

ARKANSAS SENATE
86th General Assembly - Regular Session, 2007
Amendment Form

Subtitle of Senate Bill No. 69

"TO LIMIT THE SCOPE OF EMINENT DOMAIN POWER TO PROTECT PROPERTY
OWNERS RIGHTS."

Amendment No. 4 to Senate Bill No. 69.

Amend Senate Bill No. 69 as engrossed, S2/20/07 (version: 02-20-2007 14:03):

Add Representative Norton as a cosponsor of the bill

AND

Page 1, line 29, delete "(2) For" and substitute "(2)(A) For"

AND

Page 1, delete line 31, and substitute the following:

"commencement of an eminent domain proceeding.

(B) If condemned property is not used for the initial purpose for which it was taken, the former property owner or owners or their heirs shall have the right to acquire the property for the amount of just compensation that the fact finder determined at the conclusion of the eminent domain proceeding."

AND

Page 2, delete lines 12 and 13, and substitute the following:

"receive approval prior to commencement of the eminent domain proceeding from:

(1) In the case of a municipality, the governing authority of the municipality; or

(2) In the case of a county, the county judge."

AND

Page 2, line 22, delete "(3) Present" and substitute "(3)(A) Present"

AND



Page 2, delete line 24, and substitute the following:

"owners shall not satisfy the requirement of just compensation, unless the condemning entity posts a bond on the affected property in the amount of the enhanced value as determined by the finder of fact.

(B) If the present or future enhanced value of any remaining property adjoining the condemned property is not realized within five (5) years of the conclusion of the eminent domain proceeding, then the affected property owner or owners or their heirs may sue on the bond."

The Amendment was read the first time, rules suspended and read the second time and _____

By: Senator Whitaker

KLL/TAT - 03-01-2007 08:51

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Secretary