

1 State of Arkansas  
2 82nd General Assembly  
3 Regular Session, 1999

# A Bill

HOUSE BILL 1602

4  
5 By: Joint Budget Committee  
6  
7

## For An Act To Be Entitled

8  
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, 2001; AND FOR OTHER PURPOSES."

## Subtitle

13  
14  
15 "AN ACT FOR THE DEPARTMENT OF EDUCATION  
16 - EDUCATIONAL TELEVISION DIVISION  
17 APPROPRIATION FOR THE 1999-2001 BIENNIUM."  
18  
19

20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
21

22 SECTION 1. REGULAR SALARIES. There is hereby established for the  
23 Department of Education - Educational Television Division for the 1999-2001  
24 biennium, the following maximum number of regular employees whose salaries  
25 shall be governed by the provisions of the Uniform Classification and  
26 Compensation Act (Arkansas Code §§21-5-201 et seq.), or its successor, and all  
27 laws amendatory thereto. Provided, however, that any position to which a  
28 specific maximum annual salary is set out herein in dollars, shall be exempt  
29 from the provisions of said Uniform Classification and Compensation Act. All  
30 persons occupying positions authorized herein are hereby governed by the  
31 provisions of the Regular Salaries Procedures and Restrictions Act (Arkansas  
32 Code §21-5-101), or its successor.  
33

		Maximum Annual
	Maximum	Salary Rate
Item Class	No. of	Fiscal Years

\*KCA060\*

	No.	Code	Title	Employees	1999-2000	2000-2001
1						
2	(1)	9946	ED DIRECTOR ETV	1	\$79,138	\$81,353
3	(2)	7344	ASSOCIATE DIRECTOR OF ETV	1	\$68,200	\$70,109
4	(3)	7358	ED ETV DIRECTOR OF ENGINEERING	1	\$67,181	\$69,062
5	(4)	292Z	ETV ADMIN AND FINANCE DIV DIR	1	GRADE 24	
6	(5)	F002	ETV CHIEF ENGINEER	3	GRADE 24	
7	(6)	249Z	ETV EDUCATIVE SERVICES DIV DIRECTOR	1	GRADE 24	
8	(7)	211Z	ETV MARKETING DIVISION DIRECTOR	1	GRADE 24	
9	(8)	035Z	ETV PRODUCTION DIVISION DIRECTOR	2	GRADE 24	
10	(9)	288Z	ETV PROGRAMMING DIVISION DIRECTOR	1	GRADE 24	
11	(10)	055Z	DP MANAGER	1	GRADE 23	
12	(11)	A008	ACCOUNTING SUPERVISOR II	2	GRADE 21	
13	(12)	F046	ETV CREATIVE SERVICES SUPERVISOR	1	GRADE 21	
14	(13)	D036	SR PROGRAMMER/ANALYST	1	GRADE 21	
15	(14)	E064	TV CURRICULUM UTILIZATION COORD	3	GRADE 21	
16	(15)	F036	TV PRODUCER	8	GRADE 21	
17	(16)	R266	MANAGEMENT PROJECT ANALYST II	1	GRADE 20	
18	(17)	R167	TELEVISION PROMOTION SUPERVISOR	2	GRADE 20	
19	(18)	N350	ETV PROGRAM DEPARTMENT SUPERVISOR	1	GRADE 19	
20	(19)	D132	SYSTEMS COORDINATION ANALYST I	3	GRADE 19	
21	(20)	E074	TRAINING REPRESENTATIVE	2	GRADE 19	
22	(21)	A111	ACCOUNTANT	1	GRADE 18	
23	(22)	N328	INFORMATION OFFICER II	1	GRADE 18	
24	(23)	D032	JR SYSTEMS PROGRAMMER	1	GRADE 18	
25	(24)	R264	MANAGEMENT PROJECT ANALYST I	3	GRADE 18	
26	(25)	V040	PURCHASE AGENT II/PURCHASE AGENT	1	GRADE 18	
27	(26)	E062	STUDENT ADVISOR	1	GRADE 18	
28	(27)	F006	TV MICROWAVE SPECIALIST	8	GRADE 18	
29	(28)	F045	TV TRANSMITTER SUPERVISOR	5	GRADE 18	
30	(29)	R010	ADMINISTRATIVE ASSISTANT II	4	GRADE 17	
31	(30)	N290	COMMERCIAL ARTIST II/GRAPHIC ART II	1	GRADE 17	
32	(31)	E092	MULTI-MEDIA SPECIALIST	1	GRADE 17	
33	(32)	N355	PHOTOGRAPHER	5	GRADE 17	
34	(33)	F043	ETV VIDEO TECHNICIAN	5	GRADE 16	
35	(34)	F025	TV CONTINUITY EDITOR	1	GRADE 16	
36	(35)	A108	ACCOUNTING TECHNICIAN II	1	GRADE 15	

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

7 SECTION 2. EXTRA HELP - STATE. There is hereby authorized, for the  
8 Department of Education - Educational Television Division - State for the  
9 ~~1997-99~~ 1999-2001 biennium, the following maximum number of part-time or  
10 temporary employees, to be known as "Extra Help", payable from funds  
11 appropriated herein for such purposes: ~~ten (10)~~ five (5) temporary or part-  
12 time employees, when needed, at rates of pay not to exceed those provided in  
13 the Uniform Classification and Compensation Act, or its successor, for the  
14 appropriate classification. Many of these positions are related to specific  
15 projects, and those positions so related are specifically exempt from  
16 limitations of hours, either by act or regulation.

18 SECTION 3. APPROPRIATION - STATE OPERATIONS. There is hereby appropriated,  
19 to the Department of Education - Educational Television Division, to be  
20 payable from the Educational Television Fund Account, for personal services  
21 and operating expenses of the Department of Education - Educational Television  
22 Division - State Operations for the biennial period ending June 30, 2001, the  
23 following:

25	ITEM	FISCAL YEARS	
26	<u>NO.</u>	<u>1999-2000</u>	<u>2000-2001</u>
27	(01) REGULAR SALARIES	\$ 2,426,387	\$ 2,494,328
28	(02) EXTRA HELP	1,966	1,966
29	(03) PERSONAL SERV MATCHING	700,881	714,293
30	(04) MAINT. & GEN. OPERATION		
31	(A) OPER. EXPENSE	1,117,728	1,117,728
32	(B) CONF. & TRAVEL	5,300	5,300
33	(C) PROF. FEES	30,456	30,456
34	(D) CAP. OUTLAY	0	0
35	(E) DATA PROC.	<u>0</u>	<u>0</u>
36	TOTAL AMOUNT APPROPRIATED	<u>\$ 4,282,718</u>	<u>\$ 4,364,071</u>

SECTION 4. APPROPRIATIONS - CASH OPERATIONS. There is hereby appropriated, to the Department of Education - Educational Television Division, to be payable from cash funds as defined by Arkansas Code 19-4-801 of the Department of Education - Educational Television Division, for personal services and operating expenses of the Department of Education - Educational Television Division - Cash Operations for the biennial period ending June 30, 2001, the following:

ITEM NO.	FISCAL YEARS	
	1999-2000	2000-2001
(01) REGULAR SALARIES	\$ 342,872	\$ 352,474
(02) EXTRA HELP	61,401	61,401
(03) PERSONAL SERV MATCHING	113,981	115,880
(04) MAINT. & GEN. OPERATION		
(A) OPER. EXPENSE	1,123,193	1,123,193
(B) CONF. & TRAVEL	86,944	86,944
(C) PROF. FEES	348,799	348,799
(D) CAP. OUTLAY	0	0
(E) DATA PROC.	0	0
(05) RESALE	<u>118,000</u>	<u>118,000</u>
TOTAL AMOUNT APPROPRIATED	<u>\$ 2,195,190</u>	<u>\$ 2,206,691</u>

SECTION 5. EXTRA HELP - CASH. There is hereby authorized, for the Department of Education - Educational Television Division - Cash for the ~~1997-~~ ~~99~~ 1999-2001 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 one (31)~~ 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.

SECTION 6. APPROPRIATION - DIGITAL SATELLITE NETWORK - FEDERAL. There is hereby appropriated, to the Department of Education - Educational Television

1 Division, to be payable from the federal funds as designated by the Chief  
 2 Fiscal Officer of the State, for personal services and operating expenses of  
 3 the Department of Education - Educational Television Division - Digital  
 4 Satellite Network - Federal for the biennial period ending June 30, 2001, the  
 5 following:

7 ITEM	8 FISCAL YEARS	
	1999-2000	2000-2001
9 (01) REGULAR SALARIES	\$ 22,404	\$ 23,031
10 (02) EXTRA HELP	10,320	10,320
11 (03) PERSONAL SERV MATCHING	8,433	8,557
12 (04) MAINT. & GEN. OPERATION		
13 (A) OPER. EXPENSE	181,280	90,640
14 (B) CONF. & TRAVEL	0	0
15 (C) PROF. FEES	18,000	9,000
16 (D) CAP. OUTLAY	188,995	188,995
17 (E) DATA PROC.	<u>0</u>	<u>0</u>
18 TOTAL AMOUNT APPROPRIATED	<u>\$ 429,432</u>	<u>\$ 330,543</u>

19  
 20 SECTION 7. EXTRA HELP - DIGITAL SATELLITE NETWORK - FEDERAL. There is  
 21 hereby authorized, for the Department of Education - Educational Television  
 22 Division - Digital Satellite Network - Federal for the 1999-2001 biennium, the  
 23 following maximum number of part-time or temporary employees, to be known as  
 24 "Extra Help", payable from funds appropriated herein for such purposes: one  
 25 (1) temporary or part-time employees, when needed, at rates of pay not to  
 26 exceed those provided in the Uniform Classification and Compensation Act, or  
 27 its successor, or this act for the appropriate classification.

28  
 29 SECTION 8. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE  
 30 NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. PROMOTIONAL  
 31 ITEMS. The Chief Fiscal Officer of the State shall establish upon request for  
 32 the Department of Education - Educational Television Division a special  
 33 appropriation line item to be used in the acquisition of promotional items.  
 34 When the Department of Education - Educational Television Division wishes to  
 35 transfer monies from its operating expenses appropriation to the promotional  
 36 items line, the AETN Commission shall approve the request and forward it to

1 the Chief Fiscal Officer of the State for processing.

2  
3 SECTION 9. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE  
4 NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. SPECIAL  
5 LANGUAGE - CONTINGENCY. (a) To address needs emerging from the construction of  
6 a joint AETN/UCA complex, the Department of Education, Educational Television  
7 Division shall establish and maintain for the 1999-2001 biennium a pool of  
8 fifteen (15) classified positions, payable from funds appropriated herein for  
9 such purposes. These positions are to be used by the Department of Education-  
10 Educational Television Division in the event that the number and level of  
11 positions available to address the needs emerging from the construction of  
12 this new facility and the opportunity it presents to expand programming  
13 exceeds the classified positions regularly authorized for the Department of  
14 Education - Educational Television Division by the Legislature.

15  
16 (b) The Department of Education - Educational Television Division shall  
17 provide justification to the Department of Finance and Administration's Office  
18 of Personnel Management (OPM) for the need to allocate titles from this  
19 position pool. No classifications will be assigned to the pool until such time  
20 as specific positions are requested and justified by the Department of  
21 Education- Educational Television Division, recommended by OPM and approved by  
22 the Arkansas Legislative Council. The Department of Education- Educational  
23 Television Division may transfer positions and appropriations from this pool  
24 to any appropriation/pay schedule the agency currently maintains or any  
25 appropriation/pay schedule the agency receives during the 1999-2001 biennium.

26 [c] Determining the number of personnel to be employed by a state agency is  
27 the prerogative of the General Assembly and is usually accomplished by  
28 delineating the maximum number of personnel by identifying job titles and the  
29 maximum grade or salary attached to those titles. The General Assembly has  
30 determined that Department of Education - Educational Television Division  
31 could be operated more efficiently if some flexibility is given to that  
32 agency. That flexibility is being accomplished by providing growth pools in  
33 subsection (a) of this section and since the General Assembly has granted the  
34 agency broad powers under the growth pool concept, it is both necessary and  
35 appropriate that the General Assembly maintain oversight of the utilization of  
36 the growth pool by requiring prior approval of the Legislative Council in the

1 utilization of the growth pool. Therefore, the requirement of approval by the  
2 Legislative Council is not a severable part of this section. If the  
3 requirement of approval by the Legislative Council is ruled unconstitutional  
4 by a court jurisdiction, this entire section is void.

5  
6 SECTION 10. CONTINGENCY APPROPRIATION. There is hereby appropriated to the  
7 Department of Education - Educational Television Division to be payable from  
8 the Department of Education - Educational Television Division's accounts for  
9 any program, as designated by the Chief Fiscal Officer of the State, for use  
10 in responding to emerging needs resulting from the construction of the  
11 AETN/UCA Complex, the following:

ITEM	FISCAL YEARS	
<u>NO.</u>	<u>1999-00</u>	<u>2000-01</u>
(01) Contingency	<u>\$1,321,431</u>	<u>\$1,318,703</u>

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

26  
27 SECTION 12. LEGISLATIVE INTENT. It is the intent of the General Assembly  
28 that any funds disbursed under the authority of the appropriations contained  
29 in this act shall be in compliance with the stated reasons for which this act  
30 was adopted, as evidenced by the Agency Requests, Executive Recommendations  
31 and Legislative Recommendations contained in the budget manuals prepared by  
32 the Department of Finance and Administration, letters, or summarized oral  
33 testimony in the official minutes of the Arkansas Legislative Council or Joint  
34 Budget Committee which relate to its passage and adoption.

35  
36 SECTION 13. CODE. All provisions of this Act of a general and permanent

1 nature are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas  
2 Code Revision Commission shall incorporate the same in the Code.

3  
4 SECTION 14. SEVERABILITY. If any provision of this act or the application  
5 thereof to any person or circumstance is held invalid, such invalidity shall  
6 not affect other provisions or applications of the act which can be given  
7 effect without the invalid provision or application, and to this end the  
8 provisions of this act are declared to be severable except for that provided  
9 in Section 9 (c) herein.

10  
11 SECTION 15. GENERAL REPEALER. All laws and parts of laws in conflict with  
12 this act are hereby repealed.

13  
14 SECTION 16. EMERGENCY CLAUSE. It is hereby found and determined by the  
15 Eighty-second General Assembly, that the Constitution of the State of Arkansas  
16 prohibits the appropriation of funds for more than a two (2) year period; that  
17 the effectiveness of this Act on July 1, 1999 is essential to the operation of  
18 the agency for which the appropriations in this Act are provided, and that in  
19 the event of an extension of the Regular Session, the delay in the effective  
20 date of this Act beyond July 1, 1999 could work irreparable harm upon the  
21 proper administration and provision of essential governmental programs.  
22 Therefore, an emergency is hereby declared to exist and this Act being  
23 necessary for the immediate preservation of the public peace, health and  
24 safety shall be in full force and effect from and after July 1, 1999.