

Department Appropriation Summary

Historical Data

Agency Request and Executive/Legislative Recommendation

Appropriation	2009-2010		2010-2011		2010-2011		2011-2012						2012-2013					
	Actual	Pos	Budget	Pos	Authorized	Pos	Agency	Pos	Executive	Pos	Legislative	Pos	Agency	Pos	Executive	Pos	Legislative	Pos
1VA Ombudsman Program	87,610	1	86,845	1	88,013	1	86,122	1	89,640	1	89,640	1	86,122	1	89,640	1	89,640	1
337 Public Defender-Operations	1,911,487	17	1,961,652	17	1,964,077	17	2,875,156	22	2,560,267	18	2,560,267	18	2,853,156	22	2,588,811	18	2,588,811	18
530 Public Defender -Trial Office	18,934,931	219	19,286,515	219	19,465,934	219	19,319,320	220	20,000,756	220	20,000,756	220	19,314,920	220	20,366,127	220	20,366,127	220
Total	20,934,028	237	21,335,012	237	21,518,024	237	22,280,598	243	22,650,663	239	22,650,663	239	22,254,198	243	23,044,578	239	23,044,578	239

Funding Sources		%		%		%		%		%		%		%		%		%
Fund Balance 4000005	2,896,598	11.9	3,343,932	13.8			2,977,657	12.5	2,977,657	12.3	2,977,657	12.3	1,495,758	6.7	1,492,240	6.5	1,492,240	6.5
State Central Services 4000035	11,817,994	48.7	12,069,443	49.6			11,899,750	50.0	12,266,297	50.8	12,266,297	50.8	11,877,750	53.3	12,664,612	54.9	12,664,612	54.9
Bail Bond Fees 4000115	1,458,124	6.0	1,100,000	4.5			1,100,000	4.6	1,100,000	4.6	1,100,000	4.6	1,100,000	4.9	1,100,000	4.8	1,100,000	4.8
State Administration of Justice 4000470	6,908,027	28.5	6,908,027	28.4			6,908,027	29.1	6,908,027	28.6	6,908,027	28.6	6,908,027	31.0	6,908,027	30.0	6,908,027	30.0
Transfer from DHS-DYS 4000515	95,963	0.4	86,467	0.4			86,122	0.4	86,122	0.4	86,122	0.4	86,122	0.4	86,122	0.4	86,122	0.4
User / Attorney Fees 4000725	1,101,254	4.5	804,800	3.3			804,800	3.4	804,800	3.3	804,800	3.3	804,800	3.6	804,800	3.5	804,800	3.5
Total Funds	24,277,960	100.0	24,312,669	100.0			23,776,356	100.0	24,142,903	100.0	24,142,903	100.0	22,272,457	100.0	23,055,801	100.0	23,055,801	100.0
Excess Appropriation/(Funding)	(3,343,932)		(2,977,657)				(1,495,758)		(1,492,240)		(1,492,240)		(18,259)		(11,223)		(11,223)	
Grand Total	20,934,028		21,335,012				22,280,598		22,650,663		22,650,663		22,254,198		23,044,578		23,044,578	

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 and matching do not include appropriation for a Cost of Living Adjustment or Career Service Payments.

The Commission's Request provides for Base Level for the 2011-2013 biennium.

The Executive Recommendation provides for the Commission Request.

The Legislative Recommendation concurs with the Executive Recommendation.

Appropriation Summary

Appropriation: 1VA - Ombudsman Program

Funding Sources: HSC - State Central Services

Commitment Item		2009-2010	2010-2011	2010-2011	2011-2012			2012-2013		
		Actual	Budget	Authorized	Agency	Executive	Legislative	Agency	Executive	Legislative
Regular Salaries	5010000	69,755	68,282	69,839	67,682	70,708	70,708	67,682	70,708	70,708
#Positions		1	1	1	1	1	1	1	1	1
Personal Services Matching	5010003	17,855	18,563	18,174	18,440	18,932	18,932	18,440	18,932	18,932
Total		87,610	86,845	88,013	86,122	89,640	89,640	86,122	89,640	89,640
Funding Sources										
Fund Balance	4000005	10,284	18,637		18,259	18,259	18,259	18,259	14,741	14,741
Transfer from DHS-DYS	4000515	95,963	86,467		86,122	86,122	86,122	86,122	86,122	86,122
Total Funding		106,247	105,104		104,381	104,381	104,381	104,381	100,863	100,863
Excess Appropriation/(Funding)		(18,637)	(18,259)		(18,259)	(14,741)	(14,741)	(18,259)	(11,223)	(11,223)
Grand Total		87,610	86,845		86,122	89,640	89,640	86,122	89,640	89,640

The FY11 Budget amount in Personal Services Matching exceeds the authorized amount due to matching rate adjustments during the 2009-2011 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.

In *Arkansas Public Defender Commission v. Muhammad, et al.*, 2010 Ark. 120., the Arkansas Supreme Court ordered that the Public Defender Commission was responsible for expenses in cases where the defendant is found to be indigent, regardless of whether his or her attorney was retained or appointed.

Base Level salaries and matching do not include appropriation for a Cost of Living Adjustment or Career Service Payments. The Base Level salary of the unclassified position reflects the FY11 line item maximum.

The Commission's Change Level Request totaling \$914,675 in FY2012 and \$892,675 in FY2013 reflects the following:

- Regular Salaries and Personal Services Matching increases of \$341,770 each year to support three (3) Public Defender I (G025N/N901) positions, one (1) Public Defender Program Coordinator (G122C/C120) and one (1) Legal Services Specialist (G179C/C117). The Public Defender positions would be used to reduce the amount currently being spent on contract attorneys for cases where the local public defender has a conflict of interest. The Public Defender Program Coordinator would analyze, coordinate, and ensure accountability for retained attorney requests for public assistance as required by the Muhammad opinion. Currently, the Executive Director shares a secretary with eight Capital Conflicts attorneys. The Legal Services Specialist position would be assigned to assist the Executive Director, allowing the existing staff secretary to better serve these attorneys.
- Reclassification of one (1) Drug Court Administrator (X019C/C124) to Administrative Services Manager (G076C/C124) to more accurately reflect the work being performed. This change will result in no additional appropriation or funding.
- Operating Expenses of \$64,505 in FY2012 and \$42,505 in FY2013 to provide support for additional staff, including computers and related software, telecommunications and network expenses, rent, mileage, meals & lodging, office supplies and subscription dues.
- Conference & Travel Expenses increase of \$8,400 each year for conference & seminar fees, meals and lodging for the additional positions requested.
- Professional Fees of \$500,000 each year in anticipation of hundreds of annual requests for expenses resulting from the Muhammad opinion.

The Executive Recommendation provides for increases above Base Level totaling \$549,601 each year as follows:

- Regular Salaries and Personal Services Matching of \$49,601 each year for one (1) Public Defender Program Coordinator (G122C/C120) to ensure accountability for retained attorney requests for public assistance resulting from the Muhammad opinion.
- Reclassification of one (1) Drug Court Administrator (X019C/C124) to Administrative Services Manager (G076C/C124).
- Professional Fees of \$500,000 each year for requests for expenses resulting from the Muhammad opinion.

The Legislative Recommendation concurs with the Executive Recommendation.

Appropriation Summary

Appropriation: 337 - Public Defender-Operations

Funding Sources: HSC - State Central Services

Commitment Item	2009-2010	2010-2011	2010-2011	2011-2012			2012-2013		
	Actual	Budget	Authorized	Agency	Executive	Legislative	Agency	Executive	Legislative
Regular Salaries 5010000	1,065,233	1,085,364	1,096,130	1,348,972	1,164,426	1,164,426	1,348,972	1,188,283	1,188,283
#Positions	17	17	17	22	18	18	22	18	18
Extra Help 5010001	2,120	12,000	12,000	12,000	12,000	12,000	12,000	12,000	12,000
#Extra Help	2	3	3	3	3	3	3	3	3
Personal Services Matching 5010003	280,256	301,160	292,819	378,151	320,713	320,713	378,151	325,400	325,400
Operating Expenses 5020002	219,189	218,438	218,438	282,943	218,438	218,438	260,943	218,438	218,438
Conference & Travel Expenses 5050009	19,689	19,690	19,690	28,090	19,690	19,690	28,090	19,690	19,690
Professional Fees 5060010	325,000	325,000	325,000	825,000	825,000	825,000	825,000	825,000	825,000
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	1,911,487	1,961,652	1,964,077	2,875,156	2,560,267	2,560,267	2,853,156	2,588,811	2,588,811
Funding Sources									
State Central Services 4000035	1,911,487	1,961,652		2,875,156	2,560,267	2,560,267	2,853,156	2,588,811	2,588,811
Total Funding	1,911,487	1,961,652		2,875,156	2,560,267	2,560,267	2,853,156	2,588,811	2,588,811
Excess Appropriation/(Funding)	0	0		0	0	0	0	0	0
Grand Total	1,911,487	1,961,652		2,875,156	2,560,267	2,560,267	2,853,156	2,588,811	2,588,811

The FY11 Budget amount in Personal Services Matching exceeds the authorized amount due to matching rate adjustments during the 2009-2011 biennium.

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 in part 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 and matching do not include appropriation for a Cost of Living Adjustment or Career Service Payments.

The Commission's Change Level Request totaling \$60,363 in FY2012 and \$55,963 in FY2013 reflects the following:

- Regular Salaries and Personal Services Matching of \$47,462 each year for one (1) Mitigation Specialist (G146C/C119) to serve in Northwest Arkansas. Pursuant to the U.S. Supreme Court decision in *Wiggins v. Smith*, 539 U.S. 510, 123 S. Ct. 2527 (2003), each capital defendant must have their social history thoroughly researched by counsel, or they may be entitled to a new trial. Currently, the Commission outsources this research in the northwest region at two to three times the hourly rate of an equivalent state employee. However, in cases where multiple capital defendants are charged in the same crime, the Commission would still be required to contract this research for all but one defendant in order to avoid a conflict of interest.
- Operating Expenses increases of \$12,901 in FY2012 and \$8,501 in FY2013 for purchase of a computer and related software, telecommunications and network expenses, rent, mileage, meals & lodging, office supplies and subscription dues to support this new employee.

The Executive Recommendation provides for the Commission Request.

The Legislative Recommendation concurs with the Executive Recommendation.

Appropriation Summary

Appropriation: 530 - Public Defender -Trial Office

Funding Sources: HSC - State Central Services

Commitment Item		2009-2010	2010-2011	2010-2011	2011-2012			2012-2013		
		Actual	Budget	Authorized	Agency	Executive	Legislative	Agency	Executive	Legislative
Regular Salaries	5010000	13,408,906	13,460,010	13,671,351	13,428,396	14,007,780	14,007,780	13,428,396	14,317,442	14,317,442
#Positions		219	219	219	220	220	220	220	220	220
Extra Help	5010001	11,894	15,000	15,000	15,000	15,000	15,000	15,000	15,000	15,000
#Extra Help		2	3	3	3	3	3	3	3	3
Personal Services Matching	5010003	3,494,341	3,709,255	3,677,333	3,760,773	3,862,825	3,862,825	3,760,773	3,922,934	3,922,934
Operating Expenses	5020002	280,257	279,750	279,750	292,651	292,651	292,651	288,251	288,251	288,251
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	750,000	750,000	750,000	750,000	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	769,734	770,000	770,000	770,000	770,000	770,000	770,000	770,000	770,000
Bail Bond Co. Public Def. Prgm.	5900047	217,299	300,000	300,000	300,000	300,000	300,000	300,000	300,000	300,000
Total		18,934,931	19,286,515	19,465,934	19,319,320	20,000,756	20,000,756	19,314,920	20,366,127	20,366,127

Funding Sources										
Fund Balance	4000005	2,886,314	3,325,295		2,959,398	2,959,398	2,959,398	1,477,499	1,477,499	1,477,499
State Central Services	4000035	9,906,507	10,107,791		9,024,594	9,706,030	9,706,030	9,024,594	10,075,801	10,075,801
Bail Bond Fees	4000115	1,458,124	1,100,000		1,100,000	1,100,000	1,100,000	1,100,000	1,100,000	1,100,000
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	1,101,254	804,800		804,800	804,800	804,800	804,800	804,800	804,800
Total Funding		22,260,226	22,245,913		20,796,819	21,478,255	21,478,255	19,314,920	20,366,127	20,366,127
Excess Appropriation/(Funding)		(3,325,295)	(2,959,398)		(1,477,499)	(1,477,499)	(1,477,499)	0	0	0
Grand Total		18,934,931	19,286,515		19,319,320	20,000,756	20,000,756	19,314,920	20,366,127	20,366,127

The FY11 Budget amount in Personal Services Matching exceeds the authorized amount due to matching rate adjustments during the 2009-2011 biennium.