

1 State of Arkansas
2 88th General Assembly
3 Fiscal Session, 2012
4

A Bill

SENATE BILL 135

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 FOR THE PAYMENT OF ADDITIONAL APPROVED
12 CLAIMS AGAINST THE STATE; AND FOR OTHER PURPOSES.
13

Subtitle

14
15 AN ACT TO MAKE AN APPROPRIATION FOR THE
16 PAYMENT OF APPROVED CLAIMS AGAINST THE
17 STATE.
18

19
20
21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
22

23 SECTION 1. APPROPRIATION. There is hereby appropriated, to the
24 Department of Finance and Administration - Revenue Services Division, to be
25 payable from the Individual Income Tax Withholding Fund, for the purpose of
26 paying claims against the State of Arkansas to the payee set out herein:

| ITEM | FISCAL YEAR |
|------------------------------|--------------------|
| 27 | |
| 28 <u>NO.</u> | <u>2011-2012</u> |
| 29 (01) JOHN A. BRUNNER, III | <u>\$70,354.70</u> |

30
31 SECTION 2. APPROPRIATION. There is hereby appropriated, to the
32 Department of Finance and Administration - Revenue Services Division, to be
33 payable from the Corporate Income Tax Withholding Fund, for the purpose of
34 paying claims against the State of Arkansas to the payee set out herein:

| ITEM | FISCAL YEAR |
|---------------|------------------|
| 35 | |
| 36 <u>NO.</u> | <u>2011-2012</u> |



1 (01) FEDERAL DEPOSIT INSURANCE COMPANY
 2 (FDIC), RECEIVER FOR NEW SOUTH
 3 FEDERAL SAVINGS BANK \$21,596.00
 4

5 SECTION 3. APPROPRIATION. There is hereby appropriated, to the
 6 Department of Workforce Services, to be payable from the Department of
 7 Workforce Services Trust Fund, for the purpose of paying claims against the
 8 State of Arkansas to the payee set out herein:

| 9 ITEM | FISCAL YEAR |
|------------------------|--------------------|
| 10 <u>NO.</u> | <u>2011-2012</u> |
| 11 (01) BRENDA TRAYLOR | <u>\$60,000.00</u> |

12
 13 SECTION 4. APPROPRIATION. There is hereby appropriated, to the
 14 Arkansas State Highway and Transportation Department, to be payable from the
 15 State Highway and Transportation Department Fund, for the purpose of paying
 16 claims against the State of Arkansas to the payee set out herein:

| 17 ITEM | FISCAL YEAR |
|--|--------------------|
| 18 <u>NO.</u> | <u>2011-2012</u> |
| 19 (01) ENTERGY | \$18,237.68 |
| 20 (02) FRIENDSHIP CABLE OF ARKANSAS, INC. | |
| 21 D/B/A SUDDEN LINK COMMUNICATIONS | <u>23,100.00</u> |
| 22 TOTAL AMOUNT APPROPRIATED | <u>\$41,337.68</u> |

23
 24 SECTION 5. APPROPRIATION. There is hereby appropriated, to the
 25 Department of Human Services, to be payable from the paying account as
 26 determined by the Chief Fiscal Officer of the State, for the purpose of
 27 paying claims against the State of Arkansas to the payee set out herein:

| 28 ITEM | FISCAL YEAR |
|---|---------------------|
| 29 <u>NO.</u> | <u>2011-2012</u> |
| 30 (01) SHEILA MARIE RHODES, AS SPECIAL | |
| 31 ADMINISTRATRIX OF THE ESTATE OF | |
| 32 MICHAEL ALLEN FORNELL, DECEASED | <u>\$125,000.00</u> |

33
 34 SECTION 6. APPROPRIATION. There is hereby appropriated, to the
 35 University of Arkansas at Pine Bluff, to be payable from the University of
 36 Arkansas at Pine Bluff Fund, for the purpose of paying claims against the

1 State of Arkansas to the payee set out herein:

| | | |
|---|------------------------|--------------------|
| 2 | ITEM | FISCAL YEAR |
| 3 | <u>NO.</u> | <u>2011-2012</u> |
| 4 | (01) JENNETTE D. MOORE | <u>\$29,679.98</u> |

5

6 SECTION 7. APPROPRIATION. There is hereby appropriated, to the
7 Department of Arkansas Heritage, to be payable from the Arkansas Natural and
8 Cultural Resources Grant and Trust Fund, for the purpose of paying claims
9 against the State of Arkansas to the payee set out herein:

| | | |
|----|-----------------------|--------------------|
| 10 | ITEM | FISCAL YEAR |
| 11 | <u>NO.</u> | <u>2011-2012</u> |
| 12 | (01) MICHAEL LANGFORD | <u>\$20,000.00</u> |

13

14 SECTION 8. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
15 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. CARRYOVER
16 OF CLAIMS. Any state agency which is affected by the allowed claim(s)
17 provided for in this Act, and whose fund for the 2011-2012 fiscal year are
18 insufficient to allow for the payment of said claim(s) before June 30, 2012,
19 is hereby authorized, upon certification by the Chief Fiscal Officer of the
20 State, to make payment of said claim(s) after July 1, 2012, from funds
21 appropriated for the 2012-2013 fiscal year.

22

23 SECTION 9. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
24 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.
25 DISBURSING OFFICER. The Clerk of the State Claims Commission is hereby made
26 the disbursing officer for the purpose of paying the claims appropriated by
27 this Act. The Clerk of the State Claims Commission is hereby authorized to
28 receive all warrants prepared under the provisions of this Act from the
29 Auditor of the State and to distribute same to the claimants.

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31 SECTION 10. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
32 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. ARKANSAS
33 DEPARTMENT OF HUMAN SERVICES CLAIMS. For any claims in this Act appropriated
34 to the Department of Human Services, the Clerk of the State Claims Commission
35 shall consult with the Department of Human Services and the Chief Fiscal
36 Officer of the State to determine the division and funds to which liability

1 should be assigned and from which the warrants shall be drawn. The Clerk of
2 the State Claims Commission shall initiate the appropriate transfers as may
3 be required and as approved by the Chief Fiscal Officer of the State.
4

5 SECTION 11. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
6 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. ARKANSAS
7 DEPARTMENT OF HEALTH CLAIMS. For any claims in this Act appropriated to the
8 Department of Health, the Clerk of the State Claims Commission shall consult
9 with the Department of Health and the Chief Fiscal Officer of the State to
10 determine the division and funds to which liability should be assigned and
11 from which the warrants shall be drawn. The Clerk of the State Claims
12 Commission shall initiate the appropriate transfers as may be required and as
13 approved by the Chief Fiscal Officer of the State.
14

15 SECTION 12. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
16 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. CLAIMS
17 FROM CASH FUNDS. In the event that any claim authorized herein is determined
18 to be a valid claim against the State and the claim is to be paid from funds
19 not in the State Treasury, the Clerk of the State Claims Commission shall
20 notify the agency against which the claim is to be charged of the amount of
21 such claims. Upon receipt of such notification, the state agency shall
22 forthwith deliver a check to the Clerk of the State Claims Commission who
23 shall deposit the same as a non-revenue receipt into the Miscellaneous
24 Revolving Fund from which he shall disburse the amount of the claim to the
25 claimant.
26

27 SECTION 13. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
28 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.
29 EMPLOYMENT COMPENSATION CLAIMS. The Clerk of the State Claims Commission
30 shall not distribute any warrants prepared under the provisions of this Act
31 for awards made by the Arkansas State Claims Commission for employment
32 compensation claims. Upon the award by the State Claims Commission of an
33 employment compensation claim, the Clerk of the State Claims Commission shall
34 notify the affected state agency and the Department of Finance and
35 Administration - Office of Personnel Management of such amounts that are due
36 and payable. The affected state agency shall then process the award through

1 the State Mechanized Payroll System.

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3 SECTION 14. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
4 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. CLAIMS
5 AWARD REPORTING. It is the intent of the General Assembly that when any
6 state agency, board, commission or institution of higher education admits
7 liability to a claim filed with the State Claims Commission and the claim
8 involves a contract with a state agency, board, commission or institution of
9 higher education or the claim exceeds twelve thousand five hundred dollars
10 (\$12,500) that such agency, board, commission or institution of higher
11 education file a written report thereof to the Litigation Subcommittee of the
12 Arkansas Legislative Council. Such report shall include a concise statement
13 of facts with an explanation of the agency's liability. Provided further,
14 such report shall be filed with the Litigation Subcommittee within thirty
15 (30) days after the claim has been adjudicated by the State Claims
16 Commission.

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

27
28 SECTION 16. LEGISLATIVE INTENT. It is the intent of the General
29 Assembly that any funds disbursed under the authority of the appropriations
30 contained in this act shall be in compliance with the stated reasons for
31 which this act was adopted, as evidenced by the Agency Requests, Executive
32 Recommendations and Legislative Recommendations contained in the budget
33 manuals prepared by the Department of Finance and Administration, letters, or
34 summarized oral testimony in the official minutes of the Arkansas Legislative
35 Council or Joint Budget Committee which relate to its passage and adoption.

36

1 SECTION 17. EMERGENCY CLAUSE. It is found and determined by the
2 General Assembly, that payees listed in this Act may be entitled to the sums
3 appropriated and transferred to herein, and that they have been deprived of
4 the use of these funds for a long period of time, and that further delay in
5 paying these just debts of the state would do harm to the reputation of the
6 State of Arkansas. Therefore, an emergency is hereby declared to exist and
7 this Act being necessary for the immediate preservation of the public peace,
8 health and safety shall be in full force and effect from and after the date
9 of its passage and approval.
10 If the bill is neither approved nor vetoed by the Governor, it shall become
11 effective on the expiration of the period of time during which the Governor
12 may veto the bill. If the bill is vetoed by the Governor and the veto is
13 overridden, it shall become effective on the date the last house overrides
14 the veto.

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