Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

1	State of Arkansas	As Engrossed: H3/1/07		
2	86th General Assembly	A Bill		
3	Regular Session, 2007		HOUSE BILL 1617	
4				
5	By: Representative Woods			
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7				
8	For An Act To Be Entitled			
9	AN ACT TO LIMIT THE USE OF EMINENT DOMAIN BY			
10	DEFINING "PUBLIC USE"; TO ABOLISH A LOCAL			
11	GOVERNMENT'S RIGHT OF EMINENT DOMAIN TO CONDEMN			
12	PRIVATE PROPERTY FOR COMMUNITY REDEVELOPMENT; AND			
13	FOR OT	HER PURPOSES.		
14				
15		Subtitle		
16	ТО	LIMIT THE USE OF EMINENT DOMAIN BY		
17	DEF	INING "PUBLIC USE" AND TO ABOLISH A		
18	LOC	AL GOVERNMENT'S RIGHT OF EMINENT		
19	DOM	AIN TO CONDEMN PRIVATE PROPERTY FOR		
20	COM	MUNITY REDEVELOPMENT.		
21				
22				
23	BE IT ENACTED BY THE	GENERAL ASSEMBLY OF THE STATE OF ARKAN	NSAS:	
24				
25	SECTION 1. Arl	kansas Code § 14-168-304 is amended to	read as follows:	
26	In addition to	any other powers conferred by law, a	local government	
27	may exercise any powe	ers necessary and convenient to carry o	out the purpose of	
28	this subchapter, inc	luding the power to:		
29	(1) Crea	ate redevelopment districts and to def	ine the boundaries	
30	of redevelopment dist	tricts;		
31	(2) Caus	se project plans to be prepared, to app	prove the project	
32	plans, and to impleme	ent the provisions and effectuate the p	purposes of the	
33	project plans;			
34	(3) Issu	ue redevelopment bonds, notes, or other	r evidences of	
35	indebtedness, in one	or more series, and to pledge tax inc	rements and other	
36	redevelopment revenue	es for repayment of them;		



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1	(4) Deposit moneys into the special fund for any redevelopment	
2	project district;	
3	(5) Enter into any contracts or agreements, including agreements	
4	with bondholders, determined by the local governing body to be necessary or	
5	convenient to implement the provisions and effectuate the purposes of project	
6	plans;	
7	(6) Receive from the federal government or the state loans and	
8	grants for or in aid of a redevelopment project and to receive contributions	
9	from any other source to defray project costs;	
10	(7)(A) Exercise the right of eminent domain to condemn property	
11	for the purposes of implementing the project plan.	
12	(B) The rules and procedures set forth in §§ 18-15-301 -	
13	18-15-307 shall govern all condemnation proceedings authorized in this	
14	subchapter;	
15		
16	SECTION 2. Arkansas Code Title 18, Chapter 15, Subchapter 1 is amended	
17	to add an additional section to read as follows:	
18	118-15-103. Eminent domain limited to public use.	
19	(a) As used in this section:	
20	(1)(A) "Public use" means to exercise eminent domain for the	
21	acquisition of property for:	
22	(i) The possession, occupation, and enjoyment of	
23	real property by the general public or by a public agency; or	
24	(ii) The creation or functioning of a public utility	
25	or common carrier.	
26	(B) "Public use" does not include:	
27	(i) The use of eminent domain for the sole purpose of	
28	private ownership or control, including without limitation, economic	
29 20	development, an increase in tax base, tax revenue, employment, or general	
30 21	economic health; or	
31 32	(ii) The creation of a redevelopment district under §	
33	<u>14-168-301 et seq.</u> (2) "Public purpose" means to exercise eminent domain for the	
34	acquisition of property for the protection of public health or safety if a	
35	court finds that eminent domain is the only remedy that will eliminate a	
36	current condition of a property that:	

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1	(A) Presents a direct threat to public health or safety;
2	(B) Presents a public nuisance; or
3	(C) Contains a structure on the property is beyond repair
4	or unfit for human habitation.
5	(3) "Private ownership or control" includes the use of
6	long-term leases, options to purchase, and other mechanisms intended
7	to defeat the purpose of this section to limit the acquisition of
8	property by eminent domain if it is for the benefit and use of private
9	<u>entities.</u>
10	(b)(1) The state, a political subdivision of the state, or any other
11	condemning entity shall not use eminent domain unless it is reasonably
12	necessary for the public use.
13	(c) This section is a limitation on the exercise of the power of
14	eminent domain, and is not an independent grant of authority to exercise the
15	power of eminent domain.
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17	/s/ Woods
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