

State of Arkansas
87th General Assembly
Fiscal Session, 2010

A Bill

SENATE BILL 76

By: Joint Budget Committee

For An Act To Be Entitled

AN ACT TO MAKE AN APPROPRIATION FOR PERSONAL
SERVICES AND OPERATING EXPENSES FOR THE DEPUTY
PROSECUTING ATTORNEYS FOR THE FISCAL YEAR ENDING
JUNE 30, 2011; AND FOR OTHER PURPOSES.

Subtitle

AN ACT FOR THE AUDITOR OF STATE - DEPUTY
PROSECUTING ATTORNEYS APPROPRIATION FOR
THE 2010-2011 FISCAL YEAR.

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

SECTION 1. REGULAR SALARIES - DEPUTY PROSECUTING ATTORNEYS. There is hereby established for the Deputy Prosecuting Attorneys for the 2010-2011 fiscal year, 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 Year
No.	Employees	2010-2011
(1) DEP PROS ATTY - ATTY PART-TIME III	15	\$75,191
(2) DEP PROS ATTY - ATTY PART-TIME II	9	\$62,301
(3) DEP PROS ATTY - ATTY PART-TIME I	61	\$51,866
(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, 2011, the following:

ITEM	FISCAL YEAR
NO.	2010-2011
(01) REGULAR SALARIES	\$ 13,731,604
(02) PERSONAL SERVICES MATCHING	3,804,755
(03) SPECIAL DEPUTY EXPENSE ALLOWANCE	<u>4,800</u>
TOTAL AMOUNT APPROPRIATED	<u>\$ 17,541,159</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
Dep. Pros. Atty-Attorney	C128	Career

1 Dep. Pros. Atty-Attorney Specialist C129 Career

2 Dep. Pros. Atty-Attorney Supervisor C130 Career

3 The provisions of this section shall be in effect only from July 1,
4 ~~2007~~ 2010 through June 30, ~~2009~~ 2011.

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6 SECTION 4. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
7 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.

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

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

32
33 SECTION 6. LEGISLATIVE INTENT. It is the intent of the General Assembly
34 that any funds disbursed under the authority of the appropriations contained
35 in this act shall be in compliance with the stated reasons for which this act
36 was adopted, as evidenced by the Agency Requests, Executive Recommendations

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

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6 SECTION 7. EMERGENCY CLAUSE. It is found and determined by the General
7 Assembly, that the Constitution of the State of Arkansas prohibits the
8 appropriation of funds for more than a one (1) year period; that the
9 effectiveness of this Act on July 1, 2010 is essential to the operation of
10 the agency for which the appropriations in this Act are provided, and that in
11 the event of an extension of the legislative session, the delay in the
12 effective date of this Act beyond July 1, 2010 could work irreparable harm
13 upon the proper administration and provision of essential governmental
14 programs. Therefore, an emergency is hereby declared to exist and this Act
15 being necessary for the immediate preservation of the public peace, health
16 and safety shall be in full force and effect from and after July 1, 2010.