

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 S4/12/05*

2 85th General Assembly

A Bill

3 Regular Session, 2005

HOUSE BILL 1177

4

5 By: Joint Budget Committee

6

7

8

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

15

16

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



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

5	ITEM	FISCAL YEARS	
6	<u>NO.</u>	<u>2005-2006</u>	<u>2006-2007</u>
7	(01) REGULAR SALARIES	\$ 3,465,951	\$ 3,567,844
8	(02) EXTRA HELP	8,800	8,800
9	(03) PERSONAL SERVICES MATCHING	1,121,673	1,143,761
10	(04) MAINT. & GEN. OPERATION		
11	(A) OPER. EXPENSE	4,350,357	4,350,357
12	(B) CONF. & TRAVEL	0	0
13	(C) PROF. FEES	752,000	752,000
14	(D) CAP. OUTLAY	874,000	874,000
15	(E) DATA PROC.	0	0
16	(05) PROMOTIONAL ITEMS	<u>66,000</u>	<u>66,000</u>
17	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:

25

26	ITEM	FISCAL YEARS	
27	<u>NO.</u>	<u>2005-2006</u>	<u>2006-2007</u>
28	(01) REGULAR SALARIES	\$ 415,016	\$ 427,459
29	(02) EXTRA HELP	155,070	155,070
30	(03) PERSONAL SERVICES MATCHING	159,659	162,357
31	(04) MAINT. & GEN. OPERATION		
32	(A) OPER. EXPENSE	2,832,741	2,832,741
33	(B) CONF. & TRAVEL	99,464	99,464
34	(C) PROF. FEES	462,069	462,069
35	(D) CAP. OUTLAY	150,000	150,000
36	(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
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36

SECTION 8. APPROPRIATION - QUALITY TEACHING AND LEARNING CENTERS.

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

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

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

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

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

21
22 SECTION 10. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
23 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. FUNDING
24 TRANSFER. Immediately upon the effective date of this act, the Chief Fiscal
25 Officer of the state shall transfer on his books and those of the State
26 Treasurer the sum of \$97,843 from the Department of Education Fund Account to
27 the Educational Television Fund Account for the costs of "Honoring Arkansas'
28 War Heroes - Documenting Stories of Arkansas' World War II Veterans"
29 documentation project.

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

32
33 SECTION 11. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
34 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.
35 PROMOTIONAL ITEMS. The Chief Fiscal Officer of the State shall establish
36 upon request for the Department of Education - Educational Television

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

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

27

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

31

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

1 Telecommunications Network Foundation for the previous fiscal year and has
2 promptly been made available to that committee.

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

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

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

19
20 SECTION 13. Subsection (A) of Section 1 of Uncodified Act 1395 of 2005 is
21 hereby amended to read as follows:

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

24
25 SECTION 14. COMPLIANCE WITH OTHER LAWS. Disbursement of funds authorized
26 by this act shall be limited to the appropriation for such agency and funds
27 made available by law for the support of such appropriations; and the
28 restrictions of the State Procurement Law, the General Accounting and
29 Budgetary Procedures Law, the Revenue Stabilization Law, the Regular Salary
30 Procedures and Restrictions Act, or their successors, and other fiscal
31 control laws of this State, where applicable, and regulations promulgated by
32 the Department of Finance and Administration, as authorized by law, shall be
33 strictly complied with in disbursement of said funds.

34
35 SECTION 15. LEGISLATIVE INTENT. It is the intent of the General Assembly
36 that any funds disbursed under the authority of the appropriations contained

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

7
8 SECTION 16. EMERGENCY CLAUSE. It is found and determined by the General
9 Assembly, that the Constitution of the State of Arkansas prohibits the
10 appropriation of funds for more than a two (2) year period; that the
11 effectiveness of this Act on July 1, 2005 is essential to the operation of
12 the agency for which the appropriations in this Act are provided, and that in
13 the event of an extension of the Regular Session, the delay in the effective
14 date of this Act beyond July 1, 2005 could work irreparable harm upon the
15 proper administration and provision of essential governmental programs.
16 Therefore, an emergency is hereby declared to exist and this Act being
17 necessary for the immediate preservation of the public peace, health and
18 safety shall be in full force and effect from and after July 1, 2005.

19
20 /s/ Joint Budget Committee
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36