

**ARKANSAS SENATE**  
92nd General Assembly - Regular Session, 2019  
**Amendment Form**

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**Subtitle of Senate Bill No. 319**

TO AMEND THE LAW CONCERNING EMINENT DOMAIN; AND TO ADD NEW DEFINITIONS UNDER  
EMINENT DOMAIN.

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**Amendment No. 3 to Senate Bill 319**

Amend Senate Bill No. 319 as engrossed, S3/20/19 (version: 03/20/2019 9:59:54 AM)

Page 1, delete line 22, and substitute the following:

"SECTION 1. DO NOT CODIFY. Legislative intent.

(a) The General Assembly finds that:

(1) Public use is a legal requirement under the taking clause of the fifth amendment to the United States Constitution that stipulates owners of real property seized for public use be paid just compensation;

(2) Over two hundred (200) years of case law exists in the State of Arkansas establishing the legal definition of "public use" in the State of Arkansas;

(3) It is necessary to codify current case law defining "public use" in the State of Arkansas so that the system of eminent domain is preserved; and

(4) It is in the best interests of the people of the State of Arkansas for property owners to be protected from being subject to a taking by the federal, state, or local government, unless that property is taken by the government for public use and just compensation is received.

(b) It is the intent of the General Assembly by this act to amend § 18-15-101 et seq. so that the language of § 18-15-101 et seq. reflects current case law, decisions, and precedent and to preserve the status quo of the eminent domain process in the state.

SECTION 2. Arkansas Code Title 18, Chapter 15, Subchapter 1, is"



AND

Page 2, line 25, delete "SECTION 2." and substitute "SECTION 3."

AND

Page 3, delete line 13, and substitute the following:

"(1) For a public use;"

AND

Page 3, line 21, delete "SECTION 3." and substitute "SECTION 4."

The Amendment was read the first time, rules suspended and read the second time and \_\_\_\_\_

By: Senator B. Ballinger

DTP/DTP - 03-26-2019 10:05:42

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Secretary