

State of Arkansas
88th General Assembly
Fiscal Session, 2012

A Bill

SENATE BILL 38

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, 2013; AND FOR OTHER PURPOSES.

Subtitle

AN ACT FOR THE AUDITOR OF STATE - DEPUTY PROSECUTING ATTORNEYS APPROPRIATION FOR THE 2012-2013 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 Auditor of State - Deputy Prosecuting Attorneys for the 2012-2013 fiscal year, the following maximum number of regular employees.

Item No.	Title	Maximum No. of Employees	Maximum Annual Salary Rate
			Fiscal Year 2012-2013
(1)	DEP PROS ATTY-ATTORNEY PART-TIME III	15	\$78,411
(2)	DEP PROS ATTY-ATTORNEY PART-TIME II	8	\$64,969
(3)	DEP PROS ATTY-ATTORNEY PART-TIME I	55	\$54,087
(4)	SENIOR DEPUTY PROSECUTING ATTORNEY II	3	GRADE N908
(5)	SENIOR DEPUTY PROSECUTING ATTORNEY I	6	GRADE N906
(6)	SPECIAL DEPUTY PROSECUTING ATTORNEY	2	GRADE N905



(7)	DEP PROS ATTY - ATTORNEY SUPERVISOR	37	GRADE C130
(8)	DEP PROS ATTY - ATTORNEY SPECIALIST	32	GRADE C129
(9)	DEP PROS ATTY - ATTORNEY	<u>84</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, 2013, the following:

ITEM	FISCAL YEAR
<u>NO.</u>	<u>2012-2013</u>
(01) REGULAR SALARIES	\$15,086,319
(02) PERSONAL SERVICES MATCHING	4,182,242
(03) SPECIAL DEPUTY EXPENSE ALLOWANCE	<u>4,800</u>
TOTAL AMOUNT APPROPRIATED	<u><u>\$19,273,361</u></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
Dep. Pros. Atty-Attorney Specialist	C129 Career
Dep. Pros. Atty-Attorney Supervisor	C130 Career

The provisions of this section shall be in effect only from July 1, ~~2010~~ 2012 through June 30, ~~2011~~ 2013.

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

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

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

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

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

effectiveness of this Act on July 1, 2012 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, 2012 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, 2012.