

1 State of Arkansas
2 91st General Assembly
3 Regular Session, 2017
4

A Bill

SENATE BILL 648

5 By: Senator T. Garner
6

For An Act To Be Entitled

8 AN ACT CONCERNING THE VENUE OF CERTAIN LAWSUITS; TO
9 PROMOTE JUDICIAL EFFICIENCY IN ACTIONS WHERE THE
10 STATE IS AN INTERESTED PARTY; TO DECLARE AN
11 EMERGENCY; AND FOR OTHER PURPOSES.
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Subtitle

14 CONCERNING THE VENUE OF CERTAIN LAWSUITS;
15 TO PROMOTE JUDICIAL EFFICIENCY IN ACTIONS
16 WHERE THE STATE IS AN INTERESTED PARTY;
17 AND TO DECLARE AN EMERGENCY.
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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 § 16-60-104 is amended to read as follows:
24 16-60-104. Actions that shall be brought in Pulaski County.

25 The following civil actions shall be brought in Pulaski County:

26 (1)(A) A civil action ~~is~~ on behalf of the state, or which may be
27 brought in the name of the state, or in which the state has or claims an
28 interest, except as provided in § 16-106-101~~+~~.

29 (B) However, if a civil action could otherwise be brought
30 in another county or counties under the venue laws of this state, including
31 without limitation this subchapter, then the civil action may be brought
32 either in Pulaski County or the other county or counties;

33 (2)(A) A civil action brought by a state board, state
34 commissioner, or state officer in his or her official capacity, or on behalf
35 of the state, except as provided in § 16-106-101~~+~~.

36 (B) However, if a civil action could otherwise be brought



1 in another county or counties under the venue laws of this state, including
2 without limitation this subchapter, then the civil action may be brought
3 either in Pulaski County or the other county or counties;

4 (3)(A) A civil action against the state or a civil action
5 against a state board, state commissioner, or state officer because of his or
6 her or the board's official acts.

7 (B) However, if a civil action could otherwise be brought
8 in another county or counties under the venue laws of this state, including
9 without limitation this subchapter, then the civil action may be brought
10 either in Pulaski County or the other county or counties;

11 (4) A civil action brought against an organization that
12 regulates extracurricular interscholastic activities in grades seven through
13 twelve (7-12) in both public and private schools if the organization's main
14 administrative office is located in Pulaski County; and

15 (5) Other civil actions required by law to be brought in Pulaski
16 County.

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18 SECTION 2. Arkansas Code § 16-60-201 is amended to read as follows:
19 16-60-201. Motion – Notice.

20 (a)(1) Any party to a civil action to be tried by a jury may obtain an
21 order for a change of venue therein by motion upon a petition stating that he
22 or she verily believes that he or she cannot obtain a fair and impartial
23 trial in the action in the county in which the action is pending, on account
24 of the undue influence of his or her adversary, or of the undue prejudice
25 against the petitioner or his or her cause of action or defense, in the
26 county.

27 (2) The petition shall be signed by the party and verified as
28 pleadings are required to be verified and shall be supported by the
29 affidavits of at least two (2) credible persons to the effect that the
30 affiants believe the statements of the petition are true.

31 (3) When a corporation files the petition, the petition shall be
32 supported by the affidavits of two (2) credible persons, neither of whom is
33 directly or indirectly connected with the corporation in any capacity
34 whatever, and neither of whom has been promised, nor shall receive, within
35 twelve (12) months next preceding the signing of the petition, any benefit or
36 favor from the corporation different from those received by every other

1 citizen of the state or which every citizen is entitled to receive as a
2 matter of right.

3 (b) The motion shall be made before, and the order granted by, the
4 judge of the circuit court of the county in which the action is pending in
5 open court or in vacation. If the motion is made at any time or place except
6 in open court, at the calling of the case, it shall be upon reasonable notice
7 in writing to the adverse party or his or her attorney.

8 (c) The party may make his or her petition and the affidavit
9 supporting the petition apply to one (1) county in addition to the one in
10 which the action is pending.

11 (d) A change of venue shall not be granted in an action under § 16-60-
12 104(1) or § 16-60-104(2).

13 (e)(1) A defendant in a civil action under § 16-60-104(3) may obtain
14 an order for a change of venue by motion requesting a transfer to one of the
15 following counties:

16 (A) Pulaski County;

17 (B) Any county in which one of the plaintiffs, or in the
18 case of a certified class action, any member of the class, resides, conducts
19 business, or maintains a principal place of business; or

20 (C) If no plaintiff is a resident of Arkansas, any county
21 in the state of Arkansas.

22 (2) The venue of the civil action shall be changed upon a
23 showing that the proposed transferee county is a proper venue as set forth in
24 this subsection.

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26 SECTION 3. Arkansas Code § 16-60-202 is amended to read as follows:

27 16-60-202. No change made unless found necessary.

28 The Except as provided under § 16-60-201(e), the venue of civil actions
29 shall not be changed unless the court or judge to whom the application for
30 change of venue is made finds that the change of venue is necessary to obtain
31 a fair and impartial trial of the cause.

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33 SECTION 4. EMERGENCY CLAUSE. It is found and determined by the
34 General Assembly of the State of Arkansas that the people of the State of
35 Arkansas will benefit from immediate access to the most efficient venues for
36 prosecution of litigation in which the state is a party. Therefore, an

1 emergency is declared to exist, and this act being immediately necessary for
2 the preservation of the public peace, health, and safety shall become
3 effective on:

4 (1) The date of its approval by the Governor;

5 (2) If the bill is neither approved nor vetoed by the Governor,
6 the expiration of the period of time during which the Governor may veto the
7 bill; or

8 (3) If the bill is vetoed by the Governor and the veto is
9 overridden, the date the last house overrides the veto.

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12 **APPROVED: 04/05/2017**
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