

1 State of Arkansas  
2 89th General Assembly  
3 Regular Session, 2013  
4

*As Engrossed: S4/3/13*

# A Bill

SENATE BILL 787

5 By: Senators Elliott, L. Chesterfield  
6 By: Representatives Sabin, Love  
7

## For An Act To Be Entitled

9 AN ACT TO AMEND THE LAW CONCERNING EMINENT DOMAIN; TO  
10 DECLARE AN EMERGENCY; AND FOR OTHER PURPOSES.  
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### Subtitle

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14 TO AMEND THE LAW CONCERNING EMINENT  
15 DOMAIN; AND TO DECLARE AN EMERGENCY.  
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18 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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20 SECTION 1. Arkansas Code Title 18, Chapter 15, Subchapter 1, is  
21 amended to add an additional section to read as follows:

22 18-15-103. Federal compliance.

23 (a) Eminent domain proceedings in this state shall comply with the  
24 Uniform Relocation Assistance and Real Property Acquisition Policies Act of  
25 1970, 42 U.S.C. § 4601 et seq., as in effect on January 1, 2013.

26 (b) This section does not apply to real property acquired by eminent  
27 domain by:

28 (1) The State Highway Commission or the Arkansas State Highway  
29 and Transportation Department under § 27-67-301 et seq.;

30 (2) A county or municipality for the purpose of constructing,  
31 repairing, maintaining, or improving a roadway, street, road, or right-of-way  
32 within the county or municipality;

33 (3) A privately owned utility;

34 (4) An electric cooperative;

35 (5) A publicly owned utility;

36 (6) A utility owned by an improvement district;



1 (7) A railroad; or

2 (8) A video service provider.

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4 SECTION 2. EMERGENCY CLAUSE. It is found and determined by the  
5 General Assembly of the State of Arkansas that property of our citizens is  
6 often condemned by political subdivisions of the state; that citizens often  
7 do not have the means by which to obtain legal representation; and that this  
8 act is immediately necessary because it will create a mechanism by which our  
9 citizens would have more protection for their property rights guaranteed by  
10 the Arkansas Constitution. Therefore, an emergency is declared to exist, and  
11 this act being immediately necessary for the preservation of the public  
12 peace, health, and safety shall become effective on:

13 (1) The date of its approval by the Governor;

14 (2) If the bill is neither approved nor vetoed by the Governor,  
15 the expiration of the period of time during which the Governor may veto the  
16 bill; or

17 (3) If the bill is vetoed by the Governor and the veto is  
18 overridden, the date the last house overrides the veto.

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20 /s/Elliott  
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