

1 State of Arkansas  
2 88th General Assembly  
3 Fiscal Session, 2012  
4

# A Bill

SENATE BILL 38

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, 2013; AND FOR OTHER PURPOSES.  
12  
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## Subtitle

14 AN ACT FOR THE AUDITOR OF STATE - DEPUTY  
15 PROSECUTING ATTORNEYS APPROPRIATION FOR THE  
16 2012-2013 FISCAL YEAR.  
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20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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22 SECTION 1. REGULAR SALARIES - DEPUTY PROSECUTING ATTORNEYS. There is  
23 hereby established for the Auditor of State - Deputy Prosecuting Attorneys  
24 for the 2012-2013 fiscal year, the following maximum number of regular  
25 employees.  
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| Item   | Title                                 | Maximum<br>No. of<br>Employees | Maximum Annual<br>Salary Rate<br>Fiscal Year<br>2012-2013 |
|--------|---------------------------------------|--------------------------------|---|
| 31 (1) | DEP PROS ATTY-ATTORNEY PART-TIME III  | 15                             | \$78,411  |
| 32 (2) | DEP PROS ATTY-ATTORNEY PART-TIME II   | 8                              | \$64,969  |
| 33 (3) | DEP PROS ATTY-ATTORNEY PART-TIME I    | 55                             | \$54,087  |
| 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 | 37        | GRADE C130 |
| 2 | (8) | DEP PROS ATTY - ATTORNEY SPECIALIST | 32        | GRADE C129 |
| 3 | (9) | DEP PROS ATTY - ATTORNEY            | <u>84</u> | GRADE C128 |
| 4 |     | MAX. NO. OF EMPLOYEES               | 242       |            |

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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, 2013, the following:

| 12 | ITEM                                  | FISCAL YEAR         |
|----|---------------------------------------|---------------------|
| 13 | <u>NO.</u>                            | <u>2012-2013</u>    |
| 14 | (01) REGULAR SALARIES                 | \$15,086,319        |
| 15 | (02) PERSONAL SERVICES MATCHING       | 4,182,242           |
| 16 | (03) SPECIAL DEPUTY EXPENSE ALLOWANCE | <u>4,800</u>        |
| 17 | TOTAL AMOUNT APPROPRIATED             | <u>\$19,273,361</u> |

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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 2012 through June 30, ~~2011~~ 2013.

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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.

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 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.

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 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.

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 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

1 effectiveness of this Act on July 1, 2012 is essential to the operation of  
2 the agency for which the appropriations in this Act are provided, and that in  
3 the event of an extension of the legislative session, the delay in the  
4 effective date of this Act beyond July 1, 2012 could work irreparable harm  
5 upon the proper administration and provision of essential governmental  
6 programs. Therefore, an emergency is hereby declared to exist and this Act  
7 being necessary for the immediate preservation of the public peace, health  
8 and safety shall be in full force and effect from and after July 1, 2012.

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