

**FIFTH DAY'S PROCEEDINGS
HALL OF THE HOUSE OF REPRESENTATIVES
FIRST EXTRAORDINARY SESSION**

Little Rock, Arkansas

May 9, 2003

The House was called to order at 9:15 a.m. by Mr. Cleveland, the Speaker.
The following members answered to the roll call:

Adams, Agee, Anderson, Bennett, Berry, Biggs, Blair, Bledsoe, Bolin, Bond, Bookout, Borhauer, Boyd, Bradford, Bright, Chesterfield, Childers, Clemons, Cowling, Creekmore, Dangeau, Dees, Dickinson, Dobbins, Eason, Edwards, Elliott, D.Evans, L. Evans, Ferguson, Fite, Gillespie, Gipson, Goss, Green, Haak, Hardwick, Harris, Hickinbotham, House, Hutchinson, Jackson, Jacobs, Jeffrey, C.Johnson, J. Johnson, Jones, Judy, Kenney, Key, King, Ledbetter, Lendall, Lewellen, Mack, Mahony, Martin, Matayo, Mathis, Medley, Milligan, Napper, Nichols, Norton, Oglesby, Ormond, Pace, Parks, Pate, Petrus, Pickett, L. Prater, S. Prater, Pritchard, Rankin, Roebuck, Rosenbaum, Scrimshire, Scroggin, Seawel, Smith, Stovall, Sullivan, C.Taylor, J.Taylor, Thomas, Thomason, Thyer, Verkamp, Walters, Weaver, White, Wood, Mr. Speaker.

Total94

The following member(s) was absent and did not answer to the roll call:
Hathorn, Lamoureux, Moore, Penix, Schulte, Sumpter

Total6

A quorum was present.

Unanimous leave was granted for Representative(s) Hathorn, Lamoureux, Moore, Penix, Schulte, Sumpter.

The House stood and was led in prayer by Representative Dickinson,

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

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

COMMITTEE REPORT

JOINT BUDGET	May 9, 2003
	PAUL WEAVER
	CHAIRPERSON
SENATE BILL NO. 38	DO PASS AS AMENDED #1
BY JOINT BUDGET COMMITTEE	

ENGROSSED BILL REPORTS

HERSCHEL W. CLEVELAND, CHAIRMAN	May 9, 2003
The following bill(s) reported correctly engrossed:	
SENATE BILL NO. 38	BY JOINT BUDGET COMMITTEE

HOUSE MEMORIAL RESOLUTION NO. 1001

BY: REPRESENTATIVE CLEVELAND

A BILL FOR AN ACT TO BE ENTITLED IN HONOR AND RESPECTFUL MEMORY OF MICHAEL VANN JOHNSON, JR., WHO WAS KILLED IN ACTION IN IRAQ ON MARCH 25, 2003.

RECEIVED UNANIMOUS SUPPORT.

Upon motion of Representative Napper, **SENATE BILL NO. 38** was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 1 TO SENATE BILL NO. 38

Amend **SENATE BILL NO. 38** as engrossed, 05/08/03:

Page 4 Line 7 delete "23,652" and substitute "53,652"

And

Page 4 line 16 delete "217,526" and substitute "207,526"

And

Page 4 line 19 delete "60,000" and substitute "40,000"

And

Page 4 line 24 delete "250,000" and substitute "247,250"

And

Page 4 delete line 33

And

Page 5 line 13 delete "5,000" and substitute "2,500"

And

Page 8 delete line 26

And

Page 8 line 31 delete "5,000" and substitute "2,500"

And

Page 8 line 33 delete "5,000" and substitute "10,000"

And

Page 9 line 12 delete "5,000" and substitute "2,500"

And

Page 10 delete line 4

And

Page 10 delete line 11

And

Page 12 line 8 delete "5,000" and substitute "17,500"

And

Page 12 line 34 delete "5,000" and substitute "10,000"

And

Page 13 line 16 delete "5,000" and substitute "10,000"

And

Page 14, line 14 delete "2,000" and substitute "4,000"

And

Page 14 line 24 delete "2,000" and substitute "4,000"

And

Page 15 line 10 delete "2,000" and substitute "4,000"

And

Page 16 line 24 delete "2,000" and substitute "4,000"

And

Page 16 line 33 delete "2,000" and substitute "4,000"

And

Page 16 line 34 delete "2,000" and substitute "4,000"

And

Page 16 line 35 delete "2,000" and substitute "4,000"

And

Page 17 line 3 delete "1,000" and substitute "1,250"

And

Page 17 line 22 delete "2,000" and substitute "4,000"

And

Page 17 line 28 delete "2,000" and substitute "4,000"

And

Page 17 line 32 delete "2,000" and substitute "4,000"

And

Page 17 line 35 delete "2,000" and substitute "4,000"

And

Page 18 line 3 delete "2,000" and substitute "4,000"

And

Page 18 line 13 delete "2,000" and substitute "4,000"

And

Page 18 delete line 18

And

Page 18 line 19 delete "2,000" and substitute "4,000"

And

Page 18 delete line 32

And

Page 19 line 32 delete "5,000" and substitute "2,500"

And

Page 20 line 2 delete "10,000" and substitute "6,000"

And

Page 21 line 5 delete "3,000" and substitute "11,345"

And

Page 23 line 25 delete "25,000" and substitute "10,000"

And

Page 23 line 27 delete ""25,000" and substitute "5,000"

And

Page 25 line 6 delete "30,000" and substitute "25,000"

And

Page 25 line 12 delete "30,000" and substitute "35,000"

And

Page 25 line 29 delete "30,000" and substitute "55,000"

And

Page 26 line 3 delete "28,000" and substitute "26,500"

And

Page 26 line 6 delete "28,000" and substitute "26,500"

And

Page 26 line 8 delete "28,000" and substitute "26,500"

And

Page 27 line 17 delete "20,000" and substitute "30,000"

And

Page 28 line 6 delete "20,000" and substitute "15,000"

And

Page 28 line 15 delete "10,000" and substitute "5,000"

And

Page 28 line 35 delete "80,000" and substitute "120,000"

And

Page 29 line 7 delete "80,000" and substitute "40,000"

And

Page 29 line 14 delete "75,000" and substitute "50,000"

And

Page 20 line 18 delete "57,000" and substitute "87,000"

And

Page 30 line 12 delete "165,000" and substitute "155,000"

And

Page 30 line 23 delete "150,000" and substitute "50,000"

And

Page 30 line 28 delete "350,000" and substitute "400,000"

And

Page 31 line 2 delete "50,000" and substitute "30,000"

And

Page 31 line 4 delete "100,000" and substitute "75,000"

And

Page 31 line 23 delete "125,000" and substitute "100,000"

And

Page 31 line 27 delete "150,000" and substitute "148,000"

And

Page 32 line 16 delete "50,000" and substitute "30,000"

And

Page 32 line 30 delete "20,000" and substitute "15,000"

And

Page 33 line 2 delete "40,000" and substitute "15,000"

And

Page 33 line 6 delete "50,000" and substitute "35,000"

And

Page 33 line 11 delete "38,000" and substitute "8,000"

And

Page 33, line 34 delete "50,000" and substitute "35,000"

And

Page 36 line 5 delete "10,000" and substitute "6,000"

And

Page 36 line 7 delete "10,000" and substitute "6,000"

And

Page 36 line 12 delete "10,000" and substitute "6,000"

And

Page 36 line 13 delete "10,000" and substitute "2,000"

And

Page 36 line 24 delete "10,000" and substitute "5,000"

And

Page 36 line 35 delete "10,000" and substitute "15,000"

And

Page 37 line 21 delete "10,000" and substitute "12,500"

And

Page 38 line 1 delete "10,000" and substitute "28,000"

And

Page 38 line 33 delete "10,000" and substitute "15,000"

And

Page 39 line 6 delete "10,000" and substitute "5,000"

And

Page 39 line 8 delete "10,000" and substitute "12,500"

And

Page 39 line 22 delete "10,000" and substitute "8,000"

And

Page 39 line 25 delete "10,000" and substitute "7,500"

And

Page 40 line 7 delete "15,000" and substitute "5,000"

And

Page 41 line 23 delete "15,000" and substitute "25,000"

And

Page 41 line 30 delete "15,000" and substitute "25,000"

And

Page 42 line 30 delete "10,000" and substitute "2,000"

And

Page 43 line 17 delete "10,000" and substitute "5,000"

And

Page 43 delete line 36 and substitute therefor:

"Weiner Library	\$10,000
Pea Ridge Fire Department Expenses and purchase of equipment	\$ 4,000
Lowell Fire Department expenses and Equipment	\$ 2,000
Rocky Branch Fire Department for expenses, purchase of self contained breathing apparatus and other equipment	\$ 2,000
Piney Point Fire Department for expenses, purchase of self contained breathing apparatus and other equipment	\$ 2,000
NEBCO Fire Department for expenses, purchase of self contained breathing apparatus and other equipment	\$ 2,000
Highway 94 East Fire Department for expenses, purchase of self contained breathing apparatus and other equipment	\$ 2,000
Hickory Creek Fire Department for expenses, purchase of self contained breathing apparatus and other equipment	\$ 2,000
Avoca Fire Department for expenses, purchase of self contained breathing apparatus and other equipment	\$ 2,000

Beaver Lake Fire Department for expenses, purchase of self contained breathing apparatus and other equipment	\$ 2,000
Krooked Kreek Fire Department in Boone County	\$ 2,500
Pleasant Hill Fire Department	\$ 2,000
City of Elm Springs for the police department	\$ 2,700
Cincinnati Fire Department	\$15,000
City of Springdale for street projects	\$ 5,000
Haskell Volunteer Fire Department	\$ 1,000
Turtle Creek Volunteer Fire Department	\$ 1,000
Mississippi County general improvement projects in Wilson Arkansas	\$ 5,000
Little River Jail and Shooting Range	\$10,000
City of Pine Bluff Department of Parks and Recreation equipment	\$5,000
City of Lakeview for costs associated with equipping the ballpark and other purposes	\$26,500
Claude Parrish Radiation Therapy Institute equipment	\$35,000
Perryville Senior Citizens Center for installation of a kitchen	\$75,000
Gillett Fire Department	\$ 2,000
Saint Charles Volunteer Fire Department	\$ 2,000
Tichnor Volunteer Fire Department	\$ 2,000
Arkansas City Volunteer Fire Department	\$ 2,000
Kelso/Rohwer Fire Department	\$ 2,000
Watson Area Volunteer Fire Department	\$ 2,000
Construction and equipping the Hartford Senior Citizen Center in Hartford, Arkansas "	\$ 5,000
And	
Page 44 line 8 delete "20,000" and substitute "100,000"	
And	
page 44 line 11 delete "125,000" and substitute "100,000"	
And	
Page 44, line 28 delete "5,000" and substitute "2,300"	
And	
Page 44 line 34 delete "140,000" and substitute "145,000"	
And	
Page 45 line 13 delete "274,345" and substitute "272,000"	

And

Page 45 delete lines 23 and 24

And

Page 46 delete lines 12 and 13

And

Page 47 line 12 delete "100,000" and substitute "225,000"

And

Page 47 line 17 delete "60,000" and substitute "30,000"

And

Page 47 line 18 delete "Acces" and substitute "Access"

And

Page 48 line 6 delete "350,000" and substitute "325,000"

And

Page 49 delete line 20 and substitute therefor:

"	Instructional Equipment, Research Infrastructure,	\$450,000
	Start-up costs and matching of research grants	
	U of A - Little Rock"	

And

Page 50 line 1 delete "75,000" and substitute "65,000"

And

Page 50 line 9 delete "75,000" and substitute "50,000"

And

Page 50 line 13 delete "100,000" and substitute "91,500"

And

Page 50 delete line 15 and substitute the following:

"	cultural and entrepreneurial study center	
	School of Education	\$ 3,500
	Scholarships	\$45,000"

And

Page 50 line 21 delete "230,621" and substitute "255,621"

And

Page 50 delete line 23 and substitute the following:

"War Memorial Stadium Commission	
Construction, renovation, major maintenance and	\$125,000
improvements	

Workforce Education Department"

And

Page 50 line 31 delete "553,430" and substitute "407,430"

And

Page 51 delete line 32 and substitute the following:

"Arkansas Department of Environmental Quality

Contract Services to complete the Total Maximum Daily Load (TMDL) for all impaired waters of the state to meet the water quality standards of the Federal Clean Water Act	\$400,000
--	-----------

Health Department"

/s/ Paul Weaver

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

/s/ Ms. Jo Renshaw
Chief Clerk

Representative White was recognized for a point of personal privilege for a presentation to Speaker Cleveland.

House stands in recess at 9:49 a.m. until 10:30 a.m.

House reconvened at 11:18 a.m.

SENATE BILL NO. 38

BY: JOINT BUDGET COMMITTEE

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: Agee, Anderson, Bennett, Berry, Biggs, Blair, Bledsoe, Bolin, Bond, P. Bookout, Borhauer, Boyd, Bradford, Bright, Chesterfield, Childers, Clemons, Creekmore, Dangeau, Dees, Dickinson, Dobbins, Eason, Edwards, Elliott, D. Evans, L. Evans, Ferguson, Fite, Gillespie, Gipson, Green, Haak, Hardwick, Harris, Hickinbotham, House, Jackson, Jacobs, Jeffrey, C. Johnson, J. Johnson, Jones, Judy, Kenney, Key, King, Ledbetter, Lendall, Mack, Mahony, Martin, Medley, Milligan, Napper, Nichols, Norton, Oglesby, Ormond, Pace, Pate, Pickett, L. Prater, S. Prater, Pritchard, Rankin, Roebuck, Rosenbaum, Scrimshire, Scroggin, Seawel, R. Smith, Stovall, Sullivan, Sumpter, C. Taylor, Thomason, Verkamp, Walters, Weaver, White, Wood, Mr. Speaker.

Total83

NEGATIVE: Adams, Hutchinson, Parks, Petrus, J. Taylor, Thyer.

Total6

ABSENT OR NOT VOTING: Cowling, Goss, Hathorn, Lamoureux, Lewellen, Matayo, Mathis, Moore, Penix, Schulte, Thomas.

Total11

VOTING PRESENT:

Total0

Total number of votes cast.....89

Total number voting in the affirmative83

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 **SENATE BILL NO. 38**, the Speaker ordered the clerk to call the roll upon the adoption of the Emergency Clause. The vote was as follows:

EMERGENCY CLAUSE

AFFIRMATIVE: Agee, Anderson, Bennett, Berry, Biggs, Blair, Bledsoe, Bolin, Bond, P. Bookout, Borhauer, Boyd, Bradford, Bright, Chesterfield, Childers, Clemons, Creekmore, Dangeau, Dees, Dickinson, Dobbins, Eason, Edwards, Elliott, D. Evans, L. Evans, Ferguson, Fite, Gillespie, Gipson, Green, Haak, Hardwick, Harris, Hickinbotham, House, Jackson, Jacobs, Jeffrey, C. Johnson, J. Johnson, Jones, Judy, Kenney, Key, King, Ledbetter, Lendall, Mack, Mahony, Martin, Medley, Milligan, Napper, Nichols, Norton, Oglesby, Ormond, Pace, Pate, Pickett, L. Prater, S. Prater, Pritchard, Rankin, Roebuck, Rosenbaum, Scrimshire, Scroggin, Seawel, R. Smith, Stovall, Sullivan, Sumpter, C. Taylor, Thomason, Verkamp, Walters, Weaver, White, Wood, Mr. Speaker.

Total83

NEGATIVE: Adams, Hutchinson, Parks, Petrus, J. Taylor, Thyer.

Total6

ABSENT OR NOT VOTING: Cowling, Goss, Hathorn, Lamoureux, Lewellen, Matayo, Mathis, Moore, Penix, Schulte, Thomas.

Total11

VOTING PRESENT:

Total0

Total number of votes cast89

Total number voting in the affirmative83

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

So the Emergency Clause was adopted.

Mr. Clerk transmit the Bill to the Senate.

House recessed at 11:22 a.m. until 11:35 a.m.

House reconvened at 11:32 a.m.

Representative Napper moved that the House concur in the following Senate Amendment.

ARKANSAS SENATE

AMENDMENT NO. 1 TO HOUSE BILL NO. 1010

Amend HOUSE BILL NO. 1010 as engrossed, 05/08/03:

Page 2, line 11, delete "100,500 100,500" and substitute

"174,100 179,900"

And

Page 2, line 12, delete "\$ 610,935 \$ 624,088" and substitute

"\$ 684,535 \$ 703,488"

/s/ Dave Bisbee

The Amendment was read and the vote was as follows:

AFFIRMATIVE: Adams, Agee, Anderson, Bennett, Berry, Biggs, Blair, Bledsoe, Bolin, Bond, P. Bookout, Borhauer, Boyd, Bradford, Bright, Chesterfield, Childers, Clemons, Cowling, Creekmore, Dangeau, Dees, Dickinson, Dobbins, Eason, Edwards, Elliott, D. Evans, L. Evans, Ferguson, Fite, Gillespie, Gipson, Goss, Green, Haak, Hardwick, Harris, Hickinbotham, Jackson, Jacobs, Jeffrey, C. Johnson, J. Johnson, Jones, Judy, Kenney, Key, King, Ledbetter, Lendall, Lewellen, Mack, Mahony, Martin, Matayo, Mathis, Medley, Milligan, Napper, Nichols, Oglesby, Ormond, Pace, Pate, Petrus, Pickett, L. Prater, S. Prater, Rankin, Roebuck, Rosenbaum, Scrimshire, Scroggin, Seawel, R. Smith, Stovall, Sullivan, Sumpter, C. Taylor, J. Taylor, Thomas, Thomason, Thyer, Verkamp, Walters, Weaver, White, Wood, Mr. Speaker.

Total90

NEGATIVE:

Total0

ABSENT OR NOT VOTING: Hathorn, House, Hutchinson, Lamoureux, Moore, Norton, Parks, Penix, Pritchard, Schulte.

Total10

VOTING PRESENT:

Total0

Total number of votes cast90

Total number voting in the affirmative90

Necessary to concur the amendment.....75

So the Amendment was concurred in.

/s/ Ms. Jo Renshaw
Chief Clerk

House recessed at 11:35 a.m. until 1:00 p.m.

House reconvened at 1:05 p.m.

HOUSE BILLS ORDERED TRANSMITTED TO THE SENATE AS PASSED

HOUSE BILL NO. 1053 BY REPRESENTATIVE MAHONY

SENATE BILLS ORDERED RETURNED TO THE SENATE AS PASSED

SENATE BILL NO. 38, AS AMENDED #1 BY JOINT BUDGET COMMITTEE

ENROLLED AND DELIVERY TO GOVERNOR REPORTS

Little Rock, Arkansas

May 9, 2003

MR. SPEAKER:

We, your committee on Enrolled Bills, to whom was referred the following:

HOUSE BILL NO. 1010 BY JOINT BUDGET COMMITTEE

beg leave to report that we have carefully compared the enrolled copies with the original and we find the same correctly enrolled and have at 11:53 a.m. delivered them to the Governor for his approval.

Respectfully submitted,

/s/ Herschel W. Cleveland

Chairman

RECEIPT FROM THE GOVERNOR

RECEIVED FROM THE HOUSE:

HOUSE BILL NO. 1010 BY JOINT BUDGET COMMITTEE

/s/ Mike Huckabee - Governor

TIME: 11:53 p.m.

By: Sarah Martin

ENROLLED AND DELIVERY TO GOVERNOR REPORTS

Little Rock, Arkansas

May 9, 2003

MR. SPEAKER:

We, your committee on Enrolled Bills, to whom was referred the following:

- HOUSE BILL NO. 1053 BY REPRESENTATIVE MAHONY
- HOUSE BILL NO. 1015 BY JOINT BUDGET COMMITTEE
- HOUSE BILL NO. 1007 BY JOINT BUDGET COMMITTEE
- HOUSE BILL NO. 1008 BY JOINT BUDGET COMMITTEE
- HOUSE BILL NO. 1012 BY JOINT BUDGET COMMITTEE
- HOUSE BILL NO. 1014 BY JOINT BUDGET COMMITTEE
- HOUSE BILL NO. 1021 BY JOINT BUDGET COMMITTEE
- HOUSE BILL NO. 1028 BY JOINT BUDGET COMMITTEE

beg leave to report that we have carefully compared the enrolled copies with the original and we find the same correctly enrolled and have at 1:48 p.m. delivered them to the Governor for his approval.

Respectfully submitted,

/s/ Herschel W. Cleveland

Chairman

RECEIPT FROM THE GOVERNOR

RECEIVED FROM THE HOUSE:

HOUSE BILL NO. 1053 BY REPRESENTATIVE MAHONY
 HOUSE BILL NO. 1015 BY JOINT BUDGET COMMITTEE
 HOUSE BILL NO. 1007 BY JOINT BUDGET COMMITTEE
 HOUSE BILL NO. 1008 BY JOINT BUDGET COMMITTEE
 HOUSE BILL NO. 1012 BY JOINT BUDGET COMMITTEE
 HOUSE BILL NO. 1014 BY JOINT BUDGET COMMITTEE
 HOUSE BILL NO. 1021 BY JOINT BUDGET COMMITTEE
 HOUSE BILL NO. 1028 BY JOINT BUDGET COMMITTEE

/s/ Mike Huckabee - Governor

TIME: 1:48 p.m.

By: Cory Cox

State of Arkansas
 Office of the Governor

Mike Huckabee
 Governor

May 9, 2003

TO THE SPEAKER OF THE HOUSE

Dear Mr. Speaker:

This is to inform your Honorable Body that on May 8, 2003, I approved the following measures from the First Extraordinary Session of the Eighty-Fourth General Assembly:

HOUSE BILL NO. 1039, which is now Act 38 of 2003.

Sincerely,

/s/ Mike Huckabee

MH:sm

cc: President of the Senate

State of Arkansas
Office of the Governor

Mike Huckabee
Governor

May 9, 2003

TO THE SPEAKER OF THE HOUSE

Dear Mr. Speaker:

This is to inform your Honorable Body that on May 9, 2003, I approved the following measures from the First Extraordinary Session of the Eighty-Fourth General Assembly:

HOUSE BILL NO. 1005, which is now Act 47 of 2003, and
HOUSE BILL NO. 1006, which is now Act 48 of 2003, and
HOUSE BILL NO. 1009, which is now Act 49 of 2003, and
HOUSE BILL NO. 1010, which is now Act 50 of 2003, and
HOUSE BILL NO. 1017, which is now Act 51 of 2003, and
HOUSE BILL NO. 1020, which is now Act 52 of 2003, and
HOUSE BILL NO. 1025, which is now Act 53 of 2003, and
HOUSE BILL NO. 1027, which is now Act 54 of 2003.

Sincerely,

/s/ Mike Huckabee

MH:sm

cc: President of the Senate

STATE OF ARKANSAS
HOUSE OF REPRESENTATIVES

May 9, 2003

The Honorable Ann Cornwell
Secretary of the Senate
State Capitol Building
Little Rock, AR 72201

Dear Ms. Cornwell:

Attached is Senate Bill 1 which died in Committee at Sine Die adjournment of the First Extraordinary Session of the 84th General Assembly.

Respectfully submitted,

/s/ Jo Renshaw
Chief Clerk

STATE OF ARKANSAS
HOUSE OF REPRESENTATIVES

May 9, 2003

To Whom It May Concern:

I was called away from my seat during the vote on Senate Bill 38. My voting machine was inadvertently voted "yes". Had I been in my seat, I would have voted "no". Please let the record reflect a "no" vote for me on this bill.

Sincerely

/s/ Marvin Childers
State Representative

MC:knm

Upon motion of Representative Gillespie, the House adjourned at 1:07 p.m. until Sine Die.

ATTEST:

Herschel W. Cleveland
Speaker of the House of Representatives

Jo Renshaw
Chief Clerk