

ARKANSAS BUDGET SYSTEM
AGENCY PROGRAM COMMENTARY
1995 - 1997

The Arkansas Public Defender Commission is funded through State Central Services. We are requesting a total appropriation of \$866,074 for FY96 and \$862,565 for FY97. The aforementioned figures include priority requests for FY96 in the amount of \$375,432 and in the amount of \$371,923 for FY97. These requests will be explained and justified in detail below. Many of our requests are contingent upon other priority requests being granted; therefore, these contingencies will be grouped together.

Current Staffing

With the Public Defender Commission's staffing as it is at present, we are requesting an additional maintenance and operation appropriation in the amount of \$52,025. This amount includes items which are essential to the effective administration of the office. In April of 1994 we moved into our permanent office space of 4100 square feet in the Main Street Mall building. At that time, due to budget constraints, State Building Services agreed to allow us to pay \$6.50 per square foot in rent instead of the amount normally assessed of \$9.25. This was done with the understanding that we would request an additional appropriation to cover an increase in rent for the new biennium. This amounts to \$11,275 in additional cost for rent for each fiscal year.

Due to the ever increasing number of cases the capital, conflicts and appellate (CCA) office is handling, we are also asking for \$40,750 to cover increased mileage throughout the state; increased telephone service costs; increased need for office supplies; library books and subscriptions; postage and data processing software. We are getting calls to accept appointment to cases almost daily. The office is centrally located in Little Rock and the cases we have been appointed to are throughout the state. Our clients, their witnesses, the State's witnesses, the prosecution and the core of the cases are often located many miles away, necessitating a great deal of travel, telephone and postage expenses. These are costs which simply cannot be avoided when effectively and adequately representing one's client's best interest. Additionally, we anticipate that the cost in terms of paper used will increase because each case file is normally several inches thick and each case file must be copied and a plethora of motions must be prepared.

We are also requesting \$5,200 for Capital Outlay for the first fiscal year of the biennium. This reflects the need for additional bookcases for the library, file cabinets and a poster machine to make exhibits to be used in court. We are asking for restoration of the level budgeted in FY95 in the amount of \$10,000 for FY97.

Finally, we are requesting that three of our current positions be reclassified to more accurately reflect the work which they are presently doing. We have two Executive Secretaries which we would like to have reclassified, one as an Administrative Assistant II and one as a Business Controller II. We also have a very experienced staff Attorney whom we would like to reclassify as an Attorney Specialist. The total cost for these reclassification for FY96 is \$1,945 and for FY97 is \$1,992.

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*ARKANSAS BUDGET SYSTEM
AGENCY PROGRAM COMMENTARY
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Two Investigator Positions

We are requesting that the Commission be given two (2) investigator positions to serve the capital, conflicts and appellate office. These positions are necessary to enable the office to run more effectively and efficiently and to enable the office to accept appointments to many more cases. As we are currently set up, the CCA attorneys are required to do all of their own investigations. This means that they must find and interview any and all potential witnesses as well as track down and secure copies of any and all records pertaining to the defendant and the case. Often one can spend countless hours on what turns out to be a dead end. Clearly this is or can be an inefficient use of attorney time. Having these investigators would allow the CCA office to accept more appointments by alleviating some of the work load of the attorneys. Additionally, this would eliminate the need which often arises of asking the trial court to appoint an investigator in a given case. The total amount we are requesting to allow us to employ these investigators is \$171,540. This amount includes salary, matching, capital outlay for FY96 and increased operating expenses associated with both these positions. For FY96 the amount is \$89,030 and for FY97 the amount is \$82,510.

Three New Attorney Positions

Again, because of the caseload we have at the present time and the number of calls we have been receiving, we are requesting the addition of three staff attorney positions. These positions would allow the CCA office to greatly increase the number of cases which it can effectively handle. With the rate of appointments we are presently encountering, we are rapidly approaching the point where accepting additional appointments may not be ethically feasible. These positions would clearly enable the CCA office to accept many additional cases. The total amount requested in reference to these positions is \$304,455. This amount reflects the additionally rent which would be incurred due to the additional space requirements. This figure also reflects salaries, capital outlay for the first fiscal year and operational expenses associated with these new positions. The request for FY96 in reference to these three (3) positions is \$157,566 and for FY97 is \$146,889.

Professional Fees and Services

When the Public Defender Commission was originally established, \$96,000 was appropriated for professional fees and services. However, over the last biennium it has been necessary to tap into this area to cover cost associated with conference fees and travel, capital outlay and maintenance and operations. Because of this our baseline for the new biennium is only \$45,918. We anticipate that, because of the number of cases we are handling and because of the number of requests we have been receiving to pay professional fees in cases which are not ours, that this figure will be inadequate. Therefore, we are requesting that we be allowed to have the amount which was originally appropriated restored to this character. This amounts to \$50,082 for each fiscal year.

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ARKANSAS BUDGET SYSTEM
EMPLOYMENT SUMMARY
AS REQUIRED BY ACT 358 OF 1993

AGENCY TITLE 324 - PUBLIC DEFENDER COMMISSION

	MALE	FEMALE	TOTAL	PERCENTAGE OF TOTAL
WHITE EMPLOYEES	<u>4</u>	<u>4</u>	<u>8</u>	<u>89%</u>
BLACK EMPLOYEES	<u>0</u>	<u>1</u>	<u>1</u>	<u>11%</u>
EMPLOYEES OF OTHER RACIAL MINORITIES	<u>0</u>	<u>0</u>	<u>0</u>	<u>0%</u>
TOTAL EMPLOYED AS OF 08/27/94			<u>1</u>	<u>11%</u>
DATE			TOTAL MINORITIES	
			<u>9</u>	<u>100%</u>
			TOTAL EMPLOYEES	

David M. Anall
AGENCY DIRECTOR

SUMMARY
STATUS OF NEW PROGRAMS/EXPANSIONS AUTHORIZED BY THE 79TH GENERAL ASSEMBLY
AGENCY: ARKANSAS PUBLIC DEFENDER COMMISSION

PROGRAM AUTHORIZED	# POS. AUTH.	ADDITIONAL AUTHORIZED APPROPRIATION		STATUS
		FY 93-94	FY 94-95	
<u>APPROPRIATION: ARKANSAS PUBLIC DEFENDER COMMISSION</u>				
A. Regular Salaries	10	\$262,101	\$271,277	Of the positions authorized for FY94, all positions were filled and all positions are budgeted for FY95. Of the increases authorized for Regular Salaries & Personal Services Matching, \$139,874 was expended in FY94 and all of the increase is budgeted in FY95. All of the increases authorized for Operating Expenses and Conference Fees & Travel were expended in FY94 and all are budgeted in FY95. A total of \$722 was expended for Professional Fees & Services in FY94 and \$45,918 is budgeted for FY95. Capital Outlay expenditures totaled \$4,359 for FY94 and all of the increase is budgeted in FY95.
B. Personal Services Matching		\$65,526	\$67,819	
C. Operating Expenses		\$38,000	\$38,000	
D. Conference Fees & Travel		\$2,000	\$2,000	
E. Professional Fees & Services		\$96,000	\$96,000	
F. Capital Outlay		\$7,000	\$7,000	

**ARKANSAS BUDGET SYSTEM
DEPARTMENT APPROPRIATION SUMMARY**

AGENCY TITLE Public Defender Commission		1993-95 Expenditures				1995-97 Biennium Request				1995-97 Executive Recommendation			
Appropriations		Actual	No. of	Budgeted	No. of	Year 1	No. of	Year 2	No. of	Year 1	No. of	Year 2	No. of
Code	Name	1993-94	Pos.	1994-95	Pos.	1995-96	Pos.	1996-97	Pos.	1995-96	Pos.	1996-97	Pos.
337	State Operations	\$265,991	10	\$500,642	10	\$866,074	15	\$862,565	15	\$505,611	10	\$505,628	10
TOTALS		\$265,991	10	\$500,642	10	\$866,074	15	\$862,565	15	\$505,611	10	\$505,628	10
Funding Sources			% of		% of		% of		% of		% of		% of
			Total		Total		Total		Total		Total		Total
Fund Balances													
General Revenues													
Special Revenues													
Federal Funds													
Const. & Fiscal Agency Fund													
State Central Services Fund		265,991	100.0%	500,642	100.0%	866,074	100.0%	862,565	100.0%	505,611	100.0%	505,628	100.0%
Non-Revenue Receipts													
Cash Funds													
Other													
Total Funding		265,991	100.0%	500,642	100.0%	866,074	100.0%	862,565	100.0%	505,611	100.0%	505,628	100.0%
Excess Appr./ (Funding)													
TOTAL		\$265,991		\$500,642		\$866,074		\$862,565		\$505,611		\$505,628	
DEPARTMENT ARKANSAS PUBLIC DEFENDER COMMISSION (324)			DIRECTOR Didi H. Sallings						DEPARTMENT APPROPRIATION SUMMARY BR 40				
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**ARKANSAS BUDGET SYSTEM
ANALYSIS OF BUDGET REQUEST
1995 - 1997**

The Arkansas Public Defender Commission was established by Act 1193 of 1993 to address a variety of problems and concerns relating to the representation of indigent criminal defendants in the State of Arkansas. The Commission is funded through the State Central Services Fund and requests total \$866,074 for FY96 and \$862,565 for FY97. Of these amounts, \$375,432 for FY96 and \$371,923 for FY97 is requested at the priority programs level. A top priority for the Commission is salary and associated matching costs of \$65,830 for FY96 and \$67,310 for FY97 for two (2) Grade 22 Investigator positions. The Commission indicates that these positions are necessary as the legal staff currently is forced to complete their own investigations, which results in inefficient use of attorney time. The agency contends that additional cases could also be appointed if this responsibility was transferred to the Investigators. Increased M&O support is also requested to sustain these positions as well as to meet anticipated increases in rental costs of \$11,275 each year of the biennium. In addition to the Investigators, the Commission is also requesting three (3) Grade 24 Attorney positions. The salary and associated matching costs for these positions total \$110,691 for FY96 and \$113,214 for FY97. Justification for the additional Attorney positions is essentially that this would result in a significant increase in the number of appointments the Commission could effectively process. Without these positions, the Commission emphasizes that resources may not be sufficient to keep pace with the rate at which indigent criminal appointments are being made. Additional M&O support, including official business travel, office supplies, library books, telephone service costs, etc. are requested to support anticipated costs for budgeted as well as additional positions. Three (3) of the Commission's budgeted positions are requested to be reclassified at a cost of \$1,945 for FY96 and \$1,992 for FY97 to more accurately reflect the work performed. Restoration of the FY95 appropriation level of \$96,000 each year for Professional Fees & Services is also requested each year to meet the anticipated costs of entering into contracts to provide legal representation for cases not under the Commission's authority.

The Executive Recommendation provides for the continuation of Base Level for each year of the 1995-97 biennium with the following exceptions: (1) An increase of \$11,275 each year in Operating Expenses above Base Level to meet the additional costs of leasing office space; and (2) \$3,000 is recommended each year in Capital Outlay to cover equipment needs. No additional positions are recommended. The Executive Recommendation for this newly established agency was made in light of the fact that FY95 marks the agency's first full year of operations. Additional

<u>AGENCY</u>	<u>APPROPRIATION</u>	<u>TREASURY FUND</u>	<u>ANALYSIS OF BUDGET REQUEST</u>	<u>PAGE</u>
Name: Arkansas Public Defender Commission Code: 324	Name: State Operations Code: 337	Name: State Central Services Code: HSC	BR20	472

ARKANSAS BUDGET SYSTEM
ANALYSIS OF BUDGET REQUEST
1995 - 1997

operating experience will be necessary in order to properly evaluate the needs of the agency. Costs included in the Agency Request under "SALARY/MATCHING COST FOR BASE POSITIONS (P13)" reflect the appropriation needed for personal services above the Base Level and a 2.5% payplan increase on July 1 of each year of the biennium along with the accompanying employee matching requirements. The Executive Recommendation for the State Payplan will be presented for Legislative Recommendation as scheduled on December 7, 1994.

<u>AGENCY</u>	<u>APPROPRIATION</u>	<u>TREASURY FUND</u>	<u>ANALYSIS OF BUDGET REQUEST</u>	<u>PAGE</u>
Name: Arkansas Public Defender Commission Code: 324	Name: State Operations Code: 337	Name: State Central Services Code: HSC	BR20	473

ARKANSAS BUDGET SYSTEM

CHARACTER TITLE	-----EXPENDITURES-----			-----95-96 FISCAL YEAR-----			-----96-97 FISCAL YEAR-----			-----R E C O M M E N D A T I O N S-----			
	93-94	94-95	94-95	BASE	PRIORITY PROGRAMS	TOTAL REQUEST	BASE	PRIORITY PROGRAMS	TOTAL REQUEST	EXECUTIVE		LEGISLATIVE	
	ACTUAL	BUDGETED	AUTHORIZED APPRO							95-96	96-97	95-96	96-97
REGULAR SALARIES	111,999	289,540	271,277	289,540	148,679	438,219	289,540	159,635	449,175	290,127	290,141		
NUMBER OF POSITIONS	10	10	10	10	5	15	10	5	15	10	10		
PERSONAL SERVICES MATCHIN	27,874	77,744	67,819	77,744	49,371	127,115	77,744	51,306	129,050	77,851	77,854		
OPERATING EXPENSES	46,119	69,440	38,000	69,440	90,700	160,140	69,440	90,700	160,140	80,715	80,715		
CONF FEES AND TRAVEL	4,836	8,000	2,000	8,000	10,200	18,200	8,000	10,200	18,200	8,000	8,000		
PROFESSIONAL FEES AND SER	10,789	45,918	96,000	45,918	50,082	96,000	45,918	50,082	96,000	45,918	45,918		
CAPITAL OUTLAY	64,374	10,000	7,000	0	26,400	26,400	0	10,000	10,000	3,000	3,000		
DATA PROCESSING	0	0	0	0	0	0	0	0	0				
TOTAL	265,991	500,642	482,096	490,642	375,432	866,074	490,642	371,923	862,565	505,611	505,628		
PROPOSED FUNDING SOURCES			*****										
FUND BALANCES			*****										
GENERAL REVENUES			*****										
SPECIAL REVENUES			*****										
FEDERAL FUNDS			*****										
STATE CENTRAL SERVICES FUND	265,991	500,642	*****	490,642	375,432	866,074	490,642	371,923	862,565	505,611	505,628		
NON-REVENUE RECEIPTS			*****										
CASH FUNDS			*****										
OTHER			*****										
TOTAL FUNDING	265,991	500,642	*****	490,642	375,432	866,074	490,642	371,923	862,565	505,611	505,628		
EXCESS APPRO/ (FUNDING)			*****										
TOTAL	265,991	500,642	*****	490,642	375,432	866,074	490,642	371,923	862,565	505,611	505,628		

DEPT 009 OTHER BOARDS AND COMMISSIONS
 AGY 324 ARKANSAS PUBLIC DEFENDER COMMISSION
 APPRO 337 STATE OPERATIONS
 FUND HSC STATE CENTRAL SERV-1000)

The FY95 Budgeted amounts in Regular Salaries and/or Personal Services Matching may exceed the Authorized amounts due to the implementation of the pay plan during the 1993-95 biennium.
 Various Maintenance and General Operation line items may be greater than the authorized appropriation amounts due to reclassification transfers processed in FY95.

APPROPRIATION SUMMARY
 BR 215

ARKANSAS BUDGET SYSTEM

PROGRAM/SERVICE INFORMATION LIST

RANK BY APPROPRIATION

L RANK	02	03	04	05	06	07	08	09	10	11	12	13	14	15	16	17	18	19
	PROGRAM DESCRIPTION	FUND	ACCOUNTING INFORMATION	D E S	-----EXPENDITURES-----		-----1995 - 97 BIENNIAL REQUESTS-----						-----RECOMMENDATIONS-----					
					---ACTUAL--- --BUDGETED---		-----FY 1995 - 96-----			-----FY 1996 - 97-----			-----EXECUTIVE-----		-----LEGISLATIVE-----			
					93-94	94-95	-----REQUEST-----			-----REQUEST-----			1995-96	1996-97	1995-96	1996-97		
0	HSC	324 337	B	265,991 10	500,642 10	490,642 10					490,642 10			491,336 10	491,553 10			
10	HSC	324 337 SALARY/MATCHING COST FOR BASE POSITIONS	P13			19,584 0					28,425 0							
Additional appropriation required above the Base Level for payment of salaries and anticipated personal services matching requirements for all current positions.																		
01	HSC	324 337	P01		0 0	89,030 2					82,510 2							
<p>We are requesting two (2) investigator positions for the next biennium. These positions are essential to the effective operation of our office. Two (2) Grade 22 Investigator positions are requested for the 1995-97 biennium. Salary and associated matching costs total \$65,830 for FY96 and \$67,310 for FY97. These positions are essential to the effective operation of our office. Currently, attorneys are required to do their own investigative work. The employment of investigators would enable the office to handle a greater number of cases and increase the productivity of the agency in regards to the defense and representation of indigent criminal defendants. Capital Outlay, operating expenses, and Conference Fees and Travel costs associated with these positions total \$23,200 for FY96 and \$15,200 for FY97.</p>																		

DEPT 009 OTHER BOARDS AND COMMISSIONS
 AGY 324 ARKANSAS PUBLIC DEFENDER COMMISSION
 APPRO 337 STATE OPERATIONS
 FUND HSC STATE CENTRAL SERV-(1000)

RANK BY APPROPRIATION

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ARKANSAS BUDGET SYSTEM
PROGRAM/SERVICE INFORMATION LIST
RANK BY APPROPRIATION

01	02	03	04	05	06	07	08	09	10	11	12	13	14	15	16	17	18	19
RANK	PROGRAM DESCRIPTION	FUND	ACCOUNTING INFORMATION	D E S	-----EXPENDITURES-----		-----1995 - 97 BIENNIIUM REQUESTS-----				-----R E C O M M E N D A T I O N S-----							
					-----ACTUAL----- --BUDGETED--		-----FY 1995 - 96-----		-----FY 1996 - 97-----		-----EXECUTIVE-----		-----LEGISLATIVE-----					
					93-94	94-95	REQUEST		REQUEST		1995-96	1996-97	1995-96	1996-97				
001		HSC	324 337	P02		0	57,225			62,025				14,275	14,275			
	<p><i>This request is to reflect increases above budgeted level for Operating Expenses and Capital Outlay for the new biennium. We are asking for a total increase in the amount of \$57,225 for FY96 and \$62,025 for FY97. These requests are broken down as follows: Maintenance and Operation: We need an increase in the amount of \$11,275 each year reflecting increased rent from \$6.50 to \$9.25 per square foot, the latter is the rate assessed for all state agencies located in the Main Street Mall building according to State Building Services. Additionally, the number of cases we are handling necessitates our requesting \$40,750.00 each year to cover in-state mileage, increased telephone service cost, office supplies, etc. We are also seeking \$5,200 for FY96 in Capital Outlay and requesting restoration of our budgeted level of \$10,000 in FY95 as our authorized level for Capital Outlay for FY97.</i></p>																	
002		HSC	324 337	P03		0	157,566			146,889								
	<p><i>We are requesting three (3) Attorney positions for the next biennium. These positions are necessary to enable the CCA office to accept more appointments. We are now getting calls daily from attorneys and judges throughout the state seeking assistance with or appointment to cases. For these reasons we are requesting three (3) new staff attorney positions. Salary and associated matching costs total \$110,691 for FY96 and \$113,214 for FY97. Capital Outlay, operating expenses and Conference Fees and Travel cost associated with these positions total \$46,875 for FY96 and \$33,675 for FY97. Of the increased operating expenses requested, \$13,875 is associated with increased rent due to additional space needed, if the positions requested are recommended.</i></p>																	
003		HSC	324 337	P10		0	1,945			1,992								
	<p><i>We are requesting the reclassification of three positions in our office to better reflect the actual duties that these individuals perform. More specifically, we are requesting to reclassify an Executive Secretary to an Administrative Assistant I and another Executive Secretary to a Business Controller II. We are also requesting to reclassify a staff Attorney to an Attorney Specialist. The total increase for these reclassifications is \$1,945 for FY96 and \$1,992 for FY97.</i></p>																	

DEPT 009 OTHER BOARDS AND COMMISSIONS
AGY 324 ARKANSAS PUBLIC DEFENDER COMMISSION
APPRO 337 STATE OPERATIONS
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ARKANSAS BUDGET SYSTEM
PROGRAM/SERVICE INFORMATION LIST
RANK BY APPROPRIATION

11	02	03	04	05	06	07	08	09	10	11	12	13	14	15	16	17	18	19
LNK	PROGRAM DESCRIPTION	FUND	ACCOUNTING INFORMATION	D E S	EXPENDITURES		1995 - 97 BIENNIUM REQUESTS				RECOMMENDATIONS							
					ACTUAL	BUDGETED	FY 1995 - 96		FY 1996 - 97		EXECUTIVE		LEGISLATIVE					
					93-94	94-95	REQUEST	REQUEST	1995-96	1996-97	1995-96	1996-97						
34		HSC	324 337	P04		0 0	50,082 0			50,082 0								

We are requesting restoration of the FY95 authorized amount of \$96,000.00 each year for Professional Fees and Services. We were forced to tap into the monies allocated to Professional Fees and Services in order to have adequate funding for Capital Outlay and Maintenance and operation over the preceeding biennium. Consequently, of the \$96,000 appropriated, we now only have \$45,918 remaining as a baseline figure for the forthcoming biennium. Therefore, we are requesting an additional amount of \$50,082 in priority programs to restore the original authorization.

DEPT 009 OTHER BOARDS AND COMMISSIONS
AGY 324 ARKANSAS PUBLIC DEFENDER COMMISSION
APPRO 337 STATE OPERATIONS
FUND HSC STATE CENTRAL SERV-(1000)

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