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

<h1 style="text-align:center">A Bill</h1>

SENATE BILL 854

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5 By: Senator Rapert

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For An Act To Be Entitled

8   AN ACT TO AMEND THE LAWS CONCERNING EMINENT DOMAIN;

9   AND FOR OTHER PURPOSES.

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Subtitle

13   TO AMEND THE LAWS CONCERNING EMINENT

14   DOMAIN.

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

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19   SECTION 1. Arkansas Code Title 18, Chapter 15, Subchapter 1 is amended

20 to add a new section to read as follows:

21   18-15-103. Limitations.

22   (a) Private real property shall only be acquired by eminent domain if

23 necessary for the possession, occupation, and enjoyment of the real property

24 by the public at large or by public agencies.

25   (b) Except for privately owned public utilities, electric

26 cooperatives, or common carriers, private real property shall not be acquired

27 by eminent domain for private commercial enterprises, economic development in

28 the private sector, or for any other private use.

29   (c) Real property shall not be taken from one (1) owner and

30 transferred to another owner with or without compensation on the grounds that

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

32   (d)(1) If an attempt is made to acquire real property through eminent

33 domain for a public purpose, the determination of public purpose shall be

34 decided at the judicial level.

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

36 determination of public purpose.

1   (e)   This section is supplemental to all other laws placing

2 restrictions on the acquisition of real property through the use of eminent

3 domain.

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