

1 State of Arkansas
2 93rd General Assembly
3 Regular Session, 2021
4

A Bill

HOUSE BILL 1726

5 By: Representatives Shepherd, Wardlaw, Barker, Fielding, Womack, Bragg, McClure, M. McElroy
6 By: Senators T. Garner, Gilmore, Beckham, A. Clark
7

For An Act To Be Entitled

9 AN ACT TO TRANSFER THE OUACHITA RIVER COMMISSION FROM
10 THE DEPARTMENT OF AGRICULTURE TO THE DEPARTMENT OF
11 PARKS, HERITAGE, AND TOURISM; TO CREATE AN
12 INTERDEPARTMENTAL STATE ENTITY TRANSFER; TO AMEND THE
13 ENTITIES SUBJECT TO A CABINET-LEVEL DEPARTMENT
14 TRANSFER TO THE DEPARTMENT OF AGRICULTURE; AND FOR
15 OTHER PURPOSES.
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Subtitle

18 TO TRANSFER THE OUACHITA RIVER COMMISSION
19 FROM THE DEPARTMENT OF AGRICULTURE TO THE
20 DEPARTMENT OF PARKS, HERITAGE, AND
21 TOURISM; AND TO CREATE AN
22 INTERDEPARTMENTAL STATE ENTITY TRANSFER.
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26 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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28 SECTION 1. Arkansas Code § 15-23-804(f), concerning members of the
29 Ouachita River Commission, is amended to read as follows:

30 (f) Members of the Ouachita River Commission shall receive no pay for
31 their services, but whenever the General Assembly shall have appropriated
32 funds to the Ouachita River Waterways Project Trust Fund administered by the
33 ~~Arkansas Natural Resources Commission through the Department of Agriculture~~
34 Department of Parks, Heritage, and Tourism, they may, upon proper application
35 to the ~~Arkansas Natural Resources Commission~~ department, be reimbursed for
36 expenses in accordance with § 25-16-902.



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 2 SECTION 2. Arkansas Code § 25-38-202(b)(3)(A)(ii)(q), concerning the
 3 creation of the Department of Agriculture and appointment of the Secretary of
 4 the Department of Agriculture, is repealed.

5 ~~(q) Ouachita River Commission;~~
 6

7 SECTION 3. Arkansas Code § 25-38-206(a)(19), concerning the transfer
 8 of personnel, administrative functions, human resources, and accounting
 9 offices to the Department of Agriculture, is repealed.

10 ~~(19) The Ouachita River Commission;~~
 11

12 SECTION 4. Arkansas Code § 25-43-103, concerning the definitions under
 13 the general provisions of the Transformation and Efficiencies Act of 2019, is
 14 amended to add an additional subdivision to read as follows:

15 (6) "Interdepartmental state entity transfer" means a transfer
 16 of a state entity and the administrative functions of a state entity located
 17 in a cabinet-level department to another cabinet-level department.
 18

19 SECTION 5. Arkansas Code Title 25, Chapter 43, Subchapter 1, is
 20 amended to add an additional section to read as follows:

21 25-43-112. Interdepartmental state entity transfer.

22 (a) When all or part of an existing state entity is transferred from a
 23 cabinet-level department or a state entity within a cabinet-level department
 24 to another cabinet-level department or a state entity within a cabinet-level
 25 department under an interdepartmental state entity transfer, the statutory
 26 authority, powers, duties, functions, records, personnel, property,
 27 unexpended balances of appropriations, allocations, or other funds, including
 28 the functions of budgeting or purchasing of the transferred state entity, are
 29 transferred to the other cabinet-level department or the state entity within
 30 another cabinet-level department.

31 (b) When an existing state entity is transferred by an
 32 interdepartmental state entity transfer to another cabinet-level department
 33 or a state entity within another cabinet-level department, the administrative
 34 functions of the transferred state entity shall be transferred to the
 35 cabinet-level department or the state entity within another cabinet-level
 36 department as if subject to a cabinet-level department transfer.

1 (c)(1) An interdepartmental state entity transfer does not affect the
2 orders, rules, regulations, directives, or standards made or promulgated
3 prior to the effective date of the interdepartmental state entity transfer.

4 (2) The orders, rules, regulations, directives, or standards
5 under subdivision (c)(1) of this section shall continue with full force and
6 effect until amended or repealed pursuant to authority given by law.

7 (d) Following an interdepartmental state entity transfer, the members
8 of a statutory board or commission so transferred, and their successors,
9 shall continue to be selected in the manner and serve for the terms provided
10 by the statutes applicable to that board or commission.

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12 SECTION 6. Arkansas Code § 25-43-202(a)(19), concerning state entities
13 transferred to the Department of Agriculture, is repealed.

14 ~~(19) The Ouachita River Commission, created under § 15-23-803,~~
15

16 SECTION 7. Arkansas Code § 25-43-1302(a), concerning state entities
17 transferred to the Department of Parks, Heritage, and Tourism, is amended to
18 add an additional subdivision to read as follows:

19 (22) The Ouachita River Commission, created under § 15-23-803.
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21 SECTION 8. Arkansas Code Title 25, Chapter 43, Subchapter 13, is
22 amended to add an additional section to read as follows:

23 25-43-1309. Ouachita River Commission – Interdepartmental transfer.

24 (a) The Ouachita River Commission is hereby transferred by an
25 interdepartmental state entity transfer to the Department of Parks, Heritage,
26 and Tourism.

27 (b) The Department of Agriculture shall grant access to and provide
28 all information requested by the Department of Parks, Heritage, and Tourism
29 to accomplish the interdepartmental state entity transfer of the commission
30 and the mission of the commission.

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