

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

# A Bill

SENATE BILL 970

4  
5 By: Senators Rapert, J. Hutchinson, J. Key, M. Lamoureux  
6 By: Representatives Bell, Woods

## For An Act To Be Entitled

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

### Subtitle

14 TO AMEND THE LAWS CONCERNING EMINENT  
15 DOMAIN.

18 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

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

22 18-15-103. Limitations.

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

26 (b) Except for privately owned public utilities, electric  
27 cooperatives, or common carriers, private real property shall not be acquired  
28 by eminent domain for private commercial enterprises, economic development in  
29 the private sector, or for any other private use.

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

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

36 (2) The courts shall not look at legislative intent in making a



1 determination of public purpose.

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

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