

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 "(3)" and substitute "(4)"

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)(1)(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 "Commission" and substitute "Commission, the Arkansas Public Service Commission"

AND

Page 6, delete line 22, and substitute the following:

"utility that:

(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 "electricity" and substitute "electricity 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
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Chief Clerk