1	State of Arkansas 83rd General Assembly	A Bill	Act 456 of	f 2001	
3	Regular Session, 2001		HOUSE BILL		
4	Regular Session, 2001		HOUSE BILL	1507	
5	By: Representative Hunt				
6					
7					
8		For An Act To Be Entitled			
9	AN ACT TO AUTHORIZE ATTORNEYS EMPLOYED BY THE REVENUE				
10	DIVISION OF THE DEPARTMENT OF FINANCE AND				
11	ADMINISTRATION TO REPRESENT THE DEPARTMENT IN ALL				
12	MATTERS CONCERNING FEES, TAXES, LICENSES, OR OTHER				
13	MATTERS ADMINISTERED BY THE REVENUE DIVISION; AND FOR				
14	OTHER PURPO	OSES.			
15					
16		Subtitle			
17	TO AU	THORIZE ATTORNEYS EMPLOYED BY THE			
18	REVEN	UE DIVISION OF THE DEPARTMENT OF			
19	FINAN	CE AND ADMINISTRATION TO REPRESENT			
20	THE D	EPARTMENT IN ALL MATTERS CONCERNING			
21	FEES,	TAXES, LICENSES, OR OTHER MATTERS			
22	ADMI N	ISTERED BY THE REVENUE DIVISION.			
23					
24					
25	BE IT ENACTED BY THE GE	ENERAL ASSEMBLY OF THE STATE OF ARKAN	ISAS:		
26					
27	SECTION 1. Arkar	nsas Code 26-17-202 is amended to rea	nd as follows:		
28	26-17-202. Attorr	ney <u>Attorneys</u> .			
29	<u>(a)</u> The Director	of the Department of Finance and Ad	lmi ni strati on,	if	
30	he deems necessary and	if a saving of money can be had ther	eby, by and wi	th	
31	the approval of the Governor, shall employ an attorney one (1) or more				
32	attorneys for the Rever	nue Division. The attorney shall have	the same		
33	qualifications as are required for a circuit judge.				
34	(b) Each Revenue Division attorney shall be authorized to maintain and				
35	defend interests of the	e Revenue Division in matters before:	-		
36	(1) Admini	strative hodies.			

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1	(2) The Arkansas trial courts;			
2	(3) The Arkansas Court of Appeals;			
3	(4) The Supreme Court of Arkansas;			
4	(5) The United States Supreme Court; and			
5	(6) All other federal courts.			
6				
7	SECTION 2. Arkansas Code 26-17-304(a), concerning suits by the			
8	Department of Finance and Administration, is amended to read as follows:			
9	(a)(1) $\underline{(A)}$ The Director of the Department of Finance and Administrati			
10	shall have the authority to institute and prosecute in his name as such all			
11	suits and other proceedings necessary for the collection of any taxes or fee			
12	collectible by him and which have become delinquent, and to defend all suits			
13	and other proceedings concerning taxes, fees, or licenses administered by th			
14	<u>di rector</u> .			
15	(B) All suits and proceedings instituted by the director			
16	or defended by the director that concerns taxes, fees, or licenses			
17	administered by the Revenue Division of the department may be maintained or			
18	defended by an attorney authorized to represent the interests of the divisio			
19	pursuant to § 26-17-202.			
20	(2) No deposits of advance cost shall be required of the			
21	director in any suit or proceedings, nor shall he be required to give bond			
22	for cost, indemnity, or stay as a condition to the institution of any suit o			
23	proceedings, or to the issuance, service, or execution of any process			
24	therein, or ancillary thereto, or the appeal from any adverse action.			
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27	APPROVED: 2/27/2001			
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