

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

As Engrossed: H2/10/05

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



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

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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.

(2) Appropriation payable from:	FISCAL YEARS	
	<u>2005-2006</u>	<u>2006-2007</u>
(A) General Revenue:		
Educational Television Fund		
Account	\$ <u>2,819,417</u>	\$ <u>2,877,582</u>
TOTAL General Revenue	\$ 2,819,417	\$ 2,877,582
(B) Other Funds	\$ 918,833	\$ 927,269
(3) Performance Targets:		
(A) % of key performance measures		
met	90%	90%
(B) % of total budget in		
Administration Division compared		
to total agency budget	12%	12%
(C) Documentation of FCC deadlines		
met or waivers received.	1-2 exception	1 exception
(D) Number of avoidable repeatable		
audit findings.	0 defect	0 defect
(E) Percentage of state receiving		
analog signal. (Measured by FCC		
coverage maps.)	90% analog	90% analog
(F) Percentage of state receiving		
digital signal. (Measured by FCC		
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%

12 *SECTION 5. APPROPRIATION - HONORING ARKANSAS' WAR HEROES. There is hereby*
13 *appropriated, to the Department of Education – Educational Television*
14 *Division, to be payable from the Educational Television Fund Account, for*
15 *personal services and operating expenses for the “Honoring Arkansas’ War*
16 *Heroes – Documenting Stories of Arkansas’ World War II Veterans”*
17 *documentation project for the 2005-2007 biennium, the sum of.....\$97,843.*
18

19 *SECTION 6. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE*
20 *NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. FUNDING*
21 *TRANSFER. Immediately upon the effective date of this act, the Chief Fiscal*
22 *Officer of the state shall transfer on his books and those of the State*
23 *Treasurer the sum of \$97,843 from the Department of Education Fund Account to*
24 *the Educational Television Fund Account for the costs of “Honoring Arkansas’*
25 *War Heroes – Documenting Stories of Arkansas’ World War II Veterans”*
26 *documentation project.*

27 *The provisions of this section shall be in effect only from July 1, 2005*
28 *through June 30, 2007*

30 *SECTION 7. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS*
31 *CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.*
32 *PROMOTIONAL ITEMS. The Chief Fiscal Officer of the State shall establish*
33 *upon request for the Department of Education - Educational Television*
34 *Division a special appropriation line item not to exceed \$25,000 ~~\$15,000~~ each*
35 *fiscal year to be used in the acquisition of promotional items. When the*
36 *Department of Education - Educational Television Division wishes to transfer*

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

22 The provisions of this section shall be in effect only from July 1, 2003
23 2005 through June 30, ~~2005~~ 2007.

24

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

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29 ~~-(a) No appropriation made available to the Arkansas Educational Television~~
30 ~~Commission or the Division of Educational Television of the Department of~~
31 ~~Education shall be available until such time as the chairman of the~~
32 ~~commission certifies, in writing, to the Legislative Joint Auditing Committee~~
33 ~~that an audit is being conducted of the Arkansas Educational~~
34 ~~Telecommunications Network Foundation for the previous fiscal year and has~~
35 ~~promptly been made available to that committee.~~

36 ~~-(b) At the end of each fiscal year, the chairman of the commission shall~~

1 ~~initiate an audit of the foundation by a recognized and certified public~~
2 ~~accounting firm acceptable to the Legislative Auditor with such audit~~
3 ~~standards and schedules that may be promulgated by the Legislative Auditor,~~
4 ~~such audit to be paid for by the foundation.~~

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

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

16
17 SECTION 9. 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 Procurement Law, the General Accounting and
21 Budgetary Procedures Law, the Revenue Stabilization Law, the Regular Salary
22 Procedures and Restrictions Act, or their successors, and other fiscal
23 control laws of this State, where applicable, and regulations promulgated by
24 the Department of Finance and Administration, as authorized by law, shall be
25 strictly complied with in disbursement of said funds.

26
27 SECTION 10. 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
34 Joint Budget Committee which relate to its passage and adoption.

35
36 SECTION 11. EMERGENCY CLAUSE. It is found and determined by the General

1 Assembly, that the Constitution of the State of Arkansas prohibits the
2 appropriation of funds for more than a two (2) year period; that the
3 effectiveness of this Act on July 1, 2005 is essential to the operation of
4 the agency for which the appropriations in this Act are provided, and that in
5 the event of an extension of the Regular Session, the delay in the effective
6 date of this Act beyond July 1, 2005 could work irreparable harm upon the
7 proper administration and provision of essential governmental programs.
8 Therefore, an emergency is hereby declared to exist and this Act being
9 necessary for the immediate preservation of the public peace, health and
10 safety shall be in full force and effect from and after July 1, 2005.

11
12 */s/ Joint Budget Committee*
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