

1 State of Arkansas
2 88th General Assembly
3 Fiscal Session, 2012
4

A Bill

SENATE BILL 118

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, 2013; AND FOR OTHER PURPOSES.
12
13

Subtitle

14 AN ACT FOR THE ARKANSAS PUBLIC DEFENDER
15 COMMISSION APPROPRIATION FOR THE 2012-2013
16 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 2012-2013 fiscal year, the following maximum number of regular
25 employees.
26

Item	Class		Maximum	Maximum Annual
No.	Code	Title	No. of	Salary Rate
			Employees	Fiscal Year
				2012-2013
31	(1) U082U	PUBLIC DEF COMM EXEC DIRECTOR	1	\$104,725
32	(2) G012N	PUBLIC DEFENDER III	3	GRADE N905
33	(3) G022N	PUBLIC DEFENDER II	5	GRADE N902
34	(4) G076C	ADMINISTRATIVE SERVICES MANAGER	1	GRADE C124
35	(5) X056C	CAPITAL CONFLICTS INVESTIGATOR	2	GRADE C120
36	(6) G122C	PUBLIC DEFENDER PROGRAM COORDINATOR	1	GRADE C120



1	(7)	G146C	MITIGATION SPECIALIST	1	GRADE C119
2	(8)	G179C	LEGAL SERVICES SPECIALIST	2	GRADE C117
3	(9)	C012C	PUBLIC DEFENDER SUPPORT SVCS SPEC	1	GRADE C117
4	(10)	C056C	ADMINISTRATIVE SPECIALIST III	<u>1</u>	GRADE C112
5			MAX. NO. OF EMPLOYEES	18	

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7 SECTION 2. EXTRA HELP - STATE OPERATIONS. There is hereby authorized,
 8 for the Arkansas Public Defender Commission - State Operations for the 2012-
 9 2013 fiscal year, the following maximum number of part-time or temporary
 10 employees, to be known as "Extra Help", payable from funds appropriated
 11 herein for such purposes: three (3) temporary or part-time employees, when
 12 needed, at rates of pay not to exceed those provided in the Uniform
 13 Classification and Compensation Act, or its successor, or this act for the
 14 appropriate classification.

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16 SECTION 3. APPROPRIATION - STATE OPERATIONS. There is hereby
 17 appropriated, to the Arkansas Public Defender Commission, to be payable from
 18 the State Central Services Fund, for personal services and operating expenses
 19 of the Arkansas Public Defender Commission - State Operations for the fiscal
 20 year ending June 30, 2013, the following:

22	ITEM	FISCAL YEAR
23	<u>NO.</u>	<u>2012-2013</u>
24	(01) REGULAR SALARIES	\$1,188,283
25	(02) EXTRA HELP	12,000
26	(03) PERSONAL SERVICES MATCHING	325,400
27	(04) MAINT. & GEN. OPERATION	
28	(A) OPER. EXPENSE	218,438
29	(B) CONF. & TRAVEL	19,690
30	(C) PROF. FEES	825,000
31	(D) CAP. OUTLAY	0
32	(E) DATA PROC.	<u>0</u>
33	TOTAL AMOUNT APPROPRIATED	<u>\$2,588,811</u>

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35 SECTION 4. REGULAR SALARIES - TRIAL PUBLIC DEFENDER OFFICE. There is
 36 hereby established for the Arkansas Public Defender Commission - Trial Public

1 Defender Office for the 2012-2013 fiscal year, the following maximum number
2 of regular employees.

3					4	Maximum Annual
5					Maximum	Salary Rate
6	Item	Class			No. of	Fiscal Year
7	No.	Code	Title		Employees	2012-2013
8	(1)	G008N	CHIEF PUBLIC DEFENDER		8	GRADE N907
9	(2)	G012N	PUBLIC DEFENDER III		32	GRADE N905
10	(3)	G022N	PUBLIC DEFENDER II		8	GRADE N902
11	(4)	G025N	PUBLIC DEFENDER I		52	GRADE N901
12	(5)	G065C	PUBLIC DEFENDER ATTORNEY I		50	GRADE C124
13	(6)	D039C	NETWORK SUPPORT SPECIALIST		1	GRADE C123
14	(7)	G092C	PUBLIC DEFENDER PROGRAM MANAGER		1	GRADE C122
15	(8)	A050C	AGENCY FISCAL MANAGER		1	GRADE C121
16	(9)	R014C	PERSONNEL MANAGER		1	GRADE C121
17	(10)	G122C	PUBLIC DEFENDER PROGRAM COORDINATOR		1	GRADE C120
18	(11)	G146C	MITIGATION SPECIALIST		6	GRADE C119
19	(12)	X063C	PUBLIC DEFENDER INVESTIGATOR		5	GRADE C119
20	(13)	G179C	LEGAL SERVICES SPECIALIST		3	GRADE C117
21	(14)	C012C	PUBLIC DEFENDER SUPPORT SVCS SPEC		1	GRADE C117
22	(15)	G194C	PUBLIC DEFENDER INTERPRETER		2	GRADE C116
23	(16)	C046C	LEGAL SUPPORT SPECIALIST		<u>48</u>	GRADE C113
24	MAX. NO. OF EMPLOYEES				220	

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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 2012-2013 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, 2013, the following:

ITEM	FISCAL YEAR
<u>NO.</u>	<u>2012-2013</u>
7 (01) REGULAR SALARIES	\$14,317,442
8 (02) EXTRA HELP	15,000
9 (03) PERSONAL SERVICES MATCHING	3,922,934
10 (04) MAINT. & GEN. OPERATION	
11 (A) OPER. EXPENSE	288,251
12 (B) CONF. & TRAVEL	2,500
13 (C) PROF. FEES	750,000
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	
18 PROGRAM	<u>300,000</u>
19 TOTAL AMOUNT APPROPRIATED	<u>\$20,366,127</u>

21 SECTION 7. REGULAR SALARIES - OMBUDSMAN PROGRAM. There is hereby
 22 established for the Arkansas Public Defender Commission - Ombudsman Program
 23 for the 2012-2013 fiscal year, the following maximum number of regular
 24 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>2012-2013</u>
30 (1) G108C PUBLIC DEF OMBUDSMAN COORDINATOR	<u>1</u>	GRADE C121
31 MAX. NO. OF EMPLOYEES	1	

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

1 2013, the following:

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3 ITEM	FISCAL YEAR
4 <u>NO.</u>	<u>2012-2013</u>
5 (01) REGULAR SALARIES	\$70,708
6 (02) PERSONAL SERVICES MATCHING	<u>18,932</u>
7 TOTAL AMOUNT APPROPRIATED	<u><u>\$89,640</u></u>

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9 SECTION 9. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
 10 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. FEE
 11 GENERATION AND SUPPORT - COURTS. Unless specified otherwise in Arkansas Code
 12 §5-4-303(g) and Arkansas Code 16-87-213 the monies collected by the courts
 13 under the authority of §5-4-303(g) and 16-87-213 shall be deposited into the
 14 State Treasury to the credit of the State Central Services Fund.

15 In the event that the law requires that the fees levied under §5-4-303(g)
 16 be deposited into the State Administration of Justice Fund, the State
 17 Treasurer shall transfer the amount of the fees collected each month under
 18 the authority of Arkansas Code §5-4-303(g) from the State Administration of
 19 Justice Fund to the State Central Services Fund.

20 The provisions of this section shall be in effect only from July 1, ~~2010~~
 21 2012 through June 30, ~~2011~~ 2013.

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23 SECTION 10. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
 24 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. FEE
 25 GENERATION AND SUPPORT - BAIL BOND FEES. Unless specified otherwise in
 26 Arkansas Code §17-19-301(e) the monies collected by each bail bond company
 27 under the authority of §17-19-301(e) shall be deposited into the State
 28 Treasury to the credit of the Public Defender User Fees Fund within the State
 29 Central Services Fund.

30 Of the fee collected by each licensed professional bail bond company, three
 31 dollars (\$3.00) shall be transferred to the various Counties for the sole
 32 purpose of defraying the operating expenses of the local public defenders'
 33 office. The remaining monies collected shall be used to defray operating
 34 expenses of the Commission.

35 On a quarterly basis, from the Bail Bond-County Public Defender line item,
 36 the Commission shall remit to each County its portion of the three dollars

1 (\$3.00) per bail bond fee collected based upon the formula used for state aid
2 for counties. This formula is as follows: 75% of the money is distributed
3 equally to all 75 Counties and the remaining 25% is distributed per capita.

4 The provisions of this section shall be in effect only from July 1,
5 ~~2010~~ 2012 through June 30, ~~2011~~ 2013.

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7 SECTION 11. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
8 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. TRANSFER
9 PROVISION. If the Public Defender Commission should determine that the
10 appropriations made available for payments to the Counties are insufficient,
11 appropriation may be transferred from the Public Defender Commission Program
12 line item to the Bail Bond-County Public Defender line item, after receiving
13 approval of the Chief Fiscal Officer of the State.

14 The provisions of this section shall be in effect only from July 1, ~~2010~~
15 2012 through June 30, ~~2011~~ 2013.

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17 SECTION 12. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
18 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. DUTIES OF
19 DEPENDENCY-NEGLECT APPEALS ATTORNEY. The Public Defender Commission shall
20 utilize Dependency-Neglect Appeals Attorneys exclusively to write appeals in
21 dependency-neglect cases.

22 The provisions of this section shall be in effect only from July 1, ~~2010~~
23 2012 through June 30, ~~2011~~ 2013.

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25 SECTION 13. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
26 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. PUBLIC
27 DEFENDERS. (a) No funds appropriated herein shall be used for expenses in
28 cases where a defendant is represented by retained counsel where retained
29 counsel have not gone through the Public Defender Commission's attorney
30 certification procedure and designation process as established by state law
31 and the Commission's regulations. All defendants and retained attorneys must
32 strictly adhere to the procedure established by the Commission to equitably
33 and responsibly monitor and distribute State funds for this purpose.

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

36 The provisions of this section shall be in effect only from July 1, ~~2010~~

1 2012 through June 30, ~~2011~~ 2013.

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3 SECTION 14. COMPLIANCE WITH OTHER LAWS. Disbursement of funds
4 authorized by this act shall be limited to the appropriation for such agency
5 and funds made available by law for the support of such appropriations; and
6 the restrictions of the State Procurement Law, the General Accounting and
7 Budgetary Procedures Law, the Revenue Stabilization Law, the Regular Salary
8 Procedures and Restrictions Act, or their successors, and other fiscal
9 control laws of this State, where applicable, and regulations promulgated by
10 the Department of Finance and Administration, as authorized by law, shall be
11 strictly complied with in disbursement of said funds.
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13 SECTION 15. LEGISLATIVE INTENT. It is the intent of the General
14 Assembly that any funds disbursed under the authority of the appropriations
15 contained in this act shall be in compliance with the stated reasons for
16 which this act was adopted, as evidenced by the Agency Requests, Executive
17 Recommendations and Legislative Recommendations contained in the budget
18 manuals prepared by the Department of Finance and Administration, letters, or
19 summarized oral testimony in the official minutes of the Arkansas Legislative
20 Council or Joint Budget Committee which relate to its passage and adoption.
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22 SECTION 16. EMERGENCY CLAUSE. It is found and determined by the
23 General Assembly, that the Constitution of the State of Arkansas prohibits
24 the appropriation of funds for more than a one (1) year period; that the
25 effectiveness of this Act on July 1, 2012 is essential to the operation of
26 the agency for which the appropriations in this Act are provided, and that in
27 the event of an extension of the legislative session, the delay in the
28 effective date of this Act beyond July 1, 2012 could work irreparable harm
29 upon the proper administration and provision of essential governmental
30 programs. Therefore, an emergency is hereby declared to exist and this Act
31 being necessary for the immediate preservation of the public peace, health
32 and safety shall be in full force and effect from and after July 1, 2012.
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35 APPROVED: 03/02/2012
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