

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

State of Arkansas
91st General Assembly
Regular Session, 2017

A Bill

SENATE BILL 44

By: Joint Budget Committee

For An Act To Be Entitled

AN ACT TO MAKE AN APPROPRIATION FOR PERSONAL SERVICES
AND OPERATING EXPENSES FOR THE ARKANSAS PUBLIC
DEFENDER COMMISSION FOR THE FISCAL YEAR ENDING JUNE
30, 2018; AND FOR OTHER PURPOSES.

Subtitle

AN ACT FOR THE ARKANSAS PUBLIC DEFENDER
COMMISSION APPROPRIATION FOR THE 2017-
2018 FISCAL YEAR.

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

SECTION 1. REGULAR SALARIES - STATE OPERATIONS. There is hereby established for the Arkansas Public Defender Commission - State Operations for the 2017-2018 fiscal year, the following maximum number of regular employees.

| Item No. | Class Code | Title | Maximum No. of Employees | Maximum Annual Salary Rate Fiscal Year 2017-2018 |
|----------|------------|-------------------------------------|--------------------------|--|
| (1) | U082U | PUBLIC DEF COMM EXEC DIRECTOR | 1 | \$108,967 |
| (2) | G012N | PUBLIC DEFENDER III | 4 | GRADE N905 |
| (3) | G022N | PUBLIC DEFENDER II | 5 | GRADE N902 |
| (4) | G076C | ADMINISTRATIVE SERVICES MANAGER | 1 | GRADE C124 |
| (5) | X056C | CAPITAL CONFLICTS INVESTIGATOR | 2 | GRADE C120 |
| (6) | G122C | PUBLIC DEFENDER PROGRAM COORDINATOR | 1 | GRADE C120 |



| | | | | |
|------|-------|--------------------------------------|----------|------------|
| (7) | G146C | MITIGATION SPECIALIST | 1 | GRADE C119 |
| (8) | G179C | LEGAL SERVICES SPECIALIST | 2 | GRADE C117 |
| (9) | C012C | PUBLIC DEFENDER SUPPORT SVCS SPECIAL | 1 | GRADE C117 |
| (10) | C056C | ADMINISTRATIVE SPECIALIST III | <u>1</u> | GRADE C112 |
| | | MAX. NO. OF EMPLOYEES | 19 | |

SECTION 2. EXTRA HELP - STATE OPERATIONS. There is hereby authorized, for the Arkansas Public Defender Commission - State Operations for the 2017-2018 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: three (3) 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 3. APPROPRIATION - STATE OPERATIONS. 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 - State Operations for the fiscal year ending June 30, 2018, the following:

| ITEM | FISCAL YEAR |
|---------------------------------|--------------------|
| <u>NO.</u> | <u>2017-2018</u> |
| (01) REGULAR SALARIES | \$1,270,674 |
| (02) EXTRA HELP | 12,000 |
| (03) PERSONAL SERVICES MATCHING | 387,435 |
| (04) MAINT. & GEN. OPERATION | |
| (A) OPER. EXPENSE | 247,648 |
| (B) CONF. & TRAVEL | 19,690 |
| (C) PROF. FEES | 925,000 |
| (D) CAP. OUTLAY | 0 |
| (E) DATA PROC. | <u>0</u> |
| TOTAL AMOUNT APPROPRIATED | <u>\$2,862,447</u> |

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

Defender Office for the 2017-2018 fiscal year, the following maximum number of regular employees.

| Item No. | Class Code | Title | Maximum No. of Employees | Maximum Annual Salary Rate Fiscal Year 2017-2018 |
|----------|------------|--------------------------------------|--------------------------|--|
| (1) | G008N | CHIEF PUBLIC DEFENDER | 8 | GRADE N907 |
| (2) | G012N | PUBLIC DEFENDER III | 41 | GRADE N905 |
| (3) | G022N | PUBLIC DEFENDER II | 8 | GRADE N902 |
| (4) | G025N | PUBLIC DEFENDER I | 53 | GRADE N901 |
| (5) | G065C | PUBLIC DEFENDER ATTORNEY I | 50 | GRADE C124 |
| (6) | D039C | NETWORK SUPPORT SPECIALIST | 1 | GRADE C123 |
| (7) | G092C | PUBLIC DEFENDER PROGRAM MANAGER | 1 | GRADE C122 |
| (8) | G242C | DRUG COURT CASE COORDINATOR | 1 | GRADE C121 |
| (9) | R014C | PERSONNEL MANAGER | 1 | GRADE C121 |
| (10) | X056C | CAPITAL CONFLICTS INVESTIGATOR | 6 | GRADE C120 |
| (11) | G122C | PUBLIC DEFENDER PROGRAM COORDINATOR | 1 | GRADE C120 |
| (12) | G146C | MITIGATION SPECIALIST | 12 | GRADE C119 |
| (13) | G263C | PUBLIC DEFENDER | 3 | GRADE C119 |
| (14) | X063C | PUBLIC DEFENDER INVESTIGATOR | 5 | GRADE C119 |
| (15) | G179C | LEGAL SERVICES SPECIALIST | 10 | GRADE C117 |
| (16) | C012C | PUBLIC DEFENDER SUPPORT SVCS SPECIAL | 1 | GRADE C117 |
| (17) | G194C | PUBLIC DEFENDER INTERPRETER | 2 | GRADE C116 |
| (18) | C046C | LEGAL SUPPORT SPECIALIST | <u>48</u> | GRADE C113 |
| | | MAX. NO. OF EMPLOYEES | 252 | |

SECTION 5. EXTRA HELP - TRIAL PUBLIC DEFENDER OFFICE. There is hereby authorized, for the Arkansas Public Defender Commission - Trial Public Defender Office for the 2017-2018 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: three (3) 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 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, 2018, the following:

| ITEM NO. | FISCAL YEAR 2017-2018 |
|--|----------------------------|
| (01) REGULAR SALARIES | \$15,612,105 |
| (02) EXTRA HELP | 15,000 |
| (03) PERSONAL SERVICES MATCHING | 4,843,315 |
| (04) MAINT. & GEN. OPERATION | |
| (A) OPER. EXPENSE | 699,756 |
| (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><u>\$23,024,176</u></u> |

SECTION 7. REGULAR SALARIES - OMBUDSMAN PROGRAM. There is hereby established for the Arkansas Public Defender Commission - Ombudsman Program for the 2017-2018 fiscal year, the following maximum number of regular employees.

| Item Class | Maximum No. of Employees | Maximum Annual Salary Rate Fiscal Year 2017-2018 |
|--|--------------------------------|---|
| (1) G108C PUBLIC DEF OMBUDSMAN COORDINATOR | <u>1</u> | GRADE C121 |
| 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

Defender Commission - Ombudsman Program for the fiscal year ending June 30, 2018, the following:

| ITEM NO. | FISCAL YEAR 2017-2018 |
|---------------------------------|--------------------------|
| (01) REGULAR SALARIES | \$69,059 |
| (02) PERSONAL SERVICES MATCHING | <u>20,841</u> |
| TOTAL AMOUNT APPROPRIATED | <u><u>\$89,900</u></u> |

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

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

The provisions of this section shall be in effect only from July 1, ~~2016~~ 2017 through June 30, ~~2017~~ 2018.

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

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

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

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

The provisions of this section shall be in effect only from July 1, ~~2016~~ 2017 through June 30, ~~2017~~ 2018.

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

The provisions of this section shall be in effect only from July 1, ~~2016~~ 2017 through June 30, ~~2017~~ 2018.

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

The provisions of this section shall be in effect only from July 1, ~~2016~~ 2017 through June 30, ~~2017~~ 2018.

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

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

The provisions of this section shall be in effect only from July 1, ~~2016~~ 2017 through June 30, ~~2017~~ 2018.

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

The provisions of this section shall be in effect only from July 1, ~~2016~~ 2017 through June 30, ~~2017~~ 2018.

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

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

SECTION 17. 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, 2017 is essential to the operation of the agency for which the appropriations in this Act are provided, and that in the event of an extension of the legislative session, the delay in the effective date of this Act beyond July 1, 2017 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, 2017.