

**REPORT OF THE SPECIAL LANGUAGE SUBCOMMITTEE  
OF THE  
JOINT BUDGET COMMITTEE**

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Wednesday, April 3, 2019

Chairmen:

Your Special Language Subcommittee met on Tuesday, April 2, 2019 and makes the following recommendations listed below to the Joint Budget Committee.

**A. The following amendment is recommended for approval and is RELEASED from the Subcommittee:**

1. SB102 - DHS - Division of Aging, Adult and Behavioral Services - (Attachment 1 - LCW069)

**B. The following amendments are recommended for approval and the bills are RELEASED from the Subcommittee:**

1. SB68 - Administrative Office of the Courts - (Attachment 2 - JAR076)
2. SB36 - Public Defender Commission - (Attachment 3 - JAR075)

**C. The following bill is RELEASED from the Subcommittee:**

1. HB1109 - Department of Finance and Administration - Disbursing Officer

Respectfully submitted by Subcommittee Co-Chairs Senator Missy Irvin and Representative Douglas House

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

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Subtitle of Senate Bill No. 102

AN ACT FOR THE DEPARTMENT OF HUMAN SERVICES - DIVISION OF AGING, ADULT, AND  
BEHAVIORAL HEALTH SERVICES APPROPRIATION FOR THE 2019-2020 FISCAL YEAR.

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Amendment No. \_\_\_ to Senate Bill No. 102

Amend Senate Bill No. 102 as engrossed, S3/27/19 (version: 03/27/2019 03:22:33 PM)

On page 19, immediately following SECTION 28, insert the following:

" SECTION 29. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. CARRY FORWARD OF UNOBLIGATED GENERAL REVENUE FUNDS FOR SENIOR CITIZEN CENTERS. (a) On June 30, 2019, or as soon as is practicable to determine funds available as authorized in this Section, and each fiscal year thereafter the Chief Fiscal Officer of the State shall cause to be transferred on his or her books and those of the State Treasurer and Auditor of State the balance of unobligated general revenue funds, excluding funds carried forward for other purposes, remaining in the Fund or Fund Accounts and the corresponding paying account as determined by the Chief Fiscal Officer of the State, as set out in subsection (b) herein, to the Department of Human Services - Division of Aging, Adult, and Behavioral Health Services paying account to be used exclusively for the disbursement of funds for Senior Citizen Centers in the amount of recouped and recovered general revenue not to exceed five hundred thousand dollars (\$500,000).

(b) Any unobligated general revenue, excluding funds carried forward for other purposes, remaining in the following Fund or Fund Accounts and the corresponding paying accounts at the end of the Fiscal Year that would normally be transferred into the General Revenue Allotment Reserve Fund as recouped or recovered General Revenue shall be transferred as authorized in subsection (a) herein:

- (1) Department of Human Services Administration Fund Account;
- (2) Children and Family Services Fund Account;
- (3) Child Care and Early Childhood Education Fund Account;
- (4) Youth Services Fund Account;
- (5) Developmental Disabilities Services Fund Account;
- (6) Medical Services Fund Account;
- (7) Behavioral Health Services Fund Account;
- (8) State Services for the Blind Fund Account;

**DRAFT** LCW069 - 03-28-2019 10:18:28

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(9) County Operations Fund Account; and

(10) Provider Services and Quality Assurance Fund Account.

(c)(1) Any general revenue recouped or recovered as authorized in subsections (a) and (b) herein shall be carried forward to the following fiscal year for Senior Citizen Centers and shall be distributed in the same manner as the funding formula requirements set out in the federal Older Americans Act funding law.

(2) The additional funding provided by this provision shall supplement and not supplant any monies currently funding services for Senior Citizen Centers.

(d) Should additional funding provided for in subsections (a) and (b) herein be insufficient to provide for the full five hundred thousand dollars (\$500,000) authorized, the increases shall be provided to the extent that general revenue is recouped and carried forward.

(e)(1) The Department of Human Services shall provide a written report to the Department of Finance and Administration Budget Office, the Arkansas Legislative Council or Joint Budget Committee the total amount of general revenue carried forward and distributed as set forth in this section no later than thirty (30) days prior to the time the Department presents its budget request to the Legislative Council or Joint Budget Committee.

(2) The Department of Finance and Administration shall include all information obtained in subsection (e)(1) herein in the budget manual submitted to the Arkansas Legislative Council or Joint Budget Committee for the Department."

AND

On page 19, delete SECTION 31 in its entirety and insert the following:

" SECTION 31. EMERGENCY CLAUSE. It is found and determined by the General Assembly, that the Constitution of the State of Arkansas prohibits the appropriation of funds for more than a one (1) year period; that the effectiveness of this Act on July 1, 2019 is essential to the operation of the agency for which the appropriations in this Act are provided; with the exception that Sections 23 and 29 in this Act shall be in full force and effect from and after the date of its passage and approval, and that in the event of an extension of the legislative session, the delay in the effective date of this Act beyond July 1, 2019, with the exception that Sections 23 and 29 in this Act shall be in full force and effect from and after the date of its passage and approval, could work irreparable harm upon the proper administration and provision of essential governmental programs. Therefore, an emergency is hereby declared to exist and this Act being necessary for the immediate preservation of the public peace, health and safety shall be in full force and effect from and after July 1, 2019; with the exception that Sections 23 and 29 in this Act shall be in full force and effect from and after the date of its passage and approval."

AND

Appropriately renumber the 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 Maloch  
LCW/LCW - 03-28-2019 10:18:28  
LCW069

\_\_\_\_\_  
Secretary

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

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Subtitle of Senate Bill No. 68

AN ACT FOR THE ADMINISTRATIVE OFFICE OF THE COURTS APPROPRIATION FOR THE 2019-2020  
FISCAL YEAR.

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**Amendment No. \_\_\_ to Senate Bill No. 68**

Amend Senate Bill No. 68 as originally introduced:

Page 3, delete line 11 in its entirety

AND

Appropriately renumber all Item Numbers in Section 3

AND

Page 15, delete Sections 30 and 31 in their entirety

AND

Page 19, delete Section 40 in its entirety

AND

Appropriately renumber Sections of the bill.

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

By: Senator A. Clark  
JAR/JAR - 03-27-2019 13:22:11  
JAR076

\_\_\_\_\_  
Secretary

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

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Subtitle of Senate Bill No. 36

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

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Amendment No.      to Senate Bill No. 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

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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 No.	Class Code	Title	Maximum No. of Employees	Maximum Annual Salary Rate 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><u>\$3,142,156</u></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 of 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 employee 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: Senator A. Clark

JAR/JAR - 04-01-2019 11:51:46 \_\_\_\_\_