

ARKANSAS SENATE
92nd General Assembly - Regular Session, 2019
Amendment Form

Subtitle of House Bill No. 1763

TO CREATE THE TRANSFORMATION AND EFFICIENCIES ACT OF 2019; TO ESTABLISH CABINET-
LEVEL DEPARTMENTS; TO TRANSFER STATE ENTITIES; AND TO DECLARE AN EMERGENCY.

Amendment No. 1 to House Bill 1763

Amend House Bill No. 1763 as engrossed, H3/14/19 (version: 03/14/2019 11:30:08 AM)

Page 1, line 31, delete "(b)" and substitute "(b)(1)"

AND

Page 1, delete lines 35 and 36, and substitute the following:

"(A)(i) When working on behalf of a governing state entity, coordinating with and receiving input, review, and recommendations from the secretary of the cabinet-level department."

AND

Page 2, delete lines 1 through 7, and substitute the following:

"(ii) "Consultation" under subdivision (b)(1)(A)(i) of this section does not include approval or consent; and

(B) When working on behalf of a state entity other than a governing state entity, coordinating with and receiving input, review, recommendations, advice, and consent of the secretary of the cabinet-level department.

(2) As used in this subsection, "governing state entity" means a state entity, including without limitation a board, commission, or council, whose membership consists of:

(A) Two (2) or more appointed members;

(B) Two (2) or more ex-officio members; or

(C) Both appointed and ex-officio members."

AND

Page 7, line 33, delete "each"

AND



Page 10, line 17, delete "(f)" and substitute "(f)(1)"

AND

Page 10, delete lines 21 through 29, and substitute the following:

"(A)(i) When working on behalf of a governing state entity, coordinating with and receiving input, review, and recommendations from the secretary of the cabinet-level department.

(ii) "Consultation" under subdivision (b)(1)(A)(i) of this section does not include approval or consent; and

(B) When working on behalf of a state entity other than a governing state entity, coordinating with and receiving input, review, recommendations, advice, and consent of the secretary of the cabinet-level department.

(2) As used in this subsection, "governing state entity" means a state entity, including without limitation a board, commission, or council, whose membership consists of:

(A) Two (2) or more appointed members;

(B) Two (2) or more ex-officio members; or

(C) Both appointed and ex-officio members."

AND

Page 17, delete line 6, and substitute the following:

"Agriculture.

(4)(A) When exercising his or her duties with regards to the State Plant Board, the secretary shall work in consultation with the Director of the State Plant Board and the State Plant Board.

(B) As used in subdivision (b)(4)(A) of this section, "consultation" means coordinating with, giving input, reviewing, and recommending, but shall not require approval or consent."

AND

Page 20, line 1, delete "Agriculture" and substitute "Agriculture, unless otherwise provided by law"

AND

Page 20, line 4, delete "law" and substitute "law, unless otherwise provided by law"

AND

Page 20, line 13, delete "§ 25-38-211" and substitute "§ 25-38-211, unless otherwise provided by law"

AND

Page 22, delete lines 12 through 15, and substitute the following:

"(g)(1) All real property owned in fee simple by a transferred state entity, except as set out in subdivision (g)(2) of this section, shall remain in the name of the state entity subject to a cabinet-level department transfer under § 25-38-211, to be administered by the Department of Agriculture.

(2) All real or personal property owned by the State Plant Board shall remain in the name of the State Plant Board and shall be administered by the State Plant Board."

AND

Page 22, delete lines 25 through 29

AND

Page 26, delete lines 1 through 32, and substitute the following:

"SECTION 20. Arkansas Code § 2-16-208 is amended to read as follows:
2-16-208. Director of board.

(a)(1) For the purpose of carrying out the provisions of this subchapter, the State Plant Board shall employ, prescribe the duties of, and fix the compensation for a Director of the State Plant Board.

(2)(A) With the approval of the ~~board~~ State Plant Board, the director may employ such inspectors or other employees as may be required and may incur such expenses as may be necessary within the limits of the appropriation made by law.

(B) The State Plant Board shall be subject to all executive orders by the Governor instituting a hiring freeze or restriction applicable to all cabinet-level departments.

(b)(1) The director shall be appointed by the ~~board~~ State Plant Board with the approval of the Governor and shall serve at the pleasure of the Governor.

(2)(A) The director shall report to the Secretary of the Department of Agriculture.

(B) The secretary shall serve as the liaison between the State Plant Board and the Governor.

(c)(1) The director shall furnish a bond of five thousand dollars (\$5,000) with sufficient sureties approved by the ~~board~~ State Plant Board for the faithful performance of his or her duties of this subchapter and the rules of the ~~board~~ State Plant Board.

(2) Any person suffering damage by reason of the acts or omissions of the chief inspector or his or her duly authorized deputies or employees may bring action on the bond for damages.

(3) The ~~board~~ State Plant Board may require to indemnify the director that similar bonds shall be furnished by deputies, inspectors, or employees.

(d) The ~~board~~ State Plant Board shall cooperate with other departments, boards, and officers of this state and of the United States as far as possible.

(e) The secretary shall not be appointed to the position of director."

AND

Page 28, delete lines 12 through 36

AND

Page 29, delete lines 1 through 16

AND

Page 51, line 14, delete "employed" and substitute "~~employed~~ appointed"

AND

Page 51, line 26, delete "(b)(1)" and substitute "(c)(1)"

AND

Page 66, line 9, delete "secretary" and substitute "secretary, unless otherwise provided by law"

AND

Page 66, line 17, delete "Serve" and substitute "Be appointed"

AND

Page 66, delete line 19, and substitute the following:

"if the secretary also meets all statutory requirements for the position.

(f)(1) If the secretary meets all statutory requirements for the respective position, the secretary may serve as the interim or acting:

(A) Insurance Commissioner;

(B) Bank Commissioner; or

(C) Securities Commissioner.

(2) The secretary cannot be permanently appointed to any of the positions listed in subdivision (f)(1) of this section.

(g)(1) The secretary shall delegate the authority to hire employees and to make employment contracts for work performed to the following officers for their respective departments:

(A) The Insurance Commissioner;

(B) The Bank Commissioner; and

(C) The Securities Commissioner.

(2) The State Insurance Department, State Bank Department, and State Securities Department shall be subject to all executive orders by the Governor instituting a hiring freeze or restriction applicable to all cabinet-level departments.

(3) When exercising his or her duties, the secretary shall work in consultation with the following officers with regard to their respective departments:

(A) The Insurance Commissioner;

(B) The Bank Commissioner; and

(C) The Securities Commissioner.

(4) As used in subdivision (g)(2) of this section, "consultation" means coordinating with, giving input, reviewing, and recommending, but shall not require approval or consent."

AND

Page 66, line 25, delete "Securities Department" and substitute "Securities Department, State Bank Department,"

AND

Page 67, line 14, delete "Parks, Heritage, and Tourism" and substitute "Parks and Tourism Commerce"

AND

Page 67, delete line 27, and substitute the following:
"Commissioner, in consultation with the Secretary of the Department of"

AND

Page 69, line 7, delete "Department of Education" and substitute "Department of Education"

AND

Page 69, line 8, delete "Department of Commerce"

AND

Page 157, line 25, delete "Commerce, who" and substitute "Commerce who"

AND

Page 159, line 6, delete ", or his or her"

AND

Page 159, line 7, delete "designee"

AND

Page 173, delete lines 14 through 32, and substitute the following:

"SECTION 482. Arkansas Code § 17-38-407 is repealed.

~~17-38-407. Fees for correspondence courses.~~

~~The Department of Career Education is authorized to charge reasonable fees to those persons approved for correspondence courses for the costs of development, procurement, administration, and material associated with the correspondence course.~~

SECTION 483. Arkansas Code § 17-38-408 is repealed.

~~17-38-408. Disposition of fees and payments—Uses of funds.~~

~~(a) All fees or payments of any type collected by the Department of Career Education under this subchapter shall be deposited into the State Treasury on or before the fifth day of the month next following the month of collection of the fees or payments. The Treasurer of State shall credit the fees or payments to the credit of the Apprentice Plumbers Training Fund which is hereby created on the books of the Treasurer of State.~~

~~(b) All funds deposited into the Apprentice Plumbers Training Fund shall be used for the maintenance, operation, and improvement of the apprentice plumbers training program administered by the department."~~

AND

Page 207, delete line 8 and substitute the following:

"The Securities Commissioner, in consultation with the Secretary of the"

AND

Page 207, delete line 10 and substitute the following:

"supervisor, in consultation with the Secretary of the Department of Commerce,"

AND

Page 207, delete line 21, and substitute the following:

"(b)(1) The Securities Commissioner, in consultation with the Secretary"

AND

Page 207, delete line 27, and substitute the following:

"(2) The supervisor, in consultation with the Secretary of the"

AND

Page 217, delete line 17 and substitute the following:

"(a) The Insurance Commissioner, in consultation with the Secretary of"

AND

Page 217, delete line 24 and substitute the following:

"(b) The commissioner, in consultation with the Secretary of the"

AND

Page 217, delete line 27 and substitute the following:

"(c) The commissioner, in consultation with the Secretary of the"

AND

Page 217, delete line 33 and substitute the following:

"(e) The commissioner, in consultation with the Secretary of the"

AND

Page 219, line 12, delete "23-16-108(a)(1)" and substitute "23-61-108(a)(1)"

AND

Page 219, delete line 15 and substitute the following:

"(a)(1) The Insurance Commissioner, in consultation with the Secretary"

AND

Page 219, line 20, delete "23-16-108(b)(1)" and substitute "23-61-108(b)(1)"

AND

Page 219, delete line 23 and substitute the following:

"(b)(1) The commissioner, in consultation with the Secretary of the"

AND

Page 221, delete line 23 and substitute the following:

"(c)(1) The commissioner, in consultation with the Secretary of the"

AND

Page 222, delete line 10 and substitute the following:

"(a)(1) The Insurance Commissioner, in consultation with the Secretary"

AND

Page 227, line 7, delete "and Technical"

AND

Page 231, delete line 3, and substitute the following:

"directed to promulgate rules, in consultation with the Secretary of the"

AND

Page 231, delete line 36 and substitute the following:

"(2) Adopt, in consultation with the Secretary of the Department"

AND

Page 232, delete line 26 and substitute the following:

"(8) Adopt, in consultation with the Secretary of the Department"

AND

Page 232, delete line 34 and substitute the following:

"(9) Adopt, in consultation with the Secretary of the Department"

AND

Page 233, delete line 1 and substitute the following:

"(10) Adopt, in consultation with the Secretary of the Department"

AND

Page 233, delete line 12 and substitute the following:

"(13) Establish by rule, in consultation with the Secretary"

AND

Page 233, delete line 15 and substitute the following:

"(14) Establish, in consultation with the Secretary of the"

AND

Page 392, line 17, delete "~~Department of Education~~" and substitute "Department of Education"

AND

Page 392, line 18, delete "Department of Commerce"

AND

Page 499, delete lines 17 through 23

AND

Page 778, delete line 36, and substitute the following:

"body art with the Department of ~~Higher Education~~ Health;"

AND

Page 779, delete lines 6 and 7, and substitute the following:

"Department of Health as an establishment and ~~by the Department of Higher Education~~ as an approved body art training facility."

AND

Page 779, delete lines 12 and 13, and substitute the following:
"licensed by the Department of ~~Higher Education~~ under ~~§ 6-51-601 et seq~~
Health."

AND

Page 779, delete line 26, and substitute the following:
"Department of ~~Higher Education~~ Health."

AND

Page 779, delete line 30, and substitute the following:
"(e) The Department of ~~Higher Education~~ Health shall adopt a minimum"

AND

Page 813, delete lines 22 and 23

AND

Page 813, line 24, delete "(6)" and substitute "(5)"

AND

Page 813, line 26, delete "(7)" and substitute "(6)"

AND

Page 813, line 28, delete "(8)" and substitute "(7)"

AND

Page 1001, line 32, delete "with the approval of" and substitute "in
consultation with"

AND

Page 1037, line 17, delete "with the approval of" and substitute "in
consultation with"

AND

Page 1038, line 14, delete "upon approval of" and substitute "in consultation
with"

AND

Page 1040, line 3, delete "upon approval of" and substitute "in consultation
with"

AND

Page 1057, delete lines 2 through 36

AND

Page 1058, delete lines 1 through 36

AND

Page 1059, delete lines 1 through 36

AND

Page 1060, delete lines 1 through 3

AND

Page 1121, line 19, delete "(a)(2)" and substitute "(a)(4)"

AND

Page 1447, line 24, delete "Divison" and substitute "Division"

AND

Page 1465, line 17, delete "7-14-1804" and substitute "27-14-1804"

AND

Page 1511, line 13, delete "boar" and substitute "boat"

AND

Page 1522, delete lines 23 through 27, and substitute the following:

"(c)(1) The members of the council shall serve three-year terms.
(2) A member may be re-appointed to serve on the council.
(3) In the event of a vacancy on the council, a person may be
appointed to serve the remainder of the term."

AND

Page 1538, line 21, delete "upon the approval of" and substitute "in
consultation with"

AND

Page 1542, line 21, delete "upon approval by" and substitute "in consultation
with"

AND

Page 1550, line 25, delete "with the approval of" and substitute "in consultation with"

AND

Page 1552, line 12, delete "with the approval of" and substitute "in consultation with"

AND

Page 1704, line 8, delete "25-43-1104" and substitute "25-43-1105"

AND

Page 1704, line 18, delete "25-43-1105" and substitute "25-43-1106"

AND

Page 1709, line 10, delete "Licensing and" and substitute "Licensing."

AND

Page 1751, line 17, delete "17-28-164" and substitute "17-28-103"

AND

Page 1761, delete line 9, and substitute the following:
"(d)(1) The board"

AND

Page 1822, delete lines 27 through 36

AND

Page 1835, line 22, delete "Parks, Heritage," and substitute "Parks"

AND

Page 1835, line 23, delete "and Tourism" and substitute "and Tourism Commerce"

AND

Page 1838, line 29, delete "subject to" and substitute "in consultation with"

AND

Page 1838, line 30, delete "the approval of"

AND

Page 1881, delete lines 34 through 36

AND

Page 1882, delete lines 1 through 4

AND

Page 1944, line 24, delete "with the approval of" and substitute "in consultation with"

AND

Page 1960, line 15, delete "with the approval of" and substitute "in consultation with"

AND

Page 1961, line 2, delete "with the approval of" and substitute "in consultation with"

AND

Page 2045, delete line 7, and substitute the following:
"timing of the issuance of the medal decals.

SECTION 6258. Arkansas Code § 12-29-309 is amended to read as follows:
12-29-309. Riverside Vocational and Technical School – Facilities –
Operations – Rules.

(a)(1) ~~The Career Education and Workforce Development Board~~ Division of Correction and the Division of Community Correction shall locate facilities and operate vocational or technical education or training programs within the Riverside Vocational ~~and~~ Technical School.

(2) The operation of the school is subject to such special rules deemed appropriate for the operation of vocational or technical education or training programs at the correctional institutions under the control of the ~~Department~~ Division of Correction and the ~~Department~~ Division of Community Correction in accordance with agreements and rules mutually developed and agreed to by the ~~Career Education and Workforce Development Board and~~ Department of Education and the Board of Corrections.

(b)(1) The school shall be entitled to all funds, rights, and privileges and shall be operated in the same manner as other area vocational and technical schools are operated in this state.

(2) However, the school shall be operated in accordance with the rules for the operation of vocational or technical education or training programs at facilities of the ~~Department~~ Division of Correction and the ~~Department~~ Division of Community Correction as provided in §§ 12-29-306 – 12-29-310."

AND

Page 2047, delete lines 12 through 19, and substitute the following:

"(c)(1)(A) Beginning July 1, 2019, the members of the council shall serve three-year terms.

(B) The terms of the members serving on the Health Information Exchange Council prior to August 1, 2019, shall expire on July 1, 2019, and the Secretary of the Department of Health shall make appointments to begin on July 1, 2019.

(2)(A) The appointed members of the council beginning their appointments on July 1, 2019, shall draw lots for the staggering of terms so that:

(i) Five (5) members serve terms of one (1) year;

(ii) Six (6) members serve terms of two (2) years;

and

(iii) Six (6) members serve terms of three (3)

years.

(B) Subsequent appointees to the council shall serve terms of three (3) years.

(3) A member may be re-appointed to serve on the council.

(4) In the event of a vacancy on the council, a person may be appointed to serve the remainder of the term."

AND

Page 2047, delete line 36 and substitute the following:

"funded from:

(1) Existing resources; or

(2)(A) If the Chief Fiscal Officer of the State determines it is necessary, the State Central Services Fund for the secretary of the:

(i) Department of Finance and Administration;

(ii) Department of Transformation and Shared

Services; and

(iii) Department of Inspector General

(B) Beginning in the 2020 - 2021 fiscal year, the General Assembly shall determine and appropriate funding for the Secretary of the Department of Transformation and Shared Services and the Secretary of the Department of Inspector General."

AND

Page 2048, delete line 1

AND

Page 2048, delete line 28 and substitute the following:

"their existing positions before July 31, 2019.

(f)(1) The Governor or the Governor's designee shall submit and present a report to the House Committee on State Agencies and Governmental Affairs and the Senate Committee on State Agencies and Governmental committee by July 31, 2019.

(2) The report shall include a proposed timeline for the implementation of the Transformation and Efficiency Act of 2019 and a summary of any other work undertaken by the transition team."

AND

Page 2049, delete line 6, and substitute the following:

"implementation of this act; and that the two uncodified sections of this act preceding the emergency clause titled "Funding and classification of cabinet-level department secretaries" and "Transformation and Efficiencies Act transition team" are"

AND

Page 2049, delete line 10, and substitute the following:

"on July 1, 2019. Therefore, an emergency is declared to exist, and the two uncodified sections of this act preceding the emergency clause titled "Funding and classification of cabinet-level department secretaries" and "Transformation and Efficiencies Act transition team" being"

AND

Page 2049, line 11, delete "6261 and 6262 of this act are"

AND

Page 2049, delete lines 22 and 23 and substitute the following:

"impact the expenses and operations of state government; and that the sections of this act other than the two uncodified sections of this act preceding the emergency clause titled "Funding and classification of cabinet-level department secretaries" and "Transformation and Efficiencies Act transition team" should become effective at the beginning of the"

AND

Appropriately renumber the sections of the bill

The Amendment was read the first time, rules suspended and read the second time and _____

By: Senator Hickey

MLD/MLD - 04-01-2019 18:03:56

MLD215

Secretary