

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 1223 of the Regular Session**

1 State of Arkansas  
2 86th General Assembly  
3 Regular Session, 2007

*As Engrossed: S3/14/07 S3/21/07*

**A Bill**

SENATE BILL 174

4  
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, 2009; AND FOR OTHER  
13 PURPOSES.  
14  
15

**Subtitle**

16 AN ACT FOR THE ARKANSAS PUBLIC DEFENDER  
17 COMMISSION APPROPRIATION FOR THE  
18 2007-2009 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 2007-2009 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	Class	Title	Maximum No. of Employees	Maximum Annual Salary Rate Fiscal Years	
				2007-2008	2008-2009
(1)	8914	PUBLIC DEF COMM EXEC DIRECTOR	1	\$91,660	\$93,493
(2)	R038	ATTORNEY SUPERVISOR	2	GRADE 26	
(3)	R170	ATTORNEY SPECIALIST	5	GRADE 25	
(4)	R016	CLASS B CHIEF PUBLIC DEFENDER	1	GRADE 25	
(5)	X301	PUB DEF COMM INVESTIGATOR	2	GRADE 22	
(6)	R298	AGENCY PROGRAM COORDINATOR	1	GRADE 21	
(7)	R093	MITIGATION SPECIALIST	1	GRADE 20	
(8)	R204	PARALEGAL/LEGAL ASSISTANT	1	GRADE 19	
(9)	R010	ADMINISTRATIVE ASSISTANT II	1	GRADE 17	
(10)	R440	BUSINESS CONTROLLER II	1	GRADE 16	
(11)	K041	EXECUTIVE SECY/ADMINISTRATIVE SECY	<u>1</u>	GRADE 14	
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 2007-2009 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, 2009, the following:

ITEM NO.	FISCAL YEARS	
	2007-2008	2008-2009
(01) REGULAR SALARIES	\$ 970,938	\$ 990,350
(02) EXTRA HELP	12,000	12,000

1	(03) PERSONAL SERVICES MATCHING	268,941	272,872
2	(04) MAINT. & GEN. OPERATION		
3	(A) OPER. EXPENSE	272,403	218,438
4	(B) CONF. & TRAVEL	19,690	19,690
5	(C) PROF. FEES	96,000	96,000
6	(D) CAP. OUTLAY	0	0
7	(E) DATA PROC.	<u>0</u>	<u>0</u>
8	TOTAL AMOUNT APPROPRIATED	<u>\$ 1,639,972</u>	<u>\$ 1,609,350</u>

9

10 SECTION 4. REGULAR SALARIES - TRIAL PUBLIC DEFENDER OFFICE. There is  
 11 hereby established for the Arkansas Public Defender Commission - Trial Public  
 12 Defender Office for the 2007-2009 biennium, the following maximum number of  
 13 regular employees whose salaries shall be governed by the provisions of the  
 14 Uniform Classification and Compensation Act (Arkansas Code §§21-5-201 et  
 15 seq.), or its successor, and all laws amendatory thereto. Provided, however,  
 16 that any position to which a specific maximum annual salary is set out herein  
 17 in dollars, shall be exempt from the provisions of said Uniform  
 18 Classification and Compensation Act. All persons occupying positions  
 19 authorized herein are hereby governed by the provisions of the Regular  
 20 Salaries Procedures and Restrictions Act (Arkansas Code §21-5-101), or its  
 21 successor.

22

23			Maximum Annual		
24			Maximum	Salary Rate	
25	Item	Class	No. of	Fiscal Years	
26	No.	Code Title	Employees	2007-2008	2008-2009
27	(1)	9037 CHIEF PUBLIC DEFENDER	8	\$89,622	\$91,414
28	(2)	R015 CLASS A PUBLIC DEFENDER	30	GRADE	26
29	(3)	R016 CLASS B CHIEF PUBLIC DEFENDER	6	GRADE	25
30	(4)	011Z PUB DEF DEFENSE SVCS ADMIN	1	GRADE	25
31	(5)	R029 CLASS B PUBLIC DEFENDER	100	GRADE	24
32	(6)	R502 DRUG COURT ADMINISTRATOR	1	GRADE	24
33	(7)	008Z PUB DEFENDER NETWORK ADMINISTRATOR	1	GRADE	23
34	(8)	DEPENDENCY-NEGLECT APPEALS ATTORNEY	2	GRADE	22
35	(9)	R047 PUBLIC DEFENDER PERSONNEL MANAGER	1	GRADE	22
36	(10)	R093 MITIGATION SPECIALIST	5	GRADE	20

1	(11)	X308	PUBLIC DEFENDER INVESTIGATOR	5	GRADE 20
2	(12)	M030	PUBLIC DEF OMBUDSMAN/SW	1	GRADE 20
3	(13)	R266	MANAGEMENT PROJECT ANALYST II	2	GRADE 20
4	(14)	R204	PARALEGAL/LEGAL ASSISTANT	3	GRADE 19
5	(15)	K017	PUBLIC DEFENDER SECRETARY II	<u>48</u>	GRADE 15
6			MAX. NO. OF EMPLOYEES	214	

7

8 SECTION 5. EXTRA HELP - TRIAL PUBLIC DEFENDER OFFICE. There is hereby  
 9 authorized, for the Arkansas Public Defender Commission - Trial Public  
 10 Defender Office for the 2007-2009 biennium, the following maximum number of  
 11 part-time or temporary employees, to be known as "Extra Help", payable from  
 12 funds appropriated herein for such purposes: three (3) temporary or part-  
 13 time employees, when needed, at rates of pay not to exceed those provided in  
 14 the Uniform Classification and Compensation Act, or its successor, or this  
 15 act for the appropriate classification.

16

17 SECTION 6. APPROPRIATION - TRIAL PUBLIC DEFENDER OFFICE. There is hereby  
 18 appropriated, to the Arkansas Public Defender Commission, to be payable from  
 19 the State Central Services Fund, for personal services and operating expenses  
 20 of the Arkansas Public Defender Commission - Trial Public Defender Office for  
 21 the biennial period ending June 30, 2009, the following:

22

23	ITEM	FISCAL YEARS	
24	<u>NO.</u>	<u>2007-2008</u>	<u>2008-2009</u>
25	(01) REGULAR SALARIES	\$ 12,211,850	\$ 12,455,989
26	(02) EXTRA HELP	15,000	15,000
27	(03) PERSONAL SERVICES MATCHING	3,375,246	3,424,897
28	(04) MAINT. & GEN. OPERATION		
29	(A) OPER. EXPENSE	271,700	262,700
30	(B) CONF. & TRAVEL	2,500	2,500
31	(C) PROF. FEES	750,000	750,000
32	(D) CAP. OUTLAY	0	0
33	(E) DATA PROC.	0	0
34	(05) PUBLIC DEFENDER COMMISSION PROGRAMS	770,000	770,000
35	(06) BAIL BOND COUNTY PUBLIC DEFENDER		
36	PROGRAM	<u>150,000</u>	<u>150,000</u>

1 TOTAL AMOUNT APPROPRIATED \$ 17,546,296 \$ 17,831,086

2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14

SECTION 7. REGULAR SALARIES - OMBUDSMAN PROGRAM. There is hereby established for the Arkansas Public Defender Commission - Ombudsman Program for the 2007-2009 biennium, 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.

15  
16  
17  
18  
19  
20  
21  
22

Item	Class	Title	Maximum No. of Employees	Maximum Annual Salary Rate Fiscal Years	
				2007-2008	2008-2009
(1)	R170	ATTORNEY SPECIALIST	1	GRADE 25	
(2)	M018	PUBLIC DEF OMBUDSMAN COORDINATOR	<u>1</u>	GRADE 22	
		MAX. NO. OF EMPLOYEES	2		

23  
24  
25  
26  
27

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 biennial period ending June 30, 2009, the following:

28  
29  
30  
31  
32  
33

ITEM NO.		FISCAL YEARS	
		2007-2008	2008-2009
(01)	REGULAR SALARIES	\$ 111,554	\$ 113,785
(02)	PERSONAL SERVICES MATCHING	<u>30,987</u>	<u>31,442</u>
	TOTAL AMOUNT APPROPRIATED	<u>\$ 142,541</u>	<u>\$ 145,227</u>

34  
35  
36

SECTION 9. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. FEES. FEE

1 GENERATION AND SUPPORT. Unless specified otherwise in Arkansas Code §5-4-  
2 303(g) and Arkansas Code 16-87-213 the monies collected by the courts under  
3 the authority of §5-4-303(g) and 16-87-213 shall be deposited into the State  
4 Treasury to the credit of the State Central Services Fund.

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

10 The provisions of this section shall be in effect only from July 1, ~~2005~~ 2007  
11 through June 30, ~~2007~~ 2009.

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

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

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

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

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

1 transferred from the Public Defender Commission Program line item to the Bail  
2 Bond-County Public Defender line item, after receiving approval of the Chief  
3 Fiscal Officer of the State. The provisions of this section shall be in  
4 effect only from July 1, 2007 through June 30, 2009.

5  
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. The provisions of this section shall be in effect*  
11 *only from July 1, 2007 through June 30, 2009.*

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

22  
23 *SECTION 14. LEGISLATIVE INTENT.* It is the intent of the General Assembly  
24 that any funds disbursed under the authority of the appropriations contained  
25 in this act shall be in compliance with the stated reasons for which this act  
26 was adopted, as evidenced by the Agency Requests, Executive Recommendations  
27 and Legislative Recommendations contained in the budget manuals prepared by  
28 the Department of Finance and Administration, letters, or summarized oral  
29 testimony in the official minutes of the Arkansas Legislative Council or  
30 Joint Budget Committee which relate to its passage and adoption.

31  
32 *SECTION 15. EMERGENCY CLAUSE. It is found and determined by the General*  
33 *Assembly, that the Constitution of the State of Arkansas prohibits the*  
34 *appropriation of funds for more than a two (2) year period; that the*  
35 *effectiveness of this Act on July 1, 2007 is essential to the operation of*  
36 *the agency for which the appropriations in this Act are provided, and that in*

1 the event of an extension of the Regular Session, the delay in the effective  
2 date of this Act beyond July 1, 2007 could work irreparable harm upon the  
3 proper administration and provision of essential governmental programs.  
4 Therefore, an emergency is hereby declared to exist and this Act being  
5 necessary for the immediate preservation of the public peace, health and  
6 safety shall be in full force and effect from and after July 1, 2007.

7  
8 */s/ Joint Budget Committee*

9  
10 *APPROVED: 4/5/2007*  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36