

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 85th General Assembly
3 Regular Session, 2005

A Bill

SENATE BILL 152

4
5 By: Joint Budget Committee
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For An Act To Be Entitled

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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, 2007; AND FOR OTHER
13 PURPOSES.
14

Subtitle

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17 AN ACT FOR THE ARKANSAS PUBLIC DEFENDER
18 COMMISSION APPROPRIATION FOR THE
19 2005-2007 BIENNIUM.
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22 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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24 SECTION 1. REGULAR SALARIES - STATE OPERATIONS. There is hereby
25 established for the Arkansas Public Defender Commission - State Operations
26 for the 2005-2007 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.
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36 Maximum Annual



Item No.	Class Code	Title	Maximum No. of Employees	Salary Rate Fiscal Years 2005-2006	Salary Rate Fiscal Years 2006-2007
1	(1)	8914	PUBLIC DEF COMM EXEC DIRECTOR	1	\$87,648 \$89,863
2	(2)	R038	ATTORNEY SUPERVISOR	2	GRADE 26
3	(3)	R170	ATTORNEY SPECIALIST	5	GRADE 25
4	(4)	X301	PUB DEF COMM INVESTIGATOR	2	GRADE 22
5	(5)	R298	AGENCY PROGRAM COORDINATOR	1	GRADE 21
6	(6)	R093	MITIGATION SPECIALIST	1	GRADE 20
7	(7)	R010	ADMINISTRATIVE ASSISTANT II	1	GRADE 17
8	(8)	R440	BUSINESS CONTROLLER II	1	GRADE 16
9	(9)	K041	EXECUTIVE SECY/ADMINISTRATIVE SECY	<u>1</u>	GRADE 14
10	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 2005-2007 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, 2007, the following:

ITEM NO.		FISCAL YEARS	
		2005-2006	2006-2007
(01)	REGULAR SALARIES	\$ 854,234	\$ 877,972
(02)	EXTRA HELP	12,000	12,000
(03)	PERSONAL SERVICES MATCHING	218,910	223,338
(04)	MAINT. & GEN. OPERATION		
(A)	OPER. EXPENSE	180,093	180,093

1	(B) CONF. & TRAVEL	17,000	17,000
2	(C) PROF. FEES	96,000	96,000
3	(D) CAP. OUTLAY	0	0
4	(E) DATA PROC.	<u>0</u>	<u>0</u>
5	TOTAL AMOUNT APPROPRIATED	<u>\$ 1,378,237</u>	<u>\$ 1,406,403</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 2005-2007 biennium, the following maximum number of
 10 regular employees whose salaries shall be governed by the provisions of the
 11 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.

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20			Maximum Annual		
21			Maximum	Salary Rate	
22	Item	Class	No. of	Fiscal Years	
23	No.	Code Title	Employees	2005-2006	2006-2007
24	(1)	9037 CHIEF PUBLIC DEFENDER	6	\$85,687	\$87,865
25	(2)	R015 CLASS A PUBLIC DEFENDER	28	GRADE 26	
26	(3)	R016 CLASS B CHIEF PUBLIC DEFENDER	5	GRADE 25	
27	(4)	011Z PUB DEF DEFENSE SVCS ADMIN	1	GRADE 25	
28	(5)	R029 CLASS B PUBLIC DEFENDER	92	GRADE 24	
29	(6)	008Z PUB DEFENDER NETWORK ADMINSTRATOR	1	GRADE 23	
30	(7)	R047 PUBLIC DEFENDER PERSONNEL MANAGER	1	GRADE 22	
31	(8)	R093 MITIGATION SPECIALIST	3	GRADE 20	
32	(9)	X308 PUBLIC DEFENDER INVESTIGATOR	5	GRADE 20	
33	(10)	R204 PARALEGAL/LEGAL ASSISTANT	2	GRADE 19	
34	(11)	K017 PUBLIC DEFENDER SECRETARY II	<u>47</u>	GRADE 15	
35		MAX. NO. OF EMPLOYEES	191		

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SECTION 5. EXTRA HELP - TRIAL PUBLIC DEFENDER OFFICE. There is hereby authorized, for the Arkansas Public Defender Commission - Trial Public Defender Office for the 2005-2007 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, 2007, the following:

ITEM NO.	FISCAL YEARS	
	2005-2006	2006-2007
(01) REGULAR SALARIES	\$ 10,375,342	\$ 10,663,839
(02) EXTRA HELP	15,000	15,000
(03) PERSONAL SERVICES MATCHING	2,695,324	2,749,762
(04) MAINT. & GEN. OPERATION		
(A) OPER. EXPENSE	160,000	160,000
(B) CONF. & TRAVEL	0	0
(C) PROF. FEES	750,000	750,000
(D) CAP. OUTLAY	0	0
(E) DATA PROC.	0	0
(05) PUBLIC DEFENDER COMMISSION PROGRAMS	<u>770,000</u>	<u>770,000</u>
TOTAL AMOUNT APPROPRIATED	<u>\$ 14,765,666</u>	<u>\$ 15,108,601</u>

SECTION 7. REGULAR SALARIES - OMBUDSMAN PROGRAM. There is hereby established for the Arkansas Public Defender Commission - Ombudsman Program for the 2005-2007 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.

Item No.	Class Code	Title	Maximum No. of Employees	Maximum Annual Salary Rate	
				Fiscal Years 2005-2006	Fiscal Years 2006-2007
(1)	R170	ATTORNEY SPECIALIST	1	GRADE 25	
(2)	M018	PUBLIC DEF OMBUDSMAN COORDINATOR	1	GRADE 22	
(3)	M030	PUBLIC DEF OMBUDSMAN/SW	3	GRADE 20	
(4)	K017	PUBLIC DEFENDER SECRETARY II	<u>1</u>	GRADE 15	
		MAX. NO. OF EMPLOYEES	6		

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, 2007, the following:

ITEM NO.		FISCAL YEARS	
		2005-2006	2006-2007
(01)	REGULAR SALARIES	\$ 241,738	\$ 249,144
(02)	PERSONAL SERVICES MATCHING	<u>68,472</u>	<u>69,866</u>
	TOTAL AMOUNT APPROPRIATED	<u>\$ 310,210</u>	<u>\$ 319,010</u>

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

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

1 authority of Arkansas Code §5-4-303(g) from the State Administration of
2 Justice Fund to the State Central Services Fund.

3 The provisions of this section shall be in effect only from July 1, ~~2003~~ 2005
4 through June 30, ~~2005~~ 2007.

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6 SECTION 10. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
7 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. FUNDING.
8 If the additional operating expense appropriation for the Arkansas Public
9 Defender Commission recommended by the Executive for each year of the 2005-
10 2007 biennium is authorized by the 85th General Assembly, it shall only be
11 funded from sources other than the Special State Assets Forfeiture Fund and
12 the State Central Services Fund. The Provisions of this section shall be in
13 effect only from July 1, 2005 through June 30, 2007.

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15 SECTION 11. COMPLIANCE WITH OTHER LAWS. Disbursement of funds authorized
16 by this act shall be limited to the appropriation for such agency and funds
17 made available by law for the support of such appropriations; and the
18 restrictions of the State Procurement Law, the General Accounting and
19 Budgetary Procedures Law, the Revenue Stabilization Law, the Regular Salary
20 Procedures and Restrictions Act, or their successors, and other fiscal
21 control laws of this State, where applicable, and regulations promulgated by
22 the Department of Finance and Administration, as authorized by law, shall be
23 strictly complied with in disbursement of said funds.

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

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34 SECTION 13. EMERGENCY CLAUSE. It is found and determined by the General
35 Assembly, that the Constitution of the State of Arkansas prohibits the
36 appropriation of funds for more than a two (2) year period; that the

1 effectiveness of this Act on July 1, 2005 is essential to the operation of
2 the agency for which the appropriations in this Act are provided, and that in
3 the event of an extension of the Regular Session, the delay in the effective
4 date of this Act beyond July 1, 2005 could work irreparable harm upon the
5 proper administration and provision of essential governmental programs.
6 Therefore, an emergency is hereby declared to exist and this Act being
7 necessary for the immediate preservation of the public peace, health and
8 safety shall be in full force and effect from and after July 1, 2005.

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