

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

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

27  
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:

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



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

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) DAYCO CONSTRUCTION, INC.	<u>\$100,000.00</u>

SECTION 8. APPROPRIATION. There is hereby appropriated, to the Department of Finance and Administration - Revenue Services Division, to be payable from the Miscellaneous Revolving 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) XM SATELLITE RADIO, INC.	<u>\$58,201.00</u>

SECTION 9. APPROPRIATION. There is hereby appropriated, to the University of Arkansas Community College at Batesville, to be payable from the University of Arkansas Community College at Batesville 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) TOWN PLAZA, LLC	<u>\$60,000.00</u>

SECTION 10. 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 2012-2013 fiscal year are insufficient to allow for the payment of said claim(s) before June 30, 2013, is hereby authorized, upon certification by the Chief Fiscal Officer of the State, to make payment of said claim(s) after July 1, 2013, from funds appropriated for the 2013-2014 fiscal year.

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

(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.  
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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.