

State of Arkansas

77th General Assembly

Fourth Extraordinary Session, 1988

By: Representatives Todd, McCuiston and Stockley

CALL ITEM 7

HOUSE BILL 1014

"AN ACT TO AUTHORIZE CITIES OF THE FIRST AND SECOND CLASS TO EXERCISE THE POWER OF EMINENT DOMAIN FOR THE PURPOSE OF ACQUIRING TITLE TO OR INTEREST IN LANDS FOR THE CONSTRUCTION, OPERATION, REPAIR AND MAINTENANCE OF FLOOD CONTROL IMPROVEMENTS; AND FOR OTHER PURPOSES."

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

SECTION 1. In addition to the purposes for which municipalities are now authorized to exercise the power of eminent domain, cities of the first and second class are hereby authorized to exercise such power for the purpose of acquiring real property or interests in real property necessary for the construction, operation, repair or maintenance of flood control improvements including but not limited to dams, levees, reservoirs, spillways, floodways, and other related improvements.

SECTION 2. Cities of the first and second class shall exercise the power of eminent domain for the purposes prescribed in Section 1 hereof in accordance with the procedures and methods prescribed in Arkansas Code Sections 18-15-303 through 18-15-307, or in accordance with the procedures and methods prescribed in Arkansas Code Sections 18-15-401 through 18-15-410.

SECTION 3. All laws and parts of laws in conflict with this Act are hereby repealed.

SECTION 4. EMERGENCY. It is hereby found and determined by the General Assembly that present laws do not clearly authorize and prescribe the procedure whereby cities of the first and second class may exercise the power of eminent domain to acquire property necessary for flood control projects; that

it is essential to the proper operations of cities of the first and second class that they be given such authority and that such authority should be granted them at the earliest possible date to enable such cities to protect residents of the city from flooding; that this Act is designed to specifically grant such authority and should be given effect immediately.

Therefore, an emergency is hereby declared to exist and this Act being necessary for the preservation of the public peace, health and safety shall be in full force and effect from and after its passage and approval.

