

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

Act 557 of the Regular Session

As Engrossed: S2/24/09

A Bill

1 State of Arkansas
2 87th General Assembly
3 Regular Session, 2009

SENATE BILL 404

5 By: Joint Budget Committee

For An Act To Be Entitled

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 TO PAY THE ARKANSAS STATE CLAIMS
13 COMMISSION – APPROVED CLAIMS AGAINST THE STATE
14 FOR THE FISCAL YEAR ENDING JUNE 30, 2009; AND FOR
15 OTHER PURPOSES.

Subtitle

19 AN ACT FOR THE ARKANSAS STATE CLAIMS
20 COMMISSION - APPROVED CLAIMS AGAINST THE
21 STATE APPROPRIATION FOR THE 2009 FISCAL
22 YEAR.

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

27 SECTION 1. APPROPRIATION – ARKANSAS DEPARTMENT OF FINANCE AND
28 ADMINISTRATION - REVENUE SERVICES DIVISION. There is hereby appropriated, to
29 the Department of Finance and Administration - Revenue Services Division, to
30 be payable from the Miscellaneous Revolving Fund, for the purpose of paying
31 claims against the State of Arkansas to the payee set out herein:

ITEM	FISCAL YEAR
<u>NO.</u>	<u>2008-2009</u>
(01) ARKANSAS CARWASH SYSTEMS, INC.	\$ <u>14,851.25</u>



1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36

SECTION 2. APPROPRIATION - ARKANSAS TEACHER RETIREMENT SYSTEM. There is hereby appropriated, to the Arkansas Teacher Retirement System, to be payable from the Teacher Retirement Fund, for the purpose of paying claims against the State of Arkansas to the payee set out herein:

ITEM	FISCAL YEAR
<u>NO.</u>	<u>2008-2009</u>
(01) KATHLEEN A. HAFAR	<u>\$ 16,353.60</u>

SECTION 3. APPROPRIATION - ARKANSAS DEPARTMENT OF HUMAN SERVICES - DIVISION OF BEHAVIORAL HEALTH. There is hereby appropriated, to the Department of Human Services - Division of Behavioral Health, to be payable from the Drug Abuse Prevention and Treatment Fund, for the purpose of paying claims against the State of Arkansas to the payee set out herein:

ITEM	FISCAL YEAR
<u>NO.</u>	<u>2008-2009</u>
(01) UNIVERSITY OF CENTRAL ARKANSAS	<u>\$ 14,558.93</u>

SECTION 4. APPROPRIATION - ARKANSAS DEPARTMENT OF HUMAN SERVICES - DIVISION OF 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
<u>NO.</u>	<u>2008-2009</u>
(01) GARLAND COUNTY	<u>\$ 15,306.80</u>

SECTION 5. APPROPRIATION - ARKANSAS CRIME INFORMATION CENTER. There is hereby appropriated, to the Arkansas Crime Information Center, to be payable from the Crime Information System Fund, for the purpose of paying claims against the State of Arkansas to the payee set out herein:

ITEM	FISCAL YEAR
------	-------------

1	<u>NO.</u>	<u>2008-2009</u>
2	(01) COMPUTER PROJECTS OF IL, INC.	\$ <u>75,738.80</u>

3

4 SECTION 6. APPROPRIATION - ARKANSAS DEPARTMENT OF INFORMATION SYSTEMS.

5 There is hereby appropriated, to the Department of Information Systems, to be

6 payable from the Department of Information Systems Revolving Fund, for the

7 purpose of paying claims against the State of Arkansas to the payee set out

8 herein:

10	ITEM	FISCAL YEAR
11	<u>NO.</u>	<u>2008-2009</u>
12	(01) CINGULAR WIRELESS DBA AT&T MOBILITY, LLC	\$ <u>14,626.73</u>

13

14 SECTION 7. APPROPRIATION - ARKANSAS DEPARTMENT OF FINANCE AND

15 ADMINISTRATION - REVENUE SERVICES DIVISION. There is hereby appropriated, to

16 the Department of Finance and Administration - Revenue Services Division, to

17 be payable from the Individual Income Tax Withholding Fund, for the purpose

18 of paying claims against the State of Arkansas to the payee set out herein:

20	ITEM	FISCAL YEAR
21	<u>NO.</u>	<u>2008-2009</u>
22	(01) CHARLES CABE	\$ <u>158,265.11</u>

23

24 SECTION 8. APPROPRIATION - UNIVERSITY OF ARKANSAS AT PINE BLUFF. There is

25 hereby appropriated, to the University of Arkansas at Pine Bluff, to be

26 payable from the University of Arkansas at Pine Bluff Fund, for the purpose

27 of paying claims against the State of Arkansas to the payee set out herein:

29	ITEM	FISCAL YEAR
30	<u>NO.</u>	<u>2008-2009</u>
31	(01) BETTY C. VAILES	\$ <u>50,000.00</u>

32

33 SECTION 9. APPROPRIATION - ARKANSAS STATE HIGHWAY & TRANSPORTATION

34 DEPARTMENT. There is hereby appropriated, to the Arkansas State Highway and

35 Transportation Department, to be payable from the State Highway and

36 Transportation Department Fund, for the purpose of paying claims against the

1 State of Arkansas to the payee set out herein:

2

3 ITEM	FISCAL YEAR
4 <u>NO.</u>	<u>2008-2009</u>
5 (01) CYNTHIA COLLINS	\$ 34,000.00
6 (02) CARLTON JORDAN	15,000.00
7 (03) KEVIN ARNOLD	<u>12,500.00</u>
8 TOTAL AMOUNT APPROPRIATED	<u>\$ 61,500.00</u>

9

10 SECTION 10. APPROPRIATION - ARKANSAS DEPARTMENT OF HUMAN SERVICES -
 11 DIVISION OF YOUTH SERVICES. There is hereby appropriated, to the Department
 12 of Human Services - Division of Youth Services, to be payable from the paying
 13 account as determined by the Chief Fiscal Officer of the State, for the
 14 purpose of paying claims against the State of Arkansas to the payee set out
 15 herein:

16

17 ITEM	FISCAL YEAR
18 <u>NO.</u>	<u>2008-2009</u>
19 (01) SOUTH ARKANSAS YOUTH SERVICES INC.	<u>\$ 32,550.00</u>

20

21 SECTION 11. APPROPRIATION - ARKANSAS DEPARTMENT OF HUMAN SERVICES. There
 22 is hereby appropriated, to the Department of Human Services, to be payable
 23 from the paying account as determined by the Chief Fiscal Officer of the
 24 State, for the purpose of paying claims against the State of Arkansas to the
 25 payee set out herein:

26

27 ITEM	FISCAL YEAR
28 <u>NO.</u>	<u>2008-2009</u>
29 (01) ARKANSAS HEALTHCARE PERSONNEL, INC.	<u>\$ 23,998.40</u>

30

31 SECTION 12. APPROPRIATION - ARKANSAS DEPARTMENT OF HUMAN SERVICES. There
 32 is hereby appropriated, to the Department of Human Services, to be payable
 33 from the paying account as determined by the Chief Fiscal Officer of the
 34 State, for the purpose of paying claims against the State of Arkansas to the
 35 payee set out herein:

36

ITEM	FISCAL YEAR
<u>NO.</u>	<u>2008-2009</u>
(01) OZARK COUNSELING SERVICES, INC.	<u>\$ 13,912.00</u>

4

SECTION 13. APPROPRIATION - ARKANSAS 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:

10

ITEM	FISCAL YEAR
<u>NO.</u>	<u>2008-2009</u>
(01) JOHNSON CONTROLS, INC.	<u>\$ 24,307.50</u>

14

SECTION 14. APPROPRIATION - ARKANSAS DEPARTMENT OF HUMAN SERVICES - DIVISION OF BEHAVIORAL HEALTH. There is hereby appropriated, to the Department of Human Services - Division of Behavioral Health, to be payable from the Drug Abuse Prevention and Treatment Fund, for the purpose of paying claims against the State of Arkansas to the payee set out herein:

20

ITEM	FISCAL YEAR
<u>NO.</u>	<u>2008-2009</u>
(01) CROWLEY'S RIDGE DEVELOPMENT COUNCIL, INC. DBA NORTHEAST AR REGIONAL RECOVERY CENTER	<u>\$ 29,510.00</u>

25

SECTION 15. APPROPRIATION - ARKANSAS DEPARTMENT OF FINANCE AND ADMINISTRATION - REVENUE SERVICES DIVISION. There is hereby appropriated, to the Department of Finance and Administration - Revenue Services Division, to be payable from the Corporate Income Tax Withholding Fund, for the purpose of paying claims against the State of Arkansas to the payee set out herein:

31

ITEM	FISCAL YEAR
<u>NO.</u>	<u>2008-2009</u>
(01) THE GILLETTE COMPANY	<u>\$ 11,272.01</u>

35

SECTION 16. APPROPRIATION - ARKANSAS TOBACCO SETTLEMENT COMMISSION. There

36

1 is hereby appropriated, to the Arkansas Tobacco Settlement Commission, to be
 2 payable from the Tobacco Settlement Commission Fund, for the purpose of
 3 paying claims against the State of Arkansas to the payee set out herein:
 4

5 ITEM	FISCAL YEAR
6 <u>NO.</u>	<u>2008-2009</u>
7 (01) ARKANSAS CENTER FOR HEALTH IMPROVEMENT	\$ <u>98,064.00</u>

8
 9 SECTION 17. APPROPRIATION - ARKANSAS DEPARTMENT OF HUMAN SERVICES. There
 10 is hereby appropriated, to the Department of Human Services, to be payable
 11 from the paying account as determined by the Chief Fiscal Officer of the
 12 State, for the purpose of paying claims against the State of Arkansas to the
 13 payee set out herein:
 14

15 ITEM	FISCAL YEAR
16 <u>NO.</u>	<u>2008-2009</u>
17 (01) THOMSON PROMETRIC	\$ 75,999.00
18 (02) THOMSON PROMETRIC	36,503.50
19 (03) THOMSON PROMETRIC	44,068.50
20 (04) THOMSON PROMETRIC	40,293.50
21 (05) THOMSON PROMETRIC	43,640.75
22 (06) THOMSON PROMETRIC	<u>51,511.25</u>
23 TOTAL AMOUNT APPROPRIATED	\$ <u>292,016.50</u>

24
 25 SECTION 18. APPROPRIATION - ARKANSAS DEPARTMENT OF FINANCE AND
 26 ADMINISTRATION - REVENUE SERVICES DIVISION. There is hereby appropriated, to
 27 the Department of Finance and Administration - Revenue Services Division, to
 28 be payable from the Corporate Income Tax Withholding Fund, for the purpose of
 29 paying claims against the State of Arkansas to the payee set out herein:
 30

31 ITEM	FISCAL YEAR
32 <u>NO.</u>	<u>2008-2009</u>
33 (01) WAL-MART STORES INC. & SUBS	\$ <u>22,000.97</u>

34
 35 SECTION 19. APPROPRIATION - ARKANSAS DEPARTMENT OF FINANCE AND
 36 ADMINISTRATION - REVENUE SERVICES DIVISION. There is hereby appropriated, to

1 the Department of Finance and Administration - Revenue Services Division, to
 2 be payable from the Corporate Income Tax Withholding Fund, for the purpose of
 3 paying claims against the State of Arkansas to the payee set out herein:

ITEM	FISCAL YEAR
<u>NO.</u>	<u>2008-2009</u>
(01) CREDIT ACCEPTANCE CORP.	<u>\$ 51,273.00</u>

9 SECTION 20. APPROPRIATION - ARKANSAS DEPARTMENT OF HUMAN SERVICES -
 10 DIVISION OF YOUTH SERVICES. There is hereby appropriated, to the Department
 11 of Human Services - Division of Youth Services, to be payable from the Youth
 12 Services Fund Account, for the purpose of paying claims against the State of
 13 Arkansas to the payee set out herein:

ITEM	FISCAL YEAR
<u>NO.</u>	<u>2008-2009</u>
(01) <i>G4S</i> YOUTH SERVICES	<u>\$ 188,229.65</u>

19 SECTION 21. APPROPRIATION - DEPARTMENT OF ARKANSAS STATE POLICE. There is
 20 hereby appropriated, to the Department of Arkansas State Police, to be
 21 payable from the Department of Arkansas State Police Fund, for the purpose of
 22 paying claims against the State of Arkansas to the payee set out herein:

ITEM	FISCAL YEAR
<u>NO.</u>	<u>2008-2009</u>
(01) THE ESTATE OF BRIDGETT DENISE SING	\$ 240,000.00
(02) THE ESTATE OF BABY GIRL SING	<u>10,000.00</u>
TOTAL AMOUNT APPROPRIATED	<u>\$ 250,000.00</u>

30 SECTION 22. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
 31 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. CARRYOVER
 32 OF CLAIMS. Any state agency which is affected by the allowed claim(s)
 33 provided for in this Act, and whose fund for the ~~2006-2007~~ 2008-2009 fiscal
 34 year are insufficient to allow for the payment of said claim(s) before June
 35 30, ~~2007~~2009, is hereby authorized, upon certification by the Chief Fiscal
 36 Officer of the State, to make payment of said claim(s) after July 1, ~~2007~~

1 2009, from funds appropriated for the ~~2007-2008~~2009-2010 fiscal year.

2
3 SECTION 23. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
4 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.

5 DISBURSING OFFICER. The Clerk of the State Claims Commission is hereby made
6 the disbursing officer for the purpose of paying the claims appropriated by
7 this Act. The Clerk of the State Claims Commission is hereby authorized to
8 receive all warrants prepared under the provisions of this Act from the
9 Auditor of the State and to distribute same to the claimants.

10
11 SECTION 24. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
12 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. ARKANSAS
13 DEPARTMENT OF HUMAN SERVICES CLAIMS. For any claims in this Act appropriated
14 to the Department of Human Services, the Clerk of the State Claims Commission
15 shall consult with the Department of Human Services and the Chief Fiscal
16 Officer of the State to determine the division and funds to which liability
17 should be assigned and from which the warrants shall be drawn. The Clerk of
18 the State Claims Commission shall initiate the appropriate transfers as may
19 be required and as approved by the Chief Fiscal Officer of the State.

20
21 SECTION 25. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
22 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. ARKANSAS
23 DEPARTMENT OF HEALTH CLAIMS. For any claims in this Act appropriated to the
24 Department of Health, the Clerk of the State Claims Commission shall consult
25 with the Department of Health and the Chief Fiscal Officer of the State to
26 determine the division and funds to which liability should be assigned and
27 from which the warrants shall be drawn. The Clerk of the State Claims
28 Commission shall initiate the appropriate transfers as may be required and as
29 approved by the Chief Fiscal Officer of the State.

30
31 SECTION 26. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
32 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. CLAIMS
33 FROM CASH FUNDS. In the event that any claim authorized herein is determined
34 to be a valid claim against the State and the claim is to be paid from funds
35 not in the State Treasury, the Clerk of the State Claims Commission shall
36 notify the agency against which the claim is to be charged of the amount of

1 such claims. Upon receipt of such notification, the state agency shall
2 forthwith deliver a check to the Clerk of the State Claims Commission who
3 shall deposit the same as a non-revenue receipt into the Miscellaneous
4 Revolving Fund from which he shall disburse the amount of the claim to the
5 claimant.

6
7 SECTION 27. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
8 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.

9 EMPLOYMENT COMPENSATION CLAIMS. The Clerk of the State Claims Commission
10 shall not distribute any warrants prepared under the provisions of this Act
11 for awards made by the Arkansas State Claims Commission for employment
12 compensation claims. Upon the award by the State Claims Commission of an
13 employment compensation claim, the Clerk of the State Claims Commission shall
14 notify the affected state agency and the Department of Finance and
15 Administration - Office of Personnel Management of such amounts that are due
16 and payable. The affected state agency shall then process the award through
17 the State Mechanized Payroll System.

18
19 SECTION 28. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
20 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. CLAIMS

21 AWARD REPORTING. It is the intent of the General Assembly that when any
22 state agency, board, commission or institution of higher education admits
23 liability to a claim filed with the State Claims Commission and the claim
24 involves a contract with a state agency, board, commission or institution of
25 higher education or the claim exceeds ten thousand dollars (\$10,000) that
26 such agency, board, commission or institution of higher education file a
27 written report thereof to the Litigation Subcommittee of the Legislative
28 Council. Such a report shall include a concise statement of facts with an
29 explanation of the agency's liability. Provided further, such report shall be
30 filed with the Litigation Subcommittee within thirty (30) days after the
31 claim has been adjudicated by the State Claims Commission.

32
33 SECTION 29. COMPLIANCE WITH OTHER LAWS. Disbursement of funds authorized
34 by this act shall be limited to the appropriation for such agency and funds
35 made available by law for the support of such appropriations; and the
36 restrictions of the State Procurement Law, the General Accounting and

1 Budgetary Procedures Law, the Revenue Stabilization Law, the Regular Salary
2 Procedures and Restrictions Act, or their successors, and other fiscal
3 control laws of this State, where applicable, and regulations promulgated by
4 the Department of Finance and Administration, as authorized by law, shall be
5 strictly complied with in disbursement of said funds.

6
7 SECTION 30. LEGISLATIVE INTENT. It is the intent of the General Assembly
8 that any funds disbursed under the authority of the appropriations contained
9 in this act shall be in compliance with the stated reasons for which this act
10 was adopted, as evidenced by the Agency Requests, Executive Recommendations
11 and Legislative Recommendations contained in the budget manuals prepared by
12 the Department of Finance and Administration, letters, or summarized oral
13 testimony in the official minutes of the Arkansas Legislative Council or
14 Joint Budget Committee which relate to its passage and adoption.

15
16 SECTION 31. EMERGENCY CLAUSE. It is found and determined by the General
17 Assembly, that payees listed in this Act may be entitled to the sums
18 appropriated and transferred to herein, and that they have been deprived of
19 the use of these funds for a long period of time, and that further delay in
20 paying these just debts of the State would do harm to the reputation of the
21 State of Arkansas. Therefore, an emergency is hereby declared to exist and
22 this Act being necessary for the immediate preservation of the public peace,
23 health and safety shall be in full force and effect from and after the date
24 of its passage and approval.

25 If the bill is neither approved nor vetoed by the Governor, it shall
26 become effective on the expiration of the period of time during which the
27 Governor may veto the bill. If the bill is vetoed by the Governor and the
28 veto is overridden, it shall become effective on the date the last house
29 overrides the veto.

30
31 /s/ Joint Budget Committee

32
33 **APPROVED: 3/24/2009**