

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 86th General Assembly  
3 Regular Session, 2007  
4

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

# A Bill

SENATE BILL 174

5 By: Joint Budget Committee  
6  
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## 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

## Subtitle

15  
16 AN ACT FOR THE ARKANSAS PUBLIC DEFENDER  
17 COMMISSION APPROPRIATION FOR THE  
18 2007-2009 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 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.  
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36 Maximum Annual



Item No.	Class Code	Title	Maximum No. of Employees	Salary Rate Fiscal Years 2007-2008	Salary Rate Fiscal Years 2008-2009
4	(1) 8914	PUBLIC DEF COMM EXEC DIRECTOR	1	\$91,660	\$93,493
5	(2) R038	ATTORNEY SUPERVISOR	2	GRADE 26	
6	(3) R170	ATTORNEY SPECIALIST	5	GRADE 25	
7	(4) R016	CLASS B CHIEF PUBLIC DEFENDER	1	GRADE 25	
8	(5) X301	PUB DEF COMM INVESTIGATOR	2	GRADE 22	
9	(6) R298	AGENCY PROGRAM COORDINATOR	1	GRADE 21	
10	(7) R093	MITIGATION SPECIALIST	1	GRADE 20	
11	(8) R204	PARALEGAL/LEGAL ASSISTANT	1	GRADE 19	
12	(9) R010	ADMINISTRATIVE ASSISTANT II	1	GRADE 17	
13	(10) R440	BUSINESS CONTROLLER II	1	GRADE 16	
14	(11) K041	EXECUTIVE SECY/ADMINISTRATIVE SECY	<u>1</u>	GRADE 14	
15		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
34	(01) REGULAR SALARIES	\$ 970,938	\$ 990,350
35	(02) EXTRA HELP	12,000	12,000
36	(03) PERSONAL SERVICES MATCHING	268,941	272,872

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

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9 SECTION 4. REGULAR SALARIES - TRIAL PUBLIC DEFENDER OFFICE. There is

10 hereby established for the Arkansas Public Defender Commission - Trial Public

11 Defender Office for the 2007-2009 biennium, the following maximum number of

12 regular employees whose salaries shall be governed by the provisions of the

13 Uniform Classification and Compensation Act (Arkansas Code §§21-5-201 et

14 seq.), or its successor, and all laws amendatory thereto. Provided, however,

15 that any position to which a specific maximum annual salary is set out herein

16 in dollars, shall be exempt from the provisions of said Uniform

17 Classification and Compensation Act. All persons occupying positions

18 authorized herein are hereby governed by the provisions of the Regular

19 Salaries Procedures and Restrictions Act (Arkansas Code §21-5-101), or its

20 successor.

21			22	Maximum Annual	
23			Maximum	Salary Rate	
24	Item	Class	No. of	Fiscal Years	
25	No.	Code Title	Employees	2007-2008	2008-2009
26	(1)	9037 CHIEF PUBLIC DEFENDER	8	\$89,622	\$91,414
27	(2)	R015 CLASS A PUBLIC DEFENDER	30	GRADE 26	
28	(3)	R016 CLASS B CHIEF PUBLIC DEFENDER	6	GRADE 25	
29	(4)	011Z PUB DEF DEFENSE SVCS ADMIN	1	GRADE 25	
30	(5)	R029 CLASS B PUBLIC DEFENDER	100	GRADE 24	
31	(6)	R502 DRUG COURT ADMINISTRATOR	1	GRADE 24	
32	(7)	008Z PUB DEFENDER NETWORK ADMINISTRATOR	1	GRADE 23	
33	(8)	DEPENDENCY-NEGLECT APPEALS ATTORNEY	2	GRADE 22	
34	(9)	R047 PUBLIC DEFENDER PERSONNEL MANAGER	1	GRADE 22	
35	(10)	R093 MITIGATION SPECIALIST	5	GRADE 20	
36	(11)	X308 PUBLIC DEFENDER INVESTIGATOR	5	GRADE 20	

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

SECTION 5. EXTRA HELP - TRIAL PUBLIC DEFENDER OFFICE. There is hereby authorized, for the Arkansas Public Defender Commission - Trial Public Defender Office 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 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, 2009, the following:

ITEM	FISCAL YEARS	
<u>NO.</u>	<u>2007-2008</u>	<u>2008-2009</u>
(01) REGULAR SALARIES	\$ 12,211,850	\$ 12,455,989
(02) EXTRA HELP	15,000	15,000
(03) PERSONAL SERVICES MATCHING	3,375,246	3,424,897
(04) MAINT. & GEN. OPERATION		
(A) OPER. EXPENSE	271,700	262,700
(B) CONF. & TRAVEL	2,500	2,500
(C) PROF. FEES	750,000	750,000
(D) CAP. OUTLAY	0	0
(E) DATA PROC.	0	0
(05) PUBLIC DEFENDER COMMISSION PROGRAMS	770,000	770,000
(06) BAIL BOND COUNTY PUBLIC DEFENDER PROGRAM	<u>150,000</u>	<u>150,000</u>
TOTAL AMOUNT APPROPRIATED	<u>\$ 17,546,296</u>	<u>\$ 17,831,086</u>

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 2 SECTION 7. REGULAR SALARIES - OMBUDSMAN PROGRAM. There is hereby  
 3 established for the Arkansas Public Defender Commission - Ombudsman Program  
 4 for the 2007-2009 biennium, the following maximum number of regular employees  
 5 whose salaries shall be governed by the provisions of the Uniform  
 6 Classification and Compensation Act (Arkansas Code §§21-5-201 et seq.), or  
 7 its successor, and all laws amendatory thereto. Provided, however, that any  
 8 position to which a specific maximum annual salary is set out herein in  
 9 dollars, shall be exempt from the provisions of said Uniform Classification  
 10 and Compensation Act. All persons occupying positions authorized herein are  
 11 hereby governed by the provisions of the Regular Salaries Procedures and  
 12 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 2007-2008	Fiscal Years 2008-2009
18	(1) R170	ATTORNEY SPECIALIST	1	GRADE 25	
19	(2) M018	PUBLIC DEF OMBUDSMAN COORDINATOR	<u>1</u>	GRADE 22	
20		MAX. NO. OF EMPLOYEES	2		

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 22 SECTION 8. APPROPRIATION - OMBUDSMAN PROGRAM. There is hereby  
 23 appropriated, to the Arkansas Public Defender Commission, to be payable from  
 24 the State Central Services Fund, for personal services of the Arkansas Public  
 25 Defender Commission - Ombudsman Program for the biennial period ending June  
 26 30, 2009, the following:

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

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 34 SECTION 9. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS  
 35 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. FEES. FEE  
 36 GENERATION AND SUPPORT. Unless specified otherwise in Arkansas Code §5-4-

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

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

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

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

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

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

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

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

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

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5 *SECTION 12. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS*  
6 *CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. DUTIES OF*  
7 *DEPENDENCY-NEGLECT APPEALS ATTORNEY. The Public Defender Commission shall*  
8 *utilize Dependency-Neglect Appeals Attorneys exclusively to write appeals in*  
9 *dependency-neglect cases. The provisions of this section shall be in effect*  
10 *only from July 1, 2007 through June 30, 2009.*

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

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

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

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

6  
7 */s/ Joint Budget Committee*  
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