

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 84th General Assembly
3 Regular Session, 2003
4

As Engrossed: S3/18/03

A Bill

Act 1010 of 2003
SENATE BILL 172

5 By: Joint Budget Committee
6
7

For An Act To Be Entitled

9 AN ACT TO MAKE AN APPROPRIATION FOR PERSONAL
10 SERVICES OF DEPUTY PROSECUTING ATTORNEYS FOR THE
11 BIENNIAL PERIOD ENDING JUNE 30, 2005; AND FOR
12 OTHER PURPOSES.
13
14

Subtitle

15 AN ACT FOR THE AUDITOR OF STATE -
16 DEPUTY PROSECUTING ATTORNEYS
17 APPROPRIATION FOR THE 2003-2005
18 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 - DEPUTY PROSECUTING ATTORNEYS. There is
25 hereby established for the Deputy Prosecuting Attorneys for the 2003-2005
26 biennium, the following maximum number of regular employees whose salaries
27 shall be governed by the provisions of the Uniform Classification and
28 Compensation Act (Arkansas Code §§21-5-201 et seq.), or its successor, and
29 all laws amendatory thereto. Provided, however, that any position to which a
30 specific maximum annual salary is set out herein in dollars, shall be exempt
31 from the provisions of said Uniform Classification and Compensation Act. All
32 persons occupying positions authorized herein are hereby governed by the
33 provisions of the Regular Salaries Procedures and Restrictions Act (Arkansas
34 Code §21-5-101), or its successor.
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Maximum Annual



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Item No.	Title	Maximum No. of Employees	Salary Rate 2003-2004	Salary Rate 2004-2005
(1)	DEPUTY PROSECUTING ATTORNEY	3	\$86,823	\$88,873
(2)	DEPUTY PROSECUTING ATTORNEY	6	\$76,731	\$78,589
(3)	DEP PROS ATTY-ATTY SPEC PART-TIME I	1	\$63,985	\$65,600
(4)	DEP PROS ATTY-ATTORNEY PART-TIME I	14	\$63,016	\$64,613
(5)	DEP PROS ATTY-ATTY SPEC PART-TIME II	4	\$52,601	\$54,001
(6)	DEP PROS ATTY-ATTORNEY PART-TIME II	54	\$43,822	\$45,005
(7)	DEP PROS ATTY-ATTORNEY SUPERVISOR	35	GRADE 26	
(8)	DEP PROS ATTY-ATTORNEY SPECIALIST	23	GRADE 25	
(9)	DEP PROS ATTY-ATTORNEY	<u>66</u>	GRADE 24	
	MAX. NO. OF EMPLOYEES	206		

SECTION 2. APPROPRIATION - DEPUTY PROSECUTING ATTORNEYS. There is hereby appropriated, to the Auditor of State, to be payable from the State Central Services Fund, for personal services of the Deputy Prosecuting Attorneys for the biennial period ending June 30, 2005, the following:

ITEM NO.		FISCAL YEARS 2003-2004	FISCAL YEARS 2004-2005
(01)	REGULAR SALARIES	\$ 9,760,979	\$ 10,024,525
(02)	PERSONAL SERV MATCHING	<u>2,415,718</u>	<u>2,462,345</u>
	TOTAL AMOUNT APPROPRIATED	<u>\$ 12,176,697</u>	<u>\$ 12,486,870</u>

SECTION 3. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. SPECIAL RATES OF PAY. Due to the need for competent deputy prosecuting attorneys throughout the state, and the necessity of retaining qualified deputy prosecuting attorneys, the elected prosecuting attorneys, through the Prosecution Coordination Commission, are authorized to request special rates of pay for current and new deputy prosecuting attorneys up to the levels listed below for the following classifications:

TITLE	GRADE	LEVEL
Dep. Pros. Atty-Attorney	24	IV
Dep. Pros. Atty-Attorney Specialist	25	IV

1 Dep. Pros. Atty-Attorney Supervisor 26 IV
2 The provisions of this section shall be in effect only from ~~July 1, 2001~~ July
3 1, 2003 through ~~June 30, 2003~~ June 30, 2005.

4
5 SECTION 4. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
6 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. LEAVE
7 BENEFITS. Deputy prosecuting attorneys who convert from county or grant
8 funded employment to state employment and are employed prior to the effective
9 date of this legislation shall have their length of service with the county
10 recognized for purposes of accrual rates for sick leave and annual leave.
11 The provisions of this section shall be in effect only from ~~July 1, 2001~~ July
12 1, 2003 through ~~June 30, 2003~~ June 30, 2005.

13
14 SECTION 5. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
15 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. POOL
16 POSITIONS. In the event that unforeseen conditions arise that necessitate
17 the hiring of additional deputy prosecuting attorneys in addition to those
18 authorized in Section 1 of this Act, and a portion of general revenue
19 originally allocated for ~~FY2001-2002~~ FY2003-2004 or general revenue
20 originally allocated for ~~FY2002-2003~~ FY2004-2005 is unallocated, or
21 additional funding above the original allocations becomes available, the
22 Prosecution Coordination Commission may with approval from the Chief Fiscal
23 Officer of the State, and prior review by the Legislative Council or Joint
24 Budget Committee employ up to a maximum of five (5) part-time and five (5)
25 full-time pool positions. If the agency requests continuation of a "Growth
26 Pool" position(s) as established herein during the next biennium, the
27 position(s) must be requested as a new position(s) in the agencies biennial
28 budget request. The provisions of this section shall be in effect only from
29 ~~July 1, 2001~~ July 1, 2003 through ~~June 30, 2003~~ June 30, 2005.

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31 SECTION 6. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
32 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. REPEAL OF
33 CONFLICTING LAWS. All portions of laws pertaining to compensation of deputy
34 prosecuting attorneys, with the exception of those laws pertaining to the
35 Eleventh Judicial District - West and the Sixth Judicial District Special
36 Deputy Prosecuting Attorney, are hereby superseded. The provisions of this

1 section shall be in effect only from ~~July 1, 2001~~ July 1, 2003 through ~~June~~
2 ~~30, 2003~~ June 30, 2005.

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4 SECTION 7. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
5 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.
6 LEGISLATIVE INTENT. It is the intent of the General Assembly, in the
7 transition to a state-funded deputy prosecuting attorney system, to provide
8 an appropriate and adequate level of legal representation through deputy
9 prosecuting attorneys in all areas of the state. It is recognized by the
10 General Assembly that in many areas of the state, resources have not been
11 available to support deputy prosecuting attorney salaries at the necessary
12 level. With the transition of local funding of deputy prosecuting attorney
13 salaries to state funding, it is not the intent of the General Assembly to
14 adversely affect those districts whose system has been working well or to
15 implement a system which is too inflexible to respond to the needs of each
16 judicial district. Therefore, the Prosecution Coordination Commission is
17 charged with the responsibility of assisting in the maintenance of a system
18 which equitably serves all areas of the state by providing quality deputy
19 prosecuting attorneys. The provisions of this section shall be in effect
20 only from ~~July 1, 2001~~ July 1, 2003 through ~~June 30, 2003~~ June 30, 2005.

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22 SECTION 8. COMPLIANCE WITH OTHER LAWS. Disbursement of funds authorized
23 by this act shall be limited to the appropriation for such agency and funds
24 made available by law for the support of such appropriations; and the
25 restrictions of the State Purchasing Law, the General Accounting and
26 Budgetary Procedures Law, the Revenue Stabilization Law, the Regular Salary
27 Procedures and Restrictions Act, or their successors, and other fiscal
28 control laws of this State, where applicable, and regulations promulgated by
29 the Department of Finance and Administration, as authorized by law, shall be
30 strictly complied with in disbursement of said funds.

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32 SECTION 9. LEGISLATIVE INTENT. It is the intent of the General Assembly
33 that any funds disbursed under the authority of the appropriations contained
34 in this act shall be in compliance with the stated reasons for which this act
35 was adopted, as evidenced by the Agency Requests, Executive Recommendations
36 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 10. 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, 2003 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, 2003 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, 2003.

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17 */s/ Joint Budget Committee*

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20 **APPROVED: 4/2/2003**