

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: S2/19/01

A Bill

SENATE BILL 427

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.
15

Subtitle

16
17
18 AN ACT FOR THE ARKANSAS STATE CLAIMS
19 COMMISSION - APPROVED CLAIMS AGAINST THE
20 STATE - APPROPRIATION FOR THE 2001
21 FISCAL YEAR.
22
23

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

26 SECTION 1. APPROPRIATION - AUDITOR OF STATE. There is hereby appropriated,
27 to the Auditor of State, to be payable from the General Revenue Fund Account
28 of the State Apportionment Fund, for the purpose of paying claims against the
29 State of Arkansas to the payee set out herein:
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31	ITEM	FISCAL YEAR
32	<u>NO.</u>	<u>2000-2001</u>
33	(01) BILLIE B. MILLS	\$ 22,607.95
34	(02) MARGARET MCLELLAN	<u>7,805.76</u>
35	TOTAL AMOUNT APPROPRIATED	<u>\$ 30,413.71</u>

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SECTION 2. APPROPRIATIONS - LAND DEPARTMENT. There is hereby appropriated, to the Land Department, to be payable from cash funds as defined by Arkansas Code 19-4-801 of the Land Department, for the purpose of paying claims against 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>

SECTION 3. APPROPRIATION - STATE POLICE. There is hereby appropriated, to the Department of Arkansas State Police, to be payable from the 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>2000-2001</u>
(01) BILLY RAY AND HENRIETTA RICH	<u>\$ 25,000</u>

SECTION 4. APPROPRIATION - EDUCATION. There is hereby appropriated, to the Department of Education, to be payable from the federal funds as designated by the Chief Fiscal Officer of the State, for the purpose of paying claims against the State of Arkansas to the payee set out herein:

ITEM	FISCAL YEAR
<u>NO.</u>	<u>2000-2001</u>
(01) CARLSLE SCHOOL DISTRICT	<u>\$ 10,000</u>

SECTION 5. APPROPRIATION - EMPLOYMENT SECURITY DEPARTMENT. There is hereby appropriated, to the Arkansas Employment Security Department, to be payable from the Employment Security Special 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>2000-2001</u>
(01) IBM CORPORATION	<u>\$ 32,449.73</u>

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SECTION 6. APPROPRIATION - HEALTH. There is hereby appropriated, to the Department of Health, to be payable from the Public Health 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>2000-2001</u>
(01) UNIVERSITY OF ALABAMA	<u>\$ 8,437</u>

SECTION 7. APPROPRIATION - HEALTH. There is hereby appropriated, to the Department of Health, to be payable from the federal funds as designated by the Chief Fiscal Officer of the State, for the purpose of paying claims against the State of Arkansas to the payee set out herein:

ITEM	FISCAL YEAR
<u>NO.</u>	<u>2000-2001</u>
(01) ARKANSAS CHILDRENS HOSPITAL	<u>\$ 48,906.26</u>

SECTION 8. APPROPRIATION - BOARD OF NURSING. There is hereby appropriated, to the Arkansas State Board of Nursing, to be payable from the State Board of Nursing 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>2000-2001</u>
(01) DEPARTMENT OF INFORMATION SYSTEMS	<u>\$ 12,500</u>

SECTION 9. APPROPRIATION - HIGHWAY AND TRANSPORTATION. 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 to the payee set out herein:

ITEM	FISCAL YEAR
<u>NO.</u>	<u>2000-2001</u>

1	(01)	CAMERON CONSTRUCTION COMPANY, INC.	\$	11,245.00
2	(02)	NATHEN SHACKLEFORD		24,750.00
3	(03)	SHELLY GILBREATH		11,265.00
4	(04)	DELTIC TIMBER CORPORATION		11,600.00
5	(05)	KENNY THOMAS		4,000.00
6	(06)	WARREN PETROLEUM COMPANY		108,395.00
7	(07)	PARAGOULD CATV, INC.		13,736.45
8	(08)	GLENDA SMITH		80,000.00
9	(09)	GREER EXCAVATION, INC.		<u>21,120.00</u>
10		TOTAL AMOUNT APPROPRIATED	\$	<u>286,111.45</u>

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12 SECTION 10. APPROPRIATION - UAMS. There is hereby appropriated, to the
13 University of Arkansas for Medical Sciences, to be payable from the University
14 of Arkansas Medical Center Fund, for the purpose of paying claims against the
15 State of Arkansas to the payee set out herein:

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17	ITEM			FISCAL YEAR
18	<u>NO.</u>			<u>2000-2001</u>
19	(01)	DEADRA BRIGHT AND DAVID BRIGHT	\$	<u>450,000</u>

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21 SECTION 11. APPROPRIATION - DFA-DISBURSING. There is hereby appropriated,
22 to the Department of Finance and Administration - Disbursing Officer, to be
23 payable from the State Central Services Fund, for the purpose of paying claims
24 against the State of Arkansas to the payee set out herein:

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26	ITEM			FISCAL YEAR
27	<u>NO.</u>			<u>2000-2001</u>
28	(01)	GRANT COUNTY, ARKANSAS	\$	<u>15,697.50</u>

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30 SECTION 12. APPROPRIATION - DFA-REVENUE. There is hereby appropriated, to
31 the Department of Finance and Administration - Revenue Services Division, to
32 be payable from the Miscellaneous Revolving Fund, for the purpose of paying
33 claims against the State of Arkansas to the payee set out herein:

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35	ITEM			FISCAL YEAR
36	<u>NO.</u>			<u>2000-2001</u>

1	(01) DIEBOLD, INC.	\$ 65,406.00
2	(02) MCI	25,286.52
3	(03) LDDS COMMUNICATIONS	28,101.00
4	(04) TELXON	<u>9,990.00</u>
5	TOTAL AMOUNT APPROPRIATED	<u>\$ 128,783.52</u>

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7 SECTION 13. APPROPRIATION - DFA-REVENUE. There is hereby appropriated, to
8 the Department of Finance and Administration - Revenue Services Division, to
9 be payable from the Individual Income Tax Withholding Fund, for the purpose of
10 paying claims against the State of Arkansas to the payee set out herein:

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12	ITEM	FISCAL YEAR
13	<u>NO.</u>	<u>2000-2001</u>
14	(01) FAIRFIELD COMMUNITIES	\$ 38,924.06
15	(02) FIRST NATIONAL BANK OF EASTERN	
16	ARKANSAS	10,000.00
17	(03) JARRELL D. AND PAMELA D. FESTERVAN	12,314.00
18	(04) NATIONAL SERVICE INDUSTRIES	<u>11,491.30</u>
19	TOTAL AMOUNT APPROPRIATED	<u>\$ 72,729.36</u>

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21 SECTION 14. APPROPRIATION - DFA-REVENUE. There is hereby appropriated, to
22 the Department of Finance and Administration - Revenue Services Division, to
23 be payable from the Corporate Income Tax Withholding Fund, for the purpose of
24 paying claims against the State of Arkansas to the payee set out herein:

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26	ITEM	FISCAL YEAR
27	<u>NO.</u>	<u>2000-2001</u>
28	(01) HOWMEDICA, INC.	<u>\$ 27,756</u>

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30 SECTION 15. APPROPRIATION - INFORMATION SYSTEMS. There is hereby
31 appropriated, to the Department of Information Systems, to be payable from the
32 Department of Information Systems Revolving Fund, for for the purpose of
33 paying claims against the State of Arkansas to the payee set out herein:

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35	ITEM	FISCAL YEAR
36	<u>NO.</u>	<u>2000-2001</u>

1	(01)	SOUTHWESTERN BELL TELEPHONE COMPANY	\$	452,250.43
2	(02)	SOUTHWESTERN BELL TELEPHONE COMPANY		<u>286,700.90</u>
3		TOTAL AMOUNT APPROPRIATED	\$	<u>738,951.33</u>

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5 SECTION 16. APPROPRIATION - INSURANCE. There is hereby appropriated, to the
6 State Insurance Department, to be payable from the Miscellaneous Revolving
7 Fund, for the purpose of paying claims against the State of Arkansas to the
8 payee set out herein:

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10	ITEM		FISCAL YEAR
11	<u>NO.</u>		<u>2000-2001</u>
12	(01)	AETNA CASUALTY AND SECURITY	\$ 12,000.00
13	(02)	VIRGINIA SURETY COMPANY	<u>15,129.91</u>
14		TOTAL AMOUNT APPROPRIATED	\$ <u>27,129.91</u>

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16 SECTION 17. APPROPRIATION - PARKS AND TOURISM. There is hereby
17 appropriated, to the Department of Parks and Tourism, to be payable from the
18 Parks and Tourism Fund Account, for the purpose of paying claims against the
19 State of Arkansas to the payee set out herein:

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21	ITEM		FISCAL YEAR
22	<u>NO.</u>		<u>2000-2001</u>
23	(01)	LILLIAN BLANKS	\$ <u>10,000</u>

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25 SECTION 18. APPROPRIATION - STATE POLICE - BOARD OF PRIVATE INVESTIGATORS.
26 There is hereby appropriated, to the Department of Arkansas State Police, to
27 be payable from the Department of Arkansas State Police Fund, for the purpose
28 of paying claims against the State of Arkansas to the payee set out herein:

29

29	ITEM		FISCAL YEAR
30	<u>NO.</u>		<u>2000-2001</u>
31	(01)	TEXARKANA SECURITY, INC.	\$ <u>9,000</u>

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33 SECTION 19. APPROPRIATION - FORESTRY. There is hereby appropriated, to the
34 State Forestry Commission, to be payable from the State Forestry Fund, for the
35 purpose of paying claims against the State of Arkansas to the payee set out
36 herein:

ITEM	FISCAL YEAR
<u>NO.</u>	<u>2000-2001</u>
(01) N. R. YOUNGBLOOD	<u>\$ 14,283.90</u>

SECTION 20. APPROPRIATION - DFA - STATE EMPLOYEE INSURANCE. There is hereby appropriated, to the Department of Finance and Administration - Management Services Division, to be payable from the State Employees Benefit Trust Fund of the State and Public School Employees Insurance Fund, not in the State Treasury, for the purpose of paying claims against the State of Arkansas to the payee set out herein:

ITEM	FISCAL YEAR
<u>NO.</u>	<u>2000-2001</u>
(01) MILDRED HILL	<u>\$ 8,500</u>

SECTION 21. APPROPRIATION - CORRECTIONS. 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>2000-2001</u>
(01) DONNIE BATY	\$ 125,000
(02) LAKEISHA LUSTER	<u>100,000</u>
TOTAL AMOUNT APPROPRIATED	<u>\$ 225,000</u>

SECTION 22. APPROPRIATION - DHS - CHILDREN AND FAMILY SERVICES. There is hereby appropriated, to the Department of Human Services - Division of Children and Family Services, to be payable from the paying account as determined by the Chief Fiscal Officer of the State, for the purpose of paying claims against the State of Arkansas to the payee set out herein:

ITEM	FISCAL YEAR
<u>NO.</u>	<u>2000-2001</u>
(01) CHARTER HOSPITAL	\$ 24,864.00
(02) COUNSELING ASSOCIATES	69,035.10
(03) JUANI TA MARKS GRANT	68,237.50
(04) MID-SOUTH HEALTH SYSTEMS	51,864.30
(05) OUACHI TA CHILDRENS CENTER	22,392.50

1	(06) SOUTH ARKANSAS REGIONAL HEALTH	60,446.58
2	(07) MAYBECK, INC.	<u>589,767.00</u>
3	TOTAL AMOUNT APPROPRIATED	<u>\$ 886,606.98</u>

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 5 SECTION 23. APPROPRIATION - DHS - EARLY CHILDHOOD CARE AND EDUCATION. There
 6 is hereby appropriated, to the Department of Human Services - Division of
 7 Child Care and Early Childhood Education, to be payable from the paying
 8 account as determined by the Chief Fiscal Officer of the State, for the
 9 purpose of paying claims against the State of Arkansas to the payee set out
 10 herein:

11	ITEM	FISCAL YEAR
12	<u>NO.</u>	<u>2000-2001</u>
13	(01) WESTERN ARKANSAS CHILD DEVELOPMENT	\$ 25,396.00
14	(02) HELENA/ WEST HELENA PUBLIC SCHOOLS	<u>29,132.24</u>
15	TOTAL AMOUNT APPROPRIATED	<u>\$ 54,528.24</u>

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 17 SECTION 24. APPROPRIATION - DHS - AGING AND ADULT SERVICES. There is hereby
 18 appropriated, to the Department of Human Services - Division of Aging and
 19 Adult Services, to be payable from the paying account as determined by the
 20 Chief Fiscal Officer of the State, for the purpose of paying claims against
 21 the State of Arkansas to the payee set out herein:

22	ITEM	FISCAL YEAR
23	<u>NO.</u>	<u>2000-2001</u>
24	(01) DUMAS NURSING CENTER	<u>\$ 12,318.74</u>

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 26 SECTION 25. APPROPRIATION - DHS - DIVISION OF COUNTY OPERATIONS. There is
 27 hereby appropriated, to the Department of Human Services - Division of County
 28 Operations, to be payable from the paying account as determined by the Chief
 29 Fiscal Officer of the State, for the purpose of paying claims against the
 30 State of Arkansas to the payee set out herein:

31	ITEM	FISCAL YEAR
32	<u>NO.</u>	<u>2000-2001</u>
33	(01) ADVANCED ENVIRONMENTAL SOLUTIONS	\$ 15,580.00
34	(02) CHERYL NIXON	9,621.00
35	(03) CITI BANK FSB	67,916.44
36	(04) UNIVERSITY OF ARKANSAS AT FAYETTEVILLE	<u>15,431.10</u>

1 TOTAL AMOUNT APPROPRIATED \$ 108,548.54

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3 SECTION 26. APPROPRIATION - DHS - MEDICAL SERVICES. There is hereby
4 appropriated, to the Department of Human Services - Division of Medical
5 Services, to be payable from the paying account as determined by the Chief
6 Fiscal Officer of the State, for the purpose of paying claims against the
7 State of Arkansas to the payee set out herein:

8 ITEM	FISCAL YEAR
9 <u>NO.</u>	<u>2000-2001</u>
10 (01) SHIRLEY GAMBLE	\$ 37,901.86
11 (02) RIVENDELL BEHAVIORAL	<u>259,291.56</u>
12 TOTAL AMOUNT APPROPRIATED	<u>\$ 297,193.42</u>

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14 SECTION 27. APPROPRIATION - DHS - MENTAL HEALTH SERVICES. There is hereby
15 appropriated, to the Department of Human Services - Division of Mental Health
16 Services, to be payable from the paying account as determined by the Chief
17 Fiscal Officer of the State, for the purpose of paying claims against the
18 State of Arkansas to the payee set out herein:

19 ITEM	FISCAL YEAR
20 <u>NO.</u>	<u>2000-2001</u>
21 (01) BIRCHTREE COMMUNITIES	\$ 30,934.25
22 (02) LORITA SMITH	34,579.05
23 (03) MARVIN BROWN	<u>15,658.02</u>
24 TOTAL AMOUNT APPROPRIATED	<u>\$ 81,171.32</u>

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26 SECTION 28. APPROPRIATION - SOUTHERN ARKANSAS UNIVERSITY. There is hereby
27 appropriated, to Southern Arkansas University, to be payable from the Southern
28 Arkansas University Fund, for the purpose of paying claims against the State
29 of Arkansas to the payee set out herein:

30 ITEM	FISCAL YEAR
31 <u>NO.</u>	<u>2000-2001</u>
32 (01) LINDA SINGLETON	<u>\$ 9,994.11</u>

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34 SECTION 29. 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.

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4 SECTION 30. 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.

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13 SECTION 37. 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.

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21 SECTION 32. 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.

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32 SECTION 33. 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.

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8 SECTION 34. 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 35. 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 36. 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 37. 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*