

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

# 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                  | 41        | GRADE GS13     |
| 11 | (4)                   | G022N | PUBLIC DEFENDER II                   | 8         | 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 |       |                                      | 252       |                |

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 NO.                  |                                     | FISCAL YEAR         |
|---------------------------|-------------------------------------|---------------------|
|                           |                                     | 2019-2020           |
| (01)                      | REGULAR SALARIES                    | \$16,823,828        |
| (02)                      | EXTRA HELP                          | 15,000              |
| (03)                      | PERSONAL SERVICES MATCHING          | 5,179,438           |
| (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>\$24,513,522</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 No. of Employees | Maximum Annual Salary Rate Fiscal Year |
|--|--------------------------|--|
| No. Code Title                             | Employees                | 2019-2020                              |
| (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