

State of Arkansas
89th General Assembly
Regular Session, 2013

A Bill

SENATE BILL 20

By: Joint Budget Committee

For An Act To Be Entitled

AN ACT TO MAKE AN APPROPRIATION WHICH SHALL BE
SUPPLEMENTAL AND IN ADDITION TO OTHER APPROPRIATIONS
MADE BY THE EIGHTY-NINTH GENERAL ASSEMBLY TO PAY
ALLOWED CLAIMS; AND FOR OTHER PURPOSES.

Subtitle

AN ACT TO MAKE AN APPROPRIATION FOR THE
PAYMENT OF ALLOWED CLAIMS.

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

SECTION 1. APPROPRIATION. There is hereby appropriated, to the Department of Correction, to be payable from the Department of Correction Inmate Care and Custody Fund Account, for the purpose of paying claims against the State of Arkansas to the payee set out herein:

| ITEM NO. | FISCAL YEAR 2012-2013 |
|------------------|--------------------------|
| (01) HAKIM MALIK | <u>\$30,000.00</u> |

SECTION 2. APPROPRIATION. 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 to the payee set out herein:

| ITEM NO. | FISCAL YEAR 2012-2013 |
|------------------|--------------------------|
| (01) DEBRA SNELL | <u>\$47,500.00</u> |



SECTION 3. APPROPRIATION. 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 to the payee set out herein:

| ITEM NO. | FISCAL YEAR 2012-2013 |
|-------------------------------|--------------------------|
| (01) MENTAL HEALTH ASSOCIATES | <u>\$17,050.00</u> |

SECTION 4. APPROPRIATION. 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 to the payee set out herein:

| ITEM NO. | FISCAL YEAR 2012-2013 |
|-------------------|--------------------------|
| (01) GARY HERLING | <u>\$340,000.00</u> |

SECTION 5. APPROPRIATION. 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 to the payee set out herein:

| ITEM NO. | FISCAL YEAR 2012-2013 |
|-------------------------------|--------------------------|
| (01) ESTATE OF AUDELL STACHEY | <u>\$360,000.00</u> |

SECTION 6. APPROPRIATION. 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 to the payee set out herein:

| ITEM NO. | FISCAL YEAR 2012-2013 |
|-----------------------|--------------------------|
| (01) LOUIS BROWN, JR. | <u>\$18,236.50</u> |

SECTION 7. APPROPRIATION. There is hereby appropriated, to the Arkansas Tech University, to be payable from the Arkansas Tech University

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>2012-2013</u> |
| (01) DAYCO CONSTRUCTION, INC. | <u>\$100,000.00</u> |

SECTION 8. APPROPRIATION. There is hereby appropriated, to the Department of Finance and Administration - Revenue Services Division, to be payable from the Miscellaneous Revolving 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>2012-2013</u> |
| (01) XM SATELLITE RADIO, INC. | <u>\$58,201.00</u> |

SECTION 9. APPROPRIATION. There is hereby appropriated, to the University of Arkansas Community College at Batesville, to be payable from the University of Arkansas Community College at Batesville 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>2012-2013</u> |
| (01) TOWN PLAZA, LLC | <u>\$60,000.00</u> |

SECTION 10. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. CARRYOVER OF CLAIMS. Any state agency which is affected by the allowed claim(s) provided for in this Act, and whose fund for the 2012-2013 fiscal year are insufficient to allow for the payment of said claim(s) before June 30, 2013, is hereby authorized, upon certification by the Chief Fiscal Officer of the State, to make payment of said claim(s) after July 1, 2013, from funds appropriated for the 2013-2014 fiscal year.

SECTION 11. SPECIAL LANGUAGE. Arkansas Code 19-10-215 regarding restrictions on awards is amended to read as follows:

19-10-215. Restrictions on awards.

(a) With the exception of death and disability benefit claims paid under

21-5-701 et seq., no award may be paid in excess of ~~twelve thousand five hundred dollars (\$12,500)~~fifteen thousand dollars (\$15,000).

(b) If the award is greater than ~~twelve thousand five hundred dollars (\$12,500)~~fifteen thousand dollars (\$15,000), the claim shall be referred to the General Assembly for an appropriation.

SECTION 12. 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 State and to distribute same to the claimants.

SECTION 13. 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 14. 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 15. 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 forth-with deliver a check to the Clerk of the State Claims Commission who shall deposit the same as a nonrevenue receipt into the Miscellaneous Revolving Fund from which he shall disburse the amount of the claim to the claimant.

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

EMPLOYMENT COMPENSATION CLAIMS. The Clerk of the State Claims Commission shall not distribute any warrants prepared under the provisions of this Act for awards made by the Arkansas State Claims Commission for employment compensation claims. Upon the award by the State Claims Commission of an employment compensation claim, the Clerk of the State Claims Commission shall notify the affected state agency and the Department of Finance and Administration - Office of Personnel Management of such amounts that are due and payable. The affected state agency shall then process the award through the State Mechanized Payroll System.

SECTION 17. SPECIAL LANGUAGE. Arkansas Code 19-10-212 regarding reports of agency liability is amended to read as follows:

19-10-212. Reports of agency liability.

(a) It is the intent of the General Assembly that when any state agency, board, commission, or institution of higher education admits liability to a claim filed with the Arkansas State Claims Commission and the claim involves a contract with a state agency, board, commission, or institution of higher education or the claim exceeds ~~ten thousand dollars (\$10,000)~~ fifteen thousand dollars (\$15,000), that the agency, board, commission, or institution of higher education file a written report of the claim to the Litigation Reports Oversight Subcommittee of the Legislative Council.

(b)(1) The report shall include a concise statement of facts with an explanation of the agency's liability.

(2) Further, the report shall be filed with the subcommittee within thirty

(30) days after the claim has been adjudicated by the Arkansas State Claims Commission.

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

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

SECTION 20. EMERGENCY CLAUSE. It is found and determined by the General Assembly, that payees listed in this Act may be entitled to the sums appropriated and transferred to herein, and that they have been deprived of the use of these funds for a long period of time, and that further delay in paying these just debts of the state would do harm to the reputation of the State of Arkansas. Therefore, an emergency is hereby declared to exist and this Act being necessary for the immediate preservation of the public peace, health and safety shall be in full force and effect from and after the date of its passage and approval.
If the bill is neither approved nor vetoed by the Governor, it shall become effective on the expiration of the period of time during which the Governor may veto the bill. If the bill is vetoed by the Governor and the veto is overridden, it shall become effective on the date the last house overrides the veto.