

1 State of Arkansas
2 93rd General Assembly
3 Regular Session, 2021
4

A Bill

SENATE BILL 706

5 By: Senator B. Ballinger
6

For An Act To Be Entitled

8 AN ACT TO AMEND 18-15-104(4) AND 18-15-1802(C)(2) AS
9 AMENDED BY SB334 OF 2021; TO AMEND THE LAW CONCERNING
10 THE USE OF EMINENT DOMAIN BY A STATE AGENCY; AND FOR
11 OTHER PURPOSES.
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Subtitle

14 TO AMEND 18-15-104(4) AND 18-15-
15 1802(C)(2) AS AMENDED BY SB334 OF 2021;
16 AND TO AMEND THE LAW CONCERNING THE USE
17 OF EMINENT DOMAIN BY A STATE AGENCY.
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21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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23 SECTION 1. Arkansas Code § 18-15-104(4), as amended by SB334,
24 concerning the definition of "state agency", is amended to read as follows:

25 (4)(A) "State agency" means an office, board, commission,
26 department, council, bureau, or other agency of state government.

27 (B) "State agency" does not include the:

28 (i) Arkansas Department of Transportation; or

29 (ii) State Highway Commission.
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31 SECTION 2. Arkansas Code § 18-15-1802(c)(2), as enacted by SB334,
32 concerning a cause of action to determine the lawful taking of property, is
33 repealed.

34 ~~(2) The Arkansas Department of Transportation is exempt from the~~
35 ~~burden of proving whether the taking is necessary to achieve a public use as~~
36 ~~required under subdivision (c)(1) of this section.~~ APPROVED: 4/29/21

