

Stricken language would be deleted from and underlined language would be added to present law.

State of Arkansas
89th General Assembly
Regular Session, 2013

As Engrossed: H3/13/13
A Bill

HOUSE BILL 1366

By: Representatives Hammer, *Broadaway, Steel*
By: Senators Burnett, *J. Hutchinson*

For An Act To Be Entitled

AN ACT TO AMEND THE LAW REGARDING THE PRIORITY OF DISTRIBUTIONS FROM THE STATE ADMINISTRATION OF JUSTICE FUND; TO MAKE TECHNICAL CORRECTIONS TO *CLARIFY THE FUND; TO DECLARE AN EMERGENCY; AND FOR OTHER PURPOSES.*

Subtitle

TO AMEND THE LAW REGARDING THE PRIORITY OF DISTRIBUTIONS FROM THE STATE *ADMINISTRATION OF JUSTICE FUND; TO MAKE TECHNICAL CORRECTIONS TO CLARIFY THE FUND; AND TO DECLARE AN EMERGENCY.*

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

SECTION 1. Arkansas Code § 16-10-306 is amended to read as follows:

16-10-306. ~~State Administration of Justice Fund~~ Funds Section.

~~{Effective January 1, 2012.}~~

(a) ~~There is hereby created on the books of the Treasurer of State, the Auditor of State, and the Chief Fiscal Officer of the State a trust fund account to be known as the "State Administration of Justice Fund".~~

~~(b)(1) There is hereby created in the Department of Finance and Administration an Administration of Justice Funds Section, to which shall be remitted~~

~~(b) The court costs and filing fees enumerated in §§ 21-6-403, 16-17-705, and 16-10-305, as provided in this act, 16-10-305, 16-17-705, and 21-6-~~



403, which are assessed and collected in the district courts and circuit courts in this state, shall be remitted to the Administration of Justice Funds Section.

~~(2)(A)(c) Said funds~~ The Administration of Justice Funds Section shall be deposited by the section in:

(1) Deposit the court costs and filing fees remitted under subsection (b) of this section into the State Administration of Justice Fund; and

~~(B)(2) The section shall keep~~ Keep an accurate account of all receipts by type of case and type and location of court from which ~~such fees and the court costs and filing fees~~ are submitted.

SECTION 2. Arkansas Code § 16-10-310 is amended to read as follows:

16-10-310. State Administration of Justice Fund – Distribution of revenue.

(a) ~~At the close of books on the twentieth working day of November, 1995, and on or before the twentieth working day of each month thereafter, the Department of Finance and Administration shall make the following distribution of~~ distribute revenue credited to the State Administration of Justice Fund and received for the previous month ~~and credited to the State Administration of Justice Fund~~ as provided in this section.

(b) ~~The revenue described in subsection (a) of this section shall be distributed to the~~ The following state programs and state agencies shall be paid at an annual rate, at not less than the amounts certified by the Department of Finance and Administration that were received by the program or agency in the fiscal year ending June 30, 1995, in a monthly installment installments of at least one-twelfth (1/12) of the annual ~~appropriation~~ allocation provided for each state program or state agency ~~for this purpose~~ from the State Administration of Justice Fund+ subject to the limitations stated in this section:

(1) *The Board of Trustees of the University of Arkansas for the purpose and as regulated by §§ 6-64-604 – 6-64-606;*

(2) *The Public Health Fund and the Drug Abuse Prevention and Treatment Fund for use in the drug abuse prevention and treatment program of the Office of Alcohol and Drug Abuse Prevention;*

(3) *The Department of Arkansas State Police for the State Police*

Retirement Fund;

(4) *The Crime Victims Reparations Revolving Fund for the purpose of and as regulated by § 16-90-701 et seq.;*

(5) *The Prosecutor Coordinator's office for deposit in the Law Enforcement and Prosecutor Drug Enforcement Training Fund;*

(6) *The Crime Information System Fund;*

(7) *The Justice Building Construction Fund;*

(8) *The District Court Judge and District Court Clerk Education Fund;*

(9) *The Judges Retirement Fund;*

(10) *The State Central Services Fund for the benefit of the Arkansas Public Defender Commission;*

(11) *The Court Reporter's Fund;*

(12) *The Justice Building Fund;*

(13) *The Arkansas Counties Alcohol and Drug Abuse and Crime Prevention Program Fund;*

(14) ~~*The State Administration of Justice Fund for disbursement by the Auditor of State to fund the trial court staff persons authorized by § 16-10-133*~~ *Auditor of State to fund the Trial Court Administrative Assistant Fund;*

(15) *The Department of Arkansas State Police Fund;*

(16) *The State Central Services Fund for the benefit of the Division of Dependency-Neglect Representation of the Administrative Office of the Courts;*

(17) *The Miscellaneous Agencies Fund Account for the benefit of the State Crime Laboratory;*

(18) *The Arkansas District Judges Council for the Executive Director;*

(19) *The Public Legal Aid Fund;*

(20) *The Administrative Office of the Courts for county reimbursements for jurors; and*

(21) *The Administrative Office of the Courts to reimburse the State Central Services Fund for the Drug Court Coordinator.*

(c) If the Chief Fiscal Officer of the State determines that the State Administration of Justice Fund balance and estimated revenue to be received by the State Administration of Justice Fund are inadequate to fully fund all authorized monthly allocations from the State Administration of Justice Fund;

(1)(A) The available revenue and remaining State Administration of Justice Fund balance shall be distributed first to fully fund the monthly

allocation for:

(i) The Court Reporter's Fund;

(ii) The Arkansas District Judges Council for the Executive Director; and

(iii) The Auditor of State to fund the Trial Court Administrative Assistant Fund.

(B) Funds or allocations for a state program or state agency listed in subdivision (c)(1)(A) of this section shall not be affected if a deficit occurs in other State Administration of Justice Fund appropriations, allocations, or funds not listed in subdivision (c)(1)(A) of this section for that particular state program or state agency;

(2) The Chief Fiscal Officer of the State shall notify the disbursing officer of each state agency and state program not listed in subdivision (c)(1)(A) of this section of the amount of the state agency's or state program's portion of any reduction required from the state agency's or state program's authorized allocation in order to maintain the State Administration of Justice Fund with a projected positive balance; and

(3)(A) The total funds remaining in the State Administration of Justice Fund after the distribution is made under subdivision (c)(1)(A) of this section shall be distributed to the state programs and state agencies not listed in subdivision (c)(1)(A) of this section in an amount equal to the proportion of the State Administration of Justice Fund that each state program would have received under subsection (b) of this section.

(B) A funding shortage from one (1) month shall be recouped from future months' payments as funds become available.

(d)(1) If required to help meet the commitments of the State Administration of Justice Fund and if funds are determined to be available, the Chief Fiscal Officer of the State may transfer a sum not to exceed four million dollars (\$4,000,000) during any fiscal year from the Budget Stabilization Trust Fund to the State Administration of Justice Fund.

(2) As determined by the Chief Fiscal Officer of the State, if a positive fund balance remains in the State Administration of Justice Fund at the end of a fiscal year, the Chief Fiscal Officer of the State may transfer the positive fund balance from the State Administration of Justice Fund to the Budget Stabilization Trust Fund to reimburse for any transfers made under subdivision (d)(1) of this section.

SECTION 3. Arkansas Code § 16-10-312 is repealed.

~~16-10-312. Distribution of State Administration of Justice Fund.~~

~~In the event that the fund balance in the State Administration of Justice Fund is inadequate to fund the monthly allocation to state agencies, the funds will be distributed as follows:~~

~~(1) All monthly allocations to state agencies will be funded in the percentage of the total funds available in the State Administration of Justice Fund; that is, if less than one hundred percent (100%) of the total monthly allocation is available for distribution, all monthly allocations to state agencies will be funded at an equal percentage consistent with the available funds; and~~

~~(2) Any shortage from one (1) month will be adjusted in future months' payments as funds become available.~~

SECTION 4. Arkansas Code § 19-5-993 is amended to read as follows:

19-5-993. State Administration of Justice Fund.

(a) There is established on the books of the Treasurer of State, the Auditor of State, and the Chief Fiscal Officer of the State a trust fund to be known as the "State Administration of Justice Fund".

(b)(1) ~~This~~ The fund shall consist of court costs and filing fees ~~as set out in §§ 16-10-303, under §§ 16-10-305, 16-14-105 [Repealed], 16-17-705, and 21-6-403, and the special revenues from real estate transfer taxes as set out in under § 19-6-301(117), and any interest earned.~~

(2) ~~This~~ The fund shall be used for trial court staff as ~~set out stated~~ in § 16-10-133 and for the distribution of revenue as ~~set out stated~~ in § 16-10-310.

SECTION 5. EMERGENCY CLAUSE. It is found and determined by the General Assembly of the State of Arkansas that the Constitution of the State of Arkansas prohibits the appropriation of funds for more than a one-year period; that the effectiveness of this act as soon as possible is essential to the operation of the judiciary and the administration of justice; and that this act is immediately necessary because the delay in the effective date of this act could cause irreparable harm upon the proper administration of essential governmental programs. Therefore, an emergency is declared to

exist, and this act being immediately necessary for the preservation of the public peace, health, and safety shall become effective on:

(1) The date of its approval by the Governor;

(2) If the bill is neither approved nor vetoed by the Governor, the expiration of the period of time during which the Governor may veto the bill; or

(3) If the bill is vetoed by the Governor and the veto is overridden, the date the last house overrides the veto.

/s/Hammer