

Stricken language would be deleted from and underlined language would be added to present law.

State of Arkansas  
95th General Assembly  
Regular Session, 2025

# A Bill

SENATE BILL 184

By: Senator D. Sullivan  
By: Representatives Long, S. Meeks

## For An Act To Be Entitled

AN ACT TO TRANSFER CERTAIN POWERS AND DUTIES TO THE DEPARTMENT OF EDUCATION; TO ABOLISH THE ARKANSAS EDUCATIONAL TELEVISION COMMISSION; TO ABOLISH THE STATE LIBRARY BOARD; TO TRANSFER THE POWERS AND DUTIES OF THE ARKANSAS EDUCATIONAL TELEVISION COMMISSION AND THE STATE LIBRARY BOARD TO THE DEPARTMENT OF EDUCATION; AND FOR OTHER PURPOSES.

## Subtitle

TO TRANSFER THE POWERS AND DUTIES OF THE ARKANSAS EDUCATIONAL TELEVISION COMMISSION AND THE STATE LIBRARY BOARD TO THE DEPARTMENT OF EDUCATION.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

SECTION 1. DO NOT CODIFY. Abolition of the Arkansas Educational Television Commission.

(a) The Arkansas Educational Television Commission is abolished, and its authority, duties, functions, records, contracts, personnel, property, and unexpended balances of appropriations, allocations, and other funds, including the functions of budgeting or purchasing are transferred to the Department of Education.

(b) The Arkansas Educational Television Commission's statutory powers, duties, and functions, including the functions of budgeting or purchasing, records, contracts, personnel, property, and unexpended balances of appropriations, allocations, and other funds are transferred to the



Department of Education.

(c)(1) The abolishment of the Arkansas Educational Television Commission does not affect the orders, rules, directives, registration, licensing, or standards made or promulgated by the Arkansas Educational Television Commission before the effective date of this act.

(2) The orders, rules, directives, registration, licensing, and standards of the Arkansas Educational Television Commission shall continue to be in effect until they are amended or repealed by the Department of Education.

SECTION 2. DO NOT CODIFY. Abolition of the State Library Board.

(a) The State Library Board is abolished, and its authority, duties, functions, records, contracts, personnel, property, and unexpended balances of appropriations, allocations, and other funds, including the functions of budgeting or purchasing are transferred to the Department of Education.

(b) The State Library Board's statutory powers, duties, and functions, including the functions of budgeting or purchasing, records, contracts, personnel, property, and unexpended balances of appropriations, allocations, and other funds are transferred to the Department of Education.

(c)(1) The abolishment of the State Library Board does not affect the orders, rules, directives, registration, licensing, or standards made or promulgated by the State Library Board before the effective date of this act.

(2) The orders, rules, directives, registration, licensing, and standards of the State Library Board shall continue to be in effect until they are amended or repealed by the Department of Education.

SECTION 3. DO NOT CODIFY. The name of Arkansas Code Title 6, Chapter 3, is changed from "Arkansas Educational Television Commission" to "Arkansas Educational Television". The Arkansas Code Revision Commission shall make all changes in the Arkansas Code necessary to implement this section.

SECTION 4. Arkansas Code §§ 6-3-101 – 6-3-103 are repealed.

~~6-3-101. Creation.~~

~~There is created the Arkansas Educational Television Commission.~~

~~6-3-102. Members.~~

~~(a)(1) The Arkansas Educational Television Commission shall consist of eight (8) members, who shall be residents and qualified electors of the State of Arkansas, with at least one (1) member being appointed from each of the congressional districts of the state.~~

~~(2) At least one (1) member shall be a person who is actively engaged in the field of education in the public school system of this state, and one (1) member shall be a person actively engaged in education in an institution of higher education in this state.~~

~~(3) No member of the commission shall hold any other office of profit or trust under the United States, the State of Arkansas, or any political subdivision thereof, or any office or employment paid in whole or in part by any funds derived from tax sources, except persons actively engaged in the field of education in the public schools or institutions of higher education in this state.~~

~~(4) No member of the commission shall have any financial interest in any facilities such as the commission is authorized to deal with, including any interest in any commercial television or radio station.~~

~~(b)(1) Members of the commission shall be appointed by the Governor with the advice and consent of the Senate for terms of eight (8) years.~~

~~(2) Members of the commission shall be eligible for reappointment.~~

~~(3) If a vacancy occurs, the Governor shall, with the advice and consent of the Senate, appoint another member of the commission for the unexpired term.~~

~~(4) If the appointment of such member of the commission is confirmed by the Senate, he or she shall serve the remainder of the unexpired term.~~

~~(c) Each member may receive expense reimbursement and stipends in accordance with § 25-16-901 et seq.~~

#### ~~6-3-103. Organization — Rules.~~

~~(a) Promptly after their appointment, the members of the Arkansas Educational Television Commission shall meet to organize.~~

~~(b) At the meeting they shall choose from their number a chair, a secretary, and such other officers as they deem necessary.~~

~~(c) Thereafter officers shall be elected annually.~~

~~(d) The commission shall adopt rules regulating the conduct of its meetings and the transaction of the business of the commission.~~

SECTION 5. Arkansas Code §§ 6-3-104 – 6-3-109 are amended to read as follows:

6-3-104. Agents and employees.

~~(a) The Arkansas Educational Television Commission may appoint such agents and employees as it deems necessary or may delegate to one (1) or more of its members, officers, agents, or employees such powers and duties as it deems proper and is authorized to do by legislation.~~

~~(b)(1)~~ The ~~commission~~ Department of Education is authorized to contract with other educational institutions in this state for the employment and use, on a contract basis, of the full-time or part-time services of employees of those educational institutions and may pay for their services in accordance with the provisions of such contracts.

~~(2)(b)~~ In the event the ~~commission~~ department shall determine that the use of full-time or part-time services of employees of such other educational institutions in this state shall make it necessary that payment therefor be from funds appropriated for the ~~commission~~ department for the payment of regular salaries of employees of the ~~commission~~ department, upon certification of the amount to the Chief Fiscal Officer of the State, the amount shall be transferred from the appropriation made for regular salaries of the ~~commission~~ department for the fiscal year involved to the appropriation for maintenance and general operation of the ~~commission~~ department for such fiscal year and may be expended for payments under contracts as authorized herein.

6-3-105. Purpose – Powers and duties generally.

~~(a) The Arkansas Educational Television Commission is organized for the purpose of making the benefits of educational television available to and promoting its use by inhabitants of Arkansas.~~

~~(b)~~ To this end, the ~~Arkansas Educational Television Commission~~ The Department of Education is empowered and directed to survey, study, and appraise the need for an overall plan for the use of television facilities available for noncommercial educational use in the state.

~~(c)(b)~~ The ~~Arkansas Educational Television Commission~~ department is

specifically charged with the duty of controlling and supervising the use of channels reserved by the Federal Communications Commission to Arkansas for noncommercial educational use.

~~(d)(1)(c)(1)~~ The ~~Arkansas Educational Television Commission~~ department may designate the location of stations to utilize such channels and make rules governing the operation of these stations and the programs televised over these channels.

(2) The ~~Arkansas Educational Television Commission~~ department may own and operate television stations to utilize these channels, or it may contract with individuals, corporations, educational institutions, or other governmental agencies for the operation of such stations.

6-3-106. Execution of contracts.

The ~~Arkansas Educational Television Commission~~ Department of Education is authorized to execute all contracts and other instruments necessary and convenient to carry out the mandates of this chapter.

6-3-107. Acceptance of gifts or grants.

(a) The ~~Arkansas Educational Television Commission~~ Department of Education may solicit and accept gifts or grants of money, real or personal property, and voluntary and uncompensated services from any person, federal or other governmental agency, board of education, educational institution, or commercial or industrial enterprise.

(b) Any gifts and grants of money and any moneys derived from the sale of real or personal property donated to the ~~commission~~ department may be placed in a bank in this state and may be disbursed by the ~~commission~~ department for the purposes for which the gifts, grants, or real or personal property was donated or granted.

6-3-108. Equipment – Limits on ~~commission~~ department responsibility.

After receipt of any equipment furnished or installed by the ~~Arkansas Educational Television Commission~~ Department of Education as part of the implementation and administration of this chapter, the ~~commission~~ department will not be responsible:

- (1) For additional reception problems which may occur; or
- (2) For replacement of any of the furnished equipment.

6-3-109. Revolving cash fund.

(a) The ~~Arkansas Educational Television Commission~~ Department of Education is authorized to establish in a bank authorized to do business in this state, selected by the ~~commission~~ department, a revolving cash fund into which the ~~commission~~ department shall pay all funds received from the sale of instructional materials prepared by the ~~commission~~ department or purchased by the ~~commission~~ department and sold to schools in this state in connection with educational television programs.

(b) In addition, the ~~commission~~ department is authorized to expend from the revolving cash fund amounts necessary to purchase instructional materials for sale to schools to be used for educational television purposes, including the cost of freight, postage, handling, and other delivery costs incidental to the purchase or sale.

(c) The ~~commission~~ department shall keep a complete record of all receipts and expenditures from the revolving cash fund and shall make the record available to Arkansas Legislative Audit for audit and verification.

SECTION 6. Arkansas Code § 6-3-110(a), concerning appropriations for state employees, is repealed.

~~(a) No person employed by the Arkansas Educational Television Commission and paid from state funds shall receive supplemental compensation or remuneration from funds not appropriated by the state.~~

SECTION 7. Arkansas Code §§ 6-3-112 and 6-3-113 are amended to read as follows:

6-3-112. Authorization for lease of facilities.

(a)(1) The ~~Arkansas Educational Television Commission~~ Department of Education is authorized and empowered to arrange for the use of its facilities as part of the implementation and administration of this chapter, including without limitation tower space, studios, and equipment, by any federal, state, or local governmental agency or by any other person, from time to time, as any of such facilities are not needed by the ~~commission~~ department, and to collect fees and charges, as the ~~commission~~ department determines to be reasonable, in connection with the use of any such facilities by any other person.

(2) Provided, however, agencies and educational institutions of the State of Arkansas shall have preference for the use of ~~commission~~ department facilities over other entities and persons and shall be assessed fees and charges at preferential rates as determined by the ~~commission~~ department.

(b) The ~~commission~~ department shall be exempt from complying with general provisions of other laws dealing with public commodities and facilities and their acquisition, leasing, or disposition in relation to the use of its studios by other persons in such cases, as advertising for bids would be impractical because of time limitations.

(c) Any revenue received by the ~~commission~~ department from the use of its facilities by other persons under this section shall be cash funds pursuant to § 6-3-109.

(d) The ~~commission~~ department is authorized to promulgate such rules as it deems necessary for the implementation of this section.

6-3-113. Eminent domain power.

(a)(1) The ~~Arkansas Educational Television Commission~~ Department of Education is hereby granted the right of eminent domain to condemn real property leased or rented by the ~~commission~~ department if the property is deemed to be necessary or desirable by the ~~commission~~ department for making the benefits of educational television available to the citizens of Arkansas or to otherwise carry out the purposes of this chapter, and if the ~~commission~~ department is unable to agree with the owner of the land, or if, by legal incapacity or absence of the owner, no agreement can be made for the purchase.

(2) All suits for condemnation of real property under the provisions of this section shall be brought by the ~~commission~~ department in the name of the State of Arkansas.

(3) The real property may be acquired in fee simple or in any lesser estate.

(b)(1) The ~~commission~~ department is authorized to make payment for real property acquired under the provisions of this section out of any appropriation made for the ~~commission~~ department.

(2) No land shall be taken or contracted to be taken for an amount beyond the sum available therefor.

(c) The ~~commission~~ department shall exercise the power of eminent domain in the manner provided for in § 27-67-311 et seq.

(d)(1) Actions by the ~~commission~~ department to condemn real property shall be brought in the county in which the land is situated.

(2) If the land is located in more than one (1) county, the action may be brought in any county in which the land is situated.

SECTION 8. Arkansas Code Title 13, Chapter 2, Subchapter 1, is amended to add an additional section to read as follows:

13-2-108. Implementation of library funds – Secretary of the Department of Education.

The Secretary of the Department of Education or his or his designee shall administer state and federal programs of aid to libraries and undertake other activities and services as will further statewide development of libraries and library systems through interlibrary, interagency, and interstate cooperation in order to secure efficient and effective library service for all Arkansans.

SECTION 9. Arkansas Code § 13-2-204 is amended to read as follows:

13-2-204. State Librarian.

(a) The Arkansas State Library shall be headed by the State Librarian, to be appointed by the ~~State Library Board, in consultation with the~~ Secretary of the Department of Education. The State Librarian shall serve for such time and for such terms as the ~~board~~ secretary may prescribe.

(b) The State Librarian shall be a person of good professional standing and reputation, holding at least a master's degree from a graduate school of library science accredited by the American Library Association, and shall have had experience in library administration in academic, public, school, or special libraries.

(c) The State Librarian shall have charge of the work of the library and shall perform such other duties as the ~~board~~ secretary may prescribe.

SECTION 10. Arkansas Code §§ 13-2-205 and 13-2-206 are repealed.

~~13-2-205. State Library Board.~~

~~(a) There is created the State Library Board.~~

~~(b)(1) The board shall consist of seven (7) members, to be appointed~~

~~by the Governor subject to confirmation by the Senate.~~

~~(2) The members of the board shall be appointed by the Governor for reasons of their interest in libraries and in statewide library development.~~

~~(3)(A) One (1) member of the board shall be appointed from each of the four (4) congressional districts of this state in existence at the time of appointment, and three (3) members shall be selected from the state at large.~~

~~(B) However, no more than two (2) members of the board shall be appointed from any one (1) congressional district.~~

~~(4)(A) All members appointed to the board shall serve terms of seven (7) years and until their successors are appointed and qualified.~~

~~(B) No board member shall be appointed to serve for more than two (2) consecutive full terms.~~

~~(c) Vacancies occurring on the board due to death, resignation, or other reason shall be filled by appointment of the Governor for the remainder of the unexpired portion of the term in the same manner as for the initial appointment.~~

~~(d)(1) Members of the board shall receive per diem at the rate established by law for attending board meetings or for performing other services required of members in their official capacity as members of the board.~~

~~(2) In addition, members shall be entitled to mileage at the rate provided by law for official travel of state employees for each mile in traveling from their place of residence to meetings of the board and returning or for attending to other authorized business of the board.~~

#### ~~13-2-206. Meetings of board.~~

~~(a) The State Library Board shall meet at such place or places and shall keep such records as it may deem appropriate.~~

~~(b) The board shall select annually a chair and any other officers as it deems necessary.~~

~~(c) The board shall adopt policies and bylaws governing its meetings, the conduct of its business, and the business of the Arkansas State Library.~~

~~(d) The State Librarian shall serve as secretary of the board, but without a vote thereon, and shall attend all of the board meetings and keep~~

~~records thereof.~~

~~(e) A majority of the board's members shall constitute a quorum for the transaction of business, and all business transacted by the board shall be by majority vote of its members.~~

SECTION 11. Arkansas Code § 13-2-207(1), concerning the powers and duties of the Arkansas State Library, is amended to read as follows:

(1) Acquire books and other library materials by purchase, exchange, gift, grant, or donation and catalog and maintain those books and materials and make them available for reference and research use of the public and the public officials and employees of this state and its political subdivisions under such rules established by the ~~State Library Board~~ Department of Education as may be reasonably necessary to govern the use and preservation thereof;

SECTION 12. Arkansas Code § 13-2-207(10), concerning the powers and duties of the Arkansas State Library, is repealed.

~~(10) Be the official state library agency designated to administer state and federal programs of aid to libraries and to undertake such other activities and services as will further statewide development of libraries and library systems through interlibrary, interagency, and interstate cooperation in order to secure efficient and effective library service for all Arkansans;~~

SECTION 13. Arkansas Code § 13-2-208(a), concerning cooperation with other libraries, is amended to read as follows:

(a) The Arkansas State Library shall cooperate with the public and private libraries in the State of Arkansas and may enter into necessary agreements with libraries in other states and the Library of Congress for the sharing of library books, documents, facilities, or services under such terms and conditions as the ~~State Library Board~~ Department of Education shall determine to be within the scope and services of the Arkansas State Library and in keeping with the state's library programs.

SECTION 14. Arkansas Code § 13-2-209(a), concerning agreements between the Arkansas State Library, the Arkansas State Archives, and the Secretary of

State, is amended to read as follows:

(a) The Arkansas State Library, acting through the ~~State Library Board~~ Department of Education, is authorized to enter into necessary agreements with the Arkansas State Archives, with respect to an overall plan and design to assure that the functions and materials of the library and the Arkansas State Archives may be convenient to the public and public officials of this state and to its political subdivisions, and to assure that unnecessary duplication of services and facilities is minimized.

SECTION 15. Arkansas Code § 13-2-509(c), concerning library trustees' annual reports, is amended to read as follows:

(c) A copy of this report shall be filed with the ~~State Library Board~~ Department of Education.

SECTION 16. Arkansas Code § 13-2-601 is amended to read as follows:  
13-2-601. Definition.

As used in this compact, "state library agency", with reference to this state, means the ~~State Library Board~~ Department of Education.

SECTION 17. Arkansas Code § 13-2-605 is amended to read as follows:  
13-2-605. Prerequisites for construction or maintenance of libraries.

No county, city, town, or combination thereof acting as a regional library district of this state shall be party to a library agreement which provides for the construction or maintenance of a library pursuant to Article III, subdivision (c)7 of the compact, nor pledge its credit in support of such a library, or contribute to the capital financing thereof, except:

(1) ~~After~~ after compliance with the Arkansas Constitution and any laws applicable to the county, city, town, or combination thereof relating to or governing capital outlays and the pledging of credit; ~~and.~~

(2) ~~After submitting the plan to the State Library Board for approval.~~

SECTION 18. Arkansas Code § 19-5-304(3)(A), concerning the Educational Television Fund Account of the Education Fund, is amended to read as follows:

(A) The Educational Television Fund Account shall be used for the maintenance, operation, and improvement required by the

Educational Television Division of the Division of Elementary and Secondary Education in carrying out those powers, functions, and duties of the ~~Arkansas Educational Television Commission~~ Department of Education as set out in § 6-3-101 et seq. ~~or other duties imposed by law upon the Arkansas Educational Television Commission.~~

SECTION 19. Arkansas Code § 25-11-203 is amended to read as follows:  
25-11-203. Exemption.

No provision of this subchapter shall apply to any program or service currently operated or administered by the Arkansas School for the Blind or the State Library Board Department of Education, and this subchapter shall not amend or repeal any statutory provision governing the operation of the Arkansas School for the Blind or the Arkansas State Library.

SECTION 20. Arkansas Code § 25-16-903(16), concerning stipends for state boards, is repealed.

~~(16) Arkansas Educational Television Commission;~~

SECTION 21. Arkansas Code § 25-16-903(21), concerning stipends for state boards, is repealed.

~~(21) State Library Board;~~

SECTION 22. Arkansas Code § 25-43-502(14), concerning state entities transferred to the Department of Education, is repealed.

~~(14) The State Library Board, created under § 13-2-205;~~