

Stricken language would be deleted from and underlined language would be added to present law.

State of Arkansas
92nd General Assembly
Regular Session, 2019

A Bill

HOUSE BILL 1071

By: Representative A. Davis

By: Senator Hester

For An Act To Be Entitled

AN ACT TO CREATE THE TRANSFORMATION AND EFFICIENCIES ACT OF 2019; TO ESTABLISH CABINET-LEVEL DEPARTMENTS; TO ESTABLISH THE CABINET-LEVEL DEPARTMENT OF VETERAN AFFAIRS; TO TRANSFER STATE ENTITIES; TO DECLARE AN EMERGENCY; AND FOR OTHER PURPOSES.

Subtitle

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

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

SECTION 1. Arkansas Code Title 25, Chapter 43, is amended to add an additional subchapter to read as follows:

Subchapter 16 – Department of Veteran Affairs

25-43-1601. Department of Veteran Affairs – Creation.

There is created the Department of Veteran Affairs as a cabinet-level department.

25-43-1602. State entities transferred to the Department of Veteran Affairs.



(a) The administrative functions of the following state entities are transferred to the Department of Veteran Affairs pursuant to a cabinet-level department transfer:

(1) Arkansas Veterans' Child Welfare Service, created under § 20-81-101;

(2) Arkansas Veterans' Commission, created under § 20-81-104;

(3) County veterans' service officer program, created under § 20-81-106;

(4) State veterans' cemetery system, created under § 20-81-112;

and

(5) Veterans' Homes, established under § 20-81-105.

(b) Each entity transferred shall retain its specified statutory duties.

25-43-1603. Powers and duties of the Department of Veteran Affairs.

(a) The Department of Veteran Affairs shall:

(1) Supervise the operation of the Veterans' Homes;

(2) Supervise the activities, training, and testing of the county veterans' service officers located throughout the State of Arkansas;
and

(3) Perform all administrative functions for the state entities under the administration of the department.

(b) The department is authorized to develop and promulgate all rules necessary for the enforcement and implementation of the provisions of this act and all applicable federal rules and regulations.

25-43-1604. Secretary of the Department of Veteran Affairs.

(a) The Governor may appoint a qualified Secretary of the Department of Veteran Affairs who has:

(1) Served in the United States Armed Forces during a period of conflict as defined by the United States Congress;

(2) Been honorably discharged from the United States Armed Forces; and

(3) Been a resident of the State of Arkansas for two (2) years preceding his or her appointment.

(b) The secretary shall promote and supervise the dissemination of

available information concerning the rights of veterans and their dependents.

(c) The secretary may establish, maintain, and operate district offices within the State of Arkansas as may be necessary.

(d) The secretary may employ other employees, full-time or part-time, as may be determined necessary, within the limits of the funds appropriated for that purpose.

(e)(1) An employee under the supervision of the department shall not accept, receive, or charge any money, article, or thing of value for the performance of any service rendered to any veteran or his or her dependents at any time or in any manner.

(2) Any person who violates the provisions of this subsection is guilty of a misdemeanor and upon conviction shall be fined not less than fifty dollars (\$50.00) nor more than five hundred dollars (\$500) or imprisoned not less than thirty (30) days nor more than six (6) months, or both.

25-43-1605. Veteran claim specialist.

(a) The Secretary of the Department of Veteran Affairs may employ veteran claim specialists, full-time or part-time, as may be determined necessary, within the limits of the funds appropriated for that purpose.

(b)(1) A veteran claim specialist shall have served in the United States Armed Forces and shall have been honorably discharged from the United States Armed Forces.

(2) All veteran claim specialists of the Department of Veteran Affairs shall have knowledge of all laws, both federal and state, relating to the rights and benefits of all veterans and their dependents and shall aid and assist all veterans and their dependents in securing their rights and benefits.

SECTION 2. Arkansas Code § 11-15-105 is amended to read as follows:

11-15-105. Verification of eligibility.

The Department of ~~Veterans~~ Veteran Affairs and the ~~Department~~ Division of Workforce Services shall assist a private employer or a local government employer in determining if an applicant or employee is a veteran, spouse of a disabled veteran, or surviving spouse of a veteran.

SECTION 3. Arkansas Code § 19-6-813(c), concerning the Military Funeral Honors Fund, is amended to read as follows:

(c) The fund shall be used by the Department of ~~Veterans~~ Veteran Affairs to assist with the cost of providing military funeral honors at veterans' funerals.

SECTION 4. Arkansas Code § 20-8-702(b)(1)(C), concerning the creation and membership of the Palliative Care and Quality of Life Interdisciplinary Task Force, is amended to read as follows:

(C) One (1) member who is a designee of the Department of ~~Veterans~~ Veteran Affairs;

SECTION 5. Arkansas Code § 20-17-703(b), concerning the notice to medical schools of an unclaimed body, is amended to read as follows:

(b) For the purpose of notifying a medical school of its availability, "unclaimed body" means a human body in the possession, charge, or control of the persons named in subsection (a) of this section for a period not to exceed forty-eight (48) hours, during which time a relative, next of kin, friend, representative of a fraternal society of which the deceased was a member, veterans service organization as defined in the Missing in America Project Act, § 20-17-1401 et seq., the Department of ~~Veterans~~ Veteran Affairs, the United States Department of Veterans Affairs, or a representative of a charitable or religious group may claim the body for burial purposes.

SECTION 6. Arkansas Code § 20-17-707(b), concerning the holding period for a medical school regarding an unclaimed body, is amended to read as follows:

(b) During this time a relative, next of kin, friend, a representative of a fraternal society of which the deceased was a member, a veterans service organization as defined in the Missing in America Project Act, § 20-17-1401 et seq., the Department of ~~Veterans~~ Veteran Affairs, the United States Department of Veterans Affairs, or a representative of a charitable or religious group may claim the body for burial at his or her or its expense as stated in § 20-17-706(a)-(c).

SECTION 7. Arkansas Code § 20-18-306(b)(1), concerning fees for certified copies of vital records, is amended to read as follows:

(b)(1) However, certified copies of the records shall be furnished to veterans or their dependents without costs when the Department of ~~Veterans~~ Veteran Affairs requires certified copies of the records.

SECTION 8. Arkansas Code § 20-81-101(a)(2) and (3), concerning the Arkansas Veterans' Child Welfare Service, are amended to read as follows:

(2) The Arkansas Veterans' Child Welfare Service shall be under the direction of a director to be named by the ~~Governor~~ Secretary of the Department of Veteran Affairs upon written recommendation by the governing body of the ~~American Legion Department of Arkansas~~ American Legion - Department of Arkansas Foundation, Inc.

(3) The Director of the Arkansas Veterans' Child Welfare Service shall serve at the pleasure of the ~~Governor~~ secretary.

SECTION 9. Arkansas Code § 20-81-102 is repealed.

~~20-81-102. Department of Veterans Affairs - Creation - Powers and duties.~~

~~(a) There is created the Department of Veterans Affairs.~~

~~(b) The department shall:~~

~~(1) Supervise the operation of the Veterans' Home; and~~

~~(2) Supervise the activities, training, and testing of the County Veterans' Service officers located throughout the State of Arkansas.~~

~~(c) The department is authorized to develop and promulgate all rules and regulations necessary for the enforcement and implementation of the provisions of this act and all applicable federal rules and regulations.~~

SECTION 10. Arkansas Code § 20-81-103 is repealed.

~~20-81-103. Department of Veterans Affairs - Appointment of director - Employees.~~

~~(a) The Governor is authorized to appoint a qualified Director of the Department of Veterans Affairs who shall have served in the United States Armed Forces during armed conflict as set forth by the United States Congress, who has been honorably discharged therefrom, and who shall have been a resident of the State of Arkansas for two (2) years preceding his or~~

~~her appointment.~~

~~(b) The director shall promote and supervise the dissemination of all available information concerning the rights of all veterans and their dependents.~~

~~(c) The director may establish, maintain, and operate district offices within the State of Arkansas as may be necessary.~~

~~(d) The director is authorized to employ an assistant director and such other employees, full-time or part-time, as may be determined necessary, subject to approval of the Governor and within the limits of the funds appropriated therefor.~~

~~(e)(1) A veterans' claims specialist shall have served in the United States Armed Forces and shall have been honorably discharged therefrom.~~

~~(2) All veterans' claims specialists of the Department of Veterans Affairs shall familiarize themselves with all laws, both federal and state, relating to rights and benefits of all veterans and their dependents and shall aid and assist all veterans and their dependents in securing their rights and benefits.~~

~~(f)(1) All employees under the supervision of the department shall not for themselves accept, receive, or charge any money, article, or thing of value for the performing of any service rendered to any veteran or his or her dependents at any time or in any manner.~~

~~(2) Any person who shall violate the provisions of this subsection shall be deemed guilty of a misdemeanor and upon conviction shall be fined not less than fifty dollars (\$50.00) nor more than five hundred dollars (\$500), or imprisoned not less than thirty (30) days nor more than six (6) months, or both.~~

SECTION 11. Arkansas Code § 20-81-104(a)(1), concerning the Arkansas Veterans' Commission, is amended to read as follows:

(1) Serve as the advisory body for the ~~Director~~ Secretary of the Department of ~~Veterans~~ Veteran Affairs;

SECTION 12. Arkansas Code § 20-81-104(c), concerning the Arkansas Veterans' Commission, is amended to read as follows:

(c) The Arkansas Veterans' Commission shall make recommendations to the ~~director~~ secretary for the operation and improvement of the efficiency of

the ~~Veterans' Home~~ veterans' homes established under § 20-81-105 and a ~~the~~ state veterans' ~~cemetery~~ cemeteries established under § 20-81-112.

SECTION 13. Arkansas Code § 20-81-105 is amended to read as follows:

20-81-105. Veterans' ~~Home~~ homes.

(a) The Department of ~~Veterans~~ Veteran Affairs is authorized to establish and maintain a ~~one (1) or more Veterans' Home~~ veterans' homes at a ~~location~~ locations selected by the ~~Director~~ Secretary of the Department of ~~Veterans~~ Veteran Affairs, after seeking advice from the Arkansas Veterans' Commission, ~~and the Arkansas Veterans' Home Task Force [abolished]~~.

(b) The department is authorized to employ staff to operate ~~the home~~ the veterans' homes as it deems appropriate and as authorized by biennial appropriation.

(c)(1) ~~The~~ Each veterans' home shall be operated under the supervision of the department.

(2) The ~~director~~ secretary shall be the administrative head of the ~~home~~ veterans' homes;

(3) The secretary may delegate the administration of each veterans' home to an employee of the Department of Veteran Affairs.

(d)(1) The department shall promulgate appropriate guidelines for determining eligibility of veterans for admission to ~~the~~ a veterans' home and the monetary charges to be made for veterans residing in the a veterans' home. All guidelines shall conform to the federal requirements to qualify ~~the home~~ veterans' homes as a ~~nursing home~~ nursing homes for veterans and to render the ~~home~~ veterans' homes eligible to receive federal financial assistance.

(2)(A) Notwithstanding the provisions of § 20-8-101 et seq., the ~~home~~ veterans' homes may be used as a ~~nursing home~~ nursing homes for veterans without obtaining a certificate of need.

(B) Bed capacity shall not exceed one hundred fifty (150) beds.

(e) In the administration of the ~~home~~ veterans' homes, the ~~director~~ secretary is authorized to do the following:

(1) Establish accounts to record the receipt and disbursement of funds from resident veterans to pay for a portion of their maintenance at ~~the home~~ a veterans' home;

(2) Develop policies for determining charges to be made to

resident veterans;

(3) Develop accounts and procedures pertaining to incompetent residents;

(4) Establish procedures and accounts for payment by ~~the home a~~ veteran's home to its residents for work performed at the veterans' home;

(5) Establish such other accounts as are necessary to the orderly administration of the ~~home~~ veterans' homes; and

(6) Establish policies necessary for the operation of the ~~home~~ veterans' homes.

(f) At the end of each fiscal year, the ~~director~~ secretary shall certify to the Chief Fiscal Officer of the State the amount of nonrevenues to be retained in the Miscellaneous Agencies Fund Account. All other moneys shall be transferred to the General Revenue Allotment Reserve Fund according to existing laws.

SECTION 14. Arkansas Code § 20-81-107 is amended to read as follows:
20-81-107. Gifts, volunteer services, etc.

(a) The ~~Director~~ Secretary of the Department of ~~Veterans~~ Veteran Affairs is authorized to arrange for and accept through such mutual arrangement as may be made the volunteer services, equipment, gifts, facilities, properties, supplies, and personnel of any state, county, and municipal offices and agencies and of veterans' fraternal, welfare, civic, and service organizations in the furtherance of the purposes of this act.

(b) The ~~director~~ secretary may accept on behalf of the Department of ~~Veterans~~ Veteran Affairs from any natural person or legal entity the donation of real property for use as a cemetery for the interment of Arkansas veterans of the United States Armed Forces and their immediate next of kin as defined by the department.

(c) The ~~director~~ secretary may accept on behalf of the department from any source the donation of gifts, grants, cash, bequeaths, real or personal property, and equipment for the establishment, construction, maintenance, and operations of any state-owned and ~~operated Veterans' Home~~ state-operated veterans' home.

SECTION 15. Arkansas Code § 20-81-108(b), concerning actions by municipal governing bodies, is amended to read as follows:

(b) All offices shall be under the supervision of the ~~Director~~ Secretary of the Department of ~~Veterans~~ Veteran Affairs, and all work of the offices shall be coordinated with the department.

SECTION 16. Arkansas Code § 27-24-205 is amended to read as follows:
27-24-205. Additional special license plates.

The ~~Director~~ Secretary of the Department of Finance and Administration shall examine the following factors to determine whether to create and issue additional special license plates under this subchapter:

(1) Whether an application for the creation of an additional special license plate under this subchapter has been filed by either:

(A) The Adjutant General ~~for~~ of the State of Arkansas for a special license plate related to members of the National Guard and reserve components of the armed forces; or

(B) The ~~Director~~ Secretary of the Department of ~~Veterans~~ Veteran Affairs for a special license plate related to veterans or any other branch of the ~~armed forces of the~~ United States Armed Forces; and

(2) Whether there has been a recent armed conflict or war in which members of the United States Armed Forces, the National Guard, or the reserve components of the armed services have served.

SECTION 17. Arkansas Code § 27-24-209(c)(2)(A), concerning the redesign and simplification of military service and veterans' special license plates, is amended to read as follows:

(2)(A) The office is to seek the advice and input of the ~~Director~~ Secretary of the Department of ~~Veterans~~ Veteran Affairs and ~~The the~~ Adjutant General ~~for~~ of the State of Arkansas on the design of the branch decal.

SECTION 18. Arkansas Code § 27-24-209(d)(3), concerning the redesign and simplification of military service and veterans' special license plates, is amended to read as follows:

(3) The office is to seek the advice and input of the ~~director~~ secretary and ~~The the~~ Adjutant General ~~for~~ of the State of Arkansas on the design of the medal decal, which medal decals should be issued, and the timing of the issuance of the medal decals.

SECTION 19. EMERGENCY CLAUSE. It is found and determined by the General Assembly of the State of Arkansas that this act revises the duties of certain state entities; that this act establishes new departments of the state; that these revisions impact the expenses and operations of state government; and that the provisions of this act should become effective at the beginning of the fiscal year to allow for implementation of the new provisions at the beginning of the fiscal year. 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 July 1, 2019.