

**Stricken language will be deleted and underlined language will be added.
Act 285 of the Fiscal Session**

1 State of Arkansas
2 87th General Assembly
3 Fiscal Session, 2010
4

As Engrossed: S2/22/10
A Bill

SENATE BILL 84

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 FISCAL YEAR
12 ENDING JUNE 30, 2011; AND FOR OTHER PURPOSES.
13

Subtitle

14
15 AN ACT FOR THE ARKANSAS PUBLIC DEFENDER
16 COMMISSION APPROPRIATION FOR THE 2010-
17 2011 FISCAL YEAR.
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21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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23 SECTION 1. REGULAR SALARIES - STATE OPERATIONS. There is hereby
24 established for the Arkansas Public Defender Commission - State Operations
25 for the 2010-2011 fiscal year, the following maximum number of regular
26 employees whose salaries shall be governed by the provisions of the Uniform
27 Classification and Compensation Act (Arkansas Code §§21-5-201 et seq.), or
28 its successor, and all laws amendatory thereto. Provided, however, that any
29 position to which a specific maximum annual salary is set out herein in
30 dollars, shall be exempt from the provisions of said Uniform Classification
31 and Compensation Act. All persons occupying positions authorized herein are
32 hereby governed by the provisions of the Regular Salaries Procedures and
33 Restrictions Act (Arkansas Code §21-5-101), or its successor.
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	Maximum Annual
Maximum	Salary Rate

Item	Class	No. of	Fiscal Year	
No.	Code	Title	Employees	2010-2011
(1)	U082U	PUBLIC DEF COMM EXEC DIRECTOR	1	\$100,424
(2)	G012N	PUBLIC DEFENDER III	2	GRADE N905
(3)	G022N	PUBLIC DEFENDER II	6	GRADE N902
(4)	A050C	AGENCY FISCAL MANAGER	1	GRADE C121
(5)	X056C	CAPITAL CONFLICTS INVESTIGATOR	2	GRADE C120
(6)	G146C	MITIGATION SPECIALIST	1	GRADE C119
(7)	G179C	LEGAL SERVICES SPECIALIST	2	GRADE C117
(8)	C012C	PUBLIC DEFENDER SUPPORT SVCS SPECIA	1	GRADE C117
(9)	C056C	ADMINISTRATIVE SPECIALIST III	1	GRADE C112
MAX. NO. OF EMPLOYEES			17	

SECTION 2. EXTRA HELP - STATE OPERATIONS. There is hereby authorized, for the Arkansas Public Defender Commission - State Operations for the 2010-2011 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, 2011, the following:

ITEM	FISCAL YEAR
NO.	2010-2011
(01) REGULAR SALARIES	\$ 1,096,130
(02) EXTRA HELP	12,000
(03) PERSONAL SERVICES MATCHING	292,819
(04) MAINT. & GEN. OPERATION	
(A) OPER. EXPENSE	218,438
(B) CONF. & TRAVEL	19,690

1	(C) PROF. FEES	325,000
2	(D) CAP. OUTLAY	0
3	(E) DATA PROC.	<u>0</u>
4	TOTAL AMOUNT APPROPRIATED	<u>\$ 1,964,077</u>

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

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

8 Defender Office for the 2010-2011 fiscal year, the following maximum number

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

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

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

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

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

14 Classification and Compensation Act. All persons occupying positions

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

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

17 successor.

19				Maximum Annual
20				Salary Rate
21	Item	Class	Maximum	Fiscal Year
22	No.	Code	No. of	2010-2011
		Title	Employees	
23	(1)	G008N	8	GRADE N907
24	(2)	G012N	33	GRADE N905
25	(3)	G022N	7	GRADE N902
26	(4)	G025N	52	GRADE N901
27	(5)	X019C	1	GRADE C124
28	(6)	G065C	50	GRADE C124
29	(7)	D039C	1	GRADE C123
30	(8)	G092C	1	GRADE C122
31	(9)	R014C	1	GRADE C121
32	(10)	G122C	1	GRADE C120
33	(11)	G146C	5	GRADE C119
34	(12)	X063C	5	GRADE C119
35	(13)	G179C	3	GRADE C117
36	(14)	C012C	1	GRADE C117

1	(15) G194C PUBLIC DEFENDER INTERPRETER	2	GRADE C116
2	(16) C046C LEGAL SUPPORT SPECIALIST	<u>48</u>	GRADE C113
3	MAX. NO. OF EMPLOYEES	219	

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 5 SECTION 5. EXTRA HELP - TRIAL PUBLIC DEFENDER OFFICE. There is hereby
 6 authorized, for the Arkansas Public Defender Commission - Trial Public
 7 Defender Office for the 2010-2011 fiscal year, the following maximum number
 8 of part-time or temporary employees, to be known as "Extra Help", payable
 9 from funds appropriated herein for such purposes: three (3) temporary or
 10 part-time employees, when needed, at rates of pay not to exceed those
 11 provided in the Uniform Classification and Compensation Act, or its
 12 successor, or this act for the appropriate classification.

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 14 SECTION 6. APPROPRIATION - TRIAL PUBLIC DEFENDER OFFICE. There is hereby
 15 appropriated, to the Arkansas Public Defender Commission, to be payable from
 16 the State Central Services Fund, for personal services and operating expenses
 17 of the Arkansas Public Defender Commission - Trial Public Defender Office for
 18 the fiscal year ending June 30, 2011, the following:

20	ITEM	FISCAL YEAR
21	<u>NO.</u>	<u>2010-2011</u>
22	(01) REGULAR SALARIES	\$ 13,671,351
23	(02) EXTRA HELP	15,000
24	(03) PERSONAL SERVICES MATCHING	3,677,333
25	(04) MAINT. & GEN. OPERATION	
26	(A) OPER. EXPENSE	279,750
27	(B) CONF. & TRAVEL	2,500
28	(C) PROF. FEES	750,000
29	(D) CAP. OUTLAY	0
30	(E) DATA PROC.	0
31	(05) PUBLIC DEFENDER COMMISSION PROGRAMS	770,000
32	(06) BAIL BOND COUNTY PUBLIC DEFENDER	
33	PROGRAM	<u>300,000</u>
34	TOTAL AMOUNT APPROPRIATED	<u>\$ 19,465,934</u>

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 36 SECTION 7. REGULAR SALARIES - OMBUDSMAN PROGRAM. There is hereby

1 established for the Arkansas Public Defender Commission - Ombudsman Program
 2 for the 2010-2011 fiscal year, the following maximum number of regular
 3 employees whose salaries shall be governed by the provisions of the Uniform
 4 Classification and Compensation Act (Arkansas Code §§21-5-201 et seq.), or
 5 its successor, and all laws amendatory thereto. Provided, however, that any
 6 position to which a specific maximum annual salary is set out herein in
 7 dollars, shall be exempt from the provisions of said Uniform Classification
 8 and Compensation Act. All persons occupying positions authorized herein are
 9 hereby governed by the provisions of the Regular Salaries Procedures and
 10 Restrictions Act (Arkansas Code §21-5-101), or its successor.

			Maximum Annual
			Salary Rate
			Fiscal Year
Item	Class	Maximum	2010-2011
No.	Code	No. of	Grade
			Employees
(1)	G108C	PUBLIC DEF OMBUDSMAN COORDINATOR	1
			GRADE C121
MAX. NO. OF EMPLOYEES			1

19 SECTION 8. APPROPRIATION - OMBUDSMAN PROGRAM. There is hereby
 20 appropriated, to the Arkansas Public Defender Commission, to be payable from
 21 the State Central Services Fund, for personal services of the Arkansas Public
 22 Defender Commission - Ombudsman Program for the fiscal year ending June 30,
 23 2011, the following:

ITEM	FISCAL YEAR
NO.	2010-2011
(01)	REGULAR SALARIES \$ 69,839
(02)	PERSONAL SERVICES MATCHING 18,174
TOTAL AMOUNT APPROPRIATED \$ <u>88,013</u>	

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

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

6 The provisions of this section shall be in effect only from July 1,
7 ~~2007~~ 2010 through June 30, ~~2009~~ 2011.

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9 SECTION 10. 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 - BAIL BOND FEES. Unless specified otherwise in
12 Arkansas Code §17-19-301(e) the monies collected by each bail bond company
13 under the authority of §17-19-301(e) shall be deposited into the State
14 Treasury to the credit of the Public Defender User Fees Fund within the State
15 Central Services Fund.

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

21 On a quarterly basis, from the Bail Bond-County Public Defender line
22 item, the Commission shall remit to each County its portion of the three
23 dollars (\$3.00) per bail bond fee collected based upon the formula used for
24 state aid for counties. This formula is as follows: 75% of the money is
25 distributed equally to all 75 Counties and the remaining 25% is distributed
26 per capita.

27 The provisions of this section shall be in effect only from July 1, ~~2007~~
28 2010 through June 30, ~~2009~~ 2011.

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

1 The provisions of this section shall be in effect only from July 1,
2 ~~2007~~ 2010 through June 30, ~~2009~~ 2011.

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

9 The provisions of this section shall be in effect only from July 1,
10 ~~2007~~ 2010 through June 30, ~~2009~~ 2011.

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12 *SECTION 13. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE*
13 *NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. PUBLIC*
14 *DEFENDERS. (a) No funds appropriated herein shall be used for expenses in*
15 *cases where a defendant is represented by retained counsel who have not gone*
16 *through the Public Defender Commission's attorney qualification and*
17 *designation process as established by state law and the Commission's*
18 *regulations.*

19 *(b) The Public Defender Commission may approve exemptions to subsection*
20 *(a) as needed.*

21 *The provisions of this section shall be in effect only from July 1, 2010*
22 *through June 30, 2011.*

23
24 SECTION 14. COMPLIANCE WITH OTHER LAWS. Disbursement of funds authorized
25 by this act shall be limited to the appropriation for such agency and funds
26 made available by law for the support of such appropriations; and the
27 restrictions of the State Procurement Law, the General Accounting and
28 Budgetary Procedures Law, the Revenue Stabilization Law, the Regular Salary
29 Procedures and Restrictions Act, or their successors, and other fiscal
30 control laws of this State, where applicable, and regulations promulgated by
31 the Department of Finance and Administration, as authorized by law, shall be
32 strictly complied with in disbursement of said funds.

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34 SECTION 15. LEGISLATIVE INTENT. It is the intent of the General Assembly
35 that any funds disbursed under the authority of the appropriations contained
36 in this act shall be in compliance with the stated reasons for which this act

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

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7 SECTION 16. EMERGENCY CLAUSE. It is found and determined by the General
8 Assembly, that the Constitution of the State of Arkansas prohibits the
9 appropriation of funds for more than a one (1) year period; that the
10 effectiveness of this Act on July 1, 2010 is essential to the operation of
11 the agency for which the appropriations in this Act are provided, and that in
12 the event of an extension of the legislative session, the delay in the
13 effective date of this Act beyond July 1, 2010 could work irreparable harm
14 upon the proper administration and provision of essential governmental
15 programs. Therefore, an emergency is hereby declared to exist and this Act
16 being necessary for the immediate preservation of the public peace, health
17 and safety shall be in full force and effect from and after July 1, 2010.

18
19 /s/ Joint Budget Committee

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21 APPROVED: 2/26/2010
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