

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 S3/23/11

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
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For An Act To Be Entitled

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

15 TO AMEND THE LAWS CONCERNING EMINENT
16 DOMAIN.
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19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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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 public agencies or for a public purpose.

27 (b) Private property shall not be acquired by eminent domain for a
28 private commercial enterprise, economic development in the private sector, or
29 any other private use except for:

30 (1) Privately owned utilities;

31 (2) Electric cooperatives;

32 (3) Publicly owned utilities;

33 (4) Utilities owned by improvement districts;

34 (5) Pipeline companies; or

35 (6) Other common carriers.

36 (c) Real property shall not be taken from one (1) owner and



1 transferred to another owner with or without compensation on the grounds that
2 the public will benefit from a more profitable use of the real property.

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

6 (2) The courts shall not look at legislative intent in making a
7 determination of public purpose.

8 (e) This section is supplemental to all other laws placing
9 restrictions on the acquisition of real property through the use of eminent
10 domain.

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12 */s/Rapert*
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