

1 State of Arkansas
2 88th General Assembly
3 Regular Session, 2011
4

A Bill

SENATE BILL 310

5 By: Senator Luker
6 By: Representative Williams
7

For An Act To Be Entitled

9 AN ACT REGARDING THE PAYMENT OF SPECIAL JUDGES; AND
10 FOR OTHER PURPOSES.
11

Subtitle

12 REGARDING THE PAYMENT OF SPECIAL JUDGES.
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17 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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19 SECTION 1. DO NOT CODIFY. Legislative intent.

20 (a) Arkansas Constitution, Amendment 80, § 13(C), provides that the
21 Chief Justice of the Arkansas Supreme Court may appoint a special judge to
22 serve in circuit court or district court whenever a judge is disqualified or
23 temporarily unable to serve or when there is other need for a temporary
24 appointment, under rules prescribed by the Supreme Court.

25 (b) Special judges may include retired justices or judges, active
26 circuit judges or district judges, or licensed attorneys.

27 (c) The current laws that govern the payment of special judges have
28 not been revised since the adoption of Amendment 80 and are in conflict and
29 need of clarification.
30

31 SECTION 2. Arkansas Code 16-10-119 is amended to read as follows:

32 16-10-119. Travel expenses of judges.

33 (a) From the appropriation provided to the Auditor of State for trial
34 judges' expenses, ~~the circuit judges are~~ a circuit judge is authorized to be
35 reimbursed for those travel expenses at the rate as authorized for state
36 employees and for mileage at the rate established in the state travel



1 regulations for state employees while traveling within the state in the
 2 performance of their official duties.

3 (b) When a circuit judge is appointed by the Chief Justice to hear a
 4 case or cases in a jurisdiction outside of that in which he or she is
 5 elected, he or she shall be entitled to reimbursement for travel expenses and
 6 mileage as provided in subsection (a) of this section.

7
 8 SECTION 3. Arkansas Code § 16-10-902 is amended to read as follows:
 9 16-10-902. Amount of compensation.

10 (a) Any A retired judge appointed to temporary service by the Chief
 11 Justice of the Supreme Court as a special judge under Arkansas Constitution,
 12 Amendment 80, and the rules prescribed by the Supreme Court shall receive
 13 compensation, in addition to his or her retirement benefits, at one-half (½)
 14 the rate as fixed by law for a regularly elected circuit ~~judges~~ judge.

15 (b) The compensation shall be paid from the appropriation provided to
 16 the Auditor of State for special and recalled judges for the circuit courts.

17
 18 SECTION 4. Arkansas Code § 16-10-904 is amended to read as follows:
 19 16-10-904. Mileage and expenses.

20 In addition to the per diem compensation provided by this subchapter, a
 21 ~~temporary~~ special judge serving pursuant to under Arkansas Constitution,
 22 Amendment ~~78~~ 80, shall receive expenses and mileage reimbursement from the
 23 appropriation provided to the Auditor of State for special and recalled
 24 judges for the circuit courts at the rate as prescribed in § 16-10-119.

25
 26 SECTION 5. Arkansas Code § 16-10-905 is amended to read as follows:
 27 16-10-905. Amount of per diem compensation.

28 (a) Per diem compensation prescribed in § 16-10-902 shall be for each
 29 day or portion of a day the judge serves on the bench.

30 (b) For each day or portion of a day that a temporary special judge
 31 appointed under Arkansas Constitution, Amendment ~~78~~ 80, performs his or her
 32 judicial duties other than on the bench, the judge shall receive compensation
 33 as prescribed by rules adopted by the ~~Arkansas~~ Supreme Court.

34
 35 SECTION 6. Arkansas Code § 16-13-103 is amended to read as follows:
 36 16-13-103. Special judges – Compensation – Expenses.

1 (a)(1) A licensed attorney who is elected as a special judge of the
 2 circuit court shall receive under the Arkansas Constitution, Amendment 80,
 3 and the rules prescribed by the Supreme Court may request compensation at ~~the~~
 4 ~~same~~ one-half (1/2) the rate as fixed by law for a regularly elected circuit
 5 judge. ~~In addition, he or she shall be reimbursed for actual expenses~~
 6 ~~incurred while performing the duties of a special circuit judge. However, a~~
 7 ~~special judge shall receive expenses only for the days he or she actually~~
 8 ~~serves.~~

9 (2) ~~Nothing in this section is to be construed to~~ This section
 10 does not allow a special judge to receive compensation for any days that he
 11 or she is not actually serving in his or her appointed capacity.

12 (b) The compensation provided for in this section shall be paid from
 13 the appropriation provided to the Auditor of State for special and recalled
 14 judges for the circuit courts, upon certification by the clerk of the court
 15 in which the special circuit judge was elected ~~to the Auditor of State~~
 16 stating the number of days or a portion of a day served, ~~together with a~~
 17 ~~verified statement of actual expenses incurred~~ under the rules prescribed by
 18 the Supreme Court.

19
 20 SECTION 7. Arkansas Code § 16-17-210 is amended to read as follows:
 21 16-17-210. Special judges.

22 (a) If a district judge is disqualified or temporarily unable to
 23 serve, or if the Chief Justice of the Supreme Court shall determine that
 24 there is other need for a special judge to be temporarily appointed, a
 25 special judge may be assigned by the Chief Justice or elected by the bar of
 26 the district court, under rules prescribed by the Supreme Court, to serve
 27 during the period of temporary disqualification, absence, or need.

28 (b) A special judge shall have the same power and authority in the
 29 court as the regular district judge would have if present and presiding and
 30 shall have the same qualifications as are required by law for the regular
 31 district judge.

32 (c) A district judge who is assigned by the Chief Justice to act as a
 33 special judge ~~assigned or elected~~ under this section shall receive
 34 ~~compensation~~ reimbursement of expenses for his or her service ~~as provided by~~
 35 ~~law~~ at the rate provided for in § 16-17-1108.

1 SECTION 8. Arkansas Code § 16-17-1108 is amended to read as follows:
2 16-17-1108. Travel expense reimbursement.

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

9 (b) When a state or local district judge is appointed by the Chief
10 Justice to hear a case or cases in a jurisdiction outside of that in which he
11 or she is elected, the judge shall be entitled to reimbursement for travel
12 expenses and mileage as provided in subsection (a) of this section.