

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

A Bill

HOUSE BILL 1947

5 By: Representative Payton
6

For An Act To Be Entitled

8 AN ACT TO TRANSFER CERTAIN STATE ENTITIES TO THE
9 COMMISSIONER OF STATE LANDS; TO AMEND THE LAW
10 CONCERNING THE DEPARTMENT OF LABOR AND LICENSING AND
11 THE DEPARTMENT OF TRANSFORMATION AND SHARED SERVICES;
12 TO DECLARE AN EMERGENCY; AND FOR OTHER PURPOSES.
13
14

Subtitle

15 TO TRANSFER CERTAIN STATE ENTITIES TO THE
16 COMMISSIONER OF STATE LANDS; TO AMEND THE
17 LAW CONCERNING THE DEPARTMENT OF LABOR
18 AND LICENSING AND THE DEPARTMENT OF
19 TRANSFORMATION AND SHARED SERVICES; TO
20 DECLARE AN EMERGENCY.
21
22
23

24 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
25

26 SECTION 1. Arkansas Code § 15-21-503(c)(2)(C), concerning creation of
27 the Arkansas Geographic Information Systems Board, is amended to read as
28 follows:

29 (C) The State Geographic Information Officer shall report
30 to the ~~Secretary of the Department of Transformation and Shared Services~~
31 Commissioner of State Lands.
32

33 SECTION 2. Arkansas Code § 15-21-503(d), concerning creation of the
34 Arkansas Geographic Information Systems Board, is amended to read as follows:

35 (d)(1) The State Geographic Information Officer shall administer daily
36 operations of the Arkansas Geographic Information Systems Office with



1 direction from the board and the ~~secretary~~ Commissioner of State Lands.

2 (2) This may include liaison between the board, the Governor,
 3 the ~~secretary~~ Commissioner of State Lands, the State Chief Technology
 4 Officer, and public or private sector entities involved in spatial data and
 5 land records modernization, project management in the preparation of the
 6 strategic planning documents related to spatial data and land records
 7 modernization, developing policy and procedures for land records
 8 modernization, and developing policy and procedures for the activities of the
 9 board.

10 (3) Additional requirements are the implementation of
 11 educational programs, coordinating vendor exhibits, and facilitating
 12 technical assistance and consulting.

13
 14 SECTION 3. Arkansas Code § 22-2-104 is amended to read as follows:

15 22-2-104. Creation of Building Authority Division.

16 (a) There is created within the ~~Department of Transformation and~~
 17 ~~Shared Services~~ office of the Commissioner of State Lands the Building
 18 Authority Division.

19 (b) The division shall carry out the duties and responsibilities set
 20 out in § 22-2-108 under the policies, guidelines, standards, and procedures
 21 established by the ~~Department of Transformation and Shared Services~~
 22 Commissioner of State Lands.

23
 24 SECTION 4. Arkansas Code § 22-2-105 is amended to read as follows:

25 22-2-105. ~~Secretary of the Department of Transformation and Shared~~
 26 ~~Services~~ Commissioner of State Lands – Duties.

27 (a) The ~~Secretary of the Department of Transformation and Shared~~
 28 ~~Services~~ Commissioner of State Lands may hire sufficient staff as authorized
 29 by legislation to perform the duties of the Building Authority Division.
 30 Personnel employed by the ~~secretary~~ Commissioner of State Lands shall be
 31 compensated according to the Uniform Classification and Compensation Act, §
 32 21-5-201 et seq., for similar duties and responsibilities.

33 (b) The ~~secretary~~ Commissioner of State Lands shall be responsible for
 34 administering the rules and policies adopted by the ~~Department of~~
 35 ~~Transformation and Shared Services~~ Commissioner of State Lands pursuant to
 36 the provisions of this chapter.

1 (c) The ~~secretary~~ Commissioner of State Lands shall be the disbursing
 2 agent for the division and shall pay any and all accounts. The disbursing
 3 agent shall furnish and keep in effect a bond to the state with a corporate
 4 surety thereon which, together with any other bonds furnished by him or her,
 5 shall total in final sum not less than fifty thousand dollars (\$50,000) and
 6 is conditioned that he or she will faithfully perform his or her duties and
 7 properly handle all funds received and disbursed by him or her and account
 8 for those funds. The bond so furnished shall be filed in the office of the
 9 Auditor of State. The premium on the bond shall be a proper charge against
 10 funds of the division.

11
 12 SECTION 5. Arkansas Code § 22-2-107 is amended to read as follows:

13 22-2-107. Creation of Building Authority Division sections.

14 (a) There are created within the Building Authority Division the
 15 following sections which shall have the duties and responsibilities
 16 designated by the ~~Secretary of the Department of Transformation and Shared~~
 17 ~~Services~~ Commissioner of State Lands and which may include, in relation to
 18 other provisions of this chapter, the duties and responsibilities
 19 respectively designated in this section:

20 (1) Construction Section. The Construction Section shall:

21 (A) Supervise the bidding and awarding of contracts for
 22 new construction and renovations for or by state agencies' capital
 23 improvements;

24 (B) Establish and maintain complete construction files on
 25 all jobs, including plans and specifications for alterations, renovations,
 26 and repairs of all capital improvements;

27 (C) Approve all proposed contracts, change orders, and
 28 final payments requests;

29 (D) Ensure that on-site observation of all construction
 30 projects, alterations, and repairs is accomplished on a regular basis and
 31 maintain records of those observations;

32 (E) Obtain and maintain construction inspection and
 33 observation reports from architects or engineers or their consultants from
 34 state agencies and institutions for all capital improvement construction
 35 projects;

36 (F)(i) Conduct visits with the design professional to

1 determine the responsibility and performance required by the contract
 2 documents.

3 (ii) On-site observations by design professionals
 4 shall concur with the contractor's payment request and shall be submitted in
 5 written form with the pay request.

6 (iii) The inspection and observation reports shall
 7 be as adopted by the ~~secretary~~ Commissioner of State Lands.

8 (iv) State agencies shall engage the services of
 9 licensed architects or engineers for all projects covered by the Arkansas
 10 Architectural Act, § 17-15-101 et seq., and the Arkansas Engineering Act, §
 11 17-30-101 et seq.; and

12 (G) Ensure that the construction of all projects complies
 13 with the contract documents;

14 (2) Building Operations Section. The Building Operations Section
 15 shall:

16 (A) Operate, maintain, and manage public buildings as
 17 required by the provisions of this chapter or otherwise by law;

18 (B) Provide for maintenance and operation, including
 19 janitorial services for any buildings, structures, or grounds which are
 20 owned, leased, or managed by the division as may be required by the
 21 provisions of this chapter; and

22 (C) Develop and, upon adoption by the ~~secretary~~
 23 Commissioner of State Lands, enforce procedures, standards, and criteria
 24 designed to standardize the level of maintenance on all public buildings and
 25 other capital improvements;

26 (3) Design Review Section. The Design Review Section shall:

27 (A) Establish procedures for the selection of engineering,
 28 environmental, architectural, and building design consultants' services by
 29 state agencies and by the division. The procedures shall ensure an equitable
 30 opportunity for all persons and firms;

31 (B) Encourage, within the rules of the state, the timely
 32 and expedient commitment and expenditure of appropriations for capital
 33 improvements;

34 (C) Establish standard fee schedules for design
 35 professional consultant services for capital improvements;

36 (D) Develop and establish minimum design standards and

1 criteria, which shall be made available to all design professionals in the
 2 state;

3 (E) Utilize, require, or undertake studies concerning the
 4 needs for and costs of proposed capital improvements;

5 (F) Review and approve, consistent with the provisions of
 6 this chapter, contracts for design professional consultant services,
 7 preliminary plans, cost estimates, building programs, feasibility studies,
 8 and construction bid documents for capital improvements and mediate
 9 architectural and engineering design and construction-related problems;

10 (G) Assist in analyzing architectural and engineering
 11 design and construction problems at state-owned facilities;

12 (H) Ensure that state agencies shall engage the services
 13 of licensed architects and licensed engineers for capital improvement
 14 projects which are not exempted by the requirements of:

15 (i) The Arkansas Architectural Act, § 17-15-101 et
 16 seq.;

17 (ii) Section 17-30-101 et seq.; and

18 (iii) Section 22-9-101 et seq.; and

19 (I) The director shall employ within the Design Review
 20 Section the State Architect and the State Engineer who shall have sufficient
 21 private practice experience within their respective fields as well as be
 22 registered and licensed within the state; and

23 (4) Real Estate Services Section. The Real Estate Services
 24 Section shall:

25 (A) Develop and enforce minimum leasing, sale, and
 26 purchase of property standards and criteria for consideration and adoption by
 27 the ~~secretary~~ Commissioner of State Lands;

28 (B) Design standard lease forms to be approved by the
 29 ~~secretary~~ Commissioner of State Lands for use by state agencies as provided
 30 in this chapter;

31 (C) Assist state agencies and the ~~secretary~~ Commissioner
 32 of State Lands in determining and evaluating rental space needs and the
 33 allocation of space for state agencies;

34 (D) Conduct surveys to determine available rental space
 35 that meets minimum leasing standards and criteria and that may be available
 36 for use by state agencies;

1 (E) Otherwise carry out and administer those duties and
 2 responsibilities delegated to the Real Estate Services Section by the
 3 ~~secretary~~ Commissioner of State Lands and assist state agencies to ensure
 4 that rental space acquired and utilized by state agencies is acquired and
 5 utilized in a manner consistent with the intent of this chapter so that no
 6 state agency shall lease space that is not absolutely essential to the
 7 efficient performance of its duties and responsibilities; and

8 (F) Carry out and administer those duties and
 9 responsibilities involving the purchase or sale of property by state agencies
 10 that are under the jurisdiction of the division so as to ensure that the
 11 property is sold or purchased in a manner consistent with Arkansas laws and
 12 rules.

13 (b) The ~~secretary~~ Commissioner of State Lands may transfer the various
 14 duties and functions among the various sections of the division and effect
 15 any other organizational or administrative changes that may be necessary to
 16 bring about the efficient and effective implementation of this chapter.

17
 18 SECTION 6. Arkansas Code § 22-2-108 is amended to read as follows:
 19 22-2-108. Powers and duties generally.

20 As may be provided, allowed, or limited by the provisions of this
 21 chapter, the ~~Secretary of the Department of Transformation and Shared~~
 22 ~~Services~~ Commissioner of State Lands may establish policies, guidelines,
 23 standards, and procedures which shall guide and govern the Building Authority
 24 Division with regard to the following responsibilities, duties, powers, and
 25 activities:

26 (1) To investigate and obtain information concerning the various
 27 boards, commissions, authorities, agencies, departments, and offices of the
 28 state, which are the "state agencies", in relation to:

29 (A) Where they are housed;

30 (B) Their present and projected needs for space and
 31 facilities;

32 (C) The rental being paid and the rental that state
 33 agencies could reasonably pay for space and facilities in public and private
 34 buildings; and

35 (D) The public building space and facilities that can be
 36 feasibly financed from appropriated funds available to the division;

1 (2)(A) To construct and equip buildings or to acquire by gift or
2 purchase existing buildings and the sites upon which they are situated for
3 use as public buildings.

4 (B) However, before the division may construct and equip
5 buildings or acquire by purchase existing buildings and the sites upon which
6 they are situated for use as public buildings, requests for the construction
7 and equipping of those buildings or the acquisition of those existing
8 buildings shall have been first submitted to the General Assembly, or to the
9 Legislative Council when the General Assembly is not in session, and the
10 General Assembly shall have reviewed and appropriated the funds therefor or
11 specifically approved the method of funding their construction, equipping, or
12 acquisition thereof;

13 (3)(A) To provide for the operation and management of the public
14 buildings so constructed or acquired and arrange for the housing of state
15 agencies as space and facilities permit and to rent and lease space and
16 facilities upon such terms and conditions and for such rentals as the
17 division may determine.

18 (B) Should there be any surplus space in a public building
19 above the requirements of the state agencies that can be feasibly housed in
20 the building, then the division may lease or rent the surplus space to
21 individuals and organizations other than state agencies until it is needed by
22 state agencies;

23 (4) To use the lands acquired by the Arkansas Revenue Department
24 Building Commission which were transferred to State Building Services under
25 Acts 1975, No. 716, § 6, as sites for public buildings and acquire additional
26 sites as provided in § 22-2-109;

27 (5) To wreck, remove, and dispose of or salvage buildings or
28 other improvements as necessary for the construction and equipping of public
29 buildings or for future use of an unspecified project;

30 (6) To purchase, lease, or rent and receive devises, bequests,
31 or donations of and sell or otherwise dispose of any property, real,
32 personal, or mixed, on the division's own behalf and without the approval of
33 any other board, commission, agency, department, or officer, and the division
34 may convert into money any property bequeathed or donated to the division or
35 not needed or which cannot be used in the form received;

36 (7)(A) To execute contracts necessary to accomplish the purposes

1 of this chapter, including without limitation a statewide contract for design
 2 services to expedite the procurement of design services by a state agency in
 3 an emergency.

4 (B) However, no contract shall be entered into for the
 5 purchase of any real property unless the division submits the contract for
 6 review to the General Assembly, or to the Legislative Council when the
 7 General Assembly is not in session, a request to purchase the property, and
 8 the General Assembly provides the funds for or approves the method of funding
 9 the purchase;

10 (8) To apply for, receive, accept, and use any moneys and
 11 properties from:

12 (A) The United States or any state, or any department or
 13 agency thereof;

14 (B) Any public or private corporation of any nature; and

15 (C) Any individual or group;

16 (9)(A) To establish, promulgate, and enforce minimum design and
 17 construction standards and criteria for all capital improvements undertaken
 18 by any state agency, including without limitation procedures regarding flood
 19 plain management and the bidding and awarding of capital improvements
 20 regarding projects under the jurisdiction of the division.

21 (B) However, the division shall not:

22 (i) Engage in the production of architectural plans
 23 and specifications, with the exception that the architects and engineers
 24 employed by the division may provide and make available technical assistance
 25 to the division's sections listed in § 22-2-107 and other agencies regarding
 26 capital improvements involving roofing projects, repairs, alterations, or
 27 renovations; or

28 (ii) Apply minimum design and construction standards
 29 and criteria to the design or construction of an unpaved trail project;

30 (10) To establish and enforce minimum standards and criteria for
 31 the management, maintenance, and operation of all public buildings and
 32 capital improvements;

33 (11) To establish and enforce minimum standards and criteria for
 34 the leasing and renting of space for and by state agencies;

35 (12) To provide for the management, maintenance, and operation
 36 of those public buildings as may be required by this chapter or otherwise by

1 law to be managed, maintained, or operated by the division and provide
 2 technical advice on management, maintenance, and operation to agencies with
 3 existing capital improvements;

4 (13) To provide monthly reports to the Legislative Council and
 5 to the Governor, or as otherwise may be requested by the Legislative Council,
 6 the Governor, or the General Assembly;

7 (14) To obtain and keep on file copies of architectural and
 8 engineering plans and construction documents for all public buildings and
 9 capital improvements, including those plans and documents for all existing
 10 public buildings and capital improvements for which plans and documents
 11 exist;

12 (15)(A)(i) To assume all duties and responsibilities for minor
 13 alterations and repairs of existing public buildings and capital improvements
 14 previously vested within the Office of State Procurement by Acts 1955, No.
 15 313 [repealed], as amended by Acts 1959, No. 29 [repealed], as implemented
 16 and developed by the Construction Section.

17 (ii) These duties and responsibilities of the Office
 18 of State Procurement are transferred to the division.

19 (B) It is the intent of this chapter that the above-
 20 mentioned and all other duties and responsibilities of the Construction
 21 Section shall be transferred to the division, including approval authority
 22 for real property purchases by any agency, board, commission, or department;
 23 and

24 (16) To promulgate reasonable rules and procedures as may be
 25 required to carry out its duties, responsibilities, powers, and authorities
 26 under this chapter which are consistent with the purposes and intent of this
 27 chapter.

28
 29 SECTION 7. Arkansas Code § 22-2-110 is amended to read as follows:
 30 22-2-110. Schedule of supervision generally.

31 The powers, authorities, and responsibilities of the ~~Secretary of the~~
 32 ~~Department of Transformation and Shared Services~~ Commissioner of State Lands
 33 relating to the acquisition of properties and to the supervision of all
 34 capital improvements, as defined in § 22-2-102, shall be in accordance with
 35 the schedules of supervision as provided in §§ 22-2-111 – 22-2-113.

36

1 SECTION 8. Arkansas Code § 22-2-112(b), concerning schedule of
2 supervision, type two, and designated funds appropriated by the General
3 Assembly to the Building Authority Division, is amended to read as follows:

4 (b) The division shall review and approve architectural and
5 engineering design plans and construction plans to ensure compliance with
6 minimum design and construction standards and criteria promulgated by the
7 ~~Secretary of the Department of Transformation and Shared Services~~
8 Commissioner of State Lands pursuant to this chapter.

9
10 SECTION 9. Arkansas Code § 22-2-114(a)(3), concerning leasing
11 responsibilities of the Building Authority Division, is amended to read as
12 follows:

13 (3) Any state agency or component part thereof needing new or
14 additional space shall notify the division, and the division shall prepare a
15 lease for the space based upon the standards and criteria as adopted by the
16 ~~Secretary of the Department of Transformation and Shared Services~~
17 Commissioner of State Lands. If space is available in a public building, the
18 lease will be negotiated for placement in the public building;

19
20 SECTION 10. Arkansas Code § 22-2-114(a)(5)(A)(i), concerning leasing
21 responsibilities of the Building Authority Division, is amended to read as
22 follows:

23 (5)(A)(i) The ~~secretary~~ Commissioner of State Lands shall adopt
24 standards and criteria for the leasing and utilization of space and the
25 allocation of space to state agencies.

26
27 SECTION 11. Arkansas Code § 22-2-114(a)(6), concerning leasing
28 responsibilities of the Building Authority Division, is amended to read as
29 follows:

30 (6) Leases as to office space, buildings, structures, parking
31 lots, and grounds from private individuals, firms, and corporations by state
32 agencies and component parts thereof shall be on a standard lease form
33 approved by the ~~secretary~~ Commissioner of State Lands. The standard lease
34 form shall contain all terms and conditions deemed necessary based on the
35 type and purpose of the leased property. The ~~secretary~~ Commissioner of State
36 Lands also shall adopt a standard lease form to be used by state agencies

1 when subleasing from the division. Both standard lease forms shall be
2 approved as to the legality of form and content by the Attorney General
3 before becoming a requirement; and
4

5 SECTION 12. Arkansas Code § 22-2-115(a) concerning lease purchase
6 agreements, is amended to read as follows:

7 (a) For the express purpose of providing adequate office facilities,
8 ~~the Secretary of the Department of Transformation and Shared Services~~
9 Commissioner of State Lands, acting as the primary lessor, may enter into
10 lease-purchase agreements to obtain facilities for state agencies. Each
11 lease-purchase agreement shall contain a provision whereby the agreement
12 shall be cancelled at the close of each fiscal biennium, if necessary, if
13 funds for the payment of the rent under the lease-purchase agreement will not
14 be available.
15

16 SECTION 13. Arkansas Code § 22-2-115(b)(1) concerning lease purchase
17 agreements, is amended to read as follows:

18 (b)(1) The ~~secretary~~ Commissioner of State Lands shall make the final
19 determination regarding the location or construction of facilities with the
20 advice and consent of the appropriate state agency.
21

22 SECTION 14. Arkansas Code § 22-2-120(b), concerning exemption from
23 statutes concerning the Capitol Zoning District, is amended to read as
24 follows:

25 (b) The ~~Secretary of the Department of Transformation and Shared~~
26 ~~Services~~ Commissioner of State Lands shall endeavor to cooperate with the
27 Capitol Zoning District Commission so as to establish coordinated physical
28 development in the State Capitol area and to promote the uniform and
29 appropriate regulation and development of the State Capitol area.
30

31 SECTION 15. Arkansas Code § 22-5-303 is amended to read as follows:

32 22-5-303. Additional duties of Commissioner of State Lands.

33 (a) In addition to other duties and powers conferred by law upon the
34 Commissioner of State Lands, he or she shall:

35 (1) Effectuate the policies and carry out the purposes declared
36 in § 22-5-301, including:

1 (A) Securing the cooperation and assistance of the United
 2 States and any of its agencies; and

3 (B) Entering into contracts, agreements, and conveyances
 4 necessary to secure such federal assistance;

5 (2) Conduct investigations, independently or jointly with other
 6 state and federal agencies, relating to conditions and factors affecting, and
 7 methods of accomplishing more effectively, the purposes of this subchapter;

8 (3) Assign lands to the several state agencies for
 9 administration, subject to their agreement and acceptance; ~~and~~

10 (4) Review, compile, and maintain inventory records of the real
 11 property owned by the State of Arkansas based upon the information submitted
 12 under §§ 22-5-209 and 22-5-411 and the records in his or her office; and

13 (5) Provide administrative support to all entities transferred
 14 to the Commissioner of State Lands.

15 (b) Each division of the office of the Commissioner of State Lands
 16 shall be under the direction, control, and supervision of the Commissioner of
 17 State Lands.

18 (c) The Commissioner of State Lands may delegate his or her functions,
 19 powers, and duties to various divisions or employees of the office of the
 20 Commissioner of State Lands as he or she shall deem desirable and necessary
 21 for the effective and efficient operation of the office of the Commissioner
 22 of State Lands.

23 (d) The Commissioner of State Lands may, unless otherwise provided by
 24 law:

25 (1) Hire personnel; and

26 (2) Perform or assign duties assigned to the office of the
 27 Commissioner of State Lands or any entity transferred to the Commissioner of
 28 State Lands.

29
 30 SECTION 16. Arkansas Code Title 22, Chapter 5, Subchapter 3, is
 31 amended to add an additional section to read as follows:

32 22-5-312. Entities transferred to Commissioner of State Lands –
 33 Definitions.

34 (a) As used in this section:

35 (1)(A) “Administrative functions” means the day-to-day business
 36 operations of a state entity, including without limitation employment,

1 payroll, property management, benefit management, human resource operations,
2 and accounting operations of a state entity and all other duties as assigned
3 by the Commissioner of State Lands or his or her designee.

4 (B) "Administrative functions" does not include the
5 promulgation of rules or issuance of orders on behalf of any state entity
6 unless specifically designated by statute, rule, order, or directive;

7 (2) "State entity" means any instrumentality of state
8 government, including without limitation a board, commission, committee,
9 advisory board, office, department, institution, bureau, council,
10 administrative program, agency, or division; and

11 (3) "Transfer" means a transfer of the administrative functions
12 of a state entity to the Commissioner of State Lands under this section.

13 (b) The administrative functions of the following state entities are
14 transferred in the same manner as a cabinet-level department transfer under §
15 25-43-101 et seq. to the Commissioner of State Lands:

16 (1) The Arkansas Abstracters' Board, created under § 17-11-401;

17 (2) The Arkansas Geographic Information Systems Board, created
18 under § 15-21-503;

19 (3) The Arkansas Geographic Information Systems Office, created
20 under § 15-21-502;

21 (4) The Arkansas Real Estate Commission, created under § 17-42-
22 201;

23 (5) The Building Authority Division, created under § 22-2-104;

24 (6) The State Board of Licensure for Professional Engineers and
25 Professional Surveyors, created under § 17-30-201; and

26 (7) The State Board of Registration for Professional Geologists,
27 created under § 17-32-201.

28 (c) Unless otherwise provided by law, a transfer under subsection (b)
29 of this section includes all state entities under a state entity transferred
30 to the Commissioner of State Lands under subsection (b) of this section,
31 including without limitation a division, office, program, or other unit of a
32 state entity transferred to the Commissioner of State Lands under subsection
33 (b) of this section.

34 (d) Unless otherwise provided by law, a state entity whose
35 administrative functions have been transferred to the Commissioner of State
36 Lands under subsection (a) of this section shall otherwise continue to

1 exercise the duties of the state entity under the administration of the
 2 Commissioner of State Lands in the same manner as before the transfer.

3
 4 SECTION 17. Arkansas Code § 25-43-1102(a), concerning state entities
 5 transferred to the Department of Labor and Licensing, is amended to read as
 6 follows:

7 (a) The administrative functions of the following state entities are
 8 transferred to the Department of Labor and Licensing by a cabinet-level
 9 department transfer:

10 (1) ~~The Arkansas Abstracters' Board, created under § 17-11-401;~~

11 ~~(2)~~ The Arkansas Appraiser Licensing and Certification Board,
 12 created under § 17-14-201;

13 ~~(3)~~(2) The Arkansas Fire Protection Licensing Board, created
 14 under § 20-22-606;

15 ~~(4)~~(3) The Arkansas Home Inspector Registration Board, created
 16 under § 17-52-304;

17 ~~(5)~~(4) The Arkansas Manufactured Home Commission, created under
 18 § 20-25-105;

19 ~~(6)~~(5) The Arkansas Mediation and Conciliation Service, defined
 20 under § 11-2-203;

21 ~~(7)~~(6) The Arkansas Motor Vehicle Commission, created under §
 22 23-112-201;

23 ~~(8) The Arkansas Real Estate Commission, created under § 17-42-~~
 24 ~~201;~~

25 ~~(9)~~(7) The Arkansas State Board of Architects, Landscape
 26 Architects, and Interior Designers, created under § 17-15-201;

27 ~~(10)~~(8) The Arkansas State Board of Public Accountancy, created
 28 under § 17-12-201;

29 ~~(11)~~(9) The Arkansas Towing and Recovery Board, created under §
 30 27-50-1203;

31 ~~(12)~~(10) The Auctioneer's Licensing Board, created under § 17-
 32 17-201;

33 ~~(13)~~(11) The Board of Electrical Examiners of the State of
 34 Arkansas, created under § 17-28-201;

35 ~~(14)~~(12) The Contractors Licensing Board, created under § 17-25-
 36 201;

1 ~~(15)~~(13) The Department of Labor, created under § 25-43-1105,
2 now to be known as the “Division of Labor”;

3 ~~(16)~~(14) The Elevator Inspection and Permits Elevator Safety
4 Board under § 20-24-105;

5 ~~(17)~~(15) The HVACR Licensing Board, created under § 17-33-201;

6 ~~(18)~~(16) The Pawnbroker Licensure Commission, created under §
7 17-56-201;

8 ~~(19)~~(17) The Professional Bail Bond Company and Professional
9 Bail Bondsman Licensing Board, created under § 17-19-106;

10 ~~(20)~~(18) The State Athletic Commission, created under § 17-22-
11 201;

12 ~~(21)~~(19) The State Board of Barber Examiners, created under §
13 17-20-201;

14 ~~(22)~~(20) The State Board of Collection Agencies, created under §
15 17-24-201;

16 ~~(23) The State Board of Licensure for Professional Engineers and~~
17 ~~Professional Surveyors, created under § 17-30-201;~~

18 ~~(24) The State Board of Registration for Professional~~
19 ~~Geologists, created under § 17-32-201;~~ and

20 ~~(25)~~(21) The Workers’ Compensation Commission, created under §
21 11-9-201.

22
23 SECTION 18. Arkansas Code § 25-43-1502, concerning state entities
24 transferred to the Department of Transformation and Shared Services, is
25 amended to read as follows:

26 (a) The administrative functions of the following state entities are
27 transferred to the Department of Transformation and Shared Services by a
28 cabinet-level department transfer:

29 (1) ~~The Arkansas Geographic Information Systems Board, created~~
30 ~~under § 15-21-503;~~

31 (2) ~~The Arkansas Geographic Information Systems Office, created~~
32 ~~under § 15-21-502;~~

33 (3) ~~The Building Authority Division, created under § 22-2-104;~~

34 (4) The Data and Transparency Panel, created under § 25-4-127;

35 ~~(5)~~(2) The Department of Information Systems, created under §
36 25-4-104, now to be known as the “Division of Information Systems”;

~~(6)~~(3) The Employee Benefits Division, created under § 25-43-1505;

~~(7)~~(4) The Office of Personnel Management, created under § 25-43-1504;

~~(8)~~(5) The Office of State Procurement, created under § 19-11-215;

~~(9)~~(6) The State and Public School Life and Health Insurance Board, created under § 21-5-402; and

~~(10)~~(7) The State Technology Council, created under § 25-33-101.

SECTION 19. DO NOT CODIFY. Transfer of state entities to Commissioner of State Lands.

(a) The following entities are transferred from the Department of Labor and Licensing to the Commissioner of State Lands:

(1) The Arkansas Abstracters' Board, created under § 17-11-401;

(2) The Arkansas Real Estate Commission, created under § 17-42-201;

(3) The State Board of Licensure for Professional Engineers and Professional Surveyors, created under § 17-30-201; and

(4) The State Board of Registration for Professional Geologists, created under § 17-32-201.

(b) The following entities are transferred from the Department of Transformation and Shared Services to the Commissioner of State Lands:

(1) The Arkansas Geographic Information Systems Board, created under § 15-21-503;

(2) The Arkansas Geographic Information Systems Office, created under § 15-21-502; and

(3) The Building Authority Division, created under § 22-2-104.

(c)(1) The administrative functions of the state entities in subsections (a) and (b) of this section are transferred in the same manner as a cabinet-level department transfer under § 25-43-101 et seq.

(2) All duties assigned under § 25-43-101 et seq. to the Secretary of the Department of Labor and Licensing and the Secretary of the Department of Transformation and Shared Services concerning the state entities in subsections (a) and (b) of this section shall be performed by the Commissioner of State Lands.

1 (d) The statutory authority, powers, duties, functions, records,
2 personnel, property, and unexpended balances of appropriations, allocations,
3 or other funds, including the functions of budgeting or purchasing of the
4 state entities transferred by subsection (a) of this section, are transferred
5 from the Department of Labor and Licensing to the Commissioner of State
6 Lands.

7 (e) The statutory authority, powers, duties, functions, records,
8 personnel, property, and unexpended balances of appropriations, allocations,
9 or other funds, including the functions of budgeting or purchasing of the
10 state entities transferred by subsection (b) of this section, are transferred
11 from the Department of Transformation and Shared Services to the Commissioner
12 of State Lands.

13 (f)(1) The transfer of the state entities under this section does not
14 affect the orders, rules, regulations, directives, or standards made or
15 promulgated by the state entities before the effective date of this act.

16 (2) The orders, rules, regulations, directives, or standards
17 under subdivision (f)(1) of this section shall continue with full force and
18 effect until amended or repealed under authority given by law.

19 (g) The Department of Labor and Licensing and the Department of
20 Transformation and Shared Services shall grant access to and provide all
21 information requested by the Commissioner of State Lands to accomplish the
22 transfer of the state entities transferred in this section and the statutory
23 duties of the state entities transferred in this section.

24
25 SECTION 20. EMERGENCY CLAUSE. It is found and determined by the
26 General Assembly of the State of Arkansas that the transfers of certain state
27 entities to the Commissioner of State Lands under this act preserves the
28 public peace, health, and safety by creating an efficient use of state
29 resources and consolidation of state property management in the office of the
30 Commissioner of State Lands; that this act provides for the transfer of state
31 entities from the Department of Labor and Licensing and the Department of
32 Transformation and Shared Services to the Commissioner of State Lands; and
33 that this act should become effective on July 1, 2021, to coincide with the
34 appropriation bills of the Department of Labor and Licensing, the Department
35 of Transformation and Shared Services, and the Commissioner of State Lands,
36 and ensure that the transferred state entities continue to provide the vital

1 services to the people of this state as the transfer is implemented and do
2 not experience any issues with funding under the transfer. Therefore, an
3 emergency is declared to exist, and this act being necessary for the
4 preservation of the public peace, health, and safety shall become effective
5 on July 1, 2021.

6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36