

1 State of Arkansas  
2 89th General Assembly  
3 Regular Session, 2013  
4

# A Bill

HOUSE BILL 1366

5 By: Representative Hammer  
6

## For An Act To Be Entitled

8 AN ACT TO AMEND THE LAW REGARDING THE PRIORITY OF  
9 DISTRIBUTIONS FROM THE STATE ADMINISTRATION OF  
10 JUSTICE FUND; TO MAKE TECHNICAL CORRECTIONS TO  
11 CLARIFY THE FUND; AND FOR OTHER PURPOSES.  
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## Subtitle

14 TO AMEND THE LAW REGARDING THE PRIORITY  
15 OF DISTRIBUTIONS FROM THE STATE  
16 ADMINISTRATION OF JUSTICE FUND; AND TO  
17 MAKE TECHNICAL CORRECTIONS TO CLARIFY THE  
18 FUND.  
19  
20  
21

22 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
23

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

25 16-10-306. ~~State~~ Administration of Justice Fund Funds Section.

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

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

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

33 (b) The court costs and filing fees enumerated in §§ ~~21-6-403, 16-17-~~  
34 ~~705, and 16-10-305, as provided in this act, 16-10-305, 16-17-705, and 21-6-~~  
35 403, which are assessed and collected in the district courts and circuit  
36 courts in this state, shall be remitted to the Administration of Justice



1 Funds Section.

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

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

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

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

12 16-10-310. State Administration of Justice Fund - Distribution of  
 13 revenue.

14 (a) At the close of books ~~on the twentieth working day of November,~~  
 15 ~~1995, and~~ on or before the twentieth working day of each month thereafter,  
 16 the Department of Finance and Administration shall ~~make the following~~  
 17 ~~distribution of~~ distribute revenue credited to the State Administration of  
 18 Justice Fund and received for the previous month ~~and credited to the State~~  
 19 ~~Administration of Justice Fund~~ as provided in this section.

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

29 ~~(1) The Board of Trustees of the University of Arkansas for the~~  
 30 ~~purpose and as regulated by §§ 6-64-604 — 6-64-606;~~

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

34 ~~(3) The Department of Arkansas State Police for the State Police~~  
 35 ~~Retirement Fund;~~

36 ~~(4) The Crime Victims Reparations Revolving Fund for the purpose~~

1 ~~of and as regulated by § 16-90-701 et seq.;~~

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

4 ~~(6) The Crime Information System Fund;~~

5 ~~(7) The Justice Building Construction Fund;~~

6 ~~(8) The District Court Judge and District Court Clerk Education~~  
 7 ~~Fund;~~

8 ~~(9) The Judges Retirement Fund;~~

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

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

12 ~~(12) The Justice Building Fund;~~

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

15 ~~(14) The State Administration of Justice Fund for disbursement~~  
 16 ~~by the Auditor of State to fund the trial court staff persons authorized by §~~  
 17 ~~16-10-133;~~

18 ~~(15) The Department of Arkansas State Police Fund;~~

19 ~~(16) The State Central Services Fund for the benefit of the~~  
 20 ~~Division of Dependency Neglect Representation of the Administrative Office of~~  
 21 ~~the Courts;~~

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

24 ~~(18) The Arkansas District Judges Council for the Executive~~  
 25 ~~Director;~~

26 ~~(19) The Public Legal Aid Fund;~~

27 ~~(20) The Administrative Office of the Courts for county~~  
 28 ~~reimbursements for jurors; and~~

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

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

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

1 (i) The Court Reporter's Fund; and  
 2 (ii) The trial court staff persons authorized by §  
 3 16-10-133.

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

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

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

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

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

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

34  
 35 SECTION 3. Arkansas Code § 16-10-312 is repealed.

36 ~~16-10-312. Distribution of State Administration of Justice Fund.~~

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

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

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

12  
 13 SECTION 4. Arkansas Code § 19-5-993 is amended to read as follows:  
 14 19-5-993. State Administration of Justice Fund.

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

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

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