

1 State of Arkansas  
2 92nd General Assembly  
3 Regular Session, 2019  
4

As Engrossed: S2/4/19

# A Bill

SENATE BILL 139

5 By: Senator M. Johnson  
6

## For An Act To Be Entitled

8 AN ACT TO AMEND THE LAWS CONCERNING VENUE IN THE  
9 JUDICIARY; TO PROMOTE EFFICIENT VENUE TRANSFER; TO  
10 DECLARE AN EMERGENCY; AND FOR OTHER PURPOSES.

## Subtitle

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14 TO AMEND THE LAWS CONCERNING VENUE IN THE  
15 JUDICIARY; TO PROMOTE EFFICIENT VENUE  
16 TRANSFER; AND TO DECLARE AN EMERGENCY.  
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19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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21 SECTION 1. Arkansas Code § 16-60-201(e), concerning the change of  
22 venue for a civil action, is amended to read as follows:

23 (e)(1) A defendant in a civil action ~~under § 16-60-104(3) or special~~  
24 proceeding against the state, a state board or commission, a state board  
25 member or commissioner, or a state officer that is brought due an official  
26 act of the defendant may obtain ~~an order for~~ a change of venue ~~by motion~~  
27 ~~requesting a transfer~~ to one (1) of the following counties:

28 (A) Pulaski County;

29 (B) ~~Any~~ A county in which one (1) of the plaintiffs, or in  
30 the case of a certified class action, any member of the class, resides,  
31 conducts business, or maintains a principal place of business; or

32 (C) If no plaintiff is a resident of Arkansas, any county  
33 in the ~~state~~ State of Arkansas.

34 (2)(A) The venue of the civil action ~~shall be changed upon a~~  
35 ~~showing that the proposed transferee county is a proper venue as set forth in~~  
36 ~~this subsection~~ or special proceeding shall be changed upon the filing by the



1 defendant of a notice of transfer with the clerk of the transferor court and  
2 the clerk of the transferee court.

3 (B) The notice of transfer filed with the clerk of the  
4 transferee court shall include a copy of all pleadings, process, or other  
5 documents or other items filed in the civil action or special proceeding.

6 (C) Upon filing of the notice of transfer, the transferor  
7 court shall no longer have jurisdiction over the civil action or special  
8 proceeding.

9 (3)(A) A party to the civil action or special proceeding may,  
10 within five (5) business days of being served with the notice of transfer,  
11 file an objection in the transferee court that the county of the transferee  
12 court is not a proper venue as set forth in subdivision (e)(1) of this  
13 section.

14 (B)(i) The transferee court shall hold a hearing on an  
15 objection raised under subdivision (e)(3)(A) of this section within five (5)  
16 days of the filing of the objection.

17 (ii) If the transferee court determines that it is  
18 not a proper venue as set forth in subsection (e)(1) of this section, it  
19 shall immediately order that the civil action or special proceeding be  
20 returned to the transferor court.

21 (f) For purposes of this section, a corporation, limited liability  
22 company, limited liability partnership, or similar entity is a resident of  
23 Arkansas only if the corporation, limited liability company, limited  
24 liability partnership, or similar entity:

25 (1) Is organized under the laws of the this state; or

26 (2) Maintains its principal place of business in this state.

27 (g) As used in this section:

28 (1) "Transferee court" means the court to which a defendant  
29 elects to transfer a civil action or special proceeding under subdivision  
30 (e)(1) of this section;

31 (2) "Transferor court" means the court in which the original  
32 pleadings were filed; and

33 (3) "Special proceeding" includes a legal action recognized by  
34 or contemplated under Rule 81 of the Arkansas Rules of Civil Procedure.

35 (h)(1) Except as provided under subdivision (h)(2) of this section,  
36 this section does not apply to an action under the Arkansas Tax Procedure

1 Act, § 26-18-101 et seq., or to an action for protection against taxes, fees,  
2 or other charges challenged as illegal exactions under Arkansas Constitution,  
3 Article 16, § 13.

4 (2) This section does apply to an action challenging an  
5 expenditure of public funds as an illegal exaction under Arkansas  
6 Constitution, Article 16, § 13.

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8 SECTION 2. EMERGENCY CLAUSE. It is found and determined by the  
9 General Assembly of the State of Arkansas that the people of the State of  
10 Arkansas will benefit from immediate access to the most efficient venues for  
11 prosecution of litigation in which the state is a party. Therefore, an  
12 emergency is declared to exist, and this act being immediately necessary for  
13 the preservation of the public peace, health, and safety shall become  
14 effective on:

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

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

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

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23 /s/M. Johnson  
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