

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  
4

# A Bill

ACT 539 OF 1997  
HOUSE BILL 1510

5 By: Representatives Wilkins and Roberts  
6 By: Senator Edwards  
7

## For An Act To Be Entitled

9 "AN ACT TO AMEND ARKANSAS CODE ANNOTATED § 6-62-201  
10 PERTAINING TO THE EMINENT DOMAIN POWER OF PUBLIC  
11 INSTITUTIONS OF HIGHER EDUCATION; TO DECLARE AN EMERGENCY;  
12 AND FOR OTHER PURPOSES."  
13

## Subtitle

14 "TO AMEND A.C.A. § 6-62-201 PERTAINING TO  
15 THE EMINENT DOMAIN POWER OF PUBLIC  
16 INSTITUTIONS OF HIGHER EDUCATION."  
17  
18

19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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21 SECTION 1. Arkansas Code Annotated § 6-62-201(d) is amended to read as  
22 follows:

23 "(d) The procedure to be followed, except as otherwise provided in this  
24 section, for the purposes of this section is that prescribed in §§ 18-15-301 -  
25 18-15-307, inclusive, for the exercise of eminent domain by municipal  
26 corporations and counties. It shall be no objection to the exercise of the  
27 power of eminent domain that the property to be condemned is a cemetery,  
28 provided the purpose for which the cemetery is being taken is for buildings,  
29 facilities, grounds, or other purposes necessary for the use and benefit of  
30 the public institution."  
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32 SECTION 2. All provisions of this act of a general and permanent nature  
33 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code  
34 Revision Commission shall incorporate the same in the Code.  
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36 SECTION 3. If any provision of this act or the application thereof to

1 any person or circumstance is held invalid, such invalidity shall not affect  
2 other provisions or applications of the act which can be given effect without  
3 the invalid provision or application, and to this end the provisions of this  
4 act are declared to be severable.

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6 SECTION 4. All laws and parts of laws in conflict with this act are  
7 hereby repealed.

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9 SECTION 5. EMERGENCY. It is found and determined by the General  
10 Assembly of the State of Arkansas that the present laws relating to the power  
11 of public institutions of higher education to acquire property by eminent  
12 domain should be clarified and lack of immediate clarification could result in  
13 public institutions of higher education being unable to acquire property  
14 necessary for the use and benefit of such institutions. Therefore an  
15 emergency is declared to exist and this act being immediately necessary for  
16 the preservation of the public peace, health and safety shall become effective  
17 on the date of its approval by the Governor. If the bill is neither approved  
18 nor vetoed by the Governor, it shall become effective on the expiration of the  
19 period of time during which the Governor may veto the bill. If the bill is  
20 vetoed by the Governor and the veto is overridden, it shall become effective  
21 on the date the last house overrides the veto.

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APPROVED:3-17-97

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