

1 State of Arkansas  
2 93rd General Assembly  
3 Regular Session, 2021  
4

# A Bill

SENATE BILL 706

5 By: Senator B. Ballinger  
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## For An Act To Be Entitled

8 AN ACT TO AMEND 18-15-104(4) AND 18-15-1802(C)(2) AS  
9 AMENDED BY SB334 OF 2021; TO AMEND THE LAW CONCERNING  
10 THE USE OF EMINENT DOMAIN BY A STATE AGENCY; AND FOR  
11 OTHER PURPOSES.  
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## Subtitle

14 TO AMEND 18-15-104(4) AND 18-15-  
15 1802(C)(2) AS AMENDED BY SB334 OF 2021;  
16 AND TO AMEND THE LAW CONCERNING THE USE  
17 OF EMINENT DOMAIN BY A STATE AGENCY.  
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21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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23 SECTION 1. Arkansas Code § 18-15-104(4), as amended by SB334,  
24 concerning the definition of "state agency", is amended to read as follows:

25 (4)(A) "State agency" means an office, board, commission,  
26 department, council, bureau, or other agency of state government.

27 (B) "State agency" does not include the:

28 (i) Arkansas Department of Transportation; or

29 (ii) State Highway Commission.  
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31 SECTION 2. Arkansas Code § 18-15-1802(c)(2), as enacted by SB334,  
32 concerning a cause of action to determine the lawful taking of property, is  
33 repealed.

34 ~~(2) The Arkansas Department of Transportation is exempt from the~~  
35 ~~burden of proving whether the taking is necessary to achieve a public use as~~  
36 ~~required under subdivision (c)(1) of this section.~~

