

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

1 State of Arkansas
2 83rd General Assembly
3 Regular Session, 2001
4

As Engrossed: S3/20/01 S4/5/01 H4/10/01

A Bill

SENATE BILL 539

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
11 MADE BY THE EIGHTY-THIRD GENERAL ASSEMBLY TO PAY THE
12 ARKANSAS STATE CLAIMS COMMISSION - APPROVED CLAIMS
13 AGAINST THE STATE FOR THE FISCAL YEAR ENDING JUNE 30,
14 2001; AND FOR OTHER PURPOSES.

Subtitle

18 AN ACT FOR THE ARKANSAS STATE CLAIMS
19 COMMISSION - ADDITIONAL APPROVED CLAIMS
20 AGAINST THE STATE - APPROPRIATION FOR
21 THE 2001 FISCAL YEAR.
22
23

24 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
25

26 SECTION 1. APPROPRIATION - DHS - CHILDREN AND FAMILY SERVICES. There is
27 hereby appropriated, to the Department of Human Services - Division of
28 Children and Family Services, to be payable from the *paying account as*
29 *determined* by the Chief Fiscal Officer of the State, for the purpose of paying
30 claims against the State of Arkansas to the payee set out herein:
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ITEM	FISCAL YEAR
NO.	2000-2001
(01) ARKANSAS CHILDREN'S HOSPITAL	\$ 209,054.96
(02) ARKANSAS CHILDREN'S HOSPITAL	36,071.29
(03) ARKANSAS CHILDREN'S HOSPITAL	27,656.63

1	(04) ARKANSAS CHILDREN'S HOSPITAL	42,836.97
2	(05) ARKANSAS CHILDREN'S HOSPITAL	31,253.59
3	(06) Ozark Guidance Center, Inc.	12,993.00
4	(07) Gary and Uzetta Holts	13,363.33
5	(08) Arkansas Children's Hospital	<u>31,859.40</u>
6	TOTAL AMOUNT APPROPRIATED	<u>\$ 405,089.17</u>

7
 8 SECTION 2. APPROPRIATION - DHS - MEDICAL SERVICES. There is hereby
 9 appropriated, to the Department of Human Services - Division of Medical
 10 Services, to be payable from the *paying account as determined* by the Chief
 11 Fiscal Officer of the State, for the purpose of paying claims against the
 12 State of Arkansas to the payee set out herein:

14	ITEM	FISCAL YEAR
15	<u>NO.</u>	<u>2000-2001</u>
16	(01) WADLEY REGIONAL MEDICAL CENTER	\$ 1,825,506.00
17	(02) DynCorp Management Resources, LLC	<u>410,724.50</u>
18	TOTAL AMOUNT APPROPRIATED	<u>\$ 2,236,230.50</u>

19
 20 SECTION 3. APPROPRIATION - PUBLIC DEFENDER COMMISSION. There is hereby
 21 appropriated, to the Arkansas Public Defender Commission, to be payable from
 22 the State Administration of Justice Fund, for the purpose of paying claims
 23 against the State of Arkansas to the payee set out herein:

25	ITEM	FISCAL YEAR
26	<u>NO.</u>	<u>2000-2001</u>
27	(01) DAVID O. BOWDEN	\$ 14,437.50
28	(02) JOHN W. CONE	10,156.25
29	(03) BUCKLEY AND MCLEMORE PA	25,035.66
30	(04) RICHKEY HICKS	15,900.00
31	(05) William A. McLean	15,137.25
32	(06) Gerald Coleman	13,683.00
33	(07) Gerald A. Coleman	39,785.87
34	(08) Donald E. Warren, Sr.	11,593.75
35	(09) Joe R. Perry	19,806.20
36	(10) David L. Dunagin	10,822.05

1	(11) Zachary Taylor	<u>11,362.50</u>
2	TOTAL AMOUNT APPROPRIATED	<u>\$ 187,720.03</u>

3

4 SECTION 4. APPROPRIATION - HIGHWAY AND TRANSPORTATION DEPARTMENT. There is

5 hereby appropriated, to the Arkansas State Highway and Transportation

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

7 Fund, for the purpose of paying claims against the State of Arkansas to the

8 payee set out herein:

10	ITEM	FISCAL YEAR
11	<u>NO.</u>	<u>2000-2001</u>
12	(01) MIKE MCCAIN FOR MCCAIN BROTHERS	<u>\$ 12,000</u>

13

14 SECTION 5. APPROPRIATIONS - DFA - REVENUE DIVISION. There is hereby

15 appropriated, to the Department of Finance and Administration - Revenue

16 Services Division, to be payable from cash funds as defined by Arkansas Code

17 19-4-801, for the purpose of paying claims against the State of Arkansas for

18 the payee set out herein:

20	ITEM	FISCAL YEAR
21	<u>NO.</u>	<u>2000-2001</u>
22	(01) MCKESSON CORPORATION	<u>\$ 9,439.31</u>

23

24 SECTION 6. APPROPRIATION. There is hereby appropriated, to the Department

25 of Correction, to be payable from the Department of Correction Inmate Care and

26 Custody Fund Account, for the purpose of paying claims against the State of

27 Arkansas to the payee set out herein:

29	ITEM	FISCAL YEAR
30	<u>NO.</u>	<u>2000-2001</u>
31	(01) Floy Gene Boren	<u>\$ 306,350.18</u>

32

33

34 SECTION 7. APPROPRIATION. There is hereby appropriated, to the Arkansas

35 State Claims Commission, to be payable from the Miscellaneous Revolving Fund,

36 for the purpose of paying claims against the State of Arkansas to the payee

1 set out herein:

2

<i>ITEM</i>	<i>FISCAL YEAR</i>
<u><i>NO.</i></u>	<u><i>2000-2001</i></u>
<i>(01) T. David Carruth</i>	<u><u><i>\$ 75,206.74</i></u></u>

6

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

11

<i>ITEM</i>	<i>FISCAL YEAR</i>
<u><i>NO.</i></u>	<u><i>2000-2001</i></u>
<i>(01) Rick Newton</i>	<u><u><i>\$ 37,603.37</i></u></u>

15

16 *SECTION 9. APPROPRIATION. There is hereby appropriated, to the University*
 17 *of Arkansas for Medical Sciences, to be payable from the University of*
 18 *Arkansas Medical Center Fund, for the purpose of paying claims against the*
 19 *State of Arkansas to the payee set out herein:*

20

<i>ITEM</i>	<i>FISCAL YEAR</i>
<u><i>NO.</i></u>	<u><i>2000-2001</i></u>
<i>(01) James Pedersen</i>	<u><u><i>\$ 100,000.00</i></u></u>

24

25 *SECTION 10. APPROPRIATION. There is hereby appropriated, to the Department*
 26 *of Information Systems, to be payable from the Department of Information*
 27 *Systems Revolving Fund, for the purpose of paying claims against the State of*
 28 *Arkansas to the payee set out herein:*

29

<i>ITEM</i>	<i>FISCAL YEAR</i>
<u><i>NO.</i></u>	<u><i>2000-2001</i></u>
<i>(01) Mutare Software</i>	<u><u><i>\$ 12,500.00</i></u></u>

33

34 *SECTION 11. APPROPRIATION. There is hereby appropriated, to the Department*
 35 *of Human Services – Division of Children and Family Services, to be payable*
 36 *from the paying account as determined by the Chief Fiscal Officer of the*

1 State, for the purpose of paying claims against the State of Arkansas to the
2 payee set out herein if these claims are approved by the Arkansas State Claims
3 Commission:

ITEM	FISCAL YEAR
<u>NO.</u>	<u>2000-2001</u>
(01) Kenny Ray Morse	\$ 100,000.00
(02) Garland County	32,949.29
(03) City of Springdale Police Department	<u>8,012.00</u>
TOTAL AMOUNT APPROPRIATED	<u>\$ 140,961.29</u>

11
12 SECTION 12. APPROPRIATIONS - LAND DEPARTMENT. There is hereby
13 appropriated, to the Land Department, to be payable from cash funds as defined
14 by Arkansas Code 19-4-801 of the Land Department, for the purpose of paying
15 claims against the State of Arkansas to the payee set out herein:

ITEM	FISCAL YEAR
<u>NO.</u>	<u>2000-2001</u>
(01) CHICAGO TITLE CO., LANDMARK TITLE SERVICES, INC., HOTEL BUYERS, LLC	<u>\$ 49,648.55</u>

22 SECTION 13. SPECIAL LANGUAGE. Uncodified Section 2 of Act 494 of 2001 is
23 hereby repealed.

24 ~~SECTION 2. APPROPRIATIONS - LAND DEPARTMENT. There is hereby appropriated,~~
25 ~~to the Land Department, to be payable from cash funds as defined by Arkansas~~
26 ~~Code 19-4-801 of the Land Department, for the purpose of paying claims against~~
27 ~~the State of Arkansas to the payee set out herein:~~

ITEM	FISCAL YEAR
<u>NO.</u>	<u>2001-2002</u>
(01) CHICAGO TITLE CO., LANDMARK TITLE SERVICES, INC., HOTEL BUYERS, LLC	<u>\$ 49,648.55</u>

34 SECTION 14. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
35 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. CARRY
36 FORWARD. Any balance remaining in the appropriations authorized by this act

1 that remain at the end of a fiscal year shall be carried forward into the next
2 fiscal year there to be used for the same purpose.

3

4 *SECTION 15. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS*
5 *CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. CARRYOVER*
6 *OF CLAIMS. Any state agency which is affected by the allowed claim(s)*
7 *provided for in this Act, and whose funds for the ~~1998-99~~ 2000-2001 fiscal*
8 *year are insufficient to allow for the payment of said claim(s) before June*
9 *30, ~~1999~~ 2001, is hereby authorized, upon certification by the Chief Fiscal*
10 *Officer of the State, to make payment of said claim(s) after July 1, ~~1999~~*
11 *2001, from funds appropriated for the ~~1999-2000~~ 2001-2002 fiscal year.*

12

13 *SECTION 16. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS*
14 *CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. DISBURSING*
15 *OFFICER. The Clerk of the State Claims Commission is hereby made the*
16 *disbursing officer for the purpose of paying the claims appropriated by this*
17 *Act. The Clerk of the State Claims Commission is hereby authorized to receive*
18 *all warrants prepared under the provisions of this Act from the Auditor of*
19 *State and to distribute same to the claimants.*

20

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

31

32 *SECTION 18. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS*
33 *CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. EMPLOYMENT*
34 *COMPENSATION CLAIMS. The Clerk of the State Claims Commission shall not*
35 *distribute any warrants prepared under the provisions of this Act for awards*
36 *made by the Arkansas State Claims Commission for employment compensation*

1 claims. Upon the award by the State Claims Commission of an employment
2 compensation claim, the Clerk of the State Claims Commission shall notify the
3 affected state agency and the Department of Finance and Administration -
4 Office of Personnel Management of such amounts that are due and payable. The
5 affected state agency shall then process the award through the State
6 Mechanized Payroll System.

7

8 *SECTION 19. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS*
9 *CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. CLAIMS*
10 *AWARD REPORTING. It is the intent of the General Assembly that when any state*
11 *agency, board, commission or institution of higher education admits liability*
12 *to a claim filed with the State Claims Commission and the claim involves a*
13 *contract with a state agency, board, commission or institution of higher*
14 *education or the claim exceeds seven thousand five hundred dollars (\$7,500)*
15 *that such agency, board, commission or institution of higher education file a*
16 *written report thereof to the Litigation Subcommittee of the Legislative*
17 *Council. Such a report shall include a concise statement of facts with an*
18 *explanation of the agency's liability. Provided further, such report shall be*
19 *filed with the Litigation Subcommittee within thirty (30) days after the claim*
20 *has been adjudicated by the State Claims Commission.*

21

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

31

32 *SECTION 21. LEGISLATIVE INTENT. It is the intent of the General Assembly*
33 *that any funds disbursed under the authority of the appropriations contained*
34 *in this act shall be in compliance with the stated reasons for which this act*
35 *was adopted, as evidenced by the Agency Requests, Executive Recommendations*
36 *and Legislative Recommendations contained in the budget manuals prepared by*

1 the Department of Finance and Administration, letters, or summarized oral
2 testimony in the official minutes of the Arkansas Legislative Council or Joint
3 Budget Committee which relate to its passage and adoption.

4
5 SECTION 22. EMERGENCY CLAUSE. It is found and determined by the General
6 Assembly, that payees listed in this Act may be entitled to the sums
7 appropriated and transferred to herein, and that they have been deprived of
8 the use of these funds for a long period of time, and that further delay in
9 paying these just debts of the State would do harm to the reputation of the
10 State of Arkansas. Therefore, an emergency is hereby declared to exist and
11 this Act being necessary for the immediate preservation of the public peace,
12 health and safety shall be in full force and effect from and after the date of
13 its passage and approval.

14 If the bill is neither approved nor vetoed by the Governor, it shall become
15 effective on the expiration of the period of time during which the Governor
16 may veto the bill. If the bill is vetoed by the Governor and the veto is
17 overridden, it shall become effective on the date the last house overrides the
18 veto.

19 */s/ Joint Budget Committee*

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