

**ARKANSAS SENATE**  
87th General Assembly - Regular Session, 2009  
**Amendment Form**

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**Subtitle of Senate Bill No. 399**

"TO UPDATE THE PROCEDURE FOR ACQUIRING AN ACCESS EASEMENT."

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**Amendment No. 1 to Senate Bill No. 399.**

Amend Senate Bill No. 399 as originally introduced:

Page 3, line 4, delete "for payment" and substitute "for payment of damages and for payment"

AND

Page 3, line 23, delete "(d) The" and substitute "(d)(1) The"

AND

Page 3, delete lines 29 and 30, and substitute the following:  
"the land of each owner sought to be appropriated.

(2) The measure of damages shall be the difference in the fair market value of the lands immediately before the access easement is ordered and the fair market value of the lands after the access easement is ordered.

(e) The report shall be ~~recorded on~~ filed with the county clerk for"

AND

Page 5, line 3, delete "expenses accruing" and substitute "expenses, including reasonable attorney's fees and costs, accruing"

AND

Page 5, delete lines 8 through 10, and substitute the following:

"(iii) The petitioner shall be solely responsible for the maintenance of the road established under this subchapter.

(iv) The respondent shall have no responsibility for the maintenance of the road established under this subchapter.

(b) Either party may appeal to the circuit court from the final order"



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

By: Senator D. Wyatt

KLL/YTC - 02-25-2009 08:59

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Secretary