

1 State of Arkansas  
2 84th General Assembly  
3 Second Extraordinary Session, 2003  
4

Call Item 10

# A Bill

SENATE BILL 5

5 By: Senator Bisbee  
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## For An Act To Be Entitled

9 AN ACT TO MAKE AN APPROPRIATION FOR THE ARKANSAS  
10 STATE CLAIMS COMMISSION TO PAY CLAIMS AGAINST THE  
11 STATE; AND FOR OTHER PURPOSES.  
12  
13

## Subtitle

15 AN ACT FOR THE ARKANSAS STATE CLAIMS  
16 COMMISSION APPROPRIATION.  
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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 - DEPARTMENT OF FINANCE AND ADMINISTRATION -  
22 MANAGEMENT SERVICES DIVISION. There is hereby appropriated, to the Department  
23 of Finance and Administration - Management Services Division, to be payable  
24 from the Juvenile Detention Facilities Operating Fund, for the purpose of  
25 paying claims against the State of Arkansas to the payee set out herein:  
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ITEM	FISCAL YEAR
<u>NO.</u>	<u>2003-2004</u>
(01) CRAIGHEAD COUNTY JUVENILE DETENTION CENTER	\$ <u>28,400.00</u>

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32 SECTION 2. APPROPRIATION - DEPARTMENT OF FINANCE AND ADMINISTRATION -  
33 REVENUE SERVICES DIVISION. There is hereby appropriated, to the Department of  
34 Finance and Administration - Revenue Services Division, to be payable from  
35 the Miscellaneous Revolving Fund, for the purpose of paying claims against  
36 the State of Arkansas to the payee set out herein:



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ITEM	FISCAL YEAR
<u>NO.</u>	<u>2003-2004</u>
(01) NUCOR-YAMATO STEEL CO.	\$ 150,456.23
(02) EXCEL TELECOMMUNICATIONS	<u>15,119.00</u>
TOTAL AMOUNT APPROPRIATED	<u>\$ 165,575.23</u>

SECTION 3. APPROPRIATION - DEPARTMENT OF FINANCE AND ADMINISTRATION - REVENUE SERVICES DIVISION. 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>2003-2004</u>
(01) ZY-AX CORPORATION AND SUBS.	\$ 35,202.00
(02) PHELPS DODGE INDUSTRIES	40,936.00
(03) UNITED PARCEL SERVICE	471,708.00
(04) COCA COLA COMPANY	16,573.01
(05) CONSECO FINANCE VENDOR	<u>19,634.00</u>
TOTAL AMOUNT APPROPRIATED	<u>\$ 584,053.01</u>

SECTION 4. APPROPRIATION - DEPARTMENT OF HUMAN SERVICES - DIVISION OF ADMINISTRATIVE SERVICES. There is hereby appropriated, to the Department of Human Services - Division of Administrative Services, 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	FISCAL YEAR
<u>NO.</u>	<u>2003-2004</u>
(01) ST. VINCENT HEALTH SYSTEM	\$ 12,775.19
(02) SAN MARCOS TREATMENT CENTER	<u>11,980.00</u>
TOTAL AMOUNT APPROPRIATED	<u>\$ 24,755.19</u>

SECTION 5. APPROPRIATION - DEPARTMENT OF HUMAN SERVICES - DIVISION OF

1 ADMINISTRATIVE SERVICES. There is hereby appropriated, to the Department of  
2 Human Services - Division of Administrative Services, to be payable from the  
3 federal funds as designated by the Chief Fiscal Officer of the State, for the  
4 purpose of paying claims against the State of Arkansas to the payee set out  
5 herein:

6	7 ITEM	FISCAL YEAR
8	<u>NO.</u>	<u>2003-2004</u>
9	(01) UNIVERSITY OF ARKANSAS FOR MEDICAL	
10	SCIENCES / EECO HEADSTART	<u>\$ 50,773.61</u>

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12 SECTION 6. APPROPRIATION - DEPARTMENT OF HUMAN SERVICES - DIVISION OF  
13 DEVELOPMENTAL DISABILITIES SERVICES. There is hereby appropriated, to the  
14 Department of Human Services - Division of Developmental Disabilities  
15 Services, to be payable from the Developmental Disabilities Services Fund  
16 Account, for the purpose of paying claims against the State of Arkansas to  
17 the payee set out herein:

18	19 ITEM	FISCAL YEAR
20	<u>NO.</u>	<u>2003-2004</u>
21	(01) INDEPENDENT CASE MANAGEMENT	<u>\$ 22,782.08</u>

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23 SECTION 7. APPROPRIATION - DEPARTMENT OF HUMAN SERVICES - DIVISION OF  
24 MEDICAL SERVICES. There is hereby appropriated, to the Department of Human  
25 Services - Division of Medical Services, to be payable from the paying  
26 account as determined by the Chief Fiscal Officer of the State, for the  
27 purpose of paying claims against the State of Arkansas to the payee set out  
28 herein:

29	30 ITEM	FISCAL YEAR
31	<u>NO.</u>	<u>2003-2004</u>
32	(01) UNIVERSITY OF ARKANSAS FOR MEDICAL	
33	SCIENCES - CENTER FOR HEALTH	
34	IMPROVEMENT	<u>\$ 170,921.42</u>

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36 SECTION 8. APPROPRIATION - DEPARTMENT OF HUMAN SERVICES - DIVISION OF

1 CHILDREN AND FAMILY SERVICES. There is hereby appropriated, to the Department  
 2 of Human Services - Division of Children and Family Services, to be payable  
 3 from the paying account as determined by the Chief Fiscal Officer of the  
 4 State, for the purpose of paying claims against the State of Arkansas to the  
 5 payee set out herein:

7 ITEM	FISCAL YEAR
8 <u>NO.</u>	<u>2003-2004</u>
9 (01) ARKANSAS CHILDREN'S HOSPITAL	<u>\$ 92,370.48</u>

11 SECTION 9. APPROPRIATION - ARKANSAS STATE HIGHWAY AND TRANSPORTATION  
 12 DEPARTMENT. There is hereby appropriated, to the Arkansas State Highway and  
 13 Transportation Department, to be payable from the State Highway and  
 14 Transportation Department Fund, for the purpose of paying claims against the  
 15 State of Arkansas to the payee set out herein:

17 ITEM	FISCAL YEAR
18 <u>NO.</u>	<u>2003-2004</u>
19 (01) OG & E ELECTRIC SERVICES	\$ 14,241.00
20 (02) DONNA SUE CROW	<u>35,141.00</u>
21 TOTAL AMOUNT APPROPRIATED	<u>\$ 49,382.00</u>

23 SECTION 10. APPROPRIATION - DEPARTMENT OF ARKANSAS STATE POLICE. There is  
 24 hereby appropriated, to the Department of Arkansas State Police, to be  
 25 payable from the Department of Arkansas State Police Fund, for the purpose of  
 26 paying claims against the State of Arkansas to the payee set out herein:

28 ITEM	FISCAL YEAR
29 <u>NO.</u>	<u>2003-2004</u>
30 (01) RANDALL J. HUNT	\$ 15,000.00
31 (02) ST. VINCENT HEALTH SYSTEM	<u>15,000.00</u>
32 TOTAL AMOUNT APPROPRIATED	<u>\$ 30,000.00</u>

34 SECTION 11. APPROPRIATION - ARKANSAS STATE GAME AND FISH COMMISSION. There  
 35 is hereby appropriated, to the Arkansas State Game and Fish Commission, to be  
 36 payable from the Game Protection Fund, for the purpose of paying claims

1 against the State of Arkansas to the payee set out herein:

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3	ITEM	FISCAL YEAR
4	<u>NO.</u>	<u>2003-2004</u>

5	(01) R. K. BAUGHMAN / DBA LOST VALLEY	
6	CONSTRUCTION CO.	<u>\$ 21,341.84</u>

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8 SECTION 12. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS  
9 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.

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

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

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26 SECTION 14. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS  
27 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. CLAIMS  
28 FROM CASH FUNDS. In the event that any claim authorized herein is determined  
29 to be a valid claim against the State and the claim is to be paid from funds  
30 not in the State Treasury, the Clerk of the State Claims Commission shall  
31 notify the agency against which the claim is to be charged of the amount of  
32 such claims. Upon receipt of such notification, the state agency shall  
33 forthwith deliver a check to the Clerk of the State Claims Commission who  
34 shall deposit the same as a non-revenue receipt into the Miscellaneous  
35 Revolving Fund from which he shall disburse the amount of the claim to the  
36 claimant.

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2 SECTION 15. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS  
3 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. EMPLOYMENT  
4 COMPENSATION CLAIMS. The Clerk of the State Claims Commission shall not  
5 distribute any warrants prepared under the provisions of this Act for awards  
6 made by the Arkansas State Claims Commission for employment compensation  
7 claims. Upon the award by the State Claims Commission of an employment  
8 compensation claim, the Clerk of the State Claims Commission shall notify the  
9 affected state agency and the Department of Finance and Administration -  
10 Office of Personnel Management of such amounts that are due and payable. The  
11 affected state agency shall then process the award through the State  
12 mechanized Payroll System.  
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14 SECTION 16. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS  
15 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. CLAIMS  
16 AWARD REPORTING. It is the intent of the General Assembly that when any state  
17 agency, board, commission or institution of higher education admits liability  
18 to a claim filed with the State Claims Commission and the claim involves a  
19 contract with a state agency, board, commission or institution of higher  
20 education or the claim exceeds ten thousand dollars (\$10,000) that such  
21 agency, board, commission or institution of higher education file a written  
22 report thereof to the Litigation Subcommittee of the Legislative Council.  
23 Such a report shall include a concise statement of facts with an explanation  
24 of the agency's liability. Provided further, such report shall be filed with  
25 the Litigation Subcommittee within thirty (30) days after the claim has been  
26 adjudicated by the State Claims Commission.  
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28 SECTION 17. COMPLIANCE WITH OTHER LAWS. Disbursement of funds authorized  
29 by this act shall be limited to the appropriation for such agency and funds  
30 made available by law for the support of such appropriations; and the  
31 restrictions of the State Purchasing Law, the General Accounting and  
32 Budgetary Procedures Law, the Revenue Stabilization Law, the Regular Salary  
33 Procedures and Restrictions Act, or their successors, and other fiscal  
34 control laws of this State, where applicable, and regulations promulgated by  
35 the Department of Finance and Administration, as authorized by law, shall be  
36 strictly complied with in disbursement of said funds.

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2 SECTION 18. LEGISLATIVE INTENT. It is the intent of the General Assembly  
3 that any funds disbursed under the authority of the appropriations contained  
4 in this act shall be in compliance with the stated reasons for which this act  
5 was adopted, as evidenced by the Agency Requests, Executive Recommendations  
6 and Legislative Recommendations contained in the budget manuals prepared by  
7 the Department of Finance and Administration, letters, or summarized oral  
8 testimony in the official minutes of the Arkansas Legislative Council or  
9 Joint Budget Committee which relate to its passage and adoption.

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11 SECTION 19. EMERGENCY CLAUSE. It is found and determined by the General  
12 Assembly, that funds provided by the General Assembly for the operations of  
13 the Arkansas State Claims Commission are, due to unforeseen circumstances,  
14 insufficient for the Arkansas State Claims Commission to continue to provide  
15 essential governmental services; that the provisions of this act will provide  
16 the necessary monies for the Arkansas State Claims Commission to continue  
17 such services; and that a delay in the effective date of this Act could work  
18 irreparable harm upon the proper administration and provision of essential  
19 governmental programs. Therefore, an emergency is hereby declared to exist  
20 and this Act being necessary for the immediate preservation of the public  
21 peace, health and safety shall be in full force and effect from and after the  
22 date of its passage and approval. If the bill is neither approved nor vetoed  
23 by the Governor, it shall become effective on the expiration of the period of  
24 time during which the Governor may veto the bill. If the bill is vetoed by  
25 the Governor and the veto is overridden, it shall become effective on the  
26 date the last house overrides the veto.