchase is exercised by the Boy Scouts, any amounts paid as lease rental shall be applied against the purchase price of the land. The term "purchase for cash", as used in this Act, shall mean the amount certified to the Governor by the Board consisting of the actual initial purchase price to the State of Arkansas for the acquisition of the described lands, the appraised current value of man-made buildings and structures located on said lands provided by public funds, and the estimated cost of the sale of said lands as provided in this Act.

Upon payment in cash for said lands as provided herein, the Board shall convey to the Boy Scouts the title to said lands conditioned upon ~~said lands~~ Lot 9 and Lot 10 of the Southwest Quarter of Section 31, Township 5, Range 28 West, Logan County, Arkansas and the Southwest Quarter of the Southeast Quarter, Section 31, Township 5 North, Range 28 West, Logan County, Arkansas, and those portions of Lots 1 and 3 of the Fractional Northeast Quarter and of Lots 1 and 2 of the Fractional Northwest Quarter, lying East of Boy Scout Road and West of an unnamed road running North and South within the Fractional Northeast Quarter, all in Section 1, Township 4 North, Range 29 West, being used solely by the Boy Scouts in connection with boy scouts programs benefiting boy scouts throughout Arkansas, or for girl scouts and other proposed youth recreational activities, or for partial or controlled use thereof under agreement with the Game and Fish Commission and other public agencies where the use thereof for such public purposes will not impair the uses by the Boy Scouts for scouts and youth recreational purposes, and that ~~said lands~~ Lot 9 and Lot 10 of the Southwest Quarter of Section 31,

Township 5, Range 28 West, Logan County, Arkansas and the Southwest Quarter of the Southeast Quarter, Section 31, Township 5 North, Range 28 West, Logan County, Arkansas, and those portions of Lots 1 and 3 of the Fractional Northeast Quarter and of Lots 1 and 2 of the Fractional Northwest Quarter, lying East of Boy Scout Road and West of an unnamed road running North and South within the Fractional Northeast Quarter, all in Section 1, Township 4 North, Range 29 West, not be sold, donated, conveyed, leased, or used for any other purpose. Said sale, and the conveyance of said lands, shall be conditioned upon the title to ~~all of said lands, or any portions thereof, Lot 9 and Lot 10 of the Southwest Quarter of Section 31, Township 5, Range 28 West, Logan County, Arkansas and the Southwest Quarter of the Southeast Quarter, Section 31, Township 5 North, Range 28 West, Logan County, Arkansas, and those portions of Lots 1 and 3 of the Fractional Northeast Quarter and of Lots 1 and 2 of the Fractional Northwest Quarter, lying East of Boy Scout Road and West of an unnamed road running North and South within the Fractional Northeast Quarter, all in Section 1, Township 4 North, Range 29 West,~~ to revert to the State of Arkansas in the event the Boy Scouts of America shall cease to use ~~all of said lands, or any portion of said lands, Lot 9 and Lot 10 of the Southwest Quarter of Section 31, Township 5, Range 28 West, Logan County, Arkansas and the Southwest Quarter of the Southeast Quarter, Section 31, Township 5 North, Range 28 West, Logan County, Arkansas, and those portions of Lots 1 and 3 of the Fractional Northeast Quarter and of Lots 1 and 2 of the Fractional Northwest Quarter, lying East of Boy Scout Road and West of an unnamed road running North and South within the Fractional Northeast Quarter, all in Section 1, Township 4 North, Range 29 West,~~ for Boy Scouts purposes or other provisions provided for herein, for a period of five years. The conveyance of the land shall be by deed executed and delivered by the Board on behalf of the State of Arkansas conveying the said lands to the Westark Area Council, Inc., Boy Scouts of America. The said deed shall recite in detail the compliance with respective provisions of this Act, and shall be prima facie evidence of the facts so set forth. The said deed need not be acknowledged to entitle it to record. The effect of said deed, the provisions of this Act having been substantially complied with in the said sale, shall vest in said purchaser the title to said lands, at law and in equity, subject to the reservations and restrictions as provided in this Act. This act shall not impose conditions of use or rights of

reverter on portions of the lands outside of Lot 9 and Lot 10 of the Southwest Quarter of Section 31, Township 5, Range 28 West, Logan County, Arkansas and the Southwest Quarter of the Southeast Quarter, Section 31, Township 5 North, Range 28 West, Logan County, Arkansas, and those portions of Lots 1 and 3 of the Fractional Northeast Quarter and of Lots 1 and 2 of the Fractional Northwest Quarter, lying East of Boy Scout Road and West of an unnamed road running North and South within the Fractional Northeast Quarter, all in Section 1, Township 4 North, Range 29 West.

SECTION 3. DO NOT CODIFY. ISSUANCE OF QUITCLAIM DEED. The Commissioner of State Lands and the Board of Developmental Disabilities Services, as successors in interest and on behalf of the Arkansas Tuberculosis Sanatorium, and any other agency or instrumentality of the State of Arkansas which may claim an interest in the lands, shall execute and convey by quitclaim deed to the National State Council of Boy Scouts of America, Inc., the lands described in Acts 1991, No. 38, and its related quitclaim deed, specifically quitclaiming and releasing any and all conditions of use or rights of reverter in the lands with the exception of Lot 9 and Lot 10 of the Southwest Quarter of Section 31, Township 5, Range 28 West, Logan County, Arkansas and the Southwest Quarter of the Southeast Quarter, Section 31, Township 5 North, Range 28 West, Logan County, Arkansas, and those portions of Lots 1 and 3 of the Fractional Northeast Quarter and of Lots 1 and 2 of the Fractional Northwest Quarter, lying East of Boy Scout Road and West of an unnamed road running North and South within the Fractional Northeast Quarter, all in Section 1, Township 4 North, Range 29 West, to be used for the purposes provided under Acts 1973, No. 167, § 4, as amended by this act.