

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 S4/5/05

A Bill

SENATE BILL 502

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
36	(05) TYSON SALES & DISTRIBUTION INC.	<u>33,705.00</u>



1 from the Children and Family Services Fund Account, for the purpose of paying
2 claims against the State of Arkansas to the payee set out herein:

3

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

7

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

14

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

19

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

25

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

29

30 SECTION 8. 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>2004-2005</u>

1 (01) Wade Moten \$ 45,000

2

3 SECTION 9. APPROPRIATION – ARKANSAS STATE HIGHWAY AND TRANSPORTATION

4 DEPARTMENT. There is hereby appropriated, to the Arkansas State Highway and
5 Transportation Department, to be payable from the State Highway and
6 Transportation Department Fund, for the purpose of paying claims against the
7 State of Arkansas to the payee set out herein:

8

9 ITEM FISCAL YEAR
10 NO. 2004-2005

11 (01) Sue Henley \$ 45,000

12

13 SECTION 10. APPROPRIATION – DEPARTMENT OF HUMAN SERVICES – DIVISION OF

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

19

20 ITEM FISCAL YEAR
21 NO. 2004-2005

22 (01) Arkansas Support Network \$ 19,080

23

24 SECTION 11. APPROPRIATION – DEPARTMENT OF HUMAN SERVICES – DIVISION OF

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

30

31 ITEM FISCAL YEAR
32 NO. 2004-2005

33 (01) Counseling Associates, Inc. \$ 12,728

34

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

36 BEHAVIORAL HEALTH SERVICES. There is hereby appropriated, to the Department

1 of Human Services – Division of Behavioral Health Services, to be payable
 2 from the paying account as determined by the Chief Fiscal Officer of the
 3 State, for the purpose of paying claims against the State of Arkansas to the
 4 payee set out herein:

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

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

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

19
 20 SECTION 14. APPROPRIATION - DEPARTMENT OF PARKS AND TOURISM. There is
 21 hereby appropriated to the Department of Parks and Tourism, to be payable
 22 from cash funds as defined by Arkansas Code 19-4-801, for the purpose of
 23 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>

27
 28 SECTION 15. APPROPRIATION - DEPARTMENT OF FINANCE AND ADMINISTRATION -
 29 DISBURSING OFFICER. There is hereby appropriated, to the Department of
 30 Finance and Administration - Disbursing Officer, to be payable from the
 31 Firemen's and Police Officers' Pension and Relief Fund, for the purpose of
 32 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>

36

1 SECTION 16. APPROPRIATION - UNIVERSITY OF ARKANSAS AT PINE BLUFF. There is
2 hereby appropriated, to the University of Arkansas at Pine Bluff, to be
3 payable from cash funds 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) YORK INTERNATIONAL CORPORATION	<u>\$ 14,759.69</u>

9
10 SECTION 17. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
11 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. CARRY
12 FORWARD. Any balance remaining in the appropriations authorized by this Act
13 that remain at the end of a fiscal year shall be carried forward into the
14 next fiscal year there to be used for the same purpose.

15
16 SECTION 18. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
17 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. CARRYOVER
18 OF CLAIMS. Any state agency which is affected by the allowed claim(s)
19 provided for in this Act, and whose fund for the ~~2002-2003~~ 2004-2005 fiscal
20 year are insufficient to allow for the payment of said claim(s) before June
21 30, ~~2003~~ 2005, is hereby authorized, upon certification by the Chief Fiscal
22 Officer of the State, to make payment of said claim(s) after July 1, ~~2003~~
23 2005, from funds appropriated for the ~~2003-2004~~ 2005-2006 fiscal year.

24
25 SECTION 19. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
26 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.
27 DISBURSING OFFICER. The Clerk of the State Claims Commission is hereby made
28 the disbursing officer for the purpose of paying the claims appropriated by
29 this Act. The Clerk of the State Claims Commission is hereby authorized to
30 receive all warrants prepared under the provisions of this Act from the
31 Auditor of the State and to distribute same to the claimants.

32
33 SECTION 20. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
34 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.
35 DEPARTMENT OF HUMAN SERVICES CLAIMS. For any claims in this Act appropriated
36 to the Department of Human Services, the Clerk of the State Claims Commission

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

6
7 SECTION 21. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
8 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. CLAIMS
9 FROM CASH FUNDS. In the event that any claim authorized herein is determined
10 to be a valid claim against the State and the claim is to be paid from funds
11 not in the State Treasury, the Clerk of the State Claims Commission shall
12 notify the agency against which the claim is to be charged of the amount of
13 such claims. Upon receipt of such notification, the state agency shall
14 forthwith deliver a check to the Clerk of the State Claims Commission who
15 shall deposit the same as a non-revenue receipt into the Miscellaneous
16 Revolving Fund from which he shall disburse the amount of the claim to the
17 claimant.

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

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

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

8
9 SECTION 24. COMPLIANCE WITH OTHER LAWS. Disbursement of funds authorized
10 by this act shall be limited to the appropriation for such agency and funds
11 made available by law for the support of such appropriations; and the
12 restrictions of the State Procurement Law, the General Accounting and
13 Budgetary Procedures Law, the Revenue Stabilization Law, the Regular Salary
14 Procedures and Restrictions Act, or their successors, and other fiscal
15 control laws of this State, where applicable, and regulations promulgated by
16 the Department of Finance and Administration, as authorized by law, shall be
17 strictly complied with in disbursement of said funds.

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

27
28 SECTION 26. EMERGENCY CLAUSE. It is found and determined by the General
29 Assembly, that the Constitution of the State of Arkansas prohibits the
30 appropriation of funds for more than a two (2) year period; that the
31 effectiveness of this Act on the date of its passage and approval is
32 essential to the operation of the agency for which the appropriations in this
33 Act are provided, and that in the event of an extension of the Regular
34 Session, the delay in the effective date of this Act beyond the date of its
35 passage and approval could work irreparable harm upon the proper
36 administration and provision of essential governmental programs. Therefore,

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

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

9
10 */s/ Joint Budget Committee*
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