

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 85th General Assembly  
3 Regular Session, 2005  
4

# A Bill

HOUSE BILL 1177

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 2007; AND FOR OTHER PURPOSES.  
14

## Subtitle

15  
16 AN ACT FOR THE DEPARTMENT OF EDUCATION  
17 - EDUCATIONAL TELEVISION DIVISION  
18 APPROPRIATION FOR THE 2005-2007  
19 BIENNIUM.  
20  
21  
22

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.  
36



Item	Class		Maximum	Maximum Annual	
No.	Code	Title	No. of	Salary Rate	
			Employees	2005-2006	2006-2007
5	(1) 9946	ED DIRECTOR ETV	1	\$91,984	\$94,273
6	(2) 7344	ASSOCIATE DIRECTOR OF ETV	1	\$79,460	\$81,519
7	(3) 7358	ED ETV DIRECTOR OF ENGINEERING	1	\$78,294	\$80,331
8	(4) 827Z	DP CENTER MANAGER	1	GRADE	26
9	(5) 211Z	ETV COMMUNICATIONS DIV DIRECTOR	1	GRADE	24
10	(6) 249Z	ETV EDUCATION DIVISION DIRECTOR	1	GRADE	24
11	(7) 288Z	ETV PROGRAMMING DIVISION DIRECTOR	1	GRADE	24
12	(8) 292Z	ETV ADMIN AND FINANCE DIV DIR	1	GRADE	24
13	(9) 035Z	ETV PRODUCTION DIVISION DIRECTOR	2	GRADE	24
14	(10) F002	ETV CHIEF ENGINEER	3	GRADE	24
15	(11) 055Z	DP MANAGER	2	GRADE	23
16	(12) 909Z	PROGRAM SUPPORT MANAGER	2	GRADE	22
17	(13) D066	SYSTEMS COORDINATION ANALYST II	3	GRADE	22
18	(14) E064	TV CURRICULUM UTILIZATION COORD	7	GRADE	21
19	(15) F036	TV PRODUCER	14	GRADE	21
20	(16) F046	ETV CREATIVE SERVICES SUPERVISOR	1	GRADE	21
21	(17) A008	ACCOUNTING SUPERVISOR II	2	GRADE	21
22	(18) D036	SR PROGRAMMER/ANALYST	1	GRADE	21
23	(19) D055	WEBSITE COORDINATOR II	1	GRADE	20
24	(20) R167	TELEVISION PROMOTION SUPERVISOR	3	GRADE	20
25	(21) R266	MANAGEMENT PROJECT ANALYST II	1	GRADE	20
26	(22) N350	ETV PROGRAM DEPARTMENT SUPERVISOR	1	GRADE	19
27	(23) P312	FACILITY MANAGER IV	1	GRADE	19
28	(24) A110	ACCOUNTANT II	1	GRADE	19
29	(25) E074	TRAINING REPRESENTATIVE	5	GRADE	19
30	(26) D132	SYSTEMS COORDINATION ANALYST I	3	GRADE	19
31	(27) E062	STUDENT ADVISOR	1	GRADE	18
32	(28) F006	TV MICROWAVE SPECIALIST	3	GRADE	18
33	(29) F008	ETV VIDEO TECHNICIAN II	1	GRADE	18
34	(30) F014	ETV BROADCAST SPEC. I	7	GRADE	18
35	(31) D032	JR SYSTEMS PROGRAMMER	1	GRADE	18
36	(32) V040	PURCHASE AGENT II/PURCHASE AGENT	1	GRADE	18

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

19

20 SECTION 2. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS  
 21 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. EXTRA  
 22 HELP. There is hereby authorized, for the Department of Education -  
 23 Educational Television Division for the ~~2003-2005~~ 2005-2007 biennium, the  
 24 following maximum number of part-time or temporary employees, to be known as  
 25 "Extra Help", payable from funds appropriated herein for such purposes:  
 26 forty one (41) temporary or part-time employees, when needed, at rates of pay  
 27 not to exceed those provided in the Uniform Classification and Compensation  
 28 Act, or its successor, for the appropriate classification. Many of these  
 29 positions are related to specific projects, and those positions so related  
 30 are specifically exempt from limitations of hours, either by act or  
 31 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 - ADMINISTRATIVE AND SUPPORT SERVICES PROGRAM.

36 There is hereby appropriated, to be payable from the funds and fund accounts

1 as set out herein, to the Department of Education - Educational Television  
 2 Division for the biennial period ending June 30, 2007, the following:

3 (a) For the Administrative and Support Services Program, the sum of  
 4 \$4,499,042 for the 2005-2006 fiscal year and \$4,565,326 for the 2006-2007  
 5 fiscal year.

6 (1) Program Description. The Administrative and Support Services Program  
 7 uses consistent, creative, efficient and cost-effective leadership and  
 8 management to manage a statewide telecommunications network, present a high  
 9 quality educational public television and related service designed to inform,  
 10 educate, motivate, entertain, enlighten and inspire. This program includes  
 11 executive leadership and the divisions of Finance and Administration,  
 12 Communications and Outreach, and Technical Services – information technology,  
 13 engineering & transmission.

14	(2) Appropriation payable from:	FISCAL YEARS	
15		<u>2005-2006</u>	<u>2006-2007</u>
16	(A) General Revenue:		
17	Educational Television Fund		
18	Account	\$ <u>2,819,417</u>	\$ <u>2,877,582</u>
19	TOTAL General Revenue	\$ 2,819,417	\$ 2,877,582
20	(B) Other Funds	\$ 918,833	\$ 927,269
21	(3) Performance Targets:		
22	(A) % of key performance measures		
23	met	90%	90%
24	(B) % of total budget in		
25	Administration Division compared		
26	to total agency budget	12%	12%
27	(C) Documentation of FCC deadlines		
28	met or waivers received.	1-2 exception	1 exception
29	(D) Number of avoidable repeatable		
30	audit findings.	0 defect	0 defect
31	(E) Percentage of state receiving		
32	analog signal. (Measured by FCC		
33	coverage maps.)	90% analog	90% analog
34	(F) Percentage of state receiving		
35	digital signal. (Measured by FCC		
36	coverage maps.)	75% digital	90% digital

1 (G) Review of broadcast logs  
 2 documenting percentage of on-air  
 3 time at each transmitter. 90% on-air 95% on-air  
 4

5 SECTION 4. APPROPRIATION - BROADCAST SERVICES PROGRAM. There is hereby  
 6 appropriated, to be payable from the funds and fund accounts as set out  
 7 herein, to the Department of Education - Educational Television Division for  
 8 the biennial period ending June 30, 2007, the following:

9 (a) For the Broadcast Services Program, the sum of \$11,747,461 for the 2005-  
 10 2006 fiscal year and \$11,820,299 for the 2006-2007 fiscal year.

11 (1) Program Description. The Broadcast Services Program uses creative  
 12 telecommunications to present a high quality public television service  
 13 designed to inform, educate, motivate, entertain, enlighten and inspire.  
 14 This program includes the divisions of Learning Services, Production,  
 15 Operations, and Programming.

16 (2) Appropriation payable from:

	FISCAL YEARS	
	<u>2005-2006</u>	<u>2006-2007</u>
17		
18 (A) General Revenue:		
19 Educational Television Fund		
20 Account	\$ <u>1,880,519</u>	\$ <u>1,927,151</u>
21 TOTAL General Revenue	\$ 1,880,519	\$ 1,927,151
22 (B) Other Funds	\$ 5,794,288	\$ 4,879,004

23 (3) Performance Targets:

24 (A) Annual Number of Hours of		
25 instructional programming;		
26 (Analog) Adult Education	150	150
27 (B) Annual Number of Hours of		
28 instructional programming;		
29 (Analog) College Telecourses	546	546
30 (C) Annual Number of Hours of		
31 instructional programming;		
32 (Analog) K-12	1,500	1,500
33 (D) Annual Number of Hours of		
34 instructional programming;		
35 (Analog) Pre-K	2,300	2,300
36 (E) Average cumulative household		

1	weekly audience - Prime Time.	130,000	130,000
2	(F) Average cumulative household		
3	weekly audience -		
4	Weekday/Weekend.	112,500	112,500
5	(G) Number of program hours related		
6	to Arkansas produced and/or		
7	acquired.	130 hours	130 hours
8	(H) Number of schools using		
9	instructional services. Universe:		
10	1,154	90%	90%

11

12 SECTION 5. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS  
 13 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.  
 14 PROMOTIONAL ITEMS. The Chief Fiscal Officer of the State shall establish  
 15 upon request for the Department of Education - Educational Television  
 16 Division a special appropriation line item not to exceed \$25,000 ~~\$15,000~~ each  
 17 fiscal year to be used in the acquisition of promotional items. When the  
 18 Department of Education - Educational Television Division wishes to transfer  
 19 monies from its operating expenses appropriation to the promotional items  
 20 line, for Educational Purposes the AETN Commission shall approve the request  
 21 and forward it to the Chief Fiscal Officer of the State for processing and  
 22 for prior approval by the Arkansas Legislative Council or Joint Budget  
 23 Committee. Determining the maximum number of employees and the maximum amount  
 24 of appropriation and general revenue funding for a state agency each fiscal  
 25 year is the prerogative of the General Assembly. This is usually  
 26 accomplished by delineating such maximums in the appropriation act(s) for a  
 27 state agency and the general revenue allocations authorized for each fund and  
 28 fund account by amendment to the Revenue Stabilization law. Further, the  
 29 General Assembly has determined that the Department of Education -  
 30 Educational Television Division may operate more efficiently if some  
 31 flexibility is provided to the Department of Education - Educational  
 32 Television Division authorizing broad powers under this Section. Therefore,  
 33 it is both necessary and appropriate that the General Assembly maintain  
 34 oversight by requiring prior approval of the Legislative Council or Joint  
 35 Budget Committee as provided by this section. The requirement of approval by  
 36 the Legislative Council or Joint Budget Committee is not a severable part of

1 this section. If the requirement of approval by the Legislative Council or  
 2 Joint Budget Committee is ruled unconstitutional by a court of competent  
 3 jurisdiction, this entire section is void.

4 The provisions of this section shall be in effect only from July 1, 2003  
 5 2005 through June 30, ~~2005~~ 2007.

6

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

10

11 ~~-(a) No appropriation made available to the Arkansas Educational Television~~  
 12 ~~Commission or the Division of Educational Television of the Department of~~  
 13 ~~Education shall be available until such time as the chairman of the~~  
 14 ~~commission certifies, in writing, to the Legislative Joint Auditing Committee~~  
 15 ~~that an audit is being conducted of the Arkansas Educational~~  
 16 ~~Telecommunications Network Foundation for the previous fiscal year and has~~  
 17 ~~promptly been made available to that committee.~~

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

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

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

34

35 SECTION 7. COMPLIANCE WITH OTHER LAWS. Disbursement of funds authorized  
 36 by this act shall be limited to the appropriation for such agency and funds

1 made available by law for the support of such appropriations; and the  
 2 restrictions of the State Procurement Law, the General Accounting and  
 3 Budgetary Procedures Law, the Revenue Stabilization Law, the Regular Salary  
 4 Procedures and Restrictions Act, or their successors, and other fiscal  
 5 control laws of this State, where applicable, and regulations promulgated by  
 6 the Department of Finance and Administration, as authorized by law, shall be  
 7 strictly complied with in disbursement of said funds.

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

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