

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 S2/5/03 H2/25/03

# A Bill

SENATE BILL 45

5 By: Senators B. Johnson, *Altes, Baker, Faris, Glover, Gullett, Holt, Horn, Trusty, Whitaker, Womack*  
6 By: Representatives Childers, *Agee, Anderson, Berry, Biggs, Bledsoe, Bolin, Borhauer, Bright, Clemons,*  
7 *Creekmore, Dees, Gipson, Green, Haak, Hardwick, Harris, Hutchinson, Jacobs, Kenney, Key, King,*  
8 *Lamoureux, Lewellen, Martin, Matayo, Mathis, Medley, Moore, Nichols, Pace, Parks, Penix, Petrus,*  
9 *Pritchard, Rosenbaum, Scroggin, C. Taylor, Thomas, Walters, Wood*

## For An Act To Be Entitled

10  
11  
12 AN ACT TO RESTRUCTURE VARIOUS STATE AGENCIES INTO  
13 TEN (10) DEPARTMENTS; AND FOR OTHER PURPOSES.  
14

### Subtitle

15  
16 TO RESTRUCTURE VARIOUS STATE AGENCIES  
17 INTO TEN (10) DEPARTMENTS.  
18

19  
20  
21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
22

#### SECTION 1. Legislative purpose.

23 (a) The General Assembly declares that this act is necessary to  
24 enhance the delivery of services to the people of Arkansas in an effective  
25 and efficient manner; to provide for administrative cost savings in the  
26 delivery of these services by combining overlapping functions and eliminating  
27 duplications of functions of state government; and to achieve the grouping of  
28 state agencies into ten (10) departments primarily according to function in  
29 order to facilitate an increase in efficiency and reduction of administrative  
30 costs.  
31

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

36 (c) For the purposes of this act, each Authority, Board, Center,



1 Committee, Commission, Coordinator, Council, Department, Division, Institute,  
2 Laboratory, Library, Office, Officer, Panel, School, Section, or other agency  
3 or entity, or any part thereof, as more particularly identified in sections 5  
4 through 14 of this act, which is being transferred pursuant to the terms and  
5 provisions of this act, shall hereinafter be referred to as a "transferred  
6 entity."

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

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

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

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

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

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

26 (D) The power to issue bonds and other interest bearing  
27 obligations.

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

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

36 (c) Notwithstanding subsections (a) and (b) of this section, following

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

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

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

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

36 (4) Following a type 1 transfer, the "transferred entity" shall

1 not employ any personnel other than those deemed by the secretary of the  
2 "principal department" into which they are transferred to be necessary for  
3 the effective operations of the "principal department".

4 (e) With regard to any board or commission charged with the management  
5 or control of a charitable, penal, or correctional institution, or an  
6 institution of higher learning, as provided in Amendment 33 of the Arkansas  
7 Constitution, nothing in this act shall be deemed to transfer the powers  
8 vested in the board or commission.

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

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

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

25 (i) Separate bodies corporate and politic; cash funds; outstanding  
26 obligations. Anything contained in this act to the contrary notwithstanding,  
27 the provisions hereof shall not operate to repeal, amend, modify or affect:

28 (1) The powers heretofore or hereafter established by law  
29 applicable to agencies or instrumentalities of the state accorded the  
30 separate status of public bodies corporate and politic with the power,  
31 including without limitation, to sue and be sued, to contract and be  
32 contracted with, to issue bonds or other evidences of indebtedness secured by  
33 such revenues as shall be provided by law, to own or deal in real property,  
34 to make loans, and to hold, sell and transfer promissory notes and mortgages,  
35 or to conduct business in the manner provided by applicable law prior to the  
36 adoption of this act;

1                   (2) The creation, maintenance, preservation, and use of  
2 cash funds heretofore or hereafter created and held apart from the state  
3 treasury applicable or available to any department, agency or  
4 instrumentality, or the power now or hereafter granted by law to pledge such  
5 cash funds for the payment of bonds, leases, guaranties, or other evidences  
6 of indebtedness of such department, agency or instrumentality; or

7                   (3) The outstanding obligations of such departments  
8 agencies or instrumentalities, which obligations shall continue to be  
9 enforceable in accordance with the terms thereof, and the legality and  
10 enforceability of all such outstanding obligations is hereby affirmed.

11  
12           SECTION 3. (a) For the purposes of this act, when any "transferred  
13 entity" is transferred to "principal department" established under sections 5  
14 through 14 of this act by a type 2 transfer, the "transferred entity" shall  
15 be administered under the direction and supervision of the secretary of the  
16 "principal department". Additionally, the "transferred entity's" powers,  
17 authorities, duties and functions as prescribed by law, including but not  
18 limited to all rule making, regulation and licensing; the promulgation of  
19 rules, rates, regulations and standards; and, the rendering of findings,  
20 orders and adjudications shall be transferred to the secretary of the  
21 "principal department" in which it is transferred.

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

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

34           (d)(1) Following a type 2 transfer, the secretary of the "principal  
35 department", with the advice and consent of the Governor, shall appoint the  
36 directors/deputy directors of the respective bureaus, offices or other

1 divisions under the "principal department", and they shall serve at the  
2 pleasure of the secretary.

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

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

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

28 (e) With regard to any board or commission charged with the management  
29 or control of a charitable, penal, or correctional institution or an  
30 institution of higher learning, as provided in Amendment 33 of the Arkansas  
31 Constitution, nothing in this act shall be deemed to transfer the powers  
32 vested in the board or commission.

33 (f) Nothing in this act shall be deemed to alter the manner of  
34 selection or the length of the term of service for any position where state  
35 law provides that the Governor shall appoint or select the person occupying  
36 the position. For any person occupying a position on the effective date of

1 this act as a result of a Governor's appointment, nothing in this act shall  
2 be deemed to alter that person's continued service in that position or to  
3 alter the length of that person's current term.

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

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

13 (i) Separate bodies corporate and politic; cash funds; outstanding  
14 obligations. Anything contained in this act to the contrary notwithstanding,  
15 the provisions hereof shall not operate to repeal, amend, modify or affect:

16 (1) The powers heretofore or hereafter established by law  
17 applicable to agencies or instrumentalities of the state accorded the  
18 separate status of public bodies corporate and politic with the power,  
19 including without limitation, to sue and be sued, to contract and be  
20 contracted with, to issue bonds or other evidences of indebtedness secured by  
21 such revenues as shall be provided by law, to own or deal in real property,  
22 to make loans, and to hold, sell and transfer promissory notes and mortgages,  
23 or to conduct business in the manner provided by applicable law prior to the  
24 adoption of this act;

25 (2) The creation, maintenance, preservation, and use of  
26 cash funds heretofore or hereafter created and held apart from the state  
27 treasury applicable or available to any department, agency or  
28 instrumentality, or the power now or hereafter granted by law to pledge such  
29 cash funds for the payment of bonds, leases, guaranties, or other evidences  
30 of indebtedness of such department, agency or instrumentality; or

31 (3) The outstanding obligations of such departments  
32 agencies or instrumentalities, which obligations shall continue to be  
33 enforceable in accordance with the terms thereof, and the legality and  
34 enforceability of all such outstanding obligations is hereby affirmed.

35  
36 SECTION 4. For the purposes of this act, when any "transferred entity"

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

6  
7 SECTION 5. (a) There is created a Department of Agriculture. The  
8 executive head of the department shall be the Secretary of the Department of  
9 Agriculture. The secretary shall be appointed by the Governor and shall  
10 serve at the pleasure of the Governor.

11 (b) The Arkansas Livestock and Poultry Commission, Arkansas Code § 2-  
12 33-101, and its powers, authorities, duties, and functions are transferred by  
13 a type 1 transfer to the Department of Agriculture.

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

17 (d) The Arkansas Rural Development Commission, Arkansas Code § 15-6-  
18 104, and powers, authorities, duties, and functions are transferred by a type  
19 1 transfer to the Department of Agriculture.

20 (e) The Arkansas Delta Development Commission, Arkansas Code § 15-4-  
21 2602, and its powers, authorities, duties, and functions are transferred by a  
22 type 1 transfer to the Department of Agriculture.

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

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

30  
31 SECTION 6. (a) There is created a Department of Commerce. The  
32 executive head of the department shall be the Secretary of the Department of  
33 Commerce. The secretary shall be appointed by the Governor and shall serve  
34 at the pleasure of the Governor.

35 (b) Except for the Federal Housing and Urban Development Community  
36 Block Grant program of the Arkansas Department of Economic Development, which



1 is transferred in section 14 of this act, the Arkansas Department of Economic  
2 Development, Arkansas Code §§ 15-4-205 through 15-4-209, and its powers,  
3 authorities, duties, and functions are transferred by a type 2 transfer to  
4 the Department of Commerce.

5 (c) The Arkansas Economic Development Commission, Arkansas Code § 15-  
6 4-201, and its powers, authorities, duties, and functions are transferred by  
7 a type 1 transfer to the Department of Commerce.

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

11 (e) The State Insurance Department, Arkansas Code § 23-61-101, and its  
12 powers, authorities, duties, and functions are transferred by a type 1  
13 transfer to the Department of Commerce.

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

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

20 (h) The State Bank Department, Arkansas Code § 23-46-201, and its  
21 powers, authorities, duties, and functions are transferred by a type 1  
22 transfer to the Department of Commerce.

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

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

29 (k) Except for the Tax Division, which is transferred in section 9 of  
30 this act, the Arkansas Public Service Commission, Arkansas Code § 23-2-101,  
31 and its powers, authorities, duties, and functions are transferred by a type  
32 1 transfer to the Department of Commerce.

33 (l) The Arkansas Department of Aeronautics, Arkansas Code § 27-115-  
34 101, and its powers, authorities, duties, and functions are transferred by a

35 (m) The Arkansas Aeronautics Commission, Arkansas Code § 27-115-101,  
36 and its powers, authorities, duties, and functions are transferred by a type

1 1 transfer to the Department of Commerce.

2 (n) The Arkansas Department of Environmental Quality, Arkansas Code §  
3 25-14-101, and its powers, authorities, duties, and functions are transferred  
4 by a type 2 transfer to the Department of Commerce.

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

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

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

16 (c) The Department of Community Correction, Arkansas Code § 12-27-125,  
17 and its powers, authorities, duties, and functions are transferred by a type  
18 1 transfer to the Department of Corrections.

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

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

25 (f) The Board of Correction and Community Punishment, Arkansas Code §  
26 12-27-104, and its powers, authorities, duties, and functions are transferred  
27 by a type 1 transfer to the Department of Corrections.

28  
29 SECTION 8. (a) There is created a Department of Education. The  
30 executive head of the department shall be the Secretary of the Department of  
31 Education. The secretary shall be appointed by the Governor and shall serve  
32 at the pleasure of the Governor.

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

36 (c) The State Board of Education, Arkansas Code § 6-11-101, and its

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

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

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

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

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

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

19 (i) The Arkansas School for Mathematics and Sciences, Arkansas Code §  
20 6-42-201, and its powers, authorities, duties, and functions are transferred  
21 by a type 2 transfer to the Department of Education.

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

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

29 (l) The Department of Higher Education, Arkansas Code § 25-7-101, and  
30 its powers, authorities, duties, and functions are transferred by a type 1  
31 transfer to the Department of Education.

32 (m) The Arkansas Higher Education Coordinating Board, Arkansas Code §  
33 6-53-203, and its powers, authorities, duties, and functions are transferred  
34 by a type 1 transfer to the Department of Education.

35 (n) The State Board of Workforce Education and Career Opportunities,  
36 Arkansas Code § 25-30-101, and its powers, authorities, duties, and functions

1 are transferred by a type 1 transfer to the Department of Education.

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

7 (p) Each of the following: Arkansas Valley Technical Institute,  
8 Cotton Boll Technical Institute, Crowley's Ridge Technical Institute,  
9 Foothills Technical Institute, Forest Echoes Technical Institute, Great  
10 Rivers Technical Institute, Northwest Technical Institute, Riverside  
11 Technical Institute, and Quapaw Technical Institute, Arkansas Code § 6-51-  
12 904, and their powers, authorities, duties, and functions are transferred by  
13 a type 2 transfer to the Department of Education.

14 (q) The local Board of Directors of Arkansas Valley Technical  
15 Institute, Cotton Boll Technical Institute, Crowley's Ridge Technical  
16 Institute, Foothills Technical Institute, Forest Echoes Technical Institute,  
17 Great Rivers Technical Institute, Northwest Technical Institute, Riverside  
18 Technical Institute, and Quapaw Technical Institute, Arkansas Code § 6-51-  
19 904, and their powers, authorities, duties, and functions are transferred by  
20 a type 1 transfer to the Department of Education.

21 (r) The Arkansas Educational Television Commission, Arkansas Code § 6-  
22 3-101, and its powers, authorities, duties, and functions are transferred by  
23 a type 1 transfer to the Department of Education.

24  
25 SECTION 9. (a) There is created a Department of Finance and  
26 Administration. The executive head of the department shall be the Secretary  
27 of the Department of Finance and Administration. The secretary shall be  
28 appointed by the Governor and shall serve at the pleasure of the Governor.

29 (b) The Department of Finance and Administration, Arkansas Code § 25-  
30 8-101, and its powers, authorities, duties, and functions are transferred by  
31 a type 2 transfer to the Department of Finance and Administration created by  
32 this act. Any reference to the Director of the Department of Finance and  
33 Administration shall be deemed to refer to the Secretary of the Department of  
34 Finance and Administration created by this act.

35 (c) The Tax Division of the Arkansas Public Service Commission,  
36 Arkansas Code § 26-24-101(1)(A), and its powers, authorities, duties, and

1 functions are transferred by a type 2 transfer to the Department of Finance  
2 and Administration.

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

8 (e) The Assessment Coordination Department, Arkansas Code § 25-28-101,  
9 and its powers, authorities, duties, and functions are transferred by a type  
10 2 transfer to the Department of Finance and Administration.

11 (f) The Arkansas State Building Services, Arkansas Code § 22-2-104,  
12 and its powers, authorities, duties, and functions are transferred by a type  
13 2 transfer to the Department of Finance and Administration. Any reference to  
14 the "Arkansas State Building Services" shall be deemed to refer to the  
15 Department of Finance and Administration.

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

19 (h) The Executive Chief Information Officer, Arkansas Code § 25-33-  
20 103, and the powers, authorities, duties, and functions are transferred by a  
21 type 2 transfer to the Department of Finance and Administration.

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

25 (j) The Department of Information Systems, Arkansas Code § 25-4-104,  
26 and its powers, authorities, duties, and functions are transferred by a type  
27 2 transfer to the Department of Finance and Administration.

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

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

34 (m) The Alcoholic Beverage Control Administration of the Department of  
35 Finance and Administration, Arkansas Code § 3-2-202, and its functions,

1 powers, and duties are transferred by a type 2 transfer to the Department of  
2 Finance and Administration.

3 (n) The Alcoholic Beverage Control Board, Arkansas Code § 3-2-201, and  
4 its functions, powers, and duties are transferred by a type 1 transfer to the  
5 Department of Finance and Administration.

6  
7 SECTION 10. (a) There is created a Department of Health and Human  
8 Services. The executive head of the department shall be the Secretary of the  
9 Department of Health and Human Services. The secretary shall be appointed by  
10 the Governor and shall serve at the pleasure of the Governor.

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

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

21 (d) The Arkansas Minority Health Commission, Arkansas Code § 20-2-102,  
22 and its powers, authorities, duties, and functions are transferred by a type  
23 1 transfer to the Department of Health and Human Services.

24 (e) Except for the Division of Services for the Blind transferred in  
25 section 13 of this act, the Department of Human Services, Arkansas Code § 25-  
26 10-101, and its powers, authorities, duties, and functions are transferred by  
27 a type 2 transfer to the Department of Health and Human Services. Any  
28 reference to the "Department of Human Services" shall be deemed to refer to  
29 the Department of Health and Human Services.

30 (f) The State Department for Social Security Administration Disability  
31 Determination, Arkansas Code § 20-76-301, and its powers, authorities,  
32 duties, and functions are transferred by a type 1 transfer to the Department  
33 of Health and Human Services.

34 (g) The Department of Veterans' Affairs, Arkansas Code § 20-81-102,  
35 and its powers, authorities, duties, and functions are transferred by a type  
36 1 transfer to the Department of Health and Human Services.

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

4       (i) The Arkansas Veterans' Child Welfare Service Office, Arkansas Code  
5 § 20-81-101, and its powers, authorities, duties, and functions are  
6 transferred by a type 1 transfer to the Department of Health and Human  
7 Services.

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

11       (k) The Board of Developmental Disabilities Services, Arkansas Code §  
12 25-10-104, and its powers, authorities, duties, and functions are transferred  
13 by a type 1 transfer to the Department of Health and Human Services.

14       (l) The Child Welfare Agency Review Board, Arkansas Code § 9-28-403,  
15 and its powers, authorities, duties, and functions are transferred by a type  
16 1 transfer to the Department of Health and Human Services.

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

21  
22       SECTION 11. (a) There is created a Department of Homeland Security.  
23 The executive head of the department shall be the Secretary of the Department  
24 of Homeland Security. The secretary shall be appointed by the Governor and  
25 shall serve at the pleasure of the Governor.

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

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

32       (d) The Alcoholic Beverage Control Enforcement Division, Arkansas Code  
33 § 3-2-203, and its powers, authorities, duties, and functions are transferred  
34 by a type 2 transfer to the Department of Homeland Security.

35       (e) The Department of Arkansas State Police, Arkansas Code § 12-8-101,  
36 and its powers, authorities, duties, and functions are transferred by a type

1 2 transfer to the Department of Homeland Security.

2 (f) The Arkansas State Police Commission, Arkansas Code § 12-8-102,  
3 and its powers, authorities, duties, and functions are transferred by a type  
4 1 transfer to the Department of Homeland Security.

5 (g) The Arkansas Crime Information Center, Arkansas Code § 12-12-201,  
6 and its powers, authorities, duties, and functions are transferred by a type  
7 2 transfer to the Department of Homeland Security.

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

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

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

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

20 (l) The Arkansas Department of Emergency Management, Arkansas Code §  
21 12-75-109, and its powers, authorities, duties, and functions are transferred  
22 by a type 2 transfer to the Department of Homeland Security.

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

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

33  
34 SECTION 12. (a) There is created a Department of the Interior. The  
35 executive head of the department shall be the Secretary of the Department of  
36 the Interior. The secretary shall be appointed by the Governor and shall



1 serve at the pleasure of the Governor.

2 (b) The Department of Parks and Tourism, Arkansas Code § 25-13-101,  
3 and its powers, authorities, duties, and functions are transferred by a type  
4 2 transfer to the Department of the Interior. Any reference to the  
5 “Department of Parks and Tourism” shall be deemed to refer to the Department  
6 of the Interior.

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

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

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

17 (f) The Prairie Grove Battlefield Commission, Arkansas Code § 13-7-  
18 401, and its powers, authorities, duties, and functions are transferred by a  
19 type 2 transfer to the Department of the Interior.

20 (g) The Arkansas Post Museum Advisory Committee, Arkansas Code § 13-5-  
21 603, and its powers, authorities, duties, and functions are transferred by a  
22 type 2 transfer to the Department of the Interior.

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

26 (i) The Historic Arkansas Museum Commission, Arkansas Code § 13-7-302,  
27 and its powers, authorities, duties, and functions are transferred by a type  
28 2 transfer to the Department of the Interior.

29 (j) The Delta Cultural Center Policy Advisory Board, Arkansas Code §  
30 13-5-704, and its powers, authorities, duties, and functions are transferred  
31 by a type 2 transfer to the Department of the Interior.

32 (k) The Arkansas Natural Heritage Commission, Arkansas Code § 15-20-  
33 304, and its powers, authorities, duties, and functions are transferred by a  
34 type 1 transfer to the Department of the Interior.

35 (l) The Mosaic Templars of America Center for African-American Culture  
36 and Business Enterprise, Arkansas Code § 13-5-902, and its powers,

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

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

6 (n) The Mississippi River Parkway Commission, Arkansas Code § 27-69-  
7 201, and its powers, authorities, duties, and functions are transferred by a  
8 type 1 transfer to the Department of the Interior.

9 (o) The Arkansas Entertainers Hall of Fame Board, Arkansas Code § 13-  
10 9-101, and its powers, authorities, duties, and functions are transferred by  
11 a type 2 transfer to the Department of the Interior.

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

15 (q) The Arkansas Black History Advisory Commission, Arkansas Code §  
16 13-3-201, and its powers, authorities, duties, and functions are transferred  
17 by a type 2 transfer to the Department of the Interior.

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

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

24 (t) The State Historic Preservation Officer, Arkansas Code § 13-7-107,  
25 and its powers, authorities, duties, and functions are transferred by a type  
26 1 transfer to the Department of the Interior.

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

30 (v) The Main Street Arkansas Advisory Board, Arkansas Code § 15-12-  
31 103, and its powers, authorities, duties, and functions are transferred by a  
32 type 2 transfer to the Department of the Interior.

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

1       (x) The Keep Arkansas Beautiful Commission, Arkansas Code § 15-11-601,  
2 and its powers, authorities, duties, and functions are transferred by a type  
3 2 transfer to the Department of the Interior.

4       (y) The Natural and Cultural Resources Council, Arkansas Code § 15-12-  
5 101, and its powers, authorities, duties, and functions are transferred by a  
6 type 1 transfer to the Department of the Interior.

7       (z) The Martin Luther King, Jr. Commission, Arkansas Code § 25-24-101,  
8 and its powers, authorities, duties, and functions are transferred by a type  
9 1 transfer to the Department of the Interior.

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

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

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

20  
21       SECTION 13. (a) There is created a Department of Labor, Employment,  
22 and Workforce. The executive head of the department shall be the Secretary  
23 of the Department of Labor, Employment, and Workforce. The secretary shall  
24 be appointed by the Governor and shall serve at the pleasure of the Governor.

25       (b) The Arkansas Workforce Investment Board, Arkansas Code § 15-4-  
26 2204, and its powers, authorities, duties, and functions are transferred by a  
27 type 1 transfer to the Department of Labor, Employment and Workforce.

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

32       (d) The Arkansas Employment Security Department, Arkansas Code § 11-  
33 10-301, and its powers, authorities, duties, and functions are transferred by  
34 a type 2 transfer to the Department of Labor, Employment, and Workforce.

35       (e) The Board of Review, Arkansas Code § 11-10-523, and its powers,  
36 authorities, duties, and functions are transferred by a type 1 transfer to

1 the Department of Labor, Employment, and Workforce.

2 (f) The State Employment Security Advisory Council, Arkansas Code §  
3 11-10-305, and its powers, authorities, duties, and functions are transferred  
4 by a type 1 transfer to the Department of Labor, Employment, and Workforce.

5 (g) The Arkansas Transitional Employment Board, Arkansas Code § 20-76-  
6 105, and its powers, authorities, duties, and functions are transferred by a  
7 type 2 transfer to the Department of Labor, Employment, and Workforce.

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

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

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

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

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

26 (m) The Arkansas Employment Agency Advisory Council, Arkansas Code §  
27 11-11-205, and its powers, authorities, duties, and functions are transferred  
28 by a type 1 transfer to the Department of Labor, Employment, and Workforce.

29 (n) The Workers’ Compensation Commission, Arkansas Code § 11-9-201,  
30 and its powers, authorities, duties, and functions are transferred by a type  
31 1 transfer to the Department of Labor, Employment, and Workforce.

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

36 (p) The Office of Workforce Training of the Department of Workforce

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

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

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

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

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

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

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

24  
25 SECTION 14. (a) There is created a Department of Natural Resources.  
26 The executive head of the department shall be the Secretary of the Department  
27 of Natural Resources. The secretary shall be appointed by the Governor and  
28 shall serve at the pleasure of the Governor.

29  
30 (b) The Oil and Gas Commission, Arkansas Code § 15-71-101, and its  
31 powers, authorities, duties, and functions are transferred by a type 1  
32 transfer to the Department of Natural Resources.

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

1       (d) The Arkansas Soil and Water Conservation Commission, Arkansas Code  
2 § 15-20-201, and its powers, authorities, duties, and functions are  
3 transferred by a type 1 transfer to the Department of Natural Resources.

4       (e) The Water Well Construction Commission, Arkansas Code § 17-50-101,  
5 and its powers, authorities, duties, and functions are transferred by a type  
6 1 transfer to the Department of Natural Resources.

7       (f) The Arkansas Forestry Commission, Arkansas Code § 15-31-101, and  
8 its powers, authorities, duties, and functions are transferred by a type 1  
9 transfer to the Department of Natural Resources.

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

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

19       (k) The Federal Housing and Urban Development Community Block Grant  
20 program of the Arkansas Department of Economic Development, Arkansas Code §§  
21 15-4-205 through 15-4-209, and its powers, authorities, duties, and functions  
22 are transferred by a type 2 transfer to the Department of Natural Resources.

23  
24       SECTION 15. EMERGENCY CLAUSE. It is found and determined by the  
25 General Assembly that there is an urgent need for additional funding for  
26 public education, prisons, health care, and other essential government  
27 services; that every effort must be made to use current resources as  
28 efficiently and effectively as possible to provide the maximum possible  
29 funding for these essential government services; that there are significant  
30 opportunities for savings in the cost of operating state government by  
31 combining offices and eliminating duplicate functions; that this act is  
32 designed to reorganize the executive branch of Arkansas state government and  
33 merge governmental operations into ten (10) principal departments responsible  
34 for providing services to the citizens of this state; that the restructuring  
35 will result in more efficient use of current state resources through the  
36 elimination of duplicate administrative functions; that the consolidation

1 will reduce the administrative costs of operating state government and allow  
2 additional current resources to be used to fund public education, prisons,  
3 health care, and other essential government services. Therefore, an  
4 emergency is declared to exist and this act being necessary for the  
5 preservation of the public peace, health and safety shall become effective  
6 on:

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

8 (2) If the bill is neither approved nor vetoed by the Governor, the  
9 expiration of the period of time during which the Governor may veto the bill;  
10 or

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

12  
13 /s/ B. Johnson, et al  
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