

State of Arkansas  
89th General Assembly  
Regular Session, 2013

# A Bill

HOUSE BILL 1042

By: Representative Bell  
By: Senator Rapert

## For An Act To Be Entitled

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

## Subtitle

TO AMEND THE LAWS CONCERNING EMINENT  
DOMAIN.

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

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

18-15-103. Limitations.

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

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

(1) Privately owned utilities;

(2) Electric cooperatives;

(3) Publicly owned utilities;

(4) Utilities owned by improvement districts;

(5) Pipeline companies; and

(6) Other common carriers.

(c) Real property shall not be taken from an owner and transferred to  
another owner with or without compensation on the grounds that the public



1 will benefit from a more profitable use of the real property.

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

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

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