

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 *As Engrossed: S3/11/03 S3/18/03 S3/26/03 S4/2/03*

2 84th General Assembly

A Bill

3 Regular Session, 2003

SENATE BILL 619

4

5 By: Senator Bisbee

6

7

8

For An Act To Be Entitled

9 AN ACT TO MAKE AN APPROPRIATION WHICH SHALL BE
10 SUPPLEMENTAL AND IN ADDITION TO THOSE FUNDS
11 APPROPRIATED BY THE EIGHTY-FOURTH GENERAL
12 ASSEMBLY FOR THE ARKANSAS STATE CLAIMS COMMISSION
13 TO PAY SMALL CONTROVERSIAL AND NON-CONTROVERSIAL
14 CLAIMS AGAINST THE STATE; AND FOR OTHER PURPOSES.

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Subtitle

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

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SECTION 1. APPROPRIATION - APPROVED CLAIMS. There is hereby appropriated,
28 to the Arkansas State Claims Commission, to be payable from the Miscellaneous
29 Revolving Fund, for payment of awards made by the Arkansas State Claims
30 Commission of the Arkansas State Claims Commission, as provided by law, on
31 small controversial and non-controversial claims, which shall be supplemental
32 and in addition to those funds appropriated by the Eighty-Fourth General
33 Assembly, the following:

34

35 ITEM

FISCAL YEARS

36

NO.

2002-2003



1 (01) APPROVED CLAIMS \$ 200,000

2

3 SECTION 2. APPROPRIATION - DEPARTMENT OF INFORMATION SYSTEMS. There is
 4 hereby appropriated, to the Department of Information Systems, to be payable
 5 from the General Improvement Fund, for the purpose of paying claims against
 6 the State of Arkansas to the payee set out herein:

7

ITEM	FISCAL YEAR
<u>NO.</u>	<u>2002-2003</u>
(01) NORTEL NETWORKS	\$ 146,144.86
(02) NORTEL NETWORKS	<u>170,579.68</u>
TOTAL AMOUNT APPROPRIATED	<u>\$ 316,724.54</u>

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14 SECTION 3. APPROPRIATION - DEPARTMENT OF INFORMATION SYSTEMS. There is
 15 hereby appropriated, to the Department of Information Systems, to be payable
 16 from the Department of Information Systems Revolving Fund, for the purpose of
 17 paying claims against the State of Arkansas to the payee set out herein:

18

ITEM	FISCAL YEAR
<u>NO.</u>	<u>2002-2003</u>
(01) COMPUWARE CORPORATION	<u>\$ 67,427.29</u>
TOTAL AMOUNT APPROPRIATED	<u>\$ 67,427.29</u>

23

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

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ITEM	FISCAL YEAR
<u>NO.</u>	<u>2002-2003</u>
(01) ARKANSAS CHILDREN'S HOSPITAL	\$ 11,921.01
(02) ARKANSAS CHILDREN'S HOSPITAL	\$ 92,508.91
(03) ARKANSAS CHILDREN'S HOSPITAL	\$ 51,392.57
(04) ARKANSAS CHILDREN'S HOSPITAL	\$ 30,193.03

36

1	(05) ARKANSAS CHILDREN'S HOSPITAL	\$ 24,270.95
2	(06) ARKANSAS CHILDREN'S HOSPITAL	\$ 53,088.41
3	(07) ARKANSAS CHILDREN'S HOSPITAL	\$ 61,310.76
4	(08) ARKANSAS CHILDREN'S HOSPITAL	<u>\$ 47,448.14</u>
5	TOTAL AMOUNT APPROPRIATED	<u>\$ 372,133.78</u>

6

7 SECTION 5. APPROPRIATION - DHS - CHILDREN AND FAMILY SERVICES. There is
 8 hereby appropriated, to the Department of Human Services - Division of
 9 Children and Family Services, to be payable from the Children and Family
 10 Services Fund Account, for the purpose of paying claims against the State of
 11 Arkansas to the payee set out herein:

12

13	ITEM	FISCAL YEAR
14	<u>NO.</u>	<u>2002-2003</u>
15	(01) PINEY RIDGE CENTER, INC.	<u>\$ 18,060</u>
16	TOTAL AMOUNT APPROPRIATED	<u>\$ 18,060</u>

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18 SECTION 6. APPROPRIATION - DEPARTMENT OF HUMAN SERVICES - COUNTY
 19 OPERATIONS. There is hereby appropriated, to the Department of Human Services
 20 - Division of County Operations, to be payable from federal funds as
 21 designated by the Chief Fiscal Officer of the State, for the purpose of
 22 paying claims against the State of Arkansas to the payee set out herein:

23

24	ITEM	FISCAL YEAR
25	<u>NO.</u>	<u>2002-2003</u>
26	(01) FORT SMITH SCHOOL DISTRICT	<u>\$ 9,750</u>
27	TOTAL AMOUNT APPROPRIATED	<u>\$ 9,750</u>

28

29 SECTION 7. APPROPRIATION - DEPARTMENT OF HUMAN SERVICES - DIVISION OF
 30 MENTAL HEALTH SERVICES. There is hereby appropriated, to the Department of
 31 Human Services - Division of Mental Health Services, to be payable from
 32 paying accounts as determined by the Chief Fiscal Officer of the State, for
 33 the purpose of paying claims against the State of Arkansas to the payee set
 34 out herein:

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36	ITEM	FISCAL YEAR
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1	<u>NO.</u>	<u>2002-2003</u>
2	(01) UNIVERSITY OF ARKANSAS MEDICAL SCIENCES	\$ 47,072.56
3	TOTAL AMOUNT APPROPRIATED	<u>\$ 47,072.56</u>

4
 5 SECTION 8. APPROPRIATION - DFA - REVENUE SERVICES DIVISION. There is
 6 hereby appropriated, to the Department of Finance and Administration -
 7 Revenue Services Division, to be payable from the Miscellaneous Revolving
 8 Fund, for the purpose of paying claims against the State of Arkansas to the
 9 payee set out herein:

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11	ITEM	FISCAL YEAR
12	<u>NO.</u>	<u>2002-2003</u>
13	(01) OAKWOOD MOBILE HOMES, INC.	\$ 9,153
14	(02) SPRINT PCS	9,572
15	(03) HALIBURTON ENERGY SERVICES, INC.	<u>9,400</u>
16	TOTAL AMOUNT APPROPRIATED	<u>\$ 28,125</u>

17
 18 SECTION 9. APPROPRIATION - DEPARTMENT OF FINANCE AND ADMINISTRATION -
 19 REVENUE SERVICES DIVISION. There is hereby appropriated, to the Department of
 20 Finance and Administration - Revenue Services Division to be payable from the
 21 Corporate Income Tax Withholding Fund, for the purpose of paying claims
 22 against the State of Arkansas to the payee set out herein:

23		
24	ITEM	FISCAL YEAR
25	<u>NO.</u>	<u>2002-2003</u>
26	(01) CAMDEN MEDICAL SUPPLY, INC.	\$ 33,000
27	(02) NATURAL GAS PIPELINE CO. OF AMERICA	60,688
28	(03) PROMETRIC, INC.	30,885
29	(04) GNB INDUSTRIAL BATTERY CO.	17,425
30	(05) CEDENT MOBILITY SERVICES	<u>15,000</u>
31	TOTAL AMOUNT APPROPRIATED	<u>\$ 156,998</u>

32
 33 SECTION 10. APPROPRIATION - DEPARTMENT OF FINANCE AND ADMINISTRATION -
 34 REVENUE SERVICES DIVISION. There is hereby appropriated, to the Department of
 35 Finance and Administration - Revenue Services Division to be payable from the
 36 Individual Income Tax Withholding Fund, for the purpose of paying claims

1 against the State of Arkansas to the payee set out herein:

2

<i>ITEM</i>	<i>FISCAL YEAR</i>
<u><i>NO.</i></u>	<u><i>2002-2003</i></u>

5 (01) NAVISTAR INTERNATIONAL TRANSPORTATION

6 CORP. \$ 32,705.96

7 TOTAL AMOUNT APPROPRIATED \$ 32,705.96

8

9 SECTION 11. APPROPRIATION - ARKANSAS HIGHWAY AND TRANSPORTATION DEPARTMENT
10 (AHTD). There is hereby appropriated, to the Arkansas State Highway and
11 Transportation Department, to be payable from the State Highway and
12 Transportation Department Fund, for the purpose of paying claims against the
13 State of Arkansas to the payee set out herein:

14

<i>ITEM</i>	<i>FISCAL YEAR</i>
<u><i>NO.</i></u>	<u><i>2002-2003</i></u>

17 (01) HARDY CONSTRUCTION COMPANY, INC. \$ 85,916.28

18 (02) GREAT AMERICAN INSURANCE 29,109.88

19 (03) ENTERGY CORPORATION 53,275.12

20 (04) BOBBIE PHIPPS 10,000.00

21 (05) MONICA KING DBA K & K TRUCKING 9,435.80

22 (06) SHELLIE GRICE 19,133.00

23 TOTAL AMOUNT APPROPRIATED \$ 206,870.08

24

25 SECTION 12. APPROPRIATION - DEPARTMENT OF HEALTH. There is hereby
26 appropriated, to the Department of Health, to be payable from the Public
27 Health Fund, for the purpose of paying claims against the State of Arkansas
28 to the payee set out herein:

29

<i>ITEM</i>	<i>FISCAL YEAR</i>
<u><i>NO.</i></u>	<u><i>2002-2003</i></u>

32 (01) UAMS ARKANSAS CARES \$ 61,500

33 TOTAL AMOUNT APPROPRIATED \$ 61,500

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35 SECTION 13. APPROPRIATION - ARKANSAS STATE POLICE. There is hereby
36 appropriated, to the Department of Arkansas State Police, to be payable from

1 the Department of Arkansas State Police Fund, for the purpose of paying
 2 claims against the State of Arkansas to the payee set out herein:

<i>ITEM</i>	<i>FISCAL YEAR</i>
<u><i>NO.</i></u>	<u><i>2002-2003</i></u>
(01) MILDRED SAXTON	\$ 9,415.13
TOTAL AMOUNT APPROPRIATED	<u>\$ 9,415.13</u>

9 SECTION 14. APPROPRIATION - UNIVERSITY OF ARKANSAS MEDICAL SCIENCES. There
 10 is hereby appropriated, to the University of Arkansas Medical Sciences, to be
 11 payable from the University of Arkansas Medical Center Fund, for the purpose
 12 of paying claims against the State of Arkansas to the payee set out herein:

<i>ITEM</i>	<i>FISCAL YEAR</i>
<u><i>NO.</i></u>	<u><i>2002-2003</i></u>
(01) JANET MIMS (ADMINISTRATRIX OF HARRY MIMS)	\$ 175,000
(02) ANNETTE SHELTON	<u>75,000</u>
TOTAL AMOUNT APPROPRIATED	<u>\$ 250,000</u>

20 SECTION 15. APPROPRIATION - TWENTY-SECOND DECENNIAL CENSUS - PAYMENT TO
 21 THE CITY OF PINE BLUFF. There is hereby appropriated, to the Office of the
 22 Treasurer of State, Arkansas, to be payable from the Municipal Aid Fund, for
 23 the purpose of paying claims against the State of Arkansas to the payee set
 24 out herein:

<i>ITEM</i>	<i>FISCAL YEAR</i>
<u><i>NO.</i></u>	<u><i>2002-2003</i></u>
(01) CITY OF PINE BLUFF, ARKANSAS	
(a) GENERAL REVENUE	\$1,066.73
(b) SPECIAL REVENUE	<u>\$2,927.45</u>
TOTAL AMOUNT APPROPRIATED	<u>\$ 3,994.18</u>

33 SECTION 16. APPROPRIATION - TWENTY-SECOND DECENNIAL CENSUS - PAYMENT TO
 34 THE CITY OF WEST POINT. There is hereby appropriated, to the Office of the
 35 Treasurer of State, to be payable from the Municipal Aid Fund, for the
 36 purpose of paying claims against the State of Arkansas to the payee set out

1 herein:

2

3	ITEM	FISCAL YEAR
4	<u>NO.</u>	<u>2002-2003</u>

5 (01) CITY OF WEST POINT, ARKANSAS

6	(a) GENERAL REVENUE	\$ 797.70
7	(b) SPECIAL REVENUE	<u>\$2,171.27</u>
8	TOTAL AMOUNT APPROPRIATED	<u>\$ 2,968.97</u>

9

10 SECTION 17. APPROPRIATION – TWENTY-SECOND DECENNIAL CENSUS – PAYMENT TO
 11 THE CITY OF ENGLAND. There is hereby appropriated, to the Office of the
 12 Treasurer of State, to be payable from the Municipal Aid Fund, for the
 13 purpose of paying claims against the State of Arkansas to the payee set out
 14 herein:

15

16	ITEM	FISCAL YEAR
17	<u>NO.</u>	<u>2002-2003</u>

18 (01) CITY OF ENGLAND, ARKANSAS

19	(a) GENERAL REVENUE	\$ 573.49
20	(b) SPECIAL REVENUE	<u>\$1,491.48</u>
21	TOTAL AMOUNT APPROPRIATED	<u>\$ 2,064.97</u>

22

23 SECTION 18. APPROPRIATION – TWENTY-SECOND DECENNIAL CENSUS – PAYMENT TO
 24 THE CITY OF DERMOTT. There is hereby appropriated, to the Office of the
 25 Treasurer of State, to be payable from the Municipal Aid Fund, for the
 26 purpose of paying claims against the State of Arkansas to the payee set out
 27 herein:

28

29	ITEM	FISCAL YEAR
30	<u>NO.</u>	<u>2002-2003</u>

31 (01) CITY OF DERMOTT, ARKANSAS

32	(a) GENERAL REVENUE	\$ 6,942.98
33	(b) SPECIAL REVENUE	<u>\$ 18,530.75</u>
34	TOTAL AMOUNT APPROPRIATED	<u>\$ 25,473.73</u>

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36 SECTION 19. APPROPRIATION – TWENTY-SECOND DECENNIAL CENSUS – PAYMENT TO

1 THE CITY OF MCNAB. There is hereby appropriated, to the Office of the
 2 Treasurer of State, to be payable from the Municipal Aid Fund, for the
 3 purpose of paying claims against the State of Arkansas to the payee set out
 4 herein:

ITEM	FISCAL YEAR
<u>NO.</u>	<u>2002-2003</u>
(01) CITY OF MCNAB, ARKANSAS	
(a) GENERAL REVENUE	\$1,131.68
(b) SPECIAL REVENUE	<u>\$3,105.00</u>
TOTAL AMOUNT APPROPRIATED	<u>\$ 4,236.68</u>

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13 SECTION 20. APPROPRIATION - DEPARTMENT OF HUMAN SERVICES - CHILDREN AND
 14 FAMILY SERVICES. There is hereby appropriated, to the Department of Human
 15 Services - Division of Children and Family Services, to be payable from the
 16 paying account as determined by the Chief Fiscal Officer of the State, for
 17 the purpose of paying claims against the State of Arkansas to the payee set
 18 out herein:

19

ITEM	FISCAL YEAR
<u>NO.</u>	<u>2002-2003</u>
(01) ARKANSAS BAPTIST CHILDREN'S HOME AND FAMILY MINISTRIES	
TOTAL AMOUNT APPROPRIATED	<u>\$ 47,547.50</u>

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26 SECTION 21. APPROPRIATION - DEPARTMENT OF HUMAN SERVICES - COUNTY
 27 OPERATIONS. There is hereby appropriated, to the Department of Human Services
 28 - Division of County Operations, to be payable from the paying account as
 29 determined by the Chief Fiscal Officer of the State, for the purpose of
 30 paying claims against the State of Arkansas to the payee set out herein:

31

ITEM	FISCAL YEAR
<u>NO.</u>	<u>2002-2003</u>
(01) THE EQUITY RESOURCES GROUP	\$ 32,397.18
(02) THE EQUITY RESOURCES GROUP	<u>\$ 23,894.61</u>
TOTAL AMOUNT APPROPRIATED	<u>\$ 56,291.79</u>

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1
 2 SECTION 22. APPROPRIATION - DEPARTMENT OF HUMAN SERVICES - DIVISION OF
 3 DEVELOPMENTAL DISABILITIES. There is hereby appropriated, to the Department
 4 of Human Services - Division of Developmental Disabilities Services, to be
 5 payable from the paying account as determined by the Chief Fiscal Officer of
 6 the State, for the purpose of paying claims against the State of Arkansas to
 7 the payee set out herein:

8

ITEM	FISCAL YEAR
<u>NO.</u>	<u>2002-2003</u>
(01) TERRY L. BLAIR	<u>\$ 10,436.40</u>
TOTAL AMOUNT APPROPRIATED	<u>\$ 10,436.40</u>

13
 14 SECTION 23. APPROPRIATION - DEPARTMENT OF HUMAN SERVICES - MEDICAL
 15 SERVICES DIVISION. There is hereby appropriated, to the Department of Human
 16 Services - Division of Medical Services, to be payable from the paying
 17 account as determined by the Chief Fiscal Officer of the State, for the
 18 purpose of paying claims against the State of Arkansas to the payee set out
 19 herein:

20

ITEM	FISCAL YEAR
<u>NO.</u>	<u>2002-2003</u>
(01) RIVERVIEW MANOR NURSING HOME	<u>\$ 11,772.44</u>
TOTAL AMOUNT APPROPRIATED	<u>\$ 11,772.44</u>

25
 26 SECTION 24. APPROPRIATION - ARKANSAS HIGHWAY AND TRANSPORTATION DEPARTMENT
 27 (AHTD). There is hereby appropriated, to the Arkansas State Highway and
 28 Transportation Department, to be payable from the State Highway and
 29 Transportation Department Fund, for the purpose of paying claims against the
 30 State of Arkansas to the payee set out herein:

31

ITEM	FISCAL YEAR
<u>NO.</u>	<u>2002-2003</u>
(01) DARREL F. BARDON	\$ 8,000
(02) MARY ALLEN	9,000
(03) ELVA LEE PACKER, PERSONAL REPRESENTATIVE	

1 year are insufficient to allow for the payment of said claim(s) before June
2 30, ~~2001~~ 2003, is hereby authorized, upon certification by the Chief Fiscal
3 Officer of the State, to make payment of said claim(s) after July 1, ~~2001~~
4 2003, from funds appropriated for the ~~2001-2002~~ 2003-2004 fiscal year.

5
6 SECTION 29. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
7 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.
8 DISBURSING OFFICER. The Clerk of the State Claims Commission is hereby made
9 the disbursing officer for the purpose of paying the claims appropriated by
10 this Act. The Clerk of the State Claims Commission is hereby authorized to
11 receive all warrants prepared under the provisions of this Act from the
12 Auditor of the State and to distribute same to the claimants.

13
14 SECTION 30. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
15 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. For any
16 claims in this Act appropriated to the Department of Human Services, the
17 Clerk of the State Claims Commission shall consult with the Department of
18 Human Services and the Chief Fiscal Officer of the State to determine the
19 division and funds to which liability should be assigned and from which the
20 warrants shall be drawn. The Clerk of the State Claims Commission shall
21 initiate the appropriate transfers as may be required and as approved by the
22 Chief Fiscal Officer of the State.

23
24 SECTION 31. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
25 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. CLAIMS
26 FROM CASH FUNDS. In the event that any claim authorized herein is determined
27 to be a valid claim against the State and the claim is to be paid from funds
28 not in the State Treasury, the Clerk of the State Claims Commission shall
29 notify the agency against which the claim is to be charged of the amount of
30 such claims. Upon receipt of such notification, the state agency shall
31 forthwith deliver a check to the Clerk of the State Claims Commission who
32 shall deposit the same as a non-revenue receipt into the Miscellaneous
33 Revolving Fund from which he shall disburse the amount of the claim to the
34 claimant.

35
36 SECTION 32. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS

1 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.
2 EMPLOYMENT COMPENSATION CLAIMS. The Clerk of the State Claims Commission
3 shall not distribute any warrants prepared under the provisions of this Act
4 for awards made by the Arkansas State Claims Commission for employment
5 compensation claims. Upon the award by the State Claims Commission of an
6 employment compensation claim, the Clerk of the State Claims Commission shall
7 notify the affected state agency and the Department of Finance and
8 Administration - Office of Personnel Management of such amounts that are due
9 and payable. The affected state agency shall then process the award through
10 the State Mechanized Payroll System.

11
12 SECTION 33. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
13 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. CLAIMS
14 AWARD REPORTING. It is the intent of the General Assembly that when any state
15 agency, board, commission or institution of higher education admits liability
16 to a claim filed with the State Claims Commission and the claim involves a
17 contract with a state agency, board, commission or institution of higher
18 education or the claim exceeds seven thousand five hundred dollars (\$7,500)
19 that such agency, board, commission or institution of higher education file a
20 written report thereof to the Litigation Subcommittee of the Legislative
21 Council. Such a report shall include a concise statement of facts with an
22 explanation of the agency's liability. Provided further, such report shall
23 be filed with the Litigation Subcommittee within thirty (30) days after the
24 claim has been adjudicated by the State Claims Commission.

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

35
36 SECTION 35. LEGISLATIVE INTENT. It is the intent of the General Assembly

1 that any funds disbursed under the authority of the appropriations contained
2 in this act shall be in compliance with the stated reasons for which this act
3 was adopted, as evidenced by the Agency Requests, Executive Recommendations
4 and Legislative Recommendations contained in the budget manuals prepared by
5 the Department of Finance and Administration, letters, or summarized oral
6 testimony in the official minutes of the Arkansas Legislative Council or
7 Joint Budget Committee which relate to its passage and adoption.

8
9 SECTION 36. EMERGENCY CLAUSE. It is found and determined by the General
10 Assembly, that funds provided by the General Assembly for the operations of
11 the Arkansas State Claims Commission are, due to unforeseen circumstances,
12 insufficient for the Arkansas State Claims Commission to continue to provide
13 essential governmental services; that the provisions of this act will provide
14 the necessary monies for the Arkansas State Claims Commission to continue
15 such services; and that a delay in the effective date of this Act could work
16 irreparable harm upon the proper administration and provision of essential
17 governmental programs. Therefore, an emergency is hereby declared to exist
18 and this Act being necessary for the immediate preservation of the public
19 peace, health and safety shall be in full force and effect from and after the
20 date of its passage and approval. If the bill is neither approved nor vetoed
21 by the Governor, it shall become effective on the expiration of the period of
22 time during which the Governor may veto the bill. If the bill is vetoed by
23 the Governor and the veto is overridden, it shall become effective on the
24 date the last house overrides the veto.

25 /s/ Bisbee
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