

1 State of Arkansas
2 94th General Assembly
3 Regular Session, 2023
4
5 By: Representative Ray
6 By: Senator B. Johnson
7

A Bill

HOUSE BILL 1444

For An Act To Be Entitled

9 AN ACT TO AMEND THE LAW CONCERNING THE ATTORNEY
10 GENERAL AND CONSENT DECREES; TO AMEND THE LAW
11 CONCERNING THE POLITICAL SUBDIVISIONS OF THE STATE;
12 AND FOR OTHER PURPOSES.

Subtitle

16 TO AMEND THE LAW CONCERNING THE ATTORNEY
17 GENERAL AND CONSENT DECREES; AND TO AMEND
18 THE LAW CONCERNING THE POLITICAL
19 SUBDIVISIONS OF THE STATE.

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

24 SECTION 1. Arkansas Code Title 25, Chapter 16, Subchapter 7, is
25 amended to add an additional section to read as follows:

26 25-16-718. Approval by the Attorney General – Definitions.

27 (a) As used in this section:

28 (1) “Consent decree” means any contract or agreement, entered
29 into for the purpose of resolving existing litigation or avoiding anticipated
30 litigation, containing injunctive or equitable relief as a term of the
31 contract or agreement;

32 (2)(A) “Equitable or injunctive relief” means an enforceable
33 obligation to undertake a specific action or refrain from undertaking a
34 specific action.

35 (B) “Equitable or injunctive relief” does not include an
36 obligation to pay money damages, court costs, or attorney’s fees; and



1 (3) “Political subdivision of the state” means a city, county,
2 municipality, town, conservation district, public school, school district, or
3 public institution of higher education.

4 (b) In any instance where a political subdivision of the state is a
5 defendant in any litigation or is anticipated to become a defendant in
6 litigation and, through its governing executive office or legislative body,
7 seeks to become a party to a consent decree, the political subdivision of the
8 state shall send notice to the Attorney General.

9 (c) Notice as described in subsection (b) of this section shall
10 include all pertinent information related to the subject matter of the
11 litigation, including a draft of the proposed consent decree.

12 (d)(1) Within forty-five (45) days of receiving notice as described in
13 subsection (b) of this section, the Attorney General may, in writing, inform
14 the political subdivision of the state that the Attorney General has
15 disapproved the proposed consent decree.

16 (2) In addition to notifying the political subdivision of the
17 state of the Attorney General’s disapproval, the Attorney General may provide
18 the political subdivision of the state with a revised draft of the proposed
19 consent decree which would not be disapproved and may be entered into in
20 accordance with this subsection.

21 (e) Notwithstanding any other provision of law, a political
22 subdivision of the state, including through its governing executive official
23 or legislative body, shall not enter into, and shall be without legal
24 authority under the laws of this state to enter into, any consent decree that
25 has been disapproved by the Attorney General as described in subsection (d)
26 of this section.