

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.

INTERIM STUDY PROPOSAL 2009-131

State of Arkansas

*As Engrossed: H3/26/09 H3/30/09*

87th General Assembly

**A Bill**

Regular Session, 2009

HOUSE BILL 2053

By: Representatives Dismang, Baird, Betts, J. Burris, Carroll, Carter, Clemmer, Hobbs, D. Hutchinson, Hyde, Reynolds, G. Smith, Williams

By: Senator H. Wilkins

Filed with: House Interim Committee on Judiciary  
pursuant to A.C.A. §10-3-217.

**For An Act To Be Entitled**

AN ACT TO AMEND EMINENT DOMAIN LAW CONCERNING THE  
COMPENSATION PAID BY A CONDEMNING ENTITY; AND FOR  
OTHER PURPOSES.

**Subtitle**

TO AMEND EMINENT DOMAIN LAW CONCERNING  
THE COMPENSATION PAID BY A CONDEMNING  
ENTITY.

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

*SECTION 1. Arkansas Code Title 18, Chapter 15, Subchapter 1 is amended to add an additional section to read as follows:*

*18-15-103. Compensation to property owner.*

*(a) Before filing an eminent domain action, the State of Arkansas or any of its agencies or departments shall negotiate in good faith with the property owner to purchase the property at fair market value.*

*(b)(1) If the compensation ordered by the court in the eminent domain action is ten percent (10%) or more than the amount offered by the state or agency or department, the state or agency or department shall be ordered by the court to pay all expenses incurred by the property owner in connection with the eminent domain action, including without limitation attorney's fees,*



1 litigation expenses, and costs.

2 (2) Subdivision (b)(1) of this section does not apply if the  
3 amount offered by the state or agency or department is based upon an  
4 appraisal rendered by an appraiser who is not an employee of the state or  
5 agency or department and who is an independent, third-party appraiser.

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10 /s/ Dismang  
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