

State of Arkansas

76th General Assembly

Regular Session, 1987 As engrossed 3-12-87

SENATE BILL 528

By: Joint Budget Committee As engrossed 4-2-87

As engrossed 3-30-87 As engrossed 3-27-87 As engrossed 4-1-87

As engrossed 4-3-87

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

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

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

ITEM NO.		PRIORITY	AWARD AMOUNT
(1)	Jessy and Lena Grooms	I	\$ 3,500.00
(2)	Amos Enderlin Contracting	I	3,782.60
(3)	John Peter Keough	I	4,000.00
(4)	Theodore Manning	I	4,000.00
(5)	J. L. Larry	I	5,000.00
(6)	Virginia Bruce	I	9,500.00
(7)	O'Neal, Harmon and Marion Ramey	I	10,000.00
(8)	Dahlsten Truck Lines, Inc.	I	12,755.00
(9)	Southern Pavers, Inc. (traffic control devices)	I	14,755.06
(10)	John Wilkins	I	15,000.00
(11)	Woody Clark Contracting Co., Inc.	I	16,140.00
(12)	John Gulley d/b/a Gulley Construction Co.	I	28,721.52
(13)	Southern Pavers, Inc. (highway shoulder renovation)	I	92,227.00
(14)	Pilgrim's Pride Corporation	I	2,275.83
(15)	Peterson Industries, Inc.	I	2,500.00
(16)	Mrs. Larry Willcutt (Estate of Patricia Ashcraft)	I	30,250.00

(17)	Clifford Hall	I	33,300.00
(18)	Valco, Inc.	I	52,000.00
(19)	Gurdon School District	I	2,891.50
(20)	Kathleen Minnie	I	8,000.00
(21)	Cheryl Ferguson	II	90,000.00
(22)	Donald R. Creekmore	I	2,547.00
(23)	Tommy and Janet Mitchum	I	19,500.00
TOTAL APPROPRIATED			\$ 462,645.51

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

ITEM			AWARD
NO.		PRIORITY	AMOUNT
(1)	E. L. and Deborah Irvan	I	\$ 7,500.00
(2)	Arkansas Department of Correction	I	7,180.58
(3)	Bertha Misenhimer	I	5,000.00
TOTAL APPROPRIATED			\$ 19,680.58

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

ITEM			AWARD
NO.		PRIORITY	AMOUNT
(1)	Martha Benedict	I	\$ 5,000.00
(2)	Oscar Benson by Kathy Benson, next friend	I	5,000.00
(3)	Southwestern Electric	I	3,639.92
(4)	Marian Penix	I	3,000.00
TOTAL APPROPRIATED			\$ 16,639.92

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SECTION 4. APPROPRIATIONS. There is hereby appropriated, to the

University of Arkansas for Medical Sciences, to be payable from the University of Arkansas Medical Center Fund, for the purpose of paying claims against the State of Arkansas to the payee set out herein, the following:

ITEM		AWARD
NO.	PRIORITY	AMOUNT
(1) Carlos Gray	I	\$ 5,642.00
		=====

SECTION 5. APPROPRIATIONS. There is hereby appropriated, to the Department of Correction, to be payable from the Department of Correction - Inmate Care and Custody Fund Account, for the purpose of paying claims against the State of Arkansas to the payees set out herein, the following:

ITEM		AWARD
NO.	PRIORITY	AMOUNT
(1) Anthony Webster	I	\$ 6,000.00
(2) Leon Smith	I	5,000.00
TOTAL APPROPRIATED		\$ 11,000.00

SECTION 6. APPROPRIATIONS. There is hereby appropriated, to the Arkansas Public Employees Retirement System, to be payable from the Arkansas Public Employees Retirement System Fund, for the purpose of paying claims against the State of Arkansas to the payee set out herein, the following:

ITEM		AWARD
NO.	PRIORITY	AMOUNT
(1) W. F. Howell	I	\$ 4,110.51

SECTION 7. APPROPRIATIONS. There is hereby appropriated, to the State Department for Social Security Administration Disability Determination, to be payable from the Federal Disability Determination Fund, for the purpose of paying claims against the State of Arkansas to the payee set out herein, the following:

ITEM		AWARD
NO.	PRIORITY	AMOUNT
(1) Charles Ketcherside	I	\$ 12,000.00

SECTION 8. APPROPRIATIONS. There is hereby appropriated, to the Department of Human Services - Developmental Disabilities Services Division, to be payable from the Developmental Disabilities Services Fund Account, for the purpose of paying claims against the State of Arkansas to the payee set out herein, the following:

ITEM			AWARD
NO.	_____	PRIORITY	AMOUNT
(1)	Arkansas Children's Hospital	I	\$ 4,662.55

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

ITEM			AWARD
NO.	_____	PRIORITY	AMOUNT
(1)	Katherine Shelton	I	\$ 8,000.00

SECTION 10. APPROPRIATIONS. There is hereby appropriated, to the Department of Human Services - Division of Economic and Medical Services, to be payable from the Economic and Medical Services Fund Account, for the purpose of paying claims against the State of Arkansas to the payee set out herein, the following:

ITEM			AWARD
NO.	_____	PRIORITY	AMOUNT
(1)	Inez Lawrence and L. E. Cox Medical Center	I	\$ 4,735.33

SECTION 11. APPROPRIATIONS. There is hereby appropriated, to the State Claims Commission, to be payable from the Miscellaneous Revolving Fund, for the purpose of paying claims against the State of Arkansas to the payee set out herein, the following:

ITEM	AWARD
NO. _____	AMOUNT
_____	_____
PRIORITY	AMOUNT
(1) Gracie Garbett - as Administratrix, Individually and as Mother and Next Friend of Leslie Price	I \$ 137,500.00

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

ITEM	AWARD
NO. _____	AMOUNT
_____	_____
PRIORITY	AMOUNT
(1) International Paper Company	I \$ 4,985.00

SECTION 13. APPROPRIATIONS. There is hereby appropriated, to the Department of Finance and Administration - Revenue Services, to be payable from the Income Tax Withholding Fund, for the purpose of paying claims against the State of Arkansas to the payee set out herein, the following:

ITEM	AWARD
NUMBER _____	AMOUNT
_____	_____
PRIORITY	AMOUNT
(1) A. R. and C. Davis	I \$ 2,786.00

SECTION 14. APPROPRIATIONS. There is hereby appropriated, to the Office of the Attorney General, to be payable from the Constitutional and Fiscal Agencies Fund, for the purpose of paying claims against the State of Arkansas to the payees set out herein, the following:

ITEM	AWARD
NUMBER _____	AMOUNT
_____	_____
PRIORITY	AMOUNT
(1) Mr. & Mrs. Henry Pasley	II \$ 588.00
(2) Mr. & Mrs. Bob Combs	II 1,346.50

(3) Mr. Gerald Wilson	II	1,250.00
(4) Mr. & Mrs. Connon Lesley	II	2,347.50
(5) Mr. & Mrs. James Slawson	II	1,791.00
(6) Ms. Etta Faye Street	II	2,650.00
(7) Mr. & Mrs. Wayne Burrows	II	3,179.00
(8) Mr. & Mrs. Charles Angel	II	4,500.00
(9) Mr. & Mrs. Charles Goff	II	1,750.00
(10) Mr. & Mrs. Michael Haverly	II	4,500.00
(11) Mr. & Mrs. Michael Goyme	II	1,650.00
(12) Ms. Kim Gaddis	II	2,250.00
(13) Mr. & Mrs. Gerald Stachurski	II	8,000.00
(14) Mr. & Mrs. James Slater	II	2,250.00
(15) Ms. Rita Townsend	II	2,150.00
(16) Mr. Lester Gotte	II	32,500.00
(17) Ms. Nancy Vaughn	II	15,000.00
(18) Woodland Heritage Corporation	II	___350,000.00
TOTAL AMOUNT		\$ 437,702.00

SECTION 15. APPROPRIATIONS. There is hereby appropriated, to the Department of Finance and Administration-Alcoholic Beverage Control Enforcement Division, to be payable from the State General Services Fund Account, for the purpose of paying claims against the State of Arkansas to the payees set out herein, the following:

ITEM		AWARD
<u>NO.</u>	<u>PRIORITY</u>	<u>AMOUNT</u>
(1) Shirley Kemper	I	\$ 8,000.00
(2) Betty Jo Smith	I	8,000.00
(3) Ruthie Cravens	I	12,000.00
(4) Betty L. Smith	I	___160,000.00
TOTAL AMOUNT		\$ 188,000.00

SECTION 16. There is hereby appropriated for paying claims in the amounts and to the individuals or other entities enumerated below, to the Arkansas State Claims Commission, payable from funds from which the responsible agency draws its primary support, the following:

A. R. and C. Davis, \$2,786.00; Amos Enderlin Contracting, \$3,782.60; Anthony Webster, \$6,000.00; Arkansas Children's Hospital, \$4,662.55; Arkansas Department of Correction, \$7,180.58; Bertha Misenhimer, \$5,000.00; Betty Jo Smith, \$8,000.00; Betty L. Smith, \$160,000.00; Carlos Gray, \$5,642.00; Charles Ketcherside, \$12,000.00; Cheryl Ferguson, \$90,000.00; Clifford Hall, \$33,300.00; Dahlsten Truck Lines, Inc., \$12,755.00; E. L. and Deborah Irvan, \$7,500.00; Gracie Garbett - as Administratrix, Individually and as Mother and Next Friend of Leslie Price, \$137,500.00; Gurdon School District, \$2,891.50; Inez Lawrence and L. E. Cox Medical Center, \$4,735.33; International Paper Company, \$4,985.00; J. L. Larry, \$5,000.00; Jessy and Lena Grooms, \$3,500.00; John Gulley d/b/a/ Gulley Construction Co., \$28,721.52; John Peter Keough, \$4,000.00; John Wilkins, \$15,000.00; Katherine Shelton, \$8,000.00; Kathleen Minnie, \$8,000.00; Leon Smith, \$5,000.00; Martha Benedict, \$5,000.00; Mr. and Mrs. Bob Combs, \$1,346.50; Mr. and Mrs. Charles Angel, \$4,500.00; Mr. and Mrs. Charles Goff, \$1,750.00; Mr. and Mrs. Connon Lesley, \$2,347.50; Mr. and Mrs. Gerald Stachurski, \$8,000.00; Mr. and Mrs. Henry Pasley, \$588.00; Mr. and Mrs. James Slater, \$2,250.00; Mr. and Mrs. James Slawson, \$1,791.00; Mr. and Mrs. Michael Goynes, \$1,650.00; Mr. and Mrs. Michael Haverly, \$4,500.00; Mr. and Mrs. Wayne Burrows, \$3,179.00; Mr. Gerald Wilson, \$1,250.00; Mr. Lester Gotte, \$32,500.00; Mrs. Larry Willcutt (Estate of Patricia Ashcraft), \$30,250.00; Ms. Etta Faye Street, \$2,650.00; Ms. Kim Gaddis, \$2,250.00; Ms. Nancy Vaughn, \$15,000.00; Ms. Rita Townsend, \$2,150.00; O'Neal, Harmon and Marion Ramey, \$10,000.00; Oscar Benson by Kathy Benson, next friend, \$5,000.00; Peterson Industries, Inc., \$2,500.00; Pilgrim's Pride Corporation, \$2,275.83; Ruthie Cravens, \$12,000.00; Shirley Kemper, \$8,000.00; Southern Pavers, Inc. (highway shoulder renovation), \$92,227.00; Southern Pavers, Inc. (traffic control devices), \$14,755.06; Southwestern Electric, \$3,639.92; Theodore Manning, \$4,000.00; Tommy and Janet Mitchum, \$19,500.00; Valco, Inc. \$52,000.00; Virginia Bruce, \$9,500.00; W. F. Howell, \$4,110.51; Woodland Heritage Corporation, \$350,000.00; Woody Clark Contracting Co., Inc. \$16,140.00; Marian Penix, \$3,000.00 for a sum of.....\$1,317,542.40.

SECTION 17. Any state agency which is affected by the allowed claim(s) provided for in this Act, and whose funds for the 1986-87 fiscal year are insufficient to allow for the payment of said claim(s) before June 30, 1987, is hereby authorized, upon certification by the Chief Fiscal Officer of the

State, to make payment of said claim(s) after July 1, 1987, from funds appropriated for the 1987-88 fiscal year.

SECTION 18. 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 claim. Upon receipt of such notification, the state agency shall forthwith 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 19. All claims enumerated as Priority II in this Act shall be reviewed by the appropriate Committee of the Arkansas General Assembly, as determined by the Cochairmen of the Joint Interim Committees on State Agencies and Governmental Affairs, Judiciary, Revenue and Taxation, Education, and Public Transportation. After receiving the advice of the Committee, such claims as determined by the Arkansas State Claims Commission to be valid shall be paid by the Arkansas State Claims Commission in such amount so determined. All claims enumerated as Priority I are those which the Arkansas General Assembly recommends be paid as soon as practical. All claims enumerated in Priority II are those which the Arkansas General Assembly recommends that the appropriate committee and Commission review further and pay if appropriate.

SECTION 20. The Clerk of the State Claims Commission is hereby made the disbursing officer for the purpose of paying the claims appropriated by this Act.

SECTION 21. The Arkansas Claims Commission is hereby authorized and directed to rehear the following cases which arise out of the same incident and which have previously been consolidated for purposes of adjudication:

Commercial National Bank, Special Administrator of the Estate of
Pedro Cortes

v. No. 79-233-CC

The Department of Human Services

Caratino Saldena

v. No. 80-199-CC

The Department of Human Services

Mauro Martinez

v. No. 81-082-CC

The Department of Human Services

For purposes of this rehearing, the Arkansas Claims Commission shall use the pleadings of the parties; any discovery and evidentiary depositions taken in these cases; any testimony provided at the previous hearing; any exhibits attached to any pleadings and/or briefs, and/or otherwise introduced into evidence at the previous hearing; the briefs of the parties; and any other information, documentation and/or testimony which the Arkansas Claims Commission determines to be appropriate for a fair and full adjudication of these cases.

The Claims Commission is to afford priority to these cases to the extent that they be heard in a timely and efficient manner.

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

/s/ Howell

