

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
2 84th General Assembly
3 Regular Session, 2003
4

As Engrossed: S2/3/03
A Bill

SENATE BILL 45

5 By: Senator B. Johnson
6 By: Representative Childers
7

8
9 **For An Act To Be Entitled**

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

12
13 **Subtitle**

14 *TO RESTRUCTURE VARIOUS STATE AGENCIES*
15 *INTO TEN (10) DEPARTMENTS.*
16

17
18 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
19

20 *SECTION 1. Legislative purpose.*

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

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

33 *(c) For the purposes of this act, each Authority, Board, Center,*
34 *Committee, Commission, Coordinator, Council, Department, Division, Institute,*
35 *Laboratory, Library, Office, Officer, Panel, School, Section, or other agency*
36 *or entity, or any part thereof, as more particularly identified in sections 5*



1 through 14 of this act, which is being transferred pursuant to the terms and
2 provisions of this act, shall hereinafter be referred to as a "transferred
3 entity."

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

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

11
12 SECTION 2. (a)(1) For the purposes of this act, when any "transferred
13 entity" is transferred to a "principal department" established under sections
14 5 through 14 of this act by a type 1 transfer, the "transferred entity" shall
15 be administered under the direction and supervision of the secretary of the
16 "principal department", but shall retain exactly the same powers,
17 authorities, duties, and functions prescribed by law as it had prior to the
18 transfer, including but not limited to:

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

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

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

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

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

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

1 maintenance, program support, administrative support, and related
2 administrative functions.

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

9 (2) Notwithstanding subsections (a) and (b) of this section,
10 following a type 1 transfer, all other personnel, positions, titles,
11 appropriations, funds, assets, materials, data, and information of the
12 "transferred entity" shall be transferred to the "principal department" to be
13 used as directed by the secretary for the effective operations of the
14 "principal department". Notwithstanding, following a type 1 transfer, any
15 disbursement of funds authorized by an appropriation act shall be limited to
16 the appropriation for each "transferred entity" and funds made available by
17 law for the support of such appropriations; and the restrictions of the State
18 Purchasing Law, the General Accounting and Budgetary Procedures Law, the
19 Revenue Stabilization Law, the Salary Procedures and Restrictions Act, or
20 their successors, and other fiscal control laws of this state, where
21 applicable, and regulations promulgated by the Department of Finance and
22 Administration, as authorized by law, shall be strictly complied with in the
23 disbursement of said funds.

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

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

35 (e) In the event any board or commission is charged with the
36 management or control of a charitable, penal, or correctional institution, or

1 an institution of higher learning, as provided in Amendment 33 of the
2 Arkansas Constitution, nothing in this act shall be deemed to transfer the
3 powers vested in the board or commission if the transfer would violate the
4 provisions of Amendment 33.

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

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

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

21
22 SECTION 3. (a) For the purposes of this act, when any "transferred
23 entity" is transferred to "principal department" established under sections 5
24 through 14 of this act by a type 2 transfer, the "transferred entity" shall
25 be administered under the direction and supervision of the secretary of the
26 "principal department". Additionally, the "transferred entity's" powers,
27 authorities, duties and functions as prescribed by law, including but not
28 limited to all rule making, regulation and licensing; the promulgation of
29 rules, rates, regulations and standards; and, the rendering of findings,
30 orders and adjudications shall be transferred to the secretary of the
31 "principal department" in which it is transferred.

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

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

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

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

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

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

1 effective operations of the "principal department".

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

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

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

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

24
25 SECTION 4. For the purposes of this act, when any "transferred entity"
26 is transferred to a "principal department" established under sections 5
27 through 14 of this act by a type 3 transfer, the "transferred entity's"
28 powers, authorities, duties and functions as prescribed by law, shall be
29 transferred to the secretary of the "principal department and the
30 "transferred entity" shall thereafter be abolished.

31
32 SECTION 5. (a) There is created a Department of Agriculture. The
33 executive head of the department shall be the Secretary of the Department of
34 Agriculture. The secretary shall be appointed by the Governor and shall
35 serve at the pleasure of the Governor.

36 (b) The Arkansas Livestock and Poultry Commission, Arkansas Code § 2-

1 33-101, and its powers, authorities, duties, and functions are transferred by
2 a type 1 transfer to the Department of Agriculture.

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

6 (d) The Arkansas Rural Development Commission, Arkansas Code § 15-6-
7 104, and powers, authorities, duties, and functions are transferred by a type
8 1 transfer to the Department of Agriculture.

9 (e) The Arkansas Delta Development Commission, Arkansas Code § 15-4-
10 2602, and its powers, authorities, duties, and functions are transferred by a
11 type 1 transfer to the Department of Agriculture.

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

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

19
20 SECTION 6. (a) There is created a Department of Commerce. The
21 executive head of the department shall be the Secretary of the Department of
22 Commerce. The secretary shall be appointed by the Governor and shall serve
23 at the pleasure of the Governor. Any reference to the Director of the
24 Department of Finance and Administration in current law shall be deemed to
25 refer to the Secretary of the Department of Finance and Administration
26 created by this act.

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

33 (c) The Arkansas Economic Development Commission, Arkansas Code § 15-
34 4-201, and its powers, authorities, duties, and functions are transferred by
35 a type 1 transfer to the Department of Commerce.

36 (d) The Arkansas Waterways Commission, Arkansas Code § 15-23-201, and

1 its powers, authorities, duties, and functions are transferred by a type 2
2 transfer to the Department of Commerce.

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

8 (f) The Arkansas Science and Technology Authority, Arkansas Code § 15-
9 3-103, and its powers, authorities, duties, and functions are transferred by
10 a type 2 transfer to the Department of Commerce.

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

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

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

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

24 (k) Except for the Tax Division, which is transferred in section 9 of
25 this act, the Arkansas Public Service Commission, Arkansas Code § 23-2-101,
26 and its powers, authorities, duties, and functions are transferred by a type
27 1 transfer to the Department of Commerce.

28 (l) The Arkansas Department of Aeronautics, Arkansas Code § 27-115-
29 101, and its powers, authorities, duties, and functions are transferred by a
30 type 1 transfer to the Department of Commerce.

31 (m) The Arkansas Aeronautics Commission, Arkansas Code § 27-115-101,
32 and its powers, authorities, duties, and functions are transferred by a type
33 1 transfer to the Department of Commerce.

34
35 SECTION 7. (a) There is created a Department of Corrections. The
36 executive head of the department shall be the Secretary of the Department of

1 Corrections. The secretary shall be appointed by the Governor and shall
2 serve at the pleasure of the Governor.

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

6 (c) The Department of Community Correction, Arkansas Code § 12-27-125,
7 and its powers, authorities, duties, and functions are transferred by a type
8 1 transfer to the Department of Corrections.

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

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

15 (f) The Board of Correction and Community Punishment, Arkansas Code §
16 12-27-104, and its powers, authorities, duties, and functions are transferred
17 by a type 1 transfer to the Department of Corrections.

18
19 SECTION 8. (a) There is created a Department of Education. The
20 executive head of the department shall be the Secretary of the Department of
21 Education. The secretary shall be appointed by the Governor and shall serve
22 at the pleasure of the Governor.

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

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

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

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

35 (f) The Arkansas School for the Blind, Arkansas Code § 6-43-201, and
36 its powers, authorities, duties, and functions are transferred by a type 2

1 transfer to the Department of Education.

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

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

9 (i) The Arkansas School for Mathematics and Sciences, Arkansas Code §
10 6-42-201, and its powers, authorities, duties, and functions are transferred
11 by a type 2 transfer to the Department of Education.

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

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

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

23 (m) The Arkansas Higher Education Coordinating Board, Arkansas Code §
24 6-53-203, and its powers, authorities, duties, and functions are transferred
25 by a type 1 transfer to the Department of Education.

26 (n) The Arkansas Student Loan Authority, Arkansas Code § 6-81-102, and
27 its powers, authorities, duties, and functions are transferred by a type 1
28 transfer to the Department of Education.

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

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

1 Education.

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

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

15 (s) The Arkansas Educational Television Commission, Arkansas Code § 6-
16 3-101, and its powers, authorities, duties, and functions are transferred by
17 a type 1 transfer to the Department of Education.

18
19 SECTION 9. (a) There is created a Department of Finance and
20 Administration. The executive head of the department shall be the Secretary
21 of the Department of Finance and Administration. The secretary shall be
22 appointed by the Governor and shall serve at the pleasure of the Governor.

23 (b) The Department of Finance and Administration, Arkansas Code § 25-
24 8-101, and its powers, authorities, duties, and functions are transferred by
25 a type 2 transfer to the Department of Finance and Administration created by
26 this act. Any reference to the Department of Finance and Administration
27 shall be deemed to refer to the Department of Finance and Administration
28 created by this act.

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

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

1 transfer to the Department of Finance and Administration.

2 (e) The Assessment Coordination Department, Arkansas Code § 25-28-101,
3 and its powers, authorities, duties, and functions are transferred by a type
4 2 transfer to the Department of Finance and Administration.

5 (f) The Arkansas State Building Services, Arkansas Code § 22-2-104,
6 and its powers, authorities, duties, and functions are transferred by a type
7 2 transfer to the Department of Finance and Administration. Any reference to
8 the "Arkansas State Building Services" shall be deemed to refer to the
9 Department of Finance and Administration.

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

13 (h) The Executive Chief Information Officer, Arkansas Code § 25-33-
14 103, and the powers, authorities, duties, and functions are transferred by a
15 type 2 transfer to the Department of Finance and Administration.

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

19 (j) The Department of Information Systems, Arkansas Code § 25-4-104,
20 and its powers, authorities, duties, and functions are transferred by a type
21 2 transfer to the Department of Finance and Administration.

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

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

28
29 SECTION 10. (a) There is created a Department of Health and Human
30 Services. The executive head of the department shall be the Secretary of the
31 Department of Health and Human Services. The secretary shall be appointed by
32 the Governor and shall serve at the pleasure of the Governor.

33 (b) Except for the Division of Engineering, the On-Site Sewage
34 Disposal Program, the Marine Sanitation Program, and the Protective Health
35 Codes Program transferred in section 14 of this act, the Department of
36 Health, Arkansas Code § 25-9-101, and its powers, authorities, duties, and

1 functions, are transferred by a type 2 transfer to the Department of Health
2 and Human Services. Any reference to the "Department of Health" shall be
3 deemed to refer to the Department of Health and Human Services.

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

7 (d) The Arkansas Minority Health Commission, Arkansas Code § 20-2-102,
8 and its powers, authorities, duties, and functions are transferred by a type
9 1 transfer to the Department of Health and Human Services.

10 (e) Except for the Division of Services for the Blind transferred in
11 section 13 of this act, the Department of Human Services, Arkansas Code § 25-
12 10-101, and its powers, authorities, duties, and functions are transferred by
13 a type 2 transfer to the Department of Health and Human Services. Any
14 reference to the "Department of Human Services" shall be deemed to refer to
15 the Department of Health and Human Services.

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

20 (g) The Department of Veterans' Affairs, Arkansas Code § 20-81-102,
21 and its powers, authorities, duties, and functions are transferred by a type
22 1 transfer to the Department of Health and Human Services.

23 (h) The Arkansas Veterans' Commission, Arkansas Code § 20-81-104, and
24 its powers, authorities, duties, and functions are transferred by a type 1
25 transfer to the Department of Health and Human Services.

26 (i) The Arkansas Veterans' Child Welfare Service Office, Arkansas Code
27 § 20-81-101, and its powers, authorities, duties, and functions are
28 transferred by a type 1 transfer to the Department of Health and Human
29 Services.

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

33 (k) The Board of Developmental Disabilities Services, Arkansas Code §
34 25-10-104, and its powers, authorities, duties, and functions are transferred
35 by a type 1 transfer to the Department of Health and Human Services.

36 (l) The Child Welfare Agency Review Board, Arkansas Code § 9-28-403,

1 and its powers, authorities, duties, and functions are transferred by a type
2 1 transfer to the Department of Health and Human Services.

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

7
8 SECTION 11. (a) There is created a Department of Homeland Security.
9 The executive head of the department shall be the Secretary of the Department
10 of Homeland Security. The secretary shall be appointed by the Governor and
11 shall serve at the pleasure of the Governor.

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

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

18 (d) The Alcoholic Beverage Control Enforcement Division, Arkansas Code
19 § 3-2-203, and its powers, authorities, duties, and functions are transferred
20 by a type 2 transfer to the Department of Homeland Security.

21 (e) The Department of Arkansas State Police, Arkansas Code § 12-8-101,
22 and its powers, authorities, duties, and functions are transferred by a type
23 2 transfer to the Department of Homeland Security.

24 (f) The Arkansas State Police Commission, Arkansas Code § 12-8-102,
25 and its powers, authorities, duties, and functions are transferred by a type
26 1 transfer to the Department of Homeland Security.

27 (g) The Arkansas Crime Information Center, Arkansas Code § 12-12-201,
28 and its powers, authorities, duties, and functions are transferred by a type
29 2 transfer to the Department of Homeland Security.

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

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

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

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

7 (l) The Arkansas Department of Emergency Management, Arkansas Code §
8 12-75-109, and its powers, authorities, duties, and functions are transferred
9 by a type 2 transfer to the Department of Homeland Security.

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

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

20
21 SECTION 12. (a) There is created a Department of the Interior. The
22 executive head of the department shall be the Secretary of the Department of
23 the Interior. The secretary shall be appointed by the Governor and shall
24 serve at the pleasure of the Governor.

25 (b) The Department of Parks and Tourism, Arkansas Code § 25-13-101,
26 and its powers, authorities, duties, and functions are transferred by a type
27 2 transfer to the Department of the Interior. Any reference to the
28 “Department of Parks and Tourism” shall be deemed to refer to the Department
29 of the Interior.

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

33 (d) The State Parks, Recreation, and Travel Commission, Arkansas Code
34 § 15-11-201, and its powers, authorities, duties, and functions are
35 transferred by a type 1 transfer to the Department of the Interior.

36 (e) The Plantation Agriculture Museum Advisory Commission created by

1 House Resolution 1003 of 1987 and its powers, authorities, duties, and
2 functions are transferred by a type 2 transfer to the Department of the
3 Interior.

4 (f) The Prairie Grove Battlefield Commission, Arkansas Code § 13-7-
5 401, and its powers, authorities, duties, and functions are transferred by a
6 type 2 transfer to the Department of the Interior.

7 (g) The Arkansas Post Museum Advisory Committee, Arkansas Code § 13-5-
8 603, and its powers, authorities, duties, and functions are transferred by a
9 type 2 transfer to the Department of the Interior.

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

13 (i) The Historic Arkansas Museum Commission, Arkansas Code § 13-7-302,
14 and its powers, authorities, duties, and functions are transferred by a type
15 2 transfer to the Department of the Interior.

16 (j) The Delta Cultural Center Policy Advisory Board, Arkansas Code §
17 13-5-704, and its powers, authorities, duties, and functions are transferred
18 by a type 2 transfer to the Department of the Interior.

19 (k) The Arkansas Natural Heritage Commission, Arkansas Code § 15-20-
20 304, and its powers, authorities, duties, and functions are transferred by a
21 type 1 transfer to the Department of the Interior.

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

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

29 (n) The Mississippi River Parkway Commission, Arkansas Code § 27-69-
30 201, and its powers, authorities, duties, and functions are transferred by a
31 type 1 transfer to the Department of the Interior.

32 (o) The Arkansas Entertainers Hall of Fame Board, Arkansas Code § 13-
33 9-101, and its powers, authorities, duties, and functions are transferred by
34 a type 2 transfer to the Department of the Interior.

35 (p) The Arkansas History Commission, Arkansas Code § 13-3-101, and its
36 powers, authorities, duties, and functions are transferred by a type 1

1 transfer to the Department of the Interior.

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

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

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

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

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

17 (v) The Main Street Arkansas Advisory Board, Arkansas Code § 15-12-
18 103, and its powers, authorities, duties, and functions are transferred by a
19 type 2 transfer to the Department of the Interior.

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

24 (x) The Keep Arkansas Beautiful Commission, Arkansas Code § 15-11-601,
25 and its powers, authorities, duties, and functions are transferred by a type
26 2 transfer to the Department of the Interior.

27 (y) The Natural and Cultural Resources Council, Arkansas Code § 15-12-
28 101, and its powers, authorities, duties, and functions are transferred by a
29 type 1 transfer to the Department of the Interior.

30 (z) The Martin Luther King, Jr. Commission, Arkansas Code § 25-24-101,
31 and its powers, authorities, duties, and functions are transferred by a type
32 1 transfer to the Department of the Interior.

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

36 (bb) The Arkansas Scenic Resources Preservation Coordinating

1 Committee, Arkansas Code § 15-20-707, and its powers, authorities, duties,
2 and functions are transferred by a type 3 transfer to the Department of the
3 Interior.

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

7
8 SECTION 13. (a) There is created a Department of Labor, Employment,
9 and Workforce. The executive head of the department shall be the Secretary
10 of the Department of Labor, Employment, and Workforce. The secretary shall
11 be appointed by the Governor and shall serve at the pleasure of the Governor.

12 (b) The Arkansas Workforce Investment Board, Arkansas Code § 15-4-
13 2204, and its powers, authorities, duties, and functions are transferred by a
14 type 1 transfer to the Department of Labor, Employment and Workforce.

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

19 (d) The Arkansas Employment Security Department, Arkansas Code § 11-
20 10-301, and its powers, authorities, duties, and functions are transferred by
21 a type 2 transfer to the Department of Labor, Employment, and Workforce.

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

25 (f) The State Employment Security Advisory Council, Arkansas Code §
26 11-10-305, and its powers, authorities, duties, and functions are transferred
27 by a type 1 transfer to the Department of Labor, Employment, and Workforce.

28 (g) The Arkansas Transitional Employment Board, Arkansas Code § 20-76-
29 105, and its powers, authorities, duties, and functions are transferred by a
30 type 2 transfer to the Department of Labor, Employment, and Workforce.

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

35 (i) The Department of Labor, Arkansas Code § 11-2-106, and its powers,
36 authorities, duties, and functions are transferred by a type 2 transfer to

1 the Department of Labor, Employment, and Workforce. Any reference to the
2 “Department of Labor” shall be deemed to refer to the Department of Labor,
3 Employment, and Workforce.

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

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

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

13 (m) The Arkansas Employment Agency Advisory Council, Arkansas Code §
14 11-11-205, and its powers, authorities, duties, and functions are transferred
15 by a type 1 transfer to the Department of Labor, Employment, and Workforce.

16 (n) The Workers’ Compensation Commission, Arkansas Code § 11-9-201,
17 and its powers, authorities, duties, and functions are transferred by a type
18 1 transfer to the Department of Labor, Employment, and Workforce.

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

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

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

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

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

36 (t) The Arkansas Spinal Cord Commission, Arkansas Code § 20-8-202, and

1 its powers, authorities, duties, and functions are transferred by a type 2
2 transfer to the Department of Labor, Employment, and Workforce.

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

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

11
12 SECTION 14. (a) There is created a Department of Natural Resources.
13 The executive head of the department shall be the Secretary of the Department
14 of Natural Resources. The secretary shall be appointed by the Governor and
15 shall serve at the pleasure of the Governor.

16 (b) The Arkansas Department of Environmental Quality, Arkansas Code §
17 25-14-101, and its powers, authorities, duties, and functions are transferred
18 by a type 2 transfer to the Department of Natural Resources.

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

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

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

29 (f) The Arkansas Soil and Water Conservation Commission, Arkansas Code
30 § 15-20-201, and its powers, authorities, duties, and functions are
31 transferred by a type 1 transfer to the Department of Natural Resources.

32 (g) The Water Well Construction Commission, Arkansas Code § 17-50-101,
33 and its powers, authorities, duties, and functions are transferred by a type
34 2 transfer to the Department of Natural Resources.

35 (h) The Arkansas Forestry Commission, Arkansas Code § 15-31-101, and
36 its powers, authorities, duties, and functions are transferred by a type 2

1 transfer to the Department of Natural Resources.

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

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

11 (k) The Federal Housing and Urban Development Community Block Grant
12 program of the Arkansas Department of Economic Development, Arkansas Code §§
13 15-4-205 through 15-4-209, and its powers, authorities, duties, and functions
14 are transferred by a type 2 transfer to the Department of Natural Resources.

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

35 (1) The date of its approval by the Governor;

36 (2) If the bill is neither approved nor vetoed by the Governor, the

1 expiration of the period of time during which the Governor may veto the bill;

2 or

3 (3) If the bill is vetoed by the Governor and the veto is overridden.

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5 /s/ B. Johnson

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