

State of Arkansas

76th General Assembly

Regular Session, 1987

AS ENGROSSED 2/26/87

HOUSE BILL 1396

By: Representative Givens

"AN ACT TO ESTABLISH THE GOVERNMENTAL WASTE ELIMINATION PROGRAM; AND FOR THE PURPOSES BEING ENACTED."

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

SECTION 1. For the purposes of this Act:

(A) "Governmental waste", means excessive spending in state government because of (1) overstaffing, or duplication of services; (2) spending too much for goods or services; (3) paying an excessive amount of rent for office space; or (4) any other kind of waste that results in the state agency spending more money than is necessary to perform its functions.

(B) "Agency administrator", means the director of any department or the administrative officer of any State agency, board, commission, or other agency of this State, including state-supported colleges and universities.

SECTION 2. There is hereby established a program to be known as the Governmental Waste Elimination Program to facilitate the identification and elimination of wasteful practices in state government.

SECTION 3. (A) The Director of the Department of Finance and Administration, or his designee, is hereby directed to develop and adopt rules and regulations in accordance with this Act for the administration of the Governmental Waste Elimination Program. The rules shall provide a method for the citizens of this state to report governmental waste to the Joint Auditing Committee of the General Assembly.

(B) Complaints of governmental waste received by the Director shall be forwarded for evaluation to the Joint Legislative Auditing Committee of the Arkansas General Assembly. The Joint Auditing Committee shall review and investigate a complaint of governmental waste and shall provide to the

Governmental Waste Elimination Board all findings of fact.

(C) The Waste Elimination Board shall, after receiving the finding from the Legislative Joint Auditing Committee, determine if the State has, or should be able, to save funds as a result of the suggestion received from any citizen, and to recommend to the General Assembly any award that should be made, or any corrective action that should be taken to avoid waste in government. The report of the Joint Auditing Committee shall include a statement of the merits of the complaint and list any changes that should be made to correct a wasteful practice and state the amount of the saving expected to be received by the State over a period of one (1) year.

SECTION 4. The name of an individual who makes a report of governmental waste shall be kept confidential unless the person is granted an award under this Act.

SECTION 5. (A) There is hereby created the Governmental Waste Elimination Award Board. The board shall consist of eight (8) members, plus the Director of the Department of Finance and Administration, or his designee, who shall not be entitled to vote except in the case of a tie vote. The members shall be appointed by the Governor from nominations provided by the Legislature, with 4 nominations from the Senate, and 4 nominations from the House of Representatives. Members of the Board shall serve without compensation.

(B) The Board shall review reports filed by agency administrators pursuant to this Act and if the board determines that corrective action taken pursuant to a governmental waste complaint has resulted in a savings to the state the board shall award the person making the governmental waste complaint an amount equal to ten percent (10%) of the amount the state will save over a period of one year. Provided, however, if a department or agency has recognized a problem and is in the process of correcting that problem, no employee shall receive an award based upon a complaint filed subsequent to the department or agency discovering the problem.

(C) All monetary awards made pursuant to this Act shall be made from special appropriations to be made by the General Assembly, upon advice of the Governmental Waste Elimination Board.

SECTION 6. The following persons shall not be eligible to receive an

monetary award pursuant to this act: (A) The elected constitutional officers of this state including the office of the Governor; (B) the General Assembly and its employees, including employees of the Bureau of Legislative Research of the Arkansas Legislative Council and the Division of Legislative Audit; (C) Members of the Arkansas Supreme Court, Circuit and Chancery Court and prosecuting attorneys; (D) Members of the Governor's Cabinet, agency directors or other persons appointed by the Governor as head of a board or commission; (E) employees occupying a teaching or athletic coaching position at a state supported institution of higher learning; and (F) other employees of the state excluded by the rules and regulations of the board.

SECTION 7. 'WHISTLE BLOWER' PROTECTION. It shall be unlawful for an agency administrator to fire, discipline or otherwise punish in any manner a state employee for filing a complaint of governmental waste, pursuant to this Act. A violation of this Section shall be a class A misdemeanor, as defined by Act 280 of 1975, as amended. The Waste Elimination Board shall be the final authority as to any waste that may have occurred, or any savings to be realized; but any recommendation to the Arkansas General Assembly shall not be binding on the General Assembly.

SECTION 8. All laws and parts of laws in conflict with this Act are hereby repealed.

/s/ Art Givens

