

1 State of Arkansas
2 90th General Assembly
3 Regular Session, 2015

A Bill

HOUSE BILL 1908

4
5 By: Representatives C. Douglas, Beck

For An Act To Be Entitled

8 AN ACT TO ESTABLISH A BILL OF RIGHTS FOR A PROPERTY
9 OWNER; AND FOR OTHER PURPOSES.

Subtitle

12 TO ESTABLISH A BILL OF RIGHTS FOR A
14 PROPERTY OWNER.

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

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

21 18-15-103. Bill of rights — Property owner.

22 (a) The principles expressed in subsection (b) of this section shall
23 serve as standards to be followed in any proceeding that involves an entity
24 authorized by law to exercise the power of eminent domain.

25 (b) An owner of property subject to a proceeding to condemn private
26 property under the right of eminent domain shall have the following bill of
27 rights:

28 (1) A property owner is entitled to receive market value
29 compensation if the subject private property is taken for a public use;

30 (2) Private property may only be taken for public use;

31 (3) Private property may only be taken by a governmental entity
32 or a private entity authorized by law to exercise the power of eminent
33 domain;

34 (4) A property owner has the right to receive reasonable
35 notification of an entity's interest in taking the property owner's private
36 property;



1 (5) A property owner has the right to receive an assessment of
2 the market value compensation the entity estimates for the property owner's
3 private property;

4 (6) An entity shall make a good faith offer to buy the property
5 owner's private property before initiating a condemnation proceeding;

6 (7) A property owner has the right to hire an appraiser or other
7 independent professional to determine the value of the private property or to
8 assist the property owner in a condemnation proceeding;

9 (8) A property owner has the right to hire an attorney to
10 represent the property owner in a condemnation proceeding and negotiate on
11 behalf of the property owner with the entity;

12 (9) A property owner is entitled to a hearing in the circuit
13 court of the county where the private property is located before the private
14 property is condemned;

15 (10) In a proceeding to condemn private property under the right
16 of eminent domain the circuit court of the county where the private property
17 is located shall determine the market value compensation the entity owes the
18 property owner for the property owner's private property, including any
19 amount the property owner is entitled to receive, if any, for any reduction
20 in value of the property owner's remaining private property; and

21 (11) A property owner has the right to appeal a decision entered
22 by the circuit court.

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