

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

As Engrossed: S3/18/15

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 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 PRINCIPAL DEPARTMENTS*
19 *AND THE EFFICIENCY AND COST SAVINGS OF*
20 *CONSOLIDATION OF THOSE AGENCIES; AND TO*
21 *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.

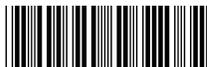
27 (a) The General Assembly declares that this act is necessary to:

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 provisional
34 principal departments primarily according to function in order to facilitate
35 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 provisional principal departments with a
3 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;

15 (10) Department of Homeland Security; and

16 (11) Additional departments as the Governor deems necessary in
17 order to facilitate an increase in efficiency and reduction of administrative
18 costs.

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20 SECTION 2. DO NOT CODIFY.

21 (a)(1) The Governor may appoint provisional department secretaries to
22 assist with the study.

23 (2) The provisional principal department secretaries or the
24 office of the Governor may undertake and implement an efficiency study
25 designed to achieve the maximum possible financial savings in current
26 budgeted administrative costs.

27 (3) Each entity designated to be studied for transfer under this
28 act shall identify and report to the provisional principal department
29 secretaries, the office of the Governor, the House Committee on State
30 Agencies and Governmental Affairs, and the Senate Committee on State Agencies
31 and Governmental Affairs, the total administrative costs for the entity in
32 real dollar amounts.

33 (4) The provisional principal department secretaries or the
34 office of the Governor may:

35 (A) Utilize the results of the analysis from the
36 efficiency study to develop a detailed plan to further reorganize their

1 respective departments and eliminate duplication of effort and unnecessary
2 duplication of equipment and facilities; and

3 (B) If provisional principal department secretaries are
4 appointed, complete their analyses of the reorganization of state government
5 and prepare a final report for delivery to the Governor.

6 (5) The provisional principal department secretaries' or office
7 of the Governor's plan for reorganization may include without limitation:

8 (A) Estimated costs of reorganization;

9 (B) Projected savings from reorganization in real dollar
10 amounts;

11 (C) Projected improvements in service;

12 (D) Anticipated effects on cost-sharing and management of
13 federal grants;

14 (E) Provisions for efficient citizen input to department
15 decisions;

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

17 (G) Methods of assuring accountability for results;

18 (H) Proposed timetables for implementation;

19 (I) Proposed legislation required to implement
20 reorganization;

21 (J) Required changes to the Arkansas Administrative
22 Statewide Information System, estimated costs, and a timeline for the
23 required changes to be accomplished;

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

27 (L) Recommendations as to which powers and duties should
28 be retained by the agencies transferred under the provisional departments.

29 (6) The provisional principal department secretaries may provide
30 progress reports outlining the status of the study to:

31 (A) The Governor; and

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

34 (b) The Governor, in conjunction with the provisional principal
35 department secretaries, if any, may provide the plans for reorganization to
36 the House Committee on State Agencies and Governmental Affairs and the Senate

1 Committee on State Agencies and Governmental Affairs.

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3 SECTION 3. DO NOT CODIFY.

4 The agencies to be studied for reorganization or transfer may include
5 without limitation the following:

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;

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

13 (6) The Arkansas Economic Development Commission under §§ 15-4-
14 205 – 15-4-210;

15 (7) The Arkansas Economic Development Council under § 15-4-201;

16 (8) The Arkansas Waterways Commission under § 15-23-201;

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

18 (10) The Arkansas Science and Technology Authority under § 15-3-
19 103;

20 (11) The Board of Directors of the Arkansas Science and
21 Technology Authority under § 15-3-104;

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

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

24 (14) The State Securities Department under § 23-42-201;

25 (15) The Arkansas Public Service Commission under § 23-2-101;

26 (16) The Arkansas Department of Aeronautics under § 27-115-101;

27 (17) The Arkansas Department of Environmental Quality under §
28 25-14-101;

29 (18) The Arkansas Pollution Control and Ecology Commission under
30 § 8-4-104;

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

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

33 (21) The Criminal Detention Facilities Review Coordinator under
34 § 12-26-103;

35 (22) The Parole Board under § 16-93-201;

36 (23) The Board of Correction under § 12-27-104;

- 1 (24) The Department of Education under § 25-6-102;
2 (25) The State Board of Education under § 6-11-101;
3 (26) The Advisory Council for Education of Children with
4 Disabilities under § 6-41-211;
5 (27) The Advisory Council for Education of Gifted and Talented
6 Children under § 6-42-104;
7 (28) The Arkansas School for the Blind under § 6-43-201;
8 (29) The Arkansas School for the Deaf under § 6-43-301;
9 (30) The Board of Trustees for the Arkansas School for the Blind
10 and the Arkansas School for the Deaf under § 6-43-101;
11 (31) The Board of Trustees for the Arkansas School for
12 Mathematics, Sciences, and the Arts under § 6-42-201;
13 (32) The Division of Child Care and Early Childhood Education
14 under § 20-78-205;
15 (33) The Department of Higher Education under § 25-7-101;
16 (34) The Arkansas Higher Education Coordinating Board under § 6-
17 53-203;
18 (35) The State Board of Career Education under § 25-30-101;
19 (36) Arkansas Rehabilitation Services under § 25-30-106;
20 (37) Arkansas Tech University Ozark Campus, Arkansas
21 Northeastern College, Crowley's Ridge Technical Institute, Northwest
22 Technical Institute, Riverside Vocational and Technical School, and National
23 Park Community College;
24 (39) The local boards of directors of Arkansas Tech University
25 Ozark Campus, Arkansas Northeastern College, Crowley's Ridge Technical
26 Institute, Northwest Technical Institute, Riverside Vocational and Technical
27 School, and National Park Community College;
28 (40) The Arkansas Educational Television Commission under § 6-3-
29 101;
30 (41) The Department of Finance and Administration under § 25-8-
31 101;
32 (42) The Tax Division of the Arkansas Public Service Commission
33 under § 26-24-101(1)(A);
34 (43) The State Insurance Department responsibilities of the
35 insurance premium tax levied under §§ 26-57-603, 26-57-604, and 26-57-605 and
36 the legal insurance premium tax levied under § 23-91-226;

- 1 (44) The Assessment Coordination Department under § 25-28-101;
2 (45) The Arkansas Building Authority under § 22-2-104;
3 (46) The Arkansas Building Authority Council under § 22-2-106;
4 (47) The State Technology Council under § 25-33-101;
5 (48) The Department of Information Systems under § 25-4-104;
6 (49) The Arkansas Racing Commission under § 23-110-201;
7 (50) The Federal Surplus Property Program under § 19-11-601;
8 (51) The Alcoholic Beverage Control Board of the Department of
9 Finance and Administration under § 3-2-201;
10 (52) The On-Site Sewage Disposal Program under § 14-236-101 and
11 the Marine Sanitation Program under § 19-6-490;
12 (53) The State Board of Health under § 20-7-102;
13 (54) The Arkansas Minority Health Commission under § 20-2-102;
14 (55) The Department of Human Services under § 25-10-101;
15 (56) The State Department for Social Security Administration
16 Disability Determination under § 20-76-301;
17 (57) The Department of Veterans Affairs under § 20-81-102;
18 (58) The Arkansas Veterans' Commission under § 20-81-104;
19 (59) The Arkansas Veterans' Child Welfare Service Office under §
20 20-81-101;
21 (60) The Board of Developmental Disabilities Services under §
22 25-10-104;
23 (61) The Child Welfare Agency Review Board under § 9-28-403;
24 (62) The Department of Human Services State Institutional System
25 Board under § 25-10-402;
26 (63) The Arkansas Drug Director of the Office of the Governor
27 under § 20-64-1001;
28 (64) The Arkansas Tobacco Control Board under § 26-57-255;
29 (65) The Alcoholic Beverage Control Enforcement Division under §
30 3-2-203;
31 (66) The Department of Arkansas State Police under § 12-8-101;
32 (67) The Arkansas State Police Commission under § 12-8-102;
33 (68) The Arkansas State Crime Information Center under § 12-12-
34 201;
35 (69) The Supervisory Board of the Arkansas Crime Information
36 Center under § 12-12-202;

- 1 (70) The State Crime Laboratory under § 12-12-301;
2 (71) The State Crime Laboratory Board under § 12-12-302;
3 (72) The Arkansas Commission on Law Enforcement Standards and
4 Training under § 12-9-103;
5 (73) The Arkansas Department of Emergency Management under § 12-
6 75-109;
7 (74) The State Military Department under Acts 1929, No. 85;
8 (75) The Victim of Crime Justice Assistance Grants Division, the
9 Law Enforcement Block Grants Division, the Violent Offender Incarceration
10 Grants Division, and the Drug Law Enforcement Grants Division of the
11 Department of Finance and Administration;
12 (76) The Department of Parks and Tourism under § 25-13-101;
13 (77) The Department of Arkansas Heritage under § 25-3-102;
14 (78) The State Parks, Recreation, and Travel Commission under §
15 15-11-201;
16 (79) The Plantation Agriculture Museum Advisory Commission;
17 (80) The Prairie Grove Battlefield Commission under § 13-7-401;
18 (81) The Arkansas Museum of Natural Resources Advisory Committee
19 under § 13-5-404;
20 (82) The Historic Arkansas Museum Commission under § 13-7-302;
21 (83) The Delta Cultural Center Policy Advisory Board under § 13-
22 5-704;
23 (84) The Arkansas Natural Heritage Commission under § 15-20-304;
24 (85) The Mosaic Templars of America Center for African-American
25 Culture and Business Enterprise under § 13-5-902;
26 (86) The Old State House Commission under § 13-7-201;
27 (87) The Mississippi River Parkway Commission under § 27-69-201;
28 (88) The Arkansas Entertainers Hall of Fame Board under § 13-9-
29 101;
30 (89) The Arkansas History Commission under § 13-3-101;
31 (90) The Arkansas State Library under § 13-2-203;
32 (91) The State Library Board under § 13-2-205;
33 (92) The State Historic Preservation Officer under § 13-7-107;
34 (93) The State Review Committee for Historic Preservation under
35 § 13-7-108;
36 (94) The Advisory Council of the Arkansas Arts Council under §

- 1 13-8-103;
2 (95) The Keep Arkansas Beautiful Commission under § 15-11-601;
3 (96) The Arkansas Natural and Cultural Resources Council under §
4 15-12-201;
5 (97) The Martin Luther King, Jr. Commission under § 25-24-101;
6 (98) The Arkansas Museum Review Panel under § 13-5-207;
7 (99) The Arkansas Scenic Resources Preservation Coordinating
8 Committee under § 15-20-707;
9 (100) The Arkansas Natural and Cultural Heritage Advisory
10 Committee under § 25-3-104;
11 (101) The Arkansas Workforce Investment Board under § 15-4-2204;
12 (102) The Arkansas Workforce Investment Board Executive
13 Committee under § 15-4-2205;
14 (103) The Department of Workforce Services under § 11-10-301;
15 (104) The Board of Review under § 11-10-523;
16 (105) The State Employment Security Advisory Council under § 11-
17 10-305;
18 (106) The Temporary Assistance for Needy Families Oversight
19 Board under § 20-76-105(g);
20 (107) The Department of Labor under § 11-2-106;
21 (108) The Boiler Advisory Board under § 20-23-201;
22 (109) The Board of Electrical Examiners under § 17-28-201;
23 (110) The Elevator Safety Board under § 20-24-105;
24 (111) The Workers' Compensation Commission under § 11-9-201;
25 (112) The Arkansas Rehabilitation Services of the Department of
26 Career Education under § 6-52-101;
27 (113) The Governor's Commission on People with Disabilities
28 under § 20-14-202;
29 (114) The Arkansas Spinal Cord Commission under § 20-8-202;
30 (115) The Division of State Services for the Blind of the
31 Department of Human Services under § 25-10-102;
32 (116) The Board of the Division of State Services for the Blind
33 under § 25-10-205;
34 (117) The Oil and Gas Commission under § 15-71-101;
35 (118) The Director of Production and Conservation and the staff
36 of the Oil and Gas Commission under § 15-71-105;

- 1 (119) The Arkansas Natural Resources Commission under § 15-20-
 2 201;
- 3 (120) The Commission on Water Well Commission under § 17-50-201;
 4 (121) The Arkansas Forestry Commission under § 15-31-101;
 5 (122) The Arkansas Geological Survey under § 15-55-201;
 6 (123) The Division of Engineering, the HVACR Program of the
 7 Department of Health, and the Marine Sanitation Program, under § 25-9-101;
 8 (124) The Federal Housing and Urban Development Community
 9 Development Block Grant program of the Arkansas Economic Development
 10 Commission;
- 11 (125) The Department of Human Services, under § 25-10-101 et
 12 seq.;
- 13 (126) The Department of Health, under § 25-9-101 et seq.; and
 14 (127) The Department of Information Systems, under § 25-4-101 et
 15 seq.

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17 SECTION 4. EMERGENCY CLAUSE. It is found and determined by the
 18 General Assembly that there is an urgent need for additional funding for
 19 public education, prisons, health care, and other essential government
 20 services; that every effort must be made to use current resources as
 21 efficiently and effectively as possible to provide the maximum possible
 22 funding for these essential government services; that there are significant
 23 opportunities for savings in the cost of operating state government by
 24 combining offices and eliminating duplicate functions; that this act is
 25 designed to study the reorganization of the executive branch of Arkansas
 26 state government and the merger of governmental operations into ten (10)
 27 principal departments responsible for providing services to the citizens of
 28 this state. Therefore an emergency is declared to exist and this act being
 29 necessary for the preservation of the public peace, health and safety shall
 30 become effective on:

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

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/s/E. Williams