

1 State of Arkansas
2 88th General Assembly
3 Regular Session, 2011
4

A Bill

SENATE BILL 621

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
10 APPROPRIATIONS MADE BY THE EIGHTY-EIGHTH GENERAL
11 ASSEMBLY TO PAY THE ARKANSAS STATE CLAIMS
12 COMMISSION - APPROVED CLAIMS; AND FOR OTHER
13 PURPOSES
14

Subtitle

15
16 AN ACT TO MAKE AN APPROPRIATION FOR THE
17 PAYMENT OF APPROVED CLAIMS AGAINST THE
18 STATE.
19
20
21

22 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
23

24 SECTION 1. APPROPRIATION - DFA - REVENUE. There is hereby
25 appropriated, to the Department of Finance and Administration - Revenue
26 Services Division, to be payable from the Miscellaneous Revolving Fund, for
27 the purpose of paying claims against the State of Arkansas to the payee set
28 out herein:
29

30 ITEM	FISCAL YEAR
31 <u>NO.</u>	<u>2010-2011</u>
32 (01) HD SUPPLY WATERWORKS, LTD	\$63,002.00
33 (02) HD SUPPLY WATERWORKS, LTD	69,200.00
34 (03) FIRST NATIONAL BANK OF BERRYVILLE	<u>15,881.24</u>
35 TOTAL AMOUNT APPROPRIATED	<u><u>\$148,083.24</u></u>

36



1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36

SECTION 2. APPROPRIATION - DFA - REVENUE. There is hereby appropriated, to the Department of Finance and Administration - Revenue Services Division, to be payable from the Individual Income Tax Withholding 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>2010-2011</u>
(01) ROBERT & MARGARET DILLMEIER	<u>\$57,980.90</u>

SECTION 3. APPROPRIATION - DFA - REVENUE. There is hereby appropriated, to the Department of Finance and Administration - Revenue Services Division, to be payable from the Corporate Income Tax Withholding 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>2010-2011</u>
(01) SIEMENS MEDICAL SOLUTN USA, INC	\$12,719.72
(02) UNITED STATES SURGICAL, CORP	49,502.00
(03) AVENTIS AGRICULTURE	32,121.00
(04) FAF ADVISORS, INC	<u>20,927.00</u>
TOTAL AMOUNT APPROPRIATED	<u>\$115,269.72</u>

SECTION 4. APPROPRIATION - DHS - CHILDREN AND FAMILY SERVICES. There is hereby appropriated, to the Department of Human Services, to be payable from the Children and Family Services Fund Account, for the purpose of paying claims against the State of Arkansas to the payee set out herein:

ITEM	FISCAL YEAR
<u>NO.</u>	<u>2010-2011</u>
(01) SALLY BRYAN	<u>\$38,213.68</u>

SECTION 5. APPROPRIATION - DFA - DISBURSING OFFICER. There is hereby appropriated, to the Department of Finance and Administration - Disbursing

1 Officer, to be payable from the Fire Protection Premium Tax Fund, for the
 2 purpose of paying claims against the State of Arkansas to the payee set out
 3 herein:

ITEM	FISCAL YEAR
<u>NO.</u>	<u>2010-2011</u>
(01) MOUNT PLEASANT, CITY OF, TREASURER	<u>\$12,536.42</u>

9 SECTION 6. APPROPRIATION - ARKANSAS STATE POLICE. There is hereby
 10 appropriated, to the Department of Arkansas State Police, to be payable from
 11 the Department of Arkansas State Police Fund, for the purpose of paying
 12 claims against the State of Arkansas to the payee set out herein:

ITEM	FISCAL YEAR
<u>NO.</u>	<u>2010-2011</u>
(01) TIMOTHY E. BURGESS	<u>\$15,000.00</u>

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

ITEM	FISCAL YEAR
<u>NO.</u>	<u>2010-2011</u>
(01) MOBLEY CONTRACTORS, INC	\$225,687.84
(02) NEC, INC	27,360.00
(03) JOHNSVILLE COMPANY, LLC	<u>100,000.00</u>
TOTAL AMOUNT APPROPRIATED	<u>\$353,047.84</u>

31 SECTION 8. APPROPRIATION - DEPARTMENT OF COMMUNITY CORRECTION. There
 32 is hereby appropriated, to the Department of Arkansas State Police, to be
 33 payable from the Department of Community Correction Fund Account, for the
 34 purpose of paying claims against the State of Arkansas to the payee set out
 35 herein:

36

ITEM	FISCAL YEAR
<u>NO.</u>	<u>2010-2011</u>
(01) CENTERPOINT ENERGY SERVICES, INC	<u>\$35,242.63</u>

4

5 SECTION 9. APPROPRIATION - STATE INSURANCE DEPARTMENT. There is hereby
 6 appropriated, to the State Insurance Department, to be payable from the
 7 Miscellaneous Revolving Fund, for the purpose of paying claims against the
 8 State of Arkansas to the payee set out herein:

9

ITEM	FISCAL YEAR
<u>NO.</u>	<u>2010-2011</u>
(01) LIBERTY INSURANCE CORPORATION, TAX DEPARTMENT	\$191,987.00
(02) LM PROPERTY & CASUALTY INSURANCE	<u>24,231.00</u>
TOTAL AMOUNT APPROPRIATED	<u>\$216,218.00</u>

16

17 SECTION 10. APPROPRIATION - GAME & FISH COMMISSION. There is hereby
 18 appropriated, to the Arkansas State Game and Fish Commission, to be payable
 19 from the Game Protection Fund, for the purpose of paying claims against the
 20 State of Arkansas to the payee set out herein:

21

ITEM	FISCAL YEAR
<u>NO.</u>	<u>2010-2011</u>
(01) BRUCE BURROW	<u>\$20,000.00</u>

25

26 SECTION 11. APPROPRIATION - DEPARTMENT OF HUMAN SERVICES. There is
 27 hereby appropriated, to the Department of Human Services, to be payable from
 28 the paying account as determined by the Chief Fiscal Officer of the State,
 29 for the purpose of paying claims against the State of Arkansas to the payee
 30 set out herein:

31

ITEM	FISCAL YEAR
<u>NO.</u>	<u>2010-2011</u>
(01) OZARK GUIDANCE CENTER, INC	<u>\$19,380.00</u>

35

36 SECTION 12. APPROPRIATION - DEPARTMENT OF CORRECTION. There is hereby

1 appropriated, to the Department of Correction, to be payable from the
2 Department of Correction Inmate Care and Custody Fund Account, for the
3 purpose of paying claims against the State of Arkansas to the payee set out
4 herein:

6	ITEM	FISCAL YEAR
7	<u>NO.</u>	<u>2010-2011</u>
8	(01) LYNDON PHILLIPS	\$50,000.00
9	(02) JAMIE ECKLER	<u>100,000.00</u>
10	TOTAL AMOUNT APPROPRIATED	<u><u>\$150,000.00</u></u>

11
12 SECTION 13. APPROPRIATION - DEPARTMENT OF HEALTH. There is hereby
13 appropriated, to the Department of Health, to be payable from the paying
14 account as determined by the Chief Fiscal Officer of the State, for the
15 purpose of paying claims against the State of Arkansas to the payee set out
16 herein:

18	ITEM	FISCAL YEAR
19	<u>NO.</u>	<u>2010-2011</u>
20	(01) MCKESSON TECHNOLOGIES, INC	<u>\$83,146.74</u>

21
22 SECTION 14. APPROPRIATION - UNIVERSITY OF ARKANSAS FOR MEDICAL
23 SCIENCES. There is hereby appropriated, to the University of Arkansas for
24 Medical Sciences, to be payable from the University of Arkansas Medical
25 Center Fund, for the purpose of paying claims against the State of Arkansas
26 to the payee set out herein:

28	ITEM	FISCAL YEAR
29	<u>NO.</u>	<u>2010-2011</u>
30	(01) DONALD ARMSTRONG	<u>\$150,000.00</u>

31
32 SECTION 15. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
33 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. CARRYOVER
34 OF CLAIMS. Any state agency which is affected by the allowed claim(s)
35 provided for in this Act, and whose fund for the 2010-2011 fiscal year are
36 insufficient to allow for the payment of said claim(s) before June 30, 2011

1 is hereby authorized, upon certification by the Chief Fiscal Officer of the
2 State, to make payment of said claim(s) after July 1, 2011, from funds
3 appropriated for the 2011-2012 fiscal year.

4
5 SECTION 16. SPECIAL LANGUAGE. Arkansas Code 19-10-215 regarding
6 restrictions on awards is amended to read as follows:

7 19-10-215. Restrictions on awards.

8 (a) With the exception of death and disability benefit claims paid under §
9 21-5-701 et seq., no award may be paid in excess of ~~ten thousand dollars~~
10 ~~(\$10,000)~~twelve thousand five hundred dollars (\$12,500).

11 (b) If the award is greater than ~~ten thousand dollars (\$10,000)~~twelve
12 thousand five hundred dollars (\$12,500), the claim shall be referred to the
13 General Assembly for an appropriation.

14
15 SECTION 17. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
16 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.

17 DISBURSING OFFICER. The Clerk of the State Claims Commission is hereby made
18 the disbursing officer for the purpose of paying the claims appropriated by
19 this Act. The Clerk of the State Claims Commission is hereby authorized to
20 receive all warrants prepared under the provisions of this Act from the
21 Auditor of the State and to distribute same to the claimants.

22
23 SECTION 18. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
24 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. ARKANSAS

25 DEPARTMENT OF HUMAN SERVICES CLAIMS. For any claims in this Act appropriated
26 to the Department of Human Services, the Clerk of the State Claims Commission
27 shall consult with the Department of Human Services and the Chief Fiscal
28 Officer of the State to determine the division and funds to which liability
29 should be assigned and from which the warrants shall be drawn. The Clerk of
30 the State Claims Commission shall initiate the appropriate transfers as may
31 be required and as approved by the Chief Fiscal Officer of the State.

32
33 SECTION 19. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
34 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. ARKANSAS

35 DEPARTMENT OF HEALTH CLAIMS. For any claims in this Act appropriated to the
36 Department of Health, the Clerk of the State Claims Commission shall consult

1 with the Department of Health and the Chief Fiscal Officer of the State to
2 determine the division and funds to which liability should be assigned and
3 from which the warrants shall be drawn. The Clerk of the State Claims
4 Commission shall initiate the appropriate transfers as may be required and as
5 approved by the Chief Fiscal Officer of the State.

6
7 SECTION 20. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
8 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. CLAIMS
9 FROM CASH FUNDS. In the event that any claim authorized herein is determined
10 to be a valid claim against the State and the claim is to be paid from funds
11 not in the State Treasury, the Clerk of the State Claims Commission shall
12 notify the agency against which the claim is to be charged of the amount of
13 such claims. Upon receipt of such notification, the state agency shall
14 forthwith deliver a check to the Clerk of the State Claims Commission who
15 shall deposit the same as a non-revenue receipt into the Miscellaneous
16 Revolving Fund from which he shall disburse the amount of the claim to the
17 claimant.

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

30
31 SECTION 22. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
32 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. CLAIMS
33 AWARD REPORTING. It is the intent of the General Assembly that when any
34 state agency, board, commission or institution of higher education admits
35 liability to a claim filed with the State Claims Commission and the claim
36 involves a contract with a state agency, board, commission or institution of

1 higher education or the claim exceeds ~~ten thousand dollars (\$10,000)~~twelve
 2 thousand five hundred dollars (\$12,500) that such agency, board, commission
 3 or institution of higher education file a written report thereof to the
 4 Litigation Subcommittee of the Legislative Council. Such a report shall
 5 include a concise statement of facts with an explanation of the agency's
 6 liability. Provided further, such report shall be filed with the Litigation
 7 Subcommittee within thirty (30) days after the claim has been adjudicated by
 8 the State Claims Commission.

9
 10 SECTION 23. COMPLIANCE WITH OTHER LAWS. Disbursement of funds
 11 authorized by this act shall be limited to the appropriation for such agency
 12 and funds made available by law for the support of such appropriations; and
 13 the restrictions of the State Procurement Law, the General Accounting and
 14 Budgetary Procedures Law, the Revenue Stabilization Law, the Regular Salary
 15 Procedures and Restrictions Act, or their successors, and other fiscal
 16 control laws of this State, where applicable, and regulations promulgated by
 17 the Department of Finance and Administration, as authorized by law, shall be
 18 strictly complied with in disbursement of said funds.

19
 20 SECTION 24. LEGISLATIVE INTENT. It is the intent of the General
 21 Assembly that any funds disbursed under the authority of the appropriations
 22 contained in this act shall be in compliance with the stated reasons for
 23 which this act was adopted, as evidenced by the Agency Requests, Executive
 24 Recommendations and Legislative Recommendations contained in the budget
 25 manuals prepared by the Department of Finance and Administration, letters, or
 26 summarized oral testimony in the official minutes of the Arkansas Legislative
 27 Council or Joint Budget Committee which relate to its passage and adoption.

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

1 of its passage and approval.

2 If the bill is neither approved nor vetoed by the Governor, it shall become
3 effective on the expiration of the period of time during which the Governor
4 may veto the bill. If the bill is vetoed by the Governor and the veto is
5 overridden, it shall become effective on the date the last house overrides
6 the veto.

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

29

30

31

32

33

34

35

36