

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.

Act 913 of the Regular Session

1 State of Arkansas
2 85th General Assembly
3 Regular Session, 2005
4

As Engrossed: H3/10/05

A Bill

HOUSE BILL 1346

5 By: Joint Budget Committee
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For An Act To Be Entitled

9 AN ACT TO MAKE AN APPROPRIATION FOR PERSONAL
10 SERVICES AND OPERATING EXPENSES FOR THE DEPUTY
11 PROSECUTING ATTORNEYS FOR THE BIENNIAL PERIOD
12 ENDING JUNE 30, 2007; AND FOR OTHER PURPOSES.
13
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Subtitle

15 AN ACT FOR THE AUDITOR OF STATE -
16 DEPUTY PROSECUTING ATTORNEYS
17 APPROPRIATION FOR THE 2005-2007
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 2005-2007
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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Item No.	Class Code	Title	Maximum No. of Employees	Maximum Annual Salary Rate	
				2005-2006	2006-2007
5	(1) 033D	DEPUTY PROSECUTING ATTORNEY	3	\$91,111	\$93,387
6	(2) 034D	DEPUTY PROSECUTING ATTORNEY	6	\$80,632	\$82,714
7	(3) 030D	SPECIAL DEPUTY PROSECUTING ATTORNEY	1	\$73,982	\$75,937
8	(4) 035D	DEP PROS ATTY-ATTY SPEC PART-TIME I	1	\$67,396	\$69,226
9	(5) 036D	DEP PROS ATTY-ATTORNEY PART-TIME I	13	\$66,390	\$68,201
10	(6) 037D	DEP PROS ATTY-ATTY SPEC PART-TIME II	4	\$55,577	\$57,182
11	(7) 038D	DEP PROS ATTY-ATTORNEY PART-TIME II	59	\$46,355	\$47,745
12	(8) 039D	DEP PROS ATTY-ATTORNEY SUPERVISOR	35		GRADE 26
13	(9) 040D	DEP PROS ATTY-ATTORNEY SPECIALIST	27		GRADE 25
14	(10) 041D	DEP PROS ATTY-ATTORNEY	<u>71</u>		GRADE 24
15		MAX. NO. OF EMPLOYEES	220		

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 and Special Deputy Expense Allowance of the Deputy Prosecuting Attorneys for the biennial period ending June 30, 2007, the following:

ITEM NO.	FISCAL YEARS	
	2005-2006	2006-2007
(01) REGULAR SALARIES	\$ 11,045,917	\$ 11,429,498
(02) PERSONAL SERVICES MATCHING	2,942,480	3,015,444
(03) SPECIAL DEPUTY EXPENSE ALLOWANCE	<u>4,800</u>	<u>4,800</u>
TOTAL AMOUNT APPROPRIATED	<u>\$ 13,993,197</u>	<u>\$ 14,449,742</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

1 listed below for the following classifications:

2 TITLE	GRADE LEVEL	
3 Dep. Pros. Atty-Attorney	24	IV
4 Dep. Pros. Atty-Attorney Specialist	25	IV
5 Dep. Pros. Atty-Attorney Supervisor	26	IV

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

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

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26 SECTION 5. COMPLIANCE WITH OTHER LAWS. Disbursement of funds authorized
27 by this act shall be limited to the appropriation for such agency and funds
28 made available by law for the support of such appropriations; and the
29 restrictions of the State Procurement Law, the General Accounting and
30 Budgetary Procedures Law, the Revenue Stabilization Law, the Regular Salary
31 Procedures and Restrictions Act, or their successors, and other fiscal
32 control laws of this State, where applicable, and regulations promulgated by
33 the Department of Finance and Administration, as authorized by law, shall be
34 strictly complied with in disbursement of said funds.

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36 SECTION 6. LEGISLATIVE INTENT. It is the intent of the General Assembly

1 that any funds disbursed under the authority of the appropriations contained
2 in this act shall be in compliance with the stated reasons for which this act
3 was adopted, as evidenced by the Agency Requests, Executive Recommendations
4 and Legislative Recommendations contained in the budget manuals prepared by
5 the Department of Finance and Administration, letters, or summarized oral
6 testimony in the official minutes of the Arkansas Legislative Council or
7 Joint Budget Committee which relate to its passage and adoption.

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

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21 */s/ Joint Budget Committee*

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24 *APPROVED: 3/18/2005*

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