

1 State of Arkansas  
2 95th General Assembly  
3 Regular Session, 2025  
4

# A Bill

HOUSE BILL 1983

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

## For An Act To Be Entitled

8 AN ACT TO AMEND ACTS 1973, NO. 167, § 4, CONCERNING  
9 THE SALE OF CERTAIN PROPERTY TO THE WESTARK AREA  
10 COUNCIL, INC., BOY SCOUTS OF AMERICA; AND FOR OTHER  
11 PURPOSES.  
12  
13  
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## Subtitle

15 TO AMEND ACTS 1973, NO. 167, § 4,  
16 CONCERNING THE SALE OF CERTAIN PROPERTY  
17 TO THE WESTARK AREA COUNCIL, INC., BOY  
18 SCOUTS OF AMERICA.  
19  
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21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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23 SECTION 1. DO NOT CODIFY. LEGISLATIVE INTENT.

24 (a) The General Assembly finds:

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

31 (2) The sale and conveyance under Acts 1973, No. 167, was  
32 accomplished by deed dated June 30, 1973, and recorded with the Circuit Clerk  
33 of Logan County, Arkansas, on February 18, 1976, at Miscellaneous Deed Book  
34 79, page 534, with the deed incorporating by reference all of the restrictive  
35 uses and related rights of reverter prescribed by Acts 1973, No. 167;

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



1 the earlier conveyance, noting in its legislative intent that as a result  
2 of a survey, an ambiguity may exist regarding the subject matter of Acts  
3 1973, No. 167, and to “preempt any questions which may arise regarding the  
4 subject matter of Act 167 of 1973 such that the Westark Area Council, Inc.,  
5 of the Boy Scouts of America may forever be free from any danger, however  
6 remote, of a hostile claim,” authorized the Developmental Disabilities  
7 Services Board to execute a quitclaim deed in favor of Westark Area Council,  
8 Inc., of the Boy Scouts of America;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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