

1 State of Arkansas
2 90th General Assembly
3 Regular Session, 2015

A Bill

HOUSE BILL 1144

4
5 By: Joint Budget Committee

For An Act To Be Entitled

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

Subtitle

16
17 TO AMEND THE LAW CONCERNING THE SALARIES
18 AND COMPENSATION OF COURT REPORTERS AND
19 TRIAL COURT ADMINISTRATORS; TO AMEND THE
20 LAW CONCERNING CERTAIN COURT STAFF; AND
21 TO DECLARE AN EMERGENCY.

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

25
26 SECTION 1. Arkansas Code § 16-10-310(b)(14), concerning the
27 distribution of the State Administration of Justice Fund, is amended to read
28 as follows:

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

31
32 SECTION 2. Arkansas Code § 16-10-310(c)(1)(A)(iii), concerning
33 priority distributions from the State Administration of Justice Fund, is
34 amended to read as follows:

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



1 Fund.

2
3 SECTION 3. Arkansas Code, Title 16, Chapter 10, Subchapter 8, is
4 amended to read as follows:

5 Subchapter 8 – Substitute Trial Court ~~Staff Persons~~ Administrators
6 16-10-801. Temporary employment authorized.

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

13
14 16-10-802. Information provided to ~~Auditor of State~~ Administrative
15 Office of the Courts.

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

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

30
31 16-10-803. Payment.

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

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

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

2
3 16-10-804. Extended employment periods.

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

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

14
15 16-10-805. Employment of county staff.

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

21
22 SECTION 4. Arkansas Code § 16-13-501 is amended to read as follows:

23 16-13-501. Court reporters made state employees.

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

29
30 SECTION 5. Arkansas Code § 16-13-503(b) and (c), concerning salaries
31 of court reporters, is amended to read as follows:

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

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

36 (B) Not exceed the maximum annual salary rate authorized

1 by the General Assembly in the applicable appropriation act; and

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

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

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

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

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

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

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

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

31
 32 SECTION 6. Arkansas Code § 16-13-504 is amended to read as follows:

33 16-13-504. ~~Initial annual salary of court reporters—~~ Salary
 34 implementation procedures.

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

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

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

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

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

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

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

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

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

26
 27 SECTION 7. Arkansas Code § 16-13-505 is amended to read as follows:

28 16-13-505. Court reporters – Reimbursement for expenses.

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

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

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

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

7
8 SECTION 8. Arkansas Code § 16-13-506(b)(2), concerning payment to
9 court reporters for indigent and in forma pauperis proceedings, is amended to
10 read as follows:

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

15
16 SECTION 9. Arkansas Code § 16-13-509 is amended to read as follows:

17 16-13-509. Substitute court reporters.

18 (a)(1) In the absence or unavailability of the official court
19 reporter, the circuit judge or circuit judge on assignment as authorized by §
20 16-10-101 ~~is authorized to~~ may temporarily employ the services of a
21 substitute court reporter if the temporary employment is ~~necessary and~~
22 essential to prevent a disruption of the business of the circuit court.

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

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

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

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

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

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

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

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

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

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

32
 33 SECTION 10. Arkansas Code, Title 16, Chapter 13, is amended to add an
 34 additional subchapter to read as follows:

35
 36 Subchapter 33 – Trial Court Administrators

1
2 16-13-3301. Trial court administrators made state employees.

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

5
6 16-13-3302. Trial court administrator position created.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

12
13 16-13-3303. Salaries for trial court administrators.

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

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

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

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

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

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

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

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

31
32 16-13-3304. Trial court administrators – Reimbursement for expenses.

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

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

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

10
 11 16-13-3305. Trial court administrators – Credit for county service.

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

17
 18 SECTION 11. Arkansas Code § 19-5-993(b)(2), concerning the use of the
 19 State Administration of Justice Fund, is amended to read as follows:

20 (2) The fund shall be used for:

21 (A) ~~trial~~ Trial court ~~staff~~ administrators as stated in §
 22 ~~16-10-133~~ § 16-13-3301 et seq.;

23 (B) Substitute trial court administrators as stated in §
 24 16-10-801 et seq.; and

25 (C) ~~for the~~ The distribution of revenue as stated in § 16-
 26 10-310.

27
 28 SECTION 12. Arkansas Code § 19-5-1241 is amended to read as follows:

29 19-5-1241. Trial Court ~~Administrative Assistant~~ Administrator Fund.

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

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

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

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

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

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

9
 10 SECTION 13. Arkansas Code § 7-10-103(b)(3)(B)(ii), concerning the
 11 filing fees of candidates for the office of prosecuting attorney, is amended
 12 to read as follows:

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

17
 18 SECTION 14. Arkansas Code § 16-10-133 is repealed.

19 ~~16-10-133. Trial court staff.~~

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

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

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

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

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

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

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

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

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

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

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