

1 State of Arkansas  
2 88th General Assembly  
3 Regular Session, 2011  
4

# A Bill

SENATE BILL 148

5 By: Joint Budget Committee  
6

## For An Act To Be Entitled

8 AN ACT TO MAKE AN APPROPRIATION FOR PERSONAL  
9 SERVICES AND OPERATING EXPENSES FOR THE ARKANSAS  
10 PUBLIC DEFENDER COMMISSION FOR THE FISCAL YEAR  
11 ENDING JUNE 30, 2012; AND FOR OTHER PURPOSES.  
12  
13

## Subtitle

14 AN ACT FOR THE ARKANSAS PUBLIC DEFENDER  
15 COMMISSION APPROPRIATION FOR THE 2011-2012  
16 FISCAL YEAR.  
17  
18  
19

20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
21

22 SECTION 1. REGULAR SALARIES - STATE OPERATIONS. There is hereby  
23 established for the Arkansas Public Defender Commission - State Operations  
24 for the 2011-2012 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
				2011-2012
31	(1) U082U	PUBLIC DEF COMM EXEC DIRECTOR	1	\$102,291
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 2011-  
 9 2012 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.

15

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, 2012, the following:

22	ITEM	FISCAL YEAR
23	<u>NO.</u>	<u>2011-2012</u>
24	(01) REGULAR SALARIES	\$1,164,426
25	(02) EXTRA HELP	12,000
26	(03) PERSONAL SERVICES MATCHING	320,713
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>\$2,560,267</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 2011-2012 fiscal year, the following maximum number  
 2 of regular employees.

3					
4				Maximum Annual	
5				Salary Rate	
6	Item	Class	Maximum	Fiscal Year	
7	No.	Code	No. of	2011-2012	
	No.	Code	Employees		
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	

25  
 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 2011-2012 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.

34  
 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, 2012, the following:

4		
5	ITEM	FISCAL YEAR
6	<u>NO.</u>	<u>2011-2012</u>
7	(01) REGULAR SALARIES	\$14,007,780
8	(02) EXTRA HELP	15,000
9	(03) PERSONAL SERVICES MATCHING	3,862,825
10	(04) MAINT. & GEN. OPERATION	
11	(A) OPER. EXPENSE	292,651
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>\$20,000,756</u>
20		

21 SECTION 7. REGULAR SALARIES - OMBUDSMAN PROGRAM. There is hereby  
 22 established for the Arkansas Public Defender Commission - Ombudsman Program  
 23 for the 2011-2012 fiscal year, the following maximum number of regular  
 24 employees.

25			
26			Maximum Annual
27			Salary Rate
28	Item Class	Maximum	Fiscal Year
29	<u>No. Code Title</u>	<u>No. of</u>	<u>2011-2012</u>
30	(1) G108C PUBLIC DEF OMBUDSMAN COORDINATOR	<u>1</u>	GRADE C121
31	MAX. NO. OF EMPLOYEES	1	
32			

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 2012, the following:

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3 ITEM	FISCAL YEAR
4 <u>NO.</u>	<u>2011-2012</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 2011 through June 30, ~~2011~~ 2012.

22

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

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

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

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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 ~~who~~ have not gone through the Public Defender Commission's attorney  
 30 certification procedure ~~qualification~~ and designation process as established  
 31 by state law and the Commission's regulations. All defendants and retained  
 32 attorneys must strictly adhere to the procedure established by the Commission  
 33 to equitably and responsibly monitor and distribute State funds for this  
 34 purpose.

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

1 The provisions of this section shall be in effect only from July 1, 2010  
2 2011 through June 30, ~~2011~~ 2012.

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

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14 SECTION 15. LEGISLATIVE INTENT. It is the intent of the General  
15 Assembly that any funds disbursed under the authority of the appropriations  
16 contained in this act shall be in compliance with the stated reasons for  
17 which this act was adopted, as evidenced by the Agency Requests, Executive  
18 Recommendations and Legislative Recommendations contained in the budget  
19 manuals prepared by the Department of Finance and Administration, letters, or  
20 summarized oral testimony in the official minutes of the Arkansas Legislative  
21 Council or Joint Budget Committee which relate to its passage and adoption.

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23 SECTION 16. EMERGENCY CLAUSE. It is found and determined by the  
24 General Assembly, that the Constitution of the State of Arkansas prohibits  
25 the appropriation of funds for more than a one (1) year period; that the  
26 effectiveness of this Act on July 1, 2011 is essential to the operation of  
27 the agency for which the appropriations in this Act are provided, and that in  
28 the event of an extension of the legislative session, the delay in the  
29 effective date of this Act beyond July 1, 2011 could work irreparable harm  
30 upon the proper administration and provision of essential governmental  
31 programs. Therefore, an emergency is hereby declared to exist and this Act  
32 being necessary for the immediate preservation of the public peace, health  
33 and safety shall be in full force and effect from and after July 1, 2011.

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36 APPROVED: 04/04/2011