

**ARKANSAS BUDGET SYSTEM
AGENCY PROGRAM COMMENTARY
1999 - 2001**

Agency Program Commentary

All of the Public Defender Commission's change level requests are made with the goal of increasing the availability, the effectiveness, and the efficiency of both the Commission and the trial public defenders' offices throughout the State of Arkansas. During the 1997 Legislative Session, the obligations and responsibilities of the Commission were greatly expanded because the State assumed the obligation of providing public defenders for all indigent defendants in all the various courts. The duties of many public defenders were expanded by Act 1341 of 1997; however, the number of attorney positions provided by Act 855 of 1997 (the appropriations act which corresponds with Act 1341) were actually less than the number of attorneys already in place at the time. This increase in responsibility and decrease in positions has left us shorthanded in many areas. The majority of the Commission's change level requests are made in an effort to rectify this shortfall and to assure that the State is fulfilling the obligation it assumed in 1997 to provide effective and adequate representation to all defendants in all courts through its statewide public defender system.

Appropriation 337 - Public Defender Commission & Capital Conflicts Office

Capital Outlay

We are requesting \$2,000.00 for FY00 and FY01 for Capital Outlay. This money will be needed to purchase additional book cases and file cabinets to accommodate our ever increasing need for file and record storage.

Maintenance and Operating Expenses

We are requesting \$8,501, in maintenance and operating expenses for FY00 and FY01 to cover an increase in the rent charged to us by State Building Services. Our rent is going from \$9.75 per square foot to \$11.00 per square foot as of July 1, 1999, which, for 6,801 square feet, amounts to \$8,501.

AGENCY Arkansas Public Defender Commission	DIRECTOR Didi H. Sallings <i>Didi H. Sallings</i>	AGENCY PROGRAM COMMENTARY BR21	PAGE 367
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Appropriation 530 - Trial Public Defenders

Since the State take-over of the public defender system on January 1, 1998, it has become abundantly clear that we are substantially understaffed both as to attorneys and support staff. This under-staffing is causing many of the public defenders to carry an horrendous caseload; and, causing some courts, and some defendants, to go without public defenders, ultimately requiring the appointment of private counsel. While appointment of private counsel cannot be avoided in some instances, it should not be necessitated simply because there are not enough public defenders in place. This is neither expedient or efficient. With these thoughts in mind, we have very carefully considered, among other things, the following information in compiling our biennial budget requests: (1) caseload data; (2) the number of public defenders previously, and presently, in place; (3) the number of private attorneys now on some type of contract for indigent representation; (4) the number of private attorneys who have been appointed due to a public defender shortfall; (5) requests from Judges throughout the State; and (6) requests from our public defenders. The primary objective of all of our requests is to increase the effectiveness, efficiency, and equity of the Arkansas trial public defender system.

Personnel Requests for Trial Public Defenders

On December 31, 1997, there were at least 147 public defenders employed, in some fashion, by the Counties. Because many of these County Public Defenders did not cover certain types of cases, there were other attorneys representing indigent defendants in City Courts, Municipal Courts, and Department of Human Services proceedings who were under contract with the various entities. The Commission was given 104 positions with which to attempt to cover not only the caseload of the 147 defenders, but an expanded caseload as well. Through job sharing, we have stretched the 104 positions as far as possible, but, again, with an increase in duties and an ever-increasing caseload, there has been a shortage of coverage. As time goes on the shortage will only worsen. It is simply not physically possible for one or two attorneys to cover all the courts in their District, much less to provide the level of competent representation which is Constitutionally required.

With the foregoing as a paramount concern, we have a number of requests dealing with personnel issues. Under Change Level 01, we are requesting the addition of 26 trial public defender positions, a fiscal manager for the Commission, a network services administrative assistant, and a secretarial position. Again, we desperately need the attorneys positions - a fact which could be easily verified by every public defender and Judge in the State. There are not enough public defenders to go around.

<p>AGENCY</p> <p style="text-align: center;">Arkansas Public Defender Commission</p>	<p>DIRECTOR</p> <p style="text-align: center;">Didi H. Sallings <i>Didi H. Sallings</i></p>	<p>AGENCY PROGRAM COMMENTARY BR21</p>	<p>PAGE</p> <p style="text-align: center;">368</p>
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**ARKANSAS BUDGET SYSTEM
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1999 - 2001**

The other positions in this change level request are necessary to assist in effectively and efficiently running the trial defenders' offices and to insure accurate accounting procedures, data collection, and compilation. The trial public defenders have had no experience with state budget and accounting procedures and many have never been involved in preparing any type of budget. Further, we are setting up a computer network which will contemporaneously and accurately compile caseload data and act as a case management system. One of the problems which was encountered during the last legislative session was inaccurate and incomplete caseload information. With this system we can soon eliminate this problem. These positions are essential to successfully completing this endeavor.

In Change Level 03, we are requesting the addition of thirty-three secretarial positions, thirty-one of which will be grade 14 and two of which will be grade 15. As of January 1, 1998, the State provided the trial public defenders' offices with a total of 30 full-time secretarial positions. With 24 Judicial Districts, this allowed us to provide each Judicial District with one secretary. The four largest Districts were given two. However, many full-time public defenders were left without full-time secretarial support.

One of the primary responsibilities of the thirty state secretaries who are presently in place, thus far, has been to assist us in determining an accurate caseload for each attorney and each Court within their District. This has been an arduous and involved process because the computer system is not yet in place. They have also been responsible for assisting in compiling information as to budgetary needs. These two tasks have left little, if any, time to act as a legal secretary. Further, as of January 1, 1999, three Judicial Districts will be splitting; thus, without additional support staff, we will be unable to provide the new Districts with any secretarial help.

Finally, with respect to this request, providing these positions would merely pick up full-time secretaries who are, and have been, working for various public defenders' offices through the State. It would enable all full-time public defenders to have an essential support staff person.

Under Change Level 05, we are requesting five appellate attorney positions and two appellate secretary positions. These are necessary to alleviate the burdensome caseload of the trial public defenders. These attorneys would handle as much of the appellate work as possible for the trial defenders. Obviously, with only five attorneys, they could not completely take over the appellate load, but handling the longest, most difficult appeals would provide some much needed relief. These attorneys would also serve as a resource for trial public defenders, private attorneys appointed to represent indigents, and judges, by providing any necessary research on various legal issues.

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**ARKANSAS BUDGET SYSTEM
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Our final personnel request involves investigator positions. We are requesting authorization for eight investigator positions to be spread out over the State. Like the secretarial request, this would pick up many of the already existing full-time investigators. The larger offices and Districts can scarcely operate without investigative assistance. It is not an effective nor efficient use of attorney time to have attorneys doing all of their own investigations and subpoena serving. Further, by hiring full-time investigators, we will ultimately save on costs by avoiding a case-by-case appointment of investigators.

Professional Fees and Services

We are requesting \$750,000 for both years of the biennium for Professional Fees and Services. Pursuant to Act 1341 of 1997, the Commission is required to pay the attorney's fees for all private attorneys appointed to represent indigent defendants. Additionally, we are required to pay any and all fees relating to experts witnesses, temporary investigators, testing, and travel. Further, pursuant to Act 855 of 1997 (the Arkansas Effective Death Penalty Act) and Arkansas Rules of Supreme Court, Rule 37.5, the Commission is required to pay compensation to all attorneys appointed in post-conviction, as well as the fees and expenses to be paid for investigative, expert, and other reasonably necessary services. In order to fulfill these obligations, we are requesting the foregoing amount.

Extra-Help

We are requesting \$353,041 for FY00 and \$367,163 for FY01 in Change Level 04 to pay for thirty-four (34) Extra-Help or part-time secretarial support and associated matching costs for trial public defenders' offices. While many of our public defenders are part-time and maintain a private practice, the majority of them spend well over fifty percent of their time doing public defender work. Presently, if any secretarial work is done on the public defender cases, it is done by the attorney or by his private practice secretary. This is neither an effective, nor efficient use of attorney time. Further, a law office with a caseload of any size cannot operate without support staff. It is logistically impossible to be in court, answer the phone, and type motions and briefs. Again, some of our full-time public defenders have no secretarial help either. For these reasons, we are requesting an Extra-Help appropriation.

<p>AGENCY</p> <p style="text-align: center;">Arkansas Public Defender Commission</p>	<p>DIRECTOR</p> <p style="text-align: center;">Didi H. Sallings <i>Didi H. Sallings</i></p>	<p>AGENCY PROGRAM COMMENTARY BR21</p>	<p>PAGE</p> <p style="text-align: center;">370</p>
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**ARKANSAS BUDGET SYSTEM
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Operating Expenses

For FY00, we are requesting an additional \$979,390 and \$923,254 for FY01, to cover all Operating Expenses for the trial public defenders offices. This amount includes appropriation for Operating Expenses, Conference Fees, and Travel, and Capital Outlay. For FY01, no Capital Outlay is requested. During the 1997 Legislative Session, the Counties were left with the responsibility of paying expenses associated with running the public defenders' offices. These mixed responsibilities have led to a system which is confusing. Although the need for operating funds is real and consistent across the State, what has been provided varies widely. Clearly, defending indigents incurs expenses, but what these expenses are, and how they have been paid, has been subject to much dispute. In an effort to conserve and equalize resources, we are requesting the foregoing operating expenses so that the State may assume responsibility for paying expenses associated with indigent representation.

Technology Request

During the last legislative session, we were given enough money in capital outlay to provide each Judicial District with one computer and printer. Since then, we have acquired, at no cost, a customized database from the Missouri State Public Defender's Office, which will enable us to contemporaneously and accurately compile all necessary caseload information. We will not only be able to keep track of each attorneys' and each courts' caseload, we will also be able to determine case dispositions with specificity. If public defenders are trying all their cases in one District and pleading them in another, we will know. We will be able to follow each case from its inception to closure. By doing this, we will be able to more accurately assess current needs, changing needs, and any trends which may develop. Additionally, we will ultimately be able to ascertain what each case costs, enhancing our ability to be fiscally responsible. Finally, the case management system will greatly strengthen both case handling efficiency and intra-agency communication through e-mail and a shared data base. If a public defender in Clay County has an unusual issue, or difficult case, which he needs advice or research on, he can seek assistance from all public defenders at once. Someone in Little River County may have the answer. This communication and resource sharing ability will greatly increase the efficiency and the expediency of the trial defenders' offices. For these reasons, we are requesting \$1,596,050 in FY00 and \$375,605 in FY01 in appropriation 530 and \$5,000 in FY00 in appropriation 337, to provide the necessary hardware and software to set up a wide area network to facilitate data collection and resource sharing.

<p>AGENCY</p> <p>Arkansas Public Defender Commission</p>	<p>DIRECTOR</p> <p>Didi H. Sallings </p>	<p>AGENCY PROGRAM COMMENTARY BR21</p>	<p>PAGE</p> <p>371</p>
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ARKANSAS PUBLIC DEFENDER COMMISSION
SUMMARY OF AUDIT FINDINGS AND RECOMMENDATIONS
FOR THE YEAR ENDED JUNE 30, 1996

Assets										Liabilities			Total Equity
Cash and Investments	Fixed		Other	Total	Current	Long-Term	Total			Total Equity			
\$ 639,109	\$ 61,948	\$ 114,356	\$ 815,413	\$ 0	\$ 22,600	\$ 22,600	\$ 792,813			\$ 792,813			

Revenues					Expenditures					Other Sources (Uses)
Inter-governmental	Federal	Licenses and Fees	Other	Total	Salaries and Matching	Grants and Aid	Capital	Other Operating	Total	Other Sources (Uses)
\$ 60,000	\$ 0	\$ 563,105	\$ 10,529	\$ 633,634	\$ 449,850	\$ 0	\$ 13,317	\$ 152,953	\$ 616,120	\$ 0

Findings

Recommendations

None

None

ARKANSAS BUDGET SYSTEM
 EMPLOYMENT SUMMARY
 AS REQUIRED BY ACT 358 OF 1993
 (A.C.A 19-4-307)

AGENCY TITLE 324 - PUBLIC DEFENDER COMMISSION

	MALE	FEMALE	TOTAL	PERCENTAGE OF TOTAL
WHITE EMPLOYEES	83	67	150	96%
BLACK EMPLOYEES	4	2	6	4%
EMPLOYEES OF OTHER RACIAL MINORITIES	0	0	0	0%
TOTAL EMPLOYED AS OF 08/08/98			6	4%
<u>DATE</u>			TOTAL MINORITIES	
			156	100%
			TOTAL EMPLOYEES	

Helen H. Sallings

 AGENCY DIRECTOR

ARKANSAS BUDGET SYSTEM DEPARTMENT APPROPRIATION SUMMARY

AGENCY TITLE Arkansas Public Defender Commission (324)		1997-99 Expenditures				1999-01 Biennium Request				1999-01 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	1997-98	Pos.	1998-99	Pos.	1999-00	Pos.	2000-01	Pos.	1999-00	Pos.	2000-01	Pos.
337	State Operations	\$945,440	15	\$998,116	15	\$1,038,969	15	\$1,052,977	15	\$1,030,466	15	\$1,044,199	15
530	Trial Public Defender Office	3,852,797	141	8,447,674	141	15,140,368	218	14,135,178	218	8,924,677	141	9,147,929	141
TOTALS		\$4,798,237	156	\$9,445,790	156	\$16,179,337	233	\$15,188,155	233	\$9,955,143	156	\$10,192,128	156
Funding Sources			% of Total		% of Total		% of Total		% of Total		% of Total		% of Total
Fund Balances													
General Revenues													
Special Revenues													
Federal Funds													
Const. & Fiscal Agency Fund													
State Central Services Fund		4,798,237	100.0%	9,445,790	100.0%	16,179,337	100.0%	15,188,155	100.0%	9,955,143	100.0%	10,192,128	100.0%
Non-Revenue Receipts													
Cash Funds													
Other													
Total Funding		4,798,237	100.0%	9,445,790	100.0%	16,179,337	100.0%	15,188,155	100.0%	9,955,143	100.0%	10,192,128	100.0%
Excess Appro./ (Funding)													
TOTAL		\$4,798,237		\$9,445,790		\$16,179,337		\$15,188,155		\$9,955,143		\$10,192,128	
DEPARTMENT Arkansas Public Defender Commission (324)				DIRECTOR Didi H. Sallings					DEPARTMENT APPROPRIATION SUMMARY BR 40				

**ARKANSAS BUDGET SYSTEM
ANALYSIS OF BUDGET REQUEST
1999 - 2001**

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 the State of Arkansas. **The Commission is funded directly from the State Central Services Fund and from a portion 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 collected is then allocated and deposited into the State Central Services Fund for the benefit of the Public Defender Commission per Arkansas Code §16-10-310.** Of the total Agency Request, \$26,023 for FY00 and \$21,318 for FY01 is requested as Change Levels. The Executive Director's salary (\$68,500) has been requested to be increased at a rate of 13.87% in FY00 bringing the salary level to \$78,000 and then a 2.8% increase in FY01, with the salary level to \$80,184. For all other positions, Base Level includes a cost of living increase of 2.8% each year over the FY99 salary levels, and related Personal Services Matching costs.

In the area of personal services, \$1,597 for FY00 and \$1,642 in FY01 is requested in appropriation only in order to implement salary and associated matching increases for employees eligible for incentive pay as provided by the Career Ladder Incentive Program. A total of \$8,501 each year is requested in the Operating Expenses line item in order to cover increases in office rental expenses. Restoration of the FY99 authorized level of \$7,000 for Capital Outlay in FY00 is also requested. For FY00 only, \$5,000 of the Capital Outlay request is reflected in the technology area to provide the necessary computer hardware and software for establishment of a wide area network to facilitate data collection and resource sharing. A total of \$2,000 each year is requested in Capital Outlay for the purchase of additional bookcases and file cabinets to accommodate file and record storage needs.

The Executive Recommendation provides for Base Level which includes appropriation for a 2.8% Cost of Living Allowance for all positions on July 1 of each year of the biennium along with accompanying employee matching requirements. No extraordinary increase in salary was recommended for the Executive Director. The Commission's requested position reclassifications as reflected through the CLIP actions have been recommended. The Executive Recommendation further provides for Agency Request in Operating Expenses and Capital Outlay for each year of the 1999-01 biennium.

Significant funding issues exist with the support of the Trial Public Defender Office (App.530) that are related to this appropriation. These are discussed in more detail in the Analysis of the Trial Public Defender Office Budget Request.

AGENCY	APPROPRIATION	TREASURY FUND	ANALYSIS OF	PAGE
Name: Arkansas Public Defender Commission	Name: State Operations	Name: State Central Services	BUDGET REQUEST	375
Code: 324	Code: 337	Code: HSC	BR20	

ARKANSAS BUDGET SYSTEM

01 02 03 04 05 06 07 08 09 10 11 12 13 14

CHARACTER TITLE	-----EXPENDITURES-----			-----99-00 FISCAL YEAR-----			-----00-01 FISCAL YEAR-----			-----R E C O M M E N D A T I O N S-----			
	97-98	98-99	98-99	BASE	CHANGE	TOTAL	BASE	CHANGE	TOTAL	EXECUTIVE		LEGISLATIVE	
	ACTUAL	BUDGETED	AUTHORIZED							99-00	00-01	99-00	00-01
REGULAR SALARIES	492,502	551,134	505,931	567,021	8,939	575,960	582,696	9,190	592,086	568,378	584,291		
NUMBER OF POSITIONS	15	15	15	15	0	15	15	0	15	15	15		
EXTRA HELP	11,584	12,000	12,000	12,000	0	12,000	12,000	0	12,000	12,000	12,000		
NUMBER OF POSITIONS	2	3	3	3	0	3	3	0	3	3	3		
PERSONAL SERVICES MATCHIN	133,189	143,390	139,291	149,333	1,583	150,916	152,171	1,627	153,798	149,995	152,815		
OPERATING EXPENSES	166,828	171,592	171,592	171,592	8,501	180,093	171,592	8,501	180,093	180,093	180,093		
CONF FEES AND TRAVEL	16,825	17,000	17,000	17,000	0	17,000	17,000	0	17,000	17,000	17,000		
PROFESSIONAL FEES AND SER	95,904	96,000	96,000	96,000	0	96,000	96,000	0	96,000	96,000	96,000		
CAPITAL OUTLAY	28,608	7,000	7,000	0	7,000	7,000	0	2,000	2,000	7,000	2,000		
TOTAL	945,440	998,116	948,814	1,012,946	26,023	1,038,969	1,031,659	21,318	1,052,977	1,030,466	1,044,199		
PROPOSED FUNDING SOURCES			*****										
FUND BALANCES			*****										
GENERAL REVENUES			*****										
SPECIAL REVENUES			*****										
FEDERAL FUNDS			*****										
STATE CENTRAL SERVICES FUND	945,440	998,116	*****	1,012,946	26,023	1,038,969	1,031,659	21,318	1,052,977	1,030,466	1,044,199		
NON-REVENUE RECEIPTS			*****										
CASH FUNDS			*****										
OTHER			*****										
TOTAL FUNDING	945,440	998,116	*****	1,012,946	26,023	1,038,969	1,031,659	21,318	1,052,977	1,030,466	1,044,199		
EXCESS APPRO/ (FUNDING)			*****										
TOTAL	945,440	998,116	*****	1,012,946	26,023	1,038,969	1,031,659	21,318	1,052,977	1,030,466	1,044,199		

DEPT 009 OTHER BOARDS AND COMMISSIONS
 AGENCY 324 ARKANSAS PUBLIC DEFENDER COMMISSION
 APPROPRIATION 337 STATE OPERATIONS
 FUND HSC STATE CENTRAL SERV-(000)

The FY99 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 1997-99 biennium.

APPROPRIATION SUMMARY

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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		1999 - 01 BIENNIUM REQUESTS				RECOMMENDATIONS								
					ACTUAL	BUDGETED	FY 1999 - 00		FY 2000 - 01		EXECUTIVE		LEGISLATIVE						
					97-98	98-99	REQUEST	REQUEST	1999-00	2000-01	1999-00	2000-01							
000		HSC	324 337	B	945,440 15	998,116 15	1,012,946 15			1,031,659 15				1,014,965 15	1,033,698 15				
COSTS FOR GRADE 99 EXTRAORDINARY SALARY INCREASE							8,925				9,174								
					FY99 AUTHORIZED SALARY	FY00 REQUESTED SALARY	% INC/DEC OVER PREV YR	FY01 REQUESTED SALARY	% INC/DEC OVER PREV YR										
					Exec Director Public Defender Comm	\$68,500	\$78,000	13.87%	\$80,184	2.80%									
001		HSC	324 337	C01			2,000 0			2,000 0				2,000	2,000				
<p>The Public Defender Commission is requesting \$2,000 for Capital Outlay for each year of the 1999-01 biennium to cover costs of purchasing additional file cabinets, book cases, and miscellaneous office furniture. This will, in effect, partially restore the FY99 authorized Level for Capital Outlay.</p>																			
001		HSC	324 337	C02			8,501 0			8,501 0				8,501	8,501				
<p>Additional appropriation and funding is requested to cover a raise in the amount of rent the Commission is expected to pay during the 1999-01 biennium. Our current rent is \$9.75 per square foot. State Building Services has notified us in writing that, effective July 1, 1999, our rental rate will be increased to \$11.00 per square foot. Total rental square footage is 6,801. Based on this anticipated increase, the rental rate will increase from \$66,310 to \$74,811 annually. Consequently, an increase of \$8,501 each year is requested to compensate for the increase.</p>																			

DEPT 009 OTHER BOARDS AND COMMISSIONS
 AGY 324 ARKANSAS PUBLIC DEFENDER COMMISSION
 APPRO 337 STATE OPERATIONS

RANK BY APPROPRIATION

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FUND HSC STATE CENTRAL SERV-(000)

ARKANSAS BUDGET SYSTEM

PROGRAM/SERVICE INFORMATION LIST

RANK BY APPROPRIATION

1 02 03 04 05 06 07 08 09 10 11 12 13 14 15 16 17 18 19

PK	PROGRAM DESCRIPTION	FUND	ACCOUNTING INFORMATION	D E S	-----EXPENDITURES-----		-----1999 - 01 BIENNIUM REQUESTS-----		-----RECOMMENDATIONS-----				
					---ACTUAL---	---BUDGETED---	-----FY 1999 - 00-----	-----FY 2000 - 01-----	-----EXECUTIVE-----		-----LEGISLATIVE-----		
					97-98	98-99	REQUEST	REQUEST	1999-00	2000-01	1999-00	2000-01	
1		HSC	324 337	C08			5,000 0	0 0	5,000				

A total of \$5,000 is requested in Capital Outlay for fiscal year 2000 only in order to cover costs of replacing and upgrading existing computer hardware and software as well as addressing the rising costs associated with data networking. This request will, in effect, partially restore the authorized level for Capital Outlay for FY2000.

1		HSC	324 337	C09			1,597 0	1,642 0				
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We are requesting that four people be considered for eligibility pursuant to the Career Ladder Service Recognition. These people have been with the Commission for a number of years and have exhibited exemplary work habits, skills and dedication. These people are in the following positions: attorney (2); business controller; and administrative assistant

*T 009 OTHER BOARDS AND COMMISSIONS
 / 324 ARKANSAS PUBLIC DEFENDER COMMISSION
 *RO 337 STATE OPERATIONS
 *D HSC STATE CENTRAL SERV-(000)

RANK BY APPROPRIATION

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**ARKANSAS BUDGET SYSTEM
ANALYSIS OF BUDGET REQUEST
1999 - 2001**

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. Funding authorization for the Trial Public Defender Office for the 1997-99 biennium is provided by Act 855 of 1997. The Trial Public Defender Office is under the supervision of the Executive Director of the Arkansas Public Defender Commission. Duties of all public defenders are to provide for the competent and uniform representation of indigent criminal defendants throughout the State. **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 collected 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.** Of the total Agency Request for this appropriation, \$6,215,691 for FY00 and \$4,987,249 for FY01 is requested as changes to Base Level. Base Level includes a cost of living increase of 2.8% each year over the FY99 salary levels, and related Personal Services Matching costs.

A total of seventy-seven (77) additional positions is requested each year of the 1999-01 biennium. Regular Salary and associated matching costs total \$2,410,410 for FY00 and \$2,470,927 for FY01. Of this total, \$1,141,886 for FY00 and \$1,171,256 for FY01 is requested in salary and matching costs for twenty-six (26) Grade 24 Class B Trial Public Defenders, a Grade 23 Public Defender Commission Fiscal Manager, a Grade 21 Network Administrative Assistant, and a Grade 15 Secretary II position. The Trial Public Defender positions are requested to address the critical shortage of public defenders as evidenced by unmanageable caseloads and the fact that some courts have no alternative but to appoint expensive private counsel for their indigent defendants. The Fiscal Manager, Network Assistant, and Secretary II positions are requested to assist the trial public defender offices in such areas as implementation of accurate accounting procedures, data collection and compilation, and case management. Associated M & O costs for these three (3) positions total \$31,250 for FY00 and \$23,300 for FY01. Of these amounts, \$7,200 is requested in Capital Outlay for FY00 only.

Two (2) Grade 15 Secretary II and thirty-one (31) Grade 14 Secretary I positions are requested to provide clerical and legal support to the trial public defender offices. The fulfillment of this request would permit all full-time public defenders to have a support staff position and allow any additional judicial districts created by the splitting of current districts to have sufficient secretarial support. The salary and associated matching costs for these positions total \$754,507 for FY00 and \$772,628 for FY2001.

AGENCY	APPROPRIATION	TREASURY FUND	ANALYSIS OF	PAGE
Name: Arkansas Public Defender Commission Code: 324	Name: Trial Public Defender Office Code: 530	Name: State Central Services Code: HSC	BUDGET REQUEST BR20	379

**ARKANSAS BUDGET SYSTEM
ANALYSIS OF BUDGET REQUEST
1999 - 2001**

In order to help alleviate caseload burdens for trial public defenders, handle appellate and appeals work, and act as a research resource on various legal issues, the Commission is requesting salary and associated matching costs totaling \$259,825 for FY00 and \$266,459 for FY01 for five (5) Grade 25 Appellate Attorney and two (2) Grade 15 Appellate Secretary positions. Associated M & O costs requested for these positions total \$95,550 for FY00 and \$77,000 for FY01. Of these costs, Capital Outlay increases for purchases of equipment are \$16,800 for FY00 only.

Salary and matching support totaling \$254,192 for FY00 and \$260,584 for FY01 is also requested for the addition of eight (8) Grade 20 Public Defender Investigator positions. Many of the public defenders are currently forced to conduct all of their own investigations and subpoena work. The addition of these positions would permit public defenders to make more efficient use of their time and the courts could avoid the costly process of case-by-case appointment of investigators.

A total of thirty-four (34) Extra Help positions are requested for the various trial public defender offices located throughout the State in order to provide part-time secretarial and investigative help. Assistance will also be provided in the area of managing their public defender caseloads. Salary and associated matching costs for these positions total \$353,041 for FY00 and \$367,163 for FY01.

In the area of Maintenance and General Operation, \$750,000 each year is requested for Professional Fees & Services to meet the statutory obligation of paying fees of all private attorneys appointed by the courts to represent indigent defendants. This will also include all fees related to post-conviction representation and expenses associated with the hiring of expert witnesses, temporary investigators, and testing and travel expenses. **In anticipation of State assumption of all operating expenses currently borne by the counties, a total of \$979,390 for FY00 and \$923,254 is requested.** Of this amount, \$775,684 for FY00 and \$806,710 for FY01 is requested for Operating Expenses. A total of \$116,544 each year is requested in Conference Fees and Travel to meet anticipated educational and training requirements. Finally, \$87,162 is requested for Capital Outlay in FY00 only for equipment purchases.

The technology request for the Trial Public Defender Office totals \$1,596,050 for FY00 and \$375,605 for FY01. Of this request, \$1,028,440 for FY00 and \$318,844 for FY01 is requested in Operating Expenses. The balance of this request (\$567,610 for FY00 and \$56,761 for FY01) is in Capital Outlay. Increases are requested to meet expenses associated with the purchase of computer hardware and software necessary for the establishment and upkeep of a public defender wide

AGENCY	APPROPRIATION	TREASURY FUND	ANALYSIS OF	PAGE
Name: Arkansas Public Defender Commission Code: 324	Name: Trial Public Defender Office Code: 530	Name: State Central Services Code: HSC	BUDGET REQUEST BR20	380

**ARKANSAS BUDGET SYSTEM
ANALYSIS OF BUDGET REQUEST
1999 - 2001**

area network to facilitate data collection and resource sharing statewide between trial public defender offices.

The Executive Recommendation provides for Base Level only. One of the sources of funds to support this program are court costs and filing fees collected for deposit into the State Administration of Justice Fund for transfer to the State Central Services Fund for the benefit of the Public Defender Commission. Current law requires eighty-five percent (85%) of all collections from the cities and counties for public defender operations to be deposited into the State Administration of Justice Fund. Based on this percentage of collections, revenue received from court costs and filing fees for transfer to the State Central Services Fund for the benefit of the Public Defender Commission is anticipated to be \$6,476,848 for each year of the 1999-01 biennium. When compared to the Trial Public Defender Office Base Level, and with the understanding that approximately \$1 million each year is recommended to support the operations of the Arkansas Public Defender Commission (App. 337), an overall revenue shortfall of \$3,478,295 for FY00 and \$3,715,280 for FY01 will exist. Further, it is projected that sufficient revenue will not be available even in the event the law is amended to reflect one hundred percent (100%) collections for public defender operations. Such a revision to the law would bring collections to \$7,663,240 for each year of the biennium, leaving in that case a shortfall of \$2,291,903 for FY00 and \$2,528,888 for FY01.

Although the recommendations made by the Executive for each year exceeds the level of funds anticipated to be received from the State Administration of Justice Fund under either of the two funding percentages, the Executive Recommendation supports continued use of the State Central Services Fund to meet the funding needs of this program for the 1999-01 biennium. The State Central Services Fund consists of those funds deposited from the three percent (3%) deduction from net general and special revenues collected and deposited in the State Treasury. The additional funding needs for Base Level are currently within the anticipated levels of funding to be available from the State Central Services Fund for the 1999-01 biennium. Based on the added extent of the Agency Request, alternative long-term funding sources for the public defender system will need to be explored in order to fund all or any portion of the Agency Request as well as any anticipated costs brought about through reorganization or restructuring of services to meet legislative mandates and/or demands on the system.

AGENCY	APPROPRIATION	TREASURY FUND	ANALYSIS OF	PAGE
Name: Arkansas Public Defender Commission	Name: Trial Public Defender Office	Name: State Central Services	BUDGET REQUEST	381
Code: 324	Code: 530	Code: HSC	BR20	

ARKANSAS BUDGET SYSTEM

CHARACTER TITLE	-----EXPENDITURES-----			-----99-00 FISCAL YEAR-----			-----00-01 FISCAL YEAR-----			-----R E C O M M E N D A T I O N S-----			
	97-98	98-99	98-99	BASE	CHANGE	TOTAL	BASE	CHANGE	TOTAL	EXECUTIVE		LEGISLATIVE	
	ACTUAL	BUDGETED	AUTHORIZED APPRO							99-00	00-01	99-00	00-01
REGULAR SALARIES	3,031,837	6,478,238	4,375,320	6,770,769	1,836,611	8,607,380	6,960,328	1,888,019	8,848,347	6,770,769	6,960,328		
NUMBER OF POSITIONS	141	141	141	141	77	218	141	77	218	141	141		
EXTRA HELP	0	0	0	0	327,950	327,950	0	341,068	341,068	0	0		
NUMBER OF POSITIONS	0	0	0	0	34	34	0	34	34	0	0		
PERSONAL SERV MATCHING	734,394	1,469,436	1,137,583	1,653,908	598,890	2,252,798	1,687,601	609,003	2,296,604	1,653,908	1,687,601		
OPERATING EXPENSES	0	500,000	500,000	500,000	1,895,924	2,395,924	500,000	1,214,854	1,714,854	500,000	500,000		
CONFERENCE FEES & TRAVEL	0	0	0	0	127,544	127,544	0	127,544	127,544	0	0		
PROFESSIONAL FEES & SERVICES	0	0	0	0	750,000	750,000	0	750,000	750,000	0	0		
CAPITAL OUTLAY	86,566	0	0	0	678,772	678,772	0	56,761	56,761	0	0		
TOTAL	3,852,797	8,447,674	6,012,903	8,924,677	6,215,691	15,140,368	9,147,929	4,987,249	14,135,178	8,924,677	9,147,929		
PROPOSED FUNDING SOURCES			*****										
FUND BALANCES			*****										
GENERAL REVENUES			*****										
SPECIAL REVENUES			*****										
FEDERAL FUNDS			*****										
STATE CENTRAL SERVICES FUND	3,852,797	8,447,674	*****	8,924,677	6,215,691	15,140,368	9,147,929	4,987,249	14,135,178	8,924,677	9,147,929		
NON-REVENUE RECEIPTS			*****										
CASH FUNDS			*****										
OTHER			*****										
TOTAL FUNDING	3,852,797	8,447,674	*****	8,924,677	6,215,691	15,140,368	9,147,929	4,987,249	14,135,178	8,924,677	9,147,929		
EXCESS APPRO/ (FUNDING)			*****										
TOTAL	3,852,797	8,447,674	*****	8,924,677	6,215,691	15,140,368	9,147,929	4,987,249	14,135,178	8,924,677	9,147,929		

DEPT 009 OTHER BOARDS AND COMMISSIONS
 AGENCY 324 ARKANSAS PUBLIC DEFENDER COMMISSION
 APPRO 530 TRIAL PUBLIC DEFENDER OFFICE
 FUND HSC STATE CENTRAL SERV-(000)

The FY99 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 1997-99 biennium.

APPROPRIATION SUMMARY
 BR 215

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-----		-----1999 - 01 BIENNIIUM REQUESTS-----				-----R E C O M M E N D A T I O N S-----							
					ACTUAL 97-98	BUDGETED 98-99	-----FY 1999 - 00-----		-----FY 2000 - 01-----		-----EXECUTIVE-----		-----LEGISLATIVE-----					
							REQUEST	REQUEST	1999-00	2000-01	1999-00	2000-01						
000		HSC	324 530	B	3,852,797 141	8,447,674 141	8,924,677 141	9,147,929 141	8,924,677 141	9,147,929 141								
001		HSC	324 530	C01			1,173,136 29	1,194,556 29										
<p>The Commission requests a Grade 23 Fiscal Manager, a Grade 15 Secretary II, a Grade 21 Network Services Administrative Assistant, 3 Grade 25 Class B Chief Public Defenders, and 23 Grade 24 Class B Trial Public Defenders. These positions are necessary to adequately, and effectively and efficiently provide representation in all courts throughout the State as required by statutes and ethical rules. The Operating Expenses requested for the Fiscal Manager, Secretary, and Network Assistant are \$24,050 for FY00 and \$23,300 for FY01. The Capital Outlay request for these positions is \$7,200 for FY00 only. The combined Regular Salaries and Personal Services Matching costs for all positions are \$1,141,886 for FY00 and \$1,171,256 for FY01.</p>																		
001		HSC	324 530	C02			750,000 0	750,000 0										
<p>We are requesting \$750,000 in professional fees and services for FY00 and FY01 for paying court ordered fees for private attorneys appointed to represent indigent defendants, as well as the various fees and expenses associated with expert witnesses. Additionally, this money will be used to cover any and all expenses related to post-conviction proceedings. We are required, by Acts 1341 and 925 of 1997 and Arkansas Rules of Supreme Court, Rule 37.5 to pay all of these costs.</p>																		

DEPT 009 OTHER BOARDS AND COMMISSIONS
 AGY 324 ARKANSAS PUBLIC DEFENDER COMMISSION
 APPRO 530 TRIAL PUBLIC DEFENDER OFFICE

RANK BY APPROPRIATION

BR 264

FUND HSC STATE CENTRAL SERV-(000)

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		-----1999 - 01 BIENNIUM REQUESTS-----						-----RECOMMENDATIONS-----					
					ACTUAL	BUDGETED	FY 1999 - 00			FY 2000 - 01			EXECUTIVE		LEGISLATIVE			
					97-98	98-99	REQUEST	REQUEST	REQUEST	REQUEST	1999-00	2000-01	1999-00	2000-01				
001		HSC	324 530	C03			754,507 33				772,628 33							
<p>We are requesting thirty-three (33) secretarial positions for trial defenders' offices throughout the State. Of these 33 positions, thirty-one (31) would be grade 14, and two (2) would be grade 15. The majority of these requested positions are for secretaries who are, and have been, in place in the trial defenders' offices. They are an integral part of the office and their presence is essential to the effective and efficient operation of the office. The salary and matching costs associated with these positions are \$754,507 for FY00 and \$772,628 for FY01.</p>																		
001		HSC	324 530	C04			353,041 0				367,163 0							
<p>The Commission is requesting \$353,041 for FY00 and \$367,163 for FY01 in Extra Help and associated matching costs in order to provide part-time secretarial and investigative help for the Trial Public Defender Offices. Many of the public defenders are "part-time," in that they are able to maintain their private practices. However, due to the fact that more than fifty percent (50%) of their time is spent performing public defender work, additional Extra Help personnel is needed to provide assistance in managing their public defender caseloads.</p>																		
001		HSC	324 530	C08			1,596,050 0				375,605 0							
<p>The Commission is requesting \$1,596,050 for FY00 and \$375,605 for FY01 in additional appropriation and funding for technology needs. The purchase of this equipment will allow all public defender offices statewide to interconnect with one another for a wide area network. Use of Routers, Hubs, and Data Communication Lines allows for more accurate and efficient data transfer and file sharing capabilities. This part of the request, totals \$1,518,700 for FY00 and constitutes all of the request for FY01. The balance of the request for FY00 is as follows: (1) \$49,350 is to cover costs for computers, software, printers, and upgrades for public defenders; (2) \$13,800 to cover the purchase of necessary computer equipment for the Fiscal Manager, Network Admn. Asst., and clerical support positions; (3) \$14,200 for purchase of network connectivity equipment for the appellate attorneys and support staff. These requests are made in order to enhance the Commission's ability to provide effective legal counsel for indigents we are charged by law to represent.</p>																		

DEPT 009 OTHER BOARDS AND COMMISSIONS
 AGY 324 ARKANSAS PUBLIC DEFENDER COMMISSION
 APPRO 530 TRIAL PUBLIC DEFENDER OFFICE

RANK BY APPROPRIATION

BR 264

FUND HSC STATE CENTRAL SERV-(000)

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		1999 - 01 BIENNIUM REQUESTS				R E C O M M E N D A T I O N S							
					ACTUAL 97-98	BUDGETED 98-99	FY 1999 - 00		FY 2000 - 01		EXECUTIVE		LEGISLATIVE					
							REQUEST	REQUEST			1999-00	2000-01	1999-00	2000-01				
002		HSC	324 530		C05		355,375 7	343,459 7										
<p>In an effort to alleviate some of the over burdensome caseload of the trial defenders' offices, we are requesting five (5) Appellate Attorney positions and two (2) corresponding appellate secretary positions. These attorneys and secretaries will handle as many of the appeals of the trial defenders as possible, with particular emphasis on the more difficult appeals. Additionally, they will act as a research resource to the trial defenders. The salary and matching costs for these positions are \$259,825 for FY00 and \$266,459 for FY01. The maintenance and operating expenses are \$78,750 for FY00 and \$77,000 for FY01. For FY00 only, the capital outlay request is \$16,800.</p>																		
002		HSC	324 530		C06		254,192 8	260,584 8										
<p>We are requesting the addition of eight (8) investigator positions for the trial public defender offices. These are to pick up already existing Investigators in trial defenders' offices throughout the State. These are full-time investigators working for full-time public defenders in the larger offices and districts. Their assistance is essential to adequate and effective case preparation and trial work. The costs for salary and matching for these investigators are \$254,192 for FY00 and \$260,584 for FY01.</p>																		
003		HSC	324 530		C07		979,390 0	923,254 0										
<p>In anticipation of State assumption of operating expenses associated with indigent representation, the Commission is requesting for the Trial Public Defender Offices maintenance and operating expenses of \$775,684 for FY00 and \$806,710 for FY01. In addition, in order to meet costs for anticipated educational and training requirements, \$116,544 is requested each year of the new biennium. Capital Outlay requests for the trial public defenders total \$87,162 for FY00 only.</p>																		

DEPT 009 OTHER BOARDS AND COMMISSIONS
 AGY 324 ARKANSAS PUBLIC DEFENDER COMMISSION
 APPRO 530 TRIAL PUBLIC DEFENDER OFFICE

RANK BY APPROPRIATION

BR 264

FUND HSC STATE CENTRAL SERV-(000)