

1 State of Arkansas
2 88th General Assembly
3 Regular Session, 2011
4

A Bill

SENATE BILL 621

5 By: Joint Budget Committee
6

For An Act To Be Entitled

8 AN ACT TO MAKE AN APPROPRIATION WHICH SHALL BE
9 SUPPLEMENTAL AND IN ADDITION TO OTHER APPROPRIATIONS
10 MADE BY THE EIGHTY-EIGHTH GENERAL ASSEMBLY TO PAY THE
11 ARKANSAS STATE CLAIMS COMMISSION - APPROVED CLAIMS;
12 AND FOR OTHER PURPOSES
13
14

Subtitle

15 AN ACT TO MAKE AN APPROPRIATION FOR THE
16 PAYMENT OF APPROVED CLAIMS AGAINST THE
17 STATE.
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21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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23 SECTION 1. APPROPRIATION - DFA - REVENUE. There is hereby
24 appropriated, to the Department of Finance and Administration - Revenue
25 Services Division, to be payable from the Miscellaneous Revolving Fund, for
26 the purpose of paying claims against the State of Arkansas to the payee set
27 out herein:
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29 ITEM	FISCAL YEAR
30 <u>NO.</u>	<u>2010-2011</u>
31 (01) HD SUPPLY WATERWORKS, LTD	\$63,002.00
32 (02) HD SUPPLY WATERWORKS, LTD	69,200.00
33 (03) FIRST NATIONAL BANK OF BERRYVILLE	<u>15,881.24</u>
34 TOTAL AMOUNT APPROPRIATED	<u><u>\$148,083.24</u></u>



SECTION 2. APPROPRIATION - DFA - REVENUE. There is hereby appropriated, to the Department of Finance and Administration - Revenue Services Division, to be payable from the Individual Income Tax Withholding 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>2010-2011</u>
(01) ROBERT & MARGARET DILLMEIER	<u>\$57,980.90</u>

SECTION 3. APPROPRIATION - DFA - REVENUE. 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:

ITEM	FISCAL YEAR
<u>NO.</u>	<u>2010-2011</u>
(01) SIEMENS MEDICAL SOLUTN USA, INC	\$12,719.72
(02) UNITED STATES SURGICAL, CORP	49,502.00
(03) AVENTIS AGRICULTURE	32,121.00
(04) FAF ADVISORS, INC	<u>20,927.00</u>
TOTAL AMOUNT APPROPRIATED	<u>\$115,269.72</u>

SECTION 4. APPROPRIATION - DHS - CHILDREN AND FAMILY SERVICES. There is hereby appropriated, to the Department of Human Services, to be payable from the Children and Family 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>2010-2011</u>
(01) SALLY BRYAN	<u>\$38,213.68</u>

SECTION 5. APPROPRIATION - DFA - DISBURSING OFFICER. There is hereby appropriated, to the Department of Finance and Administration - Disbursing Officer, to be payable from the Fire Protection Premium Tax Fund, for the

1 purpose of paying claims against the State of Arkansas to the payee set out
2 herein:

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4	ITEM	FISCAL YEAR
5	<u>NO.</u>	<u>2010-2011</u>
6	(01) MOUNT PLEASANT, CITY OF, TREASURER	<u>\$12,536.42</u>

7
8 SECTION 6. APPROPRIATION - ARKANSAS STATE POLICE. There is hereby
9 appropriated, to the Department of Arkansas State Police, to be payable from
10 the Department of Arkansas State Police Fund, for the purpose of paying
11 claims against the State of Arkansas to the payee set out herein:

12		
13	ITEM	FISCAL YEAR
14	<u>NO.</u>	<u>2010-2011</u>
15	(01) TIMOTHY E. BURGESS	<u>\$15,000.00</u>

16
17 SECTION 7. APPROPRIATION - ARKANSAS STATE HIGHWAY AND TRANSPORTATION
18 DEPARTMENT. There is hereby appropriated, to the Arkansas State Highway and
19 Transportation Department, to be payable from the State Highway and
20 Transportation Department Fund, for the purpose of paying claims against the
21 State of Arkansas to the payee set out herein:

22		
23	ITEM	FISCAL YEAR
24	<u>NO.</u>	<u>2010-2011</u>
25	(01) MOBLEY CONTRACTORS, INC	\$225,687.84
26	(02) NEC, INC	27,360.00
27	(03) JOHNSVILLE COMPANY, LLC	<u>100,000.00</u>
28	TOTAL AMOUNT APPROPRIATED	<u>\$353,047.84</u>

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30 SECTION 8. APPROPRIATION - DEPARTMENT OF COMMUNITY CORRECTION. There
31 is hereby appropriated, to the Department of Arkansas State Police, to be
32 payable from the Department of Community Correction Fund Account, for the
33 purpose of paying claims against the State of Arkansas to the payee set out
34 herein:

35		
36	ITEM	FISCAL YEAR

1	<u>NO.</u>	<u>2010-2011</u>
2	(01) CENTERPOINT ENERGY SERVICES, INC	<u>\$35,242.63</u>

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

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9	ITEM	FISCAL YEAR
10	<u>NO.</u>	<u>2010-2011</u>
11	(01) LIBERTY INSURANCE CORPORATION, TAX	
12	DEPARTMENT	\$191,987.00
13	(02) LM PROPERTY & CASUALTY INSURANCE	<u>24,231.00</u>
14	TOTAL AMOUNT APPROPRIATED	<u>\$216,218.00</u>

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 16 SECTION 10. APPROPRIATION - GAME & FISH COMMISSION. There is hereby
 17 appropriated, to the Arkansas State Game and Fish Commission, to be payable
 18 from the Game Protection 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>2010-2011</u>
23	(01) BRUCE BURROW	<u>\$20,000.00</u>

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

30		
31	ITEM	FISCAL YEAR
32	<u>NO.</u>	<u>2010-2011</u>
33	(01) OZARK GUIDANCE CENTER, INC	<u>\$19,380.00</u>

34
 35 SECTION 12. APPROPRIATION - DEPARTMENT OF CORRECTION. There is hereby
 36 appropriated, to the Department of Correction, to be payable from the

1 Department of Correction Inmate Care and Custody Fund Account, for the
2 purpose of paying claims against the State of Arkansas to the payee set out
3 herein:

4	5 ITEM	6 FISCAL YEAR
7	<u>NO.</u>	<u>2010-2011</u>
8	(01) LYNDON PHILLIPS	\$50,000.00
9	(02) JAMIE ECKLER	<u>100,000.00</u>
10	TOTAL AMOUNT APPROPRIATED	<u><u>\$150,000.00</u></u>

11 SECTION 13. APPROPRIATION - DEPARTMENT OF HEALTH. There is hereby
12 appropriated, to the Department of Health, 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	18 FISCAL YEAR
19	<u>NO.</u>	<u>2010-2011</u>
20	(01) MCKESSON TECHNOLOGIES, INC	<u><u>\$83,146.74</u></u>

21 SECTION 14. APPROPRIATION - UNIVERSITY OF ARKANSAS FOR MEDICAL
22 SCIENCES. There is hereby appropriated, to the University of Arkansas for
23 Medical Sciences, to be payable from the University of Arkansas Medical
24 Center Fund, for the purpose of paying claims against the State of Arkansas
25 to the payee set out herein:

26	27 ITEM	28 FISCAL YEAR
29	<u>NO.</u>	<u>2010-2011</u>
30	(01) DONALD ARMSTRONG	<u><u>\$150,000.00</u></u>

31 SECTION 15. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
32 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. CARRYOVER
33 OF CLAIMS. Any state agency which is affected by the allowed claim(s)
34 provided for in this Act, and whose fund for the 2010-2011 fiscal year are
35 insufficient to allow for the payment of said claim(s) before June 30, 2011
36 is hereby authorized, upon certification by the Chief Fiscal Officer of the

1 State, to make payment of said claim(s) after July 1, 2011, from funds
 2 appropriated for the 2011-2012 fiscal year.

3
 4 SECTION 16. SPECIAL LANGUAGE. Arkansas Code 19-10-215 regarding
 5 restrictions on awards is amended to read as follows:

6 19-10-215. Restrictions on awards.

7 (a) With the exception of death and disability benefit claims paid under §
 8 21-5-701 et seq., no award may be paid in excess of ~~ten thousand dollars~~
 9 ~~(\$10,000)~~twelve thousand five hundred dollars (\$12,500).

10 (b) If the award is greater than ~~ten thousand dollars (\$10,000)~~twelve
 11 thousand five hundred dollars (\$12,500), the claim shall be referred to the
 12 General Assembly for an appropriation.

13
 14 SECTION 17. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
 15 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.

16 DISBURSING OFFICER. The Clerk of the State Claims Commission is hereby made
 17 the disbursing officer for the purpose of paying the claims appropriated by
 18 this Act. The Clerk of the State Claims Commission is hereby authorized to
 19 receive all warrants prepared under the provisions of this Act from the
 20 Auditor of the State and to distribute same to the claimants.

21
 22 SECTION 18. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
 23 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. ARKANSAS

24 DEPARTMENT OF HUMAN SERVICES CLAIMS. For any claims in this Act appropriated
 25 to the Department of Human Services, the Clerk of the State Claims Commission
 26 shall consult with the Department of Human Services and the Chief Fiscal
 27 Officer of the State to determine the division and funds to which liability
 28 should be assigned and from which the warrants shall be drawn. The Clerk of
 29 the State Claims Commission shall initiate the appropriate transfers as may
 30 be required and as approved by the Chief Fiscal Officer of the State.

31
 32 SECTION 19. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
 33 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. ARKANSAS

34 DEPARTMENT OF HEALTH CLAIMS. For any claims in this Act appropriated to the
 35 Department of Health, the Clerk of the State Claims Commission shall consult
 36 with the Department of Health and the Chief Fiscal Officer of the State to

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

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

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18 SECTION 21. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
19 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.
20 EMPLOYMENT COMPENSATION CLAIMS. The Clerk of the State Claims Commission
21 shall not distribute any warrants prepared under the provisions of this Act
22 for awards made by the Arkansas State Claims Commission for employment
23 compensation claims. Upon the award by the State Claims Commission of an
24 employment compensation claim, the Clerk of the State Claims Commission shall
25 notify the affected state agency and the Department of Finance and
26 Administration - Office of Personnel Management of such amounts that are due
27 and payable. The affected state agency shall then process the award through
28 the State Mechanized Payroll System.

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30 SECTION 22. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
31 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. CLAIMS
32 AWARD REPORTING. It is the intent of the General Assembly that when any
33 state agency, board, commission or institution of higher education admits
34 liability to a claim filed with the State Claims Commission and the claim
35 involves a contract with a state agency, board, commission or institution of
36 higher education or the claim exceeds ~~ten thousand dollars (\$10,000)~~ twelve

1 thousand five hundred dollars (\$12,500) that such agency, board, commission
2 or institution of higher education file a written report thereof to the
3 Litigation Subcommittee of the Legislative Council. Such a report shall
4 include a concise statement of facts with an explanation of the agency's
5 liability. Provided further, such report shall be filed with the Litigation
6 Subcommittee within thirty (30) days after the claim has been adjudicated by
7 the State Claims Commission.

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

18
19 SECTION 24. LEGISLATIVE INTENT. It is the intent of the General
20 Assembly that any funds disbursed under the authority of the appropriations
21 contained in this act shall be in compliance with the stated reasons for
22 which this act was adopted, as evidenced by the Agency Requests, Executive
23 Recommendations and Legislative Recommendations contained in the budget
24 manuals prepared by the Department of Finance and Administration, letters, or
25 summarized oral testimony in the official minutes of the Arkansas Legislative
26 Council or Joint Budget Committee which relate to its passage and adoption.

27
28 SECTION 25. EMERGENCY CLAUSE. It is found and determined by the
29 General Assembly, that payees listed in this Act may be entitled to the sums
30 appropriated and transferred to herein, and that they have been deprived of
31 the use of these funds for a long period of time, and that further delay in
32 paying these just debts of the state would do harm to the reputation of the
33 State of Arkansas. Therefore, an emergency is hereby declared to exist and
34 this Act being necessary for the immediate preservation of the public peace,
35 health and safety shall be in full force and effect from and after the date
36 of its passage and approval.

1 If the bill is neither approved nor vetoed by the Governor, it shall become
2 effective on the expiration of the period of time during which the Governor
3 may veto the bill. If the bill is vetoed by the Governor and the veto is
4 overridden, it shall become effective on the date the last house overrides
5 the veto.

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8 **APPROVED: 03/17/2011**
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