

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

As Engrossed: H2/28/23

A Bill

HOUSE BILL 1444

For An Act To Be Entitled

9 AN ACT TO AMEND THE LAW CONCERNING THE ATTORNEY
10 GENERAL'S REVIEW OF CONSENT DECREES ENTERED INTO BY
11 COVERED ENTITIES; AND FOR OTHER PURPOSES.

Subtitle

15 TO AMEND THE LAW CONCERNING THE ATTORNEY
16 GENERAL'S REVIEW OF CONSENT DECREES
17 ENTERED INTO BY COVERED ENTITIES.

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

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

24 25-16-718. Approval by the Attorney General – Definitions.

25 (a) As used in this section:

26 (1)(A) "Consent decree" means any contract or agreement, entered
27 into for the purpose of resolving existing litigation or avoiding anticipated
28 litigation, containing injunctive or equitable relief as a term of the
29 contract or agreement.

30 (B) "Consent decree" does not include a contract or
31 agreement resolving a dispute between a covered entity of the state and a
32 single individual, where the effect of any injunctive or equitable relief
33 directly benefits only that individual;

34 (2)(A) "Equitable or injunctive relief" means an enforceable
35 obligation to undertake a specific action or refrain from undertaking a
36 specific action.



1 (B) “Equitable or injunctive relief” does not include an
 2 obligation to pay money damages, court costs, attorney’s fees, or a release
 3 of any claim against a party; and

4 (3) “Covered entity” means a city, county, municipality, town,
 5 conservation district, public school, school district, or public institution
 6 of higher education.

7 (b) In any instance where a covered entity is a defendant in any
 8 litigation or is anticipated to become a defendant in litigation and, through
 9 its governing executive office or legislative body, seeks to become a party
 10 to a consent decree, the covered entity shall send notice to the Attorney
 11 General.

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

15 (d)(1)(A) Within thirty (30) days of receiving notice as described in
 16 subsection (b) of this section, the Attorney General, after reviewing the
 17 proposed consent decree for compliance with state and federal law, shall, in
 18 writing, inform the covered entity that the Attorney General has disapproved
 19 the proposed consent decree.

20 (B) If the Attorney General fails to review the proposed
 21 consent decree within thirty (30) days as outlined in subdivision (d)(1)(A)
 22 of this section, the proposed consent decree shall be deemed approved.

23 (2) In addition to notifying the covered entity of the Attorney
 24 General’s disapproval, the Attorney General may provide the covered entity
 25 with a revised draft of the proposed consent decree which would not be
 26 disapproved and may be entered into in accordance with this subsection.

27 (e) Notwithstanding any other provision of law, a covered entity,
 28 including through its governing executive official or legislative body, shall
 29 not enter into, and shall be without legal authority under the laws of this
 30 state to enter into, any consent decree that has been disapproved by the
 31 Attorney General as described in subsection (d) of this section.

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 33 /s/Ray
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