

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

State of Arkansas
90th General Assembly
Regular Session, 2015

A Bill

HOUSE BILL 1144

By: Joint Budget Committee

For An Act To Be Entitled

AN ACT TO AUTHORIZE THE ADMINISTRATIVE OFFICE OF THE COURTS TO ADJUST AND ADMINISTER THE SALARIES AND COMPENSATION OF COURT REPORTERS AND TRIAL COURT ADMINISTRATORS; TO AMEND THE LAW CONCERNING COURT REPORTERS AND TRIAL COURT ADMINISTRATIVE ASSISTANTS; TO DECLARE AN EMERGENCY; AND FOR OTHER PURPOSES.

Subtitle

TO AMEND THE LAW CONCERNING THE SALARIES AND COMPENSATION OF COURT REPORTERS AND TRIAL COURT ADMINISTRATORS; TO AMEND THE LAW CONCERNING CERTAIN COURT STAFF; AND TO DECLARE AN EMERGENCY.

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

SECTION 1. Arkansas Code § 16-10-310(b)(14), concerning the distribution of the State Administration of Justice Fund, is amended to read as follows:

(14) The ~~Auditor of State~~ Administrative Office of the Courts to fund the Trial Court ~~Administrative Assistant~~ Administrator Fund;

SECTION 2. Arkansas Code § 16-10-310(c)(1)(A)(iii), concerning priority distributions from the State Administration of Justice Fund, is amended to read as follows:

(iii) The ~~Auditor of State~~ Administrative Office of the Courts to fund the Trial Court ~~Administrative Assistant~~ Administrator



Fund.

SECTION 3. Arkansas Code, Title 16, Chapter 10, Subchapter 8, is amended to read as follows:

Subchapter 8 – Substitute Trial Court ~~Staff Persons~~ Administrators
16-10-801. Temporary employment authorized.

~~In~~ As authorized by § 16-13-3302, in the absence or unavailability of the trial court ~~staff person administrator, as authorized by § 16-10-133,~~ the circuit judge ~~is authorized to~~ may temporarily employ the services of a substitute trial court ~~staff person administrator,~~ if the temporary employment is ~~necessary and~~ essential to prevent a disruption of the business of the court.

16-10-802. Information provided to ~~Auditor of State~~ Administrative Office of the Courts.

(a) ~~Whenever~~ When a circuit judge temporarily employs a substitute trial court ~~staff person administrator,~~ the circuit judge may certify to the ~~Auditor of State~~ Administrative Office of the Courts upon forms prepared by the ~~Auditor of State~~ Administrative Office of the Courts that he or she has temporarily employed ~~the services of~~ a substitute trial court ~~staff person administrator~~ and that the temporary employment was ~~necessary and~~ essential to prevent a disruption of the business of his or her court.

(b) The circuit judge shall further furnish to the ~~Auditor of State~~ Administrative Office of the Courts the name, address, and ~~social security~~ Social Security number of the substitute trial court ~~staff person administrator~~ and the number of days the substitute trial court ~~staff person administrator~~ was or will be temporarily employed, plus any other information concerning the employment requested by the ~~Auditor of State~~ Administrative Office of the Courts.

16-10-803. Payment.

(a) The ~~Auditor of State is authorized to~~ Administrative Office of the Courts may pay from funds specifically appropriated for this purpose ~~the a~~ a substitute trial court ~~staff person administrator~~ for the services furnished to the circuit judge under this subchapter.

(b) The substitute trial court ~~staff person administrator will~~ shall

be paid at the rate of one hundred twenty-five dollars (\$125) per day.

16-10-804. Extended employment periods.

(a) ~~In the event the~~ If a substitute trial court ~~staff person~~ administrator is employed for a period ~~which that~~ extends beyond the normal payroll period for the position, the ~~Auditor of State~~ Administrative Office of the Courts shall make an interim disbursement of the salary ~~which that~~ has accrued during that period.

(b) In any one (1) fiscal year, however, the ~~Auditor of State~~ Administrative Office of the Courts shall not pay for the services of a substitute trial court ~~staff person~~ administrator for any one (1) circuit judge in excess of ~~eighty (80)~~ thirty (30) working days unless approved and ordered by the Chief Justice of the ~~Arkansas~~ Supreme Court.

16-10-805. Employment of county staff.

~~Nothing contained in this subchapter shall be construed to~~ This chapter does not preclude or prohibit any circuit judge from obtaining payment for the services of a substitute trial court ~~staff person~~ administrator from the county or counties ~~comprising~~ composing the circuit judge's judicial district rather than from the ~~Auditor of State~~ Administrative Office of the Courts.

SECTION 4. Arkansas Code § 16-13-501 is amended to read as follows:

16-13-501. Court reporters made state employees.

The official court reporters of the circuit courts in this state are employees of the State of Arkansas. ~~The court reporters shall be subject to, and their compensation shall be determined in accordance with, the provisions of the Uniform Classification and Compensation Act, § 21-5-201 et seq., and all laws amendatory thereto.~~

SECTION 5. Arkansas Code § 16-13-503(b) and (c), concerning salaries of court reporters, is amended to read as follows:

(b)(1) The salaries of the court reporters shall ~~be prescribed by the General Assembly in accordance with:~~

(A) Be exempt from the provisions of the Uniform Classification and Compensation Act, § 21-5-201 et seq.;

(B) Not exceed the maximum annual salary rate authorized

by the General Assembly in the applicable appropriation act; and

(C) Be determined by the Administrative Office of the Courts.

(2) The salaries, together with ~~such~~ other expenses ~~as may be~~ authorized by law for the court reporters to be paid from state funds, shall be paid with moneys appropriated ~~therefor~~ for the salaries and other expenses by the General Assembly from the Court Reporter's Fund.

(3) The total amount of salaries paid to court reporters and other distributions of the Court Reporter's Fund shall not exceed:

(A) The total annual allocation authorized by the General Assembly to the Court Reporter's Fund from the State Administration of Justice Fund as supplemented, if necessary, by any real property transfer tax revenues under § 26-60-112(b)(2); and

(B) Any remaining balances in the Court Reporter's Fund.

~~(c)(1) The official court reporters of the circuit courts in the state shall be subject to, and their attendance and leave time shall be governed by, the Uniform Attendance and Leave Policy Act, § 21-4-201 et seq. However, Notwithstanding the exemption provided by § 21-4-203, the circuit judge of the circuit court served by each a court reporter shall have the authority and responsibility to administer the attendance and leave policies for the court reporter in the manner prescribed for state employees by the Uniform Attendance and Leave Policy Act, § 21-4-201 et seq., as applied to the respective court reporters.~~

(2) The court reporter shall forward all approved requests for leave to the Administrative Office of the Courts on a regular and timely basis for payroll purposes.

(3) The Administrative Office of the Courts shall prescribe the procedures for obtaining all relevant leave information, including without limitation the forms, method of transmittal, and format for obtaining the leave information.

SECTION 6. Arkansas Code § 16-13-504 is amended to read as follows:

16-13-504. ~~Initial annual salary of court reporters—~~ Salary implementation procedures.

~~(a) All court reporters appointed after March 28, 1983, shall receive an initial annual salary not to exceed that salary provided for in Step 1 of~~

~~Grade 19 of the Uniform Classification and Compensation Plan unless the Legislative Council approves entrance at a greater salary, but in no instance shall court reporters enter at an annual salary greater than that provided in Step 5 of Grade 19.~~

~~(b) The following salary implementation procedures shall apply to all~~

~~(a) If a court reporters who were reporter was an official court reporters reporter in the state on June 30, 1981+~~

~~(1) The beginning compensation of persons first appointed to a position of court reporter after June 30, 1981, shall not be made at greater than the first, or entrance, step unless a special entrance rate is requested through and approved by the Office of Personnel Management of the Division of Administrative Services of the Department of Finance and Administration with the advice of the Legislative Council;~~

~~(2) All subsequent step increases granted to court reporters shall be in conformance with the schedule provided in the compensation plan;~~

~~(3) Increase, the increase eligibility dates date for purposes of salary implementation shall be determined from the dates of initial employment by the state;~~

~~(A) For those court reporters who are were official court reporters in the state on June 30, 1981, the increase eligibility date shall be July 1, 1982.~~

~~(B) For those court reporters who are (b) If an official court reporter was appointed after June 30, 1981, the increase eligibility date for purposes of salary implementation shall be determined by the date of appointment.~~

SECTION 7. Arkansas Code § 16-13-505 is amended to read as follows:

16-13-505. Court reporters – Reimbursement for expenses.

~~(a)(1) The official court reporters of the respective circuit courts shall be~~ A court reporter for a circuit court is entitled to reimbursement for actual expenses incurred for meals, lodging, and transportation costs for attending court away from a the court reporter's official station.

~~(2) If the~~ Notwithstanding the exemption from state travel regulations provided by § 19-4-904, if a court reporter uses a personal vehicle for transportation, he or she ~~shall be~~ is entitled to reimbursement for mileage at the same rate prescribed by the Department of Finance and

Administration for ~~state~~ executive branch employees ~~in the state travel regulations.~~

(b) Reimbursements for actual expenses and mileage under subsection (a) of this section shall be made monthly by the ~~Auditor of State~~ Administrative Office of the Courts upon claims by the respective court reporters certified by the circuit judge.

SECTION 8. Arkansas Code § 16-13-506(b)(2), concerning payment to court reporters for indigent and in forma pauperis proceedings, is amended to read as follows:

(2) The payments shall be made only upon certification ~~thereof~~ of the payments by the presiding circuit judge and shall be paid by the ~~Auditor of State~~ Administrative Office of the Courts from funds appropriated out of the Court Reporter's Fund.

SECTION 9. Arkansas Code § 16-13-509 is amended to read as follows:
16-13-509. Substitute court reporters.

(a)(1) In the absence or unavailability of the official court reporter, the circuit judge or circuit judge on assignment as authorized by § 16-10-101 ~~is authorized to~~ may temporarily employ the services of a substitute court reporter if the temporary employment is ~~necessary and~~ essential to prevent a disruption of the business of the circuit court.

(2) The substitute court reporter shall be a court reporter ~~duly~~ certified by the ~~Arkansas~~ Supreme Court Board of Certified Court Reporter Examiners.

(b)(1) ~~Whenever~~ When a circuit judge or circuit judge on assignment temporarily employs a substitute court reporter, the circuit judge ~~may~~ shall certify to the ~~Auditor of State~~ Administrative Office of the Courts, upon forms prepared by the ~~Auditor of State~~ Administrative Office of the Courts, that he or she has temporarily employed the services of a substitute court reporter and that the temporary employment was ~~necessary and~~ essential to prevent a disruption of the business of ~~his or her~~ the circuit court.

(2) The circuit judge or circuit judge on assignment shall further furnish to the ~~Auditor of State~~ Administrative Office of the Courts the name, address, and ~~social security~~ Social Security number of the substitute court reporter and the number of days the substitute court

reporter was temporarily employed, plus any other information concerning the employment requested by the ~~Auditor of State~~ Administrative Office of the Courts.

(c)(1) The ~~Auditor of State is authorized to~~ Administrative Office of the Courts may pay the substitute court reporter for the court reporting services furnished to the circuit judge from funds specifically appropriated for that purpose.

(2) The substitute court reporter ~~will~~ shall be paid at the rate of one hundred seventy-five dollars (\$175) per day.

(3) The substitute court reporter is entitled to reimbursement for actual expenses incurred for meals, lodging, and transportation costs for attending court under § 16-13-505.

(d) If ~~any a~~ a trial court ~~administrative assistant administrator~~ administrator employed ~~pursuant to § 16-10-133~~ under § 16-13-3302 and also certified ~~pursuant to~~ under subsection (a) of this section is ~~authorized and~~ appointed to act temporarily as a substitute court reporter, he or she ~~shall not be~~ is not entitled to be paid an additional salary, but ~~shall be~~ is entitled to reimbursement for actual expenses incurred for meals, lodging, and transportation costs when attending court away from his or her official station, ~~consistent with~~ under § 16-13-505.

(e) In any one (1) fiscal year, however, the ~~Auditor of State will~~ Administrative Office of the Courts shall not pay for the services of a substitute court reporter or substitute court reporters for any one (1) circuit judge or circuit judge on assignment in excess of ~~twenty (20)~~ thirty (30) working days, unless approved and ordered by the Chief Justice of the ~~Arkansas~~ Supreme Court.

(f) ~~Nothing contained in this section shall be construed to~~ This subchapter does not preclude or prohibit any circuit judge from obtaining payment for the services of a substitute court reporter from the county or counties ~~comprising~~ composing the circuit judge's judicial district rather than from the ~~Auditor of State~~ Administrative Office of the Courts.

SECTION 10. Arkansas Code, Title 16, Chapter 13, is amended to add an additional subchapter to read as follows:

Subchapter 33 – Trial Court Administrators

16-13-3301. Trial court administrators made state employees.

A trial court administrator of a circuit court is an employee of the State of Arkansas.

16-13-3302. Trial court administrator position created.

(a)(1) The position of trial court administrator is authorized and funds shall be appropriated to the Administrative Office of the Courts from the State Administration of Justice Fund to provide one (1) trial court administrator for each of the circuit judges.

(2)(A) The trial court administrator may be employed to assist the circuit judge in the administration and management of the circuit court.

(B)(i) The Administrative Office of the Courts shall create and maintain a detailed job description for the trial court administrator position.

(ii) The job description may be used by a circuit judge for the hiring, evaluation, and management of a trial court administrator.

(3) Each circuit judge shall report to the Administrative Office of the Courts his or her intention to employ a trial court administrator.

(4) Two (2) or more circuit judges within a judicial district may employ jointly, within their discretion, one (1) trial court administrator if coordinated with the Administrative Office of the Courts.

(b)(1) A circuit judge authorized by subsection (a) of this section to employ a trial court administrator may select and hire the trial court administrator.

(2) The trial court administrator shall serve at the will and pleasure of the circuit judge.

(c)(1) Except as provided in subdivision (c)(2) of this section, a county shall not supplement the base salary of a trial court administrator.

(2) If a county with quorum court approval employed a trial court administrative assistant on or before July 1, 2014, and supplemented his or her base salary under former § 16-10-133, the county shall continue to provide the supplement so long as the now titled trial court administrator continues to be employed by the county in that position.

(d)(1) Notwithstanding the exemption provided by § 21-4-203, the

circuit judge employing a trial court administrator shall administer the attendance and leave policies for the trial court administrator in the manner prescribed for state employees by the Uniform Attendance and Leave Policy Act, § 21-4-201 et seq.

(2) The trial court administrator shall forward all approved requests for leave to the Administrative Office of the Courts on a regular and timely basis for payroll purposes.

(3) The Administrative Office of the Courts shall prescribe the procedures for obtaining all relevant leave information, including without limitation the forms, method of transmittal, and format for obtaining the leave information.

16-13-3303. Salaries for trial court administrators.

(a) The salary of a trial court administrator shall:

(1) Be exempt from the provisions of the Uniform Classification and Compensation Act, § 21-5-201 et seq.;

(2) Not exceed the maximum annual salary rate authorized by the General Assembly in the applicable appropriation act; and

(3) Be determined by the Administrative Office of the Courts.

(b) The salaries, together with expenses authorized by law for trial court administrators to be paid from state funds, shall be paid with moneys appropriated by the General Assembly from the Trial Court Administrator Fund.

(c) The total amount of salaries paid to trial court administrators and other distributions of the Trial Court Administrator Fund shall not exceed:

(1) The total annual allocation authorized by the General Assembly from the State Administration of Justice Fund to the Trial Court Administrator Fund; and

(2) Any remaining balances in the Trial Court Administrator Fund.

16-13-3304. Trial court administrators – Reimbursement for expenses.

(a)(1) A trial court administrator of a circuit court is entitled to reimbursement for actual expenses incurred for meals, lodging, and transportation costs for attending court away from the trial court administrator's official station.

(2) Notwithstanding the exemption from state travel regulations provided by § 19-4-904, if a trial court administrator uses a personal vehicle for transportation, he or she is entitled to reimbursement for mileage at the same rate prescribed by the Department of Finance and Administration for executive branch employees.

(b) Reimbursements for actual expenses and mileage under subsection (a) of this section shall be made monthly by the Administrative Office of the Courts upon claims by the respective trial court administrators certified by the circuit judge.

16-13-3305. Trial court administrators – Credit for county service.

A trial court administrator who converted on July 1, 1996, from county employment to state employment and was employed under former § 16-10-134 shall be given credit for his or her length of service with the county for purposes of accrual rates for sick leave and annual leave and attainment of career service recognition awards.

SECTION 11. Arkansas Code § 19-5-993(b)(2), concerning the use of the State Administration of Justice Fund, is amended to read as follows:

(2) The fund shall be used for:

(A) ~~trial~~ Trial court ~~staff~~ administrators as stated in § 16-10-133 § 16-13-3301 et seq.;

(B) Substitute trial court administrators as stated in § 16-10-801 et seq.; and

(C) ~~for the~~ The distribution of revenue as stated in § 16-10-310.

SECTION 12. Arkansas Code § 19-5-1241 is amended to read as follows:

19-5-1241. Trial Court ~~Administrative Assistant~~ Administrator Fund.

(a) There is ~~hereby~~ created on the books of the Treasurer of State, Auditor of State, and Chief Fiscal Officer of the State a miscellaneous revenue fund to be known as the “Trial Court ~~Administrative Assistant~~ Administrator Fund”.

(b) The Trial Court ~~Administrative Assistant~~ Administrator Fund shall consist of those moneys transferred from the State Administration of Justice Fund, the first one hundred thousand dollars (\$100,000) collected annually

from filing fees for the office of the prosecuting attorney, and other moneys as authorized by law.

(c) The Trial Court ~~Administrative Assistant~~ Administrator Fund shall be used for paying and reimbursing ~~personal services, trial court assistant expenses, and trial court staff substitutes;~~

(1) Trial court administrators under § 16-13-3301 et seq.; and

(2) Substitute trial court administrators under § 16-10-801 et seq.

SECTION 13. Arkansas Code § 7-10-103(b)(3)(B)(ii), concerning the filing fees of candidates for the office of prosecuting attorney, is amended to read as follows:

(ii) The first one hundred thousand dollars (\$100,000) collected annually from filing fees for the office of prosecuting attorney shall be remitted to the Treasurer of State for deposit into the Trial Court ~~Administrative Assistant~~ Administrator Fund.

SECTION 14. Arkansas Code § 16-10-133 is repealed.

~~16-10-133. Trial court staff.~~

~~(a) Beginning July 1, 1996, positions shall be authorized and funds appropriated to the Auditor of State from the State Administration of Justice Fund to provide one (1) staff person for each of the judges of the circuit courts. The staff person may be employed to perform secretarial, docketing, and management services. Each judge of the circuit court shall report to the Administrative Office of the Courts his or her intention to employ such a staff person. Two (2) or more judges within a judicial district may employ jointly, in their discretion, one (1) staff person when coordinated with the office.~~

~~(b) A circuit judge authorized by subsection (a) of this section to employ a staff person shall have the authority to select and hire the person who will serve, and any person so employed shall serve at the will and pleasure of the judge.~~

~~(c) The entry level salary of a trial court staff person shall be equal to that established in the state pay plan at grade 16.~~

~~(d) A county or counties shall be authorized to supplement the base salary of any trial court staff person when approved by the quorum court. Any~~

~~county or counties that employed a trial court administrative assistant as of July 1, 1996, and that supplemented their salaries pursuant to this subsection shall be required to continue to provide said supplement so long as the trial court administrative assistant shall continue to be employed in that position in the county.~~

~~(e) A staff person shall be subject to the Uniform Attendance and Leave Policy Act, § 21-4-201 et seq., as administered by the judge by whom he or she is employed.~~

~~(f) A trial judge who already has one (1) or more staff persons on April 13, 1995, shall designate one (1) such staff person to be subject to and paid by the provisions of this section.~~

SECTION 15. Arkansas Code § 16-10-134 is repealed.

~~16-10-134. Trial court staff — Credit for county service.~~

~~Trial court staff persons who converted from county employment to state employment and were employed under § 16-10-133 shall have their length of service with the county recognized by the state for purposes of accrual rates for sick leave and annual leave and attainment of career service recognition awards.~~

SECTION 16. 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 act entitled "AN ACT TO MAKE AN APPROPRIATION FOR PERSONAL SERVICES AND OPERATING EXPENSES FOR THE ADMINISTRATIVE OFFICE OF THE COURTS FOR THE OFFICIAL COURT REPORTERS AND TRIAL COURT ADMINISTRATORS OF THE CIRCUIT COURTS FOR THE FISCAL YEAR ENDING JUNE 30, 2016; AND FOR OTHER PURPOSES." requires the passage of this act; that the effectiveness of this act on July 1, 2015, is essential to the operation of the Administrative Office of the Courts, and that in the event of an extension of the legislative session, the delay in the effective date of this act beyond July 1, 2015, could work irreparable harm upon the proper administration and provision of essential governmental programs. Therefore, an emergency is declared to exist, and this act being necessary for the preservation of the public peace, health, and safety shall be in full force and effect on and after July 1, 2015.