

1 **State of Arkansas**
2 **78th General Assembly**
3 **Regular Session, 1991**
4 **By: Representative McGinnis**

A Bill

HOUSE BILL 1142

For An Act To Be Entitled

8 "AN ACT TO PROVIDE THAT WHEN ANY PUBLIC SCHOOL IS CLOSED
9 AND ANY REAL PROPERTY USED BY THE SCHOOL WAS ACQUIRED BY
10 THE DISTRICT BY THE EXERCISE OF EMINENT DOMAIN, THE PERSON
11 WHO OWNED THE PROPERTY AT THE TIME IT WAS TAKEN BY THE
12 DISTRICT OR HIS OR HER SUCCESSOR IN INTEREST, SHALL BE
13 ENTITLED TO REPURCHASE THE PROPERTY; AND FOR OTHER
14 PURPOSES."

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

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18 SECTION 1. When any public school is closed and any of the real
19 property acquired for or used by the school was acquired by the exercise of
20 the power of eminent domain, the person who owned the property at the time it
21 was taken by eminent domain, or his or her successor in interest, shall be
22 *entitled to repurchase that portion of the property on which no capital*
23 *improvements are located from the district for the amount or proportional*
24 *amount the district paid for the property if the district acquired the*
25 *property by the power of eminent domain within the last fifteen years. If the*
26 *property was acquired by the district more than fifteen years prior to the*
27 *closing of the school, the previous owner shall be entitled to repurchase the*
28 *property from the district at fair market value.*

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30 SECTION 2. Any person who has the option to repurchase property from a
31 *school district under Section 1 hereof shall notify the district of its*
32 *desire to repurchase the property and exercise the option within one (1) year*
33 *after the school is closed, and not thereafter.*

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35 SECTION 3. All provisions of this act of a general and permanent nature

1 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
2 Revision Commission shall incorporate the same in the Code.

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4 SECTION 4. If any provision of this act or the application thereof to
5 any person or circumstance is held invalid, such invalidity shall not affect
6 other provisions or applications of the act which can be given effect without
7 the invalid provision or application, and to this end the provisions of this
8 act are declared to be severable.

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10 SECTION 5. All laws and parts of laws in conflict with this act are
11 hereby repealed.

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13 SECTION 6. EMERGENCY. It is hereby found and determined by the General
14 Assembly that if a school district takes property for school use by exercise
15 of the power of eminent domain and subsequently the school for which the
16 property was acquired is closed, fairness and equity demands that the former
17 owner of the property from whom the district acquired title by eminent domain
18 should have the option to repurchase the property from the district for the
19 amount the district paid for the property when it acquired it by exercise of
20 the power of eminent domain; that this act is designed to grant such option
21 and should be given effect immediately. Therefore, an emergency is hereby
22 declared to exist and this act being necessary for the preservation of the
23 public peace, health and safety shall be in full force and effect from and
24 after its passage and approval.

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/s/ Bob McGinnis

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