

Stricken language would be deleted from and underlined language would be added to law as it existed prior to the 82nd General Assembly.

1 State of Arkansas
2 82nd General Assembly
3 Regular Session, 1999
4

As Engrossed: S4/1/99 S4/6/99

A Bill

SENATE BILL 240

5 By: Joint Budget Committee
6
7

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, 2001; AND FOR OTHER PURPOSES."

Subtitle

15 "AN ACT FOR THE ARKANSAS PUBLIC DEFENDER
16 COMMISSION APPROPRIATION FOR THE
17 1999-2001 BIENNIUM."
18
19

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

22 SECTION 1. REGULAR SALARIES - OPERATIONS. There is hereby established for
23 the Arkansas Public Defender Commission - Operations for the 1999-2001
24 biennium, the following maximum number of regular employees whose salaries
25 shall be governed by the provisions of the Uniform Classification and
26 Compensation Act (Arkansas Code §§21-5-201 et seq.), or its successor, and all
27 laws amendatory thereto. Provided, however, that any position to which a
28 specific maximum annual salary is set out herein in dollars, shall be exempt
29 from the provisions of said Uniform Classification and Compensation Act. All
30 persons occupying positions authorized herein are hereby governed by the
31 provisions of the Regular Salaries Procedures and Restrictions Act (Arkansas
32 Code §21-5-101), or its successor.
33

34			Maximum Annual
35		Maximum	Salary Rate
36	Item Class	No. of	Fiscal Years

KCA035

No.	Code	Title	Employees	1999-2000	2000-2001
(1)	8914	PUBLIC DEF COMM EXEC DIRECTOR	1	\$75,350	\$77,460
(2)	R038	ATTORNEY SUPERVISOR	2	GRADE 26	
(3)	R170	ATTORNEY SPECIALIST	3	GRADE 25	
(4)	R036	ATTORNEY	2	GRADE 24	
(5)	X301	PUB DEF COMM INVESTIGATOR	1	GRADE 22	
(6)	R298	AGENCY PROGRAM COORDINATOR	1	GRADE 21	
(7)	R266	MANAGEMENT PROJECT ANALYST II	1	GRADE 20	
(8)	R204	PARALEGAL/LEGAL ASSISTANT	1	GRADE 18	
(9)	R010	ADMINISTRATIVE ASSISTANT II	1	GRADE 17	
(10)	R440	BUSINESS CONTROLLER II	1	GRADE 16	
(11)	K041	EXECUTIVE SECY/ADMINISTRATIVE SECY	1	GRADE 14	
		MAX. NO. OF EMPLOYEES	15		

SECTION 2. EXTRA HELP - OPERATIONS. There is hereby authorized, for the Arkansas Public Defender Commission - Operations for the 1999-2001 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 - 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 - Operations for the biennial period ending June 30, 2001, the following:

ITEM NO.	FISCAL YEARS	
	1999-2000	2000-2001
(01) REGULAR SALARIES	\$ 573,310	\$ 589,362
(02) EXTRA HELP	12,000	12,000
(03) PERSONAL SERVICES MATCHING	150,651	153,524
(04) MAINT. & GEN. OPERATION		
(A) OPER. EXPENSE	180,093	180,093
(B) CONF. & TRAVEL	17,000	17,000

1	(C) PROF. FEES	96,000	96,000
2	(D) CAP. OUTLAY	7,000	2,000
3	(E) DATA PROC.	<u>0</u>	<u>0</u>
4	TOTAL AMOUNT APPROPRIATED	<u>\$ 1,036,054</u>	<u>\$ 1,049,979</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 1999-2001 biennium, the following maximum number of
9 regular employees whose salaries shall be governed by the provisions of the
10 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 Classification
14 and Compensation Act. All persons occupying positions authorized herein are
15 hereby governed by the provisions of the Regular Salaries Procedures and
16 Restrictions Act (Arkansas Code §21-5-101), or its successor.

18			Maximum Annual		
19			Maximum	Salary Rate	
20	Item	Class	No. of	Fiscal Years	
21	No.	Code Title	Employees	1999-2000	2000-2001
22	(1)	9037 CLASS A CHIEF PUBLIC DEFENDER	4	\$73,638	\$75,699
23	(2)	R015 CLASS A PUBLIC DEFENDER	30	GRADE 26	
24	(3)	R016 CLASS B CHIEF PUBLIC DEFENDER	5	GRADE 25	
25	(4)	011Z PUB DEF DEFENSE SVCS ADMIN	1	GRADE 25	
26	(5)	APPELLATE ATTORNEYS	3	GRADE 25	
27	(6)	R029 CLASS B PUBLIC DEFENDERS	89	GRADE 24	
28	(7)	008Z PUBLIC DEFENDER NETWORK ADMIN	1	GRADE 23	
29	(8)	PUBIC DEF PERSONNEL MANAGER	1	GRADE 22	
30	(9)	X308 PUB DEFENDER INVESTIGATOR	5	GRADE 20	
31	(10)	PUB DEF SYSTEMS COORD ANALYST	1	GRADE 19	
32	(11)	R204 PARALEGAL/LEGAL ASSISTANT	1	GRADE 18	
33	(12)	K017 PUBLIC DEFENDER SECRETARY II	17	GRADE 15	
34	(13)	K019 PUBLIC DEFENDER SECRETARY I	<u>43</u>	GRADE 14	
35		MAX. NO. OF EMPLOYEES	201		

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1 SECTION 5. APPROPRIATION - TRIAL PUBLIC DEFENDER OFFICE. There is hereby
 2 appropriated, to the Arkansas Public Defender Commission, to be payable from
 3 the State Central Services Fund, for personal services and operating expenses
 4 of the Arkansas Public Defender Commission - Trial Public Defender Office for
 5 the biennial period ending June 30, 2001, the following:

7 ITEM	FISCAL YEARS	
8 NO.	1999-2000	2000-2001
9 (01) REGULAR SALARIES	\$ 8,190,213	\$ 8,419,598
10 (02) EXTRA HELP	327,950	341,068
11 (03) PERSONAL SERV MATCHING	2,121,897	2,168,895
12 (04) MAINT. & GEN. OPERATION		
13 (A) OPER. EXPENSE	158,000	154,000
14 (B) CONF. & TRAVEL	0	0
15 (C) PROF. FEES	1,250,000	1,250,000
16 (D) CAP. OUTLAY	33,500	0
17 (E) DATA PROC.	<u>0</u>	<u>0</u>
18 TOTAL AMOUNT APPROPRIATED	<u>\$ 12,081,560</u>	<u>\$ 12,333,561</u>

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 20 SECTION 6. EXTRA HELP - TRIAL PUBLIC DEFENDER OFFICE. There is hereby
 21 authorized, for the Arkansas Public Defender Commission - Trial Public
 22 Defender Office for the 1999-01 biennium, the following maximum number of
 23 part-time or temporary employees, to be known as "Extra Help", payable from
 24 funds appropriated herein for such purposes: thirty four (34) temporary or
 25 part-time employees, when needed, at rates of pay not to exceed those provided
 26 in the Uniform Classification and Compensation Act, or its successor, or this
 27 act for the appropriate classification.

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 29 SECTION 7. REGULAR SALARIES - OMBUDSMAN PROGRAM. There is hereby
 30 established for the Arkansas Public defender Commission - Ombudsman Program
 31 for the 1999-2001 biennium, the following maximum number of regular employees
 32 whose salaries shall be governed by the provisions of the Uniform
 33 Classification and Compensation Act (Arkansas Code §§21-5-201 et seq.), or its
 34 successor, and all laws amendatory thereto. Provided, however, that any
 35 position to which a specific maximum annual salary is set out herein in
 36 dollars, shall be exempt from the provisions of said Uniform Classification

1 and Compensation Act. All persons occupying positions authorized herein are
 2 hereby governed by the provisions of the Regular Salaries Procedures and
 3 Restrictions Act (Arkansas Code §21-5-101), or its successor.

			Maximum Annual		
			Maximum	Salary Rate	
			No. of	Fiscal Years	
Item	Class		Employees	1999-2000	2000-2001
(1)		PUB DEF OMBUDSMAN COORDINATOR	1	GRADE 22	
(2)		PUB DEF OMBUDSMAN/SW	8	GRADE 20	
(3)	K017	PUBLIC DEFENDER SECRETARY II	<u>2</u>	GRADE 15	
MAX. NO. OF EMPLOYEES			11		

14 SECTION 8. APPROPRIATION - OMBUDSMAN PROGRAM. There is hereby appropriated,
 15 to the Arkansas Public Defender Commission, to be payable from the State
 16 Central Services Fund, for personal services and operating expenses of the
 17 Arkansas Public Defender Commission - Ombudsman Program for the biennial
 18 period ending June 30, 2001, the following:

ITEM	FISCAL YEARS			
	NO.		1999-2000	2000-2001
(01)	REGULAR SALARIES	\$	238,545	\$ 245,225
(02)	PERSONAL SERV MATCHING		75,330	77,439
(03)	MAINT. & GEN. OPERATION			
(A)	OPER. EXPENSE		78,900	82,845
(B)	CONF. & TRAVEL		5,400	5,670
(C)	PROF. FEES		0	20,000
(D)	CAP. OUTLAY		56,000	0
(E)	DATA PROC.		<u>0</u>	<u>0</u>
TOTAL AMOUNT APPROPRIATED			<u>\$ 454,175</u>	<u>\$ 431,179</u>

32 SECTION 9. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
 33 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. FUNDING
 34 RESTRICTIONS. Of the total positions and appropriations authorized in Section
 35 4 and Section 5 of this act for TRIAL PUBLIC DEFENDER OFFICE, the following
 36 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:

Positions to be utilized only to the extent that fee income is available

3 Appellate Attorneys

20 Class B Public Defenders

1 Public Defender Personnel Manager

1 Public Defender Systems Coordination Analyst

3 Secretary II

28 Secretary I

34 Extra Help Positions

Appropriation amounts to be utilized only to the extent that fee income is available

	<u>1999-2000</u>	<u>2000-2001</u>
<u>Regular Salaries</u>	<u>\$ 1,733,952</u>	<u>\$1,782,501</u>
<u>Extra Help</u>	<u>353,041</u>	<u>367,163</u>
<u>Personal Services Matching</u>	<u>435,897</u>	<u>448,302</u>
<u>Operating Expenses</u>	<u>98,000</u>	<u>94,000</u>
<u>Capital Outlay</u>	<u>33,500</u>	<u>0</u>
<u>Professional Fees & Serv</u>	<u>500,000</u>	<u>500,000</u>

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 State Treasury to the credit of the State Central Services Fund Account there to be used solely to defray the costs of the positions and appropriations as restricted by and as set out in this section.

In the event that the law requires that the fees levied under §5-4-303(g) be deposited into the State Administration of Justice Fund, the State Treasurer shall transfer the amount of the fees collected each month under the authority of Arkansas Code §5-4-303(g) from the State Administration of Justice Fund to the State Central Services Fund Account there to be used to defray the costs of the positions and appropriations as restricted by and as set out in this section.

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

10
11 SECTION 11. LEGISLATIVE INTENT. It is the intent of the General Assembly
12 that any funds disbursed under the authority of the appropriations contained
13 in this act shall be in compliance with the stated reasons for which this act
14 was adopted, as evidenced by the Agency Requests, Executive Recommendations
15 and Legislative Recommendations contained in the budget manuals prepared by
16 the Department of Finance and Administration, letters, or summarized oral
17 testimony in the official minutes of the Arkansas Legislative Council or Joint
18 Budget Committee which relate to its passage and adoption.

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20 SECTION 12. CODE. All provisions of this Act of a general and permanent
21 nature are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas
22 Code Revision Commission shall incorporate the same in the Code.

23
24 SECTION 13. SEVERABILITY. If any provision of this act or the application
25 thereof to any person or circumstance is held invalid, such invalidity shall
26 not affect other provisions or applications of the act which can be given
27 effect without the invalid provision or application, and to this end the
28 provisions of this act are declared to be severable.

29
30 SECTION 14. GENERAL REPEALER. All laws and parts of laws in conflict with
31 this act are hereby repealed.

32
33 SECTION 15. EMERGENCY CLAUSE. It is hereby found and determined by the
34 Eighty-second General Assembly, that the Constitution of the State of Arkansas
35 prohibits the appropriation of funds for more than a two (2) year period; that
36 the effectiveness of this Act on July 1, 1999 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, 1999 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, 1999.

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/s/ Russ