

1 State of Arkansas

Call Item 8

2 80th General Assembly

# A Bill

3 First Extraordinary Session, 1995

HOUSE BILL

1010

4 By: Rep. M. Wilson

5 By: Sen. Dowd

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## For An Act To Be Entitled

9 "AN ACT TO AMEND VARIOUS SECTIONS OF THE ARKANSAS CODE TO  
10 PROVIDE FOR THE APPOINTMENT OF ADDITIONAL COURT OF APPEALS  
11 JUDGES FROM THE STATE AT LARGE; AND FOR OTHER PURPOSES."

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## Subtitle

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"TO PROVIDE FOR THE APPOINTMENT OF

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ADDITIONAL COURT OF APPEALS JUDGES FROM

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THE STATE AT LARGE"

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

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20 SECTION 1. Arkansas Code 16-12-101 is amended to read as follows:

21 "16-12-101. Creation of court and apportionment board - Composition -  
22 Establishment of districts.

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

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

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

1 to serve *from January 1, 1997 through December 31, 1998.*

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

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

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

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

23 (A) The Governor or his designee;

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

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

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

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

33 (F) A member to be selected by the Arkansas Bar  
34 Association.

35 (3) The Commission shall review the current Court of Appeals

1 districts and shall make a recommendation to the 81st General Assembly on the  
2 changes, if any, to be made to the districts, effective January 1, 1998.

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

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8 SECTION 2. Arkansas Code 16-12-109 is amended to read as follows:

9 "§16-12-109. Divisions of court.

10 Three (3) divisions of the Court of Appeals, to be known and designated  
11 as Division I, Division II, and Division III are authorized beginning January  
12 1, 1996 and a fourth division to be known and designated as Division IV is  
13 authorized beginning January 1, 1997. Each of the divisions authorized shall  
14 consist of three (3) judges of the Court of Appeals, but no judge shall be  
15 permanently assigned to any division. The judges constituting the respective  
16 divisions shall be rotated not less frequently than semiannually under rules  
17 prescribed by the Court of Appeals."

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19 SECTION 3. Sections 2, 3, and 4 of Act 1085 of 1993 and Section 4 of  
20 Act 1187 of 1995 are hereby repealed.

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

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26 SECTION 5. If any provision of this act or the application thereof to  
27 any person or circumstance is held invalid, such invalidity shall not affect  
28 other provisions or applications of the act which can be given effect without  
29 the invalid provision or application, and to this end the provisions of this  
30 act are declared to be severable.

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32 SECTION 6. All laws and parts of laws in conflict with this act are  
33 hereby repealed.

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35 SECTION 7. EMERGENCY. It is hereby found and determined by the

1 General Assembly of the State of Arkansas that this act amends Uncodified Act  
2 1085 of 1993 and is needed to provide for the appointment of additional Court  
3 of Appeals judges from the state of Arkansas since the 80th General Assembly  
4 meeting in regular session failed to prescribe new districts and irreparable  
5 harm to the proper administration of justice would result if this act is not  
6 given immediate effect. Therefore, an emergency is hereby declared to exist  
7 and this act being necessary for the immediate preservation of the public  
8 peace, health, and safety, shall be in full force and effect from and after  
9 its passage and approval.

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*/s/ Mike Wilson*

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