

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.

Act 2167 of the Regular Session

1 State of Arkansas As Engrossed: H2/10/05 H3/15/05 H3/21/05 S4/11/05 S4/12/05

2 85th General Assembly

A Bill

3 Regular Session, 2005

HOUSE BILL 1177

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
10 SERVICES AND OPERATING EXPENSES FOR THE
11 DEPARTMENT OF EDUCATION - EDUCATIONAL TELEVISION
12 DIVISION FOR THE BIENNIAL PERIOD ENDING JUNE 30,
13 2007; AND FOR OTHER PURPOSES.

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Subtitle

17 AN ACT FOR THE DEPARTMENT OF EDUCATION
18 - EDUCATIONAL TELEVISION DIVISION
19 APPROPRIATION FOR THE 2005-2007
20 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 2005-2007
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.



				Maximum	Maximum Annual	
				No. of	Salary Rate	
	Item	Class			Fiscal Years	
	No.	Code	Title	Employees	2005-2006	2006-2007
6	(1)	9946	ED DIRECTOR ETV	1	\$91,984	\$94,273
7	(2)	7344	ASSOCIATE DIRECTOR OF ETV	1	\$79,460	\$81,519
8	(3)	7358	ED ETV DIRECTOR OF ENGINEERING	1	\$78,294	\$80,331
9	(4)	827Z	DP CENTER MANAGER	1	GRADE 26	
10	(5)	211Z	ETV COMMUNICATIONS DIV DIRECTOR	1	GRADE 24	
11	(6)	249Z	ETV EDUCATION DIVISION DIRECTOR	1	GRADE 24	
12	(7)	288Z	ETV PROGRAMMING DIVISION DIRECTOR	1	GRADE 24	
13	(8)	292Z	ETV ADMIN AND FINANCE DIV DIR	1	GRADE 24	
14	(9)	035Z	ETV PRODUCTION DIVISION DIRECTOR	2	GRADE 24	
15	(10)	F002	ETV CHIEF ENGINEER	3	GRADE 24	
16	(11)	055Z	DP MANAGER	2	GRADE 23	
17	(12)	909Z	PROGRAM SUPPORT MANAGER	2	GRADE 22	
18	(13)	D066	SYSTEMS COORDINATION ANALYST II	3	GRADE 22	
19	(14)	E064	TV CURRICULUM UTILIZATION COORD	7	GRADE 21	
20	(15)	F036	TV PRODUCER	14	GRADE 21	
21	(16)	F046	ETV CREATIVE SERVICES SUPERVISOR	1	GRADE 21	
22	(17)	A008	ACCOUNTING SUPERVISOR II	2	GRADE 21	
23	(18)	D036	SR PROGRAMMER/ANALYST	1	GRADE 21	
24	(19)	D055	WEBSITE COORDINATOR II	1	GRADE 20	
25	(20)	R167	TELEVISION PROMOTION SUPERVISOR	3	GRADE 20	
26	(21)	R266	MANAGEMENT PROJECT ANALYST II	1	GRADE 20	
27	(22)	N350	ETV PROGRAM DEPARTMENT SUPERVISOR	1	GRADE 19	
28	(23)	P312	FACILITY MANAGER IV	1	GRADE 19	
29	(24)	A110	ACCOUNTANT II	1	GRADE 19	
30	(25)	E074	TRAINING REPRESENTATIVE	5	GRADE 19	
31	(26)	D132	SYSTEMS COORDINATION ANALYST I	3	GRADE 19	
32	(27)	E062	STUDENT ADVISOR	1	GRADE 18	
33	(28)	F006	TV MICROWAVE SPECIALIST	3	GRADE 18	
34	(29)	F008	ETV VIDEO TECHNICIAN II	1	GRADE 18	
35	(30)	F014	ETV BROADCAST SPEC. I	7	GRADE 18	
36	(31)	D032	JR SYSTEMS PROGRAMMER	1	GRADE 18	

1	(32)	V040	PURCHASE AGENT II/PURCHASE AGENT	1	GRADE 18
2	(33)	R264	MANAGEMENT PROJECT ANALYST I	2	GRADE 18
3	(34)	N328	INFORMATION OFFICER II	1	GRADE 18
4	(35)	R010	ADMINISTRATIVE ASSISTANT II	6	GRADE 17
5	(36)	R190	PERSONNEL OFFICER II	1	GRADE 17
6	(37)	N355	PHOTOGRAPHER	2	GRADE 17
7	(38)	F027	TV ENGINEER	3	GRADE 17
8	(39)	N290	COMMERCIAL ARTIST II/GRAPHIC ART II	1	GRADE 17
9	(40)	E092	MULTI-MEDIA SPECIALIST	1	GRADE 17
10	(41)	F001	ETV PRODUCTION TECHNICIAN II	4	GRADE 17
11	(42)	F025	TV CONTINUITY EDITOR	1	GRADE 16
12	(43)	F043	ETV VIDEO TECHNICIAN	4	GRADE 16
13	(44)	F004	ETV PRODUCTION TECHNICIAN I	3	GRADE 15
14	(45)	A108	ACCOUNTING TECHNICIAN II	1	GRADE 15
15	(46)	R009	ADMINISTRATIVE ASSISTANT I	2	GRADE 15
16	(47)	K041	EXECUTIVE SECY/ADMINISTRATIVE SECY	2	GRADE 14
17	(48)	K153	SECRETARY II	1	GRADE 13
18	(49)	G109	BLDG/EQUIP MAINT REPAIRMAN II	<u>1</u>	GRADE 08
19			MAX. NO. OF EMPLOYEES	111	

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*. There is hereby authorized, for the Department of Education -
 24 Educational Television Division for the ~~2003-2005~~ 2005-2007 biennium, the
 25 following maximum number of part-time or temporary employees, to be known as
 26 "Extra Help", payable from funds appropriated herein for such purposes: *five*
 27 (5) temporary or part-time employees, when needed, at rates of pay not to
 28 exceed those provided in the Uniform Classification and Compensation Act, or
 29 its successor, for the appropriate classification. Many of these positions
 30 are related to specific projects, and those positions so related are
 31 specifically exempt from limitations of hours, either by act or regulation.
 32 The provisions of this section shall be in effect only from July 1, ~~2003~~
 33 2005 through June 30, ~~2005~~ 2007.

34

35 SECTION 3. APPROPRIATION - STATE OPERATIONS. *There is hereby appropriated,*
 36 *to the Department of Education - Educational Television Division, to be*

1 payable from the Educational Television Fund Account, for personal services
 2 and operating expenses of the Department of Education - Educational
 3 Television Division - State for the biennial period ending June 30, 2007, the
 4 following:

ITEM		FISCAL YEARS	
NO.		2005-2006	2006-2007
(01)	REGULAR SALARIES	\$ 3,465,951	\$ 3,567,844
(02)	EXTRA HELP	8,800	8,800
(03)	PERSONAL SERVICES MATCHING	1,121,673	1,143,761
(04)	MAINT. & GEN. OPERATION		
(A)	OPER. EXPENSE	4,350,357	4,350,357
(B)	CONF. & TRAVEL	0	0
(C)	PROF. FEES	752,000	752,000
(D)	CAP. OUTLAY	874,000	874,000
(E)	DATA PROC.	0	0
(05)	PROMOTIONAL ITEMS	<u>66,000</u>	<u>66,000</u>
	TOTAL AMOUNT APPROPRIATED	<u>\$ 10,638,781</u>	<u>\$ 10,762,762</u>

19
 20 SECTION 4. APPROPRIATION - CASH OPERATIONS. There is hereby appropriated,
 21 to the Department of Education - Educational Television Division, to be
 22 payable from the cash fund deposited in the State Treasury as determined by
 23 the Chief Fiscal Officer of the State, for personal services and operating
 24 expenses of the Department of Education - Educational Television Division -
 25 Cash Operations for the biennial period ending June 30, 2007, the following:

ITEM		FISCAL YEARS	
NO.		2005-2006	2006-2007
(01)	REGULAR SALARIES	\$ 415,016	\$ 427,459
(02)	EXTRA HELP	155,070	155,070
(03)	PERSONAL SERVICES MATCHING	159,659	162,357
(04)	MAINT. & GEN. OPERATION		
(A)	OPER. EXPENSE	2,832,741	2,832,741
(B)	CONF. & TRAVEL	99,464	99,464
(C)	PROF. FEES	462,069	462,069
(D)	CAP. OUTLAY	150,000	150,000

1	(E) DATA PROC.	0	0
2	(05) PROMOTIONAL ITEMS	<u>15,000</u>	<u>15,000</u>
3	TOTAL AMOUNT APPROPRIATED	<u>\$ 4,289,019</u>	<u>\$ 4,304,160</u>

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5 SECTION 5. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE
 6 NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. EXTRA HELP -
 7 CASH. There is hereby authorized, for the Department of Education -
 8 Educational Television Division - Cash for the ~~2003-2005~~ 2005-2007 biennium,
 9 the following maximum number of part-time or temporary employees, to be known
 10 as "Extra Help", payable from funds appropriated herein for such purposes:
 11 thirty six (36) temporary or part-time employees, when needed, at rates of
 12 pay not to exceed those provided in the Uniform Classification and
 13 Compensation Act, or its successor, for the appropriate classification. Many
 14 of these positions are related to specific projects, and those positions so
 15 related are specifically exempt from limitations of hours, either by act or
 16 regulation.

17 The provisions of this section shall be in effect only from ~~July 1, 2003~~
 18 July 1, 2005 through ~~June 30, 2005~~ June 30, 2007.

19

20 SECTION 6. APPROPRIATION - CONTINGENCY. There is hereby appropriated, to
 21 the Department of Education - Educational Television Division, to be payable
 22 from the paying account as determined by the Chief Fiscal Officer of the
 23 State, for use in responding to emerging needs resulting from the federally
 24 mandated transition to digital broadcast technology of the Department of
 25 Education - Educational Television Division for the biennial period ending
 26 June 30, 2007, the following:

28	ITEM	FISCAL YEARS	
29	<u>NO.</u>	<u>2005-2006</u>	<u>2006-2007</u>
30	(01) CONTINGENCY	<u>\$ 1,318,703</u>	<u>\$ 1,318,703</u>

31

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

1 documentation project for the 2005-2007 biennium, the sum of.....\$97,843.

3 SECTION 8. APPROPRIATION - QUALITY TEACHING AND LEARNING CENTERS.

4 There is hereby appropriated, to the Department of Education - Educational
 5 Television Division, to be payable from the General Improvement Fund or its
 6 successor fund or fund accounts, for Quality Teaching and Learning Centers of
 7 the Department of Education - Educational Television Division for the
 8 biennial period ending June 30, 2007, the following:

ITEM	FISCAL YEARS	
NO.	2005-2006	2006-2007
(01) AETN-QUALITY TEACHING & LEARNING CENTERS	\$ 250,000	\$ 250,000

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

17 CONTINGENCY. (a) To address needs emerging from the federally mandated
 18 transition to digital broadcast technology, the Department of Education,
 19 Educational Television Division shall establish and maintain for the ~~2003-~~
 20 ~~2005~~ 2005-2007 biennium a pool of fifteen (15) classified positions, payable
 21 from funds appropriated herein for such purposes. These positions are to be
 22 used by the Department of Education- Educational Television Division in the
 23 event that the number and level of positions available to address the needs
 24 emerging from the installation of digital technology and the opportunity it
 25 presents to expand programming exceeds the classified positions regularly
 26 authorized for the Department of Education - Educational Television Division
 27 by the Legislature. (b) The Department of Education - Educational Television
 28 Division shall provide justification to the Department of Finance and
 29 Administration's Office of Personnel Management (OPM) for the need to
 30 allocate titles from this position pool. No classifications will be assigned
 31 to the pool until such time as specific positions are requested and justified
 32 by the Department of Education- Educational Television Division, recommended
 33 by OPM and approved by the Arkansas Legislative Council. The Department of
 34 Education- Educational Television Division may transfer positions and
 35 appropriations from this pool to any appropriation/pay schedule the agency
 36 currently maintains or any appropriation/pay schedule the agency receives

1 during the ~~2003-2005~~ 2005-2007 biennium. (c) Determining the number of
2 personnel to be employed by a state agency is the prerogative of the General
3 Assembly and is usually accomplished by delineating the maximum number of
4 personnel by identifying job titles and the maximum grade or salary attached
5 to those titles. The General Assembly has determined that Department of
6 Education - Educational Television Division could be operated more
7 efficiently if some flexibility is given to that agency.
8 That flexibility is being accomplished by providing growth pools in
9 subsection (a) of this section and since the General Assembly has granted the
10 agency broad powers under the growth pool concept, it is both necessary and
11 appropriate that the General Assembly maintain oversight of the utilization
12 of the growth pool by requiring prior approval of the Legislative Council in
13 the utilization of the growth pool. Therefore, the requirement of approval
14 by the Legislative Council is not a severable part of this section. If the
15 requirement of approval by the Legislative Council is ruled unconstitutional
16 by a court of competent jurisdiction, this entire section is void. If the
17 agency requests continuation of a "Growth Pool" position(s) as established
18 herein during the next biennium, the position(s) must be requested as a new
19 position(s) in the agency's biennial budget request. The provisions of this
20 section shall be in effect only from July 1, ~~2003~~ 2005 through June 30, ~~2005~~
21 2007.

22
23 SECTION 10. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
24 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. FUNDING
25 TRANSFER. Immediately upon the effective date of this act, the Chief Fiscal
26 Officer of the state shall transfer on his books and those of the State
27 Treasurer the sum of \$97,843 from the Department of Education Fund Account to
28 the Educational Television Fund Account for the costs of "Honoring Arkansas'
29 War Heroes - Documenting Stories of Arkansas' World War II Veterans"
30 documentation project.

31 The provisions of this section shall be in effect only from July 1, 2005
32 through June 30, 2007

33
34 SECTION 11. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
35 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.
36 PROMOTIONAL ITEMS. The Chief Fiscal Officer of the State shall establish

1 upon request for the Department of Education - Educational Television
2 Division a special appropriation line item not to exceed \$25,000 ~~\$15,000~~ each
3 fiscal year to be used in the acquisition of promotional items. When the
4 Department of Education - Educational Television Division wishes to transfer
5 monies from its operating expenses appropriation to the promotional items
6 line, for Educational Purposes the AETN Commission shall approve the request
7 and forward it to the Chief Fiscal Officer of the State for processing and
8 for prior approval by the Arkansas Legislative Council or Joint Budget
9 Committee. Determining the maximum number of employees and the maximum amount
10 of appropriation and general revenue funding for a state agency each fiscal
11 year is the prerogative of the General Assembly. This is usually
12 accomplished by delineating such maximums in the appropriation act(s) for a
13 state agency and the general revenue allocations authorized for each fund and
14 fund account by amendment to the Revenue Stabilization law. Further, the
15 General Assembly has determined that the Department of Education -
16 Educational Television Division may operate more efficiently if some
17 flexibility is provided to the Department of Education - Educational
18 Television Division authorizing broad powers under this Section. Therefore,
19 it is both necessary and appropriate that the General Assembly maintain
20 oversight by requiring prior approval of the Legislative Council or Joint
21 Budget Committee as provided by this section. The requirement of approval by
22 the Legislative Council or Joint Budget Committee is not a severable part of
23 this section. If the requirement of approval by the Legislative Council or
24 Joint Budget Committee is ruled unconstitutional by a court of competent
25 jurisdiction, this entire section is void.

26 The provisions of this section shall be in effect only from July 1, 2003
27 2005 through June 30, ~~2005~~ 2007.

28

29 SECTION 12. SPECIAL LANGUAGE. Amend Arkansas Code 6-3-110 regarding
30 Appropriation and Annual Audit of State Employees for Arkansas Educational
31 Television Commission to read as follows:

32

33 ~~-(a) No appropriation made available to the Arkansas Educational Television~~
34 ~~Commission or the Division of Educational Television of the Department of~~
35 ~~Education shall be available until such time as the chairman of the~~
36 ~~commission certifies, in writing, to the Legislative Joint Auditing Committee~~

~~that an audit is being conducted of the Arkansas Educational Telecommunications Network Foundation for the previous fiscal year and has promptly been made available to that committee.~~

~~(b) At the end of each fiscal year, the chairman of the commission shall initiate an audit of the foundation by a recognized and certified public accounting firm acceptable to the Legislative Auditor with such audit standards and schedules that may be promulgated by the Legislative Auditor, such audit to be paid for by the foundation.~~

~~(e) (a)~~ No person employed by the commission and paid from state funds shall receive supplemental compensation or remuneration from funds not appropriated by the state.

~~(d) (b)~~ In fulfilling their day-to-day responsibilities, state employees of the division are to be supervised only by appropriate state employees. A "state employee" is defined as one paid by funds appropriated by the General Assembly. No person or employee paid with funds not appropriated by the General Assembly shall supervise any state employee of the division. No person employed by the commission and paid from state funds shall receive supplemental compensation or remuneration from funds not appropriated by the state.

SECTION 13. Subsection (A) of Section 1 of Uncodified Act 1395 of 2005 is hereby amended to read as follows:

(A) For costs associated with the Digital Conversion - Phase III and operations, the sum of\$2,430,400.

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

SECTION 15. LEGISLATIVE INTENT. It is the intent of the General Assembly

1 that any funds disbursed under the authority of the appropriations contained
2 in this act shall be in compliance with the stated reasons for which this act
3 was adopted, as evidenced by the Agency Requests, Executive Recommendations
4 and Legislative Recommendations contained in the budget manuals prepared by
5 the Department of Finance and Administration, letters, or summarized oral
6 testimony in the official minutes of the Arkansas Legislative Council or
7 Joint Budget Committee which relate to its passage and adoption.

8
9 SECTION 16. EMERGENCY CLAUSE. It is found and determined by the General
10 Assembly, that the Constitution of the State of Arkansas prohibits the
11 appropriation of funds for more than a two (2) year period; that the
12 effectiveness of this Act on July 1, 2005 is essential to the operation of
13 the agency for which the appropriations in this Act are provided, and that in
14 the event of an extension of the Regular Session, the delay in the effective
15 date of this Act beyond July 1, 2005 could work irreparable harm upon the
16 proper administration and provision of essential governmental programs.
17 Therefore, an emergency is hereby declared to exist and this Act being
18 necessary for the immediate preservation of the public peace, health and
19 safety shall be in full force and effect from and after July 1, 2005.

20
21 */s/ Joint Budget Committee*

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24 *APPROVED: 4/13/2005*

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