

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.

1 State of Arkansas
2 87th General Assembly
3 Regular Session, 2009
4

As Engrossed: H2/18/09 H2/23/09

A Bill

HOUSE BILL 1398

5 By: Representatives Powers, Pennartz, Harrelson, Reynolds, *Blount, Cash, Cole, Cook, Davenport,*
6 *Glidewell, House, Lindsey, Nickels, Rainey, J. Roebuck, G. Smith, L. Smith, Stewart, Webb, Williams*
7 By: Senator D. Wyatt

For An Act To Be Entitled

11 AN ACT TO INCREASE DISTRICT COURT FILING FEES;
12 ESTABLISH ADDITIONAL PILOT STATE DISTRICT COURT
13 JUDGESHIPS; CONSOLIDATE CITY COURTS WITH DISTRICT
14 COURTS; AND FOR OTHER PURPOSES.

Subtitle

17 TO INCREASE DISTRICT COURT FILING FEES;
18 ESTABLISH ADDITIONAL PILOT STATE
19 DISTRICT COURT JUDGESHIPS; CONSOLIDATE
20 CITY COURTS WITH DISTRICT COURTS.

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

25 SECTION 1. Arkansas Code § 16-17-705 is amended to read as follows:
26 16-17-705. Filing fees and costs.

27 (a)(1) The uniform filing fee to be charged by the clerks of the
28 district courts for initiating a cause of action in district court in this
29 state shall be as prescribed in this section.

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

31 (b)(1) For initiating a cause of action in the civil division of
32 district court. ~~\$50.00~~ \$65.00

33 (2) For initiating a cause of action in the small claims
34 division of district court \$50.00

35 (c) ~~No~~ A town, city, or county shall not authorize and ~~no~~ a district
36 court clerk shall not assess or collect any other filing fees than those



1 authorized by this section, unless specifically provided by state law.

2

3 SECTION 2. Arkansas Code § 16-17-902 is amended to read as follows:

4 16-17-902. Counties having one district court. [Effective January 1,
5 2008; effective until January 1, 2012.]

6 (a) Each of the following counties shall have one (1) district court
7 and one (1) district judge:

- 8 (1) Bradley;
- 9 (2) Calhoun;
- 10 (3) Clark;
- 11 ~~(4) Cleburne;~~
- 12 ~~(5)~~(4) Cleveland;
- 13 ~~(6)~~(5) Columbia;
- 14 ~~(7)~~(6) Conway;
- 15 ~~(8)~~(7) Crawford;
- 16 ~~(9)~~(8) Cross;
- 17 ~~(10)~~(9) Dallas;
- 18 ~~(11)~~(10) Drew;
- 19 ~~(12)~~(11) Faulkner;
- 20 ~~(13)~~(12) Fulton;
- 21 ~~(14)~~(13) Grant;
- 22 ~~(15)~~(14) Hempstead;
- 23 ~~(16)~~(15) Hot Spring;
- 24 ~~(17)~~(16) Howard;
- 25 ~~(18)~~(17) Independence;
- 26 ~~(19)~~(18) Iizard;
- 27 ~~(20)~~(19) Jackson;
- 28 ~~(21)~~(20) Johnson;
- 29 ~~(22)~~(21) Lafayette;
- 30 ~~(23)~~(22) Lee;
- 31 ~~(24)~~(23) Lincoln;
- 32 ~~(25)~~(24) Little River;
- 33 ~~(26)~~(25) Madison;
- 34 ~~(27)~~(26) Marion;
- 35 ~~(28)~~(27) Miller;
- 36 ~~(29)~~(28) Montgomery;

- 1 ~~(30)~~(29) Nevada;
- 2 ~~(31)~~(30) Newton;
- 3 ~~(32)~~(31) Perry;
- 4 ~~(33)~~(32) Pike;
- 5 ~~(34)~~(33) Polk;
- 6 ~~(35)~~(34) Randolph;
- 7 ~~(36)~~(35) Scott;
- 8 ~~(37)~~(36) Searcy;
- 9 ~~(38)~~(37) Sevier;
- 10 ~~(39) St. Francis;~~
- 11 ~~(40)~~(38) Stone;
- 12 ~~(41)~~(39) Union; and
- 13 ~~(42)~~(40) Van Buren.

14 (b) The district court shall be located in the county seat of each
15 county listed in subsection (a) of this section.

16 (c)(1) The judge of any district court located in a county with one
17 (1) district court shall be elected countywide.

18 (2) If there is only one (1) district court in a county, it
19 shall have countywide jurisdiction.

20
21 SECTION 3. Arkansas Code § 16-17-1103 is amended to read as follows:
22 16-17-1103. Creation of pilot state district court judgeships.

23 (a) There are established ~~nineteen (19)~~ twenty-five (25) pilot state
24 district court judgeships.

25 (b) The following counties or judicial districts of a county and the
26 towns and cities in that county or judicial districts of a county in which a
27 district court is located shall participate in a program of full-time pilot
28 state district court judges:

- 29 (1) Baxter;
- 30 (2) Benton;
- 31 (3) Boone;
- 32 (4) Cleburne;
- 33 ~~(4)~~(5) Greene;
- 34 ~~(5)~~(6) Independence;
- 35 ~~(6)~~(7) Miller;
- 36 ~~(7)~~(8) Mississippi-Chickasawba District;

- 1 ~~(8)~~(9) Poinsett;
- 2 ~~(9)~~(10) Pope;
- 3 (11) Pulaski- Jacksonville District Court; North Little Rock
- 4 District Court, Department 1 and Department 2; and Pulaski County District
- 5 Court;
- 6 (12) St. Francis;
- 7 ~~(10)~~(13) Saline;
- 8 ~~(11)~~(14) Sebastian; and
- 9 ~~(12)~~(15) Union.

10

11 SECTION 4. Arkansas Code § 16-17-1104 is amended to read as follows:
12 16-17-1104. Pilot state district court judges – Salaries.

13 (a) The pilot state district court judges who serve the judgeships
14 created under § ~~16-17-1003~~ 16-17-1103 are state district court judges.

15 (b) The salaries of the pilot state district court judges shall be
16 paid with moneys appropriated by the General Assembly.

17

18 SECTION 5. Arkansas Code § 16-17-1105 is amended to read as follows:
19 16-17-1105. Consolidation of city courts with district courts.

20 (a) The city courts located in the following cities or towns shall be
21 consolidated with district courts:

- 22 (1) Alexander;
- 23 (2) Atkins;
- 24 (3) Barling;
- 25 (4) Bauxite;
- 26 (5) Bethel Heights;
- 27 (6) Briarcliff;
- 28 (7) Cave Springs;
- 29 (8) Centerton;
- 30 (9) Central City;
- 31 (10) Concord;
- 32 ~~(10)~~(11) Cotter;
- 33 ~~(11)~~(12) Dell;
- 34 ~~(12)~~(13) Dover;
- 35 ~~(13)~~(14) Gassville;
- 36 ~~(14)~~(15) Gosnell;

1 ~~(15)~~(16) Gravette;
 2 (17) Greers Ferry;
 3 ~~(16)~~(18) Haskell;
 4 (19) Hughes;
 5 ~~(17)~~(20) Lakeview;
 6 ~~(18)~~(21) Leachville;
 7 ~~(19)~~(22) Little Flock;
 8 ~~(20)~~(23) London;
 9 ~~(21)~~(24) Lowell;
 10 (25) Madison;
 11 ~~(22)~~(26) Manila;
 12 ~~(23)~~(27) Marmaduke;
 13 ~~(24)~~(28) Norfolk;
 14 (29) Palestine;
 15 ~~(25)~~(30) Pea Ridge;
 16 ~~(26)~~(31) Pottsville;
 17 (32) Quitman;
 18 ~~(27)~~(33) Shannon Hills;
 19 ~~(28)~~(34) Sulphur Springs; ~~and~~
 20 ~~(29)~~(35) Weiner; ~~and~~
 21 (36) Widner.

22 (b) Each city court under subsection (a) of this section:

23 (1) Is consolidated with the pilot state district court having
 24 jurisdiction over the geographical area of the abolished city court;

25 (2) Shall continue to exist as a department of that pilot state
 26 district court unless abolished by town or city ordinance; and

27 (3) Is redesignated as the “_____ District
 28 Court, _____ Department”; ~~and.~~

29 ~~(4) Shall continue to levy and collect the court costs~~
 30 ~~applicable in city court under § 16-10-305.~~

31 (c) Under the Arkansas District Courts and City Courts Accounting Law,
 32 § 16-10-201 et seq., each department of a pilot state district court shall
 33 maintain a docket and set court dates for hearing that docket in the town or
 34 city unless the district court and the town or city in which the department
 35 is located agree otherwise.

36 (d)(1) A town or city that operated a city court prior to January 1,

1 2008, and became a department of a pilot state district court under this
2 subchapter may abolish that department by ordinance.

3 (2) The clerk of the town or city shall send a copy of the
4 ordinance issued under subdivision (d)(1) of this section to the
5 Administrative Office of the Courts.

6 (3) After a department has been abolished under subdivision
7 (d)(1) of this section:

8 (A) The nearest district court in the county shall
9 exercise jurisdiction over the geographical area of that abolished
10 department;

11 (B) The abolished city court shall transfer all its papers
12 and records to the court described in subdivision (d)(3)(A) of this section;
13 and

14 (C)(i) All of the following existing on January 1, 2008,
15 shall continue unaffected unless otherwise affected by this subchapter:

- 16 (a) Actions;
- 17 (b) Appeals;
- 18 (c) Causes of action;
- 19 (d) Civil proceedings;
- 20 (e) Criminal proceedings;
- 21 (f) Decrees;
- 22 (g) Judgments;
- 23 (h) Liabilities;
- 24 (i) Orders;
- 25 (j) Prosecutions;
- 26 (k) Regulations;
- 27 (l) Sentences;
- 28 (m) Suits; and
- 29 (n) Writs.

30 (ii) ~~No~~ A suit or prosecution of any kind or nature
31 shall not abate as a result of this subchapter.

32 (4) ~~No~~ A town or city may not reinstate a department of district
33 court that has been abolished under subdivision (d)(1) of this section.

34
35 SECTION 6. Arkansas Code Title 16, Chapter 17, Subchapter 11 is
36 amended to add an additional section to read as follows:

1 16-17-1108. Travel expense reimbursement.

2 From the appropriation provided for the expenses of pilot state
3 district court judges, a pilot state district court judge is authorized to be
4 reimbursed for those travel expenses at the rate as authorized for state
5 employees and for mileage at the rate established in the state travel
6 regulations for state employees while traveling within the state in the
7 performance of their official duties.

8
9 SECTION 7. Section 56 of Act 663 of 2007 is amended to read as
10 follows:

11 SECTION 56. Effective dates.

12 (a) Sections 2 through 15 of this act are effective January 1, 2008.

13 (b) Sections 16 through 50 and 52 through 55 of this act are effective
14 January 1, 2012.

15 (c) Section 51 of Act 663 of 2007 is effective January 1, 2012,
16 except:

17 (1) That portion of Section 51 of Act 663 of 2007 that is
18 referred to in Act 663 of 2007 as 16-17-933, establishing the Cleburne County
19 District Court and departments of that court, codified as § 16-17-936 is
20 effective July 1, 2009; and

21 (2) That portion of Section 51 of Act 663 of 2007 that is
22 referred to in Act 663 of 2007 as 16-17-950, establishing the St. Francis
23 County District Court and departments of that court, codified as § 16-17-954
24 is effective July 1, 2009.

25
26 SECTION 57. EMERGENCY CLAUSE. It is found and determined by the
27 General Assembly of the State of Arkansas that this act is immediately
28 necessary to coincide with the beginning of the 2009 - 2010 fiscal year to
29 further the goal of a unified court system in order to provide judicial
30 economy and the fair administration of justice. Therefore, an emergency is
31 declared to exist and this act being necessary for the preservation of the
32 public peace, health, and safety shall become effective on July 1, 2009.

33
34
35 /s/ Powers
36