

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

1 State of Arkansas
2 94th General Assembly
3 Regular Session, 2023
4

As Engrossed: S3/6/23

A Bill

SENATE BILL 9

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, 2024; AND FOR OTHER PURPOSES.
12
13

Subtitle

14 AN ACT FOR THE ARKANSAS PUBLIC DEFENDER
15 COMMISSION APPROPRIATION FOR THE 2023-
16 2024 FISCAL YEAR.
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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 2023-2024 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
				2023-2024
31	(1)	U082U PUBLIC DEF COMM EXEC DIRECTOR	1	GRADE SE02
32	(2)	G317C APDC MANAGEMENT ASSOCIATE	1	GRADE SE01
33	(3)	G012N PUBLIC DEFENDER III	9	GRADE GS13
34	(4)	G076C ADMINISTRATIVE SERVICES MANAGER	1	GRADE GS10
35	(5)	X222C APDC CHIEF CAPITAL INVESTIGATOR	1	GRADE GS10
36	(6)	X056C CAPITAL CONFLICTS INVESTIGATOR	2	GRADE GS07



1	(7) G146C MITIGATION SPECIALIST	1	GRADE GS07
2	(8) G179C LEGAL SERVICES SPECIALIST	2	GRADE GS06
3	(9) G122C PUBLIC DEFENDER PROGRAM COORDINATOR	1	GRADE GS06
4	(10) C012C PUBLIC DEFENDER SUPT SVCS SPECIALIST	2	GRADE GS05
5	(11) C056C ADMINISTRATIVE SPECIALIST III	<u>1</u>	GRADE GS04
6	MAX. NO. OF EMPLOYEES	22	

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8 SECTION 2. EXTRA HELP - STATE OPERATIONS. There is hereby authorized,
 9 for the Arkansas Public Defender Commission - State Operations for the 2023-
 10 2024 fiscal year, the following maximum number of part-time or temporary
 11 employees, to be known as "Extra Help", payable from funds appropriated
 12 herein for such purposes: three (3) temporary or part-time employees, when
 13 needed, at rates of pay not to exceed those provided in the Uniform
 14 Classification and Compensation Act, or its successor, or this act for the
 15 appropriate classification.

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17 SECTION 3. APPROPRIATION - STATE OPERATIONS. There is hereby
 18 appropriated, to the Arkansas Public Defender Commission, to be payable from
 19 the State Central Services Fund, for personal services and operating expenses
 20 of the Arkansas Public Defender Commission - State Operations for the fiscal
 21 year ending June 30, 2024, the following:

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23	ITEM	FISCAL YEAR
24	<u>NO.</u>	<u>2023-2024</u>
25	(01) REGULAR SALARIES	\$1,808,836
26	(02) EXTRA HELP	12,000
27	(03) PERSONAL SERVICES MATCHING	570,687
28	(04) MAINT. & GEN. OPERATION	
29	(A) OPER. EXPENSE	247,648
30	(B) CONF. & TRAVEL	19,690
31	(C) PROF. FEES	925,000
32	(D) CAP. OUTLAY	0
33	(E) DATA PROC.	<u>0</u>
34	TOTAL AMOUNT APPROPRIATED	<u>\$3,583,861</u>

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36 SECTION 4. REGULAR SALARIES - TRIAL PUBLIC DEFENDER OFFICE. There is

1 hereby established for the Arkansas Public Defender Commission - Trial Public
 2 Defender Office for the 2023-2024 fiscal year, the following maximum number
 3 of regular employees.

4				Maximum Annual
5				Salary Rate
6				Fiscal Year
7	Item	Class	Maximum	
8	No.	Code Title	No. of	2023-2024
			Employees	
9	(1)	D039C NETWORK SUPPORT SPECIALIST	1	GRADE IT06
10	(2)	D022C SYSTEMS SPECIALIST	1	GRADE IT06
11	(3)	G008N CHIEF PUBLIC DEFENDER	8	GRADE GS14
12	(4)	G012N PUBLIC DEFENDER III	162	GRADE GS13
13	(5)	R014C PERSONNEL MANAGER	1	GRADE GS08
14	(6)	G092C PUBLIC DEFENDER PROGRAM MANAGER	1	GRADE GS08
15	(7)	X056C CAPITAL CONFLICTS INVESTIGATOR	6	GRADE GS07
16	(8)	G146C MITIGATION SPECIALIST	12	GRADE GS07
17	(9)	G242C DRUG COURT CASE COORDINATOR	1	GRADE GS06
18	(10)	R025C HUMAN RESOURCES ANALYST	1	GRADE GS06
19	(11)	G179C LEGAL SERVICES SPECIALIST	9	GRADE GS06
20	(12)	G204C PLANNING SPECIALIST	1	GRADE GS06
21	(13)	G194C PUBLIC DEFENDER INTERPRETER	2	GRADE GS06
22	(14)	X063C PUBLIC DEFENDER INVESTIGATOR	4	GRADE GS06
23	(15)	G122C PUBLIC DEFENDER PROGRAM COORDINATOR	1	GRADE GS06
24	(16)	C012C PUBLIC DEFENDER SUPT SVCS SPECIALIST	1	GRADE GS05
25	(17)	C046C LEGAL SUPPORT SPECIALIST	<u>47</u>	GRADE GS04
26		MAX. NO. OF EMPLOYEES	259	

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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 2023-2024 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, 2024, the following:

ITEM	FISCAL YEAR
<u>NO.</u>	<u>2023-2024</u>
(01) REGULAR SALARIES	\$20,149,639
(02) EXTRA HELP	15,000
(03) PERSONAL SERVICES MATCHING	6,444,554
(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>\$29,079,449</u>

SECTION 7. REGULAR SALARIES - OMBUDSMAN PROGRAM. There is hereby established for the Arkansas Public Defender Commission - Ombudsman Program for the 2023-2024 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>Employees</u>	<u>Fiscal Year</u>
		<u>2023-2024</u>
(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 2024, the following:

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4	ITEM	FISCAL YEAR
5	<u>NO.</u>	<u>2023-2024</u>
6	(01) REGULAR SALARIES	\$56,685
7	(02) PERSONAL SERVICES MATCHING	<u>20,006</u>
8	TOTAL AMOUNT APPROPRIATED	<u><u>\$76,691</u></u>
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10 SECTION 9. REGULAR SALARIES - COMMISSION FOR PARENT COUNSEL. There is
 11 hereby established for the Arkansas Public Defender Commission - Commission
 12 for Parent Counsel for the 2023-2024 fiscal year, the following maximum
 13 number of regular employees.

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15			Maximum Annual
16		Maximum	Salary Rate
17	Item Class	No. of	Fiscal Year
18	<u>No. Code Title</u>	<u>Employees</u>	<u>2023-2024</u>
19	(1) G296C EXECUTIVE DIRECTOR PARENT COUNSEL	1	GRADE GS13
20	(2) G025C ATTORNEY SUPERVISOR	2	GRADE GS12
21	(3) G047C ATTORNEY SPECIALIST	1	GRADE GS11
22	(4) G297C EXECUTIVE ASSISTANT PARENT COUNSEL	1	GRADE GS06
23	(5) G179C LEGAL SERVICES SPECIALIST	1	GRADE GS06
24	(6) C046C LEGAL SUPPORT SPECIALIST	<u>1</u>	GRADE GS04
25	MAX. NO. OF EMPLOYEES	7	
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27 SECTION 10. EXTRA HELP - COMMISSION FOR PARENT COUNSEL. There is
 28 hereby authorized, for the Arkansas Public Defender Commission - Commission
 29 for Parent Counsel for the 2023-2024 fiscal year, the following maximum
 30 number of part-time or temporary employees, to be known as "Extra Help",
 31 payable from funds appropriated herein for such purposes: fourteen (14)
 32 temporary or part-time employees, when needed, at rates of pay not to exceed
 33 those 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 11. APPROPRIATION - COMMISSION FOR PARENT COUNSEL. There is

1 hereby appropriated, to the Arkansas Public Defender Commission, to be
 2 payable from the State Central Services Fund, for personal services,
 3 operating expenses and parent counsel refunds/reimbursements of the
 4 Commission for Parent Counsel for the fiscal year ending June 30, 2024, the
 5 following:

7 ITEM	FISCAL YEAR
8 <u>NO.</u>	<u>2023-2024</u>
9 (01) REGULAR SALARIES	\$513,772
10 (02) EXTRA HELP	280,000
11 (03) PERSONAL SERVICES MATCHING	188,738
12 (04) MAINT. & GEN. OPERATION	
13 (A) OPER. EXPENSE	50,000
14 (B) CONF. & TRAVEL	10,000
15 (C) PROF. FEES	75,000
16 (D) CAP. OUTLAY	0
17 (E) DATA PROC.	0
18 (05) PARENT COUNSEL REIMBURSEMENTS	<u>3,630,231</u>
19 TOTAL AMOUNT APPROPRIATED	<u><u>\$4,747,741</u></u>

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 21 SECTION 12. EXTRA HELP - CASH. There is hereby authorized, for the
 22 Arkansas Public Defender Commission - Cash for the 2023-2024 fiscal year, the
 23 following maximum number of part-time or temporary employees, to be known as
 24 "Extra Help", payable from funds appropriated herein for such purposes:
 25 forty-five (45) temporary or part-time employees, when needed, at rates of
 26 pay not to exceed those provided in the Uniform Classification and
 27 Compensation Act, or its successor, or this act for the appropriate
 28 classification.

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 30 SECTION 13. APPROPRIATION - EXTRA HELP - CASH. There is hereby
 31 appropriated, to the Arkansas Public Defender Commission, to be payable from
 32 the cash fund deposited in the State Treasury as determined by the Chief
 33 Fiscal Officer of the State, for extra help and associated matching costs of
 34 the Arkansas Public Defender Commission for the fiscal year ending June 30,
 35 2024, the following:

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1 ITEM	FISCAL YEAR
2 <u>NO.</u>	<u>2023-2024</u>
3 (01) EXTRA HELP & MATCHING COSTS - CASH	<u>\$1,000,000</u>
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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.
7 INDIGENT PARENT COUNSEL REPRESENTATION. The Commission for Parent Counsel
8 shall have the authority to use the appropriation provided in line item
9 Parent Counsel Reimbursements of the Parent Counsel Program appropriation
10 herein for the purpose of entering into independent professional service
11 contracts on a full-time or part-time basis with attorneys who are qualified
12 to provide counsel for indigent parents in dependency-neglect cases.

13 The provisions of this section shall be in effect only from July 1, ~~2022~~
14 2023 through June 30, ~~2023~~ 2024.

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16 SECTION 15. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
17 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.

18 TRANSFER PROVISION – LINE ITEMS - COMMISSION FOR PARENT COUNSEL. After
19 receiving approval from the Chief Fiscal Officer of the State and prior
20 review by the Arkansas Legislative Council or Joint Budget Committee, the
21 Director of the Arkansas Public Defender Commission is authorized to transfer
22 appropriation, with the exception of Personal Services Matching, between the
23 line items authorized herein for the Commission for Parent Counsel, to best
24 utilize resources to meet the needs of the Parent Counsel’s clientele.

25 The provisions of this section shall be in effect only from July 1, ~~2022~~
26 2023 through June 30, ~~2023~~ 2024.

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28 SECTION 16. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
29 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.

30 EXTRA HELP EXEMPTION - COMMISSION FOR PARENT COUNSEL. Extra Help positions
31 authorized herein for the Commission for Parent Counsel are specifically
32 exempt from limitation of hours. Employees currently working on a part-time
33 basis may be utilized concurrently as Extra Help within the agency. The
34 total amount of compensation for part-time and Extra Help work combined
35 cannot exceed the maximum compensation allowed for a grade GS11 as authorized
36 in the Uniform Classification and Compensation Act. Flexibility is needed to

1 allow for non-traditional work schedules that may be necessary to accommodate
2 the schedule of the individual being represented. Attorneys utilized as
3 Extra Help employees are not prevented from having other employment.

4 The provisions of this section shall be in effect only from July 1, ~~2022~~
5 2023 through June 30, ~~2023~~ 2024.

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7 SECTION 17. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
8 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.

9 TRANSFER PROVISION. If the Public Defender Commission should determine that
10 the appropriations made available for payments to the Counties are
11 insufficient, appropriation may be transferred from the Public Defender
12 Commission Program line item to the Bail Bond-County Public Defender line
13 item, after receiving approval of the Chief Fiscal Officer of the State.

14 The provisions of this section shall be in effect only from July 1, ~~2022~~
15 2023 through June 30, ~~2023~~ 2024.

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17 SECTION 18. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
18 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.

19 PUBLIC DEFENDERS. (a) No funds appropriated herein shall be used for
20 expenses in cases where a defendant is represented by retained counsel where
21 retained counsel have not gone through the Public Defender Commission's
22 attorney certification procedure and designation process as established by
23 state law and the Commission's regulations. All defendants and retained
24 attorneys must strictly adhere to the procedure established by the Commission
25 to equitably and responsibly monitor and distribute State funds for this
26 purpose.

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

29 The provisions of this section shall be in effect only from July 1, ~~2022~~
30 2023 through June 30, ~~2023~~ 2024.

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32 SECTION 19. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
33 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.

34 MAXIMUM SALARY. In order to maintain equity between the prosecutors and
35 public defenders, the following classifications are authorized to be paid up
36 to the maximum salary of their grade as determined by the Public Defender

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SECTION 22. 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 23. 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, 2023 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, 2023 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, 2023.

/s/ Joint Budget Committee