

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 H3/30/09

# A Bill

HOUSE BILL 2053

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

7 By: Senator H. Wilkins  
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## For An Act To Be Entitled

11 AN ACT TO AMEND EMINENT DOMAIN LAW CONCERNING THE  
12 COMPENSATION PAID BY A CONDEMNING ENTITY; AND FOR  
13 OTHER PURPOSES.  
14

### Subtitle

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

25 *18-15-103. Compensation to property owner.*

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

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

35 *(2) Subdivision (b)(1) of this section does not apply if the*  
36 *amount offered by the state or agency or department is based upon an*



1 appraisal rendered by an appraiser who is not an employee of the state or  
2 agency or department and who is an independent, third-party appraiser.

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/s/ Dismang