

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 S4/6/05

# 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.  
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20

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:  
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 TOTAL AMOUNT APPROPRIATED \$ 199,308.10

2

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

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

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

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

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

29

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

33

34 SECTION 5. APPROPRIATION - DEPARTMENT OF HUMAN SERVICES - DIVISION OF  
 35 CHILDREN AND FAMILY SERVICES. There is hereby appropriated, to the Department  
 36 of Human Services - Division of Children and Family Services, to be payable

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:

ITEM	FISCAL YEAR
<u>NO.</u>	<u>2004-2005</u>
(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:

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

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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:

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

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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:

ITEM	FISCAL YEAR
<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:

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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:

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

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

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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 the Parks and Tourism Outdoor Recreation Grants Fund, for the purpose of  
23 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) CITY OF RUSSELVILLE, ARKANSAS</i>	<u><u><i>\$ 57,457.86</i></u></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:

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

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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:

6 ITEM	FISCAL YEAR
7 <u>NO.</u>	<u>2004-2005</u>
8 (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.

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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.

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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.

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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.

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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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