

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

A Bill

SENATE BILL 280

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

For An Act To Be Entitled

9 AN ACT TO AMEND THE LAW CONCERNING COMPENSATION
10 AWARDED IN A CONDEMNATION ACTION; AND FOR OTHER
11 PURPOSES.
12
13

Subtitle

15 TO AMEND THE LAW CONCERNING COMPENSATION
16 AWARDED IN A CONDEMNATION ACTION.
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19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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21 SECTION 1. Arkansas Code § 18-15-103(b)(6), concerning a property
22 owner's bill of rights in a condemnation action, is amended to read as
23 follows:

24 (6) An entity shall make a final written good faith offer to buy
25 the property owner's private property before initiating a condemnation
26 proceeding;
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28 SECTION 2. Arkansas Code § 18-15-103(b)(11), concerning a property
29 owner's bill of rights in a condemnation action, is amended to read as
30 follows:

31 (11)(A) Except as provided in subdivision (b)(11)(B) of this
32 section, in a condemnation brought under the laws of this state, a property
33 owner shall be entitled to an award of the property owner's costs, expenses,
34 and reasonable attorney's fees incurred in preparing and conducting the final
35 hearing and adjudication, including without limitation the cost of appraisals
36 and fees for experts if the compensation ultimately awarded exceeds the



1 condemning entity's final written good faith offer required under subdivision
2 (b)(6) of this section by ~~twenty~~ twenty-five percent ~~(20%)~~ (25%) or more.

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

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7 SECTION 3. Arkansas Code § 27-67-317(b), concerning the award of
8 compensation in a condemnation action is amended to read as follows:

9 (b) If the compensation finally awarded exceeds the amount offered in
10 the amount of money deposited final written good faith offer required under §
11 18-15-103(b)(6) by ~~twenty~~ twenty-five percent ~~(20%)~~ (25%) or more, the court
12 shall enter judgment against the State of Arkansas and in favor of the party
13 entitled ~~thereto for~~ to the amount of the deficiency and shall award the
14 party entitled to judgment ~~its~~ the party's costs, expenses, and reasonable
15 attorney's fees incurred in preparing and conducting the final hearing and
16 adjudication, including without limitation the cost of appraisals and fees
17 for experts.

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