

1 State of Arkansas *As Engrossed: S3/26/15 S3/27/15*

2 90th General Assembly

# A Bill

3 Regular Session, 2015

SENATE BILL 44

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, 2016; AND FOR OTHER PURPOSES.

12

13

14

## Subtitle

15

AN ACT FOR THE ARKANSAS PUBLIC DEFENDER

16

COMMISSION APPROPRIATION FOR THE 2015-

17

2016 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 2015-2016 fiscal year, the following maximum number of regular  
25 employees.

26

27

Maximum Annual

28

Maximum

Salary Rate

29

Item Class

No. of

Fiscal Year

30

No. Code Title

Employees

2015-2016

31

(1) U082U PUBLIC DEF COMM EXEC DIRECTOR

1

\$107,888

32

(2) G012N PUBLIC DEFENDER III

4

GRADE N905

33

(3) G022N PUBLIC DEFENDER II

5

GRADE N902

34

(4) G076C ADMINISTRATIVE SERVICES MANAGER

1

GRADE C124

35

(5) X056C CAPITAL CONFLICTS INVESTIGATOR

2

GRADE C120

36

(6) G122C PUBLIC DEFENDER PROGRAM COORDINATOR

1

GRADE C120



|   |            |                                      |          |            |
|---|------------|--------------------------------------|----------|------------|
| 1 | (7) G146C  | MITIGATION SPECIALIST                | 1        | GRADE C119 |
| 2 | (8) G179C  | LEGAL SERVICES SPECIALIST            | 2        | GRADE C117 |
| 3 | (9) C012C  | PUBLIC DEFENDER SUPPORT SVCS SPECIAL | 1        | GRADE C117 |
| 4 | (10) C056C | ADMINISTRATIVE SPECIALIST III        | <u>1</u> | GRADE C112 |
| 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 2015-  
 9 2016 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, 2016, the following:

| 22 | ITEM                            | FISCAL YEAR        |
|----|---------------------------------|--------------------|
| 23 | <u>NO.</u>                      | <u>2015-2016</u>   |
| 24 | (01) REGULAR SALARIES           | \$1,239,925        |
| 25 | (02) EXTRA HELP                 | 12,000             |
| 26 | (03) PERSONAL SERVICES MATCHING | 375,923            |
| 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>\$2,820,186</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 2015-2016 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 | 2015-2016      |
| 8  | (1)  | G008N | CHIEF PUBLIC DEFENDER                | 8         | GRADE N907     |
| 9  | (2)  | G012N | PUBLIC DEFENDER III                  | 38        | GRADE N905     |
| 10 | (3)  | G022N | PUBLIC DEFENDER II                   | 8         | GRADE N902     |
| 11 | (4)  | G025N | PUBLIC DEFENDER I                    | 53        | GRADE N901     |
| 12 | (5)  | G065C | PUBLIC DEFENDER ATTORNEY I           | 50        | GRADE C124     |
| 13 | (6)  | D039C | NETWORK SUPPORT SPECIALIST           | 1         | GRADE C123     |
| 14 | (7)  | G092C | PUBLIC DEFENDER PROGRAM MANAGER      | 1         | GRADE C122     |
| 15 | (8)  | G242C | DRUG COURT CASE COORDINATOR          | 1         | GRADE C121     |
| 16 | (9)  | R014C | PERSONNEL MANAGER                    | 1         | GRADE C121     |
| 17 | (10) | X056C | CAPITAL CONFLICTS INVESTIGATOR       | 1         | GRADE C120     |
| 18 | (11) | G122C | PUBLIC DEFENDER PROGRAM COORDINATOR  | 1         | GRADE C120     |
| 19 | (12) | G146C | MITIGATION SPECIALIST                | 7         | GRADE C119     |
| 20 | (13) | X063C | PUBLIC DEFENDER INVESTIGATOR         | 5         | GRADE C119     |
| 21 | (14) | G179C | LEGAL SERVICES SPECIALIST            | 5         | GRADE C117     |
| 22 | (15) | C012C | PUBLIC DEFENDER SUPPORT SVCS SPECIAL | 1         | GRADE C117     |
| 23 | (16) | G194C | PUBLIC DEFENDER INTERPRETER          | 2         | GRADE C116     |
| 24 | (17) | C046C | LEGAL SUPPORT SPECIALIST             | <u>48</u> | GRADE C113     |
| 25 |      |       | MAX. NO. OF EMPLOYEES                | 231       |                |

26  
27 SECTION 5. EXTRA HELP - TRIAL PUBLIC DEFENDER OFFICE. There is hereby  
28 authorized, for the Arkansas Public Defender Commission - Trial Public  
29 Defender Office for the 2015-2016 fiscal year, the following maximum number  
30 of part-time or temporary employees, to be known as "Extra Help", payable  
31 from funds appropriated herein for such purposes: three (3) temporary or  
32 part-time employees, when needed, at rates of pay not to exceed those  
33 provided in the Uniform Classification and Compensation Act, or its  
34 successor, or this act for the appropriate classification.

35  
36 SECTION 6. APPROPRIATION - TRIAL PUBLIC DEFENDER OFFICE. There is

1 hereby appropriated, to the Arkansas Public Defender Commission, to be  
 2 payable from the State Central Services Fund, for personal services and  
 3 operating expenses of the Arkansas Public Defender Commission - Trial Public  
 4 Defender Office for the fiscal year ending June 30, 2016, the following:

| ITEM  | FISCAL YEAR                |
|---|----------------------------|
| <u>NO.</u>                                  | <u>2015-2016</u>           |
| 8 (01) REGULAR SALARIES                     | <i>\$14,753,116</i>        |
| 9 (02) EXTRA HELP                           | 15,000                     |
| 10 (03) PERSONAL SERVICES MATCHING          | <i>4,584,919</i>           |
| 11 (04) MAINT. & GEN. OPERATION             |                            |
| 12 (A) OPER. EXPENSE                        | <i>407,275</i>             |
| 13 (B) CONF. & TRAVEL                       | <i>24,100</i>              |
| 14 (C) PROF. FEES                           | 750,000                    |
| 15 (D) CAP. OUTLAY                          | 0                          |
| 16 (E) DATA PROC.                           | 0                          |
| 17 (05) PUBLIC DEFENDER COMMISSION PROGRAMS | 770,000                    |
| 18 (06) BAIL BOND COUNTY PUBLIC DEFENDER    |                            |
| 19 PROGRAM                                  | <u>300,000</u>             |
| 20 TOTAL AMOUNT APPROPRIATED                | <u><u>\$21,604,410</u></u> |

21  
 22 SECTION 7. REGULAR SALARIES - OMBUDSMAN PROGRAM. There is hereby  
 23 established for the Arkansas Public Defender Commission - Ombudsman Program  
 24 for the 2015-2016 fiscal year, the following maximum number of regular  
 25 employees.

| Item Class                                    | Maximum          | Maximum Annual     |
|---|------------------|--------------------|
| <u>No. Code Title</u>                         | <u>No. of</u>    | <u>Salary Rate</u> |
|   | <u>Employees</u> | <u>Fiscal Year</u> |
|   |                  | <u>2015-2016</u>   |
| 31 (1) G108C PUBLIC DEF OMBUDSMAN COORDINATOR | <u>1</u>         | GRADE C121         |
| 32 MAX. NO. OF EMPLOYEES                      | 1                |                    |

33  
 34 SECTION 8. APPROPRIATION - OMBUDSMAN PROGRAM. There is hereby  
 35 appropriated, to the Arkansas Public Defender Commission, to be payable from  
 36 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 2016, the following:

|   |                                 |                        |
|---|---------------------------------|------------------------|
| 3 |                                 |                        |
| 4 | ITEM                            | FISCAL YEAR            |
| 5 | <u>NO.</u>                      | <u>2015-2016</u>       |
| 6 | (01) REGULAR SALARIES           | \$69,735               |
| 7 | (02) PERSONAL SERVICES MATCHING | <u>20,901</u>          |
| 8 | TOTAL AMOUNT APPROPRIATED       | <u><u>\$90,636</u></u> |

9

10 *SECTION 9. REGULAR SALARIES - TRIAL PUBLIC DEFENDER OFFICE - GIF.*

11 *There is hereby established for the Arkansas Public Defender Commission -*

12 *Trial Public Defender Office for the 2015-2016 fiscal year, the following*

13 *maximum number of regular employees.*

|    |                   |                              |                            |
|----|-------------------|------------------------------|----------------------------|
| 14 |                   |                              |                            |
| 15 |                   |                              | <i>Maximum Annual</i>      |
| 16 |                   | <i>Maximum</i>               | <i>Salary Rate</i>         |
| 17 | <i>Item</i>       | <i>No. of</i>                | <i>Fiscal Year</i>         |
| 18 | <u><i>No.</i></u> | <u><i>Title</i></u>          | <u><i>Employees</i></u>    |
| 19 | (1)               | <i>PUBLIC DEFENDER</i>       | <u>3</u> <i>GRADE C119</i> |
| 20 |                   | <i>MAX. NO. OF EMPLOYEES</i> | 3                          |

21

22 *SECTION 10. APPROPRIATION - TRIAL PUBLIC DEFENDER OFFICE - GIF. There*

23 *is hereby appropriated, to the Arkansas Public Defender Commission, to be*

24 *payable from the General Improvement Fund or its successor fund or fund*

25 *account, for personal services of the Arkansas Public Defender Commission -*

26 *Trial Public Defender Office - GIF for the fiscal year ending June 30, 2016,*

27 *the following:*

|    |                                 |                         |
|----|---------------------------------|-------------------------|
| 28 |                                 |                         |
| 29 | ITEM                            | FISCAL YEAR             |
| 30 | <u>NO.</u>                      | <u>2015-2016</u>        |
| 31 | (01) REGULAR SALARIES           | \$106,662               |
| 32 | (03) PERSONAL SERVICES MATCHING | <u>29,865</u>           |
| 33 | TOTAL AMOUNT APPROPRIATED       | <u><u>\$136,527</u></u> |

34

35 SECTION 11. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS

36 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. FEE

1 GENERATION AND SUPPORT - COURTS. Unless specified otherwise in Arkansas Code  
2 §5-4-303(g) and Arkansas Code 16-87-213 the monies collected by the courts  
3 under the authority of §5-4-303(g) and 16-87-213 shall be deposited into the  
4 State Treasury to the credit of the State Central Services Fund.

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

10 The provisions of this section shall be in effect only from July 1, ~~2014~~  
11 2015 through June 30, ~~2015~~ 2016.

12

13 SECTION 12. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS  
14 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. FEE  
15 GENERATION AND SUPPORT - BAIL BOND FEES. Unless specified otherwise in  
16 Arkansas Code §17-19-301(e) the monies collected by each bail bond company  
17 under the authority of §17-19-301(e) shall be deposited into the State  
18 Treasury to the credit of the Public Defender User Fees Fund within the State  
19 Central Services Fund.

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

25 On a quarterly basis, from the Bail Bond-County Public Defender line item,  
26 the Commission shall remit to each County its portion of the three dollars  
27 (\$3.00) per bail bond fee collected based upon the formula used for state aid  
28 for counties. This formula is as follows: 75% of the money is distributed  
29 equally to all 75 Counties and the remaining 25% is distributed per capita.

30 The provisions of this section shall be in effect only from July 1, ~~2014~~  
31 2015 through June 30, ~~2015~~ 2016.

32

33 SECTION 13. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS  
34 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. TRANSFER  
35 PROVISION. If the Public Defender Commission should determine that the  
36 appropriations made available for payments to the Counties are insufficient,

1 appropriation may be transferred from the Public Defender Commission Program  
2 line item to the Bail Bond-County Public Defender line item, after receiving  
3 approval of the Chief Fiscal Officer of the State.

4 The provisions of this section shall be in effect only from July 1, ~~2014~~  
5 2015 through June 30, ~~2015~~ 2016.

6  
7 SECTION 14. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS  
8 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. DUTIES OF  
9 DEPENDENCY-NEGLECT APPEALS ATTORNEY. The Public Defender Commission shall  
10 utilize Dependency-Neglect Appeals Attorneys exclusively to write appeals in  
11 dependency-neglect cases.

12 The provisions of this section shall be in effect only from July 1, ~~2014~~  
13 2015 through June 30, ~~2015~~ 2016.

14  
15 SECTION 15. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS  
16 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. PUBLIC  
17 DEFENDERS. (a) No funds appropriated herein shall be used for expenses in  
18 cases where a defendant is represented by retained counsel where retained  
19 counsel have not gone through the Public Defender Commission's attorney  
20 certification procedure and designation process as established by state law  
21 and the Commission's regulations. All defendants and retained attorneys must  
22 strictly adhere to the procedure established by the Commission to equitably  
23 and responsibly monitor and distribute State funds for this purpose.

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

26 The provisions of this section shall be in effect only from July 1, ~~2014~~  
27 2015 through June 30, ~~2015~~ 2016.

28  
29 SECTION 16. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS  
30 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. PROVIDING  
31 PUBLIC DEFENDER SERVICES AGREEMENT. The Public Defender Commission shall  
32 have the authority to enter into a professional services agreement with a  
33 person who is serving as a public defender or employed as an attorney with a  
34 state agency when the employee has been appointed to provide defense  
35 representation services by a judge. The total of the professional services  
36 contract and the attorney's salary cannot exceed twenty-five percent (25%)

1 above the maximum of the pay grade of the employee's position.

2 The provisions of this section shall be in effect only from July 1,  
3 ~~2014~~ 2015 through June 30, ~~2015~~ 2016.

4  
5 SECTION 17. COMPLIANCE WITH OTHER LAWS. Disbursement of funds  
6 authorized by this act shall be limited to the appropriation for such agency  
7 and funds made available by law for the support of such appropriations; and  
8 the restrictions of the State Procurement Law, the General Accounting and  
9 Budgetary Procedures Law, the Revenue Stabilization Law, the Regular Salary  
10 Procedures and Restrictions Act, or their successors, and other fiscal  
11 control laws of this State, where applicable, and regulations promulgated by  
12 the Department of Finance and Administration, as authorized by law, shall be  
13 strictly complied with in disbursement of said funds.

14  
15 SECTION 18. LEGISLATIVE INTENT. It is the intent of the General  
16 Assembly that any funds disbursed under the authority of the appropriations  
17 contained in this act shall be in compliance with the stated reasons for  
18 which this act was adopted, as evidenced by the Agency Requests, Executive  
19 Recommendations and Legislative Recommendations contained in the budget  
20 manuals prepared by the Department of Finance and Administration, letters, or  
21 summarized oral testimony in the official minutes of the Arkansas Legislative  
22 Council or Joint Budget Committee which relate to its passage and adoption.

23  
24 SECTION 19. EMERGENCY CLAUSE. It is found and determined by the  
25 General Assembly, that the Constitution of the State of Arkansas prohibits  
26 the appropriation of funds for more than a one (1) year period; that the  
27 effectiveness of this Act on July 1, 2015 is essential to the operation of  
28 the agency for which the appropriations in this Act are provided, and that in  
29 the event of an extension of the legislative session, the delay in the  
30 effective date of this Act beyond July 1, 2015 could work irreparable harm  
31 upon the proper administration and provision of essential governmental  
32 programs. Therefore, an emergency is hereby declared to exist and this Act  
33 being necessary for the immediate preservation of the public peace, health  
34 and safety shall be in full force and effect from and after July 1, 2015.

35 **APPROVED: 04/02/2015**