

Stricken language will be deleted and underlined language will be added.
Act 235 of the Fiscal Session

1 State of Arkansas
2 90th General Assembly
3 Fiscal Session, 2016
4

As Engrossed: S4/28/16
A Bill

SENATE BILL 85

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, 2017; AND FOR OTHER PURPOSES.
12
13

14 **Subtitle**

15 AN ACT FOR THE ARKANSAS PUBLIC DEFENDER
16 COMMISSION APPROPRIATION FOR THE 2016-
17 2017 FISCAL YEAR.
18
19

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 2016-2017 fiscal year, the following maximum number of regular
25 employees.
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Item No.	Class Code	Title	Maximum No. of Employees	Maximum Annual Salary Rate Fiscal Year 2016-2017
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 2016-
 9 2017 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, 2017, the following:

22	ITEM	FISCAL YEAR
23	<u>NO.</u>	<u>2016-2017</u>
24	(01) REGULAR SALARIES	\$1,240,725
25	(02) EXTRA HELP	12,000
26	(03) PERSONAL SERVICES MATCHING	376,103
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>\$2,821,166</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 2016-2017 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	2016-2017
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)	G263C	PUBLIC DEFENDER		3	GRADE C119
22	(15)	G179C	LEGAL SERVICES SPECIALIST		5	GRADE C117
23	(16)	C012C	PUBLIC DEFENDER SUPPORT SVCS SPECIAL		1	GRADE C117
24	(17)	G194C	PUBLIC DEFENDER INTERPRETER		2	GRADE C116
25	(18)	C046C	LEGAL SUPPORT SPECIALIST		<u>48</u>	GRADE C113
26			MAX. NO. OF EMPLOYEES		234	

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28 SECTION 5. EXTRA HELP - TRIAL PUBLIC DEFENDER OFFICE. There is hereby
29 authorized, for the Arkansas Public Defender Commission - Trial Public
30 Defender Office for the 2016-2017 fiscal year, the following maximum number
31 of part-time or temporary employees, to be known as "Extra Help", payable
32 from funds appropriated herein for such purposes: three (3) temporary or
33 part-time employees, when needed, at rates of pay not to exceed those
34 provided in the Uniform Classification and Compensation Act, or its
35 successor, or this act for the appropriate classification.

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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, 2017, the following:

ITEM	FISCAL YEAR
<u>NO.</u>	<u>2016-2017</u>
(01) REGULAR SALARIES	\$14,868,478
(02) EXTRA HELP	15,000
(03) PERSONAL SERVICES MATCHING	4,614,784
(04) MAINT. & GEN. OPERATION	
(A) OPER. EXPENSE	392,845
(B) CONF. & TRAVEL	24,100
(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 PROGRAM	<u>300,000</u>
TOTAL AMOUNT APPROPRIATED	<u>\$21,735,207</u>

SECTION 7. REGULAR SALARIES - OMBUDSMAN PROGRAM. There is hereby established for the Arkansas Public Defender Commission - Ombudsman Program for the 2016-2017 fiscal year, the following maximum number of regular employees.

Item Class	Maximum	Maximum Annual
<u>No. Code Title</u>	<u>No. of</u>	<u>Salary Rate</u>
<u>No. Code Title</u>	<u>Employees</u>	<u>Fiscal Year</u>
<u>No. Code Title</u>	<u>Employees</u>	<u>2016-2017</u>
(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

1 the State Central Services Fund, for personal services of the Arkansas Public
2 Defender Commission - Ombudsman Program for the fiscal year ending June 30,
3 2017, the following:

4	5 ITEM	6 FISCAL YEAR
7	8 <u>NO.</u>	9 <u>2016-2017</u>
10	11 (01) REGULAR SALARIES	12 \$69,735
13	14 (02) PERSONAL SERVICES MATCHING	15 <u>20,901</u>
16	17 TOTAL AMOUNT APPROPRIATED	18 <u><u>\$90,636</u></u>

11 SECTION 9. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
12 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. FEE
13 GENERATION AND SUPPORT - COURTS. Unless specified otherwise in Arkansas Code
14 §5-4-303(g) and Arkansas Code 16-87-213 the monies collected by the courts
15 under the authority of §5-4-303(g) and 16-87-213 shall be deposited into the
16 State Treasury to the credit of the State Central Services Fund.

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

22 The provisions of this section shall be in effect only from July 1, ~~2015~~
23 2016 through June 30, ~~2016~~ 2017.

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

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

1 On a quarterly basis, from the Bail Bond-County Public Defender line item,
2 the Commission shall remit to each County its portion of the three dollars
3 (\$3.00) per bail bond fee collected based upon the formula used for state aid
4 for counties. This formula is as follows: 75% of the money is distributed
5 equally to all 75 Counties and the remaining 25% is distributed per capita.

6 The provisions of this section shall be in effect only from July 1, ~~2015~~
7 2016 through June 30, ~~2016~~ 2017.

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

16 The provisions of this section shall be in effect only from July 1, ~~2015~~
17 2016 through June 30, ~~2016~~ 2017.

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

24 The provisions of this section shall be in effect only from July 1, ~~2015~~
25 2016 through June 30, ~~2016~~ 2017.

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

36 (b) The Public Defender Commission may approve exemptions to subsection

1 (a) as needed. Reasons for granting exemption should be specified in writing.

2 The provisions of this section shall be in effect only from July 1, 2015
3 2016 through June 30, ~~2016~~ 2017.

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

14 The provisions of this section shall be in effect only from July 1, 2015
15 2016 through June 30, ~~2016~~ 2017.

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

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

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36 SECTION 17. EMERGENCY CLAUSE. It is found and determined by the

1 General Assembly, that the Constitution of the State of Arkansas prohibits
2 the appropriation of funds for more than a one (1) year period; that the
3 effectiveness of this Act on July 1, 2016 is essential to the operation of
4 the agency for which the appropriations in this Act are provided, and that in
5 the event of an extension of the legislative session, the delay in the
6 effective date of this Act beyond July 1, 2016 could work irreparable harm
7 upon the proper administration and provision of essential governmental
8 programs. Therefore, an emergency is hereby declared to exist and this Act
9 being necessary for the immediate preservation of the public peace, health
10 and safety shall be in full force and effect from and after July 1, 2016.

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/s/Joint Budget Committee

APPROVED: 05/09/2016