

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 84th General Assembly
3 Regular Session, 2003

A Bill

HOUSE BILL 1380

4
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
11 DEPARTMENT OF EDUCATION - EDUCATIONAL TELEVISION
12 DIVISION FOR THE BIENNIAL PERIOD ENDING JUNE 30,
13 2005; AND FOR OTHER PURPOSES.
14

Subtitle

15
16 AN ACT FOR THE DEPARTMENT OF EDUCATION
17 - EDUCATIONAL TELEVISION DIVISION
18 APPROPRIATION FOR THE 2003-2005
19 BIENNIUM.
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23 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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25 SECTION 1. REGULAR SALARIES. There is hereby established for the
26 Department of Education - Educational Television Division for the 2003-2005
27 biennium, the following maximum number of regular employees whose salaries
28 shall be governed by the provisions of the Uniform Classification and
29 Compensation Act (Arkansas Code §§21-5-201 et seq.), or its successor, and
30 all laws amendatory thereto. Provided, however, that any position to which a
31 specific maximum annual salary is set out herein in dollars, shall be exempt
32 from the provisions of said Uniform Classification and Compensation Act. All
33 persons occupying positions authorized herein are hereby governed by the
34 provisions of the Regular Salaries Procedures and Restrictions Act (Arkansas
35 Code §21-5-101), or its successor.
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Item	Class		Maximum	Maximum Annual	
No.	Code	Title	No. of	Salary Rate	
			Employees	2003-2004	2004-2005
5	(1) 9946	ED DIRECTOR ETV	1	\$87,665	\$89,730
6	(2) 7344	ASSOCIATE DIRECTOR OF ETV	1	\$75,603	\$77,439
7	(3) 7358	ED ETV DIRECTOR OF ENGINEERING	1	\$74,480	\$76,295
8	(4) 827Z	DP CENTER MANAGER	1	GRADE 26	
9	(5) 035Z	ETV PRODUCTION DIVISION DIRECTOR	2	GRADE 24	
10	(6) 211Z	ETV MARKETING DIVISION DIRECTOR	1	GRADE 24	
11	(7) 249Z	ETV EDUCATIVE SERVICES DIV DIRECTOR	1	GRADE 24	
12	(8) 288Z	ETV PROGRAMMING DIVISION DIRECTOR	1	GRADE 24	
13	(9) 292Z	ETV ADMIN AND FINANCE DIV DIR	1	GRADE 24	
14	(10) F002	ETV CHIEF ENGINEER	3	GRADE 24	
15	(11) 055Z	DP MANAGER	1	GRADE 23	
16	(12) 909Z	PROGRAM SUPPORT MANAGER	2	GRADE 22	
17	(13) D066	SYSTEMS COORDINATION ANALYST II	3	GRADE 22	
18	(14) A008	ACCOUNTING SUPERVISOR II	2	GRADE 21	
19	(15) D036	SR PROGRAMMER/ANALYST	1	GRADE 21	
20	(16) E064	TV CURRICULUM UTILIZATION COORD	3	GRADE 21	
21	(17) F036	TV PRODUCER	11	GRADE 21	
22	(18) F046	ETV CREATIVE SERVICES SUPERVISOR	1	GRADE 21	
23	(19) D055	WEBSITE COORDINATOR II	1	GRADE 20	
24	(20) R167	TELEVISION PROMOTION SUPERVISOR	2	GRADE 20	
25	(21) R266	MANAGEMENT PROJECT ANALYST II	1	GRADE 20	
26	(22) E074	TRAINING REPRESENTATIVE	2	GRADE 19	
27	(23) N350	ETV PROGRAM DEPARTMENT SUPERVISOR	1	GRADE 19	
28	(24) P312	FACILITY MANAGER IV	1	GRADE 19	
29	(25) A111	ACCOUNTANT	1	GRADE 18	
30	(26) D032	JR SYSTEMS PROGRAMMER	1	GRADE 18	
31	(27) E062	STUDENT ADVISOR	1	GRADE 18	
32	(28) F006	TV MICROWAVE SPECIALIST	5	GRADE 18	
33	(29) F008	ETV VIDEO TECHNICIAN II	1	GRADE 18	
34	(30) F014	ETV BROADCAST SPEC I	8	GRADE 18	
35	(31) N328	INFORMATION OFFICER II	1	GRADE 18	
36	(32) R264	MANAGEMENT PROJECT ANALYST I	2	GRADE 18	

1	(33)	V040	PURCHASE AGENT II/PURCHASE AGENT	1	GRADE 18
2	(34)	E092	MULTI-MEDIA SPECIALIST	1	GRADE 17
3	(35)	F001	ETV PRODUCTION TECHNICIAN II	3	GRADE 17
4	(36)	N290	COMMERCIAL ARTIST II/GRAPHIC ART II	1	GRADE 17
5	(37)	N355	PHOTOGRAPHER	2	GRADE 17
6	(38)	R010	ADMINISTRATIVE ASSISTANT II	5	GRADE 17
7	(39)	R190	PERSONNEL OFFICER II	1	GRADE 17
8	(40)	F025	TV CONTINUITY EDITOR	1	GRADE 16
9	(41)	F043	ETV VIDEO TECHNICIAN	4	GRADE 16
10	(42)	A108	ACCOUNTING TECHNICIAN II	1	GRADE 15
11	(43)	F004	ETV PRODUCTION TECHNICIAN I	3	GRADE 15
12	(44)	K041	EXECUTIVE SECY/ADMINISTRATIVE SECY	2	GRADE 14
13	(45)	K153	SECRETARY II	1	GRADE 13
14	(46)	G109	BLDG/EQUIP MAINT REPAIRMAN II	<u>1</u>	GRADE 08
15			MAX. NO. OF EMPLOYEES	92	

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17 SECTION 2. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
 18 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. EXTRA
 19 HELP - STATE. There is hereby authorized, for the Department of Education -
 20 Educational Television Division - State for the ~~2001-2003~~ 2003-2005 biennium,
 21 the following maximum number of part-time or temporary employees, to be known
 22 as "Extra Help", payable from funds appropriated herein for such purposes:
 23 five (5) temporary or part-time employees, when needed, at rates of pay not
 24 to exceed those provided in the Uniform Classification and Compensation Act,
 25 or its successor, for the appropriate classification. Many of these positions
 26 are related to specific projects, and those positions so related are
 27 specifically exempt from limitations of hours, either by act or regulation.

28 The provisions of this section shall be in effect only from ~~July 1, 2001~~
 29 July 1, 2003 through ~~June 30, 2003~~ June 30, 2005.

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32 SECTION 3. APPROPRIATION - STATE OPERATIONS. There is hereby appropriated,
 33 to the Department of Education - Educational Television Division, to be
 34 payable from the Educational Television Fund Account, for personal services
 35 and operating expenses of the Department of Education - Educational
 36 Television Division - State for the biennial period ending June 30, 2005, the

1 following:

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3 ITEM		FISCAL YEARS	
4 NO.		2003-2004	2004-2005
5 (01)	REGULAR SALARIES	\$ 2,600,904	\$ 2,600,904
6 (02)	PERSONAL SERV MATCH	652,617	652,617
7 (03)	MAINT. & GEN. OPERATION		
8 (A)	OPER. EXPENSE	736,965	736,965
9 (B)	CONF. & TRAVEL	0	0
10 (C)	PROF. FEES	0	0
11 (D)	CAP. OUTLAY	0	0
12 (E)	DATA PROC.	<u>0</u>	<u>0</u>
13	TOTAL AMOUNT APPROPRIATED	<u>\$ 3,990,486</u>	<u>\$ 3,990,486</u>

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15 SECTION 4. APPROPRIATION - CASH OPERATIONS. There is hereby appropriated,
 16 to the Department of Education - Educational Television Division, to be
 17 payable from the cash fund deposited in the State Treasury as determined by
 18 the Chief Fiscal Officer of the State, for personal services and operating
 19 expenses of the Department of Education - Educational Television Division -
 20 Cash Operations for the biennial period ending June 30, 2005, the following:

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22 ITEM		FISCAL YEARS	
23 NO.		2003-2004	2004-2005
24 (01)	REGULAR SALARIES	\$ 590,959	\$ 606,868
25 (02)	EXTRA HELP	155,070	155,070
26 (03)	PERSONAL SERV MATCH	188,117	190,958
27 (04)	MAINT. & GEN. OPERATION		
28 (A)	OPER. EXPENSE	2,753,093	2,753,093
29 (B)	CONF. & TRAVEL	107,444	107,444
30 (C)	PROF. FEES	313,189	313,189
31 (D)	CAP. OUTLAY	100,000	100,000
32 (E)	DATA PROC.	0	0
33 (05)	PROMOTIONAL ITEMS	<u>15,000</u>	<u>15,000</u>
34	TOTAL AMOUNT APPROPRIATED	<u>\$ 4,222,872</u>	<u>\$ 4,241,622</u>

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36 SECTION 5. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS

1 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. EXTRA
2 HELP - CASH. There is hereby authorized, for the Department of Education -
3 Educational Television Division - Cash for the ~~2001-2003~~ 2003-2005 biennium,
4 the following maximum number of part-time or temporary employees, to be known
5 as "Extra Help", payable from funds appropriated herein for such purposes:
6 thirty six (36) temporary or part-time employees, when needed, at rates of
7 pay not to exceed those provided in the Uniform Classification and
8 Compensation Act, or its successor, for the appropriate classification. Many
9 of these positions are related to specific projects, and those positions so
10 related are specifically exempt from limitations of hours, either by act or
11 regulation.

12 The provisions of this section shall be in effect only from ~~July 1, 2001~~
13 July 1, 2003 through ~~June 30, 2003~~ June 30, 2005.

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15 SECTION 6. APPROPRIATION - CONTINGENCY. There is hereby appropriated, to
16 the Department of Education - Educational Television Division, to be payable
17 from the paying account as determined by the Chief Fiscal Officer of the
18 State, for use in responding to emerging needs resulting from the federally
19 mandated transition to digital broadcast technology of the Department of
20 Education - Educational Television Division for the biennial period ending
21 June 30, 2005, the following:

ITEM	FISCAL YEARS	
	2003-2004	2004-2005
(01) CONTINGENCY	\$ 1,318,703	\$ 1,318,703

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27 SECTION 7. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
28 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. SPECIAL
29 LANGUAGE - CONTINGENCY. (a) To address needs emerging from the ~~construction~~
30 ~~of a joint AETN/UCA complex~~ federally mandated transition to digital
31 broadcast technology, the Department of Education, Educational Television
32 Division shall establish and maintain for the ~~2001-2003~~ 2003-2005 biennium a
33 pool of fifteen (15) classified positions, payable from funds appropriated
34 herein for such purposes. These positions are to be used by the Department
35 of Education- Educational Television Division in the event that the number
36 and level of positions available to address the needs emerging from the

1 ~~construction of this new facility~~ installation of digital technology and the
 2 opportunity it presents to expand programming exceeds the classified
 3 positions regularly authorized for the Department of Education - Educational
 4 Television Division by the Legislature. (b) The Department of Education -
 5 Educational Television Division shall provide justification to the Department
 6 of Finance and Administration's Office of Personnel Management (OPM) for the
 7 need to allocate titles from this position pool. No classifications will be
 8 assigned to the pool until such time as specific positions are requested and
 9 justified by the Department of Education- Educational Television Division,
 10 recommended by OPM and approved by the Arkansas Legislative Council. The
 11 Department of Education- Educational Television Division may transfer
 12 positions and appropriations from this pool to any appropriation/pay schedule
 13 the agency currently maintains or any appropriation/pay schedule the agency
 14 receives during the ~~2001-2003~~ 2003-2005 biennium.

15 [c] Determining the number of personnel to be employed by a state agency is
 16 the prerogative of the General Assembly and is usually accomplished by
 17 delineating the maximum number of personnel by identifying job titles and the
 18 maximum grade or salary attached to those titles. The General Assembly has
 19 determined that Department of Education - Educational Television Division
 20 could be operated more efficiently if some flexibility is given to that
 21 agency. That flexibility is being accomplished by providing growth pools in
 22 subsection (a) of this section and since the General Assembly has granted the
 23 agency broad powers under the growth pool concept, it is both necessary and
 24 appropriate that the General Assembly maintain oversight of the utilization
 25 of the growth pool by requiring prior approval of the Legislative Council in
 26 the utilization of the growth pool. Therefore, the requirement of approval
 27 by the Legislative Council is not a severable part of this section. If the
 28 requirement of approval by the Legislative Council is ruled unconstitutional
 29 by a court jurisdiction, this entire section is void.

30 If the agency requests continuation of a "Growth Pool" position(s) as
 31 established herein during the next biennium, the position(s) must be
 32 requested as a new position(s) in the agencies biennial budget request.

33 The provisions of this section shall be in effect only from ~~July 1, 2001~~ July
 34 1, 2003 through ~~June 30, 2003~~ June 30, 2005.

36 SECTION 8. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS

1 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.
 2 PROMOTIONAL ITEMS. The Chief Fiscal Officer of the State shall establish
 3 upon request for the Department of Education - Educational Television
 4 Division a special appropriation line item not to exceed \$15,000 each fiscal
 5 year to be used in the acquisition of promotional items. When the Department
 6 of Education - Educational Television Division wishes to transfer monies from
 7 its operating expenses appropriation to the promotional items line, for
 8 Educational Purposes the AETN Commission shall approve the request and
 9 forward it to the Chief Fiscal Officer of the State for processing and for
 10 prior approval by the Arkansas Legislative Council or Joint Budget Committee.
 11 ~~The Legislative Council shall also be informed of the transfer.~~
 12 Determining the maximum number of employees and the maximum amount of
 13 appropriation and general revenue funding for a state agency each fiscal year
 14 is the prerogative of the General Assembly. This is usually accomplished by
 15 delineating such maximums in the appropriation act(s) for a state agency and
 16 the general revenue allocations authorized for each fund and fund account by
 17 amendment to the Revenue Stabilization law. Further, the General Assembly
 18 has determined that the Department of Education - Educational Television
 19 Division may operate more efficiently if some flexibility is provided to the
 20 Department of Education - Educational Television Division authorizing broad
 21 powers under this Section. Therefore, it is both necessary and appropriate
 22 that the General Assembly maintain oversight by requiring prior approval of
 23 the Legislative Council or Joint Budget Committee as provided by this
 24 section. The requirement of approval by the Legislative Council or Joint
 25 Budget Committee is not a severable part of this section. If the requirement
 26 of approval by the Legislative Council or Joint Budget Committee is ruled
 27 unconstitutional by a court of competent jurisdiction, this entire section is
 28 void.

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 30 The provisions of this section shall be in effect only from ~~July 1, 2001~~
 31 July 1, 2003 through ~~June 30, 2003~~ June 30, 2005.

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 33 SECTION 9. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
 34 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. POSITION
 35 FUNDING RESTRICTION. The following two Regular Salary positions in Section 1
 36 of this act shall only be funded from the Educational Television Divisions

1 Cash Operations Appropriation:

2 One (1) D032 JR SYSTEMS PROGRAMMER GRADE 18

3 One (1) N355 PHOTOGRAPHER GRADE 17

4 The provisions of this section shall be in effect only from July 1, 2003
 5 through June 30, 2005.

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 7 SECTION 10. COMPLIANCE WITH OTHER LAWS. Disbursement of funds authorized
 8 by this act shall be limited to the appropriation for such agency and funds
 9 made available by law for the support of such appropriations; and the
 10 restrictions of the State Purchasing Law, the General Accounting and
 11 Budgetary Procedures Law, the Revenue Stabilization Law, the Regular Salary
 12 Procedures and Restrictions Act, or their successors, and other fiscal
 13 control laws of this State, where applicable, and regulations promulgated by
 14 the Department of Finance and Administration, as authorized by law, shall be
 15 strictly complied with in disbursement of said funds.

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 17 SECTION 11. LEGISLATIVE INTENT. It is the intent of the General Assembly
 18 that any funds disbursed under the authority of the appropriations contained
 19 in this act shall be in compliance with the stated reasons for which this act
 20 was adopted, as evidenced by the Agency Requests, Executive Recommendations
 21 and Legislative Recommendations contained in the budget manuals prepared by
 22 the Department of Finance and Administration, letters, or summarized oral
 23 testimony in the official minutes of the Arkansas Legislative Council or
 24 Joint Budget Committee which relate to its passage and adoption.

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 26 SECTION 12. EMERGENCY CLAUSE. It is found and determined by the General
 27 Assembly, that the Constitution of the State of Arkansas prohibits the
 28 appropriation of funds for more than a two (2) year period; that the
 29 effectiveness of this Act on July 1, 2003 is essential to the operation of
 30 the agency for which the appropriations in this Act are provided, and that in
 31 the event of an extension of the Regular Session, the delay in the effective
 32 date of this Act beyond July 1, 2003 could work irreparable harm upon the
 33 proper administration and provision of essential governmental programs.
 34 Therefore, an emergency is hereby declared to exist and this Act being
 35 necessary for the immediate preservation of the public peace, health and
 36 safety shall be in full force and effect from and after July 1, 2003.

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