

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 186

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, 2007; AND FOR OTHER PURPOSES.
13
14

Subtitle

15 AN ACT FOR THE ARKANSAS STATE CLAIMS
16 COMMISSION - APPROVED CLAIMS
17 APPROPRIATION FOR THE 2007 FISCAL YEAR.
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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:
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29	ITEM	FISCAL YEAR
30	<u>NO.</u>	<u>2006-2007</u>
31	(01) AVAYA, INC.	\$ 10,091.74
32	(02) AVAYA, INC.	12,380.00
33	(03) QWEST COMMUNICATIONS SERVICES	19,710.00
34	(04) BOEING COMPANY, INC.	27,282.00
35	(05) J.B. HUNT TRANSPORT	44,995.04
36	(06) FOLLETTE HIGHER EDUCATION COLLEGE	



1	BOOKSTORE	19,447.00
2	(07) FOLLETTE HIGHER EDUCATION COLLEGE	
3	BOOKSTORE	34,186.00
4	(08) FOLLETTE HIGHER EDUCATION COLLEGE	
5	BOOKSTORE	15,255.00
6	(09) EL CHICO #229 KINGFOOD ENTERPRISES,	
7	INC.	21,033.00
8	(10) CENTURY TEL OF ARKANSAS	14,579.50
9	(11) CENTURY TEL OF MOUNTAIN HOME, LLC	<u>18,543.59</u>
10	TOTAL AMOUNT APPROPRIATED	<u>\$ 237,502.87</u>

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

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18	ITEM	FISCAL YEAR
19	<u>NO.</u>	<u>2006-2007</u>
20	(01) LONG BEACH MORTGAGE COMPANY	\$ 25,661.12
21	(02) HOME DEPOT USA, INC.	37,514.00
22	(03) BPB GYPSUM, INC.	720,000.00
23	(04) JAMES HARDIE GYPSUM, INC.	<u>1,212,750.00</u>
24	TOTAL AMOUNT APPROPRIATED	<u>\$ 1,995,925.12</u>

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

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32	ITEM	FISCAL YEAR
33	<u>NO.</u>	<u>2006-2007</u>
34	(01) JERRY AND BETTY HAYNIE	\$ 20,190.00
35	(02) STEVE AND LYNN CREEKMORE	<u>22,840.00</u>
36	TOTAL AMOUNT APPROPRIATED	<u>\$ 43,030.00</u>

SECTION 4. 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 State Central Services Fund, for the purpose of paying claims against the State of Arkansas to the payee set out herein:

ITEM NO.	FISCAL YEAR
	2006-2007
(01) SAP PUBLIC SECTOR AND EDUCATION	\$ <u>12,000.00</u>

SECTION 5. APPROPRIATION - DEPARTMENT OF FINANCE AND ADMINISTRATION - DISBURSING OFFICER. There is hereby appropriated, to the Department of Finance and Administration - Disbursing Officer, to be payable from the unobligated balances of monies in the General Improvement Fund or its successor fund or fund accounts, the purpose of paying claims against the State of Arkansas to the payee set out herein:

ITEM NO.	FISCAL YEAR
	2006-2007
(01) MOUNTAIN HOME RADIATION THERAPY	\$ <u>53,922.00</u>

SECTION 6. APPROPRIATION - DEPARTMENT OF FINANCE AND ADMINISTRATION - DISBURSING OFFICER. There is hereby appropriated, to the Department of Finance and Administration - Disbursing Officer, to be payable from the General Revenue Allotment Reserve Fund, for the purpose of paying claims against the State of Arkansas to the payee set out herein:

ITEM NO.	FISCAL YEAR
	2006-2007
(01) RODNEY BRAGG	\$ <u>200,000</u>

SECTION 7. APPROPRIATION - DEPARTMENT OF HEALTH AND HUMAN SERVICES - DIVISION OF CHILDREN AND FAMILY SERVICES. There is hereby appropriated, to the Department of Health and Human Services - Division of Children and Family Services, to be payable from the Children and Family Services Fund Account,

1 for the purpose of paying claims against the State of Arkansas to the payee
2 set out herein:

4 ITEM	FISCAL YEAR
5 <u>NO.</u>	<u>2006-2007</u>
6 (01) NORTHEAST ARKANSAS COMMUNITY MENTAL	
7 HEALTH CENTER	\$ 70,448.00
8 (02) CAROLYN BEESON	<u>127,570.49</u>
9 TOTAL AMOUNT APPROPRIATED	<u>\$ 198,018.49</u>

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

18 ITEM	FISCAL YEAR
19 <u>NO.</u>	<u>2006-2007</u>
20 (01) SYSCO FOOD ARKANSAS	<u>\$ 15,402.24</u>

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22 SECTION 9. APPROPRIATION - DEPARTMENT OF HEALTH AND HUMAN SERVICES -
 23 DIVISION OF YOUTH SERVICES. There is hereby appropriated, to the Department
 24 of Health and Human Services - Division of Youth Services, to be payable from
 25 the federal funds as designated by the Chief Fiscal Officer of the State, for
 26 the purpose of paying claims against the State of Arkansas to the payee set
 27 out herein:

29 ITEM	FISCAL YEAR
30 <u>NO.</u>	<u>2006-2007</u>
31 (01) PINEY RIDGE CENTER, INC.	<u>\$ 21,619.00</u>

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33 SECTION 10. APPROPRIATION - DEPARTMENT OF HEALTH AND HUMAN SERVICES -
 34 DIVISION OF MEDICAL SERVICES. There is hereby appropriated, to the Department
 35 of Health and Human Services - Division of Medical Services, to be payable
 36 from the paying account as determined by the Chief Fiscal Officer of the

1 State, for the purpose of paying claims against the State of Arkansas to the
2 payee set out herein:

3	4	ITEM	FISCAL YEAR
5		<u>NO.</u>	<u>2006-2007</u>
6	(01)	DAVIS NURSING ASSOCIATION D/B/A DAVIS	
7		LIFE CARE CENTER	\$ 166,049.00
8	(02)	HEALTH MANAGEMENT SYSTEMS, INC.	<u>73,894.64</u>
9		TOTAL AMOUNT APPROPRIATED	<u>\$ 239,943.64</u>

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

16	17	ITEM	FISCAL YEAR
18		<u>NO.</u>	<u>2006-2007</u>
19	(01)	UNIVERSITY OF ARKANSAS - MEDICAL	
20		SCIENCES - COLLEGE OF PUBLIC HEALTH	<u>\$ 15,226.91</u>

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22 SECTION 12. APPROPRIATION - DEPARTMENT OF WORKFORCE EDUCATION -
23 REHABILITATION SERVICES. There is hereby appropriated, to the Department of
24 Workforce Education - Arkansas Rehabilitation Services, to be payable from
25 the paying account as determined by the Chief Fiscal Officer of the State,
26 for the purpose of paying claims against the State of Arkansas to the payee
27 set out herein:

28	29	ITEM	FISCAL YEAR
30		<u>NO.</u>	<u>2006-2007</u>
31	(01)	STACEY CORLEY	<u>\$ 79,081.42</u>

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33 SECTION 13. APPROPRIATION - ARKANSAS STATE POLICE. There is hereby
34 appropriated, to the Department of Arkansas State Police, to be payable from
35 the Department of Arkansas State Police Fund, for the purpose of paying
36 claims against the State of Arkansas to the payee set out herein:

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ITEM	FISCAL YEAR
<u>NO.</u>	<u>2006-2007</u>
(01) TERESA HARRIS & TRACY BELLINGRATH	\$ 13,500.00
(02) BEFF KAY RAY	<u>39,832.00</u>
TOTAL AMOUNT APPROPRIATED	<u>\$ 53,332.00</u>

SECTION 14. APPROPRIATION - ARKANSAS STATE HIGHWAY AND TRANSPORTATION DEPARTMENT. There is hereby appropriated, to the Arkansas State Highway and Transportation Department, to be payable from the State Highway and Transportation Department 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>2006-2007</u>
(01) ASHLAND PAVING AND CONSTRUCTION (APAC)\$	20,306.21
(02) PARADIGM CONSTRUCTION & ENGINEERING, INC.	56,934.32
(03) CLINTON AND ESTELENE MASON	54,000.00
(04) R.L. PERSONS CONSTRUCTION, INC.	<u>54,000.00</u>
TOTAL AMOUNT APPROPRIATED	<u>\$ 185,240.53</u>

SECTION 15. APPROPRIATION - UNIVERSITY OF ARKANSAS AT 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>2006-2007</u>
(01) DANKA OFFICE IMAGING COMPANY	<u>\$ 29,113.83</u>

SECTION 16. APPROPRIATION - UNIVERSITY OF ARKANSAS AT LITTLE ROCK. There is hereby appropriated, to the University of Arkansas at Little Rock, to be payable from the University of Arkansas at Little Rock 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>2006-2007</u>
(01) INFOMATH, INC.	<u>\$ 15,000.00</u>

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5 SECTION 17. APPROPRIATION - STATE INSURANCE DEPARTMENT. There is hereby
6 appropriated, to the State Insurance Department, to be payable from the
7 Miscellaneous Revolving Fund, for the purpose of paying claims against the
8 State of Arkansas to the payee set out herein:

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ITEM	FISCAL YEAR
<u>NO.</u>	<u>2006-2007</u>
(01) CONNECTICUT GENERAL LIFE INSURANCE CO.\$	67,923.00
(02) AMERICAN GENERAL INDEMNITY CO.	<u>11,135.00</u>
TOTAL AMOUNT APPROPRIATED	<u>\$ 79,058.00</u>

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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. CARRY
18 FORWARD. Any balance remaining in the appropriations authorized by this Act
19 that remain at the end of a fiscal year shall be carried forward into the
20 next fiscal year there to be used for the same purpose.

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22 SECTION 19. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
23 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. CARRYOVER
24 OF CLAIMS. Any state agency which is affected by the allowed claim(s)
25 provided for in this Act, and whose fund for the ~~2004-2005~~ 2006-2007 fiscal
26 year are insufficient to allow for the payment of said claim(s) before June
27 30, ~~2005~~ 2007, is hereby authorized, upon certification by the Chief Fiscal
28 Officer of the State, to make payment of said claim(s) after July 1, ~~2005~~
29 2007, from funds appropriated for the ~~2005-2006~~ 2007-2008 fiscal year.

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31 SECTION 20. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
32 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.
33 DISBURSING OFFICER. The Clerk of the State Claims Commission is hereby made
34 the disbursing officer for the purpose of paying the claims appropriated by
35 this Act. The Clerk of the State Claims Commission is hereby authorized to
36 receive all warrants prepared under the provisions of this Act from the

1 Auditor of the State and to distribute same to the claimants.

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3 SECTION 21. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
4 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.
5 DEPARTMENT OF HEALTH AND HUMAN SERVICES CLAIMS. For any claims in this Act
6 appropriated to the Department of Health and Human Services, the Clerk of the
7 State Claims Commission shall consult with the Department of Health and Human
8 Services and the Chief Fiscal Officer of the State to determine the division
9 and funds to which liability should be assigned and from which the warrants
10 shall be drawn. The Clerk of the State Claims Commission shall initiate the
11 appropriate transfers as may be required and as approved by the Chief Fiscal
12 Officer of the State.

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

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

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

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

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

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35 SECTION 27. EMERGENCY CLAUSE. It is found and determined by the General
36 Assembly, that the Constitution of the State of Arkansas prohibits the

1 appropriation of funds for more than a two (2) year period; that the
2 effectiveness of this Act on the date of its passage and approval is
3 essential to the operation of the agency for which the appropriations in this
4 Act are provided, and that in the event of an extension of the Regular
5 Session, the delay in the effective date of this Act beyond the date of its
6 passage and approval could work irreparable harm upon the proper
7 administration and provision of essential governmental programs. Therefore,
8 an emergency is hereby declared to exist and this Act being necessary for the
9 immediate preservation of the public peace, health and safety shall be in
10 full force and effect from and after the date of its passage and approval.
11 If the bill is neither approved nor vetoed by the Governor, it shall become
12 effective on the expiration of the period of time during which the Governor
13 may veto the bill. If the bill is vetoed by the Governor and the veto is
14 overridden, it shall become effective on the date the last house overrides
15 the veto.

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