

1 State of Arkansas
2 80th General Assembly
3 Regular Session, 1995
4 By: Senator Bearden

A Bill

SENATE BILL 812

For An Act To Be Entitled

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

Subtitle

"AN ACT FOR THE PAYMENT OF CLAIMS BY THE
ARKANSAS STATE CLAIMS COMMISSION."

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

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

ITEM

<u>NO.</u>	<u>AWARD</u>
(1) Jackie Lavon Taylor	<u>\$ 1,000,000</u>

SECTION 2. The Clerk of the State Claims Commission shall not
distribute any warrants prepared under the provisions of this Act for awards
made by the Arkansas State Claims Commission for employment compensation
claims. Upon the award by the State Claims Commission of an employment
compensation claim, the Clerk of the State Claims Commission shall notify the
affected state agency and the Department of Finance and Administration -
Office of Personnel Management of such amounts that are due and payable. The
affected state agency shall then process the award through the State

1 Mechanized Payroll System.

2 SECTION 3. 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 a state agency, board, commission or institution of
6 higher education or the claim exceeds five thousand dollars (\$5,000) that
7 such agency, board, commission or institution of higher education file a
8 written report thereof to the Litigation Subcommittee of the Arkansas
9 Legislative Council. Such report shall include a concise statement of facts
10 with an explanation of the agency's liability. Provided further, such report
11 shall be filed with the Litigation Subcommittee within thirty (30) days after
12 the claim has been adjudicated by the State Claims Commission.

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

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21 SECTION 5. The Clerk of the State Claims Commission is hereby made the
22 disbursing officer for the purpose of paying the claims appropriated by this
23 Act. The Clerk of the State Claims Commission is hereby authorized to
24 receive all warrants prepared under the provisions of this Act from the
25 Auditor of State and to distribute same to the claimants.

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27 SECTION 6. In the event that any claim authorized herein is determined
28 to be a valid claim against the State and the claim is to be paid from funds
29 not in the State Treasury, the Clerk of the State Claims Commission shall
30 notify the agency against which the claim is to be charged of the amount of
31 such claims. Upon receipt of such notification, the state agency shall
32 forth-with deliver a check to the Clerk of the State Claims Commission who
33 shall deposit the same as a nonrevenue receipt into the Miscellaneous
34 Revolving Fund from which he shall disburse the amount of the claim to the
35 claimant.

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2 SECTION 7. COMPLIANCE WITH OTHER LAWS. Disbursement of funds
3 authorized by this Act shall be limited to the appropriation for such agency
4 and funds made available by law for the support of such appropriations; and
5 the restrictions of the State Purchasing Law, the General Accounting and
6 Budgetary Procedures Law, the Revenue Stabilization Law, the Regular Salary
7 Procedures and Restrictions Act, or their successors, and other fiscal
8 control laws of this State, where applicable, and regulations promulgated by
9 the Department of Finance and Administration, as authorized by law, shall be
10 strictly complied with in disbursement of said funds.

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12 SECTION 8. LEGISLATIVE INTENT. It is the intent of the General
13 Assembly that any funds disbursed under the authority of the appropriations
14 contained in this Act shall be in compliance with the stated reasons for
15 which this Act was adopted, as evidenced by the Agency Requests, Executive
16 Recommendations and Legislative Recommendations contained in the budget
17 manuals prepared by the Department of Finance and Administration, letters, or
18 summarized oral testimony in the official minutes of the Arkansas Legislative
19 Council or Joint Budget Committee which relate to its passage and adoption.

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

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25 SECTION 10. SEVERABILITY. If any provision of this Act or the
26 application thereof to any person or circumstance is held invalid, such
27 invalidity shall not affect other provisions or applications of the Act which
28 can be given effect without the invalid provision or application, and to this
29 end the provisions of this Act are declared to be severable.

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31 SECTION 11. GENERAL REPEALER. All laws and parts of laws in conflict
32 with this Act are hereby repealed.

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34 SECTION 12. EMERGENCY CLAUSE. It is hereby found and determined by
35 the Eightieth General Assembly, that payees listed in this Act may be

1 entitled to the sums appropriated and transferred to herein, and that they
2 have been deprived of the use of these funds for a long period of time, and
3 that further delay in paying these just debts of the State would do harm to
4 the reputation of the State of Arkansas. Therefore, an emergency is hereby
5 declared to exist and this Act being necessary for the immediate preservation
6 of the public peace, health and safety shall be in full force and effect from
7 and after its passage and approval.

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