

1 State of Arkansas
2 88th General Assembly
3 Regular Session, 2011
4

As Engrossed: S3/29/11
A Bill

SENATE BILL 198

5 By: Joint Budget Committee
6

7 **For An Act To Be Entitled**

8 AN ACT TO MAKE AN APPROPRIATION FOR PERSONAL SERVICES
9 AND OPERATING EXPENSES FOR THE DEPUTY PROSECUTING
10 ATTORNEYS FOR THE FISCAL YEAR ENDING JUNE 30, 2012;
11 AND FOR OTHER PURPOSES.
12
13

14 **Subtitle**

15 AN ACT FOR THE AUDITOR OF STATE - DEPUTY
16 PROSECUTING ATTORNEYS APPROPRIATION FOR THE
17 2011-2012 FISCAL YEAR.
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20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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22 SECTION 1. REGULAR SALARIES - DEPUTY PROSECUTING ATTORNEYS. There is
23 hereby established for the Auditor of State - Deputy Prosecuting Attorneys
24 for the 2011-2012 fiscal year, the following maximum number of regular
25 employees.
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27			Maximum Annual	
28		Maximum	Salary Rate	
29	Item	No. of	Fiscal Year	
30	No.	Title	Employees	2011-2012
31	(1)	DEP PROS ATTY-ATTORNEY PART-TIME III	15	\$76,589
32	(2)	DEP PROS ATTY-ATTORNEY PART-TIME II	8	\$63,459
33	(3)	DEP PROS ATTY-ATTORNEY PART-TIME I	55	\$52,830
34	(4)	SENIOR DEPUTY PROSECUTING ATTORNEY II	3	GRADE N908
35	(5)	SENIOR DEPUTY PROSECUTING ATTORNEY I	6	GRADE N906
36	(6)	SPECIAL DEPUTY PROSECUTING ATTORNEY	2	GRADE N905



1	(7)	DEP PROS ATTY - ATTORNEY SUPERVISOR	37	GRADE C130
2	(8)	DEP PROS ATTY - ATTORNEY SPECIALIST	32	GRADE C129
3	(9)	DEP PROS ATTY - ATTORNEY	<u>84</u>	GRADE C128
4		MAX. NO. OF EMPLOYEES	242	

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6 SECTION 2. APPROPRIATION - DEPUTY PROSECUTING ATTORNEYS. There is
 7 hereby appropriated, to the Auditor of State, to be payable from the State
 8 Central Services Fund, for personal services and Special Deputy Expense
 9 Allowance of the Deputy Prosecuting Attorneys for the fiscal year ending June
 10 30, 2012, the following:

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12	ITEM	FISCAL YEAR
13	<u>NO.</u>	<u>2011-2012</u>
14	(01) REGULAR SALARIES	\$14,737,496
15	(02) PERSONAL SERVICES MATCHING	4,111,884
16	(03) SPECIAL DEPUTY EXPENSE ALLOWANCE	<u>4,800</u>
17	TOTAL AMOUNT APPROPRIATED	<u><u>\$18,853,380</u></u>

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

27	TITLE	GRADE LEVEL
28	Dep. Pros. Atty-Attorney	C128 Career
29	Dep. Pros. Atty-Attorney Specialist	C129 Career
30	Dep. Pros. Atty-Attorney Supervisor	C130 Career

31 The provisions of this section shall be in effect only from July 1, ~~2010~~
 32 2011 through June 30, ~~2011~~ 2012.

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34 SECTION 4. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
 35 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.
 36 LEGISLATIVE INTENT. It is the intent of the General Assembly, in the

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

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

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25 SECTION 6. LEGISLATIVE INTENT. It is the intent of the General
26 Assembly that any funds disbursed under the authority of the appropriations
27 contained in this act shall be in compliance with the stated reasons for
28 which this act was adopted, as evidenced by the Agency Requests, Executive
29 Recommendations and Legislative Recommendations contained in the budget
30 manuals prepared by the Department of Finance and Administration, letters, or
31 summarized oral testimony in the official minutes of the Arkansas Legislative
32 Council or Joint Budget Committee which relate to its passage and adoption.

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34 SECTION 7. EMERGENCY CLAUSE. It is found and determined by the General
35 Assembly, that the Constitution of the State of Arkansas prohibits the
36 appropriation of funds for more than a one (1) year period; that the

1 effectiveness of this Act on July 1, 2011 is essential to the operation of
2 the agency for which the appropriations in this Act are provided, and that in
3 the event of an extension of the legislative session, the delay in the
4 effective date of this Act beyond July 1, 2011 could work irreparable harm
5 upon the proper administration and provision of essential governmental
6 programs. Therefore, an emergency is hereby declared to exist and this Act
7 being necessary for the immediate preservation of the public peace, health
8 and safety shall be in full force and effect from and after July 1, 2011.

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10 */s/Joint Budget Committee*

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13 **APPROVED: 04/04/2011**
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