

2017 - 2019 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT

0023 Administrative Office of the Courts

ACT#: 80

SECTION#: 5

CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)

EXECUTIVE RECOMMENDATION

AOC RESPONSIBILITY FOR COURT REPORTERS AND TRIAL COURT ADMINISTRATORS.

NO EXECUTIVE RECOMMENDATION

(a) The Administrative Office of the Courts shall be responsible for the financial oversight of the Official Court Reporters of the Circuit Courts and Trial Court Administrators, which shall include but not be limited to biennial and annual budget requests, all budgeting activities, monitoring expenses, travel, substitute expenses, indigent transcript payments and to ensure projected annual expenditures do not exceed total available funding. (b)

The Administrative Office of the Courts with assistance from the Arkansas Judicial Council shall establish an official procedure or rules for all new hires, terminations and salary adjustments for Trial Court Administrators and Official Court Reporters. The official procedures or rules shall be implemented prior to July 1, ~~2016~~2017 and shall be administered for all Trial Court Administrators and Official Court Reporters.

The provisions of this section shall be in effect only from July 1, ~~2016~~2017 through June 30, ~~2017~~2018.

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CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)

EXECUTIVE RECOMMENDATION

FUNDING FROM THE ADMINISTRATION OF JUSTICE FUND.

NO EXECUTIVE RECOMMENDATION

(a) (i) The Administrative Office of the Courts shall be responsible for requesting and verifying the need for any additional appropriation, any position change level, and any increase in the Administration of Justice Fund Allocation Section as authorized annually through special language in the Department of Finance and Administration's Disbursing Act, for the Trial Court Administrators and Official Court Reporters.

(ii) Any annual or biennial request for an increase in the Administration of Justice Fund allocation section for Trial Court Administrators and/or Official Court Reporters shall not exceed the total or projected total revenues available for the Trial Court Administrator Fund or the Court Reporter's Fund from the Administration of Justice Fund as determined by the Administrative Office of the Courts with assistance from the Department of Finance and Administration.

(b) (i) During a fiscal year the Administrative Office of the Courts shall not approve any change level in salary, operating expense and other distributions for Trial Court Administrators which will exceed actual or projected fund balances in the Trial Court Administrator Fund.

(ii) During a fiscal year the Administrative Office of the Courts shall not approve any change level in salary, operating expense and other distributions for Court Reporters which will exceed actual or projected fund balances in the Court Reporter's Fund.

The provisions of this section shall be in effect only from July 1, ~~2016~~ 2017 through June 30, ~~2017~~ 2018.

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EXECUTIVE RECOMMENDATION

TRIAL COURT ADMINISTRATOR EMPLOYMENT. In the event that any Trial Court Administrator terminates employment for any reason and is eligible for the payment of accumulated annual leave, the employment date for the new employee shall be delayed and the position shall remain vacant for the period of time required to account for the cost of the payment of accumulated annual leave.

The provisions of this section shall be in effect only from July 1, ~~2016~~ 2017 through June 30, ~~2017~~ 2018.

NO EXECUTIVE RECOMMENDATION

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ACT#: 87

SECTION#: 4

CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)

EXECUTIVE RECOMMENDATION

JUVENILE INTAKE AND PROBATION OFFICERS STATE REIMBURSEMENTS.

Arkansas Code 16-13-331 is amended to read as follows:

16-13-331. State reimbursement.

(a) The Administrative Office of the Courts shall administer the state reimbursement to the counties for the juvenile officers' previous year's salaries.

(b) In order for a county to receive the state reimbursement for juvenile intake and probation officers, the county must submit the following documentation to the Administrative Office of the Courts, including, but not limited to:

- (1) Proof of each juvenile officer's certification and continuing education hours;
- (2) A copy of each juvenile officer's W-2 form for the salary year that is being reimbursed; and
- (3) A completed form concerning the employment status of the officer which shall be designed and distributed by the Administrative Office of the Courts.

(c) If a county contracts with a service provider to provide juvenile intake and probation services pursuant to § 16-13-330, the county must submit documentation to the Administrative Office of the Courts, including, but not limited to:

- (1) A copy of the contract for the salary year that is being reimbursed;
- (2) A copy of each juvenile officer's certification and continuing education hours;
- (3) A copy of each juvenile officer's W-2 form for the salary year that is

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EXECUTIVE RECOMMENDATION

being reimbursed; and

(4) A completed form concerning the employment status of each officer which shall be designed and distributed by the Administrative Office of the Courts.

(d)(1) A county may determine that part-time service of a juvenile officer is sufficient to meet the needs of a county.

(2)(A) Multiple counties in a judicial district may share the cost of the salary of the intake and probation officer.

(B) One (1) county may be designated as the county to be reimbursed by the state, or each county shall designate the portion of the salary that it pays for juvenile intake and probation services.

(3)(A) A county may contract with a service provider for full-time or part-time juvenile intake and probation officer services, and the county shall indicate the percentage of the contractor's time that is spent providing juvenile intake and probation officer services for the county.

(B) The county or the contractor shall be reimbursed for one-half (1/2) of the portion of the salary that is used for such services, up to fifteen thousand dollars (\$15,000).

(e) Nothing in this section removes the obligation of each circuit judge designated to hear juvenile cases in a district plan under Arkansas Supreme Court Administrative Order Number 14, originally issued April 6, 2001, to have a minimum of one (1) intake officer, pursuant to § 16-13-328, and one (1) probation officer, pursuant to § 16-13-327.

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CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)

EXECUTIVE RECOMMENDATION

FUND TRANSFER. Federal funds received by the Arkansas State Police from the United States Department of Transportation from safety incentive funds received under 23 USC Section 402 for the "State and Community Highway Safety Program" may be granted to the Administrative Office of the Courts and deposited into the State Central Services Fund to reimburse expenditures by the Administrative Office of the Courts for operating expenses of the Continuing Education Program for District Judges as appropriated in Section 8 herein. The appropriation to the Administrative Office of the Courts provided in Section 8 may be expended only in the event that federal funds have been granted and will be transferred from the Arkansas State Police to reimburse the Continuing Education Program for District Judges.

The provisions of this section shall be in effect only from July 1, ~~2016~~ 2017 through June 30, ~~2017~~ 2018.

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SECTION#: 37

CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)

EXECUTIVE RECOMMENDATION

CONTRACTING WITH STATE ATTORNEYS. The Administrative Office of the Courts Division of Dependency-Neglect Representation shall have the authority to enter into a Professional Services Agreement with any qualified attorney who at any time previously served as a State Attorney and was paid by the State as a state employee prior to being appointed to provide representation in the dependency-neglect cases by a Circuit Judge. In addition, the Division shall have the authority to enter into a professional services contract with a qualified person who is serving as a part-time Public Defender or other part-time State Attorney and paid as an employee of the State of Arkansas when the Public Defender or other part-time State Attorney has been appointed to provide Dependency-Neglect Services by a Circuit Judge. The part-time Public Defender or other part-time State Attorney shall be eligible for additional compensation which shall not be construed as exceeding the line item maximum for the grade of that position when the Administrative Office of the Courts reimburses the part-time Public Defender or other part-time State Attorney for Dependency-Neglect Representation services performed. This does not prevent the Administrative Office of the Courts from contracting with any qualified attorney in the state.

The provisions of this section shall be in effect only from July 1, ~~2016~~ 2017 through June 30, ~~2017~~ 2018.

NO EXECUTIVE RECOMMENDATION

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SECTION#: 38

CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)

EXECUTIVE RECOMMENDATION

DEPENDENCY-NEGLECT REPRESENTATION APPROPRIATION TRANSFER AUTHORITY. The Administrative Office of the Courts shall receive approval from the Chief Fiscal Officer of the State and Arkansas Legislative Council or Joint Budget Committee to transfer funds and appropriations between Item Numbers (01), (02), (03) (A) and (C) and (06) of Section 10 herein for the payment of employees and/or contractors providing legal services for the Division of Dependency-Neglect Representation.

NO EXECUTIVE RECOMMENDATION

Determining the maximum number of employees and the maximum amount of appropriation and general revenue funding for a state agency each fiscal year is the prerogative of the General Assembly. This is usually accomplished by delineating such maximums in the appropriation act(s) for a state agency and the general revenue allocations authorized for each fund and fund account by amendment to the Revenue Stabilization law. Further, the General Assembly has determined that the Administrative Office of the Courts may operate more efficiently if some flexibility is provided to the Administrative Office of the Courts authorizing broad powers under this Section. Therefore, it is both necessary and appropriate that the General Assembly maintain oversight by requiring prior approval of the Legislative Council or Joint Budget Committee as provided by this section. The requirement of approval by the Legislative Council or Joint Budget Committee is not a severable part of this section. If the requirement of approval by the Legislative Council or Joint Budget Committee is ruled unconstitutional by a court of competent jurisdiction, this entire section is void.

The provisions of this section shall be in effect only from July 1, ~~2016~~ 2017 through June 30, ~~2017~~ 2018.

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CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)

EXECUTIVE RECOMMENDATION

TRANSFER AUTHORITY. The Department of Finance and Administration shall transfer funds, from time to time, from the State Administration of Justice Fund to the State Central Services Fund in such amounts as are required to reimburse the State Central Services Fund for a portion of the expenses of the Administrative Office of the Courts - Division of Dependency-Neglect Representation.

The provisions of this section shall be in effect only from July 1, ~~2016~~ 2017 through June 30, ~~2017~~ 2018.

NO EXECUTIVE RECOMMENDATION

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EXECUTIVE RECOMMENDATION

FUNDING. Funds received by the Arkansas State Police from the Department of Transportation from the safety incentive funds received under P.L. 105-178, title I, Section 1404(a), 23 USC Section 163 for "Safety Incentives to Prevent Operation of Motor Vehicles by Intoxicated Persons" may be transferred to the Administrative Office of the Courts as directed by the Arkansas State Police for operating expenses of the District Court State Automation System.

The provisions of this section shall be in effect only from July 1, ~~2016~~ 2017 through June 30, ~~2017~~ 2018.

NO EXECUTIVE RECOMMENDATION

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EXECUTIVE RECOMMENDATION

MONTHLY INSTALLMENT. From July 1, ~~2016~~ 2017 through June 30, ~~2017~~ 2018, a lump sum monthly installment of at least one-twelfth (1/12) of a portion of the annual appropriation provided for in Section 10 of this Act, or so much thereof as may be made available, shall be provided from the State Administration of Justice Fund to the State Central Services Fund to provide a portion of the funds for that appropriation.

The provisions of this section shall be in effect only from July 1, ~~2016~~ 2017 through June 30, ~~2017~~ 2018.

NO EXECUTIVE RECOMMENDATION

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CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)

EXECUTIVE RECOMMENDATION

INDIGENT PARENT COUNSEL REPRESENTATION. The Administrative Office of the Courts shall have the authority to use the appropriation provided in Item Number (05) Parent Counsel Reimbursements of Section 10 herein for the purpose of entering into professional service contracts on a full-time or part-time basis with attorneys who are qualified to provide counsel for indigent parents in dependency-neglect cases.

The provisions of this section shall be in effect only from July 1, ~~2016~~ 2017 through June 30, ~~2017~~ 2018.

NO EXECUTIVE RECOMMENDATION

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CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)

EXECUTIVE RECOMMENDATION

TRANSFER PROVISION. After receiving approval from the Chief Fiscal Officer of the State and Arkansas Legislative Council or Joint Budget Committee, the Agency is authorized to transfer appropriation from any line item authorized in Court Automation Appropriation of the Administrative Office of the Courts in this Act to any other line item authorized in Court Automation Appropriation.

Determining the maximum number of employees and the maximum amount of appropriation and general revenue funding for a state agency each fiscal year is the prerogative of the General Assembly. This is usually accomplished by delineating such maximums in the appropriation act(s) for a state agency and the general revenue allocations authorized for each fund and fund account by amendment to the Revenue Stabilization law. Further, the General Assembly has determined that the Administrative Office of the Courts may operate more efficiently if some flexibility is provided to the Administrative Office of the Courts authorizing broad powers under this Section. Therefore, it is both necessary and appropriate that the General Assembly maintain oversight by requiring prior approval of the Legislative Council or Joint Budget Committee as provided by this section. The requirement of approval by the Legislative Council or Joint Budget Committee is not a severable part of this section. If the requirement of approval by the Legislative Council or Joint Budget Committee is ruled unconstitutional by a court of competent jurisdiction, this entire section is void.

The provisions of this section shall be in effect only from July 1, ~~2016~~ 2017 through June 30, ~~2017~~ 2018.

NO EXECUTIVE RECOMMENDATION