

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

*As Engrossed: H1/31/13*

# A Bill

HOUSE BILL 1043

5 By: Representatives Bell, Alexander, D. Altes, Ballinger, Biviano, Bragg, Branscum, J. Burris, Clemmer,  
6 Collins, Cozart, Dale, Deffenbaugh, C. Douglas, D. Douglas, Eubanks, Farrer, Fite, Gillam, Gossage,  
7 Hammer, Harris, Hickerson, House, Hutchison, Kerr, Lea, Linck, Lowery, Mayberry, D. Meeks, S.  
8 Meeks, Neal, Rice, Scott, Slinkard, Westerman, Womack, *Dotson*  
9 By: Senators J. Woods, *J. Key, D. Sanders*

## For An Act To Be Entitled

12 AN ACT TO AMEND ARKANSAS LAW TO PERMIT A REWARD TO A  
13 STATE EMPLOYEE WHEN A REPORT UNDER THE ARKANSAS  
14 WHISTLE-BLOWER ACT RESULTS IN A SAVINGS OF STATE  
15 FUNDS; AND FOR OTHER PURPOSES.

## Subtitle

19 TO AMEND ARKANSAS LAW TO PERMIT A REWARD  
20 TO A STATE EMPLOYEE WHEN A REPORT UNDER  
21 THE ARKANSAS WHISTLE-BLOWER ACT RESULTS  
22 IN A SAVINGS OF STATE FUNDS.

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

27 SECTION 1. Arkansas Code § 21-1-602(4) is amended to read as follows:

28 (4)(A) "Public employee" means a person who performs a full or  
29 part-time service for wages, salary, or other remuneration for a public  
30 employer~~+~~.

31 (B) "Public employee" includes without limitation a state  
32 employee under § 21-1-610.

34 SECTION 2. Arkansas Code Title 21, Chapter 1, Subchapter 6, is amended  
35 to add an additional section to read as follows:

36 21-1-610. Reward to state employee when report of waste or violation



1 results in savings of state funds.

2 (a) As used in this section:

3 (1) "State employee" means a person who performs a full or part-  
4 time service for wages, salary, or other remuneration for a state employer;  
5 and

6 (2) "State employer" means:

7 (A) An agency, department, board, commission, division,  
8 office, bureau, council, authority, or other instrumentality of the State of  
9 Arkansas, including without limitation the:

10 (i) Offices of the various Arkansas elected  
11 constitutional officers; and

12 (ii) General Assembly and its agencies, bureaus, and  
13 divisions; or

14 (B) A state-supported college, university, technical  
15 college, community college, or other institution of higher education or  
16 department, division, or agency of a state institution of higher education.

17 (b) A state employee may receive a reward as provided in this section  
18 if a savings in state funds results from a report under § 21-1-603 to an  
19 appropriate authority under this subchapter.

20 (c)(1)(A) Except as provided in subsection (d) of this section, upon  
21 learning that a report under § 21-1-603 has resulted in a savings of state  
22 funds, an appropriate authority shall report to the Performance Evaluation  
23 and Expenditure Review Subcommittee of the Legislative Council or, if the  
24 General Assembly is in session, the Review/PEER Subcommittee of the Joint  
25 Budget Committee:

26 (i) The name of the state employee making the  
27 report; and

28 (ii) The amount of state funds saved as a result of  
29 the report.

30 (B) The report shall be filed within thirty (30) days of  
31 the end of the first fiscal year in which the changes prompted by the report  
32 were implemented.

33 (2) After a review of the matter, the Performance Evaluation and  
34 Expenditure Review Subcommittee of the Legislative Council or the Review/PEER  
35 Subcommittee of the Joint Budget Committee may recommend to the Joint Budget  
36 Committee that the state employee receive a reward in an amount equal to ten

1 percent (10%) of the amount of state funds saved during the first fiscal year  
2 the changes prompted by the report were implemented.

3 (3) If as a result of its review the Performance Evaluation and  
4 Expenditure Review Subcommittee of the Legislative Council or the Review/PEER  
5 Subcommittee of the Joint Budget Committee determines that the amount of  
6 state funds saved as a result of the report by the state employee differs  
7 from the amount reported under subdivision (c)(1) of this section, the  
8 recommended reward shall be equal to ten percent (10%) of the amount of state  
9 funds saved during the first fiscal year the changes prompted by the report  
10 were implemented as determined by the Performance Evaluation and Expenditure  
11 Review Subcommittee of the Legislative Council or the Review/PEER  
12 Subcommittee of the Joint Budget Committee.

13 (d)(1) A state employee wishing to maintain any confidentiality  
14 afforded under § 21-1-607 or otherwise forego a reward under this section may  
15 request to the appropriate authority that a report to the Performance  
16 Evaluation and Expenditure Review Subcommittee of the Legislative Council or  
17 the Review/PEER Subcommittee of the Joint Budget Committee not include the  
18 name of the state employee making the report.

19 (2) A state employee making a request under subdivision (c)(1)  
20 of this section shall not receive a reward under this section.

21 (e)(1) If a state employee who made a report under § 21-1-603 believes  
22 that a savings of public funds resulted from his or her report and the matter  
23 was not reported to the Performance Evaluation and Expenditure Review  
24 Subcommittee of the Legislative Council or the Review/PEER Subcommittee of  
25 the Joint Budget Committee, he or she may present a written request to the  
26 Performance Evaluation and Expenditure Review Subcommittee of the Legislative  
27 Council or the Review/PEER Subcommittee of the Joint Budget Committee that  
28 the matter be reviewed.

29 (2) If a review under subdivision (e)(1) of this section  
30 indicates that a savings of state funds resulted from a report under § 21-1-  
31 603, the Performance Evaluation and Expenditure Review Subcommittee of the  
32 Legislative Council or the Review/PEER Subcommittee of the Joint Budget  
33 Committee may recommend to the Joint Budget Committee that the state employee  
34 receive a reward in an amount equal to ten percent (10%) of the amount of  
35 public funds saved during the first fiscal year the changes prompted by the  
36 report were implemented as determined by the Performance Evaluation and

1 Expenditure Review Subcommittee of the Legislative Council or the Review/PEER  
2 Subcommittee of the Joint Budget Committee.

3 (3) A written request by a state employee under this section  
4 shall be considered a communication of waste or a violation to an appropriate  
5 authority under this subchapter so long as the written request is made in  
6 good faith under § 21-1-603.

7 (f) If a reward is appropriated to a state employer for the benefit of  
8 a state employee, it shall be paid from the funds available to the state  
9 employer.

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11 */s/Bell*  
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