

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 85th General Assembly  
3 Regular Session, 2005  
4

As Engrossed: S3/9/05  
**A Bill**

SENATE BILL 502

5 By: Joint Budget Committee  
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**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.  
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**Subtitle**

15 AN ACT FOR THE ARKANSAS STATE CLAIMS  
16 COMMISSION - APPROVED CLAIMS  
17 APPROPRIATION FOR THE 2005 FISCAL YEAR.  
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21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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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:  
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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	<u>97,913.91</u>
36 TOTAL AMOUNT APPROPRIATED	<u>\$ 165,603.10</u>



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SECTION 2. APPROPRIATION - DEPARTMENT OF FINANCE AND ADMINISTRATION - REVENUE 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 paying claims against the State of Arkansas to the payee set out herein:

ITEM	FISCAL YEAR
<u>NO.</u>	<u>2004-2005</u>
(01) FASCO INDUSTRIES, INC.	<u>\$ 32,500.00</u>

SECTION 3. APPROPRIATION - DEPARTMENT OF FINANCE AND ADMINISTRATION - REVENUE DIVISION. There is hereby appropriated, to the Department of Finance and Administration - Revenue Services Division, to be payable from the State Central Services 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>2004-2005</u>
(01) BANK OF AMERICA	<u>\$ 42,748.05</u>

SECTION 4. APPROPRIATION - DEPARTMENT OF HUMAN SERVICES - ADMINISTRATIVE SERVICES. There is hereby appropriated, to the Department of Human 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 of the Department of Human Services for the fiscal year ending June 30, 2005, the following:

ITEM	FISCAL YEAR
<u>NO.</u>	<u>2004-2005</u>
(01) ALL AMERICAN POLY	<u>\$ 10,229</u>

SECTION 5. APPROPRIATION - DEPARTMENT OF HUMAN SERVICES - DIVISION OF CHILDREN AND FAMILY SERVICES. There is hereby appropriated, to the Department of Human Services - Division of Children and Family Services, to be payable from the Children and Family Services Fund Account, for the purpose of paying

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

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

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

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

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

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

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

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34 ITEM	FISCAL YEAR
35 <u>NO.</u>	<u>2004-2005</u>
36 (01) Wade Moten	\$ <u>45,000</u>

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*SECTION 9. APPROPRIATION – ARKANSAS STATE 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:*

<i>ITEM</i>	<i>FISCAL YEAR</i>
<u><i>NO.</i></u>	<u><i>2004-2005</i></u>
<i>(01) Sue Henley</i>	<u><i>\$ 45,000</i></u>

*SECTION 10. APPROPRIATION – DEPARTMENT OF HUMAN SERVICES – DIVISION OF DEVELOPMENTAL DISABILITIES. There is hereby appropriated, to the Department of Human Services – Division of Developmental Disabilities, 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:*

<i>ITEM</i>	<i>FISCAL YEAR</i>
<u><i>NO.</i></u>	<u><i>2004-2005</i></u>
<i>(01) Arkansas Support Network</i>	<u><i>\$ 19,080</i></u>

*SECTION 11. APPROPRIATION – DEPARTMENT OF HUMAN SERVICES – DIVISION OF CHILDREN AND FAMILY SERVICES. There is hereby appropriated, to the Department of Human Services – Division of Children and Family 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:*

<i>ITEM</i>	<i>FISCAL YEAR</i>
<u><i>NO.</i></u>	<u><i>2004-2005</i></u>
<i>(01) Counseling Associates, Inc.</i>	<u><i>\$ 12,728</i></u>

*SECTION 12. APPROPRIATION – DEPARTMENT OF HUMAN SERVICES – DIVISION OF BEHAVIORAL HEALTH SERVICES. There is hereby appropriated, to the Department of Human Services – Division of Behavioral Health Services, to be payable*

1 from the paying account as determined by the Chief Fiscal Officer of the  
2 State, for the purpose of paying claims against the State of Arkansas to the  
3 payee set out herein:

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

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

15 SECTION 14. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS  
16 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. CARRYOVER  
17 OF CLAIMS. Any state agency which is affected by the allowed claim(s)  
18 provided for in this Act, and whose fund for the ~~2002-2003~~ 2004-2005 fiscal  
19 year are insufficient to allow for the payment of said claim(s) before June  
20 30, ~~2003~~ 2005, is hereby authorized, upon certification by the Chief Fiscal  
21 Officer of the State, to make payment of said claim(s) after July 1, ~~2003~~  
22 2005, from funds appropriated for the ~~2003-2004~~ 2005-2006 fiscal year.

24 SECTION 15. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS  
25 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.  
26 DISBURSING OFFICER. The Clerk of the State Claims Commission is hereby made  
27 the disbursing officer for the purpose of paying the claims appropriated by  
28 this Act. The Clerk of the State Claims Commission is hereby authorized to  
29 receive all warrants prepared under the provisions of this Act from the  
30 Auditor of the State and to distribute same to the claimants.

32 SECTION 16. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS  
33 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.  
34 DEPARTMENT OF HUMAN SERVICES CLAIMS. For any claims in this Act appropriated  
35 to the Department of Human Services, the Clerk of the State Claims Commission  
36 shall consult with the Department of Human Services and the Chief Fiscal

1 Officer of the State to determine the division and funds to which liability  
2 should be assigned and from which the warrants shall be drawn. The Clerk of  
3 the State Claims Commission shall initiate the appropriate transfers as may  
4 be required and as approved by the Chief Fiscal Officer of the State.  
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6 SECTION 17. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS  
7 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. CLAIMS  
8 FROM CASH FUNDS. In the event that any claim authorized herein is determined  
9 to be a valid claim against the State and the claim is to be paid from funds  
10 not in the State Treasury, the Clerk of the State Claims Commission shall  
11 notify the agency against which the claim is to be charged of the amount of  
12 such claims. Upon receipt of such notification, the state agency shall  
13 forthwith deliver a check to the Clerk of the State Claims Commission who  
14 shall deposit the same as a non-revenue receipt into the Miscellaneous  
15 Revolving Fund from which he shall disburse the amount of the claim to the  
16 claimant.  
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18 SECTION 18. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS  
19 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.  
20 EMPLOYMENT COMPENSATION CLAIMS. The Clerk of the State Claims Commission  
21 shall not distribute any warrants prepared under the provisions of this Act  
22 for awards made by the Arkansas State Claims Commission for employment  
23 compensation claims. Upon the award by the State Claims Commission of an  
24 employment compensation claim, the Clerk of the State Claims Commission shall  
25 notify the affected state agency and the Department of Finance and  
26 Administration - Office of Personnel Management of such amounts that are due  
27 and payable. The affected state agency shall then process the award through  
28 the State Mechanized Payroll System.  
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30 SECTION 19. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS  
31 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. CLAIMS  
32 AWARD REPORTING. It is the intent of the General Assembly that when any state  
33 agency, board, commission or institution of higher education admits liability  
34 to a claim filed with the State Claims Commission and the claim involves a  
35 contract with a state agency, board, commission or institution of higher  
36 education or the claim exceeds ten thousand dollars (\$10,000) that such

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

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

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

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27 SECTION 22. EMERGENCY CLAUSE. It is found and determined by the General  
28 Assembly, that the Constitution of the State of Arkansas prohibits the  
29 appropriation of funds for more than a two (2) year period; that the  
30 effectiveness of this Act on the date of its passage and approval is  
31 essential to the operation of the agency for which the appropriations in this  
32 Act are provided, and that in the event of an extension of the Regular  
33 Session, the delay in the effective date of this Act beyond the date of its  
34 passage and approval could work irreparable harm upon the proper  
35 administration and provision of essential governmental programs. Therefore,  
36 an emergency is hereby declared to exist and this Act being necessary for the

1 immediate preservation of the public peace, health and safety shall be in  
2 full force and effect from and after the date of its passage and approval.  
3 If the bill is neither approved nor vetoed by the Governor, it shall become  
4 effective on the expiration of the period of time during which the Governor  
5 may veto the bill. If the bill is vetoed by the Governor and the veto is  
6 overridden, it shall become effective on the date the last house overrides  
7 the veto.

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*/s/ Joint Budget Committee*