

1 State of Arkansas
2 80th General Assembly
3 Regular Session, 1995

A Bill

SENATE BILL 186

4 By: Joint Budget Committee

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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."

12
13

Subtitle

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

16

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 NO.		AWARD
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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SECTION 2. APPROPRIATIONS. There is hereby appropriated, to the Correction Department, 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

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

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

ITEM

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

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

ITEM

<u>NO.</u>	<u>AWARD</u>
(1) Pharmacia LKB Biotechnology, Inc.	\$ 16,722.00

1	(2) BP Chemicals, Inc.	12,099.41
2	(3) Smoky Hollow	<u>18,700.00</u>
3	Total Appropriated	<u>\$ 47,521.41</u>

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5 SECTION 5. APPROPRIATIONS. There is hereby appropriated, to the

6 Auditor of State, to be payable from the State Central Services Fund, for the

7 purpose of paying claims against the State of Arkansas to the payee set out

8 herein, the following:

9

10 ITEM

11	<u>NO.</u>	<u>AWARD</u>
12	(1) IBM Corporation	<u>\$ 6,554.96</u>

13

14 SECTION 6. APPROPRIATIONS. There is hereby appropriated, to the

15 Auditor of State, to be payable from the General Revenue Fund Account of the

16 State Apportionment Fund, for the purpose of paying claims against the State

17 of Arkansas to the payees set out herein, the following:

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19 ITEM

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

25

26 SECTION 7. APPROPRIATIONS. There is hereby appropriated, to the

27 Department of Human Services - Division of Children and Family Services, to

28 be payable from the Children and Family Services Fund Account, for the

29 purpose of paying claims against the State of Arkansas to the payees set out

30 herein, the following:

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32 ITEM

33	<u>NO.</u>	<u>AWARD</u>
34	(1) Rivendell of Arkansas	\$ 5,850.00
35	(2) Sparks Regional Medical Center	36,600.25

1	(3) Southeast Arkansas Mental Health Center, Inc.	13,202.50
2	(4) Harbor View Mercy Hospital	37,863.96
3	(5) Harbor View Mercy Hospital	<u>5,447.00</u>
4	Total Appropriated	<u>\$ 98,963.71</u>

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

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12 ITEM

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

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

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22 ITEM

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

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

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35 ITEM

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

SECTION 11. 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 payees set out herein, the following:

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12 ITEM

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

17

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

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25 ITEM

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

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

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1 ITEM

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

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

9

10 ITEM

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

13

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

18

19 ITEM

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

22

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

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28 ITEM

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

31

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

1 following:

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3 ITEM

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

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

12

13 ITEM

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

16

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

21

22 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>

31

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

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2 *ITEM*

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

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12 *ITEM*

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

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21 *ITEM*

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

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30 *ITEM*

<u>NO.</u>	<u>AWARD</u>
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32 (1) INTERNATIONAL PAPER	<u>\$29,910.60</u>
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34 SECTION 24. APPROPRIATIONS. There is hereby appropriated, to the
35 Department of Arkansas State Police, to be payable from the Department of

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

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4 *ITEM*

5 *NO.* *AWARD*

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

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

11

12 *ITEM*

13 *NO.* *AWARD*

14 *(1) Paul Scoggins* *\$200,000.00*

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

25

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

1 the claim has been adjudicated by the State Claims Commission.

2

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

9

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

15

16 SECTION 30. 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 forth-with deliver a check to the Clerk of the State Claims Commission who
22 shall deposit the same as a nonrevenue receipt into the Miscellaneous
23 Revolving Fund from which he shall disburse the amount of the claim to the
24 claimant.

25

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

35

36 SECTION 32. LEGISLATIVE INTENT. It is the intent of the General

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

8

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

12

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

18

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

21

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

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/s/Russ

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