

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

# A Bill

**ACT 607 OF 1995**  
**SENATE BILL 186**

## 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 PAYMENT OF  
15 APPROVED CLAIMS BY THE ARKANSAS STATE CLAIMS COMMISSION."

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

18  
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:

24  
25 ITEM

26	<u>NO.</u>	<u>AWARD</u>
27	(1) Steven Robert Quackenbush & Ethel L.	
28	Quackenbush	\$ 200,000.00
29	(2) Jewell Kissinger & Gladys Kissinger	13,000.00
30	(3) Brady Price	1,500.00
31	(4) Elizabeth P. Sutton & Robert Sutton	10,000.00
32	(5) Joyce Boyd & John Boyd	10,000.00
33	(6) Charles Love and Sue Carol Love	110,000.00
34	(7) Peggy Wilson	<u>48,000.00</u>
35	Total Appropriated	<u>\$ 392,500.00</u>

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1 SECTION 2. APPROPRIATIONS. There is hereby appropriated, to the  
2 Correction Department, to be payable from the Department of Correction Inmate  
3 Care and Custody Fund Account, for the purpose of paying claims against the  
4 State of Arkansas to the payees set out herein, the following:

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6 ITEM

7 NO.	AWARD
8 (1) Mamie Holloway	\$ 8,250.00
9 (2) Pam Ball	15,663.72
10 (3) Minnie O. Parker	7,500.00
11 (4) Jimmie Pendleton	<u>7,529.93</u>
12 Total Appropriated	<u>\$ 38,943.65</u>

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14 SECTION 3. APPROPRIATIONS. There is hereby appropriated, to the  
15 Department of Finance and Administration - Revenue Services Division, to be  
16 payable from the Miscellaneous Revolving Fund, for the purpose of paying  
17 claims against the State of Arkansas to the payees set out herein, the  
18 following:

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20 ITEM

21 NO.	AWARD
22 (1) Burlington Motor Carriers, Inc	\$ 56,361.92
23 (2) U. S. Xpress	<u>13,828.38</u>
24 Total Appropriated	<u>\$ 70,190.30</u>

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26 SECTION 4. APPROPRIATIONS. There is hereby appropriated, to the  
27 Department of Finance and Administration - Revenue Services Division, to be  
28 payable from the Corporate Income Tax Withholding Fund, for the purpose of  
29 paying claims against the State of Arkansas to the payees set out herein, the  
30 following:

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32 ITEM

33 NO.	AWARD
34 (1) Pharmacia LKB Biotechnology, Inc.	\$ 16,722.00
35 (2) BP Chemicals, Inc.	12,099.41

1 (3) Smoky Hollow 18,700.00  
2 Total Appropriated \$ 47,521.41

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

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9 ITEM

10 NO. AWARD  
11 (1) IBM Corporation \$ 6,554.96

12

13 SECTION 6. APPROPRIATIONS. There is hereby appropriated, to the  
14 Auditor of State, to be payable from the General Revenue Fund Account of the  
15 State Apportionment Fund, for the purpose of paying claims against the State  
16 of Arkansas to the payees set out herein, the following:

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18 ITEM

19 NO. AWARD  
20 (1) Johnny Fong \$ 6,796.00  
21 (2) Linda Sue Haynes Fitzhugh 6,761.75  
22 (3) Tom Norrell 6,134.40  
23 Total Appropriated \$ 19,692.15

24

25 SECTION 7. APPROPRIATIONS. There is hereby appropriated, to the  
26 Department of Human Services - Division of Children and Family Services, to be  
27 payable from the Children and Family Services Fund Account, for the purpose of  
28 paying claims against the State of Arkansas to the payees set out herein, the  
29 following:

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31 ITEM

32 NO. AWARD  
33 (1) Rivendell of Arkansas \$ 5,850.00  
34 (2) Sparks Regional Medical Center 36,600.25  
35 (3) Southeast Arkansas Mental Health Center, Inc. 13,202.50

1	(4) Harbor View Mercy Hospital	37,863.96
2	(5) Harbor View Mercy Hospital	<u>5,447.00</u>
3	Total Appropriated	<u>\$ 98,963.71</u>

4

5 SECTION 8. APPROPRIATIONS. There is hereby appropriated, to the  
6 Department of Human Services - Division of Children and Family Services, to be  
7 payable from the Department of Human Services Paying Account as designated by  
8 the Chief Fiscal Officer of the State, for the purpose of paying claims  
9 against the State of Arkansas to the payee set out herein, the following:

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11 ITEM

12	<u>NO.</u>	<u>AWARD</u>
13	(1) Youth Bridge, Inc.	<u>\$ 11,189.86</u>

14

15 SECTION 9. APPROPRIATIONS. There is hereby appropriated, to the  
16 Department of Human Services, to be payable from the Department of Human  
17 Services Paying Account as designated by the Chief Fiscal Officer of the  
18 State, for the purpose of paying claims against the State of Arkansas to the  
19 payees set out herein, the following:

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21 ITEM

22	<u>NO.</u>	<u>AWARD</u>
23	(1) Local 100 SEIU	\$ 14,724.54
24	(2) St. Vincent Hospital	14,545.79
25	(3) Marianne Hayes	<u>51,322.32</u>
26	Total Appropriated	<u>\$ 80,592.65</u>

27

28 SECTION 10. APPROPRIATIONS. There is hereby appropriated, to the  
29 Department of Human Services - Administration - Division of Volunteerism, to  
30 be payable from the Department of Human Services Paying Account as designated  
31 by the Chief Fiscal Officer of the State, for the purpose of paying claims  
32 against the State of Arkansas to the payee set out herein, the following:

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34 ITEM

35	<u>NO.</u>	<u>AWARD</u>
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1	(1) U.S. Department of Agriculture/Soil	
2	Conservation Services	\$ 12,908.54
3	(2) Texarkana Arkansas School District #7	<u>34,151.70</u>
4	Total Appropriated	<u>\$47,060.24</u>

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

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11 ITEM

12	<u>NO.</u>	<u>AWARD</u>
13	(1) Professional Counseling Assoc., Inc.	\$ 11,960.00
14	(2) St. Vincent Infirmary Medical Center	<u>15,573.38</u>
15	Total Appropriated	<u>\$ 27,533.38</u>

16

17 SECTION 12. APPROPRIATIONS. There is hereby appropriated, to the  
18 Department of Finance and Administration - Management Services Division, to be  
19 payable from cash funds as defined by Arkansas Code 19-4-801 of the Department  
20 of Finance and Administration - Management Services Division, for the purpose  
21 of paying claims against the State of Arkansas to the payees set out herein,  
22 the following:

23

24 ITEM

25	<u>NO.</u>	<u>AWARD</u>
26	(1) Linda K. Porter	\$ 17,500.00
27	(2) Chalna R. Porter	<u>17,500.00</u>
28	Total Appropriated	<u>\$ 35,000.00</u>

29

30 SECTION 13. APPROPRIATIONS. There is hereby appropriated, to the Land  
31 Department, to be payable from the cash funds as defined by Arkansas Code 19-  
32 4-801 of the Land Department, for the purpose of paying claims against the  
33 State of Arkansas to the payee set out herein, the following:

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35 ITEM

<u>NO.</u>	<u>AWARD</u>
(1) Leonard Pickle, agent for Delta Pecan	<u>\$ 13,019.94</u>

3

4 SECTION 14. APPROPRIATIONS. There is hereby appropriated, to the State  
5 Insurance Department, to be payable from the Police Officer's Pension and  
6 Relief Fund, for the purpose of paying claims against the State of Arkansas to  
7 the payee set out herein, the following:

8

9 ITEM

<u>NO.</u>	<u>AWARD</u>
(1) City of Lowell Police Pension Fund	<u>\$ 11,730.70</u>

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13 SECTION 15. 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:

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18 ITEM

<u>NO.</u>	<u>AWARD</u>
(1) Jill A. Swenson	<u>\$ 8,487.80</u>

21

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

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27 ITEM

<u>NO.</u>	<u>AWARD</u>
(1) Shearson Lehman Hutton	<u>\$ 10,480.00</u>

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31 SECTION 17. APPROPRIATIONS. There is hereby appropriated, to the  
32 Department of Finance and Administration - Revenue Services Division, to be  
33 payable from the Individual Income Tax Withholding Fund, for the purpose of  
34 paying claims against the State of Arkansas to the payee set out herein, the  
35 following:

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2 ITEM

<u>NO.</u>	<u>AWARD</u>
(1) Harold & L. White	<u>\$ 5,744.00</u>

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6 SECTION 18. APPROPRIATIONS. There is hereby appropriated, to the  
7 Department of Finance and Administration - Revenue Division - Child Support  
8 Enforcement Unit, to be payable from the Child Support Enforcement Fund, for  
9 the purpose of paying claims against the State of Arkansas to the payee set  
10 out herein, the following:

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12 ITEM

<u>NO.</u>	<u>AWARD</u>
(1) Tommy Sue Keffer, Arkansas County Circuit Clerk	<u>\$ 24,645.00</u>

15

16 SECTION 19. APPROPRIATIONS. There is hereby appropriated, to the  
17 Office of the Treasurer of State, to be payable from the Municipal Aid Fund,  
18 for the purpose of paying claims against the State of Arkansas to the payees  
19 set out herein, the following:

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21 ITEM

<u>NO.</u>	<u>AWARD</u>
(1) Osceola	\$29,816.92
(2) Caraway	25,091.31
(3) Edmondson	12,205.22
(4) Marion	721.36
(5) Hoxie	15,585.35
(6) Gosnell	<u>10,481.71</u>
Total Appropriated	<u>\$93,901.87</u>

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31 SECTION 20. APPROPRIATIONS. There is hereby appropriated, to the State  
32 Insurance Department, to be payable from the State Insurance Department Trust  
33 Fund, for the purpose of paying claims against the State of Arkansas to the  
34 payee set out herein, the following:

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1 ITEM

2	<u>NO.</u>	<u>AWARD</u>
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3	(1) CITY OF EUREKA SPRINGS	<u>\$14,088.94</u>
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5 SECTION 21. APPROPRIATIONS. There is hereby appropriated, to the  
6 Department of Human Services - Division of Economic & Medical Services, to be  
7 payable from the Department of Human Services Paying Account as designated by  
8 the Chief Fiscal Officer of the State, for the purpose of paying claims  
9 against the State of Arkansas to the payee set out herein, the following:

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11 ITEM

12	<u>NO.</u>	<u>AWARD</u>
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13	(1) EDS Corporation	<u>\$215,130.44</u>
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15 SECTION 22. APPROPRIATIONS. There is hereby appropriated, to the  
16 University of Arkansas at Pine Bluff, to be payable from the University of  
17 Arkansas at Pine Bluff Fund, for the purpose of paying claims against the  
18 State of Arkansas to the payee set out herein, the following:

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20 ITEM

21	<u>NO.</u>	<u>AWARD</u>
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22	(1) Fred Love	<u>\$ 72,300.00</u>
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24 SECTION 23. APPROPRIATIONS. There is hereby appropriated, to the State  
25 Forestry Commission, to be payable from the State Forestry Funds for the  
26 purpose of paying claims against the State of Arkansas to the payee set out  
27 herein, the following:

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29 ITEM

30	<u>NO.</u>	<u>AWARD</u>
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31	(1) INTERNATIONAL PAPER	<u>\$29,910.60</u>
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33 SECTION 24. APPROPRIATIONS. There is hereby appropriated, to the  
34 Department of Arkansas State Police, to be payable from the Department of  
35 Arkansas State Police Fund, for the purpose of paying claims against the State

1 of Arkansas to the payee set out herein, the following:

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3 *ITEM*

4 NO. AWARD

5 (1) Thomas M. Hill \$9,704.55

6 SECTION 25. APPROPRIATIONS. There is hereby appropriated to the  
7 University of Arkansas, to be payable from the University of Arkansas Fund,  
8 for the purpose of paying claims against the State of Arkansas to the payee  
9 set out herein, the following:

10

11 *ITEM*

12 NO. AWARD

13 (1) Paul Scoggins \$200,000.00

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15 SECTION 26. The Clerk of the State Claims Commission shall not  
16 distribute any warrants prepared under the provisions of this Act for awards  
17 made by the Arkansas State Claims Commission for employment compensation  
18 claims. Upon the award by the State Claims Commission of an employment  
19 compensation claim, the Clerk of the State Claims Commission shall notify the  
20 affected state agency and the Department of Finance and Administration -  
21 Office of Personnel Management of such amounts that are due and payable. The  
22 affected state agency shall then process the award through the State  
23 Mechanized Payroll System.

24

25 SECTION 27. It is the intent of the General Assembly that when any  
26 state agency, board, commission or institution of higher education admits  
27 liability to a claim filed with the State Claims Commission and the claim  
28 involves a contract with state agency, board, commission or institution of  
29 higher education or the claim exceeds five thousand dollars (\$5,000) that such  
30 agency, board, commission or institution of higher education file a written  
31 report thereof to the Litigation Subcommittee of the Arkansas Legislative  
32 Council. Such report shall include a concise statement of facts with an  
33 explanation of the agency's liability. Provided further, such report shall be  
34 filed with the Litigation Subcommittee within thirty (30) days after the claim  
35 has been adjudicated by the State Claims Commission.

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SECTION 28. Any state agency which is affected by the allowed claim(s) provided for in this Act, and whose funds for the 1994-95 fiscal year are insufficient to allow for the payment of said claim(s) before June 30, 1995, is hereby authorized, upon certification by the Chief Fiscal Officer of the State, to make payment of said claim(s) after July 1, 1995, from funds appropriated for the 1995-96 fiscal year.

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

SECTION 30. In the event that any claim authorized herein is determined to be a valid claim against the State and the claim is to be paid from funds not in the State Treasury, the Clerk of the State Claims Commission shall notify the agency against which the claim is to be charged of the amount of such claims. Upon receipt of such notification, the state agency shall forth-with deliver a check to the Clerk of the State Claims Commission who shall deposit the same as a nonrevenue receipt into the Miscellaneous Revolving Fund from which he shall disburse the amount of the claim to the claimant.

SECTION 31. COMPLIANCE WITH OTHER LAWS. Disbursement of funds authorized by this Act shall be limited to the appropriation for such agency and funds made available by law for the support of such appropriations; and the restrictions of the State Purchasing Law, the General Accounting and Budgetary Procedures Law, the Revenue Stabilization Law, the Regular Salary Procedures and Restrictions Act, or their successors, and other fiscal control laws of this State, where applicable, and regulations promulgated by the Department of Finance and Administration, as authorized by law, shall be strictly complied with in disbursement of said funds.

SECTION 32. LEGISLATIVE INTENT. It is the intent of the General Assembly that any funds disbursed under the authority of the appropriations

1 contained in this Act shall be in compliance with the stated reasons for which  
2 this Act was adopted, as evidenced by the Agency Requests, Executive  
3 Recommendations and Legislative Recommendations contained in the budget  
4 manuals prepared by the Department of Finance and Administration, letters, or  
5 summarized oral testimony in the official minutes of the Arkansas Legislative  
6 Council or Joint Budget Committee which relate to its passage and adoption.

7  
8 SECTION 33. CODE. All provisions of this Act of a general and  
9 permanent nature are amendatory to the Arkansas Code of 1987 Annotated and the  
10 Arkansas Code Revision Commission shall incorporate the same in the Code.

11  
12 SECTION 34. SEVERABILITY. If any provision of this Act or the  
13 application thereof to any person or circumstance is held invalid, such  
14 invalidity shall not affect other provisions or applications of the Act which  
15 can be given effect without the invalid provision or application, and to this  
16 end the provisions of this Act are declared to be severable.

17  
18 SECTION 35. GENERAL REPEALER. All laws and parts of laws in conflict  
19 with this Act are hereby repealed.

20  
21 SECTION 36. EMERGENCY CLAUSE. It is hereby found and determined by the  
22 Eightieth General Assembly, that payees listed in this Act may be entitled to  
23 the sums appropriated and transferred to herein, and that they have been  
24 deprived of the use of these funds for a long period of time, and that further  
25 delay in paying these just debts of the State would do harm to the reputation  
26 of the State of Arkansas. Therefore, an emergency is hereby declared to exist  
27 and this Act being necessary for the immediate preservation of the public  
28 peace, health and safety shall be in full force and effect from and after its  
29 passage and approval.

30  
31 /s/Russ

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34 APPROVED: 3-13-95

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