

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

As Engrossed: S3/11/03 S3/18/03 S3/26/03

A Bill

SENATE BILL 619

5 By: Senator Bisbee
6
7

For An Act To Be Entitled

9 AN ACT TO MAKE AN APPROPRIATION WHICH SHALL BE
10 SUPPLEMENTAL AND IN ADDITION TO THOSE FUNDS
11 APPROPRIATED BY THE EIGHTY-FOURTH GENERAL
12 ASSEMBLY FOR THE ARKANSAS STATE CLAIMS COMMISSION
13 TO PAY SMALL CONTROVERSIAL AND NON-CONTROVERSIAL
14 CLAIMS AGAINST THE STATE; AND FOR OTHER PURPOSES.
15
16

Subtitle

17 AN ACT FOR THE ARKANSAS STATE CLAIMS
18 COMMISSION - ADDITIONAL APPROVED SMALL
19 CONTROVERSIAL AND NON-CONTROVERSIAL
20 CLAIMS AGAINST THE STATE SUPPLEMENTAL
21 APPROPRIATION.
22
23
24

25 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
26

27 SECTION 1. APPROPRIATION - APPROVED CLAIMS. There is hereby appropriated,
28 to the Arkansas State Claims Commission, to be payable from the Miscellaneous
29 Revolving Fund, for payment of awards made by the Arkansas State Claims
30 Commission of the Arkansas State Claims Commission, as provided by law, on
31 small controversial and non-controversial claims, which shall be supplemental
32 and in addition to those funds appropriated by the Eighty-Fourth General
33 Assembly, the following:
34

35 ITEM

FISCAL YEARS

36 NO.

2002-2003



03032003MAH1000.MAH385

1 (01) APPROVED CLAIMS \$ 200,000

2

3 SECTION 2. APPROPRIATION - DEPARTMENT OF INFORMATION SYSTEMS. There is
 4 hereby appropriated, to the Department of Information Systems, to be payable
 5 from the General Improvement Fund, for the purpose of paying claims against
 6 the State of Arkansas to the payee set out herein:

7

8 ITEM	FISCAL YEAR
9 <u>NO.</u>	<u>2002-2003</u>
10 (01) NORTEL NETWORKS	\$ 146,144.86
11 (02) NORTEL NETWORKS	<u>170,579.68</u>
12 TOTAL AMOUNT APPROPRIATED	<u>\$ 316,724.54</u>

13

14 SECTION 3. APPROPRIATION - DEPARTMENT OF INFORMATION SYSTEMS. There is
 15 hereby appropriated, to the Department of Information Systems, to be payable
 16 from the Department of Information Systems Revolving Fund, for the purpose of
 17 paying claims against the State of Arkansas to the payee set out herein:

18

19 ITEM	FISCAL YEAR
20 <u>NO.</u>	<u>2002-2003</u>
21 (01) COMPUWARE CORPORATION	<u>\$ 67,427.29</u>
22 TOTAL AMOUNT APPROPRIATED	<u>\$ 67,427.29</u>

23

24 SECTION 4. APPROPRIATION - DEPARTMENT OF HUMAN SERVICES - CHILDREN AND
 25 FAMILY SERVICES. There is hereby appropriated, to the Department of Human
 26 Services - Division of Children and Family Services, to be payable from
 27 paying accounts as determined by the Chief Fiscal Officer of the State, for
 28 the purpose of paying claims against the State of Arkansas to the payee set
 29 out herein:

30

31 ITEM	FISCAL YEAR
32 <u>NO.</u>	<u>2002-2003</u>
33 (01) ARKANSAS CHILDREN'S HOSPITAL	\$ 11,921.01
34 (02) ARKANSAS CHILDREN'S HOSPITAL	\$ 92,508.91
35 (03) ARKANSAS CHILDREN'S HOSPITAL	\$ 51,392.57
36 (04) ARKANSAS CHILDREN'S HOSPITAL	\$ 30,193.03

1	(05) ARKANSAS CHILDREN'S HOSPITAL	\$ 24,270.95
2	(06) ARKANSAS CHILDREN'S HOSPITAL	\$ 53,088.41
3	(07) ARKANSAS CHILDREN'S HOSPITAL	\$ 61,310.76
4	(08) ARKANSAS CHILDREN'S HOSPITAL	<u>\$ 47,448.14</u>
5	TOTAL AMOUNT APPROPRIATED	<u>\$ 372,133.78</u>

6

7 SECTION 5. APPROPRIATION - DHS - CHILDREN AND FAMILY SERVICES. There is
8 hereby appropriated, to the Department of Human Services - Division of
9 Children and Family Services, to be payable from the Children and Family
10 Services Fund Account, for the purpose of paying claims against the State of
11 Arkansas to the payee set out herein:

12

13	ITEM	FISCAL YEAR
14	<u>NO.</u>	<u>2002-2003</u>
15	(01) PINEY RIDGE CENTER, INC.	<u>\$ 18,060</u>
16	TOTAL AMOUNT APPROPRIATED	<u>\$ 18,060</u>

17

18 SECTION 6. APPROPRIATION - DEPARTMENT OF HUMAN SERVICES - COUNTY
19 OPERATIONS. There is hereby appropriated, to the Department of Human Services
20 - Division of County Operations, to be payable from federal funds as
21 designated by the Chief Fiscal Officer of the State, for the purpose of
22 paying claims against the State of Arkansas to the payee set out herein:

23

24	ITEM	FISCAL YEAR
25	<u>NO.</u>	<u>2002-2003</u>
26	(01) FORT SMITH SCHOOL DISTRICT	<u>\$ 9,750</u>
27	TOTAL AMOUNT APPROPRIATED	<u>\$ 9,750</u>

28

29 SECTION 7. APPROPRIATION - DEPARTMENT OF HUMAN SERVICES - DIVISION OF
30 MENTAL HEALTH SERVICES. There is hereby appropriated, to the Department of
31 Human Services - Division of Mental Health Services, to be payable from
32 paying accounts as determined by the Chief Fiscal Officer of the State, for
33 the purpose of paying claims against the State of Arkansas to the payee set
34 out herein:

35

36	ITEM	FISCAL YEAR
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1	<u>NO.</u>	<u>2002-2003</u>
2	(01) UNIVERSITY OF ARKANSAS MEDICAL SCIENCES	\$ 47,072.56
3	TOTAL AMOUNT APPROPRIATED	<u>\$ 47,072.56</u>

4

5 SECTION 8. APPROPRIATION - DFA - REVENUE SERVICES DIVISION. There is

6 hereby appropriated, to the Department of Finance and Administration -

7 Revenue Services Division, to be payable from the Miscellaneous Revolving

8 Fund, for the purpose of paying claims against the State of Arkansas to the

9 payee set out herein:

10

11	ITEM	FISCAL YEAR
12	<u>NO.</u>	<u>2002-2003</u>
13	(01) OAKWOOD MOBILE HOMES, INC.	\$ 9,153
14	(02) SPRINT PCS	9,572
15	(03) HALIBURTON ENERGY SERVICES, INC.	<u>9,400</u>
16	TOTAL AMOUNT APPROPRIATED	<u>\$ 28,125</u>

17

18 SECTION 9. APPROPRIATION - DEPARTMENT OF FINANCE AND ADMINISTRATION -

19 REVENUE SERVICES DIVISION. There is hereby appropriated, to the Department of

20 Finance and Administration - Revenue Services Division to be payable from the

21 Corporate Income Tax Withholding Fund, for the purpose of paying claims

22 against the State of Arkansas to the payee set out herein:

23

24	ITEM	FISCAL YEAR
25	<u>NO.</u>	<u>2002-2003</u>
26	(01) CAMDEN MEDICAL SUPPLY, INC.	\$ 33,000
27	(02) NATURAL GAS PIPELINE CO. OF AMERICA	60,688
28	(03) PROMETRIC, INC.	30,885
29	(04) GNB INDUSTRIAL BATTERY CO.	17,425
30	(05) CEDENT MOBILITY SERVICES	<u>15,000</u>
31	TOTAL AMOUNT APPROPRIATED	<u>\$ 156,998</u>

32

33 SECTION 10. APPROPRIATION - DEPARTMENT OF FINANCE AND ADMINISTRATION -

34 REVENUE SERVICES DIVISION. There is hereby appropriated, to the Department of

35 Finance and Administration - Revenue Services Division to be payable from the

36 Individual Income Tax Withholding Fund, for the purpose of paying claims

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

2

3	<i>ITEM</i>	<i>FISCAL YEAR</i>
4	<u><i>NO.</i></u>	<u><i>2002-2003</i></u>

5 (01) NAVISTAR INTERNATIONAL TRANSPORTATION

6 CORP. \$ 32,705.96

7 TOTAL AMOUNT APPROPRIATED \$ 32,705.96

8

9 SECTION 11. APPROPRIATION - ARKANSAS HIGHWAY AND TRANSPORTATION DEPARTMENT

10 (AHTD). There is hereby appropriated, to the Arkansas State Highway and

11 Transportation Department, to be payable from the State Highway and

12 Transportation Department Fund, for the purpose of paying claims against the

13 State of Arkansas to the payee set out herein:

14

15	<i>ITEM</i>	<i>FISCAL YEAR</i>
16	<u><i>NO.</i></u>	<u><i>2002-2003</i></u>

17 (01) HARDY CONSTRUCTION COMPANY, INC. \$ 85,916.28

18 (02) GREAT AMERICAN INSURANCE 29,109.88

19 (03) ENTERGY CORPORATION 53,275.12

20 (04) BOBBIE PHIPPS 10,000.00

21 (05) MONICA KING DBA K & K TRUCKING 9,435.80

22 (06) SHELLIE GRICE 19,133.00

23 TOTAL AMOUNT APPROPRIATED \$ 206,870.08

24

25 SECTION 12. APPROPRIATION - DEPARTMENT OF HEALTH. There is hereby

26 appropriated, to the Department of Health, to be payable from the Public

27 Health Fund, for the purpose of paying claims against the State of Arkansas

28 to the payee set out herein:

29

30	<i>ITEM</i>	<i>FISCAL YEAR</i>
31	<u><i>NO.</i></u>	<u><i>2002-2003</i></u>

32 (01) UAMS ARKANSAS CARES \$ 61,500

33 TOTAL AMOUNT APPROPRIATED \$ 61,500

34

35 SECTION 13. APPROPRIATION - ARKANSAS STATE POLICE. There is hereby

36 appropriated, to the Department of Arkansas State Police, to be payable from

1 the Department of Arkansas State Police Fund, for the purpose of paying
 2 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>2002-2003</i></u>
(01) MILDRED SAXTON	\$ 9,415.13
TOTAL AMOUNT APPROPRIATED	<u>\$ 9,415.13</u>

9 SECTION 14. APPROPRIATION - UNIVERSITY OF ARKANSAS MEDICAL SCIENCES. There
 10 is hereby appropriated, to the University of Arkansas Medical Sciences, to be
 11 payable from the University of Arkansas Medical Center Fund, for the purpose
 12 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>2002-2003</i></u>
(01) JANET MIMS (ADMINISTRATRIX OF HARRY MIMS)	\$ 175,000
(02) ANNETTE SHELTON	<u>75,000</u>
TOTAL AMOUNT APPROPRIATED	<u>\$ 250,000</u>

20 SECTION 15. APPROPRIATION - TWENTY-SECOND DECENNIAL CENSUS - PAYMENT TO
 21 THE CITY OF PINE BLUFF. There is hereby appropriated, to the Office of the
 22 Treasurer of State, Arkansas, to be payable from the Municipal Aid Fund, for
 23 the purpose of paying claims against the State of Arkansas to the payee set
 24 out herein:

<i>ITEM</i>	<i>FISCAL YEAR</i>
<u><i>NO.</i></u>	<u><i>2002-2003</i></u>
(01) CITY OF PINE BLUFF, ARKANSAS	
(a) GENERAL REVENUE	\$1,066.73
(b) SPECIAL REVENUE	<u>\$2,927.45</u>
TOTAL AMOUNT APPROPRIATED	<u>\$ 3,994.18</u>

33 SECTION 16. APPROPRIATION - TWENTY-SECOND DECENNIAL CENSUS - PAYMENT TO
 34 THE CITY OF WEST POINT. There is hereby appropriated, to the Office of the
 35 Treasurer of State, to be payable from the Municipal Aid Fund, for the
 36 purpose of paying claims against the State of Arkansas to the payee set out

1 herein:

2

3	ITEM	FISCAL YEAR
4	<u>NO.</u>	<u>2002-2003</u>

5 (01) CITY OF WEST POINT, ARKANSAS

6	(a) GENERAL REVENUE	\$ 797.70
7	(b) SPECIAL REVENUE	<u>\$2,171.27</u>
8	TOTAL AMOUNT APPROPRIATED	<u>\$ 2,968.97</u>

9

10 SECTION 17. APPROPRIATION – TWENTY-SECOND DECENNIAL CENSUS – PAYMENT TO
11 THE CITY OF ENGLAND. There is hereby appropriated, to the Office of the
12 Treasurer of State, to be payable from the Municipal Aid Fund, for the
13 purpose of paying claims against the State of Arkansas to the payee set out
14 herein:

15

16	ITEM	FISCAL YEAR
17	<u>NO.</u>	<u>2002-2003</u>

18 (01) CITY OF ENGLAND, ARKANSAS

19	(a) GENERAL REVENUE	\$ 573.49
20	(b) SPECIAL REVENUE	<u>\$1,491.48</u>
21	TOTAL AMOUNT APPROPRIATED	<u>\$ 2,064.97</u>

22

23 SECTION 18. APPROPRIATION – TWENTY-SECOND DECENNIAL CENSUS – PAYMENT TO
24 THE CITY OF DERMOTT. There is hereby appropriated, to the Office of the
25 Treasurer of State, to be payable from the Municipal Aid Fund, for the
26 purpose of paying claims against the State of Arkansas to the payee set out
27 herein:

28

29	ITEM	FISCAL YEAR
30	<u>NO.</u>	<u>2002-2003</u>

31 (01) CITY OF DERMOTT, ARKANSAS

32	(a) GENERAL REVENUE	\$ 6,942.98
33	(b) SPECIAL REVENUE	<u>\$ 18,530.75</u>
34	TOTAL AMOUNT APPROPRIATED	<u>\$ 25,473.73</u>

35

36 SECTION 19. APPROPRIATION – TWENTY-SECOND DECENNIAL CENSUS – PAYMENT TO

1 THE CITY OF MCNAB. There is hereby appropriated, to the Office of the
2 Treasurer of State, to be payable from the Municipal Aid Fund, for the
3 purpose of paying claims against the State of Arkansas to the payee set out
4 herein:

<i>ITEM</i>	<i>FISCAL YEAR</i>
<u><i>NO.</i></u>	<u><i>2002-2003</i></u>
<i>(01) CITY OF MCNAB, ARKANSAS</i>	
<i>(a) GENERAL REVENUE</i>	<i>\$1,131.68</i>
<i>(b) SPECIAL REVENUE</i>	<u><i>\$3,105.00</i></u>
<i>TOTAL AMOUNT APPROPRIATED</i>	<u><u><i>\$ 4,236.68</i></u></u>

12

13 SECTION 20. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
14 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. CARRY
15 FORWARD. Any balance remaining in the appropriations authorized by this Act
16 that remain at the end of a fiscal year shall be carried forward into the
17 next fiscal year there to be used for the same purpose.

18

19 SECTION 21. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
20 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. CARRYOVER
21 OF CLAIMS. Any state agency which is affected by the allowed claim(s)
22 provided for in this Act, and whose fund for the ~~2000-2001~~ 2002-2003 fiscal
23 year are insufficient to allow for the payment of said claim(s) before June
24 30, ~~2001~~ 2003, is hereby authorized, upon certification by the Chief Fiscal
25 Officer of the State, to make payment of said claim(s) after July 1, ~~2001~~
26 2003, from funds appropriated for the ~~2001-2002~~ 2003-2004 fiscal year.

27

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

35

36 SECTION 23. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS

1 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. For any
2 claims in this Act appropriated to the Department of Human Services, the
3 Clerk of the State Claims Commission shall consult with the Department of
4 Human Services and the Chief Fiscal Officer of the State to determine the
5 division and funds to which liability should be assigned and from which the
6 warrants shall be drawn. The Clerk of the State Claims Commission shall
7 initiate the appropriate transfers as may be required and as approved by the
8 Chief Fiscal Officer of the State.

9
10 SECTION 24. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
11 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. CLAIMS
12 FROM CASH FUNDS. In the event that any claim authorized herein is determined
13 to be a valid claim against the State and the claim is to be paid from funds
14 not in the State Treasury, the Clerk of the State Claims Commission shall
15 notify the agency against which the claim is to be charged of the amount of
16 such claims. Upon receipt of such notification, the state agency shall
17 forthwith deliver a check to the Clerk of the State Claims Commission who
18 shall deposit the same as a non-revenue receipt into the Miscellaneous
19 Revolving Fund from which he shall disburse the amount of the claim to the
20 claimant.

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

33
34 SECTION 26. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
35 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. CLAIMS
36 AWARD REPORTING. It is the intent of the General Assembly that when any state

1 agency, board, commission or institution of higher education admits liability
2 to a claim filed with the State Claims Commission and the claim involves a
3 contract with a state agency, board, commission or institution of higher
4 education or the claim exceeds seven thousand five hundred dollars (\$7,500)
5 that such agency, board, commission or institution of higher education file a
6 written report thereof to the Litigation Subcommittee of the Legislative
7 Council. Such a report shall include a concise statement of facts with an
8 explanation of the agency's liability. Provided further, such report shall
9 be filed with the Litigation Subcommittee within thirty (30) days after the
10 claim has been adjudicated by the State Claims Commission.

11
12 SECTION 27. COMPLIANCE WITH OTHER LAWS. Disbursement of funds authorized
13 by this act shall be limited to the appropriation for such agency and funds
14 made available by law for the support of such appropriations; and the
15 restrictions of the State Purchasing Law, the General Accounting and
16 Budgetary Procedures Law, the Revenue Stabilization Law, the Regular Salary
17 Procedures and Restrictions Act, or their successors, and other fiscal
18 control laws of this State, where applicable, and regulations promulgated by
19 the Department of Finance and Administration, as authorized by law, shall be
20 strictly complied with in disbursement of said funds.

21
22 SECTION 28. LEGISLATIVE INTENT. It is the intent of the General Assembly
23 that any funds disbursed under the authority of the appropriations contained
24 in this act shall be in compliance with the stated reasons for which this act
25 was adopted, as evidenced by the Agency Requests, Executive Recommendations
26 and Legislative Recommendations contained in the budget manuals prepared by
27 the Department of Finance and Administration, letters, or summarized oral
28 testimony in the official minutes of the Arkansas Legislative Council or
29 Joint Budget Committee which relate to its passage and adoption.

30
31 SECTION 29. EMERGENCY CLAUSE. It is found and determined by the General
32 Assembly, that funds provided by the General Assembly for the operations of
33 the Arkansas State Claims Commission are, due to unforeseen circumstances,
34 insufficient for the Arkansas State Claims Commission to continue to provide
35 essential governmental services; that the provisions of this act will provide
36 the necessary monies for the Arkansas State Claims Commission to continue

1 such services; and that a delay in the effective date of this Act could work
2 irreparable harm upon the proper administration and provision of essential
3 governmental programs. Therefore, an emergency is hereby declared to exist
4 and this Act being necessary for the immediate preservation of the public
5 peace, health and safety shall be in full force and effect from and after the
6 date of its passage and approval. If the bill is neither approved nor vetoed
7 by the Governor, it shall become effective on the expiration of the period of
8 time during which the Governor may veto the bill. If the bill is vetoed by
9 the Governor and the veto is overridden, it shall become effective on the
10 date the last house overrides the veto.

11

12

/s/ Bisbee