

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

A Bill

SENATE BILL 53

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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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:
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29 ITEM	FISCAL YEAR
30 <u>NO.</u>	<u>2004-2005</u>
31 (01) CUMMINS MID SOUTH, INC.	\$ 11,150.33
32 (02) NUCOR STEEL	19,080.00
33 (03) SYMBOL TECHNOLOGIES	12,735.42
34 (04) PREMIER GRAPHICS	<u>15,029.95</u>
35 TOTAL AMOUNT APPROPRIATED	<u>\$ 57,995.70</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 NO.	FISCAL YEAR
	2004-2005
(01) THE ANPRO COMPANY	\$ 65,460
(02) AVON PRODUCTS, INC.	<u>24,000</u>
TOTAL AMOUNT APPROPRIATED	<u>\$ 89,460</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 Individual Income Tax Withholding Fund, for the purpose of paying claims against the State of Arkansas to the payee set out herein:

ITEM NO.	FISCAL YEAR
	2004-2005
(01) WILLIAM K. GAYDEN	\$ 19,556.29
(02) JERRY C. AND BECKY CLARK	12,478.00
(03) KENNETH MURTON	12,240.00
(04) TODD AND DAWN SIMPSON	<u>23,394.42</u>
TOTAL AMOUNT APPROPRIATED	<u>\$ 67,668.71</u>

SECTION 4. 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:

ITEM NO.	FISCAL YEAR
	2004-2005
(01) STEVE AND SHERRY WILSON	\$ 23,800

1	(02) UNIVERSITY OF ARKANSAS FOR MEDICAL	
2	SCIENCES	25,203.51
3	(03) HOUSLEY COUNSELING SERVICES, INC.	<u>17,722.32</u>
4	TOTAL AMOUNT APPROPRIATED	<u>\$ 66,725.83</u>

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6 SECTION 5. APPROPRIATION - DEPARTMENT OF HUMAN SERVICES - DIVISION OF

7 CHILDREN AND FAMILY SERVICES. There is hereby appropriated, to the Department

8 of Human Services - Division of Children and Family Services, to be payable

9 from the Children and Family Services Fund Account, for the purpose of paying

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

11		
12	ITEM	FISCAL YEAR
13	<u>NO.</u>	<u>2004-2005</u>
14	(01) THE ESTATE OF AUSTIN SMITH, CHRISTY	
15	ANDERSON, ALLEN SMITH, DESTINY SMITH,	
16	JUDY BUSSELL AND TERESA HAYDEN	<u>\$ 225,000</u>

17

18 SECTION 6. APPROPRIATION - DEPARTMENT OF FINANCE AND ADMINISTRATION -

19 OFFICE OF CHILD SUPPORT ENFORCEMENT. There is hereby appropriated, to the

20 Department of Finance and Administration - Office of Child Support

21 Enforcement, to be payable from the Child Support Enforcement Fund, for the

22 purpose of paying claims against the State of Arkansas to the payee set out

23 herein:

24		
25	ITEM	FISCAL YEAR
26	<u>NO.</u>	<u>2004-2005</u>
27	(01) KEITH COGSWELL, III	\$ 331,555.14
28	(02) ORCHID GENESCREEN	<u>13,713.45</u>
29	TOTAL AMOUNT APPROPRIATED	<u>\$ 345,268.59</u>

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31 SECTION 7. APPROPRIATION - DEPARTMENT OF HUMAN SERVICES - DIVISION OF

32 DEVELOPMENTAL DISABILITIES. There is hereby appropriated, to the Department

33 of Human Services - Division of Developmental Disabilities Services, to be

34 payable from the paying account as determined by the Chief Fiscal Officer of

35 the State, for the purpose of paying claims against the State of Arkansas to

36 the payee set out herein:

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2	ITEM	FISCAL YEAR
3	<u>NO.</u>	<u>2004-2005</u>
4	(01) TYRONDA A. TILLMAN	<u>\$ 922.60</u>

5

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

11		
12	ITEM	FISCAL YEAR
13	<u>NO.</u>	<u>2004-2005</u>
14	(01) JOHNSON & CHISM ARCHITECTS, P.A.	<u>\$ 38,066.39</u>

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16 SECTION 9. APPROPRIATION - DEPARTMENT OF HUMAN SERVICES - DIVISION OF
17 YOUTH SERVICES. There is hereby appropriated, to the Department of Human
18 Services - Division of Youth Services, to be payable from the Youth Services
19 Fund Account, for the purpose of paying claims against the State of Arkansas
20 to the payee set out herein:

21		
22	ITEM	FISCAL YEAR
23	<u>NO.</u>	<u>2004-2005</u>
24	(01) MILCREEK OF ARKANSAS	<u>\$ 50,550</u>

25

26 SECTION 10. APPROPRIATION - DEPARTMENT OF HUMAN SERVICES - DIVISION OF
27 CHILDCARE AND EARLY CHILDHOOD EDUCATION. There is hereby appropriated, to the
28 Department of Human Services - Division of Child Care and Early Childhood
29 Education, to be payable from the paying account as determined by the Chief
30 Fiscal Officer of the State, for the purpose of paying claims against the
31 State of Arkansas to the payee set out herein:

32		
33	ITEM	FISCAL YEAR
34	<u>NO.</u>	<u>2004-2005</u>
35	(01) UNIVERSITY OF ARKANSAS FOR MEDICAL	
36	SCIENCES	<u>\$ 11,027</u>

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SECTION 11. APPROPRIATION - DEPARTMENT OF HUMAN SERVICES - DIVISION OF BEHAVIORAL HEALTH SERVICES. There is hereby appropriated, to the Department of Human Services - Division of Behavioral Health, 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>2004-2005</u>
(01) MELEAH CARTER, AS ADMINISTRATRIX OF THE ESTATE OF MARTHA L. WILLIS, DECEASED	<u>\$ 25,000</u>

SECTION 12. APPROPRIATIONS - UNIVERSITY OF ARKANSAS FOR MEDICAL SCIENCES. There is hereby appropriated, to the University of Arkansas for Medical Sciences, to be payable from cash funds as defined by Arkansas Code 19-4-801, 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) TINA FRANKLIN AND ROY CLINE, JR., INDIVIDUALLY AND AS PARENTS OF MICHAEL JAMES CLINE, MINOR	<u>\$ 150,000</u>

SECTION 13. APPROPRIATION - UNIVERSITY OF ARKANSAS - PINE BLUFF. There is hereby appropriated, to the University of Arkansas at Pine Bluff, to be payable from the University of Arkansas at Pine Bluff 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) WHALEY CONSTRUCTION, INC.	<u>\$ 35,232.18</u>

SECTION 14. APPROPRIATION - ARKANSAS HIGHWAY AND TRANSPORTATION

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

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6 ITEM	FISCAL YEAR
7 <u>NO.</u>	<u>2004-2005</u>
8 (01) DAN RAINBOLT	\$ 20,000
9 (02) KENNETH BEARDEN	<u>30,000</u>
10 TOTAL AMOUNT APPROPRIATED	<u>\$ 50,000</u>

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12 SECTION 15. APPROPRIATION - ARKANSAS DEPARTMENT OF CORRECTION. There is
 13 hereby appropriated, to the Department of Correction, to be payable from the
 14 Department of Correction Inmate Care and Custody Fund Account, for the
 15 purpose of paying claims against the State of Arkansas to the payee set out
 16 herein:

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18 ITEM	FISCAL YEAR
19 <u>NO.</u>	<u>2004-2005</u>
20 (01) CORY WILLIAMSON	\$ 15,000
21 (02) REX ARCHER	<u>120,000</u>
22 TOTAL AMOUNT APPROPRIATED	<u>\$ 135,000</u>

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24 SECTION 16. APPROPRIATION - ARKANSAS STATE POLICE. There is hereby
 25 appropriated, to the Department of Arkansas State Police, to be payable from
 26 the Department of Arkansas State Police Fund, for the purpose of paying
 27 claims against the 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) JUDY WEBB	\$ 750,000
32 (02) AUBREY WEBB	<u>250,000</u>
33 TOTAL AMOUNT APPROPRIATED	<u>\$ 1,000,000</u>

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35 SECTION 17. APPROPRIATION - TWENTY-SECOND DECENNIAL CENSUS - PAYMENT TO
 36 THE CITY OF CHIDESTER, ARKANSAS. There is hereby appropriated, to the Office

1 of the Treasurer of State, to be payable from the Municipal Aid Fund, for the
 2 purpose of paying claims against the State of Arkansas to the payee set out
 3 herein:

ITEM	FISCAL YEAR
<u>NO.</u>	<u>2004-2005</u>
(01) CITY OF CHIDESTER, ARKANSAS - GENERAL	
REVENUE	\$ 822.38
(02) CITY OF CHIDESTER, ARKANSAS - SPECIAL	
REVENUE	<u>2,297.38</u>
TOTAL AMOUNT APPROPRIATED	<u>\$ 3,119.76</u>

13 SECTION 18. APPROPRIATION - TWENTY-SECOND DECENNIAL CENSUS - PAYMENT TO
 14 THE CITY OF MAGNET COVE, ARKANSAS. There is hereby appropriated, to the
 15 Office of the Treasurer of State, to be payable from the Municipal Aid Fund,
 16 for the purpose of paying claims against the State of Arkansas to the payee
 17 set out herein:

ITEM	FISCAL YEAR
<u>NO.</u>	<u>2004-2005</u>
(01) CITY OF MAGNET COVE, ARKANSAS -	
GENERAL REVENUE	\$ 8,360.02
(02) CITY OF MAGNET COVE, ARKANSAS -	
SPECIAL REVENUE	<u>23,329.55</u>
TOTAL AMOUNT APPROPRIATED	<u>\$ 31,689.57</u>

27 SECTION 19. APPROPRIATION - TWENTY-SECOND DECENNIAL CENSUS - PAYMENT TO
 28 THE CITY OF HARDY, ARKANSAS. There is hereby appropriated, to the Office of
 29 the Treasurer of State, to be payable from the Municipal Aid Fund, for the
 30 purpose of paying claims against the State of Arkansas to the payee set out
 31 herein:

ITEM	FISCAL YEAR
<u>NO.</u>	<u>2004-2005</u>
(01) CITY OF HARDY, ARKANSAS - GENERAL	
REVENUE	\$ 8,321.85

1	(02) CITY OF HARDY, ARKANSAS - SPECIAL	
2	REVENUE	<u>24,044.44</u>
3	TOTAL AMOUNT APPROPRIATED	<u>\$ 32,366.29</u>

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5 SECTION 20. APPROPRIATION - TWENTY-SECOND DECENNIAL CENSUS - PAYMENT TO
 6 THE CITY OF MIDWAY, ARKANSAS. There is hereby appropriated, to the Office of
 7 the Treasurer of State, to be payable from the Municipal Aid Fund, for the
 8 purpose of paying claims against the State of Arkansas to the payee set out
 9 herein:

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11	ITEM	FISCAL YEAR
12	<u>NO.</u>	<u>2004-2005</u>
13	(01) CITY OF MIDWAY, ARKANSAS - GENERAL	
14	REVENUE	\$ 10,673.56
15	(02) CITY OF MIDWAY, ARKANSAS - SPECIAL	
16	REVENUE	<u>30,016.52</u>
17	TOTAL AMOUNT APPROPRIATED	<u>\$ 40,690.08</u>

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

24

25	ITEM	FISCAL YEAR
26	<u>NO.</u>	<u>2004-2005</u>
27	(01) CITY OF GLENWOOD, ARKANSAS - GENERAL	
28	REVENUE	\$ 15,603.42
29	(02) CITY OF GLENWOOD, ARKANSAS - SPECIAL	
30	REVENUE	<u>44,472.05</u>
31	TOTAL AMOUNT APPROPRIATED	<u>\$ 60,075.47</u>

32

33 SECTION 22. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
 34 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. CARRY
 35 FORWARD. Any balance remaining in the appropriations authorized by this Act
 36 that remain at the end of a fiscal year shall be carried forward into the

1 next fiscal year there to be used for the same purpose.

2
3 SECTION 23. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
4 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. CARRYOVER
5 OF CLAIMS. Any state agency which is affected by the allowed claim(s)
6 provided for in this Act, and whose fund for the ~~2002-2003~~ 2004-2005 fiscal
7 year are insufficient to allow for the payment of said claim(s) before June
8 30, ~~2003~~ 2005, is hereby authorized, upon certification by the Chief Fiscal
9 Officer of the State, to make payment of said claim(s) after July 1, ~~2003~~
10 2005, from funds appropriated for the ~~2003-2004~~ 2005-2006 fiscal year.

11
12 SECTION 24. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
13 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.
14 DISBURSING OFFICER. The Clerk of the State Claims Commission is hereby made
15 the disbursing officer for the purpose of paying the claims appropriated by
16 this Act. The Clerk of the State Claims Commission is hereby authorized to
17 receive all warrants prepared under the provisions of this Act from the
18 Auditor of the State and to distribute same to the claimants.

19
20 SECTION 25. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
21 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.
22 DEPARTMENT OF HUMAN SERVICES CLAIMS. For any claims in this Act appropriated
23 to the Department of Human Services, the Clerk of the State Claims Commission
24 shall consult with the Department of Human Services and the Chief Fiscal
25 Officer of the State to determine the division and funds to which liability
26 should be assigned and from which the warrants shall be drawn. The Clerk of
27 the State Claims Commission shall initiate the appropriate transfers as may
28 be required and as approved by the Chief Fiscal Officer of the State.

29
30 SECTION 26. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
31 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. CLAIMS
32 FROM CASH FUNDS. In the event that any claim authorized herein is determined
33 to be a valid claim against the State and the claim is to be paid from funds
34 not in the State Treasury, the Clerk of the State Claims Commission shall
35 notify the agency against which the claim is to be charged of the amount of
36 such claims. Upon receipt of such notification, the state agency shall

1 forthwith deliver a check to the Clerk of the State Claims Commission who
 2 shall deposit the same as a non-revenue receipt into the Miscellaneous
 3 Revolving Fund from which he shall disburse the amount of the claim to the
 4 claimant.

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 6 SECTION 27. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
 7 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.
 8 EMPLOYMENT COMPENSATION CLAIMS. The Clerk of the State Claims Commission
 9 shall not distribute any warrants prepared under the provisions of this Act
 10 for awards made by the Arkansas State Claims Commission for employment
 11 compensation claims. Upon the award by the State Claims Commission of an
 12 employment compensation claim, the Clerk of the State Claims Commission shall
 13 notify the affected state agency and the Department of Finance and
 14 Administration - Office of Personnel Management of such amounts that are due
 15 and payable. The affected state agency shall then process the award through
 16 the State Mechanized Payroll System.

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 18 SECTION 28. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
 19 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. CLAIMS
 20 AWARD REPORTING. It is the intent of the General Assembly that when any state
 21 agency, board, commission or institution of higher education admits liability
 22 to a claim filed with the State Claims Commission and the claim involves a
 23 contract with a state agency, board, commission or institution of higher
 24 education or the claim exceeds ten thousand dollars (\$10,000) that such
 25 agency, board, commission or institution of higher education file a written
 26 report thereof to the Litigation Subcommittee of the Legislative Council.
 27 Such a report shall include a concise statement of facts with an explanation
 28 of the agency's liability. Provided further, such report shall be filed with
 29 the Litigation Subcommittee within thirty (30) days after the claim has been
 30 adjudicated by the State Claims Commission.

31
 32 SECTION 29. COMPLIANCE WITH OTHER LAWS. Disbursement of funds authorized
 33 by this act shall be limited to the appropriation for such agency and funds
 34 made available by law for the support of such appropriations; and the
 35 restrictions of the State Procurement Law, the General Accounting and
 36 Budgetary Procedures Law, the Revenue Stabilization Law, the Regular Salary

1 Procedures and Restrictions Act, or their successors, and other fiscal
2 control laws of this State, where applicable, and regulations promulgated by
3 the Department of Finance and Administration, as authorized by law, shall be
4 strictly complied with in disbursement of said funds.

5
6 SECTION 30. LEGISLATIVE INTENT. It is the intent of the General Assembly
7 that any funds disbursed under the authority of the appropriations contained
8 in this act shall be in compliance with the stated reasons for which this act
9 was adopted, as evidenced by the Agency Requests, Executive Recommendations
10 and Legislative Recommendations contained in the budget manuals prepared by
11 the Department of Finance and Administration, letters, or summarized oral
12 testimony in the official minutes of the Arkansas Legislative Council or
13 Joint Budget Committee which relate to its passage and adoption.

14
15 SECTION 31. EMERGENCY CLAUSE. It is found and determined by the General
16 Assembly, that the Constitution of the State of Arkansas prohibits the
17 appropriation of funds for more than a two (2) year period; that the
18 effectiveness of this Act on the date of its passage and approval is
19 essential to the operation of the agency for which the appropriations in this
20 Act are provided, and that in the event of an extension of the Regular
21 Session, the delay in the effective date of this Act beyond the date of its
22 passage and approval could work irreparable harm upon the proper
23 administration and provision of essential governmental programs. Therefore,
24 an emergency is hereby declared to exist and this Act being necessary for the
25 immediate preservation of the public peace, health and safety shall be in
26 full force and effect from and after the date of its passage and approval.

27 If the bill is neither approved nor vetoed by the Governor, it shall become
28 effective on the expiration of the period of time during which the Governor
29 may veto the bill. If the bill is vetoed by the Governor and the veto is
30 overridden, it shall become effective on the date the last house overrides
31 the veto.