

1 State of Arkansas
2 82nd General Assembly
3 Regular Session, 1999

A Bill

SENATE BILL 204

4
5 By: Senator Dowd
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For An Act To Be Entitled

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9 "AN ACT TO AMEND ARKANSAS CODE 18-15-605 TO REPEAL
10 PROVISIONS IN CONFLICT WITH THE ARKANSAS RULES OF
11 EVIDENCE; AND FOR OTHER PURPOSES."

Subtitle

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14 "TO REPEAL PROVISIONS IN CONFLICT WITH
15 THE ARKANSAS RULES OF EVIDENCE."
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18 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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20 SECTION 1. Arkansas Code 18-15-605 is amended to read as follows:

21 "18-15-605. Damages - Deposits.

22 (a) The further proceedings in the matter of assessment of damages and
23 the making of deposits to secure the owner shall be the same as is now
24 prescribed by law in reference to condemnation proceedings by railroad,
25 telegraph, and telephone corporations, except that the measure of damages
26 shall be the fair market value of the condemned property at the time of the
27 filing of the petition by the corporation or water association as may be
28 determined ~~by a jury based on the opinion of a licensed appraiser~~ by law.

29 (b) In the case of application for orders of immediate possession by
30 the corporation or water association, if the amount awarded by the jury
31 exceeds the amount deposited by the corporation or water association in an
32 amount which is more than twenty percent (20%) of the sum deposited, the
33 landowner shall be entitled to recover the reasonable attorney's fees and
34 costs."
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36 SECTION 2. All provisions of this act of a general and permanent nature

1 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
2 Revision Commission shall incorporate the same in the Code.

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

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

12 /s/ Dowd
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