

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

# A Bill

HOUSE BILL 1510

4  
5 By: Joint Budget Committee  
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## 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  
15 AN ACT FOR THE DEPARTMENT OF EDUCATION  
16 - EDUCATIONAL TELEVISION DIVISION  
17 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>

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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:

1 thirty six (36) temporary or part-time employees, when needed, at rates of pay  
2 not to exceed those provided in the Uni form Cl assi fi ca ti on and Com pen sa ti on  
3 Act, or its successor, for the appropriate classi fi ca ti on. Many of these  
4 posi ti ons are re la ted to spe ci fic pro jects, and those posi ti ons so re la ted are  
5 spe ci fi cally ex empt from li mi ta ti ons of hours, ei ther by act or re gu la ti on.  
6

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 6. APPROPRIATION - DIGITAL SATELLITE NETWORK - FEDERAL. There is  
11 hereby appropriated, to the Department of Education - Educational Televi si on  
12 Di vi si on, to be paya ble from the federal funds as designated by the Chief  
13 Fi scal Of fi cer of the State, for personal services of the Department of  
14 Edu ca ti on - Edu ca ti on al Televi si on Di vi si on - Di gi tal Sa tel li te Net work for  
15 the bi en ni al pe ri od end ing June 30, 2003, the fol low ing:  
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ITEM	FISCAL YEARS	
NO.	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>

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30 SECTION 7. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE  
31 NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. EXTRA HELP -  
32 DIGITAL SATELLITE NETWORK - FEDERAL. There is hereby authorized, for the  
33 Department of Education - Educational Televi si on Di vi si on - Di gi tal Sa tel li te  
34 Net work - Federal for the ~~1999-01~~ 2001-2003 bi en ni um, the fol low ing ma xi mum  
35 number of part-time or temporary employees, to be known as "Extra Help",  
36 paya ble 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 li mi ta tions of hours, ei ther by act or regu la 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 Television  
12 Division, to be payable from the Department of Education - Educational  
13 Television Division's accounts for any program, as designated by the Chief  
14 Fiscal Officer of the State, for use in responding to emerging needs resulting  
15 from the construction of the AETN/UCA Complex, the following:

ITEM	FISCAL YEARS	
<u>NO.</u>	<u>2001-2002</u>	<u>2002-2003</u>
(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 Television Division  
25 shall establish and maintain for the ~~1999-2001~~ 2001-2003 biennium a pool of  
26 fifteen (15) classified positions, payable from funds appropriated herein for  
27 such purposes. These positions are to be used by the Department of Education-  
28 Educational Television Division in the event that the number and level of  
29 positions available to address the needs emerging from the construction of  
30 this new facility and the opportunity it presents to expand programming  
31 exceeds the classified positions regularly authorized for the Department of  
32 Education - Educational Television Division by the Legislature. (b) The  
33 Department of Education - Educational Television Division shall provide  
34 justification to the Department of Finance and Administration's Office of  
35 Personnel Management (OPM) for the need to allocate titles from this position  
36 pool. No classifications 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.

23  
 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.

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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.

3  
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.

12  
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.