

1 **State of Arkansas**
2 **78th General Assembly**
3 **Regular Session, 1991**
4 **By: Representative McGee**

A Bill

HOUSE BILL

For An Act To Be Entitled

8 "AN ACT TO PRESCRIBE THE SALARY AND EXPENSE ALLOWANCE OF
9 THE DEPUTY PROSECUTING ATTORNEYS FOR CRITTENDEN COUNTY;
10 AND FOR OTHER PURPOSES."

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12 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

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14 SECTION 1. The prosecuting attorney of the Second Circuit-Chancery
15 Court Circuit may appoint one or more deputy prosecuting attorneys for
16 Crittenden County at a combined salary not to exceed \$89,775.00 per annum, and
17 in such amounts, within the total amounts provided herein, as may be
18 designated by the prosecuting attorney, plus a combined contingent expense
19 allowance in an amount established by the quorum court not to exceed
20 \$35,000.00 per annum. The salaries provided for herein shall be paid by the
21 county court in twenty-four (24) semi-monthly installments from the County
22 General Fund and the expense allowance shall be paid monthly in an amount
23 necessary to provide office rental, postage, printing, office supplies,
24 equipment, stationery, secretarial assistance, automobile operation and other
25 proper expenses supported by written itemized claims filed by the deputy
26 prosecuting attorney with the county judge and subject to the approval of the
27 county judge.

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29 SECTION 2. All fees earned and payable to the deputy prosecuting
30 attorneys in Crittenden County under laws now or hereafter in effect,
31 including fees under the Arkansas Hot Check Law (Ark. Code Ann. §5-37-301 et
32 seq.), shall be deposited in the County Treasury and shall be credited to the
33 County General Fund. Expenses actually incurred by the deputy prosecuting
34 attorney or attorneys in Crittenden County in excess of the contingent expense
35 allowance provided for such attorney or attorneys shall be paid upon itemized

1 claims filed by such deputy or deputies. The expense and allowances provided
2 in Section 1 of this act shall be in addition to any necessary expense
3 incurred in connection with any proper investigation incident to violations or
4 alleged violations of the criminal laws or any hearing or trial before a grand
5 jury or any court, including expenses of obtaining evidence and securing
6 attendance of witnesses from within or outside of the State of Arkansas and
7 any unusual travel expenses incurred in connection with the duties of his
8 office, which shall be paid by the county from the County General Revenue Fund
9 upon the filing of a proper claim by the deputy prosecuting attorney or by the
10 person or firm entitled to compensation therefor and having the approval of
11 the deputy prosecuting attorney, the prosecuting attorney or the court in
12 which such matter is pending.

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14 SECTION 3. It is not the purpose of this act to repeal any laws now or
15 hereafter enacted fixing the fees collectible as prosecuting attorneys' fees,
16 but rather to update and make possible a more efficient administration of
17 justice and county government. All courts shall collect the fees heretofore
18 provided by law as prosecuting attorneys' fees and all such fees collected
19 shall be paid into the County Treasury as required by law regarding funds
20 belonging to the county. It is the explicit legislative intent to provide the
21 salaries and expense allowances herein set forth without regard to the amount
22 of prosecuting attorneys' fees and emoluments earned or collected in the
23 counties affected by the Act. However, nothing in this act shall be so
24 interpreted as to preclude Crittenden County from paying additional expense
25 allowances in addition to those enumerated herein upon proper action of the
26 appropriate quorum courts.

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28 SECTION 4. The provisions of this act shall be retroactive to January
29 1, 1991 and thereafter.

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31 SECTION 5. Arkansas Code 16-21-701(a) (2) (A) & (B) are hereby repealed.

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33 SECTION 6. All provisions of this Act of a general and permanent nature
34 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
35 Revision Commission shall incorporate the same in the Code.

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SECTION 7. If any provision of this Act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the Act which can be given effect without the invalid provision or application, and to this end the provisions of this Act are declared to be severable.

SECTION 8. All laws and parts of laws in conflict with this Act are hereby repealed

SECTION 9. EMERGENCY CLAUSE. It is hereby found and determined by the General Assembly that the salaries and contingent expense allowances provided for herein are immediately necessary to provide adequate compensation and allowances for the officers provided for herein to assure the effective and efficient administration of justice in the Second Circuit-Chancery Court Circuit and should be given effect immediately. Therefore, an emergency is hereby declared to exist and this act being necessary for the immediate preservation of the public peace, health and safety shall be in full force and effect from and after its passage and approval.