

1 State of Arkansas  
2 92nd General Assembly  
3 Regular Session, 2019  
4

# A Bill

SENATE BILL 279

5 By: Senator M. Pitsch  
6 By: Representative Warren  
7

## For An Act To Be Entitled

9 AN ACT TO AMEND THE LAW CONCERNING CONDEMNATION  
10 ACTIONS; TO AUTHORIZE THE CALCULATION OF ATTORNEY'S  
11 FEES ON AN HOURLY BASIS; AND FOR OTHER PURPOSES.  
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## Subtitle

15 TO AMEND THE LAW CONCERNING CONDEMNATION  
16 ACTIONS; AND TO AUTHORIZE THE CALCULATION  
17 OF ATTORNEY'S FEES ON AN HOURLY BASIS.  
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20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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22 SECTION 1. Arkansas Code § 18-15-103(b)(11), concerning a property  
23 owner's bill of rights in an eminent domain proceeding, is amended to read as  
24 follows:

25 (11)(A) Except as provided in subdivision (b)(11)(B) of this  
26 section, in a condemnation brought under the laws of this state, a property  
27 owner shall be entitled to an award of the property owner's costs, expenses,  
28 and reasonable attorney's fees, calculated on an hourly basis, incurred in  
29 preparing and conducting the final hearing and adjudication, including  
30 without limitation the cost of appraisals and fees for experts if the  
31 compensation ultimately awarded exceeds the condemning entity's written good  
32 faith offer required under subdivision (b)(6) of this section by twenty  
33 percent (20%) or more.

34 (B) An award of costs, expenses, and attorney's fees in a  
35 condemnation action brought by a county or municipality is governed by the  
36 laws that authorize the condemnation action.



SECTION 2. Arkansas Code § 27-67-317(b), concerning the compensation awarded in an acquisition or condemnation of property proceeding, is amended to read as follows:

(b) If the compensation finally awarded exceeds the amount of money deposited by 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, calculated on an hourly basis, incurred in preparing and conducting the final hearing and adjudication, including without limitation the cost of appraisals and fees for experts.