

INTERIM STUDY PROPOSAL 2013-081

1
2 State of Arkansas
3 89th General Assembly
4 Regular Session, 2013

As Engrossed: H3/28/13

A Bill

HOUSE BILL 2132

5
6 By: Representative Hammer

7 Filed with: Interim House Committee on Judiciary
8 pursuant to A.C.A. §10-3-217.

9 **For An Act To Be Entitled**

10 AN ACT TO AMEND ARKANSAS LAW CONCERNING PUBLIC
11 EMPLOYEES AND THE ARKANSAS WHISTLE-BLOWER ACT,
12 ARKANSAS CODE § 21-1-601 ET SEQ.; *TO ESTABLISH THE*
13 *OFFICE OF GOVERNMENT ACCOUNTABILITY AND VIABILITY TO*
14 *ADMINISTER THE ARKANSAS WHISTLE-BLOWER ACT, § 21-1-*
15 *601 ET SEQ.; AND FOR OTHER PURPOSES.*

16
17
18 **Subtitle**

19 *TO ESTABLISH THE OFFICE OF GOVERNMENT*
20 *ACCOUNTABILITY AND VIABILITY TO*
21 *ADMINISTER THE ARKANSAS WHISTLE-BLOWER*
22 *ACT, § 21-1-601 ET SEQ.*

23
24
25 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

26
27 *SECTION 1. Arkansas Code Title 21, Chapter 1, Subchapter 6, is amended*
28 *to add an additional section to read as follows:*

29 *21-1-610. Office of Government Accountability and Viability.*

30 *(a) The Office of Government Accountability and Viability is*
31 *established to administer this subchapter by:*

32 *(1) Adopting necessary rules governing this subchapter;*

33 *(2) Providing education and guidance to public employees and*
34 *public employers on the application of this subchapter;*

35 *(3) Recommending changes to this subchapter; and*

1 (4) Reporting on the operations of the office to the Legislative
2 Council.

3 (b)(1) The office shall be staffed by:

4 (A) One (1) managing attorney; and

5 (B) One (1) office administrator.

6 (2) The managing attorney is selected by a majority vote of the
7 Governor, the President Pro Tempore of the Senate, and the Speaker of the
8 House of Representatives.

9 (3) The maximum salary for staff of the office is:

10 (A) Seventy-three thousand seven hundred seventy-six
11 dollars (\$73,776) for the managing attorney; and

12 (B) Fifty-three thousand two hundred sixty-four dollars
13 (\$53,264) for the office administrator.

14 (4)(A) Staff of the office are not subject to the Uniform
15 Classification and Compensation Act, § 21-5-201 et seq., but shall receive
16 other state benefits provided for state employees.

17 (B) Staff of the office are not exempt from the Regular
18 Salary Procedures and Restrictions Act, § 21-5-101.

19 (5) Staff of the office shall participate in the Arkansas Public
20 Employees' Retirement System.

21 (c) The managing attorney is the head of the office and shall be
22 responsible for:

23 (1) Managing day to day operations of the office, including
24 without limitation:

25 (A) Hiring the office administrator;

26 (B) Developing and adopting rules concerning this
27 subchapter, which are subject to the Arkansas Administrative Procedure Act, §
28 25-15-201 et seq.;

29 (C) Developing and implementing an education program for
30 public employees and public employers concerning this subchapter;

31 (D) Offering guidance to public employees and public
32 employers on the application of this subchapter;

33 (2) Reporting to the Legislative Council on the operations of
34 the office;

35 (3) Recommending changes to this subchapter to the Legislative
36 Council;

1 (4) Filing an annual fiscal year report with the Legislative
2 Council no later than September 31; and

3 (5) Filing partial expenditure reports as requested by the
4 Legislative Council.

5 (d)(1) The office shall pay its operating expenses by:

6 (A) Monthly transfers from the Department of Finance and
7 Administration deposited into a cash fund outside the state treasury which
8 are derived from partial net state sales and use tax collections from state
9 agencies; or

10 (B) A loan of no more than two hundred fifty thousand
11 dollars (\$250,000) from the Budget Stabilization Trust Fund appropriated by
12 the General Assembly and deposited into a cash fund outside the state
13 treasury and repaid by the office from funds received under subdivision
14 (d)(1)(A) of this section.

15 (2) The managing attorney shall submit an annual budget request
16 in a similar format as the budget manuals prepared by the Department of
17 Finance and Administration to the Legislative Council or the Joint Budget
18 Committee before the beginning of the fiscal year for approval before
19 receiving funding.

20 (3) The office is not subject to appropriation by the General
21 Assembly except for a loan from the Budget Stabilization Trust Fund for the
22 operation of the office to be expensed from a cash fund appropriation.

23 (e) The office is subject to audit by the Division of Legislative
24 Audit.

25 (f) The office shall adopt rules to administer this subchapter.

26
27 /s/Hammer
28
29

30 Referred by the Arkansas House of Representatives

31 Prepared by: MBM/VJF
32
33
34
35
36