

1 State of Arkansas
2 93rd General Assembly
3 Regular Session, 2021
4

As Engrossed: S4/26/21

A Bill

SENATE BILL 95

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, 2022; AND FOR OTHER PURPOSES.
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Subtitle

14 AN ACT FOR THE ARKANSAS PUBLIC DEFENDER
15 COMMISSION APPROPRIATION FOR THE 2021-
16 2022 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 2021-2022 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
				2021-2022
31	(1)	U082U PUBLIC DEF COMM EXEC DIRECTOR	1	GRADE SE02
32	(2)	G012N PUBLIC DEFENDER III	9	GRADE GS13
33	(3)	G076C ADMINISTRATIVE SERVICES MANAGER	1	GRADE GS10
34	(4)	X056C CAPITAL CONFLICTS INVESTIGATOR	2	GRADE GS07
35	(5)	G146C MITIGATION SPECIALIST	1	GRADE GS07
36	(6)	G179C LEGAL SERVICES SPECIALIST	2	GRADE GS06



1	(7) G122C PUBLIC DEFENDER PROGRAM COORDINATOR	1	GRADE GS06
2	(8) C012C PUBLIC DEFENDER SUPT SVCS SPECIALIST	2	GRADE GS05
3	(9) C056C ADMINISTRATIVE SPECIALIST III	<u>1</u>	GRADE GS04
4	MAX. NO. OF EMPLOYEES	20	

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6 SECTION 2. EXTRA HELP - STATE OPERATIONS. There is hereby authorized,
 7 for the Arkansas Public Defender Commission - State Operations for the 2021-
 8 2022 fiscal year, the following maximum number of part-time or temporary
 9 employees, to be known as "Extra Help", payable from funds appropriated
 10 herein for such purposes: three (3) temporary or part-time employees, when
 11 needed, at rates of pay not to exceed those provided in the Uniform
 12 Classification and Compensation Act, or its successor, or this act for the
 13 appropriate classification.

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15 SECTION 3. APPROPRIATION - STATE OPERATIONS. There is hereby
 16 appropriated, to the Arkansas Public Defender Commission, to be payable from
 17 the State Central Services Fund, for personal services and operating expenses
 18 of the Arkansas Public Defender Commission - State Operations for the fiscal
 19 year ending June 30, 2022, the following:

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21	ITEM	FISCAL YEAR
22	<u>NO.</u>	<u>2021-2022</u>
23	(01) REGULAR SALARIES	\$1,481,912
24	(02) EXTRA HELP	12,000
25	(03) PERSONAL SERVICES MATCHING	446,199
26	(04) MAINT. & GEN. OPERATION	
27	(A) OPER. EXPENSE	247,648
28	(B) CONF. & TRAVEL	19,690
29	(C) PROF. FEES	925,000
30	(D) CAP. OUTLAY	0
31	(E) DATA PROC.	<u>0</u>
32	TOTAL AMOUNT APPROPRIATED	<u><u>\$3,132,449</u></u>

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34 SECTION 4. REGULAR SALARIES - TRIAL PUBLIC DEFENDER OFFICE. There is
 35 hereby established for the Arkansas Public Defender Commission - Trial Public
 36 Defender Office for the 2021-2022 fiscal year, the following maximum number

1 of regular employees.

2				3	Maximum Annual
4				Maximum	Salary Rate
5	Item Class			No. of	Fiscal Year
6	No. Code Title			Employees	2021-2022
7	(1) D039C NETWORK SUPPORT SPECIALIST			1	GRADE IT06
8	(2) D022C SYSTEMS SPECIALIST			1	GRADE IT06
9	(3) G008N CHIEF PUBLIC DEFENDER			8	GRADE GS14
10	(4) G012N PUBLIC DEFENDER III			161	GRADE GS13
11	(5) R014C PERSONNEL MANAGER			1	GRADE GS08
12	(6) G092C PUBLIC DEFENDER PROGRAM MANAGER			1	GRADE GS08
13	(7) X056C CAPITAL CONFLICTS INVESTIGATOR			6	GRADE GS07
14	(8) G146C MITIGATION SPECIALIST			12	GRADE GS07
15	(9) G242C DRUG COURT CASE COORDINATOR			1	GRADE GS06
16	(10) R025C HUMAN RESOURCES ANALYST			1	GRADE GS06
17	(11) G179C LEGAL SERVICES SPECIALIST			9	GRADE GS06
18	(12) G204C PLANNING SPECIALIST			1	GRADE GS06
19	(13) G194C PUBLIC DEFENDER INTERPRETER			2	GRADE GS06
20	(14) X063C PUBLIC DEFENDER INVESTIGATOR			4	GRADE GS06
21	(15) G122C PUBLIC DEFENDER PROGRAM COORDINATOR			1	GRADE GS06
22	(16) C012C PUBLIC DEFENDER SUPT SVCS SPECIALIST			1	GRADE GS05
23	(17) C046C LEGAL SUPPORT SPECIALIST			<u>47</u>	GRADE GS04
24	MAX. NO. OF EMPLOYEES			258	

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26 SECTION 5. EXTRA HELP - TRIAL PUBLIC DEFENDER OFFICE. There is hereby

27 authorized, for the Arkansas Public Defender Commission - Trial Public

28 Defender Office for the 2021-2022 fiscal year, the following maximum number

29 of part-time or temporary employees, to be known as "Extra Help", payable

30 from funds appropriated herein for such purposes: three (3) temporary or

31 part-time employees, when needed, at rates of pay not to exceed those

32 provided in the Uniform Classification and Compensation Act, or its

33 successor, or this act for the appropriate classification.

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35 SECTION 6. APPROPRIATION - TRIAL PUBLIC DEFENDER OFFICE. There is

36 hereby appropriated, to the Arkansas Public Defender Commission, to be

1 payable from the State Central Services Fund, for personal services and
 2 operating expenses of the Arkansas Public Defender Commission - Trial Public
 3 Defender Office for the fiscal year ending June 30, 2022, the following:

ITEM	FISCAL YEAR
<u>NO.</u>	<u>2021-2022</u>
7 (01) REGULAR SALARIES	\$18,453,979
8 (02) EXTRA HELP	15,000
9 (03) PERSONAL SERVICES MATCHING	5,688,773
10 (04) MAINT. & GEN. OPERATION	
11 (A) OPER. EXPENSE	641,256
12 (B) CONF. & TRAVEL	34,000
13 (C) PROF. FEES	725,000
14 (D) CAP. OUTLAY	0
15 (E) DATA PROC.	0
16 (05) PUBLIC DEFENDER COMMISSION PROGRAMS	770,000
17 (06) BAIL BOND COUNTY PUBLIC DEFENDER	<u>300,000</u>
18 TOTAL AMOUNT APPROPRIATED	<u>\$26,628,008</u>

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 20 SECTION 7. REGULAR SALARIES - OMBUDSMAN PROGRAM. There is hereby
 21 established for the Arkansas Public Defender Commission - Ombudsman Program
 22 for the 2021-2022 fiscal year, the following maximum number of regular
 23 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>2021-2022</u>
29 (1) G108C PUBLIC DEF OMBUDSMAN COORDINATOR	<u>1</u>	GRADE GS08
30 MAX. NO. OF EMPLOYEES	1	

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 32 SECTION 8. APPROPRIATION - OMBUDSMAN PROGRAM. There is hereby
 33 appropriated, to the Arkansas Public Defender Commission, to be payable from
 34 the State Central Services Fund, for personal services of the Arkansas Public
 35 Defender Commission - Ombudsman Program for the fiscal year ending June 30,
 36 2022, the following:

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	ITEM	FISCAL YEAR
	<u>NO.</u>	<u>2021-2022</u>
	(01) REGULAR SALARIES	\$56,685
	(02) PERSONAL SERVICES MATCHING	<u>18,567</u>
	TOTAL AMOUNT APPROPRIATED	<u><u>\$75,252</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 2021-2022 fiscal year, the following maximum number of regular employees.

		Maximum	Annual
		No. of	Salary Rate
Item	Class	No. of	Fiscal Year
<u>No.</u>	<u>Code Title</u>	<u>Employees</u>	<u>2021-2022</u>
(1)	G296C EXECUTIVE DIRECTOR PARENT COUNSEL	1	GRADE GS13
(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 2021-2022 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,

1 operating expenses and parent counsel refunds/reimbursements of the
 2 Commission for Parent Counsel for the fiscal year ending June 30, 2022, the
 3 following:

5 ITEM	FISCAL YEAR
6 <u>NO.</u>	<u>2021-2022</u>
7 (01) REGULAR SALARIES	\$467,476
8 (02) EXTRA HELP	310,000
9 (03) PERSONAL SERVICES MATCHING	170,449
10 (04) MAINT. & GEN. OPERATION	
11 (A) OPER. EXPENSE	50,000
12 (B) CONF. & TRAVEL	10,000
13 (C) PROF. FEES	75,000
14 (D) CAP. OUTLAY	0
15 (E) DATA PROC.	0
16 (05) PARENT COUNSEL REIMBURSEMENTS	<u>3,600,231</u>
17 TOTAL AMOUNT APPROPRIATED	<u><u>\$4,683,156</u></u>

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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. INDIGENT
 21 PARENT COUNSEL REPRESENTATION. The Commission for Parent Counsel shall have
 22 the authority to use the appropriation provided in line item Parent Counsel
 23 Reimbursements of the Parent Counsel Program appropriation herein for the
 24 purpose of entering into independent professional service contracts on a
 25 full-time or part-time basis with attorneys who are qualified to provide
 26 counsel for indigent parents in dependency-neglect cases.

27 The provisions of this section shall be in effect only from July 1, ~~2020~~
 28 2021 through June 30, ~~2021~~ 2022.

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30 SECTION 13. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
 31 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. TRANSFER
 32 PROVISION – LINE ITEMS - COMMISSION FOR PARENT COUNSEL. After receiving
 33 approval from the Chief Fiscal Officer of the State and prior review by the
 34 Arkansas Legislative Council or Joint Budget Committee, the Director of the
 35 Arkansas Public Defender Commission is authorized to transfer appropriation,
 36 with the exception of Personal Services Matching, between the line items

1 authorized herein for the Commission for Parent Counsel, to best utilize
2 resources to meet the needs of the Parent Counsel's clientele.

3 The provisions of this section shall be in effect only from July 1, ~~2020~~
4 2021 through June 30, ~~2021~~ 2022.

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6 SECTION 14. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
7 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. EXTRA
8 HELP EXEMPTION - COMMISSION FOR PARENT COUNSEL. Extra Help positions
9 authorized herein for the Commission for Parent Counsel are specifically
10 exempt from limitation of hours. Employees currently working on a part-time
11 basis may be utilized concurrently as Extra Help within the agency. The
12 total amount of compensation for part-time and Extra Help work combined
13 cannot exceed the maximum compensation allowed for a grade GS11 as authorized
14 in the Uniform Classification and Compensation Act. Flexibility is needed to
15 allow for non-traditional work schedules that may be necessary to accommodate
16 the schedule of the individual being represented. Attorneys utilized as
17 Extra Help employees are not prevented from having other employment.

18 The provisions of this section shall be in effect only from July 1, ~~2020~~
19 2021 through June 30, ~~2021~~ 2022.

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

28 The provisions of this section shall be in effect only from July 1, ~~2020~~
29 2021 through June 30, ~~2021~~ 2022.

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31 SECTION 16. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
32 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. PUBLIC
33 DEFENDERS. (a) No funds appropriated herein shall be used for expenses in
34 cases where a defendant is represented by retained counsel where retained
35 counsel have not gone through the Public Defender Commission's attorney
36 certification procedure and designation process as established by state law

1 and the Commission's regulations. All defendants and retained attorneys must
2 strictly adhere to the procedure established by the Commission to equitably
3 and responsibly monitor and distribute State funds for this purpose.

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

6 The provisions of this section shall be in effect only from July 1, ~~2020~~
7 2021 through June 30, ~~2021~~ 2022.

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

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19 SECTION 18. LEGISLATIVE INTENT. It is the intent of the General
20 Assembly that any funds disbursed under the authority of the appropriations
21 contained in this act shall be in compliance with the stated reasons for
22 which this act was adopted, as evidenced by the Agency Requests, Executive
23 Recommendations and Legislative Recommendations contained in the budget
24 manuals prepared by the Department of Finance and Administration, letters, or
25 summarized oral testimony in the official minutes of the Arkansas Legislative
26 Council or Joint Budget Committee which relate to its passage and adoption.

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28 SECTION 19. EMERGENCY CLAUSE. It is found and determined by the
29 General Assembly, that the Constitution of the State of Arkansas prohibits
30 the appropriation of funds for more than a one (1) year period; that the
31 effectiveness of this Act on July 1, 2021 is essential to the operation of
32 the agency for which the appropriations in this Act are provided, and that in
33 the event of an extension of the legislative session, the delay in the
34 effective date of this Act beyond July 1, 2021 could work irreparable harm
35 upon the proper administration and provision of essential governmental
36 programs. Therefore, an emergency is hereby declared to exist and this Act

1 being necessary for the immediate preservation of the public peace, health
2 and safety shall be in full force and effect from and after July 1, 2021.

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5 */s/Joint Budget Committee*
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