

Stricken language would be deleted from present law. Underlined language would be added to present law.

1 State of Arkansas
2 81st General Assembly
3 Regular Session, 1997

A Bill

HOUSE BILL 1510

4
5 By: Representatives Wilkins and Roberts
6 By: Senator Edwards

For An Act To Be Entitled

9 "AN ACT TO AMEND ARKANSAS CODE ANNOTATED § 6-62-201
10 PERTAINING TO THE EMINENT DOMAIN POWER OF PUBLIC
11 INSTITUTIONS OF HIGHER EDUCATION; TO DECLARE AN EMERGENCY;
12 AND FOR OTHER PURPOSES."

Subtitle

15 "TO AMEND A.C.A. § 6-62-201 PERTAINING TO
16 THE EMINENT DOMAIN POWER OF PUBLIC
17 INSTITUTIONS OF HIGHER EDUCATION."

18
19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

20

21 SECTION 1. Arkansas Code Annotated § 6-62-201(d) is amended to read as
22 follows:

23 "(d) The procedure to be followed, except as otherwise provided in this
24 section, for the purposes of this section is that prescribed in §§ 18-15-301 -
25 18-15-307, inclusive, for the exercise of eminent domain by municipal
26 corporations and counties. It shall be no objection to the exercise of the
27 power of eminent domain that the property to be condemned is a cemetery,
28 provided the purpose for which the cemetery is being taken is for buildings,
29 facilities, grounds, or other purposes necessary for the use and benefit of
30 the public institution."

31

32 SECTION 2. All provisions of this act of a general and permanent nature
33 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
34 Revision Commission shall incorporate the same in the Code.

35

36 SECTION 3. If any provision of this act or the application thereof to

1 any person or circumstance is held invalid, such invalidity shall not affect
 2 other provisions or applications of the act which can be given effect without
 3 the invalid provision or application, and to this end the provisions of this
 4 act are declared to be severable.

5

6 SECTION 4. All laws and parts of laws in conflict with this act are
 7 hereby repealed.

8

9 SECTION 5. EMERGENCY. It is found and determined by the General
 10 Assembly of the State of Arkansas that the present laws relating to the power
 11 of public institutions of higher education to acquire property by eminent
 12 domain should be clarified and lack of immediate clarification could result in
 13 public institutions of higher education being unable to acquire property
 14 necessary for the use and benefit of such institutions. Therefore an
 15 emergency is declared to exist and this act being immediately necessary for
 16 the preservation of the public peace, health and safety shall become effective
 17 on the date of its approval by the Governor. If the bill is neither approved
 18 nor vetoed by the Governor, it shall become effective on the expiration of the
 19 period of time during which the Governor may veto the bill. If the bill is
 20 vetoed by the Governor and the veto is overridden, it shall become effective
 21 on the date the last house overrides the veto.

22

23

24

25

26

27

28

29

30

31

32

33

34

35