

1 State of Arkansas  
2 93rd General Assembly  
3 Regular Session, 2021  
4

As Engrossed: S3/29/21

# A Bill

SENATE BILL 178

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 APPROPRIATIONS  
10 MADE BY THE NINETY-THIRD GENERAL ASSEMBLY TO PAY  
11 APPROVED CLAIMS; AND FOR OTHER PURPOSES.  
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## Subtitle

14 AN ACT TO MAKE AN APPROPRIATION FOR THE  
15 PAYMENT OF APPROVED CLAIMS.  
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19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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21 SECTION 1. APPROPRIATION. There is hereby appropriated, to the  
22 Department of Commerce - Arkansas Rehabilitation Services, to be payable from  
23 the paying account as determined by the Chief Fiscal Officer of the State,  
24 for the purpose of paying claims against the State of Arkansas to the payee  
25 set out herein:

ITEM	FISCAL YEAR
26	
27 <u>NO.</u>	<u>2020-2021</u>
28 (1) CLEAR ENERGY SOLUTIONS, LLC	<u>\$77,961.06</u>

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

ITEM	FISCAL YEAR
34	
35 <u>NO.</u>	<u>2020-2021</u>
36 (1) CHRIS RAYBON AND ADRIANNE H. KAHN	<u>\$15,136.00</u>



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SECTION 3. APPROPRIATION. There is hereby appropriated, to the Arkansas Department of Transportation, 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	FISCAL YEAR
<u>NO.</u>	<u>2020-2021</u>
(1) STEPHEN A. MATT	<u>\$319,775.25</u>

SECTION 4. APPROPRIATION. There is hereby appropriated, to the Department of Energy and Environment - Division of Environmental Quality, to be payable from the Landfill Post-Closure Trust 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>2020-2021</u>
(1) STERNS, CONRAD AND SCHMIDT, CONSULTING ENGINEERS, INC.	<u>\$189,000.00</u>

SECTION 5. APPROPRIATION. There is hereby appropriated, to the Arkansas Department of Human 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:

ITEM	FISCAL YEAR
<u>NO.</u>	<u>2020-2021</u>
(1) WELLPATH, LLC	<u>\$448,636.27</u>

SECTION 6. APPROPRIATION. There is hereby appropriated, to the Arkansas 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>2020-2021</u>
(1) METHODIST LeBONHEUR HEALTHCARE	<u>\$27,540.00</u>

SECTION 7. APPROPRIATION. There is hereby appropriated, to the Arkansas Department of the Military, to be payable from the Department of the

1 Military Fund Account, for the purpose of paying claims against the State of  
2 Arkansas to the payee set out herein:

3 ITEM	FISCAL YEAR
4 <u>NO.</u>	<u>2020-2021</u>
5 (1) FRANKLIN SEBASTIAN PUBLIC WATER AUTHORITY	<u>\$29,092.96</u>

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

11 ITEM	FISCAL YEAR
12 <u>NO.</u>	<u>2020-2021</u>
13 (1) DIRECT NATIONAL INSURANCE COMPANY	<u>\$217,947.00</u>

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15 SECTION 9. APPROPRIATION. There is hereby appropriated, to the  
16 Arkansas Department of Transportation, to be payable from the State Highway  
17 and Transportation Department Fund, for the purpose of paying claims against  
18 the State of Arkansas to the payee set out herein:

19 ITEM	FISCAL YEAR
20 <u>NO.</u>	<u>2020-2021</u>
21 (1) TANNER CONSTRUCTION COMPANY, INC.	<u>\$1,489,159.32</u>

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23 SECTION 10. APPROPRIATION. There is hereby appropriated, to the  
24 Arkansas Department of Emergency Management, to be payable from the cash fund  
25 deposited in the State Treasury 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:

28 ITEM	FISCAL YEAR
29 <u>NO.</u>	<u>2020-2021</u>
30 (1) DAYONG YANG, AS SPECIAL ADMINISTRATOR OF 31 THE ESTATE OF LE YANG	<u>\$100,000.00</u>

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33 SECTION 11. APPROPRIATION. There is hereby appropriated, to the  
34 University of Arkansas for Medical Sciences, to be payable from the  
35 University of Arkansas Medical Center Fund, for the purpose of paying claims  
36 against the State of Arkansas to the payee set out herein:

<i>ITEM</i>	<i>FISCAL YEAR</i>
<u>NO.</u>	<u>2020-2021</u>
(1) DEBORAH PAULL	<u>\$50,000.00</u>

SECTION 12. 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 ~~2019-2020~~ 2020-2021 fiscal year are insufficient to allow for the payment of said claim(s) before June 30, ~~2020~~ 2021, is hereby authorized, upon certification by the Chief Fiscal Officer of the State, to make payment of said claim(s) after July 1, ~~2020~~ 2021, from funds appropriated for the ~~2020-2021~~ 2021-2022 fiscal year.

SECTION 13. 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 14. 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 15. 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

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

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

9 CLAIMS FROM CASH FUNDS. In the event that any claim authorized herein is  
10 determined to be a valid claim against the State and the claim is to be paid  
11 from funds not in the State Treasury, the Clerk of the State Claims  
12 Commission shall notify the agency against which the claim is to be charged  
13 of the amount of such claims. Upon receipt of such notification, the state  
14 agency shall forth-with deliver a check to the Clerk of the State Claims  
15 Commission who shall deposit the same as a nonrevenue receipt into the  
16 Miscellaneous Revolving Fund from which he shall disburse the amount of the  
17 claim to the claimant.

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19 SECTION 17. 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.

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31 SECTION 18. COMPLIANCE WITH OTHER LAWS. Disbursement of funds  
32 authorized by this act shall be limited to the appropriation for such agency  
33 and funds made available by law for the support of such appropriations; and  
34 the restrictions of the State Procurement Law, the General Accounting and  
35 Budgetary Procedures Law, the Revenue Stabilization Law, the Regular Salary  
36 Procedures and Restrictions Act, or their successors, and other fiscal

1 control laws of this State, where applicable, and regulations promulgated by  
2 the Department of Finance and Administration, as authorized by law, shall be  
3 strictly complied with in disbursement of said funds.

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

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14 SECTION 20. EMERGENCY CLAUSE. It is found and determined by the  
15 General Assembly, that payees listed in this Act may be entitled to the sums  
16 appropriated and transferred to herein, and that they have been deprived of  
17 the use of these funds for a long period of time, and that further delay in  
18 paying these just debts of the state would do harm to the reputation of the  
19 State of Arkansas. Therefore, an emergency is hereby declared to exist and  
20 this Act being necessary for the immediate preservation of the public peace,  
21 health and safety shall be in full force and effect from and after the date  
22 of its passage and approval.

23 If the bill is neither approved nor vetoed by the Governor, it shall become  
24 effective on the expiration of the period of time during which the Governor  
25 may veto the bill. If the bill is vetoed by the Governor and the veto is  
26 overridden, it shall become effective on the date the last house overrides  
27 the veto.

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29 /s/ Joint Budget Committee

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32 **APPROVED: 4/13/21**