

**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.**

1 State of Arkansas  
2 83rd General Assembly  
3 Regular Session, 2001  
4

*As Engrossed: S3/12/01 S4/10/01*

# A Bill

**Act 1637 of 2001**  
SENATE BILL 671

5 By: Joint Budget Committee  
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## **For An Act To Be Entitled**

9 AN ACT TO MAKE AN APPROPRIATION FOR PERSONAL SERVICES  
10 AND OPERATING EXPENSES FOR THE ARKANSAS PUBLIC  
11 DEFENDER COMMISSION FOR THE BIENNIAL PERIOD ENDING  
12 JUNE 30, 2003; AND FOR OTHER PURPOSES.  
13  
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## **Subtitle**

15 AN ACT FOR THE ARKANSAS PUBLIC DEFENDER  
16 COMMISSION APPROPRIATION FOR THE  
17 2001-2003 BIENNIUM.  
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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 2001-2003 biennium, the following maximum number of regular employees  
26 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	Class		Maximum	Salary Rate	
No.	Code	Title	No. of	Fiscal Years	
			Employees	2001-2002	2002-2003
(1)	8914	PUBLIC DEF COMM EXEC DIRECTOR	1	\$79,473	\$81,539
(2)	R038	ATTORNEY SUPERVISOR	2	GRADE 26	
(3)	R170	ATTORNEY SPECIALIST	5	GRADE 25	
(4)	X301	PUB DEF COMM INVESTIGATOR	1	GRADE 22	
(5)	R298	AGENCY PROGRAM COORDINATOR	1	GRADE 21	
(6)	R266	MANAGEMENT PROJECT ANALYST II	2	GRADE 20	
(7)	R010	ADMINISTRATIVE ASSISTANT II	1	GRADE 17	
(8)	R440	BUSINESS CONTROLLER II	1	GRADE 16	
(9)	K041	EXECUTIVE SECY/ADMINISTRATIVE SECY	1	GRADE 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 2001-2003 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, 2003, the following:

ITEM		FISCAL YEARS	
NO.		2001-2002	2002-2003
(01)	REGULAR SALARIES	\$ 675,002	\$ 692,552
(02)	EXTRA HELP	12,000	12,000
(03)	PERSONAL SERVICES MATCHING	164,925	168,027
(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	2,000	0
5	(E) DATA PROC.	<u>0</u>	<u>0</u>
6	TOTAL AMOUNT APPROPRIATED	<u>\$ 1,147,020</u>	<u>\$ 1,165,672</u>

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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 2001-2003 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			Maximum	Salary Rate	
23	Item Class		No. of	Fiscal Years	
24	No. Code Title		Employees	2001-2002	2002-2003
25	(1) 9037 CHIEF PUBLIC DEFENDER		6	\$77,667	\$79,686
26	(2) R015 CLASS A PUBLIC DEFENDER		28	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) 008Z PUB DEFENDER NETWORK ADMINSTRATOR		1	GRADE 23	
31	(7) R047 PUBLIC DEFENDER PERSONNEL MANAGER		1	GRADE 22	
32	(8) X308 PUBLIC DEFENDER INVESTIGATOR		5	GRADE 20	
33	(9) R266 MANAGEMENT PROJECT ANALYST II		1	GRADE 20	
34	(10) R204 PARALEGAL/LEGAL ASSISTANT		2	GRADE 19	
35	(11) K017 PUBLIC DEFENDER SECRETARY II		<u>47</u>	GRADE 15	
36	MAX. NO. OF EMPLOYEES		189		

SECTION 5. EXTRA HELP - TRIAL PUBLIC DEFENDER OFFICE. There is hereby authorized, for the Arkansas Public Defender Commission - Trial Public Defender Office for the 2001-2003 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 6. APPROPRIATION - TRIAL PUBLIC DEFENDER OFFICE. 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 - Trial Public Defender Office for the biennial period ending June 30, 2003, the following:

ITEM NO.	FISCAL YEARS	
	2001-2002	2002-2003
(01) REGULAR SALARIES	\$ 8,636,445	\$ 8,860,985
(02) EXTRA HELP	15,000	15,000
(03) PERSONAL SERV MATCHING	2,086,315	2,125,986
(04) MAINT. & GEN. OPERATION		
(A) OPER. EXPENSE	60,000	60,000
(B) CONF. & TRAVEL	0	0
(C) PROF. FEES	750,000	750,000
(D) CAP. OUTLAY	120,416	32,616
(E) DATA PROC.	<u>0</u>	<u>0</u>
TOTAL AMOUNT APPROPRIATED	<u>\$ 11,668,176</u>	<u>\$ 11,844,587</u>

SECTION 7. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. FEES. ~~FUNDING RESTRICTIONS. Of the total positions and appropriations authorized in Section 4 and Section 5 of this act for TRIAL PUBLIC DEFENDER OFFICE, the following positions and appropriations shall be utilized only to the extent that the fees generated through the provisions of Arkansas Code §5-4-303(g) and Arkansas Code 16-87-213 are available to support it:~~

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- 2 ~~Positions to be utilized only to the extent that fee income is available:~~
- 3 ~~3 Appellate Attorneys~~
- 4 ~~20 Class B Public Defenders~~
- 5 ~~1 Public Defender Personnel Manager~~
- 6 ~~1 Public Defender Systems Coordination~~
- 7 ~~—Analyst~~
- 8 ~~3 Secretary II~~
- 9 ~~28 Secretary I~~
- 10 ~~34 Extra Help Positions~~

11

12 ~~—Appropriation amounts to be utilized only to the extent that fee income~~

13 ~~is available~~

14 ~~\_\_\_\_\_ 1999 2000 2000 2001~~

15 ~~Regular Salaries \$ 1,733,952 \$1,782,501~~

16 ~~Extra Help \_\_\_\_\_ 353,041 \_\_\_\_\_ 367,163~~

17 ~~Personal Services~~

18 ~~— Matching \_\_\_\_\_ 435,897 \_\_\_\_\_ 448,302~~

19 ~~Operating Expenses \_\_\_\_\_ 98,000 \_\_\_\_\_ 94,000~~

20 ~~Capital Outlay \_\_\_\_\_ 33,500 \_\_\_\_\_ 0~~

21 ~~Professional Fees &~~

22 ~~— Serv \_\_\_\_\_ 500,000 \_\_\_\_\_ 500,000~~

23 FEE GENERATION AND SUPPORT

24 Unless specified otherwise in Arkansas Code §5-4-303(g) and Arkansas

25 Code 16-87-213 the monies collected by the courts under the authority of §5-

26 4-303(g) and 16-87-213 shall be deposited into the State Treasury to the

27 credit of the State Central Services Fund Account, ~~there to be used solely to~~

28 ~~defray the costs of the positions and appropriations as restricted by and as~~

29 ~~set out in this section.~~

30 In the event that the law requires that the fees levied under §5-4-

31 303(g) be deposited into the State Administration of Justice Fund, the State

32 Treasurer shall transfer the amount of the fees collected each month under

33 the authority of Arkansas Code §5-4-303(g) from the State Administration of

34 Justice Fund to the State Central Services Fund Account, ~~there to be used to~~

35 ~~defray the costs of the positions and appropriations as restricted by and as~~

36 ~~set out in this section.~~

1  
2 The provisions of this section shall be in effect only from July 1, 2001  
3 through June 30, 2003.

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5 *SECTION 8. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS*  
6 *CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL, AND TEMPORARY LAW. TRIAL*  
7 *PUBLIC DEFENDER OFFICE FUND TRANSFER PROVISION. Immediately upon the*  
8 *effective date of this act the Chief Fiscal Officer of the State shall cause*  
9 *to be transferred the sum of Two Million Dollars (\$2,000,000) from the net*  
10 *fund balance of the State Administration of Justice Fund to the State Central*  
11 *Services Fund as a direct revenue for the benefit of the Trial Public*  
12 *Defender Office. Of the total amount of moneys authorized to be transferred*  
13 *by this section, One Million Dollars (\$1,000,000) each fiscal year shall be*  
14 *used to supplement not supplant other moneys to fund the appropriations*  
15 *authorized for the Trial Public Defender Office by Section 6 of this Act.*

16  
17 *SECTION 9. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE NOR PUBLISHED*  
18 *SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. FUND BALANCES. (A) For all*  
19 *appropriations as provided in this Act, the agency disbursing officer shall*  
20 *monitor the level of fund balances in relation to expenditures on a monthly*  
21 *basis. If any proposed expenditures would cause a fund balance to decline to*  
22 *less than fifty percent (50%) of the balance available on July 1, 2001, the*  
23 *disbursing officer shall immediately notify the executive head of the agency.*  
24 *Prior to any obligations being made under these circumstances, the agency*  
25 *head shall file written documentation with the Chief Fiscal Officer of the*  
26 *State requesting approval of the expenditures. Such documentation shall*  
27 *provide sufficient financial data to justify the expenditures and shall*  
28 *include the following:*  
29 *1) a plan that clearly indicates the specific fiscal impact of such*  
30 *expenditures on the fund balance.*  
31 *2) information clearly indicating and explaining what programs would be cut*  
32 *or any other measures to be taken by the agency to restore the fund balance.*  
33 *3) the extent to which any of the planned expenditures are for one-time costs*  
34 *or one-time purchase of capitalized items.*  
35 *4) a statement certifying that the expenditure of fund balances will not*  
36 *jeopardize the financial health of the agency, nor result in a permanent*

1 depletion of the fund balance.

2 (B) The Chief Fiscal Officer of the State shall review the request and  
3 approve or disapprove all or any part of the request , after having sought  
4 prior review by the Legislative Council.

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

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16 *SECTION 11. LEGISLATIVE INTENT.* It is the intent of the General Assembly  
17 that any funds disbursed under the authority of the appropriations contained  
18 in this act shall be in compliance with the stated reasons for which this act  
19 was adopted, as evidenced by the Agency Requests, Executive Recommendations  
20 and Legislative Recommendations contained in the budget manuals prepared by  
21 the Department of Finance and Administration, letters, or summarized oral  
22 testimony in the official minutes of the Arkansas Legislative Council or  
23 Joint Budget Committee which relate to its passage and adoption.

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25 *SECTION 12. EMERGENCY CLAUSE.* It is found and determined by the General  
26 Assembly, that the Constitution of the State of Arkansas prohibits the  
27 appropriation of funds for more than a two (2) year period; that the  
28 effectiveness of this Act on July 1, 2001 is essential to the operation of  
29 the agency for which the appropriations in this Act are provided, and that in  
30 the event of an extension of the Regular Session, the delay in the effective  
31 date of this Act beyond July 1, 2001 could work irreparable harm upon the  
32 proper administration and provision of essential governmental programs.  
33 Therefore, an emergency is hereby declared to exist and this Act being  
34 necessary for the immediate preservation of the public peace, health and  
35 safety shall be in full force and effect from and after July 1, 2001.

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*/s/ Joint Budget Committee*

APPROVED: 4/16/2001

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