

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.

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

A Bill

SENATE BILL 39

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 - FOR APPROVED CLAIMS
11 AGAINST THE STATE FOR THE FISCAL YEAR ENDING JUNE
12 30, 2003; AND FOR OTHER PURPOSES.
13

Subtitle

16 AN ACT FOR THE ARKANSAS STATE CLAIMS
17 COMMISSION - APPROVED CLAIMS AGAINST THE
18 STATE APPROPRIATION FOR THE 2003 FISCAL
19 YEAR.
20
21

22 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
23

24 SECTION 1. APPROPRIATION - DEPARTMENT OF HUMAN SERVICES (DHS). There is
25 hereby appropriated, to the Department of Human Services, to be payable from
26 the paying account as determined by the Chief Fiscal Officer of the State,
27 for the purpose of paying claims against the State of Arkansas to the payee
28 set out herein:
29

ITEM	FISCAL YEAR
<u>NO.</u>	<u>2002-2003</u>
(01) RELIANT ENERGY ARKLA	\$ 22,579.15
(02) KELLY SERVICES	<u>9,938.72</u>
TOTAL AMOUNT APPROPRIATED	<u>\$ 32,517.87</u>

35
36 SECTION 2. APPROPRIATION - DHS - CHILDREN AND FAMILY SERVICES. There is



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

6 ITEM	FISCAL YEAR
7 <u>NO.</u>	<u>2002-2003</u>
8 (01) ARKANSAS CHILDREN'S HOSPITAL	\$ 45,166.09
9 (02) TIMBER RIDGE GROUP, INC.	12,245
10 (03) RAY AND TERRY BOHON	20,000
11 (04) ARKANSAS BAPTIST CHILDREN'S HOMES & 12 FAMILY MINISTRIES	45,006.83
13 (05) SOUTH ARKANSAS YOUTH SERVICES, INC.	11,264.12
14 (06) JAMES BAUMBACH	<u>99,000</u>
15 TOTAL AMOUNT APPROPRIATED	<u>\$ 232,682.04</u>

16
17 SECTION 3. APPROPRIATION - DHS - CHILDREN AND FAMILY SERVICES. There is
18 hereby appropriated, to the Department of Human Services - Division of
19 Children and Family Services, to be payable from the Children and Family
20 Services Fund Account, for the purpose of paying claims against the State of
21 Arkansas to the payee set out herein:
22

23 ITEM	FISCAL YEAR
24 <u>NO.</u>	<u>2002-2003</u>
25 (01) TREATMENT HOMES, INC.	\$ 17,682.03
26 (02) MAXIMUS	9,850.64
27 (03) WESTERN ARKANSAS COUNSELING & GUIDANCE 28 CENTER	<u>59,904</u>
29 TOTAL AMOUNT APPROPRIATED	<u>\$ 87,436.67</u>

30
31 SECTION 4. APPROPRIATION - DHS - CHILDREN AND FAMILY SERVICES. There is
32 hereby appropriated, to the Department of Human Services - Division of
33 Children and Family Services, to be payable from the federal funds as
34 designated by the Chief Fiscal Officer of the State, for the purpose of
35 paying claims against the State of Arkansas to the payee set out herein:
36

ITEM	FISCAL YEAR
<u>NO.</u>	<u>2002-2003</u>
(01) UAMS - ECCO HEAD START PROGRAM	<u>\$ 88,994.6</u>
TOTAL AMOUNT APPROPRIATED	<u><u>\$ 88,994.6</u></u>

SECTION 5. APPROPRIATION - DHS - DIVISION OF YOUTH SERVICES. There is hereby appropriated, to the Department of Human Services - Division of Youth 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>2002-2003</u>
(01) BILL AND SHERRIE AUBUCHON	<u>\$ 130,000</u>
TOTAL AMOUNT APPROPRIATED	<u><u>\$ 130,000</u></u>

SECTION 6. APPROPRIATION - DHS - DIVISION OF MENTAL HEALTH SERVICES. There is hereby appropriated, to the Department of Human Services - Division of Mental Health 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>2002-2003</u>
(01) ROSE CRANFORD	<u>\$ 7,500</u>
TOTAL AMOUNT APPROPRIATED	<u><u>\$ 7,500</u></u>

SECTION 7. APPROPRIATION - DHS - DIVISION OF SERVICES FOR THE BLIND. There is hereby appropriated, to the Department of Human Services - Division of State Services for the Blind, 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>2002-2003</u>
(01) QUAPAW RESTORATION ASSOCIATES, LLS	<u>\$ 23,912.36</u>

1 TOTAL AMOUNT APPROPRIATED \$ 23,912.36

2

3 SECTION 8. APPROPRIATION - DHS - DIVISION OF DEVELOPMENTAL DISABILITIES.

4 There is hereby appropriated, to the Department of Human Services - Division
5 of Developmental Disabilities Services, to be payable from the paying account
6 as determined by the Chief Fiscal Officer of the State, for the purpose of
7 paying claims against the State of Arkansas to the payee set out herein:

8

9 ITEM	FISCAL YEAR
10 <u>NO.</u>	<u>2002-2003</u>
11 (01) PHYLLIS ANN JOHNSON	\$ <u>11,809.7</u>
12 TOTAL AMOUNT APPROPRIATED	\$ <u>11,809.7</u>

13

14 SECTION 9. APPROPRIATION - DHS - MEDICAL SERVICES DIVISION. There is
15 hereby appropriated, to the Department of Human Services - Division of
16 Medical Services, to be payable from the paying account as determined by the
17 Chief Fiscal Officer of the State, for the purpose of paying claims against
18 the State of Arkansas to the payee set out herein:

19

20 ITEM	FISCAL YEAR
21 <u>NO.</u>	<u>2002-2003</u>
22 (01) ROMES INTRASTATE VAN SERVICE, INC.	\$ <u>263,400</u>
23 TOTAL AMOUNT APPROPRIATED	\$ <u>263,400</u>

24

25 SECTION 10. APPROPRIATION - DEPARTMENT OF CORRECTION. There is hereby
26 appropriated, to the Department of Correction, to be payable from the
27 Department of Correction Farm 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>2002-2003</u>
32 (01) LINCOLN COUNTY TAX COLLECTOR	\$ <u>23,723.12</u>
33 TOTAL AMOUNT APPROPRIATED	\$ <u>23,723.12</u>

34

35 SECTION 11. APPROPRIATION - DEPARTMENT OF INFORMATION SYSTEMS. There is
36 hereby appropriated, to the Department of Information Systems, to be payable

1 from the Department of Information Systems Revolving Fund, for the purpose of
 2 paying claims against the State of Arkansas to the payee set out herein:

3

4 ITEM	FISCAL YEAR
5 <u>NO.</u>	<u>2002-2003</u>
6 (01) COMPUTER ASSOCIATES	\$ <u>12,188.12</u>
7 TOTAL AMOUNT APPROPRIATED	<u>\$ 12,188.12</u>

8

9 SECTION 12. APPROPRIATION - DISABILITY DETERMINATION FOR SOCIAL SECURITY.

10 There is hereby appropriated, to the State Department for Social Security
 11 Administration Disability Determination, to be payable from the federal funds
 12 as designated by the Chief Fiscal Officer of the State, for the purpose of
 13 paying claims against the State of Arkansas to the payee set out herein:

14

15 ITEM	FISCAL YEAR
16 <u>NO.</u>	<u>2002-2003</u>
17 (01) SMART CORPORATION	\$ <u>11,510.25</u>
18 TOTAL AMOUNT APPROPRIATED	<u>\$ 11,510.25</u>

19

20 SECTION 13. APPROPRIATION - DEPARTMENT OF FINANCE AND ADMINISTRATION

21 (DFA). There is hereby appropriated, to the Department of Finance and
 22 Administration - Disbursing Officer, to be payable from the Corporate Income
 23 Tax Withholding Fund, for the purpose of paying claims against the State of
 24 Arkansas to the payee set out herein:

25

26 ITEM	FISCAL YEAR
27 <u>NO.</u>	<u>2002-2003</u>
28 (01) ALLEN-BRADLEY CO. INC.	\$ 14,614
29 (02) TERRA INTERNATIONAL	17,000
30 (03) BALL CORPORATION	8,479.35
31 (04) BRIGHTSTAR	<u>12,065</u>
32 TOTAL AMOUNT APPROPRIATED	<u>\$ 52,158.35</u>

33

34 SECTION 14. APPROPRIATION - DFA - REVENUE SERVICES DIVISION. There is
 35 hereby appropriated, to the Department of Finance and Administration -
 36 Revenue Services Division, to be payable from the Miscellaneous Revolving

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

3

4	ITEM	FISCAL YEAR
5	<u>NO.</u>	<u>2002-2003</u>
6	(01) DELL COMPUTER CORPORATION	\$ 19,464.12
7	(02) TEXLON CORPORATION	8,000
8	(03) TEXLON CORPORATION	18,024
9	(04) PRINCIPAL MUTUAL LIFE INSURANCE	
10	COMPANY	47,732
11	(05) PHILLIPS FOOD CENTERS	119,021
12	(06) LUCENT TECHNOLOGIES	<u>15,147</u>
13	TOTAL AMOUNT APPROPRIATED	<u>\$ 227,388.12</u>

14

15 SECTION 15. APPROPRIATION - ARKANSAS HIGHWAY AND TRANSPORTATION DEPARTMENT
 16 (AHTD). There is hereby appropriated, to the Arkansas State Highway and
 17 Transportation Department, to be payable from the State Highway and
 18 Transportation Department Fund, for the purpose of paying claims against the
 19 State of Arkansas to the payee set out herein:

20

21	ITEM	FISCAL YEAR
22	<u>NO.</u>	<u>2002-2003</u>
23	(01) JOHNNY AND BERNADINE JONES	\$ 10,000
24	(02) CAMERON CONSTRUCTION	40,500
25	(03) LESLIE BONDS	20,000
26	(04) T & N ELECTRIC	25,000
27	(05) SANDRA BIGGS	<u>775,000</u>
28	TOTAL AMOUNT APPROPRIATED	<u>\$ 870,500</u>

29

30 SECTION 16. APPROPRIATION - ARKANSAS STATE POLICE. There is hereby
 31 appropriated, to the Department of Arkansas State Police, to be payable from
 32 the Department of Arkansas State Police Fund, for the purpose of paying
 33 claims against the State of Arkansas to the payee set out herein:

34

35	ITEM	FISCAL YEAR
36	<u>NO.</u>	<u>2002-2003</u>

1	(01) MELISSA MURPHY	\$ 10,000
2	TOTAL AMOUNT APPROPRIATED	<u>\$ 10,000</u>

3
4 SECTION 17. APPROPRIATION - ARKANSAS TEACHER RETIREMENT SYSTEM. There is
5 hereby appropriated, to the Arkansas Teacher Retirement System, to be payable
6 from the Teacher Retirement Fund, for the purpose of paying claims against
7 the State of Arkansas to the payee set out herein:

8		
9	ITEM	FISCAL YEAR
10	<u>NO.</u>	<u>2002-2003</u>
11	(01) TOM FERSTL	\$ 16,863.25
12	TOTAL AMOUNT APPROPRIATED	<u>\$ 16,863.25</u>

13
14 SECTION 18. APPROPRIATION - DEPARTMENT OF HEALTH. There is hereby
15 appropriated, to the Department of Health, to be payable from the Public
16 Health Fund, for the purpose of paying claims against the State of Arkansas
17 to the payee set out herein:

18		
19	ITEM	FISCAL YEAR
20	<u>NO.</u>	<u>2002-2003</u>
21	(01) COPY SYSTEMS	\$ 9,978.66
22	TOTAL AMOUNT APPROPRIATED	<u>\$ 9,978.66</u>

23
24 SECTION 19. APPROPRIATION - ARKANSAS INSURANCE DEPARTMENT. There is hereby
25 appropriated, to the State Insurance Department, 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>2002-2003</u>
31	(01) HIGHLANDS INSURANCE COMPANY	\$ 8,766
32	TOTAL AMOUNT APPROPRIATED	<u>\$ 8,766</u>

33
34 SECTION 20. APPROPRIATION - ARKANSAS DEPARTMENT OF COMMUNITY CORRECTIONS.
35 There is hereby appropriated, to the Department of Community Correction, to
36 be payable from the Department of Community Correction Fund Account, for the

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

3	4 ITEM	FISCAL YEAR
5	<u>NO.</u>	<u>2002-2003</u>
6	(01) RELIANT ENERGY ARKLA	\$ <u>18,793.65</u>
7	TOTAL AMOUNT APPROPRIATED	\$ <u><u>18,793.65</u></u>

9 SECTION 21. APPROPRIATION - ARKANSAS DEPARTMENT OF ENVIRONMENTAL QUALITY.

10 There is hereby appropriated, to the Arkansas Department of Environmental
11 Quality, to be payable from the federal funds as designated by the Chief
12 Fiscal Officer of the State, for the purpose of paying claims against the
13 State of Arkansas to the payee set out herein:

14	15 ITEM	FISCAL YEAR
16	<u>NO.</u>	<u>2002-2003</u>
17	(01) BOARD OF TRUSTEES, UNIVERSITY OF	
18	ARKANSAS	\$ <u>10,000</u>
19	TOTAL AMOUNT APPROPRIATED	\$ <u><u>10,000</u></u>

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

25	26 ITEM	FISCAL YEAR
27	<u>NO.</u>	<u>2002-2003</u>
28	(01) BELL CONSTRUCTION	\$ <u>46,961</u>
29	TOTAL AMOUNT APPROPRIATED	\$ <u><u>46,961</u></u>

31 SECTION 23. APPROPRIATION - ARKANSAS STATE MILITARY DEPARTMENT. There is
32 hereby appropriated, to the State Military Department, to be payable from the
33 State Military Department Fund Account, for the purpose of paying claims
34 against the State of Arkansas to the payee set out herein:

35	36 ITEM	FISCAL YEAR
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1	<u>NO.</u>	<u>2002-2003</u>
2	(01) KATHY GIBSON	\$ <u>500,000</u>
3	TOTAL AMOUNT APPROPRIATED	\$ <u><u>500,000</u></u>

4

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

10

11 SECTION 25. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
12 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. CARRYOVER
13 OF CLAIMS. Any state agency which is affected by the allowed claim(s)
14 provided for in this Act, and whose fund for the ~~2000-2001~~ 2002-2003 fiscal
15 year are insufficient to allow for the payment of said claim(s) before June
16 30, ~~2001~~ 2003, is hereby authorized, upon certification by the Chief Fiscal
17 Officer of the State, to make payment of said claim(s) after July 1, ~~2001~~
18 2003, from funds appropriated for the ~~2001-2002~~ 2003-2004 fiscal year.

19

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

27

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

1 Revolving Fund from which he shall disburse the amount of the claim to the
2 claimant.

3
4 SECTION 28. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
5 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.
6 EMPLOYMENT COMPENSATION CLAIMS. The Clerk of the State Claims Commission
7 shall not distribute any warrants prepared under the provisions of this Act
8 for awards made by the Arkansas State Claims Commission for employment
9 compensation claims. Upon the award by the State Claims Commission of an
10 employment compensation claim, the Clerk of the State Claims Commission shall
11 notify the affected state agency and the Department of Finance and
12 Administration - Office of Personnel Management of such amounts that are due
13 and payable. The affected state agency shall then process the award through
14 the State Mechanized Payroll System.

15
16 SECTION 29. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
17 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. CLAIMS
18 AWARD REPORTING. It is the intent of the General Assembly that when any state
19 agency, board, commission or institution of higher education admits liability
20 to a claim filed with the State Claims Commission and the claim involves a
21 contract with a state agency, board, commission or institution of higher
22 education or the claim exceeds seven thousand five hundred dollars (\$7,500)
23 that such agency, board, commission or institution of higher education file a
24 written report thereof to the Litigation Subcommittee of the Legislative
25 Council. Such a report shall include a concise statement of facts with an
26 explanation of the agency's liability. Provided further, such report shall
27 be filed with the Litigation Subcommittee within thirty (30) days after the
28 claim has been adjudicated by the State Claims Commission.

29
30 SECTION 30. COMPLIANCE WITH OTHER LAWS. Disbursement of funds authorized
31 by this act shall be limited to the appropriation for such agency and funds
32 made available by law for the support of such appropriations; and the
33 restrictions of the State Purchasing Law, the General Accounting and
34 Budgetary Procedures Law, the Revenue Stabilization Law, the Regular Salary
35 Procedures and Restrictions Act, or their successors, and other fiscal
36 control laws of this State, where applicable, and regulations promulgated by

1 the Department of Finance and Administration, as authorized by law, shall be
2 strictly complied with in disbursement of said funds.

3
4 SECTION 31. LEGISLATIVE INTENT. It is the intent of the General Assembly
5 that any funds disbursed under the authority of the appropriations contained
6 in this act shall be in compliance with the stated reasons for which this act
7 was adopted, as evidenced by the Agency Requests, Executive Recommendations
8 and Legislative Recommendations contained in the budget manuals prepared by
9 the Department of Finance and Administration, letters, or summarized oral
10 testimony in the official minutes of the Arkansas Legislative Council or
11 Joint Budget Committee which relate to its passage and adoption.

12
13 SECTION 32. EMERGENCY CLAUSE. It is found and determined by the General
14 Assembly, that the Constitution of the State of Arkansas prohibits the
15 appropriation of funds for more than a two (2) year period; that the
16 effectiveness of this Act on the date of its passage and approval is
17 essential to the operation of the agency for which the appropriations in this
18 Act are provided, and that in the event of an extension of the Regular
19 Session, the delay in the effective date of this Act beyond the date of its
20 passage and approval could work irreparable harm upon the proper
21 administration and provision of essential governmental programs. Therefore,
22 an emergency is hereby declared to exist and this Act being necessary for the
23 immediate preservation of the public peace, health and safety shall be in
24 full force and effect from and after the date of its passage and approval.

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