

Stricken language will be deleted and underlined language will be added.
Act 232 of the Fiscal Session

1 State of Arkansas
2 87th General Assembly
3 Fiscal Session, 2010

A Bill

SENATE BILL 121

4
5 By: Joint Budget Committee
6
7

For An Act To Be Entitled

8
9 AN ACT TO MAKE AN APPROPRIATION WHICH SHALL BE
10 SUPPLEMENTAL AND IN ADDITION TO OTHER
11 APPROPRIATIONS MADE BY THE EIGHTY-SEVENTH GENERAL
12 ASSEMBLY FOR THE PAYMENT OF APPROVED CLAIMS
13 AGAINST THE STATE; AND FOR OTHER PURPOSES.
14

Subtitle

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16
17 AN ACT TO MAKE AN APPROPRIATION FOR THE
18 PAYMENT OF APPROVED CLAIMS BY THE
19 ARKANSAS STATE CLAIMS COMMISSION FOR THE
20 2010 FISCAL YEAR.
21
22

23 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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25 SECTION 1. APPROPRIATION - DFA - REVENUE. There is hereby appropriated, to
26 the Department of Finance and Administration - Revenue Services Division, to
27 be payable from the Miscellaneous Revolving Fund, for the purpose of paying
28 claims against the State of Arkansas to the payee set out herein:
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30 ITEM	FISCAL YEAR
31 NO.	2009-2010
32 (01) DAYS INN-MT. VIEW	\$ 19,388.00
33 (02) WESTERN FEDERAL CREDIT UNION	<u>14,596.00</u>
34 TOTAL AMOUNT APPROPRIATED	<u>\$ 33,984.00</u>

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36 SECTION 2. APPROPRIATION - DFA - REVENUE. There is hereby appropriated, to

1 the Department of Finance and Administration - Revenue Services Division, to
2 be payable from the Individual Income Tax Withholding Fund, for the purpose
3 of paying claims against the State of Arkansas to the payee set out herein:
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5 ITEM	FISCAL YEAR
6 <u>NO.</u>	<u>2009-2010</u>
7 (01) METROPOLITAN LIFE INSURANCE COMPANY	<u>\$ 19,310.52</u>

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9 SECTION 3. APPROPRIATION - DFA - DISBURSING. There is hereby appropriated,
10 to the Department of Finance and Administration - Disbursing Officer, to be
11 payable from the Firemen's and Police Officers' Pension and Relief Fund, for
12 the purpose of paying claims against the State of Arkansas to the payee set
13 out herein:
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15 ITEM	FISCAL YEAR
16 <u>NO.</u>	<u>2009-2010</u>
17 (01) DEWITT CITY TREASURER	<u>\$ 21,676.30</u>

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19 SECTION 4. APPROPRIATION - DFA - DISBURSING. There is hereby
20 appropriated, to the Department of Finance and Administration - Disbursing
21 Officer, to be payable from the Fire Protection Premium Tax Fund, for the
22 purpose of paying claims against the State of Arkansas to the payee set out
23 herein:
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25 ITEM	FISCAL YEAR
26 <u>NO.</u>	<u>2009-2010</u>
27 (01) MOUNT PLEASANT, CITY OF, TREASURER	<u>\$ 12,536.42</u>

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29 SECTION 5. APPROPRIATION - DFA - REVENUE. There is hereby appropriated, to
30 the Department of Finance and Administration - Revenue Services Division, to
31 be payable from the Corporate Income Tax Withholding Fund, for the purpose of
32 paying claims against the State of Arkansas to the payee set out herein:
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34 ITEM	FISCAL YEAR
35 <u>NO.</u>	<u>2009-2010</u>
36 (01) ZEE MEDICAL, INC.	\$ 22,178.00

1	(02) AMERICAN EXPRESS TRAVEL RELATED	18,337.27
2	(03) ATLANTIS PLASTIC INJECTION MOLDING	80,612.00
3	(04) PRIMESOUTH, INC.	13,356.00
4	(05) ATLAS TUBE (ARKANSAS), INC.	<u>312,573.00</u>
5	TOTAL AMOUNT APPROPRIATED	<u>\$ 447,056.27</u>

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 7 SECTION 6. APPROPRIATION - UNIVERSITY OF CENTRAL ARKANSAS. There is hereby
 8 appropriated, to the University of Central Arkansas, to be payable from the
 9 University of Central Arkansas Fund, for the purpose of paying claims against
 10 the State of Arkansas to the payee set out herein:

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12	ITEM	FISCAL YEAR
13	<u>NO.</u>	<u>2009-2010</u>
14	(01) SSM, LLC (SPORTSTAR MANAGEMENT)	<u>\$ 150,000.00</u>

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 16 SECTION 7. APPROPRIATION - STATE POLICE. There is hereby appropriated, to
 17 the Department of Arkansas State Police, to be payable from the Department of
 18 Arkansas State Police Fund, for the purpose of paying claims against the
 19 State of Arkansas to the payee set out herein:

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21	ITEM	FISCAL YEAR
22	<u>NO.</u>	<u>2009-2010</u>
23	(01) WESLEY DON YANDELL	\$ 750,000.00
24	(02) JACKIE AND VIVNETTA BRAND	<u>12,000.00</u>
25	TOTAL AMOUNT APPROPRIATED	<u>\$ 762,000.00</u>

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 27 SECTION 8. APPROPRIATION - HIGHWAY & TRANSPORTATION DEPARTMENT. There is
 28 hereby appropriated, to the Arkansas State Highway and Transportation
 29 Department, to be payable from the State Highway and Transportation
 30 Department Fund, for the purpose of paying claims against the State of
 31 Arkansas to the payee set out herein:

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33	ITEM	FISCAL YEAR
34	<u>NO.</u>	<u>2009-2010</u>
35	(01) WANDA M. WALLS	\$ 100,000.00
36	(02) JOEY NEAL	20,000.00

1	(03) ALLEN TAYLOR	15,000.00
2	(04) JAMES H. DAVIS	18,000.00
3	(05) JEREMY KIRKLAND	1,500,000.00
4	(06) AHNA R. CALDERON	<u>30,000.00</u>
5	TOTAL AMOUNT APPROPRIATED	<u>\$ 1,683,000.00</u>

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 7 SECTION 9. APPROPRIATION - INSURANCE DEPARTMENT. There is hereby
 8 appropriated, to the State Insurance Department, to be payable from the
 9 Miscellaneous Revolving Fund, for the purpose of paying claims against the
 10 State of Arkansas to the payee set out herein:

12	ITEM	FISCAL YEAR
13	<u>NO.</u>	<u>2009-2010</u>
14	(01) GREENWICH INSURANCE COMPANY	<u>\$ 274,558.00</u>

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 16 SECTION 10. APPROPRIATION - DEPARTMENT OF CORRECTION. There is hereby
 17 appropriated, to the Department of Correction, to be payable from the
 18 Department of Correction Farm Fund, for the purpose of paying claims against
 19 the State of Arkansas to the payee set out herein:

21	ITEM	FISCAL YEAR
22	<u>NO.</u>	<u>2009-2010</u>
23	(01) ESTATE OF GLEN H. ANDIS	<u>\$ 125,000.00</u>

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 25 SECTION 11. APPROPRIATION - DHS - CHILDREN AND FAMILY SERVICES. There is
 26 hereby appropriated, to the Department of Human Services - Division of
 27 Children and Family Services, to be payable from the Children and Family
 28 Services Fund Account, for the purpose of paying claims against the State of
 29 Arkansas to the payee set out herein:

31	ITEM	FISCAL YEAR
32	<u>NO.</u>	<u>2009-2010</u>
33	(01) OUTCOMES, INC.	\$ 21,464.35
34	(02) CENTERS FOR YOUTH AND FAMILIES	<u>3,560.74</u>
35	TOTAL AMOUNT APPROPRIATED	<u>\$ 25,025.09</u>

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SECTION 12. APPROPRIATION - DHS - CHILDREN AND FAMILY SERVICES. There is hereby appropriated, to the Department of Human Services - Division of Children and Family Services, to be payable from the paying account as determined by the Chief Fiscal Officer of the State, for the purpose of paying claims against the State of Arkansas to the payee set out herein:

ITEM NO.	FISCAL YEAR
(01) CENTERS FOR YOUTH AND FAMILIES	\$ 8,057.26

SECTION 13. APPROPRIATION - DHS - BEHAVIORAL HEALTH SERVICES. There is hereby appropriated, to the Department of Human Services - Division of Behavioral Health, to be payable from the paying account as determined by the Chief Fiscal Officer of the State, for the purpose of paying claims against the State of Arkansas to the payee set out herein:

ITEM NO.	FISCAL YEAR
(01) JEFFREY JONES	\$ 13,440.00

SECTION 14. APPROPRIATION - DHS - COUNTY OPERATIONS. There is hereby appropriated, to the Department of Human Services - Division of County Operations, to be payable from the paying account as determined by the Chief Fiscal Officer of the State, for the purpose of paying claims against the State of Arkansas to the payee set out herein:

ITEM NO.	FISCAL YEAR
(01) GREENE COUNTY HUMAN FACILITIES BOARD	\$ 12,992.61

SECTION 15. APPROPRIATION - DHS - YOUTH SERVICES. There is hereby appropriated, to the Department of Human Services - Division of Youth Services, to be payable from the Youth Services Fund Account, for the purpose of paying claims against the State of Arkansas to the payee set out herein:

ITEM	FISCAL YEAR
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NO.	2009-2010
(01) RIVENDELL BEHAVIORAL HEALTH SERVICES	\$ 26,577.00

SECTION 16. APPROPRIATION - DEPARTMENT OF HEALTH. There is hereby appropriated, to the Department of Health, to be payable from the paying account as determined by the Chief Fiscal Officer of the State, for the purpose of paying claims against the State of Arkansas to the payee set out herein:

ITEM NO.	FISCAL YEAR 2009-2010
(01) ST. VINCENT INFIRMARY MEDICAL CENTER	\$ 11,829.63

SECTION 17. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. CARRYOVER OF CLAIMS. Any state agency which is affected by the allowed claim(s) provided for in this Act, and whose fund for the ~~2008-2009~~2009-2010 fiscal year are insufficient to allow for the payment of said claim(s) before June 30, ~~2009~~2010, is hereby authorized, upon certification by the Chief Fiscal Officer of the State, to make payment of said claim(s) after July 1, ~~2009~~2010, from funds appropriated for the ~~2009-2010~~2010-2011 fiscal year.

SECTION 18. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. DISBURSING OFFICER. The Clerk of the State Claims Commission is hereby made the disbursing officer for the purpose of paying the claims appropriated by this Act. The Clerk of the State Claims Commission is hereby authorized to receive all warrants prepared under the provisions of this Act from the Auditor of the State and to distribute same to the claimants.

SECTION 19. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. ARKANSAS DEPARTMENT OF HUMAN SERVICES CLAIMS. For any claims in this Act appropriated to the Department of Human Services, the Clerk of the State Claims Commission shall consult with the Department of Human Services and the Chief Fiscal Officer of the State to determine the division and funds to which liability

1 should be assigned and from which the warrants shall be drawn. The Clerk of
2 the State Claims Commission shall initiate the appropriate transfers as may
3 be required and as approved by the Chief Fiscal Officer of the State.

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5 SECTION 20. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
6 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. ARKANSAS
7 DEPARTMENT OF HEALTH CLAIMS. For any claims in this Act appropriated to the
8 Department of Health, the Clerk of the State Claims Commission shall consult
9 with the Department of Health and the Chief Fiscal Officer of the State to
10 determine the division and funds to which liability should be assigned and
11 from which the warrants shall be drawn. The Clerk of the State Claims
12 Commission shall initiate the appropriate transfers as may be required and as
13 approved by the Chief Fiscal Officer of the State.

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15 SECTION 21. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
16 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. CLAIMS
17 FROM CASH FUNDS. In the event that any claim authorized herein is determined
18 to be a valid claim against the State and the claim is to be paid from funds
19 not in the State Treasury, the Clerk of the State Claims Commission shall
20 notify the agency against which the claim is to be charged of the amount of
21 such claims. Upon receipt of such notification, the state agency shall
22 forthwith deliver a check to the Clerk of the State Claims Commission who
23 shall deposit the same as a non-revenue receipt into the Miscellaneous
24 Revolving Fund from which he shall disburse the amount of the claim to the
25 claimant.

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27 SECTION 22. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
28 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.
29 EMPLOYMENT COMPENSATION CLAIMS. The Clerk of the State Claims Commission
30 shall not distribute any warrants prepared under the provisions of this Act
31 for awards made by the Arkansas State Claims Commission for employment
32 compensation claims. Upon the award by the State Claims Commission of an
33 employment compensation claim, the Clerk of the State Claims Commission shall
34 notify the affected state agency and the Department of Finance and
35 Administration - Office of Personnel Management of such amounts that are due
36 and payable. The affected state agency shall then process the award through

1 the State Mechanized Payroll System.

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3 SECTION 23. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
4 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. CLAIMS
5 AWARD REPORTING. It is the intent of the General Assembly that when any
6 state agency, board, commission or institution of higher education admits
7 liability to a claim filed with the State Claims Commission and the claim
8 involves a contract with a state agency, board, commission or institution of
9 higher education or the claim exceeds ten thousand dollars (\$10,000) that
10 such agency, board, commission or institution of higher education file a
11 written report thereof to the Litigation Subcommittee of the Legislative
12 Council. Such a report shall include a concise statement of facts with an
13 explanation of the agency's liability. Provided further, such report shall be
14 filed with the Litigation Subcommittee within thirty (30) days after the
15 claim has been adjudicated by the State Claims Commission.

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17 SECTION 24. COMPLIANCE WITH OTHER LAWS. Disbursement of funds authorized
18 by this act shall be limited to the appropriation for such agency and funds
19 made available by law for the support of such appropriations; and the
20 restrictions of the State Procurement Law, the General Accounting and
21 Budgetary Procedures Law, the Revenue Stabilization Law, the Regular Salary
22 Procedures and Restrictions Act, or their successors, and other fiscal
23 control laws of this State, where applicable, and regulations promulgated by
24 the Department of Finance and Administration, as authorized by law, shall be
25 strictly complied with in disbursement of said funds.

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27 SECTION 25. LEGISLATIVE INTENT. It is the intent of the General Assembly
28 that any funds disbursed under the authority of the appropriations contained
29 in this act shall be in compliance with the stated reasons for which this act
30 was adopted, as evidenced by the Agency Requests, Executive Recommendations
31 and Legislative Recommendations contained in the budget manuals prepared by
32 the Department of Finance and Administration, letters, or summarized oral
33 testimony in the official minutes of the Arkansas Legislative Council or
34 Joint Budget Committee which relate to its passage and adoption.

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36 SECTION 26. EMERGENCY CLAUSE. It is found and determined by the General

1 Assembly, that payees listed in this Act may be entitled to the sums
2 appropriated and transferred to herein, and that they have been deprived of
3 the use of these funds for a long period of time, and that further delay in
4 paying these just debts of the State would do harm to the reputation of the
5 State of Arkansas. Therefore, an emergency is hereby declared to exist and
6 this Act being necessary for the immediate preservation of the public peace,
7 health and safety shall be in full force and effect from and after the date
8 of its passage and approval.

9 If the bill is neither approved nor vetoed by the Governor, it shall become
10 effective on the expiration of the period of time during which the Governor
11 may veto the bill. If the bill is vetoed by the Governor and the veto is
12 overridden, it shall become effective on the date the last house overrides
13 the veto.

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16 **APPROVED: 2/24/2010**
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