

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 *As Engrossed: H2/10/05 H3/15/05 H3/21/05 S4/11/05*

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.

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	Maximum Annual
				No. of	Salary Rate
	Item	Class		Employees	Fiscal Years
	No.	Code	Title		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 - STATE. 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: *five*
 26 (5) temporary or part-time employees, when needed, at rates of pay not to
 27 exceed those provided in the Uniform Classification and Compensation Act, or
 28 its successor, for the appropriate classification. Many of these positions
 29 are related to specific projects, and those positions so related are
 30 specifically exempt from limitations of hours, either by act or regulation.

31 The provisions of this section shall be in effect only from July 1, ~~2003~~
 32 2005 through June 30, ~~2005~~ 2007.

33

34 SECTION 3. APPROPRIATION - STATE OPERATIONS. There is hereby appropriated,
 35 to the Department of Education - Educational Television Division, to be
 36 payable from the Educational Television Fund Account, for personal services

1 and operating expenses of the Department of Education - Educational
 2 Television Division - State for the biennial period ending June 30, 2007, the
 3 following:

ITEM NO.	FISCAL YEARS	
	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>

18
 19 SECTION 4. APPROPRIATION - CASH OPERATIONS. There is hereby appropriated,
 20 to the Department of Education - Educational Television Division, to be
 21 payable from the cash fund deposited in the State Treasury as determined by
 22 the Chief Fiscal Officer of the State, for personal services and operating
 23 expenses of the Department of Education - Educational Television Division -
 24 Cash Operations for the biennial period ending June 30, 2007, the following:

ITEM NO.	FISCAL YEARS	
	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
(E) DATA PROC.	0	0

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

3

4 SECTION 5. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE

5 NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. EXTRA HELP -

6 CASH. There is hereby authorized, for the Department of Education -

7 Educational Television Division - Cash for the ~~2003-2005~~ 2005-2007 biennium,

8 the following maximum number of part-time or temporary employees, to be known

9 as "Extra Help", payable from funds appropriated herein for such purposes:

10 thirty six (36) temporary or part-time employees, when needed, at rates of

11 pay not to exceed those provided in the Uniform Classification and

12 Compensation Act, or its successor, for the appropriate classification. Many

13 of these positions are related to specific projects, and those positions so

14 related are specifically exempt from limitations of hours, either by act or

15 regulation.

16 The provisions of this section shall be in effect only from ~~July 1, 2003~~

17 July 1, 2005 through ~~June 30, 2005~~ June 30, 2007.

18

19 SECTION 6. APPROPRIATION - CONTINGENCY. There is hereby appropriated, to

20 the Department of Education - Educational Television Division, to be payable

21 from the paying account as determined by the Chief Fiscal Officer of the

22 State, for use in responding to emerging needs resulting from the federally

23 mandated transition to digital broadcast technology of the Department of

24 Education - Educational Television Division for the biennial period ending

25 June 30, 2007, the following:

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

30

31 SECTION 7. APPROPRIATION - HONORING ARKANSAS' WAR HEROES. There is hereby

32 appropriated, to the Department of Education - Educational Television

33 Division, to be payable from the Educational Television Fund Account, for

34 personal services and operating expenses for the "Honoring Arkansas' War

35 Heroes - Documenting Stories of Arkansas' World War II Veterans"

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

1
2 SECTION 8. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE
3 NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. FUNDING
4 TRANSFER. Immediately upon the effective date of this act, the Chief Fiscal
5 Officer of the state shall transfer on his books and those of the State
6 Treasurer the sum of \$97,843 from the Department of Education Fund Account to
7 the Educational Television Fund Account for the costs of "Honoring Arkansas'
8 War Heroes - Documenting Stories of Arkansas' World War II Veterans"
9 documentation project.

10 The provisions of this section shall be in effect only from July 1, 2005
11 through June 30, 2007
12

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

1 the Legislative Council or Joint Budget Committee is not a severable part of
2 this section. If the requirement of approval by the Legislative Council or
3 Joint Budget Committee is ruled unconstitutional by a court of competent
4 jurisdiction, this entire section is void.

5 The provisions of this section shall be in effect only from July 1, 2003
6 2005 through June 30, ~~2005~~ 2007.

7

8 SECTION 10. SPECIAL LANGUAGE. Amend Arkansas Code 6-3-110 regarding
9 Appropriation and Annual Audit of State Employees for Arkansas Educational
10 Television Commission to read as follows:

11

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

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

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

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

35

36 SECTION 11. Subsection (A) of Section 1 of Uncodified Act 1395 of 2005 is

1 hereby amended to read as follows:

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

4
5 SECTION 12. COMPLIANCE WITH OTHER LAWS. Disbursement of funds authorized
6 by this act shall be limited to the appropriation for such agency and funds
7 made available by law for the support of such appropriations; and the
8 restrictions of the State Procurement Law, the General Accounting and
9 Budgetary Procedures Law, the Revenue Stabilization Law, the Regular Salary
10 Procedures and Restrictions Act, or their successors, and other fiscal
11 control laws of this State, where applicable, and regulations promulgated by
12 the Department of Finance and Administration, as authorized by law, shall be
13 strictly complied with in disbursement of said funds.

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

23
24 SECTION 14. EMERGENCY CLAUSE. It is found and determined by the General
25 Assembly, that the Constitution of the State of Arkansas prohibits the
26 appropriation of funds for more than a two (2) year period; that the
27 effectiveness of this Act on July 1, 2005 is essential to the operation of
28 the agency for which the appropriations in this Act are provided, and that in
29 the event of an extension of the Regular Session, the delay in the effective
30 date of this Act beyond July 1, 2005 could work irreparable harm upon the
31 proper administration and provision of essential governmental programs.
32 Therefore, an emergency is hereby declared to exist and this Act being
33 necessary for the immediate preservation of the public peace, health and
34 safety shall be in full force and effect from and after July 1, 2005.

35
36 /s/ Joint Budget Committee