

State of Arkansas
91st General Assembly
Regular Session, 2017

A Bill

SENATE BILL 648

By: Senator T. Garner

For An Act To Be Entitled

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

Subtitle

CONCERNING THE VENUE OF CERTAIN LAWSUITS;
TO PROMOTE JUDICIAL EFFICIENCY IN ACTIONS
WHERE THE STATE IS AN INTERESTED PARTY;
AND TO DECLARE AN EMERGENCY.

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

SECTION 1. Arkansas Code § 16-60-104 is amended to read as follows:
16-60-104. Actions that shall be brought in Pulaski County.

The following civil actions shall be brought in Pulaski County:

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

(A) Pulaski County;

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

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

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

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

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

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

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

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

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

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

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