

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

Act 2212 of the Regular Session

As Engrossed: H3/24/05 H4/1/05

A Bill

1 State of Arkansas
2 85th General Assembly
3 Regular Session, 2005

HOUSE BILL 2554

4
5 By: Representative Pate
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For An Act To Be Entitled

8
9 AN ACT TO FUND AND REINSTATE THE CONSUMER PRICE
10 INDEX INCREASE FOR THE COUNTY AND CITY
11 ADMINISTRATION OF JUSTICE FUNDS; TO INCREASE
12 FILING FEES IN DISTRICT COURTS; AND FOR OTHER
13 PURPOSES.
14

Subtitle

15
16 AN ACT TO FUND AND REINSTATE THE
17 CONSUMER PRICE INDEX INCREASE FOR THE
18 COUNTY AND CITY ADMINISTRATION OF
19 JUSTICE FUNDS AND TO INCREASE FILING
20 FEES IN DISTRICT COURTS.
21

22
23 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
24

25 SECTION 1. Arkansas Code § 16-10-307(c), pertaining to the amount
26 retained in the county administration of justice fund, is amended to read as
27 follows:

28 (c)(1)(A) The county administration of justice fund of each county may
29 retain an amount equal to the amount which was collected by the county from
30 court costs and filing fees for county administration of justice expense in
31 the calendar year ending December 31, 1994, or the amount appropriated from
32 court costs and filing fees by ordinance enacted prior to December 31, 1994,
33 or on February 13, 1995, or on February 14, 1995, or by resolution dated
34 February 9, 1995, for county administration of justice expense from court
35 costs and filing fees for the calendar year ending December 31, 1995, plus,



1 for calendar years 1995 - 2001, an additional amount based upon the average
2 percentage increase in the Consumer Price Index for All Urban Consumers or
3 its successor, as published by the United States Department of Labor for the
4 two (2) years immediately preceding.

5 (B)(i) The amount retained during calendar ~~year~~ years
6 2002, 2003, 2004, and 2005 and each calendar year thereafter shall be the
7 amount retained during calendar year 2001.

8 (ii) Except as provided in subdivision
9 (c)(1)(B)(iii) of this section, for calendar years beginning 2006 and each
10 calendar year thereafter, an additional amount shall be added to the amount
11 to be retained based upon the average percentage increase in the Consumer
12 Price Index for All Urban Consumers or its successor, as published by the
13 United States Department of Labor for the two (2) years immediately
14 preceding.

15 (iii) The provisions of subdivision (c)(1)(B)(ii) of
16 this section shall not be effective if the Chief Fiscal Officer of the State
17 determines that the additional amount retained under subdivision
18 (c)(1)(B)(ii) of this section has exceeded one million dollars (\$1,000,000)
19 in a calendar year and any additional amount to be retained must be
20 authorized by the General Assembly.

21 (C) Notwithstanding the creation of the Arkansas District
22 Judge Retirement System on January 1, 2005, all local ordinances of the
23 counties and cities authorized and adopted under § 24-8-318 shall remain in
24 full force and effect.

25 (2) For the calendar year beginning January 1, 1998, the base
26 amount to be retained shall be:

27 (A) Increased by any increase in the Consumer Price Index,
28 as provided for in subdivision (c)(1) of this section; and

29 (B) Decreased by eighty-five percent (85%) of the total
30 dollar amount which was certified by the county as having been collected
31 during calendar year 1994 and for the purpose of funding the office and
32 operation of the public defender and public defender investigator.

33
34 SECTION 2. Arkansas Code § 16-10-308(c), pertaining to the amount
35 retained in the city administration of justice fund, is amended to read as
36 follows:

1 (c)(1)(A) The city administration of justice fund of each city may
2 retain an amount equal to the amount which was collected by the city from
3 court costs and filing fees for city administration of justice expense in the
4 calendar year ending December 31, 1994, or the amount appropriated from court
5 costs and filing fees by ordinance enacted prior to December 31, 1994, for
6 city or county administration of justice expense from court costs and filing
7 fees for the calendar year ending December 31, 1995, plus, for calendar years
8 1995 - 2001, an additional amount based upon the average percentage increase
9 in the Consumer Price Index for All Urban Consumers or its successor, as
10 published by the United States Department of Labor for the two (2) years
11 immediately preceding.

12 (B)(i) The amount retained during calendar ~~year~~ years
13 2002, 2003, 2004, and 2005 ~~and each calendar year thereafter~~ shall be the
14 amount retained during calendar year 2001.

15 (ii) Except as provided in subdivision
16 (c)(1)(B)(iii) of this section, for calendar years beginning 2006 and each
17 calendar year thereafter, an additional amount shall be added to the amount
18 to be retained based upon the average percentage increase in the Consumer
19 Price Index for All Urban Consumers or its successor, as published by the
20 United States Department of Labor for the two (2) years immediately
21 preceding.

22 (iii) The provisions of subdivision (c)(1)(B)(ii) of
23 this section shall not be effective if the Chief Fiscal Officer of the State
24 determines that the additional amount retained under subdivision
25 (c)(1)(B)(ii) of this section has exceeded one million dollars (\$1,000,000)
26 in a calendar year and any additional amount to be retained must be
27 authorized by the General Assembly.

28 (C) Notwithstanding the creation of the Arkansas District
29 Judge Retirement System on January 1, 2005, all local ordinances of the
30 counties and cities authorized and adopted under § 24-8-318 shall remain in
31 full force and effect.

32 (2) For the calendar year beginning January 1, 1998, the base
33 amount to be retained shall be:

34 (A) Increased by any increase in the Consumer Price Index,
35 as provided for in subdivision (c)(1) of this section; and

36 (B) Decreased by eighty-five percent (85%) of the total

1 dollar amount which was certified by the city as having been collected during
2 calendar year 1994 for the purpose of funding the office and operation of the
3 public defender and public defender investigator.

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5 SECTION 3. Arkansas Code § 16-17-705 is amended to read as follows:

6 16-17-705. Filing fees and costs. [Effective January 1, 2005.]

7 (a)(1) ~~The~~ Effective January 1, 2006, the uniform filing fee to be
8 charged by the clerks of the district courts for initiating a cause of action
9 in ~~municipal~~ district court in this state shall be as prescribed in this
10 section.

11 (2) No portion of the filing fee shall be refunded.

12 (b)(1) For initiating a cause of action in the civil division of
13 district court~~\$35.00~~ \$50.00

14 (2) For initiating a cause of action in the small claims
15 division of district court, if that division is established pursuant to the
16 Arkansas Constitution, Amendment 80, § 7(D)\$25.00

17 (c) No municipality shall authorize, and no district court clerk shall
18 assess or collect, any other filing fees than those authorized by this act,
19 unless specifically provided by state law.

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21 /s/ Pate

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24 **APPROVED: 4/13/2005**

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