

1 State of Arkansas
2 87th General Assembly
3 Fiscal Session, 2010
4

A Bill

SENATE BILL 124

5 By: Joint Budget Committee
6
7

For An Act To Be Entitled

8 AN ACT TO REAPPROPRIATE THE BALANCES OF
9 APPROPRIATIONS MADE FOR THE PAYMENT OF APPROVED
10 CLAIMS AGAINST THE STATE; AND FOR OTHER
11 PURPOSES.
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Subtitle

15 AN ACT FOR THE PAYMENT OF APPROVED
16 CLAIMS REAPPROPRIATION.
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20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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22 SECTION 1. REAPPROPRIATION - DFA - REVENUE. There is hereby appropriated,
23 to the Department of Finance and Administration - Revenue Services Division,
24 to be payable from the Miscellaneous Revolving Fund, for the purpose of
25 paying claims against the State of Arkansas, the following:

26 (A) Effective July 1, 2010, the balance of the appropriation provided in
27 Section 1 of Senate Bill 121 as enacted by the Eighty-Seventh General
28 Assembly meeting in Fiscal Session 2010, for Days Inn-Mt. View, in a sum not
29 to exceed\$19,388.

30 (B) Effective July 1, 2010, the balance of the appropriation provided in
31 Section 1 of Senate Bill 121 as enacted by the Eighty-Seventh General
32 Assembly meeting in Fiscal Session 2010, for Western Federal Credit Union, in
33 a sum not to exceed\$14,596.
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35 SECTION 2. REAPPROPRIATION - DFA - REVENUE. There is hereby appropriated,
36 to the Department of Finance and Administration - Revenue Services Division,



1 to be payable from the Individual Income Tax Withholding Fund, for the
2 purpose of paying claims against the State of Arkansas, the following:

3 (A) Effective July 1, 2010, the balance of the appropriation provided in
4 Section 2 of Senate Bill 121 as enacted by the Eighty-Seventh General
5 Assembly meeting in Fiscal Session 2010, for Metropolitan Life Insurance
6 Company, in a sum not to exceed\$19,310.52.

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8 SECTION 3. REAPPROPRIATION - DFA - DISBURSING. There is hereby
9 appropriated, to the Department of Finance and Administration - Disbursing
10 Officer, to be payable from the Firemen's and Police Officers' Pension and
11 Relief Fund, for the purpose of paying claims against the State of Arkansas,
12 the following:

13 (A) Effective July 1, 2010, the balance of the appropriation provided in
14 Section 3 of Senate Bill 121 as enacted by the Eighty-Seventh General
15 Assembly meeting in Fiscal Session 2010, for Dewitt City Treasurer, in a sum
16 not to exceed\$21,676.30.

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18 SECTION 4. REAPPROPRIATION - DFA - DISBURSING. There is hereby
19 appropriated, to the Department of Finance and Administration - Disbursing
20 Officer, to be payable from the Fire Protection Premium Tax Fund, for the
21 purpose of paying claims against the State of Arkansas, the following:

22 (A) Effective July 1, 2010, the balance of the appropriation provided in
23 Section 4 of Senate Bill 121 as enacted by the Eighty-Seventh General
24 Assembly meeting in Fiscal Session 2010, for Mount Pleasant, City of,
25 Treasurer, in a sum not to exceed\$12,536.42.

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27 SECTION 5. REAPPROPRIATION - DFA - REVENUE. There is hereby appropriated,
28 to the Department of Finance and Administration - Revenue Services Division,
29 to be payable from the Corporate Income Tax Withholding Fund, for the purpose
30 of paying claims against the State of Arkansas, the following:

31 (A) Effective July 1, 2010, the balance of the appropriation provided in
32 Section 5 of Senate Bill 121 as enacted by the Eighty-Seventh General
33 Assembly meeting in Fiscal Session 2010, for Zee Medical, Inc., in a sum not
34 to exceed\$22,178.

35 (B) Effective July 1, 2010, the balance of the appropriation provided in
36 Section 5 of Senate Bill 121 as enacted by the Eighty-Seventh General

1 Assembly meeting in Fiscal Session 2010, for American Express Travel Related,
2 in a sum not to exceed\$18,337.27.

3 (C) Effective July 1, 2010, the balance of the appropriation provided in
4 Section 5 of Senate Bill 121 as enacted by the Eighty-Seventh General
5 Assembly meeting in Fiscal Session 2010, for Atlantis Plastic Injection
6 Molding, in a sum not to exceed\$80,612.

7 (D) Effective July 1, 2010, the balance of the appropriation provided in
8 Section 5 of Senate Bill 121 as enacted by the Eighty-Seventh General
9 Assembly meeting in Fiscal Session 2010, for Primesouth, Inc., in a sum not
10 to exceed\$13,356.

11 (E) Effective July 1, 2010, the balance of the appropriation provided in
12 Section 5 of Senate Bill 121 as enacted by the Eighty-Seventh General
13 Assembly meeting in Fiscal Session 2010, for Atlas Tube (Arkansas), Inc., in
14 a sum not to exceed\$312,573.

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16 SECTION 6. REAPPROPRIATION - UNIVERSITY OF CENTRAL ARKANSAS. There is
17 hereby appropriated, to the University of Central Arkansas, to be payable
18 from the University of Central Arkansas Fund, for the purpose of paying
19 claims against the State of Arkansas, the following:

20 (A) Effective July 1, 2010, the balance of the appropriation provided in
21 Section 6 of Senate Bill 121 as enacted by the Eighty-Seventh General
22 Assembly meeting in Fiscal Session 2010, for SSM, LLC (Sportstar Management),
23 in a sum not to exceed\$150,000.

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25 SECTION 7. REAPPROPRIATION - STATE POLICE. There is hereby appropriated,
26 to the Department of Arkansas State Police, to be payable from the Department
27 of Arkansas State Police Fund, for the purpose of paying claims against the
28 State of Arkansas, the following:

29 (A) Effective July 1, 2010, the balance of the appropriation provided in
30 Section 7 of Senate Bill 121 as enacted by the Eighty-Seventh General
31 Assembly meeting in Fiscal Session 2010, for Wesley Don Yandell, in a sum not
32 to exceed\$750,000.

33 (B) Effective July 1, 2010, the balance of the appropriation provided in
34 Section 7 of Senate Bill 121 as enacted by the Eighty-Seventh General
35 Assembly meeting in Fiscal Session 2010, for Jackie and Vivnetta Brand, in a
36 sum not to exceed\$12,000.

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SECTION 8. REAPPROPRIATION - HIGHWAY & TRANSPORTATION DEPARTMENT. 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, the following:

(A) Effective July 1, 2010, the balance of the appropriation provided in Section 8 of Senate Bill 121 as enacted by the Eighty-Seventh General Assembly meeting in Fiscal Session 2010, for Wanda M. Walls, in a sum not to exceed\$100,000.

(B) Effective July 1, 2010, the balance of the appropriation provided in Section 8 of Senate Bill 121 as enacted by the Eighty-Seventh General Assembly meeting in Fiscal Session 2010, for Joey Neal, in a sum not to exceed\$20,000.

(C) Effective July 1, 2010, the balance of the appropriation provided in Section 8 of Senate Bill 121 as enacted by the Eighty-Seventh General Assembly meeting in Fiscal Session 2010, for Allen Taylor, in a sum not to exceed\$15,000.

(D) Effective July 1, 2010, the balance of the appropriation provided in Section 8 of Senate Bill 121 as enacted by the Eighty-Seventh General Assembly meeting in Fiscal Session 2010, for James H. Davis, in a sum not to exceed\$18,000.

(E) Effective July 1, 2010, the balance of the appropriation provided in Section 8 of Senate Bill 121 as enacted by the Eighty-Seventh General Assembly meeting in Fiscal Session 2010, for Jeremy Kirkland, in a sum not to exceed\$1,500,000.

(F) Effective July 1, 2010, the balance of the appropriation provided in Section 8 of Senate Bill 121 as enacted by the Eighty-Seventh General Assembly meeting in Fiscal Session 2010, for Ahna R. Calderon, in a sum not to exceed\$30,000.

SECTION 9. REAPPROPRIATION - INSURANCE DEPARTMENT. There is hereby appropriated, to the State Insurance Department, to be payable from the Miscellaneous Revolving Fund, for the purpose of paying claims against the State of Arkansas, the following:

(A) Effective July 1, 2010, the balance of the appropriation provided in

1 Section 9 of Senate Bill 121 as enacted by the Eighty-Seventh General
2 Assembly meeting in Fiscal Session 2010, for Greenwich Insurance Company, in
3 a sum not to exceed\$274,558.
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5 SECTION 10. REAPPROPRIATION - DEPARTMENT OF CORRECTION. There is hereby
6 appropriated, to the Department of Correction, to be payable from the
7 Department of Correction Farm Fund, for the purpose of paying claims against
8 the State of Arkansas, the following:

9 (A) Effective July 1, 2010, the balance of the appropriation provided in
10 Section 10 of Senate Bill 121 as enacted by the Eighty-Seventh General
11 Assembly meeting in Fiscal Session 2010, for Estate of Glen H. Andis, in a
12 sum not to exceed\$125,000.
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14 SECTION 11. REAPPROPRIATION - DHS - CHILDREN AND FAMILY SERVICES. There is
15 hereby appropriated, to the Department of Human Services - Division of
16 Children and Family Services, to be payable from the Children and Family
17 Services Fund Account, for the purpose of paying claims against the State of
18 Arkansas, the following:

19 (A) Effective July 1, 2010, the balance of the appropriation provided in
20 Section 11 of Senate Bill 121 as enacted by the Eighty-Seventh General
21 Assembly meeting in Fiscal Session 2010, for Outcomes, Inc., in a sum not to
22 exceed\$21,464.35.

23 (B) Effective July 1, 2010, the balance of the appropriation provided in
24 Section 11 of Senate Bill 121 as enacted by the Eighty-Seventh General
25 Assembly meeting in Fiscal Session 2010, for Centers for Youth and Families,
26 in a sum not to exceed\$3,560.74.
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28 SECTION 12. REAPPROPRIATION - DHS - CHILDREN AND FAMILY SERVICES. There is
29 hereby appropriated, to the Department of Human Services - Division of
30 Children and Family Services, to be payable from the paying account as
31 determined by the Chief Fiscal Officer of the State, for the purpose of
32 paying claims against the State of Arkansas, the following:

33 (A) Effective July 1, 2010, the balance of the appropriation provided in
34 Section 12 of Senate Bill 121 as enacted by the Eighty-Seventh General
35 Assembly meeting in Fiscal Session 2010, for Centers for Youth and Families,
36 in a sum not to exceed\$8,057.26.

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SECTION 13. REAPPROPRIATION - DHS - BEHAVIORAL HEALTH SERVICES. 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, the following:

(A) Effective July 1, 2010, the balance of the appropriation provided in Section 13 of Senate Bill 121 as enacted by the Eighty-Seventh General Assembly meeting in Fiscal Session 2010, for Jeffrey Jones, in a sum not to exceed\$13,440.

SECTION 14. REAPPROPRIATION - DHS - COUNTY OPERATIONS. There is hereby appropriated, to the Department of Human Services - Division of County Operations, 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, the following:

(A) Effective July 1, 2010, the balance of the appropriation provided in Section 14 of Senate Bill 121 as enacted by the Eighty-Seventh General Assembly meeting in Fiscal Session 2010, for Greene County Human Facilities Board, in a sum not to exceed\$12,992.61.

SECTION 15. REAPPROPRIATION - DHS - 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, the following:

(A) Effective July 1, 2010, the balance of the appropriation provided in Section 15 of Senate Bill 121 as enacted by the Eighty-Seventh General Assembly meeting in Fiscal Session 2010, for Rivendell Behavioral Health Services, in a sum not to exceed\$26,577.

SECTION 16. REAPPROPRIATION - DEPARTMENT OF HEALTH. There is hereby appropriated, to the Department of 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, the following:

(A) Effective July 1, 2010, the balance of the appropriation provided in Section 16 of Senate Bill 121 as enacted by the Eighty-Seventh General

1 Assembly meeting in Fiscal Session 2010, for St. Vincent Infirmary Medical
2 Center, in a sum not to exceed\$11,829.63.

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

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

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

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22 SECTION 19. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
23 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. ARKANSAS
24 DEPARTMENT OF HEALTH CLAIMS. For any claims in this Act appropriated to the
25 Department of Health, the Clerk of the State Claims Commission shall consult
26 with the Department of Health and the Chief Fiscal Officer of the State to
27 determine the division and funds to which liability should be assigned and
28 from which the warrants shall be drawn. The Clerk of the State Claims
29 Commission shall initiate the appropriate transfers as may be required and as
30 approved by the Chief Fiscal Officer of the State.

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32 SECTION 20. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
33 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. CLAIMS
34 FROM CASH FUNDS. In the event that any claim authorized herein is determined
35 to be a valid claim against the State and the claim is to be paid from funds
36 not in the State Treasury, the Clerk of the State Claims Commission shall

1 notify the agency against which the claim is to be charged of the amount of
2 such claims. Upon receipt of such notification, the state agency shall
3 forthwith deliver a check to the Clerk of the State Claims Commission who
4 shall deposit the same as a non-revenue receipt into the Miscellaneous
5 Revolving Fund from which he shall disburse the amount of the claim to the
6 claimant.

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

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

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34 SECTION 23. COMPLIANCE WITH OTHER LAWS. Disbursement of funds authorized
35 by this act shall be limited to the appropriation for such agency and funds
36 made available by law for the support of such appropriations; and the

1 restrictions of the State Procurement Law, the General Accounting and
 2 Budgetary Procedures Law, the Revenue Stabilization Law, the Regular Salary
 3 Procedures and Restrictions Act, or their successors, and other fiscal
 4 control laws of this State, where applicable, and regulations promulgated by
 5 the Department of Finance and Administration, as authorized by law, shall be
 6 strictly complied with in disbursement of said funds.

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

16
 17 SECTION 25. EMERGENCY CLAUSE. It is found and determined by the General
 18 Assembly, that the Constitution of the State of Arkansas prohibits the
 19 appropriation of funds for more than a one (1) year period; that the approved
 20 claims provided or enumerated in this act have been approved by the Eighty-
 21 Seventh General Assembly for the payment of just debts of the State; that the
 22 effectiveness of this Act on July 1, 2010 is essential to the agencies for
 23 which the appropriations in this Act are provided. Therefore, an emergency
 24 is hereby declared to exist and this Act being necessary for the immediate
 25 preservation of the public peace, health and safety shall be in full force
 26 and effect from and after July 1, 2010.