

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: S4/2/09
A Bill

SENATE BILL 496

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

Subtitle

17
18 AN ACT FOR THE ARKANSAS STATE CLAIMS
19 COMMISSION - ADDITIONAL APPROVED CLAIMS
20 AGAINST THE STATE - APPROPRIATION FOR
21 THE 2009 FISCAL YEAR.
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23
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25 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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27 SECTION 1. APPROPRIATION - ARKANSAS DEPARTMENT OF HUMAN SERVICES. There is
28 hereby appropriated, to the Department of Human Services, to be payable from
29 the paying account as determined by the Chief Fiscal Officer of the State,
30 for the purpose of paying claims against the State of Arkansas to the payee
31 set out herein:
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33 ITEM	FISCAL YEAR
34 <u>NO.</u>	<u>2008-2009</u>
35 (01) MORRISON MANAGEMENT SPECIALISTS	<u>\$ 126,140.83</u>



1 SECTION 2. APPROPRIATION - ARKANSAS DEPARTMENT OF FINANCE AND
 2 ADMINISTRATION - REVENUE SERVICES DIVISION. There is hereby appropriated, to
 3 the Department of Finance and Administration - Revenue Services Division, to
 4 be payable from the Miscellaneous Revolving Fund, for the purpose of paying
 5 claims against the State of Arkansas to the payee set out herein:

7 ITEM	FISCAL YEAR
8 <u>NO.</u>	<u>2008-2009</u>
9 (01) CREDIT UNION ONE	\$ <u>14,830.06</u>

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 11 SECTION 3. APPROPRIATION - ARKANSAS DEPARTMENT OF FINANCE AND
 12 ADMINISTRATION - OFFICE OF CHILD SUPPORT ENFORCEMENT. There is hereby
 13 appropriated, to the Department of Finance and Administration - Office of
 14 Child Support Enforcement, to be payable from the Child Support Enforcement
 15 Fund, for the purpose of paying claims against the State of Arkansas to the
 16 payee set out herein:

18 ITEM	FISCAL YEAR
19 <u>NO.</u>	<u>2008-2009</u>
20 (01) PULASKI COUNTY CIRCUIT CLERK	<u>\$20,820.00</u>

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 22 SECTION 4. APPROPRIATION - ARKANSAS DEPARTMENT OF HUMAN SERVICES -
 23 DIVISION OF BEHAVIORAL HEALTH SERVICES. There is hereby appropriated, to the
 24 Department of Human Services - Division of Behavioral Health Services, to be
 25 payable from the paying account as determined by the Chief Fiscal Officer of
 26 the State, for the purpose of paying claims against the State of Arkansas to
 27 the payee set out herein:

29 ITEM	FISCAL YEAR
30 <u>NO.</u>	<u>2008-2009</u>
31 (01) UNIVERSITY OF ARKANSAS FOR MEDICAL SCIENCES - 32 PHYSICAL PLANT	<u>\$175,260.13</u>

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 34 SECTION 5. APPROPRIATION - ARKANSAS STATE HIGHWAY & TRANSPORTATION
 35 DEPARTMENT. There is hereby appropriated, to the Arkansas State Highway and
 36 Transportation Department, to be payable from the State Highway and

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

<i>ITEM</i>	<i>FISCAL YEAR</i>
<u><i>NO.</i></u>	<u><i>2008-2009</i></u>
<i>(01) NKENGE LAUDERDALE</i>	<u><i>\$200,000.00</i></u>

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8 *SECTION 6. APPROPRIATION - ARKANSAS STATE HIGHWAY & TRANSPORTATION*
9 *DEPARTMENT. There is hereby appropriated, to the Arkansas State Highway and*
10 *Transportation Department, to be payable from the State Highway and*
11 *Transportation Department Fund, for the purpose of paying claims against the*
12 *State of Arkansas to the payee set out herein:*

<i>ITEM</i>	<i>FISCAL YEAR</i>
<u><i>NO.</i></u>	<u><i>2008-2009</i></u>
<i>(01) U.S. DEPARTMENT OF AGRICULTURE -</i> <i>NATURAL RESOURCES CONSERVATION SERVICE</i>	<u><i>\$13,364.19</i></u>

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

<i>ITEM</i>	<i>FISCAL YEAR</i>
<u><i>NO.</i></u>	<u><i>2008-2009</i></u>
<i>(01) SARAH BEDFORD</i>	<i>\$ 175,000.00</i>
<i>(02) DAVID BEDFORD, JR.</i>	<u><i>75,000.00</i></u>
<i>TOTAL AMOUNT APPROPRIATED</i>	<u><u><i>\$ 250,000.00</i></u></u>

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31 *SECTION 8. APPROPRIATION - ARKANSAS STATE HIGHWAY & TRANSPORTATION*
32 *DEPARTMENT. There is hereby appropriated, to the Arkansas State Highway and*
33 *Transportation Department, to be payable from the State Highway and*
34 *Transportation Department Fund pending approval for payment by the Arkansas*
35 *State Claims Commission, for the purpose of paying claims against the State*
36 *of Arkansas to the payee set out herein:*

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<i>ITEM</i>	<i>FISCAL YEAR</i>
<u><i>NO.</i></u>	<u><i>2008-2009</i></u>
<i>(01) RICHARD RAMSAY TRUSTEE</i>	<u><i>\$47,000.00</i></u>

SECTION 9. 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:

<i>ITEM</i>	<i>FISCAL YEAR</i>
<u><i>NO.</i></u>	<u><i>2008-2009</i></u>
<i>(01) SOUTH ARKANSAS YOUTH SERVICES</i>	<i>\$ 28,380.00</i>
<i>(02) SOUTH ARKANSAS YOUTH SERVICES</i>	<u><i>74,709.00</i></u>
<i>TOTAL AMOUNT APPROPRIATED</i>	<u><i>\$ 103,089.00</i></u>

SECTION 10. APPROPRIATION - ARKANSAS DEPARTMENT OF HUMAN SERVICES - DIVISION OF CHILDREN AND FAMILY SERVICES. There is hereby appropriated, to the Department of Human Services - Division of Children and Family Services, to be payable from the Children and Family Services Fund Account, pending approval for payment by the Arkansas State Claims Commission, for the purpose of paying claims against the State of Arkansas to the payee set out herein:

<i>ITEM</i>	<i>FISCAL YEAR</i>
<u><i>NO.</i></u>	<u><i>2008-2009</i></u>
<i>(01) ARKANSAS CHILDREN'S HOSPITAL</i>	<u><i>\$25,293.80</i></u>

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

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

1 (01) ARIZONA PACIFIC TRANSPORT \$86,840.00

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3 SECTION 12. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
4 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. CARRYOVER
5 OF CLAIMS. Any state agency which is affected by the allowed claim(s)
6 provided for in this Act, and whose fund for the 2008-2009 fiscal year are
7 insufficient to allow for the payment of said claim(s) before June 30, 2009,
8 is hereby authorized, upon certification by the Chief Fiscal Officer of the
9 State, to make payment of said claim(s) after July 1, 2009, from funds
10 appropriated for the 2009-2010 fiscal year.

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12 SECTION 13. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
13 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.
14 DISBURSING OFFICER. The Clerk of the State Claims Commission is hereby made
15 the disbursing officer for the purpose of paying the claims appropriated by
16 this Act. The Clerk of the State Claims Commission is hereby authorized to
17 receive all warrants prepared under the provisions of this Act from the
18 Auditor of the State and to distribute same to the claimants.

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

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30 SECTION 15. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
31 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. ARKANSAS
32 DEPARTMENT OF HEALTH CLAIMS. For any claims in this Act appropriated to the
33 Department of Health, the Clerk of the State Claims Commission shall consult
34 with the Department of Health and the Chief Fiscal Officer of the State to
35 determine the division and funds to which liability should be assigned and
36 from which the warrants shall be drawn. The Clerk of the State Claims

1 Commission shall initiate the appropriate transfers as may be required and as
2 approved by the Chief Fiscal Officer of the State.

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

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16 SECTION 17. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
17 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.
18 EMPLOYMENT COMPENSATION CLAIMS. The Clerk of the State Claims Commission
19 shall not distribute any warrants prepared under the provisions of this Act
20 for awards made by the Arkansas State Claims Commission for employment
21 compensation claims. Upon the award by the State Claims Commission of an
22 employment compensation claim, the Clerk of the State Claims Commission shall
23 notify the affected state agency and the Department of Finance and
24 Administration - Office of Personnel Management of such amounts that are due
25 and payable. The affected state agency shall then process the award through
26 the State Mechanized Payroll System.

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28 SECTION 18. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
29 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. CLAIMS
30 AWARD REPORTING. It is the intent of the General Assembly that when any
31 state agency, board, commission or institution of higher education admits
32 liability to a claim filed with the State Claims Commission and the claim
33 involves a contract with a state agency, board, commission or institution of
34 higher education or the claim exceeds ten thousand dollars (\$10,000) that
35 such agency, board, commission or institution of higher education file a
36 written report thereof to the Litigation Subcommittee of the Legislative

1 Council. Such a report shall include a concise statement of facts with an
2 explanation of the agency's liability. Provided further, such report shall be
3 filed with the Litigation Subcommittee within thirty (30) days after the
4 claim has been adjudicated by the State Claims Commission.

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6 SECTION 19. COMPLIANCE WITH OTHER LAWS. Disbursement of funds authorized
7 by this act shall be limited to the appropriation for such agency and funds
8 made available by law for the support of such appropriations; and the
9 restrictions of the State Procurement Law, the General Accounting and
10 Budgetary Procedures Law, the Revenue Stabilization Law, the Regular Salary
11 Procedures and Restrictions Act, or their successors, and other fiscal
12 control laws of this State, where applicable, and regulations promulgated by
13 the Department of Finance and Administration, as authorized by law, shall be
14 strictly complied with in disbursement of said funds.

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

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

34 If the bill is neither approved nor vetoed by the Governor, it shall
35 become effective on the expiration of the period of time during which the
36 Governor may veto the bill. If the bill is vetoed by the Governor and the

1 veto is overridden, it shall become effective on the date the last house
2 overrides the veto.

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/s/ Joint Budget Committee