

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

State of Arkansas  
92nd General Assembly  
Fiscal Session, 2020

# A Bill

SENATE BILL 48

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, 2021; AND FOR OTHER PURPOSES.

## Subtitle

AN ACT FOR THE ARKANSAS PUBLIC DEFENDER  
COMMISSION APPROPRIATION FOR THE 2020-  
2021 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 2020-2021 fiscal year, the following maximum number of regular employees.

| Item No. | Class Code | Title                           | Maximum No. of Employees | Maximum Annual Salary Rate Fiscal Year 2020-2021 |
|----------|------------|---------------------------------|--------------------------|--|
| (1)      | U082U      | PUBLIC DEF COMM EXEC DIRECTOR   | 1                        | GRADE SE02                                       |
| (2)      | G012N      | PUBLIC DEFENDER III             | 4                        | GRADE GS13                                       |
| (3)      | G022N      | PUBLIC DEFENDER II              | 5                        | GRADE GS12                                       |
| (4)      | G076C      | ADMINISTRATIVE SERVICES MANAGER | 1                        | GRADE GS10                                       |
| (5)      | X056C      | CAPITAL CONFLICTS INVESTIGATOR  | 2                        | GRADE GS07                                       |
| (6)      | G146C      | MITIGATION SPECIALIST           | 1                        | GRADE GS07                                       |



|      |  |          |            |
|------|--|----------|------------|
| (7)  | G179C LEGAL SERVICES SPECIALIST            | 2        | GRADE GS06 |
| (8)  | G122C PUBLIC DEFENDER PROGRAM COORDINATOR  | 1        | GRADE GS06 |
| (9)  | C012C PUBLIC DEFENDER SUPT SVCS SPECIALIST | 1        | GRADE GS05 |
| (10) | C056C ADMINISTRATIVE SPECIALIST III        | <u>1</u> | GRADE GS04 |
|      | 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 2020-2021 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, 2021, the following:

| ITEM<br>NO.                     | FISCAL YEAR<br>2020-2021  |
|---------------------------------|---------------------------|
| (01) REGULAR SALARIES           | \$1,368,075               |
| (02) EXTRA HELP                 | 12,000                    |
| (03) PERSONAL SERVICES MATCHING | 414,509                   |
| (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><u>\$2,986,922</u></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 2020-2021 fiscal year, the following maximum number of regular employees.

| Item No. | Class Code | Title                                | Maximum No. of Employees | Maximum Annual Salary Rate Fiscal Year 2020-2021 |
|----------|------------|--------------------------------------|--------------------------|--|
| (1)      | D039C      | NETWORK SUPPORT SPECIALIST           | 1                        | GRADE IT06                                       |
| (2)      | G008N      | CHIEF PUBLIC DEFENDER                | 8                        | GRADE GS14                                       |
| (3)      | G012N      | PUBLIC DEFENDER III                  | 42                       | GRADE GS13                                       |
| (4)      | G022N      | PUBLIC DEFENDER II                   | 7                        | GRADE GS12                                       |
| (5)      | G025N      | PUBLIC DEFENDER I                    | 52                       | GRADE GS11                                       |
| (6)      | G263C      | PUBLIC DEFENDER                      | 3                        | GRADE GS10                                       |
| (7)      | G065C      | PUBLIC DEFENDER ATTORNEY I           | 50                       | GRADE GS10                                       |
| (8)      | R014C      | PERSONNEL MANAGER                    | 1                        | GRADE GS08                                       |
| (9)      | G092C      | PUBLIC DEFENDER PROGRAM MANAGER      | 1                        | GRADE GS08                                       |
| (10)     | X056C      | CAPITAL CONFLICTS INVESTIGATOR       | 6                        | GRADE GS07                                       |
| (11)     | G146C      | MITIGATION SPECIALIST                | 12                       | GRADE GS07                                       |
| (12)     | G242C      | DRUG COURT CASE COORDINATOR          | 1                        | GRADE GS06                                       |
| (13)     | R025C      | HUMAN RESOURCES ANALYST              | 1                        | GRADE GS06                                       |
| (14)     | G179C      | LEGAL SERVICES SPECIALIST            | 9                        | GRADE GS06                                       |
| (15)     | G204C      | PLANNING SPECIALIST                  | 1                        | GRADE GS06                                       |
| (16)     | G194C      | PUBLIC DEFENDER INTERPRETER          | 2                        | GRADE GS06                                       |
| (17)     | X063C      | PUBLIC DEFENDER INVESTIGATOR         | 4                        | GRADE GS06                                       |
| (18)     | C012C      | PUBLIC DEFENDER SUPT SVCS SPECIALIST | 1                        | GRADE GS05                                       |
| (19)     | C046C      | LEGAL SUPPORT SPECIALIST             | <u>47</u>                | GRADE GS04                                       |
|          |            | MAX. NO. OF EMPLOYEES                | 249                      |  |

SECTION 5. EXTRA HELP - TRIAL PUBLIC DEFENDER OFFICE. There is hereby authorized, for the Arkansas Public Defender Commission - Trial Public Defender Office for the 2020-2021 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, 2021, the following:

| ITEM NO. |                                     | FISCAL YEAR<br>2020-2021 |
|----------|-------------------------------------|--------------------------|
| (01)     | REGULAR SALARIES                    | \$16,649,609             |
| (02)     | EXTRA HELP                          | 15,000                   |
| (03)     | PERSONAL SERVICES MATCHING          | 5,122,840                |
| (04)     | MAINT. & GEN. OPERATION             |                          |
|          | (A) OPER. EXPENSE                   | 641,256                  |
|          | (B) CONF. & TRAVEL                  | 34,000                   |
|          | (C) PROF. FEES                      | 725,000                  |
|          | (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>\$24,257,705</u>      |

SECTION 7. REGULAR SALARIES - OMBUDSMAN PROGRAM. There is hereby established for the Arkansas Public Defender Commission - Ombudsman Program for the 2020-2021 fiscal year, the following maximum number of regular employees.

| Item No. | Class Code | Title                            | Maximum No. of Employees | Maximum Annual Salary Rate Fiscal Year 2020-2021 |
|----------|------------|----------------------------------|--------------------------|--|
| (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 Defender Commission - Ombudsman Program for the fiscal year ending June 30, 2021, the following:

| ITEM                            | FISCAL YEAR            |
|---------------------------------|------------------------|
| <u>NO.</u>                      | <u>2020-2021</u>       |
| (01) REGULAR SALARIES           | \$56,685               |
| (02) PERSONAL SERVICES MATCHING | <u>18,207</u>          |
| TOTAL AMOUNT APPROPRIATED       | <u><u>\$74,892</u></u> |

SECTION 9. REGULAR SALARIES - COMMISSION FOR PARENT COUNSEL. There is hereby established for the Arkansas Public Defender Commission - Commission for Parent Counsel for the 2020-2021 fiscal year, the following maximum number of regular employees.

| Item       | Class       | Maximum                            | Maximum Annual     |
|------------|-------------|------------------------------------|--------------------|
| <u>No.</u> | <u>Code</u> | <u>Title</u>                       | <u>Salary Rate</u> |
|            |             | No. of                             | Fiscal Year        |
|            |             | Employees                          | 2020-2021          |
| (1)        | Q252C       | EXECUTIVE DIRECTOR PARENT COUNSEL  | GRADE GS13         |
| (2)        | G025C       | ATTORNEY SUPERVISOR                | GRADE GS12         |
| (3)        | G047C       | ATTORNEY SPECIALIST                | GRADE GS11         |
| (4)        | Q253C       | EXECUTIVE ASSISTANT PARENT COUNSEL | GRADE GS06         |
| (5)        | G179C       | LEGAL SERVICES SPECIALIST          | GRADE GS06         |
| (6)        | C046C       | LEGAL SUPPORT SPECIALIST           | GRADE GS04         |
|            |             | <u>1</u>                           |                    |
|            |             | MAX. NO. OF EMPLOYEES              | 7                  |

SECTION 10. EXTRA HELP - COMMISSION FOR PARENT COUNSEL. There is hereby authorized, for the Arkansas Public Defender Commission for the 2020-2021 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, 2021, the following:

| ITEM<br>NO.                        | FISCAL YEAR<br>2020-2021  |
|------------------------------------|---------------------------|
| (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~~ 2020 through June 30, ~~2020~~ 2021.

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~~ 2020 through June 30, ~~2020~~ 2021.

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~~ 2020 through June 30, ~~2020~~ 2021.

SECTION 15. 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, ~~2019~~ 2020 through June 30, ~~2020~~ 2021.

SECTION 16. 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, ~~2019~~ 2020 through June 30, ~~2020~~ 2021.

SECTION 17. 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 18. 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 19. 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, 2020 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, 2020 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, 2020.