

1 State of Arkansas  
2 89th General Assembly  
3 Regular Session, 2013  
4

*As Engrossed: H3/25/13*

# A Bill

HOUSE BILL 1042

5 By: Representative Bell  
6 By: Senator Rapert  
7

## For An Act To Be Entitled

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

## Subtitle

14 TO AMEND THE LAWS CONCERNING EMINENT  
15 DOMAIN.  
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18 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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20 SECTION 1. Arkansas Code Title 18, Chapter 15, Subchapter 1, is  
21 amended to add a new section to read as follows:

22 18-15-103. Limitations.

23 (a) Private real property shall be acquired by eminent domain only if  
24 necessary for a public use by a public agency.

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

28 (1) Privately owned utilities;

29 (2) Electric cooperatives;

30 (3) Publicly owned utilities;

31 (4) Utilities owned by improvement districts;

32 (5) Pipeline companies;

33 (6) Railroads; and

34 (7) Other common carriers.

35 (c) Real property shall not be taken from an owner and transferred to  
36 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 (b) If an attempt is made to acquire real property through eminent  
3 domain for a public use, the property owner may request a judicial  
4 determination of whether the acquisition is for a public use.

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

8 (f) This section does not apply to real property acquired by:

9 (1) The State Highway Commission or the Arkansas State Highway  
10 and Transportation Department by eminent domain under § 27-67-301 et seq.; or

11 (2) A county or municipality exclusively for the purpose of  
12 constructing, repairing, maintaining, or improving a roadway, street, road,  
13 or right-of-way within the county or municipality.

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15 /s/Bell  
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