

1 State of Arkansas  
2 88th General Assembly  
3 Regular Session, 2011  
4

# A Bill

SENATE BILL 198

5 By: Joint Budget Committee  
6

## For An Act To Be Entitled

8 AN ACT TO MAKE AN APPROPRIATION FOR PERSONAL  
9 SERVICES AND OPERATING EXPENSES FOR THE DEPUTY  
10 PROSECUTING ATTORNEYS FOR THE FISCAL YEAR ENDING  
11 JUNE 30, 2012; AND FOR OTHER PURPOSES.  
12  
13

## Subtitle

14 AN ACT FOR THE AUDITOR OF STATE - DEPUTY  
15 PROSECUTING ATTORNEYS APPROPRIATION FOR THE  
16 2011-2012 FISCAL YEAR.  
17  
18  
19

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

22 SECTION 1. REGULAR SALARIES - DEPUTY PROSECUTING ATTORNEYS. There is  
23 hereby established for the Auditor of State - Deputy Prosecuting Attorneys  
24 for the 2011-2012 fiscal year, the following maximum number of regular  
25 employees.  
26

Item		Maximum	Maximum Annual
No.	Title	No. of	Salary Rate
		Employees	Fiscal Year
			2011-2012
31 (1)	DEP PROS ATTY-ATTORNEY PART-TIME III	15	\$76,589
32 (2)	DEP PROS ATTY-ATTORNEY PART-TIME II	9	\$63,459
33 (3)	DEP PROS ATTY-ATTORNEY PART-TIME I	61	\$52,830
34 (4)	SENIOR DEPUTY PROSECUTING ATTORNEY II	3	GRADE N908
35 (5)	SENIOR DEPUTY PROSECUTING ATTORNEY I	6	GRADE N906
36 (6)	SPECIAL DEPUTY PROSECUTING ATTORNEY	2	GRADE N905



1	(7)	DEP PROS ATTY - ATTORNEY SUPERVISOR	35	GRADE C130
2	(8)	DEP PROS ATTY - ATTORNEY SPECIALIST	31	GRADE C129
3	(9)	DEP PROS ATTY - ATTORNEY	<u>80</u>	GRADE C128
4		MAX. NO. OF EMPLOYEES	242	

5  
 6 SECTION 2. APPROPRIATION - DEPUTY PROSECUTING ATTORNEYS. There is  
 7 hereby appropriated, to the Auditor of State, to be payable from the State  
 8 Central Services Fund, for personal services and Special Deputy Expense  
 9 Allowance of the Deputy Prosecuting Attorneys for the fiscal year ending June  
 10 30, 2012, the following:

12	ITEM	FISCAL YEAR
13	<u>NO.</u>	<u>2011-2012</u>
14	(01) REGULAR SALARIES	\$14,660,496
15	(02) PERSONAL SERVICES MATCHING	4,089,584
16	(03) SPECIAL DEPUTY EXPENSE ALLOWANCE	<u>4,800</u>
17	TOTAL AMOUNT APPROPRIATED	<u>\$18,754,880</u>

18  
 19 SECTION 3. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS  
 20 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. SPECIAL  
 21 RATES OF PAY. Due to the need for competent deputy prosecuting attorneys  
 22 throughout the state and the necessity of retaining qualified deputy  
 23 prosecuting attorneys, the elected prosecuting attorneys, through the  
 24 Prosecution Coordination Commission, are authorized to request special rates  
 25 of pay for current and new deputy prosecuting attorneys up to the levels  
 26 listed below for the following classifications:

27	TITLE	GRADE LEVEL
28	Dep. Pros. Atty-Attorney	C128 Career
29	Dep. Pros. Atty-Attorney Specialist	C129 Career
30	Dep. Pros. Atty-Attorney Supervisor	C130 Career

31 The provisions of this section shall be in effect only from July 1, ~~2010~~  
 32 2011 through June 30, ~~2011~~ 2012.

33  
 34 SECTION 4. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS  
 35 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.  
 36 LEGISLATIVE INTENT. It is the intent of the General Assembly, in the

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

14  
15 SECTION 5. COMPLIANCE WITH OTHER LAWS. Disbursement of funds  
16 authorized by this act shall be limited to the appropriation for such agency  
17 and funds made available by law for the support of such appropriations; and  
18 the restrictions of the State Procurement Law, the General Accounting and  
19 Budgetary Procedures Law, the Revenue Stabilization Law, the Regular Salary  
20 Procedures and Restrictions Act, or their successors, and other fiscal  
21 control laws of this State, where applicable, and regulations promulgated by  
22 the Department of Finance and Administration, as authorized by law, shall be  
23 strictly complied with in disbursement of said funds.

24  
25 SECTION 6. LEGISLATIVE INTENT. It is the intent of the General  
26 Assembly that any funds disbursed under the authority of the appropriations  
27 contained in this act shall be in compliance with the stated reasons for  
28 which this act was adopted, as evidenced by the Agency Requests, Executive  
29 Recommendations and Legislative Recommendations contained in the budget  
30 manuals prepared by the Department of Finance and Administration, letters, or  
31 summarized oral testimony in the official minutes of the Arkansas Legislative  
32 Council or Joint Budget Committee which relate to its passage and adoption.

33  
34 SECTION 7. EMERGENCY CLAUSE. It is found and determined by the General  
35 Assembly, that the Constitution of the State of Arkansas prohibits the  
36 appropriation of funds for more than a one (1) year period; that the

effectiveness of this Act on July 1, 2011 is essential to the operation of the agency for which the appropriations in this Act are provided, and that in the event of an extension of the legislative session, the delay in the effective date of this Act beyond July 1, 2011 could work irreparable harm upon the proper administration and provision of essential governmental programs. Therefore, an emergency is hereby declared to exist and this Act being necessary for the immediate preservation of the public peace, health and safety shall be in full force and effect from and after July 1, 2011.

9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36