

Stricken language will be deleted and underlined language will be added.

1 State of Arkansas As Engrossed: S3/25/19 S3/27/19
2 92nd General Assembly **A Bill**
3 Regular Session, 2019

SENATE BILL 36

4
5 By: Joint Budget Committee
6

7 **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
14 **Subtitle**

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

21

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	5	6	7	8	9
					Maximum Annual	
				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	NO.	2019-2020
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. Arkansas Code § 5-4-303, concerning conditions of
11 suspension or probation for a criminal offense, is amended to add an
12 additional subsection to read as follows:

13 (i)(1) Unless specified otherwise in subsection (g) of this section
14 and § 16-87-213, the moneys collected by the courts under subsection (g) of
15 this section and § 16-87-213 shall be deposited into the State Treasury to
16 the credit of the State Central Services Fund.

17 (2) If Arkansas law requires that the fees levied under
18 subsection (g) of this section be deposited into the State Administration of
19 Justice Fund, the Treasurer of State shall transfer the amount of the fees
20 collected each month under subsection (g) of this section from the State
21 Administration of Justice Fund to the State Central Services Fund.

22
23 SECTION 10. Arkansas Code § 17-19-301, concerning bail bond premiums,
24 is amended to add an additional subsection to read as follows:

25 (i)(1) Unless specified otherwise under subsection (e) of this
26 section, the moneys collected by each bail bond company under subsection (e)
27 of this section shall be deposited into the State Treasury to the credit of
28 the Public Defender User Fees Fund within the State Central Services Fund.

29 (2)(A) Of the fee collected by each licensed professional bail
30 bond company, three dollars (\$3.00) shall be transferred to the various
31 counties for the sole purpose of defraying the operating expenses of the
32 local public defender's office.

33 (B) The remaining moneys collected shall be used to defray
34 operating expenses of the Arkansas Public Defender Commission.

35 (3) On a quarterly basis, the Arkansas Public Defender Commission
36 shall remit to each county its portion of the three dollars (\$3.00) per bail

1 bond fee collected based upon the following formula:

2 (A) Seventy five percent (75%) of the bail bond fee collected
3 shall be distributed equally to all seventy-five (75) counties; and

4 (B) The remaining twenty-five percent (25%) of the bail bond fee
5 collected shall be distributed per capita.

6
7 SECTION 11. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
8 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. TRANSFER
9 PROVISION. If the Public Defender Commission should determine that the
10 appropriations made available for payments to the Counties are insufficient,
11 appropriation may be transferred from the Public Defender Commission Program
12 line item to the Bail Bond-County Public Defender line item, after receiving
13 approval of the Chief Fiscal Officer of the State.

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

16
17 SECTION 12. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
18 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. PUBLIC
19 DEFENDERS. (a) No funds appropriated herein shall be used for expenses in
20 cases where a defendant is represented by retained counsel where retained
21 counsel have not gone through the Public Defender Commission's attorney
22 certification procedure and designation process as established by state law
23 and the Commission's regulations. All defendants and retained attorneys must
24 strictly adhere to the procedure established by the Commission to equitably
25 and responsibly monitor and distribute State funds for this purpose.

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

28 The provisions of this section shall be in effect only from July 1, ~~2018~~
29 2019 through June 30, ~~2019~~ 2020.

30
31 SECTION 13. Arkansas Code § 16-87-203(a), concerning the powers of the
32 Arkansas Public Defender Commission, is amended to add an additional
33 subdivision to read as follows:

34 (15)(A) To enter into a professional services agreement with a
35 person who is serving as a public defender or employed as an attorney with a
36 state agency when the employee has been appointed to provide defense

1 representation services by a judge.

2 (B) The total of the professional services agreement and
3 the employee's salary shall not exceed twenty-five percent (25%) above the
4 maximum of the pay grade of the employee's position.

5
6 SECTION 14. COMPLIANCE WITH OTHER LAWS. Disbursement of funds
7 authorized by this act shall be limited to the appropriation for such agency
8 and funds made available by law for the support of such appropriations; and
9 the restrictions of the State Procurement Law, the General Accounting and
10 Budgetary Procedures Law, the Revenue Stabilization Law, the Regular Salary
11 Procedures and Restrictions Act, or their successors, and other fiscal
12 control laws of this State, where applicable, and regulations promulgated by
13 the Department of Finance and Administration, as authorized by law, shall be
14 strictly complied with in disbursement of said funds.

15
16 SECTION 15. LEGISLATIVE INTENT. It is the intent of the General
17 Assembly that any funds disbursed under the authority of the appropriations
18 contained in this act shall be in compliance with the stated reasons for
19 which this act was adopted, as evidenced by the Agency Requests, Executive
20 Recommendations and Legislative Recommendations contained in the budget
21 manuals prepared by the Department of Finance and Administration, letters, or
22 summarized oral testimony in the official minutes of the Arkansas Legislative
23 Council or Joint Budget Committee which relate to its passage and adoption.

24
25 SECTION 16. EMERGENCY CLAUSE. It is found and determined by the
26 General Assembly, that the Constitution of the State of Arkansas prohibits
27 the appropriation of funds for more than a one (1) year period; that the
28 effectiveness of this Act on July 1, 2019 is essential to the operation of
29 the agency for which the appropriations in this Act are provided, and that in
30 the event of an extension of the legislative session, the delay in the
31 effective date of this Act beyond July 1, 2019 could work irreparable harm
32 upon the proper administration and provision of essential governmental
33 programs. Therefore, an emergency is hereby declared to exist and this Act
34 being necessary for the immediate preservation of the public peace, health
35 and safety shall be in full force and effect from and after July 1, 2019.

36

1
2
3
4
5
6
7
8
9
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