

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 1261 of the Regular Session

As Engrossed: S3/21/07 S3/28/07

A Bill

1 State of Arkansas
2 86th General Assembly
3 Regular Session, 2007
4

SENATE BILL 448

5 By: Joint Budget Committee
6
7

For An Act To Be Entitled

9 AN ACT TO MAKE AN APPROPRIATION FOR THE ARKANSAS
10 STATE CLAIMS COMMISSION TO PAY APPROVED CLAIMS
11 AGAINST THE STATE FOR THE FISCAL YEAR ENDING JUNE
12 30, 2007; AND FOR OTHER PURPOSES.
13
14

Subtitle

15 AN ACT FOR THE ARKANSAS STATE CLAIMS
16 COMMISSION - TO PAY APPROVED CLAIMS
17 AGAINST THE STATE APPROPRIATION FOR THE
18 2007 FISCAL YEAR.
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22 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
23

24 SECTION 1. APPROPRIATION - DEPARTMENT OF FINANCE AND ADMINISTRATION -
25 REVENUE SERVICES DIVISION. There is hereby appropriated, to the Department of
26 Finance and Administration - Revenue Services Division, to be payable from
27 the Miscellaneous Revolving Fund, for the purpose of paying claims against
28 the State of Arkansas to the payee set out herein:
29

30 ITEM	FISCAL YEAR
31 <u>NO.</u>	<u>2006-2007</u>
32 (01) TYSON FOODS, INC.	\$ 32,309.00
33 (02) EMERSON ELECTRIC CO.	<u>13,669.83</u>
34 TOTAL AMOUNT APPROPRIATED	<u>\$ 45,978.83</u>

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

6	7 ITEM	8 FISCAL YEAR
9	<u>NO.</u>	<u>2006-2007</u>
10	(01) CPT HOLDING, INC.	<u>\$ 48,237.00</u>

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

16	17 ITEM	18 FISCAL YEAR
19	<u>NO.</u>	<u>2006-2007</u>
20	(01) DONALD AND MARTHA PREVALLETT	<u>\$ 11,495.00</u>

21 SECTION 4. APPROPRIATION - UNIVERSITY OF CENTRAL ARKANSAS. There is hereby
22 appropriated, to the University of Central Arkansas, to be payable from the
23 University of Central Arkansas Fund, for the purpose of paying claims against
24 the State of Arkansas to the payee set out herein:

25	26 ITEM	27 FISCAL YEAR
28	<u>NO.</u>	<u>2006-2007</u>
29	(01) LEE GRAY, GUARDIAN AND FATHER OF LEANNE GRAY, A MINOR	\$ 1,200,000.00
30	(02) WHITNEY GRAY	<u>200,000.00</u>
31	TOTAL AMOUNT APPROPRIATED	<u>\$ 1,400,000.00</u>

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33 SECTION 5. APPROPRIATION - DEPARTMENT OF HEALTH AND HUMAN SERVICES -
34 DIVISION OF HEALTH. There is hereby appropriated, to the Department of Health
35 & Human Services - Division of Health, to be payable from the federal funds
36 as designated by the Chief Fiscal Officer of the State, for the purpose of

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

3	ITEM	FISCAL YEAR
4	<u>NO.</u>	<u>2006-2007</u>
5	(01) AMERISOURCE BERGEN	<u>\$ 18,077.00</u>

6

7 SECTION 6. APPROPRIATION - DEPARTMENT OF HEALTH AND HUMAN SERVICES -
8 DIVISION OF HEALTH. There is hereby appropriated, to the Department of Health
9 & Human Services - Division of Health, to be payable from the federal funds
10 as designated by the Chief Fiscal Officer of the State, for the purpose of
11 paying claims against the State of Arkansas to the payee set out herein:

13	ITEM	FISCAL YEAR
14	<u>NO.</u>	<u>2006-2007</u>
15	(01) ST. VINCENT INFIRMARY MEDICAL CENTER	<u>\$ 11,829.63</u>

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17 SECTION 7. APPROPRIATION - DEPARTMENT OF HEALTH AND HUMAN SERVICES. There
18 is hereby appropriated, to the Department of Health and Human Services, to be
19 payable from the paying account as determined by the Chief Fiscal Officer of
20 the State, for the purpose of paying claims against the State of Arkansas to
21 the payee set out herein:

23	ITEM	FISCAL YEAR
24	<u>NO.</u>	<u>2006-2007</u>
25	(01) UNIVERSITY SPECIALTY CLINICS	<u>\$ 60,000.00</u>

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27 SECTION 8. APPROPRIATION - DEPARTMENT OF WORKFORCE EDUCATION - ARKANSAS
28 REHABILITATION SERVICES. There is hereby appropriated, to the Department of
29 Workforce Education - Arkansas Rehabilitation Services, to be payable from
30 the paying account as determined by the Chief Fiscal Officer of the State,
31 for the purpose of paying claims against the State of Arkansas to the payee
32 set out herein:

34	ITEM	FISCAL YEAR
35	<u>NO.</u>	<u>2006-2007</u>
36	(01) MEDIQ/PRN LIFE SUPPORT SERVICES, INC.	<u>\$ 13,637.66</u>

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SECTION 9. APPROPRIATION - ARKANSAS HIGHWAY AND TRANSPORTATION DEPARTMENT.
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	FISCAL YEAR
<u>NO.</u>	<u>2006-2007</u>
(01) CITY OF BEEBE - AASIS DOC #7010775545	\$ <u>18,582.40</u>

SECTION 10. 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>2006-2007</u>
(01) MTG DIVESTITURE, INC.	\$ <u>13,288.59</u>

SECTION 11. APPROPRIATION - ARKANSAS STATE POLICE. There is hereby
appropriated, to the Department of Arkansas State Police, to be payable from
the State Police Equipment 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>2006-2007</u>
(01) US DEPT. OF JUSTICE/FBI	\$ <u>112,288.00</u>

SECTION 12. APPROPRIATION - DEPARTMENT OF CORRECTION. 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:

<i>ITEM</i>	<i>FISCAL YEAR</i>
<u><i>NO.</i></u>	<u><i>2006-2007</i></u>
<i>(01) PHILIP OFLES WALLACE</i>	<u><u><i>\$ 20,161.00</i></u></u>

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5 *SECTION 13. APPROPRIATION - DEPARTMENT OF HEALTH AND HUMAN SERVICES -*
6 *BEHAVIORAL HEALTH SERVICES. There is hereby appropriated, to the Department*
7 *of Health and Human Services - Behavioral Health Services, to be payable from*
8 *the paying account as determined by the Chief Fiscal Officer of the State,*
9 *for the purpose of paying claims against the State of Arkansas to the payee*
10 *set out herein:*

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<i>ITEM</i>	<i>FISCAL YEAR</i>
<u><i>NO.</i></u>	<u><i>2006-2007</i></u>
<i>(01) AMERISOURCE BERGEN</i>	<u><u><i>\$ 16,653.56</i></u></u>

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16 *SECTION 14. APPROPRIATION - ARKANSAS HIGHWAY AND TRANSPORTATION*
17 *DEPARTMENT. There is hereby appropriated, to the Arkansas State Highway and*
18 *Transportation Department, to be payable from the State Highway and*
19 *Transportation Department Fund, for the purpose of paying claims against the*
20 *State of Arkansas to the payee set out herein:*

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<i>ITEM</i>	<i>FISCAL YEAR</i>
<u><i>NO.</i></u>	<u><i>2006-2007</i></u>
<i>(01) GARY E. HARGIS, SR.</i>	<u><u><i>\$ 48,000.00</i></u></u>

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26 *SECTION 15. APPROPRIATION - DEPARTMENT OF WORKFORCE SERVICES. There is*
27 *hereby appropriated, to the Department of Workforce 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:*

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<i>ITEM</i>	<i>FISCAL YEAR</i>
<u><i>NO.</i></u>	<u><i>2006-2007</i></u>
<i>(01) CROWLEY'S RIDGE TECHNICAL INSTITUTE</i>	<u><u><i>\$ 35,650.00</i></u></u>

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36 *SECTION 16. APPROPRIATION - DEPARTMENT OF HEALTH AND HUMAN SERVICES -*

1 DIVISION OF DEVELOPMENTAL DISABILITIES. There is hereby appropriated, to the
2 Department of Health and Human Services - Division of Developmental
3 Disabilities Services, to be payable from the paying account as determined by
4 the Chief Fiscal Officer of the State, for the purpose of paying claims
5 against the State of Arkansas to the payee set out herein:
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<i>ITEM</i>	<i>FISCAL YEAR</i>
<u><i>NO.</i></u>	<u><i>2006-2007</i></u>
9 (01) ARKANSAS SUPPORT NETWORK	<u>\$ 19,998.32</u>

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11 SECTION 17. APPROPRIATION - DEPARTMENT OF HEALTH AND HUMAN SERVICES -
12 DIVISION OF DEVELOPMENTAL DISABILITIES. There is hereby appropriated, to the
13 Department of Health and Human Services - Division of Developmental
14 Disabilities Services, to be payable from the paying account as determined by
15 the Chief Fiscal Officer of the State, for the purpose of paying claims
16 against the State of Arkansas to the payee set out herein:
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<i>ITEM</i>	<i>FISCAL YEAR</i>
<u><i>NO.</i></u>	<u><i>2006-2007</i></u>
20 (01) ARKANSAS SUPPORT NETWORK	<u>\$ 12,176.80</u>

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22 SECTION 18. APPROPRIATION - DEPARTMENT OF HEALTH AND HUMAN SERVICES -
23 DIVISION OF DEVELOPMENTAL DISABILITIES. There is hereby appropriated, to the
24 Department of Health and Human Services - Division of Developmental
25 Disabilities Services, to be payable from the paying account as determined by
26 the Chief Fiscal Officer of the State, for the purpose of paying claims
27 against the State of Arkansas to the payee set out herein:
28

<i>ITEM</i>	<i>FISCAL YEAR</i>
<u><i>NO.</i></u>	<u><i>2006-2007</i></u>
31 (01) ARKANSAS SUPPORT NETWORK	<u>\$ 14,368.00</u>

32

33 SECTION 19. APPROPRIATION - DEPARTMENT OF HEALTH AND HUMAN SERVICES -
34 DIVISION OF DEVELOPMENTAL DISABILITIES. There is hereby appropriated, to the
35 Department of Health and Human Services - Division of Developmental
36 Disabilities Services, to be payable from the paying account as determined by

1 the Chief Fiscal Officer of the State, for the purpose of paying claims
2 against the State of Arkansas to the payee set out herein:

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4	ITEM	FISCAL YEAR
5	<u>NO.</u>	<u>2006-2007</u>

6	(01) CAROLYN WALTERS, ADMINISTRATRIX OF THE	
7	ESTATE OF LEROY JOHNSON (DECEASED)	<u>\$ 150,000.00</u>

8

9 SECTION 20. APPROPRIATION - ARKANSAS STATE HIGHWAY AND TRANSPORTATION
10 DEPARTMENT. There is hereby appropriated, to the Arkansas State Highway and
11 Transportation Department, to be payable from the State Highway and
12 Transportation Department Fund, for the purpose of paying claims against the
13 State of Arkansas to the payee set out herein:

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15	ITEM	FISCAL YEAR
16	<u>NO.</u>	<u>2006-2007</u>

17	(01) RPTS EXPRESS, INC.	<u>\$ 45,000.00</u>
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19 SECTION 21. APPROPRIATION - ARKANSAS STATE POLICE. There is hereby
20 appropriated, to the Department of Arkansas State Police, to be payable from
21 the State Police Equipment Fund, for the purpose of paying claims against the
22 State of Arkansas to the payee set out herein:

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24	ITEM	FISCAL YEAR
25	<u>NO.</u>	<u>2006-2007</u>

26	(01) US DEPT. OF JUSTICE/FBI	<u>\$ 127,468.00</u>
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28 SECTION 22. APPROPRIATION - DEPARTMENT OF HEALTH AND HUMAN SERVICES -
29 DIVISION OF CHILDREN AND FAMILY SERVICES. There is hereby appropriated, to
30 the Department of Health and Human Services - Division of Children and Family
31 Services, to be payable from the paying account as determined by the Chief
32 Fiscal Officer of the State, for the purpose of paying claims against the
33 State of Arkansas to the payee set out herein:

34

35	ITEM	FISCAL YEAR
36	<u>NO.</u>	<u>2006-2007</u>

1 (01) YOUTH HOME, INC.

\$ 17,330.42

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3 SECTION 23. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE
4 NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. FUNDING
5 PROVISION. In the event the claims in Sections 21-22 of this Act are heard
6 and approved for payment by the Arkansas State Claims Commission the
7 appropriations shall be fully funded from the funds so designated in the
8 amounts indicated. Any claims in Sections 21-22 of this act that are not
9 approved for payment by the Arkansas State Claims Commission shall be
10 considered null and void.

11
12 SECTION 24. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
13 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. CARRY
14 FORWARD. Any balance remaining in the appropriations authorized by this Act
15 that remain at the end of a fiscal year shall be carried forward into the
16 next fiscal year there to be used for the same purpose.

17
18 SECTION 25. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
19 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. CARRYOVER
20 OF CLAIMS. Any state agency which is affected by the allowed claim(s)
21 provided for in this Act, and whose fund for the ~~2004-2005~~ 2006-2007 fiscal
22 year are insufficient to allow for the payment of said claim(s) before June
23 30, ~~2005~~ 2007, is hereby authorized, upon certification by the Chief Fiscal
24 Officer of the State, to make payment of said claim(s) after July 1, ~~2005~~
25 2007, from funds appropriated for the ~~2005-2006~~ 2007-2008 fiscal year.

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

34
35 SECTION 27. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
36 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.

1 DEPARTMENT OF HEALTH AND HUMAN SERVICES. For any claims in this Act
2 appropriated to the Department of Health and Human Services, the Clerk of the
3 State Claims Commission shall consult with the Department of Health and Human
4 Services and the Chief Fiscal Officer of the State to determine the division
5 and funds to which liability should be assigned and from which the warrants
6 shall be drawn. The Clerk of the State Claims Commission shall initiate the
7 appropriate transfers as may be required and as approved by the Chief Fiscal
8 Officer of the State.

9

10 SECTION 28. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
11 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. CLAIMS
12 FROM CASH FUNDS. In the event that any claim authorized herein is determined
13 to be a valid claim against the State and the claim is to be paid from funds
14 not in the State Treasury, the Clerk of the State Claims Commission shall
15 notify the agency against which the claim is to be charged of the amount of
16 such claims. Upon receipt of such notification, the state agency shall
17 forthwith deliver a check to the Clerk of the State Claims Commission who
18 shall deposit the same as a non-revenue receipt into the Miscellaneous
19 Revolving fund from which he shall disburse the amount of the claim to the
20 claimant.

21

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

33

34 SECTION 30. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
35 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. CLAIMS
36 AWARD REPORTING. It is the intent of the General Assembly that when any state

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

11
12 SECTION 31. COMPLIANCE WITH OTHER LAWS. Disbursement of funds authorized
13 by this act shall be limited to the appropriation for such agency and funds
14 made available by law for the support of such appropriations; and the
15 restrictions of the State Procurement Law, the General Accounting and
16 Budgetary Procedures Law, the Revenue Stabilization Law, the Regular Salary
17 Procedures and Restrictions Act, or their successors, and other fiscal
18 control laws of this State, where applicable, and regulations promulgated by
19 the Department of Finance and Administration, as authorized by law, shall be
20 strictly complied with in disbursement of said funds.

21
22 SECTION 32. LEGISLATIVE INTENT. It is the intent of the General Assembly
23 that any funds disbursed under the authority of the appropriations contained
24 in this act shall be in compliance with the stated reasons for which this act
25 was adopted, as evidenced by the Agency Requests, Executive Recommendations
26 and Legislative Recommendations contained in the budget manuals prepared by
27 the Department of Finance and Administration, letters, or summarized oral
28 testimony in the official minutes of the Arkansas Legislative Council or
29 Joint Budget Committee which relate to its passage and adoption.

30
31 SECTION 33. EMERGENCY CLAUSE. It is found and determined by the General
32 Assembly, that the Constitution of the State of Arkansas prohibits the
33 appropriation of funds for more than a two (2) year period; that the
34 effectiveness of this Act on July 1, 2007 is essential to the operation of
35 the agency for which the appropriations in this Act are provided, and that in
36 the event of an extension of the Regular Session, the delay in the effective

1 date of this Act beyond July 1, 2007 could work irreparable harm upon the
2 proper administration and provision of essential governmental programs.
3 Therefore, an emergency is hereby declared to exist and this Act being
4 necessary for the immediate preservation of the public peace, health and
5 safety shall be in full force and effect from and after July 1, 2007.

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/s/ Joint Budget Committee

APPROVED: 4/5/2007