1	State of Arkansas	
2	92nd General Assembly A Bill	
3	Regular Session, 2019 SENATE BILL 3	19
4		
5	By: Senator B. Ballinger	
6	By: Representative Gonzales	
7		
8	For An Act To Be Entitled	
9	AN ACT TO AMEND THE LAW CONCERNING EMINENT DOMAIN; TO	
10	ADD NEW DEFINITIONS UNDER EMINENT DOMAIN; AND FOR	
11	OTHER PURPOSES.	
12		
13	C-11441a	
14	Subtitle	
15	TO AMEND THE LAW CONCERNING EMINENT	
16	DOMAIN; AND TO ADD NEW DEFINITIONS UNDER	
17 18	EMINENT DOMAIN.	
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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 Title 18, Chapter 15, Subchapter 1, is	
23	amended to add an additional section to read as follows:	
24	18-15-104. Definitions.	
25	As used in this chapter:	
26	(1) "Abandoned property" means property that:	
27	(A) Has not been occupied or used for a commercial or	
28	residential purpose for at least one (1) year by a person with a legal or	
29	equitable right to occupy or use the property;	
30	(B) Is not maintained; and	
31	(C) Has accrued at least two (2) years of delinquent	
32	property taxes;	
33	(2) "Blighted property" means a building, in its current	
34	condition, which has been designated and cited as unfit for human use or	
35	habitation by the agency responsible for enforcement of housing, building, o	<u>)r</u>
36	fire codes because the:	

1	(A) Building is dilapidated, unsanitary, or unsafe;
2	(B) Building is a fire hazard; or
3	(C) Electricity, heating, or plumbing has been destroyed
4	or removed;
5	(3) "Local government" means the elected governing body of a
6	<pre>city, county, or township;</pre>
7	(4)(A) "Public use" means the taking of private property by an
8	entity authorized under this chapter using the power of eminent domain for
9	the purpose of:
10	(i) Possessing, occupying, and owning property for
11	the enjoyment of the general public or public agency;
12	(ii) Possessing, occupying, and owning property for
13	the necessary operations of a utility or common carrier that the general
14	public has a right to use;
15	(iii) Remediating a blighted property; or
16	(iv) Possessing an abandoned property.
17	(B) "Public use" does not include the taking of private
18	property for the economic benefit of the general public, including without
19	limitation for the purpose of an increase in the tax base, tax revenues, or
20	<pre>employment.</pre>
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22	SECTION 2. Arkansas Code Title 18, Chapter 15, Subchapter 2, is
23	amended to add an additional section to read as follows:
24	18-15-203. Hearing requirements for blighted or abandoned property.
25	(a) As used in this section, "local government agency" means a
26	subdivision, agency, authority, or other entity created by or whose members
27	are appointed by a local government, including without limitation:
28	(1) A port authority;
29	(2) An economic development authority;
30	(3) A housing and redevelopment authority; or
31	(4) A similar entity established by law.
32	(b)(1) If the taking of private property is for the remediation of a
33	blighted property or the possession of an abandoned property, a public
34	hearing shall be held before a local government or local government agency
35	commences an eminent domain proceeding.
36	(2) The local government or local government agency shall:

1	(A) Notity each owner of the blighted property or
2	abandoned property of the public hearing on the proposed taking of the
3	blighted property or abandoned property by certified or regular mail;
4	(B) Post notice of the public hearing on the local
5	government's website; and
6	(C) Publish notice of the public hearing in a newspaper of
7	general circulation in the local government's jurisdiction.
8	(3) The notice shall be provided at least thirty (30) days but
9	not more than sixty (60) days before the public hearing required under
10	subdivision (b)(1) of this section is held.
11	(4) A person having an interest in the blighted property or
12	abandoned property shall be allowed reasonable time to present relevant
13	testimony, and the proceedings of the public hearing shall be recorded and
14	made available to the public for review and comment at a reasonable time and
15	at a reasonable place.
16	(c) At the next regular meeting of the local government held at least
17	thirty (30) days after the public hearing, the local government shall vote on
18	whether to authorize the local government or local government agency to use
19	eminent domain to acquire the blighted property or abandoned property.
20	(d)(1) For the purposes of establishing the basis for the use of
21	eminent domain for the remediation of a blighted property or for the
22	possession of an abandoned property, a local government may request an
23	administrative warrant from a judge or magistrate to gain access to inspect a
24	building on the property.
25	(2) The judge or magistrate may allow the local government to
26	present evidence that shows that there is probable cause that a violation
27	occurred, notice of the violation has been served on the owner of the
28	property, the owner has failed to cure the violation, and the owner has
29	denied the local government access to the building.
30	(3) The local government may use items of evidence to the
31	following items of evidence to support a conclusion of probable cause,
32	including without limitation evidence of:
33	(A) A recent fire or police inspection;
34	(B) Deterioration of the building's exterior; or
35	(C) Other violations of the municipal code in the
36	building.

1	(e) The owner of private property may bring a cause of action in
2	circuit court to determine whether his or her private property is lawfully
3	being taken for a public or private use as provided under this section.
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5	SECTION 3. Arkansas Code § 18-15-1202(b), concerning railroad
6	condemnation proceedings, is amended to read as follows:
7	(b)(1) In case the property sought to be condemned for public use is
8	owned by $\frac{any}{an}$ individual or corporation and is located in more than one (1)
9	county, the petition may be filed in $\frac{1}{2}$ circuit court having jurisdiction
10	in any county in which the whole or a part of the property $\frac{may}{may}$ be $\frac{is}{may}$ located
11	(2) Proceedings had in the circuit court $\frac{\text{will}}{\text{shall}}$ apply to all
12	property designated in the petition.
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