

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

A Bill

SENATE BILL 319

5 By: Senator B. Ballinger
6 By: Representative Gonzales
7

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
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Subtitle

15 TO AMEND THE LAW CONCERNING EMINENT
16 DOMAIN; AND TO ADD NEW DEFINITIONS UNDER
17 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, or
36 fire codes because the:



1 (A) Notify 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 ~~any~~ an individual or corporation and is located in more than one (1)
9 county, the petition may be filed in ~~any~~ a circuit court having jurisdiction
10 in any county in which the whole or a part of the property ~~may be~~ is located.

11 (2) Proceedings had in the circuit court ~~will~~ shall apply to all
12 property designated in the petition.

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