

Stricken language would be deleted from and underlined language would be added to present law.

State of Arkansas
89th General Assembly
Regular Session, 2013

As Engrossed: H3/28/13
A Bill

HOUSE BILL 2132

By: Representative Hammer

For An Act To Be Entitled

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

Subtitle

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

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

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

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

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

(1) Adopting necessary rules governing this subchapter;

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

(3) Recommending changes to this subchapter; and

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

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



(A) One (1) managing attorney; and

(B) One (1) office administrator.

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

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

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

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

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

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

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

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

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

(A) Hiring the office administrator;

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

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

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

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

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

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

(5) Filing partial expenditure reports as requested by the

Legislative Council.

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

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

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

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

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

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

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

/s/Hammer