

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

As Engrossed: H3/28/13

A Bill

HOUSE BILL 2132

5 By: Representative Hammer
6

For An Act To Be Entitled

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

15
16 TO ESTABLISH THE OFFICE OF GOVERNMENT
17 ACCOUNTABILITY AND VIABILITY TO
18 ADMINISTER THE ARKANSAS WHISTLE-BLOWER
19 ACT, § 21-1-601 ET SEQ.
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23 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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25 SECTION 1. Arkansas Code Title 21, Chapter 1, Subchapter 6, is amended
26 to add an additional section to read as follows:

27 21-1-610. Office of Government Accountability and Viability.

28 (a) The Office of Government Accountability and Viability is
29 established to administer this subchapter by:

30 (1) Adopting necessary rules governing this subchapter;

31 (2) Providing education and guidance to public employees and
32 public employers on the application of this subchapter;

33 (3) Recommending changes to this subchapter; and

34 (4) Reporting on the operations of the office to the Legislative
35 Council.

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



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

2 (B) One (1) office administrator.

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

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

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

9 (B) Fifty-three thousand two hundred sixty-four dollars
10 (\$53,264) for the office administrator.

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

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

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

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

20 (1) Managing day to day operations of the office, including
21 without limitation:

22 (A) Hiring the office administrator;

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

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

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

30 (2) Reporting to the Legislative Council on the operations of
31 the office;

32 (3) Recommending changes to this subchapter to the Legislative
33 Council;

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

36 (5) Filing partial expenditure reports as requested by the

1 Legislative Council.

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

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

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

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

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

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

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

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24 /s/Hammer
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