

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

State of Arkansas
94th General Assembly
Regular Session, 2023

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

A Bill

SENATE BILL 9

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, 2024; AND FOR OTHER PURPOSES.

Subtitle

AN ACT FOR THE ARKANSAS PUBLIC DEFENDER
COMMISSION APPROPRIATION FOR THE 2023-
2024 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 2023-2024 fiscal year, the following maximum number of regular employees.

Item No.	Class Code	Title	Maximum No. of Employees	Maximum Annual Salary Rate Fiscal Year 2023-2024
(1)	U082U	PUBLIC DEF COMM EXEC DIRECTOR	1	GRADE SE03
(2)	G317C	APDC MANAGEMENT ASSOCIATE	1	GRADE SE01
(3)	G334C	CHIEF PUBLIC DEFENDER II	9	GRADE GS15
(4)	A014C	FISCAL DIVISION MANAGER	1	GRADE GS12
(5)	X222C	APDC CHIEF CAPITAL INVESTIGATOR	1	GRADE GS10
(6)	G335C	PD INVESTIGATOR SPECIALIST	2	GRADE GS08



(7)	G336C	MITIGATION SPECIALIST II	1	GRADE GS08
(8)	G337C	PD LEGAL SERVICES SPECIALIST	2	GRADE GS08
(9)	G122C	PUBLIC DEFENDER PROGRAM COORDINATOR	1	GRADE GS06
(10)	CO12C	PUBLIC DEFENDER SUPT SVCS SPECIALIST	2	GRADE GS05
(11)	CO56C	ADMINISTRATIVE SPECIALIST III	<u>1</u>	GRADE GS04
		MAX. NO. OF EMPLOYEES	22	

SECTION 2. EXTRA HELP - STATE OPERATIONS. There is hereby authorized, for the Arkansas Public Defender Commission - State Operations for the 2023-2024 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, 2024, the following:

ITEM	FISCAL YEAR
<u>NO.</u>	<u>2023-2024</u>
(01) REGULAR SALARIES	\$1,957,872
(02) EXTRA HELP	12,000
(03) PERSONAL SERVICES MATCHING	619,824
(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>\$3,782,034</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 2023-2024 fiscal year, the following maximum number of regular employees.

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

SECTION 5. EXTRA HELP - TRIAL PUBLIC DEFENDER OFFICE. There is hereby authorized, for the Arkansas Public Defender Commission - Trial Public Defender Office for the 2023-2024 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, 2024, the following:

ITEM NO.		FISCAL YEAR 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 No.	Class Code	Title	Maximum No. of Employees	Maximum Annual Salary Rate Fiscal Year 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

the State Central Services Fund, for personal services of the Arkansas Public Defender Commission - Ombudsman Program for the fiscal year ending June 30, 2024, the following:

ITEM	FISCAL YEAR
<u>NO.</u>	<u>2023-2024</u>
(01) REGULAR SALARIES	\$56,685
(02) PERSONAL SERVICES MATCHING	<u>20,006</u>
TOTAL AMOUNT APPROPRIATED	<u><u>\$76,691</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 2023-2024 fiscal year, the following maximum number of regular employees.

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

SECTION 10. EXTRA HELP - COMMISSION FOR PARENT COUNSEL. There is hereby authorized, for the Arkansas Public Defender Commission - Commission for Parent Counsel for the 2023-2024 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, 2024, the following:

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

SECTION 12. EXTRA HELP - CASH. There is hereby authorized, for the Arkansas Public Defender Commission - Cash for the 2023-2024 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: forty-five (45) 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 13. APPROPRIATION - EXTRA HELP - CASH. There is hereby appropriated, to the Arkansas Public Defender Commission, to be payable from the cash fund deposited in the State Treasury as determined by the Chief Fiscal Officer of the State, for extra help and associated matching costs of the Arkansas Public Defender Commission for the fiscal year ending June 30, 2024, the following:

ITEM NO.	FISCAL YEAR 2023-2024
(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

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

SECTION 17. 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, ~~2022~~ 2023 through June 30, ~~2023~~ 2024.

SECTION 18. 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, ~~2022~~ 2023 through June 30, ~~2023~~ 2024.

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

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

strictly complied with in disbursement of said funds.

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