

2023 - 2025 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT

0023 Administrative Office of the Courts

ACT#: 172

SECTION#: 31

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 the District Judges Continuing Education - State appropriation herein. The appropriation to the Administrative Office of the Courts provided in the District Judges Continuing Education - State appropriation 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, ~~2022~~ 2023 through June 30, ~~2023~~ 2024.

NO EXECUTIVE RECOMMENDATION

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CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)

EXECUTIVE RECOMMENDATION

SPECIAL LANGUAGE - CODE AMENDMENT. Arkansas Code Title 9, Chapter 27, Subchapter 4, is amended to codify special language in appropriation acts and to add an additional section to read as follows:

9-27-403. Dependency neglect attorney contracts.

(a) The Division of Dependency-Neglect Representation may enter into a professional services contract with a qualified attorney who:

(1) Has previously been employed as an attorney by the state before being appointed to provide representation in dependency-neglect cases by a circuit court; or

(2)(A) Is serving as a part-time public defender or other part-time state employee employed as an attorney when the part-time public defender or other part-time state employee employed as an attorney has been appointed to provide dependency-neglect services by a circuit court.

(B) The part-time public defender or other part-time state employee employed as an attorney is eligible for additional compensation that shall not be construed as exceeding the line item maximum for the grade of the part-time public defender's or other part-time state employee's position when the division reimburses the part-time public defender or other part-time state employee employed as an attorney for dependency-neglect representation services performed.

(b) This section does not prevent the division from otherwise contracting with any qualified attorney in the state for dependency-neglect cases.

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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 line items Regular Salaries, Personal Services Matching, Operating Expense, Professional Fees and Attorney Ad Litem Fees/Reimbursements of the Division of Dependency-Neglect Representation appropriation herein for the payment of employees and/or contractors providing legal services for the Division of Dependency-Neglect Representation.

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,

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this entire section is void.

The provisions of this section shall be in effect only from July 1, ~~2022~~
2023 through June 30, ~~2023~~ 2024.

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SPECIAL LANGUAGE - CODE AMENDMENT. Arkansas Code Title 9, Chapter 27, Subchapter 4, is amended to codify special language in appropriation acts and to add an additional section to read as follows:

9-27-403. Division of Dependency-Neglect Representation funding.

The Department of Finance and Administration shall transfer funds as needed from the State Administration of Justice Fund to the State Central Services Fund in amounts as are required to reimburse the State Central Services Fund for a portion of the expenses of the Division of Dependency-Neglect Representation.

NO EXECUTIVE RECOMMENDATION

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EXECUTIVE RECOMMENDATION

SPECIAL LANGUAGE - CODE AMENDMENT. Arkansas Code Title 16, Chapter 17, Subchapter 1, is amended to codify special language in appropriation acts and to add an additional section to read as follows:

16-17-139. District Court automation funding.

(a) The operating expenses of the District Court State Automation System may be funded through funds received by the Division of Arkansas State Police from the Department of Transportation from the safety incentive funds received under 26 U.S.C. § 163, as it existed on January 1, 2023.

(b) The funds may be transferred to the Administrative Office of the Courts as directed by the division.

NO EXECUTIVE RECOMMENDATION

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EXECUTIVE RECOMMENDATION

MONTHLY INSTALLMENT. From July 1, ~~2022~~ 2023 through June 30, ~~2023~~ 2024, a lump sum monthly installment of at least one-twelfth (1/12) of a portion of the annual appropriation provided for in the Division of Dependency-Neglect Representation appropriation 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, ~~2022~~ 2023 through June 30, ~~2023~~ 2024.

NO EXECUTIVE RECOMMENDATION

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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, ~~2022~~ 2023 through June 30, ~~2023~~ 2024.

NO EXECUTIVE RECOMMENDATION

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ACT#: 206

SECTION#: 8

CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)

EXECUTIVE RECOMMENDATION

~~SPECIAL LANGUAGE — CODE AMENDMENT. Arkansas Code Title 16, Chapter 10, Subchapter 1, is amended to codify special language in appropriation acts and to add an additional section to read as follows:~~

NO EXECUTIVE RECOMMENDATION

~~———— 16-10-142. Court reporters and trial court administrators.~~

~~———— (a)(1) The Administrative Office of the Courts is responsible for requesting and verifying the need for any additional appropriation, any position-level change, any increase in the Administration of Justice Fund allocation amount as authorized in the operative appropriation act, and any increases to be payable from the State Central Services Fund as appropriated in the operative appropriation act, for trial court administrators and official court reporters.~~

~~———— (2) An annual or biennial request for an increase for trial court administrators or official court reporters shall not exceed the total or projected total appropriation as authorized by the General Assembly.~~

~~———— (b) During a fiscal year, the office shall not approve any change in salary level, operating expense, or other distribution for trial court administrators which exceeds the actual or projected appropriation available for trial court administrators or for court reporters which exceeds the actual or projected appropriation available for court reporters.~~

~~———— (c) In order for the General Assembly to make an informed decision on any appropriation increase request, the office shall include with any request for an appropriation increase for trial court administrators or court reporters that exceeds the previous fiscal year total appropriation the following information:~~

~~———— (1) A letter explaining the purpose or reason for the~~

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~~requested appropriation increase along with the total dollar amount requested, the position level change or salary increase requested, and the funding source of the increase;~~

~~_____ (2) A report that includes:~~

~~_____ (A) Current salaries and salaries from previous fiscal years;~~

~~_____ (B) Current years of service;~~

~~_____ (C) A list of salary increases received by an employee during the current or previous fiscal year; and~~

~~_____ (D) The requested increase in salary and match for each trial court administrator or court reporter; and~~

~~_____ (3) A copy of the rules, policies, or procedures established or utilized by the office in conjunction with the Arkansas Judicial Council, Inc., that are used to determine current salaries and salary increases for trial court administrators or court reporters.~~