

Stricken language would be deleted from and underlined language would be added to present law.

1 State of Arkansas  
2 88th General Assembly  
3 Regular Session, 2011  
4

*As Engrossed: S3/22/11*

# A Bill

SENATE BILL 970

5 By: Senators Rapert, J. Hutchinson, J. Key, M. Lamoureux, *D. Wyatt, S. Flowers, J. Dismang, Files,*  
6 *Irvin, Burnett*

7 By: Representatives Bell, Woods, *J. Burris, Carter, English, Garner, Nickels, Sanders, Biviano, S. Meeks*  
8

## For An Act To Be Entitled

10 AN ACT TO AMEND THE LAWS CONCERNING EMINENT DOMAIN;  
11 AND FOR OTHER PURPOSES.  
12  
13

### Subtitle

15 TO AMEND THE LAWS CONCERNING EMINENT  
16 DOMAIN.  
17  
18

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

21 SECTION 1. Arkansas Code Title 18, Chapter 15, Subchapter 1 is amended  
22 to add a new section to read as follows:

23 18-15-103. Limitations.

24 (a) Private real property shall only be acquired by eminent domain if  
25 necessary for the possession, occupation, and enjoyment of the real property  
26 by the public at large or by public agencies.

27 (b) Except for public utilities defined in § 23-1-101 or a common  
28 carrier, private real property shall not be acquired by eminent domain for a  
29 private commercial enterprise, economic development in the private sector, or  
30 any other private use.

31 (c) Real property shall not be taken from one (1) owner and  
32 transferred to another owner with or without compensation on the grounds that  
33 the public will benefit from a more profitable use of the real property.

34 (d)(1) If an attempt is made to acquire real property through eminent  
35 domain for a public purpose, the determination of public purpose shall be  
36 decided at the judicial level.



