

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

1 State of Arkansas
2 83rd General Assembly
3 Regular Session, 2001

A Bill

SENATE BILL 293

4
5 By: Joint Budget Committee
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7

For An Act To Be Entitled

9 AN ACT TO MAKE AN APPROPRIATION FOR PERSONAL SERVICES
10 AND OPERATING EXPENSES FOR THE JUDICIAL DISCIPLINE AND
11 DISABILITY COMMISSION FOR THE BIENNIAL PERIOD ENDING
12 JUNE 30, 2003; AND FOR OTHER PURPOSES.
13
14

Subtitle

15 AN ACT FOR THE JUDICIAL DISCIPLINE
16 AND DISABILITY COMMISSION APPROPRIATION
17 FOR THE 2001-2003 BIENNIUM.
18
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21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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23 SECTION 1. REGULAR SALARIES - OPERATIONS. There is hereby established for
24 the Judicial Discipline and Disability Commission for the 2001-2003 biennium,
25 the following maximum number of regular employees whose salaries shall be
26 governed by the provisions of the Uniform Classification and Compensation Act
27 (Arkansas Code §§21-5-201 et seq.), or its successor, and all laws amendatory
28 thereto. Provided, however, that any position to which a specific maximum
29 annual salary is set out herein in dollars, shall be exempt from the
30 provisions of said Uniform Classification and Compensation Act. All persons
31 occupying positions authorized herein are hereby governed by the provisions of
32 the Regular Salaries Procedures and Restrictions Act (Arkansas Code §21-5-
33 101), or its successor.
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Maximum Annual
Maximum Salary Rate

Item	Class	No. of	Fiscal Years		
No.	Code	Title	Employees	2001-2002	2002-2003
(1)	7400	Executive Director	1	\$79,104	\$81,160
(2)	168N	JDDC Deputy Executive Director	1	\$51,500	\$52,839
(3)	7401	Investigator	1	\$46,870	\$48,088
(4)	201N	JDDC Fiscal Manager	1	\$32,061	\$32,895
(5)	167N	JDDC Paralegal	1	\$29,000	\$29,754
(6)	194N	JDDC Legal /Admi n. Secretary	<u>1</u>	\$23,843	\$24,463
MAX. NO. OF EMPLOYEES			6		

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11 SECTION 2. APPROPRIATION - OPERATIONS. There is hereby appropriated, to the
 12 Judicial Discipline and Disability Commission, to be payable from the State
 13 Central Services Fund, for personal services and operating expenses of the
 14 Judicial Discipline and Disability Commission for the biennial period ending
 15 June 30, 2003, the following:

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ITEM	FISCAL YEARS	
NO.	2001-2002	2002-2003
(01) REGULAR SALARIES	\$ 262,378	\$ 269,199
(02) PERSONAL SERV MATCHING	64,251	65,459
(03) MAINT. & GEN. OPERATION		
(A) OPER. EXPENSE	62,990	65,565
(B) CONF. & TRAVEL	7,450	8,125
(C) PROF. FEES	98,550	98,550
(D) CAP. OUTLAY	7,000	6,500
(E) DATA PROC.	1,200	1,200
(04) MILEAGE FOR INVESTIGATOR	<u>5,080</u>	<u>5,080</u>
TOTAL AMOUNT APPROPRIATED	<u>\$ 508,899</u>	<u>\$ 519,678</u>

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30 SECTION 3. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE
 31 NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. CONTRACTUAL
 32 SERVICES LIMITED. No more than ~~\$42,000~~ \$75,000 of the funds appropriated for
 33 Professional Fees and Services may be expended in the ~~1999-2000~~ 2001-2002
 34 fiscal year, and no more than ~~\$44,100~~ \$75,000 of the funds may be expended in
 35 the ~~2000-2001~~ 2002-2003 fiscal year for contractual services of an attorney
 36 to represent the Commission when reviewing cases of judicial misconduct.

1 Provided further, none of these funds shall be spent for contractual services
 2 of an attorney until it has been determined by the Attorney General these
 3 services cannot be provided by his office. The provisions of this section
 4 shall be in effect only from July 1, 2001 through June 30, 2003.

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 6 SECTION 4. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE
 7 NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. LEGAL
 8 REPRESENTATION. The Attorney General's Office should provide Legal
 9 Representation for the Judicial Discipline and Disability Commission unless
 10 the Attorney General's Office determines that they are unable to do so. In
 11 that event, the Judicial Discipline and Disability Commission may request
 12 authorization from the Arkansas Legislative Council and the Chief Fiscal
 13 Officer of the State to transfer from the Attorney General's Office funds
 14 required for contracting services for a Trial Attorney to the Professional
 15 Fees and Services item appropriated in this Act. At no time shall the amount
 16 of funds transferred from the Attorney General's Office to the Judicial
 17 Discipline and Disability Commission exceed the Professional Fees and Services
 18 item appropriated amount in this Act. When the authorization is approved, the
 19 Chief Fiscal Officer of the State shall make the necessary adjustments on his
 20 books and the books of the Auditor of State. The provisions of this section
 21 shall be in effect only from July 1, 2001 through June 30, 2003.

22
 23 SECTION 5. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE NOR PUBLISHED
 24 SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. FUND BALANCES. (A) For all
 25 appropriations as provided in this Act, the agency disbursing officer shall
 26 monitor the level of fund balances in relation to expenditures on a monthly
 27 basis. If any proposed expenditures would cause a fund balance to decline to
 28 less than fifty percent (50%) of the balance available on July 1, 2001, the
 29 disbursing officer shall immediately notify the executive head of the agency.
 30 Prior to any obligations being made under these circumstances, the agency
 31 head shall file written documentation with the Chief Fiscal Officer of the
 32 State requesting approval of the expenditures. Such documentation shall
 33 provide sufficient financial data to justify the expenditures and shall
 34 include the following:
 35 1) a plan that clearly indicates the specific fiscal impact of such
 36 expenditures on the fund balance.

1 2) information clearly indicating and explaining what programs would be cut or
2 any other measures to be taken by the agency to restore the fund balance.

3 3) the extent to which any of the planned expenditures are for one-time costs
4 or one-time purchase of capitalized items.

5 4) a statement certifying that the expenditure of fund balances will not
6 jeopardize the financial health of the agency, nor result in a permanent
7 depletion of the fund balance.

8 (B) The Chief Fiscal Officer of the State shall review the request and
9 approve or disapprove all or any part of the request , after having sought
10 prior review by the Legislative Council.

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12 SECTION 6. COMPLIANCE WITH OTHER LAWS. Disbursement of funds authorized by
13 this act shall be limited to the appropriation for such agency and funds made
14 available by law for the support of such appropriations; and the restrictions
15 of the State Purchasing Law, the General Accounting and Budgetary Procedures
16 Law, the Revenue Stabilization Law, the Regular Salary Procedures and
17 Restrictions Act, or their successors, and other fiscal control laws of this
18 State, where applicable, and regulations promulgated by the Department of
19 Finance and Administration, as authorized by law, shall be strictly complied
20 with in disbursement of said funds.

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22 SECTION 7. LEGISLATIVE INTENT. It is the intent of the General Assembly
23 that any funds disbursed under the authority of the appropriations contained
24 in this act shall be in compliance with the stated reasons for which this act
25 was adopted, as evidenced by the Agency Requests, Executive Recommendations
26 and Legislative Recommendations contained in the budget manuals prepared by
27 the Department of Finance and Administration, letters, or summarized oral
28 testimony in the official minutes of the Arkansas Legislative Council or Joint
29 Budget Committee which relate to its passage and adoption.

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31 SECTION 8. EMERGENCY CLAUSE. It is found and determined by the General
32 Assembly, that the Constitution of the State of Arkansas prohibits the
33 appropriation of funds for more than a two (2) year period; that the
34 effectiveness of this Act on July 1, 2001 is essential to the operation of the
35 agency for which the appropriations in this Act are provided, and that in the
36 event of an extension of the Regular Session, the delay in the effective date

1 of this Act beyond July 1, 2001 could work irreparable harm upon the proper
2 administration and provision of essential governmental programs. Therefore, an
3 emergency is hereby declared to exist and this Act being necessary for the
4 immediate preservation of the public peace, health and safety shall be in full
5 force and effect from and after July 1, 2001.

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