

Stricken language would be deleted from the present constitution. Underlined language would be added to present constitution.

1 State of Arkansas
2 81st General Assembly
3 Regular Session, 1997

As Engrossed: H2/27/97

H.J.R. 1013

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5 By: Representative Luker
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8 HOUSE JOINT RESOLUTION

9 PROPOSING AN AMENDMENT TO THE ARKANSAS CONSTITUTION TO
10 AUTHORIZE THE ASSIGNMENT OF SPECIAL AND RETIRED JUDGES,
11 THE EXCHANGE OF CIRCUITS, AND THE ESTABLISHMENT OF THE
12 JURISDICTION OF CORPORATION COURTS.
13

14 Subtitle

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23 BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE EIGHTY-FIRST GENERAL
24 ASSEMBLY OF THE STATE OF ARKANSAS AND BY THE SENATE, A MAJORITY OF ALL MEMBERS
25 ELECTED TO EACH HOUSE AGREEING THERETO:
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27 That the following is hereby proposed as an amendment to the Constitution
28 of the state of Arkansas, and upon being submitted to the electors of the
29 state for approval or rejection at the next general election for Senators and
30 Representatives, if a majority of the electors voting thereon at such
31 election, adopt such amendment, the same shall become a part of the
32 Constitution of the state of Arkansas, to wit:
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34 "SECTION 1. (A) If a Supreme Court justice is disqualified or
35 temporarily unable to serve, the Chief Justice shall certify the fact to the
36 Governor, who within thirty (30) days thereafter, shall commission a special
37 justice, unless the time is extended by the Chief Justice upon a showing by

1 the Governor that in spite of the exercise of diligence, additional time is
2 needed. If the Governor fails to commission a special justice within thirty
3 (30) days, or at the end of an extended period granted by the Chief Justice,
4 the Lieutenant Governor shall commission a special justice.

5 (B) If a judge of the Court of Appeals is disqualified or temporarily
6 unable to serve, the Chief Judge shall certify the fact to the Chief Justice
7 who shall commission a special judge.

8 (C) If a circuit, chancery, or probate judge is disqualified or
9 temporarily unable to serve, or if the Chief Justice shall determine there is
10 other need for a special judge to be temporarily appointed, a special judge
11 may be assigned by the Chief Justice or elected by the bar of that Court,
12 under rules prescribed by the Supreme Court, to serve during the period of
13 temporary disqualification, absence or need.

14 (D) In naming special justices and judges, the Governor or the Chief
15 Justice may commission, with their consent, retired justices or judges, active
16 circuit, chancery, or probate judges, or licensed attorneys.

17 (E) Special and retired justices and judges selected and assigned for
18 temporary judicial service shall meet the qualifications of justices or judges
19 of the Court to which selected and assigned.

20 (F) Special and retired judges shall be compensated as provided by law.

21 SECTION 2. Circuit, chancery, and probate judges may temporarily
22 exchange circuits by joint order. Any circuit, chancery, or probate judge who
23 consents may be assigned to another circuit for temporary service under rules
24 prescribed by the Supreme Court.

25 "SECTION 3. Notwithstanding any provision of this Constitution to the
26 contrary, the General Assembly shall have the power to establish the criminal
27 and civil jurisdiction of cases heard by corporation courts, including matters
28 of law or equity and the jurisdictional amounts of such matters; and the
29 General Assembly shall have the power to establish to which courts appeals
30 from corporation courts shall be taken.";

31 SECTION 4. Article 7, Section 9, 21, and 22 are hereby repealed.

32 ~~SECTION 9. Special judges.~~

33 ~~In case all or any of the judges of the Supreme Court shall be~~
34 ~~disqualified from presiding in any cause or causes the court or the~~
35 ~~disqualified judge shall certify the same to the Governor, who shall~~

1 ~~immediately commission the requisite number of men learned in the law to sit~~
2 ~~in the trial and determination of such causes.~~

3 ~~— § 21. Special judges of circuit courts.~~

4 ~~— Whenever the office of judge of the circuit court of any county is~~
5 ~~vacant at the commencement of a term of such court, or the judge of said court~~
6 ~~shall fail to attend, the regular practicing attorneys in attendance on said~~
7 ~~court may meet at 10 o'clock a. m. on the second day of the term, and elect a~~
8 ~~judge to preside at such court, or until the regular judge shall appear; and~~
9 ~~if the judge of said court shall become sick or die or unable to continue to~~
10 ~~hold such court after its term shall have commenced, or shall from any cause~~
11 ~~be disqualified from presiding at the trial of any cause then pending therein,~~
12 ~~then the regular practicing attorneys in attendance on said court may in like~~
13 ~~manner, on notice from the judge or clerk of said court, elect a judge to~~
14 ~~preside at such court or to try said causes, and the attorney so elected shall~~
15 ~~have the same power and authority in said court as the regular judge would~~
16 ~~have had if present and presiding; but this authority shall cease at the close~~
17 ~~of the term at which the election shall be made. The proceeding shall be~~
18 ~~entered at large upon the record. The special judge shall be learned in law~~
19 ~~and a resident of the State.~~

20 ~~— § 22. Exchange of circuits.~~

21 ~~— The judges of the circuit courts may temporarily exchange circuits or~~
22 ~~hold courts for each other under such regulations as may be prescribed by law.~~

23 SECTION 5. This amendment becomes effective January 1, 1999."

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/s/Rep. Luker