

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 86th General Assembly
3 Regular Session, 2007
4

A Bill

HOUSE BILL 2127

5 By: Representative Davenport
6
7

For An Act To Be Entitled

9 AN ACT TO MAKE AN APPROPRIATION FOR PERSONAL
10 SERVICES AND OPERATING EXPENSES FOR THE AUDITOR
11 OF STATE FOR THE FULL-TIME SUPPORT STAFF
12 PERSONNEL OF PROSECUTING ATTORNEYS AND DEPUTY
13 PROSECUTING ATTORNEYS FOR THE BIENNIAL PERIOD
14 ENDING JUNE 30, 2009; AND FOR OTHER PURPOSES.
15

Subtitle

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18 AN ACT FOR THE AUDITOR OF STATE -
19 PROSECUTING ATTORNEYS AND DEPUTY
20 PROSECUTING ATTORNEYS FULL-TIME SUPPORT
21 STAFF PERSONNEL APPROPRIATION FOR THE
22 2007-2009 BIENNIUM.
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25 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
26

27 SECTION 1. REGULAR SALARIES - PROSECUTING ATTORNEYS AND DEPUTY PROSECUTING
28 ATTORNEYS FULL-TIME SUPPORT STAFF PERSONNEL. There is hereby established for
29 the Auditor of State - Full-time support staff of prosecuting attorneys and
30 deputy prosecuting attorneys for the 2007-2009 biennium, the following
31 maximum number of regular employees whose salaries shall be governed by the
32 provisions of the Uniform Classification and Compensation Act (Arkansas Code
33 §§21-5-201 et seq.), or its successor, and all laws amendatory thereto.
34 Provided, however, that any position to which a specific maximum annual
35 salary is set out herein in dollars, shall be exempt from the provisions of
36 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.

Item No.	Class Code	Title	Maximum No. of Employees	Maximum Annual Salary Rate	
				2007-2008	2008-2009
(1)		ADMINISTRATIVE ASSISTANT I	14	GRADE 22	
(2)		INVESTIGATOR	18	GRADE 20	
(3)		VICTIM ASSISTANCE CASE COOR	65	GRADE 20	
(4)		ADMINISTRATIVE ASSISTANT II	157	GRADE 17	
		MAX. NO. OF EMPLOYEES	254		

SECTION 2. APPROPRIATION - FULL-TIME SUPPORT STAFF. There is hereby appropriated, to the Auditor of State, to be payable from the State Central Services Fund, for personal services of the prosecuting attorneys and deputy prosecuting attorneys full-time support staff for the biennial period ending June 30, 2009, the following:

ITEM NO.		FISCAL YEARS	
		2007-2008	2008-2009
(01)	REGULAR SALARIES	\$ 8,894,064	\$ 9,071,945
(02)	PERSONAL SERV MATCHING	2,668,219	2,721,584
	TOTAL AMOUNT APPROPRIATED	\$ 11,562,283	\$ 11,793,529

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 support staff for prosecuting attorneys and deputy prosecuting attorneys throughout the State, and the necessity of retaining qualified support staff, the elected and deputy prosecuting attorneys, through the Prosecution Coordination Commission, are authorized to request special rates of pay for current and new support staff up to the levels listed below for the following classifications:

<u>TITLE</u>	<u>GRADE</u>	<u>LEVEL</u>
<u>Administrative Assistant I</u>	<u>22</u>	<u>IV</u>

1 Investigator 20 IV
2 Victim Assistance Case Coord 20 IV
3 Administrative Assistant II 17 IV

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

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7 SECTION 4. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
8 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. SUPPORT
9 STAFF. The support staff personnel of prosecuting attorneys and deputy
10 prosecuting attorneys shall be subject to the Uniform Attendance and Leave
11 Policy Act as administered by the elected or deputy prosecuting attorney by
12 whom they are employed.

13 The provisions of this section shall be in effect only from July 1, 2007
14 through June 30, 2009.

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16 SECTION 5. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
17 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. LEAVE
18 BENEFITS. Prosecuting attorneys and deputy prosecuting attorneys support
19 staff personnel who convert from county or grant funded employment to state
20 employment and are employed prior to the effective date of this legislation
21 shall have their length of service with the county recognized for purposes of
22 accrued rates of sick and annual leave.

23 The provisions of this section shall be in effect only from July 1, 2007
24 through June 30, 2009.

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26 SECTION 6. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
27 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. FUNDING OF
28 EXPENSES OF ADDITIONAL EMPLOYEES. Each county or counties within a judicial
29 district shall continue to bear the responsibility and expense of providing
30 at the county's expense through an annual appropriation, the following at
31 sufficient levels of operation, but not less than the amount appropriated by
32 ordinance in effect January 1, 2007.

33 (1) The cost of facilities, equipment, supplies, and other office expenses
34 for elected prosecuting attorneys and deputy prosecuting attorneys, and any
35 and all other line item appropriations as approved in the 2007 county budget
36 except for full-time support personnel of prosecuting attorneys and deputy

1 prosecuting attorneys included in this Act.

2 (2) The county shall continue to provide compensation for part-time
3 support staff personnel for both prosecuting attorneys and deputy prosecuting
4 attorneys as approved in the 2007 county budget.

5 (3) The county shall provide compensation of additional personnel and
6 expenses within the office of prosecuting attorney and deputy prosecuting
7 attorney, when approved by the Quorum Court.

8 The provisions of this section shall be in effect only from July 1, 2007
9 through June 30, 2009.

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11 SECTION 7. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
12 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.

13 ASSIGNMENT OF POSITIONS. On January 1, 2008, all full-time support staff
14 personnel for prosecuting attorneys and deputy prosecuting attorneys included
15 in this Act shall become state employees.

16 The provisions of this section shall be in effect only from July 1, 2007
17 through June 30, 2009.

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

21 In the event sufficient general revenue funding is not available for the
22 implementation of this Act, the positions enumerated in Section 1 of this Act
23 shall not become employees of the State of Arkansas and shall continue to be
24 employed and compensated in the same manner as they were employed and
25 compensated as of January 1, 2007.

26 The provisions of this section shall be in effect only from July 1, 2007
27 through June 30, 2009.

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

31 LEGISLATIVE INTENT. It is the intent of the General Assembly, in the
32 transition to a state-funded prosecuting attorney and deputy prosecuting
33 attorney support staff personnel system, to provide an appropriated and
34 adequate level of support in all areas of the state. With the transition of
35 local funding of prosecuting attorneys and deputy prosecuting attorneys
36 support staff personnel salaries to state funding, it is not the intent of

1 the General Assembly to adversely affect those districts whose system has
2 been working well or to implement a system which if too inflexible to respond
3 to the needs of each judicial district. Therefore, the Prosecutor
4 Coordination Commission is charged with the responsibility of assisting in
5 the maintenance of a system which equitably serves all areas of the state.

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

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

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19 SECTION 11. EMERGENCY CLAUSE. It is found and determined by the General
20 Assembly, that the Constitution of the State of Arkansas prohibits the
21 appropriation of funds for more than a two (2) year period; that the
22 effectiveness of this Act on July 1, 2007 is essential to the operation of
23 the agency for which the appropriations in this Act are provided, and that in
24 the event of an extension of the Regular Session, the delay in the effective
25 date of this Act beyond July 1, 2007 could work irreparable harm upon the
26 proper administration and provision of essential governmental programs.
27 Therefore, an emergency is hereby declared to exist and this Act being
28 necessary for the immediate preservation of the public peace, health and
29 safety shall be in full force and effect from and after July 1, 2007.