

1 State of Arkansas  
2 87th General Assembly  
3 Fiscal Session, 2010

# A Bill

SENATE BILL 76

4  
5 By: Joint Budget Committee

## 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 FISCAL YEAR ENDING  
12 JUNE 30, 2011; AND FOR OTHER PURPOSES.

## Subtitle

15 AN ACT FOR THE AUDITOR OF STATE - DEPUTY  
16 PROSECUTING ATTORNEYS APPROPRIATION FOR  
17 THE 2010-2011 FISCAL YEAR.

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

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23 SECTION 1. REGULAR SALARIES - DEPUTY PROSECUTING ATTORNEYS. There is  
24 hereby established for the Deputy Prosecuting Attorneys for the 2010-2011  
25 fiscal year, the following maximum number of regular employees whose salaries  
26 shall be governed by the provisions of the Uniform Classification and  
27 Compensation Act (Arkansas Code §§21-5-201 et seq.), or its successor, and  
28 all laws amendatory thereto. Provided, however, that any position to which a  
29 specific maximum annual salary is set out herein in dollars, shall be exempt  
30 from the provisions of said Uniform Classification and Compensation Act. All  
31 persons occupying positions authorized herein are hereby governed by the  
32 provisions of the Regular Salaries Procedures and Restrictions Act (Arkansas  
33 Code §21-5-101), or its successor.

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Maximum Annual  
Maximum Salary Rate

1	Item	No. of	Fiscal Year
2	No.	Employees	2010-2011
3	(1) DEP PROS ATTY - ATTY PART-TIME III	15	\$75,191
4	(2) DEP PROS ATTY - ATTY PART-TIME II	9	\$62,301
5	(3) DEP PROS ATTY - ATTY PART-TIME I	61	\$51,866
6	(4) SENIOR DEPUTY PROSECUTING ATTY II	3	GRADE N908
7	(5) SENIOR DEPUTY PROSECUTING ATTY I	6	GRADE N906
8	(6) SPECIAL DEPUTY PROSECUTING ATTORNEY	2	GRADE N905
9	(7) DEP PROS ATTY - ATTORNEY SUPERVISOR	35	GRADE C130
10	(8) DEP PROS ATTY - ATTORNEY SPECIALIST	31	GRADE C129
11	(9) DEP PROS ATTY - ATTORNEY	<u>80</u>	GRADE C128
12	MAX. NO. OF EMPLOYEES	242	

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14 SECTION 2. APPROPRIATION - DEPUTY PROSECUTING ATTORNEYS. There is hereby  
 15 appropriated, to the Auditor of State, to be payable from the State Central  
 16 Services Fund, for personal services and Special Deputy Expense Allowance of  
 17 the Deputy Prosecuting Attorneys for the fiscal year ending June 30, 2011,  
 18 the following:

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20	ITEM	FISCAL YEAR
21	NO.	2010-2011
22	(01) REGULAR SALARIES	\$ 13,731,604
23	(02) PERSONAL SERVICES MATCHING	3,804,755
24	(03) SPECIAL DEPUTY EXPENSE ALLOWANCE	<u>4,800</u>
25	TOTAL AMOUNT APPROPRIATED	<u>\$ 17,541,159</u>

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

35	TITLE	GRADE	LEVEL
36	Dep. Pros. Atty-Attorney	C128	Career

1 Dep. Pros. Atty-Attorney Specialist C129 Career  
 2 Dep. Pros. Atty-Attorney Supervisor C130 Career

3 The provisions of this section shall be in effect only from July 1,  
 4 ~~2007~~ 2010 through June 30, ~~2009~~ 2011.

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

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

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 33 SECTION 6. LEGISLATIVE INTENT. It is the intent of the General Assembly  
 34 that any funds disbursed under the authority of the appropriations contained  
 35 in this act shall be in compliance with the stated reasons for which this act  
 36 was adopted, as evidenced by the Agency Requests, Executive Recommendations

1 and Legislative Recommendations contained in the budget manuals prepared by  
2 the Department of Finance and Administration, letters, or summarized oral  
3 testimony in the official minutes of the Arkansas Legislative Council or  
4 Joint Budget Committee which relate to its passage and adoption.

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6 SECTION 7. EMERGENCY CLAUSE. It is found and determined by the General  
7 Assembly, that the Constitution of the State of Arkansas prohibits the  
8 appropriation of funds for more than a one (1) year period; that the  
9 effectiveness of this Act on July 1, 2010 is essential to the operation of  
10 the agency for which the appropriations in this Act are provided, and that in  
11 the event of an extension of the legislative session, the delay in the  
12 effective date of this Act beyond July 1, 2010 could work irreparable harm  
13 upon the proper administration and provision of essential governmental  
14 programs. Therefore, an emergency is hereby declared to exist and this Act  
15 being necessary for the immediate preservation of the public peace, health  
16 and safety shall be in full force and effect from and after July 1, 2010.

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19 **APPROVED: 02/19/2010**  
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