

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

# A Bill

HOUSE BILL 1398

5 By: Representatives Powers, Pennartz, Harrelson, Reynolds  
6 By: Senator D. Wyatt  
7  
8

## For An Act To Be Entitled

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

### Subtitle

15 TO INCREASE DISTRICT COURT FILING FEES;  
16 ESTABLISH ADDITIONAL PILOT STATE  
17 DISTRICT COURT JUDGESHIPS; CONSOLIDATE  
18 CITY COURTS WITH DISTRICT COURTS.  
19  
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22 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
23

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

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

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

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

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

34 (c) ~~No~~ A town, city, or county shall not authorize and ~~no~~ a district  
35 court clerk shall not assess or collect any other filing fees than those  
36 authorized by this section, unless specifically provided by state law.



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

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

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

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

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

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

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

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

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

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

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

- 28           (1) Baxter;
- 29           (2) Benton;
- 30           (3) Boone;
- 31           (4) Cleburne;
- 32           ~~(4)~~(5) Greene;
- 33           ~~(5)~~(6) Independence;
- 34           ~~(6)~~(7) Miller;
- 35           ~~(7)~~(8) Mississippi-Chickasawba District;
- 36           ~~(8)~~(9) Poinsett;

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

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10           SECTION 4. Arkansas Code § 16-17-1104 is amended to read as follows:

11           16-17-1104. Pilot state district court judges – Salaries.

12           (a) The pilot state district court judges who serve the judgeships

13 created under § ~~16-17-1003~~ 16-17-1103 are state district court judges.

14           (b) The salaries of the pilot state district court judges shall be

15 paid with moneys appropriated by the General Assembly.

16

17           SECTION 5. Arkansas Code § 16-17-1105 is amended to read as follows:

18           16-17-1105. Consolidation of city courts with district courts.

19           (a) The city courts located in the following cities or towns shall be

20 consolidated with district courts:

- 21           (1) Alexander;
- 22           (2) Atkins;
- 23           (3) Barling;
- 24           (4) Bauxite;
- 25           (5) Bethel Heights;
- 26           (6) Briarcliff;
- 27           (7) Cave Springs;
- 28           (8) Centerton;
- 29           (9) Central City;
- 30           (10) Concord;
- 31           ~~(10)~~(11) Cotter;
- 32           ~~(11)~~(12) Dell;
- 33           ~~(12)~~(13) Dover;
- 34           ~~(13)~~(14) Gassville;
- 35           ~~(14)~~(15) Gosnell;
- 36           ~~(15)~~(16) Gravette;

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

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

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

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

26           (3) Is redesignated as the “\_\_\_\_\_ District  
 27 Court, \_\_\_\_\_ Department”; ~~and.~~

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

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

35           (d)(1) A town or city that operated a city court prior to January 1,  
 36 2008, and became a department of a pilot state district court under this

1 subchapter may abolish that department by ordinance.

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

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

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

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

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

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

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

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

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

36 16-17-1108. Travel expense reimbursement.

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

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

10       SECTION 56. Effective dates.

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

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

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

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

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

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

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 34                                   /s/ Powers  
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