

1 State of Arkansas

Call Item 9

2 80th General Assembly

# A Bill

3 First Extraordinary Session, 1995

SENATE BILL

11

4 By: Joint Budget Committee

5

6

7

## 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

15

PAYMENT OF APPROVED CLAIMS BY THE

16

ARKANSAS STATE CLAIMS COMMISSION."

17

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

19

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:

24

25 ITEM

26 NO.

AWARD

27 (1) Spirit Homes, Inc.

\$ 43,197.00

28

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:

33

34 ITEM

35 NO.

AWARD

1 (1) Martha and Leoron Brown \$ 22,000.00

2

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

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8

9 ITEM

10 NO.

11 AWARD

12 (1) James W. Ryan \$ 25,037.98

13 (2) Deltic Farm & Timber Co. 6,250.00

14 Total Appropriated \$ 31,287.98

15

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

20

21 ITEM

22 NO.

AWARD

23 (1) Shearson Lehman Brothers \$ 16,250.00

24

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

30

31 ITEM

32 NO.

AWARD

33 (1) University of Arkansas at Fayetteville \$ 6,422.25

34

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

1 Department of Finance and Administration - Revenue Services Division, to be  
 2 ~~payable from the Corporate Income Tax Withholding 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) Arcen Realty Co., Inc.	<u>\$ 9,544.00</u>

9

10 SECTION 7. APPROPRIATIONS. There is hereby appropriated, to the  
 11 Department of Finance and Administration - Revenue Services Division, to be  
 12 ~~payable from the Individual Income Tax Withholding Fund, 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) Frederick S. and Judy L. Klipsch	\$ 5,868.00
19 (2) Paul L. and Paula McChristian	<u>5,269.00</u>
20 Total Appropriated	<u>\$ 11,137.00</u>

21

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

26

27 ITEM

28 NO.	AWARD
29 (1) Holmes Polygraph Services, Inc.	\$ 1,339.76
30 (2) Dr. Robert Berry	2,210.49
31 (3) Dr. Richard Ofshe	1,652.32
32 (4) Val Price	36,993.84
33 (5) Scott Davidson	27,603.72
34 (6) Inquisitor, Inc.	7,728.28
35 (7) Stidham & Crow	48,036.28

1 (8) Interest not to exceed 9,402.26  
 2 Total Appropriated \$ 134,966.95

3

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

8

9 ITEM

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

18

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

23

24 ITEM

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

28

29 SECTION 11. APPROPRIATIONS. There is hereby appropriated, to the  
 30 Department of Health, to be payable from the federal funds as designated by  
 31 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:

33

34 ITEM

35 NO.	AWARD
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1 ~~(1) Kirkpatrick Williams Associates, Inc. \$ 21,131.40~~

2

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

7

8 ITEM

9 NO.	AWARD
10 (1) James A. McCubbin	<u>\$ 19,318.02</u>

11

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

17

18 ITEM

19 NO.	AWARD
20 (1) Western Arkansas Counseling and	
21 Guidance Center	\$ 10,500.00
22 (2) H. Marvin, Jr., M.D.	<u>5,348.00</u>
23 Total Appropriated	<u>\$ 15,848.00</u>

24

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

30

31 ITEM

32 NO.	AWARD
33 (1) Smart Corporation	<u>\$ 8,755.00</u>

34

35 SECTION 15. APPROPRIATIONS. There is hereby appropriated, to the

1 University of Arkansas, to be payable from the University of Arkansas Fund,  
 2 for the purpose of paying claims against the State of Arkansas to the payee  
 3 set out herein, the following:

4

5 ITEM

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

8

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

13

14 ITEM

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

19

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

25

26 ITEM

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

29

30 SECTION 18. The appropriation for interest provided in Item (8) in  
 31 Section 8 and in Item (6) of Section 9 are maximum amounts authorized to be  
 32 paid, and the amount to be disbursed is the amount required for the payment  
 33 ~~of interest accruing after August 15, 1995 at a rate of eight percent (8%)~~  
 34 per annum for each approved claim in Sections 8 and 9. Each of these  
 35 claimants will be entitled to an interest payment for the period beginning on

1 August 16, 1995 and ending on final date of payment. The total interest paid  
2 shall not exceed the appropriation provided in Item (8) of Section 8 and Item  
3 (6) of Section 9.

4

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

14

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

26

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

33

34 SECTION 22. The Clerk of the State Claims Commission is hereby made the  
35 disbursing officer for the purpose of paying the claims appropriated by this

1 Act. The Clerk of the State Claims Commission is hereby authorized to  
2 receive all warrants prepared under the provisions of this Act from the  
3 Auditor of State and to distribute same to the claimants.

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

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

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

33  
34 SECTION 26. CODE. All provisions of this Act of a general and  
35 permanent nature are amendatory to the Arkansas Code of 1987 Annotated and



1 the Arkansas Code Revision Commission shall incorporate the same in the Code.

2

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

8

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

11

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

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