

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 *As Engrossed: S2/3/03 S2/5/03 H2/25/03*

2 84th General Assembly

A Bill

3 Regular Session, 2003

SENATE BILL 45

4

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*

10

11

12

For An Act To Be Entitled

13

AN ACT TO RESTRUCTURE VARIOUS STATE AGENCIES INTO

14

TEN (10) DEPARTMENTS; AND FOR OTHER PURPOSES.

15

16

Subtitle

17

TO RESTRUCTURE VARIOUS STATE AGENCIES

18

INTO TEN (10) DEPARTMENTS.

19

20

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

22

23 *SECTION 1. Legislative purpose.*

24 *(a) The General Assembly declares that this act is necessary to*

25 *enhance the delivery of services to the people of Arkansas in an effective*

26 *and efficient manner; to provide for administrative cost savings in the*

27 *delivery of these services by combining overlapping functions and eliminating*

28 *duplications of functions of state government; and to achieve the grouping of*

29 *state agencies into ten (10) departments primarily according to function in*

30 *order to facilitate an increase in efficiency and reduction of administrative*

31 *costs.*

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 type 1 transfer to the Department of Commerce.

36 (m) The Arkansas Aeronautics Commission, Arkansas Code § 27-115-101,

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

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

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

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

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

17 (c) The Department of Community Correction, Arkansas Code § 12-27-125,
18 and its powers, authorities, duties, and functions are transferred by a type
19 1 transfer to the Department of Corrections.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

36 (n) The State Board of Workforce Education and Career Opportunities,

1 Arkansas Code § 25-30-101, and its powers, authorities, duties, and functions
2 are transferred by a type 1 transfer to the Department of Education.

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

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

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

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

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

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

36 (c) The Tax Division of the Arkansas Public Service Commission,

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

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

9 (e) The Assessment Coordination Department, Arkansas Code § 25-28-101,
10 and its powers, authorities, duties, and functions are transferred by a type
11 2 transfer to the Department of Finance and Administration.

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

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

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

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

26 (j) The Department of Information Systems, Arkansas Code § 25-4-104,
27 and its powers, authorities, duties, and functions are transferred by a type
28 2 transfer to the Department of Finance and Administration.

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

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

35 (m) The Alcoholic Beverage Control Administration of the Department of

1 Finance and Administration, Arkansas Code § 3-2-202, and its functions,
2 powers, and duties are transferred by a type 2 transfer to the Department of
3 Finance and Administration.

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

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

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

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

22 (d) The Arkansas Minority Health Commission, Arkansas Code § 20-2-102,
23 and its powers, authorities, duties, and functions are transferred by a type
24 1 transfer to the Department of Health and Human Services.

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

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

35 (g) The Department of Veterans' Affairs, Arkansas Code § 20-81-102,
36 and its powers, authorities, duties, and functions are transferred by a type

1 l transfer to the Department of Health and Human Services.

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

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

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

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

15 (l) The Child Welfare Agency Review Board, Arkansas Code § 9-28-403,
16 and its powers, authorities, duties, and functions are transferred by a type
17 1 transfer to the Department of Health and Human Services.

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

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

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

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

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

36 (e) The Department of Arkansas State Police, Arkansas Code § 12-8-101,

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

3 (f) The Arkansas State Police Commission, Arkansas Code § 12-8-102,
4 and its powers, authorities, duties, and functions are transferred by a type
5 1 transfer to the Department of Homeland Security.

6 (g) The Arkansas Crime Information Center, Arkansas Code § 12-12-201,
7 and its powers, authorities, duties, and functions are transferred by a type
8 2 transfer to the Department of Homeland Security.

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

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

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

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

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

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

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

34
35 SECTION 12. (a) There is created a Department of the Interior. The
36 executive head of the department shall be the Secretary of the Department of

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

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

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

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

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

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

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

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

27 (i) The Historic Arkansas Museum Commission, Arkansas Code § 13-7-302,
28 and its powers, authorities, duties, and functions are transferred by a type
29 2 transfer to the Department of the Interior.

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

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

36 (l) The Mosaic Templars of America Center for African-American Culture

1 and Business Enterprise, Arkansas Code § 13-5-902, and its powers,
2 authorities, duties, and functions are transferred by a type 2 transfer to
3 the Department of the Interior.

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

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

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

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

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

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

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

25 (t) The State Historic Preservation Officer, Arkansas Code § 13-7-107,
26 and its powers, authorities, duties, and functions are transferred by a type
27 1 transfer to the Department of the Interior.

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

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

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

1 Interior.

2 (x) The Keep Arkansas Beautiful Commission, Arkansas Code § 15-11-601,
3 and its powers, authorities, duties, and functions are transferred by a type
4 2 transfer to the Department of the Interior.

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

8 (z) The Martin Luther King, Jr. Commission, Arkansas Code § 25-24-101,
9 and its powers, authorities, duties, and functions are transferred by a type
10 1 transfer to the Department of the Interior.

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

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

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

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

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

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

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

36 (e) The Board of Review, Arkansas Code § 11-10-523, and its powers,

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

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

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

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

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

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

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

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

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

30 (n) The Workers’ Compensation Commission, Arkansas Code § 11-9-201,
31 and its powers, authorities, duties, and functions are transferred by a type
32 1 transfer to the Department of Labor, Employment, and Workforce.

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

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

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

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

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

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

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

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

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

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

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

1 Department of Natural Resources.

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

5 (e) The Water Well Construction Commission, Arkansas Code § 17-50-101,
6 and its powers, authorities, duties, and functions are transferred by a type
7 1 transfer to the Department of Natural Resources.

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

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

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

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

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

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

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

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

11 or

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

13
14 /s/ B. Johnson
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