Hall of the House of Representatives

90th General Assembly - Regular Session, 2015 Amendment Form

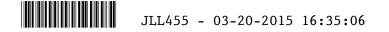
Subtitle of Senate Bill No. 757

TO RESTRICT THE ABILITY OF LOCAL GOVERNMENTS AND OTHER ENTITIES TO REGULATE PRIVATE PROPERTY RIGHTS; AND TO DECLARE AN EMERGENCY.

Amendment No. 1 to Senate Bill No. 757

Amend Senate Bill No. 757 as engrossed, S3/17/15 (version: 03/17/2015 2:12:26 PM):

Page 3, delete lines 16 through 19, and substitute the following:
"as if the regulatory program is not in effect and the fair market value of
the real property determined as if the regulatory program is in effect.
(3) To assert that a taking has occurred, the regulatory program
must have been implemented at the time the owner acquired title or after the
effective date of this subchapter, whichever is later."
AND
Page 3, line 20, delete " <u>(3)</u> " and substitute " <u>(4)</u> "
AND
Page 3, delete lines 26 through 36, and substitute the following:
"(A) Pay compensation for the reduction in fair market
value caused by the regulatory program; or
(B) Invalidate all or part of the regulatory program.
(2) Compensation is required under this section only when the
fair market value of the real property is reduced by at least twenty percent
(20%).
(3) If a governmental unit elects to pay compensation to the
private real property owner under subdivision (c)(l)(A) of this section:
(A) The court that rendered the judgment in the lawsuit or
the state agency that issued the final order or decision in the case shall
withdraw the part of the judgment or final decision or order rescinding the
regulatory program;
(B) The governmental unit shall pay to the owner the
damages determined in the judgment or final order by the thirtieth day after
the date the judgment is rendered or the final decision or order is issued;
and
(C) When more than one (1) governmental unit is involved,
the court shall determine the proportion each governmental unit shall be



required to contribute to the compensation."

AND

Page 4, delete lines 1 through 9

AND

Page 4, line 21, delete "<u>Commission</u>" and substitute "<u>Commission, the Arkansas</u> <u>Public Service Commission</u>"

AND

Page 6, delete line 22, and substitute the following: "<u>utility that:</u> (1) Is not a municipally owned utility system;"

AND

Page 6, line 23, delete "(1)" and substitute "(2)"

AND

Page 6, line 25, delete "(2)" and substitute "(3)"

AND

Page 6, line 25, delete "<u>electricity</u>" and substitute "<u>electricity</u> and does not generate or distribute electricity"

AND

Page 6, line 26, delete "(3)" and substitute "(4)"

The Amendment was read _____ By: Representative Gonzales JLL/JLL - 03-20-2015 16:35:06 JLL455

Chief Clerk