

ARKANSAS SENATE
89th General Assembly - Regular Session, 2013
Amendment Form

Subtitle of Senate Bill No. 787

TO AMEND THE LAW CONCERNING EMINENT DOMAIN.

Amendment No. 2 to Senate Bill No. 787

Amend Senate Bill No. 787 as originally introduced:

Page 1, delete line 10, and substitute the following:
"TO DECLARE AN EMERGENCY; AND FOR OTHER PURPOSES."

AND

Delete the subtitle in its entirety and substitute:
"TO AMEND THE LAW CONCERNING EMINENT
DOMAIN; AND TO DECLARE AN EMERGENCY."

AND

Delete everything after the enacting clause and substitute the following:

"SECTION 1. Arkansas Code Title 18, Chapter 15, Subchapter 1, is
amended to add an additional section to read as follows:

18-15-103. Federal compliance.

(a) Eminent domain proceedings in this state shall comply with the
Uniform Relocation Assistance and Real Property Acquisition Policies Act of
1970, 42 U.S.C. § 4601 et seq., as in effect on January 1, 2013.

(b) This section does not apply to real property acquired by eminent
domain by:

(1) The State Highway Commission or the Arkansas State Highway
and Transportation Department under § 27-67-301 et seq.;

(2) A county or municipality for the purpose of constructing,
repairing, maintaining, or improving a roadway, street, road, or right-of-way
within the county or municipality;

(3) A privately owned utility;

(4) An electric cooperative;

(5) A publicly owned utility;

(6) A utility owned by an improvement district;

(7) A pipeline company;

(8) A railroad; or

(9) A video service provider.



SECTION 2. EMERGENCY CLAUSE. It is found and determined by the General Assembly of the State of Arkansas that property of our citizens is often condemned by political subdivisions of the state; that citizens often do not have the means by which to obtain legal representation; and that this act is immediately necessary because it will create a mechanism by which our citizens would have more protection for their property rights guaranteed by the Arkansas Constitution. Therefore, an emergency is declared to exist, and this act being immediately necessary for the preservation of the public peace, health, and safety shall become effective on:

(1) The date of its approval by the Governor;

(2) If the bill is neither approved nor vetoed by the Governor, the expiration of the period of time during which the Governor may veto the bill; or

(3) If the bill is vetoed by the Governor and the veto is overridden, the date the last house overrides the veto.”

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

By: Senator Elliott

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Secretary