

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 86th General Assembly  
3 Regular Session, 2007  
4

# A Bill

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.  
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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:  
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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:  
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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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36 SECTION 2. APPROPRIATION - DEPARTMENT OF FINANCE AND ADMINISTRATION. There



1 is hereby appropriated, to the Department of Finance and Administration -  
2 Revenue Services Division, to be payable from the Corporate Income Tax  
3 Withholding Fund, for the purpose of paying claims against the State of  
4 Arkansas to the payee set out herein:

5	6	7	8
	ITEM	FISCAL YEAR	
	<u>NO.</u>	<u>2006-2007</u>	
8	(01) CPT HOLDING, INC.	\$ <u>48,237.00</u>	

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

15	16	17	18
	ITEM	FISCAL YEAR	
	<u>NO.</u>	<u>2006-2007</u>	
18	(01) DONALD AND MARTHA PREVALLETT	\$ <u>11,495.00</u>	

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

24	25	26	27
	ITEM	FISCAL YEAR	
	<u>NO.</u>	<u>2006-2007</u>	
27	(01) LEE GRAY, GUARDIAN AND FATHER		
28	OF LEANNE GRAY, A MINOR	\$ 1,200,000.00	
29	(02) WHITNEY GRAY	<u>200,000.00</u>	
30	TOTAL AMOUNT APPROPRIATED	\$ <u>1,400,000.00</u>	

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32 SECTION 5. APPROPRIATION - DEPARTMENT OF CORRECTION. There is hereby  
33 appropriated, to the Department of Correction, to be payable from the  
34 Department of Correction Inmate Care and Custody Fund Account, for the  
35 purpose of paying claims against the State of Arkansas to the payee set out  
36 herein:

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ITEM	FISCAL YEAR
<u>NO.</u>	<u>2006-2007</u>
(01) DAVID WILLIAMS	<u>\$ 42.00</u>

SECTION 6. APPROPRIATION - DEPARTMENT OF HEALTH AND HUMAN SERVICES - DIVISION OF HEALTH. There is hereby appropriated, to the Department of Health & Human Services - Division of Health, to be payable from the federal funds as designated 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>2006-2007</u>
(01) AMERISOURCE BERGEN	<u>\$ 18,077.00</u>

SECTION 7. APPROPRIATION - DEPARTMENT OF HEALTH AND HUMAN SERVICES - DIVISION OF HEALTH. There is hereby appropriated, to the Department of Health & Human Services - Division of Health, to be payable from the federal funds as designated 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>2006-2007</u>
(01) ST. VINCENT INFIRMARY MEDICAL CENTER	<u>\$ 11,829.63</u>

SECTION 8. APPROPRIATION - DEPARTMENT OF HEALTH AND HUMAN SERVICES. There is hereby appropriated, to the Department of Health and 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:

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

SECTION 9. APPROPRIATION - DEPARTMENT OF WORKFORCE EDUCATION - ARKANSAS

1 REHABILITATION SERVICES. There is hereby appropriated, to the Department of  
2 Workforce Education - Arkansas Rehabilitation Services, to be payable from  
3 the paying account as determined by the Chief Fiscal Officer of the State,  
4 for the purpose of paying claims against the State of Arkansas to the payee  
5 set out herein:

6	7	ITEM	FISCAL YEAR
8		<u>NO.</u>	<u>2006-2007</u>
9	(01)	MEDIQ/PRN LIFE SUPPORT SERVICES, INC. \$	<u>13,637.66</u>

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

16	17	ITEM	FISCAL YEAR
18		<u>NO.</u>	<u>2006-2007</u>
19	(01)	CITY OF BEEBE - AASIS DOC #7010775545 \$	<u>18,582.40</u>

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

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27 SECTION 12. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS  
28 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. CARRYOVER  
29 OF CLAIMS. Any state agency which is affected by the allowed claim(s)  
30 provided for in this Act, and whose fund for the ~~2004-2005~~ 2006-2007 fiscal  
31 year are insufficient to allow for the payment of said claim(s) before June  
32 30, ~~2005~~ 2007, is hereby authorized, upon certification by the Chief Fiscal  
33 Officer of the State, to make payment of said claim(s) after July 1, ~~2005~~  
34 2007, from funds appropriated for the ~~2005-2006~~ 2007-2008 fiscal year.

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36 SECTION 13. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS

1 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.  
2 DISBURSING OFFICER. The Clerk of the State Claims Commission is hereby made  
3 the disbursing officer for the purpose of paying the claims appropriated by  
4 this Act. The Clerk of the State Claims Commission is hereby authorized to  
5 receive all warrants prepared under the provisions of this Act from the  
6 Auditor of the State and to distribute same to the claimants.

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8 SECTION 14. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS  
9 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.  
10 DEPARTMENT OF HEALTH AND HUMAN SERVICES. For any claims in this Act  
11 appropriated to the Department of Health and Human Services, the Clerk of the  
12 State Claims Commission shall consult with the Department of Health and Human  
13 Services and the Chief Fiscal Officer of the State to determine the division  
14 and funds to which liability should be assigned and from which the warrants  
15 shall be drawn. The Clerk of the State Claims Commission shall initiate the  
16 appropriate transfers as may be required and as approved by the Chief Fiscal  
17 Officer of the State.

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

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31 SECTION 16. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS  
32 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.  
33 EMPLOYMENT COMPENSATION CLAIMS. The Clerk of the State Claims Commission  
34 shall not distribute any warrants prepared under the provisions of this Act  
35 for awards made by the Arkansas State Claims Commission for employment  
36 compensation claims. Upon the award by the State Claims Commission of an

1 employment compensation claim, the Clerk of the State Claims Commission shall  
2 notify the affected state agency and the Department of Finance and  
3 Administration - Office of Personnel Management of such amounts that are due  
4 and payable. The affected state agency shall then process the award through  
5 the State Mechanized Payroll System.

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7 SECTION 17. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS  
8 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. CLAIMS  
9 AWARD REPORTING. It is the intent of the General Assembly that when any state  
10 agency, board, commission or institution of higher education admits liability  
11 to a claim filed with the State Claims Commission and the claim involves a  
12 contract with a state agency, board, commission or institution of higher  
13 education or the claim exceeds ten thousand dollars (\$10,000) that such  
14 agency, board, commission or institution of higher education file a written  
15 report thereof to the Litigation Subcommittee of the Arkansas Legislative  
16 Council. Such a report shall include a concise statement of facts with an  
17 explanation of the agency's liability. Provided further, such report shall  
18 be filed with the Litigation Subcommittee within thirty (30) days after the  
19 claim has been adjudicated by the State Claims Commission.

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21 SECTION 18. COMPLIANCE WITH OTHER LAWS. Disbursement of funds authorized  
22 by this act shall be limited to the appropriation for such agency and funds  
23 made available by law for the support of such appropriations; and the  
24 restrictions of the State Procurement Law, the General Accounting and  
25 Budgetary Procedures Law, the Revenue Stabilization Law, the Regular Salary  
26 Procedures and Restrictions Act, or their successors, and other fiscal  
27 control laws of this State, where applicable, and regulations promulgated by  
28 the Department of Finance and Administration, as authorized by law, shall be  
29 strictly complied with in disbursement of said funds.

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31 SECTION 19. LEGISLATIVE INTENT. It is the intent of the General Assembly  
32 that any funds disbursed under the authority of the appropriations contained  
33 in this act shall be in compliance with the stated reasons for which this act  
34 was adopted, as evidenced by the Agency Requests, Executive Recommendations  
35 and Legislative Recommendations contained in the budget manuals prepared by  
36 the Department of Finance and Administration, letters, or summarized oral

1 testimony in the official minutes of the Arkansas Legislative Council or  
2 Joint Budget Committee which relate to its passage and adoption.

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4 SECTION 20. EMERGENCY CLAUSE. It is found and determined by the General  
5 Assembly, that the Constitution of the State of Arkansas prohibits the  
6 appropriation of funds for more than a two (2) year period; that the  
7 effectiveness of this Act on July 1, 2007 is essential to the operation of  
8 the agency for which the appropriations in this Act are provided, and that in  
9 the event of an extension of the Regular Session, the delay in the effective  
10 date of this Act beyond July 1, 2007 could work irreparable harm upon the  
11 proper administration and provision of essential governmental programs.  
12 Therefore, an emergency is hereby declared to exist and this Act being  
13 necessary for the immediate preservation of the public peace, health and  
14 safety shall be in full force and effect from and after July 1, 2007.