

1 State of Arkansas As Engrossed: H3/29/21 H3/30/21

2 93rd General Assembly

A Bill

3 Regular Session, 2021

HOUSE BILL 1726

4

5 By: Representatives Shepherd, Wardlaw, Barker, Fielding, Womack, Bragg, McClure, M. McElroy

6 By: Senators T. Garner, Gilmore, Beckham, A. Clark

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For An Act To Be Entitled

9 AN ACT TO TRANSFER THE OUACHITA RIVER COMMISSION FROM
10 THE DEPARTMENT OF AGRICULTURE TO THE DEPARTMENT OF
11 PARKS, HERITAGE, AND TOURISM; TO DECLARE AN
12 EMERGENCY; AND FOR OTHER PURPOSES.

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Subtitle

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17 TO TRANSFER THE OUACHITA RIVER COMMISSION
18 FROM THE DEPARTMENT OF AGRICULTURE TO THE
19 DEPARTMENT OF PARKS, HERITAGE, AND
20 TOURISM; AND TO DECLARE AN EMERGENCY.

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

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SECTION 1. Arkansas Code § 15-23-804(f), concerning members of the
25 Ouachita River Commission, is amended to read as follows:

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(f) Members of the Ouachita River Commission shall receive no pay for
their services, but whenever the General Assembly shall have appropriated
funds to the Ouachita River Waterways Project Trust Fund administered by the
~~Arkansas Natural Resources Commission through the Department of Agriculture~~
Department of Parks, Heritage, and Tourism, they may, upon proper application
to the ~~Arkansas Natural Resources Commission~~ department, be reimbursed for
expenses in accordance with § 25-16-902.

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SECTION 2. Arkansas Code § 25-38-202(b)(3)(A)(ii)(q), concerning the
creation of the Department of Agriculture and appointment of the Secretary of
the Department of Agriculture, is repealed.



1 ~~(q) Ouachita River Commission,~~

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3 SECTION 3. Arkansas Code § 25-38-206(a)(19), concerning the transfer
4 of personnel, administrative functions, human resources, and accounting
5 offices to the Department of Agriculture, is repealed.

6 ~~(19) The Ouachita River Commission,~~

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8 SECTION 4. Arkansas Code § 25-43-202(a)(19), concerning state entities
9 transferred to the Department of Agriculture, is repealed.

10 ~~(19) The Ouachita River Commission, created under § 15-23-803,~~

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12 SECTION 5. Arkansas Code § 25-43-1302(a), concerning state entities
13 transferred to the Department of Parks, Heritage, and Tourism, is amended to
14 add an additional subdivision to read as follows:

15 (22) The Ouachita River Commission, created under § 15-23-803.

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17 SECTION 6. DO NOT CODIFY. Transfer of Ouachita River Commission from
18 Department of Agriculture to Department of Parks, Heritage, and Tourism.

19 (a) The Ouachita River Commission is transferred from the Department
20 of Agriculture to the Department of Parks, Heritage, and Tourism.

21 (b) The administrative functions of the commission are transferred by
22 a cabinet-level department transfer under § 25-43-1302 from the Department of
23 Agriculture to the Department of Parks, Heritage, and Tourism.

24 (c) The statutory authority, powers, duties, functions, records,
25 personnel, property, and unexpended balances of appropriations, allocations,
26 or other funds, including the functions of budgeting or purchasing of the
27 commission, are transferred to the Department of Parks, Heritage, and
28 Tourism.

29 (d)(1) The transfer of the commission does not affect the orders,
30 rules, regulations, directives, or standards made or promulgated by the
31 commission before the effective date of this act.

32 (2) The orders, rules, regulations, directives, or standards
33 under subdivision (d)(1) of this section shall continue with full force and
34 effect until amended or repealed under authority given by law.

35 (e) The members of the commission, and their successors, shall
36 continue to be selected in the manner and serve for the terms provided by the

1 statutes applicable to the commission.

2 (f) The Department of Agriculture shall grant access to and provide
3 all information requested by the Department of Parks, Heritage, and Tourism
4 to accomplish transfer of the commission and the mission of the commission.

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6 SECTION 7. EMERGENCY CLAUSE. It is found and determined by the
7 General Assembly of the State of Arkansas that the Ouachita River Commission
8 preserves the public peace, health, and safety by studying, planning, and
9 implementing needed improvements and projects to and along the main stem of
10 the Ouachita River; that this act provides for the transfer of the Ouachita
11 River Commission to the Department of Parks, Heritage, and Tourism; and that
12 this act should become effective on July 1, 2021, to coincide with the
13 appropriation bills of the Department of Agriculture and Department of Parks,
14 Heritage, and Tourism and ensure that the Ouachita River Commission continues
15 to provide its vital services as the transfer is implemented and does not
16 experience any issues with funding under the transfer. Therefore, an
17 emergency is declared to exist, and this act being necessary for the
18 preservation of the public peace, health, and safety shall become effective
19 on July 1, 2021.

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22 /s/Shepherd

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25 **APPROVED: 4/26/21**
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