

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

Act 2276 of the Regular Session

As Engrossed: S3/9/05 S4/5/05 S4/6/05

A Bill

1 State of Arkansas
2 85th General Assembly
3 Regular Session, 2005

SENATE BILL 502

4
5 By: Joint Budget Committee
6
7

For An Act To Be Entitled

9 AN ACT TO MAKE AN APPROPRIATION TO PAY APPROVED
10 CLAIMS AGAINST THE STATE FOR THE ARKANSAS STATE
11 CLAIMS COMMISSION FOR THE FISCAL YEAR ENDING JUNE
12 30, 2005; AND FOR OTHER PURPOSES.
13
14

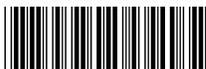
Subtitle

15 AN ACT FOR THE ARKANSAS STATE CLAIMS
16 COMMISSION - APPROVED CLAIMS
17 APPROPRIATION FOR THE 2005 FISCAL YEAR.
18
19
20

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

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

29	ITEM	FISCAL YEAR
30	<u>NO.</u>	<u>2004-2005</u>
31	(01) VERIZON LONG DISTANCE	\$ 12,262.19
32	(02) VERIZON SELECT SERVICES, INC.	37,764.00
33	(03) COLLEGE BOOKSTORE C/O	
34	AMERITAR SERVICES, INC.	17,663.00
35	(04) TENNECO AUTOMOTIVE	97,913.91



1 (05) TYSON SALES & DISTRIBUTION INC. 33,705.00
 2 TOTAL AMOUNT APPROPRIATED \$ 199,308.10

3
 4 SECTION 2. APPROPRIATION - DEPARTMENT OF FINANCE AND ADMINISTRATION -
 5 REVENUE DIVISION. There is hereby appropriated, to the Department of Finance
 6 and Administration - Revenue Services Division, to be payable from the
 7 Corporate Income Tax Withholding Fund, for paying claims against the State of
 8 Arkansas to the payee set out herein:

9
 10 ITEM FISCAL YEAR
 11 NO. 2004-2005
 12 (01) FASCO INDUSTRIES, INC. \$ 32,500.00

13
 14 SECTION 3. APPROPRIATION - DEPARTMENT OF FINANCE AND ADMINISTRATION -
 15 REVENUE DIVISION. There is hereby appropriated, to the Department of Finance
 16 and Administration - Revenue Services Division, to be payable from the State
 17 Central Services Fund, for the purpose of paying claims against the State of
 18 Arkansas to the payee set out herein:

19
 20 ITEM FISCAL YEAR
 21 NO. 2004-2005
 22 (01) BANK OF AMERICA \$ 42,748.05

23
 24 SECTION 4. APPROPRIATION - DEPARTMENT OF HUMAN SERVICES - ADMINISTRATIVE
 25 SERVICES. There is hereby appropriated, to the Department of Human Services,
 26 to be payable from the paying account as determined by the Chief Fiscal
 27 Officer of the State, for the purpose of paying claims against the State of
 28 Arkansas to the payee set out herein of the Department of Human Services for
 29 the fiscal year ending June 30, 2005, the following:

30
 31 ITEM FISCAL YEAR
 32 NO. 2004-2005
 33 (01) ALL AMERICAN POLY \$ 10,229

34
 35 SECTION 5. APPROPRIATION - DEPARTMENT OF HUMAN SERVICES - DIVISION OF
 36 CHILDREN AND FAMILY SERVICES. There is hereby appropriated, to the Department

1 of Human Services - Division of Children and Family Services, to be payable
 2 from the Children and Family Services Fund Account, for the purpose of paying
 3 claims against the State of Arkansas to the payee set out herein:
 4

5 ITEM	FISCAL YEAR
6 <u>NO.</u>	<u>2004-2005</u>
7 (01) ARKANSAS SUPPORT NETWORK	\$ <u>37,822.27</u>

8
 9 SECTION 6. APPROPRIATION - DEPARTMENT OF HUMAN SERVICES - DIVISION OF
 10 DEVELOPMENTAL DISABILITIES. There is hereby appropriated, to the Department
 11 of Human Services - Division of Developmental Disabilities Services, to be
 12 payable from the paying account as determined by the Chief Fiscal Officer of
 13 the State, for the purpose of paying claims against the State of Arkansas to
 14 the payee set out herein:
 15

16 ITEM	FISCAL YEAR
17 <u>NO.</u>	<u>2004-2005</u>
18 (01) PARTNERS - UNIVERSITY OF ARKANSAS 19 FOR MEDICAL SCIENCES	\$ <u>16,042.00</u>

20
 21 SECTION 7. APPROPRIATION - DEPARTMENT OF CORRECTION. There is hereby
 22 appropriated, to the Department of Correction, to be payable from the
 23 Department of Correction Inmate Care and Custody Fund Account, for the
 24 purpose of paying claims against the State of Arkansas to the payee set out
 25 herein:
 26

27 ITEM	FISCAL YEAR
28 <u>NO.</u>	<u>2004-2005</u>
29 (01) L.D. Ward, father of Jerry Lee Ward	\$ <u>75,000</u>

30
 31 SECTION 8. APPROPRIATION - ARKANSAS STATE POLICE. There is hereby
 32 appropriated, to the Department of Arkansas State Police, to be payable from
 33 the Department of Arkansas State Police Fund, for the purpose of paying
 34 claims against the State of Arkansas to the payee set out herein:
 35

36 ITEM	FISCAL YEAR
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1 NO. 2004-2005
 2 (01) Wade Moten \$ 45,000

3
 4 SECTION 9. APPROPRIATION – ARKANSAS STATE HIGHWAY AND TRANSPORTATION
 5 DEPARTMENT. There is hereby appropriated, to the Arkansas State Highway and
 6 Transportation Department, to be payable from the State Highway and
 7 Transportation Department Fund, for the purpose of paying claims against the
 8 State of Arkansas to the payee set out herein:

9
 10 ITEM FISCAL YEAR
 11 NO. 2004-2005
 12 (01) Sue Henley \$ 45,000

13
 14 SECTION 10. APPROPRIATION – DEPARTMENT OF HUMAN SERVICES – DIVISION OF
 15 DEVELOPMENTAL DISABILITIES. There is hereby appropriated, to the Department
 16 of Human Services – Division of Developmental Disabilities, to be payable
 17 from the paying account as determined by the Chief Fiscal Officer of the
 18 State, for the purpose of paying claims against the State of Arkansas to the
 19 payee set out herein:

20
 21 ITEM FISCAL YEAR
 22 NO. 2004-2005
 23 (01) Arkansas Support Network \$ 19,080

24
 25 SECTION 11. APPROPRIATION – DEPARTMENT OF HUMAN SERVICES – DIVISION OF
 26 CHILDREN AND FAMILY SERVICES. There is hereby appropriated, to the Department
 27 of Human Services – Division of Children and Family Services, to be payable
 28 from the paying account as determined by the Chief Fiscal Officer of the
 29 State, for the purpose of paying claims against the State of Arkansas to the
 30 payee set out herein:

31
 32 ITEM FISCAL YEAR
 33 NO. 2004-2005
 34 (01) Counseling Associates, Inc. \$ 12,728

35
 36 SECTION 12. APPROPRIATION – DEPARTMENT OF HUMAN SERVICES – DIVISION OF

1 BEHAVIORAL HEALTH SERVICES. There is hereby appropriated, to the Department
2 of Human Services – Division of Behavioral Health 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:

ITEM	FISCAL YEAR
<u>NO.</u>	<u>2004-2005</u>
(01) Phyllis Hancock	<u>\$ 108,000</u>

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

ITEM	FISCAL YEAR
<u>NO.</u>	<u>2004-2005</u>
(01) MAXIM HEALTH CARE SERVICES	<u>\$ 31,000.00</u>

21 SECTION 14. APPROPRIATION - DEPARTMENT OF PARKS AND TOURISM. There is
22 hereby appropriated to the Department of Parks and Tourism, to be payable
23 from the Parks and Tourism Outdoor Recreation Grants Fund, for the purpose of
24 paying claims against the State of Arkansas to the payee set out herein:

ITEM	FISCAL YEAR
<u>NO.</u>	<u>2004-2005</u>
(01) CITY OF RUSSELVILLE, ARKANSAS	<u>\$ 57,457.86</u>

29 SECTION 15. APPROPRIATION - DEPARTMENT OF FINANCE AND ADMINISTRATION -
30 DISBURSING OFFICER. There is hereby appropriated, to the Department of
31 Finance and Administration - Disbursing Officer, to be payable from the
32 Firemen’s and Police Officers’ Pension and Relief Fund, for the purpose of
33 paying claims against the State of Arkansas to the payee set out herein:

ITEM	FISCAL YEAR
<u>NO.</u>	<u>2004-2005</u>
(01) NORTHEAST LAKESIDE FIRE PENSION FUND	<u>\$ 10,192.34</u>

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SECTION 16. APPROPRIATION - UNIVERSITY OF ARKANSAS AT PINE BLUFF. There is hereby appropriated, to the University of Arkansas at Pine Bluff, to be payable from cash funds 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:

<i>ITEM</i>	<i>FISCAL YEAR</i>
<u><i>NO.</i></u>	<u><i>2004-2005</i></u>
<i>(01) YORK INTERNATIONAL CORPORATION</i>	<u><i>\$ 14,759.69</i></u>

SECTION 17. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. CARRY FORWARD. Any balance remaining in the appropriations authorized by this Act that remain at the end of a fiscal year shall be carried forward into the next fiscal year there to be used for the same purpose.

SECTION 18. 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 ~~2002-2003~~ 2004-2005 fiscal year are insufficient to allow for the payment of said claim(s) before June 30, ~~2003~~ 2005, is hereby authorized, upon certification by the Chief Fiscal Officer of the State, to make payment of said claim(s) after July 1, ~~2003~~ 2005, from funds appropriated for the ~~2003-2004~~ 2005-2006 fiscal year.

SECTION 19. 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 the State and to distribute same to the claimants.

SECTION 20. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. DEPARTMENT OF HUMAN SERVICES CLAIMS. For any claims in this Act appropriated

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

7
8 SECTION 21. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
9 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. CLAIMS
10 FROM CASH FUNDS. In the event that any claim authorized herein is determined
11 to be a valid claim against the State and the claim is to be paid from funds
12 not in the State Treasury, the Clerk of the State Claims Commission shall
13 notify the agency against which the claim is to be charged of the amount of
14 such claims. Upon receipt of such notification, the state agency shall
15 forthwith deliver a check to the Clerk of the State Claims Commission who
16 shall deposit the same as a non-revenue receipt into the Miscellaneous
17 Revolving Fund from which he shall disburse the amount of the claim to the
18 claimant.

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

31
32 SECTION 23. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
33 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. CLAIMS
34 AWARD REPORTING. It is the intent of the General Assembly that when any state
35 agency, board, commission or institution of higher education admits liability
36 to a claim filed with the State Claims Commission and the claim involves a

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

9
10 SECTION 24. COMPLIANCE WITH OTHER LAWS. Disbursement of funds authorized
11 by this act shall be limited to the appropriation for such agency and funds
12 made available by law for the support of such appropriations; and the
13 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 25. LEGISLATIVE INTENT. It is the intent of the General Assembly
21 that any funds disbursed under the authority of the appropriations contained
22 in this act shall be in compliance with the stated reasons for which this act
23 was adopted, as evidenced by the Agency Requests, Executive Recommendations
24 and Legislative Recommendations contained in the budget manuals prepared by
25 the Department of Finance and Administration, letters, or summarized oral
26 testimony in the official minutes of the Arkansas Legislative Council or
27 Joint Budget Committee which relate to its passage and adoption.

28
29 SECTION 26. EMERGENCY CLAUSE. It is found and determined by the General
30 Assembly, that the Constitution of the State of Arkansas prohibits the
31 appropriation of funds for more than a two (2) year period; that the
32 effectiveness of this Act on the date of its passage and approval is
33 essential to the operation of the agency for which the appropriations in this
34 Act are provided, and that in the event of an extension of the Regular
35 Session, the delay in the effective date of this Act beyond the date of its
36 passage and approval could work irreparable harm upon the proper

1 administration and provision of essential governmental programs. Therefore,
2 an emergency is hereby declared to exist and this Act being necessary for the
3 immediate preservation of the public peace, health and safety shall be in
4 full force and effect from and after the date of its passage and approval.

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

10
11 */s/ Joint Budget Committee*

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14 *APPROVED: 4/14/2005*
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