

State of Arkansas
93rd General Assembly
Regular Session, 2021

A Bill

SENATE BILL 706

By: Senator B. Ballinger

For An Act To Be Entitled

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

Subtitle

TO AMEND 18-15-104(4) AND 18-15-1802(C)(2) AS AMENDED BY SB334 OF 2021; AND TO AMEND THE LAW CONCERNING THE USE OF EMINENT DOMAIN BY A STATE AGENCY.

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

SECTION 1. Arkansas Code § 18-15-104(4), as amended by SB334, concerning the definition of "state agency", is amended to read as follows:

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

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

(i) Arkansas Department of Transportation; or

(ii) State Highway Commission.

SECTION 2. Arkansas Code § 18-15-1802(c)(2), as enacted by SB334, concerning a cause of action to determine the lawful taking of property, is repealed.

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

APPROVED: 4/29/21

