

Department Appropriation Summary

Historical Data

Agency Request and Executive/Legislative Recommendation

Appropriation	2007-2008		2008-2009		2008-2009		2009-2010						2010-2011					
	Actual	Pos	Budget	Pos	Authorized	Pos	Agency	Pos	Executive	Pos	Legislative	Pos	Agency	Pos	Executive	Pos	Legislative	Pos
1VA Ombudsman Program	145,852	2	143,722	2	145,227	2	86,165	1	86,165	1	86,165	1	88,013	1	88,013	1	88,013	1
337 Public Defender-Operations	1,662,899	17	1,619,911	17	1,609,350	17	1,935,946	17	1,935,946	17	1,935,946	17	1,964,077	17	1,964,077	17	1,964,077	17
530 Public Defender -Trial Office	17,315,339	214	17,771,462	214	17,831,086	214	20,823,276	236	19,105,542	219	19,105,542	219	21,205,132	236	19,465,934	219	19,465,934	219
Total	19,124,090	233	19,535,095	233	19,585,663	233	22,845,387	254	21,127,653	237	21,127,653	237	23,257,222	254	21,518,024	237	21,518,024	237

Funding Sources		%		%		%		%		%		%		%		%		%
Fund Balance 4000005	2,705,520	12.8	1,957,055	9.0			2,139,994	9.4	2,139,994	10.1	2,139,994	10.1	0	0.0	0	0.0	0	0.0
State Central Services 4000035	8,944,529	42.4	10,830,802	50.0			11,511,201	50.4	9,793,467	46.4	9,793,467	46.4	13,711,182	59.0	11,971,984	55.6	11,971,984	55.6
Bail Bond Fees 4000115	1,465,896	7.0	1,150,959	5.3			1,200,000	5.3	1,200,000	5.7	1,200,000	5.7	1,500,000	6.4	1,500,000	7.0	1,500,000	7.0
State Administration of Justice 4000470	6,908,027	32.8	6,908,027	31.9			6,908,027	30.2	6,908,027	32.7	6,908,027	32.7	6,908,027	29.7	6,908,027	32.1	6,908,027	32.1
Transfer from DHS-DYS 4000515	52,211	0.2	73,379	0.3			86,165	0.4	86,165	0.4	86,165	0.4	88,013	0.4	88,013	0.4	88,013	0.4
User / Attorney Fees 4000725	1,004,962	4.8	754,867	3.5			1,000,000	4.4	1,000,000	4.7	1,000,000	4.7	1,050,000	4.5	1,050,000	4.9	1,050,000	4.9
Total Funds	21,081,145	100.0	21,675,089	100.0			22,845,387	100.0	21,127,653	100.0	21,127,653	100.0	23,257,222	100.0	21,518,024	100.0	21,518,024	100.0
Excess Appropriation/(Funding)	(1,957,055)		(2,139,994)				0		0		0		0		0		0	
Grand Total	19,124,090		19,535,095				22,845,387		21,127,653		21,127,653		23,257,222		21,518,024		21,518,024	

The FY08 Actual amount exceeds the Authorized amount due to a higher Authorized appropriation in FY08. The FY09 Budget amount exceeds the Authorized amount due to salary adjustments during the 2007-2009 biennium.

Analysis of Budget Request

Appropriation: 1VA - Ombudsman Program

Funding Sources: HSC - State Central Services

The Ombudsman Division of the Arkansas Public Defender Commission was created during the 82nd General Assembly for the purpose of insuring that children placed within the custody of the Department of Human Services (DHS) - Division of Youth Services are receiving necessary services designed to keep them safe both mentally and physically. One Position in the Ombudsman Division of the Arkansas Public Defender Commission is funded from funds transferred by the DHS. This transfer is for the benefit of the Juvenile Ombudsman Program of the Public Defender Commission. There is also a transfer of funds from the Public Defender's Trial Public Defender appropriation.

Base Level salaries for classified positions reflect the recommendations of the Pay Plan Study. A 2.3% Cost of Living Allowance is reflected in the second year of the biennium. The Base Level request for Regular Salaries may include Career Service payments for eligible employees. Personal Services Matching includes a \$75 increase in the monthly contribution for State employee's health insurance for a total State match per budgeted employee of \$425.

The Agency is transferring one position to appropriation 530 - Trial Public Defender, to facilitate better internal control. The position is currently paid with a transfer from Trial Public Defender fund. This move will eliminate the need to transfer funding. A negative Change Level request of \$85,354 in FY2010 and \$87,200 in FY2011 is reflected.

Executive Recommendation provides for Agency Request.

The Legislative Recommendation concurs with the Executive Recommendation.

Appropriation Summary

Appropriation: 1VA - Ombudsman Program

Funding Sources: HSC - State Central Services

Commitment Item		2007-2008	2008-2009	2008-2009	2009-2010			2010-2011		
		Actual	Budget	Authorized	Agency	Executive	Legislative	Agency	Executive	Legislative
Regular Salaries	5010000	114,316	114,042	113,785	68,283	68,283	68,283	69,839	69,839	69,839
#Positions		2	2	2	1	1	1	1	1	1
Personal Services Matching	5010003	31,536	29,680	31,442	17,882	17,882	17,882	18,174	18,174	18,174
Total		145,852	143,722	145,227	86,165	86,165	86,165	88,013	88,013	88,013
Funding Sources										
Fund Balance	4000005	47,097	14,926		0	0	0	0	0	0
Bail Bond Fees	4000115	61,470	55,417		0	0	0	0	0	0
Transfer from DHS-DYS	4000515	52,211	73,379		86,165	86,165	86,165	88,013	88,013	88,013
Total Funding		160,778	143,722		86,165	86,165	86,165	88,013	88,013	88,013
Excess Appropriation/(Funding)		(14,926)	0		0	0	0	0	0	0
Grand Total		145,852	143,722		86,165	86,165	86,165	88,013	88,013	88,013

The FY09 Budget amount in Regular Salaries exceeds the Authorized amount due to salary adjustments during the 2007-2009 biennium.

Analysis of Budget Request

Appropriation: 337 - Public Defender-Operations

Funding Sources: HSC - State Central Services

The Arkansas Public Defender Commission was established in 1993 to address a variety of problems and concerns related to the representation of indigent criminal defendants in Capital Conflicts and Appeals to the Supreme Court in the State of Arkansas. The State Operations appropriation is funded from the State Central Services Fund.

Base Level salaries for classified positions reflect the recommendations of the Pay Plan Study and unclassified positions reflect similar adjustments in line item salaries. Also reflected are changes from unclassified to classified positions. A 2.3% Cost of Living Allowance is reflected in the second year of the biennium. The Base Level request for Regular Salaries may include Career Service payments for eligible employees. Personal Services Matching includes a \$75 increase in the monthly contribution for State employee's health insurance for a total State match per budgeted employee of \$425.

The Base Level Request is \$1,706,946 in FY10 and \$1,735,077 in FY11.

The Agency requests an additional \$229,000 each year for Professional Fees due to an increase in the number of capital cases. The Commission has increased the number of appointed conflict attorneys which lends to additional cost for hiring expert witnesses, mitigation specialist, investigators, and medical/psychological examiners.

The Executive Recommendation provides for Agency Request.

The Legislative Recommendation concurs with the Executive Recommendation.

Appropriation Summary

Appropriation: 337 - Public Defender-Operations

Funding Sources: HSC - State Central Services

Commitment Item	2007-2008	2008-2009	2008-2009	2009-2010			2010-2011		
	Actual	Budget	Authorized	Agency	Executive	Legislative	Agency	Executive	Legislative
Regular Salaries 5010000	999,589	1,012,526	990,350	1,072,432	1,072,432	1,072,432	1,096,130	1,096,130	1,096,130
#Positions	17	17	17	17	17	17	17	17	17
Extra Help 5010001	11,698	12,000	12,000	12,000	12,000	12,000	12,000	12,000	12,000
#Extra Help	3	3	3	3	3	3	3	3	3
Personal Services Matching 5010003	263,519	261,257	272,872	288,386	288,386	288,386	292,819	292,819	292,819
Operating Expenses 5020002	272,403	218,438	218,438	218,438	218,438	218,438	218,438	218,438	218,438
Conference & Travel Expenses 5050009	19,690	19,690	19,690	19,690	19,690	19,690	19,690	19,690	19,690
Professional Fees 5060010	96,000	96,000	96,000	325,000	325,000	325,000	325,000	325,000	325,000
Data Processing 5090012	0	0	0	0	0	0	0	0	0
Capital Outlay 5120011	0	0	0	0	0	0	0	0	0
Total	1,662,899	1,619,911	1,609,350	1,935,946	1,935,946	1,935,946	1,964,077	1,964,077	1,964,077
Funding Sources									
State Central Services 4000035	1,662,899	1,619,911		1,935,946	1,935,946	1,935,946	1,964,077	1,964,077	1,964,077
Total Funding	1,662,899	1,619,911		1,935,946	1,935,946	1,935,946	1,964,077	1,964,077	1,964,077
Excess Appropriation/(Funding)	0	0		0	0	0	0	0	0
Grand Total	1,662,899	1,619,911		1,935,946	1,935,946	1,935,946	1,964,077	1,964,077	1,964,077

The FY09 Budget amount in Regular Salaries exceeds the Authorized amount due to salary adjustments during the 2007-2009 biennium.

The FY08 Actual amount for Operating Expenses exceeds the Authorized amount due to a higher Authorized appropriation in FY08.

Analysis of Budget Request

Appropriation: 530 - Public Defender -Trial Office

Funding Sources: HSC - State Central Services

The Trial Public Defender Office of the Arkansas Public Defender Commission was created by Act 1341 of 1997 and provides for the establishment of a statewide public defender system in Arkansas. The Trial Public Defender Office operates under the supervision of the Executive Director of the Arkansas Public Defender Commission. Duties of all public defenders are to provide for competent, effective, and uniform representation of indigent criminal defendants throughout the State. The Commission utilizes over sixty-one (61) job share positions.

The Trial Public Defender Office is funded from a share of those funds remitted by the cities and counties from court costs and filing fees for deposit into the State Administration of Justice Fund. A portion of those funds is then allocated for deposit into the State Central Services Fund for the benefit of the Public Defender Commission per Arkansas Code §16-10-310. Arkansas Code §17-19-301 (e) allows for a fee to be charged and collected by all bail bond companies on each bond. The additional revenue helps defray the cost of the public defender system, both statewide and in each individual county.

Base Level salaries for classified positions reflect the recommendations of the Pay Plan Study and unclassified positions reflect similar adjustments in line item salaries. Also reflected are changes from unclassified to classified positions. A 2.3% Cost of Living Allowance is reflected in the second year of the biennium. The Base Level request for Regular Salaries may include board member Stipend payments and Career Service payments for eligible employees. Personal Services Matching includes a \$75 increase in the monthly contribution for State employee's health insurance for a total State match per budgeted employee of \$425.

Special Language authorized in Act 1637 of 2001 restricted funding support for certain levels of Personal Services, Maintenance and Operation, and Extra Help costs to the extent that fees generated through the provisions of Arkansas Code §5-4-303(g) and §16-87-213 (User & Attorney Fees) are available.

The Base Level Request is \$18,528,580 in FY10 and \$18,882,009 in FY11.

During the last biennium, the Commission received three Dependency Neglect positions. The number of appeals filed is more than the current staff can handle. The need for three additional Dependency Neglect Appeal positions and Operating Expenses to support these positions is being requested. Fifteen new Public Defender positions are needed in order to meet the rising number of caseloads. Pursuant to *Wiggins v. Smith*, 539 U.S. 510, 123 S. Ct. 2527, 156 L.Ed.2d471, (2003), the United States Supreme Court has said that in any and all death cases, one must have a mitigation specialist to thoroughly and exhaustively research the capital defendant's social history. Thus the request for three Mitigation Specialist is needed. Having more staff will more than pay for itself in the long run.

The Change Level Requests submitted are \$2,294,696 in FY10 and \$2,323,123 in FY11 and are summarized as follows:

- Requesting a total of 21 new positions - three (3) Mitigation Specialist, five (5) Public Defenders Attorney I, five (5) Public Defender II, five (5) Public Defender III, one (1) Legal Support Specialist, and one (1) Legal Specialist, one (1) Public Defender I with Regular Salaries, Personal

- Service Matching and Operating Expenses totaling \$1,559,342 and \$1,585,923.
- Requesting to move one position from Ombudsman program to the Trial Public Defender program. This will facilitate better internal accounting control. The position's funding is currently transferred from this appropriation. This would eliminate the need for a transfer of funding of \$85,354 in FY10 and \$87,200 in FY11.
- Requesting a \$500,000 increase each year in Professional Fees due to an increase of capital and felony cases. The cost of hiring expert witnesses, mitigation specialist, investigators and medical/psychological examiners has risen substantially.
- Arkansas Code §17-19-301 (e) gives the Commission an additional ten dollars collected by the Bail Bond Commission to help defray the cost of the Public Defender system. The Commission pays the counties three dollars of the ten dollars collected to defray the cost of the county public defender's offices. The Commission is requesting an increase for the Bail Bond County Public Defender line item of \$150,000 in appropriation specifically for the quarterly payments to the seventy-five counties.

The Executive Recommendation provides for the Base Level for both years of the biennium; with the following increases:

1. Four additional positions:
 - (a.) One (1) Legal Support Specialist
 - (b.) Three (3) Public Defender III
2. Operating Expenses of \$18,883 for FY10 and \$17,050 for FY11
3. Transfer of one position form the Ombudsman Program to the Trial Public Defender Program
4. \$150,000 each year to assist with quarterly payments to county public defender's offices

The Legislative Recommendation concurs with the Executive Recommendation.

Appropriation Summary

Appropriation: 530 - Public Defender -Trial Office

Funding Sources: HSC - State Central Services

Commitment Item		2007-2008	2008-2009	2008-2009	2009-2010			2010-2011		
		Actual	Budget	Authorized	Agency	Executive	Legislative	Agency	Executive	Legislative
Regular Salaries	5010000	12,149,573	12,574,847	12,455,989	14,287,120	13,366,242	13,366,242	14,613,397	13,671,351	13,671,351
#Positions		214	214	214	236	219	219	236	219	219
Extra Help	5010001	13,295	15,000	15,000	15,000	15,000	15,000	15,000	15,000	15,000
#Extra Help		3	3	3	3	3	3	3	3	3
Personal Services Matching	5010003	3,272,312	3,246,415	3,424,897	3,879,306	3,620,217	3,620,217	3,940,385	3,677,333	3,677,333
Operating Expenses	5020002	216,189	262,700	262,700	319,350	281,583	281,583	313,850	279,750	279,750
Conference & Travel Expenses	5050009	2,500	2,500	2,500	2,500	2,500	2,500	2,500	2,500	2,500
Professional Fees	5060010	750,000	750,000	750,000	1,250,000	750,000	750,000	1,250,000	750,000	750,000
Data Processing	5090012	0	0	0	0	0	0	0	0	0
Capital Outlay	5120011	0	0	0	0	0	0	0	0	0
Public Defender Comm. Prgms.	5900046	700,981	770,000	770,000	770,000	770,000	770,000	770,000	770,000	770,000
Bail Bond Co. Public Def. Prgm.	5900047	210,489	150,000	150,000	300,000	300,000	300,000	300,000	300,000	300,000
Total		17,315,339	17,771,462	17,831,086	20,823,276	19,105,542	19,105,542	21,205,132	19,465,934	19,465,934

Funding Sources										
Fund Balance	4000005	2,658,423	1,942,129		2,139,994	2,139,994	2,139,994	0	0	0
State Central Services	4000035	7,281,630	9,210,891		9,575,255	7,857,521	7,857,521	11,747,105	10,007,907	10,007,907
Bail Bond Fees	4000115	1,404,426	1,095,542		1,200,000	1,200,000	1,200,000	1,500,000	1,500,000	1,500,000
State Administration of Justice	4000470	6,908,027	6,908,027		6,908,027	6,908,027	6,908,027	6,908,027	6,908,027	6,908,027
User / Attorney Fees	4000725	1,004,962	754,867		1,000,000	1,000,000	1,000,000	1,050,000	1,050,000	1,050,000
Total Funding		19,257,468	19,911,456		20,823,276	19,105,542	19,105,542	21,205,132	19,465,934	19,465,934
Excess Appropriation/(Funding)		(1,942,129)	(2,139,994)		0	0	0	0	0	0
Grand Total		17,315,339	17,771,462		20,823,276	19,105,542	19,105,542	21,205,132	19,465,934	19,465,934

The FY09 Budget amount in Regular Salaries exceeds the Authorized amount due to salary adjustments during the 2007-2009 biennium.

Actual Expenditures for FY08 for the Bail Bond County Public Defender line item exceeds Authorized due to special language which provides Appropriation Transfer authority.