

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 83rd General Assembly
3 Regular Session, 2001
4

A Bill

Act 270 of 2001
HOUSE BILL 1510

5 By: Joint Budget Committee
6
7

For An Act To Be Entitled

9 AN ACT TO MAKE AN APPROPRIATION FOR PERSONAL SERVICES
10 AND OPERATING EXPENSES FOR THE DEPARTMENT OF EDUCATION
11 - EDUCATIONAL TELEVISION DIVISION FOR THE BIENNIAL
12 PERIOD ENDING JUNE 30, 2003; AND FOR OTHER PURPOSES.
13

Subtitle

14 AN ACT FOR THE DEPARTMENT OF EDUCATION
15 - EDUCATIONAL TELEVISION DIVISION
16 APPROPRIATION FOR THE 2001-2003 BIENNIUM.
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21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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23 SECTION 1. REGULAR SALARIES. There is hereby established for the
24 Department of Education - Educational Television Division for the 2001-2003
25 biennium, the following maximum number of regular employees whose salaries
26 shall be governed by the provisions of the Uniform Classification and
27 Compensation Act (Arkansas Code §§21-5-201 et seq.), or its successor, and all
28 laws amendatory thereto. Provided, however, that any position to which a
29 specific maximum annual salary is set out herein in dollars, shall be exempt
30 from the provisions of said Uniform Classification and Compensation Act. All
31 persons occupying positions authorized herein are hereby governed by the
32 provisions of the Regular Salaries Procedures and Restrictions Act (Arkansas
33 Code §21-5-101), or its successor.
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Maximum Annual
Maximum Salary Rate

1	Item Class			No. of	Fiscal Years	
	2	No.	Code Title		Empl oyees	2001-2002
3	(1)	9946	ED DIRECTOR ETV	1	\$83,468	\$85,638
4	(2)	7344	ASSOCIATE DIRECTOR OF ETV	1	\$71,931	\$73,801
5	(3)	7358	ED ETV DIRECTOR OF ENGINEERING	1	\$70,857	\$72,699
6	(4)	292Z	ETV ADMIN AND FINANCE DIV DIR	1		GRADE 24
7	(5)	F002	ETV CHIEF ENGINEER	3		GRADE 24
8	(6)	249Z	ETV EDUCATIVE SERVICES DIV DIRECTOR	1		GRADE 24
9	(7)	211Z	ETV MARKETING DIVISION DIRECTOR	1		GRADE 24
10	(8)	035Z	ETV PRODUCTION DIVISION DIRECTOR	2		GRADE 24
11	(9)	288Z	ETV PROGRAMMING DIVISION DIRECTOR	1		GRADE 24
12	(10)	055Z	DP MANAGER	1		GRADE 23
13	(11)	D066	SYSTEMS COORDINATION ANALYST II	3		GRADE 22
14	(12)	A008	ACCOUNTING SUPERVISOR II	2		GRADE 21
15	(13)	F046	ETV CREATIVE SERVICES SUPERVISOR	1		GRADE 21
16	(14)	D036	SR PROGRAMMER/ANALYST	1		GRADE 21
17	(15)	E064	TV CURRICULUM UTILIZATION COORD	3		GRADE 21
18	(16)	F036	TV PRODUCER	8		GRADE 21
19	(17)	R266	MANAGEMENT PROJECT ANALYST II	1		GRADE 20
20	(18)	R167	TELEVISION PROMOTION SUPERVISOR	2		GRADE 20
21	(19)	N350	ETV PROGRAM DEPARTMENT SUPERVISOR	1		GRADE 19
22	(20)	E074	TRAINING REPRESENTATIVE	2		GRADE 19
23	(21)	A111	ACCOUNTANT	1		GRADE 18
24	(22)	N328	INFORMATION OFFICER II	1		GRADE 18
25	(23)	D032	JR SYSTEMS PROGRAMMER	1		GRADE 18
26	(24)	R264	MANAGEMENT PROJECT ANALYST I	3		GRADE 18
27	(25)	V040	PURCHASE AGENT II/PURCHASE AGENT	1		GRADE 18
28	(26)	E062	STUDENT ADVISOR	1		GRADE 18
29	(27)	F006	TV MICROWAVE SPECIALIST	8		GRADE 18
30	(28)	F045	TV TRANSMITTER SUPERVISOR	5		GRADE 18
31	(29)	R010	ADMINISTRATIVE ASSISTANT II	4		GRADE 17
32	(30)	N290	COMMERCIAL ARTIST II/GRAPHIC ART II	1		GRADE 17
33	(31)	E092	MULTI-MEDIA SPECIALIST	1		GRADE 17
34	(32)	N355	PHOTOGRAPHER	5		GRADE 17
35	(33)	F043	ETV VIDEO TECHNICIAN	5		GRADE 16
36	(34)	F025	TV CONTINUITY EDITOR	1		GRADE 16

1	(35)	A108	ACCOUNTING TECHNICIAN II	1	GRADE 15
2	(36)	F051	TV PRODUCTION ASSISTANT	3	GRADE 15
3	(37)	K041	EXECUTIVE SECY/ADMINISTRATIVE SECY	2	GRADE 14
4	(38)	K153	SECRETARY II	1	GRADE 13
5	(39)	G109	BLDG/EQUIP MAINT REPAIRMAN II	<u>1</u>	GRADE 08
6			MAX. NO. OF EMPLOYEES	83	

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8 SECTION 2. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE
 9 NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. EXTRA HELP -
 10 STATE. There is hereby authorized, for the Department of Education -
 11 Educational Television Division - State for the ~~1999-01~~ 2001-2003 biennium,
 12 the following maximum number of part-time or temporary employees, to be known
 13 as "Extra Help", payable from funds appropriated herein for such purposes:
 14 five (5) temporary or part-time employees, when needed, at rates of pay not to
 15 exceed those provided in the Uniform Classification and Compensation Act, or
 16 its successor, for the appropriate classification. Many of these positions are
 17 related to specific projects, and those positions so related are specifically
 18 exempt from limitations of hours, either by act or regulation.

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

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23 SECTION 3. APPROPRIATION - STATE OPERATIONS. There is hereby appropriated,
 24 to the Department of Education - Educational Television Division, to be
 25 payable from the Educational Television Fund Account, for personal services
 26 and operating expenses of the Department of Education - Educational Television
 27 Division - State Operations for the biennial period ending June 30, 2003, the
 28 following:

30	ITEM		FISCAL YEARS	
31	<u>NO.</u>		<u>2001-2002</u>	<u>2002-2003</u>
32	(01)	REGULAR SALARIES	\$ 2,556,805	\$ 2,623,283
33	(02)	EXTRA HELP	1,962	1,962
34	(03)	PERSONAL SERV MATCHING	666,410	678,290
35	(04)	MAINT. & GEN. OPERATION		
36	(A)	OPER. EXPENSE	1,067,728	1,067,728

1	(B) CONF. & TRAVEL	5,300	5,300
2	(C) PROF. FEES	30,456	30,456
3	(D) CAP. OUTLAY	0	0
4	(E) DATA PROC.	0	0
5	(05) PROMOTIONAL ITEMS	<u>0</u>	<u>0</u>
6	TOTAL AMOUNT APPROPRIATED	<u>\$ 4,328,661</u>	<u>\$ 4,407,019</u>

7
 8 SECTION 4. APPROPRIATIONS - CASH OPERATIONS. There is hereby appropriated,
 9 to the Department of Education - Educational Television Division, to be
 10 payable from cash funds as defined by Arkansas Code 19-4-801 of the Department
 11 of Education - Educational Television Division, for personal services and
 12 operating expenses of the Department of Education - Educational Television
 13 Division - Cash Operations for the biennial period ending June 30, 2003, the
 14 following:

16	ITEM	FISCAL YEARS	
17	<u>NO.</u>	<u>2001-2002</u>	<u>2002-2003</u>
18	(01) REGULAR SALARIES	\$ 270,364	\$ 277,392
19	(02) EXTRA HELP	5,070	5,070
20	(03) PERSONAL SERV MATCHING	77,911	79,154
21	(04) MAINT. & GEN. OPERATION		
22	(A) OPER. EXPENSE	1,122,093	1,122,093
23	(B) CONF. & TRAVEL	86,944	86,944
24	(C) PROF. FEES	348,799	348,799
25	(D) CAP. OUTLAY	525,000	525,000
26	(E) DATA PROC.	0	0
27	(05) RESALE	118,000	118,000
28	(06) PROMOTIONAL ITEMS	<u>0</u>	<u>0</u>
29	TOTAL AMOUNT APPROPRIATED	<u>\$ 2,554,181</u>	<u>\$ 2,562,452</u>

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 31 SECTION 5. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE
 32 NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. EXTRA HELP -
 33 CASH. There is hereby authorized, for the Department of Education -
 34 Educational Television Division - Cash for the ~~1999-01~~ 2001-2003 biennium,
 35 the following maximum number of part-time or temporary employees, to be known
 36 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 through June 30, 2003.

SECTION 6. APPROPRIATION - DIGITAL SATELLITE NETWORK - FEDERAL. There is hereby appropriated, to the Department of Education - Educational Television Division, to be payable from the federal funds as designated by the Chief Fiscal Officer of the State, for personal services of the Department of Education - Educational Television Division - Digital Satellite Network for the biennial period ending June 30, 2003, the following:

ITEM NO.	FISCAL YEARS	
	2001-2002	2002-2003
(01) REGULAR SALARIES	\$ 23,166	\$ 23,768
(02) EXTRA HELP	10,320	10,320
(03) PERSONAL SERV MATCHING	7,856	7,962
(04) MAINT. & GEN. OPERATION		
(A) OPER. EXPENSE	0	0
(B) CONF. & TRAVEL	0	0
(C) PROF. FEES	0	0
(D) CAP. OUTLAY	0	0
(E) DATA PROC.	<u>0</u>	<u>0</u>
TOTAL AMOUNT APPROPRIATED	<u>\$ 41,342</u>	<u>\$ 42,050</u>

SECTION 7. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. EXTRA HELP - DIGITAL SATELLITE NETWORK - FEDERAL. There is hereby authorized, for the Department of Education - Educational Television Division - Digital Satellite Network - Federal for the ~~1999-01~~ 2001-2003 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: One (1) temporary

1 or part-time employees, when needed, at rates of pay not to exceed those
 2 provided in the Uni form Classi fication and Compensation Act, or its successor,
 3 for the appropriate classi fication. Many of these posi tions are related to
 4 speci fic projects, and those posi tions so related are speci fic ally exempt from
 5 limi tations of hours, ei ther by act or regula tion.

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

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 10 SECTION 8. APPROPRIATIONS - CONTINGENCY APPROPRIATION. There is hereby
 11 appropriated, to the Department of Education - Educational Televi sion
 12 Divi sion, to be payable from the Department of Education - Educational
 13 Televi sion Divi sion's accounts for any program, as designated by the Chief
 14 Fiscal Officer of the State, for use in responding to emerging needs resul ting
 15 from the construction of the AETN/UCA Complex, the follow ing:

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ITEM	FISCAL YEARS	
NO.	2001-2002	2002-2003
(01) CONTINGENCY	<u>\$ 1,318,703</u>	<u>\$ 1,318,703</u>

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 21 SECTION 9. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE
 22 NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. SPECIAL LANGUAGE
 23 - CONTINGENCY. (a) To address needs emerging from the construction of a joint
 24 AETN/UCA complex, the Department of Education, Educational Televi sion Divi sion
 25 shall establish and maintain for the ~~1999-2001~~ 2001-2003 biennium a pool of
 26 fi fteen (15) classi fied posi tions, payable from funds appropriated herein for
 27 such purposes. These posi tions are to be used by the Department of Education-
 28 Educational Televi sion Divi sion in the event that the number and level of
 29 posi tions avail able to address the needs emerging from the construction of
 30 this new facility and the opportunity it presents to expand programming
 31 exceeds the classi fied posi tions regularly authorized for the Department of
 32 Education - Educational Televi sion Divi sion by the Legislature. (b) The
 33 Department of Education - Educational Televi sion Divi sion shall provide
 34 justi fication to the Department of Finance and Admi nistration's Office of
 35 Personnel Management (OPM) for the need to allocate titles from this posi tion
 36 pool. No classi fications will be assigned to the pool until such time as

1 specific positions are requested and justified by the Department of Education-
 2 Educational Television Division, recommended by OPM and approved by the
 3 Arkansas Legislative Council. The Department of Education- Educational
 4 Television Division may transfer positions and appropriations from this pool
 5 to any appropriation/pay schedule the agency currently maintains or any
 6 appropriation/pay schedule the agency receives during the ~~1999-2001~~ 2001-2003
 7 biennium.

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

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

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 27 SECTION 10. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE
 28 NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. PROMOTIONAL
 29 ITEMS. The Chief Fiscal Officer of the State shall establish upon request for
 30 the Department of Education - Educational Television Division a special
 31 appropriation line item to be used in the acquisition of promotional items.
 32 When the Department of Education - Educational Television Division wishes to
 33 transfer monies from its operating expenses appropriation to the promotional
 34 items line, the AETN Commission shall approve the request and forward it to
 35 the Chief Fiscal Officer of the State for processing. The Legislative Council
 36 shall also be informed of the transfer.

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

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5 SECTION 11. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE NOR PUBLISHED
6 SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. FUND BALANCES. (A) For all
7 appropriations as provided in this Act, the agency disbursing officer shall
8 monitor the level of fund balances in relation to expenditures on a monthly
9 basis. If any proposed expenditures would cause a fund balance to decline to
10 less than fifty percent (50%) of the balance available on July 1, 2001, the
11 disbursing officer shall immediately notify the executive head of the agency.

12 Prior to any obligations being made under these circumstances, the agency
13 head shall file written documentation with the Chief Fiscal Officer of the
14 State requesting approval of the expenditures. Such documentation shall
15 provide sufficient financial data to justify the expenditures and shall
16 include the following:

- 17 1) a plan that clearly indicates the specific fiscal impact of such
18 expenditures on the fund balance.
19 2) information clearly indicating and explaining what programs would be cut or
20 any other measures to be taken by the agency to restore the fund balance.
21 3) the extent to which any of the planned expenditures are for one-time costs
22 or one-time purchase of capitalized items.
23 4) a statement certifying that the expenditure of fund balances will not
24 jeopardize the financial health of the agency, nor result in a permanent
25 depletion of the fund balance.

26 (B) The Chief Fiscal Officer of the State shall review the request and
27 approve or disapprove all or any part of the request, after having sought
28 prior review by the Legislative Council.

29
30 SECTION 12. COMPLIANCE WITH OTHER LAWS. Disbursement of funds authorized
31 by this act shall be limited to the appropriation for such agency and funds
32 made available by law for the support of such appropriations; and the
33 restrictions of the State Purchasing Law, the General Accounting and Budgetary
34 Procedures Law, the Revenue Stabilization Law, the Regular Salary Procedures
35 and Restrictions Act, or their successors, and other fiscal control laws of
36 this State, where applicable, and regulations promulgated by the Department of

1 Finance and Administration, as authorized by law, shall be strictly complied
2 with in disbursement of said funds.

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4 SECTION 13. LEGISLATIVE INTENT. It is the intent of the General Assembly
5 that any funds disbursed under the authority of the appropriations contained
6 in this act shall be in compliance with the stated reasons for which this act
7 was adopted, as evidenced by the Agency Requests, Executive Recommendations
8 and Legislative Recommendations contained in the budget manuals prepared by
9 the Department of Finance and Administration, letters, or summarized oral
10 testimony in the official minutes of the Arkansas Legislative Council or Joint
11 Budget Committee which relate to its passage and adoption.

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13 SECTION 14. EMERGENCY CLAUSE. It is found and determined by the General
14 Assembly, that the Constitution of the State of Arkansas prohibits the
15 appropriation of funds for more than a two (2) year period; that the
16 effectiveness of this Act on July 1, 2001 is essential to the operation of the
17 agency for which the appropriations in this Act are provided, and that in the
18 event of an extension of the Regular Session, the delay in the effective date
19 of this Act beyond July 1, 2001 could work irreparable harm upon the proper
20 administration and provision of essential governmental programs. Therefore, an
21 emergency is hereby declared to exist and this Act being necessary for the
22 immediate preservation of the public peace, health and safety shall be in full
23 force and effect from and after July 1, 2001.

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26 APPROVED: 2/15/2001
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