

**ARKANSAS SENATE**  
85th General Assembly - Regular Session, 2005  
**Amendment Form**

JBC 04/06/05 (1)

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**Subtitle of House Bill No. 1177**

"AN ACT FOR THE DEPARTMENT OF EDUCATION - EDUCATIONAL TELEVISION  
DIVISION APPROPRIATION FOR THE 2005-2007 BIENNIUM."

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**Amendment No. 2 to House Bill No. 1177.**

Amend House Bill No. 1177 as engrossed, H3/21/05 (version: 03-21-2005 08:47)

Add additional sections immediately following Section 7 to read as follows:

**"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:

ITEM NO.	FISCAL YEARS	
	2005-2006	2006-2007
(01) AETN-QUALITY TEACHING & LEARNING CENTERS	\$ <u>250,000</u>	\$ <u>250,000</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~~ 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 personnel to be employed by a state agency is the prerogative of the General Assembly and is usually accomplished by delineating the maximum number of personnel by identifying job titles and the maximum grade or salary attached to those titles. The General Assembly has determined that Department of Education - Educational Television Division could be operated more efficiently if some flexibility is given to that agency. That flexibility is being accomplished by providing growth pools in subsection (a) of this section and since the General Assembly has granted the agency broad powers under the growth pool concept, it is both necessary and appropriate that the General Assembly maintain oversight of the utilization of the growth pool by requiring prior approval of the Legislative Council in the utilization of the growth pool. Therefore, the requirement of approval by the Legislative Council is not a severable part of this section. If the requirement of approval by the Legislative Council is ruled unconstitutional by a court of competent jurisdiction, this entire section is void. If the agency requests continuation of a "Growth Pool" position(s) as established herein during the next biennium, the position(s) must be requested as a new position(s) in the agency's biennial budget request. The provisions of this section shall be in effect only from July 1, ~~2003~~ 2005 through June 30, ~~2005~~ 2007."

And

Appropriately renumber the sections of the bill.

The Amendment was read the first time, rules suspended and read the second time and \_\_\_\_\_

By: Senator Broadway

JAD/JAD - 04-06-2005 19:41

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Secretary