

Hall of the House of Representatives
89th General Assembly - Regular Session, 2013
Amendment Form

Subtitle of House Bill No. 1192

TO LIMIT THE POWER OF EMINENT DOMAIN FOR PROPERTY OWNERS' IMPROVEMENT DISTRICTS.

Amendment No. 2 to House Bill No. 1192

Amend House Bill No. 1192 as engrossed, H2/13/13 (version: 02/13/2013 09:30:26 AM)

Delete the title in its entirety and substitute:

"AN ACT TO LIMIT THE POWER OF EMINENT DOMAIN FOR PROPERTY OWNERS' IMPROVEMENT DISTRICTS; TO DECLARE AN EMERGENCY; AND FOR OTHER PURPOSES."

AND

Delete the subtitle in its entirety and substitute:

"TO LIMIT THE POWER OF EMINENT DOMAIN FOR
PROPERTY OWNERS' IMPROVEMENT DISTRICTS
AND TO DECLARE AN EMERGENCY."

AND

Page 1, delete lines 20 through 36, and substitute the following:

"SECTION 1. DO NOT CODIFY. This act shall be known and may be cited as Seth's Law."

AND

Page 2, delete lines 1 through 23 entirely

AND

Page 2, delete lines 27 through 36, and substitute the following:

"(a)(1)(A) All districts organized under this chapter shall have the right of eminent domain in order that they may carry out the purposes of their creation.

(B) A district under this chapter shall not have the right of eminent domain to condemn rights-of-way outside the boundaries of the district.

(2) This right shall be exercised in the same manner as in the case of railroad, telegraph, and telephone companies, but without the necessity of making a deposit of money before entering into possession of the property condemned.



(b)(1) ~~Any~~ A district shall have the power of eminent domain for the purposes of:

(A) Condemning any water or sewer”

AND

Page 3, line 5, delete "23-1-101(9)" and substitute "23-1-101(9);”

AND

Page 3, delete lines 6 and 7, and substitute the following:

“(B) Securing any lands or rights-of-way needed in making improvements to water or sewer systems owned and operated by that district.”

AND

Page 3, line 8, delete "(b)" and substitute "(c)"

AND

Page 3, line 9, delete "~~subdivision~~" and substitute "subdivision”

AND

Page 3, delete line 10, and substitute the following:

“(b)(1) of this section.”

AND

Page 3, delete line 36 in its entirety

AND

Page 4, delete lines 1 through 3 entirely

AND

Immediately following SECTION 3 of the bill, add a new section to read as follows:

“SECTION 4. EMERGENCY CLAUSE. It is found and determined by the General Assembly of the State of Arkansas that certain individuals have used the current law to meet their own ends by abusing the power of eminent domain; that because of that abuse, property value has declined in certain areas; and that this act is immediately necessary because this type of abuse needs to be rectified as soon as possible. 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.”

The Amendment was read _____
By: Representative Hammer
KLL/BAT - 02-15-2013 10:34:51
KLL130

Chief Clerk