

Stricken language would be deleted from and underlined language would be added to law as it existed prior to the 82nd General Assembly.

1 State of Arkansas
2 82nd General Assembly
3 Regular Session, 1999
4

As Engrossed: H3/16/99

A Bill

HOUSE BILL 1993

5 By: Representative Faris
6 By: Senator Hopkins
7
8

For An Act To Be Entitled

9
10 "AN ACT CONCERNING CIVIL ACTIONS FILED IN PULASKI
11 COUNTY PURSUANT TO LAWS ESTABLISHING VENUE IN PULASKI
12 COUNTY FOR ALL SUCH ACTIONS IN THE STATE; TO ESTABLISH
13 THE STATE DIVISION OF THE SIXTH JUDICIAL DISTRICT; AND
14 FOR OTHER PURPOSES. "

Subtitle

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17 "AN ACT CONCERNING CIVIL ACTIONS FILED IN
18 PULASKI COUNTY PURSUANT TO LAWS
19 ESTABLISHING VENUE IN PULASKI COUNTY FOR
20 ALL SUCH ACTIONS IN THE STATE. "

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23 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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25 SECTION 1. (a) There is established a separate division of the Sixth
26 Judicial District to be known as the "State Division". The State Division
27 shall only conduct proceedings in actions filed in Pulaski County pursuant to
28 a law that declares Pulaski County to be the venue for all such actions in the
29 state.

30 (b) The State Division shall be presided over by a special judge
31 assigned, with his or her consent, by the Chief Justice of the Arkansas
32 Supreme Court pursuant to the authority created in Article 7, Section 4 and
33 Amendment 77 of the Arkansas Constitution and Arkansas Code 16-10-101. A judge
34 shall be assigned on a random, case by case basis.

35 (c)(1) In order for a case to be filed in the State Division, the
36 complaint must specifically reference the venue statute that requires that the

1 action can only be filed in Pulaski County and must specifically request that
2 the case be assigned to the State Division pursuant to this section. In
3 addition, the request for special assignment must be expressly brought to the
4 clerk's attention at the time of filing the complaint or answer.

5 (2) The failure to satisfy the requirements of subdivision (c)(1)
6 at the time the original complaint is filed shall constitute a waiver of the
7 special assignment provisions of this section, and the case shall be filed and
8 assigned as are all other cases.

9 (d) The clerk of the court upon being satisfied that the requirements
10 of subdivision (c) have been satisfied shall file and assign the action to the
11 State Division of Pulaski County Chancery Court. The clerk shall notify the
12 Chief Justice in writing that the case has been filed and provide the Chief
13 Justice with a copy of the complaint. The Chief Justice shall then assign a
14 judge to hear the case as provided in this section.

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16 SECTION 2. Arkansas Code 16-60-118 is repealed.

17 ~~16-60-118. Civil actions in Pulaski County.~~

18 ~~(a) For any civil action filed in circuit or chancery court in Pulaski~~
19 ~~County pursuant to a law that declares Pulaski County to be the venue for all~~
20 ~~such actions in the state, the action may be heard by a judge of another~~
21 ~~judicial district who agrees to hear such actions pursuant to this section.~~

22 ~~(b) A judge may agree to hear the actions by notifying the~~
23 ~~Administrative Office of the Courts on a form provided by the office.~~

24 ~~(c) The assignment of a judge from another judicial district shall be~~
25 ~~made pursuant to procedures prescribed by the Administrative Office of the~~
26 ~~Courts unless the Arkansas Supreme Court adopts rules for the assignment of~~
27 ~~judges. The rules shall provide for the random selection of the participating~~
28 ~~judges.~~

29 ~~(d) If an action is assigned to a judge of another judicial district,~~
30 ~~the judge may hear the action in a court in Pulaski County or in the judicial~~
31 ~~district of the judge.~~

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33 SECTION 3. All provisions of this act of a general and permanent nature
34 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
35 Revision Commission shall incorporate the same in the Code.

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SECTION 4. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared to be severable.

SECTION 5. All laws and parts of laws in conflict with this act are hereby repealed.

/s/ Faris, et al