

**FIFTY-FOURTH DAY'S PROCEEDINGS  
HALL OF THE HOUSE OF REPRESENTATIVES**

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Little Rock, Arkansas  
January 30, 2004

The House was called to order at 10:05 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, Harris, Hathorn, Hickinbotham, House, Hutchinson, Jackson, Jacobs, Jeffrey, C.Johnson, J. Johnson, Jones, Judy, Kenney, Key, King, Lamoureux, Ledbetter, Lendall, Lewellen, Mack, Mahony, Martin, Matayo, Mathis, Medley, Milligan, Moore, Napper, Nichols, Norton, Oglesby, Ormond, Pace, Parks, Pate, Penix, Petrus, Pickett, S. Prater, Pritchard, Rankin, Roebuck, Rosenbaum, Schulte, Scrimshire, Scroggin, Seawel, Smith, Stovall, Sullivan, Sumpter, C.Taylor, J.Taylor, Thomas, Thomason, Thyer, Verkamp, Walters, Weaver, White, Wood, Mr. Speaker.

Total .....98

The following member(s) was absent and did not answer to the roll call:  
Hardwick, L. Prater

Total .....2

A quorum was present.

Unanimous leave was granted for Representative(s) Hardwick, L. Prater.

The House stood and was led in prayer by Representative Tommy 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	January 30, 2004
	PAUL WEAVER
	CHAIRPERSON
HOUSE BILL NO. 1084	DO PASS
BY REPRESENTATIVE LENDALL	

COMMITTEE REPORT

REVENUE AND TAXATION	January 30, 2004
	BOYD HICKINBOTHAM
	CHAIRPERSON
HOUSE BILL NO. 1030	DO PASS
BY REPRESENTATIVE BOYD	AS AMENDED #3
SENATE BILL NO. 73	DO PASS
BY SENATOR ARGUE	AS AMENDED #1

State of Arkansas  
Office of the Governor

Mike Huckabee  
*Governor*

January 29, 2004

TO THE SPEAKER OF THE HOUSE

Dear Mr. Speaker:

This is to inform you that on January 29, 2004, I approved the following measures from the Second Extraordinary Session of the Eighty-Fourth General Assembly:

HOUSE BILL NO. 1094 is now Act Number 61  
HOUSE BILL NO. 1027 is now Act Number 62  
HOUSE BILL NO. 1114 is now Act Number 63  
HOUSE BILL NO. 1108 is now Act Number 64  
HOUSE BILL NO. 1018 is now Act Number 65  
HOUSE BILL NO. 1078 is now Act Number 66  
HOUSE CONCURRENT RESOLUTION NO. 1002

Sincerely,

/s/ Mike Huckabee

Upon motion of Representative Gillespie, **HOUSE BILL NO. 1155** was placed back on second reading for the purpose of amendment.

**AMENDMENT NO. 1 TO HOUSE BILL NO. 1155**

Amend **HOUSE BILL NO. 1155** as originally introduced:

Page 2 delete line 27 and substitute the following:

“method of obtaining the required criminal background check information.

(c) Within thirty (30) days after receipt of the criminal background check, the employer shall report the results of the criminal background check to the appropriate state agency, if any, for final determination of employment or licensure eligibility.”

/s/ Jeff Gillespie

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

/s/ Ms. Jo Renshaw  
Chief Clerk

Upon motion of Representative Childers, **HOUSE BILL NO. 1150** was placed back on second reading for the purpose of amendment.

**AMENDMENT NO. 1 TO HOUSE BILL NO. 1150**

Amend **HOUSE BILL NO. 1150** as originally introduced:

Add Representatives Agee, Anderson, Bledsoe, Borhauer, Dees, Elliott, Goss, Green, Hardwick, King, Matayo, Mathis, Nichols, Petrus, Pickett, Rosenbaum, Schulte, and Walters as House sponsors.

AND

Add Senators Gullett and Whitaker as Senate sponsors.

AND

Page 3, delete lines 26 through 36 and substitute the following:

"SECTION 4. Arkansas Code Title 26, Chapter 26, Subchapter 2 is amended to add a new section to read as follows:

26-26-213. Certification of delinquent taxes to the Department of Finance and Administration.

(a)(1) No later than December 1 of each year, all personal property taxes that have been delinquent for over one (1) year following the date the taxes were due shall be transmitted by certification to the Director of the Department of Finance and Administration for collection.

(2) No delinquent personal property taxes shall be collected at the county level after transmittal to the director for collection.

(b) Upon receipt of the certification, the sole authority to collect the delinquent personal property taxes shall be vested in the State of Arkansas by and through the director.

(c)(1) The director may select, contract with, and oversee an independent contractor under a professional services contract to collect delinquent personal property taxes. The independent contractor shall:

(A) Be selected subject to the laws governing professional services contracts under § 19-11-801, et seq.;

(B) Not be an officer or employee of an Arkansas county;

(C) Be ineligible to provide collection services if the independent contractor or any partner or employee of the contractor has plead guilty to, nolo contendere to, or has been found guilty of a felony; and

(D) Be subject to audit whenever requested by the director.

(2) For the purpose of collecting the taxes, penalties and fees for the director, the independent contractor shall have all powers vested in county collectors or sheriff collectors, except for the seizure of goods provided for under § 26-36-206, for the purpose of collecting delinquent personal property taxes.

(3)(A) As compensation, the independent contractor shall be paid a fee based upon the amount of the delinquent account certified to the director, but not to exceed twenty-five percent (25%) of the total amount of the delinquent account collected.

(B) The director shall be paid a fee by the taxpayer equal to five percent (5%) of the total amount of the delinquent account collected in order to reimburse the department for collection expenses.

(C) The total fees paid by the taxpayer under this subdivision (c)(3) shall not exceed an amount equal to thirty percent (30%) of the total amount of the delinquent account collected under the professional services contract described in subdivision (c)(1) of this section.

(D) The fees specified under this subdivision (c)(3) shall be collected in the same manner as the delinquent personal property taxes from the taxpayer.

(D) The independent contractor shall instruct taxpayers that all payments from taxpayers must be made directly to the director.

(E)(i) In the event that a taxpayer makes payments to the independent contractor instead of the director, all amounts collected by the independent contractor under the personal services contract shall be remitted in full to the director within thirty (30) days of receipt.

(ii) With respect to any amounts collected from the taxpayer and remitted to the director, the independent contractor must identify the taxpayer from whom the taxes were collected, the applicable personal property account number, and the applicable county code.

(iii) The independent contractor shall not retain any funds collected from taxpayers, including any fees for compensation under the personal services contract.

(d)(1) An independent contractor selected to collect personal property taxes shall register with the Secretary of State and shall file with the Secretary of State a surety bond or certificate of deposit guaranteeing compliance with the terms of the contract and all applicable laws.

(2) The amount of the surety bond or certificate of deposit shall be fifty thousand dollars (\$50,000).

(3)(i) Any person suffering damage by reason of the acts or omissions

of the independent contractor may bring a cause of action on the bond for damages.

(ii) If damages are awarded to any person, within fourteen (14) days of payment of the award from the bond or certificate of deposit, the independent contractor must renew the surety bond or certificate of deposit so that the amount of fifty thousand dollars (\$50,000) will be available to cover any additional claims for damages.

(e)(1)(A) No fewer than thirty (30) days before the director turns the delinquent account collection over to the independent contractor, notice shall be given to each taxpayer.

(B) All notices required to be given to a taxpayer shall be either served by personal service or sent by regular mail to the taxpayer's last address on record with the applicable county collector.

(C) Service of the notice by mail is presumptively complete upon mailing.

(D) The notice shall include that:

(i) The account is being referred for independent collection; and

(ii) An amount not to exceed thirty percent (30%) of the delinquent account will be added as a cost of collection if the account is not paid in full to the director within thirty (30) days from the date the notice was postmarked.

(2)(A) Upon expiration of the thirty (30) days provided for in the notice, the accounts remaining delinquent shall be turned over to the independent contractor for collection.

(B) The director shall provide all available documentation necessary for the independent contractor to perform all of his or her obligations under the personal services contract.

(C)(i) All payments by a taxpayer shall be made to the director.

(ii) Once notice has been provided and the thirty-day time period has expired, the director shall collect the independent contractor fee from the taxpayer.

(iii) Notice of the payment shall be provided to the independent contractor as soon as practicable and the fee shall be remitted to the independent contractor in full within thirty (30) days of receipt.

(iv) The director shall retain the fee collected for its expenses and remit the taxes and penalties to the appropriate county treasurer.

(f)(1) The independent contractor may agree to partial payments of delinquent accounts under an installment payment plan.

(2) An installment payment plan may be prorated over a period of time

not to exceed one (1) year.

(3) Delinquent taxpayers paying under an installment payment plan shall continue to be assessed penalties on the remaining delinquent taxes due until all delinquent accounts are paid in full.

(4)(A) Each partial payment to the director of a delinquent account shall be applied as follows:

(i) Five percent (5%) of the partial payment shall be retained by the director as collection expenses of the department;

(ii) The director shall pay the independent contractor a portion of its collection fee equal to the percentage of its collection fee times the amount of the partial payment; and,

(iii) The amount remaining shall be paid to the county collector.

(g)(1)(A) As soon as administratively feasible after receipt by the department of amounts collected under subsections (c) or (e) of this section, the director shall notify the applicable county that the taxes have been paid.

(B) After notification of payment, the county shall update its system to reflect payment of the applicable account in order to permit vehicle registration by the taxpayer.

(2)(A) As soon as administratively feasible after receipt by the director of the final installment payment of amounts collected under subsection (f) of this section, the director shall notify the applicable county that the taxes have been paid.

(B) After notification of payment of a final installment payment, the county shall update its system to reflect payment of the applicable account in order to permit vehicle registration by the taxpayer.

(3)(A) On the fifteenth (15th) day of the month following receipt by the department of amounts collected under subsections (c), (e), or (f) of this section, the director shall remit the amounts collected to the appropriate county collector.

(B) If the fifteenth (15th) day of the month falls on a weekend or holiday, the director shall remit the amounts collected to the appropriate county collector on the next business day.

(h) This section shall apply to both current and future delinquent personal property taxes only."

AND

Page 4, delete lines 1 through 36

AND

Page 5, delete lines 1 through 36

AND

Page 6, delete lines 1 through 36

AND

Page 7, delete lines 1 through 21

/s/ Marvin Childers

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

/s/ Ms. Jo Renshaw

Chief Clerk

Upon motion of Representative D. Evans, **HOUSE BILL NO. 1164** was placed back on second reading for the purpose of amendment.

**AMENDMENT NO. 1 TO HOUSE BILL NO. 1164**

Amend **HOUSE BILL NO. 1164** as originally introduced:

Page 2, on line 31, delete "July 1, 2003" and substitute "July 1, 2004"

/s/ David Evans

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

/s/ Ms. Jo Renshaw

Chief Clerk

Upon motion of Representative D. Evans, HOUSE BILL NO. 1164 was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 2 TO HOUSE BILL NO. 1164

Amend HOUSE BILL NO. 1164 as originally introduced:

Page 1, lines 12 and 13 delete "TO REDUCE THE DISCOUNT FOR PROMPT PAYMENT OF SALES TAX;"

AND

Delete the Subtitle and substitute the following:

"PROVIDES ADDITIONAL REVENUE TO FUND THE EDUCATIONAL SYSTEM BY INCREASING SALES AND USE TAX."

AND

Delete Sections 5 and 6 of the bill in their entirety

AND

Appropriately renumber the subsequent Sections of the bill

/s/ David Evans

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

/s/ Ms. Jo Renshaw  
Chief Clerk

ENGROSSED BILL REPORTS

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HERSCHEL W. CLEVELAND, CHAIRMAN

January 30, 2004

The following bill(s) reported correctly engrossed:

HOUSE BILL NO. 1150 - TITLE - BY REPRESENTATIVE CHILDERS, ET AL

HOUSE BILL NO. 1155 BY REPRESENTATIVE GILLESPIE

HOUSE BILL NO. 1164 - TITLE - BY REPRESENTATIVE D. EVANS, ET AL

HOUSE BILL ENGROSSED AS TITLE AMENDED  
HOUSE BILL NO. 1150

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BY: REPRESENTATIVES CHILDERS, FERGUSON, AGEE, ANDERSON,  
BLEDSOE, BORHAUER, DEES, ELLIOTT, GOSS, GREEN, HARDWICK, KING,  
MATAYO, MATHIS, NICHOLS, PETRUS, PICKETT, ROSENBAUM, SCHULTE,  
WALTERS

BY: SENATORS SALMON, GULLETT, WHITAKER

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO PROVIDE FOR THE TRANSMISSION BY CERTIFICATION OF DELINQUENT PERSONAL PROPERTY TAXES TO THE DIRECTOR OF THE DEPARTMENT OF FINANCE AND ADMINISTRATION, FOR COLLECTION; AND FOR OTHER PURPOSES.

HOUSE BILL ENGROSSED AS TITLE AMENDED  
HOUSE BILL NO. 1164

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BY: REPRESENTATIVES D. EVANS, JACKSON, MAHONY

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO PROVIDE ADDITIONAL REVENUE TO FUND THE STATE EDUCATION SYSTEM; TO LEVY AN ADDITIONAL FIVE-EIGHTHS OF ONE PERCENT (0.625%) SALES AND USE TAX; TO CREATE THE EDUCATIONAL ADEQUACY TRUST FUND; AND FOR OTHER PURPOSES.

HOUSE RESOLUTION NO.1023

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BY: REPRESENTATIVE KEY

URGING THE ARKANSAS CONGRESSIONAL DELEGATION TO TAKE ALL APPROPRIATE ACTIONS TO ASSURE THAT FEDERAL FUNDS FOR THE INDIVIDUALS WITH DISABILITIES EDUCATION ACT ARE FULLY FUNDED, APPROPRIATED, AND MADE AVAILABLE TO SCHOOLS TO ENABLE THEM TO IMPLEMENT THE PROGRAMS THAT CONGRESS HAS REQUIRED OF SCHOOLS.

THE RESOLUTION WAS READ AND ADOPTED BY MORE THAN 51 VOTES. RECEIVED UNANIMOUS SUPPORT.

Morning Hour Expired.

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

ARKANSAS SENATE

AMENDMENT NO. 1 TO HOUSE BILL NO. 1071

Amend **HOUSE BILL NO. 1071** as originally introduced:

Add Senator Bryles as a Senate cosponsor of the bill

AND

Add Representatives Boyd and Thyer as House cosponsors of the bill

AND

Page 1, delete lines 9 through 18 and substitute:

"AN ACT TO CONTINUE THE PAYMENT OF A DEBT SERVICE FUNDING SUPPLEMENT TO ELECTING SCHOOL DISTRICTS; TO CONTINUE THE PAYMENT OF GENERAL FACILITIES FUNDING TO ELECTING SCHOOL DISTRICTS; TO PROVIDE FOR PAYMENT OF A SUPPLEMENTAL MILLAGE INCENTIVE FUNDING FOR SCHOOL DISTRICTS THAT INCREASE SCHOOL DISTRICT MILLAGE IN EXCESS OF TWENTY-FIVE (25) MILLS; AND FOR OTHER PURPOSES."

AND

Page 1, delete lines 21 through 25 and substitute:

"CONTINUES THE PAYMENT OF A DEBT SERVICE FUNDING SUPPLEMENT AND GENERAL FACILITIES FUNDING TO SCHOOL DISTRICTS AND CREATES ALTERNATIVE SUPPLEMENTAL MILLAGE INCENTIVE FUNDING."

AND

Page 1, beginning on line 30, delete the remainder of the bill and substitute:

"SECTION 1. Arkansas Code Title 6, Chapter 20, is amended to add a new subchapter as follows:

6-20-2001. Title.

This act shall be known and may be cited as the "Supplemental School District Funding Act of 2003".

6-20-2002. Purpose.

(a) The General Assembly finds that:

(1) The debt service funding supplement and general facilities funding have been an integral part of school financing for a number of school districts;

(2) Elimination of these sources of funds could adversely affect the ability of those districts to continue to operate in a fiscally prudent manner; and

(3) School districts that voluntarily raise school district millage beyond the twenty-five (25) mills required by Amendment 74 to the Arkansas Constitution should receive incentive funding to encourage local financial support of schools.

(b) The purpose of this subchapter is to allow eligible school districts to elect to either continue receiving debt service funding supplement and general facilities funding, or to receive supplemental millage incentive funding.

6-20-2003. Definitions.

As used in this subchapter:

(1) "Average daily membership" means the total number of days attended plus the total number of days absent by students in grades kindergarten through twelve (K-12) during the first three (3) quarters of each school year divided by the number of school days actually taught in the district during that period of time rounded up to the nearest hundredth. Students who may be counted for average daily membership are:

(A) Students who reside within the boundaries of the school district and who are enrolled in a public school operated by the district or a private school for special education students, with their attendance resulting from a written tuition agreement approved by the Department of Education;

(B) Legally transferred students living outside the district but attending a public school in the district; and

(C) Students who reside within the boundaries of the school district and who are enrolled in the Arkansas National Guard Youth Challenge Program, so long as the students are participants in the program;

(2) "Debt service funding supplement" means the state financial aid provided to qualifying local school districts for the purpose of reducing existing debt service burdens and increasing the amount of local revenue available for maintenance and operations expenditures;

(3) "Eligible debt service millage required" means the debt service millage required for bonds issued before July 1, 2004, that is computed by dividing the scheduled debt payment by the total property assessment in the school district and then adding the result to the millage for mandatory callable bonds;

(4) "General facilities funding" means the state financial aid provided to each school district from line item funds made available for that purpose;

(5) "Local revenue" means in each school year ninety-eight percent (98%) of the amount of revenue available, whether or not collected, in a local school district solely from the levy of the uniform rate of tax plus seventy-five percent (75%)

of the average miscellaneous funds collected in the previous five (5) years or the previous year, whichever is less;

(6) "Mandatory callable bonds" means a bond issue in which all net proceeds from debt service millage used to secure the issuance of that bond must be applied to payment of the issue and cannot be used for any other purpose;

(7) "Miscellaneous funds" mean those funds received by a local school district from federal forest reserves, federal grazing rights, federal mineral rights, federal impact aid, federal flood control, wildlife refuge funds, severance taxes, funds received by the district in lieu of taxes, and local sales and use taxes dedicated to education pursuant to §§ 26-74-201 et seq., 26-74-301 et seq., 26-75-301 et seq., and 14-164-301 et seq.;

(8) "Qualified school district" means a school district that:

(A) Issued bonds to finance school district projects before May 30, 2004, and for which outstanding bonds exist as of May 30, 2004;

(B) Was approved by the Department of Education to issue bonds on or before December 31, 2003; and

(C) Received debt service funding supplements pursuant to §§ 6-20-303 and 6-20-308 during school year 2003-2004 in accordance with regulations promulgated by the Department of Education;

(9) "Scheduled debt payment" means the scheduled debt payment on bonded debt issued on or before May 30, 2004, for the following calendar year, not including mandatory callable bonds on file with the Department of Education as of May 30 of the previous year. The scheduled debt payment shall be adjusted by the department as follows:

(A) In the case of a nonvoted refunding bond issue, the payment schedule of the issue being refunded will be compared to the payment schedule of the refunding issue. The schedule with the higher annual debt payment will be used for the purposes of calculating eligible debt service mills required if the district has provided to the department a signed certificate concerning the use of the debt service savings in conformity with § 6-20-2004;

(B) If a voted refunding issue is combined with additional debt or extends the term of the original debt, the new payment schedule will be used for the purposes of calculating eligible debt service mills required; and

(C) A payment that a school district makes to a third party for the eventual purpose of retiring indebtedness, that payment is deposited into an escrow account pending payment to bond holders, and is included as a scheduled debt payment if the school district is unable to recover the deposited funds;

(10) "School district assessment per student" means the total

assessed valuation of property within a school district divided by the school district's average daily membership;

(11) "State assessment per student" means the total assessed valuation of property within the state divided by the statewide average daily membership;

(12) "State wealth index" means the result of one (1) minus the ratio of local revenue for a school year divided by the amount of state funds allocated to the school district from the Public School Fund for unrestricted general support of the school district;

(13) "Statewide average daily membership" means the total number of days attended plus the total number of days absent by all students in grades kindergarten through twelve (K-12) in all school districts during the first three (3) quarters of each school year divided by the total state average daily membership and rounded up to the nearest hundredth. Students who may be counted for average daily membership are:

(A) Students who reside in Arkansas and who are enrolled in a public school operated by a school district or a private school for special education students, with their attendance resulting from a written tuition agreement approved by the Department of Education; and

(B) Students who reside in Arkansas and who are enrolled in the Arkansas National Guard Youth Challenge Program, so long as the students are participants in the program;

(14) "Supplemental millage incentive funding" means state funding paid to school districts who levy ad valorem taxes in excess of twenty-five (25) mills dedicated to maintenance and operations in accordance with Amendment 74 to the Arkansas Constitution; and

(15) "Supplemental millage incentive funding base" means the state assessment per student less the school district assessment per student multiplied by one one-thousandth (.001).

6-20-2004. Debt service funding supplement.

(a)(1) Beginning with school year 2004-2005, the state shall provide to qualified school districts from available line item funds a debt service funding supplement for the purpose of reducing bonded indebtedness if the qualified school district elects to receive the funds in accordance with § 6-20-2007.

(2)(A) A school district's debt service funding supplement is calculated by multiplying the district's eligible debt service millage required times an amount established annually by the State Board of Education per average daily membership times the state wealth index.

(B) Debt service funding supplement shall be distributed quarterly.

(b) A school district qualifying for debt service funding supplement under this section shall not lose any debt service funding supplement as a result of debt service savings produced by refunding outstanding bonds if:

(1) The yearly savings produced by the refunding is deposited into a refunding savings building fund and is used by the district for the building and equipping of school buildings, for major adaptations to a facility, or for purchasing facility sites; and

(2) Before the date that the refunding bonds are sold at public sale, the district submits a certificate to the Director of the Department of Education certifying that the yearly debt service savings will be used for the purposes described in this subsection (b).

(c) If the Department of Education determines that an overpayment has been made to a local school district in any appropriation authorized by this subchapter, the department shall withhold the overpayment from state funding and shall transfer the amount withheld for the overpayment to the line item appropriation from which the overpayment was initially made.

6-20-2005. General facilities funding.

(a)(1) Beginning with school year 2004-2005, the state shall provide from available line item funds general facilities funding to school districts that elect to receive the funds in accordance with § 6-20-2007.

(2) A school district's general facilities funding for a school year is calculated by multiplying the school district's average daily membership for the previous school year by the state wealth index times a rate established annually by the State Board of Education.

(3) General facilities funding payments shall be distributed quarterly.

(b)(1) General facilities funding shall only be used for:

(A) The purchase of school buses, furniture, equipment, and computer software; and

(B) The renovation or repair of existing facilities.

(2) Unused funds may be carried forward and shall be used exclusively for the purposes stated in subdivision (b)(1) of this section.

6-20-2006. Supplemental millage incentive funding.

(a) The purpose of this section is to provide supplemental state funds to school districts that increase school district millage in excess of twenty-five (25) mills dedicated for maintenance and operations in accordance with Amendment 74 to the Arkansas Constitution and that elect to receive the funds in lieu of funds

available under §§ 6-20-2004 and 6-20-2005.

(b) For each school year beginning with school year 2004-2005, the Department of Education shall determine by March 31 immediately preceding the school year:

(1) The rate of ad valorem tax levied in each school district as of December 31 immediately preceding the school year; and

(2) The number of mills, if any, by which the rate exceeds twenty-five (25) mills dedicated for maintenance and operations required by Amendment 74 to the Arkansas Constitution.

(c)(1) A school district's supplemental millage incentive funding shall be equal to the result of multiplying the lesser of the number ten (10) or the result of subdivision (b)(2) of this section by the school district's supplemental millage incentive funding base multiplied by the school district's average daily membership.

(2) The supplemental millage incentive funding base shall be computed based upon property values as of December 31 immediately preceding the school year and the average daily membership for the previous school year.

(3) If a school district is eligible to receive supplemental millage incentive funding and is also eligible to receive debt service funding supplement, general facilities funding, or both, then the school district shall make its funding election in accordance with § 6-20-2007.

(4) A school district shall not receive supplemental millage incentive funding along with debt service funding supplement, general facilities funding, or both.

(d) Supplemental millage incentive funding shall be distributed quarterly. 6-20-2007. Funding election.

(a) By May 15 immediately preceding the school year, a school district that is eligible for supplemental millage incentive funding shall provide the Department of Education with a written election indicating whether for the school year the school district:

(1) Elects to receive only supplemental millage incentive funding in lieu of debt service funding supplement, general facilities funding, or both; or

(2) Elects to receive debt service funding supplement, general facilities funding, or both, in lieu of supplemental millage incentive funding.

(b) The election of a school district under this section shall be effective for one (1) school year.

(c) The department shall provide necessary data to each school district prior to May 15 to enable each school district to make its funding election.

SECTION 2. EMERGENCY CLAUSE. It is found and determined by the

General Assembly of the State of Arkansas that the Arkansas Supreme Court in Lake View School District No. 25 v. Huckabee, 351 Ark. 31 (2002) declared the current system of education to be unconstitutional because it is both inequitable and inadequate; that the Arkansas Supreme Court determined that the state has an absolute duty to provide an equal opportunity to an adequate education; and that providing school districts with additional funding options will enhance learning opportunities for students. Therefore, an emergency is declared to exist and this act being immediately necessary for the preservation of the public peace, health, and safety shall become effective on:

(1) The date of its approval by the Governor;

(2) If the bill is neither approved nor vetoed by the Governor, the expiration of the period of time during which the Governor may veto the bill; or

(3) If the bill is vetoed by the Governor and the veto is overridden, the date the last house overrides the veto."

/s/ Steve Bryles

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, Harris, Hathorn, Hickinbotham, House, 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, Pate, Penix, Petrus, Pickett, S. Prater, Pritchard, Rankin, Roebuck, Rosenbaum, Schulte, Scrimshire, Scroggin, Seawel, R. Smith, Sullivan, Sumpter, C. Taylor, J. Taylor, Thomason, Thyer, Walters, Weaver, White, Wood, Mr. Speaker.

Total .....91

NEGATIVE:

Total .....0

ABSENT OR NOT VOTING: Hardwick, Hutchinson, Lamoureux, Moore, Parks, L. Prater, Stovall, Thomas, Verkamp.

Total .....9

VOTING PRESENT:

Total .....0

Total number of votes cast.....91

Total number voting in the affirmative .....91

Necessary to concur in the amendment.....51

So the Amendment was concurred in.

/s/ Ms. Jo Renshaw  
Chief Clerk

There being an Emergency Clause attached to **SENATE AMENDMENT 1 TO HOUSE BILL NO. 1071**, the Speaker ordered the clerk to call the roll upon the adoption of the Emergency Clause. The vote was as follows:

**EMERGENCY CLAUSE**

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, Harris, Hathorn, Hickinbotham, House, 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, Pate, Penix, Petrus, Pickett, S. Prater, Pritchard, Rankin, Roebuck, Rosenbaum, Schulte, Scrimshire, Scroggin, Seawel, R. Smith, Sullivan, Sumpter, C. Taylor, J. Taylor, Thomason, Thyer, Walters, Weaver, White, Wood, Mr. Speaker.

Total .....91

NEGATIVE:

Total .....0

ABSENT OR NOT VOTING: Hardwick, Hutchinson, Lamoureux, Moore, Parks, L. Prater, Stovall, Thomas, Verkamp.

Total .....9

VOTING PRESENT:

Total .....0

Total number of votes cast .....91

Total number voting in the affirmative .....91

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

So the Emergency Clause was adopted.

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

ARKANSAS SENATE

AMENDMENT NO. 2 TO HOUSE BILL NO. 1071

Amend **HOUSE BILL NO. 1071** as engrossed, S1/13/04

(version: 01-13-2004 13:38):

Page 3, on line 3, delete "July 1, 2004" and substitute "May 30, 2004"

AND

Page 5, on line 7, delete "in excess of" and substitute "in excess of the"

AND

Page 5, delete line 8 and substitute:

"twenty-five (25) mills"

AND

Page 5, on line 9, delete "with Amendment 74" and substitute "required by Amendment 74"

AND

Page 5, delete lines 22 and 23 and substitute:

"required times an amount established annually by the State Board of Education, but no less than twelve dollars (\$12.00) per average daily membership times the state wealth index."

AND

Page 6, delete line 25 and substitute:

"(a) Beginning with school year 2004-2005, the state shall provide from available line item funds supplemental state funds"

AND

Page 6, delete line 26 and substitute:

"to qualified school districts that increase total school district millage in excess of the"

AND

Page 6, delete line 27 and substitute:

"twenty-five (25) mills in accordance"

AND

Page 6, on line 31, delete "March 31" and substitute "July 31"

AND

Page 6, on line 33, delete "The rate of ad valorem" and substitute "The total millage rate of ad valorem"

AND

Page 6, on line 35, delete "the rate exceeds" and substitute "the total millage rate exceeds the"

AND

Page 6, delete line 36 and substitute:

"twenty-five (25) mills required by"

AND

Page 7, on line 35, delete "May 15" and substitute "July 15"

/s/ Steve Bryles

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, Eason, Edwards, Elliott, D. Evans, L. Evans, Ferguson, Fite, Gillespie, Gipson, Goss, Green, Haak, Harris, Hathorn, 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, Penix, Petrus, Pickett, S. Prater, Pritchard, Rankin, Roebuck, Rosenbaum, Schulte, Scrimshire, Scroggin, Seawel, R. Smith, Sullivan, Sumpter, C. Taylor, J. Taylor, Thomason, Thyer, Weaver, White, Wood, Mr. Speaker.

Total .....91

NEGATIVE:

Total .....0

ABSENT OR NOT VOTING: Dobbins, Hardwick, Lamoureux, Moore, L. Prater, Stovall, Thomas, Verkamp, Walters.

Total .....9

VOTING PRESENT:

Total .....0

Total number of votes cast .....91

Total number voting in the affirmative .....91

Necessary to concur in the amendment .....51

So the Amendment was concurred in.

/s/ Ms. Jo Renshaw

Chief Clerk

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

**ARKANSAS SENATE**

**AMENDMENT NO. 3 TO HOUSE BILL NO. 1071**

Amend **HOUSE BILL NO. 1071** as engrossed, S1/26/04

(version: 01-26-2004 13:35):

Page 7, delete line 8 and substitute:

"district's average daily membership times a funding factor to be determined by the department."

AND

Page 7, on line 24, delete "May 15" and substitute "July 31"

/s/ Steve Bryles

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, Harris, Hathorn, Hickinbotham, House, Hutchinson, Jackson, Jacobs, Jeffrey, C. Johnson, J. Johnson, Jones, Judy, Kenney, Key, King, Lamoureux, Ledbetter, Lendall, Lewellen, Mack, Mahony, Martin, Matayo, Mathis, Medley, Milligan, Napper, Nichols, Norton, Oglesby, Ormond, Pace, Parks, Pate, Penix, Petrus, Pickett, S. Prater, Pritchard, Rankin, Roebuck, Rosenbaum, Schulte, Scrimshire, Scroggin, Seawel, R. Smith, Sullivan, Sumpter, C. Taylor, J. Taylor, Thomas, Thomason, Thyer, Walters, Weaver, White, Wood, Mr. Speaker.

Total .....95

NEGATIVE:

Total .....0

ABSENT OR NOT VOTING: Hardwick, Moore, L. Prater, Stovall, Verkamp.

Total .....5

VOTING PRESENT:

Total .....0

Total number of votes cast .....95

Total number voting in the affirmative .....95

Necessary to concur in the amendment .....51

So the Amendment was concurred in.

/s/ Ms. Jo Renshaw

Chief Clerk

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

ARKANSAS SENATE

AMENDMENT NO. 1 TO HOUSE BILL NO. 1091

Amend HOUSE BILL NO. 1091 as engrossed, H1/17/04

(version: 01-17-2004 09:19):

Page 2, line 35, delete "duties:" and substitute "duties, subject to funding:"

AND

Page 3, line 30, delete "and"

AND

Page 3, delete line 31 and substitute the following:

"(10) To find alternative funding sources for the board and the programs under this subchapter, including, but not limited to, grants or donations; and

(11) Other duties as determined by the board."

AND

Page 5, line 9, remove the extra blank line entirely

AND

Page 5, line 14, delete "activities" and substitute "activities that"

AND

Page 8, delete line 17 and substitute the following:

"resource centers.

(b) The implementation of the grant program under this section is subject to funding."

AND

Page 8, line 18, delete "(b)" and substitute "(c)"

AND

Page 8, line 21, delete "(c)" and substitute "(d)"

AND

Page 8, line 24, delete "(d)" and substitute "(e)"

AND

Page 9, line 2, delete "(e)" and substitute "(f)"

AND

Page 9, line 30, delete "following:" and substitute "following, subject to funding:"

/s/ Jimmy Jeffress

The Amendment was read and the vote was as follows:

AFFIRMATIVE: Adams, Agee, Anderson, 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, Harris, Hathorn, Hickinbotham, Hutchinson, Jackson, Jacobs, Jeffrey, C. Johnson, J. Johnson, Jones, Judy, Kenney, Key, King, Lamoureux, Ledbetter, Lendall, Lewellen, Mack, Mahony, Martin, Matayo, Mathis, Milligan, Napper, Nichols, Norton, Oglesby, Ormond, Pate, Penix, Petrus, Pickett, S. Prater, Pritchard, Rankin, Roebuck, Rosenbaum, Schulte, Scrimshire, Scroggin, Seawel, Sullivan, Sumpter, C. Taylor, J. Taylor, Thomas, Thomason, Thyer, Walters, Weaver, White.

Total .....86

NEGATIVE: Berry, Pace.

Total .....2

ABSENT OR NOT VOTING: Bennett, Hardwick, House, Medley, Moore, Parks, L. Prater, R. Smith, Stovall, Verkamp, Wood, Mr. Speaker.

Total .....12

VOTING PRESENT:

Total .....0

Total number of votes cast .....88

Total number voting in the affirmative .....86

Necessary to concur in the amendment .....51

So the Amendment was concurred in.

/s/ Ms. Jo Renshaw  
Chief Clerk

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

ARKANSAS SENATE

AMENDMENT NO. 1 TO HOUSE BILL NO. 1141

Amend HOUSE BILL NO. 1141 as engrossed, H1/23/04

(version: 01-23-2004 10:26):

Add Representative Borhauer as a cosponsor of the bill.

AND

Add Senator Broadway as a cosponsor of the bill.

/s/ Shane Broadway

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, Harris, Hathorn, Hickinbotham, House, Hutchinson, Jackson, Jacobs, Jeffrey, C. Johnson, J. Johnson, Jones, Judy, Kenney, Key, King, Lamoureux, Ledbetter, Lendall, Lewellen, Mack, Mahony, Martin, Matayo, Mathis, Medley, Milligan, Napper, Nichols, Norton, Oglesby, Ormond, Pace, Pate, Penix, Petrus, Pickett, S. Prater, Pritchard, Rankin, Roebuck, Rosenbaum, Schulte, Scrimshire, Scroggin, Seawel, R. Smith, Sullivan, Sumpter, C. Taylor, J. Taylor, Thomas, Thomason, Thyer, Walters, Weaver, White, Wood.

Total .....93

NEGATIVE:

Total .....0

ABSENT OR NOT VOTING: Hardwick, Moore, Parks, L. Prater, Stovall, Verkamp, Mr. Speaker.

Total .....7

VOTING PRESENT:

Total .....0

Total number of votes cast.....93

Total number voting in the affirmative .....93

Necessary to concur in the amendment.....51

So the Amendment was concurred in.

/s/ Ms. Jo Renshaw

Chief Clerk

HOUSE BILL NO. 1119

---

BY: REPRESENTATIVE MAHONY

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

AFFIRMATIVE: Anderson, Blair, Bledsoe, Borhauer, Bradford, Bright, Childers, Clemons, Creekmore, Dees, Eason, Edwards, Gipson, Green, Haak, [Hardwick], Harris, Hutchinson, C. Johnson, Jones, Judy, Kenney, Key, Lamoureux, Lendall, Lewellen, Mahony, Martin, Matayo, Mathis, Medley, Napper, Pace, Penix, S. Prater, Pritchard, Rankin, Schulte, R. Smith, C. Taylor, Verkamp, White, Wood.

Total .....43

NEGATIVE: Adams, Agee, Bennett, Berry, [Bolin], Bond, P. Bookout, Boyd, Chesterfield, Cowling, Dangeau, Dickinson, Dobbins, Elliott, L. Evans, Fite, Gillespie, Hathorn, Hickinbotham, House, Jeffrey, J. Johnson, Ledbetter, Mack, Milligan, Nichols, Norton, Oglesby, Ormond, Pate, Petrus, Pickett, Roebuck, Rosenbaum, Scrimshire, Scroggin, Seawel, Stovall, J. Taylor, Thomason, Thyer, Walters, Weaver.

Total .....43

ABSENT OR NOT VOTING: Biggs, D. Evans, Ferguson, Jackson, Jacobs, King, Moore, Parks, L. Prater, Sullivan, Sumpter, Thomas, Mr. Speaker.

Total .....13

VOTING PRESENT: Goss.

Total .....1

Total number of votes cast.....87

Total number voting in the affirmative .....43

Necessary to the passage of the bill .....51

So the Bill failed.

**PAIR VOTE**  
**ON**  
**HOUSE BILL NO. 1119**

---

AYE:           **REPRESENTATIVE HORACE HARDWICK**  
NAY:           **REPRESENTATIVE JOHNNIE BOLIN**  
WITNESS:      **REPRESENTATIVE KEVEN ANDERSON**

This pair form was signed by Representative Horace Hardwick and Representative Johnnie Bolin in the presence of each other and witnessed by Representative Keven Anderson.

Total number of votes cast ..... 87  
  
Necessary to the passage of the bill ..... 51  
  
Total number voting in the affirmative ..... 43  
  
Total number voting in the negative ..... 43  
  
Total number absent or not voting..... 13  
  
Total number voting present..... 1

So the Bill failed.

Representative Childers made a motion for reconsideration of **HOUSE BILL NO. 1154**.

On this motion the vote was as follows:

AFFIRMATIVE: Agee, Anderson, Biggs, Blair, Bledsoe, Bolin, Bond, P. Bookout, Borhauer, Bradford, Chesterfield, Childers, Clemons, Cowling, Creekmore, Dees, Eason, Edwards, Elliott, Ferguson, Fite, Gipson, Goss, Haak, Harris, House, Jackson, C. Johnson, J. Johnson, Jones, Judy, Kenney, Key, King, Lamoureux, Ledbetter, Lendall, Lewellen, Mack, Mahony, Martin, Matayo, Mathis, Medley, Pace, Pickett, S. Prater, Pritchard, Rankin, Roebuck, Seawel, Thomas, Thyer, Walters, White, Wood.

Total .....56

NEGATIVE: Adams, Bennett, Berry, Bright, Dickinson, D. Evans, L. Evans, Gillespie, Hathorn, Hickinbotham, Jacobs, Jeffrey, Milligan, Napper, Nichols, Norton, Oglesby, Ormond, Pate, Petrus, Schulte, Scrimshire, Scroggin, Sullivan, C. Taylor, J. Taylor, Thomason, Verkamp, Weaver.

Total .....29

ABSENT OR NOT VOTING: Boyd, Dangeau, Dobbins, Green, Hardwick, Hutchinson, Moore, Parks, Penix, L. Prater, Rosenbaum, R. Smith, Stovall, Sumpter, Mr. Speaker.

Total ..... 15

VOTING PRESENT:

Total .....0

Total number of votes cast .....85

Total number voting in the affirmative .....56

Necessary to the adoption of the motion .....51

So the motion was adopted.

HOUSE BILL NO. 1154

---

BY: REPRESENTATIVE MAHONY

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

AFFIRMATIVE: Anderson, Biggs, Blair, Bledsoe, Bond, P. Bookout, Borhauer, Bradford, Chesterfield, Childers, Clemons, Cowling, Dangeau, Dees, Dobbins, Eason, Elliott, Ferguson, Fite, Gipson, Goss, Haak, , Harris, C. Johnson, J. Johnson, Jones, Judy, Kenney, Key, King, Lamoureux, Ledbetter, Lendall, Lewellen, Mahony, Martin, Matayo, Mathis, Medley, Parks, Pickett, S. Prater, Rankin, Roebuck, Rosenbaum, Seawel, C. Taylor, Thomas, Thyer, Walters, White, Wood.

Total .....52

NEGATIVE: Adams, Agee, Bennett, Berry, Bolin, Boyd, Bright, Creekmore, Dickinson, Edwards, D. Evans, L. Evans, Gillespie, Hathorn, Hickinbotham, Jacobs, Mack, Milligan, Napper, Nichols, Norton, Ormond, Pate, Petrus, Pritchard, Schulte, Scrimshire, Scroggin, Sullivan, J. Taylor, Thomason, Verkamp, Weaver.

Total .....33

ABSENT OR NOT VOTING: Green, Hardwick, House, Hutchinson, Moore, Oglesby, Pace, Penix, L. Prater, R. Smith, Stovall, Sumpter, Wood, Mr. Speaker.

Total .....13

VOTING PRESENT: Jackson, Jeffrey.

Total .....2

Total number of votes cast.....87

Total number voting in the affirmative .....52

Necessary to the passage of the bill .....51

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

The Sounding of the Ballot was requested on **HOUSE BILL NO. 1154** and the call was sustained. The following members votes were successfully challenged:

AYE: Parks, Wood.

Total .....	2
Total number of votes cast .....	87
Necessary to the passage of the bill .....	51
Total number voting in the affirmative .....	51
Total number voting in the negative .....	34
Total number absent or not voting.....	13
Total number voting present .....	2

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

HOUSE BILL NO. 1154

---

BY: REPRESENTATIVE MAHONY

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

AFFIRMATIVE: Anderson, Biggs, Blair, Bledsoe, Bond, P. Bookout, Borhauer, Bradford, Chesterfield, Childers, Clemons, Cowling, Dangeau, Dees, Dobbins, Eason, Elliott, Ferguson, Fite, Gipson, Goss, Haak, [Hardwick], Harris, C. Johnson, J. Johnson, Jones, Judy, Kenney, Key, King, Lamoureux, Ledbetter, Lendall, Lewellen, Mahony, Martin, Matayo, Mathis, Medley, Pickett, S. Prater, Rankin, Roebuck, Rosenbaum, Seawel, C. Taylor, Thomas, Thyer, Walters, White.

Total .....51

NEGATIVE: Adams, Agee, Bennett, Berry, Bolin, Boyd, Bright, Creekmore, Dickinson, Edwards, D. Evans, L. Evans, Gillespie, Hathorn, Hickenbotham, Jacobs, Mack, Milligan, Napper, Nichols, Norton, [Oglesby], Ormond, Pate, Petrus, Pritchard, Schulte, Scrimshire, Scroggin, Sullivan, J. Taylor, Thomason, Verkamp, Weaver.

Total .....34

ABSENT OR NOT VOTING: Green, House, Hutchinson, Moore, Pace, Parks, Penix, L. Prater, R. Smith, Stovall, Sumpter, Wood, Mr. Speaker.

Total .....13

VOTING PRESENT: Jackson, Jeffrey.

Total .....2

Total number of votes cast .....87

Total number voting in the affirmative .....51

Necessary to the passage of the bill .....51

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

**PAIR VOTE**  
**ON**  
**HOUSE BILL NO. 1154**

---

AYE: REPRESENTATIVE HORACE HARDWICK

NAY: REPRESENTATIVE STEVE OGLESBY

WITNESS: REPRESENTATIVE KEVEN ANDERSON

This pair form was signed by Representative Horace Hardwick and Representative Steve Oglesby in the presence of each other and witnessed by Representative Keven Anderson.

Total number of votes cast .....	87
Necessary to the passage of the bill .....	51
Total number voting in the affirmative .....	51
Total number voting in the negative .....	34
Total number absent or not voting.....	13
Total number voting present .....	2

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

HOUSE BILL NO. 1161

---

**BY: REPRESENTATIVE HATHORN**

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

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

Total .....83

NEGATIVE: C. Johnson, Penix, White.

Total .....3

ABSENT OR NOT VOTING: Biggs, Bright, Hardwick, Hutchinson, Kenney, Key, Lamoureux, Medley, Moore, Pace, Pickett, L. Prater, Thomas, Mr. Speaker.

Total .....14

VOTING PRESENT:

Total .....0

Total number of votes cast .....86

Total number voting in the affirmative .....83

Necessary to the passage of the bill .....51

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

Upon motion of Representative Hathorn the Clincher motion prevailed.

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

ARKANSAS SENATE

AMENDMENT NO. 1 TO HOUSE BILL NO. 1130

Amend HOUSE BILL NO. 1130 as originally introduced:

Page 2, delete lines 5 and 6 in their entirety and substitute:

" (3) (A) An amount of not to exceed twenty five million dollars (\$25,000,000)".

/s/ David A. 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, Harris, Hathorn, Hickinbotham, House, Hutchinson, Jackson, Jacobs, Jeffrey, C. Johnson, J. Johnson, Jones, Judy, Kenney, Key, King, Lamoureux, Ledbetter, Lendall, Lewellen, Mack, Mahony, Martin, Matayo, Mathis, Medley, Milligan, Napper, Nichols, Norton, Oglesby, Ormond, Pace, Pate, Penix, Petrus, Pickett, S. Prater, Pritchard, Rankin, Roebuck, Rosenbaum, Schulte, Scrimshire, Seawel, R. Smith, Stovall, Sullivan, Sumpter, C. Taylor, J. Taylor, Thomas, Thomason, Thyer, Verkamp, Walters, Weaver, White, Wood.

Total .....94

NEGATIVE:

Total .....0

ABSENT OR NOT VOTING: Hardwick, Moore, Parks, L. Prater, Scroggin, Mr. Speaker.

Total .....6

VOTING PRESENT:

Total .....0

Total number of votes cast.....94

Total number voting in the affirmative .....94

Necessary to concur in the amendment.....51

So the Amendment was concurred in.

/s/ Ms. Jo Renshaw  
Chief Clerk

Upon motion of Representative Napper the rules were suspended. Considered in the Committee of the Whole. Returned with the recommendation that it "DO PASS".

HOUSE BILL NO. 1148

---

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

Total .....89

NEGATIVE: Bond.

Total .....1

ABSENT OR NOT VOTING: Childers, Fite, Hardwick, Moore, L. Prater, S. Prater, Scroggin, Sumpter, Wood, Mr. Speaker.

Total .....10

VOTING PRESENT:

Total .....0

Total number of votes cast .....90

Total number voting in the affirmative .....89

Necessary to the passage of the bill .....75

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

There being an Emergency Clause attached to **HOUSE BILL NO. 1148**, the Speaker ordered the clerk to call the roll upon the adoption of the Emergency Clause. The vote was as follows:

**EMERGENCY CLAUSE**

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

Total .....89

NEGATIVE: Bond.

Total .....1

ABSENT OR NOT VOTING: Childers, Fite, Hardwick, Moore, L. Prater, S. Prater, Scroggin, Sumpter, Wood, Mr. Speaker.

Total .....10

VOTING PRESENT:

Total .....0

Total number of votes cast.....90

Total number voting in the affirmative .....89

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

So the Emergency Clause was adopted.

The House stood in recess at 10:52 a.m. until 2:00 p.m.

The House reconvened at 2:02 p.m. for the reading of the bills.

HOUSE BILLS ORDERED TRANSMITTED TO THE SENATE AS PASSED

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HOUSE BILL NO. 1148 BY REPRESENTATIVE STOVALL  
HOUSE BILL NO. 1154 BY REPRESENTATIVE MAHONY  
HOUSE BILL NO. 1161 BY REPRESENTATIVE HATHORN

ARKANSAS SENATE

HOUSE BILLS RETURNED FROM THE SENATE AS PASSED

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HOUSE BILL NO. 1100 BY REPRESENTATIVE MATAYO

ARKANSAS SENATE

SENATE BILLS RECEIVED FROM SENATE

---

SENATE BILL NO. 80 BY SENATOR SALMON  
SENATE BILL NO. 82 BY SENATOR GLOVER

ENROLLED AND DELIVERY TO GOVERNOR REPORTS

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Little Rock, Arkansas

January 30, 2004

MR. SPEAKER:

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

HOUSE BILL NO. 1071 BY REPRESENTATIVE BIGGS, ET AL

HOUSE BILL NO. 1091 BY REPRESENTATIVE JUDY, ET AL

HOUSE BILL NO. 1130 BY JOINT BUDGET COMMITTEE

HOUSE BILL NO. 1141 BY REPRESENTATIVE MAHONY, ET AL

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 1:20 p.m. delivered them to the Governor for his approval.

Respectfully submitted,

/s/ Herschel W. Cleveland

Chairman

RECEIPT FROM THE GOVERNOR

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RECEIVED FROM THE HOUSE:

HOUSE BILL NO. 1071 BY REPRESENTATIVE BIGGS, ET AL

HOUSE BILL NO. 1091 BY REPRESENTATIVE JUDY, ET AL

HOUSE BILL NO. 1130 BY JOINT BUDGET COMMITTEE

HOUSE BILL NO. 1141 BY REPRESENTATIVE MAHONY, ET AL

/s/ Mike Huckabee - Governor

TIME: 1:20 p.m.

By: Stacy DeJarnett

ENROLLED AND DELIVERY TO GOVERNOR REPORTS

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Little Rock, Arkansas

January 30, 2004

MR. SPEAKER:

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

**HOUSE BILL NO. 1100 BY REPRESENTATIVES MATAYO, KEY**

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 2:15 p.m. delivered them to the Governor for his approval.

Respectfully submitted,

/s/ Herschel W. Cleveland

Chairman

RECEIPT FROM THE GOVERNOR

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RECEIVED FROM THE HOUSE:

**HOUSE BILL NO. 1100 BY REPRESENTATIVES MATAYO, KEY**

/s/ Mike Huckabee - Governor

TIME: 2:15 p.m.

By: Stacy DeJarnett

HOUSE BILL NO. 1170

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BY: REPRESENTATIVES P. BOOKOUT, ELLIOTT, CHESTERFIELD, J. JOHNSON, GREEN, C. JOHNSON

BY: SENATORS J. BOOKOUT, G. JEFFRESS, ARGUE, J. JEFFRESS, WILKINS, GULLETT

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO PROVIDE TEACHERS WITH QUALITY PROFESSIONAL DEVELOPMENT THAT WILL PROMOTE AND ENHANCE LEARNING OPPORTUNITIES FOR STUDENTS; AND FOR OTHER PURPOSES.

Was read the first time, rules suspended, read the second time, and referred to the Committee on EDUCATION.

HOUSE BILL NO. 1171

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BY: REPRESENTATIVE WHITE

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO ENSURE THE CONTINUATION OF EFFORTS TO CLOSE THE ACHIEVEMENT GAP IN DISTRICTS SUBJECT TO REORGANIZATION OR RECLASSIFICATION; AND FOR OTHER PURPOSES.

Was read the first time, rules suspended, read the second time, and referred to the Committee on EDUCATION.

HOUSE BILL NO. 1172

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BY: REPRESENTATIVES PACE, KENNEY

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO REDUCE THE STATE SALES AND USE TAX RATE ON FOOD TO TWO AND SEVEN-EIGHTHS PERCENT (2.875%); AND FOR OTHER PURPOSES.

Was read the first time, rules suspended, read the second time, and referred to the Committee on REVENUE AND TAXATION.

HOUSE CONCURRENT RESOLUTION NO. 1003

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BY: REPRESENTATIVE STOVALL

ENCOURAGING SUPPORT FOR AN AMENDMENT TO THE ARKANSAS CONSTITUTION CONCERNING PROPERTY TAX LAWS.

Was read the first time, rules suspended, read the second time and referred to the Committee on REVENUE AND TAXATION.

SENATE BILL NO. 80

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BY: SENATORS SALMON, HIGGINBOTHOM

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO INCREASE THE CORPORATE FRANCHISE TAX; AND FOR OTHER PURPOSES.

Was read the first time, rules suspended, read the second time and referred to the Committee on REVENUE AND TAXATION.

SENATE BILL NO. 82

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BY: SENATOR GLOVER

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO CORRECT THE TOWNSHIPS IN THE BOUNDARY OF THE LONOKE COUNTY DISTRICT COURT, SOUTHERN DISTRICT; AND FOR OTHER PURPOSES.

Was read the first time, rules suspended, read the second time and referred to the Committee on CITY, COUNTY AND LOCAL AFFAIRS.

Upon motion of Representative Gillespie, the House adjourned at 2:15 p.m. until 1:30 p.m. Monday, February 2, 2004.

ATTEST:

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Herschel W. Cleveland  
Speaker of the House of Representatives

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Jo Renshaw  
Chief Clerk

