

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

# A Bill

HOUSE BILL 1211

4  
5 By: Representatives McKissack, Wilkins, Roberts, and Pappas  
6 By: Senators Bradford and Edwards

## For An Act To Be Entitled

10 "AN ACT TO CREATE A TEMPORARY POSITION OF FIFTH DIVISION  
11 OF THE CHANCERY COURT OF THE ELEVENTH JUDICIAL CIRCUIT-  
12 WEST; AND FOR OTHER PURPOSES."

### Subtitle

15 "TO CREATE A TEMPORARY POSITION OF FIFTH  
16 DIVISION OF THE CHANCERY COURT OF THE  
17 ELEVENTH JUDICIAL CIRCUIT-WEST."

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

21 SECTION 1. (a) There is hereby created the temporary position of a  
22 Fifth Division of the Chancery Court of the Eleventh Judicial Circuit-West,  
23 which position shall expire on December 31, 1998.

24 (b) The position of chancellor of the Fifth Division of the Chancery  
25 Court shall be filled by appointment by the Governor as authorized by law.

26 (c) The judge of the Fifth Division of the Chancery Court shall be  
27 assigned cases by the Chief Justice of the Supreme Court; that the chancellor  
28 of the Fifth Division shall handle all cases of the First and Second Divisions  
29 of the Eleventh Judicial Circuit-West in which the judges of those courts have  
30 recused and such other duties in the Eleventh Judicial Circuit-West as may be  
31 assigned by the Chief Justice.

32 (d) In addition to the duties prescribed in subsection (c) above, the  
33 chancellor of the Fifth Division may be assigned to any and all other chancery  
34 circuits of the State of Arkansas where the local chancellor or chancellors  
35 have recused or have been disqualified.

36 (e) The chancellor of the Fifth Division shall receive compensation at

1 the same rate as fixed by law for regularly elected chancery judges.

2 (f) The chancellor of the Fifth Division may appoint a court reporter  
 3 as provided by law, whose salary and expenses shall be paid from the Court  
 4 Reporter\_s Fund.

5 (g) The chancellor of the Fifth Division shall also employ one staff  
 6 person in accordance with § 10-16-133 to perform secretarial duties,  
 7 management services, and such other duties as may be prescribed by the  
 8 chancellor; that pursuant to § 10-16-133 the chancellor of the Fifth Division  
 9 shall have the authority to select and hire the person who will serve, and any  
 10 person so employed shall serve at the will and pleasure of the judge.

11

12 SECTION 2. All provisions of this act of a general and permanent nature  
 13 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code  
 14 Revision Commission shall incorporate the same in the Code.

15

16 SECTION 3. If any provision of this act or the application thereof to  
 17 any person or circumstance is held invalid, such invalidity shall not affect  
 18 other provisions or applications of the act which can be given effect without  
 19 the invalid provision or application, and to this end the provisions of this  
 20 act are declared to be severable.

21

22 SECTION 4. All laws and parts of laws in conflict with this act are  
 23 hereby repealed.

24

25 SECTION 5. EMERGENCY. It is hereby found and determined by the General  
 26 Assembly that the First and Second Divisions of the Chancery Courts of the  
 27 Eleventh Judicial Circuit-West require assistance in all of their cases in  
 28 which they must recuse, and that because of their heavy caseload, it would  
 29 work a hardship for them to accept cases from the other\_s division where there  
 30 has been a recusal; that all other circuits in the State need assistance when  
 31 the local chancellor or chancellors have recused; that delay in providing a  
 32 remedy for these situations could work irreparable harm upon the proper  
 33 administration of justice. Therefore an emergency is declared to exist and  
 34 this act being immediately necessary for the preservation of the public peace,  
 35 health and safety shall become effective on the date of its approval by the  
 36 Governor. If the bill is neither approved nor vetoed by the Governor, it

1 shall become effective on the expiration of the period of time during which  
2 the Governor may veto the bill. If the bill is vetoed by the Governor and the  
3 veto is overridden, it shall become effective on the date the last house  
4 overrides the veto.

5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35