

Stricken language would be deleted from present law. Underlined language would be added to present law.

1 State of Arkansas  
2 81st General Assembly  
3 Regular Session, 1997  
4 By: Senator Dowd

# A Bill

ACT 113 OF 1997  
SENATE BILL 83

## For An Act To Be Entitled

8 "AN ACT TO AMEND THE ARKANSAS CODE TO REFER TO THE HOUSE  
9 AND SENATE INTERIM COMMITTEES ON JUDICIARY INSTEAD OF THE  
10 JOINT INTERIM COMMITTEE ON JUDICIARY; AND FOR OTHER  
11 PURPOSES."

## Subtitle

14 "TO AMEND THE ARKANSAS CODE TO REFER TO  
15 THE HOUSE AND SENATE INTERIM COMMITTEES  
16 ON JUDICIARY INSTEAD OF THE JOINT  
17 INTERIM COMMITTEE ON JUDICIARY."

18  
19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

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21 SECTION 1. Arkansas Code 16-12-101, as amended by Act 15 of the First  
22 Extraordinary Session of 1995, is amended to read as follows:

23 "Section 1. Arkansas Code 16-12-101 is amended to read as follows:

24 16-12-101. Creation of court and apportionment board - Composition -  
25 Establishment of districts.

26 (a) There is created, pursuant to Arkansas Constitution, Amendment 58,  
27 the Arkansas Court of Appeals, to be composed of six (6) members until January  
28 1, 1996.

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

33 (c)(1) Three additional judgeships created by subsection (b) of this  
34 section shall be effective on and after January 1, 1996 and three shall be  
35 effective on or after January 1, 1997. The Governor shall appoint three (3)  
36 persons from the state at large to serve from January 1, 1996 through December

1 31, 1998 and shall appoint three (3) persons from the state at large to serve  
2 from January 1, 1997 through December 31, 1998. All of those appointees shall  
3 be eligible to seek election as a member of the court in the 1998 general  
4 election.

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

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

20 (e)(1) The 81st General Assembly shall determine the number and  
21 location of Court of Appeals districts from which the members of the Court of  
22 Appeals shall be selected.

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

26 (A) The Governor or his designee;

27 (B) The Chairman of the Senate Judiciary Committee or his  
28 designee, plus one (1) other member of the Senate Judiciary Committee to be  
29 selected by the President Pro Tempore of the Senate-;

30 (C) The Chairman of the House Judiciary Committee or his  
31 designee, plus one (1) other member of the House Judiciary Committee to be  
32 selected by the Speaker of the House;

33 (D) The Chief Judge of the Court of Appeals;

34 (E) A citizen, appointed by the Governor, who shall  
35 represent the interest of minority voters; and

36 (F) A member to be selected by the Arkansas Bar

1 Association.

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

5           (f) ~~The Joint Interim Judiciary Committee~~ House and Senate Interim  
6 Committees on Judiciary shall review and make recommendations on the  
7 additional needs of the Court of Appeals, such as facilities, equipment, and  
8 operational funds, resulting from increasing its membership. "

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10           SECTION 2. Arkansas Code 21-9-203(b)(2) is amended to read as follows:

11           "(2) When situations arise in which the Attorney General feels that a  
12 conflict of interest exists and therefore must decline representation of the  
13 officer or employee, the Attorney General shall prepare a report which he  
14 shall submit to the ~~Joint Interim Committee on Judiciary~~ House and Senate  
15 Interim Committees on Judiciary, in which he shall recite the reasons for the  
16 conflict of interest and the reasons his office declined representation."

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

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

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

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31           SECTION 6. EMERGENCY. It is hereby found and determined by the General  
32 Assembly that Act 10 of the First Extraordinary Session of 1995 abolished the  
33 Joint Interim Committee on Judiciary and in its place established the House  
34 Interim Committee and Senate Interim Committee on Judiciary; that the Arkansas  
35 Code 21-9-203 refers to the Joint Interim Committee on Judiciary and should be  
36 corrected to refer to the House and Senate Interim Committees on Judiciary;

1 that this act so provides; and that this act should go into effect immediately  
2 in order to make the laws compatible as soon as possible. Therefore, an  
3 emergency is declared to exist and this act being immediately necessary for  
4 the preservation of the public peace, health and safety shall become effective  
5 on the date of its approval by the Governor. If the bill is neither approved  
6 nor vetoed by the Governor, it shall become effective on the expiration of the  
7 period of time during which the Governor may veto the bill. If the bill is  
8 vetoed by the Governor and the veto is overridden, it shall become effective  
9 on the date the last house overrides the veto.

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