

Hall of the House of Representatives
90th General Assembly - Regular Session, 2015
Amendment Form

Subtitle of House Bill No. 1908

TO ESTABLISH A BILL OF RIGHTS FOR A PROPERTY OWNER.

Amendment No. 1 to House Bill No. 1908

Amend House Bill No. 1908 as originally introduced:

Delete Representative C. Douglas, Beck as cosponsors of the bill

AND

Add Representatives Beck, C. Douglas as cosponsors of the bill

AND

Page 1, delete lines 28 and 29, and substitute:

"(1) A property owner is entitled to receive just compensation when private property is taken for a public use;"

AND

Page 2, delete lines 1 through 3, and substitute:

"(5)(A) A property owner shall receive from the government or private entity an assessment of the just compensation the entity estimates for the property owner's private property before or contemporaneously with a good faith offer of just compensation.

(B) However, when a property owner cannot be located and must be served by warning order, a filing of the assessment with the complaint for condemnation shall be sufficient compliance with subdivision (b)(5)(A) of this section;"

AND

Page 2, delete lines 12 through 22, and substitute:

"(9) In a proceeding to condemn private property under the right of eminent domain, the circuit court shall impanel a jury of twelve (12) persons as in civil cases to determine the just compensation the government or private entity owes the property owner;

(10) Any party has the right to appeal a decision entered by the circuit court under subdivision (b)(9) of this section; and

(11) In any condemnation brought pursuant to the laws of this



state, a property owner shall be entitled to an award of the property owner's costs, expenses, and reasonable attorney's fees incurred in preparing and conducting the final hearing and adjudication, including without limitation the cost of appraisals and fees for experts, if the compensation ultimately awarded exceeds the condemning entity's initial assessment of the just compensation owed by twenty percent (20%) or more.

SECTION 2. Arkansas Code § 27-67-317(b), concerning compensation for taking private property, is amended to read as follows:

(b) If the compensation finally awarded exceeds the amount of money deposited by ~~ten percent (10%)~~ twenty percent (20%) or more, the court shall enter judgment against the State of Arkansas and in favor of the party entitled thereto for the amount of the deficiency and shall award the party entitled to judgment its costs, expenses, and reasonable attorney's fees incurred in preparing and conducting the final hearing and adjudication, including without limitation the cost of appraisals and fees for experts."

The Amendment was read _____
By: Representative Beck
DLP/CLW - 03-19-2015 10:25:41
DLP267

Chief Clerk