

1 **State of Arkansas**
2 **80th General Assembly**
3 **First Extraordinary Session, 1995**
4 **By: Joint Budget Committee**

A Bill

Call Item 9
ACT 16 OF 1995
SENATE BILL 11

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 EIGHTIETH GENERAL ASSEMBLY TO PAY ALLOWED CLAIMS;
11 AND FOR OTHER PURPOSES."

Subtitle

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

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

20 SECTION 1. APPROPRIATIONS. There is hereby appropriated, to the
21 Arkansas Manufactured Homes Commission, to be payable from the Manufactured
22 Home Standards Fund, for the purpose of paying claims against the State of
23 Arkansas to the payee set out herein, the following:

25 ITEM

26 ~~NO.~~ _____ ~~AWARD~~
27 (1) Spirit Homes, Inc. \$ 43,197.00

29 SECTION 2. APPROPRIATIONS. There is hereby appropriated, to the State
30 Forestry Commission, to be payable from the State Forestry Fund, for the
31 purpose of paying claims against the State of Arkansas to the payee set out
32 herein, the following:

34 ITEM

35 ~~NO.~~ _____ ~~AWARD~~
36 (1) Martha and Leoron Brown \$ 22,000.00

1

2 SECTION 3. APPROPRIATIONS. There is hereby appropriated, to the Arkansas
3 State Highway and Transportation Department, to be payable from the State
4 Highway and Transportation Department Fund, for the purpose of paying claims
5 against the State of Arkansas to the payees set out herein, the following:

6

7 ~~ITEM~~

8 NO.

9 AWARD

10 (1)	James W. Ryan	\$ 25,037.98
11 (2)	Deltic Farm & Timber Co.	<u>6,250.00</u>
12	Total Appropriated	<u>\$ 31,287.98</u>

13

14 SECTION 4. APPROPRIATIONS. There is hereby appropriated, to the Arkansas
15 Teacher Retirement System, to be payable from the Teacher Retirement Fund, for
16 the purpose of paying claims against the State of Arkansas to the payee set
17 out herein, the following:

18

19 ITEM

20 NO.

AWARD

21 (1)	Shearson Lehman Brothers	<u>\$ 16,250.00</u>
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22

23 SECTION 5. APPROPRIATIONS. There is hereby appropriated, to the
24 Department of Education - Vocational and Technical Education - Arkansas
25 Rehabilitation Services, to be payable from the Department of Education -
26 Rehabilitation Services Paying Account, for the purpose of paying claims
27 against the State of Arkansas to the payee set out herein, the following:

28

29 ITEM

30 NO.

AWARD

31 (1)	University of Arkansas at Fayetteville	<u>\$ 6,422.25</u>
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32

33 SECTION 6. APPROPRIATIONS. There is hereby appropriated, to the
34 Department of Finance and Administration - Revenue Services Division, to be
35 payable from the Corporate Income Tax Withholding Fund, for the purpose of

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

3

4 ITEM

5 NO.		AWARD
6 (1)	Arcen Realty Co., Inc.	<u>\$ 9,544.00</u>

7

8 SECTION 7. APPROPRIATIONS. There is hereby appropriated, to the
9 Department of Finance and Administration - Revenue Services Division, to be
10 payable from the Individual Income Tax Withholding Fund, for the purpose of
11 paying claims against the State of Arkansas to the payees set out herein, the
12 following:

13

14 ITEM

15 NO.		AWARD
16 (1)	Frederick S. and Judy L. Klipsch	\$ 5,868.00
17 (2)	Paul L. and Paula McChristian	<u>5,269.00</u>
18	Total Appropriated	<u>\$ 11,137.00</u>

19

20 SECTION 8. APPROPRIATIONS. There is hereby appropriated, to the Arkansas
21 State Claims Commission, to be payable from the State Central Services Fund,
22 for the purpose of paying claims against the State of Arkansas to the payees
23 set out herein, the following:

24

25 ITEM

26 NO.		AWARD
27 (1)	Holmes Polygraph Services, Inc.	\$ 1,339.76
28 (2)	Dr. Robert Berry	2,210.49
29 (3)	Dr. Richard Ofshe	1,652.32
30 (4)	Val Price	36,993.84
31 (5)	Scott Davidson	27,603.72
32 (6)	Inquisitor, Inc.	7,728.28
33 (7)	Stidham & Crow	48,036.28
34 (8)	Interest not to exceed	<u>9,402.26</u>
35	Total Appropriated	<u>\$ 134,966.95</u>

1

2 SECTION 9. APPROPRIATIONS. There is hereby appropriated, to the Arkansas
3 State Claims Commission, to be payable from the State Central Services Fund,
4 ~~for the purpose of paying claims against the State of Arkansas to the payees~~
5 set out herein, the following:

6

7 ITEM

8 NO.	AWARD
9 (1) George R. Wadley, Jr.	\$ 22,084.88
10 (2) Charles Lynch	3,810.10
11 (3) Paul N. Ford & George R. Wadley, Jr.	6,071.20
12 (4) Jim Rasicott, AB Communications, Inc.	5,628.36
13 (5) Paul N. Ford	28,628.78
14 (6) Interest not to exceed	<u>4,958.79</u>
15 Total Appropriated	<u>\$71,182.11</u>

16

17 SECTION 10. APPROPRIATIONS. There is hereby appropriated, to the
18 Arkansas State Claims Commission, to be payable from the State Central
19 ~~Services Fund, for the purpose of paying claims against the State of Arkansas~~
20 to the payee set out herein, the following:

21

22 ITEM

23 NO.	AWARD
24 (1) L. T. Simes, II	\$
25 <u>17,137.75</u>	

26

27 SECTION 11. APPROPRIATIONS. There is hereby appropriated, to the
28 ~~Department of Health, to be payable from the federal funds as designated by~~
29 the Chief Fiscal Officer of the State, for the purpose of paying claims
30 against the State of Arkansas to the payee set out herein, the following:

31

32 ITEM

33 NO.	AWARD
34 (1) Kirkpatrick Williams Associates, Inc.	<u>\$ 21,131.40</u>

35

1 ~~SECTION 12. APPROPRIATIONS. There is hereby appropriated, to the~~
2 Auditor of State, to be payable from the County Aid Fund, for the purpose of
3 paying claims against the State of Arkansas to the payee set out herein, the
4 following:

5

6 ITEM

7 NO. AWARD

8 (1) James A. McCubbin \$ 19,318.02

9

10 SECTION 13. APPROPRIATIONS. There is hereby appropriated, to the
11 ~~Department of Human Services - Division of Mental Health Services, to be~~
12 payable from the Mental Health Services Fund Account, for the purpose of
13 paying claims against the State of Arkansas to the payees set out herein, the
14 following:

15

16 ITEM

17 NO. AWARD

18 (1) Western Arkansas Counseling and
19 Guidance Center \$ 10,500.00

20 (2) H. Marvin, Jr., M.D. 5,348.00

21 Total Appropriated \$ 15,848.00

22

23 SECTION 14. APPROPRIATIONS. There is hereby appropriated, to the State
24 ~~Department for Social Security Administration Disability Determination, to be~~
25 payable from federal funds as designated by the Chief Fiscal Officer of the
26 State, for the purpose of paying claims against the State of Arkansas to the
27 payee set out herein, the following:

28

29 ITEM

30 NO. AWARD

31 (1) Smart Corporation \$ 8,755.00

32

33 SECTION 15. APPROPRIATIONS. There is hereby appropriated, to the
34 University of Arkansas, to be payable from the University of Arkansas Fund,
35 for the purpose of paying claims against the State of Arkansas to the payee

1 set out herein, the following:

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3 ITEM

4 NO.	AWARD
5 (1) U.S. Department of Agriculture	<u>\$ 9,238.97</u>

6

7 SECTION 16. APPROPRIATIONS. There is hereby appropriated, to the
8 Arkansas State Claims Commission, to be payable from the State Central
9 Services Fund, for the purpose of paying claims against the State of Arkansas
10 to the payees set out herein, the following:

11

12 ITEM

13 NO.	AWARD
14 (1) John Wesley Hall, Jr.	\$ 42,030.00
15 (2) Scott Daniel	<u>14,580.00</u>
16 Total Appropriated	<u>\$ 56,610.00</u>

17

~~18 SECTION 17. APPROPRIATIONS. There is hereby appropriated, to the~~
19 Department of Human Services - Division of Children and Family Services, to be
20 payable from the Children and Family Services Fund Account, for the purpose of
21 paying claims against the State of Arkansas to the payee set out herein, the
22 following:

23

24 ITEM

25 NO.	AWARD
26 (1) DeQueen Regional Medical Center - Marci Lee Matheny	<u>\$ 8,150.25</u>

27

28 SECTION 18. The appropriation for interest provided in Item (8) in
29 Section 8 and in Item (6) of Section 9 are maximum amounts authorized to be
30 paid, and the amount to be disbursed is the amount required for the payment of
31 interest accruing after August 15, 1995 at a rate of eight percent (8%) per
32 annum for each approved claim in Sections 8 and 9. Each of these claimants
33 ~~will be entitled to an interest payment for the period beginning on August 16,~~
34 1995 and ending on final date of payment. The total interest paid shall not
35 exceed the appropriation provided in Item (8) of Section 8 and Item (6) of

1 Section 9.

2

3 SECTION 19. The Clerk of the State Claims Commission shall not
4 distribute any warrants prepared under the provisions of this Act for awards
5 made by the Arkansas State Claims Commission for employment compensation
6 claims. Upon the award by the State Claims Commission of an employment
7 compensation claim, the Clerk of the State Claims Commission shall notify the
8 affected state agency and the Department of Finance and Administration -
9 Office of Personnel Management of such amounts that are due and payable. The
10 affected state agency shall then process the award through the State
11 Mechanized Payroll System.

12

13 SECTION 20. It is the intent of the General Assembly that when any state
14 agency, board, commission or institution of higher education admits liability
15 to a claim filed with the State Claims Commission and the claim involves a
16 contract with a state agency, board, commission or institution of higher
17 education or the claim exceeds five thousand dollars (\$5,000) that such
18 agency, board, commission or institution of higher education file a written
19 report thereof to the Litigation Subcommittee of the Arkansas Legislative
20 Council. Such report shall include a concise statement of facts with an
21 explanation of the agency's liability. Provided further, such report shall be
22 filed with the Litigation Subcommittee within thirty (30) days after the claim
23 has been adjudicated by the State Claims Commission.

24

25 SECTION 21. Any state agency which is affected by the allowed claim(s)
26 provided for in this Act, and whose funds for the 1995-96 fiscal year are
27 insufficient to allow for the payment of said claim(s) before June 30, 1996,
28 is hereby authorized, upon certification by the Chief Fiscal Officer of the
29 State, to make payment of said claim(s) after July 1, 1996, from funds
30 appropriated for the 1996-97 fiscal year.

31

32 SECTION 22. The Clerk of the State Claims Commission is hereby made the
33 disbursing officer for the purpose of paying the claims appropriated by this
34 Act. The Clerk of the State Claims Commission is hereby authorized to receive
35 all warrants prepared under the provisions of this Act from the Auditor of

1 State and to distribute same to the claimants.

2

3 SECTION 23. In the event that any claim authorized herein is determined
4 to be a valid claim against the State and the claim is to be paid from funds
5 not in the State Treasury, the Clerk of the State Claims Commission shall
6 notify the agency against which the claim is to be charged of the amount of
7 such claims. Upon receipt of such notification, the state agency shall
8 forth-with deliver a check to the Clerk of the State Claims Commission who
9 shall deposit the same as a nonrevenue receipt into the Miscellaneous
10 Revolving Fund from which he shall disburse the amount of the claim to the
11 claimant.

12

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

22

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

31

32 SECTION 26. CODE. All provisions of this Act of a general and permanent
33 nature are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas
34 Code Revision Commission shall incorporate the same in the Code.

35

1 SECTION 27. SEVERABILITY. If any provision of this Act or the
2 application thereof to any person or circumstance is held invalid, such
3 invalidity shall not affect other provisions or applications of the Act which
4 can be given effect without the invalid provision or application, and to this
5 end the provisions of this Act are declared to be severable.

6

7 SECTION 28. GENERAL REPEALER. All laws and parts of laws in conflict
8 with this Act are hereby repealed.

9

10 SECTION 29. EMERGENCY CLAUSE. It is hereby found and determined by the
11 Eightieth General Assembly meeting in First Extraordinary Session, that payees
12 listed in this Act may be entitled to the sums appropriated and transferred
13 herein, and that they have been deprived of the use of these funds for a long
14 period of time, and that further delay in paying these just debts of the State
15 would do harm to the reputation of the State of Arkansas. Therefore, an
16 emergency is hereby declared to exist and this Act being necessary for the
17 immediate preservation of the public peace, health and safety shall be in full
18 force and effect from and after its passage and approval.

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20 Became Law Without Governor's Signature: 11-13-95

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