

ARKANSAS SENATE
84th General Assembly - Regular Session, 2003
Amendment Form

Subtitle of Senate Bill No. 45

"AN ACT TO REORGANIZE VARIOUS STATE AGENCIES INTO TEN (10)
DEPARTMENTS."

Amendment No. 2 to Senate Bill No. 45.

Amend Senate Bill No. 45 as originally introduced:

Delete the Title and substitute the following:

"AN ACT TO RESTRUCTURE VARIOUS STATE AGENCIES INTO TEN (10) DEPARTMENTS; AND
FOR OTHER PURPOSES."

AND

Delete the Subtitle and substitute the following:

"TO RESTRUCTURE VARIOUS STATE AGENCIES INTO TEN (10) DEPARTMENTS."

AND

Delete everything after the Enacting Clause and substitute the following:

"SECTION 1. Legislative purpose.

(a) The General Assembly declares that this act is necessary to enhance the delivery of services to the people of Arkansas in an effective and efficient manner; to provide for administrative cost savings in the delivery of these services by combining overlapping functions and eliminating duplications of functions of state government; and to achieve the grouping of state agencies into ten (10) departments primarily according to function in order to facilitate an increase in efficiency and reduction of administrative costs.

(b) It is the intent of the General Assembly to provide for an orderly transfer of powers, duties, and functions of the various state agencies to the ten (10) departments with a minimum of disruption of governmental services and functions and with a minimum of expense.

(c) For the purposes of this act, each Authority, Board, Center, Committee, Commission, Coordinator, Council, Department, Division, Institute, Laboratory, Library, Office, Officer, Panel, School, Section, or other agency or entity, or any part thereof, as more particularly identified in sections 5 through 14 of this act, which is being transferred pursuant to the terms and provisions of this act, shall hereinafter be referred to as a "transferred entity."



(d) For the purposes of this act, the Departments of Agriculture, Commerce, Interior, Health and Human Services, Corrections, Education, Finance and Administration, Labor, Employment and Workforce, Natural Resources, and Homeland Security shall hereinafter be referred to as "principal departments."

(e) This act shall be liberally construed to achieve the purposes stated in this act.

SECTION 2. (a)(1) For the purposes of this act, when any "transferred entity" is transferred to a "principal department" established under sections 5 through 14 of this act by a type 1 transfer, the "transferred entity" shall be administered under the direction and supervision of the secretary of the "principal department", but shall retain exactly the same powers, authorities, duties, and functions prescribed by law as it had prior to the transfer, including but not limited to:

(A) Rulemaking, regulation, licensing, and registration;

(B) The promulgation of rules, rates, regulations, and standards; and

(C) The rendering of findings, orders, and adjudications.

(2) The "transferred entity" shall exercise these powers, authorities, duties, and functions independently of the secretary of the "principal department" into which it is transferred.

(b) Following a type 1 transfer, the members of any statutory board or commission so transferred, and their successors, shall continue to be selected in the manner and serve for the terms provided by the state law applicable to the board or commission as the law is now enacted or hereafter amended.

(c) Notwithstanding subsections (a) and (b) of this section, following a type 1 transfer, all administrative functions of any "transferred entity" shall be performed under the direction and supervision of the secretary of the "principal department" into which it is transferred. The administrative functions shall include, but not be limited to, all budgeting, fiscal, purchasing, accounting, human resources, payroll, legal, information systems, maintenance, program support, administrative support, and related administrative functions.

(d)(1) Notwithstanding subsections (a) and (b) of this section, following a type 1 transfer, the secretary of the "principal department", with the advice and consent of the Governor, shall appoint the directors/deputy directors of the respective bureaus, offices or other divisions under the "principal department", and they shall serve at the pleasure of the secretary.

(2) Notwithstanding subsections (a) and (b) of this section, following a type 1 transfer, all other personnel, positions, titles, appropriations, funds, assets, materials, data, and information of the "transferred entity" shall be transferred to the "principal department" to be used as directed by the secretary for the effective operations of the "principal department". Notwithstanding, following a type 1 transfer, any disbursement of funds authorized by an appropriation act shall be limited to the appropriation for each "transferred entity" and funds made available by law for the support of such appropriations; and the restrictions of the State Purchasing Law, the General Accounting and Budgetary Procedures Law, the Revenue Stabilization Law, the Salary Procedures and Restrictions Act, or

their successors, and other fiscal control laws of this state, where applicable, and regulations promulgated by the Department of Finance and Administration, as authorized by law, shall be strictly complied with in the disbursement of said funds.

(3) Following a type 1 transfer, all personnel of the "transferred entity" shall be employed and serve at the pleasure of the secretary of the "principal department" into which it is transferred. Notwithstanding, no provision of this act shall be deemed to abolish or diminish the employment rights that may exist under current state law, as now enacted or hereafter amended, of personnel transferred pursuant to the provisions of this act.

(4) Following a type 1 transfer, the "transferred entity" shall not employ any personnel other than those deemed by the secretary of the "principal department" into which they are transferred to be necessary for the effective operations of the "principal department".

(e) In the event any board or commission is charged with the management or control of a charitable, penal, or correctional institution, or an institution of higher learning, as provided in Amendment 33 of the Arkansas Constitution, nothing in this act shall be deemed to transfer the powers vested in the board or commission if the transfer would violate the provisions of Amendment 33.

(f) Nothing in this act shall be deemed to alter the manner of selection or the length of the term of service for any position where state law provides that the Governor shall appoint or select the person occupying the position. For any person occupying a position on the effective date of this act as a result of a Governor's appointment, nothing in this act shall be deemed to alter that person's continued service in that position or to alter the length of that person's current term.

(g) Any employee who is now a member of any retirement system shall not lose any retirement benefits accrued in such system by virtue of a transfer as provided herein.

(h) While it is recognized that certain transfers may result in savings through the combination of offices, facilities and duties or through a reduction in the duplication of functions, points of service currently provided by state government may not be reduced by the Secretary of a "principal department" without review by the Arkansas Legislative Council or Joint Budget Committee and the Office of the Governor.

SECTION 3. (a) For the purposes of this act, when any "transferred entity" is transferred to "principal department" established under sections 5 through 14 of this act by a type 2 transfer, the "transferred entity" shall be administered under the direction and supervision of the secretary of the "principal department". Additionally, the "transferred entity's" powers, authorities, duties and functions as prescribed by law, including but not limited to all rule making, regulation and licensing; the promulgation of rules, rates, regulations and standards; and, the rendering of findings, orders and adjudications shall be transferred to the secretary of the "principal department" in which it is transferred.

(b) Following a type 2 transfer, the members of any statutory board or commission so transferred, and their successors, shall continue to be selected in the manner and serve for the terms provided by the state law applicable to that board or commission as the law is now enacted or hereafter

amended.

(c) Following a type 2 transfer, all administrative functions of any "transferred entity" shall be performed under the direction and supervision of the secretary of the "principal department" into which it is transferred. The administrative functions shall include, but not be limited to, all budgeting, fiscal, purchasing, accounting, human resources, payroll, legal, information systems, maintenance, program support, administrative support, and related administrative functions.

(d)(1) Following a type 2 transfer, the secretary of the "principal department", with the advice and consent of the Governor, shall appoint the directors/deputy directors of the respective bureaus, offices or other divisions under the "principal department", and they shall serve at the pleasure of the secretary.

(2) Following a type 2 transfer, all other personnel, positions, titles, appropriations, funds, assets, materials, data, and information of the "transferred entity" shall be transferred to the "principal department" to be used as directed by the secretary for the effective operations of the "principal department". Notwithstanding, following a type 2 transfer, any disbursement of funds authorized by an appropriation act shall be limited to the appropriation for each "transferred entity" and funds made available by law for the support of such appropriations; and the restrictions of the State Purchasing Law, the General Accounting and Budgetary Procedures Law, the Revenue Stabilization Law, the Salary Procedures and Restrictions Act, or their successors, and other fiscal control laws of this state, where applicable, and regulations promulgated by the Department of Finance and Administration, as authorized by law, shall be strictly complied with in the disbursement of said funds.

(3) Following a type 2 transfer, all personnel of the "transferred entity" shall be employed and serve at the pleasure of the secretary of the "principal department" into which they are transferred. Notwithstanding, no provision of this act shall be deemed to abolish or diminish the employment rights that may exist under current state law, as now enacted or hereafter amended, of personnel transferred pursuant to the provisions of this act.

(4) Following a type 2 transfer, the "transferred entity" shall not employ any personnel other than those deemed by the secretary of the "principal department" into which it is transferred to be necessary for the effective operations of the "principal department".

(e) In the event any board or commission is charged with the management or control of a charitable, penal, or correctional institution or an institution of higher learning, as provided in Amendment 33 of the Arkansas Constitution, nothing in this act shall be deemed to transfer the powers vested in the board or commission if the transfer would violate the provisions of Amendment 33.

(f) Nothing in this act shall be deemed to alter the manner of selection or the length of the term of service for any position where state law provides that the Governor shall appoint or select the person occupying the position. For any person occupying a position on the effective date of this act as a result of a Governor's appointment, nothing in this act shall be deemed to alter that person's continued service in that position or to alter the length of that person's current term.

(g) Any employee who is now a member of any retirement system shall

not lose any retirement benefits accrued in such system by virtue of a transfer as provided herein.

(h) While it is recognized that certain transfers may result in savings through the combination of offices, facilities and duties or through a reduction in the duplication of functions, points of service currently provided by state government may not be reduced by the Secretary of a "principal department" without review by the Arkansas Legislative Council or Joint Budget Committee and the Office of the Governor.

SECTION 4. For the purposes of this act, when any "transferred entity" is transferred to a "principal department" established under sections 5 through 14 of this act by a type 3 transfer, the "transferred entity's" powers, authorities, duties and functions as prescribed by law, shall be transferred to the secretary of the "principal department and the "transferred entity" shall thereafter be abolished.

SECTION 5. (a) There is created a Department of Agriculture. The executive head of the department shall be the Secretary of the Department of Agriculture. The secretary shall be appointed by the Governor and shall serve at the pleasure of the Governor.

(b) The Arkansas Livestock and Poultry Commission, Arkansas Code § 2-33-101, and its powers, authorities, duties, and functions are transferred by a type 1 transfer to the Department of Agriculture.

(c) The Department of Rural Services, Arkansas Code § 15-6-105, and its powers, authorities, duties, and functions are transferred by a type 2 transfer to the Department of Agriculture.

(d) The Arkansas Rural Development Commission, Arkansas Code § 15-6-104, and powers, authorities, duties, and functions are transferred by a type 1 transfer to the Department of Agriculture.

(e) The Arkansas Delta Development Commission, Arkansas Code § 15-4-2602, and its powers, authorities, duties, and functions are transferred by a type 1 transfer to the Department of Agriculture.

(f) The State Plant Board, Arkansas Code § 2-16-206, and its powers, authorities, duties, and functions are transferred by a type 1 transfer to the Department of Agriculture.

(g) The Division of Agriculture Development of the Arkansas Development Finance Authority, Arkansas Code § 15-5-802, and its powers, authorities, duties, and functions are transferred by a type 2 transfer to the Department of Agriculture.

SECTION 6. (a) There is created a Department of Commerce. The executive head of the department shall be the Secretary of the Department of Commerce. The secretary shall be appointed by the Governor and shall serve at the pleasure of the Governor. Any reference to the Director of the Department of Finance and Administration in current law shall be deemed to refer to the Secretary of the Department of Finance and Administration created by this act.

(b) Except for the Federal Housing and Urban Development Community Block Grant program of the Arkansas Department of Economic Development, which is transferred in section 14 of this act, the Arkansas Department of Economic Development, Arkansas Code §§ 15-4-205 through 15-4-209, and its powers, authorities, duties, and functions are transferred by a type 2 transfer to

the Department of Commerce.

(c) The Arkansas Economic Development Commission, Arkansas Code § 15-4-201, and its powers, authorities, duties, and functions are transferred by a type 1 transfer to the Department of Commerce.

(d) The Arkansas Waterways Commission, Arkansas Code § 15-23-201, and its powers, authorities, duties, and functions are transferred by a type 2 transfer to the Department of Commerce.

(e) The State Insurance Department, Arkansas Code § 23-61-101, and its powers, authorities, duties, and functions are transferred by a type 1 transfer to the Department of Commerce. Any reference to the "State Insurance Department" shall be deemed to refer to the "Bureau of Insurance Regulation" within the Department of Commerce.

(f) The Arkansas Science and Technology Authority, Arkansas Code § 15-3-103, and its powers, authorities, duties, and functions are transferred by a type 2 transfer to the Department of Commerce.

(g) The Board of Directors of the Arkansas Science and Technology Authority, Arkansas Code § 15-3-104, and its powers, authorities, duties, and functions are transferred by a type 1 transfer to the Department of Commerce.

(h) The State Bank Department, Arkansas Code § 23-46-201, and its powers, authorities, duties, and functions are transferred by a type 1 transfer to the Department of Commerce. Any reference to the "State Bank Department" shall be deemed to refer to the Department of Commerce.

(i) The State Banking Board, Arkansas Code § 23-46-301, and its powers, authorities, duties, and functions are transferred by a type 1 transfer to the Department of Commerce.

(j) The State Securities Department, Arkansas Code § 23-42-201, and its powers, authorities, duties, and functions are transferred by a type 1 transfer to the Department of Commerce.

(k) Except for the Tax Division, which is transferred in section 9 of this act, the Arkansas Public Service Commission, Arkansas Code § 23-2-101, and its powers, authorities, duties, and functions are transferred by a type 1 transfer to the Department of Commerce.

(l) The Arkansas Department of Aeronautics, Arkansas Code § 27-115-101, and its powers, authorities, duties, and functions are transferred by a type 1 transfer to the Department of Commerce.

(m) The Arkansas Aeronautics Commission, Arkansas Code § 27-115-101, and its powers, authorities, duties, and functions are transferred by a type 1 transfer to the Department of Commerce.

SECTION 7. (a) There is created a Department of Corrections. The executive head of the department shall be the Secretary of the Department of Corrections. The secretary shall be appointed by the Governor and shall serve at the pleasure of the Governor.

(b) The Department of Correction, Arkansas Code § 12-27-101, and its powers, authorities, duties, and functions are transferred by a type 1 transfer to the Department of Corrections.

(c) The Department of Community Correction, Arkansas Code § 12-27-125, and its powers, authorities, duties, and functions are transferred by a type 1 transfer to the Department of Corrections.

(d) The Criminal Detention Facilities Review Coordinator, Arkansas Code § 12-26-103, and the powers, authorities, duties, and functions are transferred by a type 2 transfer to the Department of Corrections.

(e) The Post Prison Transfer Board, Arkansas Code § 16-93-201, and its powers, authorities, duties, and functions are transferred by a type 1 transfer to the Department of Corrections.

(f) The Board of Correction and Community Punishment, Arkansas Code § 12-27-104, and its powers, authorities, duties, and functions are transferred by a type 1 transfer to the Department of Corrections.

SECTION 8. (a) There is created a Department of Education. The executive head of the department shall be the Secretary of the Department of Education. The secretary shall be appointed by the Governor and shall serve at the pleasure of the Governor.

(b) The Department of Education, Arkansas Code § 25-6-102, and powers, authorities, duties, and functions are transferred by a type 2 transfer to the Department of Education created by this act.

(c) The State Board of Education, Arkansas Code § 6-11-101, and its powers, authorities, duties, and functions are transferred by a type 1 transfer to the Department of Education.

(d) The Advisory Council for Education of Children with Disabilities, Arkansas Code § 6-41-211, and its powers, authorities, duties, and functions are transferred by a type 1 transfer to the Department of Education.

(e) The Advisory Council for Education of Gifted and Talented, Arkansas Code § 6-42-104, and its powers, authorities, duties, and functions are transferred by a type 1 transfer to the Department of Education.

(f) The Arkansas School for the Blind, Arkansas Code § 6-43-201, and its powers, authorities, duties, and functions are transferred by a type 2 transfer to the Department of Education.

(g) The Arkansas School for the Deaf, Arkansas Code § 6-43-301, and its powers, authorities, duties, and functions are transferred by a type 2 transfer to the Department of Education.

(h) The Board of Trustees for the Arkansas School for the Blind and the Arkansas School for the Deaf, Arkansas Code § 6-43-101, and its powers, authorities, duties, and functions are transferred by a type 1 transfer to the Department of Education.

(i) The Arkansas School for Mathematics and Sciences, Arkansas Code § 6-42-201, and its powers, authorities, duties, and functions are transferred by a type 2 transfer to the Department of Education.

(j) The Board of Trustees for the Arkansas School for Mathematics and Science, Arkansas Code § 6-42-202, and its powers, authorities, duties, and functions are transferred by a type 1 transfer to the Department of Education.

(k) The Division of Child Care and Early Childhood Education, Arkansas Code § 20-78-205, and its powers, authorities, duties and functions are transferred by a type 2 transfer to the Department of Education.

(l) The Department of Higher Education, Arkansas Code § 25-7-101, and its powers, authorities, duties, and functions are transferred by a type 1 transfer to the Department of Education. Any reference to the "Department of Higher Education" shall be deemed to refer to the Department of Education.

(m) The Arkansas Higher Education Coordinating Board, Arkansas Code § 6-53-203, and its powers, authorities, duties, and functions are transferred by a type 1 transfer to the Department of Education.

(n) The Arkansas Student Loan Authority, Arkansas Code § 6-81-102, and its powers, authorities, duties, and functions are transferred by a type 1

transfer to the Department of Education.

(o) The State Board of Workforce Education and Career Opportunities, Arkansas Code § 25-30-101, and its powers, authorities, duties, and functions are transferred by a type 1 transfer to the Department of Education.

(p) Except for the Arkansas Rehabilitation Services transferred in section 13 of this act, the Office of Workforce Training and Adult Education transferred in section 13 of this act, the State Department of Workforce Education, Arkansas Code § 25-30-106, and its powers, authorities, duties, and functions are transferred by a type 2 transfer to the Department of Education.

(q) Each of the following: Arkansas Valley Technical Institute, Cotton Boll Technical Institute, Crowley's Ridge Technical Institute, Foothills Technical Institute, Forest Echoes Technical Institute, Great Rivers Technical Institute, Northwest Technical Institute, and Quapaw Technical Institute, and their powers, authorities, duties, and functions are transferred by a type 2 transfer to the Department of Education.

(r) The local Board of Directors of Arkansas Valley Technical Institute, Cotton Boll Technical Institute, Crowley's Ridge Technical Institute, Foothills Technical Institute, Forest Echoes Technical Institute, Great Rivers Technical Institute, Northwest Technical Institute, and Quapaw Technical Institute, Arkansas Code § 6-51-904, and their powers, authorities, duties, and functions are transferred by a type 1 transfer to the Department of Education.

(s) The Arkansas Educational Television Commission, Arkansas Code § 6-3-101, and its powers, authorities, duties, and functions are transferred by a type 1 transfer to the Department of Education.

SECTION 9. (a) There is created a Department of Finance and Administration. The executive head of the department shall be the Secretary of the Department of Finance and Administration. The secretary shall be appointed by the Governor and shall serve at the pleasure of the Governor.

(b) The Department of Finance and Administration, Arkansas Code § 25-8-101, and its powers, authorities, duties, and functions are transferred by a type 2 transfer to the Department of Finance and Administration created by this act. Any reference to the Department of Finance and Administration shall be deemed to refer to the Department of Finance and Administration created by this act.

(c) The Tax Division of the Arkansas Public Service Commission, Arkansas Code § 26-24-101(1)(A), and its powers, authorities, duties, and functions are transferred by a type 2 transfer to the Department of Finance and Administration.

(d) The powers, authorities, duties, and functions of the State Insurance Department with respect to the Insurance Premium Tax levied by Arkansas Code §§ 26-57-603, 26-57-604, and 26-57-605 and the Legal Insurance Premium Tax levied by Arkansas Code § 23-91-226 are transferred by a type 2 transfer to the Department of Finance and Administration.

(e) The Assessment Coordination Department, Arkansas Code § 25-28-101, and its powers, authorities, duties, and functions are transferred by a type 2 transfer to the Department of Finance and Administration.

(f) The Arkansas State Building Services, Arkansas Code § 22-2-104, and its powers, authorities, duties, and functions are transferred by a type 2 transfer to the Department of Finance and Administration. Any reference to

the “Arkansas State Building Services” shall be deemed to refer to the Department of Finance and Administration.

(g) The State Building Services Council, Arkansas Code § 22-2-106, and its powers, authorities, duties, and functions are transferred by a type 1 transfer to the Department of Finance and Administration.

(h) The Executive Chief Information Officer, Arkansas Code § 25-33-103, and the powers, authorities, duties, and functions are transferred by a type 2 transfer to the Department of Finance and Administration.

(i) The CIO Council, Arkansas Code § 25-33-105, and its powers, authorities, duties, and functions are transferred by a type 1 transfer to the Department of Finance and Administration.

(j) The Department of Information Systems, Arkansas Code § 25-4-104, and its powers, authorities, duties, and functions are transferred by a type 2 transfer to the Department of Finance and Administration.

(k) The Arkansas Racing Commission, Arkansas Code § 23-110-101, and its powers, authorities, duties, and functions are transferred by a type 1 transfer to the Department of Finance and Administration.

(l) The Federal Surplus Property Program, Arkansas Code § 19-11-601, and its powers, authorities, duties and functions are transferred by a type 2 transfer to the Department of Finance and Administration.

SECTION 10. (a) There is created a Department of Health and Human Services. The executive head of the department shall be the Secretary of the Department of Health and Human Services. The secretary shall be appointed by the Governor and shall serve at the pleasure of the Governor.

(b) Except for the Division of Engineering, the On-Site Sewage Disposal Program, the Marine Sanitation Program, and the Protective Health Codes Program transferred in section 14 of this act, the Department of Health, Arkansas Code § 25-9-101, and its powers, authorities, duties, and functions, are transferred by a type 2 transfer to the Department of Health and Human Services. Any reference to the “Department of Health” shall be deemed to refer to the Department of Health and Human Services.

(c) The State Board of Health, Arkansas Code § 20-7-102, and its powers, authorities, duties, and functions are transferred by a type 1 transfer to the Department of Health and Human Services.

(d) The Arkansas Minority Health Commission, Arkansas Code § 20-2-102, and its powers, authorities, duties, and functions are transferred by a type 1 transfer to the Department of Health and Human Services.

(e) Except for the Division of Services for the Blind transferred in section 13 of this act, the Department of Human Services, Arkansas Code § 25-10-101, and its powers, authorities, duties, and functions are transferred by a type 2 transfer to the Department of Health and Human Services. Any reference to the “Department of Human Services” shall be deemed to refer to the Department of Health and Human Services.

(f) The State Department for Social Security Administration Disability Determination, Arkansas Code § 20-76-301, and its powers, authorities, duties, and functions are transferred by a type 2 transfer to the Department of Health and Human Services.

(g) The Department of Veterans’ Affairs, Arkansas Code § 20-81-102, and its powers, authorities, duties, and functions are transferred by a type 1 transfer to the Department of Health and Human Services.

(h) The Arkansas Veterans’ Commission, Arkansas Code § 20-81-104, and

its powers, authorities, duties, and functions are transferred by a type 1 transfer to the Department of Health and Human Services.

(i) The Arkansas Veterans' Child Welfare Service Office, Arkansas Code § 20-81-101, and its powers, authorities, duties, and functions are transferred by a type 1 transfer to the Department of Health and Human Services.

(j) The Disabled Veterans' Service Office, Act 376 of 1951, and its powers, authorities, duties, and functions are transferred by a type 1 transfer to the Department of Health and Human Services.

(k) The Board of Developmental Disabilities Services, Arkansas Code § 25-10-104, and its powers, authorities, duties, and functions are transferred by a type 1 transfer to the Department of Health and Human Services.

(l) The Child Welfare Agency Review Board, Arkansas Code § 9-28-403, and its powers, authorities, duties, and functions are transferred by a type 1 transfer to the Department of Health and Human Services.

(m) The Department of Human Services State Institutional System Board, Arkansas Code § 25-10-402, and its powers, authorities, duties, and functions are transferred by a type 1 transfer to the Department of Health and Human Services.

SECTION 11. (a) There is created a Department of Homeland Security. The executive head of the department shall be the Secretary of the Department of Homeland Security. The secretary shall be appointed by the Governor and shall serve at the pleasure of the Governor.

(b) The Arkansas Drug Director of the Office of the Governor, Arkansas Code § 20-64-1001, and powers, authorities, duties, and functions are transferred by a type 2 transfer to the Department of Homeland Security.

(c) The Arkansas Tobacco Control Board, Arkansas Code § 26-57-255, and its powers, authorities, duties, and functions are transferred by a type 1 transfer to the Department of Homeland Security.

(d) The Alcoholic Beverage Control Enforcement Division, Arkansas Code § 3-2-203, and its powers, authorities, duties, and functions are transferred by a type 2 transfer to the Department of Homeland Security.

(e) The Department of Arkansas State Police, Arkansas Code § 12-8-101, and its powers, authorities, duties, and functions are transferred by a type 2 transfer to the Department of Homeland Security.

(f) The Arkansas State Police Commission, Arkansas Code § 12-8-102, and its powers, authorities, duties, and functions are transferred by a type 1 transfer to the Department of Homeland Security.

(g) The Arkansas Crime Information Center, Arkansas Code § 12-12-201, and its powers, authorities, duties, and functions are transferred by a type 2 transfer to the Department of Homeland Security.

(h) The Supervisory Board of the Arkansas Crime Information Center Advisory Board, Arkansas Code § 12-12-202, and its powers, authorities, duties, and functions are transferred by a type 1 transfer to the Department of Homeland Security.

(i) The State Crime Laboratory, Arkansas Code § 12-12-301, and its powers, authorities, duties, and functions are transferred by a type 2 transfer to the Department of Homeland Security.

(j) The Crime Laboratory Board, Arkansas Code § 12-12-302, and its powers, authorities, duties, and functions are transferred by a type 1 transfer to the Department of Homeland Security.

(k) The Arkansas Commission on Law Enforcement Standards and Training, Arkansas Code § 12-9-103, and its powers, authorities, duties, and functions are transferred by a type 2 transfer to the Department of Homeland Security.

(l) The Arkansas Department of Emergency Management, Arkansas Code § 12-75-109, and its powers, authorities, duties, and functions are transferred by a type 2 transfer to the Department of Homeland Security.

(m) The State Military Department, Act 45 of 1981, §§ 1-4 and Arkansas Code § 12-60-101, is transferred to the Department of Homeland Security for administrative purposes. However, the Adjutant General of the State and the Arkansas National Guard shall continue to report directly to the Governor.

(n) The Victim of Crime Justice Assistance Grants Division, the Law Enforcement Block Grants Division, the Violent Offender Incarceration Grants Division, and the Drug Law Enforcement Grants Division of the Department of Finance and Administration, and the powers, authorities, duties, and functions of each are transferred by a type 2 transfer to the Department of Homeland Security.

SECTION 12. (a) There is created a Department of the Interior. The executive head of the department shall be the Secretary of the Department of the Interior. The secretary shall be appointed by the Governor and shall serve at the pleasure of the Governor.

(b) The Department of Parks and Tourism, Arkansas Code § 25-13-101, and its powers, authorities, duties, and functions are transferred by a type 2 transfer to the Department of the Interior. Any reference to the "Department of Parks and Tourism" shall be deemed to refer to the Department of the Interior.

(c) The Department of Arkansas Heritage, Arkansas Code § 25-3-102, and its powers, authorities, duties, and functions are transferred by a type 2 transfer to the Department of the Interior.

(d) The State Parks, Recreation, and Travel Commission, Arkansas Code § 15-11-201, and its powers, authorities, duties, and functions are transferred by a type 1 transfer to the Department of the Interior.

(e) The Plantation Agriculture Museum Advisory Commission created by House Resolution 1003 of 1987 and its powers, authorities, duties, and functions are transferred by a type 2 transfer to the Department of the Interior.

(f) The Prairie Grove Battlefield Commission, Arkansas Code § 13-7-401, and its powers, authorities, duties, and functions are transferred by a type 2 transfer to the Department of the Interior.

(g) The Arkansas Post Museum Advisory Committee, Arkansas Code § 13-5-603, and its powers, authorities, duties, and functions are transferred by a type 2 transfer to the Department of the Interior.

(h) The Arkansas Museum of Natural Resources Advisory Committee, Arkansas Code § 13-5-404, and its powers, authorities, duties, and functions are transferred by a type 2 transfer to the Department of the Interior.

(i) The Historic Arkansas Museum Commission, Arkansas Code § 13-7-302, and its powers, authorities, duties, and functions are transferred by a type 2 transfer to the Department of the Interior.

(j) The Delta Cultural Center Policy Advisory Board, Arkansas Code § 13-5-704, and its powers, authorities, duties, and functions are transferred by a type 2 transfer to the Department of the Interior.

(k) The Arkansas Natural Heritage Commission, Arkansas Code § 15-20-

304, and its powers, authorities, duties, and functions are transferred by a type 1 transfer to the Department of the Interior.

(l) The Mosaic Templars of America Center for African-American Culture and Business Enterprise, Arkansas Code § 13-5-902, and its powers, authorities, duties, and functions are transferred by a type 2 transfer to the Department of the Interior.

(m) The Old State House Commission, Arkansas Code § 13-7-205, and its powers, authorities, duties, and functions are transferred by a type 2 transfer to the Department of the Interior.

(n) The Mississippi River Parkway Commission, Arkansas Code § 27-69-201, and its powers, authorities, duties, and functions are transferred by a type 1 transfer to the Department of the Interior.

(o) The Arkansas Entertainers Hall of Fame Board, Arkansas Code § 13-9-101, and its powers, authorities, duties, and functions are transferred by a type 2 transfer to the Department of the Interior.

(p) The Arkansas History Commission, Arkansas Code § 13-3-101, and its powers, authorities, duties, and functions are transferred by a type 1 transfer to the Department of the Interior.

(q) The Arkansas Black History Advisory Commission, Arkansas Code § 13-3-201, and its powers, authorities, duties, and functions are transferred by a type 2 transfer to the Department of the Interior.

(r) The Arkansas State Library, Arkansas Code § 13-2-203, and its powers, authorities, duties, and functions are transferred by a type 2 transfer to the Department of the Interior.

(s) The State Library Board, Arkansas Code § 13-2-205, and its powers, authorities, duties, and functions are transferred by a type 1 transfer to the Department of the Interior.

(t) The State Historic Preservation Officer, Arkansas Code § 13-7-107, and its powers, authorities, duties, and functions are transferred by a type 1 transfer to the Department of the Interior.

(u) The State Review Committee for Historic Preservation, Arkansas Code § 13-7-108, and its powers, authorities, duties, and functions are transferred by a type 2 transfer to the Department of the Interior.

(v) The Main Street Arkansas Advisory Board, Arkansas Code § 15-12-103, and its powers, authorities, duties, and functions are transferred by a type 2 transfer to the Department of the Interior.

(w) The Advisory Council of the Office of Arkansas State Arts and Humanities, Arkansas Code § 13-8-101, and its powers, authorities, duties, and functions are transferred by a type 2 transfer to the Department of the Interior.

(x) The Keep Arkansas Beautiful Commission, Arkansas Code § 15-11-601, and its powers, authorities, duties, and functions are transferred by a type 2 transfer to the Department of the Interior.

(y) The Natural and Cultural Resources Council, Arkansas Code § 15-12-101, and its powers, authorities, duties, and functions are transferred by a type 1 transfer to the Department of the Interior.

(z) The Martin Luther King, Jr. Commission, Arkansas Code § 25-24-101, and its powers, authorities, duties, and functions are transferred by a type 1 transfer to the Department of the Interior.

(aa) The Arkansas Museum Review Panel, Arkansas Code § 13-5-207, and its powers, authorities, duties, and functions are transferred by a type 3 transfer to the Department of the Interior.

(bb) The Arkansas Scenic Resources Preservation Coordinating Committee, Arkansas Code § 15-20-707, and its powers, authorities, duties, and functions are transferred by a type 3 transfer to the Department of the Interior.

(cc) The Arkansas Natural and Cultural Heritage Advisory Committee, Arkansas Code § 25-3-104, and its powers, authorities, duties, and functions are transferred by a type 3 transfer to the Department of the Interior.

SECTION 13. (a) There is created a Department of Labor, Employment, and Workforce. The executive head of the department shall be the Secretary of the Department of Labor, Employment, and Workforce. The secretary shall be appointed by the Governor and shall serve at the pleasure of the Governor.

(b) The Arkansas Workforce Investment Board, Arkansas Code § 15-4-2204, and its powers, authorities, duties, and functions are transferred by a type 1 transfer to the Department of Labor, Employment and Workforce.

(c) The Arkansas Workforce Investment Board Executive Committee, Arkansas Code § 15-4-2205, and its powers, authorities, duties, and functions are transferred by a type 2 transfer to the Department of Labor, Employment and Workforce.

(d) The Arkansas Employment Security Department, Arkansas Code § 11-10-301, and its powers, authorities, duties, and functions are transferred by a type 2 transfer to the Department of Labor, Employment, and Workforce.

(e) The Board of Review, Arkansas Code § 11-10-523, and its powers, authorities, duties, and functions are transferred by a type 1 transfer to the Department of Labor, Employment, and Workforce.

(f) The State Employment Security Advisory Council, Arkansas Code § 11-10-305, and its powers, authorities, duties, and functions are transferred by a type 1 transfer to the Department of Labor, Employment, and Workforce.

(g) The Arkansas Transitional Employment Board, Arkansas Code § 20-76-105, and its powers, authorities, duties, and functions are transferred by a type 2 transfer to the Department of Labor, Employment, and Workforce.

(h) The Arkansas Transitional Employment Board Agency Advisory Council, Arkansas Code § 20-76-105(g), and its powers, authorities, duties, and functions are transferred by a type 3 transfer to the Department of Labor, Employment, and Workforce.

(i) The Department of Labor, Arkansas Code § 11-2-106, and its powers, authorities, duties, and functions are transferred by a type 2 transfer to the Department of Labor, Employment, and Workforce. Any reference to the "Department of Labor" shall be deemed to refer to the Department of Labor, Employment, and Workforce.

(j) The Boiler Advisory Board, Arkansas Code § 20-23-201, and its powers, authorities, duties, and functions are transferred by a type 1 transfer to the Department of Labor, Employment, and Workforce.

(k) The Board of Electrical Examiners, Arkansas Code § 17-28-201, and its powers, authorities, duties, and functions are transferred by a type 1 transfer to the Department of Labor, Employment, and Workforce.

(l) The Elevator Safety Board, Arkansas Code § 20-24-105, and its powers, authorities, duties, and functions are transferred by a type 1 transfer to the Department of Labor, Employment, and Workforce.

(m) The Arkansas Employment Agency Advisory Council, Arkansas Code § 11-11-205, and its powers, authorities, duties, and functions are transferred by a type 1 transfer to the Department of Labor, Employment, and Workforce.

(n) The Workers' Compensation Commission, Arkansas Code § 11-9-201, and its powers, authorities, duties, and functions are transferred by a type 1 transfer to the Department of Labor, Employment, and Workforce.

(o) The Arkansas Rehabilitation Services of the Department of Workforce Education, Arkansas Code § 6-52-101, and its powers, authorities, duties, and functions are transferred by a type 2 transfer to the Department of Labor, Employment, and Workforce.

(p) The Office of Workforce Training of the Department of Workforce Education, and its powers, authorities, duties, and functions are transferred by a type 2 transfer to the Department of Labor, Employment, and Workforce.

(q) The State Rehabilitation Council, and its powers, authorities, duties, and functions are transferred by a type 2 transfer to the Department of Labor, Employment, and Workforce.

(r) The State Independent Living Council, and its powers, authorities, duties, and functions are transferred by a type 2 transfer to the Department of Labor, Employment, and Workforce.

(s) The Governor's Commission on People with Disabilities, Arkansas Code § 20-14-202, and its powers, authorities, duties, and functions are transferred by a type 2 transfer to the Department of Labor, Employment, and Workforce.

(t) The Arkansas Spinal Cord Commission, Arkansas Code § 20-8-202, and its powers, authorities, duties, and functions are transferred by a type 2 transfer to the Department of Labor, Employment, and Workforce.

(u) The Division of Services for the Blind of the Department of Human Services, Arkansas Code § 25-10-102, and its powers, authorities, duties, and functions are transferred by a type 2 transfer to the Department of Labor, Employment, and Workforce.

(v) The Board of the Division of State Services for the Blind, Arkansas Code § 25-10-205, and its powers, authorities, duties, and functions are transferred by a type 1 transfer to the Department of Labor, Employment, and Workforce.

SECTION 14. (a) There is created a Department of Natural Resources. The executive head of the department shall be the Secretary of the Department of Natural Resources. The secretary shall be appointed by the Governor and shall serve at the pleasure of the Governor.

(b) The Arkansas Department of Environmental Quality, Arkansas Code § 25-14-101, and its powers, authorities, duties, and functions are transferred by a type 2 transfer to the Department of Natural Resources.

(c) The Arkansas Pollution Control and Ecology Commission, Arkansas Code § 8-4-104, and its powers, authorities, duties, and functions are transferred by a type 1 transfer to the Department of Natural Resources.

(d) The Oil and Gas Commission, Arkansas Code § 15-71-101, and its powers, authorities, duties, and functions are transferred by a type 1 transfer to the Department of Natural Resources.

(e) The Director of Production and Conservation and the staff of the Oil and Gas Commission, Arkansas Code § 15-71-105, and their powers, authorities, duties and functions are transferred by a type 2 transfer to the Department of Natural Resources.

(f) The Arkansas Soil and Water Conservation Commission, Arkansas Code § 15-20-201, and its powers, authorities, duties, and functions are transferred by a type 1 transfer to the Department of Natural Resources.

(g) The Water Well Construction Commission, Arkansas Code § 17-50-101, and its powers, authorities, duties, and functions are transferred by a type 2 transfer to the Department of Natural Resources.

(h) The Arkansas Forestry Commission, Arkansas Code § 15-31-101, and its powers, authorities, duties, and functions are transferred by a type 2 transfer to the Department of Natural Resources.

(i) The Arkansas Geological Commission, Arkansas Code § 15-55-201, and its powers, authorities, duties, and functions are transferred by a type 2 transfer to the Department of Natural Resources.

(j) The Division of Engineering, the HVACR Program of the Department of Health, the On-Site Sewage Disposal Program, the Marine Sanitation Program, and the Protective Health Codes Program of the Department of Health, Arkansas Code § 25-9-101, and their powers, authorities, duties, and functions are transferred by a type 2 transfer to the Department of Natural Resources.

(k) The Federal Housing and Urban Development Community Block Grant program of the Arkansas Department of Economic Development, Arkansas Code §§ 15-4-205 through 15-4-209, and its powers, authorities, duties, and functions are transferred by a type 2 transfer to the Department of Natural Resources.

SECTION 15. EMERGENCY CLAUSE. It is found and determined by the General Assembly that there is an urgent need for additional funding for public education, prisons, health care, and other essential government services; that every effort must be made to use current resources as efficiently and effectively as possible to provide the maximum possible funding for these essential government services; that there are significant opportunities for savings in the cost of operating state government by combining offices and eliminating duplicate functions; that this act is designed to reorganize the executive branch of Arkansas state government and merge governmental operations into ten (10) principal departments responsible for providing services to the citizens of this state; that the restructuring will result in more efficient use of current state resources through the elimination of duplicate administrative functions; that the consolidation will reduce the administrative costs of operating state government and allow additional current resources to be used to fund public education, prisons, health care, and other essential government services. Therefore, an emergency is declared to exist and this act being necessary for the preservation of the public peace, health and safety shall become effective on:

- (1) The date of its approval by the Governor;
- (2) If the bill is neither approved nor vetoed by the Governor, the expiration of the period of time during which the Governor may veto the bill;
- or
- (3) If the bill is vetoed by the Governor and the veto is overridden."

The Amendment was read the first time, rules suspended and read the second time and _____
By: Senator B. Johnson
KLT/JMB - 013020030906
JMB090 _____ Secretary