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## OUT OF THE MORASS: THE MOVE TO STATE FUNDING OF THE ARKANSAS COURT SYSTEM

*James D. Gingerich\**

### I. INTRODUCTION

For at least the last twenty years, the issue of the funding and financing of the Arkansas court system has been debated by public officials at both the state and county levels. County officials have decried the burden of the growing cost of trial courts and, while obtaining significant amounts of revenue from the courts to fund local programs, have recently challenged the current funding system by initiating litigation against the state.<sup>1</sup> State legislators have responded to the issue by giving the state an increased role in the funding of several trial court programs, but have failed to take any comprehensive action. Like county officials, state officials also have looked to the courts for funding of many state and local programs, some of which have little or no connection to the courts.

Trial judges are vitally interested in the issue of state funding but have not been uniform in their position. Those judges in relatively wealthy counties express their concern that their financial support will diminish with state assumption of funding, while those in poorer counties that receive little support believe they have much to gain. Many judges also express concerns about both the practical problems associated with court costs and fines—the court must become a collection agency—and the ethical dilemma of becoming a “revenue raising” agency. Court clerks are interested in the issue because of their statutorily assigned duty of accounting for, collecting, and disbursing all court revenues.<sup>2</sup> The complexity and confusion that surround the current state law makes this a very difficult task.

Municipal officials recently became more interested in the issue due to the filing of class action suits against several cities. The actions alleged that the improper assessment and collection of costs constituted an illegal exaction, and also that court fees were un-

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1. *Villines v. Tucker*, No. 93-4216 (Pulaski County Ch. Ct., 6th Div., filed July 8, 1993) (pending before Judge Annabelle Imber).

2. See ARK. CODE ANN. §§ 16-20-106 to -108 (Michie 1987).

constitutional.<sup>3</sup> Finally, members of the public have become interested and, in some cases, angry over the issue of court funding. They are concerned with the excessive costs required to gain access to civil courts or added to the expense of criminal and traffic cases. In addition, some citizens are troubled about the huge variation in the quality of court services provided, based upon where one lives within the state.<sup>4</sup>

This paper brings together all of the information relative to the financing of courts in Arkansas and serves as a catalyst for discussion and possible change in the law. It includes a review of the history of state court funding in the United States and Arkansas and compares Arkansas's system with that of other states. A description of the current funding scheme with a detailed account of the current court costs and filing fee system also is included. Several alternative models of state court financing are reviewed, with comments concerning the advantages and disadvantages of each. Finally, a brief proposal for reform of the Arkansas system is presented.

## II. STATE COURT FUNDING IN THE UNITED STATES<sup>5</sup>

The history of the sources and percentages of funding for state courts in the United States shows a pattern consistent with that of other areas of major public funding—there has been a move away from local funding and toward state and federal funding. In almost all states, the local government originally was responsible for financing of state courts. Like the funding for schools, roads, and public assistance, court funding was solely a local responsibility, generally funded by property taxes. With the proliferation of New Deal programs, the federalization of many issues, and the huge growth in the availability of both state and federal funds, there has been a concomitant decline in both the revenues available to and the oversight responsibility of local government.

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3. For an example of the litigation, see *Nathaniel v. City of Little Rock*, No. 91-2525 (Pulaski County Ch. Ct., 5th Div.). The cities of Conway, El Dorado, Fayetteville, Fort Smith, Jonesboro, Pine Bluff, Rogers, Russellville, Springdale, Texarkana, and West Memphis faced similar litigation.

4. In a comparative study of the municipal courts in 1991, it was found that court costs (surcharges) in traffic cases ranged from \$34.25 to \$62.25, in criminal cases from \$39.25 to \$81.25, in drug cases from \$89.25 to \$131.25, and in DWI cases from \$289.25 to \$341.25. DIVISION OF LEGISLATIVE AUDIT, CERTAIN MUNICIPAL COURT FINES AND COSTS ASSESSED AS OF FEBRUARY 19, 1991, IN THE ARKANSAS MUNICIPAL COURTS OF PULASKI COUNTY, PINE BLUFF AND HOPE (1991).

5. Much of the background information for this section is taken from ROBERT TOBIN & JOHN HUDZIK, NATIONAL CENTER FOR STATE COURTS, THE STATUS AND FUTURE OF STATE FINANCING OF COURTS (1989).

In the early move from local to state funding of courts, the funding issue was only one part of a broader call for court reform. Roscoe Pound, in his famous 1906 address to the American Bar Association, sounded the initial call for a critical look at the structure and organization of state court systems.<sup>6</sup> In other writings he noted the need to address three areas: (1) the arrangement of judicial personnel, (2) the structure of courts, and (3) the organization of judicial administration.<sup>7</sup> He called for the "unification" of each of these areas. Since Professor Pound's early work, numerous writers and organizations have contributed to the literature on court unification. There is now general agreement that court unification consists of five basic elements: (1) consolidation and simplification of court structure, (2) centralized management, (3) centralized rule making, (4) centralized budgeting, and (5) state financing.<sup>8</sup>

Over the past half century, the trend in the United States has been toward an increasing degree of unification in state court systems; especially between 1960 and 1980, many states moved to adopt unified court systems. The overriding motivation for most of these changes was a "good government" platform of streamlining and centralizing court structures to produce a simpler, more uniform, and more efficient court system. While state financing and budgeting were viewed as important parts of the court unification equation, however, they were not deemed to be mandatory additions. For example, New Jersey, Illinois, Idaho, Minnesota, and Wisconsin are states that created structurally unified courts but did not adopt centralized state funding.

During the late 1970s, critics began to raise questions about some of the underlying premises for unification.<sup>9</sup> They argued that state court structures that were staffed by judge-professionals even at the lowest court levels were not suited for the hierarchical structure and management principles called for by unification. They noted that the use of central management principles resulted in poor morale,

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6. See Roscoe Pound, *The Causes of Popular Dissatisfaction with the Administration of Justice*, in 20 J. AM. JUDICATURE SOC'Y 178 (1937).

7. Roscoe Pound, *Organization of Courts*, 11 J. AM. JUDICATURE SOC'Y 69, 78 (1927).

8. BARRY MAHONY & HARVEY SOLOMON, *THE IMPROVEMENT OF THE ADMINISTRATION OF JUSTICE* 44 (Fannie J. Klein ed., 6th ed. 1981).

9. See Geoff Gallas, *Court Reform: Has it Been Built on an Adequate Foundation?*, 63 JUDICATURE 28 (1979); see also Geoff Gallas, *The Conventional Wisdom of State Court Administration: A Critical Assessment and an Alternative Approach*, 2 JUST. SYS. J. 35 (1976); John K. Hudzik, *Rethinking the Consequences of State Financing*, 10 JUST. SYS. J. 135 (1985).

less flexibility, and too much bureaucracy as these principles took control away from local officials who were, in most cases, better equipped to deal with the problems.

Despite these claims, the unification movement continued during the 1980s, fostered by a new motivation—fiscal relief for local governments. As the number of state court cases exploded and became more complex, the number of judges increased.<sup>10</sup> Emphasis on new kinds of cases, such as juvenile, foster care, and child support, required a larger and more sophisticated court staff; no longer did the court system merely consist of judges and their court reporters. For instance, during a six year period the average county payroll expenditures for trial courts increased 153%, while overall judicial costs doubled.<sup>11</sup> Local governments, faced with a decreasing revenue base, could not support the system and became the primary proponents of state funding.<sup>12</sup> Accordingly, the earliest states to adopt court unification and state financing tended to be the less populated and politically progressive ones.<sup>13</sup> Then, major cities in New York, Michigan, Massachusetts, and California, which previously had fought state court financing because of a loss of local control, moved toward state financing during the 1980s, as they were hit with local financial crises.<sup>14</sup>

Table One provides, for the fifty states and the District of Columbia, those parts of state trial court expenditures that are assumed by the state.<sup>15</sup> In thirteen of the fifty-one jurisdictions, the state assumes virtually all of the costs of the trial court system.<sup>16</sup> In another eight states, the state assumes the costs for everything except court facilities.<sup>17</sup> On the other end of the spectrum, six states provide for only a percentage of the judges' salaries, with all other costs assumed by local government.<sup>18</sup> The remaining jurisdictions,

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10. TOBIN & HUDZIK, *supra* note 5, at 5.

11. BUREAU OF JUSTICE STATISTICS, U.S. DEP'T OF JUSTICE, SOURCEBOOK OF CRIMINAL JUSTICE STATISTICS: 1983 (Edward Brown et al. eds., 1984).

12. TOBIN & HUDZIK, *supra* note 5, at 6.

13. TOBIN & HUDZIK, *supra* note 5, at 6.

14. TOBIN & HUDZIK, *supra* note 5, at 6.

15. See *infra* Table 1.

16. These jurisdictions include Alaska, Connecticut, Delaware, District of Columbia, Hawaii, Iowa, Kentucky, Massachusetts, New Hampshire, New York, Rhode Island, Utah, and Vermont.

17. These states are Alabama, Colorado, Maine, New Mexico, North Carolina, North Dakota, Oregon, and South Dakota.

18. The states in this category are Arizona, California, Michigan, Ohio, Texas, and Washington.

including Arkansas, have funding schemes placing them somewhere between the two extremes.

### III. EXPENDITURES FOR STATE COURTS IN ARKANSAS

On November 8, 1836, five months after Arkansas was accepted into the Union,<sup>19</sup> the first General Assembly enacted an unnumbered act which specifically appropriated funds to pay the "salaries of the judges of the Supreme Court and the circuit judges."<sup>20</sup> All other costs for the court system were borne by city and county governments. Since that time, the courts have continued to secure most of their funding from local sources, with limited but slightly expanding participation by the state.

Table Two sets out the appropriations for the Arkansas judicial system for fiscal year 1993-94.<sup>21</sup> Currently, state government is the sole funding source for the salaries and expenses of appellate and trial court judges.<sup>22</sup> In addition, the state funds the operational costs of the Arkansas Supreme Court, the Arkansas Court of Appeals, and the Administrative Office of the Courts.<sup>23</sup> Since 1981, the state has assumed the cost of the salaries of all official court reporters and appropriates funds for their travel expense allowance, indigent transcripts fees, and substitute court reporter salaries.<sup>24</sup> In 1989, the state began to fund the cost of one-half of the salaries of all juvenile intake and probation officers. Beginning in 1993, the state now funds the salaries of three case coordinators for trial court judges. Other court related expenses assumed by the state include the salaries of all prosecuting attorneys and one deputy prosecutor in Jefferson County, as well as the operation of the Prosecutor Coordinator's Office, the Attorney General's Office, the Public Defender Commission, the Judicial Discipline and Disability Commission, and the Sentencing Commission.

19. See Act for the Admission of the State of Arkansas to the Union, ch. 100, § 1, 5 Stat. 50 (1836).

20. Unnumbered Act, 1836 Ark. Acts 197.

21. See *infra* Table 2.

22. See *infra* Table 2.

23. See *infra* Table 2.

24. The state's payment of the costs of the salaries of court reporters is funded through a special revenue court cost. ARK. CODE ANN. §§ 21-6-404 to -405 (Michie Supp. 1993); ARK. CODE ANN. § 16-20-107 (Michie 1987). In the event the special revenue is not sufficient, the state deducts funding from the county's turn-back appropriation. ARK. CODE ANN. § 16-13-511 (Michie 1993). The shortfall in fiscal 1993 was \$2,881,652. It is incorrect, therefore, to assert that court reporters' salaries are now the full responsibility of the state even though they are treated, for all purposes, as state employees.

In the discussion of state court funding, one critically important issue that is sometimes overlooked is the definition and scope of the "judicial system." Functions that are considered a part of the judiciary in one state are assigned to the executive branch in other states, and within a state there may be disagreement as to the proper characterization of certain functions. The official biennial budget published by the State of Arkansas, for example, lists within the definition of "judicial offices" the budgets of the Administrative Office of the Courts, the Attorney General, the Arkansas Code Revision Commission, the Arkansas Court of Appeals, the Arkansas Judicial Discipline and Disability Commission, the Prosecutor Coordinator, and the Arkansas Supreme Court.<sup>25</sup> This list includes funds for agencies that are not generally considered judicial offices, and excludes the salaries of some judicial officers such as trial and appellate judges.

The budget section of the annual reports published by the Administrative Office of the Courts is much more restrictive.<sup>26</sup> It includes salaries for the judiciary but excludes salaries for prosecutors, defense attorneys, and the Attorney General.<sup>27</sup> Indeed, in many states those functions are considered a part of the executive rather than the judicial branch. In this context, the argument may be one of semantics in that the state is already assuming the cost of these operations. When discussing the possibility of expanded state funding, however, knowing whether prosecution, defense, and other services are within the definition becomes critical. Table Two assumes a more expansive definition of "court system" and attempts to show all current state expenditures for court and court-related agencies.<sup>28</sup>

In 1993-94, the state budgeted \$41,748,834 for its portion of the cost of the judicial system.<sup>29</sup> The funds appropriated to the courts accordingly represent less than .5% of the total state government appropriation, which totaled over \$9 billion in 1993-94.<sup>30</sup> A now somewhat dated survey by the U.S. Department of Justice placed Arkansas 48th out of the 50 states and the District of

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25. DEPARTMENT OF FIN. & ADMIN., ARKANSAS BIENNIAL BUDGET 1993-1995 (1993).

26. ADMINISTRATIVE OFFICE OF THE COURTS, ARKANSAS JUDICIARY ANNUAL REPORT 1992-1993 (1993).

27. *Id.*

28. *See infra* Table 2.

29. DEPARTMENT OF FIN. & ADMIN., ARKANSAS BIENNIAL BUDGET 1993-1995 (1993).

30. DEPARTMENT OF FIN. & ADMIN., ARKANSAS BIENNIAL BUDGET 1993-1995 (1993).



Columbia in the percentage of total state funds dedicated to justice and court activities.<sup>31</sup>

County government is the funding source for the salaries of circuit, chancery, and probate court support and clerical staff, and provides money for all supplies, equipment, utilities, and facilities within each judicial circuit. Each county within the circuit provides funding according to its pro rata share of the district-wide court expenses and is solely responsible for the cost of facilities and utilities within the county. County government pays all expenses of the county court, court of common pleas, and justice of the peace courts. The county government also shares with city government the cost of the municipal court. The county share is usually 50%,<sup>32</sup> but there are numerous exceptions to this pattern in a variety of locally negotiated arrangements.

There is no separate reporting or auditing conducted at the state level that would allow one to determine the total county expenditures for the judicial system. In addition, no definition exists at the county level as to what should be included within the "judicial system." A special audit of county government expenditures for court related costs conducted by the Division of Legislative Audit in 1988 showed that the total outlay by all 75 counties was \$18,846,967.13.<sup>33</sup> Other reports have found that counties spent over \$3,600,000 on the salaries and expenses of deputy prosecuting attorneys,<sup>34</sup> \$2,339,414 on the salaries of case coordinators,<sup>35</sup> \$388,108 on the salaries of law clerks,<sup>36</sup> almost \$3,000,000 on the expenses of public defenders or private defense counsel,<sup>37</sup> and \$970,090 on the counties' share of salaries for juvenile intake and probation officers. No reliable statewide data exists on county expenditures for construction and maintenance of facilities, including courtrooms and offices for judges and other

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31. BUREAU OF JUSTICE STATISTICS, U.S. DEP'T OF JUSTICE, SOURCEBOOK OF CRIMINAL JUSTICE STATISTICS: 1990 (Kathleen Maguire & Timothy Flanagan eds., 1991).

32. ARK. CODE ANN. § 16-17-115 (Michie 1987).

33. DIVISION OF LEGISLATIVE AUDIT, CERTAIN 1988 COURT REVENUES COLLECTED BY ARKANSAS COUNTIES AND CERTAIN 1988 CALENDAR YEAR ARKANSAS COUNTY AND 1989 FISCAL YEAR ARKANSAS STATE GOVERNMENT FUNDED COURT EXPENDITURES (1991).

34. PROSECUTOR COORDINATOR'S OFFICE, ARKANSAS PROSECUTING ATTORNEYS 1991 SALARY AND EXPENSES SURVEY (1991).

35. ADMINISTRATIVE OFFICE OF THE COURTS, CURRENT AND PROPOSED STAFFING ASSISTANCE FOR ARKANSAS TRIAL COURTS (1992).

36. ADMINISTRATIVE OFFICE OF THE COURTS, ARKANSAS TRIAL COURTS STAFFING AND SALARY SUMMARY (1991).

37. ADMINISTRATIVE OFFICE OF THE COURTS, PROVIDING LEGAL COUNSEL FOR INDIGENT CRIMINAL DEFENDANTS IN ARKANSAS (1991).

court-related staff, or operating expenses, such as furniture and equipment, utilities, office supplies, and travel expenses.

City government is the funding source for the remainder of municipal court expenses not covered by county government and provides the sole support for city courts. There is no reliable data available at the state level showing total expenditures by municipal governments for courts and court-related expenses.

#### IV. REVENUES PRODUCED BY STATE COURTS IN ARKANSAS

While the issue of the costs of the judicial system is frequently discussed and often lamented by local and state executive and legislative officials, most remain unaware of the revenues produced by the courts. One reason, of course, for this lack of information is that the various funding mechanisms are so confusing, overlapping, conflicting, and numerous that any understanding of the full revenue picture is almost impossible to achieve. A more compelling reason, however, may be that a few state and local agencies and officials have discovered that court fees can produce a significant and constant source of revenue which, once established, is never again questioned. In most cases the revenue escapes the review of the city council, the quorum court, or the General Assembly and moves directly into the coffers of a particular agency or program. Rather than objecting to the loss of control over the funds, members of the General Assembly seem to appreciate this "painless" method of producing revenue for a favorite program without having to increase the general tax base or take funds away from other general revenue programs. This has led to the current morass for the court system in which the court fees have become so numerous as to make the administration of the system by the courts impossible; yet reform of the system is barred by a few powerful interests which receive revenue from the courts and actively resist change, aided by a legislative body that has little motivation for change.

Just as there is some confusion and disagreement as to which parts of the system to include in the discussion of the costs of the judicial system, some consensus must be reached as to the types and sources of revenue to be included. There are numerous charges which are assessed during the adjudication process in an Arkansas court. Some of these are paid directly to the court and others are not. Some relate to the actual cost of providing the court services, but many do not.

In a national study of court fees published in 1986 by the

Conference of State Court Administrators (COSCA),<sup>38</sup> it was noted that achieving a common definition is problematic and that, from state to state, the words "costs," "fees," and "surcharges" were either undefined, defined but used inconsistently, or used interchangeably. After a thorough review, the following definitions were proposed:

*Fees* - Amounts charged for the performance of a particular court service which are dispersed to a governmental entity. These fees are specified by an authority at a fixed amount.

COMMENTARY

"Fees" are the amounts charged for services performed by the court. A fixed amount is charged for the service and the recipient of the revenue is a governmental entity. Examples of "fees" are: access to the court or filing fee, motion fee, answer fee, certificate fee, and jury fee. These fees pass through the court's registries and are ultimately deposited to the funding source(s) of the court either in state or county general revenue funds with the intent of offsetting, in part, the expense of the benefit or service provided by the court.

*Miscellaneous Charges* - Amounts assessed that ultimately compensate individuals or non-court entities for services relating to the process of litigation. These amounts often vary from case to case based upon the services provided.

COMMENTARY

"Miscellaneous charges" are the amounts assessed for services provided by individuals or entities other than the court. For example, a sheriff's fees and mileage for service of process may be paid to a county or directly to the sheriff. Most often the recipient of revenues from miscellaneous charges is the individual performing the service. The amount of the charge or the rate per unit of service may or may not be established by statute or court rule. The per page rate for a transcript may be set by statute. The number of pages prepared depends upon the length of the hearing to be transcribed. Typical miscellaneous charges not established by statute or court rule might be professional fees, i.e., attorneys or psychiatrists. Other examples of "miscellaneous charges" are expenses for sequestration of jurors, extradition expenses, deposition expenses, professional witness expenses, and juror and witness mileage expenses.

*Surcharges* - Amounts added to fines, fees, or court costs that are used for designated purposes.

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38. CONFERENCE OF STATE COURT ADMINISTRATORS, NATIONAL CENTER FOR STATE COURTS, STANDARDS RELATING TO COURT COSTS AND FEES, MISCELLANEOUS CHARGES AND SURCHARGES AND A NATIONAL SURVEY OF PRACTICE (Jane Hess ed., 1986).

COMMENTARY

"Surcharges" are certain add on charges with the revenues generated earmarked for specific purposes. Presently these funds are most often passed through the court's registries and disbursed directly into an account that may be expended only for the purpose that has been earmarked either at the state or local level. . . . Although "surcharge" is the most appropriate label, in some states these charges are deductions from flat filing fees. Examples of surcharges are law library funds, domestic shelter funds, retirement funds for judges, state police and sheriffs, funds for indigent defense, law enforcement halls of fame funds, specific funds for departments of transportation, funds identified for departments of health and social services, victims of crime funds, and innumerable training funds for law enforcement, prosecutors and others, and funds for buildings and facilities.

*Court Costs* - Amounts assessed against a party or parties in litigation. Such amounts are determined on a case by case basis and vary in relation to the activities involved in the course of litigation. Court costs include fees, miscellaneous charges and surcharges.

COMMENTARY

"Court costs" are the total taxable assessments in a case. Within a given case, a mathematical equation may be used to express "court costs." The equation is: fees plus miscellaneous charges plus surcharges equal court costs.

Using these definitions, Arkansas currently has several statutory provisions that fall into each category designated in the COSCA study. The most common Arkansas "fee" is the uniform advance fee assessed in circuit, chancery, probate, and municipal courts.<sup>39</sup> Examples of "miscellaneous fees" in Arkansas include the court reporter's transcript fee,<sup>40</sup> the sheriff's service fee,<sup>41</sup> and several miscellaneous clerk's fees.<sup>42</sup> "Surcharges" are the most numerous provisions in the Arkansas Code and are charged at all levels for all types of cases.

One other major source of revenue produced by state courts is found in the criminal fines and penalties that are assessed and collected statewide. The Arkansas Criminal Code<sup>43</sup> sets out a general framework for fines, but there are hundreds of specific fines and

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39. ARK. CODE ANN. §§ 21-6-403(a), -404 (Michie Supp. 1993).

40. ARK. CODE ANN. § 3-2-217 (Michie 1987).

41. ARK. CODE ANN. § 21-6-307 (Michie 1987).

42. ARK. CODE ANN. § 16-14-105(b) (Michie 1987); ARK. CODE ANN. §§ 21-6-402, -406 (Michie 1987).

43. ARK. CODE ANN. §§ 5-1-101 to -75-107 (Michie 1993).

civil penalties contained in other sections of the Arkansas Code. The general rule for the distribution of fine revenue is that it flows to the general fund account of the city or county, depending upon the court assessing the fine.<sup>44</sup> There are, however, certain fines that are directed by law to a specific county or local program<sup>45</sup> or to state agencies.<sup>46</sup> Because almost all fine revenue is assessed locally and disbursed to the local government, there is a dearth of statewide information available on the amount of revenue collected. Other sources of revenue produced by the state courts include adult probation fees,<sup>47</sup> juvenile probation fees,<sup>48</sup> restitution,<sup>49</sup> contempt fees,<sup>50</sup> and criminal forfeitures.<sup>51</sup>

#### V. A CLOSER LOOK AT ARKANSAS FEES AND SURCHARGES

There are three general types of fees and surcharges statutorily authorized in Arkansas.<sup>52</sup> The first group consists of uniform fees and surcharges requiring collection in all state courts. They are identified in Table Three as "mandatory."<sup>53</sup> A second group of optional charges may be applied statewide, but require assessment by the local quorum court or city council.<sup>54</sup> In many cases, the General Assembly has established a fee range instead of a set amount, with local discretion to set fees within the statutory range.<sup>55</sup> These

44. ARK. CODE ANN. § 16-92-113 (Michie 1987).

45. ARK. CODE ANN. § 14-20-116 (Michie Supp. 1993) (setting aside fines for the County Youth Accident Foundation).

46. See, e.g., ARK. CODE ANN. § 15-41-209 (Michie 1994) (distributing fine revenue to the Arkansas Game and Fish Commission); ARK. CODE ANN. § 2-33-113 (Michie Supp. 1993) (distributing 80% of fine and penalty revenue to Arkansas Livestock and Poultry Commission).

47. ARK. CODE ANN. §§ 5-4-303(g), -322(a) (Michie 1993); ARK. CODE ANN. § 16-17-125 (Michie 1994).

48. ARK. CODE ANN. § 16-13-326 (Michie 1994).

49. ARK. CODE ANN. § 5-4-205 (Michie 1993); ARK. CODE ANN. § 9-27-331(d) (Michie 1993).

50. ARK. CODE ANN. § 16-10-108(b)(1) (Michie 1994); see also ARK. CODE ANN. §§ 5-65-115, -307(c)(2) (Michie 1993).

51. ARK. CODE ANN. § 5-64-505(a) (Michie 1993).

52. As a general rule, fees and surcharges can only be imposed and recovered where there is some statutory authority for the assessments. The Arkansas Supreme Court has stated: "We have often held that the allowance of costs is purely statutory . . . ." *Arkansas Game & Fish Comm'n v. Kizer*, 222 Ark. 673, 677, 262 S.W.2d 265, 267 (1953). The courts, therefore, have no implied or inherent power to award fees and surcharges. While the power to impose such costs must ultimately be found in some statute, the legislature may nevertheless grant the power in general terms to the courts, which in turn may make rules or orders under which the costs may be taxed or imposed. Thus, while the issue of fees and surcharges has a profound impact on the courts, the courts themselves are powerless to resolve the problem. Instead, the matter requires a legislative solution.

53. See *infra* Table 3.

54. ARK. CODE ANN. § 16-17-705(a) (Michie 1994).

55. ARK. CODE ANN. § 21-6-411(b) (Michie 1987).

uniform fee is the additional advanced fee for the court reporter fund,<sup>72</sup> which is added to the uniform fee in civil and chancery matters and raises the total fee to \$50.<sup>73</sup> The court reporter advance fee is part of the \$75 uniform fee in probate cases and is deducted from the uniform fee rather than added to it.<sup>74</sup>

While the uniform fee was intended to standardize state court filing fees, it has failed to do so. The reason for the failure is two-fold. First, the statute permits variances in the uniform fee in that new fees authorized after 1977 are added to the uniform fee in circuit and chancery cases. New fees authorized after 1983 are added to the uniform fee in probate cases. Because there have been several new fees, many of which are optional, the uniform fees are no longer "uniform." Second, the ambiguous language of the statute subjects it to different interpretations. For example, several surcharges were authorized by statute prior to 1977, but then amended to raise the amount of the fee after 1977. The language of the Uniform Fee Act is unclear as to what amount of the surcharge, if any, is taken out of the uniform fee and what amount is added to it.<sup>75</sup> Various interpretations of this Act have created a disparity in the amount of filing fees being charged.<sup>76</sup>

The fees in circuit, chancery, and probate courts are confusing and less than uniform, but they are somewhat better than in municipal, city, and police courts, where uniform fees have never existed. The filing fee for the same type of case may differ from city to city, and even from court to court within the same city, based upon the combination of uniform, optional, and special fees which the particular court has adopted.<sup>77</sup>

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71. ARK. CODE ANN. § 16-14-103(a)(1) (Michie 1994).

72. ARK. CODE ANN. § 16-20-107(a)(1) (Michie 1994); ARK. CODE ANN. §§ 21-6-403(c)(1), -404(a) (Michie 1987 & Supp. 1993).

73. ARK. CODE ANN. § 21-6-404 (Michie 1987).

74. ARK. CODE ANN. § 16-14-105(a)(3) (Michie 1994).

75. For example, the fee and surcharge for legal education were first adopted in 1973 at a rate of \$1.50 per case. ARK. CODE ANN. § 6-64-603 (Michie Supp. 1993). The fee is specifically mentioned as being a part of the uniform advance fee, but in 1989 the fee was raised to \$5.00 per case. ARK. CODE ANN. § 16-14-105(a)(3) (Michie 1994); ARK. CODE ANN. § 21-6-403(c)(2) (Michie Supp. 1993). It is unclear whether any or all of the increased fee should be deducted from or added to the advance fee.

76. Copies of court fee schedules submitted to the Administrative Office of the Courts by municipal and trial court clerks indicate that in some locations the uniform fee has been increased, while in others the additional fee has been deducted from it.

77. See *supra* note 4.

Statutorily authorized surcharges in Arkansas courts are currently facing the same problem that trial court fees were facing prior to 1977—the amount of the surcharge differs in every court. In addition, the numerous separate surcharges coupled with their large cumulative amount often increases the assessment larger than the authorized fine for the offense.<sup>78</sup> With the inconsistent language in the statute and with as many as twenty different state, county, and local agencies to which the surcharges are to be disbursed, the operation of the system poses substantial burdens from accounting and administrative standpoints.

#### VI. MOVING TOWARD A STATE FINANCED SYSTEM

Even though many states have ultimately decided to move from a local to a state funded court system, the methods pursued and the financing structure adopted as means of achieving that goal have differed dramatically. The experience of other states indicates that there are a number of diverse, yet successful, models available.

##### A. Direct Appropriation

The most comprehensive method of state financing is through a direct appropriation to a state-level court agency for all state court expenditures. In most highly unified states, there is a central state budget for all court operations. Local courts file their budget requests with a central office, usually the state supreme court or an office of court administration, which then prepares and submits a unified court budget to the legislative and executive branches. Whether this system enhances the overall efficiency of the system and the availability of revenues to the courts may depend upon the degree of discretion given to the court agency. Some states receive a lump sum budget that can be allocated where and when the need arises, while others receive an appropriation with very narrow categories and limited flexibility.<sup>79</sup>

In less unified states, the direct appropriation is often utilized to fund one specific item or category of court expenditures. In Arkansas, for example, all judicial salaries,<sup>80</sup> court reporter salaries,<sup>81</sup>

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78. See *supra* note 4.

79. HARRY O. LAWSON, STATE FUNDING OF COURT SYSTEMS: AN INITIAL EXAMINATION 131 (1979).

80. Appropriations Acts of Arkansas, 1993 Ark. Acts 4.

81. Appropriations Acts of Arkansas, 1993 Ark. Acts 391.

and appellate court operations<sup>82</sup> are funded through direct appropriation.

Naturally, there are several advantages to the direct appropriation approach. It allows the state to create a uniform and consistent court system. All judges and court reporters in Arkansas, for example, are paid from a uniform salary scale.<sup>83</sup> The state can also create minimum standards for employees and develop uniform management controls. Centralized state funding can also be used to force changes in inefficient local systems and practices. The lack of local control, however, is often resented. Thus, any efficiency achieved at the local level may be offset by an increased bureaucracy at the state level.

#### B. Discretionary Grants

Some states utilize a discretionary grant system to partially fund the state court expenses.<sup>84</sup> This system usually involves a requirement for a local application and a competitive state level evaluation.<sup>85</sup> Most often the system is used for one or more specific categories or functions of court operations, or as an interim step in the move from a locally funded system to a state funded system.<sup>86</sup>

For example, prior to 1993, the Arkansas Adult Probation System was funded largely through discretionary state grants by the Adult Probation Commission.<sup>87</sup> Such a system allows a state to accommodate those areas with the greatest need or reward those that best use resources. This system also allows for continued local control and investment in the expenditure of funds. It usually fails, however, to bring consistency or uniformity in funding across the state.

#### C. Block Grants

A more recent innovation in state court financing is the use of block grants to cities or counties to offset the costs of the judicial

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82. Act of Feb. 17, 1993, No. 144, 1993 Ark. Acts 419-A (Supreme Court); Act of Mar. 24, 1993, No. 692, 1993 Ark. Acts 1055-A (Court of Appeals); Act of Feb. 17, 1993, No. 143, 1993 Ark. Acts 414-A (Administrative Office of the Courts).

83. ARK. CONST. of 1874, amend. XLII, § 1; ARK. CODE ANN. §§ 16-13-501, -503(b)(1) (Michie 1989).

84. TOBIN & HUDZIK, *supra* note 5, at 10.

85. TOBIN & HUDZIK, *supra* note 5, at 10.

86. TOBIN & HUDZIK, *supra* note 5, at 10.

87. In 1993, the General Assembly abolished the Adult Probation Commission and established the Department of Community Punishment. ARK. CODE ANN. § 12-27-125 (Michie Supp. 1993). Probation officers, who were previously county employees, became state employees. Probation fees that had been characterized as county funds went into a state revolving fund. ARK. CODE ANN. § 19-6-432 (Michie 1993).



system. Most of these grants are based upon a formula considering such factors as the number of judges or courtrooms, or population. California is the most prominent state that has adopted this approach;<sup>88</sup> however, the state's move to state funding occurred during a severe budget crisis, delaying the implementation of the program. Block grants have also been utilized in Pennsylvania<sup>89</sup> and Oregon.<sup>90</sup> Additionally, the Mississippi legislature approved a block grant program for trial court personnel in 1993.<sup>91</sup> The Administrative Office of the Courts appropriated \$40,000 for each trial judge, with the judges given complete discretion as to the type and number of employees to hire.<sup>92</sup> Judges are also given the discretion to join with other judges and pool their funds and staff.<sup>93</sup>

In Arkansas, the most similar method of financing to the block grant approach is the appropriation of county turnback funds, some of which may be used to offset court related expenses.<sup>94</sup> Nothing in that appropriation, however, requires that any such expenditures actually occur.

The block grant approach allows a state to provide uniform services statewide while allowing local officials, subject to general parameters, to develop a system that best meets local needs. Understandably, however, the state loses significant control and runs the risk that funds could be misused or misappropriated for non-court purposes.

#### D. Reimbursements

Reimbursement schemes often are utilized in states where the local government bears the burden of court financing. Usually items that are especially difficult for counties or are of a particular need or interest to states are reimbursed. Examples include debt service on buildings, costs for indigent defense, and expenses for juries. In Arkansas, the state reimburses counties for one-half of the cost of the judicial intake and probation officers' salaries,<sup>95</sup> and for some of the expenses related to high cost criminal trials.<sup>96</sup>

88. CAL. GOV'T CODE §§ 77200-77208 (West 1993).

89. 42 PA. CONS. STAT. §§ 3502-3574 (1981 & Supp. 1994).

90. OR. REV. STAT. §§ 291.272-.290 (1993).

91. MISS. CODE ANN. §§ 9-1-36 to -43 (1991 & Supp. 1994).

92. MISS. CODE ANN. § 9-1-36 (Supp. 1994).

93. *Id.*

94. ARK. CODE ANN. § 19-5-602 (Michie 1994). County aid appropriated by the state in 1994-95 totaled \$21,552,313. Act of Mar. 10, 1993, No. 417, § 1, 1993 Ark. Acts 679-A, 679-A.

95. ARK. CODE ANN. §§ 16-13-327 to -328 (Michie 1994).

96. Appropriation Acts of Arkansas, 1993 Ark. Acts 76.

Reimbursement programs allow the state to audit and, to a large extent, control the local expenditure of funds, while providing basic fiscal relief for the counties. A major disadvantage, however, is that the plans have little effect on the inequities in the level of services and programs available across the state. Many counties are unable to make the initial expenditures that qualify for reimbursement, particularly if the reimbursement is less than the full amount of the expenditure.<sup>97</sup>

#### VII. POSSIBLE CHANGES FOR ARKANSAS

In light of litigation against the state by counties attempting to force the state to assume the obligation of funding courts, combined with litigation against municipalities alleging improper assessment of court fees and surcharges, the time finally may be ripe for significant change. This is further substantiated by the apparent agreement by all parties that the current fee based system is flawed and a new state centered approach is needed.

The current "politics" of the issue is fairly easy to discern. There are five major interests, each of which is affected in different ways by possible changes in the current system. The interested parties include state, county, and city governments, current beneficiaries, and judicial officials.

First, from a public policy standpoint, the state government has the goal of creating a system that provides for a more uniform system of justice across the state. To accomplish this through state funding, new resources would be required at the state level. Unfortunately, it is unlikely that general revenue funds will ever increase sufficiently or that new general revenue taxes will be approved for the specific purpose of allowing the state to assume such a substantial new responsibility. The state, therefore, is left with the option of either increasing or redirecting special revenue sources, such as fees and surcharges, or retaining a portion of county or city turnback funds.

Second, for obvious reasons, the county government is willing to divest itself of the responsibility of funding state trial courts.

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97. The recent experience with the reimbursement program for juvenile intake and probation officers' salaries demonstrates the difficulty many counties have with the initial outlay of funds. The program reimburses, through the Administrative Office of the Courts, the costs of 1/2 of each officer's salary, up to a maximum of \$15,000. ARK. CODE ANN. §§ 16-13-327 to -328 (Michie 1994). The county, however, must employ the officer for a full year in order to become eligible. See *id.* §§ 16-13-327(d), -328(d). Many counties are unable to afford even this short-term expense or are unable to match the remaining 1/2 of the salary.

What is not apparent, however, is the extent to which the county is willing to both give up court produced revenues to the state and give up local control over decisions affecting the trial court system. It is likely that counties will differ in their responses to these issues.

Third, Arkansas city governments probably will arise as the most significant opponents to change, particularly if court fees and surcharges are redirected to partially fund the state's new responsibility. City general funds currently receive substantial revenues from the operation of municipal and city courts while assuming very little expense. In addition, those reform proposals that have been presented to the state do not require the state to assume any of the costs of operating limited jurisdiction courts. Cities, therefore, seem to have little or nothing to gain.

Fourth, current beneficiaries of the fee based system have an understandable interest in maintaining their current level of funding. From a system perspective, however, the relationship between the court system and the beneficiaries is, in some cases, tenuous at best. Furthermore, it is unlikely that a state assumption of courts would ever be undertaken without the use of at least a portion of these funds. The sheer number of beneficiaries at both the state and local levels and, in some instances, the political clout possessed by these entities means that the development of a plan balancing these directly opposing interests is imperative.

Finally, officials and employees of the judicial system also have a stake in any changes to the system. In this regard, two issues are of paramount importance. As mentioned previously, the definition and scope of "the judicial system" will determine which parts of the system are to be funded by the state. Decisions about which personnel to include, ranging from public defenders to probation officers, and which nonpersonnel items to include, such as operating expenses and costs for equipment and facilities, will greatly affect the form, structure, and extent of any state response. Considering the great disparities in the current system, with well qualified and well paid staff in some counties and little or no staff in others, agreement upon a definition will produce both winners and losers regardless of the system that is adopted.

#### E. Changing the Court Revenue System

While several specific problems with Arkansas's current fee and surcharge scheme have been identified, two main objectives must be at the forefront of any effort to reform the system: simplification and uniformity. From the state's perspective, the easiest way to achieve this goal would be to repeal all current fees and surcharges

and replace them with flat fees to be assessed in all cases. Interestingly, however, the application of this plan within the current structure of Arkansas courts is impossible. The disparate nature of the systems means that several different levels of government are involved in the funding of all courts and in the collection and disbursement of court fees and surcharges in all cases.

In 1993, the Arkansas General Assembly considered a bill that would have established a uniform fee and surcharge and then disbursed the revenues to one of three "court administration" funds, one at each of the state, county, and city levels.<sup>98</sup> From those central funds, a percentage based allocation of total funds would have been directed to each of the individuals or agencies receiving revenue from court fees and surcharges.<sup>99</sup> The intent of the plan was to set a uniform fee statewide and simplify the system by providing only three points of disbursement of court funds for court clerks.<sup>100</sup> The plan attempted to assure that beneficiaries would receive at least the same level of funding received the previous year.<sup>101</sup> Strong opposition from state prosecutors and the two Arkansas law schools, both major beneficiaries of court based fees, defeated the bill. They argued that there was insufficient data to demonstrate that their funding would not decrease.

Although the bill was soundly defeated, the general structure of a uniform fee, a central source of disbursement, and a percentage allocation of revenue to beneficiaries was widely accepted. Further, such a plan recently was adopted in Oregon and has since exhibited great success.<sup>102</sup> The development of accurate data, the lack of which was and remains the largest impediment to change in Arkansas, is crucial to the reform. While the establishment of the Arkansas Court Cost Commission<sup>103</sup> was for the express purpose of developing useful data, the Commission has produced few results and made little progress.

Any changes in the court revenue system should, at a minimum, meet several goals and standards: (1) all individual surcharges should

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98. H.R. 1871, 79th Leg., Reg. Sess. (1993). The legislation was sponsored by Representative Mike Wilson, Vice-Chairman of the House Judiciary Committee. Although amended six times in an effort to respond to concerns of opponents, the bill was defeated in committee.

99. *Id.*

100. *Id.*

101. *Id.*

102. OR. REV. STAT. §§ 137.290-.309 (1990 & Supp. 1994).

103. Act of Apr. 26, 1993, No. 1305, 1993 Ark. Acts 4320. The legislation to create the Commission was proposed by officials from the state's law schools as an alternative to the uniform court cost legislation.

be abolished; (2) uniform fees should be adopted by the General Assembly, with local or optional fees prohibited; (3) fees should not be so high as to preclude access to the courts and should not be used as an alternative form of taxation; (4) the list of current recipients of court fees and surcharges should be reviewed, fees should be utilized to support courts or court related agencies, and noncourt recipients should be removed; (5) all court fees should be codified in one section of the state law to facilitate access and understanding; (6) all courts should utilize a uniform system of financial record keeping in which records are maintained on all revenues collected and disbursed, and reported to a state-level entity; and (7) court financial records should be subject to a separate and timely state audit, at least biennially.

#### F. Changing the Court Financing System

The realities of state and local politics, the availability of state revenue, and the inevitable fear of and resistance to change suggest that the state will not immediately assume the costs of the entire state court system. In fact, the divided structure of our court system makes this change not only impossible, but ill-advised.

Since 1970, three attempts have been made to consolidate court structure and administration in the state. The proposed constitutions of 1970<sup>104</sup> and 1980,<sup>105</sup> as well as the proposed judicial article considered by the General Assembly in 1991,<sup>106</sup> all envisioned a fully unified and centralized court structure. While state court financing was not mentioned in any of the three proposals, the funding was expected to be driven by the centralized structure.

With the abandonment of efforts toward structural improvement, the emphasis now has been placed upon state funding, with the hope that the funding can "drive" changes in the structure. Nevertheless, even though state funding cannot cure certain

104. ARK. CONST. of 1970 (proposed draft); see Ronald L. Boyer, *A New Judicial System for Arkansas*, 24 ARK. L. REV. 221 (1970).

105. ARK. CONST. of 1980 (proposed draft).

106. See JUDICIAL ARTICLE TASK FORCE, ARKANSAS JUDICIAL PLANNING COMM. & NAT'L CTR. FOR STATE COURTS, ARKANSAS FUNDAMENTAL COURT IMPROVEMENT PROJECT: A FINAL REPORT (1979). In 1991 the Arkansas Bar Association developed, as a part of its legislative package, a proposed judicial article to the Arkansas Constitution and sought to have the issue referred to a public vote by the General Assembly. Senate Joint Resolution 10 of 1991 of the Arkansas General Assembly was one of the amendments referred by the Joint State Agencies and Governmental Affairs Committee for full consideration by the House and Senate. The proposal was approved by the Senate in an altered form but was narrowly defeated in the House.

constitutional deficiencies, it can improve a large number of problems that are not the result of an outdated constitution. For instance, the state currently has 127 municipal courts and 93 city courts served by some 179 part-time judges. The courts possess overlapping jurisdiction and some counties are served by as many as a dozen courts.<sup>107</sup> If the state assumed the costs of limited jurisdiction court expenses, the structure of the courts could be unified, the case loads equalized, and the courts serviced by full-time judges. No constitutional change would be required to accomplish these improvements; yet without an incentive such as state funding, it is unlikely that these changes would occur.

State funding may not initially affect limited jurisdiction courts, but numerous examples of structural and personnel inefficiencies exist at the trial court level. If the prosecution function is included under the definition of a state funded court system, for example, substantial changes in the personnel structure would be required. In 1991, Arkansas was served by some 144 deputy prosecutors, most of whom were part-time employees.<sup>108</sup> Moreover, the number of deputies serving counties ranged from zero in five counties to twenty-two in Pulaski County.<sup>109</sup> Additionally, the leave time, benefits packages, and other personnel related issues for the employees differed greatly from county to county.<sup>110</sup> Moving to state funding of salaries for deputy prosecutors does not mean that the current structure and cost simply will be shifted to the state. A requirement of full-time, minimally qualified employees should be adopted, with the distribution of employees clear and consistent.

Because such personnel changes will produce resistance and require time, less than full state funding on a centralized basis should be considered. Accordingly, the House of Delegates of the Arkansas Bar Association is considering a block grant method of state funding that is partially a proposal modeled after the program adopted in Mississippi.<sup>111</sup> Under the program, rather than specifying a total

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107. ADMINISTRATIVE OFFICE OF THE COURTS, ARKANSAS JUDICIARY ANNUAL REPORT 1992-1993 (1993).

108. ADMINISTRATIVE OFFICE OF THE COURTS, CURRENT AND PROPOSED STAFFING ASSISTANCE FOR ARKANSAS TRIAL COURTS (1992).

109. *Id.*

110. *Id.*

111. Three bills have been referred to the Arkansas Bar Association's House of Delegates by the Committee for a Modern Judiciary, cochaired by Judge John Lineberger and former Judge Elizabeth Danielson. Included in the package are a bill for uniform costs and fees, a bill to provide state funding, and a bill to improve the collection of court fines. The court cost and fine collection bills would, among other things, direct substantial portions of cost and fine revenues to the state to provide for state funding of the court system.

number of deputy prosecutors, for example, a central appropriation would be made to the Prosecution Coordinator Commission, a state level entity, for the salaries of deputy prosecutors. The Commission would have the responsibility of distributing the positions around the state, based upon the requests of prosecuting attorneys. A separate appropriation act sets a uniform salary and controls the total amount of money available. Individual counties may use county funds to supplement salaries or to provide for additional employees.

The proposal creates a structure for a phased-in approach, where the state can assume a greater percentage of costs over a number of years. During the phase-in, though, the state resources are delivered on an equitable and consistent basis. This approach also allows the state to contribute to the costs of the whole court system, however defined, rather than having to choose, for example, between the total funding of deputy prosecutors and no funding for public defenders.

Any changes in the court financing system should, at a minimum, meet several goals and standards: (1) the scope and definition of the state court system, for purposes of state financing, should be clearly identified; (2) the state should continue to finance those parts of the state court system that it currently finances and approach total state funding of all court personnel and major operations; (3) local governments should continue to be responsible for court facilities, equipment, and office supplies, but the state should adopt minimum standards for these items; (4) the state should provide job descriptions, minimum qualifications, and uniform salaries for all classifications of court personnel; (5) to enhance local control and effectiveness, the decision to hire and fire particular employees and to oversee employees should be left to local court officials; (6) state appropriations for court employees should be made to state level agencies to insure compliance with state standards and to provide equity within the state in the provision of resources; (7) the state should utilize general revenue funds to assume additional state court financing and, while court produced revenues should be redirected as state general revenue, neither courts nor other specific court functions should be operated from proceeds produced from court fees or surcharges; and (8) the state should consider a combination of court produced fees, a partial reduction in turnback funds provided to local government, and an additional amount of general funds as a means of providing for the state funding of the court system.

## VII. CONCLUSION

The issue of state funding of the Arkansas court system has reached a pivotal time and is ripe for consideration by the Arkansas

General Assembly. Although there is disagreement over the details of the proposal, there is general agreement for the first time on the need for state funding and its resulting benefits.

Successful implementation of the plan will require a clear definition of the scope of the problem. In addition, a lack of information and data, insufficient coordination and cooperation, inadequate funds, negative attitudes and resistance to change, and inadequate lead time have all been cited as major hurdles by other states that have gone through the transition.<sup>112</sup> Hopefully, the information contained in this article responds to these problems and can benefit those who will debate the possibility of state court financing for Arkansas, producing a judicial system that is both fairer and more efficient for all Arkansans.

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112. LARRY BERKSON & SUSAN CARBON, COURT UNIFICATION: HISTORY, POLITICS AND IMPLEMENTATION 171 (1978).



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TABLE 1: STATE FUNDING OF TRIAL COURTS OF GENERAL JURISDICTION<sup>1</sup>

State	Judiciary	Court Reporters	All Other Personnel	Capital Equip.	Real Property	Travel	Gen. Operating Expenses
Alabama	<sup>a2</sup>	X	X	X		X	X
Alaska	X	<sup>a3</sup>	X	X	X	X	X
Arizona							
Arkansas	X	X				X	
California <sup>4</sup>							
Colorado	X	X	X	X		X	X
Connecticut	X	X	X	X	X	X	X
Delaware	X	X	X	X	X	X	X
Dist. of Columbia	X	X	X	X	X	X	X
Florida	X						
Georgia	X		X				
Hawaii	X	X	X	X	X	X	X
Idaho	X	X		<sup>a5</sup>		X	
Illinois	X	X	X			X	
Indiana	X			X		X	
Iowa	X	X	X	X	X	X	X
Kansas	X	X	X			X	
Kentucky	X	X	X	X	X	X	X
Louisiana	X						
Maine	X	X	X	X		X	X
Maryland	X					X	
Massachusetts	X	X	X	X	X	X	X
Michigan	<sup>a6</sup>						
Minnesota	X	X	X			X	
Mississippi	X	X	<sup>a7</sup>			X	
Missouri	X	X	X			X	
Montana	X					X	
Nebraska	X	X				X	
Nevada	X					X	
New Hampshire	X	X	X	X	X	X	X
New Jersey	X	X	X				
New Mexico	X	X	X	X		X	X
New York	X	X	X	X	X	X	X

State	Judiciary	Court Reporters	All Other Personnel	Capital Equip.	Real Property	Travel	Gen. Operating Expenses
North Carolina	X	X	X	X		X	X
North Dakota	X	X	X	X		X	X
Ohio	X						
Oklahoma	X	X	X			X	
Oregon	X	X	X	X		X	X
Pennsylvania	X						
Rhode Island	X	X	X	X	X	X	X
South Carolina	X	X				X	
South Dakota	X	X	X	X		X	X
Tennessee	X	X				X	
Texas <sup>1</sup>							
Utah	X	X	X	X	X	X	X
Vermont	X	X	X	X	X	X	X
Virginia	X					X	
Washington							
West Virginia	X	X				X	
Wisconsin	X	X				X	
Wyoming	X	X					

<sup>1</sup> Compiled from OSTROM ET AL., NATIONAL CENTER FOR STATE COURTS, 1993 STATE COURT ORGANIZATION (1994). As used above, Judiciary, Ct. Reporters, and All Other Personnel includes salary and fringe; Capitol Equip. covers items such as computers, typewriters, and copiers; Real Property refers to land and capital construction; and Gen. Operating Expenses includes utilities, supplies, and building rental. "X" indicates total state funding; "\*" indicates that the corresponding note should be referenced.

<sup>2</sup> Counties supplement basic state salary.

<sup>3</sup> Uses electronic recording rather than reporters.

<sup>4</sup> Legislation has been approved for phase in of full state funding.

<sup>5</sup> Computer system only.

<sup>6</sup> State pays approximately 90%.

<sup>7</sup> Legislation provides \$4,000 per judge for staff support.

<sup>8</sup> State pays approximately 92%, with local supplements.

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TABLE 2: APPROPRIATIONS FOR ARKANSAS JUDICIAL SYSTEM - 1993-94<sup>1</sup>

AGENCY	GENERAL	SPECIAL	FEDERAL	CASH	TRUST	TOTAL
SUPREME COURT	3,153,532					3,153,532
COURT OF APPEALS	2,301,927					2,301,927
CIRCUIT & CHANCERY JUDGES	12,127,381					12,127,381
COURT REPORTERS		5,771,081				5,771,081
ADMIN OFFICE OF COURTS	2,720,087	25,000	181,163			2,926,250
PROSECUTING ATTORNEYS	2,172,283					2,172,283
PUBLIC DEFENDER COMM	482,096					482,096
ATTORNEY GENERAL	5,752,298	2,913,737	1,251,396	240,000		10,157,431
PROSECUTOR COORDINATOR	776,216		1,125,000		100,000	2,001,216
JUDICIAL DISCIPLINE & DISABILITY COMM.	267,404					267,404
PUBLIC DEFENDER CONTRACT SERVICES <sup>2</sup>	20,000					20,000
TRIAL EXPENSE FUND <sup>3</sup>	100,000					100,000
SENTENCING COMM.	268,233					268,233
TOTALS	30,141,457	8,709,818	2,557,559	240,000	100,000	41,748,834
TOTAL STATE OPERATING APPROPRIATIONS	4,088,491,755	1,055,032,639	612,178,932	1,956,393,986	1,333,151,663	9,291,684,941
PERCENTAGE ALLOCATED TO JUDICIAL SYSTEM	.7372%	.8255%	.4178%	.0123%	.0075%	.4493%

<sup>1</sup>Source: Arkansas Department of Finance & Administration.<sup>2</sup>Administered by Arkansas Department of Finance & Administration.<sup>3</sup>Administered by Arkansas Department of Finance & Administration.

TABLE 3: CURRENT ARKANSAS COURT FEES AND SURCHARGES

FEE TYPE	ARK. CODE ANN. §	AMOUNT	CT. TYPE <sup>1</sup>	CASE TYPE <sup>2</sup>	M/O <sup>3</sup>	PAYEE	BENEFITTED
Code Revision	1-2-306	\$0.25	C.Ch.P.Mu	Cv.F.Msd.V.Or	M	State Treasurer	Code Revision Fund
Drug Abuse Prevention	5-64-416	\$250.00 (f) \$100.00 (m)	C.Mu.Cy. Pol	Offenses in 5-64-101, 5-64-608	M	Prosecuting Coordinator (\$25). Div. Alcohol & Drug Abuse Prevention (\$75(m), \$225(f))	Prosecuting Coord. DADAP
Drug Abuse	5-64-709	\$50.00	C.Mu."or other court" (Cy.Pol)	Offenses in 5-64-401(c)	M	County & Mun. Treasurer; then 1/2 to DFA	Cities & Counties ACIC
DWI	5-65-113 16-17-110 16-18-106	\$250.00	C.Mu.Pol. Cy	DWI 5-65-103	M	DFA (\$150). City/County (\$100)	Highway Safety (AHTD); State Police Fund; Alcohol & Drug Safety Fund (AHTD)
DWI/Highway Safety	5-65-115	\$200.00	C.Mu.Cy. Pol	Contempt for failure to complete driver course under 5-65-115	M	Mun. Ct. (\$50). DFA (\$150)	Mun. Ct. Highway Safety Program
Underage DWI/Highway Safety	5-65-307	\$200.00	Mu.Cy.Pol	Contempt for failure to complete driver course under 5-65-307	M	Mun. Ct. (\$50). DFA (\$150)	Mun. Ct. Highway Safety Program
Legal Educ.	6-64-603	\$5.00	C.Ch.P.Mu. Pol.Cy	F.Msd.Trf.V. Or.Cv	M	UA Bd. of Trustees	UAF & UALR Law Schools
Jail Building Bonds	12-41-617	≤\$10.00	C.Ch.P.Mu. Pol.Cy	F.Msd.Trf.V. Or	O	County Treasurer	County Jail
Public Defender	14-20-102	\$5.00	C.Ch.P.Mu. Cy.Pol  C.Mu.Cy. Pol	Cv Filings  F.Msd.Trf.V. Or	M	County Treasurer	County (80%) State P.O. (20%)
	14-20-102(d)	\$5.00	Same as above	Same as above	O	Same as above	County
Game Law Prosecutions	15-41-204	\$10.00	Mu.C	Game law offenses	M	Prosecutor	Prosecutor
	15-42-121	\$25.00 JP \$10.00 C	Same as above	Same as above	M	Same as above	Same as above
Uniform Advance Fee	16-14-105	\$75.00	P	P	M	County Treasurer	County
Intoxication Equip.	16-17-109	\$1.00 \$5.00	Mu	Pub. Intoxication (\$1.00) DWI (\$5.00)	O	County Treasurer. City Treasurer	City or County Intoxication Equip. Fund

## 1994] STATE FUNDING OF ARKANSAS COURTS

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FEE TYPE	ARK. CODE ANN. §	AMOUNT	CT. TYPE <sup>1</sup>	CASE TYPE <sup>2</sup>	M/O <sup>3</sup>	PAYEE	BENEFITTED
Mun. Ct. Admin.	16-17-111	≤\$5.00	Mu,Cy,Pol	Msd,Trf,V,Or	O	City Treasurer	City and/or County
Judicial Retirement	16-17-112	\$3.00	Mu	Trf (excluding parking violations)	M	APERS	State Treasury for Const. Officers & State Cent. Servs. Fund for Judicial Retirement Sys.
Admin. of Justice	16-17-113	≤\$3.00	Mu,Cy	Msd,Trf,V,Or	O	City or County Treasurer	City and/or County
Mun. Ct. Educ.	16-17-123	\$0.25	Mu	Cv	M	AOC	AOC
Pretrial Release	16-17-125	not specified	Mu,Cy	F,Msd	O	City Treasurer	City
Intra-County Mun. Ct. Agreements	16-17-402	\$20.00	Mu	Cv,Msd,Trf,V,Or	O	City Treasurer	City
Mun. Ct. Filings	16-17-705	\$10.00	Mu	Cv <1,000	M	City Treasurer	City
		\$30.00	Mu	Cv >1,000 and <3,000	M		
Victim/Witness	16-21-106	≤\$5.00	C,Ch,Mu,Cy,Pol	Cv,F,Msd,Trf,V,Or	O	County Treasurer	Prosecutor Victim/Witness
Prosecutor Coordinator	16-21-113(f)	\$0.50	C,Mu	F,Msd	O	County Treasurer	Prosecutor Coordinator
County Law Library	16-23-103	≥\$1.00 ≤\$3.00	C,Mu,Pol,Cy,Ch,P	F,CV,Msd (excluding parking)	O	County Treasurer	County Law Library
P.D. Investigator	16-87-111	≤\$4.00	C,Mu,Pol,Cy	F,Msd,Trf,V,Or	O	County Treasurer	County
Crime Victim Reparations	16-90-718	\$20.00(f) \$10.00(m)	C,Mu,Cy,Pol	F,Msd,V,Or	M	DF&A	A.G. Crime Victim Rep. Fund
State Police Retirement	16-92-110(a)	\$5.00	C	F,Msd,Trf,V,Or	M	County Treasurer	State Police Retirement
		\$3.00	Mu,Cy,Pol				
Police Pension	16-92-110(b)	\$1.00	Mu,Cy,Pol	Msd	O	City Treasurer of Employing Officer	Police Pension Fund or Police Benefit Fund
Crime Prevention	16-92-116	\$1.00	C,Mu,Pol,Cy	F,Msd, Moving Trf	M	DFA	Ark. Counties Crime Prevention Fund
Health Filing Fees	20-7-123 20-18-405	\$2.00	P	Adoption	M	State Treasurer	Public Health Fund
	20-18-502	\$1.00	Ch	Divorce	M	State Treasurer	Public Health Fund
App. Filing Fees	21-6-401	\$100.00	SC,CA	Cv,Msd Appeals	M	SC Library Fund	SC Library
		\$25.00	SC	Petitions for Review			

FEE TYPE	ARK. CODE ANN. §	AMOUNT	CT TYPE <sup>1</sup>	CASE TYPE <sup>2</sup>	M/O <sup>3</sup>	PAYEE	BENEFITTED
Uniform Advance Fees	21-6-403	\$30.00	C,Ch	New causes of action	M	County Treasurer	County
		\$10.00	Ch	Reopening case			
Ct. Reporter	21-6-404 16-20-107	\$20.00	C,Ch,P	New causes of action and reopenings in Ch. Ct.	M	County Treasurer	State Treasurer Ct. Reporter Fund (less: 2% for City Treasurer, 1 1/4% for const. officers & State Cent. Servs. Fund)
	21-6-405	\$5.00	C	F,Msd,V	M		
Prosecuting Attorney	21-6-410	\$5.00 \$10.00 \$25.00 \$35.00 \$75.00	C,Mu,Pol, Cy	State/County Msd,Or,V, Gambling, Felonies, Homicide Capital	M	Prosecutor	Prosecutor
City Attorney		\$5.00 \$10.00 \$25.00	Mu,Pol,Cy	Msd,Or		City Treasurer	City
Prosecuting Attorney Hot Check	21-6-411	>\$5.00	C,Mu	Cases under 5-1-101	M	Prosecutor	Prosecutor
		<\$75.00		5-37-301to -306, -307		Sheriff	County
Justice Bldg.	22-3-920	\$1.00	C	F,Msd	M	County Treasurer	Justice Bldg. Fund
		\$1.00	C,Ch,P	All civil filings			
Mun. Ct. Retirement	24-8-303	\$1.00	Mu,Cy,Pol	Msd,Trf,V, Or	M	City Treasurer	City Mun. Retirement
		\$0.20	Mu,Cy,Pol	Cv Summons	M		
		>\$0.20			O		
		<\$1.00					
Police & Fire Retirement	27-50-401	\$3.00	Mu,Cy,Pol	Trf (operation of motor vehicle),Or	M	City Treasurer	Police Pension Fund

<sup>1</sup>Key: C = Circuit; CA = Court of Appeals; Ch = Chancery; Cy = City; Mu = Municipal (including small claims); P = Probate; Pol = Police; SC = Supreme Court

<sup>2</sup>Key: Cv = Civil; F = Felony; Or = Local Ordinance Violation; Msd = Misdemeanor; Trf = Traffic; V = Violation of State Law

<sup>3</sup>Key: M = Mandatory; O = Optional

TABLE 4: LOCAL FEES AND SURCHARGES IN ARKANSAS

REFERENCE	LOCATION	AMOUNT	PURPOSE
Act 472 of 1981	Pulaski	\$5	County Jail Fund
Act 958 of 1981	Logan	\$5	Unspecified
Act 989 of 1981	Saline	\$5	County Jail Fund
Act 576 of 1983	Arkansas	<\$5	Public Defender Fund
Act 607 of 1983	Phillips	<\$5	Public Defender Fund
Act 682 of 1983	Lee	<\$5	Public Defender Fund
Act 919 of 1983	Crittenden	<\$5	Public Defender Fund
Act 972 of 1981	St. Francis	<\$5	Public Defender Fund
Act 610 of 1983	Pulaski	\$2	Public Defender Fund
Act 335 of 1983	Little River, Sevier, Howard	\$10	Deputy Prosecutor
Act 485 of 1983	Pope, Johnson, Franklin	<\$15	Prosecuting Attorney
Act 311 of 1981	Miller	\$5	Unspecified
Act 978 of 1981	Craighead	\$5	Criminal Justice
Act 685 of 1971 Acts 995, 1081 of 1975	Greene, Independence, Ouachita, St. Francis, Benton, Craighead, Garland, Mississippi, Pulaski, Saline, Sebastian, Washington, White	\$1	County Law Library
ARK. CODE ANN. § 16-92-111	Pulaski	\$5 - \$75	County General Fund (Prosecutor)
Act 1150 of 1991	Boone	>\$350	County General Fund (Public Defender)
Act 442 of 1989	Jackson	\$15	County Treasury (Public Defender)
ARK. CODE ANN. § 24-8-303(h)	Chicot, Ashley, Columbia	\$1	Municipal Judge Retirement
ARK. CODE ANN. § 24-8-402(a)	Pulaski	\$0.20	Municipal Judge Retirement
ARK. CODE ANN. § 16-17-108	Grant, City of Sheridan	\$2 - \$10	Municipal Clerk, Deputy Prosecutor
Act 803 of 1983	Craighead	\$5	County Jail
Act 300 of 1983	City of Van Buren	\$1	Unspecified
Act 4 of 1983	Pulaski	\$5 or \$10	Prosecuting Attorney
ARK. CODE ANN. § 16-17-402	Two cities in same county without a mun. ct.	\$20	City Treasury
Act 1149 of 1991	City of Wynne	\$3	Municipal Court Retirement
ARK. CODE ANN. § 24-8-315	County with two dists. and two county seats	\$1 - \$5	Municipal Court Retirement
ARK. CODE ANN. § 27-50-401	1st and 2nd class cities	\$3	Police Pension Fund

REFERENCE	LOCATION	AMOUNT	PURPOSE
ARK. CODE ANN. § 14-20-115	Pulaski, Benton, Craighead, Garland, Jefferson, Sebastian, Washington	<50% of all other fees	County General Fund
Act 398 of 1989	Baxter County	≤\$350	Public Defender System
Act 322 of 1987	Mississippi County	≤\$10	Public Defender
Act 349 of 1989	Poinsett	≤\$5	Public Defender
Act 543 of 1987	Miller	\$1 Trf, \$3 Crim	County General
Act 782 of 1987	Little River	\$2Trf, \$5 Crim	County/City General
Act 255 of 1989	Cross	≤\$5	Juvenile Court Staff
Act 851 of 1987	Cities of Hamburg and Crossett	\$2	Crossett & Ashley County Historical Soc'y
Act 311 of 1993	City of Augusta	\$4	Municipal Court Retirement



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# ACT 1256 1995

## A Bill

1 State of Arkansas  
2 80th General Assembly  
3 Regular Session, 1995  
4 By: Senator Dowd

SENATE BILL 609

### For An Act To Be Entitled

"AN ACT TO PROVIDE FOR UNIFORM FILING FEES AND COURT  
COSTS; AND FOR OTHER PURPOSES."

### Subtitle

"TO PROVIDE FOR UNIFORM FILING FEES AND  
COURT COSTS"

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

SECTION 1. (a) It is hereby found by the General Assembly that the current system of funding the state judicial system has created inequity in the level of judicial services available to the citizens of the state. It is further determined that the current method of financing the state judicial system has become so complex as to make the administration of the system impossible. Finally, it is determined that the lack of any reliable data on the current cost of the state judicial system prohibits any comprehensive change in the funding of the system at this time.

(b) It is, therefore, the intent of this act to eliminate the current system of collecting and assessing a large number of individual court costs and filing fees, to replace it with a uniform cost and fee to be applied statewide, and to prohibit the implementation of new costs and fees for specific programs in the future. It is, further, the intent of this act to put in place a reporting system which will allow the General Assembly to obtain accurate data to determine the cost to the state for the funding of the judicial system, so as to allow the state, in the 1997-1999 biennium, to fund the cost of the judicial system from the costs, fees, fines, and such other sources as the General Assembly shall determine.

(c) The General Assembly hereby advises all individuals, programs, and agencies which are affected by this act and which receive or expend funds as a

*Mike Mullins*

*Bokey L. Fogue*  
Speaker of the House

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1 part of the state judicial system to be prepared to provide information on the  
2 level of expenditures, number of staff, and related information which were in  
3 place and existing during the period January 1, 1994 - December 31, 1994 to  
4 the 1997 session of the General Assembly.

5  
6 SECTION 2. (a) Except as otherwise provided by this Act, all filing  
7 fees and all court costs shall be uniform for each type of case in all general  
8 and limited jurisdiction courts of this state.

9 (b) In all cases filed in such courts on or after July 1, 1995, the  
10 court costs and filing fees shall be assessed and distributed according to  
11 this act.

12 (c) In all cases filed in such courts prior to July 1, 1995, all court  
13 costs and filing fees shall be assessed and distributed according to law in  
14 existence on the date of the filing, including monies collected on and after  
15 July 1, 1995.

16 (d) Prosecuting Attorneys filing actions on behalf of the State, with  
17 the exception of child support cases, shall be exempt from paying filing fees.

18  
19 SECTION 3. Arkansas Code Annotated 21-6-403 is amended to read as  
20 follows:

21 "21-6-403. Circuit and chancery court clerks - Uniform filing fees.

22 (a) The uniform filing fees to be charged by the clerks of the circuit  
23 and chancery courts for initiating or reopening a cause of action in the  
24 circuit and chancery courts in the state shall be as prescribed in this  
25 section. No portion of the filing fees shall be refunded:

26 (1) For initiating a cause of action in the circuit court (including  
27 appeals) . . . . . \$110.00

28 (2) For initiating a cause of action in the chancery court . . . . . \$110.00

29 (3) For reopening a cause of action in the chancery court . . . . . \$30.00

30 (b) No fee shall be charged or collected by the clerks of the circuit  
31 and chancery courts for reopening a cause of action in the chancery court  
32 under the following circumstances:

33 (1)(A) An agreed order is presented to be filed; or

34 (B) An order of income withholding is to be filed; and

35 (2) No service of process is required.

36 (c) No county shall authorize and no circuit or chancery court clerk

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President of the Senate

Boyle L. Fugie  
Speaker of the House

1 shall assess or collect any other filing fees than those authorized by this  
2 act, unless specifically provided by state law."  
3

4 SECTION 4. Arkansas Code Annotated 16-14-105(a) is amended to read as  
5 follows:

6 "16-14-105. Uniform advance fees and court costs.

7 (a) The uniform advance fees to be charged by the clerks of the probate  
8 court for initiating a cause of action in probate court in this state shall be  
9 one hundred twenty dollars (\$120), and no portion of the advance fees shall be  
10 refunded. No county shall authorize and no chancery or probate court clerk  
11 shall assess or collect any other filing fees than those authorized, unless  
12 specifically provided by state law."  
13

14 SECTION 5. Arkansas Code Annotated 16-17-705 is amended to read as  
15 follows:

16 "16-17-705. Filing fees and costs.

17 (a) The uniform filing fee to be charged by the clerks of the municipal  
18 courts for initiating a cause of action in municipal court in this state shall  
19 be as prescribed in this section. No portion of the filing fee shall be  
20 refunded.

21 (1) For initiating a cause of action in the civil division of municipal  
22 court . . . . . \$35.00

23 (2) For initiating a cause of action in the small claims division of  
24 municipal court . . . . . \$25.00

25 (b) No municipality shall authorize, and no municipal court clerk shall  
26 assess or collect, any other filing fees than those authorized by this act,  
27 unless specifically provided by state law."  
28

29 SECTION 6. (a) The uniform filing fee to be charged by clerks for  
30 initiating a cause of action in city or police courts, courts of common pleas,  
31 or any other court of limited jurisdiction in this state shall be twenty-five  
32 dollars (\$25.00). No portion of the filing fee shall be refunded.

33 (b) No city shall authorize, and no city court clerk shall assess or  
34 collect, any other filing fees than those authorized by this act, unless  
35 specifically provided by state law.  
36

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Speaker of the House  
Bob L. Proctor

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SECTION 7. (a) There shall be levied and collected from each defendant upon each conviction, each plea of guilty or nolo contendere, or forfeiture of bond the following court costs:

(1) For misdemeanor or felony violation of state law, excluding violation of the Omnibus DWI Act, in circuit court . . . . . \$100.00

(2) For offenses which are misdemeanors or violations under state law or local ordinance, excluding violation of the Omnibus DWI Act, in municipal, city, or police court . . . . . \$50.00

(3) For traffic offenses which are misdemeanors or violations under state law or local ordinance, excluding violation of the Omnibus DWI Act, in municipal, city, or police court . . . . . \$50.00

(4) For violation of the Omnibus DWI Act in circuit, municipal, and city court . . . . . \$300.00

(b) The costs set forth in this act shall be imposed at the conclusion of any criminal case that does not end in an acquittal, dismissal, or, with the consent of the prosecution, a nolle prosequi. They shall be imposed at the conclusion of cases involving a suspended or probated sentence even though that sentence may be expunged or otherwise removed from the defendant's record.

(c) No county, municipality, or town shall be liable for the payment of the costs taxed under this section in any instance where they are not collected, or in any case in which the defendant pays the costs by serving time in a jail, on a county farm, or at any other official place of detention or work.

(d) No municipality or county shall authorize and no police, city, municipal, or circuit court shall assess or collect any other court costs other than those authorized by this act, unless specifically provided by state law.

SECTION 8. (a) The following court costs shall not be immediately affected by this act and shall continue to be assessed and collected until such time as the Arkansas Division of Legislative Audit shall certify in writing that the debt service for the original construction for which the revenues generated by the court costs have been applied shall have been paid in full:

(1) The costs assessed by the city, municipal, and circuit courts

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President of the Senate

Robert L. Hogue  
Speaker of the House

1 in Garland County pursuant to § 12-41-617 for the purpose of building a new  
2 jail;

3 (2) The costs assessed by the city, municipal, and circuit courts  
4 in Lawrence County pursuant to § 12-41-617 for the purpose of building a new  
5 jail;

6 (3) The costs assessed by the city and municipal courts of  
7 Pulaski County pursuant to §§ 16-17-111 and 16-17-113 for the purpose of  
8 completing the municipal court renovation.

9 (4) The costs assessed pursuant to Act 685 of 1971, as amended,  
10 by the city and county courts of Pulaski County for the purpose of retiring  
11 the indebtedness on the Pulaski County Law Center.

12 (5) The costs assessed by the circuit and chancery courts in  
13 Saline County pursuant to § 21-6-403 in effect on January 1, 1995, and used  
14 for the purpose of renovation, refurbishing, and equipping of the Saline  
15 County Courthouse.

16 (6) Any other costs assessed by the city, municipal, circuit,  
17 chancery, or probate courts which are dedicated on the effective date of this  
18 act for the purpose of retiring any debt service for construction, when  
19 certified by the Arkansas Division of Legislative Audit.

20 (b) For each court in which a court cost included in paragraph (a) of  
21 this section shall be continued, that cost shall be in addition to the uniform  
22 court costs and filing fees provided in Section 3 through Section 7 of this  
23 act.

24 (c) The additional costs specified in paragraph (a) shall not be  
25 remitted to the Department of Finance and Administration with the uniform  
26 court costs and filing fees provided for in Section 3 through Section 7 of  
27 this act, but shall be remitted to the city or county treasurer and credited  
28 to the fund and for the limited purpose as provided for in Arkansas Code  
29 Annotated §§ 12-41-617, 16-17-111 and 16-17-113 and Act 685 of 1971 as  
30 amended.

31  
32 SECTION 9. (a) There is hereby created in the Department of Finance  
33 and Administration an Administration of Justice Funds Section, to which shall  
34 be remitted court costs and filing fees enumerated in Section 3 through  
35 Section 7 as provided in this act which are assessed and collected in the  
36 police, city, municipal, chancery, probate, and circuit courts in this state.

*Mike Huckabee*

*Robert L. Proctor*  
Speaker of the House

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1 There is hereby created on the books of the State Treasurer, the State  
2 Auditor, and the Chief Fiscal Officer of the State a trust fund account to be  
3 known as the "State Administration of Justice Fund." Said funds shall be  
4 deposited by the Section in the State Administration of Justice Fund. The  
5 Section shall keep an accurate account of all receipts by type of case and  
6 type and location of court from which such fees and costs are submitted.

7 (b) The Section shall also prescribe, in cooperation with the  
8 Administrative Office of the Courts and the Association of Arkansas Counties,  
9 appropriate forms for the reporting and allocation of all funds and such other  
10 information relevant to the income derived by and the costs associated with  
11 the operation of the justice system by cities and counties, and shall require,  
12 beginning July 1, 1995, the use thereof by all parties remitting funds.

13  
14 SECTION 10. (a) There is hereby created in each county a fund in the  
15 Office of the County Treasurer to be known as the County Administration of  
16 Justice Fund.

17 (b) The County Administration of Justice Fund shall be used to defray a  
18 part of the expenses of the administration of justice in the county. From the  
19 Fund, the county shall continue to finance the following county agencies and  
20 programs which are currently funded, in whole or in part, by filing fees  
21 and/or court costs, at a funding level equal to not less than the greater of  
22 the amount which was disbursed by the county from filing fees and/or court  
23 costs to the agency or program in the calendar year ending December 31, 1994,  
24 or the amount appropriated by ordinance enacted prior to December 31, 1994, or  
25 on February 14, 1995, or by Resolution dated February 9, 1995, to the agency  
26 or program for the calendar year ending December 31, 1995:

27 (1) the prosecuting attorney fund including all grant funds  
28 awarded and appropriated for calendar year ending December 31, 1995;

29 (2) the prosecuting attorney's victim-witness program fund;

30 (3) the public defender/indigent defense fund and public defender  
31 investigator fund including all grant funds awarded and appropriated for  
32 calendar year ending December 31, 1995;

33 (4) the county law library fund;

34 (5) the county jail fund; and

35 (6) the intoxication detection equipment fund.

36 (c) The County Administration of Justice Fund of each county may retain

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Robert L. Foy

Chairman of the House

1 an amount equal to the amount which was disbursed by the county from court  
 2 costs and filing fees for county administration of justice expense in the  
 3 calendar year ending December 31, 1994, or the amount appropriated from court  
 4 costs and filing fees by ordinance enacted prior to December 31, 1994, or on  
 5 February 14, 1995, or by Resolution dated February 9, 1995, for county  
 6 administration of justice expense from court costs and filing fees for the  
 7 calendar year ending December 31, 1995, plus for each year after calendar year  
 8 1995 an additional amount based upon the increase in the Consumer Price Index  
 9 as published by the Bureau of Labor Statistics of the Department of Labor  
 10 using the greater of the amount disbursed in calendar year 1994 or the amount  
 11 appropriated for calendar year 1995 as the base, which base shall be increased  
 12 by the percentage that the Consumer Price Index for December of the succeeding  
 13 year bears to the base.

14 (d) Nothing in this act shall prevent the county from funding any  
 15 additional costs for the administration of justice from other county funds or  
 16 as disbursed by the county as required and authorized by the 80th General  
 17 Assembly meeting in regular session.

18  
 19 SECTION 11. (a) There is hereby created in each municipality which  
 20 operates a police, city, or municipal court a fund in the Office of the City  
 21 Treasurer to be known as the City Administration of Justice Fund.

22 (b) The City Administration of Justice Fund shall be used to defray a  
 23 part of the expense of the administration of justice in the city. From the  
 24 Fund, the city shall continue to finance the following city agencies and  
 25 programs which are currently funded, in whole or in part, by filing fees  
 26 and/or court costs, at a funding level equal to not less than the greater of  
 27 the amount which was disbursed by the city from court costs and/or filing fees  
 28 to the agency or program in the calendar year ending December 31, 1994, or the  
 29 amount appropriated by ordinance enacted prior to December 31, 1994, to the  
 30 agency or program for the calendar year ending December 31, 1995:

- 31 (1) the municipal court judge and clerk retirement fund;
- 32 (2) the police and fire pension fund;
- 33 (3) the intoxication detection equipment fund;
- 34 (4) all municipal-level programs and agencies funded in whole or  
 35 in part by court costs and filing fees assessed and collected by the  
 36 municipal, city, or police court, notwithstanding the repeal by this act, of

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1 laws authorizing the collection of court costs and filing fees; and  
 2 (5) all county-level programs and agencies funded in whole or in  
 3 part by court costs and filing fees assessed and collected by the municipal,  
 4 city, or police court, notwithstanding the repeal, by this act, of laws  
 5 authorizing the collection of court costs and filing fees and the disbursement  
 6 of all or a part thereof to the county.

7 (c) The City Administration of Justice Fund of each city may retain an  
 8 amount equal to the amount which was disbursed by the city from court costs  
 9 and filing fees for city administration of justice expense in the calendar  
 10 year ending December 31, 1994, or the amount appropriated from court costs and  
 11 filing fees by ordinance enacted prior to December 31, 1994, for city or  
 12 county administration of justice expense from court costs and filing fees for  
 13 the calendar year ending December 31, 1995, plus for each year after calendar  
 14 year 1995 an additional amount based upon the increase in the Consumer Price  
 15 Index as published by the Bureau of Labor Statistics of the Department of  
 16 Labor using the greater of the amount disbursed in calendar year 1994 or the  
 17 amount appropriated for calendar year 1995 as the base, which base shall be  
 18 increased by the percentage that the Consumer Price Index for December of the  
 19 succeeding year bears to the base.

20 (d) Nothing in this act shall prevent the city from funding any  
 21 additional costs for the administration of justice from other city funds.

22  
 23 SECTION 12. The county shall, on or before the tenth (10th) day of  
 24 November, 1995, and on or before the tenth (10th) day of each month  
 25 thereafter, remit all sums received in excess of the amounts necessary to fund  
 26 the expenses enumerated in Section 10(b) and (c) of this act during the  
 27 previous month from the uniform filing fees provided for in Sections 3 and 4  
 28 herein and the uniform court costs provided for in Section 7 herein to the  
 29 Department of Finance and Administration, Administration of Justice Fund  
 30 Section, for deposit in the State Administration of Justice Fund.

31  
 32 SECTION 13. The city shall, on or before the tenth (10th) day of  
 33 November, 1995, and on or before the tenth (10th) day of each month  
 34 thereafter, remit all sums received in excess of the amounts necessary to fund  
 35 the expenses enumerated in Section 11(b) and (c) of this act during the  
 36 previous month from the uniform filing fees provided for in Sections 5 and 6

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 President of the Senate

Bob Hogue  
 Speaker of the House



1 herein and the uniform court costs provided for in Section 7 herein to the  
2 Department of Finance and Administration, Administration of Justice Fund  
3 Section, for deposit in the State Administration of Justice Fund.  
4

5 SECTION 14. (a) In the event a city or county fails to timely or  
6 adequately submit funds and reports required by Sections 9, 12, or 13 of this  
7 act,

8 (1) the Attorney General may file a civil suit in circuit court  
9 against the city or county alleged to have failed to submit the funds required  
10 by this act. If the county or city is found by the court to have failed to  
11 submit the funds and reports required by this act, the court shall impose a  
12 civil penalty on such county or city of ten percent (10%) of the amount  
13 required to be remitted for the period of time the county or city has failed  
14 to be in compliance with this act. Such actions may be brought in the circuit  
15 court of the subject county or the circuit court of Pulaski County. The  
16 Attorney General shall be allowed to recover costs and attorney's fees  
17 associated with the civil suit from the county or city found to have violated  
18 the provisions of this act; or

19 (2) the Chief Fiscal Officer of the State may, upon a finding  
20 that the city or county has failed to submit the funds and reports required by  
21 this act, withhold from month to month an equal amount from the city's or  
22 county's share of the state turnback funds owed to such city or county, until  
23 the funds required to be paid by this act have been submitted; and

24 (3) provided the failure to act continues for a period of sixty  
25 (60) days, the State may, upon a finding by the Chief Fiscal Officer, require  
26 such county or city to remit all costs and fees generated by this act. Such  
27 county or city will thereafter receive its share of these funds at a time and  
28 in the manner prescribed by regulations of the Chief Fiscal Officer.

29 (b) All funds received pursuant to Section 14(a) shall be transferred  
30 to the Administration of Justice Fund to be held and distributed pursuant to  
31 this act.  
32

33 SECTION 15. At the close of books on the twentieth (20th) working day  
34 of November, 1995, and on or before the twentieth (20th) working day of each  
35 month thereafter, the Department of Finance and Administration shall make the  
36 following distribution of revenue received for the previous month and credited

Mike Mack  
President of the Senate

Robert L. Morgan  
Speaker of the House

As Engrossed: 3/10/95 3/22/95 3/30/95

1 to the State Administration of Justice Fund:

2 The following State programs and agencies which are currently funded by  
3 court costs and filing fees shall be paid at an annual rate, at not less than  
4 the amounts certified by the Department of Finance and Administration which  
5 were received by the program or agency in the fiscal year ending June 30,  
6 1995, in a monthly installment of at least one-twelfth (1/12) of the annual  
7 appropriation provided for each agency for this purpose from the State  
8 Administration of Justice Fund:

9 (1) the Board of Trustees of the University of Arkansas for the purpose  
10 and as regulated by Arkansas Code Annotated § 6-64-604 - 606;

11 (2) the Public Health Fund for use in the Drug Abuse Prevention and  
12 Treatment program of the Division of Alcohol and Drug Abuse Prevention;

13 (3) the Highway Safety Special Fund for programs of the Arkansas  
14 Highway Safety Program;

15 (4) the Department of Arkansas State Police for the State Police  
16 Retirement Fund;

17 (5) the Crime Victims Reparations Revolving Fund for the purpose and as  
18 regulated by Arkansas Code Annotated § 16-90-701 et seq.;

19 (6) the Prosecutor Coordinator's office for deposit in the Law  
20 Enforcement and Prosecutor Drug Enforcement Training Fund;

21 (7) the Code Revision Fund for the purpose and as regulated by Arkansas  
22 Code Annotated § 1-2-305;

23 (8) the Crime Information System Fund;

24 (9) the Municipal Court Judge and the Municipal Court Clerk Education  
25 Fund;

26 (10) the Arkansas Judicial Retirement System Fund;

27 (11) the state Central Services Fund for the benefit of the Public  
28 Defender Commission;

29 (12) the Court Reporter Fund;

30 (13) the Justice Building Fund;

31 (14) until June 30, 1996, the Arkansas Counties Alcohol and Drug Abuse  
32 and Crime Prevention Fund; and

33 (15) effective July 1, 1996, the Administration of Justice Fund to fund  
34 the trial court staff persons authorized by Section 16 of this act.

35  
36 SECTION 16. (a) Beginning July 1, 1996, positions shall be authorized

Mike Hud"e  
President of the Senate

Robert L. Hogue  
7/1/96

1 and funds appropriated to the Auditor of State from the State Administration  
2 of Justice Fund to provide one (1) staff person for each of the judges of the  
3 circuit, chancery, and probate courts. The staff person may be employed to  
4 perform secretarial, docketing, and management services. Each judge of the  
5 circuit, chancery, or probate court shall report to the Administrative Office  
6 of the Courts his intention to employ such a staff person. Two (2) or more  
7 judges within a judicial district may employ jointly, in their discretion, one  
8 (1) staff person when coordinated with the Administrative Office of the  
9 Courts.

10 (b) The circuit, chancery, or probate judges authorized by subparagraph  
11 (a) of this section to employ a staff person shall have the authority to  
12 select and hire the person who will serve, and any person so employed shall  
13 serve at the will and pleasure of the judge.

14 (c) The entry level salary of a trial court staff person shall be equal  
15 to that established in the State pay plan at grade 16. No trial court staff  
16 person authorized by this act shall receive a salary from the state in excess  
17 of twenty-five thousand dollars (\$25,000). A county or counties shall be  
18 authorized to supplement the base salary of any trial court staff person, when  
19 approved by the quorum court.

20 (d) The staff persons shall be subject to the Uniform Attendance and  
21 Leave Policy Act, as administered by the judge by whom they are employed.

22 (e) A trial judge who already has one (1) or more staff persons on the  
23 effective date of this act shall designate one (1) such staff person to be  
24 subject to and paid by the provisions of this act.

25  
26 SECTION 17. The uniform filing fees and court costs established by  
27 Sections 3 through 7 of this act shall become effective on July 1, 1995;  
28 however, from the period beginning July 1, 1995, through September 30, 1995,  
29 all courts shall deduct from the uniform fees and costs the individual fees  
30 and costs owed to local, county, and state level agencies and disburse those  
31 funds as required by law prior to the adoption of this act. Excess funds  
32 shall be retained by the city or county and utilized as directed by the  
33 governing body, but are, however, intended to provide a sufficient level of  
34 funds as to allow for the change in the disbursement of funds as required by  
35 Sections 12 and 13 of this act.

As Engrossed: 3/10/95 3/22/95 3/30/95

1 SECTION 18. All provisions of this act of a general and permanent  
2 nature are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas  
3 Code Revision Commission shall incorporate the same in the Code.

4  
5 SECTION 19. If any provision of this act or the application thereof to  
6 any person or circumstance is held invalid, such invalidity shall not affect  
7 other provisions or applications of the act which can be given effect without  
8 the invalid provision or application, and to this end the provisions of this  
9 act are declared to be severable.

10  
11 SECTION 20. Arkansas Code Annotated §§ 1-2-306, 5-64-416, 5-64-709,  
12 5-65-113, 5-65-115(c), 5-65-307(c)(1) and (2), 6-64-603, 12-41-617,  
13 14-20-102(b), 14-20-115, 14-42-112(e), 16-17-109, 16-17-110, 16-17-111,  
14 16-17-112, 16-17-113, 16-17-123, 16-17-402(c) and (d), 16-17-614, 16-19-413,  
15 16-20-107, 16-21-106(b)(2)(B) and (C), 16-21-113(f), 16-21-1103(b),  
16 16-21-1503(a), 16-23-103, 16-87-111(b), 16-90-718, 16-92-110, 16-92-111,  
17 16-92-116, 20-7-123(a)(1)(C) and (F), 20-18-405, 20-18-502(c), 21-6-404,  
18 21-6-405, 21-6-410, 22-3-920, 24-8-303, 24-8-315(e), 24-8-402 and 27-50-401  
19 are hereby repealed effective October 1, 1995.

20  
21 SECTION 21. Section 2 of Act 685 of 1971 as amended by Acts 995 and  
22 1081 of 1975, Act 311 of 1981, Act 472 of 1981, Act 958 of 1981, Act 972 of  
23 1981, Act 978 of 1981, Act 989 of 1981, Act 4 of 1983, Act 300 of 1983,  
24 Section 3 of Act 335 of 1983, Section 7 of Act 485 of 1983, Act 576 of 1983,  
25 Act 607 of 1983, Act 610 of 1983, Act 682 of 1983, Act 803 of 1983, Act 919 of  
26 1983, Act 322 of 1987, Act 543 of 1987, Act 782 of 1987, Act 851 of 1987, Act  
27 255 of 1989, Act 349 of 1989, Act 398 of 1989, Act 442 of 1989, Act 1149 of  
28 1991, Act 1150 of 1991, and Act 311 of 1993 are hereby repealed effective  
29 October 1, 1995.

30  
31 SECTION 22. All other laws and parts of laws in conflict with this act  
32 are hereby repealed.

33  
34 SECTION 23. EMERGENCY. It is hereby found and determined by the  
35 General Assembly of the State of Arkansas that the current system of funding  
36 the state judicial system has created inequity in the level of judicial

Mike Huckabee  
President of the Senate

Robert L. Hogue  
Speaker of the House

1 services available to the citizens of the state; and it is further determined  
2 that the current method of financing the state judicial system has become so  
3 complex as to make the administration of the system impossible, and the lack  
4 of reliable data on the current costs of the state judicial system prohibits  
5 any comprehensive change in the funding of the system at this time.  
6 Therefore, an emergency is hereby declared to exist and this act being  
7 necessary for the immediate preservation of the public peace, health, and  
8 safety, shall be in full force and effect from and after its passage and  
9 approval."

/s/Dowd

APPROVED *[Signature]*  
4/13/95 GOVERNOR

*Mike Mulvaney*

*Robert L. Hooge*  
Speaker of the House



As Engrossed: 3/23/95 4/4/95

ACT 1227 1995  
A Bill

1 State of Arkansas  
2 80th General Assembly  
3 Regular Session, 1995  
4 By: Joint Budget Committee

SENATE BILL 635

For An Act To Be Entitled

"AN ACT TO MAKE AN APPROPRIATION FOR THE COSTS OF THE  
STATE JUDICIAL SYSTEM FOR THE AUDITOR OF STATE AND THE  
DEPARTMENT OF FINANCE AND ADMINISTRATION - MANAGEMENT  
SERVICES DIVISION FOR THE BIENNIAL PERIOD ENDING JUNE 30,  
1997; AND FOR OTHER PURPOSES."

Subtitle

"AN ACT FOR THE AUDITOR OF STATE AND THE  
DEPARTMENT OF FINANCE AND ADMINISTRATION  
- MANAGEMENT SERVICES DIVISION  
APPROPRIATION FOR THE 1995-97 BIENNIUM."

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

SECTION 1. REGULAR SALARIES - TRIAL COURT ADMINISTRATIVE ASSISTANTS.

There is hereby established for the Auditor of State - Trial Court  
Administrative Assistants for the 1995-97 biennium, the following maximum  
number of regular employees whose salaries shall be governed by the provisions  
of the Uniform Classification and Compensation Act (Arkansas Code §§21-5-201  
et seq.), or its successor, and all laws amendatory thereto. Provided,  
however, that any position to which a specific maximum annual salary is set  
out herein in dollars, shall be exempt from the provisions of said Uniform  
Classification and Compensation Act. All persons occupying positions  
authorized herein are hereby governed by the provisions of the Regular  
Salaries Procedures and Restrictions Act (Arkansas Code §21-5-101), or its  
successor.

President of the Senate  
Mike Hall

Speaker of the House  
Bobby L. Frasier

Maximum Annual  
Maximum Salary Rate

As Engrossed: 3/23/95 4/4/95

Item	Class	Title	No. of Employees	Fiscal Years	
				1995-96	1996-97
(1)		TRIAL COURT ADMIN ASSISTANT	106		GRADE 16
		MAX NO. OF EMPLOYEES	106		

## SECTION 2. APPROPRIATIONS - TRIAL COURT ADMINISTRATIVE ASSISTANTS.

There is hereby appropriated, to the Auditor of State, to be payable from the State Administration of Justice Fund, for defraying the costs of the state judicial system for the biennial period ending June 30, 1997, the following:

ITEM NO.	FISCAL YEARS	
	1995-96	1996-97
(01) REGULAR SALARIES	\$ 0	\$ 2,650,000
(02) PERSONAL SERVICES MATCHING	0	636,000
TOTAL AMOUNT APPROPRIATED	\$ 0	\$ 3,286,000

## SECTION 3. REGULAR SALARIES - ADMINISTRATION OF JUSTICE FUNDS SECTION.

There is hereby established for the Department of Finance and Administration - Management Services Division - Administration of Justice Funds Section, the following maximum number of regular employees which shall be supplemental and in addition to those positions authorized in Section 1 of Act 131 of 1995 and whose salaries shall be governed by the provisions of the Uniform Classification and Compensation Act (Arkansas Code §§21-5-201 et seq.), or its successor, and all laws amendatory thereto. Provided, however, that any position to which a specific maximum annual salary is set out herein in dollars, shall be exempt from the provisions of said Uniform Classification and Compensation Act. All persons occupying positions authorized herein are hereby governed by the provisions of the Regular Salaries Procedures and Restrictions Act (Arkansas Code §21-5-101), or its successor.

Item	Class	Title	No. of Employees	Maximum Annual Salary Rate Fiscal Years	
				1995-96	1996-97
(1)	R266	MANAGEMENT PROJECT ANALYST II	1		GRADE 20
		MAX NO. OF EMPLOYEES	1		



1 SECTION 4. APPROPRIATIONS - ADMINISTRATION OF JUSTICE FUNDS SECTION.  
 2 There is hereby appropriated to the Department of Finance and Administration,  
 3 - Management Services Division - Administration of Justice Funds Section, to  
 4 be payable from the State Central Services Fund for personal services and  
 5 operating expenses of the Department of Finance and Administration -  
 6 Management Services Division - Administration of Justice Funds Section which  
 7 shall be supplemental and in addition to those funds appropriated in Section 3  
 8 of Act 131 of 1995, for the biennial period ending June 30, 1997, the  
 9 following:

10

ITEM	FISCAL YEARS	
NO.	1995-96	1996-97
(01) REGULAR SALARIES	\$ 22,238	\$ 22,860
(02) PERSONAL SERVICES MATCHING	5,955	6,076
(03) MAINT. & GEN. OPERATION		
(A) OPER. EXPENSE \$ 14,200	\$ 14,200	
(B) CONF. & TRVL 0	0	
(C) PROF. FEES 0	0	
(D) CAP. OUTLAY 4,500	0	
(E) DATA PROC. 0	0	
TOTAL MAINT. & GEN. OPER.	18,700	14,200
TOTAL AMOUNT APPROPRIATED	\$ 46,893	\$ 43,136

23

24 SECTION 5. APPROPRIATIONS. There is hereby appropriated to the  
 25 Department of Finance and Administration - Disbursing Officer, to be payable  
 26 from the State Administration of Justice Fund, for distribution to state  
 27 programs and agencies and reimbursements/refunds to cities or counties of  
 28 court costs and filing fees remitted by the cities and counties by the  
 29 Department of Finance and Administration - Disbursing Officer, for the  
 30 biennial period ending June 30, 1997, the following:

31

ITEM	FISCAL YEARS	
NO.	1995-96	1996-97
(01) DISTRIBUTION TO STATE PROGRAMS & AGENCIES	\$ 10,263,178	\$ 13,178,840
(02) REIMBURSEMENTS/REFUNDS TO		

36

Mike Huelly  
President of the Senate

Bobby L. Hogue  
Speaker of the House

As Engrossed: 3/23/95 4/4/95

1	CITIES OR COUNTIES	<u>5,000,000</u>	<u>5,000,000</u>
2	TOTAL AMOUNT APPROPRIATED	<u>\$ 15,263.178</u>	<u>\$ 18,178,840</u>

3  
4 SECTION 6. The Department of Finance and Administration may transfer  
5 funds, from time to time, from the State Administration of Justice Fund to the  
6 State Central Services Fund in such amounts as may be required to reimburse  
7 the State Central Services Fund for expenses of the Department of Finance and  
8 Administration - Administration of Justice Funds Section.

9  
10 SECTION 7. ALLOCATION RESTRICTIONS. There is hereby allocated to state  
11 programs and agencies, as set out herein, the following maximum allocations of  
12 funds appropriated in Item (01) of Section 5, to the Department of Finance and  
13 Administration - Disbursing Officer, there to be used as provided by law.

14	15	16 Item	Maximum Allocation	
			Fiscal Years	
17	18 No.	19 State Program/Agency	1995-96	1996-97
20	(1)	Board of Trustees of the University		
21		of Arkansas for the purpose and as		
22		regulated by Arkansas Code Annotated		
23		§ 6-64-604 - 606	\$ 2,565,979	\$2,565,979
24	(2)	Public Health Fund for use in the Drug		
25		Abuse Prevention and Treatment program		
26		of the Division of Alcohol and Drug		
27		Abuse Prevention	75,000	75,000
28	(3)	Highway Safety Special Fund for		
29		programs of the Arkansas Highway		
30		Safety Program	994,117	994,117
31	(4)	Department of Arkansas State Police		
32		for the State Police Retirement Fund	1,169,971	1,169,971
33	(5)	Crime Victims/Reparations Revolving		
34		Fund for the purpose and as regulated		
35		by Arkansas Code Annotated § 16-90-701		
36		et seq.	1,669,971	1,669,971
	(6)	Prosecutor Coordinator's office for		
		deposit in the Law Enforcement and		

President of the Senate  
Mike Muck

Bohley L. Hogue  
Under Secretary of the Senate

1	Prosecutor Drug Enforcement Training Fund	59,012	59,012
2	(7) Code Revision Fund for the purpose and as		
3	regulated by Arkansas Code Annotated		
4	§ 1-2-305	137,656	137,656
5	(8) Crime Information System Fund	49,489	49,489
6	(9) Municipal Court Judge and the Municipal		
7	Court Clerk Education Fund	19,569	19,569
8	(10) Arkansas Judicial Retirement System Fund	836,361	836,361
9	(11) State Central Services Fund for the		
10	benefit of the Public Defender Commission	505,611	505,611
11	(12) Court Reporter Fund	1,610,104	1,610,104
12	(13) Justice Building Fund	200,000	200,000
13	(14) Until June 30, 1996, the Arkansas		
14	Counties Alcohol and Drug Abuse and		
15	Crime Prevention Fund	370,338	0
16	(15) Effective July 1, 1996, the Administration		
17	of Justice Fund to fund the trial court		
18	staff persons as authorized by law	0	3,286,000
19	TOTAL AMOUNT ALLOCATED	<u>\$10,263,178</u>	<u>\$13,178,840</u>

SECTION 8. In the event that the Legislative Joint Auditing Committee determines that any allocation amount specified in Section 7 herein, is greater than the actual receipts from court costs and filing fees for Fiscal Year 1994-95 for a state program or agency, then each state program or agency is responsible for remitting back to the Department of Finance and Administration - Disbursing Officer by fund transfer the amount their allocation exceeded actual receipts. The fund transfer from each state program or agency shall be deposited into the State Administration of Justice Fund. In the event the state program or agency does not have sufficient funds to remit back to the Department of Finance and Administration - Disbursing Officer, the Department of Finance and Administration - Disbursing Officer shall withhold from subsequent monthly allocations under this act, in equal installments, amounts sufficient to recover the total amount overpaid to the state program or agency. If the allocation provided to a state program or agency is less than the actual receipts from court costs and filing fees for Fiscal Year 1994-95, then the Department of Finance and Administration - Disbursing

As Engrossed: 3/23/95 4/4/95

1 Officer shall provide the difference in equal monthly installments with the  
2 state program's or agency's monthly allocation by fund transfer.

3  
4 SECTION 9. COMPLIANCE WITH OTHER LAWS. Disbursement of funds  
5 authorized by this Act shall be limited to the appropriation for such agency  
6 and funds made available by law for the support of such appropriations; and  
7 the restrictions of the State Purchasing Law, the General Accounting and  
8 Budgetary Procedures Law, the Revenue Stabilization Law, the Regular Salary  
9 Procedures and Restrictions Act, or their successors, and other fiscal control  
10 laws of this State, where applicable, and regulations promulgated by the  
11 Department of Finance and Administration, as authorized by law, shall be  
12 strictly complied with in disbursement of said funds.

13  
14 SECTION 10. LEGISLATIVE INTENT. It is the intent of the General  
15 Assembly that any funds disbursed under the authority of the appropriations  
16 contained in this Act shall be in compliance with the stated reasons for which  
17 this Act was adopted, as evidenced by the Agency Requests, Executive  
18 Recommendations and Legislative Recommendations contained in the budget  
19 manuals prepared by the Department of Finance and Administration, letters, or  
20 summarized oral testimony in the official minutes of the Arkansas Legislative  
21 Council or Joint Budget Committee which relate to its passage and adoption.

22  
23 SECTION 11. CODE. All provisions of this Act of a general and  
24 permanent nature are amendatory to the Arkansas Code of 1987 Annotated and the  
25 Arkansas Code Revision Commission shall incorporate the same in the Code.

26  
27 SECTION 12. SEVERABILITY. If any provision of this Act or the  
28 application thereof to any person or circumstance is held invalid, such  
29 invalidity shall not affect other provisions or applications of the Act which  
30 can be given effect without the invalid provision or application, and to this  
31 end the provisions of this Act are declared to be severable.

32  
33 SECTION 13. GENERAL REPEALER. All laws and parts of laws in conflict  
34 with this Act are hereby repealed.

35  
36 SECTION 14. EMERGENCY CLAUSE. It is hereby found and determined by the

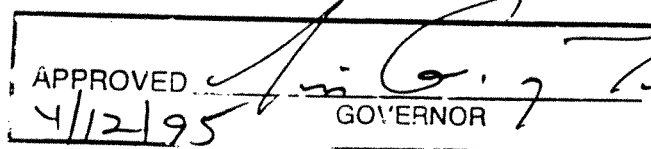
President of the Senate

Bobby L. Hogue

As Engrossed: 3/23/95 4/4/95

1 Eightieth General Assembly, that the Constitution of the State of Arkansas  
2 prohibits the appropriation of funds for more than a two (2) year period; that  
3 the effectiveness of this Act on July 1, 1995 is essential to the operation of  
4 the agency for which the appropriations in this Act are provided, and that in  
5 the event of an extension of the Regular Session, the delay in the effective  
6 date of this Act beyond July 1, 1995 could work irreparable harm upon the  
7 proper administration and provision of essential governmental programs.  
8 Therefore, an emergency is hereby declared to exist and this Act being  
9 necessary for the immediate preservation of the public peace, health and  
10 safety shall be in full force and effect from and after July 1, 1995.

11 /s/Russ  
12  
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Bobby L. Hogue  
Speaker of the House

Mike Muehl  
President of the Senate

