

Stricken language would be deleted from present law. Underlined language would be added to present law.

1 State of Arkansas
2 81st General Assembly
3 Regular Session, 1997

As Engrossed: H3/6/97

A Bill

HOUSE BILL 1794

4
5 By: Representative Hunton

For An Act To Be Entitled

9 "AN ACT TO CLARIFY THE USE OF EMINENT DOMAIN BY
10 MUNICIPALITIES; AND FOR OTHER PURPOSES."

Subtitle

13 "TO CLARIFY THE USE OF EMINENT DOMAIN BY
14 MUNICIPALITIES."

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

18 SECTION 1. (a) A municipalitys power of eminent domain shall not be
19 used to acquire real property outside the boundaries of the municipality,
20 except upon a prior determination by the circuit court of the county in which
21 the property proposed to be acquired is situated, that:

22 (1) The property proposed to be acquired by eminent domain is
23 necessary to the accomplishment of a public purpose; and

24 (2) The acquisition of the property is reasonable.

25 (b) When considering the question of the reasonableness of the
26 acquisition under subparagraph (2) above, the court or the jury shall
27 consider:

28 (1) The relative advantage to the municipality seeking to acquire
29 such property;

30 (2) The inconvenience to the owner of the property proposed to be
31 acquired;

32 (3) Alternatives available to the municipality seeking to acquire
33 the property; and

34 (4) Any other relevant matter.

36 SECTION 2. *The act shall not apply to a municipality's use of eminent*

1 domain to acquire a right-of-way or an easement.

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3 SECTION 3. All provisions of this act of a general and permanent nature
4 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
5 Revision Commission shall incorporate the same in the Code.

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

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14 hereby repealed.

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/s/Rep. Hunton

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