

1 State of Arkansas
2 92nd General Assembly
3 Regular Session, 2019
4

As Engrossed: S3/25/19

A Bill

SENATE BILL 36

5 By: Joint Budget Committee
6

For An Act To Be Entitled

8 AN ACT TO MAKE AN APPROPRIATION FOR PERSONAL SERVICES
9 AND OPERATING EXPENSES FOR THE ARKANSAS PUBLIC
10 DEFENDER COMMISSION FOR THE FISCAL YEAR ENDING JUNE
11 30, 2020; AND FOR OTHER PURPOSES.
12
13

Subtitle

14 AN ACT FOR THE ARKANSAS PUBLIC DEFENDER
15 COMMISSION APPROPRIATION FOR THE 2019-
16 2020 FISCAL YEAR.
17
18
19

20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
21

22 SECTION 1. REGULAR SALARIES - STATE OPERATIONS. There is hereby
23 established for the Arkansas Public Defender Commission - State Operations
24 for the 2019-2020 fiscal year, the following maximum number of regular
25 employees.
26

Item	Class		Maximum	Maximum Annual
No.	Code	Title	No. of	Salary Rate
			Employees	Fiscal Year
				2019-2020
31	(1) U082U	PUBLIC DEF COMM EXEC DIRECTOR	1	GRADE SE02
32	(2) G012N	PUBLIC DEFENDER III	4	GRADE GS13
33	(3) G022N	PUBLIC DEFENDER II	5	GRADE GS12
34	(4) G076C	ADMINISTRATIVE SERVICES MANAGER	1	GRADE GS10
35	(5) X056C	CAPITAL CONFLICTS INVESTIGATOR	2	GRADE GS07
36	(6) G146C	MITIGATION SPECIALIST	1	GRADE GS07



1	(7) G179C LEGAL SERVICES SPECIALIST	2	GRADE GS06
2	(8) G122C PUBLIC DEFENDER PROGRAM COORDINATOR	1	GRADE GS06
3	(9) C012C PUBLIC DEFENDER SUPT SVCS SPECIALIST	1	GRADE GS05
4	(10) C056C ADMINISTRATIVE SPECIALIST III	<u>1</u>	GRADE GS04
5	MAX. NO. OF EMPLOYEES	19	

6

7 SECTION 2. EXTRA HELP - STATE OPERATIONS. There is hereby authorized,
 8 for the Arkansas Public Defender Commission - State Operations for the 2019-
 9 2020 fiscal year, the following maximum number of part-time or temporary
 10 employees, to be known as "Extra Help", payable from funds appropriated
 11 herein for such purposes: three (3) temporary or part-time employees, when
 12 needed, at rates of pay not to exceed those provided in the Uniform
 13 Classification and Compensation Act, or its successor, or this act for the
 14 appropriate classification.

15

16 SECTION 3. APPROPRIATION - STATE OPERATIONS. There is hereby
 17 appropriated, to the Arkansas Public Defender Commission, to be payable from
 18 the State Central Services Fund, for personal services and operating expenses
 19 of the Arkansas Public Defender Commission - State Operations for the fiscal
 20 year ending June 30, 2020, the following:

22	ITEM	FISCAL YEAR
23	<u>NO.</u>	<u>2019-2020</u>
24	(01) REGULAR SALARIES	\$1,366,875
25	(02) EXTRA HELP	12,000
26	(03) PERSONAL SERVICES MATCHING	414,230
27	(04) MAINT. & GEN. OPERATION	
28	(A) OPER. EXPENSE	247,648
29	(B) CONF. & TRAVEL	19,690
30	(C) PROF. FEES	925,000
31	(D) CAP. OUTLAY	0
32	(E) DATA PROC.	<u>0</u>
33	TOTAL AMOUNT APPROPRIATED	<u>\$2,985,443</u>

34

35 SECTION 4. REGULAR SALARIES - TRIAL PUBLIC DEFENDER OFFICE. There is
 36 hereby established for the Arkansas Public Defender Commission - Trial Public

1 Defender Office for the 2019-2020 fiscal year, the following maximum number
2 of regular employees.

3				4	Maximum Annual
5				Maximum	Salary Rate
6	Item	Class		No. of	Fiscal Year
7	No.	Code	Title	Employees	2019-2020
8	(1)	D039C	NETWORK SUPPORT SPECIALIST	1	GRADE IT06
9	(2)	G008N	CHIEF PUBLIC DEFENDER	8	GRADE GS14
10	(3)	G012N	PUBLIC DEFENDER III	42	GRADE GS13
11	(4)	G022N	PUBLIC DEFENDER II	9	GRADE GS12
12	(5)	G025N	PUBLIC DEFENDER I	53	GRADE GS11
13	(6)	G263C	PUBLIC DEFENDER	3	GRADE GS10
14	(7)	G065C	PUBLIC DEFENDER ATTORNEY I	50	GRADE GS10
15	(8)	R014C	PERSONNEL MANAGER	1	GRADE GS08
16	(9)	G092C	PUBLIC DEFENDER PROGRAM MANAGER	1	GRADE GS08
17	(10)	X056C	CAPITAL CONFLICTS INVESTIGATOR	6	GRADE GS07
18	(11)	G146C	MITIGATION SPECIALIST	12	GRADE GS07
19	(12)	G242C	DRUG COURT CASE COORDINATOR	1	GRADE GS06
20	(13)	R025C	HUMAN RESOURCES ANALYST	1	GRADE GS06
21	(14)	G179C	LEGAL SERVICES SPECIALIST	10	GRADE GS06
22	(15)	G204C	PLANNING SPECIALIST	1	GRADE GS06
23	(16)	G194C	PUBLIC DEFENDER INTERPRETER	2	GRADE GS06
24	(17)	X063C	PUBLIC DEFENDER INVESTIGATOR	4	GRADE GS06
25	(18)	C012C	PUBLIC DEFENDER SUPT SVCS SPECIALIST	1	GRADE GS05
26	(19)	C046C	LEGAL SUPPORT SPECIALIST	<u>48</u>	GRADE GS04
27			MAX. NO. OF EMPLOYEES	254	

28

29 SECTION 5. EXTRA HELP - TRIAL PUBLIC DEFENDER OFFICE. There is hereby
30 authorized, for the Arkansas Public Defender Commission - Trial Public
31 Defender Office for the 2019-2020 fiscal year, the following maximum number
32 of part-time or temporary employees, to be known as "Extra Help", payable
33 from funds appropriated herein for such purposes: three (3) temporary or
34 part-time employees, when needed, at rates of pay not to exceed those
35 provided in the Uniform Classification and Compensation Act, or its
36 successor, or this act for the appropriate classification.

SECTION 6. APPROPRIATION - TRIAL PUBLIC DEFENDER OFFICE. There is hereby appropriated, to the Arkansas Public Defender Commission, to be payable from the State Central Services Fund, for personal services and operating expenses of the Arkansas Public Defender Commission - Trial Public Defender Office for the fiscal year ending June 30, 2020, the following:

ITEM	FISCAL YEAR
<u>NO.</u>	<u>2019-2020</u>
(01) REGULAR SALARIES	\$16,973,828
(02) EXTRA HELP	15,000
(03) PERSONAL SERVICES MATCHING	5,221,438
(04) MAINT. & GEN. OPERATION	
(A) OPER. EXPENSE	641,256
(B) CONF. & TRAVEL	34,000
(C) PROF. FEES	750,000
(D) CAP. OUTLAY	0
(E) DATA PROC.	0
(05) PUBLIC DEFENDER COMMISSION PROGRAMS	770,000
(06) BAIL BOND COUNTY PUBLIC DEFENDER	<u>300,000</u>
TOTAL AMOUNT APPROPRIATED	<u>\$24,705,522</u>

SECTION 7. REGULAR SALARIES - OMBUDSMAN PROGRAM. There is hereby established for the Arkansas Public Defender Commission - Ombudsman Program for the 2019-2020 fiscal year, the following maximum number of regular employees.

Item Class	Maximum	Maximum Annual
<u>No. Code Title</u>	<u>No. of</u>	<u>Salary Rate</u>
<u>No. Code Title</u>	<u>Employees</u>	<u>Fiscal Year</u>
<u>No. Code Title</u>	<u>Employees</u>	<u>2019-2020</u>
(1) G108C PUBLIC DEF OMBUDSMAN COORDINATOR	<u>1</u>	GRADE GS08
MAX. NO. OF EMPLOYEES	1	

SECTION 8. APPROPRIATION - OMBUDSMAN PROGRAM. There is hereby appropriated, to the Arkansas Public Defender Commission, to be payable from the State Central Services Fund, for personal services of the Arkansas Public

1 Defender Commission - Ombudsman Program for the fiscal year ending June 30,
2 2020, the following:

3	4 ITEM	FISCAL YEAR
5	<u>NO.</u>	<u>2019-2020</u>
6	(01) REGULAR SALARIES	\$56,685
7	(02) PERSONAL SERVICES MATCHING	<u>18,207</u>
8	TOTAL AMOUNT APPROPRIATED	<u><u>\$74,892</u></u>

9
10 SECTION 9. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
11 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. FEE
12 GENERATION AND SUPPORT - COURTS. Unless specified otherwise in Arkansas Code
13 §5-4-303(g) and Arkansas Code 16-87-213 the monies collected by the courts
14 under the authority of §5-4-303(g) and 16-87-213 shall be deposited into the
15 State Treasury to the credit of the State Central Services Fund.

16 In the event that the law requires that the fees levied under §5-4-303(g)
17 be deposited into the State Administration of Justice Fund, the State
18 Treasurer shall transfer the amount of the fees collected each month under
19 the authority of Arkansas Code §5-4-303(g) from the State Administration of
20 Justice Fund to the State Central Services Fund.

21 The provisions of this section shall be in effect only from July 1, ~~2018~~
22 2019 through June 30, ~~2019~~ 2020.

23
24 SECTION 10. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
25 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. FEE
26 GENERATION AND SUPPORT - BAIL BOND FEES. Unless specified otherwise in
27 Arkansas Code §17-19-301(e) the monies collected by each bail bond company
28 under the authority of §17-19-301(e) shall be deposited into the State
29 Treasury to the credit of the Public Defender User Fees Fund within the State
30 Central Services Fund.

31 Of the fee collected by each licensed professional bail bond company,
32 three dollars (\$3.00) shall be transferred to the various Counties for the
33 sole purpose of defraying the operating expenses of the local public
34 defenders' office. The remaining monies collected shall be used to defray
35 operating expenses of the Commission.

36 On a quarterly basis, from the Bail Bond-County Public Defender line item,

1 the Commission shall remit to each County its portion of the three dollars
2 (\$3.00) per bail bond fee collected based upon the formula used for state aid
3 for counties. This formula is as follows: 75% of the money is distributed
4 equally to all 75 Counties and the remaining 25% is distributed per capita.

5 The provisions of this section shall be in effect only from July 1, ~~2018~~
6 2019 through June 30, ~~2019~~ 2020.

7

8 SECTION 11. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
9 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. TRANSFER
10 PROVISION. If the Public Defender Commission should determine that the
11 appropriations made available for payments to the Counties are insufficient,
12 appropriation may be transferred from the Public Defender Commission Program
13 line item to the Bail Bond-County Public Defender line item, after receiving
14 approval of the Chief Fiscal Officer of the State.

15 The provisions of this section shall be in effect only from July 1, ~~2018~~
16 2019 through June 30, ~~2019~~ 2020.

17

18 SECTION 12. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
19 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. DUTIES OF
20 DEPENDENCY-NEGLECT APPEALS ATTORNEY. The Public Defender Commission shall
21 utilize Dependency-Neglect Appeals Attorneys exclusively to write appeals in
22 dependency-neglect cases.

23 The provisions of this section shall be in effect only from July 1, ~~2018~~
24 2019 through June 30, ~~2019~~ 2020.

25

26 SECTION 13. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
27 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. PUBLIC
28 DEFENDERS. (a) No funds appropriated herein shall be used for expenses in
29 cases where a defendant is represented by retained counsel where retained
30 counsel have not gone through the Public Defender Commission's attorney
31 certification procedure and designation process as established by state law
32 and the Commission's regulations. All defendants and retained attorneys must
33 strictly adhere to the procedure established by the Commission to equitably
34 and responsibly monitor and distribute State funds for this purpose.

35 (b) The Public Defender Commission may approve exemptions to subsection
36 (a) as needed. Reasons for granting exemption should be specified in writing.

1 The provisions of this section shall be in effect only from July 1, ~~2018~~
2 2019 through June 30, ~~2019~~ 2020.

3
4 SECTION 14. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
5 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. PROVIDING
6 PUBLIC DEFENDER SERVICES AGREEMENT. The Public Defender Commission shall
7 have the authority to enter into a professional services agreement with a
8 person who is serving as a public defender or employed as an attorney with a
9 state agency when the employee has been appointed to provide defense
10 representation services by a judge. The total of the professional services
11 contract and the attorney's salary cannot exceed twenty-five percent (25%)
12 above the maximum of the pay grade of the employee's position.

13 The provisions of this section shall be in effect only from July 1, ~~2018~~
14 2019 through June 30, ~~2019~~ 2020.

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

25
26 SECTION 16. LEGISLATIVE INTENT. It is the intent of the General
27 Assembly that any funds disbursed under the authority of the appropriations
28 contained in this act shall be in compliance with the stated reasons for
29 which this act was adopted, as evidenced by the Agency Requests, Executive
30 Recommendations and Legislative Recommendations contained in the budget
31 manuals prepared by the Department of Finance and Administration, letters, or
32 summarized oral testimony in the official minutes of the Arkansas Legislative
33 Council or Joint Budget Committee which relate to its passage and adoption.

34
35 SECTION 17. EMERGENCY CLAUSE. It is found and determined by the
36 General Assembly, that the Constitution of the State of Arkansas prohibits

1 the appropriation of funds for more than a one (1) year period; that the
2 effectiveness of this Act on July 1, 2019 is essential to the operation of
3 the agency for which the appropriations in this Act are provided, and that in
4 the event of an extension of the legislative session, the delay in the
5 effective date of this Act beyond July 1, 2019 could work irreparable harm
6 upon the proper administration and provision of essential governmental
7 programs. Therefore, an emergency is hereby declared to exist and this Act
8 being necessary for the immediate preservation of the public peace, health
9 and safety shall be in full force and effect from and after July 1, 2019.

10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36

/s/Joint Budget Committee