

**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 1329 of the Regular Session**

1 State of Arkansas
2 87th General Assembly
3 Regular Session, 2009
4

A Bill

SENATE BILL 266

5 By: Joint Budget Committee
6
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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 FISCAL YEAR ENDING
12 JUNE 30, 2010; 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 2009-2010 FISCAL
18 YEAR.
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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 2009-2010
26 fiscal year, 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	Title	Maximum No. of Employees	Maximum Annual Salary Rate Fiscal Year 2009-2010
(1)	DEP PROS ATTY - ATTY PART-TIME III	15	\$73,500
(2)	DEP PROS ATTY - ATTY PART-TIME II	9	\$60,900
(3)	DEP PROS ATTY - ATTY PART-TIME I	61	\$50,700
(4)	SENIOR DEPUTY PROSECUTING ATTY II	3	GRADE N908
(5)	SENIOR DEPUTY PROSECUTING ATTY I	6	GRADE N906
(6)	SPECIAL DEPUTY PROSECUTING ATTORNEY	2	GRADE N905
(7)	DEP PROS ATTY - ATTORNEY SUPERVISOR	35	GRADE C130
(8)	DEP PROS ATTY - ATTORNEY SPECIALIST	31	GRADE C129
(9)	DEP PROS ATTY - ATTORNEY	<u>80</u>	GRADE C128
MAX. NO. OF EMPLOYEES		242	

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 fiscal year ending June 30, 2010, the following:

ITEM NO.	FISCAL YEAR 2009-2010
(01) REGULAR SALARIES	\$ 13,430,842
(02) PERSONAL SERVICES MATCHING	3,748,453
(03) SPECIAL DEPUTY EXPENSE ALLOWANCE	<u>4,800</u>
TOTAL AMOUNT APPROPRIATED	<u>\$ 17,184,095</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:

1 TITLE	GRADE LEVEL
2 Dep. Pros. Atty-Attorney	24 IV <u>C128 Career</u>
3 Dep. Pros. Atty-Attorney Specialist	25 IV <u>C129 Career</u>
4 Dep. Pros. Atty-Attorney Supervisor	26 IV <u>C130 Career</u>

5 The provisions of this section shall be in effect only from July 1,
6 ~~2007~~ 2009 through June 30, ~~2009~~ 2010.

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8 SECTION 4. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
9 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.

10 LEGISLATIVE INTENT. It is the intent of the General Assembly, in the
11 transition to a state-funded deputy prosecuting attorney system, to provide
12 an appropriate and adequate level of legal representation through deputy
13 prosecuting attorneys in all areas of the state. It is recognized by the
14 General Assembly that in many areas of the state, resources have not been
15 available to support deputy prosecuting attorney salaries at the necessary
16 level. With the transition of local funding of deputy prosecuting attorney
17 salaries to state funding, it is not the intent of the General Assembly to
18 adversely affect those districts whose system has been working well or to
19 implement a system which is too inflexible to respond to the needs of each
20 judicial district. Therefore, the Prosecution Coordination Commission is
21 charged with the responsibility of assisting in the maintenance of a system
22 which equitably serves all areas of the state by providing quality deputy
23 prosecuting attorneys.

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

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35 SECTION 6. LEGISLATIVE INTENT. It is the intent of the General Assembly
36 that any funds disbursed under the authority of the appropriations contained

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

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8 SECTION 7. EMERGENCY CLAUSE. It is found and determined by the General
9 Assembly, that the Constitution of the State of Arkansas prohibits the
10 appropriation of funds for more than a one (1) year period; that the
11 effectiveness of this Act on July 1, 2009 is essential to the operation of
12 the agency for which the appropriations in this Act are provided, and that in
13 the event of an extension of the Regular Session, the delay in the effective
14 date of this Act beyond July 1, 2009 could work irreparable harm upon the
15 proper administration and provision of essential governmental programs.
16 Therefore, an emergency is hereby declared to exist and this Act being
17 necessary for the immediate preservation of the public peace, health and
18 safety shall be in full force and effect from and after July 1, 2009.

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20 **APPROVED: 4/9/2009**
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