

1 State of Arkansas  
2 87th General Assembly  
3 Fiscal Session, 2010  
4

# A Bill

SENATE BILL 84

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 FISCAL YEAR  
12 ENDING JUNE 30, 2011; AND FOR OTHER PURPOSES.  
13  
14

## Subtitle

15 AN ACT FOR THE ARKANSAS PUBLIC DEFENDER  
16 COMMISSION APPROPRIATION FOR THE 2010-  
17 2011 FISCAL YEAR.  
18  
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21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
22

23 SECTION 1. REGULAR SALARIES - STATE OPERATIONS. There is hereby  
24 established for the Arkansas Public Defender Commission - State Operations  
25 for the 2010-2011 fiscal year, the following maximum number of regular  
26 employees 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.  
34

35 Maximum Annual  
36 Maximum Salary Rate



| Item                  | Class | No. of                              | Fiscal Year |            |
|-----------------------|-------|-------------------------------------|-------------|------------|
| No.                   | Code  | Title                               | Employees   | 2010-2011  |
| (1)                   | U082U | PUBLIC DEF COMM EXEC DIRECTOR       | 1           | \$100,424  |
| (2)                   | G012N | PUBLIC DEFENDER III                 | 2           | GRADE N905 |
| (3)                   | G022N | PUBLIC DEFENDER II                  | 6           | GRADE N902 |
| (4)                   | A050C | AGENCY FISCAL MANAGER               | 1           | GRADE C121 |
| (5)                   | X056C | CAPITAL CONFLICTS INVESTIGATOR      | 2           | GRADE C120 |
| (6)                   | G146C | MITIGATION SPECIALIST               | 1           | GRADE C119 |
| (7)                   | G179C | LEGAL SERVICES SPECIALIST           | 2           | GRADE C117 |
| (8)                   | C012C | PUBLIC DEFENDER SUPPORT SVCS SPECIA | 1           | GRADE C117 |
| (9)                   | C056C | ADMINISTRATIVE SPECIALIST III       | <u>1</u>    | GRADE C112 |
| 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 2010-2011 fiscal year, 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 fiscal year ending June 30, 2011, the following:

| ITEM                            | FISCAL YEAR  |
|---------------------------------|--------------|
| NO.                             | 2010-2011    |
| (01) REGULAR SALARIES           | \$ 1,096,130 |
| (02) EXTRA HELP                 | 12,000       |
| (03) PERSONAL SERVICES MATCHING | 292,819      |
| (04) MAINT. & GEN. OPERATION    |              |
| (A) OPER. EXPENSE               | 218,438      |
| (B) CONF. & TRAVEL              | 19,690       |

|   |                           |                     |
|---|---------------------------|---------------------|
| 1 | (C) PROF. FEES            | 325,000             |
| 2 | (D) CAP. OUTLAY           | 0                   |
| 3 | (E) DATA PROC.            | <u>0</u>            |
| 4 | TOTAL AMOUNT APPROPRIATED | <u>\$ 1,964,077</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 2010-2011 fiscal year, the following maximum number

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

10 the 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

14 Classification and Compensation Act. All persons occupying positions

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

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

17 successor.

| 19 |              |       |         | Maximum Annual   |
|----|--------------|-------|---------|------------------|
| 20 |              |       |         | Salary Rate      |
| 21 | Item         | Class | Maximum | Fiscal Year      |
| 22 | No.          | Code  | No. of  | 2010-2011        |
|    | <u>Title</u> |       |         | <u>Employees</u> |
| 23 | (1)          | G008N | 8       | GRADE N907       |
| 24 | (2)          | G012N | 33      | GRADE N905       |
| 25 | (3)          | G022N | 7       | GRADE N902       |
| 26 | (4)          | G025N | 52      | GRADE N901       |
| 27 | (5)          | X019C | 1       | GRADE C124       |
| 28 | (6)          | G065C | 50      | GRADE C124       |
| 29 | (7)          | D039C | 1       | GRADE C123       |
| 30 | (8)          | G092C | 1       | GRADE C122       |
| 31 | (9)          | R014C | 1       | GRADE C121       |
| 32 | (10)         | G122C | 1       | GRADE C120       |
| 33 | (11)         | G146C | 5       | GRADE C119       |
| 34 | (12)         | X063C | 5       | GRADE C119       |
| 35 | (13)         | G179C | 3       | GRADE C117       |
| 36 | (14)         | C012C | 1       | GRADE C117       |

|   |  |           |            |
|---|--|-----------|------------|
| 1 | (15) G194C PUBLIC DEFENDER INTERPRETER | 2         | GRADE C116 |
| 2 | (16) C046C LEGAL SUPPORT SPECIALIST    | <u>48</u> | GRADE C113 |
| 3 | MAX. NO. OF EMPLOYEES                  | 219       |            |

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5 SECTION 5. EXTRA HELP - TRIAL PUBLIC DEFENDER OFFICE. There is hereby  
6 authorized, for the Arkansas Public Defender Commission - Trial Public  
7 Defender Office for the 2010-2011 fiscal year, the following maximum number  
8 of part-time or temporary employees, to be known as "Extra Help", payable  
9 from funds appropriated herein for such purposes: three (3) temporary or  
10 part-time employees, when needed, at rates of pay not to exceed those  
11 provided in the Uniform Classification and Compensation Act, or its  
12 successor, or this act for the appropriate classification.

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14 SECTION 6. APPROPRIATION - TRIAL PUBLIC DEFENDER OFFICE. There is hereby  
15 appropriated, to the Arkansas Public Defender Commission, to be payable from  
16 the State Central Services Fund, for personal services and operating expenses  
17 of the Arkansas Public Defender Commission - Trial Public Defender Office for  
18 the fiscal year ending June 30, 2011, the following:

| 20 | ITEM                                     | FISCAL YEAR          |
|----|--|----------------------|
| 21 | <u>NO.</u>                               | <u>2010-2011</u>     |
| 22 | (01) REGULAR SALARIES                    | \$ 13,671,351        |
| 23 | (02) EXTRA HELP                          | 15,000               |
| 24 | (03) PERSONAL SERVICES MATCHING          | 3,677,333            |
| 25 | (04) MAINT. & GEN. OPERATION             |                      |
| 26 | (A) OPER. EXPENSE                        | 279,750              |
| 27 | (B) CONF. & TRAVEL                       | 2,500                |
| 28 | (C) PROF. FEES                           | 750,000              |
| 29 | (D) CAP. OUTLAY                          | 0                    |
| 30 | (E) DATA PROC.                           | 0                    |
| 31 | (05) PUBLIC DEFENDER COMMISSION PROGRAMS | 770,000              |
| 32 | (06) BAIL BOND COUNTY PUBLIC DEFENDER    |                      |
| 33 | PROGRAM                                  | <u>300,000</u>       |
| 34 | TOTAL AMOUNT APPROPRIATED                | <u>\$ 19,465,934</u> |

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36 SECTION 7. REGULAR SALARIES - OMBUDSMAN PROGRAM. There is hereby

1 established for the Arkansas Public Defender Commission - Ombudsman Program  
 2 for the 2010-2011 fiscal year, the following maximum number of regular  
 3 employees whose salaries shall be governed by the provisions of the Uniform  
 4 Classification and Compensation Act (Arkansas Code §§21-5-201 et seq.), or  
 5 its successor, and all laws amendatory thereto. Provided, however, that any  
 6 position to which a specific maximum annual salary is set out herein in  
 7 dollars, shall be exempt from the provisions of said Uniform Classification  
 8 and Compensation Act. All persons occupying positions authorized herein are  
 9 hereby governed by the provisions of the Regular Salaries Procedures and  
 10 Restrictions Act (Arkansas Code §21-5-101), or its successor.

|      |       |                                  | Maximum Annual |
|------|-------|----------------------------------|----------------|
|      |       |                                  | Salary Rate    |
| Item | Class |                                  | Fiscal Year    |
| No.  | Code  | Title                            | 2010-2011      |
| (1)  | G108C | PUBLIC DEF OMBUDSMAN COORDINATOR | GRADE C121     |
|      |       | MAX. NO. OF EMPLOYEES            | 1              |

19 SECTION 8. APPROPRIATION - OMBUDSMAN PROGRAM. There is hereby  
 20 appropriated, to the Arkansas Public Defender Commission, to be payable from  
 21 the State Central Services Fund, for personal services of the Arkansas Public  
 22 Defender Commission - Ombudsman Program for the fiscal year ending June 30,  
 23 2011, the following:

| ITEM                            | FISCAL YEAR      |
|---------------------------------|------------------|
| NO.                             | 2010-2011        |
| (01) REGULAR SALARIES           | \$ 69,839        |
| (02) PERSONAL SERVICES MATCHING | 18,174           |
| TOTAL AMOUNT APPROPRIATED       | <u>\$ 88,013</u> |

31 SECTION 9. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS  
 32 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. FEE  
 33 GENERATION AND SUPPORT - COURTS. Unless specified otherwise in Arkansas Code  
 34 §5-4-303(g) and Arkansas Code 16-87-213 the monies collected by the courts  
 35 under the authority of §5-4-303(g) and 16-87-213 shall be deposited into the  
 36 State Treasury to the credit of the State Central Services Fund.

1           In the event that the law requires that the fees levied under §5-4-  
2 303(g) be deposited into the State Administration of Justice Fund, the State  
3 Treasurer shall transfer the amount of the fees collected each month under  
4 the authority of Arkansas Code §5-4-303(g) from the State Administration of  
5 Justice Fund to the State Central Services Fund.

6           The provisions of this section shall be in effect only from July 1,  
7 ~~2007~~ 2010 through June 30, ~~2009~~ 2011.

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

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

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

27           The provisions of this section shall be in effect only from July 1, ~~2007~~  
28 2010 through June 30, ~~2009~~ 2011.

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30           SECTION 11. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS  
31 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. TRANSFER  
32 PROVISION. If the Public Defender Commission should determine that the  
33 appropriations made available for payments to the Counties are insufficient,  
34 appropriation may be transferred from the Public Defender Commission Program  
35 line item to the Bail Bond-County Public Defender line item, after receiving  
36 approval of the Chief Fiscal Officer of the State.

1           The provisions of this section shall be in effect only from July 1,  
2 ~~2007~~ 2010 through June 30, ~~2009~~ 2011.

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4           SECTION 12. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS  
5 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. DUTIES OF  
6 DEPENDENCY-NEGLECT APPEALS ATTORNEY. The Public Defender Commission shall  
7 utilize Dependency-Neglect Appeals Attorneys exclusively to write appeals in  
8 dependency-neglect cases.

9           The provisions of this section shall be in effect only from July 1,  
10 ~~2007~~ 2010 through June 30, ~~2009~~ 2011.

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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 one (1) year period; that the  
34 effectiveness of this Act on July 1, 2010 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 legislative session, the delay in the

effective date of this Act beyond July 1, 2010 could work irreparable harm upon the proper administration and provision of essential governmental programs. Therefore, an emergency is hereby declared to exist and this Act being necessary for the immediate preservation of the public peace, health and safety shall be in full force and effect from and after July 1, 2010.

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