

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 87th General Assembly  
3 Regular Session, 2009  
4

# A Bill

SENATE BILL 266

5 By: Joint Budget Committee  
6  
7

## 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  
14

## Subtitle

15 AN ACT FOR THE AUDITOR OF STATE -  
16 DEPUTY PROSECUTING ATTORNEYS  
17 APPROPRIATION FOR THE 2009-2010 FISCAL  
18 YEAR.  
19  
20  
21

22 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
23

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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Maximum Annual



Item No.	Title	Maximum No. of Employees	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:

TITLE	GRADE LEVEL
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1 Dep. Pros. Atty-Attorney 24 ~~IV~~ C128 Career

2 Dep. Pros. Atty-Attorney Specialist 25 ~~IV~~ C129 Career

3 Dep. Pros. Atty-Attorney Supervisor 26 ~~IV~~ C130 Career

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

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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.

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

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

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34 SECTION 6. LEGISLATIVE INTENT. It is the intent of the General Assembly  
35 that any funds disbursed under the authority of the appropriations contained  
36 in this act shall be in compliance with the stated reasons for which this act

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

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