

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  
4

*As Engrossed: S4/7/05*  
**A Bill**

SENATE BILL 152

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 BIENNIAL  
12 PERIOD ENDING JUNE 30, 2007; AND FOR OTHER  
13 PURPOSES.  
14

**Subtitle**

15  
16 AN ACT FOR THE ARKANSAS PUBLIC DEFENDER  
17 COMMISSION APPROPRIATION FOR THE  
18 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	2006-2007
4	(1) 8914	PUBLIC DEF COMM EXEC DIRECTOR	1	\$87,648	\$89,863
5	(2) R038	ATTORNEY SUPERVISOR	2	GRADE 26	
6	(3) R170	ATTORNEY SPECIALIST	5	GRADE 25	
7	(4) X301	PUB DEF COMM INVESTIGATOR	2	GRADE 22	
8	(5) R298	AGENCY PROGRAM COORDINATOR	1	GRADE 21	
9	(6) R093	MITIGATION SPECIALIST	1	GRADE 20	
10	(7) R010	ADMINISTRATIVE ASSISTANT II	1	GRADE 17	
11	(8) R440	BUSINESS CONTROLLER II	1	GRADE 16	
12	(9) K041	EXECUTIVE SECY/ADMINISTRATIVE SECY	<u>1</u>	GRADE 14	
13		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
32	(01) REGULAR SALARIES	\$ 854,234	\$ 877,972
33	(02) EXTRA HELP	12,000	12,000
34	(03) PERSONAL SERVICES MATCHING	218,910	223,338
35	(04) MAINT. & GEN. OPERATION		
36	(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.

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	8	\$85,687	\$87,865
25	(2)	R015 CLASS A PUBLIC DEFENDER	26	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)	DRUG COURT ADMINISTRATOR	1	GRADE	24
30	(7)	008Z PUB DEFENDER NETWORK ADMINSTRATOR	1	GRADE	23
31	(8)	R047 PUBLIC DEFENDER PERSONNEL MANAGER	1	GRADE	22
32	(9)	R093 MITIGATION SPECIALIST	3	GRADE	20
33	(10)	X308 PUBLIC DEFENDER INVESTIGATOR	5	GRADE	20
34	(11)	R204 PARALEGAL/LEGAL ASSISTANT	2	GRADE	19
35	(12)	K017 PUBLIC DEFENDER SECRETARY II	<u>47</u>	GRADE	15
36		MAX. NO. OF EMPLOYEES	191		

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2 SECTION 5. EXTRA HELP - TRIAL PUBLIC DEFENDER OFFICE. There is hereby  
3 authorized, for the Arkansas Public Defender Commission - Trial Public  
4 Defender Office for the 2005-2007 biennium, the following maximum number of  
5 part-time or temporary employees, to be known as "Extra Help", payable from  
6 funds appropriated herein for such purposes: three (3) temporary or part-  
7 time employees, when needed, at rates of pay not to exceed those provided in  
8 the Uniform Classification and Compensation Act, or its successor, or this  
9 act for the appropriate classification.

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11 SECTION 6. APPROPRIATION - TRIAL PUBLIC DEFENDER OFFICE. There is hereby  
12 appropriated, to the Arkansas Public Defender Commission, to be payable from  
13 the State Central Services Fund, for personal services and operating expenses  
14 of the Arkansas Public Defender Commission - Trial Public Defender Office for  
15 the biennial period ending June 30, 2007, the following:

17	ITEM	FISCAL YEARS	
18	<u>NO.</u>	<u>2005-2006</u>	<u>2006-2007</u>
19	(01) REGULAR SALARIES	\$ 10,446,171	\$ 10,736,792
20	(02) EXTRA HELP	15,000	15,000
21	(03) PERSONAL SERVICES MATCHING	2,722,868	2,778,132
22	(04) MAINT. & GEN. OPERATION		
23	(A) OPER. EXPENSE	160,000	160,000
24	(B) CONF. & TRAVEL	0	0
25	(C) PROF. FEES	750,000	750,000
26	(D) CAP. OUTLAY	0	0
27	(E) DATA PROC.	0	0
28	(05) PUBLIC DEFENDER COMMISSION PROGRAMS	<u>770,000</u>	<u>770,000</u>
29	TOTAL AMOUNT APPROPRIATED	<u>\$ 14,864,039</u>	<u>\$ 15,209,924</u>

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31 SECTION 7. REGULAR SALARIES - OMBUDSMAN PROGRAM. There is hereby  
32 established for the Arkansas Public Defender Commission - Ombudsman Program  
33 for the 2005-2007 biennium, the following maximum number of regular employees  
34 whose salaries shall be governed by the provisions of the Uniform  
35 Classification and Compensation Act (Arkansas Code §§21-5-201 et seq.), or  
36 its successor, and all laws amendatory thereto. Provided, however, that any

1 position to which a specific maximum annual salary is set out herein in  
 2 dollars, shall be exempt from the provisions of said Uniform Classification  
 3 and Compensation Act. All persons occupying positions authorized herein are  
 4 hereby governed by the provisions of the Regular Salaries Procedures and  
 5 Restrictions Act (Arkansas Code §21-5-101), or its successor.

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

17 SECTION 8. APPROPRIATION - OMBUDSMAN PROGRAM. There is hereby  
 18 appropriated, to the Arkansas Public Defender Commission, to be payable from  
 19 the State Central Services Fund, for personal services of the Arkansas Public  
 20 Defender Commission - Ombudsman Program for the biennial period ending June  
 21 30, 2007, the following:

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

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

35 In the event that the law requires that the fees levied under §5-4-303(g) be  
 36 deposited into the State Administration of Justice Fund, the State Treasurer

1 shall transfer the amount of the fees collected each month under the  
2 authority of Arkansas Code §5-4-303(g) from the State Administration of  
3 Justice Fund to the State Central Services Fund.

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

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

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16 SECTION 11. REGULAR SALARIES - NORTHWEST ARKANSAS CONFLICT OFFICE. *There*  
17 *is hereby established for the Arkansas Public Defender Commission - Northwest*  
18 *Arkansas Conflict Office for the 2005-2007 biennium, the following maximum*  
19 *number of regular employees whose salaries shall be governed by the*  
20 *provisions of the Uniform Classification and Compensation Act (Arkansas Code*  
21 *21-5-201) or its successor, and all laws amendatory thereto. Provided,*  
22 *however, that any position to which a specific maximum annual salary is set*  
23 *out herein in dollars, shall be exempt from the provisions of said Uniform*  
24 *Classification and Compensation Act. All persons occupying positions*  
25 *authorized herein are hereby governed by the provisions of the Regular*  
26 *Salaries Procedures and Restrictions Act (Arkansas Code 21-5-101), or its*  
27 *successor.*

				<i>Maximum Annual</i>		
				<i>Maximum</i>	<i>Salary Rate</i>	
				<i>No. of</i>	<i>Fiscal Years</i>	
<i>Item</i>	<i>Class</i>			<i>Employees</i>	<i>2005-2006</i>	<i>2006-2007</i>
<u>No.</u>	<u>Code</u>	<u>Title</u>				
33	(1)	R015	CLASS A PUBLIC DEFENDER	2	GRADE 26	
34	(2)	R204	PARALEGAL/LEGAL ASSISTANT	<u>1</u>	GRADE 19	
35			MAX. NO. OF EMPLOYEES	3		

SECTION 12. APPROPRIATION - NORTHWEST ARKANSAS CONFLICT 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 - Northwest Arkansas Conflict Office for the biennial period ending June 30, 2007, the following:

Item No.	Fiscal Years	
	2005-2006	2006-2007
(01) REGULAR SALARIES	\$ 110,106	\$ 113,408
(02) EXTRA HELP	0	0
(03) PERSONAL SERVICES MATCHING	32,209	32,829
(04) MAINT. & GEN. OPERATION		
(A) OPER. EXPENSE	37,500	32,700
(B) CONF. & TRAVEL	0	0
(C) PROF. FEES	0	0
(D) CAP. OUTLAY	4,930	1,000
(E) DATA PROC.	<u>0</u>	<u>0</u>
TOTAL AMOUNT APPROPRIATED	\$ 184,745	\$ 179,937

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

SECTION 14. LEGISLATIVE INTENT. It is the intent of the General Assembly that any funds disbursed under the authority of the appropriations contained in this act shall be in compliance with the stated reasons for which this act was adopted, as evidenced by the Agency Requests, Executive Recommendations and Legislative Recommendations contained in the budget manuals prepared by

1 the Department of Finance and Administration, letters, or summarized oral  
2 testimony in the official minutes of the Arkansas Legislative Council or  
3 Joint Budget Committee which relate to its passage and adoption.

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5 SECTION 15. EMERGENCY CLAUSE. It is found and determined by the General  
6 Assembly, that the Constitution of the State of Arkansas prohibits the  
7 appropriation of funds for more than a two (2) year period; that the  
8 effectiveness of this Act on July 1, 2005 is essential to the operation of  
9 the agency for which the appropriations in this Act are provided, and that in  
10 the event of an extension of the Regular Session, the delay in the effective  
11 date of this Act beyond July 1, 2005 could work irreparable harm upon the  
12 proper administration and provision of essential governmental programs.  
13 Therefore, an emergency is hereby declared to exist and this Act being  
14 necessary for the immediate preservation of the public peace, health and  
15 safety shall be in full force and effect from and after July 1, 2005.

16  
17 */s/ Joint Budget Committee*  
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