

**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 1319 of the Regular Session**

1 State of Arkansas
2 87th General Assembly
3 Regular Session, 2009
4

A Bill

SENATE BILL 195

5 By: Joint Budget Committee
6
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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, 2010; AND FOR OTHER PURPOSES.
13
14

Subtitle

15 AN ACT FOR THE ARKANSAS PUBLIC DEFENDER
16 COMMISSION APPROPRIATION FOR THE
17 2009-2010 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 2009-2010 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



Item No.	Class Code	Title	Maximum No. of Employees	Salary Rate Fiscal Year 2009-2010
4	(1) U082U	PUBLIC DEF COMM EXEC DIRECTOR	1	\$98,167
5	(2) G012N	PUBLIC DEFENDER III	2	GRADE N905
6	(3) G022N	PUBLIC DEFENDER II	6	GRADE N902
7	(4) A050C	AGENCY FISCAL MANAGER	1	GRADE C121
8	(5) X056C	CAPITAL CONFLICTS INVESTIGATOR	2	GRADE C120
9	(6) G146C	MITIGATION SPECIALIST	1	GRADE C119
10	(7) G179C	LEGAL SERVICES SPECIALIST	2	GRADE C117
11	(8) C012C	PUBLIC DEFENDER SUPPORT SVCS SPECIA	1	GRADE C117
12	(9) C056C	ADMINISTRATIVE SPECIALIST III	<u>1</u>	GRADE C112
13		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 2009-2010 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, 2010, the following:

ITEM NO.	FISCAL YEAR 2009-2010
(01) REGULAR SALARIES	\$ 1,072,432
(02) EXTRA HELP	12,000
(03) PERSONAL SERVICES MATCHING	288,386
(04) MAINT. & GEN. OPERATION	
(A) OPER. EXPENSE	218,438

1	(B) CONF. & TRAVEL	19,690
2	(C) PROF. FEES	325,000
3	(D) CAP. OUTLAY	0
4	(E) DATA PROC.	<u>0</u>
5	TOTAL AMOUNT APPROPRIATED	<u>\$ 1,935,946</u>

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

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

9 Defender Office for the 2009-2010 fiscal year, the following maximum number

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

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

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

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

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

15 Classification and Compensation Act. All persons occupying positions

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

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

18 successor.

20				Maximum Annual
21				Salary Rate
22	Item	Class	Maximum	Fiscal Year
23	No.	Code	No. of	2009-2010
	Title		Employees	
24	(1)	G008N	8	GRADE N907
25	(2)	G012N	33	GRADE N905
26	(3)	G022N	7	GRADE N902
27	(4)	G025N	52	GRADE N901
28	(5)	X019C	1	GRADE C124
29	(6)	G065C	50	GRADE C124
30	(7)	D039C	1	GRADE C123
31	(8)	G092C	1	GRADE C122
32	(9)	R014C	1	GRADE C121
33	(10)	G122C	1	GRADE C120
34	(11)	G146C	5	GRADE C119
35	(12)	X063C	5	GRADE C119
36	(13)	G179C	3	GRADE C117

1	(14)	C012C	PUBLIC DEFENDER SUPPORT SVCS SPECIA	1	GRADE C117
2	(15)	G194C	PUBLIC DEFENDER INTERPRETER	2	GRADE C116
3	(16)	C046C	LEGAL SUPPORT SPECIALIST	<u>48</u>	GRADE C113
4			MAX. NO. OF EMPLOYEES	219	

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6 SECTION 5. EXTRA HELP - TRIAL PUBLIC DEFENDER OFFICE. There is hereby
7 authorized, for the Arkansas Public Defender Commission - Trial Public
8 Defender Office for the 2009-2010 fiscal year, the following maximum number
9 of part-time or temporary employees, to be known as "Extra Help", payable
10 from funds appropriated herein for such purposes: three (3) temporary or
11 part-time employees, when needed, at rates of pay not to exceed those
12 provided in the Uniform Classification and Compensation Act, or its
13 successor, or this act for the appropriate classification.

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15 SECTION 6. APPROPRIATION - TRIAL PUBLIC DEFENDER OFFICE. 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 - Trial Public Defender Office for
19 the fiscal year ending June 30, 2010, the following:

21	ITEM	FISCAL YEAR
22	<u>NO.</u>	<u>2009-2010</u>
23	(01) REGULAR SALARIES	\$ 13,366,242
24	(02) EXTRA HELP	15,000
25	(03) PERSONAL SERVICES MATCHING	3,620,217
26	(04) MAINT. & GEN. OPERATION	
27	(A) OPER. EXPENSE	281,583
28	(B) CONF. & TRAVEL	2,500
29	(C) PROF. FEES	750,000
30	(D) CAP. OUTLAY	0
31	(E) DATA PROC.	0
32	(05) PUBLIC DEFENDER COMMISSION PROGRAMS	770,000
33	(06) BAIL BOND COUNTY PUBLIC DEFENDER	
34	PROGRAM	<u>300,000</u>
35	TOTAL AMOUNT APPROPRIATED	<u>\$ 19,105,542</u>

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SECTION 7. REGULAR SALARIES - OMBUDSMAN PROGRAM. There is hereby established for the Arkansas Public Defender Commission - Ombudsman Program for the 2009-2010 fiscal year, the following maximum number of regular employees whose salaries shall be governed by the provisions of the Uniform Classification and Compensation Act (Arkansas Code §§21-5-201 et seq.), or its successor, and all laws amendatory thereto. Provided, however, that any position to which a specific maximum annual salary is set out herein in dollars, shall be exempt from the provisions of said Uniform Classification and Compensation Act. All persons occupying positions authorized herein are hereby governed by the provisions of the Regular Salaries Procedures and Restrictions Act (Arkansas Code §21-5-101), or its successor.

Item	Class		Maximum	Maximum Annual
No.	Code	Title	No. of	Salary Rate
			Employees	Fiscal Year
				2009-2010
(1)	G108C	PUBLIC DEF OMBUDSMAN COORDINATOR	<u>1</u>	GRADE C121
		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 Defender Commission - Ombudsman Program for the fiscal year ending June 30, 2010, the following:

ITEM		FISCAL YEAR
NO.		2009-2010
(01)	REGULAR SALARIES	\$ 68,283
(02)	PERSONAL SERVICES MATCHING	<u>17,882</u>
	TOTAL AMOUNT APPROPRIATED	<u>\$ 86,165</u>

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

1 State Treasury to the credit of the State Central Services Fund.

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

7 The provisions of this section shall be in effect only from July 1,
8 ~~2007~~ 2009 through June 30, ~~2009~~ 2010.

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

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

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

28 The provisions of this section shall be in effect only from July 1, ~~2007~~
29 2009 through June 30, ~~2009~~ 2010.

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31 SECTION 11. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
32 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. TRANSFER
33 PROVISION. If ~~during either year of the 2007-2009~~ 2009-2011 fiscal biennium
34 the Public Defender Commission should determine that the appropriations made
35 available for payments to the Counties are insufficient, appropriation may be
36 transferred from the Public Defender Commission Program line item to the Bail

1 Bond-County Public Defender line item, after receiving approval of the Chief
2 Fiscal Officer of the State.

3 The provisions of this section shall be in effect only from July 1,
4 ~~2007~~ 2009 through June 30, ~~2009~~ 2010.

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

11 The provisions of this section shall be in effect only from July 1,
12 ~~2007~~ 2009 through June 30, ~~2009~~ 2010.

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

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24 SECTION 14. LEGISLATIVE INTENT. It is the intent of the General Assembly
25 that any funds disbursed under the authority of the appropriations contained
26 in this act shall be in compliance with the stated reasons for which this act
27 was adopted, as evidenced by the Agency Requests, Executive Recommendations
28 and Legislative Recommendations contained in the budget manuals prepared by
29 the Department of Finance and Administration, letters, or summarized oral
30 testimony in the official minutes of the Arkansas Legislative Council or
31 Joint Budget Committee which relate to its passage and adoption.

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33 SECTION 15. EMERGENCY CLAUSE. It is found and determined by the General
34 Assembly, that the Constitution of the State of Arkansas prohibits the
35 appropriation of funds for more than a one (1) year period; that the
36 effectiveness of this Act on July 1, 2009 is essential to the operation of

1 the agency for which the appropriations in this Act are provided, and that in
2 the event of an extension of the Regular Session, the delay in the effective
3 date of this Act beyond July 1, 2009 could work irreparable harm upon the
4 proper administration and provision of essential governmental programs.
5 Therefore, an emergency is hereby declared to exist and this Act being
6 necessary for the immediate preservation of the public peace, health and
7 safety shall be in full force and effect from and after July 1, 2009.

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9 **APPROVED: 4/9/2009**

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