

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

A Bill

SENATE BILL 20

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-NINTH GENERAL ASSEMBLY TO PAY
11 ALLOWED CLAIMS; AND FOR OTHER PURPOSES.
12
13

Subtitle

14 AN ACT TO MAKE AN APPROPRIATION FOR THE
15 PAYMENT OF ALLOWED CLAIMS.
16
17
18

19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
20

21 SECTION 1. APPROPRIATION. There is hereby appropriated, to the
22 Department of Correction, to be payable from the Department of Correction
23 Inmate Care and Custody Fund Account, for the purpose of paying claims
24 against the State of Arkansas to the payee set out herein:

25 ITEM	FISCAL YEAR
26 <u>NO.</u>	<u>2012-2013</u>
27 (01) HAKIM MALIK	<u>\$30,000.00</u>

28
29 SECTION 2. APPROPRIATION. There is hereby appropriated, to the
30 Arkansas State Highway and Transportation Department, to be payable from the
31 State Highway and Transportation Department Fund, for the purpose of paying
32 claims against the State of Arkansas to the payee set out herein:

33 ITEM	FISCAL YEAR
34 <u>NO.</u>	<u>2012-2013</u>
35 (01) DEBRA SNELL	<u>\$47,500.00</u>

36



SECTION 3. APPROPRIATION. 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	FISCAL YEAR
<u>NO.</u>	<u>2012-2013</u>
(01) MENTAL HEALTH ASSOCIATES	<u>\$17,050.00</u>

SECTION 4. APPROPRIATION. 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	FISCAL YEAR
<u>NO.</u>	<u>2012-2013</u>
(01) GARY HERLING	<u>\$340,000.00</u>

SECTION 5. APPROPRIATION. There is hereby appropriated, to the Arkansas State Highway and Transportation Department, to be payable from the State Highway and Transportation Department 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>2012-2013</u>
(01) ESTATE OF AUDELL STACHEY	<u>\$360,000.00</u>

SECTION 6. APPROPRIATION. There is hereby appropriated, to the Arkansas State Highway and Transportation Department, to be payable from the State Highway and Transportation Department 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>2012-2013</u>
(01) LOUIS BROWN, JR.	<u>\$18,236.50</u>

SECTION 7. APPROPRIATION. There is hereby appropriated, to the Arkansas Tech University, to be payable from the Arkansas Tech University

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

3 ITEM	FISCAL YEAR
4 <u>NO.</u>	<u>2012-2013</u>
5 (01) DAYCO CONSTRUCTION, INC.	<u>\$100,000.00</u>

6
 7 SECTION 8. APPROPRIATION. There is hereby appropriated, to the
 8 Department of Finance and Administration - Revenue Services Division, to be
 9 payable from the Miscellaneous Revolving Fund, for the purpose of paying
 10 claims against the State of Arkansas to the payee set out herein:

11 ITEM	FISCAL YEAR
12 <u>NO.</u>	<u>2012-2013</u>
13 (01) XM SATELLITE RADIO, INC.	<u>\$58,201.00</u>

14
 15 SECTION 9. APPROPRIATION. There is hereby appropriated, to the
 16 University of Arkansas Community College at Batesville, to be payable from
 17 the University of Arkansas Community College at Batesville Fund, for the
 18 purpose of paying claims against the State of Arkansas to the payee set out
 19 herein:

20 ITEM	FISCAL YEAR
21 <u>NO.</u>	<u>2012-2013</u>
22 (01) TOWN PLAZA, LLC	<u>\$60,000.00</u>

23
 24 SECTION 10. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
 25 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. CARRYOVER
 26 OF CLAIMS. Any state agency which is affected by the allowed claim(s)
 27 provided for in this Act, and whose fund for the 2012-2013 fiscal year are
 28 insufficient to allow for the payment of said claim(s) before June 30, 2013,
 29 is hereby authorized, upon certification by the Chief Fiscal Officer of the
 30 State, to make payment of said claim(s) after July 1, 2013, from funds
 31 appropriated for the 2013-2014 fiscal year.

32
 33 SECTION 11. SPECIAL LANGUAGE. Arkansas Code 19-10-215 regarding
 34 restrictions on awards is amended to read as follows:

35 19-10-215. Restrictions on awards.
 36 (a) With the exception of death and disability benefit claims paid under

1 21-5-701 et seq., no award may be paid in excess of ~~twelve thousand five~~
2 ~~hundred dollars (\$12,500)~~fifteen thousand dollars (\$15,000).

3 (b) If the award is greater than ~~twelve thousand five hundred dollars~~
4 ~~(\$12,500)~~fifteen thousand dollars (\$15,000), the claim shall be referred to
5 the General Assembly for an appropriation.
6

7 SECTION 12. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
8 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.

9 DISBURSING OFFICER. The Clerk of the State Claims Commission is hereby made
10 the disbursing officer for the purpose of paying the claims appropriated by
11 this Act. The Clerk of the State Claims Commission is hereby authorized to
12 receive all warrants prepared under the provisions of this Act from the
13 Auditor of State and to distribute same to the claimants.
14

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

25 SECTION 14. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
26 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. ARKANSAS
27 DEPARTMENT OF HEALTH CLAIMS. For any claims in this Act appropriated to the
28 Department of Health, the Clerk of the State Claims Commission shall consult
29 with the Department of Health and the Chief Fiscal Officer of the State to
30 determine the division and funds to which liability should be assigned and
31 from which the warrants shall be drawn. The Clerk of the State Claims
32 Commission shall initiate the appropriate transfers as may be required and as
33 approved by the Chief Fiscal Officer of the State.
34

35 SECTION 15. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
36 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. CLAIMS

1 FROM CASH FUNDS. In the event that any claim authorized herein is determined
2 to be a valid claim against the State and the claim is to be paid from funds
3 not in the State Treasury, the Clerk of the State Claims Commission shall
4 notify the agency against which the claim is to be charged of the amount of
5 such claims. Upon receipt of such notification, the state agency shall
6 forth-with deliver a check to the Clerk of the State Claims Commission who
7 shall deposit the same as a nonrevenue receipt into the Miscellaneous
8 Revolving Fund from which he shall disburse the amount of the claim to the
9 claimant.

10
11 SECTION 16. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
12 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.

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

22
23 SECTION 17. SPECIAL LANGUAGE. Arkansas Code 19-10-212 regarding
24 reports of agency liability is amended to read as follows:

25 19-10-212. Reports of agency liability.

26 (a) It is the intent of the General Assembly that when any state agency,
27 board, commission, or institution of higher education admits liability to a
28 claim filed with the Arkansas State Claims Commission and the claim involves
29 a contract with a state agency, board, commission, or institution of higher
30 education or the claim exceeds ~~ten thousand dollars (\$10,000)~~ fifteen thousand
31 dollars (\$15,000), that the agency, board, commission, or institution of
32 higher education file a written report of the claim to the Litigation Reports
33 Oversight Subcommittee of the Legislative Council.

34 (b)(1) The report shall include a concise statement of facts with an
35 explanation of the agency's liability.

36 (2) Further, the report shall be filed with the subcommittee within thirty

1 (30) days after the claim has been adjudicated by the Arkansas State Claims
2 Commission.

3
4 SECTION 18. COMPLIANCE WITH OTHER LAWS. Disbursement of funds
5 authorized by this act shall be limited to the appropriation for such agency
6 and funds made available by law for the support of such appropriations; and
7 the restrictions of the State Procurement Law, the General Accounting and
8 Budgetary Procedures Law, the Revenue Stabilization Law, the Regular Salary
9 Procedures and Restrictions Act, or their successors, and other fiscal
10 control laws of this State, where applicable, and regulations promulgated by
11 the Department of Finance and Administration, as authorized by law, shall be
12 strictly complied with in disbursement of said funds.

13
14 SECTION 19. LEGISLATIVE INTENT. It is the intent of the General
15 Assembly that any funds disbursed under the authority of the appropriations
16 contained in this act shall be in compliance with the stated reasons for
17 which this act was adopted, as evidenced by the Agency Requests, Executive
18 Recommendations and Legislative Recommendations contained in the budget
19 manuals prepared by the Department of Finance and Administration, letters, or
20 summarized oral testimony in the official minutes of the Arkansas Legislative
21 Council or Joint Budget Committee which relate to its passage and adoption.

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

32 If the bill is neither approved nor vetoed by the Governor, it shall become
33 effective on the expiration of the period of time during which the Governor
34 may veto the bill. If the bill is vetoed by the Governor and the veto is
35 overridden, it shall become effective on the date the last house overrides
36 the veto.**APPROVED: 02/26/2013**