

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

Act 2260 of the Regular Session

As Engrossed: H3/9/05 H3/18/05 S4/7/05

A Bill

1 State of Arkansas  
2 85th General Assembly  
3 Regular Session, 2005

HOUSE BILL 2936

4  
5 By: Representatives Willis, Davis

6 By: Senator Higginbotham  
7

8 **For An Act To Be Entitled**

9 AN ACT TO ESTABLISH PROCEDURES FOR THE  
10 PRESERVATION, DISPOSAL, OR BOTH OF SCHOOL  
11 BUILDINGS IN SCHOOL DISTRICTS THAT HAVE BEEN  
12 CONSOLIDATED; AND FOR OTHER PURPOSES.  
13

14 **Subtitle**

15 TO ESTABLISH PROCEDURES FOR THE  
16 PRESERVATION, DISPOSAL, OR BOTH OF  
17 SCHOOL BUILDINGS IN SCHOOL DISTRICTS  
18 THAT HAVE BEEN CONSOLIDATED.  
19

20  
21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
22

23 *SECTION 1. Arkansas Code Title 6, Chapter 13, Subchapter 1 is amended*  
24 *to add an additional section to read as follows:*

25 6-13-111. Consolidated school districts.

26 (a) A school district in the State of Arkansas that is consolidated  
27 with one (1) or more school districts may:

28 (1) Sell buildings or lands owned by the school district that  
29 are no longer used by the school district; or

30 (2) Preserve buildings or lands owned by the school district  
31 that are no longer used by the school district.

32 (b) If the school district sells or otherwise disposes of a building  
33 or land to a person or entity under this section, then:

34 (1) The school district shall have the right of first refusal to  
35 purchase or otherwise reacquire the real property if the person or entity



1 decides to sell the real property; and

2 (2) The sale price of the real property when repurchased or  
3 otherwise reacquired by the school district shall not:

4 (A) Exceed the price that the person or entity paid the  
5 school district for the property; and

6 (B) Include compensation for any improvements to the  
7 property.

8  
9 SECTION 2. Arkansas Code § 6-21-108 is amended to read as follows:

10 6-21-108. School districts authorized to own and convey real property  
11 – Donation of property for educational purposes only.

12 (a) In addition to the authority of school districts under § 6-13-620  
13 to have the care and custody of the schoolhouse, grounds, and other property  
14 belonging to the district, the board of directors for any Arkansas school  
15 district shall be authorized and empowered to acquire and hold real estate,  
16 tenements, hereditaments, and other real property as is necessary and proper  
17 for the purposes of the education of pupils of the district and the  
18 administration of the schools of the district.

19 (b)(1) If the board of directors for a school district determines that  
20 any real estate owned or controlled by the district is not required for the  
21 present or anticipated future needs of the school district and that the  
22 donation thereof would serve a beneficial educational service for the pupils  
23 of the district, then the school district is also empowered and authorized to  
24 donate property or any part thereof to a publicly supported institution of  
25 higher education, ~~or a vocational technical~~ or a technical institute, a  
26 community college, a not-for-profit organization, or any entity thereof, for  
27 any of the following limited purposes:

28 (A) Having the real property improved, upgraded,  
29 rehabilitated, or enlarged by the donee; ~~or~~

30 (B) Providing a publicly supported institution of higher  
31 education or a ~~vocational technical~~ technical institute or community college  
32 with the donated property in which to hold classes for students who are from  
33 the district or to educate pupils from within the donating school district  
34 even if students from outside the district might also benefit; or

35 (C) Providing community programs, social enrichment  
36 programs, or after-school programs for students who are from the district or

1 to educate pupils from within the donating school district even if other  
2 persons in the community or students from outside the district might also  
3 benefit.

4 ~~(2) All donation instruments shall contain provisions by which~~  
5 ~~the title to the property donated shall revert to the donating school~~  
6 ~~district when the donated property is no longer used by the donee for the~~  
7 ~~purposes for which it was donated.~~

8 ~~(3)(2)~~ Furthermore, school districts may donate the fee simple  
9 title and absolute interest, without any reservations or restrictions, in and  
10 to all real property or any part of the property to the publicly supported  
11 institution or college if this property was previously conveyed or otherwise  
12 transferred by the institution or college to the school district without  
13 cost.

14 (c) The execution of all contracts and conveyances and lease contracts  
15 shall be performed by the president and confirmed by the secretary of the  
16 school board when authorized by a resolution in writing and approved by a  
17 majority vote of the school board.

18 (d)(1) If the school district donates real property to an entity under  
19 this section, then the school district shall have the right of first refusal  
20 to reacquire the real property if the entity decides to sell or otherwise  
21 dispose of the real property.

22 (2) The school district shall not be required to compensate the  
23 entity for any improvements to real property reacquired under this  
24 subsection.

25  
26 /s/ Willis

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29 APPROVED: 4/13/2005

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