

1 State of Arkansas
2 90th General Assembly
3 Regular Session, 2015
4

As Engrossed: S3/26/15
A Bill

SENATE BILL 44

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
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14 **Subtitle**

15 AN ACT FOR THE ARKANSAS PUBLIC DEFENDER
16 COMMISSION APPROPRIATION FOR THE 2015-
17 2016 FISCAL YEAR.
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20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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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.
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Item	Class		Maximum	Maximum Annual
No.	Code	Title	No. of	Salary Rate
			Employees	Fiscal Year
				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	

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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.

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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>

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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.

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4				Maximum Annual	
5				Salary Rate	
6	Item	Class	Maximum	Fiscal Year	
7	No.	Code	No. of	2015-2016	
	No.	Code	Employees		
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	<u>231</u>	

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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.

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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:

6 ITEM	FISCAL YEAR
7 <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>

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 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.

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

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 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:

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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>

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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, ~~2014~~
 22 2015 through June 30, ~~2015~~ 2016.

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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, ~~2014~~
6 2015 through June 30, ~~2015~~ 2016.

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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, ~~2014~~
16 2015 through June 30, ~~2015~~ 2016.

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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, ~~2014~~
24 2015 through June 30, ~~2015~~ 2016.

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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, ~~2014~~
2 2015 through June 30, ~~2015~~ 2016.

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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,
14 ~~2014~~ 2015 through June 30, ~~2015~~ 2016.

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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.

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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.

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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, 2015 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, 2015 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, 2015.

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11 */s/Joint Budget Committee*
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