

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 S2/23/99
A Bill

SENATE BILL 548

5 By: Senators Dowd, Harriman, Brown, Webb
6 By: Representatives Vess, Hale, *Hunt*
7

8
9 **For An Act To Be Entitled**

10 "AN ACT IN CONTEMPLATION OF REDEFINING THE BOUNDARIES
11 OF THE COURT OF APPEALS DISTRICTS; AND FOR OTHER
12 PURPOSES. "
13

14 **Subtitle**

15 "TO PROVIDE FOR THE ELECTION OF AN
16 ADDITIONAL JUDGE FROM EACH OF THE
17 EXISTING COURT OF APPEALS DISTRICTS AND
18 TO PLAN FOR REDISTRICTING. "
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20
21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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23 SECTION 1. At the November 2000 general election, the electors of each
24 of the six (6) existing Court of Appeals districts created in accordance with
25 Act 208 of 1979 shall elect an additional Court of Appeals judge from each
26 district to begin office on January 1, 2001. The newly-elected judges shall
27 each be elected to serve for four (4) years, or until such later date as the
28 boundaries of the existing Court of Appeals districts are redefined and judges
29 from those districts are elected.
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31 SECTION 2. The elected judges of the Court of Appeals now serving shall
32 be designated as position 1 within their respective districts, and the new
33 judges elected under this act shall be designated position 2 within their
34 districts.
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36 SECTION 3. Those present judges of the court, who were appointed

1 pursuant to Acts 11 and 15 of 1995 (First Extraordinary Session), shall be
2 entitled to seek election at the November 2000 general election from the
3 district in which they reside.

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5 SECTION 4. Except as provided in Section 1, members of the Court of
6 Appeals shall serve eight (8) year terms.

7
8 SECTION 5. Uncodified Section 1 of Acts 11 and 15 of 1995, First
9 Extraordinary Session, is amended to read as follows:

10 "16-12-101. Creation of court and apportionment board - Composition -
11 Establishment of districts.

12 (a) There is created, pursuant to Arkansas Constitution, Amendment 58,
13 the Arkansas Court of Appeals, to be composed of six (6) members until January
14 1, 1996.

15 (b) On or after January 1, 1996, the Court of Appeals shall be composed
16 of nine (9) judges. On or after January 1, 1997, the Court of Appeals shall be
17 composed of twelve (12) judges. The terms of office of the six (6) Court of
18 Appeals judges currently holding office shall not be affected by this act.

19 (c)(1) Three additional judgeships created by subsection (b) of this
20 section shall be effective on and after January 1, 1996 and three shall be
21 effective on or after January 1, 1997. The Governor shall appoint three (3)
22 persons from the state at large to serve from January 1, 1996 through December
23 31, 1998 and shall appoint three (3) persons from the state at large to serve
24 from January 1, 1997 through December 31, 1998.

25 ~~(2) The qualified electors of the Court of Appeals Districts~~
26 ~~established in compliance with subsection (e) of this section shall elect the~~
27 ~~additional Court of Appeals judges at the November, 1998 general election to~~
28 ~~take office on January 1, 1999.~~

29 ~~(d) Two (2) of the additional Court of Appeals judges elected pursuant~~
30 ~~to subsection (c)(2) of this section shall be elected to an initial term of~~
31 ~~four (4) years; two (2) shall be elected to an initial term of six (6) years;~~
32 ~~and two (2) shall be elected to an initial term of eight (8) years. The~~
33 ~~initial terms of these additional judges shall be determined by lot during the~~
34 ~~first public session of the court after their elected terms shall commence.~~
35 ~~Thereafter, these judges shall be elected for full eight (8) year terms. Each~~
36 ~~of the judges shall be a resident of the district from which elected and shall~~

~~1 have the same qualifications for holding office and shall receive the same
2 salary, expenses and other allowances as provided by law for other judges of
3 the Court of Appeals.~~

~~4 (e)(1) The 81st General Assembly shall determine the number and
5 location of Court of Appeals districts from which the members of the Court of
6 Appeals shall be selected.~~

~~7 (2) In order to assist the General Assembly with the
8 establishment of these districts, there is hereby created the Court of Appeals
9 Apportionment Commission to be composed of the following persons:~~

~~10 (A) The Governor or his designee;~~

~~11 (B) The Chairman of the Senate Judiciary Committee or his
12 designee, plus one (1) other member of the Senate Judiciary Committee to be
13 selected by the President Pro Tempore of the Senate.;~~

~~14 (C) The Chairman of the House Judiciary Committee or his
15 designee, plus one (1) other member of the House Judiciary Committee to be
16 selected by the Speaker of the House;~~

~~17 (D) The Chief Judge of the Court of Appeals;~~

~~18 (E) A citizen, appointed by the Governor, who shall
19 represent the interest of minority voters; and~~

~~20 (F) A member to be selected by the Arkansas Bar
21 Association.~~

~~22 (3) The Commission shall review the current Court of Appeals
23 districts and shall make a recommendation to the 81st General Assembly on the
24 changes, if any, to be made to the districts, effective January 1, 1998.~~

~~25 (f) The Joint Interim Judiciary Committee shall review and make
26 recommendations on the additional needs of the Court of Appeals, such as
27 facilities, equipment, and operational funds, resulting from increasing its
28 membership."~~

30 SECTION 6. (a) The Eighty-fourth General Assembly in 2003 shall
31 determine the number and location of Court of Appeals districts from which the
32 members of the Court of Appeals shall be selected.

33 (b) In order to assist the General Assembly with the establishment of
34 these districts, there is created the Court of Appeals Apportionment
35 Commission to be composed of the following persons:

36 (1) The Governor or his designee;

1 (2) The Chairman of the Senate Judiciary Committee or his
 2 designee, plus one (1) other member of the Senate Judiciary Committee to be
 3 selected by the President Pro Tempore of the Senate;

4 (3) The Chairman of the House Judiciary Committee or his
 5 designee, plus one (1) other member of the House Judiciary Committee to be
 6 selected by the Speaker of the House;

7 (4) The Chief Judge of the Court of Appeals;

8 (5) A citizen, appointed by the Governor, who shall represent the
 9 interest of minority voters; and

10 (6) A member to be selected by the Arkansas Bar Association.

11 (c) The Commission shall review the current Court of Appeals districts
 12 and shall make a recommendation to the Eighty-fourth General Assembly on the
 13 changes, if any, to be made to the districts, effective January 1, 2004.

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 15 SECTION 7. Arkansas Code 16-12-101 is repealed.

16 ~~16-12-101. Creation of court and apportionment board - Composition -~~
 17 ~~Establishment of districts.~~

18 ~~(a) There is created, pursuant to Arkansas Constitution, Amendment 58,~~
 19 ~~the Arkansas Court of Appeals, to be composed of six (6) members until January~~
 20 ~~1, 1996.~~

21 ~~(b) On or after January 1, 1996, the Court of Appeals shall be composed~~
 22 ~~of nine (9) judges. On or after January 1, 1997, the Court of Appeals shall be~~
 23 ~~composed of twelve (12) judges. The terms of office of the six (6) Court of~~
 24 ~~Appeals judges currently holding office shall not be affected by this~~
 25 ~~subsection.~~

26 ~~(c)(1) Three (3) additional judgeships created by subsection (b) of~~
 27 ~~this section shall be effective on and after January 1, 1996 and three (3)~~
 28 ~~shall be effective on or after January 1, 1997. The Governor shall appoint~~
 29 ~~three (3) persons from the state at large to serve from January 1, 1996~~
 30 ~~through December 31, 1998 and shall appoint three (3) persons from the state~~
 31 ~~at large to serve from January 1, 1997 through December 31, 1998. All of those~~
 32 ~~appointees shall be eligible to seek election as a member of the court in the~~
 33 ~~1998 general election.~~

34 ~~(2) The qualified electors of the Court of Appeals districts~~
 35 ~~established in compliance with subsection (c) of this section shall elect the~~
 36 ~~additional Court of Appeals judges at the November, 1998 general election to~~

1 ~~take office on January 1, 1999.~~

2 ~~(d) Two (2) of the additional Court of Appeals judges elected pursuant~~
 3 ~~to subdivision (c)(2) of this section shall be elected to an initial term of~~
 4 ~~four (4) years; two (2) shall be elected to an initial term of six (6) years;~~
 5 ~~and two (2) shall be elected to an initial term of eight (8) years. The~~
 6 ~~initial terms of these additional judges shall be determined by lot during the~~
 7 ~~first public session of the court after their elected terms shall commence.~~
 8 ~~Thereafter, these judges shall be elected for full eight-year terms. Each of~~
 9 ~~the judges shall be a resident of the district from which elected and shall~~
 10 ~~have the same qualifications for holding office and shall receive the same~~
 11 ~~salary, expenses and other allowances as provided by law for other judges of~~
 12 ~~the Court of Appeals.~~

13 ~~(e)(1) The 81st General Assembly shall determine the number and~~
 14 ~~location of Court of Appeals districts from which the members of the Court of~~
 15 ~~Appeals shall be selected.~~

16 ~~(2) In order to assist the General Assembly with the~~
 17 ~~establishment of these districts, there is hereby created the Court of Appeals~~
 18 ~~Apportionment Commission to be composed of the following persons:~~

19 ~~(A) The Governor or his designee;~~

20 ~~(B) The Chairman of the Senate Judiciary Committee or his~~
 21 ~~designee, plus one (1) other member of the Senate Judiciary Committee to be~~
 22 ~~selected by the President Pro Tempore of the Senate;~~

23 ~~(C) The Chairman of the House Judiciary Committee or his~~
 24 ~~designee, plus one (1) other member of the House Judiciary Committee to be~~
 25 ~~selected by the Speaker of the House;~~

26 ~~(D) The Chief Judge of the Court of Appeals;~~

27 ~~(E) A citizen, appointed by the Governor, who shall~~
 28 ~~represent the interest of minority voters; and~~

29 ~~(F) A member to be selected by the Arkansas Bar~~
 30 ~~Association.~~

31 ~~(3) The commission shall review the current Court of Appeals~~
 32 ~~districts and shall make a recommendation to the 81st General Assembly on the~~
 33 ~~changes, if any, to be made to the districts, effective January 1, 1998.~~

34 ~~(f) The House and Senate Interim Committees on Judiciary shall review~~
 35 ~~and make recommendations on the additional needs of the Court of Appeals, such~~
 36 ~~as facilities, equipment, and operational funds, resulting from increasing its~~

1 ~~membership.~~

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3 SECTION 8. All provisions of this act of a general and permanent nature
4 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
5 Revision Commission shall incorporate the same in the Code.

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7 SECTION 9. If any provision of this act or the application thereof to
8 any person or circumstance is held invalid, such invalidity shall not affect
9 other provisions or applications of the act which can be given effect without
10 the invalid provision or application, and to this end the provisions of this
11 act are declared to be severable.

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13 SECTION 10. All laws and parts of laws in conflict with this act are
14 hereby repealed.

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16 /s/ Dowd
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