

1 **State of Arkansas**
2 **79th General Assembly**
3 **Regular Session, 1993**
4 **By: Joint Budget Committee**

A Bill

SENATE BILL 262

For An Act To Be Entitled

8 "AN ACT TO MAKE AN APPROPRIATION WHICH SHALL BE
9 SUPPLEMENTAL AND IN ADDITION TO OTHER APPROPRIATIONS MADE
10 BY THE SEVENTY-NINTH GENERAL ASSEMBLY TO PAY ALLOWED
11 CLAIMS; AND FOR OTHER PURPOSES."

Subtitle

14 "AN ACT TO MAKE AN APPROPRIATION FOR THE PAYMENT OF
15 APPROVED CLAIMS BY THE ARKANSAS STATE CLAIMS COMMISSION."

17 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

19 SECTION 1. APPROPRIATIONS. There is hereby appropriated, to the
20 Arkansas State Highway & Transportation Department, to be payable from the
21 State Highway and Transportation Department Fund, for the purpose of paying
22 claims against the State of Arkansas to the payees set out herein, the
23 following:

25 ITEM

| 26 <u>NO.</u> | <u>AWARD</u> |
|-----------------------------------|----------------------|
| 27 (1) Jack and Niobe Pakis | \$ 86,158.00 |
| 28 (2) Reliance Insurance Company | 10,957.64 |
| 29 (3) Michael Byrd | 38,000.00 |
| 30 (4) Bobby Ray Kimsey | 84,000.00 |
| 31 (5) Stephanie Roberts | 17,500.00 |
| 32 (6) Midwest Equities I | <u>7,850.00</u> |
| 33 Total Appropriated | <u>\$ 244,465.64</u> |

35 SECTION 2. APPROPRIATIONS. There is hereby appropriated, to the

1 Correction Department, to be payable from the Department of Correction Inmate
2 Care and Custody Fund Account, for the purpose of paying claims against the
3 State of Arkansas to the payees set out herein, the following:

4

5 ITEM

| 6 <u>NO.</u> | <u>AWARD</u> |
|------------------------------|---------------------|
| 7 (1) Margie Everett | \$ 7,800.00 |
| 8 (2) Zack Brown, Jr. | 65,000.00 |
| 9 (3) Littleford Blount, Jr. | 13,127.60 |
| 10 (4) Mark Oliver | <u>9,911.57</u> |
| 11 Total Appropriated | <u>\$ 95,839.17</u> |

12

13 SECTION 3. APPROPRIATIONS. There is hereby appropriated, to the
14 Arkansas Game and Fish Commission, to be payable from the Game Protection
15 Fund, for the purpose of paying claims against the State of Arkansas to the
16 payees set out herein, the following:

17

18 ITEM

| 19 <u>NO.</u> | <u>AWARD</u> |
|-----------------------|---------------------|
| 20 (1) Clay Jeter | \$ 68,305.00 |
| 21 (2) Jerry Parker | <u>12,979.35</u> |
| 22 Total Appropriated | <u>\$ 81,284.35</u> |

23

24 SECTION 4. APPROPRIATIONS. There is hereby appropriated, to the
25 Department of Finance and Administration - Revenue Services Division, to be
26 payable from the Miscellaneous Revolving Fund, for the purpose of paying
27 claims against the State of Arkansas to the payee set out herein, the
28 following:

29

30 ITEM

| 31 <u>NO.</u> | <u>AWARD</u> |
|------------------------------|---------------------|
| 32 (1) Big River Sales, Inc. | <u>\$ 73,661.51</u> |

33

34 SECTION 5. APPROPRIATIONS. There is hereby appropriated, to the
35 Department of Finance and Administration - Revenue Services Division, to be

1 payable from the Interstate Motor Fuel Tax Refund Fund, for the purpose of
2 paying claims against the State of Arkansas to the payee set out herein, the
3 following:

4

5 ITEM

| 6 <u>NO.</u> | <u>AWARD</u> |
|-----------------------------|--------------------|
| 7 (1) Ranger Transportation | <u>\$ 5,427.34</u> |

8

9 SECTION 6. APPROPRIATIONS. There is hereby appropriated, to the
10 Department of Finance and Administration - Revenue Services Division, to be
11 payable from the State Central Services Fund, for the purpose of paying claims
12 against the State of Arkansas to the payees set out herein, the following:

13

14 ITEM

| 15 <u>NO.</u> | <u>AWARD</u> |
|---|---------------------|
| 16 (1) Estate of Burl Harris, 17 John and Edward Harris, Executors | \$ 8,750.00 |
| 18 (2) Saline County | <u>10,565.71</u> |
| 19 Total Appropriated | <u>\$ 19,315.71</u> |

20

21 SECTION 7. APPROPRIATIONS. There is hereby appropriated, to the
22 Department of Finance and Administration - Revenue Services Division, to be
23 payable from the Corporate Income Tax Withholding Fund, for the purpose of
24 paying claims against the State of Arkansas to the payees set out herein, the
25 following:

26

27 ITEM

| 28 <u>NO.</u> | <u>AWARD</u> |
|-----------------------------|---------------------|
| 29 (1) Hurt Industries | \$ 11,667.26 |
| 30 (2) Hough Brothers, Inc. | 9,000.00 |
| 31 (3) James Heddon Sons | 5,114.00 |
| 32 (4) FGP Corp and Subs | 23,000.00 |
| 33 (5) Terminix, Inc. | <u>5,991.13</u> |
| 34 Total Appropriated | <u>\$ 54,772.39</u> |

35

1 SECTION 8. APPROPRIATIONS. There is hereby appropriated, to
2 Arkansas State University, to be payable from the Arkansas State University
3 Fund, for the purpose of paying claims against the State of Arkansas to the
4 payee set out herein, the following:

5

6 ITEM

| 7 <u>NO.</u> | <u>AWARD</u> |
|--------------------|---------------------|
| 8 (1) Terry Bolton | <u>\$ 14,000.00</u> |

9

10 SECTION 9. APPROPRIATIONS. There is hereby appropriated, to the Office
11 of the Attorney General, to be payable from the State Central Services Fund,
12 for the purpose of paying claims against the State of Arkansas to the payee
13 set out herein, the following:

14

15 ITEM

| 16 <u>NO.</u> | <u>AWARD</u> |
|-----------------------------|---------------------|
| 17 (1) Onek, Klein and Farr | <u>\$ 10,153.89</u> |

18

19 SECTION 10. APPROPRIATIONS. There is hereby appropriated, to the
20 Auditor of State, to be payable from cash funds as defined by Arkansas Code
21 19-4-801 of the Auditor of State, for the purpose of paying claims against the
22 State of Arkansas to the payees set out herein, the following:

23

24 ITEM

| 25 <u>NO.</u> | <u>AWARD</u> |
|------------------------------------|---------------------|
| 26 (1) Ms. William (Thelma) Caylor | \$ 6,433.03 |
| 27 (2) G. G. Green | <u>8,184.10</u> |
| 28 Total Appropriated | <u>\$ 14,617.13</u> |

29

30 SECTION 11. APPROPRIATIONS. There is hereby appropriated, to the
31 Department of Human Services - Division of Children and Family Services, to be
32 payable from the Children and Family Services Fund Account, for the purpose of
33 paying claims against the State of Arkansas to the payees set out herein, the
34 following:

35

1 ITEM

| <u>NO.</u> | <u>AWARD</u> |
|------------------------------------|----------------------|
| 3 (1) Youth Home, Inc. | 60,525.00 |
| 4 (2) Arkansas Children's Hospital | 141,431.68 |
| 5 (3) Harbor View Mercy Hospital | <u>89,376.00</u> |
| 6 Total Appropriated | <u>\$ 291,332.68</u> |

7

8 SECTION 12. APPROPRIATIONS. There is hereby appropriated, to the
9 Department of Human Services - Division of Children and Family Services, to be
10 payable from the Department of Human Services Administrative Paying Account,
11 for the purpose of paying claims against the State of Arkansas to the payee
12 set out herein, the following:

13

14 ITEM

| <u>NO.</u> | <u>AWARD</u> |
|--------------------|---------------------|
| 16 (1) Robyn Woods | <u>\$ 22,531.11</u> |

17

18 SECTION 13. APPROPRIATIONS. There is hereby appropriated, to the
19 Department of Human Services - Division of Children and Family Services, to be
20 payable from the Department of Human Services Non Delay of Draw Grants Paying
21 Account, for the purpose of paying claims against the State of Arkansas to the
22 payee set out herein, the following:

23

24 ITEM

| <u>NO.</u> | <u>AWARD</u> |
|--------------------------------|---------------------|
| 26 (1) Gregory and Ruby Miller | <u>\$ 12,440.00</u> |

27

28 SECTION 14. APPROPRIATIONS. There is hereby appropriated, to the
29 Department of Human Services - Division of Rehabilitation Services, to be
30 payable from the Department of Human Services Administrative Paying Account,
31 for the purpose of paying claims against the State of Arkansas to the payee
32 set out herein, the following:

33

34 ITEM

| <u>NO.</u> | <u>AWARD</u> |
|------------|--------------|
|------------|--------------|

1 (1) Bank and Business Forms \$ 6,547.63

2

3 SECTION 15. APPROPRIATIONS. There is hereby appropriated, to the
4 Office of the Treasurer of State, to be payable from the Municipal Aid Fund,
5 for the purpose of paying claims against the State of Arkansas to the payee
6 set out herein, the following:

7

8 ITEM

9 NO. AWARD

10 (1) City of Sheridan \$ 5,597.79

11

12 SECTION 16. APPROPRIATIONS. There is hereby appropriated, to the
13 University of Arkansas, to be payable from the University of Arkansas Fund,
14 for the purpose of paying claims against the State of Arkansas to the payee
15 set out herein, the following:

16

17 ITEM

18 NO. AWARD

19 (1) *Ozark Orthopedic Clinic, Ltd.* \$ 7,605.60

20 (2) *John Sher* 6,500.00

21 *Total Appropriated* \$ 14,105.60

22

23 SECTION 17. APPROPRIATIONS. There is hereby appropriated, to the
24 Department of Education - Vocational and Technical Education Division, to be
25 payable from the Public School Fund, for the purpose of paying claims against
26 the State of Arkansas to the payee set out herein, the following:

27

28 ITEM

29 NO. AWARD

30 (1) Rich Mountain Community College \$ 12,731.03

31

32 SECTION 18. APPROPRIATIONS. There is hereby appropriated, to the
33 Department of Human Services - Administration - Division of Finance, to be
34 payable from the Department of Human Services Administrative Paying Account,
35 for the purpose of paying claims against the State of Arkansas to the payee

1 set out herein, the following:

2

3 ITEM

| 4 <u>NO.</u> | <u>AWARD</u> |
|--------------------------------|---------------------|
| 5 (1) Internal Revenue Service | \$ <u>14,014.31</u> |

6

7 SECTION 19. APPROPRIATIONS. There is hereby appropriated, to the
8 Department of Human Services - Division of Mental Health Services, to be
9 payable from the Department of Human Services Administrative Paying Account,
10 for the purpose of paying claims against the State of Arkansas to the payees
11 set out herein, the following:

12

13 ITEM

| 14 <u>NO.</u> | <u>AWARD</u> |
|--|---------------------|
| 15 (1) Kinetic Concepts Therapeutic Services, Inc. | \$ 12,370.62 |
| 16 (2) Jo Ann Kious | <u>13,063.22</u> |
| 17 Total Appropriated | \$ <u>25,433.84</u> |

18

19 SECTION 20. APPROPRIATIONS. There is hereby appropriated, to the
20 Department of Arkansas State Police, to be payable from the Department of
21 Arkansas State Police Fund, for the purpose of paying claims against the State
22 of Arkansas to the payees set out herein, the following:

23

24 ITEM

| 25 <u>NO.</u> | <u>AWARD</u> |
|--------------------------|---------------------|
| 26 (1) William Forrester | \$ 78,230.00 |
| 27 (2) Mary Jane Johnson | <u>2,000.00</u> |
| 28 Total Appropriated | \$ <u>80,230.00</u> |

29

30 SECTION 21. APPROPRIATIONS. There is hereby appropriated, to the
31 Department of Computer Services, to be payable from the Department of Computer
32 Services Revolving Fund, for the purpose of paying claims against the State of
33 Arkansas to the payee set out herein, the following:

34

35 ITEM

| | | |
|---|---|--------------------|
| 1 | <u>NO.</u> | <u>AWARD</u> |
| 2 | (1) Walnut Hill Telephone Company, Inc. | <u>\$ 6,648.57</u> |

3

4 SECTION 22. APPROPRIATIONS. There is hereby appropriated, to the
5 University of Arkansas for Medical Sciences, to be payable from the University
6 of Arkansas Medical Center Fund, for the purpose of paying claims against the
7 State of Arkansas to the payee set out herein, the following:

8

9 ITEM

| | | |
|----|--------------|---------------------|
| 10 | <u>NO.</u> | <u>AWARD</u> |
| 11 | (1) Ron Esch | <u>\$ 20,713.01</u> |

12

13 SECTION 23. APPROPRIATIONS. There is hereby appropriated, to the
14 Department of Health, to be payable from the Public Health Fund, for the
15 purpose of paying claims against the State of Arkansas to the payee set out
16 herein, the following:

17

18 ITEM

| | | |
|----|----------------------------------|---------------------|
| 19 | <u>NO.</u> | <u>AWARD</u> |
| 20 | (1) Damion Clinical Laboratories | <u>\$ 14,073.00</u> |

21

22 SECTION 24. APPROPRIATIONS. There is hereby appropriated, to the State
23 Claims Commission, to be payable from the Miscellaneous Revolving Fund, for
24 the purpose of paying claims against the State of Arkansas to the payee set
25 out herein, the following:

26

27 ITEM

| | | |
|----|-----------------------------------|-----------------|
| 28 | <u>NO.</u> | <u>AWARD</u> |
| 29 | (1) Paul Bosson and Kerry Bratton | <u>\$16,700</u> |

30

31 SECTION 25. APPROPRIATIONS. There is hereby appropriated, to the
32 Department of Human Services - Division of Economic and Medical Services, to
33 be payable from the Department of Human Services Paying Account as designated
34 by the Chief Fiscal Officer of the State, for the purpose of paying claims
35 against the State of Arkansas to the payee set out herein, the following:

1

2 ITEM

| 3 <u>NO.</u> | <u>AWARD</u> |
|--|---------------------|
| 4 (1) E.D.S. Federal Corporation | <u>\$110,652.25</u> |

5

6 SECTION 26. APPROPRIATIONS. There is hereby appropriated, to the
7 Department of Finance and Administration - Management Services Division, to be
8 payable from cash funds as defined by Arkansas Code 19-4-801 of the Department
9 of Finance and Administration - Management Services Division, for the purpose
10 of paying claims against the State of Arkansas to the payee set out herein,
11 the following:

12

13 ITEM

| 14 <u>NO.</u> | <u>AWARD</u> |
|-----------------------------|---------------------|
| 15 (1) Lois L. Hooper | <u>\$ 18,697.61</u> |

16

17 SECTION 27. APPROPRIATIONS. There is hereby appropriated, to the
18 Department of Finance and Administration - Revenue Services Division, to be
19 payable from the Individual Income Tax Withholding Fund, for the purpose of
20 paying claims against the State of Arkansas to the payees set out herein, the
21 following:

22

23 ITEM

| 24 <u>NO.</u> | <u>AWARD</u> |
|---------------------------------|------------------|
| 25 (1) Otis and Alta Hale | <u>\$118,050</u> |

26

27 SECTION 28. APPROPRIATIONS. There is hereby appropriated, to War
28 Memorial Stadium Commission, to be payable from cash funds as defined by
29 Arkansas Code 19-4-801 of War Memorial Stadium Commission, for the purpose of
30 paying claims against the State of Arkansas to the payee set out herein, the
31 following:

32

33 ITEM

| 34 <u>NO.</u> | <u>AWARD</u> |
|------------------------|-----------------|
| 35 (1) John Sher | <u>\$ 6,500</u> |

1

2 SECTION 29. It is the intent of the General Assembly that when any
3 state agency, board, commission or institution of higher education admits
4 liability to a claim filed with the State Claims Commission *and the claim*
5 *involves a contract with state agency, board, commission or institution of*
6 *higher education or the claim exceeds five thousand dollars (\$5,000) that such*
7 agency, board, commission or institution of higher education file a written
8 report thereof to the Litigation Subcommittee of the Arkansas Legislative
9 Council. Such report shall include a concise statement of facts with an
10 explanation of the agency's liability. Provided further, such report shall be
11 filed with the Litigation Subcommittee within thirty (30) days after the claim
12 has been adjudicated by the State Claims Commission. No state employee shall
13 serve both in a full-time quasi judicial position, or in a full-time position
14 which provides legal assistance to a quasi judicial position, in the State
15 Claims Commission, Arkansas Public Service Commission, Workers Compensation
16 Commission, State Department for Social Security Disability Determination or
17 any other quasi judicial agency, department or commission and also serve as an
18 elected judge. *For purposes of this act the term "state employee" shall mean*
19 *anyone who works one thousand (1,000) hours or more per year and participates*
20 *in the public employees retirement system.*

21

22 SECTION 30. Any state agency which is affected by the allowed claim(s)
23 provided for in this Act, and whose funds for the 1992-93 fiscal year are
24 insufficient to allow for the payment of said claim(s) before June 30, 1993,
25 is hereby authorized, upon certification by the Chief Fiscal Officer of the
26 State, to make payment of said claim(s) after July 1, 1993, from funds
27 appropriated for the 1993-94 fiscal year.

28

29 SECTION 31. The Clerk of the State Claims Commission is hereby made the
30 disbursing officer for the purpose of paying the claims appropriated by this
31 Act. The Clerk of the State Claims Commission is hereby authorized to receive
32 all warrants prepared under the provisions of this Act from the Auditor of
33 State and to distribute same to the claimants.

34

35 SECTION 32. In the event that any claim authorized herein is determined

1 to be a valid claim against the State and the claim is to be paid from funds
2 not in the State Treasury, the Clerk of the State Claims Commission shall
3 notify the agency against which the claim is to be charged of the amount of
4 such claims. Upon receipt of such notification, the state agency shall
5 forth-with deliver a check to the Clerk of the State Claims Commission who
6 shall deposit the same as a nonrevenue receipt into the Miscellaneous
7 Revolving Fund from which he shall disburse the amount of the claim to the
8 claimant.

9

10 SECTION 33. COMPLIANCE WITH OTHER LAWS. Disbursement of funds
11 authorized by this Act shall be limited to the appropriation for such agency
12 and funds made available by law for the support of such appropriations; and
13 the restrictions of the State Purchasing Law, the General Accounting and
14 Budgetary Procedures Law, the Revenue Stabilization Law, the Regular Salary
15 Procedures and Restrictions Act, or their successors, and other fiscal control
16 laws of this State, where applicable, and regulations promulgated by the
17 Department of Finance and Administration, as authorized by law, shall be
18 strictly complied with in disbursement of said funds.

19

20 SECTION 34. LEGISLATIVE INTENT. It is the intent of the General
21 Assembly that any funds disbursed under the authority of the appropriations
22 contained in this Act shall be in compliance with the stated reasons for which
23 this Act was adopted, as evidenced by the Agency Requests, Executive
24 Recommendations and Legislative Recommendations contained in the budget
25 manuals prepared by the Department of Finance and Administration, letters, or
26 summarized oral testimony in the official minutes of the Arkansas Legislative
27 Council or Joint Budget Committee which relate to its passage and adoption.

28

29 SECTION 35. CODE. All provisions of this Act of a general and
30 permanent nature are amendatory to the Arkansas Code of 1987 Annotated and the
31 Arkansas Code Revision Commission shall incorporate the same in the Code.

32

33 SECTION 36. SEVERABILITY. If any provision of this Act or the
34 application thereof to any person or circumstance is held invalid, such
35 invalidity shall not affect other provisions or applications of the Act which

1 can be given effect without the invalid provision or application, and to this
2 end the provisions of this Act are declared to be severable.

3

4 SECTION 37. GENERAL REPEALER. All laws and parts of laws in conflict
5 with this Act are hereby repealed.

6

7 SECTION 38. EMERGENCY CLAUSE. It is hereby found and determined by the
8 Seventy-Ninth General Assembly, that payees listed in this Act may be entitled
9 to the sums appropriated and transferred to herein, and that they have been
10 deprived of the use of these funds for a long period of time, and that further
11 delay in paying these just debts of the State would do harm to the reputation
12 of the State of Arkansas. Therefore, an emergency is hereby declared to exist
13 and this Act being necessary for the immediate preservation of the public
14 peace, health and safety shall be in full force and effect from and after its
15 passage and approval.

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17

/s/ Senator Russ

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