

ARKANSAS SENATE
94th General Assembly - Regular Session, 2023
Amendment Form

DRAFT

Subtitle of Senate Bill No. 9

AN ACT FOR THE ARKANSAS PUBLIC DEFENDER COMMISSION APPROPRIATION FOR THE 2023-2024
FISCAL YEAR.

Amendment No. ___ to Senate Bill No. 9

Amend Senate Bill No. 9 as engrossed S3/6/23 (version: 03/06/2023 3:14:26 PM):

Page 1, delete lines 31 through 36 and insert the following:

"(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"

AND

Page 2, delete lines 1 through 5 and insert the following:

"(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)	C012C	PUBLIC DEFENDER SUPT SVCS SPECIALIST	2	GRADE GS05
(11)	C056C	ADMINISTRATIVE SPECIALIST III	<u>1</u>	GRADE GS04"

AND

Page 2, line 25, delete "\$1,808,836" and insert "\$1,957,872"

AND

Page 2, line 27, delete "570,687" and insert "619,824"

AND

Page 2, line 34, delete "\$3,583,861" and insert "\$3,782,034"

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Page 3, delete lines 9 through 26 and insert the following:

" (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
	MAX. NO. OF EMPLOYEES	259"	

AND

Page 4, line 9, delete "\$20,149,639" and insert "\$20,903,659"

AND

Page 4, line 11, delete "6,444,554" and insert "6,707,236"

AND

Page 4, line 20 delete "\$29,079,449" and insert "\$30,096,151"

AND

Page 5, line 19, delete "GS13' and insert "GS15"

AND

Page 6, line 9, delete "\$513,772" and insert "\$534,772"

AND

Page 6, line 11, delete "188,738" and insert "195,662"

AND

Page 6, line 19, delete "\$4,747,741" and insert "\$4,775,665".

The Amendment was read the first time, rules suspended and read the second time and _____

By: Senator C. Tucker

JAR/JAR - 03-27-2023 10:38:33

JAR079

Secretary

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

15 AN ACT FOR THE ARKANSAS PUBLIC DEFENDER
16 COMMISSION APPROPRIATION FOR THE 2023-
17 2024 FISCAL YEAR.
18
19

20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
21

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.

(SEE AMENDMENT)

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 SE02
(2)	G317C	APDC MANAGEMENT ASSOCIATE	1	GRADE SE01
(3)	G012N	PUBLIC DEFENDER III	9	GRADE GS13
(4)	G076C	ADMINISTRATIVE SERVICES MANAGER	1	GRADE GS10
(5)	X222C	APDC CHIEF CAPITAL INVESTIGATOR	1	GRADE GS10
(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	

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
NO.		2023-2024
(01)	REGULAR SALARIES	<i>1,937,872</i> \$1,808,836
(02)	EXTRA HELP	12,000
(03)	PERSONAL SERVICES MATCHING	<i>619,824</i> 570,687
(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	<i>3,782,034</i> <u>\$3,583,861</u>

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
5 (SEE AMENDMENT)

6				Maximum	Maximum Annual
7	Item	Class		No. of	Salary Rate
8	No.	Code	Title	Employees	Fiscal Year
					2023-2024
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	47	GRADE GS04
26	MAX. NO. OF EMPLOYEES			259	

27
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.
36

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	<i>20,903,659</i> \$20,149,639
(02)	EXTRA HELP	15,000
(03)	PERSONAL SERVICES MATCHING	<i>6,707,236</i> 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	<i>30,096,151</i> <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 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

1 Defender Commission - Ombudsman Program for the fiscal year ending June 30,
 2 2024, the following:

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>

9
 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.

16	Maximum	Maximum Annual
17 Item Class	No. of	Salary Rate
18 <u>No. Code Title</u>	<u>Employees</u>	<u>Fiscal Year</u>
		2023-2024
19 (1) G296C EXECUTIVE DIRECTOR PARENT COUNSEL	1	GRADE GS13 <i>GS15</i>
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	

26
 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.

35
 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 NO.	2023-2024
9 (01) REGULAR SALARIES	534,772 \$513,772
10 (02) EXTRA HELP	280,000
11 (03) PERSONAL SERVICES MATCHING	195,662 188,738
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	4,775,665 <u><u>\$4,747,741</u></u>

20
 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.

29
 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:

36

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 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.

6
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.

16
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.

31
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

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 strictly complied with in disbursement of said funds.

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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