

1 State of Arkansas  
2 88th General Assembly  
3 Regular Session, 2011

# A Bill

SENATE BILL 891

4  
5 By: Senator Holland

## For An Act To Be Entitled

8 AN ACT TO REQUIRE AN ENTITY AUTHORIZED TO EXERCISE  
9 EMINENT DOMAIN TO CONSIDER THE USE OF PUBLIC PROPERTY  
10 BEFORE TAKING PRIVATE PROPERTY; AND FOR OTHER  
11 PURPOSES.

## Subtitle

15 TO REQUIRE AN ENTITY AUTHORIZED TO  
16 EXERCISE EMINENT DOMAIN TO CONSIDER THE  
17 USE OF PUBLIC PROPERTY BEFORE TAKING  
18 PRIVATE PROPERTY.

19  
20  
21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

22  
23 SECTION 1. Arkansas Code Title 18, Chapter 15, Subchapter 1 is amended  
24 to add an additional section to read as follows:

25 18-15-103. Consideration of use of public property before exercising  
26 power of eminent domain.

27 Before an entity authorized by Arkansas law to exercise the power of  
28 eminent domain exercises that power to take private property, the entity  
29 shall consider whether public property is available to accomplish the  
30 purposes for which the entity seeks to take private property by eminent  
31 domain.

