

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 87th General Assembly
3 Regular Session, 2009
4

As Engrossed: H3/26/09

A Bill

HOUSE BILL 2053

5 By: Representative Dismang
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For An Act To Be Entitled

9 AN ACT TO AMEND EMINENT DOMAIN LAW CONCERNING THE
10 COMPENSATION PAID BY A CONDEMNING ENTITY; AND FOR
11 OTHER PURPOSES.
12

Subtitle

14 TO AMEND EMINENT DOMAIN LAW CONCERNING
15 THE COMPENSATION PAID BY A CONDEMNING
16 ENTITY.
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19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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21 *SECTION 1. Arkansas Code Title 18, Chapter 15, Subchapter 1 is amended*
22 *to add an additional section to read as follows:*

23 *18-15-103. Compensation to property owner.*

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

27 *(b) If the compensation ordered by the court in the eminent domain*
28 *action is ten percent (10%) or more than the amount offered by the state or*
29 *agency or department, the state or agency or department shall be ordered by*
30 *the court to pay all expenses incurred by the property owner in connection*
31 *with the eminent domain action, including without limitation attorney's fees,*
32 *litigation expenses, and costs.*
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34 /s/ Dismang
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