

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
4

As Engrossed: H3/11/03

A Bill

HOUSE BILL 1380

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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02042003KCA1400.KCA537

Item	Class	No.	Code	Title	Maximum No. of Employees	Maximum Annual Salary Rate Fiscal Years	
						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	\$ 2,725,000	\$ 2,798,576
6 (02) EXTRA HELP	15,000	15,000
7 (03) PERSONAL SERV MATCH	729,034	742,064
8 (04) MAINT. & GEN. OPERATION		
9 (A) OPER. EXPENSE	1,100,000	1,100,000
10 (B) CONF. & TRAVEL	5,000	5,000
11 (C) PROF. FEES	35,000	35,000
12 (D) CAP. OUTLAY	135,000	80,000
13 (E) DATA PROC.	0	0
14 (05) PROMOTIONAL ITEMS	<u>5,000</u>	<u>5,000</u>
15 TOTAL AMOUNT APPROPRIATED	<u>\$ 4,749,034</u>	<u>\$ 4,780,640</u>

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

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

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

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

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

ITEM	FISCAL YEARS	
<u>NO.</u>	<u>2003-2004</u>	<u>2004-2005</u>
(01) CONTINGENCY	<u>\$ 1,318,703</u>	<u>\$ 1,318,703</u>

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

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

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

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

35 The provisions of this section shall be in effect only from ~~July 1, 2001~~ July
36 1, 2003 through ~~June 30, 2003~~ June 30, 2005.

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

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

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35 SECTION 9. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
36 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. POSITION

1 FUNDING RESTRICTION. The following two Regular Salary positions in Section 1
2 of this act shall only be funded from the Educational Television Divisions
3 Cash Operations Appropriation:

4 One (1) D032 JR SYSTEMS PROGRAMMER GRADE 18

5 One (1) N355 PHOTOGRAPHER GRADE 17

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

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

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

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

1 necessary for the immediate preservation of the public peace, health and
2 safety shall be in full force and effect from and after July 1, 2003.

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4 */s/ Joint Budget Committee*
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