

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

---

**Subtitle of Senate Bill No. 819**

TO REVISE THE LAW CONCERNING THE PROCESS FOR A COUNTY JUDGE TO ESTABLISH ACCESS  
EASEMENTS FOR LANDLOCKED OWNERS OF REAL PROPERTY TO COMPORT WITH DUE PROCESS.

---

**Amendment No. 1 to Senate Bill No. 819**

Amend Senate Bill No. 819 as originally introduced:

Page 1, line 24, delete "Title 27, Chapter 66, Subchapter 4" and substitute  
"§ 27-66-401(d), concerning the establishment of certain access easements,"

AND

Page 1, delete lines 26 through 36

AND

Page 2, delete lines 1 through 36

AND

Page 3, delete lines 1 through 21

AND

Page 3, line 22, delete "~~(d)~~(e)" and substitute "(d)"

AND

Page 3, delete lines 26 through 36

AND

Page 4, delete lines 1 through 30

AND

Page 4, delete line 31, and substitute the following:

"SECTION 2. Arkansas Code § 27-66-401(f)(2)(B), concerning the  
establishment of certain access easements, is amended to read as follows:"



AND

Page 4, line 32, delete "~~(B)(j)~~" and substitute "(B)"

AND

Page 4, line 33, delete "~~(i)(1)~~" and substitute "(i)"

AND

Page 5, line 2, delete "(A)" and substitute "(a)"

AND

Page 5, line 3, delete "(B)" and substitute "(b)"

AND

Page 5, line 3, delete "and"

AND

Page 5, line 4, delete "(C)" and substitute "(c)"

AND

Page 5, delete line 6, and substitute the following:

"(1) The loss of property value for the area of acquisition;"

AND

Page 5, line 7, delete "(ii)" and substitute "(2)"

AND

Page 5, delete lines 9 through 36, and substitute the following:

"(3) Damages to the owner's remaining property; and

(d) Notice and publication costs if any;  
(ii) Set the time, date, and location of the evidentiary hearing; and

(iii) Require the funds deposited to be used exclusively for the purposes stated under this subsection."

AND

Page 6, delete lines 1 through 36

AND

Page 7, delete lines 1 through 36

AND

Page 8, delete lines 1 through 22, and substitute the following:

"SECTION 3. Arkansas Code § 27-66-403(a)(3)(A), concerning the court order, is amended to read as follows:"

AND

Page 8, line 23, delete "(3)(A)" and substitute "(3)(A)(i)"

AND

Page 8, line 27, delete "(i)" and substitute "(a)"

AND

Page 8, delete lines 29 through 32

AND

Page 8, line 33, delete "(iv)" and substitute "(b)"

AND

Page 8, line 35, delete "(v)" and substitute "(c)"

AND

Page 9, line 1, delete "(B)" and substitute "(ii)"

AND

Page 9, delete lines 3 through 36

AND

Page 10, delete lines 1 through 36, and substitute the following:

"SECTION 4. Arkansas Code § 27-66-403(a)(3)(B)(ii)(c), concerning the court order, is amended to read as follows:

(c) The order shall state that:

(1) The respondent retains title to the lands over which the road passes; ~~and~~

(2) The road is for an access easement only and is not an easement for any other purpose, including a public utility; and

(3) The landlocked petitioner did not cause the landlocked property condition, including without limitation by selling, donating, or otherwise disposing of his or her interest in adjoining land that created the landlocked property condition."

AND

Page 11, delete lines 1 through 36

AND

Page 12, delete lines 1 through 36, and substitute the following:

"SECTION 5. Arkansas Code § 27-66-403(b), concerning the court order, is amended to read as follows:

(b)(1) Either party may appeal to the circuit court from the final order or judgment of the county court within thirty (30) days from the entry of the order and not thereafter.

(2) The review by the circuit court shall be de novo and for strict compliance with this subchapter and any additional violations of the due process rights of the parties."

AND

Page 13, delete lines 1 through 21

AND

Appropriately renumber all sections of the bill

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

By: Senator A. Clark

KLL/BAT - 03-13-2013 16:04:52

KLL237

\_\_\_\_\_  
Secretary