

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

As Engrossed: S3/6/23 S4/3/23

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.
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Subtitle

14 AN ACT FOR THE ARKANSAS PUBLIC DEFENDER
15 COMMISSION APPROPRIATION FOR THE 2023-
16 2024 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 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 SE03
32	(2) G317C	APDC MANAGEMENT ASSOCIATE	1	GRADE SE01
33	(3) G334C	CHIEF PUBLIC DEFENDER II	9	GRADE GS15
34	(4) A014C	FISCAL DIVISION MANAGER	1	GRADE GS12
35	(5) X222C	APDC CHIEF CAPITAL INVESTIGATOR	1	GRADE GS10
36	(6) G335C	PD INVESTIGATOR SPECIALIST	2	GRADE GS08



1	(7) G336C MITIGATION SPECIALIST II	1	GRADE GS08
2	(8) G337C PD LEGAL SERVICES SPECIALIST	2	GRADE GS08
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	\$1,957,872
26	(02) EXTRA HELP	12,000
27	(03) PERSONAL SERVICES MATCHING	619,824
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>\$3,782,034</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.

Item No.	Class Code	Title	Maximum No. of Employees	Maximum Annual Salary Rate Fiscal Year 2023-2024
9	(1)	D007C	INFORMATION SYSTEMS MANAGER	1 GRADE IT08
10	(2)	D039C	NETWORK SUPPORT SPECIALIST	1 GRADE IT06
11	(3)	G061N	SENIOR PUBLIC DEFENDER	8 GRADE SE01
12	(4)	G334C	CHIEF PUBLIC DEFENDER II	35 GRADE GS15
13	(5)	G012N	PUBLIC DEFENDER III	127 GRADE GS13
14	(6)	R013C	AGENCY HUMAN RESOURCES MANAGER	1 GRADE GS11
15	(7)	G092C	PUBLIC DEFENDER PROGRAM MANAGER	1 GRADE GS08
16	(8)	G335C	PD INVESTIGATOR SPECIALIST	10 GRADE GS08
17	(9)	G336C	MITIGATION SPECIALIST II	12 GRADE GS08
18	(10)	G338C	DRUG COURT CASE COORDINATOR II	1 GRADE GS08
19	(11)	G337C	PD LEGAL SERVICES SPECIALIST	4 GRADE GS08
20	(12)	G194C	PUBLIC DEFENDER INTERPRETER II	2 GRADE GS08
21	(13)	R025C	HUMAN RESOURCES ANALYST	1 GRADE GS06
22	(14)	G179C	LEGAL SERVICES SPECIALIST	5 GRADE GS06
23	(15)	G204C	PLANNING SPECIALIST	1 GRADE GS06
24	(16)	G122C	PUBLIC DEFENDER PROGRAM COORDINATOR	1 GRADE GS06
25	(17)	C012C	PUBLIC DEFENDER SUPT SVCS SPECIALIST	1 GRADE GS05
26	(18)	C046C	LEGAL SUPPORT SPECIALIST	47 GRADE GS04
27			<u>MAX. NO. OF EMPLOYEES</u>	<u>259</u>

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 29 SECTION 5. EXTRA HELP - TRIAL PUBLIC DEFENDER OFFICE. There is hereby
 30 authorized, for the Arkansas Public Defender Commission - Trial Public
 31 Defender Office for the 2023-2024 fiscal year, the following maximum number
 32 of part-time or temporary employees, to be known as "Extra Help", payable
 33 from funds appropriated herein for such purposes: three (3) temporary or
 34 part-time employees, when needed, at rates of pay not to exceed those
 35 provided in the Uniform Classification and Compensation Act, or its
 36 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, 2024, the following:

ITEM	FISCAL YEAR
NO.	2023-2024
(01) REGULAR SALARIES	\$20,903,659
(02) EXTRA HELP	15,000
(03) PERSONAL SERVICES MATCHING	6,707,236
(04) MAINT. & GEN. OPERATION	
(A) OPER. EXPENSE	659,256
(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>\$30,114,151</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
No. Code Title	No. of	Salary Rate
No. Code Title	Employees	Fiscal Year
No. Code Title	Employees	2023-2024
(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

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 2024, the following:

5	ITEM	FISCAL YEAR
6	<u>NO.</u>	<u>2023-2024</u>
7	(01) REGULAR SALARIES	\$56,685
8	(02) PERSONAL SERVICES MATCHING	<u>20,006</u>
9	TOTAL AMOUNT APPROPRIATED	<u><u>\$76,691</u></u>

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 11 SECTION 9. REGULAR SALARIES - COMMISSION FOR PARENT COUNSEL. There is
 12 hereby established for the Arkansas Public Defender Commission - Commission
 13 for Parent Counsel for the 2023-2024 fiscal year, the following maximum
 14 number of regular employees.

		Maximum	Maximum Annual
		No. of	Salary Rate
18	Item Class	Employees	Fiscal Year
19	<u>No. Code Title</u>	<u>Employees</u>	<u>2023-2024</u>
20	(1) G296C EXECUTIVE DIRECTOR PARENT COUNSEL	1	GRADE GS15
21	(2) G025C ATTORNEY SUPERVISOR	2	GRADE GS12
22	(3) G047C ATTORNEY SPECIALIST	1	GRADE GS11
23	(4) G297C EXECUTIVE ASSISTANT PARENT COUNSEL	1	GRADE GS06
24	(5) G179C LEGAL SERVICES SPECIALIST	1	GRADE GS06
25	(6) C046C LEGAL SUPPORT SPECIALIST	<u>1</u>	GRADE GS04
26	MAX. NO. OF EMPLOYEES	7	

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 28 SECTION 10. EXTRA HELP - COMMISSION FOR PARENT COUNSEL. There is
 29 hereby authorized, for the Arkansas Public Defender Commission - Commission
 30 for Parent Counsel for the 2023-2024 fiscal year, the following maximum
 31 number of part-time or temporary employees, to be known as "Extra Help",
 32 payable from funds appropriated herein for such purposes: fourteen (14)
 33 temporary or part-time employees, when needed, at rates of pay not to exceed
 34 those provided in the Uniform Classification and Compensation Act, or its
 35 successor, or this act for the appropriate classification.

1 SECTION 11. APPROPRIATION - COMMISSION FOR PARENT COUNSEL. There is
 2 hereby appropriated, to the Arkansas Public Defender Commission, to be
 3 payable from the State Central Services Fund, for personal services,
 4 operating expenses and parent counsel refunds/reimbursements of the
 5 Commission for Parent Counsel for the fiscal year ending June 30, 2024, the
 6 following:

8 ITEM	FISCAL YEAR
9 NO.	2023-2024
10 (01) REGULAR SALARIES	\$534,772
11 (02) EXTRA HELP	280,000
12 (03) PERSONAL SERVICES MATCHING	195,662
13 (04) MAINT. & GEN. OPERATION	
14 (A) OPER. EXPENSE	50,000
15 (B) CONF. & TRAVEL	10,000
16 (C) PROF. FEES	75,000
17 (D) CAP. OUTLAY	0
18 (E) DATA PROC.	0
19 (05) PARENT COUNSEL REIMBURSEMENTS	<u>3,630,231</u>
20 TOTAL AMOUNT APPROPRIATED	<u><u>\$4,775,665</u></u>

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

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 31 SECTION 13. APPROPRIATION - EXTRA HELP - CASH. There is hereby
 32 appropriated, to the Arkansas Public Defender Commission, to be payable from
 33 the cash fund deposited in the State Treasury as determined by the Chief
 34 Fiscal Officer of the State, for extra help and associated matching costs of
 35 the Arkansas Public Defender Commission for the fiscal year ending June 30,
 36 2024, the following:

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ITEM	FISCAL YEAR
<u>NO.</u>	<u>2023-2024</u>
(01) EXTRA HELP & MATCHING COSTS - CASH	<u>\$1,000,000</u>

SECTION 14. 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, ~~2022~~ 2023 through June 30, ~~2023~~ 2024.

SECTION 15. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND 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, ~~2022~~ 2023 through June 30, ~~2023~~ 2024.

SECTION 16. 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

1 in the Uniform Classification and Compensation Act. Flexibility is needed to
2 allow for non-traditional work schedules that may be necessary to accommodate
3 the schedule of the individual being represented. Attorneys utilized as
4 Extra Help employees are not prevented from having other employment.

5 The provisions of this section shall be in effect only from July 1, ~~2022~~
6 2023 through June 30, ~~2023~~ 2024.

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

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

15 The provisions of this section shall be in effect only from July 1, ~~2022~~
16 2023 through June 30, ~~2023~~ 2024.

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

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

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

30 The provisions of this section shall be in effect only from July 1, ~~2022~~
31 2023 through June 30, ~~2023~~ 2024.

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

35 MAXIMUM SALARY. In order to maintain equity between the prosecutors and
36 public defenders, the following classifications are authorized to be paid up

to the maximum salary of their grade as determined by the Public Defender Commission after approval by the Office of Personnel Management:

- 1. Chief Public Defender G008N
- 2. Public Defender III G012N
- 3. Public Defender II G022N
- 4. Public Defender I G025N
- 5. Public Defender Attorney I G065C
- 6. Attorney Supervisor G025C
- 7. Attorney Specialist G047C

The Office of Personnel Management shall file a report of all salary changes established pursuant to this section with the Legislative Council or, if the General Assembly is in session, the Joint Budget Committee, at the next regularly scheduled meeting following the approval.

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

SECTION 20. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. EXTRA HELP EXEMPTION. The Arkansas Public Defender Commission may utilize their authorized extra help positions up to a maximum of one thousand eight hundred (1,800) hours. The rates of pay may not exceed those provided in the Uniform Classification Act or its successor, for the appropriate classification.

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

SECTION 21. 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

1 strictly complied with in disbursement of said funds.

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3 SECTION 22. LEGISLATIVE INTENT. It is the intent of the General
4 Assembly that any funds disbursed under the authority of the appropriations
5 contained in this act shall be in compliance with the stated reasons for
6 which this act was adopted, as evidenced by the Agency Requests, Executive
7 Recommendations and Legislative Recommendations contained in the budget
8 manuals prepared by the Department of Finance and Administration, letters, or
9 summarized oral testimony in the official minutes of the Arkansas Legislative
10 Council or Joint Budget Committee which relate to its passage and adoption.

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12 SECTION 23. EMERGENCY CLAUSE. It is found and determined by the
13 General Assembly, that the Constitution of the State of Arkansas prohibits
14 the appropriation of funds for more than a one (1) year period; that the
15 effectiveness of this Act on July 1, 2023 is essential to the operation of
16 the agency for which the appropriations in this Act are provided, and that in
17 the event of an extension of the legislative session, the delay in the
18 effective date of this Act beyond July 1, 2023 could work irreparable harm
19 upon the proper administration and provision of essential governmental
20 programs. Therefore, an emergency is hereby declared to exist and this Act
21 being necessary for the immediate preservation of the public peace, health
22 and safety shall be in full force and effect from and after July 1, 2023.

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24 /s/Joint Budget Committee
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