

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.

1 State of Arkansas
2 87th General Assembly
3 Regular Session, 2009
4

As Engrossed: S2/24/09
A Bill

SENATE BILL 404

5 By: Joint Budget Committee
6
7

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.
16
17

Subtitle

19 AN ACT FOR THE ARKANSAS STATE CLAIMS
20 COMMISSION - APPROVED CLAIMS AGAINST THE
21 STATE APPROPRIATION FOR THE 2009 FISCAL
22 YEAR.
23
24

25 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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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:
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33 ITEM	FISCAL YEAR
34 <u>NO.</u>	<u>2008-2009</u>
35 (01) ARKANSAS CARWASH SYSTEMS, INC.	<u>\$ 14,851.25</u>



1 SECTION 2. APPROPRIATION - ARKANSAS TEACHER RETIREMENT SYSTEM. There is
2 hereby appropriated, to the Arkansas Teacher Retirement System, to be payable
3 from the Teacher Retirement Fund, for the purpose of paying claims against
4 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>

9
10 SECTION 3. APPROPRIATION - ARKANSAS DEPARTMENT OF HUMAN SERVICES -
11 DIVISION OF BEHAVIORAL HEALTH. There is hereby appropriated, to the
12 Department of Human Services - Division of Behavioral Health, to be payable
13 from the Drug Abuse Prevention and Treatment Fund, for the purpose of paying
14 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>

15
16 SECTION 4. APPROPRIATION - ARKANSAS DEPARTMENT OF HUMAN SERVICES -
17 DIVISION OF YOUTH SERVICES. There is hereby appropriated, to the Department
18 of Human Services - Division of Youth Services, to be payable from the Youth
19 Services Fund Account, for the purpose of paying claims against the State of
20 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>

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

ITEM	FISCAL YEAR
<u>NO.</u>	<u>2008-2009</u>

1 (01) COMPUTER PROJECTS OF IL, INC. \$ 75,738.80

2

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

4 There is hereby appropriated, to the Department of Information Systems, to be
5 payable from the Department of Information Systems Revolving Fund, for the
6 purpose of paying claims against the State of Arkansas to the payee set out
7 herein:

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9	ITEM	FISCAL YEAR
10	<u>NO.</u>	<u>2008-2009</u>

11 (01) CINGULAR WIRELESS DBA AT&T MOBILITY, LLC \$ 14,626.73

12

13 SECTION 7. APPROPRIATION - ARKANSAS DEPARTMENT OF FINANCE AND

14 ADMINISTRATION - REVENUE SERVICES DIVISION. There is hereby appropriated, to
15 the Department of Finance and Administration - Revenue Services Division, to
16 be payable from the Individual Income Tax Withholding Fund, for the purpose
17 of paying claims against the State of Arkansas to the payee set out herein:

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19	ITEM	FISCAL YEAR
20	<u>NO.</u>	<u>2008-2009</u>

21 (01) CHARLES CABE \$ 158,265.11

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23 SECTION 8. APPROPRIATION - UNIVERSITY OF ARKANSAS AT PINE BLUFF. There is
24 hereby appropriated, to the University of Arkansas at Pine Bluff, to be
25 payable from the University of Arkansas at Pine Bluff Fund, for the purpose
26 of paying claims against the State of Arkansas to the payee set out herein:

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28	ITEM	FISCAL YEAR
29	<u>NO.</u>	<u>2008-2009</u>

30 (01) BETTY C. VAILES \$ 50,000.00

31

32 SECTION 9. APPROPRIATION - ARKANSAS STATE HIGHWAY & TRANSPORTATION

33 DEPARTMENT. There is hereby appropriated, to the Arkansas State Highway and
34 Transportation Department, to be payable from the State Highway and
35 Transportation Department Fund, for the purpose of paying claims against the
36 State of Arkansas to the payee set out herein:

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

SECTION 10. 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 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>2008-2009</u>
(01) SOUTH ARKANSAS YOUTH SERVICES INC.	<u>\$ 32,550.00</u>

SECTION 11. APPROPRIATION - ARKANSAS DEPARTMENT OF HUMAN SERVICES. There is hereby appropriated, to the Department of Human 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	FISCAL YEAR
<u>NO.</u>	<u>2008-2009</u>
(01) ARKANSAS HEALTHCARE PERSONNEL, INC.	<u>\$ 23,998.40</u>

SECTION 12. APPROPRIATION - ARKANSAS DEPARTMENT OF HUMAN SERVICES. There is hereby appropriated, to the Department of Human 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	FISCAL YEAR
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1	<u>NO.</u>	<u>2008-2009</u>
2	(01) OZARK COUNSELING SERVICES, INC.	\$ <u>13,912.00</u>

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4 SECTION 13. APPROPRIATION - ARKANSAS DEPARTMENT OF HEALTH. There is hereby
5 appropriated, to the Department of Health, to be payable from the paying
6 account as determined by the Chief Fiscal Officer of the State, for the
7 purpose of paying claims against the State of Arkansas to the payee set out
8 herein:

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

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

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

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25 SECTION 15. 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:

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

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35 SECTION 16. APPROPRIATION - ARKANSAS TOBACCO SETTLEMENT COMMISSION. There
36 is hereby appropriated, to the Arkansas Tobacco Settlement Commission, to be

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

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

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

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

23
24 SECTION 18. APPROPRIATION - ARKANSAS DEPARTMENT OF FINANCE AND
25 ADMINISTRATION - REVENUE SERVICES DIVISION. There is hereby appropriated, to
26 the Department of Finance and Administration - Revenue Services Division, to
27 be payable from the Corporate Income Tax Withholding Fund, for the purpose of
28 paying claims against the State of Arkansas to the payee set out herein:

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

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34 SECTION 19. APPROPRIATION - ARKANSAS DEPARTMENT OF FINANCE AND
35 ADMINISTRATION - REVENUE SERVICES DIVISION. There is hereby appropriated, to
36 the Department of Finance and Administration - Revenue Services Division, to

1 be payable from the Corporate Income Tax Withholding Fund, for the purpose of
2 paying claims against the State of Arkansas to the payee set out herein:

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

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

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

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

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

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29 SECTION 22. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
30 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. CARRYOVER
31 OF CLAIMS. Any state agency which is affected by the allowed claim(s)
32 provided for in this Act, and whose fund for the ~~2006-2007~~ 2008-2009 fiscal
33 year are insufficient to allow for the payment of said claim(s) before June
34 30, ~~2007~~2009, is hereby authorized, upon certification by the Chief Fiscal
35 Officer of the State, to make payment of said claim(s) after July 1, ~~2007~~
36 2009, from funds appropriated for the ~~2007-2008~~2009-2010 fiscal year.

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SECTION 23. 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 24. 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 should be assigned and from which the warrants shall be drawn. The Clerk of the State Claims Commission shall initiate the appropriate transfers as may be required and as approved by the Chief Fiscal Officer of the State.

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

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

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

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6 SECTION 27. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
7 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.
8 EMPLOYMENT COMPENSATION CLAIMS. The Clerk of the State Claims Commission
9 shall not distribute any warrants prepared under the provisions of this Act
10 for awards made by the Arkansas State Claims Commission for employment
11 compensation claims. Upon the award by the State Claims Commission of an
12 employment compensation claim, the Clerk of the State Claims Commission shall
13 notify the affected state agency and the Department of Finance and
14 Administration - Office of Personnel Management of such amounts that are due
15 and payable. The affected state agency shall then process the award through
16 the State Mechanized Payroll System.

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18 SECTION 28. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
19 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. CLAIMS
20 AWARD REPORTING. It is the intent of the General Assembly that when any
21 state agency, board, commission or institution of higher education admits
22 liability to a claim filed with the State Claims Commission and the claim
23 involves a contract with a state agency, board, commission or institution of
24 higher education or the claim exceeds ten thousand dollars (\$10,000) that
25 such agency, board, commission or institution of higher education file a
26 written report thereof to the Litigation Subcommittee of the Legislative
27 Council. Such a report shall include a concise statement of facts with an
28 explanation of the agency's liability. Provided further, such report shall be
29 filed with the Litigation Subcommittee within thirty (30) days after the
30 claim has been adjudicated by the State Claims Commission.

31

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

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

5
6 SECTION 30. LEGISLATIVE INTENT. It is the intent of the General Assembly
7 that any funds disbursed under the authority of the appropriations contained
8 in this act shall be in compliance with the stated reasons for which this act
9 was adopted, as evidenced by the Agency Requests, Executive Recommendations
10 and Legislative Recommendations contained in the budget manuals prepared by
11 the Department of Finance and Administration, letters, or summarized oral
12 testimony in the official minutes of the Arkansas Legislative Council or
13 Joint Budget Committee which relate to its passage and adoption.

14
15 SECTION 31. EMERGENCY CLAUSE. It is found and determined by the General
16 Assembly, that payees listed in this Act may be entitled to the sums
17 appropriated and transferred to herein, and that they have been deprived of
18 the use of these funds for a long period of time, and that further delay in
19 paying these just debts of the State would do harm to the reputation of the
20 State of Arkansas. Therefore, an emergency is hereby declared to exist and
21 this Act being necessary for the immediate preservation of the public peace,
22 health and safety shall be in full force and effect from and after the date
23 of its passage and approval.

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

29
30 */s/ Joint Budget Committee*