

**SIXTY-FIRST DAY'S PROCEEDINGS
HALL OF THE HOUSE OF REPRESENTATIVES**

Little Rock, Arkansas
February 6, 2004

The House was called to order at 10:07 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, 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, L. Prater, 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.

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 Jay Martin.

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

	February 6, 2004
EDUCATION	CALVIN JOHNSON
	CHAIRPERSON
HOUSE BILL NO. 1056	DO PASS, TO CONCUR IN
BY REPRESENTATIVE C. JOHNSON	SENATE AMENDMENT #1
HOUSE BILL NO. 1154	DO PASS, TO CONCUR IN
BY REPRESENTATIVE MAHONY	SENATE AMENDMENT #1
HOUSE BILL NO. 1177	DO PASS, TO CONCUR IN
BY REPRESENTATIVE PETRUS	SENATE AMENDMENTS
	#1 & 2
HOUSE BILL NO. 1182	DO PASS
BY REPRESENTATIVE GILLESPIE	AS AMENDED #1
HOUSE RESOLUTION NO. 1031	DO PASS
BY REPRESENTATIVE MATHIS	
HOUSE RESOLUTION NO. 1032	DO PASS
BY REPRESENTATIVE MOORE	
HOUSE CONCURRENT RESOLUTION NO. 1004	DO PASS
BY REPRESENTATIVE FITE	
SENATE BILL NO. 49	DO PASS
BY SENATOR WILKINS	AS AMENDED #1
SENATE BILL NO. 83	DO PASS
BY SENATOR WILKINS	

COMMITTEE REPORT

	February 6, 2004
JOINT BUDGET	PAUL WEAVER
	CHAIRPERSON
SENATE BILL NO. 91	DO PASS
BY SENATOR BISBEE	AS AMENDED #1

COMMITTEE REPORT

PUBLIC HEALTH, WELFARE AND LABOR	February 6, 2004 JAY BRADFORD CHAIRPERSON
HOUSE RESOLUTION NO. 1030 BY REPRESENTATIVE BRADFORD	DO PASS

COMMITTEE REPORT

REVENUE AND TAXATION	February 6, 2004 BOYD HICKINBOTHAM CHAIRPERSON
HOUSE BILL NO. 1162 BY REPRESENTATIVE STOVALL	DO PASS, TO CONCUR IN SENATE AMENDMENTS #1 & 2
HOUSE BILL NO. 1185 BY REPRESENTATIVE MILLIGAN	DO PASS
HOUSE BILL NO. 1186 BY REPRESENTATIVE JACKSON	DO PASS

Upon motion of Representative Chesterfield, **HOUSE BILL NO. 1179** was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 1 TO HOUSE BILL NO. 1179

Amend **HOUSE BILL NO. 1179** as originally introduced:

Page 1, line 30, delete "employee's" and substitute "employee's educational professional"

/s/ L. Chesterfield

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

/s/ Ms. Jo Renshaw
Chief Clerk

Upon motion of Representative Jones, **HOUSE BILL NO. 1181** was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 1 TO HOUSE BILL NO. 1181

Amend **HOUSE BILL NO. 1181** as originally introduced:

Page 11, delete lines 20 through 36

AND

Page 12, delete lines 1 through 12

/s/ Steven Jones

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

/s/ Ms. Jo Renshaw
Chief Clerk

The House gave Representative Fite unanimous leave to withdraw **HOUSE BILL NO. 1126**. Recommended committee study by EDUCATION - HOUSE.

The House gave Representative Hathorn unanimous leave to withdraw **HOUSE BILL NO. 1123**. Recommended committee study by EDUCATION - HOUSE.

The House gave Representative Bolin unanimous leave to withdraw **HOUSE BILL NO. 1144**. Recommended committee study by REVENUE AND TAXATION - HOUSE.

The House gave Representative Bolin unanimous leave to withdraw **HOUSE BILL NO. 1145**. Recommended committee study by REVENUE AND TAXATION - HOUSE.

The House gave Representative Bolin unanimous leave to withdraw **HOUSE BILL NO. 1146**. Recommended committee study by REVENUE AND TAXATION - HOUSE.

ENGROSSED BILL REPORTS

HERSCHEL W. CLEVELAND, CHAIRMAN

February 6, 2004

The following bill(s) reported correctly engrossed:

HOUSE BILL NO. 1172 - TITLE - BY REPRESENTATIVE PACE, ET AL

HOUSE BILL NO. 1179 BY REPRESENTATIVE CHESTERFIELD, ET AL

HOUSE BILL NO. 1181 BY REPRESENTATIVE JONES

HOUSE BILL NO. 1182 - TITLE - BY REPRESENTATIVE GILLESPIE, ET AL

SENATE BILL NO. 49 BY SENATOR WILKINS

SENATE BILL NO. 91 BY SENATOR BISBEE

HOUSE BILL ENGROSSED AS TITLE AMENDED

HOUSE BILL NO. 1172

BY: REPRESENTATIVES PACE, KENNEY, *KEY*, *MATAYO*

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.

HOUSE BILL ENGROSSED AS TITLE AMENDED

HOUSE BILL NO. 1182

BY: REPRESENTATIVES GILLESPIE, *STOVALL*

A BILL FOR AN ACT TO BE ENTITLED AN ACT PROVIDING EDUCATION REFORM IN ARKANSAS; TO PROVIDE FOR EDUCATION FUNDING; TO ESTABLISH *THE EDUCATIONAL FACILITIES FUND ACCOUNT*; TO CREATE A SUPPLEMENTAL TEACHER SALARY PLAN FOR DISTRICTS UNABLE TO MEET TEACHER SALARY INCREASE REQUIREMENTS; AND FOR OTHER PURPOSES.

Upon motion of Representative Kenney, **HOUSE BILL NO. 1172** was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 1 TO HOUSE BILL NO. 1172

Amend **HOUSE BILL NO. 1172** as originally introduced:

Add Representatives Key and Matayo as cosponsors of the bill.

/s/ Mike Kenney

/s/ Daryl Pace

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

/s/ Ms. Jo Renshaw

Chief Clerk

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

ARKANSAS SENATE

AMENDMENT NO. 3 TO HOUSE BILL NO. 1009

Amend **HOUSE BILL NO. 1009** as engrossed, S2/4/04

(version: 02-04-2004 13:08):

Page 1, delete lines 9 through 12 and substitute:

"AN ACT TO CREATE THE DIVISION OF PUBLIC SCHOOL ACCOUNTABILITY AND THE DIVISION OF PUBLIC SCHOOL ACADEMIC FACILITIES; TO REQUIRE THE REALIGNMENT OF THE DEPARTMENT OF EDUCATION; TO CHANGE THE TERM OF OFFICE OF MEMBERS OF THE STATE BOARD OF EDUCATION; AND FOR OTHER PURPOSES."

AND

Delete the subtitle in its entirety and substitute:

"AN ACT TO CREATE THE DIVISION OF PUBLIC SCHOOL ACCOUNTABILITY AND THE DIVISION OF PUBLIC SCHOOL ACADEMIC FACILITIES; TO REQUIRE THE REALIGNMENT OF THE DEPARTMENT OF EDUCATION."

AND

Delete everything following the enacting clause and substitute:

"SECTION 1. Creation of the Division of Public School Accountability.

(a)(1) To enhance the public's access to public school performance indicators and to better measure the benefits of the increasing public investment in Arkansas' schools, the General Assembly finds that a Division of Public School Accountability shall be established under the direct operational control of the State Board of Education.

(2) The foremost obligation of the division shall be to administer all monitoring and compliance activities dealing with academic and fiscal accountability for each school or school district and report academic progress.

(b) There is created a Division of Public School Accountability, which shall begin operation within one hundred twenty (120) calendar days following the effective date of this act.

(c) The division shall be under the supervision of the state board.

(d)(1) The state board shall select an individual to serve as the Director of the Division of Public School Accountability and the director shall serve at the pleasure of the state board.

(2) The person selected as the director shall:

(A) Be a person of good moral character and qualified technically and by experience to direct the work of the Division of Accountability;

(B) Hold a master's degree or a higher level degree from an accredited institution; and

(C) Have ten (10) years of experience in an administrative, supervisory, or management position.

(3) No person who is related within the fourth degree of consanguinity or affinity to any member of the board shall be eligible to serve as the director.

(e) The director, with guidance and approval from the state board, shall be responsible for hiring all employees of the division.

(f) The division shall have the following responsibilities:

(1) Monitor schools for compliance with state and federal regulations;

(2) Monitor schools for compliance with legislative acts and court-ordered mandates;

(3) Monitor schools for compliance with all standards of learning and accreditation as established by the state board;

(4) Monitor schools for compliance with all rules and regulations as established by the state board;

(5) Coordinate the analysis, dissemination, and reporting of all criterion and norm-referenced testing information;

(6) Coordinate the implementation and administration of longitudinal tracking and trend data collection as established by the state board for the purposes of improving student and school performance, ensuring mastery of the curriculum, and providing comparisons between students within Arkansas and with students in other states;

(7) Coordinate the implementation and administration of value-added assessments as established by the state board;

(8) Coordinate the implementation and administration of the annual school performance reports as established by the state board;

(9) Administer all monitoring and compliance activities dealing with academic and fiscal accountability as established by the state board; and

(10) Work with program approval and certification sections of the Department of Education, the Department of Higher Education, the Department of Workforce Education, and the individual colleges to provide information that will contribute to reasonable, equitable, and excellent preparation of certified personnel in the institutions, both public and private, of higher education.

(g)(1) The division shall provide annual reports of school performance or compliance to the Joint Interim Oversight Committee on Education Reform, the

House Interim Committee on Education, and the Senate Interim Committee on Education.

(2) A preliminary report shall be provided by January 1 of each year and a follow-up report that includes information regarding on-site visits shall be filed by June 1 of each year.

(h)(1) There is created the Arkansas Public Schools Accountability Advisory Council that shall begin operation within one hundred twenty (120) calendar days following the effective date of this act. The membership of the council shall include:

(A) One (1) member designated as chair to be selected by the Governor, who shall be a representative of Arkansas businesses;

(B) One (1) member selected by the Governor, who shall be a representative of an educator's union in the State of Arkansas;

(C) One (1) member selected by the Governor, who shall be a parent or guardian of at least one (1) student currently enrolled in grades kindergarten through twelve (K-12) in a public school in the State of Arkansas;

(D) One (1) member selected by the Speaker of the House of Representatives who shall be a representative of higher education;

(E) One (1) member appointed by the President Pro Tempore of the Senate who shall be a representative of Arkansas businesses;

(F) One (1) member appointed by the Chair of the Senate Committee on Education who is currently employed as a teacher in the grades kindergarten through twelve (K-12) public school system in the State of Arkansas;
and

(G) One (1) member appointed by the Chair of the House Committee on Education who shall be a representative of the administration of a public school in the State of Arkansas.

(2) The council shall provide advice and consultation services for the director.

(3) The council may be convened by the chair of the council, by the chair of the state board, or by the director.

(4) Members shall not receive compensation for service on the council but may receive expense reimbursement as provided in Arkansas Code § 25-16-902.

SECTION 2. Creation of the Division of Public School Academic Facilities.

(a) In order to ensure that substantially equal access to adequate educational facilities and educational equipment is provided for all public school students in Arkansas, the General Assembly finds that a Division of Public School Academic Facilities should be established under the direct supervision of the State Board of

Education.

(b) There is created a Division of Public School Academic Facilities which shall begin operation within one hundred twenty (120) calendar days following the effective date of this act.

(c) The Division of Public School Academic Facilities shall be under the supervision of the state board.

(d)(1) The state board shall select an individual to serve as the Director of the Division of Public School Academic Facilities and the Director of the Division of Public School Academic Facilities shall serve at the pleasure of the state board.

(2) The Director of the Division of Public School Academic Facilities shall be an architect that is licensed by the State of Arkansas.

(3) No person who is related within the fourth degree of consanguinity or affinity to any member of the board shall be eligible to serve as the director.

(e) The Director of the Division of Public School Academic Facilities, with guidance and approval from the state board, shall be responsible for hiring all employees of the division.

(f) The Executive Chief Information Officer shall assign one (1) individual from the staff of the Office of Information Technology to serve as a technology liaison to the Division of Public School Academic Facilities.

(g) The Director of the Arkansas Building Authority shall assign one (1) individual from the staff of the Arkansas Building Authority to serve as a physical plant liaison to the Director of the Public School Academic Facilities.

(h) The Division of Public School Academic Facilities shall:

(1) Provide information or assistance to the Joint Committee on Educational Facilities created by Act 1181 of 2003 as requested by the joint committee;

(2) Use any recommendation or assessments of the joint committee or the General Assembly as a basis for establishing the policies and procedures of the Division of Public School Academic Facilities; and

(3) Provide assistance, as requested, to the Joint Committee on Educational Facilities in conducting an assessment of all school facilities in the state and continue to update and maintain current assessments of all school facilities after the expiration of the joint committee on December 31, 2004.

(i)(1) The Director of the Division of Public School Academic Facilities shall create and implement a standardized reporting format and select the method to be utilized by school districts in the preparation and submission of the list to the Division of Public School Academic Facilities.

(2) The data gathered from the reports generated by the school

districts shall be presented to the state board for compilation into an annual report to the Governor and the House Interim Committee on Education and the Senate Interim Committee on Education on the facility needs in the state.

(3) The Division of Public School Academic Facilities shall conduct any reviews, site visits, and other research during the year to assist in preparation of the annual report.

(j)(1) The Director of the Division of Public School Academic Facilities shall provide to the Governor and the House Interim Committee on Education and the Senate Interim Committee on Education reports on the status of public school academic facilities including the facility and technology needs and priorities for each category.

(2) A preliminary report shall be provided by January 1 each year and a follow-up report that includes information regarding on-site visits shall be filed by June 1 each year.

(k)(1)(A) No later than September 30 of each even-numbered year of the biennium, the Division of Public School Academic Facilities shall present to the state board the list of public school facility repairs, improvements, and construction along with technology improvements that the Division of Public School Academic Facilities recommends for the next biennium.

(B) Copies of the list shall be provided to the Governor and the House Interim Committee on Education and the Senate Interim Committee on Education.

(2) The state board shall prioritize funding for public school facility repairs, improvements, and construction along with technology improvements based on the recommendations of the Division of Public School Academic Facilities.

(l) The state board and the Division of Public School Academic Facilities shall develop, by rule and regulation, the process for developing the list of public school facility repairs, improvements, and construction along with technology improvements necessary under this act.

SECTION 3. REALIGNMENT OF THE DEPARTMENT OF EDUCATION. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL, AND TEMPORARY LAW.

(a)(1) Following the implementation of this act, the Department of Education shall realign.

(2) The purpose of the realignment shall be for the department and the Division of Public School Accountability and the Division of Public School Academic Facilities to maximize their role as the active senior partners with the schools and to prepare to intervene immediately rather than after the school or school district fails.

(3)(A) To realign, the department shall form a taskforce consisting of the Director of the Division of Public School Accountability, the Director of the Division of Public School Academic Facilities, key department personnel, school district personnel, teachers, and other stakeholders to conduct a study of the department's and the divisions' delivery system and to make recommendations for the department's realignment.

(B) As part of the study, the taskforce shall:

(i) Review the functions, and responsibilities of the department, the Division of Public School Accountability, and the Division of Public School Academic Facilities to align the personnel according to these functions and responsibilities to ensure each employee is qualified and capable of performing his or her duties according to the functions and responsibilities as defined by the taskforce; and

(ii)(a) Conduct a comprehensive review of the salaries of individuals necessary to fulfill the department's functions as defined by the taskforce, responsibilities, and constitutional mission of the state.

(b) This study shall include a review of equity adjustments necessary to recognize differences in responsibility, performance, or seniority.

(C) Qualifications and salary levels of the department's staff shall be comparable to those of similar employees in school districts or in other state education agencies.

(b) Following the work of the taskforce under this section, the department shall present proposed changes in staff grades and salaries to the Joint Budget Committee at the earliest opportunity for the purpose of preparing suggested legislation to be approved by the General Assembly.

(c) The Director of the Department of Education may transfer any unclassified position to the Division of Public School Accountability or the Division of Public School Academic Facilities if the director of the division agrees that the position is an appropriate position to be in the division and approves the transfer.

(d) The restructuring of the department shall be conducted in a manner that will provide sufficient personnel within the department to provide administrative and technological support to the Division of Public School Accountability and the Division of Public School Academic Facilities at a level that is sufficient for the divisions to carry out the duties set forth in this act.

(e) In the restructuring of the department the director may require the department, the Division of Public School Academic Facilities, and the Division of Public School Accountability to coordinate and share certain administrative,

custodial, legal, internal finance, and other necessary personnel to effectuate the daily operations of those divisions and the department.

SECTION 4. Arkansas Code § 6-11-101(b), concerning the term of office of State Board of Education members, is amended as follows:

(b)(1) The term of office of a member of the board, appointed prior to the effective date of subdivision (b)(2)(A) of this section, shall be six (6) years.

(2)(A) The term of office of the first member appointed after the effective date of this subdivision (b)(2)(A) shall be a single term of six (6) years and all other appointments after the effective date of this subdivision (b)(2)(A) shall be for a single term of seven (7) years.

(B)(i) Any member appointed to the state board to fill a vacancy for an uncompleted term with fewer than three (3) years remaining on the original term may be reappointed to an additional term of seven (7) years.

(ii) No member serving three (3) or more years on the state board may be reappointed.

(3) No current or new member shall be allowed to resign in order to be appointed to a new term on the board.

(4) Nothing in this section shall be construed to change the terms of any member of the state board that was appointed prior to the effective date of this subdivision (b)(2)(A) of this section.

SECTION 5. 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 now existing system of education to be unconstitutional because it is both inequitable and inadequate; the Arkansas Supreme Court set forth the test for a constitutional system to be a system in which the state has an "absolute duty" to provide an "equal opportunity to an adequate education"; and that this act is immediately necessary because the Arkansas Supreme Court instructed the General Assembly to define and provide what is necessary to provide an adequate and equitable education for the children of Arkansas. 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/ Jim Argue

The Amendment was read and the vote was as follows:

AFFIRMATIVE: Anderson, Biggs, Blair, Bolin, Bond, P. Bookout, Borhauer, Bradford, Clemons, Cowling, Creekmore, Dees, Eason, Elliott, L. Evans, Ferguson, Fite, Gillespie, Gipson, Goss, Green, Haak, Hardwick, Hathorn, House, Hutchinson, Jacobs, C. Johnson, J. Johnson, Jones, Judy, King, Lamoureux, Ledbetter, Lendall, Lewellen, Martin, Matayo, Mathis, Medley, Milligan, Moore, Norton, Oglesby, Ormond, Penix, Pickett, L. Prater, S. Prater, Pritchard, Rankin, Roebuck, Rosenbaum, Seawel, R. Smith, Sullivan, Sumpter, C. Taylor, Thomas, Verkamp, White, Wood.

Total62

NEGATIVE: Adams, Agee, Bennett, Berry, Bright, Dickinson, Edwards, Hickinbotham, Jackson, Jeffrey, Kenney, Mack, Nichols, Pate, J. Taylor, Thomason, Walters.

Total17

ABSENT OR NOT VOTING: Bledsoe, Boyd, Chesterfield, Childers, Dangeau, Dobbins, D. Evans, Harris, Key, Mahony, Napper, Pace, Parks, Petrus, Schulte, Scrimshire, Scroggin, Stovall, Thyer, Weaver, Mr. Speaker.

Total21

VOTING PRESENT:

Total0

Total number of votes cast79

Total number voting in the affirmative62

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 NO. 3 TO HOUSE BILL NO. 1009**, the Speaker ordered the clerk to call the roll upon the adoption of the Emergency Clause. The vote was as follows:

EMERGENCY CLAUSE

AFFIRMATIVE: Anderson, Biggs, Blair, Bolin, Bond, P. Bookout, Borhauer, Bradford, Childers, Clemons, Cowling, Creekmore, Dees, Eason, Elliott, D. Evans, L. Evans, Ferguson, Fite, Gillespie, Green, Haak, Hardwick, Hathorn, House, Hutchinson, Jacobs, C. Johnson, J. Johnson, Jones, Judy, King, Lamoureux, Ledbetter, Lendall, Lewellen, Martin, Matayo, Mathis, Medley, Milligan, Moore, Napper, Oglesby, Ormond, Penix, Petrus, L. Prater, S. Prater, Pritchard, Rankin, Roebuck, Rosenbaum, R. Smith, Sullivan, Sumpter, Thomas, Thyer, Verkamp, Walters, White, Wood.

Total62

NEGATIVE: Adams, Agee, Berry, Bright, Dickinson, Edwards, Jackson, Jeffrey, Kenney, Mack, Nichols, Pate, C. Taylor, J. Taylor, Thomason.

Total15

ABSENT OR NOT VOTING: Bennett, Bledsoe, Boyd, Chesterfield, Dangeau, Dobbins, Gipson, Goss, Harris, Hickenbotham, Key, Mahony, Norton, Pace, Parks, Pickett, Schulte, Scrimshire, Scroggin, Seawel, Stovall, Weaver, Mr. Speaker.

Total23

VOTING PRESENT:

Total0

Total number of votes cast.....77

Total number voting in the affirmative62

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

So the Emergency Clause was not adopted.

HOUSE BILL NO. 1159

BY: REPRESENTATIVE MATAYO

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, Biggs, Blair, Bledsoe, Bolin, Bond, P. Bookout, Borhauer, Boyd, Bradford, Bright, Childers, Clemons, Cowling, Creekmore, Dangeau, Dees, Dickinson, Eason, Edwards, Elliott, L. Evans, Ferguson, Fite, Gillespie, Gipson, Goss, Green, Haak, Hardwick, Hathorn, Hickinbotham, House, Hutchinson, Jackson, Jacobs, Jeffrey, C. Johnson, J. Johnson, Jones, Judy, Kenney, Key, King, Lamoureux, Lendall, Lewellen, Mack, Mahony, Martin, Matayo, Mathis, Medley, Milligan, Moore, Napper, Nichols, Norton, Oglesby, Ormond, Pace, Parks, Penix, Petrus, Pickett, L. Prater, S. Prater, Rankin, Roebuck, Rosenbaum, Schulte, Scrimshire, Seawel, R. Smith, Sullivan, Sumpter, C. Taylor, J. Taylor, Thomas, Thomason, Thyer, Verkamp, Walters, Weaver, White, Wood.

Total90

NEGATIVE: D. Evans, Pritchard.

Total2

ABSENT OR NOT VOTING: Chesterfield, Dobbins, Harris, Ledbetter, Pate, Scroggin, Stovall, Mr. Speaker.

Total8

VOTING PRESENT:

Total0

Total number of votes cast92

Total number voting in the affirmative90

Necessary to the passage of the bill51

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

Motion was made by Representative Berry to reconsider **HOUSE BILL NO. 1043**.

On this motion the vote was as follows:

AFFIRMATIVE: Anderson, Berry, Blair, Bond, Borhauer, Boyd, Bradford, Bright, Chesterfield, Childers, Clemons, Creekmore, Dangeau, Dickinson, Dobbins, Eason, Elliott, D. Evans, Ferguson, Fite, Goss, Green, Haak, Hathorn, Hickinbotham, House, Hutchinson, Jacobs, Jeffrey, C. Johnson, J. Johnson, King, Ledbetter, Lendall, Lewellen, Mack, Mahony, Martin, Matayo, Mathis, Medley, Moore, Norton, Pace, Penix, Petrus, Pickett, L. Prater, S. Prater, Pritchard, Roebuck, Rosenbaum, Schulte, Seawel, R. Smith, Sullivan, Sumpter, C. Taylor, Thomas, Thyer, Verkamp, Walters, White, Wood.

Total64

NEGATIVE: Agee, Bennett, Biggs, Edwards, Gillespie, Gipson, Hardwick, Jones, Lamoureux, Napper, Nichols, Oglesby, Ormond, Pate, Rankin, Thomason, Weaver.

Total17

ABSENT OR NOT VOTING: Adams, Bledsoe, Bolin, P. Bookout, Cowling, Dees, L. Evans, Harris, Jackson, Judy, Kenney, Key, Milligan, Parks, Scrimshire, Scroggin, Stovall, J. Taylor, Mr. Speaker.

Total19

VOTING PRESENT:

Total0

Total number of votes cast.....81

Total number voting in the affirmative64

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

So the motion was adopted.

HOUSE BILL NO. 1043

BY: REPRESENTATIVE MEDLEY

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

AFFIRMATIVE: Blair, Bolin, P. Bookout, Borhauer, Boyd, Bradford, Bright, Chesterfield, Clemons, Cowling, Creekmore, Dangeau, Dees, Dickinson, Dobbins, Eason, Elliott, D. Evans, Ferguson, Goss, Green, Haak, Hathorn, Hickinbotham, House, Jackson, Jeffrey, C. Johnson, J. Johnson, Jones, Judy, King, Ledbetter, Lendall, Lewellen, Mack, Mahony, Martin, Mathis, Medley, Moore, Penix, Pickett, S. Prater, Roebuck, R. Smith, Sullivan, C. Taylor, Thomas, Thyer, Verkamp, Walters, White, Wood.

Total54

NEGATIVE: Adams, Agee, Anderson, Bennett, Berry, Biggs, Bledsoe, Bond, Childers, Edwards, Fite, Gillespie, Gipson, Hardwick, Hutchinson, Kenney, Lamoureux, Matayo, Nichols, Norton, Oglesby, Ormond, Pace, Pate, L. Prater, Pritchard, Rankin, Rosenbaum, Schulte, Seawel, Sumpter, J. Taylor, Thomason, Weaver.

Total34

ABSENT OR NOT VOTING: Harris, Key, Milligan, Napper, Parks, Petrus, Scrimshire, Scroggin, Stovall, Mr. Speaker.

Total10

VOTING PRESENT: L. Evans, Jacobs.

Total2

Total number of votes cast90

Total number voting in the affirmative54

Necessary to the passage of the bill51

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

The Chair requested the Sounding of the Ballot on **HOUSE BILL NO. 1043** and the call was sustained. The following members votes were successfully challenged:

AYE: DOBBINS, HOUSE, JEFFREY, LEDBETTER

Total	4
Total number of votes cast	86
Necessary to the passage of the bill	51
Total number voting in the affirmative	50
Total number voting in the negative	34
Total number absent or not voting.....	14
Total number voting present	2

So the Bill failed to pass.

HOUSE BILL NO. 1043

BY: REPRESENTATIVE MEDLEY

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

AFFIRMATIVE: Blair, Bolin, P. Bookout, Borhauer, Boyd, Bradford, Bright, Chesterfield, Clemons, Cowling, Creekmore, Dangeau, Dees, Dickinson, Eason, Elliott, D. Evans, Ferguson, Goss, Green, Haak, Hathorn, Hickinbotham, Jackson, C. Johnson, J. Johnson, Jones, Judy, King, Lendall, Lewellen, Mack, Mahony, Martin, Mathis, Medley, Moore, Penix, Pickett, S. Prater, Roebuck, R. Smith, Sullivan, C. Taylor, Thomas, Thyer, Verkamp, Walters, White, Wood.

Total50

NEGATIVE: Adams, Agee, Anderson, Bennett, Berry, Biggs, Bledsoe, Bond, Childers, Edwards, Fite, Gillespie, Gipson, Hardwick, Hutchinson, Kenney, Lamoureux, Matayo, Nichols, Norton, Oglesby, Ormond, Pace, Pate, L. Prater, Pritchard, Rankin, Rosenbaum, Schulte, Seawel, Sumpter, J. Taylor, Thomason, Weaver.

Total34

ABSENT OR NOT VOTING: Dobbins, Harris, House, Jeffrey, Key, Ledbetter, Milligan, Napper, Parks, Petrus, Scrimshire, Scroggin, Stovall, Mr. Speaker.

Total14

VOTING PRESENT: L. Evans, Jacobs.

Total2

Total number of votes cast86

Total number voting in the affirmative50

Necessary to the passage of the bill51

So the Bill failed.

SENATE BILL NO. 89

BY: SENATOR STEELE

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, Berry, Biggs, Blair, 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, Goss, Green, Hardwick, Hathorn, Hickinbotham, House, Jackson, Jacobs, Jeffrey, C. Johnson, J. Johnson, Jones, Judy, Kenney, King, Lamoureux, Ledbetter, Lendall, Lewellen, Mack, Mahony, Martin, Medley, Milligan, Moore, Napper, Oglesby, Pace, Pate, Penix, Petrus, Pickett, L. Prater, S. Prater, Pritchard, Rankin, Roebuck, Scrimshire, Seawel, R. Smith, Stovall, Sullivan, Sumpter, J. Taylor, Thomas, Thomason, Thyer, Verkamp, Weaver, White, Wood.

Total80

NEGATIVE: Bennett, Bledsoe, Cowling, Gipson, Haak, Hutchinson, Matayo, Nichols, C. Taylor.

Total9

ABSENT OR NOT VOTING: Harris, Key, Mathis, Norton, Ormond, Parks, Rosenbaum, Schulte, Scroggin, Walters, Mr. Speaker.

Total11

VOTING PRESENT:

Total0

Total number of votes cast.....89

Total number voting in the affirmative80

Necessary to the passage of the bill51

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

Upon motion of Representative Bolin the Clincher motion prevailed.

Motion was made by Representative Anderson to place **SENATE BILL NO. 55** back on second reading for the purpose of amendment.

On this motion the vote was as follows:

AFFIRMATIVE: Adams, Agee, Anderson, Bennett, Berry, Bledsoe, P. Bookout, Bright, Childers, Dickinson, D. Evans, Haak, Hardwick, Hutchinson, Kenney, Key, King, Lamoureux, Martin, Matayo, Moore, Norton, Oglesby, Ormond, Pace, Parks, Petrus, Pickett, Rankin, Rosenbaum, Schulte, R. Smith, C. Taylor, J. Taylor, Verkamp, Walters, Wood.

Total37

NEGATIVE: Blair, Bolin, Bond, Borhauer, Boyd, Bradford, Chesterfield, Clemons, Cowling, Creekmore, Dangeau, Dees, Eason, Elliott, L. Evans, Ferguson, Goss, Green, Jacobs, Jeffrey, J. Johnson, Jones, Judy, Ledbetter, Lendall, Lewellen, Mack, Mahony, Mathis, Nichols, Pate, L. Prater, S. Prater, Roebuck, Scroggin, Seawel, Sullivan, Sumpter, Thomas, Thomason, Thyer, White.

Total42

ABSENT OR NOT VOTING: Biggs, Dobbins, Edwards, Fite, Gillespie, Gipson, Harris, Hathorn, Hickinbotham, House, Jackson, C. Johnson, Medley, Milligan, Napper, Penix, Pritchard, Scrimshire, Stovall, Weaver, Mr. Speaker.

Total21

VOTING PRESENT:

Total0

Total number of votes cast79

Total number voting in the affirmative37

Necessary to the adoption of the motion51

So the motion failed of adoption.

Motion was made by Representative Jacobs for immediate consideration of **SENATE BILL NO. 55**. Motion carried.

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

SENATE BILL NO. 55

BY: SENATOR BROADWAY

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, Berry, Biggs, Blair, 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, Hathorn, Hickinbotham, House, Jackson, Jacobs, Jeffrey, C. Johnson, J. Johnson, Jones, Judy, Key, King, Ledbetter, Lendall, Lewellen, Mack, Mahony, Martin, Mathis, Medley, Milligan, Moore, Napper, Nichols, Oglesby, Pate, Penix, Pickett, L. Prater, S. Prater, Rankin, Roebuck, Seawel, Stovall, Sullivan, Sumpter, Thomas, Thomason, Thyer, Weaver, White, Wood.

Total72

NEGATIVE: Agee, Anderson, Bennett, Bledsoe, Hutchinson, Kenney, Lamoureux, Matayo, Norton, Pace, Parks, Petrus, Pritchard, Rosenbaum, Schulte, Scroggin, C. Taylor, Verkamp, Walters.

Total19

ABSENT OR NOT VOTING: Bright, Haak, Hardwick, Harris, Ormond, Scrimshire, R. Smith, J. Taylor, Mr. Speaker.

Total9

VOTING PRESENT:

Total0

Total number of votes cast.....91

Total number voting in the affirmative72

Necessary to the passage of the bill51

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

There being an Emergency Clause attached to **SENATE BILL NO. 55**, 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, Berry, Biggs, Blair, 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, Hathorn, Hickinbotham, House, Jackson, Jacobs, Jeffrey, C. Johnson, J. Johnson, Jones, Judy, Key, King, Ledbetter, Lendall, Lewellen, Mack, Mahony, Martin, Mathis, Medley, Milligan, Moore, Napper, Nichols, Oglesby, Pate, Penix, Pickett, L. Prater, S. Prater, Rankin, Roebuck, Seawel, Stovall, Sullivan, Sumpter, Thomas, Thomason, Thyer, Weaver, White, Wood.

Total72

NEGATIVE: Agee, Anderson, Bennett, Bledsoe, Hutchinson, Kenney, Lamoureux, Matayo, Norton, Pace, Parks, Petrus, Pritchard, Rosenbaum, Schulte, Scroggin, C. Taylor, Verkamp, Walters.

Total19

ABSENT OR NOT VOTING: Bright, Haak, Hardwick, Harris, Ormond, Scrimshire, R. Smith, J. Taylor, Mr. Speaker.

Total9

VOTING PRESENT:

Total0

Total number of votes cast91

Total number voting in the affirmative72

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

So the Emergency Clause was adopted.

Upon motion of Representative Weaver, **SENATE BILL NO. 91** was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 1 TO SENATE BILL NO. 91

Amend **SENATE BILL NO. 91** as originally introduced:

Page 5, line 4, delete the underscores " _____ "

AND

Page 5, line 5, delete in its entirety and substitute the following:

"(05) HIGH PRIORITY DISTRICT TEACHER

RECRUITMENT/RENTENTION INCENTIVES	<u>0</u>	<u>2,100,000</u>
TOTAL AMOUNT APPROPRIATED	<u>\$ 0</u>	<u>\$ 19,452,000"</u>

/s/ Paul Weaver

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

/s/ Ms. Jo Renshaw
Chief Clerk

Parliamentarian Tim Massanelli addressed the House on the upcoming calendar.

The House recessed at 10:59 a.m. for 5 minutes.

The House reconvened at 11:18 a.m.

HOUSE RESOLUTION NO.1031

BY: REPRESENTATIVE MATHIS

COMMENDING JUANITA C. WILLIAMS OF HOT SPRINGS ON HER COMMITMENT TO EDUCATION.

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

HOUSE RESOLUTION NO.1032

BY: REPRESENTATIVE MOORE

RECOGNIZING AND COMMENDING PARK INTERNATIONAL
BACCALAUREATE MAGNET SCHOOL.

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

HOUSE CONCURRENT RESOLUTION NO. 1004

BY: REPRESENTATIVE FITE

ENCOURAGING SCHOOL DISTRICTS TO VOLUNTARILY UNDERTAKE
MEASURES TO PROMOTE EFFICIENCY IN THE OPERATION OF THE SCHOOL
DISTRICT.

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

Morning Hour Expired.

Representative C. Johnson moved that the House concur in the following Senate Amendment.

ARKANSAS SENATE

AMENDMENT NO. 1 TO HOUSE BILL NO. 1056

Amend HOUSE BILL NO. 1056 as engrossed, H1/27/04

(version: 01-27-2004 08:39):

Page 5, delete lines 5 and 6, and substitute:

"participating in the education renewal zone;

(iv) Two (2) parents who have children attending a public school participating in the education renewal zone; and

(v) Each community in which there is a school"

/s/Henry "Hank" Wilkins

The Amendment was read and the vote was as follows:

AFFIRMATIVE: Adams, Agee, Anderson, Berry, Biggs, Blair, Bledsoe, Bolin, Bond, P. Bookout, Borhauer, Bradford, Bright, Chesterfield, Childers, Clemons, Cowling, Dangeau, Dees, Dickinson, Eason, Edwards, Elliott, D. Evans, L. Evans, Fite, Gillespie, Gipson, Goss, Green, Haak, Hardwick, Harris, Hathorn, Hickinbotham, House, Hutchinson, Jackson, Jacobs, Jeffrey, C. Johnson, Jones, Judy, Kenney, Key, King, Lamoureux, Ledbetter, Lendall, Lewellen, Mack, Martin, Matayo, Mathis, Medley, Moore, Napper, Norton, Ormond, Pace, Parks, Pate, Penix, Pickett, L. Prater, S. Prater, Pritchard, Rankin, Roebuck, Rosenbaum, Schulte, Scrimshire, Seawel, R. Smith, Sullivan, Sumpter, C. Taylor, J. Taylor, Thomas, Thyer, White, Wood.

Total82

NEGATIVE:

Total0

ABSENT OR NOT VOTING: Bennett, Boyd, Creekmore, Dobbins, Ferguson, J. Johnson, Mahony, Milligan, Nichols, Oglesby, Petrus, Scroggin, Stovall, Thomason, Verkamp, Walters, Weaver, Mr. Speaker.

Total18

VOTING PRESENT:

Total0

Total number of votes cast.....82

Total number voting in the affirmative82

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

So the Amendment was concurred in.

/s/ Ms. Jo Renshaw
Chief Clerk

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

ARKANSAS SENATE

AMENDMENT NO. 1 TO HOUSE BILL NO. 1162

Amend **HOUSE BILL NO. 1162** as engrossed, H2/2/04

(version: 02-02-2004 14:24):

Delete section 4 of the bill in its entirety and substitute the following:

“SECTION 4. Election.

(a) Findings. The uniform rate of ad valorem property tax established by Arkansas Constitution, Amendment 74(b)(1) may only be increased by a majority of the electors of the state voting on the issue at the next general election and voting "For" the proposed increase in the uniform rate of tax.

(b) Certification of measure. The Secretary of State shall certify to the county board of election commissioners of each county the measure provided in subsection (d) of this section to appear on the ballot at the next general election.

(c) Publication. The measure provided in subsection (d) of this section shall be published in the same manner as provided in Arkansas Code §§ 7-9-113 and 7-5-206.

(d) Ballot title.

(1) The ballot title shall be in the following form:

"TO INCREASE THE ESTABLISHED UNIFORM RATE OF AD VALOREM PROPERTY TAX UNDER AMENDMENT 74(b)(1) OF THE ARKANSAS CONSTITUTION BY THREE (3) MILLS FROM TWENTY-FIVE (25) MILLS TO A TOTAL OF TWENTY-EIGHT (28) MILLS BY AMENDING ARKANSAS CODE TITLE 26, CHAPTER 80, SUBCHAPTER 2 TO ADD A NEW SECTION TO READ AS FOLLOWS:

26-80-208. Uniform rate of ad valorem property tax.

(a)(1) There is established a uniform rate of ad valorem property tax of twenty-eight (28) mills to be levied on the assessed value of all taxable real, personal, and utility property in the state to be used solely for maintenance and operation of the schools.

(2) The established uniform rate of ad valorem property tax of twenty-eight (28) mills is equal to the twenty-five (25) mills levied under Arkansas Constitution, Amendment 74, and an additional three (3) mills levied under this section.

(3)(A) Except as provided in this subdivision (a)(3) the additional three (3) mills levied under this section shall not be an additional levy for maintenance and

operation of the schools but shall replace a portion of the existing rate of tax levied by each school district available for maintenance and operation of schools in the school district. The rate of tax available for maintenance and operation levied by each school district on the effective date of this section shall be reduced to reflect the levy of the uniform rate of tax.

(B)(i) If the rate of tax available for maintenance and operation levied by a school district on the effective date of this section exceeds twenty-eight (28) mills, the excess rate of tax shall continue to be levied by the school district until changed pursuant to Amendment 74 of the Arkansas Constitution.

(ii) If the rate of tax available for maintenance and operation levied by a school district on the effective date of this section is less than twenty-eight (28) mills, the uniform rate of tax of twenty-eight (28) mills shall nevertheless be levied in the district.

(b)(1) This section shall be effective January 1, 2005.

(2) The uniform rate of ad valorem property tax of twenty-eight (28) mills shall apply beginning with the assessment of property in 2004 for which taxes are collected in 2005."

(2) The ballot title shall be followed by these words:

"[] FOR increasing the established uniform rate of ad valorem property tax by three (3) mills from twenty-five (25) mills to a total of twenty-eight (28) mills.

[] AGAINST increasing the established uniform rate of ad valorem property tax by three (3) mills from twenty-five (25) mills to a total of twenty-eight (28) mills.'"

/s/ Tim Wooldridge

The Amendment was read and the vote was as follows:

AFFIRMATIVE: Agee, Berry, Blair, Bolin, Bond, Borhauer, Boyd, Chesterfield, Childers, Clemons, Cowling, Creekmore, Dangeau, Dickinson, Eason, Edwards, Elliott, D. Evans, L. Evans, Ferguson, Fite, Gillespie, Gipson, Goss, Green, Haak, Hardwick, Harris, Hathorn, Hickinbotham, Hutchinson, Jackson, Jeffrey, C. Johnson, J. Johnson, Jones, Judy, King, Lamoureux, Ledbetter, Lendall, Lewellen, Mack, Mahony, Martin, Matayo, Mathis, Medley, Milligan, Moore, Napper, Nichols, Norton, Oglesby, Ormond, Pate, Pickett, L. Prater, S. Prater, Pritchard, Rankin, Roebuck, Rosenbaum, Scrimshire, Seawel, R. Smith, Sullivan, Sumpter, C. Taylor, J. Taylor, Thomas, Thomason, Verkamp, Weaver, White.

Total75

NEGATIVE: Anderson, Bledsoe, Bright, Kenney, Key, Pace, Penix, Schulte, Wood.

Total9

ABSENT OR NOT VOTING: Adams, Bennett, Biggs, P. Bookout, Bradford, Dees, Dobbins, House, Jacobs, Parks, Petrus, Scroggin, Stovall, Thyer, Walters, Mr. Speaker.

Total16

VOTING PRESENT:

Total0

Total number of votes cast84

Total number voting in the affirmative75

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

So the Amendment was concurred in.

/s/ Ms. Jo Renshaw
Chief Clerk

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

ARKANSAS SENATE

AMENDMENT NO. 2 TO HOUSE BILL NO. 1162

Amend **HOUSE BILL NO. 1162** as engrossed, S2/4/04

(version: 02-04-2004 12:54):

Immediately following Section 4 of the bill add an additional Section to read as follows:

“SECTION 5. If approved by the voters at the 2004 general election, Arkansas Code Title 26, Chapter 80, Subchapter 2 is amended to add an additional section to read as follows:

26-80-208. Uniform rate of ad valorem property tax.

(a)(1) There is established a uniform rate of ad valorem property tax of twenty-eight (28) mills to be levied on the assessed value of all taxable real, personal, and utility property in the state to be used solely for maintenance and operation of the schools.

(2) The established uniform rate of ad valorem property tax of twenty-eight (28) mills is equal to the twenty-five (25) mills levied under Arkansas Constitution, Amendment 74, and an additional three (3) mills levied under this section.

(3)(A) Except as provided in this subdivision (a)(3) the additional three (3) mills levied under this section shall not be an additional levy for maintenance and operation of the schools but shall replace a portion of the existing rate of tax levied by each school district available for maintenance and operation of schools in the school district. The rate of tax available for maintenance and operation levied by each school district on the effective date of this section shall be reduced to reflect the levy of the uniform rate of tax.

(B)(i) If the rate of tax available for maintenance and operation levied by a school district on the effective date of this section exceeds twenty-eight (28) mills, the excess rate of tax shall continue to be levied by the school district until changed pursuant to Amendment 74 of the Arkansas Constitution.

(ii) If the rate of tax available for maintenance and operation levied by a school district on the effective date of this section is less than twenty-eight (28) mills, the uniform rate of tax of twenty-eight (28) mills shall nevertheless be levied in the district.

(b)(1) This section shall be effective January 1, 2005.

(2) The uniform rate of ad valorem property tax of twenty-eight (28)

mills shall apply beginning with the assessment of property in 2004 for which taxes are collected in 2005."

/s/ Tim Wooldridge

The Amendment was read and the vote was as follows:

AFFIRMATIVE: Agee, Berry, Blair, Bolin, Bond, P. Bookout, Borhauer, Boyd, Bradford, Chesterfield, Childers, Clemons, Cowling, Creekmore, Dangeau, Dickinson, Eason, Edwards, Elliott, D. Evans, L. Evans, Ferguson, Fite, Gillespie, Gipson, Goss, Green, Haak, Hathorn, Hickinbotham, House, Jackson, Jeffrey, C. Johnson, J. Johnson, Judy, King, Ledbetter, Lendall, Lewellen, Mack, Mahony, Martin, Mathis, Medley, Milligan, Moore, Napper, Nichols, Oglesby, Ormond, Pate, Petrus, Pickett, L. Prater, S. Prater, Pritchard, Rankin, Roebuck, Scrimshire, Seawel, R. Smith, Stovall, Sullivan, Sumpter, C. Taylor, J. Taylor, Thomas, Thomason, Verkamp, Walters, Weaver, White.

Total73

NEGATIVE: Anderson, Bledsoe, Bright, Hardwick, Harris, Hutchinson, Kenney, Key, Lamoureux, Norton, Pace, Penix, Schulte, Wood.

Total14

ABSENT OR NOT VOTING: Adams, Bennett, Biggs, Dees, Dobbins, Jacobs, Jones, Parks, Rosenbaum, Scroggin, Thyer, Mr. Speaker.

Total12

VOTING PRESENT: Matayo.

Total1

Total number of votes cast88

Total number voting in the affirmative73

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

So the Amendment was concurred in.

/s/ Ms. Jo Renshaw

Chief Clerk

HOUSE BILL NO. 1179

BY: REPRESENTATIVE CHESTERFIELD

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, Biggs, Blair, Bond, P. Bookout, Borhauer, Boyd, Bradford, Bright, Chesterfield, Clemons, Cowling, Creekmore, Dangeau, Dees, Dickinson, Eason, Edwards, Elliott, Fite, Gillespie, Goss, Green, Hathorn, Hickinbotham, House, Hutchinson, Jackson, Jeffrey, C. Johnson, J. Johnson, Jones, Judy, Key, King, Ledbetter, Lendall, Lewellen, Mack, Mahony, Martin, Matayo, Mathis, Medley, Milligan, Moore, Napper, Oglesby, Pace, Parks, Pate, Penix, Petrus, Pickett, L. Prater, S. Prater, Pritchard, Rankin, Roebuck, Rosenbaum, Scrimshire, Seawel, R. Smith, Stovall, Sumpter, Thomas, Walters, Weaver, White, Wood.

Total70

NEGATIVE: Agee, Anderson, Bennett, Berry, Bledsoe, Haak, Hardwick, Harris, Lamoureux, Nichols, Norton, Ormond, Schulte, C. Taylor, J. Taylor, Verkamp.

Total16

ABSENT OR NOT VOTING: Bolin, Childers, Dobbins, D. Evans, L. Evans, Ferguson, Gipson, Jacobs, Kenney, Scroggin, Sullivan, Thomason, Thyer, Mr. Speaker.

Total14

VOTING PRESENT:

Total0

Total number of votes cast.....86

Total number voting in the affirmative70

Necessary to the passage of the bill51

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

There being an Emergency Clause attached to **HOUSE BILL NO. 1179**, 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, Biggs, Blair, Bond, P. Bookout, Borhauer, Boyd, Bradford, Bright, Chesterfield, Clemons, Cowling, Creekmore, Dangeau, Dees, Dickinson, Eason, Edwards, Elliott, Fite, Gillespie, Goss, Green, Hathorn, Hickinbotham, House, Hutchinson, Jackson, Jeffrey, C. Johnson, J. Johnson, Jones, Judy, Key, King, Ledbetter, Lendall, Lewellen, Mack, Mahony, Martin, Matayo, Mathis, Medley, Milligan, Moore, Napper, Oglesby, Pace, Parks, Pate, Penix, Petrus, Pickett, L. Prater, S. Prater, Pritchard, Rankin, Roebuck, Rosenbaum, Scrimshire, Seawel, R. Smith, Stovall, Sumpter, Thomas, Walters, Weaver, White, Wood.

Total70

NEGATIVE: Agee, Anderson, Bennett, Berry, Bledsoe, Haak, Hardwick, Harris, Lamoureux, Nichols, Norton, Ormond, Schulte, C. Taylor, J. Taylor, Verkamp.

Total16

ABSENT OR NOT VOTING: Bolin, Childers, Dobbins, D. Evans, L. Evans, Ferguson, Gipson, Jacobs, Kenney, Scroggin, Sullivan, Thomason, Thyer, Mr. Speaker.

Total14

VOTING PRESENT:

Total0

Total number of votes cast86

Total number voting in the affirmative70

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

So the Emergency Clause was adopted.

HOUSE BILL NO. 1185

BY: REPRESENTATIVE MILLIGAN

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

AFFIRMATIVE: Adams, Blair, Bolin, Borhauer, Boyd, Bradford, Clemons, Cowling, Dickinson, Eason, Elliott, D. Evans, L. Evans, Fite, Gillespie, Gipson, Goss, Green, Hickinbotham, House, Jacobs, Jeffrey, C. Johnson, Judy, Ledbetter, Lendall, Lewellen, Mahony, Milligan, Nichols, Oglesby, Ormond, Pate, Petrus, L. Prater, Scrimshire, Scroggin, Seawel, Stovall, Sullivan, J. Taylor, Thomas, Thomason, Walters, Weaver, White.

Total46

NEGATIVE: Agee, Anderson, Berry, Biggs, Bledsoe, Bond, P. Bookout, Bright, Childers, Creekmore, Edwards, Hardwick, Harris, Hutchinson, J. Johnson, Jones, Kenney, Key, King, Lamoureux, Martin, Matayo, Mathis, Moore, Norton, Pace, Parks, Penix, S. Prater, Pritchard, Roebuck, Rosenbaum, Schulte, C. Taylor, Thyer, Verkamp, Wood.

Total37

ABSENT OR NOT VOTING: Bennett, Chesterfield, Dangeau, Dees, Dobbins, Ferguson, Haak, Hathorn, Jackson, Mack, Medley, Napper, Pickett, Rankin, R. Smith, Sumpter, Mr. Speaker.

Total17

VOTING PRESENT:

Total0

Total number of votes cast.....83

Total number voting in the affirmative46

Necessary to the passage of the bill51

So the Bill failed.

HOUSE BILL NO. 1186

BY: REPRESENTATIVE JACKSON

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, Biggs, Blair, Bolin, Bond, P. Bookout, Borhauer, Boyd, Bradford, Bright, Chesterfield, Childers, Clemons, Cowling, Creekmore, Dees, Dickinson, Dobbins, Eason, Edwards, Elliott, D. Evans, L. Evans, Ferguson, Fite, Gillespie, Gipson, Goss, Green, Haak, Hardwick, Hathorn, Hickinbotham, House, Hutchinson, Jackson, Jacobs, Jeffrey, C. Johnson, J. Johnson, Jones, Judy, Kenney, King, Lamoureux, Ledbetter, Lendall, Lewellen, Mack, Mahony, Martin, Mathis, Medley, Milligan, Moore, Nichols, Norton, Oglesby, Ormond, Pace, Pate, Penix, Petrus, Pickett, L. Prater, S. Prater, Pritchard, Rankin, Roebuck, Rosenbaum, Scrimshire, Scroggin, Seawel, R. Smith, Sullivan, Sumpter, J. Taylor, Thomas, Thomason, Thyer, Verkamp, Walters, Weaver, White, Wood.

Total89

NEGATIVE: Harris, Key, Matayo.

Total3

ABSENT OR NOT VOTING: Bledsoe, Dangeau, Napper, Parks, Schulte, Stovall, C. Taylor, Mr. Speaker.

Total8

VOTING PRESENT:

Total0

Total number of votes cast.....92

Total number voting in the affirmative89

Necessary to the passage of the bill51

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

Motion was made by Representative C. Johnson to refer SENATE BILL NO. 49 back to the Committee on EDUCATION. Motion carried.

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

ARKANSAS SENATE
AMENDMENT NO. 1 TO HOUSE BILL NO. 1154

Amend **HOUSE BILL NO. 1154** as originally introduced:

Page 2, delete line 3, and substitute:

"Testing Service.

(2) "Concurrent enrollment course" means a college level course or courses offered by an institution of higher education which upon completion would qualify for academic credit in both the institution of higher education and a public high school."

AND

Page 2, line 4, delete "(2)" and substitute "(3)"

AND

Page 2, line 7, delete "(3)" and substitute "(4)"

AND

Page 3, delete line 5, and substitute:

"available to high school students.

6-16-1205. Concurrent Enrollment Course Approval Panel.

(a) There is established a panel to be known as the "Concurrent Enrollment Course Approval Panel".

(b) The panel shall consist of six (6) members as follows:

(1) Three (3) persons appointed by the Director of the Department of Education; and

(2) Three (3) persons appointed by the Director of the Department of Higher Education.

(c) The appointed panel members shall be:

(1) Knowledgeable regarding advanced placement coursework or concurrent enrollment coursework; and

(2) Residents of the State of Arkansas at the time of appointment and throughout his or her term.

(d) Members shall serve at the pleasure of the director making his or her appointment.

(e) If a vacancy occurs in an appointed position, for any reason, the vacancy shall be filled by appointment by the director of the department that made the original appointment.

(f)(1) A member of the panel appointed by the Director of the Department of

Education and the Department of Higher Education shall alternate serving as chairperson of the panel each year.

(2) The Director of the Department of Education and the Department of Higher Education shall alternate each year naming a person to serve as chairperson of the panel.

(3) The Director of the Department of Education and the Department of Higher Education shall draw lots to determine which director shall first appoint a chairperson.

(g)(1) The panel shall meet at times and places the chairperson deems necessary, but no meetings shall be held outside of the State of Arkansas.

(2) A majority of the members of the panel shall constitute a quorum for the purpose of transacting business.

(3) All action of the panel shall be by a majority vote of the full membership of the panel.

(h) For the purpose of access and equity, the panel shall make recommendations to the Department of Education and the Department of Higher Education regarding the rules for offering of Advance Placement courses or concurrent enrollment courses, or both.

(i) The Department of Higher Education and the Department of Education may jointly promulgate rules for offering of Advance Placement courses or concurrent enrollment courses, or both based upon the recommendations of the panel.

(j)(1) The Department of Higher Education shall provide staff and office space to the panel.

(2)(A) Members of the panel shall serve without pay.

(B) Members of the panel may receive expense reimbursement in accordance with Arkansas Code § 25-16-902, to be paid by the Department of Higher Education to the extent money is available.

6-16-1206. Exemption.

Any high school offering the International Baccalaureate Diploma Program shall be exempt from the provisions of this subchapter."

/s/ Shane Broadway

The Amendment was read and the vote was as follows:

AFFIRMATIVE: Adams, Blair, Bledsoe, Bolin, Bond, P. Bookout, Borhauer, Boyd, Bradford, Bright, Chesterfield, Childers, Clemons, Cowling, Creekmore, Dees, Dickinson, Dobbins, Eason, Edwards, Elliott, L. Evans, Ferguson, Fite, Gipson, Goss, Green, Haak, Hardwick, Harris, Hathorn, House, Hutchinson, Jackson, Jacobs, Jeffrey, C. Johnson, J. Johnson, Judy, Kenney, Key, King, Lamoureux, Ledbetter, Lendall, Lewellen, Mack, Mahony, Martin, Matayo, Mathis, Medley, Moore, Nichols, Ormond, Penix, Pickett, L. Prater, S. Prater, Pritchard, Roebuck, Seawel, R. Smith, C. Taylor, Thomas, Verkamp, Walters, White, Wood.

Total69

NEGATIVE: Pate.

Total1

ABSENT OR NOT VOTING: Agee, Anderson, Bennett, Berry, Biggs, Dangeau, D. Evans, Gillespie, Hickenbotham, Jones, Milligan, Napper, Norton, Oglesby, Pace, Parks, Petrus, Rankin, Rosenbaum, Schulte, Scrimshire, Scroggin, Stovall, Sullivan, Sumpter, J. Taylor, Thomason, Thyer, Weaver, Mr. Speaker.

Total30

VOTING PRESENT:

Total0

Total number of votes cast.....70

Total number voting in the affirmative69

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

So the Amendment was concurred in.

/s/ Ms. Jo Renshaw
Chief Clerk

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

SENATE BILL NO. 91

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, Berry, Biggs, 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, Hardwick, 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, L. Prater, S. Prater, Pritchard, Rankin, Roebuck, Rosenbaum, Schulte, Scrimshire, Seawel, R. Smith, Sullivan, Sumpter, J. Taylor, Thomas, Thomason, Thyer, Verkamp, Walters, Weaver, White, Wood.

Total93

NEGATIVE:

Total0

ABSENT OR NOT VOTING: Adams, Bennett, Bright, Scroggin, Stovall, C. Taylor, Mr. Speaker.

Total7

VOTING PRESENT:

Total0

Total number of votes cast93

Total number voting in the affirmative93

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. 91**, 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, Berry, Biggs, 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, Hardwick, 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, L. Prater, S. Prater, Pritchard, Rankin, Roebuck, Rosenbaum, Schulte, Scrimshire, Seawel, R. Smith, Sullivan, Sumpter, J. Taylor, Thomas, Thomason, Thyer, Verkamp, Walters, Weaver, White, Wood.

Total93

NEGATIVE:

Total0

ABSENT OR NOT VOTING: Adams, Bennett, Bright, Scroggin, Stovall, C. Taylor, Mr. Speaker.

Total7

VOTING PRESENT:

Total0

Total number of votes cast.....93

Total number voting in the affirmative93

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

So the Emergency Clause was adopted.

State of Arkansas
Office of the Governor

Mike Huckabee
Governor

February 6, 2004

TO THE SPEAKER OF THE HOUSE

Dear Mr. Speaker:

This is to inform you that on February 6, 2004, I approved the following measures from the Second Extraordinary Session of the Eighty-Fourth General Assembly:

HOUSE BILL NO. 1158 is now Act Number 78

HOUSE BILL NO. 1148 is now Act Number 79

HOUSE BILL NO. 1161 is now Act Number 80

HOUSE BILL NO. 1140 is now Act Number 82

HOUSE BILL NO. 1170 is now Act Number 83

Sincerely,

/s/ Mike Huckabee

Motion was made by Representative Gillespie to suspend the rules and place **HOUSE BILL NO. 1182** back on second reading for the purpose of amendment.

On this motion the vote was as follows:

AFFIRMATIVE: Adams, Bolin, Bond, P. Bookout, Boyd, Bradford, Bright, Chesterfield, Childers, Cowling, Creekmore, Dangeau, Dees, Dickinson, Eason, D. Evans, L. Evans, Ferguson, Fite, Gillespie, Gipson, Goss, Hathorn, Hickinbotham, Hutchinson, Jackson, Jacobs, Jeffrey, Jones, Ledbetter, Lewellen, Mack, Mahony, Martin, Mathis, Milligan, Moore, Napper, Nichols, Oglesby, Ormond, Parks, Pate, Petrus, Pickett, L. Prater, S. Prater, Rankin, Roebuck, Scrimshire, Scroggin, Seawel, Stovall, Sullivan, Sumpter, J. Taylor, Thomason, Thyer, Verkamp, Walters, Weaver, Wood.

Total62

NEGATIVE: Agee, Anderson, Bennett, Berry, Blair, Bledsoe, Borhauer, Dobbins, Edwards, Elliott, Green, Haak, Hardwick, Harris, C. Johnson, J. Johnson, Judy, Kenney, Key, King, Lamoureux, Matayo, Pace, Penix, Pritchard, Rosenbaum, Schulte, C. Taylor, Thomas, White.

Total30

ABSENT OR NOT VOTING: Biggs, Clemons, House, Lendall, Medley, Norton, R. Smith, Mr. Speaker.

Total8

VOTING PRESENT:

Total0

Total number of votes cast.....92

Total number voting in the affirmative62

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

So the motion was adopted.

Upon motion of Representative Gillespie, **HOUSE BILL NO. 1182** was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 1 TO HOUSE BILL NO. 1182

Amend **HOUSE BILL NO. 1182** as originally introduced:

Page 1, line 11 delete "EDUCATIONAL ADEQUACY ACCOUNTING" and substitute "THE EDUCATIONAL FACILITIES FUND ACCOUNT"

AND

Delete the Subtitle in its entirety and substitute the following:

"AN ACT PROVIDING EDUCATION REFORM; TO PROVIDE FOR EDUCATION FUNDING; TO ESTABLISH THE EDUCATIONAL FACILITIES FUND ACCOUNT; AND TO CREATE A SUPPLEMENTAL TEACHER SALARY PLAN."

AND

Delete everything after the enacting clause and substitute the following:

"SECTION 1. Arkansas Code § 6-20-2003(22), as added by Act 59 of the Second Extraordinary Session 2003, concerning the definitions used under the Public School Funding Act of 2003, is amended to read as follows:

(22)(A) "Student growth funding" means the amount of state financial aid provided to each school district from the funds made available for that purpose.

(B) For school year 2004-2005, student growth funding is calculated as ~~five thousand four hundred dollars (\$5,400)~~ five thousand two hundred fifty dollars (\$5,250) multiplied by the increase, if any, in the school district's two-quarter average of the average daily membership of the current school year over the local school district's average daily membership for the previous school year, excluding any increase resulting solely from consolidation or annexation with another school district;

SECTION 2. Arkansas Code § 6-20-2005(a)(2), as added by Act 59 of the Second Extraordinary Session 2003, concerning school funding, is amended to read as follows:

(2) For the 2004-2005 school year, the foundation funding amount is equal to ~~five thousand four hundred dollars (\$5,400)~~ five thousand two hundred fifty dollars (\$5,250) times the average daily membership of the previous school year.

SECTION 3. Teacher salary supplement.

(a) As used in this section:

(1) "Average daily membership" has the same meaning as defined under § 6-20-2003 as added by Act 59 of the Second Extraordinary Session 2003;

(2) "District entry salary" means the salary for a teacher with a bachelor's degree and no experience based upon the school district's salary

schedule for the 2002-2003 school year; and

(3) "State entry salary" means the salary for a classroom teacher with a bachelor's degree and no experience required by state law for the current school year.

(b)(1) Beginning with school year 2004-2005, any school district with a district entry salary for the previous school year that is less than the state entry salary required by state law shall be entitled to receive a salary supplement calculated as follows:

(A) The district's average daily membership for the previous school year shall be divided by twelve (12);

(B) The quotient of subdivision (b)(1)(A) shall be multiplied by the positive result of the state entry salary minus the district entry salary;

(C) The product of subdivision (b)(1)(B) shall be multiplied by one hundred and twenty-five percent (125%); and

(D) The product of subdivision (b)(1)(C) shall be the amount of the district's salary supplement.

(2) The following is an example of the formula set forth under subsection (b) of this section:

$[(ADM \div 12) \times (\text{State entry salary} - \text{District entry salary})] \times 1.25 = \text{District's Salary Supplement}$

(c)(1) Any district with a district entry salary that meets or exceeds the state entry salary shall not receive a salary supplement under this section.

(2) Nothing in this section shall be construed to cause a reduction in any funding received by a school district, even if the district's entry salary meets or exceeds the state entry salary.

SECTION 4. Arkansas Code § 19-5-305(a), concerning accounts within the Public School Fund, is amended to add a new subdivision to read as follows:

(4)(A) Educational Facilities Fund Account. The Educational Facilities Fund Account shall be used for the improvement and construction of public school facilities and other purposes as determined by the General Assembly.

(B) For each fiscal year beginning July 1, 2004, the Treasurer of State shall transfer monthly from the Department of Education Public School Fund Account to the Educational Facilities Fund Account one-twelfth (1/12) of an amount equal to one hundred fifty dollars (\$150) multiplied times the statewide average daily membership less the amount of funds distributed to school districts during the fiscal year as teacher salary supplements under Section 3 of the act that was introduced as House Bill 1182 of the Second Extraordinary Session 2003.

(C) For purposes of this subdivision (4):

(i) "Statewide average daily membership" means the sum of the average daily membership of all school districts for the school year preceding the fiscal year in which the transfer under subsection (b) is made; and

(ii) "Average daily membership" has the same meaning as defined under § 6-20-2003 as added by Act 59 of the Second Extraordinary Session 2003.

SECTION 5. Effective date.

This act shall become effective on July 1, 2004."

/s/ Jeff Gillespie

The Amendment was read and the vote was as follows:

AFFIRMATIVE: Adams, Berry, Bolin, Bond, P. Bookout, Boyd, Bradford, Bright, Chesterfield, Childers, Clemons, Cowling, Dangeau, Dickinson, Eason, D. Evans, L. Evans, Ferguson, Gillespie, Gipson, Goss, Haak, Hathorn, Hickinbotham, House, Hutchinson, Jackson, Jacobs, Jeffrey, Judy, King, Ledbetter, Mack, Martin, Mathis, Milligan, Moore, Napper, Nichols, Norton, Oglesby, Ormond, Pate, Petrus, Pickett, L. Prater, S. Prater, Pritchard, Rankin, Roebuck, Scrimshire, Scroggin, Seawel, R. Smith, Stovall, Sullivan, Sumpter, C. Taylor, J. Taylor, Thomason, Thyer, Verkamp, Walters, Weaver, Wood, Mr. Speaker.

Total66

NEGATIVE: Agee, Anderson, Bennett, Blair, Bledsoe, Borhauer, Dees, Edwards, Elliott, Fite, Green, Hardwick, Harris, C. Johnson, J. Johnson, Kenney, Key, Lamoureux, Lewellen, Mahony, Penix, Rosenbaum, Schulte, Thomas, White.

Total25

ABSENT OR NOT VOTING: Biggs, Creekmore, Dobbins, Jones, Lendall, Matayo, Medley, Pace, Parks.

Total9

VOTING PRESENT:

Total0

Total number of votes cast91

Total number voting in the affirmative66

Necessary to the adoption of the amendment.....51

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

/s/ Ms. Jo Renshaw

Chief Clerk

The House stood in recess at 12:13 p.m. until 1:30 p.m.

The House reconvened at 1:41 p.m.

Upon motion by Representative Calvin Johnson the House recessed at 1:46 p.m. for 15 minutes.

The House reconvened at 2:37 p.m.

Motion by Representative Jacobs to suspend Rule No. 106 until December 8, 2004. Motion carried.

REPRESENTATIVE GILLESPIE: MR. SPEAKER, PRIVILEGED MATTER.

CHAIR: WHAT IS YHOUR PRIVILEGED MATTER, MR. GILLESPIE?

REPRESENTATIVE GILLESPIE: WILL THE HOUSE ON RECONSIDERATION AGREE TO PASS **SENATE BILL NO. 79**, SPECIFICALLY SECTION 8, THE OBJECTIONS OF THE GOVERNOR TO THE CONTRARY NOTWITHSTANDING?

CHAIR: THAT IS A PRIVILEGED MATTER. MR. CLERK, READ THE VETO MESSAGE FROM THE GOVERNOR, TO THE PRESIDENT AND MEMBERS OF THE SENATE.

MR. CLERK, READ THE NOTICE OF PASSAGE OF THE VETO OVERRIDE OF SB79 BY THE SENATE.

REPRESENTATIVE GILLESPIE, YOU ARE RECOGNIZED TO SPEAK FOR THE OVERRIDE OF SB79.

Motion was made by Representative Anderson for immediate consideration of **SENATE BILL NO. 79** and to override the line item veto of the Governor.

On this motion the vote was as follows:

AFFIRMATIVE: Biggs, Blair, Bolin, Bond, P. Bookout, Borhauer, Boyd, Bradford, Chesterfield, Clemons, Cowling, Creekmore, Dangeau, Eason, Edwards, Elliott, D. Evans, L. Evans, Ferguson, Fite, Gillespie, Gipson, Goss, Hathorn, Hickinbotham, Jacobs, Jeffrey, C. Johnson, J. Johnson, Jones, [Judy], Ledbetter, Lendall, Lewellen, Mack, Mahony, Martin, Mathis, Milligan, Moore, Napper, Nichols, Oglesby, Pate, Petrus, Pickett, L. Prater, Rankin, Roebuck, Scrimshire, Seawel, Stovall, Sullivan, Sumpter, Thomas, Thomason, Thyer, Weaver, White, Wood.

Total60

NEGATIVE: Adams, Agee, Anderson, Bennett, Bledsoe, Bright, Childers, Dickinson, Green, Haak, Hardwick, Harris, House, Hutchinson, Kenney, Key, King, Lamoureux, Matayo, Norton, Ormond, Pace, Parks, Penix, Pritchard, Rosenbaum, Schulte, R. Smith, C. Taylor, J. Taylor, [Verkamp].

Total31

ABSENT OR NOT VOTING: Berry, Dees, Dobbins, Jackson, Medley, S. Prater, Scroggin, Walters, Mr. Speaker.

Total9

VOTING PRESENT:

Total0

Total number of votes cast91

Total number voting in the affirmative60

Necessary to the adoption of the motion51

So the motion was adopted.

PAIR VOTE
ON
SENATE BILL NO. 79

AYE: REPRESENTATIVE JANICE JUDY
NAY: REPRESENTATIVE JOHN PAUL VERKAMP
WITNESS: REPRESENTATIVE KEN COWLING

This pair form was signed by Representative Janice Judy and Representative John Paul Verkamp in the presence of each other and witnessed by Representative Ken Cowling.

Total number of votes cast.....91
Necessary to the passage of the bill51
Total number voting in the affirmative60
Total number voting in the negative31
Total number absent or not voting.....9
Total number voting present0

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

REPRESENTATIVE DANGEAU: MR. SPEAKER, PRIVILEGED MATTER.

CHAIR: WHAT IS YOUR PRIVILEGED MATTER, MR. DANGEAU?

REPRESENTATIVE DANGEAU: WILL THE HOUSE ON RECONSIDERATION AGREE TO PASS **HOUSE BILL NO. 1034**, THE OBJECTIONS OF THE GOVERNOR TO THE CONTRARY NOTWITHSTANDING?

CHAIR: THAT IS A PRIVILEGED MATTER. MR. CLERK, READ THE VETO MESSAGE FROM THE GOVERNOR TO THE SPEAKER AND MEMBERS OF THE HOUSE.

REPRESENTATIVE DANGEAU, YOU ARE RECOGNIZED TO SPEAK FOR THE OVERRIDE OF HB1034.

Motion was made by Representative Dangeau for reconsideration of **HOUSE BILL NO. 1034** and to override the veto of the Governor.

On this motion the vote was as follows:

AFFIRMATIVE: Adams, Blair, Bolin, Bond, P. Bookout, Borhauer, Boyd, Bradford, Chesterfield, Clemons, Cowling, Creekmore, Dangeau, Dickinson, Eason, Elliott, D. Evans, L. Evans, Ferguson, Fite, Gillespie, Gipson, Goss, Hathorn, Hickinbotham, House, Jacobs, Jeffrey, C. Johnson, J. Johnson, Jones, Ledbetter, Lendall, Lewellen, Mack, Mahony, Mathis, Milligan, Moore, Nichols, Oglesby, Ormond, Pate, Petrus, Pickett, L. Prater, Roebuck, Scrimshire, Scroggin, Seawel, Stovall, Sullivan, Sumpter, J. Taylor, Thomas, Thomason, Thyer, Verkamp, Walters, Weaver, White, Wood, Mr. Speaker.

Total63

NEGATIVE: Agee, Anderson, Bennett, Berry, Biggs, Bledsoe, Bright, Childers, Edwards, Green, Haak, Hardwick, Harris, Hutchinson, Jackson, Kenney, Key, King, Lamoureux, Martin, Matayo, Napper, Norton, Pace, Parks, Penix, Pritchard, Rankin, Rosenbaum, Schulte, R. Smith, C. Taylor.

Total32

ABSENT OR NOT VOTING: Dees, Dobbins, Judy, Medley, S. Prater.

Total5

VOTING PRESENT:

Total0

Total number of votes cast95

Total number voting in the affirmative63

Necessary to the adoption of the motion51

So the motion was adopted.

Upon motion of Representative C. Johnson, **SENATE BILL NO. 49** was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 1 TO SENATE BILL NO. 49

Amend **SENATE BILL NO. 49** as originally introduced:

Page 5, delete lines 23 through 27 entirely

/s/ Calvin Johnson

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

/s/ Ms. Jo Renshaw

Chief Clerk

HOUSE RESOLUTION NO.1030

BY: REPRESENTATIVE BRADFORD

COMMEMORATING SIXTY YEARS OF EASTER SEALS ARKANSAS HELPING CHILDREN AND ADULTS WITH DISABILITIES GAIN THEIR GREATEST LEVEL OF INDEPENDENCE.

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

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

ARKANSAS SENATE

AMENDMENT NO. 1 TO HOUSE BILL NO. 1177

Amend **HOUSE BILL NO. 1177** as originally introduced:

Page 1, line 31, delete "resides" and substitute "is enrolled in a public school"

AND

Page 1, line 32, delete "consolidated, shall" and substitute "consolidated by Act 60 of the Second Extraordinary Session of 2003 may, at the discretion of the local school board of directors,"

AND

Page 1, line 34, delete "the school" and substitute the "the public school"

/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, Childers, Clemons, Cowling, Creekmore, Dangeau, Dees, Dickinson, Eason, Edwards, Elliott, D. Evans, L. Evans, Ferguson, Fite, Gillespie, Gipson, Goss, Green, Haak, Hardwick, Harris, Hathorn, Hickinbotham, House, Hutchinson, Jackson, Jacobs, Jeffrey, C. Johnson, Jones, 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, L. Prater, S. Prater, Pritchard, Roebuck, Rosenbaum, Scrimshire, Scroggin, Seawel, R. Smith, Stovall, Sullivan, Sumpter, C. Taylor, J. Taylor, Thomas, Thomason, Thyer, Verkamp, Walters, Weaver, White, Wood.

Total93

NEGATIVE: Schulte.

Total1

ABSENT OR NOT VOTING: Chesterfield, Dobbins, J. Johnson, Judy, Rankin, Mr. Speaker.

Total6

VOTING PRESENT:

Total0

Total number of votes cast.....94

Total number voting in the affirmative93

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

So the Amendment was concurred in.

/s/ Ms. Jo Renshaw
Chief Clerk

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

ARKANSAS SENATE

AMENDMENT NO. 2 TO HOUSE BILL NO. 1177

Amend **HOUSE BILL NO. 1177** as originally introduced:

Add Senators Gullett and Laverty as cosponsors of the bill

/s/ B. Gullett

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, Hardwick, Harris, Hathorn, Hickinbotham, House, Hutchinson, Jackson, Jacobs, Jeffrey, C. Johnson, J. Johnson, Jones, 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, L. Prater, S. Prater, Pritchard, Rankin, Roebuck, Rosenbaum, Schulte, Scrimshire, Scroggin, Seawel, R. Smith, Stovall, Sullivan, Sumpter, C. Taylor, J. Taylor, Thomas, Thomason, Thyer, Verkamp, Walters, Weaver, Wood.

Total96

NEGATIVE:

Total0

ABSENT OR NOT VOTING: Dobbins, Judy, White, Mr. Speaker.

Total4

VOTING PRESENT:

Total0

Total number of votes cast96

Total number voting in the affirmative96

Necessary to concur in the amendment51

So the Amendment was concurred in.

/s/ Ms. Jo Renshaw

Chief Clerk

Representative Medley moved that the record by which **HOUSE BILL NO. 1043** failed to pass be expunged from the record.

On this motion the vote was as follows:

AFFIRMATIVE: Adams, Blair, Bledsoe, Bolin, Bond, Borhauer, Boyd, Bradford, Bright, Chesterfield, Clemons, Creekmore, Dangeau, Dees, Dickinson, Dobbins, Eason, Elliott, D. Evans, Ferguson, Fite, Goss, Green, Haak, Harris, Hathorn, Hickinbotham, House, Jackson, Jacobs, Jeffrey, C. Johnson, J. Johnson, Jones, King, Ledbetter, Lendall, Lewellen, Mack, Martin, Mathis, Medley, Moore, Norton, Parks, Petrus, Pickett, Roebuck, Rosenbaum, Seawel, R. Smith, Stovall, Sullivan, Sumpter, C. Taylor, J. Taylor, Thomas, Thomason, Verkamp, Walters, White, Wood.

Total62

NEGATIVE: Agee, Bennett, Berry, Cowling, Edwards, Gipson, Hardwick, Hutchinson, Kenney, Key, Lamoureux, Mahony, Matayo, Milligan, Nichols, Oglesby, Ormond, Pritchard, Rankin, Schulte, Scroggin, Weaver.

Total22

ABSENT OR NOT VOTING: Anderson, Biggs, P. Bookout, Childers, L. Evans, Gillespie, Judy, Napper, Pace, Pate, Penix, L. Prater, S. Prater, Scrimshire, Thyer, Mr. Speaker.

Total16

VOTING PRESENT:

Total0

Total number of votes cast84

Total number voting in the affirmative62

Necessary to the adoption of the motion67

So the motion failed of adoption.

Motion was made by Representative Scrimshire for immediate consideration of **SENATE BILL NO. 83**. Motion carried.

SENATE BILL NO. 83

BY: SENATOR WILKINS

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

AFFIRMATIVE: Adams, Blair, P. Bookout, Borhauer, Bradford, Chesterfield, Clemons, Creekmore, Dees, Eason, Elliott, Fite, Goss, Green, House, C. Johnson, J. Johnson, Jones, Ledbetter, Lendall, Lewellen, Martin, Medley, Moore, Napper, Penix, Pickett, S. Prater, Scrimshire, Seawel, Thomas, Walters, White, Wood.

Total34

NEGATIVE: Agee, Anderson, Bennett, Berry, Biggs, Bond, Boyd, Bright, Childers, Cowling, Dangeau, Dickinson, Edwards, D. Evans, L. Evans, Ferguson, Gillespie, Haak, Hardwick, Hathorn, Hickinbotham, Hutchinson, Jackson, Jacobs, Jeffrey, Kenney, Key, Lamoureux, Mack, Mahony, Matayo, Mathis, Milligan, Nichols, Norton, Oglesby, Ormond, Pace, Parks, Pate, Petrus, L. Prater, Pritchard, Roebuck, Rosenbaum, Schulte, Scroggin, R. Smith, Stovall, Sullivan, Sumpter, C. Taylor, J. Taylor, Thomason, Thyer, Verkamp, Weaver.

Total57

ABSENT OR NOT VOTING: Bledsoe, Bolin, Dobbins, Gipson, Harris, Judy, King, Rankin, Mr. Speaker.

Total9

VOTING PRESENT:

Total0

Total number of votes cast91

Total number voting in the affirmative34

Necessary to the passage of the bill51

So the Bill failed.

Upon motion of Representative C. Johnson the rules were suspended to consider **SENATE BILL NO. 49**.

SENATE BILL NO. 49

BY: SENATOR WILKINS

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

AFFIRMATIVE: Agee, Bennett, Biggs, Blair, Bledsoe, Bond, P. Bookout, Borhauer, Boyd, Bradford, Bright, Childers, Clemons, Creekmore, Dangeau, Dees, Dickinson, Eason, Edwards, Elliott, L. Evans, Ferguson, Fite, Gillespie, Goss, Green, Haak, Hardwick, Harris, Hathorn, House, Hutchinson, Jackson, Jacobs, C. Johnson, J. Johnson, Jones, Key, Lamoureux, Ledbetter, Lendall, Lewellen, Mack, Mahony, Martin, Matayo, Medley, Moore, Nichols, Oglesby, Ormond, Parks, Pate, Penix, Petrus, Pickett, L. Prater, S. Prater, Pritchard, Roebuck, Rosenbaum, Schulte, Seawel, R. Smith, Sullivan, Sumpter, C. Taylor, Thomas, Thomason, Thyer, Verkamp, Walters, White, Wood.

Total74

NEGATIVE: Adams, Berry, D. Evans, Jeffrey, Milligan, Norton, Scrimshire, Stovall, Weaver.

Total9

ABSENT OR NOT VOTING: Anderson, Bolin, Chesterfield, Cowling, Dobbins, Gipson, Hickinbotham, Judy, Kenney, King, Mathis, Napper, Pace, Rankin, Scroggin, J. Taylor, Mr. Speaker.

Total17

VOTING PRESENT:

Total0

Total number of votes cast83

Total number voting in the affirmative74

Necessary to the passage of the bill51

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

SENATE CONCURRENT MEMORIAL RESOLUTION NO. 5

BY: SENATOR HILL

TO PROVIDE THAT THE SECOND EXTRAORDINARY SESSION OF THE EIGHTY-FOURTH GENERAL ASSEMBLY SHALL ENTER INTO RECESS AT THE CLOSE OF BUSINESS IN EACH HOUSE ON FEBRUARY 6, 2004, TO RECONVENE AT 12:00 NOON ON THURSDAY, MARCH 4, 2004, FOR THE PURPOSE OF CONSIDERING VETOES, CORRECTING ERRORS, OVERSIGHTS AND OMISSIONS, AND TO CONSIDER OTHER MATTERS INCLUDED IN THE EXECUTIVE PROCLAMATION WHICH CALLED THE SECOND EXTRAORDINARY SESSION OF THE EIGHTY-FOURTH GENERAL ASSEMBLY.

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

HOUSE BILLS ORDERED TRANSMITTED TO THE SENATE AS PASSED

HOUSE BILL NO. 1159 BY REPRESENTATIVE MATAYO

HOUSE BILL NO. 1179 BY REPRESENTATIVE CHESTERFIELD

HOUSE BILL NO. 1186 BY REPRESENTATIVE JACKSON

NOTICE OF TRANSMITTAL OF HOUSE BILL NO. 1034
HAVING OVERRIDDEN THE VETO OF THE GOVERNOR

HOUSE BILL NO. 1034 BY REPRESENTATIVE CLEVELAND

HOUSE CONCURRENT RESOLUTIONS ADOPTED AND
ORDERED TRANSMITTED TO THE SENATE

HOUSE CONCURRENT RESOLUTION NO. 1004 BY REPRESENTATIVE FITE

SENATE CONCURRENT RESOLUTIONS CONCURRED IN
AND ORDERED RETURNED TO THE SENATE

SENATE CONCURRENT RESOLUTION NO. 5 BY SENATOR HILL

ARKANSAS SENATE
HOUSE BILLS RETURNED FROM THE SENATE AS PASSED

HOUSE BILL NO. 1030 BY REPRESENTATIVE HICKINBOTHAM
HOUSE BILL NO. 1052 BY REPRESENTATIVE HOUSE
HOUSE BILL NO. 1061 BY REPRESENTATIVE CHESTERFIELD
HOUSE BILL NO. 1098 BY REPRESENTATIVE MAHONY
HOUSE BILL NO. 1122 BY REPRESENTATIVE GILLESPIE
HOUSE BILL NO. 1153 BY REPRESENTATIVE CLEVELAND
HOUSE BILL NO. 1177 BY REPRESENTATIVE PETRUS
AS AMENDED #1 & 2

SENATE BILLS ORDERED RETURNED TO THE SENATE AS PASSED

SENATE BILL NO. 49 BY SENATOR WILKINS
AS AMENDED #1
SENATE BILL NO. 89 BY SENATOR STEELE
SENATE BILL NO. 91 BY SENATOR BISBEE
AS AMENDED #1

ARKANSAS SENATE
NOTICE OF TRANSMITTAL OF SENATE BILL NO. 79
HAVING OVERRIDDEN THE LINE ITEM VETO OF THE GOVERNOR

SENATE BILL NO. 79 BY JOINT BUDGET COMMITTEE

ARKANSAS SENATE
HOUSE BILLS RETURNED FROM THE SENATE
HAVING FAILED TO PASS

HOUSE BILL NO. 1007 BY REPRESENTATIVE PICKETT
HOUSE BILL NO. 1084 BY REPRESENTATIVE LENDALL

ARKANSAS SENATE
SENATE CONCURRENT RESOLUTIONS ADOPTED AND
TRANSMITTED TO THE HOUSE

SENATE CONCURRENT RESOLUTION NO. 5 BY SENATOR HILL

ENROLLED AND DELIVERY TO GOVERNOR REPORTS

Little Rock, Arkansas
February 6, 2004

MR. SPEAKER:

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

HOUSE BILL NO. 1080 BY REPRESENTATIVE C. JOHNSON

HOUSE BILL NO. 1170 BY REPRESENTATIVE P. BOOKOUT, 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 9:05 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. 1080 BY REPRESENTATIVE C. JOHNSON

HOUSE BILL NO. 1170 BY REPRESENTATIVE P. BOOKOUT, ET AL

/s/ Mike Huckabee - Governor

TIME: 9:05 a.m.

By: Stacy DeJarnett

ENROLLED AND DELIVERY TO GOVERNOR REPORTS

Little Rock, Arkansas

February 6, 2004

MR. SPEAKER:

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

HOUSE CONCURRENT RESOLUTION NO. 1003

BY REPRESENTATIVE STOVALL

HOUSE BILL NO. 1030 BY REPRESENTATIVE HICKINBOTHAM

HOUSE BILL NO. 1056 BY REPRESENTATIVE C. JOHNSON, ET AL

HOUSE BILL NO. 1138 BY REPRESENTATIVE C. JOHNSON

HOUSE BILL NO. 1154 BY REPRESENTATIVE MAHONY

HOUSE BILL NO. 1162 BY REPRESENTATIVE STOVALL, 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 2:00 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 CONCURRENT RESOLUTION NO. 1003

BY REPRESENTATIVE STOVALL

HOUSE BILL NO. 1030 BY REPRESENTATIVE HICKINBOTHAM

HOUSE BILL NO. 1056 BY REPRESENTATIVE C. JOHNSON, ET AL

HOUSE BILL NO. 1138 BY REPRESENTATIVE C. JOHNSON

HOUSE BILL NO. 1154 BY REPRESENTATIVE MAHONY

HOUSE BILL NO. 1162 BY REPRESENTATIVE STOVALL, ET AL

/s/ Mike Huckabee - Governor

TIME: 2:00 p.m.

By: Stacy DeJarnett

ENROLLED AND DELIVERY TO GOVERNOR REPORTS

Little Rock, Arkansas

February 6, 2004

MR. SPEAKER:

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

HOUSE BILL NO. 1052 BY REPRESENTATIVES HOUSE, BOLIN

HOUSE BILL NO. 1122 BY REPRESENTATIVE GILLESPIE

HOUSE BILL NO. 1153 BY REPRESENTATIVE CLEVELAND

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 2:20 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. 1153 BY REPRESENTATIVE CLEVELAND

HOUSE BILL NO. 1122 BY REPRESENTATIVE GILLESPIE

HOUSE BILL NO. 1052 BY REPRESENTATIVES HOUSE, BOLIN

/s/ Mike Huckabee - Governor

TIME: 2:20 p.m.

By: Stacy DeJarnett

ENROLLED AND DELIVERY TO GOVERNOR REPORTS

Little Rock, Arkansas

February 6, 2004

MR. SPEAKER:

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

HOUSE BILL NO. 1061 BY REPRESENTATIVE CHESTERFIELD

HOUSE BILL NO. 1098 BY REPRESENTATIVE MAHONY

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 3:05 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. 1061 BY REPRESENTATIVE CHESTERFIELD

HOUSE BILL NO. 1098 BY REPRESENTATIVE MAHONY

/s/ Mike Huckabee - Governor

TIME: 3:05 p.m.

By: Lauren Brown

ENROLLED AND DELIVERY TO GOVERNOR REPORTS

Little Rock, Arkansas

February 6, 2004

MR. SPEAKER:

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

HOUSE BILL NO. 1177 BY REPRESENTATIVE PETRUS, 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 3:35 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. 1177 BY REPRESENTATIVE PETRUS, ET AL

TIME: 3:35 p.m.

/s/ Mike Huckabee - Governor

By: Chad Gallagher

ENROLLED AND DELIVERY TO GOVERNOR REPORTS

Little Rock, Arkansas

February 6, 2004

MR. SPEAKER:

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

HOUSE BILL NO. 1009 BY REPRESENTATIVE PICKETT

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 4:26 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. 1009 BY REPRESENTATIVE PICKETT

TIME: 4:26 p.m.

/s/ Mike Huckabee - Governor

By: Lauren Brown

HOUSE CONCURRENT RESOLUTION NO. 1005

BY: REPRESENTATIVE CREEKMORE

TO PROVIDE THAT THE SECOND EXTRAORDINARY SESSION OF THE EIGHTY-FOURTH GENERAL ASSEMBLY SHALL ENTER INTO RECESS AT THE CLOSE OF BUSINESS IN EACH HOUSE ON FEBRUARY 6, 2004, TO RECONVENE AT 12:00 NOON ON THURSDAY, MARCH 4, 2004, FOR THE PURPOSE OF CONSIDERING VETOES, CORRECTING ERRORS, OVERSIGHTS AND OMISSIONS, AND TO CONSIDER OTHER MATTERS INCLUDED IN THE EXECUTIVE PROCLAMATION WHICH CALLED THE SECOND EXTRAORDINARY SESSION OF THE EIGHTY-FOURTH GENERAL ASSEMBLY; TO PROVIDE THAT THE SPEAKER OF THE HOUSE OF REPRESENTATIVES AND THE PRESIDENT PRO TEMPORE OF THE SENATE MAY BY JOINT PROCLAMATION ISSUED AT ANY TIME PRIOR TO MARCH 4 DECLARE THAT IT IS NOT NECESSARY FOR THE SENATE AND HOUSE OF REPRESENTATIVES TO RECONVENE AND MAY ADJOURN THE SECOND EXTRAORDINARY SESSION OF THE EIGHTY-FOURTH GENERAL ASSEMBLY SINE DIE.

Was read the first time, rules suspended, read the second time and placed on the Calendar.

SENATE CONCURRENT RESOLUTION NO. 5

BY: SENATOR HILL

TO PROVIDE THAT THE SECOND EXTRAORDINARY SESSION OF THE EIGHTY-FOURTH GENERAL ASSEMBLY SHALL ENTER INTO RECESS AT THE CLOSE OF BUSINESS IN EACH HOUSE ON FEBRUARY 6, 2004, TO RECONVENE AT 12:00 NOON ON THURSDAY, MARCH 4, 2004, FOR THE PURPOSE OF CONSIDERING VETOES, CORRECTING ERRORS, OVERSIGHTS AND OMISSIONS, AND TO CONSIDER OTHER MATTERS INCLUDED IN THE EXECUTIVE PROCLAMATION WHICH CALLED THE SECOND EXTRAORDINARY SESSION OF THE EIGHTY-FOURTH GENERAL ASSEMBLY.

Was read the first time, rules suspended, read the second time and placed on the Calendar.

Upon motion of Representative Cleveland, the House recessed at 3:47 p.m. until Noon on March 4, 2004.

ATTEST:

Herschel W. Cleveland
Speaker of the House of Representatives

Jo Renshaw
Chief Clerk

