

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 86th General Assembly
3 Regular Session, 2007
4

A Bill

HOUSE BILL 1142

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 2009; AND FOR OTHER PURPOSES.
14

Subtitle

15
16 AN ACT FOR THE DEPARTMENT OF EDUCATION
17 - EDUCATIONAL TELEVISION DIVISION
18 APPROPRIATION FOR THE 2007-2009
19 BIENNIUM.
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23 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
24

25 SECTION 1. REGULAR SALARIES. There is hereby established for the
26 Department of Education - Educational Television Division for the 2007-2009
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	2007-2008	2008-2009
5	(1) 9946	ED DIRECTOR ETV	1	\$96,158	\$98,081
6	(2) 7344	ASSOCIATE DIRECTOR OF ETV	1	\$83,149	\$84,811
7	(3) 7358	ED ETV DIRECTOR OF ENGINEERING	1	\$81,937	\$83,575
8	(4) 827Z	DP CENTER MANAGER	1	GRADE	26
9	(5) R005	ED ASSISTANT TO DIRECTOR	1	GRADE	26
10	(6) 211Z	ETV COMMUNICATIONS DIVISION DIRECTO	1	GRADE	24
11	(7) 249Z	ETV EDUCATION DIVISION 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) 035Z	ETV PRODUCTION DIVISION DIR	2	GRADE	24
15	(11) F002	ETV CHIEF ENGINEER	3	GRADE	24
16	(12) 055Z	DP MANAGER	2	GRADE	23
17	(13) 909Z	PROGRAM SUPPORT MANAGER	3	GRADE	22
18	(14) D066	SYSTEMS COORDINATION ANALYST II	3	GRADE	22
19	(15) E064	TV CURRICULUM UTILIZATION COORD	7	GRADE	21
20	(16) F036	TV PRODUCER	14	GRADE	21
21	(17) F046	ETV CREATIVE SERVICES SUPERVISOR	1	GRADE	21
22	(18) A008	ACCOUNTING SUPERVISOR II	2	GRADE	21
23	(19) D036	SR PROGRAMMER/ANALYST	1	GRADE	21
24	(20) D055	WEBSITE COORDINATOR II	1	GRADE	20
25	(21) R167	TELEVISION PROMOTION SUPERVISOR	3	GRADE	20
26	(22) R266	MANAGEMENT PROJECT ANALYST II	1	GRADE	20
27	(23) N350	ETV PROGRAM DEPARTMENT SUPERVISOR	1	GRADE	19
28	(24) P312	FACILITY MANAGER IV	1	GRADE	19
29	(25) A110	ACCOUNTANT II	1	GRADE	19
30	(26) E074	TRAINING REPRESENTATIVE	5	GRADE	19
31	(27) D132	SYSTEMS COORDINATION ANALYST I	3	GRADE	19
32	(28) E062	STUDENT ADVISOR	1	GRADE	18
33	(29) F006	TV MICROWAVE SPECIALIST	3	GRADE	18
34	(30) F008	ETV VIDEO TECHNICIAN II	1	GRADE	18
35	(31) F014	ETV BROADCAST SPEC. I	7	GRADE	18
36	(32) D032	JR SYSTEMS PROGRAMMER	1	GRADE	18

1	(33)	N328	INFORMATION OFFICER II	1	GRADE 18
2	(34)	V040	PURCHASE AGENT II/PURCHASE AGENT	1	GRADE 18
3	(35)	R264	MANAGEMENT PROJECT ANALYST I	2	GRADE 18
4	(36)	R010	ADMINISTRATIVE ASSISTANT II	6	GRADE 17
5	(37)	R190	PERSONNEL OFFICER II	1	GRADE 17
6	(38)	N355	PHOTOGRAPHER	2	GRADE 17
7	(39)	F027	TV ENGINEER	3	GRADE 17
8	(40)	N290	COMMERCIAL ARTIST II/GRAPHIC ART II	1	GRADE 17
9	(41)	E092	MULTI-MEDIA SPECIALIST	1	GRADE 17
10	(42)	F001	ETV PRODUCTION TECHNICIAN II	4	GRADE 17
11	(43)	F025	TV CONTINUITY EDITOR	1	GRADE 16
12	(44)	F043	ETV VIDEO TECHNICIAN	4	GRADE 16
13	(45)	F004	ETV PRODUCTION TECHNICIAN I	3	GRADE 15
14	(46)	A108	ACCOUNTING TECHNICIAN II	1	GRADE 15
15	(47)	R009	ADMINISTRATIVE ASSISTANT I	2	GRADE 15
16	(48)	K041	EXECUTIVE SECY/ADMINISTRATIVE SECY	2	GRADE 14
17	(49)	K153	SECRETARY II	1	GRADE 13
18	(50)	G109	BLDG/EQUIP MAINT REPAIRMAN II	<u>1</u>	GRADE 08
19			MAX. NO. OF EMPLOYEES	113	

20

21 SECTION 2. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
 22 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. EXTRA
 23 HELP – STATE OPERATIONS. There is hereby authorized, for the Department of
 24 Education - Educational Television Division – State Operations for the ~~2005-~~
 25 ~~2007~~ 2007-2009 biennium, the following maximum number of part-time or
 26 temporary employees, to be known as "Extra Help", payable from funds
 27 appropriated herein for such purposes: five (5) temporary or part-time
 28 employees, when needed, at rates of pay not to exceed those provided in the
 29 Uniform Classification and Compensation Act, or its successor, for the
 30 appropriate classification. Many of these positions are related to specific
 31 projects, and those positions so related are specifically exempt from
 32 limitations of hours, either by act or regulation.

33 The provisions of this section shall be in effect only from July 1, ~~2005~~
 34 2007 through June 30, ~~2007~~ 2009.

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36 SECTION 3. APPROPRIATION - STATE OPERATIONS. There is hereby appropriated,

1 to the Department of Education - Educational Television Division, to be
 2 payable from the Educational Television Fund Account, for personal services
 3 and operating expenses of the Department of Education - Educational
 4 Television Division - State Operations for the biennial period ending June
 5 30, 2009, the following:

7 ITEM	FISCAL YEARS	
8 <u>NO.</u>	<u>2007-2008</u>	<u>2008-2009</u>
9 (01) REGULAR SALARIES	\$ 3,092,411	\$ 3,154,174
10 (02) EXTRA HELP	8,800	8,800
11 (03) PERSONAL SERVICES MATCHING	1,003,500	1,016,919
12 (04) MAINT. & GEN. OPERATION		
13 (A) OPER. EXPENSE	905,951	905,951
14 (B) CONF. & TRAVEL	0	0
15 (C) PROF. FEES	20,000	20,000
16 (D) CAP. OUTLAY	50,000	50,000
17 (E) DATA PROC.	0	0
18 (05) PROMOTIONAL ITEMS	<u>5,000</u>	<u>5,000</u>
19 TOTAL AMOUNT APPROPRIATED	<u>\$ 5,085,662</u>	<u>\$ 5,160,844</u>

21 SECTION 4. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
 22 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. EXTRA
 23 HELP – CASH OPERATIONS. There is hereby authorized, for the Department of
 24 Education - Educational Television Division - Cash Operations for the ~~2005-~~
 25 ~~2007~~ 2007-2009 biennium, the following maximum number of part-time or
 26 temporary employees, to be known as "Extra Help", payable from funds
 27 appropriated herein for such purposes: forty six (46) ~~thirty six (36)~~
 28 temporary or part-time employees, when needed, at rates of pay not to exceed
 29 those provided in the Uniform Classification and Compensation Act, or its
 30 successor, for the appropriate classification. Many of these positions are
 31 related to specific projects, and those positions so related are specifically
 32 exempt from limitations of hours, either by act or regulation.

33 The provisions of this section shall be in effect only from July 1, ~~2005~~
 34 2007 through June 30, ~~2007~~ 2009.

36 SECTION 5. APPROPRIATION - CASH OPERATIONS. There is hereby appropriated,

1 to the Department of Education - Educational Television Division, to be
 2 payable from the cash fund deposited in the State Treasury as determined by
 3 the Chief Fiscal Officer of the State, for personal services and operating
 4 expenses of the Department of Education - Educational Television Division -
 5 Cash Operations for the biennial period ending June 30, 2009, the following:

ITEM NO.	FISCAL YEARS	
	2007-2008	2008-2009
(01) REGULAR SALARIES	\$ 1,072,951	\$ 1,094,394
(02) EXTRA HELP	765,655	765,655
(03) PERSONAL SERVICES MATCHING	434,768	439,428
(04) MAINT. & GEN. OPERATION		
(A) OPER. EXPENSE	5,856,498	5,856,498
(B) CONF. & TRAVEL	141,437	141,437
(C) PROF. FEES	1,207,715	1,207,715
(D) CAP. OUTLAY	250,000	250,000
(E) DATA PROC.	0	0
(05) PROMOTIONAL ITEMS	<u>15,000</u>	<u>15,000</u>
TOTAL AMOUNT APPROPRIATED	<u>\$ 9,744,024</u>	<u>\$ 9,770,127</u>

21 SECTION 6. APPROPRIATION - CONTINGENCY. There is hereby appropriated, to
 22 the Department of Education - Educational Television Division, to be payable
 23 from the paying account as determined by the Chief Fiscal Officer of the
 24 State, for the AETN/UCA complex to meet the needs of the Digital Television
 25 and Americans with Disabilities federal mandates of the Department of
 26 Education - Educational Television Division for the biennial period ending
 27 June 30, 2009, the following:

ITEM NO.	FISCAL YEARS	
	2007-2008	2008-2009
(01) CONTINGENCY	<u>\$ 1,318,703</u>	<u>\$ 1,318,703</u>

33 SECTION 7. APPROPRIATION - HONORING ARKANSAS' WAR HEROES. There is hereby
 34 appropriated, to the Department of Education - Educational Television
 35 Division, to be payable from the Educational Television Fund Account, for
 36 personal services and operating expenses for the "Honoring Arkansas' War

1 Heroes - Documenting Stories of Arkansas' World War II Veterans"
2 documentation project of the Department of Education - Educational Television
3 Division for the biennial period ending June 30, 2009, the following:

ITEM	FISCAL YEARS	
<u>NO.</u>	<u>2007-2008</u>	<u>2008-2009</u>
(01) HONORING ARKANSAS' WAR HEROES	<u>\$ 125,000</u>	<u>\$ 125,000</u>

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

1 The provisions of this section shall be in effect only from July 1, 2005
 2 2007 through June 30, ~~2007~~ 2009.

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 4 SECTION 9. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
 5 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. HONORING
 6 ARKANSAS' WAR HEROES. The appropriation authorized in this Act for Honoring
 7 Arkansas' War Heroes is authorized for the 2007-2009 biennium only and is not
 8 intended to be carried forward into the base level for the purposes of
 9 biennial budget preparation for the 2009-2011 biennium. Any appropriation
 10 request for this purpose for the 2009-2011 biennium shall be considered a new
 11 appropriation request, and therefore will be considered a change level budget
 12 request.

13 Notwithstanding any law pertaining to the transfer of year-end fund
 14 balances or any law to the contrary, any funds provided to the Educational
 15 Television Fund Account for the purpose of funding the Honoring Arkansas' War
 16 Heroes Appropriation which remain in the Education Television Fund Account at
 17 the end of a fiscal year shall remain in the Educational Television Fund
 18 Account and shall continue to be allocated to the Honoring Arkansas' War
 19 Heroes Appropriation in the following fiscal year.

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 21 SECTION 10. COMPLIANCE WITH OTHER LAWS. Disbursement of funds authorized
 22 by this act shall be limited to the appropriation for such agency and funds
 23 made available by law for the support of such appropriations; and the
 24 restrictions of the State Procurement Law, the General Accounting and
 25 Budgetary Procedures Law, the Revenue Stabilization Law, the Regular Salary
 26 Procedures and Restrictions Act, or their successors, and other fiscal
 27 control laws of this State, where applicable, and regulations promulgated by
 28 the Department of Finance and Administration, as authorized by law, shall be
 29 strictly complied with in disbursement of said funds.

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 31 SECTION 11. LEGISLATIVE INTENT. It is the intent of the General Assembly
 32 that any funds disbursed under the authority of the appropriations contained
 33 in this act shall be in compliance with the stated reasons for which this act
 34 was adopted, as evidenced by the Agency Requests, Executive Recommendations
 35 and Legislative Recommendations contained in the budget manuals prepared by
 36 the Department of Finance and Administration, letters, or summarized oral

1 testimony in the official minutes of the Arkansas Legislative Council or
2 Joint Budget Committee which relate to its passage and adoption.

3
4 SECTION 12. EMERGENCY CLAUSE. It is found and determined by the General
5 Assembly, that the Constitution of the State of Arkansas prohibits the
6 appropriation of funds for more than a two (2) year period; that the
7 effectiveness of this Act on July 1, 2007 is essential to the operation of
8 the agency for which the appropriations in this Act are provided, and that in
9 the event of an extension of the Regular Session, the delay in the effective
10 date of this Act beyond July 1, 2007 could work irreparable harm upon the
11 proper administration and provision of essential governmental programs.
12 Therefore, an emergency is hereby declared to exist and this Act being
13 necessary for the immediate preservation of the public peace, health and
14 safety shall be in full force and effect from and after July 1, 2007.