

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.

1 State of Arkansas
2 83rd General Assembly
3 Regular Session, 2001
4

As Engrossed: S2/26/01
A Bill

SENATE BILL 517

5 By: Joint Budget Committee
6
7

For An Act To Be Entitled

9 AN ACT TO MAKE AN APPROPRIATION FOR PERSONAL SERVICES
10 OF DEPUTY PROSECUTING ATTORNEYS FOR THE BIENNIAL
11 PERIOD ENDING JUNE 30, 2003; AND FOR OTHER PURPOSES.
12
13

Subtitle

15 AN ACT FOR THE AUDITOR OF STATE - DEPUTY
16 PROSECUTING ATTORNEYS APPROPRIATION FOR
17 THE 2001-2003 BIENNIUM.
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19

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

22 SECTION 1. REGULAR SALARIES. There is hereby established for the Deputy
23 Prosecuting Attorneys for the 2001-2003 biennium, the following maximum number
24 of regular employees whose salaries shall be governed by the provisions of the
25 Uniform Classification and Compensation Act (Arkansas Code §§21-5-201 et
26 seq.), or its successor, and all laws amendatory thereto. Provided, however,
27 that any position to which a specific maximum annual salary is set out herein
28 in dollars, shall be exempt from the provisions of said Uniform Classification
29 and Compensation Act. All persons occupying positions authorized herein are
30 hereby governed by the provisions of the Regular Salaries Procedures and
31 Restrictions Act (Arkansas Code §21-5-101), or its successor.
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Item	No.	Title	Maximum Annual	
			Maximum No. of Employees	Salary Rate Fiscal Years
				2001-2002 2002-2003

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:

16

17	ITEM	FISCAL YEARS	
18	<u>NO.</u>	<u>2001-2002</u>	<u>2002-2003</u>
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.

2
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

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

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

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

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

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

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 36 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.

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/s/ Joint Budget Committee