

Stricken language would be deleted from and underlined language would be added to present law.
Act 1202 of the Regular Session

State of Arkansas
90th General Assembly
Regular Session, 2015

As Engrossed: S3/18/15
A Bill

SENATE BILL 382

By: Senator E. Williams

By: Representative Bell

For An Act To Be Entitled

AN ACT TO STUDY THE RESTRUCTURING OF VARIOUS STATE AGENCIES INTO PRINCIPAL DEPARTMENTS AND THE EFFICIENCY AND COST SAVINGS OF CONSOLIDATION OF THOSE AGENCIES; TO DECLARE AN EMERGENCY; AND FOR OTHER PURPOSES.

Subtitle

TO STUDY THE RESTRUCTURING OF VARIOUS STATE AGENCIES INTO PRINCIPAL DEPARTMENTS AND THE EFFICIENCY AND COST SAVINGS OF CONSOLIDATION OF THOSE AGENCIES; AND TO DECLARE AN EMERGENCY.

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

SECTION 1. DO NOT CODIFY. Legislative intent.

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

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

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

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

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



an orderly transfer of powers, authorities, duties, and functions of the various state agencies to the provisional principal departments with a minimum of disruption of governmental services and functions and with a minimum of expense.

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

(1) Department of Agriculture;

(2) Department of Commerce;

(3) Department of Interior;

(4) Department of Health and Human Services;

(5) Department of Corrections;

(6) Department of Education;

(7) Department of Finance and Administration;

(8) Department of Labor, Employment, and Workforce;

(9) Department of Natural Resources;

(10) Department of Homeland Security; and

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

SECTION 2. DO NOT CODIFY.

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

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

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

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

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

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

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

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

(A) Estimated costs of reorganization;

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

(C) Projected improvements in service;

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

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

(F) Planned mechanisms for appeals of department actions;

(G) Methods of assuring accountability for results;

(H) Proposed timetables for implementation;

(I) Proposed legislation required to implement reorganization;

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

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

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

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

(A) The Governor; and

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

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

Committee on State Agencies and Governmental Affairs.SECTION 3. DO NOT CODIFY.

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

- (1) The Arkansas Livestock and Poultry Commission under § 2-33-101 et seq., § 2-33-201 et seq., § 2-33-301 et seq., and § 2-33-401 et seq.;
- (2) The Department of Rural Services under § 15-6-105;
- (3) The Arkansas Rural Development Commission under § 15-6-104;
- (4) The State Plant Board under § 2-16-206;
- (5) The Division of Agriculture Development of the Arkansas Development Finance Authority under § 15-5-802;
- (6) The Arkansas Economic Development Commission under §§ 15-4-205 – 15-4-210;
- (7) The Arkansas Economic Development Council under § 15-4-201;
- (8) The Arkansas Waterways Commission under § 15-23-201;
- (9) The State Insurance Department under § 23-61-101;
- (10) The Arkansas Science and Technology Authority under § 15-3-103;
- (11) The Board of Directors of the Arkansas Science and Technology Authority under § 15-3-104;
- (12) The State Bank Department under § 23-46-201 et seq.;
- (13) The State Banking Board under § 23-46-301;
- (14) The State Securities Department under § 23-42-201;
- (15) The Arkansas Public Service Commission under § 23-2-101;
- (16) The Arkansas Department of Aeronautics under § 27-115-101;
- (17) The Arkansas Department of Environmental Quality under § 25-14-101;
- (18) The Arkansas Pollution Control and Ecology Commission under § 8-4-104;
- (19) The Department of Correction under § 12-27-101;
- (20) The Department of Community Correction under § 12-27-125;
- (21) The Criminal Detention Facilities Review Coordinator under § 12-26-103;
- (22) The Parole Board under § 16-93-201;
- (23) The Board of Correction under § 12-27-104;

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

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

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

13-8-103;(95) The Keep Arkansas Beautiful Commission under § 15-11-601;(96) The Arkansas Natural and Cultural Resources Council under §15-12-201;(97) The Martin Luther King, Jr. Commission under § 25-24-101;(98) The Arkansas Museum Review Panel under § 13-5-207;(99) The Arkansas Scenic Resources Preservation CoordinatingCommittee under § 15-20-707;(100) The Arkansas Natural and Cultural Heritage AdvisoryCommittee under § 25-3-104;(101) The Arkansas Workforce Investment Board under § 15-4-2204;(102) The Arkansas Workforce Investment Board ExecutiveCommittee under § 15-4-2205;(103) The Department of Workforce Services under § 11-10-301;(104) The Board of Review under § 11-10-523;(105) The State Employment Security Advisory Council under § 11-10-305;(106) The Temporary Assistance for Needy Families OversightBoard under § 20-76-105(g);(107) The Department of Labor under § 11-2-106;(108) The Boiler Advisory Board under § 20-23-201;(109) The Board of Electrical Examiners under § 17-28-201;(110) The Elevator Safety Board under § 20-24-105;(111) The Workers' Compensation Commission under § 11-9-201;(112) The Arkansas Rehabilitation Services of the Department ofCareer Education under § 6-52-101;(113) The Governor's Commission on People with Disabilitiesunder § 20-14-202;(114) The Arkansas Spinal Cord Commission under § 20-8-202;(115) The Division of State Services for the Blind of theDepartment of Human Services under § 25-10-102;(116) The Board of the Division of State Services for the Blindunder § 25-10-205;(117) The Oil and Gas Commission under § 15-71-101;(118) The Director of Production and Conservation and the staffof the Oil and Gas Commission under § 15-71-105;

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

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

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

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

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

(124) The Federal Housing and Urban Development Community Development Block Grant program of the Arkansas Economic Development Commission;

(125) The Department of Human Services, under § 25-10-101 et seq.;

(126) The Department of Health, under § 25-9-101 et seq.; and

(127) The Department of Information Systems, under § 25-4-101 et seq.

SECTION 4. 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.

/s/E. Williams

APPROVED: 04/07/2015