

State of Arkansas
89th General Assembly
Regular Session, 2013

As Engrossed: H2/19/13 H3/8/13
A Bill

HOUSE BILL 1282

By: Representatives J. Edwards, Steel, Wright

By: Senator J. Hutchinson

For An Act To Be Entitled

AN ACT TO MODIFY CERTAIN EMINENT DOMAIN LAWS THAT
ARISE OUT OF PROPERTY RIGHTS SECURED UNDER ARTICLE 2,
§ 22 OF THE ARKANSAS CONSTITUTION; AND FOR OTHER
PURPOSES.

Subtitle

TO MODIFY CERTAIN EMINENT DOMAIN LAWS
THAT ARISE OUT OF PROPERTY RIGHTS SECURED
UNDER ARTICLE 2, § 22 OF THE ARKANSAS
CONSTITUTION.

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

SECTION 1. DO NOT CODIFY. Legislative intent.

(a) It is the intent of the General Assembly to protect the property rights of the people of the State of Arkansas in eminent domain proceedings initiated by the State Highway Commission because, as stated in Article 2, § 22 of the Arkansas Constitution, the right of property in Arkansas is before and higher than any constitutional sanction and should not be taken without just compensation.

(b) The General Assembly believes when the Arkansas State Highway and Transportation Department fails to offer the fair market value for condemned property that costs, expenses, and reasonable attorney's fees should be awarded to the land owner to justly compensate the people of the State of Arkansas.



SECTION 2. Arkansas Code § 27-67-317 is amended to read as follows:
27-67-317. Payment of award.

(a) Upon the application of any party in interest and upon due notice to all parties, the court may order that the money deposited in the court, or any part thereof, be paid immediately to the person or persons entitled thereto.

(b) If the compensation finally awarded ~~shall exceed~~ exceeds the amount of money ~~so~~ deposited by ten percent (10%) or more, the court shall enter judgment against the State of Arkansas and in favor of the ~~parties~~ party entitled thereto for the amount of the deficiency and shall award the party entitled to judgment their costs, expenses, and reasonable attorney's fees incurred in preparing and conducting the final hearing and adjudication, including without limitation the cost of appraisals and fees for experts.

(c) If the compensation finally awarded ~~shall be~~ is less than the amount of money ~~so~~ deposited and paid to the persons entitled thereto, the court shall enter judgment in favor of the State of Arkansas and against the proper parties for the amount of the excess.

/s/J. Edwards

APPROVED: 03/26/2013