

Stricken language would be deleted from present law. Underlined language would be added to present law.

1 State of Arkansas
2 81st General Assembly
3 Regular Session, 1997
4

As Engrossed: S2/10/97 S2/14/97 S3/5/97 S3/14/97

A Bill

SENATE BILL 165

5 By: Joint Budget Committee
6
7

For An Act To Be Entitled

9 "AN ACT TO MAKE AN APPROPRIATION WHICH SHALL BE
10 SUPPLEMENTAL AND IN ADDITION TO OTHER APPROPRIATIONS MADE
11 BY THE EIGHTY-FIRST GENERAL ASSEMBLY TO PAY ALLOWED
12 CLAIMS; AND FOR OTHER PURPOSES."
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

19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
20

21 SECTION 1. APPROPRIATIONS. There is hereby appropriated, to the
22 Department of Pollution Control and Ecology, to be payable from the *Petroleum*
23 *Storage Tank Trust* Fund, for the purpose of paying claims against the State of
24 Arkansas to the payee set out herein:
25

26 ITEM

27 No.	AWARD
28 (1) Sharon Mullings, et al.	\$ <u>39,000.00</u>

29

30 SECTION 2. APPROPRIATIONS. There is hereby appropriated, to the
31 Department of Education, to be payable from the Public School Fund for the
32 purpose of paying claims against the State of Arkansas to the payees set out
33 herein:
34

35 ITEM

36 No.	AWARD
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1	(1)	St. Joseph's Regional Medical Center	\$ 12,432.00
2	(2)	St. Joseph's Regional Medical Center	<u>14,640.00</u>
3		Total Appropriated	<u>\$ 27,072.00</u>

4

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

9

10 ITEM

11	No.		AWARD
12	(1)	Gilbert Central Corporation	\$ 16,888.26
13	(2)	Roosevelt, Felicia and Shameka Rogers	6,450.00
14	(3)	Roosevelt, Felicia and Shameka Rogers	175.00
15	(4)	Roosevelt, Felicia and Shameka Rogers	875.00
16	(5)	R. N. Reynolds Construction Co., Inc.	9,830.00
17	(6)	Edwin M. Pettigrew, Jr.	10,000.00
18	(7)	Iva Loretta Dunn	50,000.00
19	(8)	R. W. Beck, Inc.	11,435.88
20	(9)	Gloria Newborn	5,000.00
21	(10)	Lue Ella King	15,000.00
22	(11)	Cynthia J. Pearson	56,000.00
23	(12)	Tammy R. Farmer	7,500.00
24	(13)	Christina Wyatt	<u>15,000.00</u>
25		Total Appropriated	<u>\$ 204,154.14</u>

26

27 SECTION 4. APPROPRIATIONS. There is hereby appropriated, to the
 28 Department of Arkansas State Police, to be payable from the Department of
 29 Arkansas State Police Fund, for the purpose of paying claims against the State
 30 of Arkansas to the payees set out herein:

31

32 ITEM

33	No.		AWARD
34	(1)	Dalworth Trucking Company	\$ 22,000.00
35	(2)	Keith Klein	<u>16,864.00</u>

1 Total Appropriated \$ 38,864.00

2

3 SECTION 5. APPROPRIATIONS. There is hereby appropriated, to the
 4 Department of Parks and Tourism, to be payable from the Parks and Tourism
 5 Outdoor Recreation Grants Fund, for the purpose of paying claims against the
 6 State of Arkansas to the payee set out herein:

7

8 ITEM

9	No.	AWARD
10	(1) City of Rogers	\$ <u>8,050.00</u>

11

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

16

17 ITEM

18	No.	AWARD
19	(1) Marguerite Gamble	\$ 27,600.00
20	(2) State of Illinois	13,931.41
21	(3) State of Oklahoma	11,455.03
22	(4) State of Maryland	21,522.30
23	(5) State of Louisiana	14,482.13
24	(6) State of Tennessee	25,582.58
25	(7) State of Missouri	10,146.78
26	(8) Ethel S. Amacher	101,230.50
27	(9) State of California	25,530.95
28	(10) State of Texas	15,904.77
29	(11) State of Arizona	<u>27,581.54</u>
30	Total Appropriated	\$ <u>294,967.99</u>

31

32 SECTION 7. APPROPRIATIONS. There is hereby appropriated, to the Auditor
 33 of State, to be payable from the County Aid Fund for the purpose of paying
 34 claims against the State of Arkansas to the payees set out herein:

35

1 ITEM

2 <u>No.</u>	<u>AWARD</u>
3 ___ (1) State of Louisiana	\$ 921.52
4 (2) State of Texas	449.49
5 (3) State of Arizona	<u>4,277.63</u>
6 Total Appropriated	<u>\$ 5,648.64</u>

7

8

9 SECTION 8. APPROPRIATIONS. There is hereby appropriated, to the Auditor
 10 of State, to be payable from the Court Reporters Fund, for the purpose of
 11 paying claims against the State of Arkansas to the payee set out herein:

12

13 ITEM

14 <u>No.</u>	<u>AWARD</u>
15 (1) Marian G. Schmidt	<u>\$ 2,825.93</u>

16

17 SECTION 9. APPROPRIATIONS. There is hereby appropriated, to the
 18 Department of Correction, to be payable from the Department of Correction
 19 Inmate Care and Custody Fund Account, for the purpose of paying claims against
 20 the State of Arkansas to the payees set out herein:

21

22 ITEM

23 <u>No.</u>	<u>AWARD</u>
24 (1) Kevin Murphy	\$ 10,138.92
25 (2) Dominique N. Azeez	40.00
26 (3) Steve Oldham	60,000.00
27 (4) Billy Joe Clark	<u>11,977.00</u>
28 Total Appropriated	<u>\$ 82,155.92</u>

29

30 SECTION 10. APPROPRIATIONS. There is hereby appropriated, to the
 31 Department of Finance and Administration - Revenue Services Division, to be
 32 payable from the Miscellaneous Revolving Fund, for the purpose of paying
 33 claims against the State of Arkansas to the payee set out herein:

34

35 ITEM

1 No.	AWARD
2 (1) Time Warner Entertainment	\$ 6,588.87
3 (2) Kawneer Company, Inc.	<u>11,801.00</u>
4 Total Appropriated	<u>\$ 18,389.87</u>

5
 6 SECTION 11. APPROPRIATIONS. There is hereby appropriated, to the
 7 Department of Finance and Administration - Child Support Enforcement, to be
 8 payable from the Child Support Enforcement Fund, for the purpose of paying
 9 claims against the State of Arkansas to the payees set out herein:

10

11 ITEM

12 No.	AWARD
13 (1) Phillips County Child Support Enforcement Unit	\$ 13,843.82
14 (2) Kelvin Bostic	<u>5,000.00</u>
15 Total Appropriated	<u>\$ 18,843.82</u>

16

17 SECTION 12. APPROPRIATIONS. There is hereby appropriated, to the
 18 Department of Finance and Administration - Revenue Services Division, to be
 19 payable from the Individual Income Tax Withholding Fund, for the purpose of
 20 paying claims against the State of Arkansas to the payee set out herein:

21

22 ITEM

23 No.	AWARD
24 (1) David E. and Linda S. Smith	\$ <u>10,643.00</u>

25

26 SECTION 13. APPROPRIATIONS. There is hereby appropriated, to the
 27 Department of Finance and Administration - Disbursing Officer, to be payable
 28 from the Miscellaneous Revolving Fund, for the purpose of paying claims
 29 against the State of Arkansas to the payee set out herein:

30

31 ITEM

32 No.	AWARD
33 (1) City of Hot Springs	<u>\$ 42,533.78</u>

34

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

1 Department of Human Services - Division of Children and Family Services, to be
 2 payable from the Children and Family Services Fund Account, for the purpose of
 3 paying claims against the State of Arkansas to the payees set out herein:

4

5 ITEM

6 <u>No.</u>	<u>AWARD</u>
7 (1) CPC Pinnacle Pointe Hospital	\$ 14,858.00
8 (2) CPC Pinnacle Pointe Hospital	18,000.00
9 (3) Arkansas Children's Hospital	13,030.34
10 (4) Charter Forest BHS, Inc.	9,280.00
11 (5) Harbor View Mercy Hospital	10,436.25
12 (6) Harbor View Mercy Hospital	11,272.75
13 (7) Three Springs, Inc.	28,700.00
14 (8) Jane Phillips Nowata Health Center dba Recovery Way	12,286.00
15 (9) Madison Hospital	20,913.61
16 (10) Nevada County Hospital	8,786.83
17 (11) Nancy Jackson	2,550.00
18 (12) Nancy Jackson	2,500.00
19 (13) Nancy Jackson	2,050.00
20 (14) Nancy Jackson	1,250.00
21 (15) Nancy Jackson	2,400.00
22 (16) Harold Jackson	1,594.00
23 (17) Washington Regional Medical Center/DCS, Inc.	5,819.70
24 (18) Family Support Services, Inc.	20,084.66
25 (19) Harbor View Mercy Hospital	5,104.00
26 (20) Harbor View Mercy Hospital	8,816.00
27 (21) Harbor View Mercy Hospital	11,808.00
28 (22) UTMG Behavioral Health Center	38,467.50
29 (23) The Bridgeway Hospital	10,472.00
30 (24) Prentke Romich Company	<u>4,442.00</u>
31 Total Appropriated	<u>\$</u>
32 <u>264,921.64</u>	

33

34 SECTION 15. APPROPRIATIONS. There is hereby appropriated, to the
 35 Department of Human Services - Division of Children and Family Services, to be

1 payable from the Department of Human Services Paying Account, as designated by
 2 the Chief Fiscal Officer of the State for the purpose of paying claims against
 3 the State of Arkansas to the payees set out herein:

4

5 ITEM

6 <u>No.</u>	<u>AWARD</u>
7 (1) CPC Pinnacle Pointe Hospital	\$ 16,116.00
8 (2) Kinder Care Learning Center	6,963.00
9 (3) The Bridgeway Hospital	26,256.00
10 (4) Delton L. Wright	1,795.00
11 (5) <i>Lee Wilson, as father, et al.</i>	<u>37,500.00</u>
12 <i>Total Appropriated</i>	<u>\$ 88,630.00</u>

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

18

19 ITEM

20 <u>No.</u>	<u>AWARD</u>
21 (1) Friendship Services Center, Inc.	<u>\$ 5,405.00</u>

22

23 SECTION 17. APPROPRIATIONS. There is hereby appropriated, to the
 24 Department of Human Services - Division of Mental Health Services, to be
 25 payable from the Mental Health Services Fund Account, for the purpose of
 26 paying claims against the State of Arkansas to the payees set out herein:

27

28 ITEM

29 <u>No.</u>	<u>AWARD</u>
30 (1) Professional Counseling Associates, Inc.	\$ 46,360.00
31 (2) St. Joseph's Hospital	7,600.00
32 (3) <i>Professional Counseling Associates, Inc.</i>	<u>18,000.00</u>
33 <i>Total Appropriated</i>	<u>\$</u>
34 <u>71,960.00</u>	

35

1 SECTION 18. APPROPRIATIONS. There is hereby appropriated, to the
 2 Department of Human Services - Division of Youth Services, to be payable from
 3 the Department of Human Services Paying Account as designated by the Chief
 4 Fiscal Officer of the State, for the purpose of paying claims against the
 5 State of Arkansas to the payee set out herein:

6

7 ITEM

8 No.	AWARD
9 (1) Billy Tribble, juvenile by and through Etta Tribble,	
10 his mother	<u>\$ 12,500.00</u>

11

12 SECTION 19. APPROPRIATIONS. There is hereby appropriated, to the
 13 University of Arkansas, to be payable from the University of Arkansas Fund,
 14 for the purpose of paying claims against the State of Arkansas to the payees
 15 set out herein:

16

17 ITEM

18 No.	AWARD
19 (1) Marta D. Gibbs	\$ 26,250.00
20 (2) Sprint	5,888.33
21 (3) Whittenberg, Delony & Davidson, Inc.	<u>44,011.91</u>
22 Total Appropriated	<u>\$76,150.24</u>

23

24 SECTION 20. APPROPRIATIONS. There is hereby appropriated, to the
 25 Arkansas Game and Fish Commission, to be payable from the Game Protection
 26 Fund, for the purpose of paying claims against the State of Arkansas to the
 27 payee set out herein:

28

29 ITEM

30 No.	AWARD
31 (1) Roy Henderson	\$ 9,000.00
32 (2) Gabriel and Mary Ann Manning	<u>15,000.00</u>
33 Total Appropriated	<u>\$ 24,000.00</u>

34

35 SECTION 21. APPROPRIATIONS. There is hereby appropriated, to the

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

4

5 ITEM

6 No.	AWARD
7 (1) Jon Fitch	<u>\$ 7,200.00</u>

8

9 SECTION 22. APPROPRIATIONS. There is hereby appropriated, to the
10 Department of Human Services - Administration - Administrative Services, to be
11 payable from the Department of Human Services Paying Account, as designated by
12 the Chief Fiscal Officer of the State, for the purpose of paying claims
13 against the State of Arkansas to the payees set out herein:

14

15 ITEM

16 No.	AWARD
17 (1) E. E. Ford	\$ 14,952.79
18 (2) L. West	<u>6,226.97</u>
19 Total Appropriated	<u>\$ 21,179.76</u>

20

21 SECTION 23. APPROPRIATIONS. There is hereby appropriated, to the
22 Office of the Treasurer of State, to be payable from the Municipal Aid Fund,
23 for the purpose of paying claims against the State of Arkansas to the payee
24 set out herein:

25

26 ITEM

27 No.	AWARD
28 (1) City of Bull Shoals	<u>\$8,719.29</u>

29

30 SECTION 24. APPROPRIATIONS. There is hereby appropriated, to the
31 Department of Human Services - Administration - Division of Volunteerism, to
32 be payable from the Department of Human Services Paying Account as designated
33 by the Chief Fiscal Officer of the State, for the purpose of paying claims
34 against the State of Arkansas to the payee set out herein:

35

1 ITEM

<u>No.</u>	<u>AWARD</u>
3 (1) Future Builders, Inc.	\$17,415.12
4 (2) University of Arkansas at Little Rock	<u>26,164.39</u>
5 Total Appropriated	<u><u>\$43,579.51</u></u>

6

7 SECTION 25. APPROPRIATIONS. There is hereby appropriated, to the
 8 Department of Human Services - Division of Medical Services, to be payable
 9 from the Department of Human Services Paying Account as designated by the
 10 Chief Fiscal Officer of the State, for the purpose of paying claims against
 11 the State of Arkansas to the payee set out herein:

12

13 ITEM

<u>No.</u>	<u>AWARD</u>
15 (1) University of Arkansas at Little Rock	\$ 14,883.79
16 (2) EDS Corporation	8,401.12
17 (3) EDS Corporation	<u>35,077.96</u>
18 Total Appropriated	<u><u>\$58,362.87</u></u>

19

20 SECTION 26. APPROPRIATIONS. There is hereby appropriated, to the
 21 Department of Finance and Administration - Revenue Services Division, to be
 22 payable from the Corporate Income Tax Withholding Fund, for the purpose of
 23 paying claims against the State of Arkansas to the payee set out herein:

24

25 ITEM

<u>No.</u>	<u>AWARD</u>
27 (1) FGP Corporation and Subs.	<u><u>\$ 23,000</u></u>

28

29 SECTION 27. APPROPRIATIONS. There is hereby appropriated, to the
 30 Secretary of State, to be payable from the State Central Services Fund, for
 31 the purpose of paying claims against the State of Arkansas to the payee set
 32 out herein:

33

34 ITEM

<u>No.</u>	<u>AWARD</u>
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35

1 (1) Secur-X Document Storage \$14,800.000

2

3 SECTION 28. APPROPRIATIONS. There is hereby appropriated, to the
4 University of Arkansas at Pine Bluff, to be payable from the University of
5 Arkansas at Pine Bluff Fund, for the purpose of paying claims against the
6 State of Arkansas to the payees set out herein:

7

8 ITEM

9 No. AWARD

10 (1) Sherrita Dodson Norman,
11 Administratrix, et al. \$245,000.00";

12

13

14 SECTION 29. SPECIAL LANGUAGE. The Clerk of the State Claims Commission
15 shall not distribute any warrants prepared under the provisions of this Act
16 for awards made by the Arkansas State Claims Commission for employment
17 compensation claims. Upon the award by the State Claims Commission of an
18 employment compensation claim, the Clerk of the State Claims Commission shall
19 notify the affected state agency and the Department of Finance and
20 Administration - Office of Personnel Management of such amounts that are due
21 and payable. The affected state agency shall then process the award through
22 the State Mechanized Payroll System.

23

24 SECTION 30. SPECIAL LANGUAGE. It is the intent of the General Assembly
25 that when any state agency, board, commission or institution of higher
26 education admits liability to a claim filed with the State Claims Commission
27 and the claim involves a contract with a state agency, board, commission or
28 institution of higher education or the claim exceeds seven thousand five
29 hundred dollars (\$7,500) that such agency, board, commission or institution of
30 higher education file a written report thereof to the Litigation Subcommittee
31 of the Arkansas Legislative Council. Such report shall include a concise
32 statement of facts with an explanation of the agency's liability. Provided
33 further, such report shall be filed with the Litigation Subcommittee within
34 thirty (30) days after the claim has been adjudicated by the State Claims
35 Commission.

1

2 SECTION 31. SPECIAL LANGUAGE. Any state agency which is affected by
3 the allowed claim(s) provided for in this Act, and whose funds for the 1996-97
4 fiscal year are insufficient to allow for the payment of said claim(s) before
5 June 30, 1997, is hereby authorized, upon certification by the Chief Fiscal
6 Officer of the State, to make payment of said claim(s) after July 1, 1997,
7 from funds appropriated for the 1997-98 fiscal year.

8

9 SECTION 32. SPECIAL LANGUAGE. The Clerk of the State Claims Commission
10 is hereby made the disbursing officer for the purpose of paying the claims
11 appropriated by this Act. The Clerk of the State Claims Commission is hereby
12 authorized to receive all warrants prepared under the provisions of this Act
13 from the Auditor of State and to distribute same to the claimants.

14

15 SECTION 33. SPECIAL LANGUAGE. In the event that any claim authorized
16 herein is determined to be a valid claim against the State and the claim is to
17 be paid from funds not in the State Treasury, the Clerk of the State Claims
18 Commission shall notify the agency against which the claim is to be charged of
19 the amount of such claims. Upon receipt of such notification, the state
20 agency shall forth-with deliver a check to the Clerk of the State Claims
21 Commission who shall deposit the same as a nonrevenue receipt into the
22 Miscellaneous Revolving Fund from which he shall disburse the amount of the
23 claim to the claimant.

24

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

34

35 SECTION 35. 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 which
3 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 36. CODE. All provisions of this Act of a general and
10 permanent nature are amendatory to the Arkansas Code of 1987 Annotated and the
11 Arkansas Code Revision Commission shall incorporate the same in the Code.

12

13 SECTION 37. 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 38. GENERAL REPEALER. All laws and parts of laws in conflict
20 with this Act are hereby repealed.

21

22 SECTION 39. EMERGENCY CLAUSE. It is hereby found and determined by the
23 Eighty-First General Assembly, that payees listed in this Act may be entitled
24 to the sums appropriated and transferred to herein, and that they have been
25 deprived of the use of these funds for a long period of time, and that further
26 delay in paying these just debts of the State would do harm to the reputation
27 of the State of Arkansas. Therefore, an emergency is hereby declared to exist
28 and this Act being necessary for the immediate preservation of the public
29 peace, health and safety shall be in full force and effect from and after its
30 passage and approval.

31

/s/Russ et al

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