

1 State of Arkansas
2 90th General Assembly
3 Regular Session, 2015
4

A Bill

SENATE BILL 382

5 By: Senator E. Williams
6 By: Representative Bell
7

For An Act To Be Entitled

9 AN ACT TO STUDY THE RESTRUCTURING OF VARIOUS STATE
10 AGENCIES INTO TEN (10) PRINCIPAL DEPARTMENTS AND THE
11 EFFICIENCY AND COST SAVINGS OF CONSOLIDATION OF THOSE
12 AGENCIES; TO DECLARE AN EMERGENCY; AND FOR OTHER
13 PURPOSES.
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Subtitle

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17 TO STUDY THE RESTRUCTURING OF VARIOUS
18 STATE AGENCIES INTO TEN (10) PRINCIPAL
19 DEPARTMENTS AND THE EFFICIENCY AND COST
20 SAVINGS OF CONSOLIDATION OF THOSE
21 AGENCIES; AND TO DECLARE AN EMERGENCY.
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24 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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26 SECTION 1. DO NOT CODIFY. Legislative intent.

27 (a) The General Assembly declares that this act is necessary to:

28 (1) Enhance the delivery of services to the people of Arkansas
29 in an effective and efficient manner;

30 (2) Provide for administrative cost savings in the delivery of
31 these services by combining overlapping functions and eliminating
32 duplications of functions of state government; and

33 (3) Achieve the grouping of state agencies into ten (10)
34 provisional principal departments primarily according to function in order to
35 facilitate an increase in efficiency and reduction of administrative costs.

36 (b) It is the intent of the General Assembly to provide for a study of



1 an orderly transfer of powers, authorities, duties, and functions of the
 2 various state agencies to the ten (10) provisional principal departments with
 3 a minimum of disruption of governmental services and functions and with a
 4 minimum of expense.

5 (c) As used in this act, "principal department" means the:

- 6 (1) Department of Agriculture;
- 7 (2) Department of Commerce;
- 8 (3) Department of Interior;
- 9 (4) Department of Health and Human Services;
- 10 (5) Department of Corrections;
- 11 (6) Department of Education;
- 12 (7) Department of Finance and Administration;
- 13 (8) Department of Labor, Employment, and Workforce;
- 14 (9) Department of Natural Resources; and
- 15 (10) Department of Homeland Security.

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 17 SECTION 2. DO NOT CODIFY.

18 (a)(1) Within thirty (30) days after the effective date of this act,
 19 the Governor shall announce the names of each of the ten (10) provisional
 20 principal department secretaries.

21 (2) The provisional principal department secretaries shall be
 22 appointed to immediately undertake and implement an efficiency study designed
 23 to achieve the maximum possible financial savings in current budgeted
 24 administrative costs for the entities to be transferred under this act.

25 (3) Within thirty (30) days of the effective date of this act,
 26 each entity designated to be studied for transfer under this act shall
 27 identify and report to the ten (10) provisional principal department
 28 secretaries and the House Committee on State Agencies and Governmental
 29 Affairs and the Senate Committee on State Agencies and Governmental Affairs,
 30 the total administrative costs for the entity in real dollar amounts.

31 (4) The provisional principal department secretaries shall:

32 (A) Utilize the results of the analysis from the
 33 efficiency study to develop a detailed plan to further reorganize their
 34 respective departments and eliminate duplication of effort and unnecessary
 35 duplication of equipment and facilities; and

36 (B) Complete their analyses of the reorganization of state

1 government and prepare a final report for delivery to the Governor no later
2 than July 1, 2016.

3 (5) The provisional principal department secretaries' plan for
4 reorganization shall include without limitation:

5 (A) Estimated costs of reorganization;

6 (B) Projected savings from reorganization in real dollar
7 amounts;

8 (C) Projected improvements in service;

9 (D) Anticipated effects on cost-sharing and management of
10 federal grants;

11 (E) Provisions for efficient citizen input to department
12 decisions;

13 (F) Planned mechanisms for appeals of department actions;

14 (G) Methods of assuring accountability for results;

15 (H) Proposed timetables for implementation;

16 (I) Proposed legislation required to implement
17 reorganization;

18 (J) Required changes to the Arkansas Administrative
19 Statewide Information System, estimated costs, and a timeline for the
20 required changes to be accomplished;

21 (K) Recommendations as to whether reorganization into the
22 ten (10) provisional departments as proposed by this act is the most
23 efficient structure for organization; and

24 (L) Recommendations as to which powers and duties should
25 be retained by the agencies transferred under the ten (10) provisional
26 departments.

27 (6) The ten (10) provisional principal department secretaries
28 shall provide progress reports outlining the status of the study every sixty
29 (60) days to:

30 (A) The Governor; and

31 (B) The House Committee on State Agencies and Governmental
32 Affairs and the Senate Committee on State Agencies and Governmental Affairs.

33 (b) The Governor, in conjunction with the ten (10) provisional
34 principal department secretaries, shall provide the plans for reorganization
35 to the House Committee on State Agencies and Governmental Affairs and the
36 Senate Committee on State Agencies and Governmental Affairs no later than

1 August 1, 2016.

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3 SECTION 3. DO NOT CODIFY.

4 The transfer of the following agencies to the Department of Agriculture
5 shall be studied:

6 (1) The Arkansas Livestock and Poultry Commission under § 2-33-
7 101 et seq., § 2-33-201 et seq., § 2-33-301 et seq., and § 2-33-401 et seq.;

8 (2) The Department of Rural Services under § 15-6-105;

9 (3) The Arkansas Rural Development Commission under § 15-6-104;

10 (4) The State Plant Board under § 2-16-206; and

11 (5) The Division of Agriculture Development of the Arkansas
12 Development Finance Authority under § 15-5-802.

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14 SECTION 4. DO NOT CODIFY.

15 (a) For purposes of the efficiency study there is created a Department
16 of Commerce.

17 (b) The transfer of the following agencies to the Department of Rural
18 Commerce shall be studied:

19 (1) The Arkansas Economic Development Council under §§ 15-4-205
20 - 15-4-210;

21 (2) The Arkansas Economic Development Cuouncil under § 15-4-201;

22 (3) The Arkansas Waterways Commission under § 15-23-201;

23 (4) The State Insurance Department under § 23-61-101;

24 (5) The Arkansas Science and Technology Authority under § 15-3-
25 103;

26 (6) The Board of Directors of the Arkansas Science and
27 Technology Authority under § 15-3-104;

28 (7) The State Bank Department under § 23-46-201 et seq.;

29 (8) The State Banking Board under § 23-46-301;

30 (9) The State Securities Department under § 23-42-201;

31 (10) The Arkansas Public Service Commission under § 23-2-101;

32 (11) The Arkansas Department of Aeronautics under § 27-115-101;

33 (12) The Arkansas Department of Environmental Quality under §
34 25-14-101; and

35 (13) The Arkansas Pollution Control and Ecology Commission under
36 § 8-4-104.

SECTION 5. DO NOT CODIFY.

(a) For purposes of the efficiency study there is created a Department of Corrections.

(b) The transfer of the following agencies to the Department of Corrections shall be studied:

(1) The Department of Correction under § 12-27-101;

(2) The Department of Community Correction under § 12-27-125;

(3) The Criminal Detention Facilities Review Coordinator under § 12-26-103;

(4) The Parole Board under § 16-93-201; and

(5) The Board of Correction and Community Punishment Corrections under § 12-27-104.

SECTION 6. DO NOT CODIFY.

(a) For purposes of the efficiency study there is created a Department of Education.

(b) The transfer of the following agencies to the Department of Education shall be studied:

(1) The Department of Education under § 25-6-102;

(2) The State Board of Education under § 6-11-101;

(3) The Advisory Council for Education of Children with Disabilities under § 6-41-211;

(4) The Advisory Council for Education of Gifted and Talented Children under § 6-42-104;

(5) The Arkansas School for the Blind under § 6-43-201;

(6) The Arkansas School for the Deaf under § 6-43-301;

(7) The Board of Trustees for the Arkansas School for the Blind and the Arkansas School for the Deaf under § 6-43-101;

(8) The Arkansas School for Mathematics, Sciences, and the Arts under § 6-42-302;

(9) The Board of Trustees for the Arkansas School for Mathematics, Sciences, and the Arts under § 6-42-201;

(10) The Division of Child Care and Early Childhood Education under § 20-78-205;

(11) The Department of Higher Education under § 25-7-101;

1 (12) The Arkansas Higher Education Coordinating Board under § 6-
2 53-203;

3 (13) The State Board of Career Education under § 25-30-101;

4 (14) Arkansas Rehabilitation Services under § 25-3-106;

5 (15) Arkansas Tech University Ozark Campus, Arkansas
6 Northeastern College, Crowley's Ridge Technical Institute, Arkansas State
7 University-Searcy, University of Arkansas at Monticello College of
8 Technology-Crossett, University of Arkansas at Monticello College of
9 Technology-McGehee, Northwest Technical Institute, Riverside Vocational and
10 Technical School, and National Park Community College;

11 (16) The local boards of directors of Arkansas Tech University
12 Ozark Campus, Arkansas Northeastern College, Crowley's Ridge Technical
13 Institute, Arkansas State University-Searcy, University of Arkansas at
14 Monticello College of Technology-Crossett, University of Arkansas at
15 Monticello College of Technology-McGehee, Northwest Technical Institute,
16 Riverside Vocational and Technical School, and National Park Community
17 College and

18 (17) The Arkansas Educational Television Commission under § 6-3-
19 101.

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21 SECTION 7. DO NOT CODIFY.

22 (a) For purposes of the efficiency study there is created a Department
23 of Finance and Administration.

24 (b) The transfer of the following agencies to the Department of
25 Finance and Administration shall be studied:

26 (1) The Department of Finance and Administration under § 25-8-
27 101;

28 (2) The Tax Division of the Arkansas Public Service Commission
29 under §26-24-101(1)(a);

30 (3) The State Insurance Department responsibilities of the
31 insurance premium tax levied under § 26-57-603, 26-57-604, and 26-57-605 and
32 the legal insurance premium tax levied under § 23-91-226;

33 (4) The Assessment Coordination Department under § 25-28-101;

34 (5) The Arkansas Building Authority under § 22-2-104;

35 (6) The Arkansas Building Authority Council under § 22-2-106;

36 (7) The State Technology Council under § 25-33-101;

- 1 (8) The Department of Information Systems under § 25-4-104;
- 2 (9) The Arkansas Racing Commission under § 23-110-201;
- 3 (10) The Federal Surplus Property Program under § 19-11-601; and
- 4 (11) The Alcoholic Beverage Control Board of the Department of
- 5 Finance and Administration under § 3-2-201.

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7 SECTION 8. DO NOT CODIFY.

8 (a) For purposes of the efficiency study there is created a Department

9 of Health and Human Services.

10 (b) The transfer of the following agencies to the Department of Health

11 and Human Services shall be studied:

12 (1) The On-Site Sewage Disposal Program under § 14-236-101 and

13 the Marine Sanitation Program under § 15-27-101;

14 (2) The State Board of Health under § 20-7-102;

15 (3) The Arkansas Minority Health Commission under § 20-2-102;

16 (4) The Department of Human Services under § 25-10-101;

17 (5) The State Department for Social Security Administration

18 Disability Determination under § 20-76-301;

19 (6) The Department of Veterans Affairs under § 20-81-102;

20 (7) The Arkansas Veterans' Commission under § 20-81-104;

21 (8) The Arkansas Veterans' Child Welfare Service Office under §

22 20-81-101;

23 (9) The Board of Developmental Disabilities Services under § 25-

24 10-104;

25 (10) The Child Welfare Agency Review Board under § 9-28-403; and

26 (11) The Department of Human Services State Institutional System

27 Board under § 25-10-402.

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29 SECTION 9. DO NOT CODIFY.

30 (a) For purposes of the efficiency study there is created a Department

31 of Homeland Security.

32 (b) The transfer of the following agencies to the Department of

33 Homeland Security shall be studied:

34 (1) The Arkansas Drug Director of the Office of the Governor

35 under § 20-64-1001;

36 (2) The Arkansas Tobacco Control Board under § 26-57-255;

- 1 (3) The Alcoholic Beverage Control Enforcement Division under §
 2 3-2-203;
- 3 (4) The Department of Arkansas State Police under § 12-8-101;
- 4 (5) The Arkansas State Police Commission under § 12-8-102;
- 5 (6) The Arkansas State Crime Information Center under § 12-12-
 6 201;
- 7 (7) The Supervisory Board of the Arkansas Crime Information
 8 Center under § 12-12-202;
- 9 (8) The State Crime Laboratory under § 12-12-301;
- 10 (9) The Crime Laboratory Board under § 12-12-302;
- 11 (10) The Arkansas Commission on Law Enforcement Standards and
 12 Training under § 12-9-103;
- 13 (11) The Arkansas Department of Emergency Management under § 12-
 14 75-109;
- 15 (12) The State Military Department under Acts 1929, No. 85; and
- 16 (13) The Victim of Crime Justice Assistance Grants Division, the
 17 Law Enforcement Block Grants Division, the Violent Offender Incarceration
 18 Grants Division, and the Drug Law Enforcement Grants Division of the
 19 Department of Finance and Administration.

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 21 SECTION 10. DO NOT CODIFY.

22 (a) For purposes of the efficiency study there is created a Department
 23 of Interior.

24 (b) The transfer of the following agencies to the Department of
 25 Interior shall be studied:

- 26 (1) The Department of Parks and Tourism under § 25-13-101;
- 27 (2) The Department of Arkansas Heritage under § 25-3-102;
- 28 (3) The State Parks, Recreation, and Travel Commission under §
 29 15-11-201;
- 30 (4) The Plantation Agriculture Museum Advisory Commission;
- 31 (5) The Prairie Grove Battlefield Commission under § 13-7-401;
- 32 (6) The Arkansas Museum of Natural Resources Advisory Committee
 33 under § 13-5-404;
- 34 (7) The Historic Arkansas Museum Commission under § 13-7-302;
- 35 (8) The Delta Cultural Center Policy Advisory Board under § 13-
 36 5-704;

- 1 (9) The Arkansas Natural Heritage Commission under § 15-20-304;
- 2 (10) The Mosaic Templars of America Center for African-American
- 3 Culture and Business Enterprise under § 13-5-902;
- 4 (11) The Old State House Commission under § 13-7-201;
- 5 (12) The Mississippi River Parkway Commission under § 27-69-201;
- 6 (13) The Arkansas Entertainers Hall of Fame Board under § 13-9-
- 7 101;
- 8 (14) The Arkansas History Commission under § 13-3-101;
- 9 (15) The Arkansas State Library under § 13-2-203;
- 10 (16) The State Library Board under § 13-2-205;
- 11 (17) The State Historic Preservation Officer under § 13-7-107;
- 12 (18) The State Review Committee for Historic Preservation under
- 13 § 13-7-108;
- 14 (19) The Advisory Council of the Arkansas Arts Council under §
- 15 13-8-103;
- 16 (20) The Keep Arkansas Beautiful Commission under § 15-11-601;
- 17 (21) The Arkansas Natural and Cultural Resources Council under
- 18 § 15-12-201;
- 19 (22) The Martin Luther King, Jr. Commission under § 25-24-101;
- 20 (23) The Arkansas Museum Review Panel under § 13-5-207;
- 21 (24) The Arkansas Scenic Resources Preservation Coordinating
- 22 Committee under § 15-20-707; and
- 23 (25) The Arkansas Natural and Cultural Heritage Advisory
- 24 Committee under § 25-3-104.

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26 SECTION 11. DO NOT CODIFY.

27 (a) For purposes of the efficiency study there is created a Department

28 of Labor, Employment, and Workforce.

29 (b) The transfer of the following agencies to the Department of Labor,

30 Employment, and Workforce shall be studied:

- 31 (1) The Arkansas Workforce Investment Board under § 15-4-2204;
- 32 (2) The Arkansas Workforce Investment Board Executive Committee
- 33 under § 15-4-2205;
- 34 (3) The Department of Workforce Services under § 11-10-301;
- 35 (4) The Board of Review under § 11-10-523;
- 36 (5) The State Employment Security Advisory Council under § 11-

1 10-305;

2 (6) The Temporary Assistance for Needy Families Oversight Board
3 under § 20-76-105(g);

4 (7) The Department of Labor under § 11-2-106;

5 (8) The Boiler Advisory Board under § 20-23-201;

6 (9) The Board of Electrical Examiners under § 17-28-201;

7 (10) The Elevator Safety Board under § 20-24-105;

8 (11) The Workers' Compensation Commission under § 11-9-201;

9 (12) The Arkansas Rehabilitation Services of the Department of
10 Career Education under § 6-52-101;

11 (13) The Governor's Commission on People with Disabilities under
12 § 20-14-202;

13 (14) The Arkansas Spinal Cord Commission under § 20-8-202;

14 (15) The Division of State Services for the Blind of the
15 Department of Human Services under § 25-10-102; and

16 (16) The Board of the Division of State Services for the Blind
17 under § 25-10-205.

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19 SECTION 12. DO NOT CODIFY.

20 (a) For purposes of the efficiency study there is created a Department
21 of Natural Resources.

22 (b) The transfer of the following agencies to the Department of
23 Natural Resources shall be studied:

24 (1) The Oil and Gas Commission under § 15-71-101;

25 (2) The Director of Production and Conservation and the staff of
26 the Oil and Gas Commission under § 15-71-105;

27 (3) The Arkansas Natural Resources Commission under § 15-20-201;

28 (4) The Commission on Water Well Commission under § 17-50-201;

29 (5) The Arkansas Forestry Commission under § 15-31-101;

30 (6) The Arkansas Geological Survey under § 15-55-201;

31 (7) The Division of Engineering, the HVACR Program of the
32 Department of Health, and the Marine Sanitation Program, under § 25-9-101;

33 and

34 (8) The Federal Housing and Urban Development Community
35 Development Block Grant program of the Arkansas Economic Development
36 Commission.

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SECTION 13. EMERGENCY CLAUSE. It is found and determined by the General Assembly that there is an urgent need for additional funding for public education, prisons, health care, and other essential government services; that every effort must be made to use current resources as efficiently and effectively as possible to provide the maximum possible funding for these essential government services; that there are significant opportunities for savings in the cost of operating state government by combining offices and eliminating duplicate functions; that this act is designed to study the reorganization of the executive branch of Arkansas state government and the merger of governmental operations into ten (10) principal departments responsible for providing services to the citizens of this state. Therefore an emergency is declared to exist and this act being necessary for the preservation of the public peace, health and safety shall become effective on:

- (1) The date of its approval by the Governor;
- (2) If the bill is neither approved nor vetoed by the Governor, the expiration of the period of time during which the Governor may veto the bill; or
- (3) If the bill is vetoed by the Governor and the veto is overridden, the date the last House overrides the veto.