

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

Act 2093 of the Regular Session

1 State of Arkansas
2 85th General Assembly
3 Regular Session, 2005
4

As Engrossed: S4/7/05

A Bill

SENATE BILL 152

5 By: Joint Budget Committee
6
7

For An Act To Be Entitled

9 AN ACT TO MAKE AN APPROPRIATION FOR PERSONAL
10 SERVICES AND OPERATING EXPENSES FOR THE ARKANSAS
11 PUBLIC DEFENDER COMMISSION FOR THE BIENNIAL
12 PERIOD ENDING JUNE 30, 2007; AND FOR OTHER
13 PURPOSES.
14
15

Subtitle

16 AN ACT FOR THE ARKANSAS PUBLIC DEFENDER
17 COMMISSION APPROPRIATION FOR THE
18 2005-2007 BIENNIUM.
19
20
21

22 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
23

24 SECTION 1. REGULAR SALARIES - STATE OPERATIONS. There is hereby
25 established for the Arkansas Public Defender Commission - State Operations
26 for the 2005-2007 biennium, the following maximum number of regular employees
27 whose salaries shall be governed by the provisions of the Uniform
28 Classification and Compensation Act (Arkansas Code §§21-5-201 et seq.), or
29 its successor, and all laws amendatory thereto. Provided, however, that any
30 position to which a specific maximum annual salary is set out herein in
31 dollars, shall be exempt from the provisions of said Uniform Classification
32 and Compensation Act. All persons occupying positions authorized herein are
33 hereby governed by the provisions of the Regular Salaries Procedures and
34 Restrictions Act (Arkansas Code §21-5-101), or its successor.
35



Item No.	Class Code	Title	Maximum No. of Employees	Maximum Annual Salary Rate	
				2005-2006	2006-2007
5	(1) 8914	PUBLIC DEF COMM EXEC DIRECTOR	1	\$87,648	\$89,863
6	(2) R038	ATTORNEY SUPERVISOR	2	GRADE 26	
7	(3) R170	ATTORNEY SPECIALIST	5	GRADE 25	
8	(4) X301	PUB DEF COMM INVESTIGATOR	2	GRADE 22	
9	(5) R298	AGENCY PROGRAM COORDINATOR	1	GRADE 21	
10	(6) R093	MITIGATION SPECIALIST	1	GRADE 20	
11	(7) R010	ADMINISTRATIVE ASSISTANT II	1	GRADE 17	
12	(8) R440	BUSINESS CONTROLLER II	1	GRADE 16	
13	(9) K041	EXECUTIVE SECY/ADMINISTRATIVE SECY	<u>1</u>	GRADE 14	
14		MAX. NO. OF EMPLOYEES	15		

SECTION 2. EXTRA HELP - STATE OPERATIONS. There is hereby authorized, for the Arkansas Public Defender Commission - State Operations for the 2005-2007 biennium, 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 biennial period ending June 30, 2007, the following:

ITEM NO.	FISCAL YEARS	
	2005-2006	2006-2007
33 (01) REGULAR SALARIES	\$ 854,234	\$ 877,972
34 (02) EXTRA HELP	12,000	12,000
35 (03) PERSONAL SERVICES MATCHING	218,910	223,338
36 (04) MAINT. & GEN. OPERATION		

1	(A) OPER. EXPENSE	180,093	180,093
2	(B) CONF. & TRAVEL	17,000	17,000
3	(C) PROF. FEES	96,000	96,000
4	(D) CAP. OUTLAY	0	0
5	(E) DATA PROC.	<u>0</u>	<u>0</u>
6	TOTAL AMOUNT APPROPRIATED	<u>\$ 1,378,237</u>	<u>\$ 1,406,403</u>

7

8 SECTION 4. REGULAR SALARIES - TRIAL PUBLIC DEFENDER OFFICE. There is

9 hereby established for the Arkansas Public Defender Commission - Trial Public

10 Defender Office for the 2005-2007 biennium, the following maximum number of

11 regular employees whose salaries shall be governed by the provisions of the

12 Uniform Classification and Compensation Act (Arkansas Code §§21-5-201 et

13 seq.), or its successor, and all laws amendatory thereto. Provided, however,

14 that any position to which a specific maximum annual salary is set out herein

15 in dollars, shall be exempt from the provisions of said Uniform

16 Classification and Compensation Act. All persons occupying positions

17 authorized herein are hereby governed by the provisions of the Regular

18 Salaries Procedures and Restrictions Act (Arkansas Code §21-5-101), or its

19 successor.

21			Maximum Annual
22			Salary Rate
23	Item Class	No. of	Fiscal Years
24	No. Code Title	Employees	2005-2006 2006-2007
25	(1) 9037 CHIEF PUBLIC DEFENDER	8	\$85,687 \$87,865
26	(2) R015 CLASS A PUBLIC DEFENDER	26	GRADE 26
27	(3) R016 CLASS B CHIEF PUBLIC DEFENDER	5	GRADE 25
28	(4) 011Z PUB DEF DEFENSE SVCS ADMIN	1	GRADE 25
29	(5) R029 CLASS B PUBLIC DEFENDER	92	GRADE 24
30	(6) DRUG COURT ADMINISTRATOR	1	GRADE 24
31	(7) 008Z PUB DEFENDER NETWORK ADMINSTRATOR	1	GRADE 23
32	(8) R047 PUBLIC DEFENDER PERSONNEL MANAGER	1	GRADE 22
33	(9) R093 MITIGATION SPECIALIST	3	GRADE 20
34	(10) X308 PUBLIC DEFENDER INVESTIGATOR	5	GRADE 20
35	(11) R204 PARALEGAL/LEGAL ASSISTANT	2	GRADE 19
36	(12) K017 PUBLIC DEFENDER SECRETARY II	<u>47</u>	GRADE 15

1 MAX. NO. OF EMPLOYEES 191

2

3 SECTION 5. EXTRA HELP - TRIAL PUBLIC DEFENDER OFFICE. There is hereby
4 authorized, for the Arkansas Public Defender Commission - Trial Public
5 Defender Office for the 2005-2007 biennium, the following maximum number of
6 part-time or temporary employees, to be known as "Extra Help", payable from
7 funds appropriated herein for such purposes: three (3) temporary or part-
8 time employees, when needed, at rates of pay not to exceed those provided in
9 the Uniform Classification and Compensation Act, or its successor, or this
10 act for the appropriate classification.

11

12 SECTION 6. APPROPRIATION - TRIAL PUBLIC DEFENDER OFFICE. There is hereby
13 appropriated, to the Arkansas Public Defender Commission, to be payable from
14 the State Central Services Fund, for personal services and operating expenses
15 of the Arkansas Public Defender Commission - Trial Public Defender Office for
16 the biennial period ending June 30, 2007, the following:

17

18 ITEM	FISCAL YEARS	
19 NO.	2005-2006	2006-2007
20 (01) REGULAR SALARIES	\$ 10,446,171	\$ 10,736,792
21 (02) EXTRA HELP	15,000	15,000
22 (03) PERSONAL SERVICES MATCHING	2,722,868	2,778,132
23 (04) MAINT. & GEN. OPERATION		
24 (A) OPER. EXPENSE	160,000	160,000
25 (B) CONF. & TRAVEL	0	0
26 (C) PROF. FEES	750,000	750,000
27 (D) CAP. OUTLAY	0	0
28 (E) DATA PROC.	0	0
29 (05) PUBLIC DEFENDER COMMISSION PROGRAMS	<u>770,000</u>	<u>770,000</u>
30 TOTAL AMOUNT APPROPRIATED	<u>\$ 14,864,039</u>	<u>\$ 15,209,924</u>

31

32 SECTION 7. REGULAR SALARIES - OMBUDSMAN PROGRAM. There is hereby
33 established for the Arkansas Public Defender Commission - Ombudsman Program
34 for the 2005-2007 biennium, the following maximum number of regular employees
35 whose salaries shall be governed by the provisions of the Uniform
36 Classification and Compensation Act (Arkansas Code §§21-5-201 et seq.), or

1 its successor, and all laws amendatory thereto. Provided, however, that any
 2 position to which a specific maximum annual salary is set out herein in
 3 dollars, shall be exempt from the provisions of said Uniform Classification
 4 and Compensation Act. All persons occupying positions authorized herein are
 5 hereby governed by the provisions of the Regular Salaries Procedures and
 6 Restrictions Act (Arkansas Code §21-5-101), or its successor.

			Maximum Annual	
			Maximum	Salary Rate
Item	Class		No. of	Fiscal Years
No.	Code	Title	Employees	2005-2006 2006-2007
12	(1) R170	ATTORNEY SPECIALIST	1	GRADE 25
13	(2) M018	PUBLIC DEF OMBUDSMAN COORDINATOR	1	GRADE 22
14	(3) M030	PUBLIC DEF OMBUDSMAN/SW	3	GRADE 20
15	(4) K017	PUBLIC DEFENDER SECRETARY II	<u>1</u>	GRADE 15
16	MAX. NO. OF EMPLOYEES		6	

17
 18 SECTION 8. APPROPRIATION - OMBUDSMAN PROGRAM. There is hereby
 19 appropriated, to the Arkansas Public Defender Commission, to be payable from
 20 the State Central Services Fund, for personal services of the Arkansas Public
 21 Defender Commission - Ombudsman Program for the biennial period ending June
 22 30, 2007, the following:

ITEM	FISCAL YEARS	
	2005-2006	2006-2007
NO.		
26 (01)	REGULAR SALARIES \$ 241,738	\$ 249,144
27 (02)	PERSONAL SERVICES MATCHING <u>68,472</u>	<u>69,866</u>
28	TOTAL AMOUNT APPROPRIATED <u>\$ 310,210</u>	<u>\$ 319,010</u>

29
 30 SECTION 9. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
 31 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. FEES. FEE
 32 GENERATION AND SUPPORT. Unless specified otherwise in Arkansas Code §5-4-
 33 303(g) and Arkansas Code 16-87-213 the monies collected by the courts under
 34 the authority of §5-4-303(g) and 16-87-213 shall be deposited into the State
 35 Treasury to the credit of the State Central Services Fund.

36 In the event that the law requires that the fees levied under §5-4-303(g) be

1 deposited into the State Administration of Justice Fund, the State Treasurer
2 shall transfer the amount of the fees collected each month under the
3 authority of Arkansas Code §5-4-303(g) from the State Administration of
4 Justice Fund to the State Central Services Fund.

5 The provisions of this section shall be in effect only from July 1, ~~2003~~ 2005
6 through June 30, ~~2005~~ 2007.

7
8 SECTION 10. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
9 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. FUNDING.
10 If the additional operating expense appropriation for the Arkansas Public
11 Defender Commission recommended by the Executive for each year of the 2005-
12 2007 biennium is authorized by the 85th General Assembly, it shall only be
13 funded from sources other than the Special State Assets Forfeiture Fund and
14 the State Central Services Fund. The Provisions of this section shall be in
15 effect only from July 1, 2005 through June 30, 2007.

16
17 SECTION 11. REGULAR SALARIES - NORTHWEST ARKANSAS CONFLICT OFFICE. *There*
18 *is hereby established for the Arkansas Public Defender Commission - Northwest*
19 *Arkansas Conflict Office for the 2005-2007 biennium, the following maximum*
20 *number of regular employees whose salaries shall be governed by the*
21 *provisions of the Uniform Classification and Compensation Act (Arkansas Code*
22 *21-5-201) or its successor, and all laws amendatory thereto. Provided,*
23 *however, that any position to which a specific maximum annual salary is set*
24 *out herein in dollars, shall be exempt from the provisions of said Uniform*
25 *Classification and Compensation Act. All persons occupying positions*
26 *authorized herein are hereby governed by the provisions of the Regular*
27 *Salaries Procedures and Restrictions Act (Arkansas Code 21-5-101), or its*
28 *successor.*

				<i>Maximum Annual</i>	
				<i>Salary Rate</i>	
				<i>Fiscal Years</i>	
<i>Item</i>	<i>Class</i>				
<i>No.</i>	<i>Code</i>	<i>Title</i>	<i>Maximum</i>	<i>2005-2006</i>	<i>2006-2007</i>
			<i>No. of</i>		
			<i>Employees</i>		
34	(1)	R015 CLASS A PUBLIC DEFENDER	2	GRADE 26	
35	(2)	R204 PARALEGAL/LEGAL ASSISTANT	<u>1</u>	GRADE 19	
36	MAX. NO. OF EMPLOYEES		3		

1
2
3 *SECTION 12. APPROPRIATION - NORTHWEST ARKANSAS CONFLICT OFFICE. There is*
4 *hereby appropriated, to the Arkansas Public Defender Commission, to be*
5 *payable from the State Central Services Fund, for personal services and*
6 *operating expenses of the Arkansas Public Defender Commission - Northwest*
7 *Arkansas Conflict Office for the biennial period ending June 30, 2007, the*
8 *following:*

<i>Item</i>	<i>Fiscal Years</i>	
<i>No.</i>	<i>2005-2006</i>	<i>2006-2007</i>
<i>(01) REGULAR SALARIES</i>	\$ 110,106	\$ 113,408
<i>(02) EXTRA HELP</i>	0	0
<i>(03) PERSONAL SERVICES MATCHING</i>	32,209	32,829
<i>(04) MAINT. & GEN. OPERATION</i>		
<i>(A) OPER. EXPENSE</i>	37,500	32,700
<i>(B) CONF. & TRAVEL</i>	0	0
<i>(C) PROF. FEES</i>	0	0
<i>(D) CAP. OUTLAY</i>	4,930	1,000
<i>(E) DATA PROC.</i>	<u>0</u>	<u>0</u>
<i>TOTAL AMOUNT APPROPRIATED</i>	\$ 184,745	\$ 179,937

22
23 *SECTION 13. COMPLIANCE WITH OTHER LAWS. Disbursement of funds authorized*
24 *by this act shall be limited to the appropriation for such agency and funds*
25 *made available by law for the support of such appropriations; and the*
26 *restrictions of the State Procurement Law, the General Accounting and*
27 *Budgetary Procedures Law, the Revenue Stabilization Law, the Regular Salary*
28 *Procedures and Restrictions Act, or their successors, and other fiscal*
29 *control laws of this State, where applicable, and regulations promulgated by*
30 *the Department of Finance and Administration, as authorized by law, shall be*
31 *strictly complied with in disbursement of said funds.*

32
33 *SECTION 14. LEGISLATIVE INTENT. It is the intent of the General Assembly*
34 *that any funds disbursed under the authority of the appropriations contained*
35 *in this act shall be in compliance with the stated reasons for which this act*
36 *was adopted, as evidenced by the Agency Requests, Executive Recommendations*

1 and Legislative Recommendations contained in the budget manuals prepared by
2 the Department of Finance and Administration, letters, or summarized oral
3 testimony in the official minutes of the Arkansas Legislative Council or
4 Joint Budget Committee which relate to its passage and adoption.

5
6 SECTION 15. EMERGENCY CLAUSE. It is found and determined by the General
7 Assembly, that the Constitution of the State of Arkansas prohibits the
8 appropriation of funds for more than a two (2) year period; that the
9 effectiveness of this Act on July 1, 2005 is essential to the operation of
10 the agency for which the appropriations in this Act are provided, and that in
11 the event of an extension of the Regular Session, the delay in the effective
12 date of this Act beyond July 1, 2005 could work irreparable harm upon the
13 proper administration and provision of essential governmental programs.
14 Therefore, an emergency is hereby declared to exist and this Act being
15 necessary for the immediate preservation of the public peace, health and
16 safety shall be in full force and effect from and after July 1, 2005.

17
18 */s/ Joint Budget Committee*

19
20
21 *APPROVED: 4/13/2005*
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36

1