

EIGHTY SEVENTH DAY'S PROCEEDINGS
HALL OF THE HOUSE OF REPRESENTATIVES

Little Rock, Arkansas

April 30, 2007

The House was called to order at 1:00 p.m. by Mr. Petrus, the Speaker. The following members answered to the roll call:

Abernathy, Adcock, Allen, Anderson, T. Baker, Berry, Blount, Bond, T. Bradford, Breedlove, E. Brown, J. Brown, Burkes, Burris, Cash, Cheatham, Chesterfield, Cook, Cooper, Cornwell, L. Cowling, D. Creekmore, Davenport, Davis, Dickinson, S. Dobbins, Dunn, Edwards, D. Evans, L. Evans, Everett, Flowers, Garner, Gaskill, George, Glidewell, Green, Greenberg, Hall, Hardwick, Hardy, Harrelson, Harris, Hawkins, House, Hoyt, D. Hutchinson, Hyde, Jeffrey, D. Johnson, J. Johnson, Kenney, Key, Kidd, King, Lamoureux, W. Lewellen, Lovell, Lowery, Maloch, M. Martin, Maxwell, Medley, Moore, Norton, Overbey, Pace, Pate, Patterson, Pennartz, Pickett, Pierce, Powers, S. Prater, Pyle, Ragland, Rainey, Reep, Reynolds, J. Roebuck, Rogers, Rosenbaum, Sample, Saunders, Schulte, Shelby, Smith, Stewart, Sullivan, Sumpter, Thyer, Wagner, Walters, Webb, Wells, Wills, Wood, Woods, Wyatt, Mr. Speaker.

Total100

The following member(s) was absent and did not answer to the roll call:

Total0

A quorum was present.

The House stood and was led in prayer by Representative Otis Davis.

The House stood and gave the Pledge of Allegiance to the Flag.

The reading of the Journal of yesterday's proceedings was dispensed with.

STATE OF ARKANSAS

LEGISLATIVE DEPARTMENT

PROCLAMATION

WHEREAS, SCR 28 of the Regular Session of the Eighty-sixth General Assembly provided for a recess of the session until May 1, 2007, and authorizes the President Pro Tempore of the Senate and the Speaker of the House of Representatives, by Joint Proclamation, to reconvene the General Assembly at any time before 12:00 Noon, May 1, 2007, to consider executive vetoes, to correct errors and oversights, to complete its work on proposed constitutional amendments and to consider the need for further extension of the Regular Session; and,

WHEREAS, the period allowed by the Arkansas Constitution for the Governor to veto bills have expired and a reasonable time will have elapsed for discovering errors and oversights in bills passed by the Regular Session of the Eighty-sixth General Assembly;

NOW THEREFORE, We, the undersigned Speaker of the House of Representatives and President Pro Tempore of the Senate of the Regular Session of the Eighty-sixth General Assembly, pursuant to the provisions of SCR 28 of the Regular Session of the Eighty-sixth General Assembly, hereby direct that the Regular Session of the Eighty-sixth General Assembly of the State of Arkansas shall reconvene at **1:00 p.m., Monday, April 30, 2007**, for the following purposes:

- 1) To amend and enact **HOUSE BILL NO. 2403** to correct errors and oversights in Acts 1202 and 1753 of 2007, to wit:
 - A) Department of Health and Human Services - Division of Developmental Disabilities Services for grants to Community Programs for Developmentally Disabled children and adults in the sum of \$100,000.

- B) Department of Economic Development - For grants and aid as administered by the Arkansas Department of Economic Development in the sum of \$425,429.
 - C) Ozarka College - For construction, renovation and other improvements at the Mt. View and Melbourne campuses in the sum of \$200,000.
 - D) Arkansas National Resources Commission - For Grants and Aid as administered by the Natural Resources Commission in the sum of \$25,000.
 - E) Department of Rural Services - For Grants for state assistance to Fire Departments in the sum of \$10,000.
 - F) Department of Workforce Education - For transfer to Northwest and Crowley's Ridge Technical Institutes and Riverside Vocational Technical School for construction, renovation, major maintenance, and purchase of equipment for various capital projects or facility improvements in the sum of \$20,000.
- 2) To adjourn the Regular Session of the Eighty-sixth General Assembly sine die unless further extended by the adoption of a concurrent resolution of the Senate and the House of Representatives.

IN WITNESS WHEREOF, We have hereunto set our hands and caused the Great Seal of the State of Arkansas to be affixed at the Capitol in Little Rock, on this 20th day of April in the year of our Lord, Two Thousand Seven.

/s/ Benny C. Petrus
Speaker of the House

/s/ Jack L. Critcher
President Pro Tempore, Senate

COMMITTEE REPORT

JOINT BUDGET
HOUSE BILL NO. 2403
BY REPRESENTATIVE BOND

April 30, 2007
CHRIS THYER
DO PASS

ENGROSSED BILL REPORTS

BENNY C. PETRUS, CHAIRMAN
The following bill(s) reported correctly engrossed:
HOUSE BILL NO. 2403 - TITLE - BY REPRESENTATIVE BOND, ET AL

April 30, 2007

HOUSE BILL ENGROSSED AS TITLE AMENDED
HOUSE BILL NO. 2403

BY: REPRESENTATIVE BOND, *KENNEY, MOORE*
BY: *SENATORS CRUMBLY, LUKER, MILLER, WHITAKER*

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO AMEND ACT 1202 OF 2007, REGULAR SESSION AND ACT 1753 OF 2007, REGULAR SESSION, THE EIGHTY-SIXTH SESSION PROJECTS ACCOUNT WITHIN THE GENERAL IMPROVEMENT FUND; AND FOR OTHER PURPOSES.

Upon motion of Representative Bond, **HOUSE BILL NO. 2403** was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 1 TO HOUSE BILL NO. 2403

Amend **HOUSE BILL NO. 2403** as originally introduced:

By adding Representatives Kenney, Moore and Senators Crumbly, Luker, Miller, Whitaker as cosponsors of the bill

AND

Page 1, line 9, delete "ESTABLISH" and substitute "AMEND ACT 1202 OF 2007, REGULAR SESSION AND ACT 1753 OF 2007, REGULAR SESSION,"

AND

Page 1, delete lines 11 through 16 in their entirety and substitute "FUND; AND FOR OTHER PURPOSES."

AND

Page 1, line 19, delete "THE DISTRIBUTION OF" and substitute "TO AMEND ACTS 1202 AND 1753 OF 2007, REGULAR SESSION,"

AND

Page 1, delete lines 21 and 22 in their entirety and substitute "IMPROVEMENT FUND."

AND

Delete SECTIONS 1 through 6 of the bill in their entirety and substitute the following new sections to read as follows:

" SECTION 1. Section 3, Subsection (b) of Act 1202 of 2007, Regular Session, and Section 3, Subsection (b) of Act 1753 of 2007, Regular Session, are amended to read as follows:

(b) Then the Treasurer of State shall first make monthly allocations on the basis of eighty two and four tenths percent (82.4%) of the total available funds to the Executive Discretionary Division as set out in subsection (d) and the remainder of the total available funds to the Legislative Division listed in subsection (c) and subsection (e)(2), with the exception of the projects contained in subsection (c) that are listed in subsection (e)(1). The Legislative Division funds shall be used to provide funds to each project enumerated in subsection (c) and subsection (e)(2), with the exception of the projects contained in subsection (c) that are listed in subsection (e)(1), of this section in proportion that each project's allocation bears to the total of the allocations of all projects enumerated in subsection (c) and subsection (e)(2), with the exception of the projects contained in subsection (c) that are listed in subsection (e)(1). Additional funds that may be received by the General Improvement Fund after the projects in subsection (c) and subsection (e)(2), with the

exception of the projects contained in subsection (c) that are listed in subsection (e)(1), have been fully funded shall remain in the General Improvement Fund for such purpose as may be enacted by law, but shall not be a part of the 86th Session Projects Account. Funds made available to the Executive Discretionary Division may be used for any project or portion thereof enumerated within the Executive Discretionary Division but not to exceed the amount set out in subsection (d) for the project. The Chief Fiscal Officer of the State shall notify the Legislative Council of the Governor's released funds for projects at the same time that the Department of Finance and Administration is notified.

SECTION 2. Section 3, of Act 1202 of 2007, Regular Session, and Section 3, of Act 1753 of 2007, Regular Session, are amended to add a new subsection immediately after subsection (d) to read as follows:

(e)(1) The allocations for the following projects contained in subsection (c) of this Section shall instead be allocated to the projects listed in subsection (e)(2) of this Section:

(A) Arkansas Natural Resources Commission for a grant for repairs and maintenance to the White River Levee District in the sum of \$25,000.

(B) Department of Economic Development for a grant to the Technology Center of the Delta at Wynne for providing space and services including personnel services for the headquarters of The Cross Roads Coalition a consortium of ten East Arkansas Counties engaged in economic, workforce and educational development activities, and related services in the sum of \$100,000.

(C) Department of Economic Development for support of the Riverfront Development Project in Ozark in the sum of \$200,000.

(D) Department of Finance and Administration - Disbursing Officer for state assistance to Conductive Education of Northwest Arkansas to remodel the facility, for student scholarships and for other purposes in the sum of \$100,000.

(E) Ozarka College for matching funds for major improvements to College Street for safety purposes in the sum of \$200,000.

(F) Crowley's Ridge Technical Institute for construction, maintenance and operations of Crowley's Ridge Technical Institute in the sum of \$20,000.

(G) Department of Economic Development for grants for economic development in the sum of \$125,429.

(2) The following projects and allocations are in addition to the projects and allocations contained in subsection (c) of the Legislative Division:

(A) Department of Health and Human Services – Division of Developmental Disabilities Services - For grants for Community Programs for Developmentally Disabled children and adults in the sum of \$100,000.

(B) Department of Economic Development - For grants and aid as administered by the Arkansas Department of Economic Development in the sum of \$425,429.

(C) Ozarka College - For construction, renovation and other improvements at the Mt. View and Melbourne campuses in the sum of \$200,000.

(D) Arkansas Natural Resources Commission - For grants and aid as administered by the Natural Resources Commission in the sum of \$25,000.

(E) Department of Rural Services - For grants for state assistance to Fire Departments in the sum of \$10,000.

(F) Department of Workforce Education - For transfer to Northwest and Crowley's Ridge Technical Institutes and Riverside Vocational Technical School for construction, renovation, major maintenance, and purchase of equipment for various capital projects or facility improvements in the sum of \$20,000.”

AND

Appropriately renumber the sections of the bill.

/s/ Will Bond

The Amendment was read and adopted by more than 51 votes.

/s/ Ms. Jo Renshaw

Chief Clerk

The House stood in recess at 1:15 p.m. until 2:30 p.m.

HOUSE BILL NO. 2403

BY: REPRESENTATIVE BOND

Was read the third time and placed on final passage, the question being shall the Bill pass and shall the Emergency Clause be adopted. The vote was as follows:

AFFIRMATIVE: Abernathy, Adcock, Allen, Anderson, T. Baker, Berry, Blount, Bond, T. Bradford, Breedlove, E. Brown, J. Brown, Burkes, Burris, Cash, Cheatham, Chesterfield, Cook, Cooper, Cornwell, L. Cowling, D. Creekmore, Davenport, Davis, Dickinson, S. Dobbins, Dunn, Edwards, D. Evans, L. Evans, Everett, Flowers, Garner, Gaskill, George, Glidewell, R. Green, Greenberg, Hall, Hardy, Harrelson, Harris, Hawkins, House, Hoyt, D. Hutchinson, Hyde, Jeffrey, D. Johnson, J. Johnson, Kenney, Key, Kidd, King, Lamoureux, W. Lewellen, Lovell, Lowery, Maloch, M. Martin, Maxwell, Medley, Moore, Norton, Overbey, Pate, Patterson, Pennartz, Pickett, Pierce, Powers, S. Prater, Pyle, Ragland, Rainey, Reep, Reynolds, J. Roebuck, Rogers, Rosenbaum, Saunders, Schulte, Shelby, L. Smith, Stewart, Sullivan, Thyer, Wagner, Walters, Webb, Wells, Wills, Wood, Woods, Wyatt, Mr. Speaker.

Total96

NEGATIVE: Hardwick, Pace.

Total2

ABSENT OR NOT VOTING: Sample, Sumpter.

Total2

VOTING PRESENT:

Total0

Total number of votes cast98

Total number voting in the affirmative96

Necessary to the passage of the bill75

So the Bill passed and the title as read was agreed to.

There being an Emergency Clause attached to **HOUSE BILL NO. 2403**, the Speaker ordered the clerk to call the roll upon the adoption of the Emergency Clause. The vote was as follows:

EMERGENCY CLAUSE

AFFIRMATIVE: Abernathy, Adcock, Allen, Anderson, T. Baker, Berry, Blount, Bond, T. Bradford, Breedlove, E. Brown, J. Brown, Burkes, Burris, Cash, Cheatham, Chesterfield, Cook, Cooper, Cornwell, L. Cowling, D. Creekmore, Davenport, Davis, Dickinson, S. Dobbins, Dunn, Edwards, D. Evans, L. Evans, Everett, Flowers, Garner, Gaskill, George, Glidewell, R. Green, Greenberg, Hall, Hardy, Harrelson, Harris, Hawkins, House, Hoyt, D. Hutchinson, Hyde, Jeffrey, D. Johnson, J. Johnson, Kenney, Key, Kidd, King, Lamoureux, W. Lewellen, Lovell, Lowery, Maloch, M. Martin, Maxwell, Medley, Moore, Norton, Overbey, Pate, Patterson, Pennartz, Pickett, Pierce, Powers, S. Prater, Pyle, Ragland, Rainey, Reep, Reynolds, J. Roebuck, Rogers, Rosenbaum, Saunders, Schulte, Shelby, L. Smith, Stewart, Sullivan, Thyer, Wagner, Walters, Webb, Wells, Wills, Wood, Woods, Wyatt, Mr. Speaker.

Total96

NEGATIVE: Hardwick, Pace.

Total2

ABSENT OR NOT VOTING: Sample, Sumpter.

Total2

VOTING PRESENT:

Total0

Total number of votes cast.....98

Total number voting in the affirmative96

Necessary to the adoption of the emergency clause.....67

So the Emergency Clause was adopted.

HOUSE BILLS ORDERED TRANSMITTED TO THE SENATE AS PASSED

HOUSE BILL NO. 2403

BY REPRESENTATIVE BOND

Upon motion of Representative David Evans, the House adjourned at 2:32 p.m. until 10:00 a.m., Tuesday, May 1, 2007.

ATTEST:

Benny C. Petrus
Speaker of the House of Representatives

Jo Renshaw
Chief Clerk