

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 85th General Assembly
3 Regular Session, 2005
4

As Engrossed: S2/21/05
A Bill

SENATE BILL 53

5 By: Joint Budget Committee
6
7

8 **For An Act To Be Entitled**

9 AN ACT TO MAKE AN APPROPRIATION TO PAY APPROVED
10 CLAIMS AGAINST THE STATE FOR THE ARKANSAS STATE
11 CLAIMS COMMISSION FOR THE FISCAL YEAR ENDING JUNE
12 30, 2005; AND FOR OTHER PURPOSES.
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14

15 **Subtitle**

16 AN ACT FOR THE ARKANSAS STATE CLAIMS
17 COMMISSION - APPROVED CLAIMS
18 APPROPRIATION FOR THE 2005 FISCAL YEAR.
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21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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23 SECTION 1. APPROPRIATION - DEPARTMENT OF FINANCE AND ADMINISTRATION -
24 REVENUE DIVISION. There is hereby appropriated, to the Department of Finance
25 and Administration - Revenue Services Division, to be payable from the
26 Miscellaneous Revolving Fund, for the purpose of paying claims against the
27 State of Arkansas to the payee set out herein:
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29 ITEM	FISCAL YEAR
30 <u>NO.</u>	<u>2004-2005</u>
31 (01) CUMMINS MID SOUTH, INC.	\$ 11,150.33
32 (02) NUCOR STEEL	19,080.00
33 (03) SYMBOL TECHNOLOGIES	12,735.42
34 (04) PREMIER GRAPHICS	<u>15,029.95</u>
35 TOTAL AMOUNT APPROPRIATED	<u>\$ 57,995.70</u>

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1 SECTION 2. APPROPRIATION - DEPARTMENT OF FINANCE AND ADMINISTRATION -
 2 REVENUE DIVISION. There is hereby appropriated, to the Department of Finance
 3 and Administration - Revenue Services Division, to be payable from the
 4 Corporate Income Tax Withholding Fund, for paying claims against the State of
 5 Arkansas to the payee set out herein:

6	7 ITEM	FISCAL YEAR
8	<u>NO.</u>	<u>2004-2005</u>
9	(01) THE ANPRO COMPANY	\$ 65,460
10	(02) AVON PRODUCTS, INC.	<u>24,000</u>
11	TOTAL AMOUNT APPROPRIATED	<u>\$ 89,460</u>

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13 SECTION 3. APPROPRIATION - DEPARTMENT OF FINANCE AND ADMINISTRATION -
 14 REVENUE DIVISION. There is hereby appropriated, to the Department of Finance
 15 and Administration - Revenue Services Division, to be payable from the
 16 Individual Income Tax Withholding Fund, for the purpose of paying claims
 17 against the State of Arkansas to the payee set out herein:

18	19 ITEM	FISCAL YEAR
20	<u>NO.</u>	<u>2004-2005</u>
21	(01) WILLIAM K. GAYDEN	\$ 19,556.29
22	(02) JERRY C. AND BECKY CLARK	12,478.00
23	(03) KENNETH MURTON	12,240.00
24	(04) TODD AND DAWN SIMPSON	<u>23,394.42</u>
25	TOTAL AMOUNT APPROPRIATED	<u>\$ 67,668.71</u>

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27 SECTION 4. APPROPRIATION - DEPARTMENT OF HUMAN SERVICES - DIVISION OF
 28 CHILDREN AND FAMILY SERVICES. There is hereby appropriated, to the Department
 29 of Human Services - Division of Children and Family Services, to be payable
 30 from the paying account as determined by the Chief Fiscal Officer of the
 31 State, for the purpose of paying claims against the State of Arkansas to the
 32 payee set out herein:

33	34 ITEM	FISCAL YEAR
35	<u>NO.</u>	<u>2004-2005</u>
36	(01) STEVE AND SHERRY WILSON	\$ 23,800

1	(02) UNIVERSITY OF ARKANSAS FOR MEDICAL	
2	SCIENCES	25,203.51
3	(03) HOUSLEY COUNSELING SERVICES, INC.	<u>17,722.32</u>
4	TOTAL AMOUNT APPROPRIATED	<u>\$ 66,725.83</u>

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6 SECTION 5. APPROPRIATION - DEPARTMENT OF HUMAN SERVICES - DIVISION OF

7 CHILDREN AND FAMILY SERVICES. There is hereby appropriated, to the Department

8 of Human Services - Division of Children and Family Services, to be payable

9 from the Children and Family Services Fund Account, for the purpose of paying

10 claims against the State of Arkansas to the payee set out herein:

11	ITEM	FISCAL YEAR
12		
13	<u>NO.</u>	<u>2004-2005</u>
14	(01) THE ESTATE OF AUSTIN SMITH, CHRISTY	
15	ANDERSON, ALLEN SMITH, DESTINY SMITH,	
16	JUDY BUSSELL AND TERESA HAYDEN	<u>\$ 225,000</u>

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18 SECTION 6. APPROPRIATION - DEPARTMENT OF FINANCE AND ADMINISTRATION -

19 OFFICE OF CHILD SUPPORT ENFORCEMENT. There is hereby appropriated, to the

20 Department of Finance and Administration - Office of Child Support

21 Enforcement, to be payable from the Child Support Enforcement Fund, for the

22 purpose of paying claims against the State of Arkansas to the payee set out

23 herein:

24	ITEM	FISCAL YEAR
25		
26	<u>NO.</u>	<u>2004-2005</u>
27	(01) KEITH COGSWELL, III	\$ 331,555.14
28	(02) ORCHID GENESCREEN	<u>13,713.45</u>
29	TOTAL AMOUNT APPROPRIATED	<u>\$ 345,268.59</u>

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31 SECTION 7. APPROPRIATION - DEPARTMENT OF HUMAN SERVICES - DIVISION OF

32 DEVELOPMENTAL DISABILITIES. There is hereby appropriated, to the Department

33 of Human Services - Division of Developmental Disabilities Services, to be

34 payable from the paying account as determined by the Chief Fiscal Officer of

35 the State, for the purpose of paying claims against the State of Arkansas to

36 the payee set out herein:

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ITEM	FISCAL YEAR
<u>NO.</u>	<u>2004-2005</u>
(01) TYRONDA A. TILLMAN	\$ <u>922.60</u>

SECTION 8. APPROPRIATION - DEPARTMENT OF HUMAN SERVICES - DIVISION OF YOUTH SERVICES. There is hereby appropriated, to the Department of Human Services - Division of Youth 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>2004-2005</u>
(01) JOHNSON & CHISM ARCHITECTS, P.A.	\$ <u>38,066.39</u>

SECTION 9. APPROPRIATION - DEPARTMENT OF HUMAN SERVICES - DIVISION OF YOUTH SERVICES. There is hereby appropriated, to the Department of Human Services - Division of Youth Services, to be payable from the Youth Services 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>2004-2005</u>
(01) MILCREEK OF ARKANSAS	\$ <u>50,550</u>

SECTION 10. APPROPRIATION - DEPARTMENT OF HUMAN SERVICES - DIVISION OF CHILDCARE AND EARLY CHILDHOOD EDUCATION. There is hereby appropriated, to the Department of Human Services - Division of Child Care and Early Childhood Education, 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>2004-2005</u>
(01) UNIVERSITY OF ARKANSAS FOR MEDICAL SCIENCES	\$ <u>11,027</u>

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 2 SECTION 11. APPROPRIATION - DEPARTMENT OF HUMAN SERVICES - DIVISION OF
 3 BEHAVIORAL HEALTH SERVICES. There is hereby appropriated, to the Department
 4 of Human Services - Division of Behavioral Health, to be payable from the
 5 paying account as determined by the Chief Fiscal Officer of the State, for
 6 the purpose of paying claims against the State of Arkansas to the payee set
 7 out herein:

ITEM	FISCAL YEAR
<u>NO.</u>	<u>2004-2005</u>
(01) MELEAH CARTER, AS ADMINISTRATRIX OF THE ESTATE OF MARTHA L. WILLIS, DECEASED	<u>\$ 25,000</u>

15 SECTION 12. APPROPRIATIONS - UNIVERSITY OF ARKANSAS FOR MEDICAL SCIENCES.
 16 There is hereby appropriated, to the University of Arkansas for Medical
 17 Sciences, to be payable from cash funds as defined by Arkansas Code 19-4-801,
 18 for the purpose of paying claims against the State of Arkansas to the payee
 19 set out herein:

ITEM	FISCAL YEAR
<u>NO.</u>	<u>2004-2005</u>
(01) TINA FRANKLIN AND ROY CLINE, JR., INDIVIDUALLY AND AS PARENTS OF MICHAEL JAMES CLINE, MINOR	\$ 75,000
(02) AMERICAN GENERAL ANNUITY SERVICES CORPORATION	<u>75,000</u>
TOTAL AMOUNT APPROPRIATED	<u>\$150,000</u>

30 SECTION 13. APPROPRIATION - UNIVERSITY OF ARKANSAS - PINE BLUFF. There is
 31 hereby appropriated, to the University of Arkansas at Pine Bluff, to be
 32 payable from the University of Arkansas at Pine Bluff Fund, for the purpose
 33 of paying claims against the State of Arkansas to the payee set out herein:

ITEM	FISCAL YEAR
<u>NO.</u>	<u>2004-2005</u>

1 (01) WHALEY CONSTRUCTION, INC. \$ 35,232.18

2

3 SECTION 14. APPROPRIATION - ARKANSAS HIGHWAY AND TRANSPORTATION
4 DEPARTMENT. There is hereby appropriated, to the Arkansas State Highway and
5 Transportation Department, to be payable from the State Highway and
6 Transportation Department Fund, for the purpose of paying claims against the
7 State of Arkansas to the payee set out herein:

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9 ITEM	FISCAL YEAR
10 <u>NO.</u>	<u>2004-2005</u>
11 (01) DAN RAINBOLT	\$ 20,000
12 (02) KENNETH BEARDEN	<u>30,000</u>
13 TOTAL AMOUNT APPROPRIATED	<u>\$ 50,000</u>

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15 SECTION 15. APPROPRIATION - ARKANSAS DEPARTMENT OF CORRECTION. There is
16 hereby appropriated, to the Department of Correction, to be payable from the
17 Department of Correction Inmate Care and Custody Fund Account, for the
18 purpose of paying claims against the State of Arkansas to the payee set out
19 herein:

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21 ITEM	FISCAL YEAR
22 <u>NO.</u>	<u>2004-2005</u>
23 (01) CORY WILLIAMSON	\$ 15,000
24 (02) REX ARCHER	<u>120,000</u>
25 TOTAL AMOUNT APPROPRIATED	<u>\$ 135,000</u>

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27 SECTION 16. APPROPRIATION - ARKANSAS STATE POLICE. There is hereby
28 appropriated, to the Department of Arkansas State Police, to be payable from
29 the Department of Arkansas State Police Fund, for the purpose of paying
30 claims against the State of Arkansas to the payee set out herein:

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32 ITEM	FISCAL YEAR
33 <u>NO.</u>	<u>2004-2005</u>
34 (01) JUDY WEBB	\$ 750,000
35 (02) AUBREY WEBB	<u>250,000</u>
36 TOTAL AMOUNT APPROPRIATED	<u>\$ 1,000,000</u>

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SECTION 17. APPROPRIATION - TWENTY-SECOND DECENNIAL CENSUS - PAYMENT TO THE CITY OF CHIDESTER, ARKANSAS. There is hereby appropriated, to the Office of the Treasurer of State, to be payable from the Municipal Aid 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>2004-2005</u>
(01) CITY OF CHIDESTER, ARKANSAS - GENERAL	
REVENUE	\$ 822.38
(02) CITY OF CHIDESTER, ARKANSAS - SPECIAL	
REVENUE	<u>2,297.38</u>
TOTAL AMOUNT APPROPRIATED	<u>\$ 3,119.76</u>

SECTION 18. APPROPRIATION - TWENTY-SECOND DECENNIAL CENSUS - PAYMENT TO THE CITY OF MAGNET COVE, ARKANSAS. There is hereby appropriated, to the Office of the Treasurer of State, to be payable from the Municipal Aid 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>2004-2005</u>
(01) CITY OF MAGNET COVE, ARKANSAS -	
GENERAL REVENUE	\$ 8,360.02
(02) CITY OF MAGNET COVE, ARKANSAS -	
SPECIAL REVENUE	<u>23,329.55</u>
TOTAL AMOUNT APPROPRIATED	<u>\$ 31,689.57</u>

SECTION 19. APPROPRIATION - TWENTY-SECOND DECENNIAL CENSUS - PAYMENT TO THE CITY OF HARDY, ARKANSAS. There is hereby appropriated, to the Office of the Treasurer of State, to be payable from the Municipal Aid Fund, for the purpose of paying claims against the State of Arkansas to the payee set out herein:

ITEM	FISCAL YEAR
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1	<u>NO.</u>	<u>2004-2005</u>
2	(01) CITY OF HARDY, ARKANSAS - GENERAL	
3	REVENUE	\$ 8,321.85
4	(02) CITY OF HARDY, ARKANSAS - SPECIAL	
5	REVENUE	<u>24,044.44</u>
6	TOTAL AMOUNT APPROPRIATED	<u>\$ 32,366.29</u>

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8 SECTION 20. APPROPRIATION - TWENTY-SECOND DECENNIAL CENSUS - PAYMENT TO

9 THE CITY OF MIDWAY, ARKANSAS. There is hereby appropriated, to the Office of

10 the Treasurer of State, to be payable from the Municipal Aid Fund, for the

11 purpose of paying claims against the State of Arkansas to the payee set out

12 herein:

14	ITEM	FISCAL YEAR
15	<u>NO.</u>	<u>2004-2005</u>
16	(01) CITY OF MIDWAY, ARKANSAS - GENERAL	
17	REVENUE	\$ 10,673.56
18	(02) CITY OF MIDWAY, ARKANSAS - SPECIAL	
19	REVENUE	<u>30,016.52</u>
20	TOTAL AMOUNT APPROPRIATED	<u>\$ 40,690.08</u>

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22 SECTION 21. APPROPRIATION - TWENTY-SECOND DECENNIAL CENSUS - PAYMENT TO

23 THE CITY OF GLENWOOD, ARKANSAS. There is hereby appropriated, to the Office

24 of the Treasurer of State, to be payable from the Municipal Aid Fund, for the

25 purpose of paying claims against the State of Arkansas to the payee set out

26 herein:

28	ITEM	FISCAL YEAR
29	<u>NO.</u>	<u>2004-2005</u>
30	(01) CITY OF GLENWOOD, ARKANSAS - GENERAL	
31	REVENUE	\$ 15,603.42
32	(02) CITY OF GLENWOOD, ARKANSAS - SPECIAL	
33	REVENUE	<u>44,472.05</u>
34	TOTAL AMOUNT APPROPRIATED	<u>\$ 60,075.47</u>

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36 SECTION 22. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS

1 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. CARRY
2 FORWARD. Any balance remaining in the appropriations authorized by this Act
3 that remain at the end of a fiscal year shall be carried forward into the
4 next fiscal year there to be used for the same purpose.

5
6 SECTION 23. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
7 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. CARRYOVER
8 OF CLAIMS. Any state agency which is affected by the allowed claim(s)
9 provided for in this Act, and whose fund for the ~~2002-2003~~ 2004-2005 fiscal
10 year are insufficient to allow for the payment of said claim(s) before June
11 30, ~~2003~~ 2005, is hereby authorized, upon certification by the Chief Fiscal
12 Officer of the State, to make payment of said claim(s) after July 1, ~~2003~~
13 2005, from funds appropriated for the ~~2003-2004~~ 2005-2006 fiscal year.

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15 SECTION 24. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
16 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.
17 DISBURSING OFFICER. The Clerk of the State Claims Commission is hereby made
18 the disbursing officer for the purpose of paying the claims appropriated by
19 this Act. The Clerk of the State Claims Commission is hereby authorized to
20 receive all warrants prepared under the provisions of this Act from the
21 Auditor of the State and to distribute same to the claimants.

22
23 SECTION 25. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
24 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.
25 DEPARTMENT OF HUMAN SERVICES CLAIMS. For any claims in this Act appropriated
26 to the Department of Human Services, the Clerk of the State Claims Commission
27 shall consult with the Department of Human Services and the Chief Fiscal
28 Officer of the State to determine the division and funds to which liability
29 should be assigned and from which the warrants shall be drawn. The Clerk of
30 the State Claims Commission shall initiate the appropriate transfers as may
31 be required and as approved by the Chief Fiscal Officer of the State.

32
33 SECTION 26. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
34 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. CLAIMS
35 FROM CASH FUNDS. In the event that any claim authorized herein is determined
36 to be a valid claim against the State and the claim is to be paid from funds

1 not in the State Treasury, the Clerk of the State Claims Commission shall
2 notify the agency against which the claim is to be charged of the amount of
3 such claims. Upon receipt of such notification, the state agency shall
4 forthwith deliver a check to the Clerk of the State Claims Commission who
5 shall deposit the same as a non-revenue receipt into the Miscellaneous
6 Revolving Fund from which he shall disburse the amount of the claim to the
7 claimant.

8

9 SECTION 27. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
10 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.
11 EMPLOYMENT COMPENSATION CLAIMS. The Clerk of the State Claims Commission
12 shall not distribute any warrants prepared under the provisions of this Act
13 for awards made by the Arkansas State Claims Commission for employment
14 compensation claims. Upon the award by the State Claims Commission of an
15 employment compensation claim, the Clerk of the State Claims Commission shall
16 notify the affected state agency and the Department of Finance and
17 Administration - Office of Personnel Management of such amounts that are due
18 and payable. The affected state agency shall then process the award through
19 the State Mechanized Payroll System.

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21 SECTION 28. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
22 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. CLAIMS
23 AWARD REPORTING. It is the intent of the General Assembly that when any state
24 agency, board, commission or institution of higher education admits liability
25 to a claim filed with the State Claims Commission and the claim involves a
26 contract with a state agency, board, commission or institution of higher
27 education or the claim exceeds ten thousand dollars (\$10,000) that such
28 agency, board, commission or institution of higher education file a written
29 report thereof to the Litigation Subcommittee of the Legislative Council.
30 Such a report shall include a concise statement of facts with an explanation
31 of the agency's liability. Provided further, such report shall be filed with
32 the Litigation Subcommittee within thirty (30) days after the claim has been
33 adjudicated by the State Claims Commission.

34

35 SECTION 29. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
36 CODE, NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. PURCHASE

1 OF ANNUITY. Of the funds appropriated in Section 12, Item (02) shall be for
2 the sole purpose of purchasing an annuity for the benefit of Michael James
3 Cline, minor child of Tina Franklin and Roy Cline, Jr. who filed a claim
4 against the University of Arkansas – Medical Sciences with the Arkansas State
5 Claims Commission in 1998. The claim was settled without admission of
6 liability from the University of Arkansas – Medical Sciences. The University
7 of Arkansas – Medical Sciences agreed to pay, and Tina and Roy Franklin, Jr.
8 agreed to accept, a total settlement in the amount of one hundred fifty
9 thousand dollars (\$150,000). The University of Arkansas – Medical Sciences,
10 Tina Franklin and Roy Cline, Jr. agreed that it is in the best interest of
11 Michael James Cline for seventy-five thousand dollars (\$75,000) of the agreed
12 settlement to be expended on the purchase of an annuity for Michael James
13 Cline. The Clerk of the Arkansas State Claim Commission, the Chief Fiscal
14 Officer of the State and the Auditor of State shall effectuate the issuance
15 of a warrant to American General Annuity Services Corporation in the amount
16 of seventy-five thousand dollars (\$75,000), along with payment of seventy-
17 five thousand dollars (\$75,000) to Tina Franklin and Roy Cline, Jr., as
18 parents and guardians of Michael James Cline, a minor.

19
20 SECTION 30. COMPLIANCE WITH OTHER LAWS. Disbursement of funds authorized
21 by this act shall be limited to the appropriation for such agency and funds
22 made available by law for the support of such appropriations; and the
23 restrictions of the State Procurement Law, the General Accounting and
24 Budgetary Procedures Law, the Revenue Stabilization Law, the Regular Salary
25 Procedures and Restrictions Act, or their successors, and other fiscal
26 control laws of this State, where applicable, and regulations promulgated by
27 the Department of Finance and Administration, as authorized by law, shall be
28 strictly complied with in disbursement of said funds.

29
30 SECTION 31. LEGISLATIVE INTENT. It is the intent of the General Assembly
31 that any funds disbursed under the authority of the appropriations contained
32 in this act shall be in compliance with the stated reasons for which this act
33 was adopted, as evidenced by the Agency Requests, Executive Recommendations
34 and Legislative Recommendations contained in the budget manuals prepared by
35 the Department of Finance and Administration, letters, or summarized oral
36 testimony in the official minutes of the Arkansas Legislative Council or

1 Joint Budget Committee which relate to its passage and adoption.

2

3 SECTION 32. EMERGENCY CLAUSE. It is found and determined by the General
4 Assembly, that the Constitution of the State of Arkansas prohibits the
5 appropriation of funds for more than a two (2) year period; that the
6 effectiveness of this Act on the date of its passage and approval is
7 essential to the operation of the agency for which the appropriations in this
8 Act are provided, and that in the event of an extension of the Regular
9 Session, the delay in the effective date of this Act beyond the date of its
10 passage and approval could work irreparable harm upon the proper
11 administration and provision of essential governmental programs. Therefore,
12 an emergency is hereby declared to exist and this Act being necessary for the
13 immediate preservation of the public peace, health and safety shall be in
14 full force and effect from and after the date of its passage and approval.

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

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21 /s/ Joint Budget Committee

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