Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

1	State of Arkansas	
2	86th General Assembly A Bill	
3	Regular Session, 2007 SENATE BIL	L 69
4		
5	By: Senators Whitaker, Faris, Trusty, Horn, T. Smith	
6	By: Representatives R. Green, Pyle, Walters, D. Creekmore, Burris, Edwards, Key, Sample, Hardwig	k,
7	Woods, Cornwell, D. Hutchinson, Norton	
8		
9	For An Act To Be Entitled	
10		
11	AN ACT TO LIMIT THE SCOPE OF EMINENT DOMAIN POWER	
12	TO PROTECT PROPERTY OWNERS' RIGHTS; AND FOR OTHER	
13 14	PURPOSES.	
14 15	Subtitle	
16	TO LIMIT THE SCOPE OF EMINENT DOMAIN	
17	POWER TO PROTECT PROPERTY OWNERS'	
18	RIGHTS.	
19	ALGIII.	
20		
21	BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:	
22		
23	SECTION 1. Arkansas Code Title 18, Chapter 15, Subchapter 1 is amen	ded
24	to add additional sections to read as follows:	
25	18-15-103. Limitations on power of eminent domain.	
26	(a) An entity given the power of eminent domain by law shall not ta	<u>ke</u>
27	<pre>property for public use:</pre>	
28	(1) For the stated purpose of enhancing tax revenue; or	
29	(2)(A) For the purpose of transferring property to another	
30	entity to achieve a purpose distinct from the initial purpose stated for	
31	commencement of an eminent domain proceeding.	
32	(B) If condemned property is not used for the initial	
33	purpose for which it was taken, the former property owner or owners or the	<u>ir</u>
34	heirs shall have the right to acquire the property for the amount of just	
35	compensation that the fact finder determined at the conclusion of the emin	<u>ent</u>
36	domain proceeding.	

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1	(b)(1) After a condemning entity makes a deposit to the court on the
2	affected property, a hearing is held, and the condemning entity takes
3	possession of the property, the affected property owner or owners shall have
4	immediate access to the deposit.
5	(2) The condemning entity shall be given credit for the
6	deposited amount upon a determination of just compensation.
7	(3) The condemning entity shall declare its' opinion of the
8	value of the condemned property at the commencement of the eminent domain
9	proceeding.
10	(4) Neither payment of the deposited amount by the condemning
11	entity nor access to the deposit by the affected property owner or owners
12	shall constitute a waiver of any claims or defenses.
13	
14	18-15-104. Approval by local governing authority.
15	In any eminent domain proceeding initiated by a board, commission, or
16	entity of a municipality or county, the board, commission, or entity shall
17	receive approval prior to commencement of the eminent domain proceeding from:
18	(1) In the case of a municipality, the governing authority of
19	the municipality; or
20	(2) In the case of a county, the county judge.
21	18-15-105. Compensation to property owner.
22	(a) In any eminent domain proceeding:
23	(1) Just compensation shall be determined by a jury unless a
24	jury determination is waived by the affected property owner or owners;
25	(2) Just compensation may include costs and losses incurred by
26	the affected property owner or owners as a result of the eminent domain
27	proceeding that a judge or jury find appropriate; and
28	(3)(A) Present or future enhanced value of any remaining
29	property adjoining the condemned property owned by an affected property owner
30	or owners shall not satisfy the requirement of just compensation, unless the
31	condemning entity posts a bond on the affected property in the amount of the
32	enhanced value as determined by the finder of fact.
33	(B) If the present or future enhanced value of any
34	remaining property adjoining the condemned property is not realized within
35	five (5) years of the conclusion of the eminent domain proceeding, then the
36	affected property owner or owners or their heirs may sue on the hond

1	(b) After a determination of just compensation by the fact finder,
2	full payment shall be made to the affected property owner or owners within
3	thirty (30) days of judgment or upon the expiration of the time frame allowed
4	by law for an appeal, whichever occurs last.
5	(c) This section shall not apply to electric, natural gas, water, or
6	telephone utilities.
7	
8	SECTION 2. Arkansas Code \S 14-168-301(3), concerning the definition of
9	"blighted area", is amended to read as follows:
10	(3)(A) "Blighted area" means an area in which the structures,
11	buildings, or improvements, by reason of dilapidation, deterioration, age or
12	obsolescence, inadequate provision for access, ventilation, light, air,
13	sanitation, or open spaces, high density of population, and overcrowding or
14	the existence of conditions which endanger life or property, are detrimental
15	to the public health, safety, morals, or welfare.
16	(B) "Blighted area" includes any area which, by reason of
17	the presence of a substantial number of substandard, slum, deteriorated or
18	deteriorating structures, predominance of defective or inadequate street
19	layout, faulty lot layout in relation to size, adequacy, accessibility, or
20	usefulness, unsanitary or unsafe conditions, deterioration of site or other
21	improvements, diversity of ownership, tax on special assessment delinquency
22	exceeding the fair value of the land, defective or unusual conditions of
23	title, or the existence of conditions which endanger life or property by fire
24	and other causes, or any combination of such factors, substantially impairs
25	or arrests the sound growth of a city, retards the provision of housing
26	accommodations, or constitutes an economic or social liability and is a
27	menace to the public health, safety, morals, or welfare in its present
28	condition and use, or any area which is predominantly open and which because
29	of lack of accessibility, obsolete platting, diversity of ownership,
30	deterioration of structures or of site improvements, or otherwise,
31	substantially impairs or arrests the sound growth of the community:
32	(C) "Blighted area" does not include property that is
33	primarily used for agricultural purposes;
34	
35	/s/ Whitaker

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