

ARKANSAS SENATE
92nd General Assembly - Regular Session, 2019
Amendment Form

JBC 04/03/19 (4)

Subtitle of Senate Bill No. 36

AN ACT FOR THE ARKANSAS PUBLIC DEFENDER COMMISSION APPROPRIATION FOR THE 2019-2020
FISCAL YEAR.

Amendment No. 3 to Senate Bill 36

Amend Senate Bill No. 36 as engrossed, S3/27/19 (version: 03/27/2019 3:22:54 PM)

Page 3, line 11, delete "9" and insert "7"

And

Page 3, line 12, delete "53" and insert "52"

And

Page 3, line 21, delete "10" and insert "9"

And

Page 3, line 26, delete "48" and insert "47"

And

Page 3, line 27, delete "254" and insert "249"

And

Page 4, line 9, delete "\$16,973,828" and insert "\$16,643,709"

And

Page 4, line 11, delete "5,221,438" and insert "5,121,471"

And

Page 4, line 15, delete "750,000" and insert "725,000"

And



Page 4, line 20, delete "\$24,705,522" and insert "\$24,250,436"

And

Page 5, immediately following SECTION 8 insert the following Sections:

" SECTION 9. REGULAR SALARIES - COMMISSION FOR PARENT COUNSEL. There is hereby established for the Arkansas Public Defender Commission - Commission for Parent Counsel for the 2019-2020 fiscal year, the following maximum number of regular employees.

Item	Class		Maximum	Maximum Annual
No.	Code	Title	No. of	Salary Rate
			Employees	Fiscal Year
				2019-2020
(1)	Q252C	EXECUTIVE DIRECTOR PARENT COUNSEL	1	GRADE GS13
(2)	G025C	ATTORNEY SUPERVISOR	2	GRADE GS12
(3)	G047C	ATTORNEY SPECIALIST	1	GRADE GS11
(4)	Q253C	EXECUTIVE ASSISTANT PARENT COUNSEL	1	GRADE GS06
(5)	G179C	LEGAL SERVICES SPECIALIST	1	GRADE GS06
(6)	C046C	LEGAL SUPPORT SPECIALIST	<u>1</u>	GRADE GS04
		MAX. NO. OF EMPLOYEES	7	

SECTION 10. EXTRA HELP - COMMISSION FOR PARENT COUNSEL. There is hereby authorized, for the Arkansas Public Defender Commission - Commission for Parent Counsel for the 2019-2020 fiscal year, the following maximum number of part-time or temporary employees, to be known as "Extra Help", payable from funds appropriated herein for such purposes: fourteen (14) temporary or part-time employees, when needed, at rates of pay not to exceed those provided in the Uniform Classification and Compensation Act, or its successor, or this act for the appropriate classification.

SECTION 11. APPROPRIATION - COMMISSION FOR PARENT COUNSEL. There is hereby appropriated, to the Arkansas Public Defender Commission, to be payable from the State Central Services Fund, for personal services, operating expenses and parent counsel refunds/reimbursements of the Commission for Parent Counsel for the fiscal year ending June 30, 2020, the following:

ITEM NO.	FISCAL YEAR
	2019-2020
(01) REGULAR SALARIES	\$457,441
(02) EXTRA HELP	630,000
(03) PERSONAL SERVICES MATCHING	139,484
(04) MAINT. & GEN. OPERATION	
(A) OPER. EXPENSE	20,000
(B) CONF. & TRAVEL	0
(C) PROF. FEES	25,000
(D) CAP. OUTLAY	0
(E) DATA PROC.	0
(05) PARENT COUNSEL REIMBURSEMENTS	<u>1,870,231</u>
TOTAL AMOUNT APPROPRIATED	<u>\$3,142,156</u>

SECTION 12. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. INDIGENT PARENT COUNSEL REPRESENTATION. The Commission for Parent Counsel shall have the authority to use the appropriation provided in line item Parent Counsel Reimbursements of the Parent Counsel Program appropriation herein for the purpose of entering into independent professional service contracts on a full-time or part-time basis with attorneys who are qualified to provide counsel for indigent parents in dependency-neglect cases.

The provisions of this section shall be in effect only from July 1, 2019 through June 30, 2020.

SECTION 13. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL OR TEMPORARY LAW. TRANSFER PROVISION – LINE ITEMS - COMMISSION FOR PARENT COUNSEL. After receiving approval from the Chief Fiscal Officer of the State and prior review by the Arkansas Legislative Council or Joint Budget Committee, the Director of the Arkansas Public Defender Commission is authorized to transfer appropriation, with the exception of Personal Services Matching, between the line items authorized herein for the Commission for Parent Counsel, to best utilize resources to meet the needs of the Parent Counsel’s clientele.

The provisions of this section shall be in effect only from July 1, 2019 through June 30, 2020.

SECTION 14. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. EXTRA HELP EXEMPTION - COMMISSION FOR PARENT COUNSEL. Extra Help positions authorized herein for the Commission for Parent Counsel are specifically exempt from limitation of hours. Employees currently working on a part-time basis may be utilized concurrently as Extra Help within the agency. The total amount of compensation for part-time and Extra Help work combined cannot exceed the maximum compensation allowed for a grade GS11 as authorized in the Uniform Classification and Compensation Act. Flexibility is needed to allow for non-traditional work schedules that may be necessary to accommodate

the schedule of the individual being represented. Attorneys utilized as Extra Help employees are not prevented from having other employment.

The provisions of this section shall be in effect only from July 1, 2019 through June 30, 2020.

SECTION 15. Arkansas Code § 9-27-703 is amended to read as follows:
9-27-703. Commission for Parent Counsel.

(f)(1) ~~General~~ Financial support staff, financial data entry staff and facilities, and operating assistance for the Commission for Parent Counsel shall be provided by the ~~Administrative Office of the Courts~~ Arkansas Public Defender Commission from funds that are specifically appropriated for that purpose by the General Assembly.

(2) However, the ~~office~~ Arkansas Public Defender Commission shall not have oversight responsibility or authority over the ~~commission~~ Commission for Parent Counsel ~~except when the commission requests that the office facilitate any contract with an attorney who has been approved for contract by the commission.~~

(3) Under no circumstances shall the:

(A) Commission for Parent Counsel exercise oversight of the Executive Director of the Arkansas Public Defender Commission;

(B) Arkansas Public Defender Commission exercise oversight of the Executive Director of the Commission for Parent Counsel; and

(C) Either Executive Director of the Arkansas Public Defender Commission or the Commission for Parent Counsel be under the oversight of the other executive director.

SECTION 16. Arkansas Code § 9-27-704 is amended to read as follows:

9-27-704. Power and duties of the Commission for Parent Counsel - Funding Formula - Liability.

(a)(2) The Commission for Parent Counsel may employ or enter into independent professional service contract contracts with attorneys to represent a parent at the trial court level as well as at the appellate level.

(d) Neither the ~~Administrative Office of the Courts~~ Arkansas Public Defender Commission nor the Commission for Parent Counsel is liable directly or indirectly to any attorney or to the Arkansas State Claims Commission for the payment of attorney's fees or expenses except to the extent specific funding is appropriated and available for the purpose of providing indigent parent counsel in dependency-neglect cases."

AND

Appropriately renumber subsequent Sections of the bill.

The Amendment was read the first time, rules suspended and read the second time and _____

By: Joint Budget Committee

By: Senator A. Clark

JAR/JAR - 04-03-2019 10:14:52

JAR075

Secretary