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**NINETEENTH DAY'S PROCEEDINGS
SENATE CHAMBER
EIGHTY-FIFTH GENERAL ASSEMBLY
1ST EXTRAORDINARY SESSION**

Little Rock, Arkansas

April 21, 2006

The Senate was called to order at 1:00 p.m. o'clock by the President.

The Secretary called the roll, and the following members answered to roll call:

ARGUE, BAKER, BOOKOUT, BROADWAY, BROWN,
BRYLES, CAPPS, CRITCHER, GLOVER,
HIGGINBOTHOM, HILL, HORN, G. JEFFRESS,
JOHNSON, LAVERTY, LUKER, MADISON, MALONE,
MILLER, SALMON, SMITH, STEELE, TAYLOR,
WHITAKER, WILKINS, WILKINSON, WOOLDRIDGE.

Leave was granted Senator Holt and Senator Trusty

The Senate was led in prayer by SENATOR HENRY "HANK" WILKINS.

The Senate was led in the Pledge of Allegiance by the President.

On motion of Senator Whitaker, the reading of the Journal was dispensed with.

Please read the items at the desk and file in the Journal.

STATE OF ARKANSAS

LEGISLATIVE DEPARTMENT

PROCLAMATION

WHEREAS, SCR 5 of the First Extraordinary Session of the Eighty-fifth General Assembly provides for a recess of the session until May 1, 2006, and authorizes the President Pro Tempore of the Senate and the Speaker of the House of Representatives, by Joint Proclamation, to reconvene the General Assembly at any time before 12:00 Noon, May 1, 2006, to consider executive vetoes and corrected errors and oversights, or omissions and to clarify or otherwise revise those laws enacted prior to the recess; and,

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

NOW THEREFORE, We, the undersigned Speaker of the House and President Pro Tempore of the Senate of the First Extraordinary Session of the 85th General Assembly of Arkansas, pursuant to the provisions of SCR5 of the First Extraordinary Session of the Eighty-fifth General Assembly, hereby direct that the First Extraordinary Session of the Eighty-fifth General Assembly of the State of Arkansas shall reconvene at **1:00 p.m., Friday, April 21, 2006**, for the following purposes:

- 1) To consider an executive line-item veto, Section 1, lines 26 - 31 on page 1 of SB16 heretofore approved by the First Extraordinary Session of the Eighty-fifth General Assembly;
- 2) To consider the corrections of any errors or oversights of the First Extraordinary Session of the Eight-fifth General Assembly;
- 3) To adjourn the First Extraordinary Session of the Eighty-fifth General Assembly sine die if agreed to by the Senate and the House of Representatives.

IN WITNESS WHEREOF, We have hereunto set our hands and caused the Great Seal of the State of Arkansas to be affixed at the Capitol in Little Rock, on this 14th day of April in the year of our Lord, Two Thousand Six.

(SIGNED) BILL H. STOVALL, III
Speaker of the House

(SEAL)

(SIGNED) JIM ARGUE, JR.
President Pro Tempore, Senate

STATE OF ARKANSAS

To All to Whom These Presents Shall Come-Greeting:

Know Ye, That Whereas, **It appears that**

Paul Bookout

Was duly elected State Senate District 14 in and for the State of Arkansas, at an election held on the Eleventh day of April, Two Thousand Six.

Therefore, I Mike Huckabee, Governor of the state of Arkansas, in the name and by authority of the people of the State of Arkansas, vested in me by the Constitution and the laws of said State do hereby commission the aforementioned to the office of

State Senate District 14

In and for the State of Arkansas for and during the term prescribed by the laws of the State.

Paul Bookout is, therefore hereby authorized to do and perform all and singular duties incumbent upon the office of

State Senate District 14

In and for the State of Arkansas, according to law and the trust reposed in said office.

In Testimony Whereof, I have hereunto set my hand and caused the Great Seal of the State of Arkansas to be affixed at Little Rock, this Fourteenth day of April, in the year of Our Lord Two Thousand Six.

(SIGNED) MIKE HUCKABEE
Governor

(SEAL)

(SIGNED) CHARLIE DANIELS
Secretary of State

Charlie Daniels
Secretary of State

CERTIFICATION OF ELECTION RESULTS

State of Arkansas)
County of Pulaski)

I, Charlie Daniels, Secretary of State of the State of Arkansas, and the designated official of the constitution, and laws of this State, to maintain the official election results of all General Elections, do hereby certify as follows that:

Based upon election results of the Special General Election held in State Senate District 14 on April 11, 2006, and certified to the office by Secretary of State by the appropriate county election commissions, the following totals as certified by this office, are as follows:

Paul Bookout 94

The Honorable Paul Bookout has been elected for the remaining term of office ending December 31, 2006.

In Witness Whereof, I have hereunto set my hand and affixed the Seal of the Secretary of State on this 14th day of April, 2006.

(SEAL)

(SIGNED) CHARLIE DANIELS
Secretary of State

Abstract of Ballots Cast
at the Special Election - State Senate District 14
held in Craighead County, Arkansas
on the 11th of April, 2006.

We hereby certify that the attached is a true and correct abstract of ballots for the candidates named herein at the Special Election - State Senate District 14 held in Craighead County, Arkansas on the 11th of April, 2006, as shown by the attached returns.

Witness our hands as Members of the Craighead County Board of Election Commissioners this 13th day of April, 2006.

Democratic Chairman: (SIGNED) BENTON SMITH

Republican Chairman: (SIGNED) JEANETTE ROBERTSON

Third Member: (SIGNED) BOBBY L. BROWN

This abstract is to be mailed to the Secretary of State Election Division, State Capitol, Room 026, Little Rock, Arkansas 72201, no later than the tenth calendar day after the election.

Craighead County
Official Results
Special Election - State Senate District 14

Unopposed Candidates

	Votes	Under Votes
<u>Craighead County Courthouse</u>	78	0
<u>Lake City Courthouse</u>	16	0
Totals	94	0

ARKANSAS SENATE
EIGHTY-FIFTH GENERAL ASSEMBLY
1ST EXTRAORDINARY SESSION

April 10, 2006

Mr. President:

We, your Committee on ENROLLED BILLS, to whom was referred:

SENATE BILL NO. 16, BY SENATOR MADISON, ET AL,
SENATE CONCURRENT RESOLUTION NO. 1, BY SENATOR ARGUE,
SENATE CONCURRENT RESOLUTION NO. 5, BY SENATOR ARGUE,
SENATE BILL NO. 1, BY EDUCATION COMMITTEE,
SENATE BILL NO. 2, BY SENATORS ARGUE & BROADWAY,
SENATE BILL NO. 4, BY SENATE EDUCATION COMMITTEE,
SENATE BILL NO. 6, BY SENATE EDUCATION COMMITTEE,
SENATE BILL NO. 7, BY SENATE EDUCATION COMMITTEE,
SENATE BILL NO. 24, BY SENATOR WILKINS, ET AL,
SENATE BILL NO. 26, BY SENATOR J. JEFFRESS

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 9:17 a.m. delivered them to the Governor for his approval.

Respectfully submitted,

SIGNED) JOHN PAUL CAPPS, CHAIRMAN

GOVERNOR'S BILL RECEIPTS

SENATE BILL NO. 16
SENATE CONCURRENT RESOLUTION NO. 1
SENATE CONCURRENT RESOLUTION NO. 5
SENATE BILL NO. 1
SENATE BILL NO. 2
SENATE BILL NO. 4
SENATE BILL NO. 6

SENATE BILL NO . 7

SENATE BILL NO. 24

SENATE BILL NO. 26

RECEIVED the above papers from the Secretary of the Senate this 10th day of April, 2006 at 9:17 a.m..

(SIGNED) MIKE HUCKABEE

Governor

(SIGNED) Shannon Hunter

Secretary



STATE OF ARKANSAS

MIKE HUCKABEE

Governor

April 10, 2006

TO THE PRESIDENT PRO TEMPORE OF THE SENATE

Dear Mr. President:

This is to inform you that on April 10, 2006, I approved the following measures from the First Extraordinary Session of the Eighty-fifth General Assembly:

Senate Bill	10	ACT 14
Senate Bill	11	ACT 15
Senate Concurrent Memorial Resolution	001	
Senate Concurrent Resolution	001	
Senate Concurrent Resolution	002	
Senate Concurrent Resolution	005	

Sincerely yours,

(SIGNED) MIKE HUCKABEE



STATE OF ARKANSAS
MIKE HUCKABEE
Governor

April 12, 2006

TO THE PRESIDENT PRO TEMPORE OF THE SENATE

Dear Mr. President:

This is to inform you that on April 11, 2006, I approved the following measures from the First Extraordinary Session of the Eighty-fifth General Assembly:

Senate Bill	1	ACT 33
Senate Bill	2	ACT 23
Senate Bill	4	ACT 24
Senate Bill	6	ACT 27
Senate Bill	7	ACT 28
Senate Bill	12	ACT 18
Senate Bill	21	ACT 20
Senate Bill	22	ACT 35
Senate Bill	24	ACT 21
Senate Bill	26	ACT 30
Senate Bill	27	ACT 19

Sincerely yours,

(SIGNED) MIKE HUCKABEE



STATE OF ARKANSAS
MIKE HUCKABEE
Governor

April 12, 2006

TO THE PRESIDENT PRO TEMPORE OF THE SENATE

Dear Mr. President:

This is to provide notice that pursuant to Article 6, Sections 15 and 17 of the Arkansas Constitution, on this date I have line-item vetoed Section 1, lines 26 through 31 on page 1 of Senate Bill 16, a measure from the Eighty-Fifth General Assembly Extraordinary Session that was presented to me on April 10, 2006. Also in accordance with Article 6, Section 15, the bill is being returned to this body, the originating house for the bill, and accompanies this letter.

I regret having to take this action. While I agree with the intent of this bill--the support of the Elementary Science Specialist Program, I disagree with the mechanism used to carry it out--the raiding of scholarship funds that are vital to secure the futures of many of our best and brightest. Because this program is so worthy, it is unfortunate that efforts were not made in the 2005 Regular Session to secure funding for it then, or to tap the \$400 million-plus surplus during the special session.

My problems with the bill are both legal and policy-driven. The bill was not on the call and is not related to any of the items on the call. That makes it constitutionally suspect under Art, 6, Sec, 19. The criteria I established for items to be included on the call were clearly communicated but, for some reason, not met in this case.

Moreover, the expenditure of this amount of money, an amount with negligible impact on the surplus had that approach been taken, will have a detrimental impact on scholarship funds. The list of scholarship programs impacted by reductions in funding as a result of this bill includes:

- *Academic Challenge Scholarship*
 - *Arkansas Student Assistance Grant Program*
 - *Arkansas Health Education Grant Program (ARHEG)*
 - *Governor's Scholars Program*
 - *Law Enforcement Officers (LEO) Dependents Scholarship Program*
 - *Minority Masters Fellows Program*
 - *Minority Teachers Scholarship*
 - *Military (formerly MIA/KIA) Dependents Scholarship Program*
-
- *Second Effort Scholarship*
 - *State Teacher Assistance Resource (STAR) Program*

- *Student Undergraduate Research Fellowship (SURF) Program*
- *Teacher and Administrator Grant Program*
- *Teacher Opportunity Program*
- *Workforce Improvement Grant*

The application deadline for many of these scholarships is fast approaching; for instance, the deadline for the Academic Challenge Scholarship is June 1. In previous years, a shortfall in scholarship funds has cost us students, and led to well-deserved anger from those students and their parents, who felt their trust had been broken by the State through promoting these critical scholarships and then failing to ensure sufficient funding was made available.

The funding of the Elementary Science Specialist Program was not handled in the context of the legislatively approved 2005-06/2006-07 budget. Diverting Department of Higher Education monies for this program creates an unfunded mandate. We have tried to avoid unfunded mandates--in fact, they are part of the reason the Special Session was convened and are inconsistent with other actions taken during this session. Finally, I have always resisted attempts by an agency to fix its fiscal challenges on the back of another agency's budget. Allowing actions such as this sets a bad precedent for both this and future administrations.

It is disappointing that I must take this extraordinary step. I hope that appropriate funding for this program can be secured if another special session is called. But this bill does not meet either the constitutional or fiscally responsible approaches that I must consider when making my decision regarding my final action on any piece of legislation.

Sincerely,

(SIGNED) MIKE HUCKABEE

*MH:omf:pwc
Enclosure*

*Cc: Honorable Bill H. Stovall, III
Speaker of the House of Representatives*

Senator Madison moves to reconsider the passage of **Senate Bill No. 16** notwithstanding the objections of the Governor to the contrary.

Motion passed.

Senator Madison spoke in favor of the over-ride to the line-item veto of
Senate Bill No. 16.

Senator Madison closed for the over-ride of the line-item veto **to Senate Bill
No. 16**

A Pair was announced at the desk.



STATE OF ARKANSAS
Arkansas Senate

85TH GENERAL ASSEMBLY
LITTLE ROCK, ARKANSAS

DATE April 21, 2006

PAIR VOTE

SENATE BILL NO. 16

VOTING YEA (SIGNED) SENATOR STEVE FARIS

VOTING NAY (SIGNED) SENATOR BARBARA HORN

(SIGNED) ANN CORNWELL
SECRETARY OF SENATE

The Secretary called the roll, and the following members voted:

AFFIRMATIVE: Argue, Bookout, Broadway, Brown, Capps, Critcher, Faris, Glover, Higginbothom, Hill, G. Jeffress, B. Johnson, Lavery, Luker, Madison, Malone, Miller, Salmon, T. Smith, Steele, Taylor, Wilkins, Wilkinson, Wooldridge.

Total24

NEGATIVE: Horn

Total1

ABSENT OR NOT VOTING: Altes, Baker, Bisbee, Bryles, Hendren, J. Jeffress, Whitaker, Womack

Total8

VOTING PRESENT:

Total0

ON LEAVE: Holt, Trusty

Total2

Total number of votes cast.....25

Necessary for the passage to override the line-item veto18

So the passage to override the Governor’s line-item veto passed.

(SIGNED) ANN CORNWELL, SECRETARY

Senate Bill No. 16 was ordered immediately transmitted to the House having over-ridden the Governor’s line-item veto.



STATE OF ARKANSAS
Arkansas Senate

85TH GENERAL ASSEMBLY
LITTLE ROCK, ARKANSAS

Senator Jim Argue
President Pro Tempore
General Assembly
State Capitol
Little Rock, AR 72201

April 21, 2006

RE: Acts 24 and 25 of the First Extraordinary Session of 2006

Dear Senator Argue:

We respectfully request that the General Assembly adopt the following motion and enter it into the journal of the House of Representatives and the Senate:

The General Assembly recognizes:

- That amendments to 6-17-1117 regarding parity in insurance benefits for school employees could result in unintended consequences for school districts such as the Gosnell School District that have traditionally provided substantially higher benefits for classified employees.
- That school districts that pay substantially higher benefits for classified employees than for other employees of the district should have additional time to make necessary adjustments.
- That the requirements of Acts 24 and 25 of the First Extraordinary Session of 2006 shall be implemented by these school districts no later than July 1, 2007.

Sincerely,

SENATOR STEVE BRYLES (SIGNED)
District 15

REPRESENTATIVE LEROY DANGEAU (SIGNED)
District 57

The Chair recognized Senator Malone for a point of personal privilege concerning Governor's appointments.

The Chair recognized Senator Luker for a point of personal privilege concerning the Governor's line-item veto on **Senate Bill No. 16**.

* * * * *

SENATE BILL TRANSMITTED TO THE HOUSE
HAVING OVER-RIDDEN THE GOVERNOR'S LINE-ITEM VETO
OF SENATE BILL NO. 16

SENATE BILL NO. 16

SENATE BILL RETURNED FROM THE HOUSE
HAVING OVER-RIDDEN THE GOVERNOR'S LINE-ITEM VETO
OF SENATE BILL NO. 16

SENATE BILL NO. 16

On motion of Senator Hill, the Senate adjourned the First Extraordinary Session of the Eighty-Fifth General Assembly Sine Die, April 21, 2006.

PRESIDENT OF THE SENATE

SECRETARY OF THE SENATE



STATE OF ARKANSAS
Arkansas Senate

GENERAL ASSEMBLY
LITTLE ROCK, ARKANSAS

Ann Cornwell
Secretary of the Senate
Senate Fiscal Officer
State Capitol, Room 320
Little Rock, Arkansas 72201

501-682-5951 Fax 501-682-2917
e-mail: annc@arkleg.state.ar.us

April 16, 2006

The Honorable Bill Stovall, III
Speaker, House of Representatives
State Capitol, Room 350
Little Rock, AR 72201

Dear Mr. Speaker:

I am enclosing herewith a list of the following House Bills and House Resolutions that died in the Senate at Sine Die Adjournment following the First Extraordinary Session of the Eighty-Fifth General Assembly on April 21, 2006:

HOUSE BILL DYING ON CALENDAR

HOUSE BILL NO. 1045

HOUSE CONCURRENT MEMORIAL RESOLUTIONS DYING ON THE CALENDAR

HOUSE CONCURRENT MEMORIAL RESOLUTION 1001

HOUSE CONCURRENT MEMORIAL RESOLUTION 1002

HOUSE CONCURRENT RESOLUTION DYING ON THE CALENDAR

HOUSE CONCURRENT RESOLUTION 1006

HOUSE BILL DYING IN COMMITTEE

EDUCATION

HOUSE BILL NO. 1014

Respectfully submitted,
Ann Cornwell (SIGNED)
Secretary of the Senate

Rec'd 4/21/06
J Renshaw (SIGNED)

STATE OF ARKANSAS

HOUSE OF REPRESENTATIVES

EIGHTY-FIFTH GENERAL ASSEMBLY
ROOM 350, THIRD FLOOR, STATE CAPITOL
LITTLE ROCK, ARKANSAS 72201-1089
(501) 682-7771 TDD (501) 682-9148

BILL H. STOVALL, III, SPEAKER

TIM MASSANELLI, PARLIAMENTARIAN

JO RENSHAW, CHIEF CLERK

April 21, 2006

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

Dear Ms. Cornwell:

The following Senate Bill 9 died on the House Calendar at Sine Die adjournment of the 1st Extraordinary Session of the 85th General Assembly.

Respectfully submitted,

JO RENSHAW (SIGNED)
Chief Clerk

STATE OF ARKANSAS



Arkansas Senate

85TH GENERAL ASSEMBLY
1ST EXTRAORDINARY
SESSION

April 21, 2006

Certificate of Passage

Over-Ride Line Item Veto (Section 1, lines 26-31 on page 1)
of Senate Bill No. 16

The Honorable Mike Huckabee
Governor, State of Arkansas
State Capitol
Little Rock, AR 72201

Dear Governor Huckabee:

This bill having been returned by the Governor with his or her objections thereto and, after reconsideration having passed both houses by the constitutional majority, has become law this 21st day of April, 2006.

(SIGNED) WINTHROP P. ROCKEFELLER
President of the Senate

(SIGNED) BILL H. STOVALL, III
Speaker of the House of Representatives

Received by Sarah S. Agee
2:10 p.m. 4-21-06



STATE OF ARKANSAS
Arkansas Senate

GENERAL ASSEMBLY
LITTLE ROCK, ARKANSAS

Ann Cornwell
Secretary of the Senate
Senate Fiscal Officer
State Capitol, Room 320
Little Rock, Arkansas 72201

501-682-5951 Fax 501-682-2917
e-mail: annc@arkleg.state.ar.us

FILED

APR 21, 2006

BY

**CHARLIE DANIELS
SECRETARY OF STATE**

**K MCQUEEN (SIGNED)
2:10 P.M.**

April 21, 2006

The Honorable Charlie Daniels
Secretary of State
State Capitol, Room 256
Little Rock, AR 72201

Dear Secretary Daniels:

I am enclosing herewith a list of the following Senate Bills and Senate Resolutions remaining in the Senate at Sine Die Adjournment following the First Extraordinary Session of the Eighty-Fifth General Assembly on April 21, 2006.

SENATE BILLS DYING ON SENATE CALENDAR

SENATE BILL 13

SENATE BILLS DYING IN COMMITTEE

EDUCATION

SENATE BILL NO. 8
SENATE BILL NO. 15
SENATE BILL NO. 23
SENATE BILL NO. 25

SENATE BILLS RETURNED FROM THE HOUSE HAVING FAILED

SENATE BILL NO. 3
SENATE BILL NO. 13

SENATE BILL RETURNED FROM THE GOVERNOR AS REQUESTED

SENATE BILL NO. 20

SENATE BILL RETURNED FROM THE HOUSE NOT GERMAINE TO THE CALL

SENATE BILL NO. 5

SENATE RESOLUTIONS READ AND ADOPTED

SENATE RESOLUTION NO. 1
SENATE RESOLUTION NO. 2
SENATE RESOLUTION NO. 3
SENATE RESOLUTION NO. 4
SENATE RESOLUTION NO. 5

SENATE RESOLUTION NO 6
SENATE RESOLUTION NO 7
SENATE RESOLUTION NO 8
SENATE RESOLUTION NO 9
SENATE RESOLUTION NO 10

SENATE MEMORIAL RESOLUTIONS READ AND ADOPTED

SENATE MEMORIAL RESOLUTION NO. 1
SENATE MEMORIAL RESOLUTION NO. 2
SENATE MEMORIAL RESOLUTION NO. 3
SENATE MEMORIAL RESOLUTION NO. 4

Respectfully submitted,

Ann Cornwell,
Secretary of the Senate



STATE OF ARKANSAS
Arkansas Senate

GENERAL ASSEMBLY
LITTLE ROCK, ARKANSAS

Ann Cornwell
Secretary of the Senate
Senate Fiscal Officer
State Capitol, Room 320
Little Rock, Arkansas 72201

501-682-5951 Fax 501-682-2917
e-mail: annc@arkleg.state.ar.us

April 21, 2006

The Honorable Charlie Daniels
Secretary of State
State Capitol, Room 256
Little Rock, AR 72201

Dear Secretary Daniels:

I am enclosing herewith a list of the following Senate Bill remaining in the House of Representatives at Sine Die Adjournment following the First Extraordinary Session of the Eighty-Fifth General Assembly on April 21, 2006.

SENATE BILL DYING ON HOUSE CALENDAR

SENATE BILL 9

Respectfully submitted,

ANN CORNWELL (SIGNED)
Secretary of the Senate

FILED

APR 21, 2006

**BY CHARLIE DANIELS
SECRETARY OF STATE**

**K MCQUEEN (SIGNED)
2:10 P.M.**

A D D E N D U M



STATE OF ARKANSAS
MIKE HUCKABEE
Governor

April 24, 2006

TO THE PRESIDENT PRO TEMPORE OF THE SENATE

Dear Mr. President:

This is to inform you that on April 24, 2006, I delivered the following measure from the First Extraordinary Session of the Eighty-fifth General Assembly to the Secretary of State's office:

SENATE BILL 16

ACT 39

Sincerely yours,

(SIGNED) MIKE HUCKABEE

Arkansas General Assembly

85TH General Assembly
1st Extraordinary Session

We, your Committee on Technology and Legislative Affairs, have checked the Journal of the 85th General Assembly, 1st Extraordinary Session carefully and find it correct and in proper form for filing with the Secretary of State.

Respectfully submitted,

(SIGNED) _____
JOHN PAUL CAPPS
CHAIRMAN

(SIGNED) _____
WINTHROP P. ROCKEFELLER
PRESIDENT OF THE SENATE

(SIGNED) _____
ANN CORNWELL
SECRETARY OF THE SENATE