

Stricken language would be deleted from and underlined language would be added to law as it existed prior to the 82nd General Assembly.

1 State of Arkansas  
2 82nd General Assembly  
3 Regular Session, 1999  
4

As Engrossed: S4/7/99 H4/8/99

# A Bill

SENATE BILL 421

5 By: Joint Budget Committee  
6  
7

## For An Act To Be Entitled

9 "AN ACT TO MAKE AN APPROPRIATION FOR ADDITIONAL CLAIMS  
10 AGAINST THE STATE FOR THE ARKANSAS STATE CLAIMS  
11 COMMISSION FOR THE FISCAL YEAR ENDING JUNE 30, 1998-  
12 1999; AND FOR OTHER PURPOSES. "

### Subtitle

15 "AN ACT FOR THE ARKANSAS STATE CLAIMS  
16 COMMISSION - ADDITIONAL CLAIMS AGAINST  
17 THE STATE APPROPRIATION FOR THE 1998-1999  
18 FISCAL YEAR. "

19  
20  
21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
22

23 SECTION 1. APPROPRIATION - DHS-MENTAL HEALTH. There is hereby appropriated,  
24 to the Department of Human Services - Division of Mental Health Services, to  
25 be payable from the Mental Health Services Fund Account, for the purpose of  
26 paying claims against the State of Arkansas to the payee set out herein:  
27

| ITEM                   | FISCAL YEAR        |
|------------------------|--------------------|
| <u>NO.</u>             | <u>1998-1999</u>   |
| (01) D. M. RICHE, INC. | \$ <u>8,064.39</u> |

31  
32 SECTION 2. APPROPRIATION - ARKANSAS STATE POLICE. There is hereby  
33 appropriated, to the Department of Arkansas State Police to be payable from  
34 Department of Arkansas State Police Fund, for the purpose of paying claims  
35 against the State of Arkansas to the payee set out herein:  
36

\*BWG059\*

| ITEM                 | FISCAL YEAR        |
|----------------------|--------------------|
| <u>NO.</u>           | <u>1999-2000</u>   |
| (01) JOHN G. JENKINS | <u>\$ 9,000.00</u> |

SECTION 3. APPROPRIATION - ARKANSAS STATE POLICE. There is hereby appropriated, to the Department of Arkansas State Police to be payable from Department of Arkansas State Police Fund, for the purpose of paying claims against the State of Arkansas to the payee set out herein:

| ITEM   | FISCAL YEAR          |
|--|----------------------|
| <u>NO.</u>   | <u>1998-1999</u>     |
| (01) SYNDICATED OFFICE SYSTEMS,<br>INC., ASSIGNEE OF NATIONAL<br>PARK MEDICAL CENTER | <u>\$ 159,163.10</u> |

SECTION 4. APPROPRIATION - DEPARTMENT OF CORRECTION. 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 payee set out herein:

| ITEM                      | FISCAL YEAR         |
|---------------------------|---------------------|
| <u>NO.</u>                | <u>1998-1999</u>    |
| (01) CITY OF LAKE VILLAGE | <u>\$ 17,050.00</u> |

SECTION 5. APPROPRIATION - MILITARY DEPARTMENT. There is hereby appropriated, to the State Military Department, to be payable from the State Military Department Fund, for the purpose of paying claims against the State of Arkansas to the payee set out herein:

| ITEM                  | FISCAL YEAR        |
|-----------------------|--------------------|
| <u>NO.</u>            | <u>1998-1999</u>   |
| (01) MELVIN C. THRASH | <u>\$ 9,635.12</u> |

1 SECTION 6. APPROPRIATION - STATE HIGHWAY DEPARTMENT. There is hereby  
2 appropriated, to the Arkansas State Highway and Transportation Department, to  
3 be payable from the State Highway and Transportation Department Fund, for the  
4 purpose of paying claims against the State of Arkansas to the payee set out  
5 herein:

| ITEM                        | FISCAL YEAR         |
|-----------------------------|---------------------|
| <u>NO.</u>                  | <u>1998-1999</u>    |
| (01) PATRICIA FERN KIMBRELL | <u>\$ 12,000.00</u> |

11 SECTION 7. APPROPRIATION - CLAIMS COMMISSION. There is hereby  
12 appropriated to the Arkansas State Claims Commission, to be payable from the  
13 Arkansas Public Employees' Retirement System Fund, for the purpose of paying  
14 claims against the State of Arkansas to the payee set out herein:

| ITEM                    | FISCAL YEAR         |
|-------------------------|---------------------|
| <u>NO.</u>              | <u>1998-1999</u>    |
| (01) TREASURER OF STATE | <u>\$ 67,605.26</u> |

20 SECTION 8. APPROPRIATION - DFA - REVENUE DIVISION. There is hereby  
21 appropriated to the Department of Finance and Administration - Revenue  
22 Services Division, to be payable from the State Central Services Fund, for the  
23 purpose of paying claims against the State of Arkansas to the payee set out  
24 herein:

| ITEM                  | FISCAL YEAR         |
|-----------------------|---------------------|
| <u>NO.</u>            | <u>1998-1999</u>    |
| (01) ERIC W. TOWNSEND | <u>\$ 10,000.00</u> |

30 SECTION 9. APPROPRIATION - UNIVERSITY OF ARKANSAS FOR MEDICAL SCIENCES.  
31 There is hereby appropriated, to the University of Arkansas for Medical  
32 Sciences, to be payable from the University of Arkansas Medical Center Fund,  
33 for the purpose of paying claims against the State of Arkansas to the payee  
34 set out herein:

| ITEM | FISCAL YEAR |
|------|-------------|
|------|-------------|

|   |                         |                     |
|---|-------------------------|---------------------|
| 1 | <u>NO.</u>              | <u>1998-1999</u>    |
| 2 | (01) PATRICIA CORBALLIS | \$ <u>40,500.00</u> |

3

4 SECTION 10. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS

5 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. STATUTE OF

6 LIMITATIONS PROVISIONS. The Arkansas General Assembly reverses the Arkansas

7 State Claims Commission application of the five-year statute of limitations

8 and determines that the three-year statute of limitations was the applicable

9 statute to apply to the Claim of J. Frank Smith, et al. v. the Department of

10 Finance and Administration, State Board of Education, and the Arkansas State

11 Treasurer and the claim is remanded to the State Claims Commission in order

12 for them to complete the hearing process prior to the convening of the 83<sup>rd</sup>

13 General Assembly. This section is not to be construed as an affirmation of

14 the Claims Commission award."

15

16 SECTION 11. Section 12 of Act 316 of 1999 is hereby amended to read as

17 follows:

18 "SECTION 12. APPROPRIATION - ARKANSAS STATE HIGHWAY DEPARTMENT. There is

19 hereby appropriated, to the Arkansas State Highway and Transportation

20 Department, to be payable from the State Highway and Transportation Department

21 Fund, for the purpose of paying claims against the State of Arkansas for the

22 payees set out herein:

| 24 | ITEM                                    | FISCAL YEAR                                  |
|----|---|--|
| 25 | <u>NO.</u>                              | <u>1998-1999</u>                             |
| 26 | <del>(01) KELLI R. HASKINS</del>        | <del>\$ 18,000.00</del>                      |
| 27 | <del>(02)(01) PHYLLIS ANN HANSON</del>  | <del>\$ 12,000.00</del>                      |
| 28 | <del>(03)(02) NADINE K. GREENWOOD</del> | <del>32,336.00</del>                         |
| 29 | <del>(04)(03) APAC TENNESSEE</del>      | <del><u>47,109.18</u></del>                  |
| 30 | TOTAL AMOUNT APPROPRIATED               | \$ <u><del>109,445.18</del> 1891,445.18"</u> |

31

32 SECTION 12. Section 20 of Act 316 of 1999 is hereby amended to read as

33 follows:

34 "SECTION 20. APPROPRIATION - DEPARTMENT OF CORRECTION. There is hereby

35 appropriated, to the Department of Correction, to be payable from the

36 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:

| ITEM                            | FISCAL YEAR                                     |
|---------------------------------|---|
| <u>NO.</u>                      | <u>1998-1999</u>                                |
| (01) PHP HEALTHCARE CORPORATION | \$ <del>55,859.56</del> <u>42,495.97</u>        |
| (02) MARVIN ACKLIN, #87448      | <u>10,000.00</u>                                |
| TOTAL AMOUNT APPROPRIATED       | <u>\$ <del>65,859.56</del> <u>52,495.97</u></u> |

SECTION 13. APPROPRIATION - ARKANSAS STATE HIGHWAY DEPARTMENT. There is hereby appropriated, to the Arkansas State Highway and Transportation Department, to be payable from the State Highway and Transportation Department Fund, for the purpose of paying claims against the State of Arkansas for the payee set out herein:

| ITEM                  | FISCAL YEAR         |
|-----------------------|---------------------|
| <u>NO.</u>            | <u>1999-2000</u>    |
| (01) KELLI R. HASKINS | <u>\$ 18,000.00</u> |

SECTION 14. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. The appropriation provided herein for the payment of a claim to Kelli R. Haskins by the Arkansas State Highway Department, shall be suspended until after July 1, 1999 and the effective date of Act 685 of 1999.

SECTION 15. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. CARRY FORWARD. Any balance remaining in the appropriations authorized by this act that remain at the end of a fiscal year shall be carried forward into the next fiscal year there to be used for the same purpose.

SECTION 16. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. CARRYOVER OF CLAIMS. Any state agency which is affected by the allowed claim(s) provided for in this Act, and whose funds for the ~~1996-97~~ 1998-99 fiscal year are insufficient to allow for the payment of said claim(s) before June 30, ~~1997~~ 1999, is hereby authorized, upon certification by the Chief Fiscal Officer of the State, to make payment of said claim(s) after July 1, ~~1997~~

1 1999, from funds appropriated for the ~~1997-98~~ 1999-2000 fiscal year.

2

3 SECTION 17. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS  
4 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. DISBURSING  
5 OFFICER. The Clerk of the State Claims Commission is hereby made the  
6 disbursing officer for the purpose of paying the claims appropriated by this  
7 Act. The Clerk of the State Claims Commission is hereby authorized to receive  
8 all warrants prepared under the provisions of this Act from the Auditor of  
9 State and to distribute same to the claimants.

10

11 SECTION 18. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS  
12 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. CLAIMS  
13 FROM CASH FUNDS. In the event that any claim authorized herein is determined  
14 to be a valid claim against the State and the claim is to be paid from funds  
15 not in the State Treasury, the Clerk of the State Claims Commission shall  
16 notify the agency against which the claim is to be charged of the amount of  
17 such claims. Upon receipt of such notification, the state agency shall forth-  
18 with deliver a check to the Clerk of the State Claims Commission who shall  
19 deposit the same as a nonrevenue receipt into the Miscellaneous Revolving Fund  
20 from which he shall disburse the amount of the claim to the claimant.

21

22 SECTION 19. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS  
23 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. EMPLOYMENT  
24 COMPENSATION CLAIMS. The Clerk of the State Claims Commission shall not  
25 distribute any warrants prepared under the provisions of this Act for awards  
26 made by the Arkansas State Claims Commission for employment compensation  
27 claims. Upon the award by the State Claims Commission of an employment  
28 compensation claim, the Clerk of the State Claims Commission shall notify the  
29 affected state agency and the Department of Finance and Administration -  
30 Office of Personnel Management of such amounts that are due and payable. The  
31 affected state agency shall then process the award through the State  
32 Mechanized Payroll System.

33

34 SECTION 20. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS  
35 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. CLAIMS  
36 AWARD REPORTING. It is the intent of the General Assembly that when any state

1 agency, board, commission or institution of higher education admits liability  
2 to a claim filed with the State Claims Commission and the claim involves a  
3 contract with a state agency, board, commission or institution of higher  
4 education or the claim exceeds seven thousand five hundred dollars (\$7,500)  
5 that such agency, board, commission or institution of higher education file a  
6 written report thereof to the Litigation Subcommittee of the Legislative  
7 Council. Such a report shall include a concise statement of facts with an  
8 explanation of the agency's liability. Provided further, such report shall be  
9 filed with the Litigation Subcommittee within thirty (30) days after the claim  
10 has been adjudicated by the State Claims Commission.

11

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

21

22 SECTION 22. LEGISLATIVE INTENT. It is the intent of the General Assembly  
23 that any funds disbursed under the authority of the appropriations contained  
24 in this act shall be in compliance with the stated reasons for which this act  
25 was adopted, as evidenced by the Agency Requests, Executive Recommendations  
26 and Legislative Recommendations contained in the budget manuals prepared by  
27 the Department of Finance and Administration, letters, or summarized oral  
28 testimony in the official minutes of the Arkansas Legislative Council or Joint  
29 Budget Committee which relate to its passage and adoption.

30

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

34

35 SECTION 24. SEVERABILITY. If any provision of this act or the application  
36 thereof to any person or circumstance is held invalid, such invalidity shall

1 not affect other provisions or applications of the act which can be given  
2 effect without the invalid provision or application, and to this end the  
3 provisions of this act are declared to be severable.

4  
5 SECTION 25. GENERAL REPEALER. All laws and parts of laws in conflict with  
6 this act are hereby repealed.

7  
8 SECTION 26. EMERGENCY CLAUSE. It is hereby found and determined by the  
9 Eighty-second General Assembly, that the Constitution of the State of Arkansas  
10 prohibits the appropriation of funds for more than a two (2) year period; that  
11 the effectiveness of this Act on the date of its passage and approval is  
12 essential to the operation of the agency for which the appropriations in this  
13 Act are provided, and that in the event of an extension of the Regular  
14 Session, the delay in the effective date of this Act beyond the date of its  
15 passage and approval could work irreparable harm upon the proper  
16 administration and provision of essential governmental programs. Therefore, an  
17 emergency is hereby declared to exist and this Act being necessary for the  
18 immediate preservation of the public peace, health and safety shall be in full  
19 force and effect from and after the date of its passage and approval.

20 If the bill is neither approved nor vetoed by the Governor, it shall become  
21 effective on the expiration of the period of time during which the Governor  
22 may veto the bill. If the bill is vetoed by the Governor and the veto is  
23 overridden, it shall become effective on the date the last house overrides the  
24 veto.

25 /s/ Joint Budget Committee