

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.

State of Arkansas  
83rd General Assembly  
Regular Session, 2001

*As Engrossed: S2/26/01*

## A Bill

SENATE BILL 517

By: Joint Budget Committee

### For An Act To Be Entitled

AN ACT TO MAKE AN APPROPRIATION FOR PERSONAL SERVICES  
OF DEPUTY PROSECUTING ATTORNEYS FOR THE BIENNIAL  
PERIOD ENDING JUNE 30, 2003; AND FOR OTHER PURPOSES.

### Subtitle

AN ACT FOR THE AUDITOR OF STATE - DEPUTY  
PROSECUTING ATTORNEYS APPROPRIATION FOR  
THE 2001-2003 BIENNIUM.

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

SECTION 1. REGULAR SALARIES. There is hereby established for the Deputy Prosecuting Attorneys for the 2001-2003 biennium, the following maximum number of regular employees whose salaries shall be governed by the provisions of the Uniform Classification and Compensation Act (Arkansas Code §§21-5-201 et seq.), or its successor, and all laws amendatory thereto. Provided, however, that any position to which a specific maximum annual salary is set out herein in dollars, shall be exempt from the provisions of said Uniform Classification and Compensation Act. All persons occupying positions authorized herein are hereby governed by the provisions of the Regular Salaries Procedures and Restrictions Act (Arkansas Code §21-5-101), or its successor.

		Maximum Annual		
		Maximum	Salary Rate	
Item		No. of	Fiscal Years	
No.	Title	Employees	2001-2002	2002-2003
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1	(1)	DEPUTY PROSECUTING ATTORNEY	3	\$82,663	\$84,812
2	(2)	DEPUTY PROSECUTING ATTORNEY	6	\$73,010	\$74,908
3	(3)	DEP. PROS. ATTY-ATTY SPEC PART-TIME I	1	\$60,818	\$62,399
4	(4)	DEP. PROS. ATTY-ATTY SPEC PART-TIME II	3	\$49,930	\$51,228
5	(5)	DEP. PROS. ATTY-ATTORNEY PART-TIME I	15	\$59,930	\$61,488
6	(6)	DEP. PROS. ATTY-ATTORNEY PART-TIME II	59	\$41,589	\$42,670
7	(7)	DEP. PROS. ATTY-ATTORNEY SUPERVISOR	34	GRADE 26	
8	(8)	DEP. PROS. ATTY-ATTORNEY SPECIALIST	17	GRADE 25	
9	(9)	DEP. PROS. ATTY-ATTORNEY	<u>52</u>	GRADE 24	
10		MAX. NO. OF EMPLOYEES	<u>190</u>		

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12 SECTION 2. APPROPRIATION. There is hereby appropriated, to the Auditor of  
 13 State, to be payable from the State Central Services Fund, for personal  
 14 services of the Deputy Prosecuting Attorneys for the biennial period ending  
 15 June 30, 2003, the following:

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17	ITEM	FISCAL YEARS	
18	NO.	2001-2002	2002-2003
19	(01) REGULAR SALARIES	\$ 9,221,848	\$ 9,461,616
20	(02) PERSONAL SERV MATCHING	<u>2,205,638</u>	<u>2,248,495</u>
21	TOTAL AMOUNT APPROPRIATED	<u>\$ 11,427,486</u>	<u>\$ 11,710,111</u>

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

31	TITLE	GRADE	LEVEL
32	Dep. Pros. Atty-Attorney	24	IV
33	Dep. Pros. Atty-Attorney Specialist	25	IV
34	Dep. Pros. Atty-Attorney Supervisor	26	IV

35 This provision shall be in full force and effect beginning July 1, ~~1999~~ 2001.

36 The provisions of this section shall be in effect only from July 1, 2001

1 through June 30, 2003.

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

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12 SECTION 5. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE  
13 NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. RESPONSIBILITY  
14 FOR FUNDING. Beginning on January 1, 2000, each county of the State shall be  
15 responsible for a portion of the cost of regular salaries and personal  
16 services matching for deputy prosecuting attorneys who ~~are to become~~ became  
17 state employees as of January 1, 2000. During the monthly distribution of  
18 general revenues to the counties, the Treasurer of State shall retain from  
19 each county, one-twelfth (1/12th) of 80% of the amount appropriated by each of  
20 the counties for salaries and associated fringe benefit costs as of January 1,  
21 1999. The amount retained by the Treasurer of State shall be credited to the  
22 State Central Services Fund for the partial support of the regular salaries  
23 and personal services matching costs for deputy prosecuting attorneys. The  
24 amount which each county appropriated for salaries and associated fringe  
25 benefit costs as of January 1, 1999, ~~shall be~~ was determined by the Division  
26 of Legislative Audit of the Legislative Joint Auditing Committee and ~~shall be~~  
27 was certified to the Treasurer of State on or before December 1, 1999. The  
28 provisions of this section shall be in effect only from July 1, 2001 through  
29 June 30, 2003.

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31 SECTION 6. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE  
32 NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. FUNDING OF  
33 EXPENSES AND ADDITIONAL EMPLOYEES OF THE PROSECUTING ATTORNEYS OFFICES. Each  
34 county or counties within a judicial district shall continue to bear the  
35 responsibility and expense of providing, at the county's expense through an  
36 annual appropriation, the following, at sufficient levels for operation, but

not less than the amounts appropriated by ordinance in effect January 1, 1999:

(1) The cost of facilities, equipment, supplies, salaries and benefits of existing support staff, and other office expenses for elected prosecuting attorneys and deputy prosecuting attorneys, and any and all other line item appropriations as approved in the 1999 county budget except for deputy prosecuting attorneys' salary and benefits.

(2) The county shall provide compensation of additional personnel and expenses within the office of prosecuting attorney and deputy prosecuting attorney, when approved by the quorum court. The provisions of this section shall be in effect only from July 1, 2001 through June 30, 2003.

SECTION 7. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. POOL POSITIONS. In the event that unforeseen conditions arise that necessitate the hiring of additional deputy prosecuting attorneys in addition to those authorized in Section 1 of this Act, and either a portion of the ~~\$2,500,000~~ in general revenue originally allocated for ~~FY1999-2000~~ FY2001-2002 or ~~and the \$5,000,000~~ in general revenue originally allocated for ~~FY2000-2001~~ FY2002-2003 is unallocated, or additional funding above the original allocations becomes available, the Prosecution Coordination Commission may with approval from the Chief Fiscal Officer of the State, and prior review by the Legislative Council or Joint Budget Committee employ up to a maximum of five (5) part-time and five (5) full-time pool positions. The provisions of this section shall be in effect only from July 1, 2001 through June 30, 2003.

SECTION 8. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. REPEAL OF CONFLICTING LAWS. All portions of laws pertaining to compensation of deputy prosecuting attorneys, with the exception of those laws pertaining to the Eleventh Judicial District Special Deputy Prosecuting Attorney, are hereby superseded. ~~by this law if sufficient funding becomes available to convert deputy prosecuting attorneys from county or grant funded positions to state funded positions.~~ The provisions of this section shall be in effect only from July 1, 2001 through June 30, 2003.

SECTION 9. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE

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

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18 SECTION 10. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE NOR PUBLISHED  
19 SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. FUND BALANCES. (A) For all  
20 appropriations as provided in this Act, the agency disbursing officer shall  
21 monitor the level of fund balances in relation to expenditures on a monthly  
22 basis. If any proposed expenditures would cause a fund balance to decline to  
23 less than fifty percent (50%) of the balance available on July 1, 2001, the  
24 disbursing officer shall immediately notify the executive head of the agency.  
25 Prior to any obligations being made under these circumstances, the agency head  
26 shall file written documentation with the Chief Fiscal Officer of the State  
27 requesting approval of the expenditures. Such documentation shall provide  
28 sufficient financial data to justify the expenditures and shall include the  
29 following:  
30 1) a plan that clearly indicates the specific fiscal impact of such  
31 expenditures on the fund balance.  
32 2) information clearly indicating and explaining what programs would be cut or  
33 any other measures to be taken by the agency to restore the fund balance.  
34 3) the extent to which any of the planned expenditures are for one-time costs  
35 or one-time purchase of capitalized items.  
36 4) a statement certifying that the expenditure of fund balances will not

1 jeopardize the financial health of the agency, nor result in a permanent  
2 depletion of the fund balance.

3 (B) The Chief Fiscal Officer of the State shall review the request and  
4 approve or disapprove all or any part of the request , after having sought  
5 prior review by the Legislative Council.

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7 SECTION 11. COMPLIANCE WITH OTHER LAWS. Disbursement of funds authorized  
8 by this act shall be limited to the appropriation for such agency and funds  
9 made available by law for the support of such appropriations; and the  
10 restrictions of the State Purchasing Law, the General Accounting and Budgetary  
11 Procedures Law, the Revenue Stabilization Law, the Regular Salary Procedures  
12 and Restrictions Act, or their successors, and other fiscal control laws of  
13 this State, where applicable, and regulations promulgated by the Department of  
14 Finance and Administration, as authorized by law, shall be strictly complied  
15 with in disbursement of said funds.

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17 SECTION 12. LEGISLATIVE INTENT. It is the intent of the General Assembly  
18 that any funds disbursed under the authority of the appropriations contained  
19 in this act shall be in compliance with the stated reasons for which this act  
20 was adopted, as evidenced by the Agency Requests, Executive Recommendations  
21 and Legislative Recommendations contained in the budget manuals prepared by  
22 the Department of Finance and Administration, letters, or summarized oral  
23 testimony in the official minutes of the Arkansas Legislative Council or Joint  
24 Budget Committee which relate to its passage and adoption.

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26 SECTION 13. EMERGENCY CLAUSE. It is found and determined by the General  
27 Assembly, that the Constitution of the State of Arkansas prohibits the  
28 appropriation of funds for more than a two (2) year period; that the  
29 effectiveness of this Act on July 1, 2001 is essential to the operation of the  
30 agency for which the appropriations in this Act are provided, and that in the  
31 event of an extension of the Regular Session, the delay in the effective date  
32 of this Act beyond July 1, 2001 could work irreparable harm upon the proper  
33 administration and provision of essential governmental programs. Therefore, an  
34 emergency is hereby declared to exist and this Act being necessary for the  
35 immediate preservation of the public peace, health and safety shall be in full  
36 force and effect from and after July 1, 2001.

/s/ Joint Budget Committee

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