

JOURNAL OF THE
ARKANSAS SENATE



84TH GENERAL ASSEMBLY
2003 2nd EXTRAORDINARY SESSION

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EIGHTY-FOURTH GENERAL ASSEMBLY

SECOND EXTRAORDINARY SESSION

OPENING DAY

**Little Rock, Arkansas
December 8, 2003**

The President of the Senate, The Honorable Winthrop Paul Rockefeller, called the Senate to order at 12:00 Noon, December 8, 2003.

The Secretary of the Senate, Ann Cornwell, called the roll and the following members answered:

ALTES, ARGUE, BAKER, BISBEE, BOOKOUT,
BROADWAY, BROWN, BRYLES, CAPPS, CRITCHER,
FARIS, GLOVER, GULLETT, HENDREN,
HIGGINBOTHOM, HILL, HOLT, HORN, G.JEFFRESS,
J.JEFFRESS, JOHNSON, LAVERTY, LUKER, MADISON,
MALONE, MILLER, SALMON, SMITH, STEELE,
TRUSTY, WHITAKER, WILKINS, WILKINSON,
WOMACK, WOOLDRIDGE.

The Senate was led in prayer by Senator Ruth Whitaker.

The Pledge of Allegiance was led by Senator Henry "Hank" Wilkins, III.

**STATE OF ARKANSAS
EXECUTIVE DEPARTMENT**

PROCLAMATION

TO ALL TO WHOM THESE PRESENTS SHALL COME - GREETINGS:

WHEREAS, an extraordinary occasion has arisen making it necessary to convene the 84th General Assembly into extraordinary session; and

WHEREAS, the Arkansas Constitution calls for the maintenance of "a general, suitable and efficient system of free public schools" for all the citizens of the State; and

WHEREAS, the power to appropriate and provide sufficient funding for a system of free public schools rests with the General Assembly and there is an immediate and pressing need for appropriations and funds to ensure the continued operation of the state's education system, and other agencies and programs; and

WHEREAS, the Arkansas Supreme Court has ruled in Lake View School District No. 25 v. Huckabee that the Governor and General Assembly must address the deficiencies in the current state education system and must do so no later than January 1, 2004; and

WHEREAS, the Arkansas Supreme Court, in staying the mandate in the Lake View case, has clearly indicated that an "equitable" distribution formula of education funding must be established by the General Assembly no later than January 1, 2004; and

WHEREAS, a need has arisen to address non-controversial items and to make technical amendments to various laws as specified herein; and

WHEREAS, there is an immediate and pressing need to provide additional state revenue and funding necessary to pay for essential and critical state services;

NOW
THEREFORE, I, Mike Huckabee, Governor of the State of Arkansas, by virtue of the power and authority vested in me by the Constitution of this State, Article VI, Section 19, do hereby call an Extraordinary Session of the General Assembly to convene at the seat of government in the State Capitol on December 8, 2003, at 12:00 noon, and I do hereby specify that the General Assembly is convened to consider, and, if so advised, enact laws for the following purposes:

1. To appropriate funds to pay the expenses and per diem of this Extraordinary Session of the General Assembly for the House of Representatives and the Senate, the Bureau of Legislative Research and the Office of the Governor.
2. To confirm gubernatorial appointees.

STATE EDUCATION SYSTEM

3. To appropriate funds from the Public School Fund for the purpose of insuring the continued operation of the state's education system.
4. To consider legislation to meet the mandate of the Arkansas Supreme Court in Lake View School District No. 25 v. Huckabee in order to provide each public school child in Arkansas an opportunity for an adequate education, for an equitable distribution of funds, and to correct other deficiencies in the public school system, including but not limited to, consideration of new school funding systems and changes to school districts.
5. To consider legislation reorganizing and/or restructuring the Department of Education including but not limited to an Office of Accountability and to provide appropriations for the Department of Education.

FINANCING OF THE STATE EDUCATION SYSTEM

6. To consider legislation providing additional revenue to fund the state education system and to establish the Educational Adequacy Trust Fund for distribution of special revenue to the Public School Fund. This may include legislation to increase taxes, to reduce or eliminate tax credits, deductions, exemptions, or other tax benefits currently provided by law, or any other legislation designed to provide additional revenues for the state education system.

NON-CONTROVERSIAL AND TECHNICAL AMENDMENTS

7. To transfer funds from the Industry and Aerospace Development Fund to the General Improvement Fund.
8. To reappropriate general improvement funds for the Secretary of State.
9. To provide funds to and make an appropriation for the Arkansas Department of Veterans Affairs.
10. To consider an appropriation bill to pay various claims against the State.

11. To consider an appropriation bill for the Office of Information Technology for the Geographic Information System.
12. To consider an appropriation bill for the Arkansas Department of Health for the Marine Sanitation Board.
13. To consider legislation to clarify use of the County Jail Backup Fund by the Department of Correction and the Department of Community Correction.
14. To provide a supplemental appropriation to the Department of Workforce Education for use in complying with the provisions of the Omnibus Education Act of 2003.
15. To provide a growth pool of positions for two-year institutions of higher education to address the unprecedented growth rate in students seeking the services of the two-year institutions.
16. To consider legislation to add Prairie Township No. 3 to the newly created Prairie Grove District Court.
17. To consider legislation to make technical corrections for the Department of Correction.
18. To consider legislation removing the requirement that a person be a resident of the State of Arkansas in order to obtain a commercial driver's license from this state.
19. To consider legislation amending the Arkansas Motor Vehicle Commission Act to address compliance with orders issued by the commission and to address issues concerning payments to motor vehicle dealers and motor home dealers by a manufacturer, distributor, second-stage manufacturer, importer or converter following the termination, cancellation or non-renewal of the motor vehicle dealer's or motor home dealer's franchise.
20. To consider amendments to Amendment 51 of the Arkansas constitution to ensure compliance with the federal Help America Vote Act.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Arkansas. Done in Office at Little Rock, Arkansas the 3rd day of December, 2003.

(SIGNED) _____ MIKE HUCKABEE, GOVERNOR

The following members of the Senate will notify the House of Representatives that the Senate is organized and ready for business:

Senator Jim Luker, Chairman
Senator Shane Broadway
Senator Irma Hunter Brown
Senator Steve Higginbotham
Senator Sue Madison
Senator Percy Malone
Senator Paul Miller

The following members of the Senate will notify the Governor that the Senate is organized and ready for business:

Senator Jim Argue, Chairman
Senator Steve Bryles
Senator Brenda Gullett
Senator Kim Hendren
Senator Mary Anne Salmon
Senator Tracy Steele
Senator Sharon Trusty

SENATE BILL NO. 1
CALL ITEM NO. 1
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION
BY: SENATE EFFICIENCY COMMITTEE

A Bill for an Act to be Entitled: AN ACT TO MAKE AN APPROPRIATION FOR PERSONAL SERVICES AND OPERATING EXPENSES FOR THE ARKANSAS SENATE WHICH SHALL BE SUPPLEMENTAL AND IN ADDITION TO THOSE FUNDS APPROPRIATED BY ACT 2 OF 2003 AND ACT 1149 OF 2003; AND FOR OTHER PURPOSES.

Senate Bill No. 1 was read the first time, rules suspended, read the second time and placed on the Calendar.

SENATE BILL NO. 2
CALL ITEM NO. 13
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION
BY: SENATOR LUKER

A Bill for an Act to be Entitled: AN ACT TO PROVIDE FOR JAIL REIMBURSEMENT TO COUNTIES BY THE DEPARTMENT OF COMMUNITY CORRECTION; AND FOR OTHER PURPOSES.

Senate Bill No. 2 was read the first time, rules suspended, read the second time and referred to the Committee on CITY COUNTY AND LOCAL AFFAIRS..

SENATE BILL NO. 3
CALL ITEM NO. 15
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION
BY: SENATOR BROADWAY

A Bill for an Act to be Entitled: AN ACT TO ESTABLISH A "GROWTH POOL" OF POSITIONS FOR THE TWO-YEAR INSTITUTIONS OF HIGHER EDUCATION; AND FOR OTHER PURPOSES.

Senate Bill No. 3 was read the first time, rules suspended, read the second time and referred to the Committee on JOINT BUDGET.

SENATE BILL NO. 4
CALL ITEM NO. 1
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION
BY: SENATOR BISBEE

A Bill for an Act to be Entitled: AN ACT TO MAKE AN APPROPRIATION FOR SALARIES AND EXPENSES OF THE GOVERNOR'S LEAD LEGISLATIVE LIAISON, LEGISLATIVE LIAISON, LEGISLATIVE CLERK, LEGISLATIVE ADMINISTRATIVE ASSISTANT, LEGISLATIVE RECEPTIONIST AND LEGISLATIVE INTERNS DURING THE SECOND EXTRAORDINARY SESSION OF THE EIGHTY FOURTH ARKANSAS GENERAL ASSEMBLY FOR THE OFFICE OF THE GOVERNOR FOR THE FISCAL YEAR ENDING JUNE 30, 2004; AND FOR OTHER PURPOSES.

Senate Bill No. 4 was read the first time, rules suspended, read the second time and referred to the Committee on JOINT BUDGET.

SENATE BILL NO. 5
CALL ITEM NO. 10
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION
BY: SENATOR BISBEE

A Bill for an Act to be Entitled: AN ACT TO MAKE AN APPROPRIATION FOR THE ARKANSAS STATE CLAIMS COMMISSION TO PAY CLAIMS AGAINST THE STATE; AND FOR OTHER PURPOSES.

Senate Bill No. 5 was read the first time, rules suspended, read the second time and referred to the Committee on JOINT BUDGET.

SENATE BILL NO. 6
CALL ITEM NO. 20
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION
BY: STATE AGENCIES & GOVERNMENTAL AFFAIRS COMMITTEE

A Bill for an Act to be Entitled: AN ACT TO AMEND VARIOUS PROVISIONS OF AMENDMENT 51 TO THE ARKANSAS CONSTITUTION CONCERNING VOTER REGISTRATION; AND FOR OTHER PURPOSES.

Senate Bill No. 6 was read the first time, rules suspended, read the second time and referred to the Committee on STATE AGENCIES & GOVERNMENTAL AFFAIRS.

SENATE RESOLUTION NO. 1
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION
BY: SENATOR CRITCHER

SENATE RESOLUTION COMMENDING AND EXPRESSING SINCERE APPRECIATION TO THE SOLDIERS AND AIRMEN OF THE ARKANSAS NATIONAL GUARD.

Senate Resolution No. 1 was read the first time, rules suspended, read the second time and placed on the Calendar.

HOUSE CONCURRENT RESOLUTION NO. 1001
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION
BY: REPRESENTATIVE CREEKMORE

HOUSE CONCURRENT RESOLUTION PROVIDING FOR A JOINT SESSION OF THE HOUSE OF REPRESENTATIVES AND THE SENATE AT 12:30 P.M. MONDAY, DECEMBER 8, 2003, TO HEAR AN ADDRESS BY GOVERNOR MIKE HUCKABEE.

House Concurrent Resolution No. 1001 was read the first time, rules suspended, read the second time and placed on the Calendar.

On motion of Senator Hill, the rules were suspended in considering HOUSE CONCURRENT RESOLUTION NO. 1001 at this time.

On motion of Senator Hill, House Concurrent Resolution No. 1001 was called up for third reading and final disposition.

HOUSE CONCURRENT RESOLUTION NO. 1001
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION
BY: REPRESENTATIVE CREEKMORE

HOUSE CONCURRENT RESOLUTION PROVIDING FOR A JOINT SESSION OF THE HOUSE OF REPRESENTATIVES AND THE SENATE AT 12:30 P.M. MONDAY, DECEMBER 8, 2003, TO HEAR AN ADDRESS BY GOVERNOR MIKE HUCKABEE.

House Concurrent Resolution No. 1001 was read the third time and concurred in by the Senate.

(SIGNED) ANN CORNWELL, SECRETARY

House Concurrent Resolution No. 1001 was ordered immediately returned to the House as concurred in.

Senate recessed for Joint Session of the 84th General Assembly, Second Extraordinary Session.

JOINT SESSION
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION

The Joint Session was called to order by Speaker of the House, Herschel W. Cleveland, and the President of the Senate, Winthrop Paul Rockefeller.

Secretary of the Senate, Ann Cornwell, call the roll for the Senate. The following members were present:

ALTES, ARGUE, BAKER, BISBEE, BOOKOUT,
BROADWAY, BROWN, BRYLES, CAPPs, CRITCHER,
FARIS, GLOVER, GULLETT, HENDREN,
HIGGINBOTHOM, HILL, HOLT, HORN, G.JEFFRESS,
J.JEFFRESS, JOHNSON, LAVERTY, LUKER, MADISON,
MALONE, MILLER, SALMON, SMITH, STEELE,
TRUSTY, WHITAKER, WILKINS, WILKINSON,
WOMACK, WOOLDRIDGE.

The Clerk of the House did the electronic roll call for the House of Representatives. The following were present:

ADAMS, AGEE, ANDERSON, BENNETT, BERRY, BIGGS,
BLAIR, BLEDSOE, BOLIN, BOND, BOOKOUT,
BORHAUER, BOYD, BRADFORD, BRIGHT,
CHESTERFIELD, CHILDERS, CLEMONS, COWLING,
CREEKMORE, DANQEAU, DEES, DICKINSON,
DOBBINS, EASON, EDWARDS, ELLIOT, D. EVANS, L.
EVANS, FERGUSON, FITE, 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.

Invocation by House Chaplain, Reverend Tim Prock, Paris, Arkansas.

President of the Senate, Winthrop Paul Rockefeller, appoints the following named Senators as the Committee to escort the Governor to the House Chamber:

Senator David Bisbee, Chairman
Senator Denny Altes
Senator Gilbert Baker
Senator Jerry Bookout
Senator Jack Critcher
Senator Steve Faris
Senator Jim Holt
Senator Bob Johnson
Senator Tim Wooldridge

Speaker Herschel W. Cleveland appoints the following named Representatives as the Committee to escort Governor Huckabee to the House Chamber:

Representative Paul Weaver, Chairman
Representative Danny Ferguson
Representative Jan A. Judy
Representative Mary Beth Green
Representative Phillip T. Jacobs
Representative Steve Oglesby
Representative Joyce Dees
Representative Larry Prater
Representative Barbara King
Representative Lindbergh Thomas
Representative Boyd Hickenbotham
Representative Harmon R. Seawel

Governor Mike Huckabee presented to the General Assembly by Speaker Herschel W. Cleveland.

Governor's remarks.

Joint Session adjourns.

House reconvenes in five minutes.

Senate reconvenes in ten minutes.

The Senate reconvened after recess. The Secretary called the roll, and a quorum was present.

SENATE BILL NO. 7
CALL ITEM NO. 3
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION
BY: SENATOR BROADWAY & REPRESENTATIVE ELLIOTT

A Bill for an Act to be Entitled: AN ACT TO MAKE AN APPROPRIATION FOR OPERATING EXPENSES AND OTHER EXPENSES FOR THE BUREAU OF LEGISLATIVE RESEARCH DISBURSING OFFICER - JOINT COMMITTEE ON EDUCATIONAL FACILITIES WHICH SHALL BE SUPPLEMENTAL AND IN ADDITION TO THOSE FUNDS APPROPRIATED BY ACT 1284 OF 2003; AND FOR OTHER PURPOSES.

Senate Bill No. 7 was read the first time, rules suspended, read the second time and referred to the Committee on JOINT BUDGET.

SENATE BILL NO. 8
CALL ITEM NO. 4
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION
BY: SENATOR GLOVER

A Bill for an Act to be Entitled: AN ACT TO REQUIRE FINANCIAL IMPACT STATEMENTS FOR BILLS RELATING TO EDUCATION THAT HAVE A FISCAL IMPACT ON SCHOOL DISTRICT EXPENDITURES; AND FOR OTHER PURPOSES.

Senate Bill No. 8 was read the first time, rules suspended, read the second time and referred to the Committee on EDUCATION.

SENATE BILL NO. 9
CALL ITEM NO. 4
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION
BY: SENATOR ALTES & REPRESENTATIVE WALTERS

A Bill for an Act to be Entitled: AN ACT TO CREATE A SUPPLEMENTAL TEACHER SALARY PLAN FOR DISTRICTS UNABLE TO MEET TEACHER SALARY INCREASE REQUIREMENTS; AND FOR OTHER PURPOSES.

Senate Bill No. 9 was read the first time, rules suspended, read the second time and referred to the Committee on EDUCATION.

SENATE BILL NO. 10
CALL ITEM NO. 3
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION
BY: SENATOR BROADWAY & REPRESENTATIVE ELLIOTT

A Bill for an Act to be Entitled: AN ACT TO AMEND ACT 1284 OF THE REGULAR SESSION OF 2003 TO REPEAL THE FISCAL YEAR FUNDING ALLOCATION PROVISION FOR OPERATING AND OTHER EXPENSES OF THE JOINT COMMITTEE ON EDUCATIONAL FACILITIES; AND FOR OTHER PURPOSES.

Senate Bill No. 10 was read the first time, rules suspended, read the second time and referred to the Committee on JOINT BUDGET.

SENATE CONCURRENT RESOLUTION NO. 1
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION
BY: SENATOR FARIS & REPRESENTATIVE SCRIMSHIRE

RECOGNIZING AND COMMENDING MR. FLOYD L. PARKER FOR FIFTY YEARS OF SERVICE TO THE MALVERN NATIONAL BANK.

Senate Concurrent Resolution No. 1 was read the first time, rules suspended, read the second time and placed on the calendar.

SENATE BILL NO. 11
CALL ITEM NO. 18
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION
BY: SENATORS BOOKOUT & CRITCHER
REPRESENTATIVES BOLIN, DICKINSON & JACKSON

A Bill for an Act to be Entitled: AN ACT RELATING TO COMMERCIAL DRIVER LICENSE QUALIFICATION STANDARDS REQUIRED FOR TESTING; AND FOR OTHER PURPOSES.

Senate Bill No. 11 was read the first time, rules suspended, read the second time and referred to the Committee on PUBLIC TRANSPORTATION.

SENATE BILL NO. 12
CALL ITEM NO. 4
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION
BY: SENATORS ARGUE, BISBEE, BRYLES, GULLETT, BAKER & WHITAKER

A Bill for an Act to be Entitled: AN ACT TO REORGANIZE THE EXISTING PUBLIC EDUCATION SYSTEM; TO ESTABLISH THE POWERS AND DUTIES OF THE OFFICERS OF THE PUBLIC EDUCATION SYSTEM; AND FOR OTHER PURPOSES.

Senate Bill No. 12 was read the first time, rules suspended, read the second time and referred to the Committee on EDUCATION.

SENATE BILL NO. 13
CALL ITEM NO. 11
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION
BY: SENATOR GULLETT & REPRESENTATIVE SCROGGIN

A Bill for an Act to be Entitled: AN ACT TO MAKE AN APPROPRIATION FOR PERSONAL SERVICES AND OPERATING EXPENSES FOR THE OFFICE OF INFORMATION TECHNOLOGY - GEOGRAPHIC INFORMATION SYSTEM OFFICE FOR THE BIENNIAL PERIOD ENDING JUNE 30, 2005; AND FOR OTHER PURPOSES.

Senate Bill No. 13 was read the first time, rules suspended, read the second time and referred to the Committee on JOINT BUDGET.

SENATE BILL NO. 14
CALL ITEM NO. 16
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION
BY: SENATOR SALMON

A Bill for an Act to be Entitled: AN ACT TO REVISE THE BOUNDARIES FOR WASHINGTON COUNTY DISTRICT COURTS; AND FOR OTHER PURPOSES.

Senate Bill No. 14 was read the first time, rules suspended, read the second time and referred to the Committee on JUDICIARY.

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HOUSE CONCURRENT RESOLUTION TRANSMITTED TO THE SENATE
AS ADOPTED

HOUSE CONCURRENT RESOLUTION NO. 1001

HOUSE CONCURRENT RESOLUTION RETURNED TO THE HOUSE
AS CONCURRED IN

HOUSE CONCURRENT RESOLUTION NO. 1001

On motion of Senator Hill, the Senate adjourned until 1:00 p.m., Tuesday, December 9, 2003.

PRESIDENT OF THE SENATE

SECRETARY OF THE SENATE

--ooOoo--

**2ND DAY'S PROCEEDINGS
SENATE CHAMBER
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION**

Little Rock, Arkansas

December 9, 2003

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:

ALTES, ARGUE, BAKER, BISBEE, BOOKOUT,
BROADWAY, BROWN, BRYLES, CAPPS, CRITCHER,
FARIS, GLOVER, GULLETT, HENDREN,
HIGGINBOTHOM, HILL, HOLT, HORN, G.JEFFRESS,
J.JEFFRESS, JOHNSON, LAVERTY, LUKER, MADISON,
MALONE, MILLER, SALMON, SMITH, STEELE, TRUSTY,
WHITAKER, WILKINS, WILKINSON, WOMACK,
WOOLDRIDGE.

The Senate was led in prayer by Senator Baker.

The Senate was led in the Pledge of Allegiance by Senator Hill.

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

On motion of Senator Hill, **Senate Bill No. 1** was called up for third reading and final disposition.

SENATE BILL NO. 1
CALL ITEM NO. 1
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION
BY: SENATE EFFICIENCY COMMITTEE

A Bill for an Act to be Entitled: " AN ACT TO MAKE AN APPROPRIATION FOR PERSONAL SERVICES AND OPERATING EXPENSES FOR THE ARKANSAS SENATE WHICH SHALL BE SUPPLEMENTAL AND IN ADDITION TO THOSE FUNDS APPROPRIATED BY ACT 2 OF 2003 AND ACT 1149 OF 2003; AND FOR OTHER PURPOSES.

Senate Bill No. 1 was placed on third reading and final disposition, the question being: Shall the Bill pass?

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

AFFIRMATIVE: Altes, Argue, Baker, Bisbee, J. Bookout, Broadway, Brown, Bryles, Capps, Critcher, Faris, Glover, Gullett, Hendren, Higginbothom, Hill, Holt, Horn, G. Jeffress, J. Jeffress, B. Johnson, Laverty, Luker, Madison, Malone, Miller, Salmon, T. Smith, Steele, Trusty, Whitaker, Wilkins, Wilkinson, Womack, Wooldridge.

Total35

NEGATIVE:

Total0

ABSENT OR NOT VOTING:

Total0

VOTING PRESENT:

Total0

Total number of votes cast.....35

Necessary to the passage of the bill27

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

(SIGNED) ANN CORNWELL, SECRETARY

There being an emergency clause attached to **Senate Bill No. 1**, the President ordered the Secretary to call the roll upon the adoption of the emergency clause.

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

AFFIRMATIVE: Altes, Argue, Baker, Bisbee, J. Bookout, Broadway, Brown, Bryles, Capps, Critcher, Faris, Glover, Gullett, Hendren, Higginbothom, Hill, Holt, Horn, G. Jeffress, J. Jeffress, B. Johnson, Lavery, Luker, Madison, Malone, Miller, Salmon, T. Smith, Steele, Trusty, Whitaker, Wilkins, Wilkinson, Womack, Wooldridge.

Total35

NEGATIVE:

Total0

ABSENT OR NOT VOTING:

Total0

VOTING PRESENT:

Total0

Total number of votes cast.....35

Necessary to the adoption of the emergency clause24

So the Emergency Clause was adopted.

(SIGNED) ANN CORNWELL, SECRETARY

Senate Bill No. 1 was ordered immediately transmitted to the House.

The President declared the morning hour to have expired.

SENATE RESOLUTION NO. 2
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION
BY: SENATOR CRITCHER

SENATE RESOLUTION CONGRATULATING THE 2003 CLASS AAAA STATE FOOTBALL CHAMPION BATESVILLE HIGH SCHOOL PIONEERS.

Senate Resolution No. 2 was read the first time, rules suspended, read the second time and placed on the Calendar.

SENATE BILL NO. 15
CALL ITEM NO. 9
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION
BY: SENATOR BISBEE

A Bill for an Act to be Entitled: AN ACT TO MAKE AN APPROPRIATION TO THE DEPARTMENT OF VETERANS' AFFAIRS FOR PAYMENT OF FEES WHICH SHALL BE SUPPLEMENTAL AND IN ADDITION TO THOSE FUNDS APPROPRIATED BY ACT 1009 OF 2003; AND FOR OTHER PURPOSES.

Senate Bill No. 15 was read the first time, rules suspended, read the second time and referred to the Committee on JOINT BUDGET.

SENATE BILL NO. 16
CALL ITEM NO. 4
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION
BY: SENATOR J. BOOKOUT
REPRESENTATIVES P. BOOKOUT & BORHAUER

A Bill for an Act to be Entitled: AN ACT TO AMEND THE REQUIREMENTS FOR TEACHERS DAILY PLANNING PERIODS TO ALLOW FLEXIBILITY FOR TEACHERS AND SCHOOL DISTRICTS TO PLAN THE SCHOOL DAY; AND FOR OTHER PURPOSES.

Senate Bill No. 16 was read the first time, rules suspended, read the second time and referred to the Committee on EDUCATION.

SENATE BILL NO. 17
CALL ITEM NO. 4
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION
BY: SENATOR J. BOOKOUT & REPRESENTATIVE P. BOOKOUT

A Bill for an Act to be Entitled: AN ACT TO REPEAL THE REQUIREMENT THAT SCHOOL DISTRICTS INCLUDE AS PART OF A STUDENT'S REPORT CARD THE STUDENT'S ANNUAL BODY MASS INDEX PERCENTILE AND OTHER INFORMATION; AND FOR OTHER PURPOSES.

Senate Bill No. 17 was read the first time, rules suspended, read the second time and referred to the Committee on PUBLIC HEALTH, WELFARE & LABOR..

SENATE BILL NO. 18
CALL ITEM NO. 3
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION
BY: SENATORS T. SMITH & FARIS
REPRESENTATIVES MATHIS & R. SMITH

A Bill for an Act to be Entitled: AN ACT TO MAKE AN APPROPRIATION FOR PERSONAL SERVICES AND OPERATING EXPENSES FOR THE UNIVERSITY OF ARKANSAS - ARKANSAS SCHOOL FOR MATHEMATICS, SCIENCES, AND THE ARTS FOR THE BIENNIAL PERIOD ENDING JUNE 30, 2005; AND FOR OTHER PURPOSES.

Senate Bill No. 18 was read the first time, rules suspended, read the second time and referred to the Committee on JOINT BUDGET.

SENATE BILL NO. 19
CALL ITEM NO. 3
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION
BY: SENATOR BISBEE

A Bill for an Act to be Entitled: AN ACT TO MAKE AN APPROPRIATION FOR GRANTS AND AIDS TO LOCAL SCHOOL DISTRICTS AND SPECIAL PROGRAMS FOR THE DEPARTMENT OF EDUCATION WHICH SHALL BE SUPPLEMENTAL AND IN ADDITION TO THOSE FUNDS APPROPRIATED BY ACT 51 OF THE FIRST EXTRAORDINARY SESSION OF 2003; AND FOR OTHER PURPOSES.

Senate Bill No. 19 was read the first time, rules suspended, read the second time and referred to the Committee on JOINT BUDGET.

HOUSE BILL NO. 1001
CALL ITEM NO. 1
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION
BY: HOUSE MANAGEMENT

A Bill for an Act to be Entitled: AN ACT TO MAKE AN APPROPRIATION FOR PERSONAL SERVICES AND OPERATING EXPENSES FOR THE ARKANSAS HOUSE OF REPRESENTATIVES WHICH SHALL BE SUPPLEMENTAL AND IN ADDITION TO THOSE FUNDS APPROPRIATED BY ACT 1 OF 2003 AND ACT 1025 OF 2003; AND FOR OTHER PURPOSES.

House Bill No. 1001 was read the first time, rules suspended, read the second time and placed on the Calendar.

SENATE BILL NO. 20
CALL ITEM NO. 13
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION
BY: SENATOR LUKER

A Bill for an Act to be Entitled: AN ACT TO MAKE AN APPROPRIATION FOR THE PAYMENT OF REIMBURSEMENT TO COUNTIES HOUSING STATE INMATES FOR THE DEPARTMENT OF COMMUNITY CORRECTION FOR THE BIENNIAL PERIOD ENDING JUNE 30, 2005; AND FOR OTHER PURPOSES.

Senate Bill No. 20 was read the first time, rules suspended, read the second time and referred to the Committee on JOINT BUDGET.

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SENATE BILL TRANSMITTED TO THE HOUSE
AS PASSED

SENATE BILL NO. 1

HOUSE BILL TRANSMITTED TO THE SENATE
AS PASSED

HOUSE BILL NO. 1001

On motion of Senator Baker, the Senate adjourned until 1:00 p.m. Wednesday, December 10, 2003.

PRESIDENT OF THE SENATE

SECRETARY OF THE SENATE

--ooOoo--

**3RD DAY'S PROCEEDINGS
SENATE CHAMBER
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION**

Little Rock, Arkansas

December 10, 2003

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

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

ALTES, ARGUE, BAKER, BISBEE, BOOKOUT,
BROADWAY, BROWN, BRYLES, CAPPS, CRITCHER,
FARIS, GLOVER, GULLETT, HENDREN,
HIGGINBOTHOM, HILL, HOLT, HORN, G.JEFFRESS,
J.JEFFRESS, JOHNSON, LAVERTY, LUKER, MADISON,
MALONE, MILLER, SALMON, SMITH, STEELE, TRUSTY,
WHITAKER, WILKINS, WILKINSON, WOMACK,
WOOLDRIDGE.

The Senate was led in prayer by Senator Tim Wooldridge.

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

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

ARKANSAS SENATE
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION

December 8, 2003

Mr. President:

We, your Committee on JOINT BUDGET, to whom was referred:

SENATE BILL NO. 4, BY SENATOR BISBEE,

beg leave to report that we have had the same under consideration, and herewith return the same with the recommendation that it do pass.

Respectfully submitted,

(SIGNED) SENATOR DAVID BISBEE

ARKANSAS SENATE
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION

December 10, 2003

Mr. President:

We, your Committee on STATE AGENCIES & GOVERNMENTAL AFFAIRS, to whom was referred:

SENATE BILL NO. 6, BY STATE AGENCIES & GOVERNMENTAL
AFFAIRS COMMITTEE,

beg leave to report that we have had the same under consideration, and herewith return the same with the recommendation that it do pass as amended #1.

Respectfully submitted,

(SIGNED) SENATOR STEVE FARIS

ARKANSAS SENATE
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION

December 10, 2003

Mr. President:

We, your Committee on PUBLIC TRANSPORTATION, to whom was referred:

SENATE BILL NO. 11, BY SENATOR BOOKOUT,

beg leave to report that we have had the same under consideration, and herewith return the same with the recommendation that it do pass as amended # 1.

Respectfully submitted,

(SIGNED) SENATOR STEVE HIGGINBOTHOM

ARKANSAS SENATE
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION

December 10, 2003

Mr. President:

We, your Committee on JUDICIARY COMMITTEE, to whom was referred:

SENATE BILL NO. 14, BY SENATOR SALMON,

beg leave to report that we have had the same under consideration, and herewith return the same with the recommendation that It do pass as amended #1 & #2..

Respectfully submitted,

(SIGNED) SENATOR ED WILKINSON

On motion of Senator Hill, **House Bill No. 1001** was called up for third reading and final disposition.

HOUSE BILL NO. 1001
CALL ITEM NO. 1
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION
BY: HOUSE MANAGEMENT

A Bill for an Act to be Entitled: AN ACT TO MAKE AN APPROPRIATION FOR PERSONAL SERVICES AND OPERATING EXPENSES FOR THE ARKANSAS HOUSE OF REPRESENTATIVES WHICH SHALL BE SUPPLEMENTAL AND IN ADDITION TO THOSE FUNDS APPROPRIATED BY ACT 1 OF 2003 AND ACT 1025 OF 2003; AND FOR OTHER PURPOSES.

House Bill No. 1001 was placed on third reading and final disposition, the question being: Shall the Bill pass?

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

AFFIRMATIVE: Altes, Argue, Baker, Bisbee, J. Bookout, Broadway, Brown, Bryles, Capps, Critcher, Faris, Glover, Gullett, Hendren, Higginbothom, Hill, Holt, Horn, G. Jeffress, J. Jeffress, B. Johnson, Laverty, Luker, Madison, Malone, Miller, Salmon, T. Smith, Steele, Trusty, Whitaker, Wilkins, Wilkinson, Womack, Wooldridge.

Total35

NEGATIVE:

Total0

ABSENT OR NOT VOTING:

Total0

VOTING PRESENT:

Total0

Total number of votes cast.....35

Necessary to the passage of the bill27

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

(SIGNED) ANN CORNWELL, SECRETARY

There being an emergency clause attached to **House Bill No. 1001**, the President ordered the Secretary to call the roll upon the adoption of the emergency clause.

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

AFFIRMATIVE: Altes, Argue, Baker, Bisbee, J. Bookout, Broadway, Brown, Bryles, Capps, Critcher, Faris, Glover, Gullett, Hendren, Higginbothom, Hill, Holt, Horn, G. Jeffress, J. Jeffress, B. Johnson, Laverty, Luker, Madison, Malone, Miller, Salmon, T. Smith, Steele, Trusty, Whitaker, Wilkins, Wilkinson, Womack, Wooldridge.

Total	35
NEGATIVE:	
Total	0
ABSENT OR NOT VOTING:	
Total	0
VOTING PRESENT:	
Total	0
Total number of votes cast.....	35
Necessary to the passage of the bill	24

So the Emergency Clause was adopted.

(SIGNED) ANN CORNWELL, SECRETARY

House Bill No. 1001 was ordered immediately returned to the House as passed.

On motion of Senator Wooldridge, **Senate Resolution No. 2** was called up for third reading and final disposition.

**SENATE RESOLUTION NO. 2
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION
BY: SENATOR CRITCHER**

SENATE RESOLUTION CONGRATULATING THE 2003 CLASS AAAA STATE FOOTBALL CHAMPION BATESVILLE HIGH SCHOOL PIONEERS.

Senate Resolution No. 2 was read the third time and adopted.

(SIGNED) ANN CORNWELL, SECRETARY

The President declared the morning hour to have expired.

**SENATE BILL NO. 21
CALL ITEM NO. 6
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION
BY: SENATOR BOOKOUT**

A Bill for an Act to be Entitled: AN ACT TO CLARIFY THE COMPUTATION OF THE VALUE OF ASSESSED PROPERTY WITHIN A SCHOOL DISTRICT AND A REDEVELOPMENT DISTRICT; AND FOR OTHER PURPOSES.

Senate Bill No. 21 was read the first time, rules suspended, read the second time and referred to the Committee on REVENUE & TAXATION.

SENATE BILL NO. 22
CALL ITEM NO. 4
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION
BY: SENATOR HENDREN

A Bill for an Act to be Entitled: AN ACT TO REPEAL ARKANSAS CODE 6-17-117, CONCERNING NONINSTRUCTIONAL DUTIES FOR TEACHERS; AND FOR OTHER PURPOSES.

Senate Bill No. 22 was read the first time, rules suspended, read the second time and referred to the Committee on EDUCATION.

SENATE BILL NO. 23
CALL ITEM NO. 4
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION
BY: SENATOR HENDREN

A Bill for an Act to be Entitled: AN ACT TO ADJUST TEACHERS' DAILY PLANNING PERIOD BACK TO INCREMENTS OF NO FEWER THAN THIRTY (30) MINUTES; AND FOR OTHER PURPOSES.

Senate Bill No. 23 was read the first time, rules suspended, read the second time and referred to the Committee on EDUCATION.

Senate Bill No. 1 was returned from the House as passed and ordered enrolled:

ARKANSAS SENATE
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION

December 10, 2003

Mr. President:

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

SENATE BILL NO. 1, BY EFFICIENCY COMMITTEE,

beg leave to report that we have carefully compared the enrolled copy with the original and we find the same correctly enrolled and have at 2:04 p.m. delivered them to the Governor for his approval.

Respectfully submitted,

(SIGNED) JOHN PAUL CAPPS, CHAIRMAN

GOVERNOR'S BILL RECEIPTS

SENATE BILL NO. 1

RECEIVED the above papers from the Secretary of the Senate this 10th day of December, 2003 at 2:04 p.m..

(SIGNED) MIKE HUCKABEE

Governor

(SIGNED) STACY DeJARNETTE

Secretary

SENATE BILL NO. 24
CALL ITEM NO. 6
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION
BY: SENATOR SMITH & REPRESENTATIVE MATHIS

A Bill for an Act to be Entitled: AN ACT TO AMEND TITLE 26, CHAPTER 18 OF THE ARKANSAS CODE TO PROVIDE FOR THE CLOSURE OF BUSINESSES FAILING TO REPORT AND REMIT SALES AND USE TAXES; AND FOR OTHER PURPOSES.

Senate Bill No. 24 was read the first time, rules suspended, read the second time and referred to the Committee on REVENUE & TAXATION..

* * * * *

HOUSE BILL RETURNED TO THE HOUSE
AS PASSED

HOUSE BILL NO. 1001

SENATE BILL RETURNED FROM THE HOUSE
AS PASSED

SENATE BILL NO. 1

On motion of Senator Baker the Senate adjourned until Thursday, 1:00, p.m., December 11, 2003.

PRESIDENT OF THE SENATE

SECRETARY OF THE SENATE

--ooOoo--

**4TH DAY'S PROCEEDINGS
SENATE CHAMBER
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION**

Little Rock, Arkansas

December 11, 2003

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

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

ALTES, ARGUE, BAKER, BISBEE, BOOKOUT,
BROADWAY, BROWN, BRYLES, CAPPS, CRITCHER,
FARIS, GLOVER, GULLETT, HENDREN,
HIGGINBOTHOM, HILL, HOLT, HORN, G.JEFFRESS,
J.JEFFRESS, JOHNSON, LAVERTY, LUKER, MADISON,
MALONE, MILLER, SALMON, SMITH, STEELE, TRUSTY,
WHITAKER, WILKINS, WILKINSON, WOMACK,
WOOLDRIDGE.

The Senate was led in prayer by the Reverend Jim Gardner, Village Church of Christ,
Hot Springs Village, Hot Springs, Arkansas.

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

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

On motion of Senator Altes, **Senate Bill No. 9** was placed back on second reading for purpose of amendment.

ARKANSAS SENATE
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION
Amendment No. 1 to SENATE BILL NO. 9

Amend **Senate Bill No. 9** as originally introduced:

Page 2, line 9, delete "previous" and substitute "2002-2003"

AND

Page 2, line 19, delete "subdivision (b)(1)" and substitute "subdivision (b)(1)(A)"

AND

Page 2, line 22, delete "subdivision (b)(2)" and substitute "subdivision (b)(1)(B)"

AND

Page 2, line 24, delete "subdivision (b)(3)" and substitute "subdivision (b)(1)(C)"

(SIGNED) SENATOR DENNY ALTES

The Amendment was read the first time, rules suspended, read the second time and adopted.

(SIGNED) ANN CORNWELL, SECRETARY

Senate Bill No. 9 was ordered engrossed.

On motion of Senator Glover, **Senate Bill No. 8** was withdrawn from the Committee on Education and placed back on second reading for purpose of amendment.

ARKANSAS SENATE
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION
Amendment No. 1 to SENATE BILL NO. 8

Amend **Senate Bill No. 8** as originally introduced:

Page 1, line 30, delete "~~developed~~" and substitute "developed"

AND

Page 1, line 31, delete "~~of the Bureau of Legislative Research~~" and substitute "of the Office of Economic and Tax Policy of the Bureau of Legislative Research"

AND

Page 1, line 32, delete "prepared by of" and substitute "with the assistance of"

AND

Page 2, line 27, delete "~~of the Bureau of Legislative Research~~ the department" and substitute "the Office of Economic and Tax Policy of the Bureau of Legislative Research"

(SIGNED) SENATOR BOBBY GLOVER

The Amendment was read the first time, rules suspended, read the second time and adopted.

(SIGNED) ANN CORNWELL, SECRETARY

Senate Bill No. 8 was ordered engrossed.

ARKANSAS SENATE
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION

December 8, 2003

Mr. President:

We, your Committee on JOINT BUDGET, to whom was referred:

SENATE BILL NO. 13, BY SENATOR GULLETT,

beg leave to report that we have had the same under consideration, and herewith return the same with the recommendation that it do pass.

Respectfully submitted,

(SIGNED) SENATOR DAVID BISBEE

ARKANSAS SENATE
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION

December 11, 2003

Mr. President:

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

SENATE BILL NO. 8, BY SENATOR BOBBY GLOVER,
SENATE BILL NO. 9, BY SENATOR ALTES,

beg leave to report that we have carefully compared the engrossed copy with the original and we find the same correctly engrossed.

Respectfully submitted,

(SIGNED) JOHN PAUL CAPPS, CHAIRMAN

On motion of Senator Glover, **Senate Bill No. 8** was re-referred to the committee on EDUCATION.

On motion of Senator Altes, **Senate Bill No. 9** was re-referred to the committee on Education

On motion of Senator Faris, **Senate Bill No. 6** was placed back on second reading for purpose of amendment.

ARKANSAS SENATE
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION
Amendment No. 1 to SENATE BILL NO. 6

Amend **Senate Bill No. 6** as originally introduced:

Page 3, line 25, add the following:

SECTION 4. EMERGENCY CLAUSE. It is found and determined by the General Assembly of the State of Arkansas that the federal Help America Vote Act establishes deadlines for the state's compliance with the act's voter registration requirements; and that the immediate passage of this act is necessary to ensure the state meets its deadlines. 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.

(SIGNED) SENATOR STEVE FARIS

The Amendment was read the first time, rules suspended, read the second time and adopted.

(SIGNED) ANN CORNWELL, SECRETARY

Senate Bill No. 6 was ordered engrossed.

On motion of Senator Hill, **Senate Bill No. 11** was placed back on second reading for purpose of amendment.

ARKANSAS SENATE
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION
Amendment No. 1 to SENATE BILL NO. 11

Amend **Senate Bill No. 11** as originally introduced:

Page 2, delete line 1 and substitute the following:
“section.

(C) The Department of Finance and Administration shall promulgate the rules to set the length of time the commercial driver’s license is valid under this subdivision (a)(1).”

AND

Page 2, delete line 19 and substitute the following:
“section.

(C) The Department of Finance and Administration shall promulgate the rules to set the length of time the commercial driver’s license is valid under this subdivision (a)(1).”

AND

Page 2, delete lines 24 through 27 and substitute the following:
“conform to federal regulatory requirements; that”

AND

Page 2, line 30, delete “will” and substitute “may”

(SIGNED) SENATOR JERRY BOOKOUT

The Amendment was read the first time, rules suspended, read the second time and adopted.

(SIGNED) ANN CORNWELL, SECRETARY

Senate Bill No. 11 was ordered engrossed.

On motion of Senator Salmon, **Senate Bill No. 14** was placed back on second reading for purpose of amendments.

Amendment No. 1 was withdrawn from consideration

ARKANSAS SENATE
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION
Amendment No. 2 to SENATE BILL NO. 14

Amend **Senate Bill No. 14** as originally introduced:

Add Representative Edwards as a cosponsor of the bill.

(SIGNED) SENATOR MARY ANNE SALMON

The Amendment was read the first time, rules suspended, read the second time and adopted.

(SIGNED) ANN CORNWELL, SECRETARY

Senate Bill No. 14 was ordered engrossed.

On motion of Senator Bisbee, the Senate resolved itself into the Committee of the Whole for the purpose of JOINT BUDGET BILLS.

Without objection, the Committee of the Whole was dissolved, and the Senate took up its regular order of business.

On motion of Senator Bisbee, **Senate Bill No. 4** was called up for third reading and final disposition.

SENATE BILL NO. 4
CALL ITEM NO. 1
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION
BY: SENATOR BISBEE

A Bill for an Act to be Entitled: " AN ACT TO MAKE AN APPROPRIATION FOR SALARIES AND EXPENSES OF THE GOVERNOR'S LEAD LEGISLATIVE LIAISON, LEGISLATIVE LIAISON, LEGISLATIVE CLERK, LEGISLATIVE ADMINISTRATIVE ASSISTANT, LEGISLATIVE RECEPTIONIST AND LEGISLATIVE INTERNS DURING THE SECOND EXTRAORDINARY SESSION OF THE EIGHTY FOURTH ARKANSAS GENERAL ASSEMBLY FOR THE OFFICE OF THE GOVERNOR FOR THE FISCAL YEAR ENDING JUNE 30, 2004; AND FOR OTHER PURPOSES."

Senate Bill No. 4 was placed on third reading and final disposition, the question being: Shall the Bill pass?

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

AFFIRMATIVE: Altes, Argue, Baker, Bisbee, J. Bookout, Broadway, Brown, Bryles, Capps, Critcher, Faris, Glover, Gullett, Hendren, Higginbothom, Hill, Holt, Horn, G. Jeffress, J. Jeffress, B. Johnson, Lavery, Luker, Madison, Malone, Miller, Salmon, T. Smith, Steele, Trusty, Whitaker, Wilkins, Wilkinson, Womack, Wooldridge.

Total35

NEGATIVE:

Total0

ABSENT OR NOT VOTING:

Total0

VOTING PRESENT:

Total0

Total number of votes cast.....35
 Necessary to the passage of the bill27

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

(SIGNED) ANN CORNWELL, SECRETARY

There being an emergency clause attached to **Senate Bill No. 4**, the President ordered the Secretary to call the roll upon the adoption of the emergency clause.

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

AFFIRMATIVE: Altes, Argue, Baker, Bisbee, J. Bookout, Broadway, Brown, Bryles, Capps, Critcher, Faris, Glover, Gullett, Hendren, Higginbothom, Hill, Holt, Horn, G. Jeffress, J. Jeffress, B. Johnson, Lavery, Luker, Madison, Malone, Miller, Salmon, T. Smith, Steele, Trusty, Whitaker, Wilkins, Wilkinson, Womack, Wooldridge.

Total35

NEGATIVE:

Total0

ABSENT OR NOT VOTING:

Total0

VOTING PRESENT:

Total0

Total number of votes cast.....35
 Necessary to the adoption of the emergency clause24

So the Emergency Clause was adopted.

(SIGNED) ANN CORNWELL, SECRETARY

Senate Bill No. 4 was ordered immediately transmitted to the House.

SENATE BILL NO. 25
CALL ITEM NO. 6
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION
BY: SENATOR SALMON & REPRESENTATIVE CHILDERS

A Bill for an Act to be Entitled: AN ACT TO REVISE THE AUTHORITY OF COUNTY GOVERNMENTS TO CONTRACT WITH INDEPENDENT CONTRACTORS FOR THE COLLECTION OF DELINQUENT TAXES AND FINES; AND FOR OTHER PURPOSES.

Senate Bill No. 25 was read the first time, rules suspended, read the second time and referred to the Committee on CITY, COUNTY & LOCAL AFFAIRS.

SENATE BILL NO. 26
CALL ITEM NO. 4
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION
BY: SENATOR HENDREN

A Bill for an Act to be Entitled: AN ACT TO REDUCE SCHOOL EXPENDITURES FOR MATTERS OTHER THAN TEACHER SALARIES; AND FOR OTHER PURPOSES.

Senate Bill No. 26 was read the first time, rules suspended, read the second time and referred to the Committee on EDUCATION.

ARKANSAS SENATE
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION

December 11, 2003

Mr. President:

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

Senate BILL NO. 6, BY SENATOR FARIS,
Senate BILL NO. 11, SENATOR BOOKOUT,
Senate BILL NO. 14 SENATOR SALMON

beg leave to report that we have carefully compared the engrossed copies with the original and we find the same correctly engrossed.

Respectfully submitted,

(SIGNED) JOHN PAUL CAPPS, CHAIRMAN

SENATE BILL NO. 27
CALL ITEM NO. 4
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION
BY: SENATOR BISBEE & REPRESENTATIVE ANDERSON

A Bill for an Act to be Entitled: AN ACT TO STANDARDIZE THE
EDUCATIONAL ACHIEVEMENTS NECESSARY FOR SCHOLARSHIP ELIGIBILITY
IN ARKANSAS; AND FOR OTHER PURPOSES.

Senate Bill No. 27 was read the first time, rules suspended, read the second time and referred to the Committee on EDUCATION.

HOUSE BILL NO. 1017
CALL ITEM NO. 4
EIGHTY-FOURTH GENERAL ASSEMBLY
SECONDT EXTRAORDINARY SESSION
BY: REPRESENTATIVE MAHONY

A Bill for an Act to be Entitled: AN ACT TO REQUIRE SCHOOL DISTRICTS TO PROVIDE A REPORT CARD TO PARENTS; AND FOR OTHER PURPOSES.

House Bill No. 1017 was read the first time, rules suspended, read the second time and referred to the Committee on EDUCATION.

HOUSE BILL NO. 1019
CALL ITEM NO. 4
EIGHTY-FOURTH GENERAL ASSEMBLY
SECONDT EXTRAORDINARY SESSION
BY: REPRESENTATIVE MAHONY

A Bill for an Act to be Entitled: AN ACT TO AMEND ARKANSAS CODE TO PROVIDE THAT THE DEPARTMENT OF EDUCATION PROVIDE ASSISTANCE TO THE OFFICE OF ECONOMIC AND TAX POLICY; AND FOR OTHER PURPOSES.

House Bill No. 1019 was read the first time, rules suspended, read the second time and referred to the Committee on EDUCATION.

SENATE BILL NO. 28
CALL ITEM NO. 4
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION
BY: SENATORS ARGUE, BISBEE, BRYLES, GULLETT, BAKER & WHITAKER

A Bill for an Act to be Entitled: AN ACT TO REORGANIZE THE EXISTING PUBLIC EDUCATION SYSTEM; TO ESTABLISH THE POWERS AND TIES OF THE DIRECTORS OF THE PUBLIC EDUCATION SYSTEM; AND FOR OTHER PURPOSES.

Senate Bill No. 28 was read the first time, rules suspended, read the second time and referred to the Committee on EDUCATION.

SENATE CONCURRENT RESOLUTION NO. 2
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION
BY: SENATOR WOOLDRIDGE & REPRESENTATIVES FERGUSON

SENATE CONCURRENT RESOLUTION RECOGNIZING THE OUTSTANDING SERVICE OF JIM PICKENS TO THE COMMUNITY AND THE STATE OF ARKANSAS.

Senate Concurrent Resolution No. 2 was read the first time, rules suspended, read the second time and placed on the Calendar.

* * * * *

SENATE BILL TRANSMITTED TO THE HOUSE

AS PASSED

SENATE BILL NO. 4

HOUSE BILL TRANSMITTED TO THE SENATE

AS PASSED

HOUSE BILL NO. 1017

HOUSE BILL NO. 1019

On motion of Senator Baker, the Senate adjourned until 11:00 a.m., Friday, December 12, 2003.

PRESIDENT OF THE SENATE

SECRETARY OF THE SENATE

--ooOoo--

**5TH DAY'S PROCEEDINGS
SENATE CHAMBER
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION**

Little Rock, Arkansas

December 12, 2003

The Senate was called to order at 11:00 o'clock a.m. by the President.

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

ALTES, ARGUE, BAKER, BISBEE, BOOKOUT,
BROADWAY, BROWN, BRYLES, CAPPS, CRITCHER,
FARIS, GLOVER, GULLETT, HENDREN,
HIGGINBOTHOM, HILL, HOLT, HORN, G.JEFFRESS,
J.JEFFRESS, JOHNSON, LAVERTY, LUKER, MADISON,
MALONE, MILLER, SALMON, SMITH, STEELE, TRUSTY,
WHITAKER, WILKINS, WILKINSON, WOMACK,
WOOLDRIDGE.

The Senate was led in prayer by Senator Baker.

The Senate was led in the Pledge of Allegiance by Senator Wooldridge.

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

On motion of Senator Faris, **Senate Concurrent Resolution No. 1** was called up for third reading and final disposition.

SENATE CONCURRENT RESOLUTION NO. 1
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION
BY: SENATOR FARIS & REPRESENTATIVE SCRIMSHIRE

SENATE CONCURRENT RESOLUTION RECOGNIZING AND COMMENDING
MR. FLOYD L. PARKER FOR FIFTY YEARS OF SERVICE TO THE MALVERN
NATIONAL BANK.

Senate Concurrent Resolution No. 1 was read the third time and adopted.

Senator Concurrent Resolution No. 1 was ordered transmitted to the House.

On motion of Senator Salmon, **Senate Bill No. 14** was placed back on second reading for purpose of amendment.

ARKANSAS SENATE
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION
Amendment No. 3 to SENATE BILL NO. 14

Amend **Senate Bill No. 14** as engrossed:

Page 2, line 13, delete "Grove Township"

(SIGNED) SENATOR MARY ANNE SALMON

The Amendment was read for the first time, rules suspended, read the second time and adopted.

(SIGNED) ANN CORNWELL, SECRETARY

On motion of Senator Salmon, and without objection, the rules were suspended pertaining to passage of Amendment and Bill on the same day.

On motion of Senator Salmon, **Senate Bill No. 14** was called up for third reading and final disposition.

SENATE BILL NO. 14
(As Engrossed: S12/11/03 & S12/12/03)
CALL ITEM NO. 16
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION
BY: SENATOR SALMON
REPRESENTATIVE EDWARDS

A Bill for an Act to be Entitled: AN ACT TO REVISE THE BOUNDARIES FOR WASHINGTON COUNTY DISTRICT COURTS; AND FOR OTHER PURPOSES.

Senate Bill No. 14 was placed on third reading and final disposition, the question being: Shall the Bill pass?

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

AFFIRMATIVE: Altes, Argue, Baker, Bisbee, J. Bookout, Broadway, Brown, Bryles, Capps, Critcher, Faris, Glover, Gullett, Hendren, Higginbothom, Hill, Holt, Horn, G. Jeffress, J. Jeffress, B. Johnson, Laverty, Luker, Madison, Malone, Miller, Salmon, T. Smith, Steele, Trusty, Whitaker, Wilkins, Wilkinson, Womack, Wooldridge.

Total	35
NEGATIVE:	
Total	0
ABSENT OR NOT VOTING:	
Total	0
VOTING PRESENT:	
Total	0
Total number of votes cast.....	35
Necessary to the passage of the bill	18

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

(SIGNED) ANN CORNWELL, SECRETARY

Senate Bill No. 14 was ordered engrossed.

The President declared the morning hour to have expired.

STATE OF ARKANSAS
OFFICE OF THE GOVERNOR
STATE CAPITOL
LITTLE ROCK, ARKANSAS

MIKE HUCKABEE
Governor

December 11, 2003

TO THE PRESIDENT OF THE SENATE

Dear Mr. President:

This is to inform your Honorable Body that on December 11, 2003, I approved the following measure:

HOUSE BILL NO. 1001, which is now Act 1 of 2003,
SENATE BILL NO. 1, which is now Act 2 of 2003,

Sincerely,

(SIGNED) MIKE HUCKABEE
Governor

SENATE BILL NO. 29
CALL ITEM NO. 4
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION
BY: SENATOR BISBEE & REPRESENTATIVE ANDERSON

A Bill for an Act to be Entitled: AN ACT TO REQUIRE SCHOOL UNIFORMS IN SCHOOL DISTRICTS IN WHICH SEVENTY-FIVE PERCENT (75%) OR MORE OF THE STUDENTS FALL BELOW PROFICIENCY DURING TWO (2) CONSECUTIVE YEARS; AND FOR OTHER PURPOSES.

Senate Bill No. 29 was read the first time, rules suspended, read the second time and referred to the Committee on EDUCATION.

On motion of Senator Faris, **Senate Bill No. 6** was called up for third reading and final disposition.

SENATE BILL NO. 6
(As Engrossed S12/11/03)
CALL ITEM NO. 20
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION
BY: STATE AGENCIES & GOVERNMENTAL AFFAIRS

A Bill for an Act to be Entitled: AN ACT TO AMEND VARIOUS PROVISIONS OF AMENDMENT 51 TO THE ARKANSAS CONSTITUTION CONCERNING VOTER REGISTRATION; AND FOR OTHER PURPOSES.

Senate Bill No. 6 was placed on third reading and final disposition, the question being: Shall the Bill pass?

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

AFFIRMATIVE: Altes, Argue, Baker, Bisbee, J. Bookout, Broadway, Brown, Bryles, Capps, Critcher, Faris, Glover, Gullett, Hendren, Higginbothom, Hill, Holt, Horn, G. Jeffress, J. Jeffress, B. Johnson, Laverty, Luker, Madison, Malone, Miller, Salmon, T. Smith, Steele, Trusty, Whitaker, Wilkins, Wilkinson, Womack, Wooldridge.

Total35

NEGATIVE:

Total0

ABSENT OR NOT VOTING:

Total0

VOTING PRESENT:

Total0

Total number of votes cast.....35

Necessary to the passage of the bill18

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

(SIGNED) ANN CORNWELL, SECRETARY

There being an emergency clause attached to **Senate Bill No. 6**, the President ordered the Secretary to call the roll upon the adoption of the emergency clause.

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

AFFIRMATIVE: Altes, Argue, Baker, Bisbee, J. Bookout, Broadway, Brown, Bryles, Capps, Critcher, Faris, Glover, Gullett, Hendren, Higginbothom, Hill, Holt, Horn, G. Jeffress, J. Jeffress, B. Johnson, Laverty, Luker, Madison, Malone, Miller, Salmon, T. Smith, Steele, Trusty, Whitaker, Wilkins, Wilkinson, Womack, Wooldridge.

Total35

NEGATIVE:

Total0

ABSENT OR NOT VOTING:

Total0

VOTING PRESENT:

Total0

Total number of votes cast.....35
Necessary to the adoption of the emergency clause24

So the Emergency Clause was adopted.

(SIGNED) ANN CORNWELL, SECRETARY

Senate Bill No. 6 was ordered immediately transmitted to the House.

On motion of Senator Bisbee, the Senate resolved itself into the Committee of the Whole for the purpose of JOINT BUDGET BILLS.

Without objection, the Committee of the Whole was dissolved, and the Senate took up its regular order of business.

On motion of Senator Bisbee, the rules were suspended in considering **Senate Bill No. 13** at this time.

On motion of Senator Bisbee, **Senate Bill No. 13** was called up for third reading and final disposition.

SENATE BILL NO. 13
CALL ITEM NO. 11
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION
BY: SENATOR GULLETT & REPRESENTATIVE SCROGGIN

A Bill for an Act to be Entitled: AN ACT TO MAKE AN APPROPRIATION FOR PERSONAL SERVICES AND OPERATING EXPENSES FOR THE OFFICE OF INFORMATION TECHNOLOGY - GEOGRAPHIC INFORMATION SYSTEM OFFICE FOR THE BIENNIAL PERIOD ENDING JUNE 30, 2005; AND FOR OTHER PURPOSES.

Senate Bill No. 13 was placed on third reading and final disposition, the question being: Shall the Bill pass?

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

AFFIRMATIVE: Altes, Argue, Baker, Bisbee, J. Bookout, Broadway, Brown, Bryles, Capps, Critcher, Faris, Glover, Gullett, Hendren, Higginbothom, Hill, Holt, Horn, G. Jeffress, J. Jeffress, B. Johnson, Lavery, Luker, Madison, Malone, Miller, Salmon, T. Smith, Steele, Trusty, Whitaker, Wilkins, Wilkinson, Womack, Wooldridge.

Total35

NEGATIVE:

Total0

ABSENT OR NOT VOTING:

Total0

VOTING PRESENT:

Total0

Total number of votes cast.....35

Necessary to the passage of the bill27

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

(SIGNED) ANN CORNWELL, SECRETARY

There being an emergency clause attached to **Senate Bill No. 13**, the President ordered the Secretary to call the roll upon the adoption of the emergency clause.

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

AFFIRMATIVE: Altes, Argue, Baker, Bisbee, J. Bookout, Broadway, Brown, Bryles, Capps, Critcher, Faris, Glover, Gullett, Hendren, Higginbothom, Hill, Holt, Horn, G. Jeffress, J. Jeffress, B. Johnson, Lavery, Luker, Madison, Malone, Miller, Salmon, T. Smith, Steele, Trusty, Whitaker, Wilkins, Wilkinson, Womack, Wooldridge.

Total35

NEGATIVE:

Total0

ABSENT OR NOT VOTING:

Total0

VOTING PRESENT:

Total0

Total number of votes cast.....35

Necessary to the adoption of the emergency clause24

So the Emergency Clause was adopted.

(SIGNED) ANN CORNWELL, SECRETARY

Senate Bill No. 13 was ordered immediately transmitted to the House.

Senate Bill No. 4 was returned from the House as passed.

Senate Bill No. 4 was ordered enrolled.

ARKANSAS SENATE
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION

December 12, 2003

Mr. President:

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

SENATE BILL NO. 14, BY SENATOR SALMON,

beg leave to report that we have carefully compared the engrossed copy with the original and we find the same correctly engrossed.

Respectfully submitted,

(SIGNED) JOHN PAUL CAPPES, CHAIRMAN

Senate Bill No. 14 was transmitted to the House.

HOUSE BILL NO. 1010
CALL ITEM NO. 4
EIGHTY-FOURTH GENERAL ASSEMBLY
SECONDT EXTRAORDINARY SESSION
BY: REPRESENTATIVE DICKINSON, et. al.

A Bill for an Act to be Entitled: TO CREATE THE ADVISORY COMMISSION ON MATH EXCELLENCE AND IMPROVE MATH EDUCATION IN ARKANSAS; AND FOR OTHER PURPOSES.

House Bill No. 1010 was read the first time, rules suspended, read the second time and referred to the Committee on EDUCATION.

HOUSE BILL NO. 1022
CALL ITEM NO. 8
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION
BY: REPRESENTATIVE WEAVER

A Bill for an Act to be Entitled: AN ACT TO REAPPROPRIATE THE BALANCES OF CAPITAL IMPROVEMENT APPROPRIATIONS FOR THE SECRETARY OF STATE; AND FOR OTHER PURPOSES.

House Bill No. 1022 was read the first time, rules suspended, read the second time and placed on the Calendar.

HOUSE BILL NO. 1025
CALL ITEM NO. 12
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION
BY: REPRESENTATIVE WEAVER

A Bill for an Act to be Entitled: AN ACT TO MAKE AN APPROPRIATION FOR PERSONAL SERVICES AND OPERATING EXPENSES FOR THE DEPARTMENT OF HEALTH - MARINE SANITATION PROGRAM FOR THE BIENNIAL PERIOD ENDING JUNE 30, 2005; AND FOR OTHER PURPOSES.

House Bill No. 1025 was read the first time, rules suspended, read the second time and placed on the Calendar.

SENATE BILL NO. 30
CALL ITEM NO. 4
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION
BY: SENATOR BISBEE & REPRESENTATIVE ANDERSON

A Bill for an Act to be Entitled: AN ACT TO PROVIDE CONTRACT FLEXIBILITY TO SCHOOL DISTRICTS IN ACADEMIC OR FINANCIAL DISTRESS; AND FOR OTHER PURPOSES.

Senate Bill No. 30 was read the first time, rules suspended, read the second time and referred to the Committee on EDUCATION.

ARKANSAS SENATE
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION

December 12, 2003

Mr. President:

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

SENATE BILL NO. 4, BY SENATOR BISBEE,

beg leave to report that we have carefully compared the enrolled copy with the original and we find the same correctly enrolled and have at 11:48 a.m. delivered them to the Governor for his approval.

Respectfully submitted,

(SIGNED) JOHN PAUL CAPPS, CHAIRMAN

GOVERNOR'S BILL RECEIPTS

SENATE BILL NO. 4

RECEIVED the above papers from the Secretary of the Senate this 12th day of December, 2003 at 11:48 a.m..

(SIGNED) MIKE HUCKABEE
Governor

(SIGNED) STACY DeJARNETTE
Secretary

SENATE BILL NO. 31

CALL ITEM NO. 3

EIGHTY-FOURTH GENERAL ASSEMBLY

SECOND EXTRAORDINARY SESSION

BY: SENATOR BROADWAY

A Bill for an Act to be Entitled: AN ACT TO MAKE AN APPROPRIATION FOR GRANTS AND AIDS TO LOCAL SCHOOL DISTRICTS AND SPECIAL PROGRAMS FOR THE DEPARTMENT OF WORKFORCE EDUCATION WHICH SHALL BE SUPPLEMENTAL AND IN ADDITION TO THOSE FUNDS APPROPRIATED BY ACT 1309 OF 2003; AND FOR OTHER PURPOSES.

Senate Bill No. 31 was read the first time, rules suspended, read the second time and referred to the Committee on JOINT BUDGET.

* * * * *

SENATE BILLS TRANSMITTED TO THE HOUSE
AS PASSED

SENATE BILL NO. 6

SENATE BILL NO. 13

SENATE BILL NO. 14

SENATE CONCURRENT RESOLUTION TRANSMITTED
TO THE HOUSE AS ADOPTED

SENATE CONCURRENT RESOLUTION NO. 1

SENATE BILL RETURNED FROM THE HOUSE
AS PASSED

SENATE BILL NO. 4

HOUSE BILLS TRANSMITTED TO THE SENATE
AS PASSED

HOUSE BILL NO. 1010

HOUSE BILL NO. 1022

HOUSE BILL NO. 1025

On motion of Senator Baker, the Senate adjourned until 1:00 p.m., Monday,
December 15, 2003.

PRESIDENT OF THE SENATE

SECRETARY OF THE SENATE

--ooOoo--

**EIGHTH DAY'S PROCEEDINGS
SENATE CHAMBER
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION**

Little Rock, Arkansas
December 15, 2003

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

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

ALTES, ARGUE, BAKER, BISBEE, BOOKOUT,
BROADWAY, BROWN, BRYLES, CAPPS, CRITCHER,
FARIS, GLOVER, GULLETT, HENDREN,
HIGGINBOTHOM, HILL, HOLT, HORN, G.JEFFRESS,
J.JEFFRESS, JOHNSON, LAVERTY, LUKER, MADISON,
MALONE, MILLER, SALMON, SMITH, STEELE, TRUSTY,
WHITAKER, WILKINS, WILKINSON, WOMACK,
WOOLDRIDGE.

The Senate was led in prayer by Chaplain Carol Hall, from Fort Smith, Arkansas.

The Senate was led in the Pledge of Allegiance by Senator Hill.

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

STATE OF ARKANSAS
OFFICE OF THE GOVERNOR
STATE CAPITOL
LITTLE ROCK, ARKANSAS

MIKE HUCKABEE
Governor

December 15, 2003

TO THE PRESIDENT OF THE SENATE

Dear Mr. President:

This is to inform your Honorable Body that on December 15, I approved the following measure:

Senate Bill No. 4, which is now Act 3 of 2003,

Sincerely,

(SIGNED) MIKE HUCKABEE
Governor

**ARKANSAS SENATE
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION**

December 15, 2003

Mr. President:

We, your Committee on EDUCATION, to whom was referred:

SENATE BILL NO. 27, BY SENATOR BISBEE,

beg leave to report that we have had the same under consideration, and herewith return the same with the recommendation that it do pass.

Respectfully submitted,

(SIGNED) SENATOR JIM ARGUE

ARKANSAS SENATE
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION

December 15, 2003

Mr. President:

We, your Committee on EDUCATION, to whom was referred:

SENATE BILL NO. 8, BY SENATOR GLOVER,
beg leave to report that we have had the same under consideration, and herewith return the
same with the recommendation that it do pass as amended #2.

Respectfully submitted,

(SIGNED) SENATOR JIM ARGUE

ARKANSAS SENATE
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION

December 15, 2003

Mr. President:

We, your Committee on EDUCATION, to whom was referred:

SENATE BILL NO. 28, BY SENATOR ARGUE,
beg leave to report that we have had the same under consideration, and herewith return the
same with the recommendation that it do pass as amended #7.

Respectfully submitted,

(SIGNED) SENATOR BRENDA GULLETT

On motion of Senator Wooldridge, the Senate resolved itself into the Committee of the Whole for the purpose of recognizing Mr. Jim Pickens.

Without objection, the Committee of the Whole was dissolved, and the Senate took up its regular order of business.

On motion of Senator Wooldridge, **Senate Concurrent Resolution No. 2** was called up for third reading.

SENATE CONCURRENT RESOLUTION NO. 2

EIGHTY-FOURTH GENERAL ASSEMBLY

SECOND EXTRAORDINARY SESSION

BY: SENATOR WOOLDRIDGE & REPRESENTATIVES FERGUSON

RECOGNIZING THE OUTSTANDING SERVICE OF JIM PICKENS TO THE COMMUNITY AND THE STATE OF ARKANSAS.

Senate Concurrent Resolution No. 2 was read the 3rd time and adopted.

Senate Concurrent Resolution No. 2 was ordered transmitted to the House.

The President declared the morning hour to have expired.

On motion of Senator Bookout, **Senate Bill No. 11** was called up for third reading and final disposition.

SENATE BILL NO. 11
(As Engrossed: S/12/11/03)
CALL ITEM NO. 18
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION
BY: SENATORS BOOKOUT & CRITCHER
REPRESENTATIVES BOLIN, DICKINSON & JACKSON

A Bill for an Act to be Entitled: AN ACT RELATING TO COMMERCIAL DRIVER LICENSE QUALIFICATION STANDARDS REQUIRED FOR TESTING; AND FOR OTHER PURPOSES.

Senate Bill No. 11 was placed on third reading and final disposition, the question being: Shall the Bill pass?

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

AFFIRMATIVE: Altes, Argue, Baker, Bisbee, J. Bookout, Broadway, Brown, Bryles, Capps, Critcher, Faris, Glover, Gullett, Hendren, Higginbothom, Hill, Holt, Horn, G. Jeffress, J. Jeffress, B. Johnson, Laverty, Luker, Madison, Malone, Miller, Salmon, T. Smith, Steele, Trusty, Whitaker, Wilkins, Wilkinson, Womack, Wooldridge.

Total	35
NEGATIVE:	
Total	0
ABSENT OR NOT VOTING:	
Total	0
VOTING PRESENT:	
Total	0
Total number of votes cast.....	35
Necessary to the passage of the bill	18

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

(SIGNED) ANN CORNWELL, SECRETARY

There being an emergency clause attached to **Senate Bill No. 11**, the President ordered the Secretary to call the roll upon the adoption of the emergency clause.

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

AFFIRMATIVE: Altes, Argue, Baker, Bisbee, J. Bookout, Broadway, Brown, Bryles, Capps, Critcher, Faris, Glover, Gullett, Hendren, Higginbotham, Hill, Holt, Horn, G. Jeffress, J. Jeffress, B. Johnson, Lavery, Luker, Madison, Malone, Miller, Salmon, T. Smith, Steele, Trusty, Whitaker, Wilkins, Wilkinson, Womack, Wooldridge.

Total35

NEGATIVE:

Total0

ABSENT OR NOT VOTING:

Total0

VOTING PRESENT:

Total0

Total number of votes cast35

Necessary to the adoption of the emergency clause24

So the Emergency Clause was adopted.

(SIGNED) ANN CORNWELL, SECRETARY

Senate Bill No. 11 was ordered immediately transmitted to the House.

On motion of Senator Bisbee, **House Bill No. 1022** was re-referred to the Committee on Joint Budget.

SENATE RESOLUTION NO. 3
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION
BY: SENATOR CRITCHER

A Bill for an Act to be Entitled: CONGRATULATING THE 2003 CONCORD HIGH SCHOOL PIRATES ON THEIR UNDEFEATED SEASON AND CLASS A STATE BASEBALL CHAMPIONSHIP.

Senate Resolution No. 3 was read the first time, rules suspended, read the second time and placed on the Calendar.

SENATE RESOLUTION NO. 4
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION
BY: SENATOR FARIS

A Bill for an Act to be Entitled: RECOGNIZING AND COMMENDING MR. FLOYD L. PARKER FOR FIFTY YEARS OF SERVICE TO THE MALVERN NATIONAL BANK.

Senate Resolution No. 4 was read the first time, rules suspended, read the second time and placed on the Calendar.

SENATE BILL NO. 32
CALL ITEM NO. 4
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION
BY: SENATOR BAKER

A Bill for an Act to be Entitled: AN ACT TO MAKE AN APPROPRIATION FOR PERSONAL SERVICES FOR THE DEPARTMENT OF HIGHER EDUCATION WHICH SHALL BE SUPPLEMENTAL AND IN ADDITION TO THOSE FUNDS APPROPRIATED BY ACT 25 OF THE FIRST EXTRAORDINARY SESSION OF 2003; AND FOR OTHER PURPOSES.

Senate Bill No. 32 was read the first time, rules suspended, read the second time and referred to the Committee on JOINT BUDGET.

SENATE BILL NO. 33
CALL ITEM NO. 4
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION
BY: SENATORS BRYLES, ARGUE, BAKER, BISBEE, JOHNSON, FARIS, SALMON,
TRUSTY, WHTAKER, WOMACK & WOOLDRIDGE
REPRESENTATIVES HARDWICK, CLEVELAND, AGEE, et al

A Bill for an Act to be Entitled: AN ACT TO ESTABLISH A COMPREHENSIVE SYSTEM OF TESTING FOR ARKANSAS STUDENTS; TO ESTABLISH A PROGRAM OF SCHOOL AND SCHOOL DISTRICT ACCOUNTABILITY FOR STUDENT PERFORMANCE AND TO ESTABLISH A SYSTEM OF REWARDS AND SANCTIONS; TO GIVE STUDENTS ATTENDING UNDERPERFORMING SCHOOLS CERTAIN CHOICES, KNOWN AS THE ARKANSAS OPPORTUNITY PUBLIC SCHOOL CHOICE ACT; TO ESTABLISH A FINANCIAL MANAGEMENT PRACTICES SYSTEM FOR ARKANSAS SCHOOL DISTRICTS; TO ESTABLISH CERTAIN PRIVACY RIGHTS OF STUDENTS AND THEIR PARENTS TO CERTAIN STUDENT RECORDS; AND FOR OTHER PURPOSES.

Senate Bill No. 33 was read the first time, rules suspended, read the second time and referred to the Committee on EDUCATION.

SENATE BILL NO. 34
CALL ITEM NO. 4
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION
BY: SENATOR BROADWAY

A Bill for an Act to be Entitled: AN ACT TO ASSIST SCHOOL DISTRICTS IN THE ACQUISITION OF ENERGY CONSERVATION MEASURES; AND FOR OTHER PURPOSES.

Senate Bill No. 34 was read the first time, rules suspended, read the second time and referred to the Committee on EDUCATION.

* * * * *

SENATE BILL TRANSMITTED TO THE HOUSE
AS PASSED

SENATE BILL NO. 11

SENATE CONCURRENT RESOLUTION TRANSMITTED
TO THE HOUSE AS ADOPTED

SENATE CONCURRENT RESOLUTION NO. 2

On motion of Senator Baker, the Senate adjourned until 1:00 p.m. Tuesday, December 16, 2003.

PRESIDENT OF THE SENATE

SECRETARY OF THE SENATE

--ooOoo--

**9TH DAY'S PROCEEDINGS
SENATE CHAMBER
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION**

Little Rock, Arkansas

December 16, 2003

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

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

ALTES, ARGUE, BAKER, BISBEE, BOOKOUT,
BROADWAY, BROWN, BRYLES, CAPPS, CRITCHER,
FARIS, GLOVER, GULLETT, HENDREN,
HIGGINBOTHOM, HILL, HOLT, HORN, G.JEFFRESS,
J.JEFFRESS, JOHNSON, LAVERTY, LUKER, MADISON,
MALONE, MILLER, SALMON, SMITH, STEELE, TRUSTY,
WHITAKER, WILKINS, WILKINSON, WOMACK,
WOOLDRIDGE.

The Senate was led in prayer by Senator Baker.

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

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

ARKANSAS SENATE
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION

December 16, 2003

Mr. President:

We, your Committee on EDUCATION, to whom was referred:

HOUSE BILL NO. 1017, BY REPRESENTATIVE MAHONY,
HOUSE BILL NO. 1019, BY REPRESENTATIVE MAHONY,

beg leave to report that we have had the same under consideration, and herewith return the same with the recommendation that they do pass.

Respectfully submitted,

(SIGNED) SENATOR JIM ARGUE

ARKANSAS SENATE
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION

December 16, 2003

Mr. President:

We, your Committee on CITY, COUNTY & LOCAL AFFAIRS, to whom was referred:

SENATE BILL NO. 2, BY SENATOR LUKER,

beg leave to report that we have had the same under consideration, and herewith return the same with the recommendation that it do pass.

Respectfully submitted,

(SIGNED) SENATOR IRMA HUNTER BROWN

ARKANSAS SENATE
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION

December 16, 2003

Mr. President:

We, your Committee on CITY, COUNTY & LOCAL AFFAIRS, to whom was referred:

SENATE BILL NO. 25, BY SENATOR SALMON,

beg leave to report that we have had the same under consideration, and herewith return the same with the recommendation that it do pass as amended #1.

Respectfully submitted,

(SIGNED) SENATOR IRMA HUNTER BROWN

ARKANSAS SENATE
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION

December 16, 2003

Mr. President:

We, your Committee on JOINT BUDGET, to whom was referred:

SENATE BILL NO. 3, BY SENATOR BROADWAY,
SENATE BILL NO.10, BY SENATOR BROADWAY,
SENATE BILL NO. 32, BY SENATOR BAKER,

beg leave to report that we have had the same under consideration, and herewith return the same with the recommendation that they do pass.

Respectfully submitted,

(SIGNED) SENATOR DAVID BISBEE

ARKANSAS SENATE
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION

December 16, 2003

Mr. President:

We, your Committee on JOINT BUDGET, to whom was referred:

SENATE BILL NO. 5, BY SENATOR BISBEE,
HOUSE BILL NO. 1022, BY REPRESENTATIVE WEAVER,

beg leave to report that we have had the same under consideration, and herewith return the same with the recommendation that they do pass as amended #1.

Respectfully submitted,

(SIGNED) SENATOR DAVID BISBEE

On motion of Senator Faris, **Senate Resolution No. 4** was called up for third reading and final disposition.

SENATE RESOLUTION NO. 4
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION
BY: SENATOR FARIS

SENATE RESOLUTION RECOGNIZING AND COMMENDING MR. FLOYD L.
PARKER FOR FIFTY YEARS OF SERVICE TO THE MALVERN NATIONAL BANK.

Senate Resolution No. 4 was read the third time and adopted.

(SIGNED) ANN CORNWELL, SECRETARY

On motion of Senator Critcher, the Senate resolved itself into the Committee of the Whole for the purpose of congratulating the 2003 Concord High School Pirates..

Without objection, the Committee of the Whole was dissolved, and the Senate took up its regular order of business.

On motion of Senator Critcher, Senate Resolution No. 3 was called up for third reading and final disposition.

**SENATE RESOLUTION NO. 3
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION
BY: SENATOR CRITCHER**

SENATE RESOLUTION CONGRATULATING THE 2003 CONCORD HIGH SCHOOL PIRATES ON THEIR UNDEFEATED SEASON AND CLASS A STATE BASEBALL CHAMPIONSHIP.

Senate Resolution No. 3 was read the third time and adopted.

(SIGNED) ANN CORNWELL, SECRETARY

On motion of Senator Glover, **Senate Bill No. 8** was placed back on second reading for purpose of amendment.

ARKANSAS SENATE
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION
Amendment No. 2 to SENATE BILL NO. 8

Amend **Senate Bill No. 8** as engrossed, S12/11/03:

Page 1, line 31, delete "of" and substitute "by"

(SIGNED) SENATOR BOBBY GLOVER

The Amendment was read the first time, rules suspended, read the second time and adopted.

(SIGNED) ANN CORNWELL, SECRETARY

Senate Bill No. 8 was ordered engrossed.

On motion of Senator Argue, **Senate Bill No. 28** was placed back on second reading for purpose of amendment.

Amendments 1, 2, 3, 4, 5 and 6 were passed over.

ARKANSAS SENATE
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION
Amendment No. 7 to SENATE BILL NO. 28

Amend **Senate Bill No. 28** as originally introduced:

Page 5, line 26, delete "(1)"

AND

Page 6, line 25, delete "School" and substitute "School Academic Facilities"

AND

Page 7, line 28, delete "public facilities status" and substitute "status of public school academic facilities"

AND

Page 9, line 19, delete "rural" and substitute "rural."

AND

Page 9, line 30, delete "(B)" and substitute "(B)(i)"

AND

Page 9, delete lines 32 through 35, substitute the following:

"(a) Be a school with a department of education or a comprehensive four-year teacher preparation program; and
(b) Be capable of demonstrating a willingness and"

AND

Page 10, line 3, delete "(iv)" and substitute "(ii)"

AND

Page 11, line 25, delete "average rate" and substitute "statewide average rate"

AND

Page 16, line 21, delete "Voluntary Reorganization." and substitute "Reorganization."

AND

Page 16, line 24, delete "district." and substitute "district pursuant to the requirements of subdivision (c)(1) of this section."

AND

Page 16, line 26, delete "a plan" and substitute "a petition"

AND

Page 16, line 27, delete "April 1" and substitute "March 15"

AND

Page 16, delete line 31 entirely

AND

Page 16, line 32, delete "of the plan." and substitute "of a voluntary consolidation or annexation petition by the State Board of Education"

AND

Page 16, delete line 33, and substitute the following

"board with or into other school districts by June 1, 2004, to be effective on July 1, immediately following publication of the list under the requirements of subdivision (c)(1) of § 6-13-1601."

AND

Page 17, delete lines 4 through 7, and substitute the following:

(c)(1)(A) All consolidations or annexations under this section shall be accomplished so as not to create a school district that hampers, delays or in any manner negatively affects the desegregation of another school district in this state, and shall be in compliance with § 6-13-1401 et seq., except the State Board of Education shall need no additional authority from the affected districts to effectuate the requirements of this act.

(B) The State Board of Education may receive and hear petitions or move on its own motion to consolidate or annex a school district on the consolidation list in such a time frame to effectuate the mandate of §§ 6-13-1602(a)(1)(B)(1) and (a)(1)(B)(2)."

AND

Page 17, line 16, delete "districts" and substitute "schools"

AND

Page 17, line 22, delete "and"

AND

Page 17, delete line 24, and substitute the following:

(3) students per square mile; or

(3) The State Board of Education shall have the authority to declare other schools isolated if the school district can demonstrate to the state board that the students would be unreasonably harmed by a long transportation time due to geographical barriers."

AND

Page 17, line 29, delete "law." and substitute "law or State Board rule."

AND

Page 19, line 25, delete "collective" and substitute "collectively"

AND

Page 20, line 3, delete "as" and substitute "a"

AND

Page 20, line 4, delete "superintendents school district" and substitute "superintendents of school districts"

AND

Page 20, line 5, delete "(b)" and substitute "(b)(c)"

AND

Page 20, line 7, delete "(c)" and substitute "~~(c)~~(d)"

AND

Page 22, line 11, delete "16" and substitute "10"

AND

Page 22, line 13, delete "6-13-1605" and substitute "6-13-1028"

AND

Page 31, delete lines 33 through 36 entirely

AND

Page 32, delete line 1 entirely

AND

Page 39, line 22, delete "Within one hundred twenty (120) calendar days following" and substitute "Following"

AND

Page 39, delete lines 32 and 33 entirely

AND

Page 39, line 34, delete "(iii)(a)" and substitute "(ii)(a)"

AND

Page 40, delete lines 6 through 8 and substitute the following:

"(b) Following the work of the taskforce under this section, the Department of Education 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."

AND

Page 40, line 11, delete "Accountability, or" and substitute Accountability, the Office of Education Renewal Zones, or"

AND

Page 40, line 15, delete "Accountability, and" and substitute "Accountability, the Office of Education Renewal Zones, and"

AND

Page 40, delete line 17 and substitute the following:

"act.

(e) In the restructuring of the department the Director of the department may require the Department of Education, the Office of Public School Academic Facilities, and the

Office of Public School Accountability, and the Office of Education Renewal Zones to coordinate and share certain administrative, custodial, legal, internal finance, and other necessary personnel to effectuate the daily operations of those offices and the department."

(SIGNED) SENATOR JIM ARGUE

The Amendment was read the first time, rules suspended, read the second time and adopted.

(SIGNED) ANN CORNWELL, SECRETARY

Senate Bill No. 28 was ordered engrossed.

On motion of Senator Madison, the rules were suspended in considering Senate Bill No. 25 at this time.

On motion of Senator Madison, Senate Bill No. 25 was placed back on second reading for purpose of amendment.

ARKANSAS SENATE
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION
Amendment No. 1 to SENATE BILL NO. 25

Amend Senate Bill No. 25 as originally introduced:

Strike everything after the Enacting Clause and substitute the following:

"SECTION 1. Arkansas Code § 14-20-113 is amended to read as follows:

14-20-113. Collection of delinquent taxes.

(a) The quorum court in each county shall provide for the collection of delinquent taxes within the county and shall, by ordinance, place the responsibility ~~therefor~~ for collection in the office of the county collector or the combined office of sheriff and collector, ~~or and~~ may provide for the collection of delinquent taxes by ~~a person designated by a board composed of the county judge, an appropriate representative of the public schools in the county, and the mayor of the county seat or of each county seat in the case of those counties having two (2) county seats~~ an independent contractor as provided under this section.

(b)(1) If collection of delinquent taxes by an independent contractor is authorized by ordinance, the county judge may select, contract with, and oversee an independent contractor to collect delinquent personal property taxes, real property taxes, and any other delinquent amounts that the collector is charged with collecting. The independent contractor shall:

(A) Be selected subject to competitive bidding requirements under §§ 19-11-801 - 19-11-806;

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

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

(2) The independent contractor shall have all power and authority of the county collector or sheriff with respect to delinquent accounts, unless expressly limited by the contract.

(3)(A) As compensation, the independent contractor shall collect a fee from the taxpayer based upon the amount of the delinquent account.

(B) The fee shall not exceed an amount equal to thirty percent (30%) of the total dollar amount of the delinquent account collected as provided under the negotiated contract.

(C)(i) The fee specified under this subdivision (b)(3) shall be collected in the same manner as taxes from the taxpayer.

(ii) The fee amount shall not be considered a portion of the county collector's or sheriff's revenue in calculating excess revenue.

(4)(A) Any amounts collected under the contract with the independent contractor and due to the county shall be remitted in full to the county collector or sheriff within thirty (30) days of receipt.

(B) Any fees earned under the collection contract shall be disclosed to the county collector or sheriff and retained by the independent contractor.

(c)(1) If an independent contractor is selected to collect delinquent accounts, the contractor shall register with the Secretary of State and shall file with the Secretary of State a surety bond or certificate of deposit guaranteeing compliance with the terms of the contract and all applicable laws.

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

(3) The county or any person suffering damage by reason of the acts or omissions of the contractor may bring a cause of action on the bond for damages.

(d) No fewer than thirty (30) days before the county collector or sheriff turns the delinquent account collection over to the independent contractor, the county collector or sheriff shall give notice to the delinquent taxpayers at their last known address. The notice shall include that:

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

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

(e)(1) Upon expiration of the thirty (30) days provided for in the notice, the accounts remaining delinquent shall be turned over to the independent contractor for collection.

(2) The county collector shall provide all available documentation necessary for the independent contractor to perform all his or her obligations under the collection contract.

(3)(A) Nothing in this subsection (e) shall preclude a taxpayer from making payments directly to the county collector.

(B) Once notice has been provided and the thirty-day time period has expired, if payments are made directly to the collector, the collector shall collect the independent contractor fee.

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

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

(2) An installment payment plan may be prorated over a period of time not to exceed one (1) year, or with respect to delinquent real property taxes, thirty (30) days before certification.

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

(4) Compliance by the taxpayer with the installment payment plan shall not preclude certification of real property on the remaining balance due.

(5) The independent contractor shall retain a fee only on the amount actually collected.

(6) Partial payment of delinquent accounts received by the county collector shall be applied first to offset any penalties owed by the delinquent taxpayer then to reduce the tax bill owed.

(g) This section shall apply to both current and future delinquent personal property taxes, real property taxes, and any other delinquent amounts to be collected by the county.

SECTION 2. Arkansas Code § 26-37-101 is amended to read as follows:

26-37-101. Transfer of tax-delinquent lands.

(a)(1) All lands upon which the taxes have not been paid for one (1) year following the date the taxes were due, October 10, shall be forfeited to the State of Arkansas and transmitted by certification to the Commissioner of State Lands for collection or sale.

(2) No tax-delinquent lands shall be sold at the county level.

(b)(1) The county collector shall hold all tax-delinquent lands in the county for one (1) year after the date of delinquency, and, if the lands are not redeemed by the certification date, which shall be no later than July 1 of the following year, the collector shall transmit it to the state by certification, after notice as provided in this chapter, indicating all taxes, penalties, interest, and costs due and the name and last known address of the owner of record of the tax-delinquent lands.

(2)(A) If an independent contractor has been utilized to assist in the collection of delinquent real property taxes under § 14-20-113, he or she shall be subject to the limitations of this section.

(B)(i) The county collector shall give thirty (30) days written notice of the county's intent to transmit real property by certification.

(ii) The notice shall provide a list of all parcels to be forfeited and the intended date of transmittal to the state.

(C) All collection activities of the independent contractor shall cease ten (10) days before the certification date regardless of the status of the collection.

(c) Upon receipt of the certification, title to the tax-delinquent lands shall vest in the State of Arkansas in care of the Commissioner of State Lands."

(SIGNED) SENATOR MARY ANNE SALMON

The Amendment was read the first time, rules suspended, read the second time and adopted.

(SIGNED) ANN CORNWELL, SECRETARY

Senate Bill No. 25 was ordered engrossed.

On motion of Senator Bisbee, the Senate resolved itself into the Committee of the Whole for the purpose of JOINT BUDGET BILLS.

Without objection, the Committee of the Whole was dissolved, and the Senate took up its regular order of business.

On motion of Senator Bisbee, **House Bill No. 1025** was called up for third reading and final disposition.

HOUSE BILL NO. 1025
CALL ITEM NO. 12
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION
BY: REPRESENTATIVE WEAVER

A Bill for an Act to be Entitled: AN ACT TO MAKE AN APPROPRIATION FOR PERSONAL SERVICES AND OPERATING EXPENSES FOR THE DEPARTMENT OF HEALTH - MARINE SANITATION PROGRAM FOR THE BIENNIAL PERIOD ENDING JUNE 30, 2005; AND FOR OTHER PURPOSES.

House Bill No. 1025 was placed on third reading and final disposition, the question being: Shall the Bill pass?

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

AFFIRMATIVE: Altes, Argue, Baker, Bisbee, J. Bookout, Broadway, Brown, Bryles, Capps, Critcher, Faris, Glover, Gullett, Hendren, Higginbothom, Hill, Holt, Horn, G. Jeffress, J. Jeffress, B. Johnson, Laverty, Luker, Madison, Malone, Miller, Salmon, T. Smith, Steele, Trusty, Whitaker, Wilkins, Wilkinson, Womack, Wooldridge.

Total35

NEGATIVE:

Total0

ABSENT OR NOT VOTING:

Total0

VOTING PRESENT:

Total0

Total number of votes cast.....35

Necessary to the passage of the bill27

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

There being an emergency clause attached to **House Bill No. 1025**, the President ordered the Secretary to call the roll upon the adoption of the emergency clause.

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

AFFIRMATIVE: Altes, Argue, Baker, Bisbee, J. Bookout, Broadway, Brown, Bryles, Capps, Critcher, Faris, Glover, Gullett, Hendren, Higginbothom, Hill, Holt, Horn, G. Jeffress, J. Jeffress, B. Johnson, Laverty, Luker, Madison, Malone, Miller, Salmon, T. Smith, Steele, Trusty, Whitaker, Wilkins, Wilkinson, Womack, Wooldridge.

Total35

NEGATIVE:

Total0

ABSENT OR NOT VOTING:

Total0

VOTING PRESENT:

Total0

Total number of votes cast.....35

Necessary to the adoption of the emergency clause24

So the Emergency Clause was adopted.

(SIGNED) ANN CORNWELL, SECRETARY

House Bill No. 1025 was ordered immediately returned to the House.

ARKANSAS SENATE
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION

December 16, 2003

Mr. President:

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

SENATE BILL NO. 8, BY SENATOR GLOVER,

beg leave to report that we have carefully compared the engrossed copy with the original and we find the same correctly engrossed.

Respectfully submitted,

(SIGNED) JOHN PAUL CAPPS, CHAIRMAN

**SENATE RESOLUTION NO. 5
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION
BY: SENATOR BOOKOUT**

SENATE RESOLUTION CONGRATULATING THE 2003 STATE HIGH SCHOOL AAA VOLLEYBALL CHAMPION VALLEY VIEW LADY BLAZERS, AND RUNNER-UP JONESBORO WESTSIDE WARRIORS.

Senate Resolution No. 5 was read the first time, rules suspended, read the second time and placed on the Calendar.

SENATE BILL NO. 35
CALL ITEM NO. 4
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION
BY: SENATOR MADISON

A Bill for an Act to be Entitled: AN ACT TO ENCOURAGE LARGER SCHOOL DISTRICTS TO VOLUNTARILY MERGE WITH SMALLER SCHOOL DISTRICTS; CONCERNING THE ESTABLISHMENT OF AN INTERIM BOARD; AND FOR OTHER PURPOSES.

Senate Bill No. 35 was read the first time, rules suspended, read the second time and referred to the Committee on EDUCATION.

SENATE RESOLUTION NO. 6
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION
BY: SENATOR G. JEFFRESS

SENATE RESOLUTION CONGRATULATING THE 2003 JUNCTION CITY HIGH SCHOOL DRAGONS ON THEIR UNDEFEATED SEASON AND CLASS AA STATE FOOTBALL CHAMPIONSHIP.

Senate Resolution No. 6 was read the first time, rules suspended, read the second time and placed on the Calendar.

SENATE CONCURRENT RESOLUTION NO. 3
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION
BY: SENATOR LAVERTY

SENATE CONCURRENT RESOLUTION URGING THE ARKANSAS CONGRESSIONAL DELEGATION TO INTRODUCE AND PASS LEGISLATION TO REVISE THE AGE AND SERVICE REQUIREMENTS FOR MEMBERS OF THE NATIONAL GUARD AND RESERVES TO BE ELIGIBLE TO RECEIVE RETIREMENT PAY; AND TO INCREASE THE AMOUNT OF NATIONAL GUARD AND RESERVE RETIREMENT PAY TO MAKE IT ON PAR WITH ACTIVE DUTY MEMBERS OF OUR ARMED FORCES.

Senate Concurrent Resolution No. 3 was read the first time, rules suspended, read the second time and referred to the Committee on STATE AGENCIES & GOVERNMENTAL AFFAIRS.

ARKANSAS SENATE
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION

December 16, 2003

Mr. President:

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

SENATE BILL NO. 25, BY SENATOR SALMON,

beg leave to report that we have carefully compared the engrossed copy with the original and we find the same correctly engrossed.

Respectfully submitted,
(SIGNED) JOHN PAUL CAPPS, CHAIRMAN

On motion of Senator Madison, **Senate Bill No. 25** was re-referred to the Committee on CITY, COUNTY & LOCAL AFFAIRS.

Senate Bill No. 13 was returned from the House as passed and orderd enrolled.

ARKANSAS SENATE
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION

December 16, 2003

Mr. President:

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

SENATE BILL NO. 13, BY SENATOR GULLETT,

beg leave to report that we have carefully compared the enrolled copy with the original and we find the same correctly enrolled and have at 2:10 p.m. delivered them to the Governor for his approval.

Respectfully submitted,

(SIGNED) JOHN PAUL CAPPS, CHAIRMAN

GOVERNOR'S BILL RECEIPTS

SENATE BILL NO. 13

RECEIVED the above papers from the Secretary of the Senate this 16th day of December, 2003, at 2:10 p.m..

(SIGNED) MIKE HUCKABEE

Governor

(SIGNED) STACY DeJARNETTE

Secretary

ARKANSAS SENATE
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION

December 16, 2003

Mr. President:

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

SENATE BILL NO. 28, BY SENATOR ARGUE,

beg leave to report that we have carefully compared the engrossed copy with the original and we find the same correctly engrossed.

Respectfully submitted,

(SIGNED) JOHN PAUL CAPPS, CHAIRMAN

SENATE BILL NO. 36
CALL ITEM NO. 4
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION
BY: SENATOR ARGUE

A Bill for an Act to be Entitled: AN ACT TO IMPLEMENT AMENDMENT 74 TO THE ARKANSAS CONSTITUTION; TO AMEND CERTAIN SECTIONS OF THE ARKANSAS CODE TO COMPLY WITH AMENDMENT 74; TO DECLARE AN EMERGENCY; AND FOR OTHER PURPOSES.

Senate Bill No. 36 was read the first time, rules suspended, read the second time and referred to the Committee on EDUCATION.

* * * * *

HOUSE BILL RETURNED TO THE HOUSE

AS PASSED

HOUSE BILL NO. 1025

SENATE BILL RETURNED FROM THE HOUSE

AS PASSED

SENATE BILL NO. 13

On motion of Senator Baker, the Senate adjourned until 1:00 p.m. Wednesday, December 17, 2003.

PRESIDENT OF THE SENATE

SECRETARY OF THE SENATE

--ooOoo--

**10TH DAY'S PROCEEDINGS
SENATE CHAMBER
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION**

Little Rock, Arkansas

December 17, 2003

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

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

ALTES, ARGUE, BAKER, BISBEE, BOOKOUT,
BROADWAY, BROWN, BRYLES, CAPPS, CRITCHER,
FARIS, GLOVER, GULLETT, HENDREN,
HIGGINBOTHOM, HILL, HOLT, HORN, G.JEFFRESS,
J.JEFFRESS, JOHNSON, LAVERTY, LUKER, MADISON,
MALONE, MILLER, SALMON, SMITH, STEELE, TRUSTY,
WHITAKER, WILKINS, WILKINSON, WOMACK,
WOOLDRIDGE.

The Senate was led in prayer by Senator Jimmy Jeffress.

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

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

ARKANSAS SENATE
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION

December 17, 2003

Mr. President:

We, your Committee on JOINT BUDGET, to whom was referred:

SENATE BILL NO. 15, BY SENATOR BISBEE,

beg leave to report that we have had the same under consideration, and herewith return the same with the recommendation that it do pass as amended #1.

Respectfully submitted,

(SIGNED) SENATOR DAVID BISBEE

ARKANSAS SENATE
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION

December 17, 2003

Mr. President:

We, your Committee on EDUCATION, to whom was referred:

SENATE BILL NO. 36, BY SENATOR ARGUE,

beg leave to report that we have had the same under consideration, and herewith return the same with the recommendation that it do pass as amended #1.

Respectfully submitted,

(SIGNED) SENATOR BRENDA GULLETT

ARKANSAS SENATE
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION

December 17, 2003

Mr. President:

We, your Committee on REVENUE & TAXATION, to whom was referred:

SENATE BILL NO. 21, BY SENATOR BOOKOUT,

beg leave to report that we have had the same under consideration, and herewith return the same with the recommendation that it do pass.

Respectfully submitted,

(SIGNED) SENATOR TIM WOOLDRIDGE

On motion of Senator Gene Jeffress, the Senate resolved itself into the Committee of the Whole for the purpose of congratulating the 2003 Junction City High School Football Team.

Without objection, the Committee of the Whole was dissolved, and the Senate took up its regular order of business.

On motion of Senator Gene Jeffress, **Senate Resolution No. 6** was called up for third reading and final disposition.

**SENATE RESOLUTION NO. 6
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION
BY: G. JEFFRESS**

SENATE RESOLUTION CONGRATULATING THE 2003 JUNCTION CITY HIGH SCHOOL DRAGONS ON THEIR UNDEFEATED SEASON AND CLASS AA STATE FOOTBALL CHAMPIONSHIP.

Senate Resolution No. 6 was read the third time and adopted.

(SIGNED) ANN CORNWELL, SECRETARY

The President declared the morning hour to have expired.

On motion of Senator Luker, **Senate Bill No. 2** was called up for third reading and final disposition.

SENATE BILL NO. 2
CALL ITEM NO. 13
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION
BY: SENATOR LUKER

A Bill for an Act to be Entitled: AN ACT TO PROVIDE FOR JAIL REIMBURSEMENT TO COUNTIES BY THE DEPARTMENT OF COMMUNITY CORRECTION; AND FOR OTHER PURPOSES.

Senate Bill No. 2 was placed on third reading and final disposition, the question being: Shall the Bill pass?

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

AFFIRMATIVE: Altes, Argue, Baker, Bisbee, J. Bookout, Broadway, Brown, Bryles, Capps, Critcher, Faris, Glover, Gullett, Hendren, Higginbothom, Hill, Holt, Horn, G. Jeffress, J. Jeffress, B. Johnson, Lavery, Luker, Madison, Malone, Miller, Salmon, T. Smith, Steele, Trusty, Whitaker, Wilkins, Wilkinson, Womack, Wooldridge.

Total35

NEGATIVE:

Total0

ABSENT OR NOT VOTING:

Total0

VOTING PRESENT:

Total0

Total number of votes cast35

Necessary to the passage of the bill18

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

(SIGNED) ANN CORNWELL, SECRETARY

Senate Bill No. 2 was ordered immediately transmitted to the House as passed.

On motion of Senator Glover, **Senate Bill No. 8** was called up for third reading and final disposition.

SENATE BILL NO. 8
(As Engrossed: S12/11/03 S12/16/03)
CALL ITEM NO. 4
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION
BY: SENATOR GLOVER

A Bill for an Act to be Entitled: AN ACT TO REQUIRE FINANCIAL IMPACT STATEMENTS FOR BILLS RELATING TO EDUCATION THAT HAVE A FISCAL IMPACT ON SCHOOL DISTRICT EXPENDITURES; AND FOR OTHER PURPOSES.

Senate Bill No. 8 was placed on third reading and final disposition, the question being: Shall the Bill pass?

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

AFFIRMATIVE: Altes, Argue, Baker, Bisbee, J. Bookout, Broadway, Brown, Bryles, Capps, Critcher, Faris, Glover, Gullett, Hendren, Higginbotham, Hill, Holt, Horn, G. Jeffress, J. Jeffress, B. Johnson, Laverty, Luker, Madison, Malone, Miller, Salmon, T. Smith, Steele, Trusty, Whitaker, Wilkins, Wilkinson, Womack, Wooldridge.

Total35

NEGATIVE:

Total0

ABSENT OR NOT VOTING:

Total0

VOTING PRESENT:

Total0

Total number of votes cast35

Necessary to the passage of the bill18

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

(SIGNED) ANN CORNWELL, SECRETARY

Senate Bill No 8 was ordered immediately transmitted to the House as passed.

On motion of Senator Bisbee, **Senate Bill No. 27** was called up for third reading and final disposition.

SENATE BILL NO. 27
CALL ITEM NO. 4
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION
BY: SENATOR BISBEE & REPRESENTATIVE ANDERSON

A Bill for an Act to be Entitled: AN ACT TO STANDARDIZE THE EDUCATIONAL ACHIEVEMENTS NECESSARY FOR SCHOLARSHIP ELIGIBILITY IN ARKANSAS; AND FOR OTHER PURPOSES.

Senate Bill No. 27 was placed on third reading and final disposition, the question being: Shall the Bill pass?

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

AFFIRMATIVE: Altes, Argue, Baker, Bisbee, J. Bookout, Broadway, Brown, Capps, Critcher, Faris, Glover, Gullett, Hendren, Hill, Holt, J. Jeffress, Laverty, Luker, Madison, Malone, Miller, Salmon, T. Smith, Steele, Trusty, Whitaker, Wilkinson, Womack, Wooldridge.

Total29

NEGATIVE:

Total0

ABSENT OR NOT VOTING: Bryles, Higginbothom, Horn, G. Jeffress, B. Johnson, Wilkins.

Total6

VOTING PRESENT:

Total0

Total number of votes cast.....29

Necessary to the passage of the bill18

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

(SIGNED) ANN CORNWELL, SECRETARY

Senate Bill No. 27 was ordered immediately transmitted to the House as passed.

On motion of Senator Bisbee, the Senate resolved itself into the Committee of the Whole for the purpose of JOINT BUDGET BILLS AND AMENDMENTS.

Without objection, the Committee of the Whole was dissolved, and the Senate took up its regular order of business.

On motion of Senator Bisbee, **Senate Bill No. 5** was placed back on second reading for purpose of amendment.

ARKANSAS SENATE
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION
Amendment No. 1 to SENATE BILL NO. 5

(JBC 12/16/03(2))

Amend **Senate Bill No. 5** as originally introduced:

Page 4, delete Section 10 in its entirety and appropriately renumber the subsequent sections of the bill.

(SIGNED) SENATOR DAVID BISBEE

The Amendment was read the first time, rules suspended, read the second time and adopted.

(SIGNED) ANN CORNWELL, SECRETARY

On motion of Senator Bisbee, and without objection, the rules were suspended pertaining to passage of Amendment and Bill on the same day.

On motion of Senator Bisbee, **Senate Bill No. 5** was called up for third reading and final disposition.

SENATE BILL NO. 5
CALL ITEM NO. 10
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION
BY: SENATOR BISBEE

A Bill for an Act to be Entitled: AN ACT TO MAKE AN APPROPRIATION FOR THE ARKANSAS STATE CLAIMS COMMISSION TO PAY CLAIMS AGAINST THE STATE; AND FOR OTHER PURPOSES.

Senate Bill No. 5 was placed on third reading and final disposition, the question being: Shall the Bill pass?

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

AFFIRMATIVE: Altes, Argue, Baker, Bisbee, J. Bookout, Broadway, Brown, Bryles, Capps, Critcher, Faris, Glover, Gullett, Hendren, Higginbothom, Hill, Holt, Horn, G. Jeffress, J. Jeffress, B. Johnson, Lavery, Luker, Madison, Malone, Miller, Salmon, T. Smith, Steele, Trusty, Whitaker, Wilkins, Wilkinson, Womack, Wooldridge.

Total35

NEGATIVE:

Total0

ABSENT OR NOT VOTING:

Total0

VOTING PRESENT:

Total0

Total number of votes cast35

Necessary to the passage of the bill27

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

(SIGNED) ANN CORNWELL, SECRETARY

There being an emergency clause attached to **Senate Bill No. 5**, the President ordered the Secretary to call the roll upon the adoption of the emergency clause.

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

AFFIRMATIVE: Altes, Argue, Baker, Bisbee, J. Bookout, Broadway, Brown, Bryles, Capps, Critcher, Faris, Glover, Gullett, Hendren, Higginbothom, Hill, Holt, Horn, G. Jeffress, J. Jeffress, B. Johnson, Laverty, Luker, Madison, Malone, Miller, Salmon, T. Smith, Steele, Trusty, Whitaker, Wilkins, Wilkinson, Womack, Wooldridge.

Total35

NEGATIVE:

Total0

ABSENT OR NOT VOTING:

Total0

VOTING PRESENT:

Total0

Total number of votes cast.....35

Necessary to the adoption of the emergency clause24

So the Emergency Clause was adopted.

(SIGNED) ANN CORNWELL, SECRETARY

Senate Bill No. 5 was ordered engrossed.

On motion of Senator Bisbee, **House Bill No. 1022** and placed back on second reading for purpose of amendment.

ARKANSAS SENATE
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION
Amendment No. 1 to HOUSE BILL NO. 1022

JBC 12!603(12)

Amend **House Bill No. 1022** as originally introduced:

Page 1, line 27, delete in its entirety and substitute therefore:
"addition to those purposes authorized in Section 1, Items (A) through (I), of Act 293 of 2003, a sum".

(SIGNED) SENATOR DAVID BISBEE

The Amendment was read the first time, rules suspended, read the second time and adopted.

(SIGNED) ANN CORNWELL, SECRETARY

On motion of Senator Bisbee, and without objection, the rules were suspended pertaining to passage of Amendment and Bill on the same day.

On motion of Senator Bisbee, **House Bill No. 1022** was called up for third reading and final disposition.

HOUSE BILL NO. 1022
CALL ITEM NO. 8
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION
BY: REPRESENTATIVE WEAVER

A Bill for an Act to be Entitled: AN ACT TO REAPPROPRIATE THE BALANCES OF CAPITAL IMPROVEMENT APPROPRIATIONS FOR THE SECRETARY OF STATE; AND FOR OTHER PURPOSES.

House Bill No. 1022 was placed on third reading and final disposition, the question being: Shall the Bill pass?

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

AFFIRMATIVE: Altes, Argue, Baker, Bisbee, J. Bookout, Broadway, Brown, Bryles, Capps, Critcher, Faris, Glover, Gullett, Hendren, Higginbotham, Hill, Holt, Horn, G. Jeffress, J. Jeffress, B. Johnson, Laverty, Luker, Madison, Malone, Miller, Salmon, T. Smith, Steele, Trusty, Whitaker, Wilkins, Wilkinson, Womack, Wooldridge.

Total35

NEGATIVE:

Total0

ABSENT OR NOT VOTING:

Total0

VOTING PRESENT:

Total0

Total number of votes cast.....35

Necessary to the passage of the bill27

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

(SIGNED) ANN CORNWELL, SECRETARY

There being an emergency clause attached to **House Bill No. 1022**, the President ordered the Secretary to call the roll upon the adoption of the emergency clause.

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

AFFIRMATIVE: Altes, Argue, Baker, Bisbee, J. Bookout, Broadway, Brown, Bryles, Capps, Critcher, Faris, Glover, Gullett, Hendren, Higginbothom, Hill, Holt, Horn, G. Jeffress, J. Jeffress, B. Johnson, Lavery, Luker, Madison, Malone, Miller, Salmon, T. Smith, Steele, Trusty, Whitaker, Wilkins, Wilkinson, Womack, Wooldridge.

Total35

NEGATIVE:

Total0

ABSENT OR NOT VOTING:

Total0

VOTING PRESENT:

Total0

Total number of votes cast.....35

Necessary to the adoption of the emergency clause24

So the Emergency Clause was adopted.

(SIGNED) ANN CORNWELL, SECRETARY

House Bill No. 1022 was ordered engrossed.

On motion of Senator Bisbee, the rules were suspended in considering **Senate Bill No. 3** at this time.

On motion of Senator Bisbee, **Senate Bill No. 3** was called up for third reading and final disposition.

**SENATE BILL NO. 3
CALL ITEM NO. 15
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION
BY: SENATOR BROADWAY**

A Bill for an Act to be Entitled: AN ACT TO ESTABLISH A "GROWTH POOL" OF POSITIONS FOR THE TWO-YEAR INSTITUTIONS OF HIGHER EDUCATION; AND FOR OTHER PURPOSES.

Senate Bill No. 3 was placed on third reading and final disposition, the question being: Shall the Bill pass?

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

AFFIRMATIVE: Altes, Argue, Baker, Bisbee, J. Bookout, Broadway, Brown, Bryles, Capps, Critcher, Faris, Glover, Gullett, Hendren, Higginbothom, Hill, Holt, Horn, G. Jeffress, J. Jeffress, B. Johnson, Laverty, Luker, Madison, Malone, Miller, Salmon, T. Smith, Steele, Trusty, Whitaker, Wilkins, Wilkinson, Womack, Wooldridge.

Total35

NEGATIVE:

Total0

ABSENT OR NOT VOTING:

Total0

VOTING PRESENT:

Total0

Total number of votes cast.....35

Necessary to the passage of the bill27

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

(SIGNED) ANN CORNWELL, SECRETARY

There being an emergency clause attached to **Senate Bill No. 3**, the President ordered the Secretary to call the roll upon the adoption of the emergency clause.

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

AFFIRMATIVE: Altes, Argue, Baker, Bisbee, J. Bookout, Broadway, Brown, Bryles, Capps, Critcher, Faris, Glover, Gullett, Hendren, Higginbothom, Hill, Holt, Horn, G. Jeffress, J. Jeffress, B. Johnson, Lavery, Luker, Madison, Malone, Miller, Salmon, T. Smith, Steele, Trusty, Whitaker, Wilkins, Wilkinson, Womack, Wooldridge.

Total35

NEGATIVE:

Total0

ABSENT OR NOT VOTING:

Total0

VOTING PRESENT:

Total0

Total number of votes cast.....35

Necessary to the adoption of the emergency clause24

So the Emergency Clause was adopted.

(SIGNED) ANN CORNWELL, SECRETARY

Senate Bill No. 3 was ordered immediately transmitted to the House.

On motion of Senator Bisbee, the rules were suspended in considering **Senate Bill No. 10** at this time.

On motion of Senator Bisbee, **Senate Bill No. 10** was called up for third reading and final disposition.

SENATE BILL NO. 10
CALL ITEM NO. 3
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION
BY: SENATOR BROADWAY & REPRESENTATIVE ELLIOTT

A Bill for an Act to be Entitled: AN ACT TO AMEND ACT 1284 OF THE REGULAR SESSION OF 2003 TO REPEAL THE FISCAL YEAR FUNDING ALLOCATION PROVISION FOR OPERATING AND OTHER EXPENSES OF THE JOINT COMMITTEE ON EDUCATIONAL FACILITIES; AND FOR OTHER PURPOSES.

Senate Bill No. 10 was placed on third reading and final disposition, the question being: Shall the Bill pass?

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

AFFIRMATIVE: Altes, Argue, Baker, Bisbee, J. Bookout, Broadway, Brown, Bryles, Capps, Critcher, Faris, Glover, Gullett, Hendren, Higginbothom, Hill, Holt, Horn, G. Jeffress, J. Jeffress, B. Johnson, Laverty, Luker, Madison, Malone, Miller, Salmon, T. Smith, Steele, Trusty, Whitaker, Wilkins, Wilkinson, Womack, Wooldridge.

Total35

NEGATIVE:

Total0

ABSENT OR NOT VOTING:

Total0

VOTING PRESENT:

Total0

Total number of votes cast.....35

Necessary to the passage of the bill27

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

(SIGNED) ANN CORNWELL, SECRETARY

There being an emergency clause attached to **Senate Bill No. 10**, the President ordered the Secretary to call the roll upon the adoption of the emergency clause.

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

AFFIRMATIVE: Altes, Argue, Baker, Bisbee, J. Bookout, Broadway, Brown, Bryles, Capps, Critcher, Faris, Glover, Gullett, Hendren, Higginbothom, Hill, Holt, Horn, G. Jeffress, J. Jeffress, B. Johnson, Lavery, Luker, Madison, Malone, Miller, Salmon, T. Smith, Steele, Trusty, Whitaker, Wilkins, Wilkinson, Womack, Wooldridge.

Total35

NEGATIVE:

Total0

ABSENT OR NOT VOTING:

Total0

VOTING PRESENT:

Total0

Total number of votes cast.....35

Necessary to the adoption of the emergency clause24

So the Emergency Clause was adopted.

(SIGNED) ANN CORNWELL, SECRETARY

Senate Bill No. 10 was ordered immediately transmitted to the House.

On motion of Senator Bisbee, the rules were suspended in considering **Senate Bill No. 32** at this time.

On motion of Senator Bisbee, **Senate Bill No. 32** was called up for third reading and final disposition.

SENATE BILL NO. 32
CALL ITEM NO. 4
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION
BY: SENATOR BAKER

A Bill for an Act to be Entitled: AN ACT TO MAKE AN APPROPRIATION FOR PERSONAL SERVICES FOR THE DEPARTMENT OF HIGHER EDUCATION WHICH SHALL BE SUPPLEMENTAL AND IN ADDITION TO THOSE FUNDS APPROPRIATED BY ACT 25 OF THE FIRST EXTRAORDINARY SESSION OF 2003; AND FOR OTHER PURPOSES.

Senate Bill No. 32 was placed on third reading and final disposition, the question being: Shall the Bill pass?

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

AFFIRMATIVE: Altes, Argue, Baker, Bisbee, J. Bookout, Broadway, Brown, Bryles, Capps, Critcher, Faris, Glover, Gullett, Hendren, Higginbotham, Hill, Holt, Horn, G. Jeffress, J. Jeffress, B. Johnson, Laverty, Luker, Madison, Malone, Miller, Salmon, T. Smith, Steele, Trusty, Whitaker, Wilkins, Wilkinson, Womack, Wooldridge.

Total35

NEGATIVE:

Total0

ABSENT OR NOT VOTING:

Total0

VOTING PRESENT:

Total0

Total number of votes cast.....35

Necessary to the passage of the bill27

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

(SIGNED) ANN CORNWELL, SECRETARY

There being an emergency clause attached to **Senate Bill No. 32**, the President ordered the Secretary to call the roll upon the adoption of the emergency clause.

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

AFFIRMATIVE: Altes, Argue, Baker, Bisbee, J. Bookout, Broadway, Brown, Bryles, Capps, Critcher, Faris, Glover, Gullett, Hendren, Higginbothom, Hill, Holt, Horn, G. Jeffress, J. Jeffress, B. Johnson, Lavery, Luker, Madison, Malone, Miller, Salmon, T. Smith, Steele, Trusty, Whitaker, Wilkins, Wilkinson, Womack, Wooldridge.

Total35

NEGATIVE:

Total0

ABSENT OR NOT VOTING:

Total0

VOTING PRESENT:

Total0

Total number of votes cast.....35

Necessary to the adoption of the emergency clause24

So the Emergency Clause was adopted.

(SIGNED) ANN CORNWELL, SECRETARY

Senate Bill No. 32 was ordered immediately transmitted to the House.

On motion of Senator Hill the Senate recessed until 2:05 p.m..

The Senate reconvened after recess. The Secretary called the roll, and a quorum was present.

ARKANSAS SENATE
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION

December 17, 2003

Mr. President:

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

SENATE BILL NO. 5, BY SENATOR BISBEE,

beg leave to report that we have carefully compared the engrossed copy with the original and we find the same correctly engrossed.

Respectfully submitted,

(SIGNED) JOHN PAUL CAPPES, CHAIRMAN

Senate Bill No. 5 was ordered immediately transmitted to the House.

On motion of Senator Argue, the Senate resolved itself into the Committee of the Whole for the purpose of discussion on **Senate Bill No. 28**.

Without objection, the Committee of the Whole was dissolved, and the Senate took up its regular order of business.

ARKANSAS SENATE
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION

December 17, 2003

Mr. President:

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

HOUSE BILL NO. 1022, BY REPRESENTATIVE WEAVER,

beg leave to report that we have carefully compared the engrossed copy with the original and we find the same correctly engrossed.

Respectfully submitted,

(SIGNED) JOHN PAUL CAPPS, CHAIRMAN

House Bill No. 1022 was returned to the House as passed as amended.

SENATE RESOLUTION NO. 7
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION
BY: SENATORS JOHNSON, FARIS & BROADWAY

SENATE RESOLUTION RECOGNIZING SERGEANT CHARLES DAVID DONHAM UPON HIS RETIREMENT FROM THE DEPARTMENT OF ARKANSAS STATE POLICE.

Senate Resolution No. 7 was read the first time, rules suspended, read the second time and placed on the Calendar.

SENATE MEMORIAL RESOLUTION NO. 1
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION
BY: SENATORS SMITH & FARIS

SENATE MEMORIAL RESOLUTION IN RESPECTFUL MEMORY OF MR.
JOHNNIE WAYNE POPE OF ROYAL, ARKANSAS.

Senate Memorial Resolution No. 1 was read the first time, rules suspended, read the second time and placed on the Calendar.

SENATE MEMORIAL RESOLUTION NO. 2
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION
BY: SENATOR LAVERTY

SENATE MEMORIAL RESOLUTION IN RESPECTFUL MEMORY OF MR.
LLOYD KENNEDY AND IN RECOGNITION OF HIS MANY CONTRIBUTIONS TO
THE U.S. MILITARY, THE STATE OF ARKANSAS, AND HIS LOCAL COMMUNITY.

Senate Memorial Resolution No. 2 was read the first time, rules suspended, read the second time and placed on the Calendar.

HOUSE BILL NO. 1024
CALL ITEM NO. 14
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION
BY: REPRESENTATIVE WEAVER

A Bill for an Act to be Entitled: AN ACT TO MAKE AN APPROPRIATION FOR PERSONAL SERVICES AND OPERATING EXPENSES FOR THE MONITORING AND COMPLIANCE SECTION OF THE DEPARTMENT OF WORKFORCE EDUCATION WHICH SHALL BE SUPPLEMENTAL AND IN ADDITION TO THOSE FUNDS APPROPRIATED BY ACT 1309 OF 2003; AND FOR OTHER PURPOSES.

House Bill No. 1024 was read the first time, rules suspended, read the second time and placed on the Calendar.

HOUSE BILL NO. 1048
CALL ITEM NO 4
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION
BY: REPRESENTATIVES J. JOHNSON & CLEVELAND

A Bill for an Act to be Entitled: AN ACT TO REDUCE THE ACADEMIC DISPARITIES IN THE ARKANSAS DELTA; AND FOR OTHER PURPOSES.

House Bill No. 1048 was read the first time, rules suspended, read the second time and referred to the Committee on EDUCATION.

SENATE BILL NO. 37
CALL ITEM NO. 6
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION
BY: SENATORS HIGGINBOTHOM, ET AL
REPRESENTATIVE FERGUSON, ET AL

A Bill for an Act to be Entitled: AN ACT TO AVOID REDUCTION OF REVENUE TO FUND THE STATE EDUCATION SYSTEM BY AMENDING CERTAIN SECTIONS OF THE FAIR MORTGAGE LENDING ACT TO AVOID UNNECESSARY LIMITATIONS ON COMMERCIAL LENDING WITHIN THE STATE WHICH SLOWS THE RECOVERY AND GROWTH OF THE STATE'S ECONOMY; AND FOR OTHER PURPOSES.

Senate Bill No. 37 was read the first time, rules suspended, read the second time and referred to the Committee on INSURANCE & COMMERCE.

SENATE MEMORIAL RESOLUTION NO. 3
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION
BY: SENATOR MADISON

SENATE RESOLUTION MOURNING THE DEATH OF DR. DONALD BAY BAKER AND HONORING HIM FOR HIS YEARS OF SERVICE TO THE COMMUNITY AND MEDICAL PROFESSION.

Senate Memorial Resolution No. 3 was read the first time, rules suspended, read the second time and placed on the Calendar.

* * * * *

SENATE BILLS TRANSMITTED TO THE HOUSE

AS PASSED

SENATE BILL NO. 2

SENATE BILL NO. 3

SENATE BILL NO. 5

SENATE BILL NO. 8

SENATE BILL NO. 10

SENATE BILL NO. 27

SENATE BILL NO. 32

HOUSE BILL RETURNED TO THE HOUSE

AS PASSED AS AMENDED

HOUSE BILL NO. 1022

HOUSE BILLS TRANSMITTED TO THE SENATE

AS PASSED

HOUSE BILL NO. 1024

HOUSE BILL NO. 1048

On motion of Senator Baker, the Senate adjourned until 1:00 p.m. Thursday, December 18, 2003.

PRESIDENT OF THE SENATE

SECRETARY OF THE SENATE

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**11TH DAY'S PROCEEDINGS
SENATE CHAMBER
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION**

Little Rock, Arkansas
December 18, 2003

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:

ALTES, ARGUE, BAKER, BISBEE, BOOKOUT,
BROADWAY, BROWN, BRYLES, CAPPS, CRITCHER,
FARIS, GLOVER, GULLETT, HENDREN,
HIGGINBOTHOM, HILL, HOLT, HORN, G.JEFFRESS,
J.JEFFRESS, JOHNSON, LAVERTY, LUKER, MADISON,
MALONE, MILLER, SALMON, SMITH, STEELE, TRUSTY,
WHITAKER, WILKINS, WILKINSON, WOMACK,
WOOLDRIDGE.

The Senate was led in prayer by Senator Wooldridge.

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

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

On motion of Senator Smith, **Senate Bill No. 24** was withdrawn from the Committee on REVENUE & TAXATION for purpose of amendment.

On motion of Senator Smith, **Senate Bill No. 24** was placed back on second reading for purpose of amendment.

ARKANSAS SENATE
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION
Amendment No. 3 to SENATE BILL NO. 24

Amend **Senate Bill No. 24** as originally introduced:

Page 4, delete line 14 and substitute, "Class A misdemeanor."

AND

Page 4, line 28, add a new subsection to read as follows:

"(e)(1) It is unlawful for a business to continue in operation after a business closure order is issued that is:

(A) Upheld on appeal under this subchapter; or

(B) Not appealed by the delinquent taxpayer under this subchapter.

(2) Any person responsible for the decision to operate the business in violation of this subchapter shall upon conviction be guilty of a Class A misdemeanor."

AND

Page 5 line 4 add a new sentence to read as follows:

"If the business is located in the noncompliant taxpayer's home, the director shall not lock or otherwise secure the business but may post the notice under subsection (a) of this section."

(SIGNED) SENATOR TERRY SMITH

The Amendment was read the first time, rules suspended, read the second time and adopted.

(SIGNED) ANN CORNWELL, SECRETARY

Senate Bill No. 24 was ordered engrossed.

ARKANSAS SENATE
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION

December 18, 2003

Mr. President:

We, your Committee on EDUCATION, to whom was referred:

SENATE BILL NO. 35, BY SENATOR MADISON,

beg leave to report that we have had the same under consideration, and herewith return the same with the recommendation that it do pass.

Respectfully submitted,

(SIGNED) SENATOR JIM ARGUE

ARKANSAS SENATE
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION

December 18, 2003

Mr. President:

We, your Committee on CITY, COUNTY & LOCAL AFFAIRS, to whom was referred:

SENATE BILL NO. 25, BY SENATOR SALMON,

beg leave to report that we have had the same under consideration, and herewith return the same with the recommendation that it do pass as amended #2.

Respectfully submitted,

(SIGNED) SENATOR IRMA HUNTER BROWN

ARKANSAS SENATE
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION

December 18, 2003

Mr. President:

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

SENATE BILL NO. 24, BY SENATOR SMITH,

beg leave to report that we have carefully compared the engrossed copy with the original and we find the same correctly engrossed.

Respectfully submitted,

(SIGNED) JOHN PAUL CAPPS, CHAIRMAN

On motion of Senator Smith, **Senate Bill No. 24** was re-referred to the Committee on REVENUE AND TAXATION.

On motion of Senator Steele, the Senate resolved itself into the Committee of the Whole for the purpose of awarding a citation to the Little Rock Central High School state championship football team, The Central High Tigers.

Without objection, the Committee of the Whole was dissolved, and the Senate took up its regular order of business.

On motion of Senator Smith, **Senate Memorial Resolution No. 1** was called up for third reading and final disposition.

**SENATE MEMORIAL RESOLUTION NO. 1
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION
BY: SENATORS SMITH & FARIS**

SENATE MEMORIAL RESOLUTION IN RESPECTFUL MEMORY OF MR. JOHNNIE WAYNE POPE OF ROYAL, ARKANSAS.

Senate Memorial Resolution No. 1. was read the third time and adopted.

(SIGNED) ANN CORNWELL, SECRETARY

On motion of Senator Laverty, **Senate Memorial Resolution No. 2** was called up for third reading and final disposition.

**SENATE MEMORIAL RESOLUTION NO. 2
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION
BY: SENATOR LAVERTY**

SENATE MEMORIAL RESOLUTION IN RESPECTFUL MEMORY OF MR. LLOYD KENNEDY AND IN RECOGNITION OF HIS MANY CONTRIBUTIONS TO THE U.S. MILITARY, THE STATE OF ARKANSAS, AND HIS LOCAL COMMUNITY.

Senate Memorial Resolution No. 2 was read the third time and adopted.

(SIGNED) ANN CORNWELL, SECRETARY

On motion of Senator Madison, **Senate Memorial Resolution No. 3** was called up for third reading and final disposition.

**SENATE MEMORIAL RESOLUTION NO. 3
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION
BY: SENATOR MADISON**

SENATE MEMORIAL RESOLUTION MOURNING THE DEATH OF DR. DONALD BAY BAKER AND HONORING HIM FOR HIS YEARS OF SERVICE TO THE COMMUNITY AND MEDICAL PROFESSION.

Senate Memorial Resolution No. 3 was read the third time and adopted.

(SIGNED) ANN CORNWELL, SECRETARY

On motion of Senator Argue, **Senate Bill No. 36** was placed back on second reading for purpose of amendment.

**ARKANSAS SENATE
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION
Amendment No. 1 to SENATE BILL NO. 36**

Amend **Senate Bill No. 36** as engrossed, S12/16/03 :

Page 5, line 16, delete "sale;" and substitute "sale:"

AND

Page 8, line 26, delete "approved" and substitute "specifically approved"

(SIGNED) SENATOR JIM ARGUE

The Amendment was read the first time, rules suspended, read the second time and adopted.

(SIGNED) ANN CORNWELL, SECRETARY

Senate Bill No. 36 was ordered engrossed.

The President declared the morning hour to have expired.

On motion of Senator Salmon, the rules were suspended in considering Senate Bill No. 25 at this time.

On motion of Senator Salmon, Senate Bill No. 25 was placed back on second reading for purpose of amendment.

ARKANSAS SENATE
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION
Amendment No. 2 to SENATE BILL NO. 25

Amend Senate Bill No. 25 as engrossed: S12/16/03

Page 1, delete lines 29 through 34 and substitute:
"or the combined office of sheriff and collector, ~~or~~ may provide for the collection of delinquent taxes by a person designated by a board composed of the county judge, an appropriate representative of the public schools in the county, and the mayor of the county seat or of each county seat in the case of those counties having two (2) county seats, and may provide for the collection of delinquent taxes by an independent contractor as provided under this section.";

AND

Page 1, line 36 add "sixty (60) days after any account becomes delinquent or at any time the county collector or sheriff determines that the resources available are insufficient to collect a delinquent account" after "ordinance," and before "the";

Page 2, delete lines 2 and 3 and substitute:
"taxes, and any other delinquent amounts that the collector is charged with collecting, except real property taxes. The independent contractor shall:";

AND

Page 3, delete lines 31 and 32 and substitute:
"time not to exceed one (1) year.";

AND

Page 3, delete line 36;

AND

Page 4, delete lines 1 and 2;

AND

Appropriately renumber subsequent subdivisions;

AND

Page 4, delete lines 9 and 10 and substitute:
"personal property taxes, and any other delinquent amounts to be collected by the county, except real property taxes."

AND

Delete SECTION 2.

(SIGNED) SENATOR MARY ANNE SALMON

The Amendment was read the first time, rules suspended, read the second time and adopted.

(SIGNED) ANN CORNWELL, SECRETARY

Senate Bill No. 25 was ordered engrossed.

On motion of Senator Argue, **Senate Bill No. 28** was called up for third reading and final disposition.

Senator Malone moved to suspend the rules and place **Senate Bill No. 28** back on second reading for purpose of amendment.

Senator Malone spoke in favor of his motion.

Senator Argue spoke on the motion.

Motion passed.

Senator Argue requested a roll call. The results are as follows:

AFFIRMATIVE: J. Bookout, Brown, Critcher, Faris, Glover, Hendren, Higginbothom, Hill, Holt, Horn, G. Jeffress, J. Jeffress, B. Johnson, Lavery, Luker, Malone, Miller, Salmon, Steele, Wilkinson, Womack.

Total21

NEGATIVE: Altes, Argue, Gullett, Madison, Trusty, Whitaker, Wilkins, Wooldridge.

Total8

ABSENT OR NOT VOTING: Baker, Bisbee, Broadway, Bryles, Capps, T. Smith.

Total6

VOTING PRESENT:

Total0

Total number of votes cast.....29

Necessary to the adoption of the motion.....24

Motion failed.

On motion of Senator Argue, **Senate Bill No. 28** was called up for third reading and final disposition.

SENATE BILL NO. 28

As Engrossed: S12/16/03

CALL ITEM NO. 4

EIGHTY-FOURTH GENERAL ASSEMBLY

SECOND EXTRAORDINARY SESSION

BY: SENATORS ARGUE, BISBEE, BRYLES, GULLETT, BAKER & WHITAKER

A Bill for an Act to be Entitled: AN ACT TO REORGANIZE THE EXISTING PUBLIC EDUCATION SYSTEM; TO ESTABLISH THE POWERS AND TIES OF THE DIRECTORS OF THE PUBLIC EDUCATION SYSTEM; AND FOR OTHER PURPOSES.

Senator Johnson asked the Chair to rule on Code 19-1-703 which requires a fiscal impact statement be attached to a bill before it can be brought up for a vote.

The Chair ruled that the intent of the law had been properly satisfied according to statute 10-2-127 and 19-1-703.

Senator Lavery appealed the ruling of the Chair to the Rules Committee.

On motion of Senator Lavery the Senate recessed subject to the Rules Committee returning with a report on the question of the Chair's ruling.

The Senate reconvened after recess. The Secretary called the roll, and a quorum was present.

Senator Baker gave the following report from the Rules Committee:

The Rules Committee recommended to the Body that it overrule the ruling of the Chair as the Committee determined the ruling was in error.

Senator Malone moved to overrule the Chair's ruling. By voice vote, the Chair could not determine the vote. A roll call was called for and the results are as follows:

AFFIRMATIVE: Critcher, Faris, Glover, Hendren, Higginbothom, Hill, Holt, Horn, G. Jeffress, J. Jeffress, B. Johnson, Lavery, Luker, Madison, Malone, Miller, Salmon, Steele, Wilkinson, Womack, Wooldridge.

Total21

NEGATIVE: Altes, Argue, Baker, Bisbee, J. Bookout, Broadway, Bryles, Capps, Gullett, T. Smith, Trusty, Whitaker, Wilkins.

Total13

ABSENT OR NOT VOTING: Brown.

Total1

VOTING PRESENT:

Total0

Total number of votes cast.....34

Necessary to the adoption of the motion.....18

Motion passed.

Senator Luker moved that pursuant to Code D-1-B, the Body overruled the requirement that a fiscal impact study be attached to **Senate Bill No. 28**.

Senator Luker spoke for his motion.

Senator Jimmy Jeffress spoke against the motion.

Senator Bisbee spoke for the motion.

Senator Malone spoke against the motion.

Senator Womack called for immediate consideration.

The Chair could not determine the vote and called for a roll call.

Results are as follows.

AFFIRMATIVE: Altes, Argue, Baker, Bisbee, J. Bookout, Broadway, Brown, Bryles, Capps, Gullett, Hendren, Higginbothom, Hill, Horn, B. Johnson, Madison, Salmon, T. Smith, Steele, Trusty, Whitaker, Wilkinson, Womack, Wooldridge.

Total24

NEGATIVE: Critcher, Faris, Glover, Holt, G. Jeffress, J. Jeffress, Lavery, Malone, Miller, Wilkins.

Total10

ABSENT OR NOT VOTING: Luker.

Total1

VOTING PRESENT:

Total0

Total number of votes cast.....34

Necessary to the adoption of the motion.....18

Motion passed.

On immediate consideration of Senator Luker's motion to dispense with fiscal impact study on **Senate Bill No. 28**, the Chair could not determine the vote and a roll call was called for: Results are as follows:

AFFIRMATIVE: Altes, Argue, Baker, Bisbee, J. Bookout, Broadway, Brown, Bryles, Capps, Gullett, Hendren, Higginbothom, Horn, Luker, Madison, Salmon, T. Smith, Trusty, Whitaker, Wilkins, Wilkinson, Wooldridge.

Total22

NEGATIVE: Critcher, Faris, Glover, Hill, Holt, G. Jeffress, J. Jeffress, B. Johnson, Lavery, Malone, Miller, Steele, Womack.

Total13

ABSENT OR NOT VOTING:

Total0

VOTING PRESENT:

Total0

Total number of votes cast.....35

Necessary to the adoption of the motion.....24

Motion failed.

Senator Argue moved that pursuant to (B)(2) of 10-2-127, **Senate Bill No. 28** be referred to the Office of Tax Research of the Bureau of Legislative Research for the preparation of a fiscal impact statement.

Motion passed.

On motion of Senator Bookout, **Senate Bill No. 21** was called up for third reading and final disposition.

SENATE BILL NO. 21
CALL ITEM NO. 6
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION
BY: SENATOR BOOKOUT

A Bill for an Act to be Entitled: AN ACT TO CLARIFY THE COMPUTATION OF THE VALUE OF ASSESSED PROPERTY WITHIN A SCHOOL DISTRICT AND A REDEVELOPMENT DISTRICT; AND FOR OTHER PURPOSES.

Senate Bill No. 21 was placed on third reading and final disposition, the question being: Shall the Bill pass?

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

AFFIRMATIVE: Altes, Argue, Baker, Bisbee, J. Bookout, Broadway, Brown, Bryles, Capps, Critcher, Faris, Glover, Gullett, Hendren, Higginbothom, Hill, Holt, Horn, G. Jeffress, J. Jeffress, B. Johnson, Lavery, Luker, Madison, Malone, Miller, Salmon, T. Smith, Steele, Trusty, Whitaker, Wilkins, Wilkinson, Womack, Wooldridge.

Total35

NEGATIVE:

Total0

ABSENT OR NOT VOTING:

Total0

VOTING PRESENT:

Total0

Total number of votes cast35

Necessary to the passage of the bill18

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

(SIGNED) ANN CORNWELL, SECRETARY

Senate Bill No. 21 was ordered immediately transmitted to the House as passed.

On motion of Senator Smith, the rules were suspended to consider **Senate Bill No. 24** at this time.

On motion of Senator Smith, **Senate Bill No. 24** was withdrawn from the Committee on REVENUE & TAXATION and placed back on second reading for purpose of amendment.

ARKANSAS SENATE
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION
Amendment No. 4 to SENATE BILL NO. 24

Amend **Senate Bill No. 24** as originally introduced:

Amend **Senate Bill No. 24** as engrossed, S12/18/03:

Page 2, delete lines 4 through 14 and substitute the following:

"taxpayer as defined by § 26-18-104(18), subject to the administrative and judicial appeal procedures in this subchapter, if the noncompliant taxpayer, for three (3) times within any consecutive twenty-four month period, fails to either:

(1) report gross receipts or compensating use tax in the manner required by Arkansas law; or

(2) remit gross receipts or compensating use tax for the reporting period that the tax is due.

(b) The director shall give notice to the noncompliant taxpayer that the third delinquency in reporting or remitting tax in any consecutive twenty-four month period will result in the closure of the business. The notice must be in writing and delivered to the noncompliant taxpayer by the United States Postal Service or by hand delivery

(c)(1) If the noncompliant taxpayer has a third delinquency in reporting or remitting tax in any consecutive twenty-four month period after the issuance of the notice provided in subsection (b) of this section, the director shall notify the noncompliant taxpayer by certified mail or by hand delivery that the business will be closed within five (5) business days from the date of the notice unless the noncompliant taxpayer makes arrangements with the director to satisfy the tax delinquency.

(2) When the fifth day falls on a Saturday, Sunday, or legal holiday, the performance of the act is considered timely if it is performed on the next succeeding business day that is not a Saturday, Sunday, or legal holiday."

AND

Page 2, line 26, add "business" between "(5)" and "days"

AND

Page 3, line 15, add "calendar" between "(14)" and "days"

AND

Page 3, line 36, add "calendar" between "(20)" and "days"

(SIGNED) SENATOR TERRY SMITH

The Amendment was read the first time, rules suspended, read the second time and adopted.

(SIGNED) ANN CORNWELL, SECRETARY

Senate Bill No. 24 was ordered engrossed.

On motion of Senator Bisbee, the Senate resolved itself into the Committee of the Whole for the purpose of JOINT BUDGET BILLS.

Without objection, the Committee of the Whole was dissolved, and the Senate took up its regular order of business.

On motion of Senator Bisbee, **Senate Bill No. 15** was placed back on second reading for purpose of amendment.

ARKANSAS SENATE
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION
Amendment No. 1 to SENATE BILL NO. 15

Amend **Senate Bill No. 15** as originally introduced:

Page 1, line 35, delete "Industry and Aerospace Development Fund" and substitute "Miscellaneous Agencies Fund".

And

Insert an additional section immediately following Section 2 to read as follows:

“SECTION 3. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. FUNDING TRANSFER. Immediately upon the effective date of this act, the Chief Fiscal Officer of the State shall transfer on his books and those of the State Treasurer and the Auditor of the State the sum of three hundred fourteen thousand dollars (\$314,000) from funds received from the Jobs and Growth Tax Relief Reconciliation Act of 2003, Public Law 108-27 to the Miscellaneous Agencies Fund.”

And Appropriately renumber the subsequent sections.

(SIGNED) SENATOR DAVID BISBEE

The Amendment was read the first time, rules suspended, read the second time and adopted.

(SIGNED) ANN CORNWELL, SECRETARY

On motion of Senator Bisbee, and without objection, the rules were suspended pertaining to passage of Amendment and Bill on the same day.

On motion of Senator Bisbee, **Senate Bill No. 15** was called up for third reading and final disposition.

SENATE BILL NO. 15
CALL ITEM NO. 9
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION
BY: SENATOR BISBEE

A Bill for an Act to be Entitled: AN ACT TO MAKE AN APPROPRIATION TO THE DEPARTMENT OF VETERANS' AFFAIRS FOR PAYMENT OF FEES WHICH SHALL BE SUPPLEMENTAL AND IN ADDITION TO THOSE FUNDS APPROPRIATED BY ACT 1009 OF 2003; AND FOR OTHER PURPOSES.

Senate Bill No. 15 was placed on third reading and final disposition, the question being: Shall the Bill pass?

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

AFFIRMATIVE: Altes, Argue, Baker, Bisbee, J. Bookout, Broadway, Brown, Bryles, Capps, Critcher, Faris, Glover, Gullett, Hendren, Higginbothom, Hill, Holt, Horn, G. Jeffress, J. Jeffress, B. Johnson, Lavery, Luker, Madison, Malone, Miller, Salmon, T. Smith, Steele, Trusty, Whitaker, Wilkins, Wilkinson, Womack, Wooldridge.

Total35

NEGATIVE:

Total0

ABSENT OR NOT VOTING:

Total0

VOTING PRESENT:

Total0

Total number of votes cast.....35

Necessary to the passage of the bill27

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

(SIGNED) ANN CORNWELL, SECRETARY

There being an emergency clause attached to **Senate Bill No. 15**, the President ordered the Secretary to call the roll upon the adoption of the emergency clause.

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

AFFIRMATIVE: Altes, Argue, Baker, Bisbee, J. Bookout, Broadway, Brown, Bryles, Capps, Critcher, Faris, Glover, Gullett, Hendren, Higginbothom, Hill, Holt, Horn, G. Jeffress, J. Jeffress, B. Johnson, Lavery, Luker, Madison, Malone, Miller, Salmon, T. Smith, Steele, Trusty, Whitaker, Wilkins, Wilkinson, Womack, Wooldridge.

Total35

NEGATIVE:

Total0

ABSENT OR NOT VOTING:

Total0

VOTING PRESENT:

Total0

Total number of votes cast.....35

Necessary to the adoption of the emergency clause24

So the Emergency Clause was adopted.

(SIGNED) ANN CORNWELL, SECRETARY

Senate Bill No. 15 was ordered engrossed.

Senate Bill No. 3 was returned from the House as passed and ordered enrolled.

Senate Bill No. 6 was returned from the House as passed and ordered enrolled.

Senate Bill No. 10 was returned from the House as passed and ordered enrolled.

Senate Bill No. 11 was returned from the House as passed and ordered enrolled.

Senate Bill No. 32 was returned from the House as passed and ordered enrolled.

ARKANSAS SENATE
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION

December 18, 2003

Mr. President:

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

SENATE BILL NO. 25, BY SENATOR SALMON,
SENATE BILL NO. 36, BY SENATOR ARGUE,

beg leave to report that we have carefully compared the engrossed copies with the original and we find the same correctly engrossed.

Respectfully submitted,

(SIGNED) JOHN PAUL CAPPS, CHAIRMAN

SENATE BILL NO. 38
CALL ITEM NO. 1
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION
BY: SENATOR BISBEE

A Bill for an Act to be Entitled: AN ACT TO MAKE AN APPROPRIATION FOR SALARIES AND EXPENSES OF THE GOVERNOR'S LEAD LEGISLATIVE LIAISON, LEGISLATIVE LIAISON, LEGISLATIVE CLERK, LEGISLATIVE ADMINISTRATIVE ASSISTANT, LEGISLATIVE RECEPTIONIST AND LEGISLATIVE INTERNS DURING THE SECOND EXTRAORDINARY SESSION OF THE EIGHTY FOURTH ARKANSAS GENERAL ASSEMBLY FOR THE OFFICE OF THE GOVERNOR FOR THE FISCAL YEAR ENDING JUNE 30, 2004; AND FOR OTHER PURPOSES.

Senate Bill No. 38 was read the first time, rules suspended, read the second time and referred to the Committee on JOINT BUDGET.

HOUSE BILL NO. 1011

As Engrossed: H12/12/03

CALL ITEM NO. 4

EIGHTY-FOURTH GENERAL ASSEMBLY

SECOND EXTRAORDINARY SESSION

BY: REPRESENTATIVES BOYD, P. BOOKOUT, JUDY & CREEKMORE

SENATOR J. BOOKOUT

A Bill for an Act to be Entitled: AN ACT TO REPEAL THE REQUIREMENT THAT SCHOOL DISTRICTS INCLUDE AS PART OF A STUDENT'S REPORT CARD THE STUDENT'S ANNUAL BODY MASS INDEX PERCENTILE AND OTHER INFORMATION; AND FOR OTHER PURPOSES.

House Bill No. 1011 was read the first time, rules suspended, read the second time and referred to the Committee on PUBLIC HEALTH, WELFARE & LABOR.

HOUSE BILL NO. 1036

As Engrossed: H12/17/03

CALL ITEM NO. 4

EIGHTY-FOURTH GENERAL ASSEMBLY

SECONDT EXTRAORDINARY SESSION

BY: REPRESENTATIVE HOUSE, ET AL

SENATORS BAKER, G. JEFFRESS & J. JEFFRESS

A Bill for an Act to be Entitled: AN ACT TO ASSIST PUBLIC SCHOOLS THROUGH THE ESTABLISHMENT OF GRANTS FOR DISTANCE LEARNING; AND FOR OTHER PURPOSES.

House Bill No. 1036 was read the first time, rules suspended, read the second time and referred to the Committee on TECHNOLOGY & LEGISLATIVE AFFAIRS.

HOUSE BILL NO. 1054
CALL ITEM NO. 4
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION
BY: REPRESENTATIVE C. JOHNSON

A Bill for an Act to be Entitled: AN ACT TO MAKE THE COMMITTEE ON CLOSING THE ACHIEVEMENT GAP IN ARKANSAS A COMMISSION; AND FOR OTHER PURPOSES.

House Bill No. 1054 was read the first time, rules suspended, read the second time and referred to the Committee on EDUCATION.

SENATE BILL NO. 39
CALL ITEM NO. 6
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION
BY: SENATOR GLOVER

A Bill for an Act to be Entitled: AN ACT TO LEVY AN ADDITIONAL EXCISE TAX OF ONE-HALF OF ONE PERCENT (0.5%) UPON ALL TAXABLE SALES OF PROPERTY AND SERVICES SUBJECT TO THE TAX LEVIED BY THE ARKANSAS GROSS RECEIPTS TAX ACT AND UPON ALL TANGIBLE PERSONAL PROPERTY AND SERVICES SUBJECT TO THE TAX LEVIED BY THE ARKANSAS COMPENSATING TAX ACT; TO CREATE THE EDUCATIONAL ADEQUACY TRUST FUND; AND FOR OTHER PURPOSES.

Senate Bill No. 39 was read the first time, rules suspended, read the second time and referred to the Committee on REVENUE & TAXATION.

ARKANSAS SENATE
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION

December 18, 2003

Mr. President:

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

SENATE BILL NO. 15, BY SENATOR BISBEE,

beg leave to report that we have carefully compared the engrossed copy with the original and we find the same correctly engrossed.

Respectfully submitted,
(SIGNED) JOHN PAUL CAPPES, CHAIRMAN

Senate Bill No. 15 was ordered immediately transmitted to the House.

ARKANSAS SENATE
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION

December 18, 2003

Mr. President:

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

SENATE BILL NO. 24, BY SENATOR SMITH,

beg leave to report that we have carefully compared the engrossed copy with the original and we find the same correctly engrossed.

Respectfully submitted,
(SIGNED) JOHN PAUL CAPPES, CHAIRMAN

On motion of Senator Smith, **Senate Bill No. 24** was re-referred to the
Committee on REVENUE & TAXATION

ARKANSAS SENATE
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION

December 18, 2003

Mr. President:

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

SENATE BILL NO. 11, BY SENATOR BOOKOUT,
SENATE BILL NO. 6 , BY STATE AGENCIES & GOVERNMENTAL
AFFAIRS COMMITTEE,
SENATE BILL NO. 10, BY SENATOR BROADWAY,
SENATE BILL NO. 32, BY SENATOR BAKER,
SENATE BILL NO. 3, BY SENATOR BROADWAY,

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,
(SIGNED) JOHN PAUL CAPPS, CHAIRMAN

GOVERNOR'S BILL RECEIPTS

SENATE BILL NO. 11
SENATE BILL NO. 6
SENATE BILL NO. 10
SENATE BILL NO. 32
SENATE BILL NO. 3

RECEIVED the above papers from the Secretary of the Senate this 18th day of December, 2003 at 3:35 p.m..

(SIGNED) MIKE HUCKABEE
Governor

(SIGNED) STACY DeJARNETTE
Secretary

* * * * *

SENATE BILLS TRANSMITTED TO THE HOUSE
AS PASSED

SENATE BILL NO. 15

SENATE BILL NO. 21

SENATE BILLS RETURNED FROM THE HOUSE
AS PASSED

SENATE BILL NO. 3

SENATE BILL NO. 6

SENATE BILL NO. 10

SENATE BILL NO. 11

SENATE BILL NO. 32

HOUSE BILLS TRANSMITTED TO THE SENATE
AS PASSED

HOUSE BILL NO. 1011

HOUSE BILL NO. 1036

HOUSE BILL NO. 1054

On motion of Senator Baker, the Senate adjourned until 10:30 a.m. Friday, December 19, 2003, subject to clearing of the desk and the fiscal impact study and **Senate Bill No. 28** be placed on the Senators' desks.

PRESIDENT OF THE SENATE

SECRETARY OF THE SENATE

--ooOoo--

12TH DAY'S PROCEEDINGS
SENATE CHAMBER
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION

Little Rock, Arkansas

December 19, 2003

The Senate was called to order at 10:30 a.m. by the President.

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

ALTES, ARGUE, BAKER, BISBEE, BOOKOUT,
BROADWAY, BROWN, BRYLES, CAPPS, CRITCHER,
FARIS, GLOVER, GULLETT, HENDREN,
HIGGINBOTHOM, HILL, HOLT, HORN, G.JEFFRESS,
J.JEFFRESS, JOHNSON, LAVERTY, LUKER, MADISON,
MALONE, MILLER, SALMON, SMITH, STEELE, TRUSTY,
WHITAKER, WILKINS, WILKINSON, WOMACK,
WOOLDRIDGE.

The Senate was led in prayer by Senator Argue.

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

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

On motion of Senator Broadway, **Senate Bill No. 34** was placed back on second reading for purpose of amendment.

ARKANSAS SENATE
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION
Amendment No. 1 to SENATE BILL NO. 34

Amend **Senate Bill No. 34** as originally introduced:

Delete SECTION 3 and substitute:

"SECTION 3. Arkansas Code § 6-20-405 is amended to read as follows:
6-20-405. Energy savings contract.

(a) As used in this section, unless the context otherwise requires:

(1)(A) "Energy savings contract" means a contract for the implementation of one (1) or more energy conservation measures as defined in § 6-20-401 and shall include a preinstallation energy audit or analysis.

(B) The contract may provide that all payments except obligations on termination of the contract before its expiration are to be made over time and that the energy cost savings are guaranteed to the extent necessary to pay the costs of the energy conservation measures.

(C) The energy conservation measures to be performed under the contract may be paid for with either revenue or nonrevenue receipts of a school district or, alternatively, financed by the issuance of postdated warrants or entering into installment contracts or lease-purchase agreements.

(D) Obligations incurred pursuant to a guaranteed energy savings contract are not included in computing a district's debt ratio;

(2)(A) "~~Qualified provider" means a person or business experienced or trained in the design, implementation, or installation of energy conservation measures who possesses a valid Arkansas contractor's license~~ business that possesses a valid Arkansas contractor's license and that is experienced in the analysis, design, implementation, and installation of energy efficiency and facility improvement measures, and who has demonstrated the ability to secure necessary financial measures to support energy savings guarantees, the technical capabilities to ensure such measures generate energy cost savings, and the ability to provide maintenance and ongoing measurement of these measures to ensure and verify energy savings.

(B) A qualified provider to whom the contract is awarded may be required to give a sufficient bond to the school district for its faithful performance of the equipment installation or accomplishment of the guaranteed savings; and

(3)(A) "Request for proposals" means a negotiated procurement.

(B)(i) Notice of the request for proposals shall be published one (1) time each week for no fewer than two (2) consecutive weeks in a newspaper of the school

district's choosing and having a circulation in the county or city where the contract is to be performed.

(ii) Proposals shall be sealed and opened in a public forum at a date within ten (10) days from the last publication, at which point the district shall evaluate the proposals.

(b) A school district may utilize a request for proposals to negotiate an energy savings contract or may enter into an energy savings contract with a qualified provider after evaluating any proposal received from a qualified provider through a method other than a request for proposal.

(c)(1) A school district may enter into a guaranteed energy savings contract with a qualified provider if it finds that the amount it would spend on the energy conservation measures recommended in the proposal would not exceed the amount to be saved in either energy or operational costs, or both, within ~~a fifteen-year period~~ twenty (20) years from the date of installation if the recommendations in the proposal are followed ~~or, for a guaranteed energy savings contract that includes installation of a water source system for heating, ventilation, and air conditioning equipment, a twenty-year period from the date of installation if the recommendations in the proposal are followed.~~

(2) The qualified provider's proposal shall include:

(A) The estimates of all costs of installation, modifications, or remodeling, including, without limitation, costs of a reinstallation energy audit or analysis, design, engineering, installation, maintenance, repairs, debt service, post installation project monitoring, and data collection and reporting, as well as whether energy consumed or the operating costs, or both, will be reduced;

(B) The qualifications of the provider; and

(C) Certification that all energy-consuming products utilized in the projects will be certified with the appropriate standards by the Air Conditioning and Refrigeration Institute.

(3) The district may select the qualified provider or providers best qualified and capable of performing the desired work and negotiate an energy savings contract for the project.

(d) The qualified provider shall reimburse the school district for any shortfall of guaranteed energy savings projected in the project.

(e) This section shall constitute the sole authority necessary to accomplish the purposes of this section without regard to compliance with other laws which may specify procedural requirements for execution of contracts.

(SIGNED) SENATOR SHAWN BROADWAY

The Amendment was read the first time, rules suspended, read the second time and adopted.

(SIGNED) ANN CORNWELL, SECRETARY

Senate Bill No. 34 was ordered engrossed.

ARKANSAS SENATE
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION

December 19, 2003

Mr. President:

We, your Committee on JOINT BUDGET, to whom was referred:

SENATE BILL NO. 20, BY SENATOR LUKER,
SENATE BILL NO. 38, BY SENATOR BISBEE,

beg leave to report that we have had the same under consideration, and herewith return the same with the recommendation that they do pass.

Respectfully submitted,

(SIGNED) SENATOR DAVID BISBEE

ARKANSAS SENATE
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION

December 19, 2003

Mr. President:

We, your Committee on REVENUE & TAXATION, to whom was referred:

SENATE BILL NO. 24, BY SENATOR SMITH,

beg leave to report that we have had the same under consideration, and herewith return the same with the recommendation that it do pass.

Respectfully submitted,

(SIGNED) SENATOR TIM WOOLDRIDGE
ARKANSAS SENATE
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION

December 19, 2003

Mr. President:

We, your Committee on INSURANCE & COMMERCE, to whom was referred:

SENATE BILL NO. 37, BY SENATOR HIGGINBOTHOM,

beg leave to report that we have had the same under consideration, and herewith return the same with the recommendation that it do pass.

Respectfully submitted,

(SIGNED) SENATOR PAUL GRAY MILLER

ARKANSAS SENATE
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION

December 19, 2003

Mr. President:

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

SENATE BILL NO. 34, BY SENATOR BROADWAY,

beg leave to report that we have carefully compared the engrossed copy with the original and we find the same correctly engrossed.

Respectfully submitted,

(SIGNED) JOHN PAUL CAPPS, CHAIRMAN

Senate Bill No. 34 was re-referred to the Committee on EDUCATION.

On motion of Senator Critcher, the Senate resolved itself into the Committee of the Whole for the purpose of commending soldiers and armed forces of the Arkansas National Guard..

Without objection, the Committee of the Whole was dissolved, and the Senate took up its regular order of business.

On motion of Senator Critcher, **Senate Resolution No. 1** was called up for third reading and final disposition.

**SENATE RESOLUTION NO. 1
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION
BY: SENATOR CRITCHER**

SENATE CONCURRENT RESOLUTION COMMENDING AND EXPRESSING SINCERE APPRECIATION TO THE SOLDIERS AND AIRMEN OF THE ARKANSAS NATIONAL GUARD.

Senate Resolution No. 1 was read the third time and adopted.

(SIGNED) ANN CORNWELL, SECRETARY

The President declared the morning hour to have expired.

On motion of Senator Madison, the rules were suspended in considering **Senate Bill No. 35** at this time.

On motion of Senator Madison, **Senate Bill No. 35** was placed back on second reading for purpose of amendment.

ARKANSAS SENATE
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION
Amendment No. 1 to SENATE BILL NO. 35

Amend **Senate Bill No. 35** as originally introduced:

Delete SECTION 1. of the bill and substitute the following:

“SECTION 1. Arkansas Code § 6-13-1406(a), concerning annexation of school districts, is amended to read as follows:

(a)(1)(A) Unless the board of directors of the affected district or districts and the board of directors of the receiving district or districts agree otherwise, the board of directors of the receiving district or districts after annexation shall be the same board of directors of the receiving district prior to annexation until the next regular school election.

(B)(i) In lieu of electing a new board of directors at the next regular school election, the board of directors of the affected district or districts and the board of directors of the receiving district may agree to form an interim board whose members shall serve until the regular school election in the year following the effective date of the annexation.

(ii)(a) If an interim board is formed to serve until the school election in the year following the effective date of the annexation, the interim board shall be composed of the members of the board of directors of the receiving district and at least one (1) member selected by the board of directors of each affected district.

(b) Each member selected from the affected district shall be determined by a vote of the affected board. In the case of a tie vote the member shall be selected by drawing lots.”

(SIGNED) SENATOR SUE MADISON

The Amendment was read the first time, rules suspended, read the second time and adopted.

(SIGNED) ANN CORNWELL, SECRETARY

On motion of Senator Madison, and without objection, the rules were suspended pertaining to passage of Amendment and Bill on the same day.

On motion of Senator Madison, **Senate Bill No. 35** was called up for third reading and final disposition.

SENATE BILL NO. 35
CALL ITEM NO. 4
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION
BY: SENATOR SUE MADISON

A Bill for an Act to be Entitled: AN ACT TO ENCOURAGE LARGER SCHOOL DISTRICTS TO VOLUNTARILY MERGE WITH SMALLER SCHOOL DISTRICTS; CONCERNING THE ESTABLISHMENT OF AN INTERIM BOARD; AND FOR OTHER PURPOSES.

Senator Whitaker moved that a fiscal impact study be provided within 24 hours before voting on **Senate Bill No. 35**.

Senator Bisbee made a substitute motion that the Body override the request for a fiscal impact study. The Secretary called the roll and results are as follows:

AFFIRMATIVE: Altes, Argue, Baker, Bisbee, J. Bookout, Broadway, Brown, Bryles, Capps, Critcher, Faris, Glover, Hendren, Higginbothom, Hill, Horn, G. Jeffress, J. Jeffress, B. Johnson, Lavery, Luker, Madison, Malone, Miller, Salmon, T. Smith, Steele, Whitaker, Wilkinson, Womack, Wooldridge.

Total31

NEGATIVE:

Total0

ABSENT OR NOT VOTING: Gullett, Holt, Trusty, Wilkins.

Total4

VOTING PRESENT:

Total0

Total number of votes cast.....31

Necessary to the adoption of the motion.....18

Motion to override passed.

Senate Bill No. 35 was placed on third reading and final disposition, the question being: Shall the Bill pass?

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

AFFIRMATIVE: Altes, Argue, Baker, Bisbee, J. Bookout, Broadway, Brown, Bryles, Capps, Critcher, Faris, Glover, Gullett, Hendren, Higginbotham, Hill, Holt, Horn, G. Jeffress, J. Jeffress, B. Johnson, Laverty, Luker, Madison, Malone, Miller, Salmon, T. Smith, Steele, Trusty, Whitaker, Wilkins, Wilkinson, Womack, Wooldridge.

Total35

NEGATIVE:

Total0

ABSENT OR NOT VOTING:

Total0

VOTING PRESENT:

Total0

Total number of votes cast.....35

Necessary to the passage of the bill18

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

(SIGNED) ANN CORNWELL, SECRETARY

Senate Bill No. 35 was ordered engrossed.

On motion of Senator Salmon, **Senate Bill No. 25** was called up for third reading and final disposition.

SENATE BILL NO. 25
As Engrossed: S 12/16/03 - S12/18/03
CALL ITEM NO. 6
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION
BY: SENATOR SALMON
REPRESENTATIVE CHILDRESS

A Bill for an Act to be Entitled: AN ACT TO REVISE THE AUTHORITY OF COUNTY GOVERNMENTS TO CONTRACT WITH INDEPENDENT CONTRACTORS FOR THE COLLECTION OF DELINQUENT TAXES AND FINES; AND FOR OTHER PURPOSES.

Senate Bill No. 25 was placed on third reading and final disposition, the question being: Shall the Bill pass?

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

AFFIRMATIVE: Argue, Bisbee, Brown, Bryles, Gullett, Hendren, Hill, Holt, Madison, Salmon, T. Smith, Steele, Whitaker, Wilkins, Wilkinson, Wooldridge.

Total16

NEGATIVE: Altes, Baker, J. Bookout, Broadway, Capps, Faris, Glover, Higginbothom, Horn, G. Jeffress, J. Jeffress, B. Johnson, Malone, Miller, Trusty, Womack.

Total16

ABSENT OR NOT VOTING: Critcher, Lavery, Luker.

Total3

VOTING PRESENT:

Total0

Total number of votes cast.....32

Necessary to the passage of the bill18

So the bill passed and the title as read failed.

(SIGNED) ANN CORNWELL, SECRETARY

On motion of Senator Argue, **Senate Bill No. 28** was called up for third reading and final disposition.

SENATE BILL NO. 28
As Engrossed: S12/16/03
CALL ITEM NO. 4
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION
BY: SENATORS ARGUE, BISBEE, BRYLES, GULLETT, BAKER & WHITAKER

A Bill for an Act to be Entitled: AN ACT TO REORGANIZE THE EXISTING PUBLIC EDUCATION SYSTEM; TO ESTABLISH THE POWERS AND TIES OF THE DIRECTORS OF THE PUBLIC EDUCATION SYSTEM; AND FOR OTHER PURPOSES.

Senator Malone moved to suspend the rules to place **Senate Bill No. 28** back on second reading for purpose of amendment.

Motion passed.

Senator Argue requested a roll call and the roll call results are as follows:

AFFIRMATIVE: Broadway, Brown, Bryles, Capps, Critcher, Faris, Glover, Hendren, Higginbothom, Hill, Horn, G. Jeffress, J. Jeffress, B. Johnson, Lavery, Luker, Madison, Malone, Miller, Salmon, T. Smith, Steele, Wilkinson, Womack.

Total24

NEGATIVE: Altes, Argue, Baker, J. Bookout, Gullett, Holt, Trusty, Whitaker, Wilkins, Wooldridge.

Total10

ABSENT OR NOT VOTING: Bisbee.

Total1

VOTING PRESENT:

Total0

Total number of votes cast.....34

Necessary to the adoption of the motion.....24

Motion passed.

On motion of Senator Malone, **Senate Bill No. 28** was placed back on second reading for purpose of amendment.

ARKANSAS SENATE
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION
Amendment No. 8 to SENATE BILL NO. 28

Senator Bisbee spoke against the amendment.

Senator Malone spoke for his amendment.

Amend **Senate Bill No. 28** as engrossed, S12/16/03:

Page 16, line 16 delete “five hundred (500)” and substitute “three hundred fifty (350)”

AND

Page 17, line 4 delete “seven hundred (700)” and substitute “three hundred fifty (350)”

(SIGNED) SENATOR PERCY MALONE

The Amendment was read the first time, rules suspended, read the second time and failed of adoption.

(SIGNED) ANN CORNWELL, SECRETARY

Senator Malone requested a roll call on Amendment 8 to **Senate Bill No. 28**.

Results of the roll call are as follows:

AFFIRMATIVE: Critcher, Glover, Higginbothom, Hill, Holt, Horn, G. Jeffress, J. Jeffress, Laverty, Madison, Malone, Miller, Wilkinson, Womack.

Total14

NEGATIVE: Altes, Argue, Baker, Bisbee, J. Bookout, Broadway, Capps, Faris, Gullett, Hendren, B. Johnson, Salmon, Steele, Trusty, Whitaker, Wilkins, Wooldridge.

Total17

ABSENT OR NOT VOTING: Brown, Bryles, Luker, T. Smith.

Total4

VOTING PRESENT:

Total0

Total number of votes cast.....31

Necessary to the adoption of the amendment18

So the Amendment failed of adoption.

(SIGNED) ANN CORNWELL, SECRETARY

Senator Wooldridge spoke against **Senate Bill No. 28**.

Senator Bisbee spoke for the Bill.

Senator Glover spoke against the Bill.

Senator Wilkins spoke for the Bill.

Senator Jimmy Jeffress spoke against the Bill.

Senator Luker spoke for the Bill.

Senator Lavery spoke against the Bill.

Senator Gullett spoke for the Bill.

Senator Miller spoke against the Bill.

Senator Gene Jeffress spoke against the Bill.

Senator Argue closed for his Bill.

Senate Bill No. 28 was placed on third reading and final disposition, the question being: Shall the Bill pass?

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

AFFIRMATIVE: Altes, Argue, Baker, Bisbee, J. Bookout, Broadway, Brown, Bryles, Capps, Gullett, Hendren, Higginbothom, Luker, Madison, Malone, Salmon, T. Smith, Steele, Trusty, Whitaker, Wilkins.

Total21

NEGATIVE: Critcher, Faris, Glover, Hill, Holt, Horn, G. Jeffress, J. Jeffress, B. Johnson, Lavery, Miller, Wilkinson, Womack, Wooldridge.

Total14

ABSENT OR NOT VOTING:

Total0

VOTING PRESENT:

Total0

Total number of votes cast.....35

Necessary to the passage of the bill18

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

(SIGNED) ANN CORNWELL, SECRETARY

There being an emergency clause attached to **Senate Bill No. 28**, the President ordered the Secretary to call the roll upon the adoption of the emergency clause.

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

AFFIRMATIVE: Altes, Argue, Baker, Bisbee, J. Bookout, Broadway, Brown, Bryles, Capps, Gullett, Hendren, Higginbothom, Luker, Madison, Malone, Salmon, T. Smith, Steele, Trusty, Whitaker, Wilkins.

Total21

NEGATIVE: Critcher, Faris, Glover, Hill, Holt, Horn, G. Jeffress, J. Jeffress, B. Johnson, Lavery, Miller, Wilkinson, Womack, Wooldridge.

Total14

ABSENT OR NOT VOTING:

Total0

VOTING PRESENT:

Total0

Total number of votes cast.....35

Necessary to the adoption of the emergency clause24

So the Emergency Clause failed of adoption.

(SIGNED) ANN CORNWELL, SECRETARY

Senator Argue moved that the vote by which **Senate Bill No. 28** passed be reconsidered and that motion be laid upon the table, which motion prevailed and the motion to reconsider was laid on the table.

Senate Bill No. 28 was ordered immediately transmitted to the House.

**ARKANSAS SENATE
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION**

December 19, 2003

Mr. President:

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

SENATE BILL NO. 35, BY SENATOR MADISON,

beg leave to report that we have carefully compared the engrossed copy with the original and we find the same correctly engrossed.

Respectfully submitted,

(SIGNED) JOHN PAUL CAPPS, CHAIRMAN

Senate Bill No. 35 was ordered immediately transmitted to the House.

SENATE BILL NO. 40
CALL ITEM NO. 4
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION
BY: SENATOR LAVERTY

A Bill for an Act to be Entitled: AN ACT CONCERNING RESPONSIBILITY FOR TRANSPORTATION UNDER THE ARKANSAS PUBLIC SCHOOL CHOICE ACT OF 1989; AND FOR OTHER PURPOSES.

Senate Bill No. 40 was read the first time, rules suspended, read the second time and referred to the Committee on EDUCATION.

SENATE BILL NO. 41
CALL ITEM NO. 4
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION
BY: SENATORS WOMACK & BRYLES
REPRESENTATIVE KEY

A Bill for an Act to be Entitled: AN ACT TO REQUIRE PUBLIC SCHOOL DISTRICTS TO OFFER A PERSONAL FINANCE COURSE TO STUDENTS IN GRADES NINE THROUGH TWELVE (9-12); AND FOR OTHER PURPOSES.

Senate Bill No. 41 was read the first time, rules suspended, read the second time and referred to the Committee on EDUCATION.

Senate Bill No. 5 was returned from the House as passed and ordered enrolled.

HOUSE BILL NO. 1007
CALL ITEM NO. 4
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION
BY: REPRESENTATIVE PICKETT

A Bill for an Act to be Entitled: AN ACT TO INCREASE THE NUMBER OF HOURS OF TRAINING THAT MEMBERS OF THE SCHOOL BOARDS ARE REQUIRED TO TAKE FOLLOWING ELECTION; AND FOR OTHER PURPOSES.

House Bill No. 1007 was read the first time, rules suspended, read the second time and referred to the Committee on EDUCATION.

HOUSE BILL NO. 1028
CALL ITEM NO. 4
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION
BY: REPRESENTATIVE BOND

A Bill for an Act to be Entitled: AN ACT TO CLARIFY THE APPLICATION OF SALES TAX TO THE SALE OF TEXTBOOKS AND OTHER INSTRUCTIONAL MATERIALS TO ARKANSAS SCHOOL DISTRICTS AND ARKANSAS PUBLIC SCHOOLS; AND FOR OTHER PURPOSES.

House Bill No. 1028 was read the first time, rules suspended, read the second time and referred to the Committee on REVENUE & TAXATION.

HOUSE BILL NO. 1051
CALL ITEM NO. 17
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION
BY: REPRESENTATIVE CREEKMORE
SENATOR BOOKOUT

A Bill for an Act to be Entitled: AN ACT TO AMEND VARIOUS SECTIONS OF THE ARKANSAS CODE CONCERNING THE SEX OFFENDER REGISTRATION ACT OF 1997; AND FOR OTHER PURPOSES.

House Bill No. 1051 was read the first time, rules suspended, read the second time and referred to the Committee on JUDICIARY.

* * * * *

SENATE BILL TRANSMITTED TO THE HOUSE
AS PASSED

SENATE BILL NO. 35

SENATE BILL TRANSMITTED TO THE HOUSE
AS PASSED - EMERGENCY CLAUSE HAVING FAILED

SENATE BILL NO. 28

SENATE BILL RETURNED FROM THE HOUSE
AS PASSED

SENATE BILL NO. 5

HOUSE BILLS TRANSMITTED TO THE SENATE
AS PASSED

HOUSE BILL NO . 1007

HOUSE BILL NO. 1028

HOUSE BILL NO. 1051

On motion of Senator Baker the Senate adjourned until Monday, 1:00, p.m., December 22, 2003.

PRESIDENT OF THE SENATE

SECRETARY OF THE SENATE

--ooOoo--

**15TH DAY'S PROCEEDINGS
SENATE CHAMBER
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION**

Little Rock, Arkansas
December 22, 2003

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

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

ALTES, ARGUE, BAKER, BISBEE, BOOKOUT,
BROADWAY, BROWN, BRYLES, CAPPS, CRITCHER,
FARIS, GLOVER, GULLETT, HENDREN,
HIGGINBOTHOM, HILL, HOLT, HORN, G.JEFFRESS,
J.JEFFRESS, JOHNSON, LAVERTY, LUKER, MADISON,
MALONE, MILLER, SALMON, SMITH, STEELE, TRUSTY,
WHITAKER, WILKINS, WILKINSON, WOMACK,
WOOLDRIDGE.

The Senate was led in prayer by Senator Gene Jeffress.

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

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

On motion of Senator Glover, **Senate Bill No. 39** was withdrawn from the Committee on REVENUE AND TAXATION and placed back on second reading for purpose of amendment.

ARKANSAS SENATE
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION
Amendment No. 1 to SENATE BILL NO. 39

Amend **Senate Bill No. 39** as originally introduced:

Page 1, delete lines 19 through 21 and substitute the following:

"LEVIES AN ADDITIONAL (0.5%) SALES AND USE TAX AND CREATES THE EDUCATIONAL ADEQUACY TRUST FUND."

AND

Page 5, delete line 14 and substitute the following:

"SECTION 6. Title 6, Chapter 17, Subchapter 10 is amended to add a new section as follows:

6-17-1005. Minimum base salary -- 2004-2005.

(a) In school year 2004-2005, the board of directors in each school district in the state shall pay their teachers upon a salary schedule that:

(1) Has annual increments for education and experience;

(2) Provides for a base salary;

(3) Provides for a minimum salary for a teacher with a master's degree and at least fifteen (15) years of experience.

(b)(1) In school year 2004-2005, each school district in the state"

AND

Page 5, delete line 33 and substitute the following:

<u>"15</u>	<u>37,540</u>	<u>41,388</u>
------------	---------------	---------------

(c) As used in this section, "teacher" shall include any full-time employee of a local public school district:

(1) Who is compelled by law to secure a license from the State Board of Education as a condition precedent to employment in a position in or related to grades prekindergarten through twelve (preK-12) of the public schools of this state; and

(2) Who is:

(A) Engaged directly in instruction with students in a classroom setting for more than seventy percent (70%) of the individual's contracted time;

(B) A guidance counselor; or

(C) A librarian.

SECTION 7. Arkansas Code § 6-17-1001 is repealed.

~~6-17-1001. Minimum base salary -- Master's degree.~~

~~(a)(1) The board of directors in each school district in the state shall pay its teachers upon a salary schedule which has annual increments for education and experience and which provides for a base salary, a minimum salary for a teacher with a master's degree, and at least fifteen (15) years of experience as described in this section.~~

~~(2) Beginning with the 2003-2004 school year, the teacher's experience for purposes of salary and benefits shall be his or her total years in any school district in the state and shall not be based on only the years in the district in which he or she is currently employed.~~

~~(b) In school year 2000-2001 and in each school year thereafter, no school district shall pay its teachers with a bachelor's degree and no experience less than twenty one thousand eight hundred sixty dollars (\$21,860).~~

~~(c) In school year 2000-2001 and in each school year thereafter, school districts shall pay teachers with a master's degree and no experience at least one hundred fifteen percent (115%) of the minimum base salary prescribed in subsection (b) of this section.~~

~~(d) In school year 2001-2002 and in each school year thereafter, school districts shall pay a teacher with a master's degree and at least fifteen (15) years of experience one hundred fifty percent (150%) of the state minimum base salary.~~

~~(e)(1) In school year 1995-1996 and in each school year thereafter, each school district in the state shall have in place a salary schedule which provides at least fourteen (14) annual increments for experience.~~

~~(2) In school year 2001-2002 and in each school year thereafter, each school district in the state shall have in place a salary schedule which provides at least fifteen (15) annual increments for experience.~~

~~(3) In school year 2001-2002 and in each school year thereafter, each school district in the state shall have in place a salary schedule with at least the following minimum levels of compensation:~~

Years Experience	BA Degree Salary	MA Degree Salary
0	\$21,860	\$25,139
1	22,304	25,649
2	22,748	26,159
3	23,192	26,669
4	23,636	27,179
5	24,080	27,689
6	24,524	28,199
7	24,968	28,709
8	25,412	29,219
9	25,856	29,729
10	26,300	30,239

11	26,744	30,749
12	27,188	31,259
13	27,632	31,769
14	28,076	32,279
15 or more	28,520	32,789

~~(f) For the 1997-98 school year and for each year thereafter, each school district shall provide no less than four hundred dollar increments for experience for teachers with one (1) and two (2) years of experience.~~

~~(g) For the 1998-1999 school year and for each year thereafter, each school district shall provide no less than four hundred dollar increments for experience for teachers with three (3) and four (4) years of experience.~~

~~(h) For the 1999-2000 school year and for each year thereafter, each school district shall provide no less than four hundred dollar increments for experience for teachers with five (5) and six (6) years of experience.~~

~~(i) For the 2000-2001 school year and for each year thereafter, each school district shall provide no less than four hundred dollar increments for experience for teachers with seven (7) and eight (8) years of experience.~~

~~(j) For the 2001-2002 school year and for each year thereafter, each school district shall provide no less than four hundred dollar increments for experience for teachers with nine (9) and ten (10) years of experience.~~

~~(k) For the 2002-2003 school year and for each year thereafter, each school district shall provide no less than four hundred dollar increments for experience for teachers with eleven (11) and twelve (12) years of experience.~~

~~(l)(1) For the 2003-2004 school year and for each year thereafter, each school district shall provide no less than four hundred dollar increments for experience for teachers with thirteen (13) years of experience.~~

~~(2) For the 2004-2005 school year and for each year thereafter, each school district shall provide no less than four hundred dollar increments for experience for teachers with fourteen (14) years of experience.~~

~~(3) For the 2005-2006 school year and for each year thereafter, each school district shall provide no less than four hundred dollar increments for experience for teachers with fifteen (15) years of experience.~~

~~(m) Subsections (f)-(l) of this section shall not apply to any local school district whose minimum salary for teachers exceeds twenty-one thousand eight hundred sixty dollars (\$21,860) and whose average salary exceeds the state average salary for teachers for the previous year.~~

~~(n) As used in this section, "teacher" shall include any full-time employee of a local public school district:~~

~~(1) Who is compelled by law to secure a license from the State Board of Education as a condition precedent to employment in a position in or related to grades prekindergarten through twelve (preK-12) of the public schools of this state; and~~

~~(2) Who is:~~

~~(A) Engaged directly in instruction with students in a classroom setting for more than seventy percent (70%) of the individual's contracted time;~~

~~(B) A guidance counselor; or~~

~~(C) A librarian.~~

~~(o) All minimum salaries set forth in this section shall be for a contract number of days that is not more than the number of days in the school year required by the State Board of Education's regulations for accreditation for the school year in which the contract is effective.~~

~~(p)(1) A district that determines that it cannot meet the minimum salary requirements of this section from funds available may petition the Department of Education for a waiver of the requirements of this section for up to three (3) school years based on regulations promulgated by the State Board of Education.~~

~~(2) The department shall not grant a waiver to any district that is not in compliance with the uniform rate of tax requirements under Arkansas Constitution, Amendment 74."~~

AND

Page 5, line 36, delete "SECTION 7" and substitute "SECTION 8"

(SIGNED) SENATOR BOBBY GLOVER

The Amendment was read the first time, rules suspended, read the second time and adopted.

(SIGNED) ANN CORNWELL, SECRETARY

Senate Bill No. 39 was ordered engrossed.

On motion of Senator Hill, the Senate resolved itself into the Committee of the Whole for the purpose of remarks by Congresswoman Blanche Lincoln.

Without objection, the Committee of the Whole was dissolved, and the Senate took up its regular order of business.

ARKANSAS SENATE
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION

December 22, 2003

Mr. President:

We, your Committee on PUBLIC HEALTH, WELFARE & LABOR, to whom was referred:

HOUSE BILL NO. 1011, BY REPRESENTATIVE BOYD,

beg leave to report that we have had the same under consideration, and herewith return the same with the recommendation that it do pass as amended #1.

Respectfully submitted,

(SIGNED) SENATOR JACK CRITCHER

ARKANSAS SENATE
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION

December 22, 2003

Mr. President:

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

SENATE BILL NO. 39, BY SENATOR GLOVER,

beg leave to report that we have carefully compared the engrossed copy with the original and we find the same correctly engrossed.

Respectfully submitted,

(SIGNED) JOHN PAUL CAPPS, CHAIRMAN

On motion of Senator Glover, **Senate Bill No. 39** was re-referred to the Committee on REVENUE & TAXATION.

ARKANSAS SENATE
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION

December 22, 2003

Mr. President:

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

SENATE BILL NO. 5, BY SENATOR BISBEE,

beg leave to report that we have carefully compared the enrolled copy with the original and we find the same correctly enrolled and have at 9:50 a.m. delivered them to the Governor for his approval.

Respectfully submitted,

(SIGNED) JOHN PAUL CAPPS, CHAIRMAN

GOVERNOR'S BILL RECEIPTS

SENATE BILL NO. 5

RECEIVED the above papers from the Secretary of the Senate this 22nd day of December, 2003 at 9:50 a.m..

(SIGNED) MIKE HUCKABEE

Governor

(SIGNED) STACY DeJARNETTE

Secretary

On motion of Senator Bookout, **House Bill No. 1011** was re-referred to the Committee on PUBLIC HEALTH, WELFARE & LABOR.

The President declared the morning hour to have expired.

On motion of Senator Argue, **Senate Bill No. 36** was called up for third reading and final disposition.

SENATE BILL NO. 36
As Engrossed: S12/18/03
CALL ITEM NO. 4
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION
BY: SENATOR ARGUE

A Bill for an Act to be Entitled: AN ACT TO IMPLEMENT AMENDMENT 74 TO THE ARKANSAS CONSTITUTION; TO AMEND CERTAIN SECTIONS OF THE ARKANSAS CODE TO COMPLY WITH AMENDMENT 74; TO DECLARE AN EMERGENCY; AND FOR OTHER PURPOSES.

Senate Bill No. 36 was placed on third reading and final disposition, the question being: Shall the Bill pass?

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

AFFIRMATIVE: Altes, Argue, Baker, Bisbee, J. Bookout, Broadway, Brown, Bryles, Capps, Critcher, Faris, Glover, Gullett, Hendren, Higginbothom, Hill, Holt, Horn, G. Jeffress, J. Jeffress, B. Johnson, Lavery, Luker, Madison, Miller, Salmon, T. Smith, Steele, Trusty, Whitaker, Wilkins, Wilkinson, Wooldridge.

Total33

NEGATIVE:

Total0

ABSENT OR NOT VOTING: Malone, Womack.

Total2

VOTING PRESENT:

Total0

Total number of votes cast.....33

Necessary to the passage of the bill18

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

(SIGNED) ANN CORNWELL, SECRETARY

There being an emergency clause attached to **Senate Bill No. 36**, the President ordered the Secretary to call the roll upon the adoption of the emergency clause.

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

AFFIRMATIVE: Altes, Argue, Baker, Bisbee, J. Bookout, Broadway, Brown, Bryles, Capps, Critcher, Faris, Glover, Gullett, Hendren, Higginbothom, Hill, Holt, Horn, G. Jeffress, J. Jeffress, B. Johnson, Laverty, Luker, Madison, Miller, Salmon, T. Smith, Steele, Trusty, Whitaker, Wilkins, Wilkinson, Wooldridge.

Total33

NEGATIVE:

Total0

ABSENT OR NOT VOTING: Malone, Womack.

Total2

VOTING PRESENT:

Total0

Total number of votes cast.....33

Necessary to the adoption of the emergency clause24

So the Emergency Clause was adopted.

(SIGNED) ANN CORNWELL, SECRETARY

Senate Bill No. 36 was ordered immediately transmitted to the House as passed.

On motion of Senator Higginbothom, **Senate Bill No. 37** was called up for third reading and final disposition.

SENATE BILL NO. 37
CALL ITEM NO. 6
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION
BY: SENATORS HIGGINBOTHOM, ET AL
REPRESENTATIVES FERGUSON, ET AL

A Bill for an Act to be Entitled: AN ACT TO AVOID REDUCTION OF REVENUE TO FUND THE STATE EDUCATION SYSTEM BY AMENDING CERTAIN SECTIONS OF THE FAIR MORTGAGE LENDING ACT TO AVOID UNNECESSARY LIMITATIONS ON COMMERCIAL LENDING WITHIN THE STATE WHICH SLOWS THE RECOVERY AND GROWTH OF THE STATE’S ECONOMY; AND FOR OTHER PURPOSES.

Senate Bill No. 37 was placed on third reading and final disposition, the question being: Shall the Bill pass?

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

AFFIRMATIVE: Altes, Argue, Baker, Bisbee, J. Bookout, Broadway, Brown, Bryles, Capps, Critcher, Faris, Glover, Gullett, Hendren, Higginbothom, Hill, Holt, Horn, G. Jeffress, J. Jeffress, B. Johnson, Laverty, Luker, Madison, Malone, Miller, Salmon, T. Smith, Steele, Trusty, Whitaker, Wilkins, Wilkinson, Wooldridge.

Total	34
NEGATIVE:	
Total	0
ABSENT OR NOT VOTING: Womack.	
Total	1
VOTING PRESENT:	
Total	0
Total number of votes cast.....	34
Necessary to the passage of the bill	18

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

(SIGNED) ANN CORNWELL, SECRETARY

There being an emergency clause attached to **Senate Bill No. 37**, the President ordered the Secretary to call the roll upon the adoption of the emergency clause.

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

AFFIRMATIVE: Altes, Argue, Baker, Bisbee, J. Bookout, Broadway, Brown, Bryles, Capps, Critcher, Faris, Glover, Gullett, Hendren, Higginbothom, Hill, Holt, Horn, G. Jeffress, J. Jeffress, B. Johnson, Lavery, Luker, Madison, Malone, Miller, Salmon, T. Smith, Steele, Trusty, Whitaker, Wilkins, Wilkinson, Wooldridge.

Total34

NEGATIVE:

Total0

ABSENT OR NOT VOTING: Womack.

Total1

VOTING PRESENT:

Total0

Total number of votes cast34

Necessary to the adoption of the emergency clause24

So the Emergency Clause was adopted.

(SIGNED) ANN CORNWELL, SECRETARY

Senate Bill No. 37 was ordered immediately transmitted to the House as passed.

On motion of Senator Bisbee, the Senate resolved itself into the Committee of the Whole for the purpose of JOINT BUDGET BILLS.

Without objection, the Committee of the Whole was dissolved, and the Senate took up its regular order of business.

On motion of Senator Bisbee, the rules were suspended in considering **Senate Bill No. 20** at this time.

On motion of Senator Bisbee, **Senate Bill No. 20** was called up for third reading and final disposition.

**SENATE BILL NO. 20
CALL ITEM NO. 13
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION
BY: SENATOR LUKER**

A Bill for an Act to be Entitled: AN ACT TO MAKE AN APPROPRIATION FOR THE PAYMENT OF REIMBURSEMENT TO COUNTIES HOUSING STATE INMATES FOR THE DEPARTMENT OF COMMUNITY CORRECTION FOR THE BIENNIAL PERIOD ENDING JUNE 30, 2005; AND FOR OTHER PURPOSES.

Senate Bill No. 20 was placed on third reading and final disposition, the question being: Shall the Bill pass?

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

AFFIRMATIVE: Altes, Argue, Baker, Bisbee, J. Bookout, Broadway, Brown, Bryles, Capps, Critcher, Faris, Glover, Gullett, Hendren, Higginbothom, Hill, Holt, Horn, G. Jeffress, J. Jeffress, B. Johnson, Laverty, Luker, Madison, Malone, Miller, Salmon, T. Smith, Steele, Trusty, Whitaker, Wilkins, Wilkinson, Womack, Wooldridge.

Total	35
NEGATIVE:	
Total	0
ABSENT OR NOT VOTING:	
Total	0
VOTING PRESENT:	
Total	0
Total number of votes cast	35
Necessary to the passage of the bill	27

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

(SIGNED) ANN CORNWELL, SECRETARY

There being an emergency clause attached to **Senate Bill No. 20**, the President ordered the Secretary to call the roll upon the adoption of the emergency clause.

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

AFFIRMATIVE: Altes, Argue, Baker, Bisbee, J. Bookout, Broadway, Brown, Bryles, Capps, Critcher, Faris, Glover, Gullett, Hendren, Higginbothom, Hill, Holt, Horn, G. Jeffress, J. Jeffress, B. Johnson, Laverty, Luker, Madison, Malone, Miller, Salmon, T. Smith, Steele, Trusty, Whitaker, Wilkins, Wilkinson, Womack, Wooldridge.

Total35

NEGATIVE:

Total0

ABSENT OR NOT VOTING:

Total0

VOTING PRESENT:

Total0

Total number of votes cast35

Necessary to the adoption of the emergency clause24

So the Emergency Clause was adopted.

(SIGNED) ANN CORNWELL, SECRETARY

Senate Bill No. 20 was ordered immediately transmitted to the House as passed.

On motion of Senator Bisbee, the rules were suspended in considering **Senate Bill No. 38** at this time.

On motion of Senator Bisbee, **Senate Bill No. 38** was called up for third reading and final disposition.

SENATE BILL NO. 38
CALL ITEM NO. 1
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION
BY: SENATOR BISBEE

A Bill for an Act to be Entitled: AN ACT TO MAKE AN APPROPRIATION FOR SALARIES AND EXPENSES OF THE GOVERNOR'S LEAD LEGISLATIVE LIAISON, LEGISLATIVE LIAISON, LEGISLATIVE CLERK, LEGISLATIVE ADMINISTRATIVE ASSISTANT, LEGISLATIVE RECEPTIONIST AND LEGISLATIVE INTERNS DURING THE SECOND EXTRAORDINARY SESSION OF THE EIGHTY FOURTH ARKANSAS GENERAL ASSEMBLY FOR THE OFFICE OF THE GOVERNOR FOR THE FISCAL YEAR ENDING JUNE 30, 2004; AND FOR OTHER PURPOSES.

Senate Bill No. 38 was placed on third reading and final disposition, the question being: Shall the Bill pass?

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

AFFIRMATIVE: Altes, Argue, Baker, Bisbee, J. Bookout, Broadway, Brown, Bryles, Capps, Critcher, Faris, Glover, Gullett, Hendren, Higginbothom, Hill, Holt, Horn, G. Jeffress, J. Jeffress, B. Johnson, Laverty, Luker, Madison, Malone, Miller, Salmon, T. Smith, Steele, Trusty, Whitaker, Wilkins, Wilkinson, Womack, Wooldridge.

Total35

NEGATIVE:

Total0

ABSENT OR NOT VOTING:

Total0

VOTING PRESENT:

Total0

Total number of votes cast.....35

Necessary to the passage of the bill27

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

(SIGNED) ANN CORNWELL, SECRETARY

There being an emergency clause attached to **Senate Bill No. 38**, the President ordered the Secretary to call the roll upon the adoption of the emergency clause.

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

AFFIRMATIVE: Altes, Argue, Baker, Bisbee, J. Bookout, Broadway, Brown, Bryles, Capps, Critcher, Faris, Glover, Gullett, Hendren, Higginbothom, Hill, Holt, Horn, G. Jeffress, J. Jeffress, B. Johnson, Laverty, Luker, Madison, Malone, Miller, Salmon, T. Smith, Steele, Trusty, Whitaker, Wilkins, Wilkinson, Womack, Wooldridge.

Total35

NEGATIVE:

Total0

ABSENT OR NOT VOTING:

Total0

VOTING PRESENT:

Total0

Total number of votes cast.....35

Necessary to the adoption of the emergency clause24

So the Emergency Clause was adopted.

(SIGNED) ANN CORNWELL, SECRETARY

Senate Bill No. 38 was ordered immediately transmitted to the House as passed.

On motion of Senator Bisbee, the rules were suspended in considering **House Bill No. 1024** at this time.

On motion of Senator Bisbee, **House Bill No. 1024** was called up for third reading and final disposition.

HOUSE BILL NO. 1024
CALL ITEM NO. 14
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION
BY: REPRESENTATIVE WEAVER

A Bill for an Act to be Entitled: AN ACT TO MAKE AN APPROPRIATION FOR PERSONAL SERVICES AND OPERATING EXPENSES FOR THE MONITORING AND COMPLIANCE SECTION OF THE DEPARTMENT OF WORKFORCE EDUCATION WHICH SHALL BE SUPPLEMENTAL AND IN ADDITION TO THOSE FUNDS APPROPRIATED BY ACT 1309 OF 2003; AND FOR OTHER PURPOSES.

House Bill No. 1024 was placed on third reading and final disposition, the question being: Shall the Bill pass?

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

AFFIRMATIVE: Altes, Argue, Baker, Bisbee, J. Bookout, Broadway, Brown, Bryles, Capps, Critcher, Faris, Glover, Gullett, Hendren, Higginbotham, Hill, Holt, Horn, G. Jeffress, J. Jeffress, B. Johnson, Laverty, Luker, Madison, Malone, Miller, Salmon, T. Smith, Steele, Trusty, Whitaker, Wilkins, Wilkinson, Womack, Wooldridge.

Total35

NEGATIVE:

Total0

ABSENT OR NOT VOTING:

Total0

VOTING PRESENT:

Total0

Total number of votes cast.....35

Necessary to the passage of the bill27

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

(SIGNED) ANN CORNWELL, SECRETARY

There being an emergency clause attached to **House Bill No. 1024**, the President ordered the Secretary to call the roll upon the adoption of the emergency clause.

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

AFFIRMATIVE: Altes, Argue, Baker, Bisbee, J. Bookout, Broadway, Brown, Bryles, Capps, Critcher, Faris, Glover, Gullett, Hendren, Higginbothom, Hill, Holt, Horn, G. Jeffress, J. Jeffress, B. Johnson, Laverty, Luker, Madison, Malone, Miller, Salmon, T. Smith, Steele, Trusty, Whitaker, Wilkins, Wilkinson, Womack, Wooldridge.

Total35

NEGATIVE:

Total0

ABSENT OR NOT VOTING:

Total0

VOTING PRESENT:

Total0

Total number of votes cast.....35

Necessary to the adoption of the emergency clause24

So the Emergency Clause was adopted.

(SIGNED) ANN CORNWELL, SECRETARY

House Bill No. 1024 was ordered immediately returned to the House as passed.

SENATE BILL NO. 42
CALL ITEM NO. 6
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION
BY: SENATORS BISBEE & BROADWAY

A Bill for an Act to be Entitled: AN ACT TO PROVIDE EQUITABLE FUNDING TO PUBLIC SCHOOLS; TO PROVIDE A SYSTEM FOR MONITORING PUBLIC SCHOOL EXPENDITURES; TO INCREASE MINIMUM TEACHER SALARIES; TO ESTABLISH A KNOWLEDGE AND SKILLS-BASED PAY SYSTEM FOR TEACHERS; TO PROVIDE FOR SCHOOL-BASED PERFORMANCE AWARDS; AND FOR OTHER PURPOSES.

Senate Bill No. 42 was read the first time, rules suspended, read the second time and referred to the Committee on EDUCATION.

ARKANSAS SENATE
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION

December 22, 2003

Mr. President:

We, your Committee on PUBLIC HEALTH, WELFARE & LABOR, to whom was referred:

HOUSE BILL NO. 1011, BY REPRESENTATIVE BOYD,

beg leave to report that we have had the same under consideration, and herewith return the same with the recommendation that it do pass as amended #2.

Respectfully submitted,

(SIGNED) SENATORS JACK CRITCHER, PERCY
MALONE, BOB JOHNSON, BARBARA HORN
& STEVE FARIS

SENATE MEMORIAL RESOLUTION NO. 4
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION
BY: SENATORS BOOKOUT, CAPPS & GLOVER

SENATE MEMORIAL RESOLUTION IN RESPECTFUL MEMORY OF MR.
MARCUS HALBROOK AND IN RECOGNITION OF HIS LIFETIME OF DEDICATED
SERVICE TO THE STATE OF ARKANSAS.

Senate Memorial Resolution No. 4 was read the first time, rules suspended, read the second time and placed on the Calendar.

HOUSE BILL NO. 1021
CALL ITEM NO. 4
EIGHTY-FOURTH GENERAL ASSEMBLY
SECONDT EXTRAORDINARY SESSION
BY: REPRESENTATIVES WEAVER, ET AL
SENATORS MILLER, CRITCHER, GLOVER, G. JEFFRESS, J. JEFFRESS & LAVERTY

A Bill for an Act to be Entitled: AN ACT PERTAINING TO STATE SCHOOL
STANDARDS AND TEACHERS' SALARIES; TO PROVIDE FOR AN ADEQUATE
EDUCATION IN ARKANSAS SCHOOLS AND TO ADDRESS THE DISPARITY IN
TEACHERS' SALARIES; AND FOR OTHER PURPOSES.

House Bill No. 1021 was read the first time, rules suspended, read the second time and referred to the Committee on EDUCATION.

HOUSE BILL NO. 1057
CALL ITEM NO. 4
EIGHTY-FOURTH GENERAL ASSEMBLY
SECONDT EXTRAORDINARY SESSION
BY: REPRESENTATIVE WHITE

A Bill for an Act to be Entitled: AN ACT TO AMEND THE ARKANSAS BETTER CHANCE FOR SCHOOL SUCCESS PROGRAM TO REMOVE MATCHING REQUIREMENTS AND SET IMPLEMENTATION GOALS; AND FOR OTHER PURPOSES.

House Bill No. 1057 was read the first time, rules suspended, read the second time and referred to the Committee on EDUCATION.

Senate Bill No.8 was returned from the House as passed and ordered enrolled.

Senate Bill No. 15 was returned from the House as passed and ordered enrolled.

* * * * *

SENATE BILLS TRANSMITTED TO THE HOUSE
AS PASSED

SENATE BILL NO. 20
SENATE BILL NO. 36
SENATE BILL NO. 37
SENATE BILL NO. 38

SENATE BILLS RETURNED FROM THE HOUSE
AS PASSED AND ORDERED ENROLLED

SENATE BILL NO. 8
SENATE BILL NO. 15

HOUSE BILL RETURNED TO THE HOUSE
AS PASSED

HOUSE BILL NO. 1024

HOUSE BILLS TRANSMITTED TO THE SENATE
AS PASSED

HOUSE BILL NO. 1021
HOUSE BILL NO. 1057

On motion of Senator Hill the Senate adjourned until Tuesday, 10:30, a.m., December 23, 2003.

PRESIDENT OF THE SENATE

SECRETARY OF THE SENATE

--ooOoo--

**16TH DAY'S PROCEEDINGS
SENATE CHAMBER
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION**

Little Rock, Arkansas

December 23, 2003

The Senate was called to order at 10:30 a.m. by the President.

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

ALTES, ARGUE, BAKER, BISBEE, BOOKOUT,
BROADWAY, BROWN, BRYLES, CAPPS, CRITCHER,
FARIS, GLOVER, GULLETT, HENDREN,
HIGGINBOTHOM, HILL, HOLT, HORN, G.JEFFRESS,
J.JEFFRESS, JOHNSON, LAVERTY, LUKER, MADISON,
MALONE, MILLER, SALMON, SMITH, STEELE, TRUSTY,
WHITAKER, WILKINS, WILKINSON, WOMACK,
WOOLDRIDGE.

The Senate was led in prayer by Senator Tim Wooldridge.

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

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

On motion of Senator Glover, the Senate resolved itself into the Committee of the Whole for the purpose of reading a Citation in honor of Samuel Konechny.

Without objection, the Committee of the Whole was dissolved, and the Senate took up its regular order of business.

**ARKANSAS SENATE
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION**

December 23, 2003

Mr. President:

We, your Committee on EDUCATION, to whom was referred:

HOUSE BILL NO. 1007 BY REPRESENTATIVE PICKETT
HOUSE BILL NO. 1048 BY REPRESENTATIVE J. JOHNSON,

beg leave to report that we have had the same under consideration, and herewith return the same with the recommendation that they do pass as amended #1.

Respectfully submitted,

(SIGNED) SENATOR JIM ARGUE

**ARKANSAS SENATE
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION**

December 23, 2003

Mr. President:

We, your Committee on JUDICIARY, to whom was referred:

HOUSE BILL NO. 1051, BY REPRESENTATIVE CREEKMORE,

beg leave to report that we have had the same under consideration, and herewith return the same with the recommendation that it do pass.

Respectfully submitted,

(SIGNED) SENATOR ED WILKINSON

ARKANSAS SENATE
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION

December 23, 2003

Mr. President:

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

SENATE BILL NO. 8, BY SENATOR GLOVER,
SENATE BILL NO. 15, BY SENATOR BISBEE,

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 9:25 a.m. delivered them to the Governor for his approval.

Respectfully submitted,

(SIGNED) JOHN PAUL CAPPS, CHAIRMAN

GOVERNOR'S BILL RECEIPTS

SENATE BILL NO. 8
SENATE BILL NO. 15

RECEIVED the above papers from the Secretary of the Senate this 23rd day of December, 2003 at 9:25 a.m..

(SIGNED) MIKE HUCKABEE
Governor

(SIGNED) STACY DeJARNETTE
Secretary

STATE OF ARKANSAS
OFFICE OF THE GOVERNOR
STATE CAPITOL
LITTLE ROCK, ARKANSAS

MIKE HUCKABEE
Governor

December 22, 2003

TO THE PRESIDENT OF THE SENATE

Dear Mr. President:

This is to inform your Honorable Body that on December 22, 2003, I approved the following measure:

Senate Bill No. 5 which is now Act 12

Senate Bill No. 10 which is now Act 9

Senate Bill No. 6 which is now Act 8

Senate Bill No. 3 which is now Act 7

Senate Bill No. 32 which is now Act 6

Senate Bill No. 11 which is now Act 5

Senate Bill No. 13 which is now Act 4

Sincerely,

(SIGNED) MIKE HUCKABEE
Governor

On motion of Senator Johnson, [Senate Resolution No. 7](#) was called up for third reading and final disposition.

[SENATE RESOLUTION NO. 7](#)
[EIGHTY-FOURTH GENERAL ASSEMBLY](#)
[SECOND EXTRAORDINARY SESSION](#)
[BY: SENATORS JOHNSON, FARIS & BROADWAY](#)

SENATE RESOLUTION RECOGNIZING SERGEANT CHARLES DAVID
DONHAM UPON HIS RETIREMENT FROM THE DEPARTMENT OF ARKANSAS
STATE POLICE.

[Senate Resolution No. 7](#) was read the third time and adopted.

(SIGNED) ANN CORNWELL, SECRETARY

On motion of Senator Faris, [House Bill No. 1011](#) was placed back on second reading for purpose of amendments.

[ARKANSAS SENATE](#)
[EIGHTY-FOURTH GENERAL ASSEMBLY](#)
[SECOND EXTRAORDINARY SESSION](#)
[Amendment No. 1 to HOUSE BILL NO. 1011](#)

Amend [House Bill No. 1011](#) as engrossed: H12/17/03:

Add Senator Faris as cosponsor of the bill

(SIGNED) SENATOR STEVE FARIS

The Amendment was read the first time, rules suspended, read the second time and adopted.

(SIGNED) ANN CORNWELL, SECRETARY

ARKANSAS SENATE
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION
Amendment No. 2 to HOUSE BILL NO. 1011

Amend **House Bill No. 1011** as engrossed, H12/17/03:

Add Representative Oglesby as a cosponsor of the bill

AND

Add Senator Faris as a cosponsor of the bill

AND

Page 1, delete lines 10 through 14 and substitute the following:
"AN ACT TO ALLOW FOR SEPARATE STUDENT HEALTH REPORTS; AND FOR
OTHER PURPOSES."

AND

Page 1, delete lines 17 through 21 and substitute the following:
"AN ACT TO ALLOW FOR SEPARATE STUDENT HEALTH REPORTS."

AND

Page 1, line 30, delete "and" entirely

AND

Page 1, line 33, delete ";" and substitute ";

(SIGNED) SENATOR JERRY BOOKOUT

The Amendment was read the first time, rules suspended, read the second time and adopted.

(SIGNED) ANN CORNWELL, SECRETARY

House Bill No. 1011 was ordered engrossed.

On motion of Senator Miller, the rules were suspended in considering **House Bill No. 1021** at this time.

On motion of Senator Miller, **House Bill No. 1021** was withdrawn from the Committee on EDUCATION, and placed back on second reading for purpose of amendment.

ARKANSAS SENATE
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION
Amendment No. 1 to HOUSE BILL NO. 1021

Amend **House Bill No. 1021** as engrossed H12/17/03:

Add Senator Womack as a cosponsor of the bill

AND

Page 6, delete line 35 and substitute the following:
"include, but is not limited to, creating household budgets, maintaining checking accounts, basic consumer finance, debt management, credit management, insurance, and taxes."

AND

Page 23, delete lines 31 through 34 and substitute the following:
"(C) Supplemental funds that may be distributed to school districts for students in poverty and high cost special education students shall be excluded from the calculation under this subsection (c). All other supplemental funds shall be included in the calculation under this subsection (c)."

(SIGNED) SENATOR PAUL MILLER

The Amendment was read the first time, rules suspended, read the second time and adopted.

(SIGNED) ANN CORNWELL, SECRETARY

House Bill No. 1021 was ordered engrossed.

The President declared the morning hour to have expired.

On motion of Senator Smith, **Senate Bill No. 24** was called up for third reading and final disposition.

SENATE BILL NO. 24

As Engrossed: S12/18/03, S12/18/03

CALL ITEM NO. 6

EIGHTY-FOURTH GENERAL ASSEMBLY

SECOND EXTRAORDINARY SESSION

BY: SENATOR SMITH & REPRESENTATIVE MATHIS

A Bill for an Act to be Entitled: AN ACT TO AMEND TITLE 26, CHAPTER 18 OF THE ARKANSAS CODE TO PROVIDE FOR THE CLOSURE OF BUSINESSES FAILING TO REPORT AND REMIT SALES AND USE TAXES; AND FOR OTHER PURPOSES.

Senator Smith pulled **Senate Bill No. 24** down at this time.

On motion of Senator Bisbee, **House Bill No. 1019** was called up for third reading and final disposition.

HOUSE BILL NO. 1019
CALL ITEM NO. 4
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION
BY: REPRESENTATIVE MAHONY

A Bill for an Act to be Entitled: AN ACT TO AMEND ARKANSAS CODE TO PROVIDE THAT THE DEPARTMENT OF EDUCATION PROVIDE ASSISTANCE TO THE OFFICE OF ECONOMIC AND TAX POLICY; AND FOR OTHER PURPOSES.

House Bill No. 1019 was placed on third reading and final disposition, the question being: Shall the Bill pass?

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

AFFIRMATIVE: Altes, Argue, Baker, Bisbee, J. Bookout, Broadway, Brown, Bryles, Capps, Critcher, Faris, Glover, Gullett, Hendren, Higginbothom, Hill, Holt, Horn, G. Jeffress, J. Jeffress, B. Johnson, Lavery, Luker, Madison, Malone, Miller, Salmon, T. Smith, Steele, Trusty, Whitaker, Wilkins, Wilkinson, Womack, Wooldridge.

Total	35
NEGATIVE:	
Total	0
ABSENT OR NOT VOTING:	
Total	0
VOTING PRESENT:	
Total	0
Total number of votes cast.....	35
Necessary to the passage of the bill	18

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

(SIGNED) ANN CORNWELL, SECRETARY

House Bill No. 1019 was ordered immediately returned to the House as passed.

HOUSE BILL NO. 1018
As Engrossed: H12/16/03, H12/19/03
CALL ITEM NO. 4
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION
BY: REPRESENTATIVES BOYD, ET AL
SENATORS GULLETT, HORN, LAVERTY & WOOLDRIDGE

A Bill for an Act to be Entitled: AN ACT TO PROVIDE FOR THE CONTINUED SUPPORT OF ISOLATED SCHOOL DISTRICTS; AND FOR OTHER PURPOSES.

House Bill No. 1018 was read the first time, rules suspended, read the second time and referred to the Committee on EDUCATION.

HOUSE BILL NO. 1038
CALL ITEM NO. 4
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION
BY: REPRESENTATIVE MATHIS & SENATOR SMITH

A Bill for an Act to be Entitled: AN ACT CONCERNING THE ARKANSAS SCHOOL FOR MATHEMATICS, SCIENCES, AND THE ARTS; AND FOR OTHER PURPOSES.

House Bill No. 1038 was read the first time, rules suspended, read the second time and referred to the Committee on EDUCATION.

ARKANSAS SENATE
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION

December 23, 2003

Mr. President:

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

HOUSE BILL NO. 1011, BY REPRESENTATIVE BOYD,

beg leave to report that we have carefully compared the engrossed copy with the original and we find the same correctly engrossed.

Respectfully submitted,

(SIGNED) JOHN PAUL CAPPS, CHAIRMAN

HOUSE BILL NO. 1055
CALL ITEM NO. 4
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION
BY: REPRESENTATIVES WALTERS & CLEVELAND

A Bill for an Act to be Entitled: AN ACT TO AMEND THE TEACHER
LICENSURE PROGRAM; AND FOR OTHER PURPOSES.

House Bill No. 1055 was read the first time, rules suspended, read the second time and referred to the Committee on EDUCATION.

HOUSE BILL NO. 1060
CALL ITEM NO. 4
EIGHTY-FOURTH GENERAL ASSEMBLY
SECONDT EXTRAORDINARY SESSION
BY: REPRESENTATIVES CHESTERFIELD, ET AL
SENATORS BROWN, STEELE & WILKINS

A Bill for an Act to be Entitled: AN ACT TO MEET THE MANDATE OF THE ARKANSAS SUPREME COURT IN LAKE VIEW SCHOOL DISTRICT NO. 25 V. HUCKABEE; TO PROVIDE AN ADEQUATE EDUCATION FOR CHILDREN WHO ATTEND PUBLIC SCHOOLS IN ARKANSAS BY PROVIDING HOUSING INCENTIVES FOR ATTRACTING HIGH-PERFORMING TEACHERS TO HIGH-PRIORITY SCHOOL DISTRICTS; TO CREATE THE TEACHER HOUSING FUND; AND FOR OTHER PURPOSES.

House Bill No. 1060 was read the first time, rules suspended, read the second time and referred to the Committee on EDUCATION.

Senate Bill No. 2 was returned from the House as passed and ordered enrolled.

Senate Bill No. 20 was returned from the House as passed and ordered enrolled.

Senate Bill No. 38 was returned from the House as passed and ordered enrolled:

ARKANSAS SENATE
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION

December 23, 2003

Mr. President:

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

HOUSE BILL NO. 1021, BY REPRESENTATIVE WEAVER, ET AL,

beg leave to report that we have carefully compared the engrossed copy with the original and we find the same correctly engrossed.

Respectfully submitted,

(SIGNED) JOHN PAUL CAPPS, CHAIRMAN

On motion of Senator Miller, **House Bill No. 1021** was re-referred to the Committee on EDUCATION.

SENATE BILL NO. 43
CALL ITEM NO. 4
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION
BY: SENATORS BROADWAY & BISBEE

A Bill for an Act to be Entitled: AN ACT TO AMEND ACT 51 OF THE FIRST EXTRAORDINARY SESSION OF 2003 TO PROVIDE FUNDING FOR NATIONAL SCHOOL LUNCH ACT STUDENTS AND ALTERNATIVE LEARNING ENVIRONMENT STUDENTS; AND FOR OTHER PURPOSES.

Senate Bill No. 43 was read the first time, rules suspended, read the second time and referred to the Committee on JOINT BUDGET.

* * * * *

SENATE BILLS RETURNED FROM THE HOUSE
AS PASSED AND ORDERED ENROLLED

SENATE BILL NO. 2

SENATE BILL NO. 20

SENATE BILL NO. 38

HOUSE BILL RETURNED TO THE HOUSE
AS PASSED

HOUSE BILL NO. 1019

HOUSE BILLS TRANSMITTED TO THE SENATE
AS PASSED

HOUSE BILL NO. 1018

HOUSE BILL NO. 1038

HOUSE BILL NO. 1055

HOUSE BILL NO. 1060

On motion of Senator Hill the Senate adjourned until Friday, 11:30, a.m., December 26, 2003.

PRESIDENT OF THE SENATE

SECRETARY OF THE SENATE

--ooOoo--

**19TH DAY'S PROCEEDINGS
SENATE CHAMBER
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION**

Little Rock, Arkansas

December 26, 2003

The Senate was called to order at 11:30 a.m. by the President.

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

ALTES, ARGUE, BAKER, BISBEE, BOOKOUT,
BROADWAY, BROWN, BRYLES, CAPPS, CRITCHER,
FARIS, GLOVER, GULLETT, HENDREN, HILL, HOLT,
HORN, G.JEFFRESS, J.JEFFRESS, JOHNSON, LAVERTY,
MALONE, MILLER, SALMON, SMITH, STEELE, TRUSTY,
WHITAKER, WILKINS, WILKINSON,

Leave was requested for Senators Higginbothom, Luker, Madison, Womack and Wooldridge.

The Senate was led in prayer by Senator Baker.

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

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

ARKANSAS SENATE
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION

December 26, 2003

Mr. President:

We, your Committee on EDUCATION, to whom was referred:

HOUSE BILL NO. 1038, BY REPRESENTATIVE MATHIS,
HOUSE BILL NO. 1060, BY REPRESENTATIVE CHESTERFIELD,

beg leave to report that we have had the same under consideration, and herewith return the same with the recommendation that they do pass.

Respectfully submitted,

(SIGNED) SENATOR JIM ARGUE

On motion of Senator Bookout, **Senate Resolution No. 5** was called up for third reading and final disposition.

SENATE RESOLUTION NO. 5
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION
BY: SENATOR BOOKOUT

SENATE RESOLUTION CONGRATULATING THE 2003 STATE HIGH SCHOOL AAA VOLLEYBALL CHAMPION VALLEY VIEW LADY BLAZERS, AND RUNNER-UP JONESBORO WESTSIDE WARRIORS.

Senate Resolution No. 5 was read the third time and adopted.

(SIGNED) ANN CORNWELL, SECRETARY

On motion of Senator Wilkins, **House Bill No. 1007** was placed back on second reading for purpose of amendment.

ARKANSAS SENATE
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION
Amendment No. 1 to HOUSE BILL NO. 1007

Amend **House Bill No. 1007** as originally introduced by:

Add Senators Wilkins and Gullett as cosponsors of the bill

AND

Page 2, line 34, delete "fail" and substitute "fails"

AND

Page 2, line 36, delete "with" and substitute "within"

(SIGNED)

SENATOR HENRY "HANK" WILKINS, III

The Amendment was read the first time, rules suspended, read the second time and adopted.

(SIGNED) ANN CORNWELL, SECRETARY

House Bill No. 1007 was ordered engrossed.

On motion of Senator Wilkins, **House Bill No. 1048** was placed back on second reading for purpose of amendment.

ARKANSAS SENATE
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION
Amendment No. 1 to HOUSE BILL NO. 1048

Amend **House Bill No. 1048** as originally introduced by:

Page 2, line 19, delete "plan" and substitute "plan, including the evaluations and measures as described under subdivision (b)(6) of this section"

AND

Page 2, line 21, delete "Education," and substitute "Education, the House Interim Committee on Education and Senate Interim Committee on Education,"

(SIGNED)

SENATOR HENRY "HANK" WILKINS, III

The Amendment was read the first time, rules suspended, read the second time and adopted.

(SIGNED) ANN CORNWELL, SECRETARY

House Bill No. 1048 was ordered engrossed.

On motion of Senator Broadway, the rules were suspended in considering **Senate Bill No. 43** at this time.

On motion of Senator Broadway, **Senate Bill No. 43** was withdrawn from the Committee on JOINT BUDGET and placed back on second reading for purpose of amendment.

ARKANSAS SENATE
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION
Amendment No. 1 to SENATE BILL NO. 43

Amend **Senate Bill No. 43** as originally introduced:

Page 2, line 10, delete "forty million" and substitute "twenty one million eight hundred seventy thousand four hundred seven"

AND

Page 2, line 11, delete "(\$40,000,000)" and substitute "(\$21,870,407)"

SIGNED) SENATOR SHANE BROADWAY

The Amendment was read the first time, rules suspended, read the second time and adopted.

(SIGNED) ANN CORNWELL, SECRETARY

Amend **Senate Bill No. 43** as engrossed.

The President declared the morning hour to have expired.

On motion of Senator Bookout, **House Bill No. 1011** was called up for third reading and final disposition.

HOUSE BILL NO. 1011
As Engrossed: H12/12/03, H12/17/03, S12/23/03
CALL ITEM NO. 4
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION
BY: REPRESENTATIVES BOYD, ET AL
SENATORS BOOKOUT & FARIS

A Bill for an Act to be Entitled: *AN ACT TO ALLOW FOR SEPARATE STUDENT HEALTH REPORTS; AND FOR OTHER PURPOSES.*

House Bill No. 1011 was placed on third reading and final disposition, the question being: Shall the Bill pass?

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

AFFIRMATIVE: Altes, Argue, Baker, Bisbee, J. Bookout, Broadway, Brown, Bryles, Capps, Critcher, Faris, Glover, Gullett, Hendren, Hill, Holt, Horn, B. Johnson, Laverty, Malone, Miller, Salmon, T. Smith, Steele, Trusty, Whitaker, Wilkins, Wilkinson.

Total28

NEGATIVE:

Total0

ABSENT OR NOT VOTING: G. Jeffress, J. Jeffress.

Total2

TOTAL NUMBER EXCUSED: Higginbothom, Luker, Madison, Womack, Wooldridge

Total5

VOTING PRESENT:

Total0

Total number of votes cast.....28

Necessary to the passage of the bill18

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

(SIGNED) ANN CORNWELL, SECRETARY

House Bill No. 1011 was ordered immediately returned to the House as passed as amended.

HOUSE BILL NO. 1069

CALL ITEM NO. 4

EIGHTY-FOURTH GENERAL ASSEMBLY

SECOND EXTRAORDINARY SESSION

BY: REPRESENTATIVE R. SMITH

A Bill for an Act to be Entitled: AN ACT CONCERNING THE ARKANSAS TEACHER RETIREMENT SYSTEM; TO ALLOW ACTIVE MEMBERS OF THE ARKANSAS TEACHER RETIREMENT SYSTEM WHO HAVE PREVIOUSLY ELECTED TO ELIMINATE MEMBER CONTRIBUTIONS TO MAKE AN IRREVOCABLE ELECTION TO MAKE FUTURE CONTRIBUTIONS; TO MANDATE THAT ANY ACTIVE MEMBER WHOSE STATUS CHANGES FROM NONTEACHER STATUS TO TEACHER STATUS UNDER CONTRACT FOR ONE HUNDRED EIGHTY-ONE (181) DAYS OR MORE SHALL BECOME CONTRIBUTORY; AND FOR OTHER PURPOSES.

House Bill No. 1069 was read the first time, rules suspended, read the second time and placed on the Calendar.

ARKANSAS SENATE
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION

December 26, 2003

Mr. President:

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

SENATE BILL NO. 2, BY SENATOR LUKER,
SENATE BILL NO. 20, BY SENATOR LUKER,
SENATE BILL NO. 38, BY SENATOR BISBEE,

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 9:55 a.m. delivered them to the Governor for his approval.

Respectfully submitted,

(SIGNED) JOHN PAUL CAPPS, CHAIRMAN

GOVERNOR'S BILL RECEIPTS

SENATE BILL NO. 2
SENATE BILL NO. 20
SENATE BILL NO. 38

RECEIVED the above papers from the Secretary of the Senate this 26th day of December, 2003 at 9:55 a.m..

(SIGNED) MIKE HUCKABEE

Governor

(SIGNED) STACY DeJARNETTE

Secretary

ARKANSAS SENATE
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION

December 26, 2003

Mr. President:

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

HOUSE BILL NO. 1007, BY REPRESENTATIVE PICKETT,

beg leave to report that we have carefully compared the engrossed copies with the original and we find the same correctly engrossed.

Respectfully submitted,

(SIGNED) JOHN PAUL CAPPES, CHAIRMAN

SENATE BILL NO. 44
CALL ITEM NO. 4
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION
BY: SENATOR CRITCHER

A Bill for an Act to be Entitled: AN ACT TO TRANSFER FUNDS TO FINANCE THE ARKANSAS TECHNICAL CAREERS STUDENT LOAN FORGIVENESS PROGRAM FOR THE BIENNIAL PERIOD ENDING JUNE 30, 2005; AND FOR OTHER PURPOSES.

Senate Bill No. 44 was read the first time, rules suspended, read the second time and referred to the Committee on JOINT BUDGET.

ARKANSAS SENATE
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION

December 26, 2003

Mr. President:

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

HOUSE BILL NO. 1048, BY REPRESENTATIVE J. JOHNSON,

beg leave to report that we have carefully compared the engrossed copy with the original and we find the same correctly engrossed.

Respectfully submitted,

(SIGNED) JOHN PAUL CAPPS, CHAIRMAN

ARKANSAS SENATE
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION

December 26, 2003

Mr. President:

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

SENATE BILL NO. 43, BY SENATOR BROADWAY,

beg leave to report that we have carefully compared the engrossed copy with the original and we find the same correctly engrossed.

Respectfully submitted,

(SIGNED) JOHN PAUL CAPPS, CHAIRMAN

On motion of Senator Broadway, **Senate Bill No. 43** was re-referred to the Committee on JOINT BUDGET.

* * * * *

HOUSE BILL RETURNED TO THE HOUSE
AS PASSED AS AMENDED, # 1 & #2

HOUSE BILL NO. 1011

HOUSE BILL TRANSMITTED TO THE SENATE
AS PASSED

HOUSE BILL NO. 1069

On motion of Senator Hill the Senate adjourned until Monday, 1:00, p.m., December 29, 2003.

PRESIDENT OF THE SENATE

SECRETARY OF THE SENATE

--ooOoo--

**22ND DAY'S PROCEEDINGS
SENATE CHAMBER
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION**

Little Rock, Arkansas

December 29, 2003

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

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

ALTES, ARGUE, BAKER, BISBEE, BOOKOUT,
BROADWAY, BROWN, BRYLES, CAPPS, CRITCHER,
FARIS, GLOVER, GULLETT, HENDREN,
HIGGINBOTHOM, HILL, HOLT, HORN, G.JEFFRESS,
J.JEFFRESS, JOHNSON, LUKER, MADISON, MALONE,
MILLER, SALMON, SMITH, STEELE, TRUSTY,
WHITAKER, WILKINS, WILKINSON, WOMACK,
WOOLDRIDGE.

Leave was requested for Senator Lavery.

The Senate was led in prayer by Mr. Rick Miller, son of Senator Paul Miller.

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

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

On motion of Senator Broadway, the rules were suspended in considering **Senate Bill No. 43** at this time.

On motion of Senator Broadway, **Senate Bill No. 43** was withdrawn from the Committee on Joint Budget and placed back on second reading for purpose of amendments.

ARKANSAS SENATE
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION
Amendment No. 2 to SENATE BILL NO. 43

Amend **Senate Bill No. 43** as engrossed 12/26/03:

Page 2, line 3, delete "8,000,000" and substitute "12,600,000"

AND

Page 3, line 36, delete the period "." and substitute "; submitted in October of 2002."

AND

Page 4, lines 2 and 3, delete in their entirety and substitute therefore:

"school district shall receive for the schools in the district is equal to the product of the amount determined under subdivision (c)(3) of this section times the number of eligible free and reduced students enrolled in grades kindergarten and one (1)."

(SIGNED) SENATOR SHANE BROADWAY

The Amendment was read the first time, rules suspended, read the second time and adopted.

(SIGNED) ANN CORNWELL, SECRETARY

Amendment No. 3 to SENATE BILL NO. 43

Amend **Senate Bill No. 43** as engrossed S12/26/03:

Page 2, line 36, delete "activity" and substitute "program"

AND

Page 3, line 3, delete "student funding divided by the" and substitute "students divided by the total"

AND

Page 3, line 4, delete "or" and substitute "and grade"

AND

Page 3, line 5, delete "National School Lunch Act students" and substitute "National School Lunch Act (NSLA) students"

AND

Page 3, line 6, delete "as indicated" and substitute "in grades kindergarten through grade one (k-1)"

AND

Page 3, lines 17, 18 and 19, delete in their entirety

AND

Page 3, line 20, delete "(3)" and substitute "(2)"

AND

Page 3, line 25, delete "student" and substitute "NSLA student"

AND

Page 3, line 28, delete "student" and substitute "NSLA student"

AND

Page 3, line 32, delete "student" and substitute "NSLA student"

AND

Page 3, line 33, delete "(4)" and substitute "(3)"

AND

Page 3, lines 35 and 36, delete "Arkansas Public School Computer Network Cycle 2 Report" and substitute "October 1, enrollment report submitted to the Department of Education each year"

AND

Page 4, line 1, delete "(5)" and substitute "(4)"

AND

Page 4, line 4, delete "(6)" and substitute "(5)"

AND

Page 4, line 9, delete "strategies" and substitute "programs"

AND

Page 4, line 15, delete "balances" and substitute "NSLA balances"

AND

Page 4, line 16, delete "activities" and substitute "programs"

AND

Page 4, line 22, delete "activities" and substitute "programs"

AND

Page 4, line 25, delete "activities" and substitute "program activities"

AND

Page 5, line 16, delete the comma "," and substitute ", in compliance with Arkansas Code 6-18-508 and 6-18-509,"

AND

Page 6, lines 34 and 35, delete "declared to be in academic distress"

(SIGNED) SENATOR SHANE BROADWAY

The Amendment was read the first time, rules suspended, read the second time and adopted.

(SIGNED) ANN CORNWELL, SECRETARY

Senate Bill No. 43 was ordered engrossed.

The President declared the morning hour to have expired.

STATE OF ARKANSAS
OFFICE OF THE GOVERNOR

STATE CAPITOL
LITTLE ROCK, ARKANSAS

MIKE HUCKABEE
Governor

December 29, 2003

TO THE PRESIDENT OF THE SENATE

Dear Mr. President:

This is to inform your Honorable Body that on December 29, 2003, I approved the following measure:

Senate Bill No. 2, which is now Act Number 16,
House Bill No. 1019, which is now Act Number 17

Sincerely,

(SIGNED) MIKE HUCKABEE, Governor

STATE OF ARKANSAS
OFFICE OF THE GOVERNOR

STATE CAPITOL
LITTLE ROCK, ARKANSAS

MIKE HUCKABEE
Governor

December 26, 2003

TO THE PRESIDENT OF THE SENATE

Dear Mr. President:

This is to inform your Honorable Body that on December 26, 2003, I approved the following measure:

Senate Bill No. 15, which is now Act Number 15,
Senate Bill No. 8, which is now Act Number 14,

Sincerely,

(SIGNED) MIKE HUCKABEE, Governor

On motion of Senator Smith, **Senate Bill No. 24** was called up for third reading and final disposition.

SENATE BILL NO. 24

As Engrossed: S12/18/03 S12/18/03

CALL ITEM NO. 6

EIGHTY-FOURTH GENERAL ASSEMBLY

SECOND EXTRAORDINARY SESSION

BY: SENATOR SMITH & REPRESENTATIVE MATHIS

A Bill for an Act to be Entitled: AN ACT TO AMEND TITLE 26, CHAPTER 18 OF THE ARKANSAS CODE TO PROVIDE FOR THE CLOSURE OF BUSINESSES FAILING TO REPORT AND REMIT SALES AND USE TAXES; AND FOR OTHER PURPOSES.

Senate Bill No. 24 was placed on third reading and final disposition, the question being: Shall the Bill pass?

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

AFFIRMATIVE: Altes, Argue, Baker, Bisbee, J. Bookout, Broadway, Brown, Bryles, Capps, Critcher, Faris, Glover, Gullett, Hendren, Higginbothom, Hill, Holt, Horn, G. Jeffress, J. Jeffress, B. Johnson, Luker, Madison, Malone, Miller, Salmon, T. Smith, Steele, Trusty, Whitaker, Wilkins, Wilkinson, Womack, Wooldridge.

Total34

NEGATIVE:

Total0

ABSENT OR NOT VOTING: Lavery

Total1

VOTING PRESENT:

Total0

Total number of votes cast.....34

Necessary to the passage of the bill18

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

(SIGNED) ANN CORNWELL, SECRETARY

Senate Bill No. 24 was ordered immediately transmitted to the House as passed.

On motion of Senator J. Jeffress, **House Bill No. 1017** was called up for third reading and final disposition.

HOUSE BILL NO. 1017
CALL ITEM NO. 4
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION
BY: REPRESENTATIVE MAHONY

A Bill for an Act to be Entitled: AN ACT TO REQUIRE SCHOOL DISTRICTS TO PROVIDE A REPORT CARD TO PARENTS; AND FOR OTHER PURPOSES.

House Bill No. 1017 was placed on third reading and final disposition, the question being: Shall the Bill pass?

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

AFFIRMATIVE: Altes, Argue, Baker, Bisbee, J. Bookout, Broadway, Brown, Bryles, Capps, Critcher, Faris, Glover, Gullett, Hendren, Higginbothom, Hill, Holt, Horn, G. Jeffress, J. Jeffress, B. Johnson, Luker, Madison, Malone, Miller, Salmon, T. Smith, Steele, Trusty, Whitaker, Wilkins, Wilkinson, Womack, Wooldridge.

Total34

NEGATIVE:

Total0

ABSENT OR NOT VOTING: Lavery

Total1

VOTING PRESENT:

Total0

Total number of votes cast.....34

Necessary to the passage of the bill18

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

(SIGNED) ANN CORNWELL, SECRETARY

House Bill No. 1017 was ordered immediately returned to the House as passed.

On motion of Senator J. Jeffress, **House Bill No. 1069** was called up for third reading and final disposition.

HOUSE BILL NO. 1069
CALL ITEM NO. 4
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION
BY: REPRESENTATIVE R. SMITH

A Bill for an Act to be Entitled: AN ACT CONCERNING THE ARKANSAS TEACHER RETIREMENT SYSTEM; TO ALLOW ACTIVE MEMBERS OF THE ARKANSAS TEACHER RETIREMENT SYSTEM WHO HAVE PREVIOUSLY ELECTED TO ELIMINATE MEMBER CONTRIBUTIONS TO MAKE AN IRREVOCABLE ELECTION TO MAKE FUTURE CONTRIBUTIONS; TO MANDATE THAT ANY ACTIVE MEMBER WHOSE STATUS CHANGES FROM NONTEACHER STATUS TO TEACHER STATUS UNDER CONTRACT FOR ONE HUNDRED EIGHTY-ONE (181) DAYS OR MORE SHALL BECOME CONTRIBUTORY; AND FOR OTHER PURPOSES.

House Bill No. 1069 was placed on third reading and final disposition, the question being: Shall the Bill pass?

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

AFFIRMATIVE: Altes, Argue, Baker, Bisbee, J. Bookout, Broadway, Brown, Bryles, Capps, Critcher, Faris, Glover, Gullett, Hendren, Higginbothom, Hill, Holt, Horn, G. Jeffress, J. Jeffress, B. Johnson, Luker, Madison, Malone, Miller, Salmon, T. Smith, Steele, Trusty, Whitaker, Wilkins, Wilkinson, Womack, Wooldridge.

Total34

NEGATIVE:

Total0

ABSENT OR NOT VOTING: Laverty

Total1

VOTING PRESENT:

Total0

Total number of votes cast.....34

Necessary to the passage of the bill18

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

(SIGNED) ANN CORNWELL, SECRETARY

House Bill No. 1069 was ordered immediately returned to the House as passed.

On motion of Senator Bookout, **Senate Memorial Resolution No. 4** was called up for third reading and final disposition.

**SENATE MEMORIAL RESOLUTION NO. 4
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION
BY: SENATORS BOOKOUT, CAPPS & GLOVER**

SENATE MEMORIAL RESOLUTION IN RESPECTFUL MEMORY OF MR. MARCUS HALBROOK AND IN RECOGNITION OF HIS LIFETIME OF DEDICATED SERVICE TO THE STATE OF ARKANSAS.

Senate Memorial Resolution No. 4 was read the third time and adopted.

(SIGNED) ANN CORNWELL, SECRETARY

On motion of Senator Horn, the Senate resolved itself into the Committee of the Whole for the purpose of recognizing Senator Bob Douglas and presenting a citation to Senator Douglas' daughter.

Without objection, the Committee of the Whole was dissolved, and the Senate took up its regular order of business.

On motion of Senator Bookout, **House Bill No. 1051** was called up for third reading and final disposition.

HOUSE BILL NO. 1051
CALL ITEM NO.17
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION
BY: REPRESENTATIVE CREEKMORE & SENATOR BOOKOUT

A Bill for an Act to be Entitled: AN ACT TO AMEND VARIOUS SECTIONS OF THE ARKANSAS CODE CONCERNING THE SEX OFFENDER REGISTRATION ACT OF 1997; AND FOR OTHER PURPOSES.

House Bill No. 1051 was placed on third reading and final disposition, the question being: Shall the Bill pass?

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

AFFIRMATIVE: Altes, Argue, Baker, Bisbee, J. Bookout, Broadway, Brown, Bryles, Capps, Critcher, Faris, Glover, Gullett, Hendren, Higginbothom, Hill, Holt, Horn, G. Jeffress, J. Jeffress, B. Johnson, Luker, Madison, Malone, Miller, Salmon, T. Smith, Steele, Trusty, Whitaker, Wilkins, Wilkinson, Womack, Wooldridge.

Total34

NEGATIVE:

Total0

ABSENT OR NOT VOTING: Lavery

Total1

VOTING PRESENT:

Total0

Total number of votes cast.....34

Necessary to the passage of the bill18

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

(SIGNED) ANN CORNWELL, SECRETARY

House Bill No. 1051 was ordered immediately returned to the House as passed.

On motion of Senator Smith, **House Bill No. 1038** was called up for third reading and final disposition.

HOUSE BILL NO. 1038
CALL ITEM NO. 4
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION
BY: REPRESENTATIVE MATHIS & SENATOR SMITH

A Bill for an Act to be Entitled: AN ACT CONCERNING THE ARKANSAS SCHOOL FOR MATHEMATICS, SCIENCES, AND THE ARTS; AND FOR OTHER PURPOSES.

House Bill No. 1038 was placed on third reading and final disposition, the question being: Shall the Bill pass?

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

AFFIRMATIVE: Altes, Argue, Baker, Bisbee, J. Bookout, Broadway, Brown, Bryles, Capps, Critcher, Faris, Glover, Gullett, Hendren, Higginbothom, Hill, Holt, Horn, G. Jeffress, J. Jeffress, B. Johnson, Luker, Madison, Malone, Miller, Salmon, T. Smith, Steele, Trusty, Whitaker, Wilkins, Wilkinson, Womack, Wooldridge.

Total34

NEGATIVE:

Total0

ABSENT OR NOT VOTING: Lavery

Total1

VOTING PRESENT:

Total0

Total number of votes cast34

Necessary to the passage of the bill18

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

(SIGNED) ANN CORNWELL, SECRETARY

There being an emergency clause attached to **House Bill No. 1038**, the President ordered the Secretary to call the roll upon the adoption of the emergency clause.

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

AFFIRMATIVE: Altes, Argue, Baker, Bisbee, J. Bookout, Broadway, Brown, Bryles, Capps, Critcher, Faris, Glover, Gullett, Hendren, Higginbotham, Hill, Holt, Horn, G. Jeffress, J. Jeffress, B. Johnson, Luker, Madison, Malone, Miller, Salmon, T. Smith, Steele, Trusty, Whitaker, Wilkins, Wilkinson, Womack, Wooldridge.

Total34

NEGATIVE:

Total0

ABSENT OR NOT VOTING: Lavery

Total1

VOTING PRESENT:

Total0

Total number of votes cast.....34

Necessary to the adoption of the emergency clause24

So the Emergency Clause was adopted.

(SIGNED) ANN CORNWELL, SECRETARY

House Bill No. 1038 was ordered immediately returned to the House as passed.

SENATE RESOLUTION NO. 8
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION
BY: SENATOR WOOLDRIDGE

SENATE RESOLUTION RECOGNIZING THE OUTSTANDING SERVICE OF
JIM PICKENS TO THE COMMUNITY AND THE STATE OF ARKANSAS.

Senate Resolution No. 8. was read the first time, rules suspended, read the second time
and placed on the calendar.

(SIGNED) ANN CORNWELL, SECRETARY

SENATE BILL NO. 45
CALL ITEM NO. 4
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION
BY: SENATORS BISBEE, BOOKOUT, CAPPS, CRITCHER, SMITH & TRUSTY
REPRESENTATIVES ANDERSON, ET AL

A Bill for an Act to be Entitled: AN ACT TO REQUIRE THE ADOPTION OF
UNIFORM TEXTBOOKS TO BE USED IN ARKANSAS PUBLIC SCHOOLS; AND FOR
OTHER PURPOSES.

Senate Bill No. 45 was read the first time, rules suspended, read the second time and
referred to the Committee on EDUCATION.

ARKANSAS SENATE
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION

December 29, 2003

Mr. President:

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

SENATE BILL NO. 43, BY SENATOR BROADWAY, ET AL,

beg leave to report that we have carefully compared the engrossed copy with the original and we find the same correctly engrossed.

Respectfully submitted,

(SIGNED) JOHN PAUL CAPPS, CHAIRMAN

On motion of Senator Broadway, **Senate Bill No. 43** was ordered re-referred to the Committee on JOINT BUDGET.

SENATE BILL NO. 46
CALL ITEM NO. 4
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION
BY: SENATORS BISBEE & BRYLES
REPRESENTATIVES MAHONY, SEAWEL & ANDERSON

A Bill for an Act to be Entitled: AN ACT TO IMPROVE SCHOOL PERFORMANCE BY CREATING THE MASTER SCHOOL PRINCIPAL PROGRAM; AND FOR OTHER PURPOSES.

Senate Bill No. 46 was read the first time, rules suspended, read the second time and referred to the Committee on EDUCATION.

SENATE BILL NO. 47
CALL ITEM NO. 4
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION
BY: SENATOR WILKINS

A Bill for an Act to be Entitled: AN ACT TO PROVIDE EQUITABLE FUNDING TO PUBLIC SCHOOLS; TO PROVIDE A SYSTEM FOR MONITORING PUBLIC SCHOOL EXPENDITURES; AND FOR OTHER PURPOSES.

Senate Bill No. 47 was read the first time, rules suspended, read the second time and referred to the Committee on EDUCATION.

SENATE BILL NO. 48
CALL ITEM NO. 4
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION
BY: SENATOR WILKINS

A Bill for an Act to be Entitled: AN ACT TO ALLOW SCHOOL DISTRICTS TO HAVE A FIVE-YEAR TIME PERIOD TO IMPROVE SCHOOL PERFORMANCE; AND FOR OTHER PURPOSES.

Senate Bill No. 48 was read the first time, rules suspended, read the second time and referred to the Committee on EDUCATION.

SENATE BILL NO. 49
CALL ITEM NO. 4
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION
BY: SENATOR WILKINS

A Bill for an Act to be Entitled: AN ACT TO REQUIRE SUPERINTENDENTS TO COMPLY WITH THE PROVISIONS OF THE ARKANSAS PUBLIC SCHOOL CHOICE ACT OF 1989; AND FOR OTHER PURPOSES.

Senate Bill No. 49 was read the first time, rules suspended, read the second time and referred to the Committee on EDUCATION.

HOUSE BILL NO. 1049
CALL ITEM NO. 4
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION
BY: REPRESENTATIVES CLEVELAND, EL AL

A Bill for an Act to be Entitled: AN ACT PROVIDING EDUCATION REFORM IN ARKANSAS; TO PROVIDE FOR EDUCATION FUNDING; TO ESTABLISH EDUCATIONAL ADEQUACY ACCOUNTING; TO ESTABLISH MINIMUM TEACHER COMPENSATION; AND FOR OTHER PURPOSES.

House Bill No. 1049 was read the first time, rules suspended, read the second time and referred to the Committee on EDUCATION.

ARKANSAS SENATE
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION

December 29, 2003

Mr. President:

We, your Committee on JOINT BUDGET, to whom was referred:

SENATE BILL NO. 43, BY SENATOR BROADWAY,

beg leave to report that we have had the same under consideration, and herewith return the same with the recommendation that it do pass as amended #4.

Respectfully submitted,

(SIGNED) SENATOR DAVID BISBEE

NOTICE OF CORRECTION

EIGHTY FOURTH GENERAL ASSEMBLY

SECOND EXTRAORDINARY SESSION

ARKANSAS SENATE

DATE December 29, 2003

TO: SECRETARY OF THE SENATE

THIS IS YOUR AUTHORITY TO CORRECT OBVIOUS CLERICAL ERRORS IN

SB 43 as engrossed 12/29/03 NOW IN THE SENATE: THE CORRECTION(S)

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

Signed: W. Goodman

JOHN PAUL CAPPS

Chairman, Technology &
Legislative Affairs

1. Make note on Bill Jacket "Correction Note".
2. File at end of the official daily Journal for date on which the correction was made.

* * * * *

SENATE BILL TRANSMITTED TO THE HOUSE
AS PASSED

SENATE BILL NO. 24

HOUSE BILLS RETURNED TO THE HOUSE
AS PASSED

HOUSE BILL NO. 1017

HOUSE BILL NO. 1038

HOUSE BILL NO. 1051

HOUSE BILL NO. 1069

HOUSE BILL TRANSMITTED TO THE SENATE
AS PASSED

HOUSE BILL NO. 1049

On motion of Senator Hill the Senate adjourned until Tuesday, 1:00, p.m.,
December 30, 2003.

PRESIDENT OF THE SENATE

SECRETARY OF THE SENATE

--ooOoo--

**23RD DAY'S PROCEEDINGS
SENATE CHAMBER
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION**

Little Rock, Arkansas

December 30, 2003

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

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

ALTES, ARGUE, BAKER, BISBEE, BOOKOUT,
BROADWAY, BROWN, BRYLES, CAPPS, CRITCHER,
FARIS, GLOVER, GULLETT, HENDREN,
HIGGINBOTHOM, HILL, HOLT, HORN, G.JEFFRESS,
J.JEFFRESS, JOHNSON, LUKER, MADISON, MALONE,
MILLER, SALMON, SMITH, STEELE, TRUSTY,
WHITAKER, WILKINS, WILKINSON, WOMACK,
WOOLDRIDGE.

Leave was requested for Senator Lavery.

The Senate was led in prayer by Senator Irma Hunter Brown.

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

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

ARKANSAS SENATE
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION

December 30, 2003

Mr. President:

We, your Committee on JOINT BUDGET, to whom was referred:

SENATE BILL NO. 44, BY SENATOR CRITCHER,

beg leave to report that we have had the same under consideration, and herewith return the same with the recommendation that it do pass.

Respectfully submitted,

(SIGNED) SENATOR DAVID BISBEE

ARKANSAS SENATE
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION

December 30, 2003

Mr. President:

We, your Committee on EDUCATION, to whom was referred:

SENATE BILL NO. 46, BY SENATOR BISBEE,

SENATE BILL NO. 49, BY SENATOR WILKINS,

beg leave to report that we have had the same under consideration, and herewith return the same with the recommendation that they do pass.

Respectfully submitted,

(SIGNED) SENATOR BRENDA GULLETT

ARKANSAS SENATE
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION

December 30, 2003

Mr. President:

We, your Committee on EDUCATION, to whom was referred:

HOUSE BILL NO. 1054, BY REPRESENTATIVE C. JOHNSON,

beg leave to report that we have had the same under consideration, and herewith return the same with the recommendation that it do pass.

Respectfully submitted,

(SIGNED) SENATOR BRENDA GULLETT

On motion of Senator Wooldridge, **Senate Resolution No. 8** was called up for third reading and final disposition.

SENATE RESOLUTION NO. 8
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION
BY: SENATOR WOOLDRIDGE

SENATE RESOLUTION RECOGNIZING THE OUTSTANDING SERVICE OF
JIM PICKENS TO THE COMMUNITY AND THE STATE OF ARKANSAS.

Senate Resolution No. 8 was read the third time and adopted.

(SIGNED) ANN CORNWELL, SECRETARY

SENATE CONCURRENT RESOLUTION NO. 4
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION
BY: SENATOR HILL

SENATE CONCURRENT RESOLUTION TO PROVIDE THAT THE SENATE AND HOUSE OF REPRESENTATIVES SHALL ENTER INTO RECESS AT THE CLOSE OF BUSINESS ON WEDNESDAY, DECEMBER 31, 2003, AND RECONVENE ON MONDAY, JANUARY 5, 2004.

Senate Concurrent Resolution No. 4 was read the first time, rules suspended, read the second time and placed on the Calendar.

On motion of Senator Hill, the rules were suspended in considering **Senate Concurrent Resolution Bill No. 4** at this time.

SENATE CONCURRENT RESOLUTION NO. 4
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION
BY: SENATOR HILL

SENATE CONCURRENT RESOLUTION TO PROVIDE THAT THE SENATE AND HOUSE OF REPRESENTATIVES SHALL ENTER INTO RECESS AT THE CLOSE OF BUSINESS ON WEDNESDAY, DECEMBER 31, 2003, AND RECONVENE ON MONDAY, JANUARY 5, 2004.

Senate Concurrent Resolution No. 4 was read the third time and adopted.

(SIGNED) ANN CORNWELL, SECRETARY

Senate Concurrent Resolution No. 4 was ordered immediately transmitted to the House.

The President declared the morning hour to have expired.

On motion of Senator Bisbee, the Senate resolved itself into the Committee of the Whole for the purpose of JOINT BUDGET BILL & AMENDMENT.

Without objection, the Committee of the Whole was dissolved, and the Senate took up its regular order of business.

On motion of Senator Bisbee, **Senate Bill No. 43** was placed back on second reading for purpose of amendment.

ARKANSAS SENATE
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION
Amendment No. 4 to SENATE BILL NO. 43

Amend **Senate Bill No. 43** as engrossed: S12/29/03

Page 1, lines 11 and 12, delete "AND ALTERNATIVE LEARNING ENVIRONMENT STUDENTS"

AND

Page 1, lines 19 and 20, delete "AND ALTERNATIVE LEARNING STUDENTS"

AND

Delete Section 2 of the bill in its entirety

AND

Page 2, lines 10 and 11, delete "twenty one million eight hundred seventy thousand four hundred seven dollars (\$21,870,407)" and substitute "sixteen million eight hundred seventy thousand four hundred seven dollars (\$16,870,407) "

AND

Delete Section 5 of the bill in its entirety

AND

Renumber the Sections of the bill.

(SIGNED) SENATOR SHANE BROADWAY

The Amendment was read the first time, rules suspended, read the second time and adopted.

(SIGNED) ANN CORNWELL, SECRETARY

On motion of Senator Bisbee, and without objection, the rules were suspended pertaining to passage of Amendment and Bill on the same day.

On motion of Senator Bisbee, **Senate Bill No. 43** was called up for third reading and final disposition.

SENATE BILL NO. 43

CALL ITEM NO. 4

As Engrossed: S12/26/03 S12/29/03 S12/29/03

EIGHTY-FOURTH GENERAL ASSEMBLY

SECOND EXTRAORDINARY SESSION

BY: SENATORS BROADWAY & BISBEE

A Bill for an Act to be Entitled: AN ACT TO AMEND ACT 51 OF THE FIRST EXTRAORDINARY SESSION OF 2003 TO PROVIDE FUNDING FOR NATIONAL SCHOOL LUNCH ACT STUDENTS; AND FOR OTHER PURPOSES.

Senate Bill No. 43 was placed on third reading and final disposition, the question being: Shall the Bill pass?

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

AFFIRMATIVE: Altes, Argue, Baker, Bisbee, J. Bookout, Broadway, Brown, Bryles, Capps, Critcher, Faris, Glover, Gullett, Hendren, Higginbothom, Hill, Holt, Horn, G. Jeffress, J. Jeffress, B. Johnson, Luker, Madison, Malone, Miller, Salmon, T. Smith, Steele, Trusty, Whitaker, Wilkins, Wilkinson, Womack, Wooldridge.

Total34

NEGATIVE:

Total0

ABSENT OR NOT VOTING: Lavery

Total1

VOTING PRESENT:

Total0

Total number of votes cast.....34

Necessary to the passage of the bill27

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

(SIGNED) ANN CORNWELL, SECRETARY

There being an emergency clause attached to **Senate Bill No. 43**, the President ordered the Secretary to call the roll upon the adoption of the emergency clause.

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

AFFIRMATIVE: Altes, Argue, Baker, Bisbee, J. Bookout, Broadway, Brown, Bryles, Capps, Critcher, Faris, Glover, Gullett, Hendren, Higginbothom, Hill, Holt, Horn, G. Jeffress, J. Jeffress, B. Johnson, Luker, Madison, Malone, Miller, Salmon, T. Smith, Steele, Trusty, Whitaker, Wilkins, Wilkinson, Womack, Wooldridge.

Total34

NEGATIVE:

Total0

ABSENT OR NOT VOTING: Lavery

Total1

VOTING PRESENT:

Total0

Total number of votes cast.....34

Necessary to the adoption of the emergency clause24

So the Emergency Clause was adopted.

(SIGNED) ANN CORNWELL, SECRETARY

Senate Bill No. 43 was ordered engrossed.

On motion of Senator Wilkins, **House Bill No. 1007** was called up for third reading and final disposition.

HOUSE BILL NO. 1007
As Engrossed: S12/26/03
CALL ITEM NO. 4
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION
BY: REPRESENTATIVE PICKETT
SENATORS WILKINS & GULLETT

A Bill for an Act to be Entitled: AN ACT TO INCREASE THE NUMBER OF HOURS OF TRAINING THAT MEMBERS OF THE SCHOOL BOARDS ARE REQUIRED TO TAKE FOLLOWING ELECTION; AND FOR OTHER PURPOSES.

Senator Gullett spoke for the Bill.

Senator Hendren spoke against the Bill.

Senator Wilkins closed for his Bill.

Senator Wilkins pulled House Bill No. 1007 down at this time.

On motion of Senator Wilkins, **House Bill No. 1048** was called up for third reading and final disposition.

HOUSE BILL NO. 1048
As Engrossed: S12/26/03
CALL ITEM NO. 4
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION
BY: REPRESENTATIVES J. JOHNSON & CLEVELAND

A Bill for an Act to be Entitled: AN ACT TO REDUCE THE ACADEMIC DISPARITIES IN THE ARKANSAS DELTA; AND FOR OTHER PURPOSES.

House Bill No. 1048 was placed on third reading and final disposition, the question being: Shall the Bill pass?

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

AFFIRMATIVE: Argue, Baker, Broadway, Brown, Bryles, Capps, Critcher, Faris, Glover, Gullett, Hendren, Higginbothom, Holt, Horn, G. Jeffress, J. Jeffress, B. Johnson, Luker, Madison, Malone, Miller, Salmon, T. Smith, Steele, Trusty, Whitaker, Wilkins, Wilkinson, Womack, Wooldridge.

Total30

NEGATIVE:

Total0

ABSENT OR NOT VOTING: Altes, Bisbee, J. Bookout, Hill, Lavery.

Total5

VOTING PRESENT:

Total0

Total number of votes cast30

Necessary to the passage of the bill18

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

(SIGNED) ANN CORNWELL, SECRETARY

House Bill No. 1048 was ordered immediately returned to the House as passed as amended.

* * * * * **EXPUNGED** * * * * *

On motion of Senator Brown, **House Bill No. 1060** was called up for third reading and final disposition.

HOUSE BILL NO. 1060
CALL ITEM NO. 4
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION
BY: REPRESENTATIVES CHESTERFIELD, ET AL
SENATORS BROWN, STEELE & WILKINS

A Bill for an Act to be Entitled: AN ACT TO MEET THE MANDATE OF THE ARKANSAS SUPREME COURT IN LAKE VIEW SCHOOL DISTRICT NO. 25 V. HUCKABEE; TO PROVIDE AN ADEQUATE EDUCATION FOR CHILDREN WHO ATTEND PUBLIC SCHOOLS IN ARKANSAS BY PROVIDING HOUSING INCENTIVES FOR ATTRACTING HIGH-PERFORMING TEACHERS TO HIGH-PRIORITY SCHOOL DISTRICTS; TO CREATE THE TEACHER HOUSING FUND; AND FOR OTHER PURPOSES.

Senator J. Jeffress spoke for the Bill.

Senator Steele spoke for the Bill.

Senator Brown closed for her Bill.

House Bill No. 1060 was placed on third reading and final disposition, the question being: Shall the Bill pass?

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

AFFIRMATIVE: Argue, Baker, Bisbee, Broadway, Brown, Capps, Critcher, Glover, Gullett, Higginbothom, Hill, Holt, Horn, G. Jeffress, J. Jeffress, B. Johnson, Madison, Malone, Miller, Salmon, T. Smith, Steele, Trusty, Wilkins, Wilkinson, Womack.

Total26

NEGATIVE: Hendren, Whitaker, Wooldridge.

Total3

ABSENT OR NOT VOTING: Altes, J. Bookout, Bryles, Faris, Lavery, Luker.

Total6

VOTING PRESENT:

Total	0
Total number of votes cast.....	29
Necessary to the passage of the bill	18

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

(SIGNED) ANN CORNWELL, SECRETARY

There being an emergency clause attached to **House Bill No. 1060**, the President ordered the Secretary to call the roll upon the adoption of the emergency clause.

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

AFFIRMATIVE: Argue, Baker, Bisbee, Broadway, Brown, Capps, Critcher, Glover, Gullett, Higginbothom, Hill, Holt, Horn, G. Jeffress, J. Jeffress, B. Johnson, Madison, Malone, Miller, Salmon, T. Smith, Steele, Trusty, Wilkins, Wilkinson, Womack.

Total	26
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NEGATIVE: Hendren, Whitaker, Wooldridge.

Total	3
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ABSENT OR NOT VOTING: Altes, J. Bookout, Bryles, Faris, Lavery, Luker.

Total	6
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VOTING PRESENT:

Total	0
Total number of votes cast.....	29
Necessary to the adoption of the emergency clause	24

So the Emergency Clause was adopted.

(SIGNED) ANN CORNWELL, SECRETARY

House Bill No. 1060 was ordered immediately returned to the House as passed.

*** * * * * EXPUNGED * * * * ***

The record pertaining to the vote by which **House Bill No. 1060** passed was expunged, in accordance with a prevailing motion on January 6, 2004.

ARKANSAS SENATE
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION

December 30, 2003

Mr. President:

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

SENATE BILL NO. 43, BY SENATOR BROADWAY, ET AL,

beg leave to report that we have carefully compared the engrossed copy with the original and we find the same correctly engrossed.

Respectfully submitted,

(SIGNED) JOHN PAUL CAPPS, CHAIRMAN

Senate Bill No. 43 was ordered transmitted to the House.

On motion of Senator Bryles, the rules were suspended in considering **Senate Bill No. 33** at this time.

On motion of Senator Bryles, **Senate Bill No. 33** was withdrawn from the Committee on EDUCATION, and placed back on second reading for purpose of amendment.

ARKANSAS SENATE
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION
Amendment No. 1 to SENATE BILL NO. 33

Amend **Senate Bill No. 33** as originally introduced:

Add Senator Wilkinson as a cosponsor of the bill

AND

Delete everything following the enacting clause and substitute the following:

"SECTION 1. Arkansas Code § 6-15-404 is amended to read as follows:

6-15-404. Program implementation.

(a) The State Board of Education ~~will~~ shall establish clear, specific, and challenging academic content standards which define what students shall know and be able to do in each content area. Instruction in all public schools shall be based on these academic content standards.

(b) The state board shall establish a schedule for periodic review and revision of academic content standards to ensure that Arkansas academic content standards are rigorous and equip students to compete in the global work force.

(c) The state board shall include the following elements in the periodic review and revision of Arkansas academic content standards:

(1) External review by outside content standards experts;

(2) Review and input by higher education, workforce education, and community members;

(3) Study and consideration of academic content standards from across the nation and the international level as appropriate;

(4) Study and consideration of evaluation from national groups or organizations as appropriate;

(5) Revisions by committees of Arkansas teachers and instructional supervisor personnel from public schools, assisted by teachers from institutions of higher education; and

(6) Public dissemination of revised academic content standards at the state board meeting and Department of Education website.

(d) The state board shall establish a clear concise system of reporting the academic performance of each school on the state-mandated criterion-referenced exam which conforms with the requirements of the No Child Left Behind Act of 2001.

(e) The state board shall develop and the department shall implement a developmentally appropriate uniform school readiness screening to validate a child's school readiness as part of a comprehensive evaluation design. Beginning with the 2004-2005 school year, the department shall require that all school districts administer the uniform school readiness screening to each kindergarten student in the district school system upon the student's entry into kindergarten. Children who enter public school for the first time in first grade must be administered the uniform school readiness screening developed for use in the first grade.

(f)(1) The department shall select a developmentally appropriate assessment to be administered to all students in first grade and second grade in reading and mathematics.

(2) Professional development activities shall be tied to the comprehensive school improvement plan and designed to increase student learning and achievement.

(3) Longitudinal and trend data collection shall be maintained for the purposes of improving student and school performance.

(4) A public school or public school district classified as in "school improvement" shall develop and file with the department a comprehensive school improvement plan designed to ensure that all students demonstrate proficiency on all portions of state-mandated criterion-referenced assessment. The comprehensive school improvement plan shall include strategies to address the achievement gap existing for any identifiable group or subgroup as identified in the Arkansas Comprehensive Testing, Assessment, and Accountability Program and the gap of that subgroup from the academic standard.

~~(g)(1) The department shall develop and implement testing for public school students at the primary and middle level grades, as well as end-of-course testing, which is criterion-referenced and which measures application of knowledge and skills in reading and writing literacy, mathematics and, as funds are available, in science and social studies.~~

~~(2) The department shall test public school students in a manner and with a nationally norm-referenced test to be selected by the state board.~~

~~(3) The state board shall establish expected levels of achievement on the criterion-referenced examinations for all areas of assessment and accountability.~~

~~(4) The State of Arkansas shall participate in the administration of the National Assessment of Educational Progress Examinations. By July 1, 2006, the department shall develop and implement a criterion-referenced testing program which is valid, reliable, externally linked to a national norm and vertically scaled for public school students grades three through eight (3-8), which measures application of knowledge and skills in reading and writing literacy, mathematics, and, as funds are available, in science and social studies.~~

(2) The testing program shall be adopted by the state board and shall be known as the Arkansas Comprehensive Assessment Program exams. These exams shall be used as the assessment portion of the Arkansas Comprehensive Testing, Assessment, and Accountability Program to determine school and district performance awards and sanctions.

(3) The board shall establish expected levels of achievement on the Arkansas Comprehensive Assessment Program exams.

(4) The State of Arkansas shall participate in the administration of the National Assessment of Educational Progress examinations.

~~(h) Any student failing to achieve the established standard on the criterion-referenced examinations shall be evaluated by school personnel, who shall jointly develop an academic improvement plan to assist the student in achieving the expected standard in subject areas where performance is deficient. Any student failing to achieve the established standard on the Arkansas Comprehensive Assessment Program exams shall be evaluated by school personnel, who shall jointly develop with the student's parents an academic improvement plan to assist the student in achieving the expected standard in subject areas where performance is deficient.~~

(i)(1) Each school shall develop one (1) comprehensive, long-range school improvement plan focused on student achievement and shall be reported to the public.

(2)(A) ~~Any school that fails to achieve established levels of student performance on criterion-referenced tests and related indicators, as defined by rule and regulation, shall implement a comprehensive school improvement plan accepted by the department. This improvement plan shall assist those students performing below grade level in achieving the established standard. Any school that fails to achieve expected levels of student performance on the Arkansas Comprehensive Assessment Program exams and related indicators, as defined in this subchapter, shall participate in a school improvement plan accepted by the department. This improvement plan shall assist those students~~

performing below-grade level in achieving the expected standard. ~~(B) This plan shall be part of each school's long-range comprehensive school improvement plan and shall be reported to the public.~~

~~(C)~~(B) Progress on improved achievement shall be included as part of the school's and school district's annual report to the public.

(j) The department and the local school districts shall annually compile and disseminate to the public results of all required examinations. The results of the end-of-course testing shall become a part of each student's transcript or permanent record and shall be recorded on these documents in a manner prescribed by the state board.

(k)(1) Parents, students, families, educational institutions, and communities are collaborative partners in education and each plays an important role in the success of individual students. Therefore, the State of Arkansas cannot be the guarantor of each individual student's success.

(2) The goals of Arkansas's grades kindergarten through twelve (K-12) education system are not guarantees that each individual student will succeed or that each individual school will perform at the level indicated in the goals.

SECTION 2. Arkansas Code § 6-15-421 is amended to read as follows:

6-15-421. Awards and sanctions.

(a) The Department of Education is authorized to develop and implement, contingent upon appropriation and funding being provided by the General Assembly, a program of rewards to recognize individual schools that demonstrate exceptional performance in levels of student achievement and to recognize schools that demonstrate significant improvement in student achievement.

(b)(1) Each school that does not attain the expected levels of student performance on state-mandated indicators and individual school improvement indicators shall be designated by one (1) of several levels of sanction.

(2) Each level of sanction shall determine specific interventions to be provided to the students of public schools or public school districts by the department. The levels of sanction developed under ~~this subchapter~~ Act 1467 of 2003 shall be incorporated into the existing comprehensive school improvement plan.

(c) The State Board of Education shall develop a clear, concise system of reporting the academic performance of each public school on the state-mandated, criterion-referenced tests, developmentally appropriate assessments for grades kindergarten through one and two (K-2), benchmark exams, and end-of-course exams, which conforms with current state and federal law.

(d) The state board, through the department, is hereby authorized to promulgate rules and regulations as may be necessary to carry out the provisions of this subchapter.

SECTION 3. Arkansas Code § 6-15-402 is amended as follows:

6-15-402. Purpose.

(a)(1) The purpose of this subchapter is to provide the statutory framework necessary to ensure that all students in the public schools of this state have an equal opportunity to demonstrate grade-level academic proficiency through the application of knowledge and skills in ~~the~~ core academic subjects consistent with state curriculum frameworks, performance standards, and assessments. The State of Arkansas recognizes and declares that students who are not performing at grade-level standards of academic proficiency are especially harmed by social promotion because they are not equipped with the necessary academic skills to be successful and productive members of society. For this reason, the Arkansas Comprehensive Testing, Assessment, and Accountability Program will emphasize point-in-time intervention and remediation upon the discovery that any student is not performing at grade level. The state is committed to all students having the opportunity to perform at their age-appropriate grade level and beyond.

(2) This subchapter is constructed around a system that includes statewide indicators, individual school improvement indicators, and a locally generated school accountability narrative. The total program shall be applied to each school in the state public school system.

(3) This subchapter is designed to be a multiyear commitment to assess the academic progress and performance of Arkansas' public school students, classrooms, schools, and school districts.

(4) It shall also be the purpose of this subchapter to provide information needed to improve the public schools by measuring annual learning gains of all students through longitudinal tracking and analysis of value-added computations of student gains against a national, demographically matched cohort to inform parents of the educational progress of their public school children, and to inform the public of the performance of schools. The program shall be designed to:

(A) Assess the annual learning gains of each student toward achieving the academic content standards appropriate for the student's grade level;

(B) Provide data for building effective staff development programs and school accountability and recognition;

(C) Identify the educational strengths and weaknesses of students and to help the teacher tailor instruction to the needs of the individual student;

(D) Assess how well academic goals and performance standards are met at the classroom, school, school district, and state levels;

(E) Provide information to aid in the evaluation and development of educational programs and policies;

(F) Provide information on the performance of Arkansas students compared with other students from across the United States; and

(G) Identify best practices and schools that are in need of improving their practices.

(b) The purposes of the assessment and accountability program developed under this subchapter shall be to:

(1) Improve student learning and classroom instruction;

(2) Provide public accountability by ~~exemplifying~~ mandating expected achievement levels, by reporting on school and school district performance, and applying a framework for state action for a school or school district that fails expected achievement levels as defined in the ~~program~~ Arkansas Comprehensive Testing, Assessment, and Accountability program rules and regulations; and

(3) Provide evaluation data of school and school district performance in order to assist policymakers at all levels in decision making.

(c) The priorities of the assessment and accountability program developed pursuant to the provisions of this subchapter shall include:

(1) All students have an opportunity to demonstrate increased learning and completion at all levels, graduate from high school, and enter postsecondary education or the workforce without remediation;

(2) Students demonstrate that they meet the expected academic standards consistently at all levels of their education;

(3) Academic standards for every level of the grades kindergarten through twelve (K-12) education system are aligned and education financial resources are aligned with student performance expectations at each level of the grades kindergarten through twelve (K-12) education system; and

(4) The quality of educational leadership at all levels of grades kindergarten through twelve (K-12) education is improved.

SECTION 4. Arkansas Code Title 6, Chapter 15, Subchapter 4 is amended to add additional sections to read as follows:

6-15-433. Statewide assessment program.

(a) Upon approval by the State Board of Education, the Department of Education shall implement a statewide program of educational assessment that provides information for the improvement of the operation and management of the public schools.

(b) Pursuant to the statewide assessment program, the department shall:

(1) Determine and designate the appropriate offices within the department which shall report to the state board and shall be responsible for determining each school's improvement and performance levels;

(2) Develop and implement a uniform system of indicators to describe the performance of public school students and the characteristics of the public school districts and the public schools; and

(3)(A) Implement student achievement testing as part of the statewide assessment program, to be administered annually to measure reading, writing, and mathematics and that includes:

(i) Developmentally appropriate testing for grades kindergarten through two (K-2);

(ii)(a) A norm-referenced test using nationally normed metrics in grades three through nine (3-9), and a criterion-referenced test, as defined in § 6-15-404(g)(1) known as the benchmark exams, in grades three through eight (3-8); or

(b) Other assessments which are based on researched best practices as determined by qualified experts which would be in compliance with federal and state law;

(iii) Any other tests required by the State Board of Education;
and

(iv) End-of-course exams shall be administered for Algebra I, geometry, literacy, and other content areas as directed by the state board.

(B) Science and civics and government shall be measured on a schedule as determined by the state board.

(c) The testing program shall be designed so that:

(1)(A) The tests measure student skills and competencies adopted by the state board as specified in subsection (b) of this section. The tests shall measure and report student achievement levels in reading, writing, and mathematics including longitudinal tracking of the same students, as well as an analysis of value-added computations of student achievement gains against a national, demographically-matched cohort.

(B) The department shall provide for the tests to be obtained or developed, as appropriate, through contracts and project agreements;

(2) The testing program, as determined by the state board, shall consist of norm-referenced and criterion-referenced testing or other assessments as defined in § 6-15-433(b)(3)(A)(ii)(b). Questions shall require the student to produce information or perform tasks in such a way that the skills and competencies he or she uses can be measured in a statistically reliable and valid manner;

(3) Each testing program, whether at the elementary beginning at grade three (3), middle school, or high school level, shall include to the fullest extent possible, a test of writing in which students are required to produce writings that are then scored by appropriate analytic methods that ensure overall test validity and reliability, including inter-rater reliability. Writing test results shall be scored and returned for district and school use no later than July 1 of each year beginning in 2005-2006 and each year thereafter;

(4) A score shall be designated for each subject area tested that will be the required level of proficiency, below which score, a student's performance is deemed inadequate;

(5) Beginning in the 2004-2005 school year, students in grades kindergarten through twelve (K-12) who do not demonstrate proficiency on the Arkansas Comprehensive Assessment Program exams shall participate in an intense remediation program specific to identified deficiencies;

(6) The state board shall designate, based on valid and reliable statistical models submitted by the office designated pursuant to subsection (b) of this section, the proficiency levels for each part of the Arkansas Comprehensive Assessment Program exams;

(7) Participation in the testing program is mandatory for all students attending public school except as otherwise prescribed by the state board. If a student does not participate in the Arkansas Comprehensive Assessment Program exams, the district shall notify the student's parent or guardian and provide the parent or guardian with information regarding the reasons for and implications of such nonparticipation. The state board shall adopt rules in compliance with federal and state law, based upon recommendations of the department, for the provision of test accommodations and modifications of procedures as

necessary for students in exceptional education programs and for limited-English proficient students. The State Board of Education shall not make accommodations that negate the validity of a statewide assessment or interpretations or implementations which result in less than ninety-five percent (95%) of all students attending public school participating in the testing program;

(8) The department shall implement student testing programs for any grade level and subject area necessary to effectively monitor educational achievement in the state and shall provide data access to any unit within the department or contracted firm or firms for the purpose of analyzing value-added computations and posting school, district, and state student achievement, provided such disclosures are in not in conflict with applicable federal and state law;

(9) Each district shall ensure that educators in their district provide instruction to prepare students to demonstrate proficiency in the skills and competencies necessary for successful grade-to-grade progression and high school graduation. The department shall verify that the required skills and competencies are part of the district instructional programs;

(10) Conduct ongoing research to develop improved statistically reliable and valid methods of assessing student performance, including, without limitation, the:

(A) Use of technology to administer, score, or report the results of tests; and

(B) Use of electronic transfer of data;

(11) Conduct or contract with a provider to conduct ongoing research and analysis of individual student, classroom, school, district, and state achievement data, including, without limitation, monitoring value-added trends in individual student, school, district, and state achievement, identifying school programs that are successful, and analyzing correlates of school achievement; and

(12) Provide technical assistance to school districts in the implementation of state and district testing programs and the use of the data produced pursuant to such programs, including longitudinal tracking data.

6-15-434. School testing programs.

(a) Student performance data shall be analyzed and reported to parents, the community, and the state, provided such disclosures are not in conflict with applicable federal and state law.

(b) Student performance trend data shall be one (1) of the components used in developing objectives of the school improvement plan, internal evaluations of instructional and administrative personnel, assignment of staff, allocation of resources, acquisition of instructional materials and technology, performance-based budgeting, and assignment of students into educational programs of the local school district board.

6-15-435. Required analyses.

The Department of Education shall provide, at a minimum, for the following analyses of data produced by the student achievement testing program:

(1) The statistical system for the annual assessments shall use the Arkansas Comprehensive Assessment Program exams and other valid and reliable measures of student learning deemed appropriate by the State Board of Education to determine classroom, school,

and school district statistical distributions that shall measure the differences in a student's previous year's achievement compared to the current year achievement for the purposes of accountability and recognition;

(2)(A) The statistical system shall provide the best estimates of classroom, school, and school district effects on student progress based on established, value-added longitudinal calculations.

(B) The approach used by the department shall be approved by the state board before implementation; and

(3)(A)(i) The approach used by the department shall be in alignment with federal statutes and be piloted in 2004-2005 to collect data to allow research and evaluation of student achievement growth models.

(ii) The approach shall include the following:

(a) Value-added longitudinal calculations.

(b) Sufficient transparency in the models' conception and operation to allow others in the field to validate or replicate the results; and

(c) An assessment of the models' accurateness in relation to other models.

(iii) A team of relevant technical experts in student assessment and the State Board shall review and approve the cost effectiveness of the model in terms of actual and in kind costs before implementation.

(B) The department shall establish a schedule for the administration of the statewide assessments.

(C) Beginning in the 2005-2006 school year and each subsequent year thereafter, in establishing such schedule, the department is charged with the duty to accomplish the latest possible administration of the statewide assessments and the earliest possible provision, but no later than July 1, of the results to the school districts.

(D) District school boards shall not establish school calendars that jeopardize or limit the valid testing and comparison of student learning gains.

6-15-436. Local assessments.

(a) School districts may elect to measure the learning gains of students in subjects and at grade levels in addition to those required for the Arkansas Comprehensive Assessment Program exams.

(b) Measurement of the learning gains of students in all subjects and grade levels other than subjects and grade levels required for the Arkansas Comprehensive Assessment Program is the responsibility of the school districts.

(c) The results of these assessments shall be provided to the Department of Education upon request of the Director of the Department of Education.

6-15-437. Rules.

The State Board of Education shall adopt any rules necessary to implement the Arkansas Comprehensive Testing, Assessment, and Accountability Program, § 6-15-401 et seq. pursuant to the Arkansas Administrative Procedure Act, § 25-15-201 et seq.

6-15-438. Test security and confidentiality

(a) Violation of the security or confidential integrity of any test or assessment is prohibited.

(b)(1) The State Board of Education shall sanction a person who engages in conduct prohibited by this section, as provided under Arkansas Code § 6-17-405 and following the Process for Certificate Invalidation as approved by the Board.

(2) Additionally, the state board may sanction a school district or school, or both in which conduct prohibited in this section occurs.

(c)(1) Procedures for maintaining the security and confidential integrity of all testing and assessment instruments and procedures shall be specified in the appropriate test or assessment administration instructions.

(2) Conduct that violates the security or confidential integrity of a test or assessment is defined as any departure from either the requirements established by the Director of the Department for the administration of the assessment or from the procedures specified in the applicable test administration materials.

(3) Conduct that violates the security or confidential integrity of a test or assessment may include, but is not limited to the following acts and omissions:

(A) Viewing secure assessment materials;

(B) Duplicating secure assessment materials;

(C) Disclosing the contents of any portion of secure assessment materials;

(D) Providing, suggesting, or indicating to an examinee a response or answer to any secure assessment items;

(E) Aiding or assisting an examinee with a response or answer to any secure assessment item;

(F) Changing or altering any response or answer of an examinee to a secure assessment item;

(G) Failing to follow the specified testing procedures or to proctor students;

(H) Failing to administer the assessment on the designated testing dates;

(I) Encouraging or assisting an individual to engage in the conduct described in this subsection;

(J) Failing to report to appropriate authority that an individual has engaged in conduct set forth in this section;

(K) Failing to follow the specified procedures and required criteria for alternate assessments; or

(L) Failing to return the secured test booklets back to the testing company in a timely manner.

SECTION 5. Arkansas Code Title 6, Chapter 15, is amended to add an additional subchapter to read as follows:

6-15-1801. Public school student progression — Remedial instruction — Reporting requirements — Intent.

It is the intent of the General Assembly subsequent to §§ 6-15-1804 that:

(1) Each student's progression from one (1) grade to another be determined, in part, upon proficiency in reading, writing, and mathematics;

(2) District school board policies facilitate such proficiency; and

(3) Each student and his or her parent be informed of the student's academic progress.

6-15-1802. Public school student progression — Remedial instruction — Reporting requirements — Comprehensive program.

The State Board of Education shall establish a comprehensive program for student progression that shall include:

(1) Standards for evaluating each student's performance, including the student's mastery level with respect to the academic content standards;

(2) Specific levels of performance in reading, writing, and mathematics for each grade level and specific proficiency levels of performance on statewide assessments including end-of-course exams, below which a student shall be remediated within an intensive program that is different from the previous year's program and that takes into account the student's learning style; and

(3) Appropriate alternative education intervention programs as developed by the local school district in compliance with state and federal law and approved by the Department of Education for a student who has been retained two (2) consecutive years.

6-15-1803. Public school student progression — Remedial instruction — Reporting requirements — Assessment and remediation.

(a)(1) Each student shall participate in the statewide program of educational assessment required by § 6-15-433 and shall participate in an academic improvement plan when required as a result of the assessments. The Department of Education shall determine satisfactory proficiency levels and shall promulgate rules and regulations of the student's academic improvement plan.

(2) After the development of the plan, each student identified as not meeting satisfactory proficiency levels in the previous spring test shall participate in his or her activities outlined in his or her academic improvement plan. Beginning with the 2005-2006 school year, students in grades one through six (1-6) identified for an academic improvement plan who do not participate in the program shall be retained. Retention for failure to participate in the academic improvement plan shall expand by at least one (1) grade level for each subsequent academic year after implementation. The Department of Education shall submit a report to the House Interim Committee on Education and the Senate Interim Committee on Education prior to September 2004 of the established additional course requirements for failure to achieve proficiency on end-of course exams. These requirements shall become effective beginning with the 2009-2010 school year. Multiple opportunities to pass end-of-course exams shall be provided as defined by the Department of Education.

Prior to the 2009-2010 school year, students who are not proficient on the end-of-course exams shall participate in a remediation program to receive credit for the corresponding course.

(3) If the student has been identified as having a deficiency in literacy or mathematics, the academic improvement plan shall identify the student's specific areas of deficiency in these subjects, the desired levels of performance in these areas, and the instructional and support services to be provided to meet the desired levels of performance.

(4) Schools shall also provide for the frequent monitoring of the student's progress in meeting the desired levels of performance. Remedial instruction provided during high school may not be in lieu of English, mathematics, science, or history core courses required for graduation.

(b) Each student who does not meet the minimum performance expectations defined by the state board for the statewide assessment tests in reading, writing, and mathematics shall continue to be provided with remedial or supplemental instruction until the expectations are met or the student is not subject to compulsory school attendance.

(c) In the event this section is construed to conflict with or violate any federal regulations or guidelines, its enforcement shall be suspended pending compliance with the federal regulations or guidelines.

6-15-1804. Public school student progression — Remedial instruction — Reporting requirements — Reading deficiency and parental notification.

(a) It is the ultimate goal of the General Assembly that every student read at or above his or her grade level. Any student who exhibits a substantial deficiency in reading, based upon statewide assessments conducted in grades kindergarten through two (K-2), or through teacher observations, shall be given intensive reading instruction utilizing a reading program approved by the State Board of Education as soon as practicable following the identification of the reading deficiency. The student's reading proficiency shall be reassessed by utilizing assessments within the state board approved reading program. The student shall continue to be provided with intensive reading instruction until the reading deficiency is corrected.

(b) Beginning with the 2005-2006 school year, the parent or guardian of any student who exhibits a substantial deficiency in reading, as described in subsection (a) of this section, shall be notified in writing of the following:

(1) That his or her child has been identified as having a substantial deficiency in reading;

(2) A description of the current services that are provided to the child; and

(3) A description of the proposed supplemental instructional services and supports that will be provided to the child that are designed to remediate the identified area of reading deficiency.

6-15-1805. Public school student progression — Remedial instruction — Reporting requirements — Elimination of social promotion.

No student may be assigned to a grade level based solely on age or other factors that constitute social promotion, except as provided by applicable federal and state law.

6-15-1806. Public school student progression — Remedial instruction — Reporting requirements — Annual report.

(a) In addition to the requirements in § 6-15-1804(b), each district school board shall annually report to the parent or guardian of each student the progress of the student toward achieving state expectations for proficiency in reading, writing, and mathematics. The district school board shall report to the parent, guardian, or the student, if the student is eighteen (18) years of age or older, the student's results on each statewide assessment test. The evaluation of each student's progress shall be based upon the student's classroom work, observations, tests, state assessments, and other relevant information. Progress reporting shall be provided to the parent, guardian, or the student, if the student is eighteen (18) years of age or older, in writing in a format adopted by the district school board which is consistent with § 6-15-1901(b).

(b) Beginning with the 2004-2005 school year, each district school board shall annually publish in the local newspaper the school performance report required by § 6-15-1402 and report in writing to the State Board of Education by October 15 of each year, the following information on the prior school year or the latest information available:

(1) By grade level, economic status, and ethnicity, the number and percentage of all students in grades kindergarten through twelve (K-12) performing at each category level on the benchmark exams, on end-of-course exams, and the percentile rankings by school and grade level on norm-referenced exams, any other assessments as required by the State Board of Education, the number of students taking advanced placement courses, the number taking the advanced placement exams, and the percent of students making a 3.0, 4.0, or 5.0 on advanced placement exams;

(2) By grade level the number and percentage of all student retained in grades one through eight (1-8);

(3) The graduation rate, grade inflation rate, drop-out rate for grades nine through twelve (9-12) and college remediation rate;

(4) Number of students transferring pursuant to the unsafe school provision of § 6-15-439; and

(5) Number of students transferring pursuant to the Arkansas Opportunity Public School Choice Act of 2003 § 6-18-227 et seq.

(c) Nothing in this section shall be construed to conflict with applicable federal or state law.

6-15-1807. Public school student progression — Remedial instruction — Reporting requirements — State Board of Education authority and responsibilities.

The state board shall adopt rules for the administration of this subchapter.

6-15-1808. Public school student progression — Remedial instruction — Reporting requirements — Technical assistance.

(a) The Department of Education shall provide technical assistance as needed to aid school districts in administering this subchapter.

(b)(1) The Department of Education shall, at least semi-annually, provide a report to the House Interim Committee on Education and the Senate Interim Committee on Education setting forth the districts requesting assistance, the date of the requests, the dates and actions taken.

(2) The Department of Education shall further report the results of the action taken or assistance provided.

SECTION 6. Arkansas Code Title 6, Chapter 15, is amended to add an additional subchapter to read as follows:

6-15-1901. School rating system — Annual reports.

(a) The Department of Education shall prepare annual reports of the results of the statewide assessment program which describe student achievement in the state, each district and each school, as well as the school performance category levels pursuant to §§ 6-15-1902 and 6-15-1903. The department shall prescribe the design and content of these reports that shall include, without limitation, descriptions of achievement of all schools participating in any assessment program and all of their major student populations as determined by the department, provided that the provisions of § 6-15-415 pertaining to student records apply to this section. Annual school performance reports shall be sent to all parents or guardians, posted on the department's website, and published by the local school district in the local newspaper.

(b) The department shall provide information regarding performance of students and educational programs as required pursuant to §§ 6-15-433 and 6-15-2301 and implement a system of school reports as required by statute and State Board of Education rule. Annual school performance reports shall be in an easy-to-read format and shall include both the school improvement and performance level designations.

(c) The annual report shall designate two (2) category levels for each school, one (1) for the school's improvement gains, tracked longitudinally and using value-added calculations on the criterion-referenced test as defined in § 6-15-404(1)(A), in the latest available test results, known as the annual improvement category level and one (1) based on performance from the prior year on the criterion-referenced test as defined in § 6-15-404(g)(1) and end-of-course exams, hereafter referred to as annual performance pursuant to § 6-15-1903 and described in § 6-15-419(18). If the criterion-referenced test is not in compliance with § 6-15-404(1)(A), then the Department of Education shall rely on other assessments as defined in 6-15-404(g)(1) test for the calculation of the improvement grade.

6-15-1902. School rating system — Annual improvement category levels.

(a) For the designation determined by annual improvement, annual improvement gains on criterion-referenced tests, as defined in § 6-15-404(g)(1), shall identify schools as being in one (1) of the following category levels defined according to rules of the State Board of Education:

- (1) "Level 5", schools of excellence;
- (2) "Level 4", schools exceeding standards;
- (3) "Level 3", schools meeting standards;
- (4) "Level 2", schools on alert; and
- (5) "Level 1", schools in need of immediate improvement.

(b) The base year for improvement gains shall be established in the 2006-2007 school year, with annual improvement category levels assigned in the 2007-2008 school year.

(c) School annual improvement category level designations shall be based on the following:

(1) A combination of student achievement scores as measured by annual academic gain scores on criterion-referenced tests, as defined in § 6-15-404(g)(1), or assessments in grades kindergarten through twelve (K-12);

(2) Student assessment data used to determine annual improvement category levels shall include the aggregate scores of the combined population;

(d) The state board shall adopt appropriate criteria for each school improvement category levels.

(e) Schools that receive an annual improvement category levels of Level 5 or Level 4 are eligible for school recognition awards and performance-based funding pursuant to § 6-15-1909.

6-15-1903. School rating system — Annual Performance Goals -School annual performance category levels.

(a) The annual report shall identify schools as being in one (1) of the following category levels, based on the criterion-referenced benchmark exams, as defined in 6-15-404(g)(1), and defined according to rules of the State Board of Education:

- (1) "Level 5", schools of excellence;
- (2) "Level 4", schools exceeding standards;
- (3) "Level 3", schools meeting standards;
- (4) "Level 2", schools on alert; and
- (5) "Level 1", schools in need of immediate improvement.

(b)(1) For the years 2004-2005 through 2008-2009, schools will not be assigned annual performance category levels, unless an annual performance category levels is requested by the school.

(2) For schools that receive an improvement category level of Level 5 or Level 4 in the 2009-2010 and 2010-2011 school years, the performance category level may be waived.

(c)(1) For all schools that have received an annual performance category levels of Level 1 for two (2) consecutive years, the students in these schools shall be offered the opportunity public school choice option with transportation provided by the resident school district pursuant to § 6-18-227 et seq.

(2) In addition, the school district board shall provide supplemental educational services, approved by the State Board, to affected students.

(d) The state board shall adopt appropriate criteria for each school performance category levels.

(e) Schools that receive an annual performance category level of Level 5 or Level 4 are eligible for school recognition awards and performance-based funding pursuant to § 6-15-1909.

6-15-1904. Mobility.

The Department of Education shall study the effects of mobility on the performance of highly mobile students and recommend programs to improve the performance of such students. The state board shall adopt appropriate criteria for each school performance category level.

6-15-1905. School rating system — School improvement and performance category level and improvement and performance rating reports.

(a) School annual improvement and performance category level designations and ratings shall apply to each school's achievement for the year in which the achievement is measured.

(b) Each school's designation and rating shall be published annually by the Department of Education and the school district, and shall be available on the department's website. Parents and guardians shall be entitled to an easy-to-read written report describing the designation and rating of the school in which their child is enrolled.

6-15-1906. School rating system — Improvement and performance category levels - Annual.

The State Board of Education shall adopt rules necessary to implement § 6-15-1901 et seq. pursuant to the Arkansas Administrative Procedure Act, § 25-15-201 et seq.

6-15-1907. Arkansas School Recognition Program.

(a) The General Assembly finds that there is a need for an incentive program for outstanding schools. The General Assembly further finds that performance-based incentives are commonplace in the private sector and should be infused into the public sector as a reward for productivity.

(b) The Arkansas School Recognition Program is created to provide financial awards to public schools that are at:

(1) A category level of Level 5 or Level 4 pursuant to § 6-15-1903 and at least a Level 3 pursuant to § 6-15-1902; or

(2) A category level of Level 5 or Level 4 school pursuant to § 6-15-1902.

(c) Each school meeting the requirements set out in subdivisions (b)(1) or (b)(2) of this section shall receive performance-based funding in the amount of one hundred dollars (\$100) per student who participated in the school's assessment program. A school that receives a Level 5 or Level 4 for its annual performance as provided under § 6-15-1903, provided it has received at least a Level 3 for annual improvement under § 6-15-1902 or a Level 5 or Level 4 for its annual improvement under § 6-15-1902, shall receive performance-based funding. All schools meeting both criteria shall receive rewards for both categories. Each school that receives performance-based funding shall submit a proposal for its spending of the performance-based funding to the Department of Education. The department shall review and approve each proposal. The department shall approve spending of performance-based funding for academic expenses only as set forth in subsection (f) of this section.

(d) All public schools, including charter schools, that receive school category levels pursuant to §§ 6-15-1902 and 6-15-1903 are eligible to participate in the program.

(e) All eligible schools shall receive performance-based funding. Funds shall be distributed to the school's fiscal agent and placed in the school's account and shall be used for purposes listed in subsection (f) of this section as determined by a committee which shall include the principal, a teacher elected by the faculty, and a parent representative selected by the local Parent Teacher Association or some other local parental involvement group. The committee shall make its determination by December 15 of each applicable year.

(f) School recognition awards shall be used for the following:

(1) Nonrecurring bonuses to the faculty and staff;

(2) Nonrecurring expenditures for educational equipment or materials to assist in maintaining and improving student performance; or

(3) Temporary personnel for the school to assist in maintaining and improving student performance.

(g) The General Assembly shall appropriate and fund sufficient funds to implement this section.

6-15-1908. State Board of Education authority and responsibility.

The State Board of Education shall adopt rules as necessary for the implementation and administration of this subchapter.

SECTION 7. Arkansas Code Title 6, Chapter 18, Subchapter 2 is amended to add an additional section to read as follows:

6-18-227. Title.

(a)(1) This section may be referred to and cited as the "Arkansas Opportunity Public School Choice Act of 2003".

(2) The purpose of this section is to provide enhanced opportunity for students in this state to gain the knowledge and skills necessary for postsecondary education, a technical education, or the world of work. The General Assembly recognizes that the Arkansas Constitution, as interpreted by the Arkansas Supreme Court in Lake View School District No. 25 v. Mike Huckabee, 351 Ark. 31 (2002), makes education a paramount duty of the state. The General Assembly finds that the State Constitution requires the state to provide an adequate education. The General Assembly further finds that a student should not be compelled, against the wishes of the parent, guardian, or the student, if the student is over eighteen (18) years of age, to remain in a school designated as a Level 1 school under § 6-15-1903 for two (2) or more consecutive years. The General Assembly shall make available a public school choice option in order to give a child the opportunity to attend a public school that is performing satisfactorily. The Arkansas Opportunity Public School Choice Act shall take effect with the implementation of school performance category levels.

(3) The General Assembly further finds that giving more options to parents and students with respect to where the students attend public school will increase the responsiveness and effectiveness of the state's schools, since teachers, administrators, and school board members will have added incentives to satisfy the educational needs of the students who reside in the district.

(4) A public school choice program is hereby established to enable any student to transfer from a failing school to any other public school in the state, subject to the restrictions contained in this section.

(b)(1) Upon the request of a parent, guardian, or the student, if the student is over eighteen (18) years of age, a student may transfer from his or her resident district to another public school in accordance with the provisions of this section if:

(A) The resident public school has been designated pursuant to § 6-15-1903 as a Level 1 school for two (2) or more consecutive school years; and

(B) The parent, guardian, or the student, if the student is over eighteen (18) years of age, has notified the Department of Education and both the sending and receiving school districts of the request for a transfer no later than July 30 of the first year in which the student intends to transfer.

(2) For purposes of continuity of educational choice, the transfer shall remain in force until the student completes high school or the parent, guardian, or the student, if the student is over eighteen (18) years of age, notifies the department and the department shall notify the sending and receiving school districts, no later than July 30 following the current school year, of his or her desire to transfer back to the child's resident school district at the end of the current school year.

(3)(A) A school district shall, for each student enrolled in or assigned to a school that has been designated as a Level 1 school for two (2) or more consecutive school years:

(i) Timely notify the parent, guardian, or the student, if the student is over eighteen (18) years of age, as soon as such practicable after such designation is made of all options available pursuant to this section; and

(ii) Offer the parent, guardian, or the student, if the student is over eighteen (18) years of age, an opportunity to enroll the student in any public school that has been designated by the state pursuant to § 6-15-1903 as a school performing higher than that in which the student is currently enrolled or to which the student has been assigned, but not less than annual performance category Level 3. The opportunity to continue attending the higher performing public school shall remain in force until the student graduates from high school.

(B) The parent or guardian of a student enrolled in or assigned to a school that has been designated as a school in Level 1 under § 6-15-1903 for two (2) or more consecutive years may choose as an alternative to enroll the student in a legally allowable category Level 3 or higher public school nearest to the student's legal residence. That school or school district shall accept the student and report the student for purposes of the funding pursuant to applicable state law.

(C) Students with disabilities who are eligible to receive services from the school district under federal or state law, including students receiving additional funding through Federal Title Programs specific to the Elementary and Secondary Education Act, and who participate in this program, remain eligible to receive services from the school district as provided by federal or state law and any funding for such student shall be transferred to the district to which the student transfers.

(c)(A) Transportation costs shall be the responsibility of the state, and the State Board of Education shall establish rules pertaining to state reimbursement of transportation costs.

(B) However, upon the transferring district receiving a category Level 3 or higher for its annual performance, then the transportation costs shall no longer be the responsibility of the state.

(d)(1) Each district school board shall offer the opportunity public school choice option within the public schools. The opportunity public school choice option shall be offered in addition other to other existing choice programs.

(2) In the event that the opportunity public school choice option results in a receiving district requiring temporary facilities or faculty as a result of and to accommodate the additional students, expenses related thereto in excess of that received for each student electing the opportunity public school choice option shall be borne by the state.

(e) The provisions of this section and all student choice options created in this section are subject to the limitations of § 6-18-206(d) through (f):

(f) The department shall develop an annual report on the status of school choice and deliver the report to the State Board of Education, the Governor, and the Legislative Council at least ninety (90) days prior to the convening of the regular session of the General Assembly.

(g) Each district school board shall annually report the number of students applying for and attending the various types of public schools of choice in the district, including schools such as magnet schools, according to rules adopted by the state board.

(h)(1) A receiving district shall accept credits toward graduation that were awarded by another district.

(2) The receiving district shall award a diploma to a nonresident student if the student meets the receiving district's graduation requirements.

(i) For purposes of determining a school district's state equalization aid, the nonresident student shall be counted as a part of the average daily membership of the district to which the student has transferred.

(j)(1) All school districts shall report to the department on an annual basis the race, gender, and other pertinent information needed to properly monitor compliance with the provisions of this section.

(2) The reports may be on those forms that are prescribed by the department or the data may be submitted electronically by the district using a format authorized by the department.

(3) The department may put on probation the superintendent of any school district that fails to file its report each year or fails to file any other information with a published deadline requested from school districts by the department so long as thirty (30) calendar days are given between the request for the information and the published deadline.

(4) A copy of the report shall be provided to the Joint Interim Committee on Education.

(k)(1) Any student participating in the opportunity public school choice option shall remain in attendance throughout the school year, unless excused by the school for illness or other good cause, and shall comply fully with the school's code of conduct.

(2) The parent or guardian of each student participating in the opportunity public school choice option shall comply fully with the receiving public school's parental involvement requirements, unless excused by the school for illness or other good cause.

(3) The parent or guardian shall ensure that the student participating in the opportunity public school choice option takes all statewide assessments, including, but not limited to, benchmark exams, required pursuant to § 6-15-433.

(4) A participant who fails to comply with this section shall forfeit the opportunity public school choice option.

(1)(1) The maximum opportunity public school choice funds granted for an eligible student shall be calculated based on applicable state law.

(2) The receiving school district shall report all students who transfer from another public school under this program. The students attending public schools pursuant to the opportunity public school choice option shall be reported separately from those students reported for purposes of compliance with applicable state law.

(3) The public school that provides services to students with disabilities shall receive funding as determined by applicable federal and state law.

(m) The state board shall adopt any rules necessary for the implementation of the Arkansas Opportunity Public School Choice Act of 2003, § 6-18-227 et seq. pursuant to the Arkansas Administrative Procedure Act, § 25-15-201 et seq.

(n) Losses in revenue to a district directly related to the transfer of students pursuant to this section shall not be considered when determining a district's eligibility for funding pursuant to § 6-20-326 or other school funding formulas as approved by the General Assembly.

(o) A district under this program shall request public service announcements to be made over the broadcast media and in the print media at such times and in such manner as to inform parents or guardians of students in adjoining districts of the availability of the program, the application deadline, and the requirements and procedure for nonresident students to participate in the program.

SECTION 8. Arkansas Code Title 6, Chapter 15, is amended to add an additional subchapter to read as follows:

6-15-2001. Implementation of state system of school improvement and education accountability.

(a) The Department of Education is responsible for implementing and maintaining a system of intensive school improvement and education accountability that shall include policies and programs to implement the following:

(1) A system of data collection and analysis that will improve information about the educational success of individual students and schools. The information and analyses shall be capable of identifying educational programs or activities in need of improvement and reports prepared pursuant to this section shall be distributed to the appropriate district school boards prior to distribution to the general public. No disclosure shall be made that is in violation of applicable federal or state law;

(2) A program of school improvement that will analyze information to identify schools educational programs or educational activities in need of improvement;

(3) A method of delivering services to assist school districts and schools to improve; and

(4) A method of coordinating the state educational goals and school improvement plans with any other state program that creates incentives for school improvement.

(b) The department shall be responsible for the implementation and maintenance of the system of school improvement and education accountability outlined in this section. There shall be an annual determination of whether adequate yearly progress in each school is being made toward implementing and maintaining a system of school improvement.

(c) If adequate yearly progress is not being made, the local school district shall prepare and implement a revised school improvement plan. The department and State Board of Education shall monitor the development and implementation of the revised school improvement plan.

(d) The department shall report to the Legislative Council and recommend changes in state policy necessary to foster school improvement and education accountability. Included in the report shall be a list of the schools for which district school boards have developed assistance and intervention plans and an analysis of the various strategies used by the school boards. School reports shall be distributed pursuant to this subsection (d) and § 6-15-1901 and according to rules adopted by the state board.

(e)(1) The department shall implement a training program to develop among state and district educators a cadre of facilitators of school improvement. These facilitators shall assist schools and districts to conduct needs assessments and develop and implement school improvement plans to meet state goals.

(2) Upon request, the department shall provide technical assistance and training to any school, school district, or district school board for conducting needs assessments, developing and implementing school improvement plans, developing and implementing assistance and intervention plans, or implementing other components of school improvement and accountability. Priority for these services shall be given to schools designated as school districts in academic distress or schools in need of school improvement under state or federal law. The Department of Education shall, no less than semi-annually, provide a report to the House Interim Committee on Education and the Senate Interim Committee on Education setting forth the districts requesting assistance, the state of each request, and the dates and actions taken. The Department of Education shall further report the results of the actions taken or assistance provided.

(3) The department shall provide technical assistance to each school that is designated as a Level 1 school or a Level 2 school under § 6-15-1903 to develop a revised school improvement plan.

(f) As a part of the system of educational accountability, the department shall:

(1) Develop minimum performance standards for various grades and subject areas, as required in §§ 6-15-1901 et seq., 6-15-403, and 6-15-433;

(2) Administer the statewide assessment testing program created by § 6-15-433; and

(3) Conduct or contract with a provider to conduct the program assessments required by § 6-15-403; and

(4) Conduct or contract with any provider for implementation for any part or portion of this act; and

(5) Perform any other functions that may be involved in educational planning, research, and evaluation or that may be required by the state board rules and regulations or federal or state law.

SECTION 9. Arkansas Code Title 6, Chapter 15 is amended to add an additional subchapter to read as follows:

6-15-2101. Best financial management practices for school districts — Standards — Reviews — Designation of school districts.

(a) The purpose of best financial management practices reviews are to improve Arkansas school district management's use of resources and to identify cost savings. The Department of Education and the Division of Legislative Audit of the Legislative Joint Auditing Committee of the General Assembly are directed to develop a system for reviewing the financial management practices of school districts. In this system, the division shall assist the department in examining district operations to determine whether they meet "best financial management code practices".

(b)(1) The best financial management practices adopted by the State Board of Education may be updated periodically after consultation with the Legislative Council, the Governor, the department, school districts, and the division. The department shall submit to the state board for review and adoption proposed revisions to the best financial management practices adopted by the state board and reviewed by the Legislative Council. The best financial management practices, at a minimum, shall be designed to instill public confidence by addressing the school district's use of resources, identifying ways that the district could save funds, and improving districts' performance accountability systems, including public accountability. To achieve these objectives, best practices shall be developed for, but need not be limited to, the following areas:

(A) Management structures;

(B) Performance accountability;

(C) Efficient delivery of educational services, including instructional materials;

(D) Administrative and instructional technology;

(E) Personnel systems and benefits management;

(F) Facilities construction;

(G) Facilities maintenance;

(H) Student transportation;

(I) Food service operations;

(J) Cost control systems, including asset management, risk management, financial management, purchasing, internal auditing, and financial auditing;

(K) Athletics; and

(L) Other extra-curricular activities.

(2) In areas for which the state board has not adopted best practices, the department may develop additional best financial management practices with input from a broad range of stakeholders. The department shall present any additional best practices to the state board for review and possible adoption. Revised best financial management practices adopted by the state board shall be used in the next scheduled school district reviews conducted according to this section.

(c) The department shall conduct the reviews or contract with a private firm selected through a formal request for proposal process to perform the review. At least one (1) member of the private firm review team shall have expertise in school district finance. The scope of the review shall focus on the best practices adopted by the state board pursuant to subsection (b) of this section.

(d) The state board shall consult with the department throughout the best practices review process to ensure that the technical expertise of the department benefits the review process and supports the school districts before, during, and after the review.

(e)(1) Each school district shall be subject to a best financial management practices review. The General Assembly also intends that all school districts shall be reviewed biannually by on-site visits and shall be given one of the following designations:

(A) "A", schools comprehensively complying with best financial practices;
(B) "B", schools complying with best financial practices at significant levels;
(C) "C", schools adequately complying with best financial practices;
(D) "D", schools less than adequately complying with best financial practices; and

(E) "F", schools failing to comply with best financial practices.

(2) The department shall prepare annual reports of the results of the best financial management practices reviews and shall post to its website the school and district financial grades pursuant to subsection (b) of this section. The report, which shall be part of the overall school and district report card requirement pursuant to § 6-15-1806, shall include both revenue sources and expenditures. The reporting of expenditures shall include breakdowns of administrative, instructional, support, and operations expenditures, as well as any other financial commitments of the school and district.

(f) The Legislative Council may adjust the schedule of districts to be reviewed when unforeseen circumstances prevent initiation of reviews scheduled.

(g) The department, subject to funding by the General Assembly, may conduct or contract with a private firm to conduct best financial management practices reviews.

(h) Reviews shall be conducted by the division, the department, or the consultant. Funds may be used for the cost of reviews by the division and private consultants contracted by the state board. Costs may include professional services, travel expenses of the department and of the staff of the division, and any other necessary expenses incurred as part of a best financial management practices review and as preapproved by the department.

(i) Districts shall complete a self-assessment instrument provided by the department that indicates the school district's evaluation of its performance on each best practice. The district shall begin the self-assessment no later than sixty (60) days prior to the commencement of the review. The completed self-assessment instrument and supporting documentation shall be submitted to the department no later than the date of commencement of the review as notified by the department. The best practices review team will use this self-assessment information during their review of the district.

(j) During the review, the department or the consultant conducting the review, if any, shall hold at least one (1) advertised public forum as part of the review in order to explain the best financial management practices review process and obtain input from students, parents or guardians, the business community, and other district residents regarding their concerns about the operations and management of the school district.

(k) District reviews conducted under this section shall be completed within six (6) months after commencement. The department shall issue a final report to the Legislative Council regarding the district's use of best financial management practices and cost savings recommendations within sixty (60) days after completing the reviews. Copies of the final report shall be provided to the Governor, the state board, the district superintendent, and the districts' school board members. The district superintendent shall notify the press that the final report has been delivered. The notification shall state the department's website address at which an electronic copy of the report is available.

(l)(1) If the district is found not to conform to best financial management practices, the report shall contain an action plan, taking public input into consideration, detailing how the district could meet the best practices within two (2) years. The district school board shall develop and approve the implementation schedule within sixty (60) days after receipt of the final report. If a district fails to vote on the action plan within sixty (60) days, the district superintendent and school board members shall be required to appear and present testimony before the state board and the Legislative Council.

(2) Within sixty (60) days after the receipt of the final report, the district school board shall notify the state board and the department in writing of the implementation schedule for the action plan. The department shall contact the school district, assess the situation, and offer technical assistance, if needed.

(m) After a district school board votes to implement the action plan:

(1) No later than six (6) months after receipt of the final best financial practices report, the district school board shall submit an initial status report to the Governor, the state board, the division, the department and the Legislative Council on progress made toward implementing the action plan and whether changes have occurred in other areas of operation that would affect compliance with the best practices; and

(2)(A) A second status report shall be submitted by the school district to the Governor, the state board, the division, the department, and the Legislative Council no later than six (6) months after submission of the initial report, and every six (6) months thereafter, until status reports are not required.

(B) Status reports are not required once the state board concludes that the district is using best financial management practices and the district is designated a grade category "A" for its financial practices.

(n) School districts that are determined in their review to be using the best practices and are graded a category "A" pursuant to subsection (e) of this section, shall receive a "Seal of Best Financial Management". The state board designation shall be effective until a district's financial accountability grade decreases. The state board shall revoke the designation of a district school board at any time if it determines that a district is no longer complying with the state's best financial management practices.

(o) District school boards that receive a best financial management practices review shall maintain records that will enable independent verification of the implementation of the action plan and any related fiscal impacts.

(p) Unrestricted cost savings resulting from implementation of the best financial management practices shall be spent at the school and classroom levels for teacher salaries, teacher professional development, improved classroom and school facilities, student supplies, textbooks, classroom technology, and other direct student instruction activities. Cost savings identified for a program that has restrictive expenditure requirements shall be used for the enhancement of the specific program. If the district is in fiscal distress, the cost savings may be used in accordance with the fiscal distress plan.

SECTION 10. Arkansas Code Title 6, Chapter 15 is amended to add an additional subchapter to read as follows:

6-15-2201. Postsecondary feedback of information to high schools.

(a) Representatives from the Arkansas Department of Higher Education and the Arkansas Department of Education will meet with the chairmen of the Senate and House Education Committees or their designees along with the selected superintendents, high school principals, and high school counselors once every biennium to review the Arkansas Placement Status Reports to determine if any revisions in the format of the reports, the information that is reported, or the reporting process need to be made. Agreed upon changes would be reported to the Arkansas Higher Education Coordinating Board, the Arkansas State Board of Education and the Senate and House Education Committees, provided such information is not in conflict with federal or state law.

(b) The department shall report, by high school, to the state board and the General Assembly, no later than November 30 of each year, on the number of prior-year Arkansas high school graduates who enrolled for the first time in public postsecondary education in this state during the previous summer, fall, or spring term indicating the number of students whose scores on the common placement test indicated the need for remediation through college-preparatory instruction, provided such disclosure is not in conflict with applicable federal or state law.

(c) The department shall organize school summary reports and student-level records by school district and high school in which the postsecondary education students were enrolled and report the information to each school district no later than January 31 of each year.

(d) As a part of the school improvement plan pursuant to § 6-15-2001, the state board shall ensure that each school district and high school develops strategies to improve student readiness for the public postsecondary level based on annual analysis of the feedback report data.

(e) The department shall biennially recommend to the General Assembly statutory changes to reduce the incidence of postsecondary remediation in mathematics, reading, and writing for first-time-enrolled recent high school graduates.

SECTION 11. Arkansas Code § 6-15-419 is amended to read as follows:

6-15-419. Definitions.

The following definitions shall apply in this subchapter, 6-15-404, 6-15-421, 6-15-402, 6-15-433 -6-15-438, 6-15-1801 - 6-15-1808, 6-15-1901 - 6-15-1908, 6-18-227, 6-15-2001, 6-15-2101, and 6-15-2201, unless the context otherwise requires:

(1) "Academic Content Standards" means standards which are approved by the State Board of Education and set the skills to be taught and mastery level for each grade and content area;

~~(1)(A)~~(2)(A) "Academic improvement plan" means a plan detailing supplemental or intervention and remedial instruction, or both, in deficient academic areas for any student who is not proficient on a portion or portions of the state-mandated ~~riterion-referenced assessments~~ Arkansas Comprehensive Assessment Program.

(B)(i) Such a plan shall be created and implemented by appropriate teachers, counselors, and any other pertinent school personnel.

(ii) All academic improvement plans shall be annually reviewed and revised to ensure an opportunity for student demonstration of proficiency in the targeted academic areas on the next state-mandated ~~critereion-referenced assessments~~ Arkansas Comprehensive Assessment Program.

(iii) A cumulative review of all academic improvement plans shall be part of the data used by the school in creating and revising its comprehensive school improvement plan.

(iv) All academic improvement plans shall be subject to review by the Department of Education.

(C) In any instance where a student with disabilities identified under the Individuals with Disabilities Education Act has an individualized education program that already addresses any academic area or areas in which the student is not proficient on state-mandated criterion-referenced assessments, the individualized education program shall serve to meet the requirement of an academic improvement plan;

~~(2)(3) "Adequate yearly progress" "Annual performance"~~ "Annual performance" means that level of academic ~~improvement~~ achievement required of public schools or school districts on the state-mandated criterion-referenced examinations ~~and other indicators as required in the Arkansas Comprehensive Testing, Assessment, and Accountability Program, which shall comply with The Elementary and Secondary Education Act as reauthorized in The No Child Left Behind Act of 2001;~~

(4) "Adequate yearly progress" means that level of academic improvement required of public schools or school districts on the state-mandated examinations and other indicators as required in the Arkansas Comprehensive Testing, Assessment, and Accountability Program, which shall comply with The Elementary and Secondary Education Act as reauthorized in The No Child Left Behind Act of 2001, 20 U.S.C. § 6301, et seq. (2002);

~~(3)(5)~~ (5) "Annexation" means the joining of an affected school district or part of the school district with a receiving district under §§ 6-13-1401 et seq.;

(6) "Annual improvement gains" or "student learning gains" means calculating a student's learning gains from one year to the next, based on a same series nationally-normed assessment given in the same time frame from one (1) year to the next, used as a pre-post measure of learning for the content areas tested;

(7) "Arkansas Comprehensive Assessment Program " means the testing component of Arkansas Comprehensive, Testing, Assessment, and Accountability Program which shall consist of developmentally appropriate assessments for Kindergarten, grades one and two (K-2), national norm-referenced tests in grades three through nine (3-9), any other assessments as required by the State Board of Education, criterion-referenced tests for grades three through eight (3-8), or other assessments which are based on researched best practices as determined by qualified experts which would be in compliance with federal and state law, and end-of-course exams for designated grades and content areas

(8) "Arkansas Comprehensive Testing, Assessment, and Accountability Program" means a comprehensive system that focuses on high academic standards, professional development, student assessment, and accountability for schools;

~~(4)(9)~~ (9) "Comprehensive school improvement plan" means the individual school's comprehensive plan based on priorities indicated by assessment and other pertinent data and designed to provide an opportunity for all students to demonstrate proficiency on all portions of state-mandated ~~critereion-referenced assessments~~ Arkansas Comprehensive Assessment Program;

~~(5)~~(10) "Consolidation" means the joining of two (2) or more school districts or parts of the school districts to create a new single school district under §§ 6-13-1401 et seq.;

~~(6)~~(11) "Department" means the Department of Education;

~~(7)~~(12) "District improvement plan" means a districtwide plan coordinating the actions of the various comprehensive school improvement plans within a district. The main focus of the district improvement plan shall be to ensure that all students demonstrate proficiency on all portions of state-mandated ~~critierion-referenced assessments~~ Arkansas Comprehensive Assessment Program;

~~(8)~~(13) "Early intervention" means short-term, intensive, focused, individualized instruction developed from ongoing, daily, systematic diagnosis that occurs while a child is in the initial, kindergarten through grade one (K-1), stages of learning early reading, writing, and mathematical strategies to ensure acquisition of the basic skills and to prevent the child from developing poor problem-solving habits which become difficult to change. The goal is to maintain a student's ability to function proficiently at grade level;

~~(9)~~(14) "End of course" means an examination taken at the completion of a course of study to determine whether a student demonstrates attainment of the knowledge and skills necessary to mastery of that subject;

(15) "Grade inflation rate" means the statistical gap between actual grades assigned for core classes at the secondary level and student performance on corresponding subjects on nationally normed college entrance exams, such as the American College Test;

~~(10)~~(16) "Grade level" means performing at the proficient or advanced level on state-mandated ~~critierion-referenced~~ Arkansas Comprehensive Assessment Program tests;

~~(11)~~(17) "High school" means grades nine through twelve (9-12);

(18) "Longitudinal tracking" means tracking individual student yearly academic achievement gains based on scheduled and annual assessments;

~~(12)~~(19) "Middle level" means grades five through eight (5-8);

(20) "No Child Left Behind Act" means the No Child Left Behind Act of 2001 signed into federal law on January 8, 2002;

(21)(A) "Parent" means a parent, parents, legal guardian, a person standing in loco parentis, or legal representative, as appropriate, of a student; or

(B) The student if the student is eighteen (18) years of age or older;

~~(13)~~(22) "Point-in-time intervention and remediation" means intervention and remediation applied during the academic year upon the discovery that a student is not performing at grade level;

~~(14)~~(23) "Primary" means kindergarten through grade four (K-4);

~~(15)~~(24) "Public school" means those schools or school districts created pursuant to title 6 of the Arkansas Code and subject to the Arkansas Comprehensive Testing, Assessment, and Accountability Program except specifically excluding those schools or educational programs created by or receiving authority to exist pursuant to § 6-15-501, § 9-28-205, §§ 12-29-301 et seq., or other provisions of Arkansas law;

~~(16)~~(25) "Public school in school improvement" or "school district in school in need of immediate improvement" means any public school or public school district identified as failing to meet certain established levels of academic achievement on the state-mandated criterion-referenced and norm referenced tests as required by the State Board of Education in the program;

~~(17)~~(26) "Reconstitution" means a reorganization intervention in the administrative unit or governing body of a public school district, including, but not limited to, the suspension, reassignment, replacement, or removal of a current superintendent or the suspension, removal, or replacement of some or all of the current school board members, or both;

~~(18)(A)(i)~~(27)(A)(i) "Remediation" means a process of using diagnostic instruments to provide corrective, specialized, supplemental instruction to help a student in grades two through four (2-4) overcome academic deficiencies.

(ii) For students in grades five through twelve (5-12), remediation shall be a detailed, sequential set of instructional strategies implemented to remedy any academic deficiencies indicated by below-basic or basic performance on the state-mandated criterion-referenced assessments.

(B) Remediation shall not interfere with or inhibit student mastery of current grade level academic learning expectations;

~~(19)~~(28) "School district in academic distress" means any public school district failing to meet the minimum level of academic achievement on the state-mandated criterion-referenced examinations as required by the State Board of Education in the program;

(29) "School improvement plan" means the individual school's comprehensive plan based on priorities indicated by assessment and other pertinent data and designed to ensure that all students demonstrate proficiency on all portions of state-mandated Arkansas Comprehensive Assessment Program exams;

~~(20)~~(30) "Social promotion" means the passage or promotion from one grade to the next of a student who has not demonstrated knowledge or skills required for grade-level academic proficiency;

~~(21)~~(31) "State board" means the State Board of Education; ~~and~~

~~(22)~~(32) "Uniform school readiness screening" means uniform, objective evaluation procedures which are geared to either kindergarten or first grade, as appropriate, and developed by the state board and specifically formulated for children entering public school for the first time; and

(33) Value-added computations of student gains are statistical analyses of the educational impact of the school's instructional delivery system on individual student learning, using a comparison of previous and post student achievement gains against a national, demographically matched cohort.

SECTION 12. Comprehensive Financial Impact Study.

The Department of Education shall conduct a comprehensive financial impact study of the cost of implementing the requirements of this act. The results of the study shall be presented to the House Committee on Education and the Senate Committee on Education by February 1, 2005. If necessary, the department shall supplement or modify its initial report.

Any such supplemental report shall be completed and presented to the committees by February 1, 2007.

SECTION 13. Effective date.

Unless otherwise provided herein, this subchapter shall become effective on July 1, 2004.

SECTION 14. 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) has declared the now current system of education to be unconstitutional because it is both inequitable and inadequate; that the Arkansas Supreme Court has set forth the test for a constitutional system to be one in which the state has an "absolute duty" to provide and "equal opportunity to an adequate education"; that the Arkansas Supreme Court has 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."

(SIGNED) SENATOR STEVE BRYLES

The Amendment was read for the first time, rules suspended, read the second time and adopted.

(SIGNED) ANN CORNWELL, SECRETARY

Senate Bill No. 33 was ordered engrossed.

Senate Bill No. 14 was returned from the House as passed and ordered enrolled.

Senate Bill No. 35 was returned from the House as passed and ordered enrolled.

SENATE BILL NO. 50
CALL ITEM NO. 4
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION
BY: SENATOR WILKINS

A Bill for an Act to be Entitled: AN ACT TO CREATE THE COMMISSION ON CIVIL RIGHTS UNDER THE DIRECTION OF THE STATE BOARD OF EDUCATION, AND FOR OTHER PURPOSES.

Senate Bill No. 50 was read the first time, rules suspended, read the second time and referred to the Committee on EDUCATION.

SENATE BILL NO. 51
CALL ITEM NO. 3
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION
BY: SENATOR BISBEE

A Bill for an Act to be Entitled: AN ACT TO MAKE AN APPROPRIATION FOR GRANTS AND AID TO THE ARKANSAS LEADERSHIP ACADEMY FOR OPERATIONS, INTENSIVE SCHOOL SUPPORT SERVICES AND THE MASTER SCHOOL PRINCIPAL PROGRAM FOR THE DEPARTMENT OF EDUCATION FOR THE BIENNIAL PERIOD ENDING JUNE 30, 2005; AND FOR OTHER PURPOSES.

Senate Bill No. 51 was read the first time, rules suspended, read the second time and referred to the Committee on JOINT BUDGET.

HOUSE BILL NO. 1034
CALL ITEM NO. 4
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION
BY: REPRESENTATIVES CLEVELAND, ET AL
SENATOR SALMON

A Bill for an Act to be Entitled: AN ACT TO CREATE THE ARKANSAS COMMISSION FOR COORDINATION OF EDUCATIONAL EFFORTS; AND FOR OTHER PURPOSES.

House Bill No. 1034 was read the first time, rules suspended, read the second time and referred to the Committee on EDUCATION.

HOUSE BILL NO. 1047
As Engrossed: H12/17/03
CALL ITEM NO. 4
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION
BY: REPRESENTATIVES J. JOHNSON, ET AL
SENATORS WHITAKER & GULLETT

A Bill for an Act to be Entitled: AN ACT TO AMEND THE MINIMUM TEACHER SALARIES; AND FOR OTHER PURPOSES.

House Bill No. 1047 was read the first time, rules suspended, read the second time and referred to the Committee on EDUCATION.

ARKANSAS SENATE
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION

December 30, 2003

Mr. President:

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

SENATE BILL NO. 33, BY SENATOR BRYLES, ET AL,

beg leave to report that we have carefully compared the engrossed copy with the original and we find the same correctly engrossed.

Respectfully submitted,

(SIGNED) JOHN PAUL CAPPS, CHAIRMAN

On motion of Senator Bryles, **Senate Bill No. 33** was re-referred to the Committee on EDUCATION.

ARKANSAS SENATE
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION

December 30, 2003

Mr. President:

We, your Committee on TECHNOLOGY & LEGISLATIVE AFFAIRS, to whom was referred:

HOUSE BILL NO. 1036, BY REPRESENTATIVE HOUSE,

beg leave to report that we have had the same under consideration, and herewith return the same with the recommendation that it do pass.

Respectfully submitted,

(SIGNED) JOHN PAUL CAPPS

ARKANSAS SENATE
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION

December 30, 2003

Mr. President:

We, your Committee on EDUCATION, to whom was referred:

SENATE BILL NO. 33, BY SENATOR BRYLES,

beg leave to report that we have had the same under consideration, and herewith return the same with the recommendation that it do pass.

Respectfully submitted,

(SIGNED) SENATOR BRENDA GULLETT

ARKANSAS SENATE
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION

December 30, 2003

Mr. President:

We, your Committee on EDUCATION, to whom was referred:

SENATE BILL NO . 45, BY SENATOR BISBEE,

beg leave to report that we have had the same under consideration, and herewith return the same with the recommendation that it do pass as amended #1 & #2.

Respectfully submitted,

(SIGNED) SENATOR JIM ARGUE

ARKANSAS SENATE
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION

December 30, 2003

Mr. President:

We, your Committee on EDUCATION, to whom was referred:

HOUSE BILL NO. 1010, BY REPRESENTATIVE DICKINSON,

beg leave to report that we have had the same under consideration, and herewith return the same with the recommendation that it do pass.

Respectfully submitted,

(SIGNED) SENATOR JIM ARGUE

* * * * *

SENATE BILL TRANSMITTED TO THE HOUSE
AS PASSED

SENATE BILL NO. 43

SENATE CONCURRENT RESOLUTION TRANSMITTED
TO THE HOUSE AS ADOPTED

SENATE CONCURRENT RESOLUTION NO. 4

HOUSE BILL RETURNED TO THE HOUSE
AS PASSED

HOUSE BILL NO. 1060

HOUSE BILL RETURNED TO THE HOUSE

AS PASSED AS AMENDED

HOUSE BILL NO. 1048

SENATE BILLS RETURNED FROM THE HOUSE

AS PASSED

SENATE BILL NO. 14

SENATE BILL NO. 35

HOUSE BILLS TRANSMITTED TO THE SENATE

AS PASSED

HOUSE BILL NO. 1034

HOUSE BILL NO. 1047

On motion of Senator Hill the Senate adjourned until Wednesday, 11:30, a.m.,
December 31, 2003.

PRESIDENT OF THE SENATE

SECRETARY OF THE SENATE

--ooOoo--

**24TH DAY'S PROCEEDINGS
SENATE CHAMBER
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION**

Little Rock, Arkansas

December 31, 2003

The Senate was called to order at 11:30 a.m. by the President.

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

ALTES, ARGUE, BAKER, BISBEE, BOOKOUT,
BROADWAY, BROWN, BRYLES, CAPPS, CRITCHER,
FARIS, GLOVER, GULLETT, HENDREN,
HIGGINBOTHOM, HILL, HOLT, HORN, G.JEFFRESS,
J.JEFFRESS, JOHNSON, LAVERTY, LUKER, MADISON,
MALONE, MILLER, SALMON, SMITH, STEELE, TRUSTY,
WHITAKER, WILKINS, WILKINSON, WOMACK,
WOOLDRIDGE.

The Senate was led in prayer by Lieutenant Governor Winthrop P. Rockefeller.

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

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

Senate Concurrent Resolution No. 4 was returned from the House as concurred in and ordered enrolled.

Senate Bill No. 37 was returned from the House as passed and ordered enrolled.

ARKANSAS SENATE
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION

December 31, 2003

Mr. President:

We, your Committee on EDUCATION, to whom was referred:

SENATE BILL NO. 42, BY SENATOR BISBEE,

beg leave to report that we have had the same under consideration, and herewith return the same with the recommendation that it do pass as amended #1.

Respectfully submitted,

(SIGNED) SENATOR STEVE BRYLES

ARKANSAS SENATE
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION

December 31, 2003

Mr. President:

We, your Committee on REVENUE & TAXATION, to whom was referred:

HOUSE BILL NO. 1028, BY REPRESENTATIVE BOND,

beg leave to report that we have had the same under consideration, and herewith return the same with the recommendation that it do pass.

Respectfully submitted,

(SIGNED) SENATOR TIM WOOLDRIDGE

On motion of Senator Bisbee, **Senate Bill No. 46** was placed back on second reading for purpose of amendment.

ARKANSAS SENATE
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION
Amendment No. 1 to SENATE BILL NO. 46

Amend **Senate Bill No. 46** as originally introduced:

Add Senators Wilkins and J. Jeffress as cosponsors of the bill

(SIGNED) SENATOR DAVID BISBEE

The Amendment was read the first time, rules suspended, read the second time and adopted.

(SIGNED) ANN CORNWELL, SECRETARY

Senate Bill No. 46 was ordered engrossed.

On motion of Senator Bisbee, **Senate Bill No. 45** was placed back on second reading for purpose of amendments.

ARKANSAS SENATE
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION
Amendment No. 1 to SENATE BILL NO. 45

Amend **Senate Bill No. 45** as originally introduced:

Page 2, line 12, delete "thirty-eight (38)" and substitute "academic"

AND

Page 2, delete line 19 and substitute the following:

"of Accreditation in Arkansas Public Schools.

(3) The State Board may approve nonuniform textbooks for use in alterative learning environments or for any learning environment involving nontraditional pedagogies."

AND

Page 3, line 9, delete "and"

AND

Page 3, delete line 15 and substitute the following:

"subjects at each grade level is adopted; and

(4)(A) List of approved nonuniform textbooks for use in alterative learning environments or for any learning environment involving nontraditional pedagogies.

(B) The list of nonuniform textbooks may updated throughout the school year."

AND

Page 3, line 28 delete "subsection (b) of this section" and substitute "6-21-404(b)"

AND

Immediately following SECTION 4. add the following additional section:

"SECTION 5. This act shall not be construed to limit in any way the use of additional instructional materials, books, or textbooks that a teacher may select to complement the uniform textbooks adopted under this act."

(SIGNED) SENATOR DAVID BISBEE

The Amendment was read the first time, rules suspended, read the second time and adopted.

(SIGNED) ANN CORNWELL, SECRETARY

Amendment No. 2 to SENATE BILL NO. 45

Amend **Senate Bill No. 45** as originally introduced:

Add Representative Walters as a cosponsor of the bill

(SIGNED) SENATOR DAVID BISBEE

The Amendment was read the first time, rules suspended, read the second time and adopted.

(SIGNED) ANN CORNWELL, SECRETARY

Senate Bill No. 45 was ordered engrossed.

The President declared the morning hour to have expired.

On motion of Senator Bisbee, the rules were suspended in considering **SENATE BILL NO. 42** at this time.

On motion of Senator Bisbee, **Senate Bill No. 42** was placed back on second reading for purpose of amendment.

ARKANSAS SENATE
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION
Amendment No. 1 to SENATE BILL NO. 42

Amend **Senate Bill No. 42** as originally introduced:

Page 5, delete lines 12 and 13 and substitute the following:

"October 1 of each year and submitted to the department:"

AND

Page 6, delete line 10 and substitute the following:

"average daily membership for the previous school year, excluding any increase resulting solely from consolidation or annexation with another school district:"

AND

Page 6, delete lines 34 and 35 and substitute the following:

"is equal to five thousand four hundred dollars (\$5,400) times the average daily membership of the previous school year."

AND

Page 7, delete lines 4 and 5 and substitute the following:

"environment funding shall be three thousand two hundred fifty dollars (\$3,250) for each identified alternative learning environment student."

AND

Page 7, delete line 10 and substitute the following:

"learners funding shall be one hundred ninety-five dollars (\$195) for each"

AND

Page 7, delete lines 22 through 31 and substitute the following:

"(i) For school districts in which ninety percent (90%) or greater of the enrolled students are national school lunch students, funding shall be one thousand four hundred forty dollars (\$1,440);

(ii) For school districts in which at least seventy percent (70%) but less than ninety percent (90%) of the enrolled students are national school lunch students, funding shall be nine hundred sixty dollars (\$960); and

(iii) For school districts in which less than seventy percent (70%) of the enrolled students are national school lunch students, funding shall be four hundred eighty dollars (\$480)."

AND

Page 7, delete line 35 and substitute the following:

"school computer network cycle two report.

(C)(i) By June 1, 2004, the State Board of Education shall establish by rule a list of approved programs and purposes for which funds allocated under this subdivision (b)(4) may be expended. School districts shall expend funds allocated under this subdivision (b)(4) only on the approved programs or purposes which include, but are not limited to:

(a) Classroom teachers;

(b) Before and after-school academic programs, including transportation to and from the programs;

(c) Pre-kindergarten programs coordinated by the Department of Human Services;

(d) Tutors, teacher's aides, counselors, social workers, and nurses;

(e) Parent education; and

(f) Summer programs.

(ii) However, notwithstanding any other provision of law, if the Department of Education determines that a school district's expenditure of funds allocated under this subdivision (b)(4) would result in the school district losing funding under any federal law, then the funds allocated to a school district under this subdivision (b)(4) may be expended for other academic programs or salaries.

(D) By the end of each school year, each school district shall submit to the department a report listing each program upon which funds allocated under this subdivision (b)(4) were expended, the amount expended, and any other information required by the department. The department shall develop appropriate reporting forms for use by school districts."

AND

Page 8, on line 2, delete "prior" and substitute "previous"

AND

Page 8, delete lines 7 through 16

AND

Page 8, on line 20, delete "from available funds"

AND

Page 8, on line 21 delete "law and rules" and substitute "law or rules"

AND

Page 8, delete line 30 and substitute the following:

"state aid allocated and funded to school districts pursuant to this section."

AND

Page 8, delete lines 31 through 33 and substitute the following:

"(e) Funds distributed to school districts under subsection (b) of this section shall be expended on:

(1) The students within each category of special needs for which the funds were allocated;

(2) Any students within any category of special needs under subsection (b) of this section as permitted by rules issued by the State Board of Education; or

(3) If the Department of Education determines that a school district's expenditure of funds allocated under subsection (b) of this section would result in the school district losing funding under any federal law, then the funds allocated to a school district under subsection (b) of this section may be expended for other academic programs or salaries as permitted by the department."

AND

Page 9, delete lines 23 through 26 and substitute the following:

"(2)(A) Expend the sums allocated to the school district under § 6-20-2005(b) for salaries and other instructional aid components to benefit students in the special needs categories within the school district unless other expenditures are allowed by law or rule of the State Board of Education or Department of Education."

AND

Page 10, delete lines 14 through 36

AND

Page 11, delete lines 1 and 2 and substitute the following:

"6-20-2008. School district budget and expenditure report.

(a)(1) The board of directors of each school district shall annually prepare a budget of expenditures and receipts that shall be filed with the Department of Education by August 15 of each year pursuant to the provisions of this subchapter.

(2) Each budget shall be approved by the school district board of directors at a legally held meeting and shall be signed by the president of the board and the ex officio financial secretary of the school district. The budget shall contain the information and be prepared in an electronic format prescribed by rules of the State Board of Education governing financial accounting for Arkansas school districts.

(3) A school district that utilizes an electronic format shall file the budget with the department no later than August 15 of each year.

(b)(1)(A) Warrants or checks of the school district issued after the date required by subsection (a) of this section shall be invalid unless a budget has been filed as required by this subchapter and in compliance with appropriate rules.

(B) The ex officio financial secretary of the school district and his surety shall be liable for any warrants or checks countersigned after the date required by subsection (a) of this section if a budget has not been filed.

(2) Distribution of all grants and aids from the state for which the school district may be eligible shall be suspended until the requirements of this subchapter are met.

(c)(1) School district budgets filed pursuant to this section shall be reviewed by the auditors of the financial accountability office of the department to determine if the requirements of state law and the rules of the state board regarding the use of school funds and expenditure requirements are being met.

(2) Upon approval by the auditors, copies of the approved budget shall be filed with the school district, the county treasurer if serving as school treasurer, and the department.

(d)(1) The ex officio financial secretary of each school district shall keep a record of the daily expenditures and receipts of the school district in the manner and on the forms as may be specified by rules of the state board and the School Audit Section of the Division of Legislative Audit. An annual record shall be filed by August 15 of each year with the department.

(2) If the auditors of the financial accountability office of the department or the School Audit Section of the Division of Legislative Audit determine that the financial records of any school district are not properly maintained or that the financial affairs of the school district are not administered in accordance with state law or state board rules, grants and aids from the state to which the school district may be entitled shall be withheld until it is determined that the fiscal records of the school district are in order or that the financial affairs are being properly administered as established by statute or by rule promulgated by the board, provided that the department has met all deadlines for providing information to school districts.

(e)(1) The department may withhold state aid from any school district that fails to file its budget or any other required report with the department by the deadline established by statute or by rule promulgated by the state board, provided that the department has met all deadlines for providing pertinent information to school districts.

(2) The department shall submit a list of all required financial accountability reports along with due dates to each school district by July 1 of each year.

(f) The state board shall promulgate the necessary rules to fully implement the provisions of this section.

(g) The Treasurer of State shall withhold the monthly distribution of county aid provided under § 19-5-602(b) from any county that fails to provide in a timely manner information to the department concerning the annual abstract of assessment for each school district located wholly or in part in the county.

6-20-2009. Uniform budget and accounting system required.

(a) The State Board of Education shall adopt by rule a uniform budget and accounting system as presented in the Handbook IIR2 or future revisions as published by the U.S. Department of Education, Office of Educational Research and Improvements, for school districts, education service cooperatives, and open enrollment charter schools. The rules shall be developed by the Department of Education in cooperation with representatives from the Arkansas Association of School Administrators, the Arkansas Association of School Business Officials, and the Legislative Joint Auditing Committee.

(b) The definitions contained in the Federal Handbook IIR2 shall be used for school districts in Arkansas and shall be used to allow for valid comparisons of expenditures among schools and among school districts.

(c) In addition the State Board of Education shall adopt by rule "Arkansas Revisions" to the Federal Handbook IIR2. The rules shall be developed by the Department of Education in cooperation with representatives from the Arkansas Association of School Administrators, the Arkansas Association of School Business Officials, and the Legislative Joint Auditing Committee. Arkansas Revisions shall include, but not be limited to:

(1) Categories to allow for the gathering of data on separate functions and programs;

(2) Categories and descriptions of expenditures that each school or school district shall report on its annual school performance report authorized by the School Performance Report Act, § 6-5-1401 et seq. The reported expenditures shall include, but not be limited to, the following categories:

(A) Total expenditures;

(B) Instructional expenditures;

(C) Administrative expenditures;

(D) Extracurricular expenditures;

- (E) Capital expenditures; and
- (F) Debt service expenditures; and

(3) Categories and descriptions of school and school district expenditures that allow for the gathering of data on separate functions and programs as described in the Education Funding Reform Act of 2003, § 6-20-2001 et seq.

(d) The Department of Education shall have the authority to analyze and inspect the financial records of any school or school district in order to verify that a school or school district is correctly and accurately reporting expenditures.

(e) By November 1 of each year, the Department of Education shall submit a summary report to the State Board of Education, the Governor, and the Senate and House Interim Committees on Education concerning public school and public school district expenditures as described in the Education Funding Reform Act of 2003, § 6-20-2001 et seq.

(f) All rules, regulations, and revisions adopted under this subchapter shall be adopted and published prior to the start of any school year for which they are applicable and shall allow for an implementation schedule consistent with the method outlined in § 6-20-2012.

6-20-2010. Required training.

(a)(1) Any person whose job responsibility includes preparing the budget or recording expenditures of a school or school district shall obtain training and instruction necessary to demonstrate basic proficiency, as determined by the Arkansas Public School Computer Network Division of the Department of Education, in areas including, but not limited to:

(A) School laws of Arkansas;

(B) Laws and rules governing the expenditure of public education funds, fiscal accountability, and school finance; and

(C) Ethics.

(2) Each year thereafter, any person whose job responsibility includes preparing the budget or recording expenditures of a school or school district shall obtain by December 31 of each calendar year, additional hours of training and instruction in, including but not limited to, the topics described in subdivision (a)(1) of this section. Hours of training and instruction obtained in excess of the minimum requirements may cumulate and be carried over from year to year.

(3)(A) The instruction shall be received from the Arkansas Public School Network Division of the Department of Education, which may approve other providers.

(B) Any instruction provider other than the department shall request pre-approval as to form and content from the department.

(4)(A) If a person fails to obtain the required training by the end of the calendar year and fails to cure the deficiency by March 1 of the following calendar year without filing a request for extension of time, as determined from the records of the department, the department shall immediately notify the superintendent of the employing school district by certified mail, return receipt requested, with a copy of the notice provided to the board president.

(B) The superintendent shall notify the person by certified mail, return receipt requested, and the person shall be unable to continue in his or her position from the date of receipt of notification by the superintendent.

(5) If the person fails to obtain all required training by the end of the calendar year, this failure shall constitute one (1) citation against the school district as measured by the Standards for Accreditation of Arkansas Public Schools issued by the department.

(6) If the person is unable to obtain the required training because of military service or illness as verified by a written sworn statement of the person's attending physician, the department shall grant an extension permitting the person additional time to obtain the required training. The issuance of an extension shall not constitute a citation against the school district as measured by the Standards for Accreditation of Arkansas Public Schools issued by the department and shall not operate to remove the person from his or her job.

(b)(1) A school district board of directors is authorized to pay per diem and reimburse the expenses of a person required to obtain training under this section.

(2) The expenses must be incurred in attending in-service workshops, conferences, and other courses of training and instruction necessary for completing the hours of instruction required under this section.

(3) Payments may be made from funds belonging to the school district.

(c) The State Board of Education shall modify the Standards for Accreditation of Arkansas Public Schools issued by the department as may be required by this section.

(d) It is the responsibility of the department to receive and maintain records of instructional hours obtained by any individual covered under this section.

(e) The state board is authorized to promulgate rules and regulations consistent with the provisions of this section.

6-20-2011. Penalties.

Any school district that does not follow the provisions of this subchapter shall be placed in fiscal distress as provided by law.

6-20-2012. Rule-making authority.

(a)(1) Before the 2004-2005 school year, the State Board of Education shall promulgate rules governing and providing compliance with an established uniform chart of accounts for budgeting of school and school district revenues and expenditures and financial reporting in order for school districts to comply with § 6-22-2008.

(2) These rules shall be applied to all school districts on a pilot basis for the 2004-2005 school year.

(b) For the 2005-2006 school year and subsequent school years, the Department of Education shall amend, prior to the beginning of any fiscal year, as necessary the rules provided for in subsection (a) of this section in order for school districts to comply with this subchapter.

(c) Any school district that fails to comply with state law or rules governing and providing a uniform chart of accounts for budgeting of revenues and expenditures and financial reporting shall be deemed to be in fiscal distress and subject to the applicable enforcement provisions as provided by law.

(d) Any school district that fails to comply with the expenditure requirements of § 6-20-2005 shall be deemed to be in fiscal distress and subject to the applicable enforcement provisions as provided by law."

AND

Page 11, on line 4, delete "6-20-2009" and substitute "6-20-2013"

AND

Page 11, on line 8 delete "§ 6-17-2301" and substitute "§ 6-17-2401"

AND

Page 11, on line 10, delete "6-20-2010" and substitute "6-20-2014"

AND

Page 11, on line 24 delete "Education" and substitute "Education shall"

AND

Page 11, delete lines 30 and 31 and substitute the following:

"This subchapter shall be known and may be cited as the "Teacher Compensation Program of 2003"."

AND

Page 11, delete lines 33 through 36

AND

Page 12, delete lines 1 through 19 and substitute the following:

"6-17-2402. Definitions."

AND

Page 12, delete lines 25 through 28

AND

Page 12, on line 29, delete "(4)" and substitute "(2)"

AND

Page 12, on line 29, delete "full-time"

AND

Page 12, delete line 33 and substitute the following:

"state and who is teaching full time or part time."

AND

Page 12, on line 35, delete "6-17-2404" and substitute "6-17-2403"

AND

Page 13, on line 5, delete "fifteen (15)" and substitute "twenty (20)"

AND

Page 14, delete lines 1 through 36

AND

Page 15, delete lines 1 through 36

AND

Page 16, delete lines 1 through 36

AND

page 17, delete lines 1 through 21 and substitute:

"6-17-2404. Knowledge and skills-based pay.

(a) The Department of Education shall prepare a study on a knowledge and skills-based teacher pay system and shall submit the study and recommendations to the Governor and the House and Senate Committees on Education not later than January 1, 2005.

(b) The study shall include, but not be limited to, a salary schedule, transition provisions, proposed amendments to existing law, and other provisions necessary to implement the system."

AND

Page 17, on line 23 delete "6-17-2410" and substitute "6-17-2405"

AND

Page 17, delete lines 33 through 35 and substitute the following:

"the amount that a public school would receive under § 6-20-2005(a) and (b) as well as any other funding that a charter school is entitled to receive under law or pursuant to rules promulgated by the State Board of Education ~~the minimum state and local revenue per average daily~~"

AND

Page 32, delete line 33 and substitute the following:

"ensure that the provisions of this subchapter are properly enforced.

SECTION 5. Arkansas Code §§ 6-17-1001 through 6-17-1004 are repealed.

~~6-17-1001. Minimum base salary—Master's degree.~~

~~(a)(1) The board of directors in each school district in the state shall pay its teachers upon a salary schedule which has annual increments for education and experience and which provides for a base salary, a minimum salary for a teacher with a master's degree, and at least fifteen (15) years of experience as described in this section.~~

~~(2) Beginning with the 2003-2004 school year, the teacher's experience for purposes of salary and benefits shall be his or her total years in any school district in the state and shall not be based on only the years in the district in which he or she is currently employed.~~

~~(b) In school year 2000-2001 and in each school year thereafter, no school district shall pay its teachers with a bachelor's degree and no experience less than twenty one thousand eight hundred sixty dollars (\$21,860).~~

~~(c) In school year 2000-2001 and in each school year thereafter, school districts shall pay teachers with a master's degree and no experience at least one hundred fifteen percent (115%) of the minimum base salary prescribed in subsection (b) of this section.~~

~~(d) In school year 2001-2002 and in each school year thereafter, school districts shall pay a teacher with a master's degree and at least fifteen (15) years of experience one hundred fifty percent (150%) of the state minimum base salary.~~

~~(e)(1) In school year 1995-1996 and in each school year thereafter, each school district in the state shall have in place a salary schedule which provides at least fourteen (14) annual increments for experience.~~

~~(2) In school year 2001-2002 and in each school year thereafter, each school district in the state shall have in place a salary schedule which provides at least fifteen (15) annual increments for experience.~~

~~(3) In school year 2001-2002 and in each school year thereafter, each school district in the state shall have in place a salary schedule with at least the following minimum levels of compensation:~~

Years Experience	BA Degree Salary	MA Degree Salary
0	\$21,860	\$25,139
1	22,304	25,649
2	22,748	26,159
3	23,192	26,669
4	23,636	27,179
5	24,080	27,689
6	24,524	28,199
7	24,968	28,709
8	25,412	29,219

9	25,856	29,729
10	26,300	30,239
11	26,744	30,749
12	27,188	31,259
13	27,632	31,769
14	28,076	32,279
15 or more	28,520	32,789

~~(f) For the 1997-98 school year and for each year thereafter, each school district shall provide no less than four hundred-dollar increments for experience for teachers with one (1) and two (2) years of experience.~~

~~(g) For the 1998-1999 school year and for each year thereafter, each school district shall provide no less than four hundred-dollar increments for experience for teachers with three (3) and four (4) years of experience.~~

~~(h) For the 1999-2000 school year and for each year thereafter, each school district shall provide no less than four hundred-dollar increments for experience for teachers with five (5) and six (6) years of experience.~~

~~(i) For the 2000-2001 school year and for each year thereafter, each school district shall provide no less than four hundred-dollar increments for experience for teachers with seven (7) and eight (8) years of experience.~~

~~(j) For the 2001-2002 school year and for each year thereafter, each school district shall provide no less than four hundred-dollar increments for experience for teachers with nine (9) and ten (10) years of experience.~~

~~(k) For the 2002-2003 school year and for each year thereafter, each school district shall provide no less than four hundred-dollar increments for experience for teachers with eleven (11) and twelve (12) years of experience.~~

~~(l)(1) For the 2003-2004 school year and for each year thereafter, each school district shall provide no less than four hundred-dollar increments for experience for teachers with thirteen (13) years of experience.~~

~~(2) For the 2004-2005 school year and for each year thereafter, each school district shall provide no less than four hundred-dollar increments for experience for teachers with fourteen (14) years of experience.~~

~~(3) For the 2005-2006 school year and for each year thereafter, each school district shall provide no less than four hundred-dollar increments for experience for teachers with fifteen (15) years of experience.~~

~~(m) Subsections (f) (l) of this section shall not apply to any local school district whose minimum salary for teachers exceeds twenty one thousand eight hundred sixty dollars (\$21,860) and whose average salary exceeds the state average salary for teachers for the previous year.~~

~~(n) As used in this section, "teacher" shall include any full-time employee of a local public school district.~~

~~(1) Who is compelled by law to secure a license from the State Board of Education as a condition precedent to employment in a position in or related to grades prekindergarten through twelve (preK-12) of the public schools of this state; and~~

~~(2) Who is:~~

~~(A) Engaged directly in instruction with students in a classroom setting for more than seventy percent (70%) of the individual's contracted time;~~

~~(B) A guidance counselor; or~~

~~(C) A librarian.~~

~~(e) All minimum salaries set forth in this section shall be for a contract number of days that is not more than the number of days in the school year required by the State Board of Education's regulations for accreditation for the school year in which the contract is effective.~~

~~(p)(1) A district that determines that it cannot meet the minimum salary requirements of this section from funds available may petition the Department of Education for a waiver of the requirements of this section for up to three (3) school years based on regulations promulgated by the State Board of Education.~~

~~(2) The department shall not grant a waiver to any district that is not in compliance with the uniform rate of tax requirements under Arkansas Constitution, Amendment 74.~~

~~6-17-1002. Salary amount—Annual review.~~

~~(a) The salaries fixed herein shall be regarded as minimum salaries only, and each district may supplement such salaries. No teacher shall receive a reduced salary as a result of this subchapter's requirements.~~

~~(b) Base salary shall not be raised until all teachers within a district are paid equal to or greater than the minimum requirements established herein. Each school district shall develop its own salary schedule with salaries equal to or greater than the required minimums set forth herein.~~

~~(c) The Arkansas Teachers' Salaries Study Commission shall annually review the minimum base salary and make recommendations to the Department of Education, the Governor, and the General Assembly for such modifications as the commission shall deem appropriate.~~

~~6-17-1003. Enforcement—Appeal—Rules and regulations.~~

~~(a) The State Board of Education is empowered to enforce the provisions of this subchapter and is specifically authorized to order the dissolution and merger of any school district which fails to comply with the minimum salary requirements established by this subchapter. Any appeal from a decision of the board ordering the dissolution and merger of a school district for failure to comply with the provisions of this subchapter shall be filed in the Circuit Court of Pulaski County and must be filed within thirty (30) days of the decision of the board.~~

~~(b) The board shall issue rules and regulations to implement this subchapter.~~

~~6-17-1004. Salary goals.~~

~~(a) The personnel policies committees and negotiating teams established and maintained in Arkansas public schools are encouraged to set and meet five year goals to substantially increase teacher salaries. In setting realistic yet meaningful salary goals, the committees and teams shall consider exceeding the state, regional Southern Regional Education Board states, border states, or national average salaries for teachers.~~

~~(b) Within two (2), four (4), and five (5) years following the adoption of this section, school districts shall report to the Arkansas Teachers' Salaries Study Commission and the Department of Education the goals developed, adopted, and met."~~

AND

Renumber the remaining section.

(SIGNED) SENATOR DAVID BISBEE

The Amendment was read the first time, rules suspended, read the second time and adopted.

(SIGNED) ANN CORNWELL, SECRETARY

Senate Bill No. 42 was ordered engrossed.

Senate Bill No. 43 was returned from the House as passed as amended.

On motion of Senator Broadway, Senate Bill No. 43 was called up for the purpose of considering Amendment No. 1 thereto, adopted by the House.

HALL OF THE HOUSE OF REPRESENTATIVES
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION
Amendment No. 1 to SENATE BILL NO. 43

Amend Senate Bill No. 43 as engrossed, S12/30/03:

Page 1, lines 35 and 36, delete "sixteen million eight hundred seventy thousand four hundred seven dollars (\$16,870,407)" and substitute "five million dollars (\$5,000,000)"

(SIGNED) REPRESENTATIVE JODIE MAHONY

Amendment No. 1 to Senate Bill No. 43, adopted by the House, was read the first time, rules suspended, read the second time and concurred in, by the Senate.

(SIGNED) ANN CORNWELL, SECRETARY

On motion of Senator Broadway, and without objection, the rules were suspended pertaining to passage of Amendment and Bill on the same day.

On motion of Senator Broadway, **Senate Bill No. 43** was called up for third reading and final disposition.

SENATE BILL NO. 43

As Engrossed: S12/26/03 S12/29/03 S12/29/03 S12/30/03 H12/31/03

CALL ITEM NO. 4

EIGHTY-FOURTH GENERAL ASSEMBLY

SECOND EXTRAORDINARY SESSION

BY: SENATORS BROADWAY & BISBEE

A Bill for an Act to be Entitled: AN ACT TO AMEND ACT 51 OF THE FIRST EXTRAORDINARY SESSION OF 2003 TO PROVIDE FUNDING FOR NATIONAL SCHOOL LUNCH ACT STUDENTS; AND FOR OTHER PURPOSES.

Senate Bill No. 43 was placed on third reading and final disposition, the question being: Shall the Bill pass?

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

AFFIRMATIVE: Altes, Argue, Baker, Bisbee, J. Bookout, Broadway, Brown, Bryles, Capps, Critcher, Faris, Glover, Gullett, Hendren, Higginbothom, Hill, Holt, Horn, G. Jeffress, J. Jeffress, B. Johnson, Lavery, Luker, Madison, Malone, Miller, Salmon, T. Smith, Steele, Trusty, Whitaker, Wilkins, Wilkinson, Womack, Wooldridge.

Total35

NEGATIVE:

Total0

ABSENT OR NOT VOTING:

Total0

VOTING PRESENT:

Total0

Total number of votes cast.....35

Necessary to the passage of the bill27

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

(SIGNED) ANN CORNWELL, SECRETARY

There being an emergency clause attached to **Senate Bill No. 43**, the President ordered the Secretary to call the roll upon the adoption of the emergency clause.

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

AFFIRMATIVE: Altes, Argue, Baker, Bisbee, J. Bookout, Broadway, Brown, Bryles, Capps, Critcher, Faris, Glover, Gullett, Hendren, Higginbothom, Hill, Holt, Horn, G. Jeffress, J. Jeffress, B. Johnson, Lavery, Luker, Madison, Malone, Miller, Salmon, T. Smith, Steele, Trusty, Whitaker, Wilkins, Wilkinson, Womack, Wooldridge.

Total35

NEGATIVE:

Total0

ABSENT OR NOT VOTING:

Total0

VOTING PRESENT:

Total0

Total number of votes cast.....35

Necessary to the adoption of the emergency clause24

So the Emergency Clause was adopted.

(SIGNED) ANN CORNWELL, SECRETARY

Senate Bill No. 43 was ordered immediately enrolled.

On motion of Senator Bryles, Senate Bill No. 33 was called up for third reading and final disposition.

SENATE BILL NO. 33

As Engrossed: S12/30/03

CALL ITEM NO. 4

EIGHTY-FOURTH GENERAL ASSEMBLY

SECOND EXTRAORDINARY SESSION

BY: SENATOR BRYLES, ET AL

REPRESENTATIVES HARDWICK, ET AL

A Bill for an Act to be Entitled: AN ACT TO ESTABLISH A COMPREHENSIVE SYSTEM OF TESTING FOR ARKANSAS STUDENTS; TO ESTABLISH A PROGRAM OF SCHOOL AND SCHOOL DISTRICT ACCOUNTABILITY FOR STUDENT PERFORMANCE AND TO ESTABLISH A SYSTEM OF REWARDS AND SANCTIONS; TO GIVE STUDENTS ATTENDING UNDERPERFORMING SCHOOLS CERTAIN CHOICES, KNOWN AS THE ARKANSAS OPPORTUNITY PUBLIC SCHOOL CHOICE ACT; TO ESTABLISH A FINANCIAL MANAGEMENT PRACTICES SYSTEM FOR ARKANSAS SCHOOL DISTRICTS; TO ESTABLISH CERTAIN PRIVACY RIGHTS OF STUDENTS AND THEIR PARENTS TO CERTAIN STUDENT RECORDS; AND FOR OTHER PURPOSES.

Senate Bill No. 33 was placed on third reading and final disposition, the question being: Shall the Bill pass?

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

AFFIRMATIVE: Altes, Argue, Baker, Bisbee, J. Bookout, Broadway, Brown, Bryles, Capps, Faris, Glover, Gullett, Hendren, Higginbothom, Hill, Holt, Horn, G. Jeffress, J. Jeffress, B. Johnson, Lavery, Luker, Madison, Malone, Miller, Salmon, T. Smith, Steele, Trusty, Whitaker, Wilkinson, Womack, Wooldridge.

Total33

NEGATIVE: Critcher.

Total1

ABSENT OR NOT VOTING: Wilkins.

Total1

VOTING PRESENT:

Total0

Total number of votes cast.....34

Necessary to the passage of the bill18

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

(SIGNED) ANN CORNWELL, SECRETARY

There being an emergency clause attached to **Senate Bill No. 33**, the President ordered the Secretary to call the roll upon the adoption of the emergency clause.

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

AFFIRMATIVE: Altes, Argue, Baker, Bisbee, J. Bookout, Broadway, Brown, Bryles, Capps, Faris, Glover, Gullett, Hendren, Higginbothom, Hill, Holt, Horn, G. Jeffress, J. Jeffress, B. Johnson, Lavery, Luker, Madison, Malone, Miller, Salmon, T. Smith, Steele, Trusty, Whitaker, Wilkinson, Womack, Wooldridge.

Total33

NEGATIVE: Critcher.
 Total1
 ABSENT OR NOT VOTING: Wilkins.
 Total1
 VOTING PRESENT:
 Total0

Total number of votes cast.....34
 Necessary to the adoption of the emergency clause24

So the Emergency Clause was adopted.

(SIGNED) ANN CORNWELL, SECRETARY

Senate Bill No. 33 was ordered immediately transmitted to the House.

JACK CRITCHER

THE SENATE

Senator
 12 District
 Office 870/793-6607
 FAX: 870-793-6638
 Jcritcher@arkleg.state.ar.us

STATE OF ARKANSAS

Chairman:
 Public Health, Welfare & Labor
 Member:
 Agriculture, Economic &
 Industrial Development
 Joint Energy
 Efficiency

240 Bluff View Drive
 Batesville, Arkansas 72501-3711

December 31, 2003

Ms. Ann Cornwell
 Secretary of the Senate
 State Capitol, Room 315
 Little Rock, AR 72201

Dear Ms. Cornwell,

During session on Wednesday, December 31, 2003, Senate Bill No. 33 was brought up for 3rd reading and vote. I was recorded by the reading clerk as voting against this bill. I should have been recorded as voting **YES** on this piece of legislation. Please file this letter in the Senate Journal along with the roll call that was taken on Senate Bill No. 33.

Thank you,

Senator Jack Critcher, District 12

On motion of Senator Bisbee, the Senate resolved itself into the Committee of the Whole for the purpose of JOINT BUDGET BILL.

Without objection, the Committee of the Whole was dissolved, and the Senate took up its regular order of business.

On motion of Senator Bisbee, **Senate Bill No. 44** was called up for third reading and final disposition.

**SENATE BILL NO. 44
CALL ITEM NO. 4
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION
BY: SENATOR CRITCHER**

A Bill for an Act to be Entitled: AN ACT TO TRANSFER FUNDS TO FINANCE THE ARKANSAS TECHNICAL CAREERS STUDENT LOAN FORGIVENESS PROGRAM FOR THE BIENNIAL PERIOD ENDING JUNE 30, 2005; AND FOR OTHER PURPOSES.

Senate Bill No. 44 was placed on third reading and final disposition, the question being: Shall the Bill pass?

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

AFFIRMATIVE: Altes, Argue, Baker, Bisbee, J. Bookout, Broadway, Brown, Bryles, Capps, Critcher, Faris, Glover, Gullett, Hendren, Higginbothom, Hill, Holt, Horn, G. Jeffress, J. Jeffress, B. Johnson, Laverty, Luker, Madison, Malone, Miller, Salmon, T. Smith, Steele, Trusty, Whitaker, Wilkins, Wilkinson, Womack, Wooldridge.

Total35

NEGATIVE:

Total0

ABSENT OR NOT VOTING:

Total0

VOTING PRESENT:

Total0

Total number of votes cast.....35

Necessary to the passage of the bill27

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

(SIGNED) ANN CORNWELL, SECRETARY

There being an emergency clause attached to **Senate Bill No. 44**, the President ordered the Secretary to call the roll upon the adoption of the emergency clause.

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

AFFIRMATIVE: Altes, Argue, Baker, Bisbee, J. Bookout, Broadway, Brown, Bryles, Capps, Critcher, Faris, Glover, Gullett, Hendren, Higginbothom, Hill, Holt, Horn, G. Jeffress, J. Jeffress, B. Johnson, Lavery, Luker, Madison, Malone, Miller, Salmon, T. Smith, Steele, Trusty, Whitaker, Wilkins, Wilkinson, Womack, Wooldridge.

Total35

NEGATIVE:

Total0

ABSENT OR NOT VOTING:

Total0

VOTING PRESENT:

Total0

Total number of votes cast.....35

Necessary to the adoption of the emergency clause24

So the Emergency Clause was adopted.

(SIGNED) ANN CORNWELL, SECRETARY

Senate Bill No. 44 was ordered immediately transmitted to the House.

On motion of Senator Wilkins, the rules were suspended in considering **HOUSE BILL NO. 1057** at this time.

On motion of Senator Wilkins, **House Bill No. 1057** was withdrawn from the Committee on EDUCATION, and placed back on second reading for purpose of amendment.

ARKANSAS SENATE
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION
Amendment No. 1 to HOUSE BILL NO. 1057

Amend **House Bill No. 1057** as engrossed, H12/19/03:

Add Senator Wilkins as a cosponsor of the bill

AND

Page 1, delete line 24 and substitute the following:

"SECTION 1. Arkansas Code § 6-45-104 is amended to read as follows:

6-45-104. Construction.

(a)(1) Except as required under subdivision (a)(2) of this subsection, this chapter shall not require any school district to participate.

(2) A local school ~~district~~ is required to work with the Department of Education and their local community to establish, promote, and assist in the development of a program under the Arkansas Better Chance for School Success Program to serve all children in the school ~~district~~ as provided in § 6-45-108, if:

(A) The school ~~district~~ has seventy-five percent (75%) or more students scoring below proficiency on the primary benchmark exams or other exams designated by the department in the preceding two (2) school years; or

(B) The school ~~district~~ has been designated by the department as being in school improvement status under § 6 -15-425 or is located in a district in academic distress.

(b) Furthermore, nothing in this chapter shall require parents or legal guardians to enroll their children under five (5) years of age in any program established pursuant to this chapter.

SECTION 2. Arkansas Code § 6-45-106 is amended to read as follows:"

AND

Page 2, delete lines 2 through 10, substitute:

"(2)(A) A local-to-state match will be required in the ratio of forty-sixty (40:60), except the Division of Child Care and Early Childhood Education within the Department of Human Services may waive the requirement of the local-to-state match; if

(i) The school is in a district that have been designated by the Department of Education as being in academic distress; and

(ii) The division determines that the school is unable to provide the local-to-state match requirement, after the division has assisted the school in identifying potential funding sources to provide local-to-state match requirements."

AND

Page 2, line 30, delete "School districts" and substitute "~~School districts~~ Schools"

AND

Page 2, delete lines 34 and 35 and substitute:

"(B) ~~School districts~~ Schools that have been designated by the Department of Education as being in ~~academic distress~~ school improvement status under § 6-15-425 or are located in a school district in academic distress."

AND

Page 3, line 3, delete "school districts" and substitute "schools"

AND

Page 3, line 10, delete "SECTION 2." and substitute "SECTION 3."

AND

Page 3, line 35, delete "SECTION 3." and substitute "SECTION 4."

AND

Page 4, line 6, delete "fourth grade." and substitute "fourth grade, so long as the child is enrolled in a public school in the state."

(SIGNED)

SENATOR HENRY "HANK" WILKINS, III

The Amendment was read the first time, rules suspended, read the second time and adopted.

(SIGNED) ANN CORNWELL, SECRETARY

House Bill No. 1057 was ordered engrossed.

ARKANSAS SENATE
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION

December 31, 2003

Mr. President:

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

SENATE BILL NO. 46, BY SENATOR BISBEE, ET AL,

beg leave to report that we have carefully compared the engrossed copy with the original and we find the same correctly engrossed.

Respectfully submitted,

(SIGNED) JOHN PAUL CAPPS, CHAIRMAN

ARKANSAS SENATE
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION

December 31, 2003

Mr. President:

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

SENATE BILL NO. 14, BY SENATOR SALMON,
SENATE BILL NO. 35, BY SENATOR MADISON,

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 9:55 a.m. delivered them to the Governor for his approval.

Respectfully submitted,

(SIGNED) JOHN PAUL CAPPS, CHAIRMAN

GOVERNOR'S BILL RECEIPTS

SENATE BILL NO. 14

SENATE BILL NO. 35

RECEIVED the above papers from the Secretary of the Senate this 31st day of December, 2003 at 9:55 a.m..

(SIGNED) MIKE HUCKABEE

Governor

(SIGNED) STACY DeJARNETTE

Secretary

ARKANSAS SENATE
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION

December 31, 2003

Mr. President:

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

SENATE CONCURRENT RESOLUTION NO. 4, BY SENATOR HILL,
SENATE BILL NO. 37, BY SENATOR HIGGINBOTHOM,

beg leave to report that we have carefully compared the enrolled copies with the original and we find the same correctly enrolled and have at 11:47 a.m. delivered them to the Governor for his approval.

Respectfully submitted,

(SIGNED) JOHN PAUL CAPPS, CHAIRMAN

GOVERNOR'S BILL RECEIPTS

SENATE CONCURRENT RESOLUTION NO. 4

SENATE BILL NO. 37

RECEIVED the above papers from the Secretary of the Senate this 31st day of December, 2003 at 11:47 a.m..

(SIGNED) MIKE HUCKABEE

Governor

(SIGNED) STACY DeJARNETTE

Secretary

STATE OF ARKANSAS

OFFICE OF THE GOVERNOR

STATE CAPITOL
LITTLE ROCK, ARKANSAS

MIKE HUCKABEE
Governor

December 31, 2003

TO THE PRESIDENT OF THE SENATE

Dear Mr. President:

This is to inform your Honorable Body that on December 31, 2003, I approved the following measures from the Second Extraordinary Session of the Eighty-fourth General Assembly:

Senate Bill No. 20, which is now Act Number 18,
Senate Bill No. 38, which is now Act Number 19,

Sincerely,

(SIGNED) MIKE HUCKABEE
Governor

SENATE BILL NO. 52
CALL ITEM NO. 4
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION
BY: SENATOR WILKINS

A Bill for an Act to be Entitled: AN ACT TO INCREASE THE MINIMUM TEACHERS' SALARY SCHEDULE; AND FOR OTHER PURPOSES.

Senate Bill No. 52 was read the first time, rules suspended, read the second time and referred to the Committee on EDUCATION.

HOUSE BILL NO. 1053
As Engrossed: H12/23/03
CALL ITEM NO. 4
EIGHTY-FOURTH GENERAL ASSEMBLY
SECONDT EXTRAORDINARY SESSION
BY: REPRESENTATIVES C. JOHNSON, ET AL
SENATOR GULLETT

A Bill for an Act to be Entitled: AN ACT TO CLARIFY THE MEANING OF INSTRUCTIONAL DUTIES IN RELATION TO ASSIGNMENT OF NONINSTRUCTIONAL DUTIES TO TEACHERS; AND FOR OTHER PURPOSES.

House Bill No. 1053 was read the first time, rules suspended, read the second time and referred to the Committee on EDUCATION.

Senate Bill No. 36 was returned from the House as passed, emergency clause having failed of adoption, and ordered enrolled.

ARKANSAS SENATE
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION

December 31, 2003

Mr. President:

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

SENATE BILL NO. 43, BY SENATORS BROADWAY & BISBEE,

beg leave to report that we have carefully compared the enrolled copy with the original and we find the same correctly enrolled and have at 12:25 p.m. delivered them to the Governor for his approval.

Respectfully submitted,

(SIGNED) JOHN PAUL CAPPS, CHAIRMAN

GOVERNOR'S BILL RECEIPTS

SENATE BILL NO. 43

RECEIVED the above papers from the Secretary of the Senate this 31st day of December, 2003 at 12:25 p.m..

(SIGNED) MIKE HUCKABEE

Governor

(SIGNED) STACY DeJARNETTE

Secretary

ARKANSAS SENATE
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION

December 31, 2003

Mr. President:

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

SENATE BILL NO. 45, BY SENATOR BISBEE,

beg leave to report that we have carefully compared the engrossed copy with the original and we find the same correctly engrossed.

Respectfully submitted,

(SIGNED) JOHN PAUL CAPPS, CHAIRMAN

SENATE RESOLUTION NO. 9
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION
BY: SENATOR WHITAKER

SENATE RESOLUTION RECOGNIZING THE IMPORTANCE OF THE BEEF INDUSTRY TO ARKANSAS' ECONOMY; URGING CONTINUING SUPPORT FOR THE BEEF INDUSTRY; RECOGNIZING THAT THE UNITED STATES PROVIDES THE SAFEST FOOD IN THE WORLD; AND URGING THE ARKANSAS CONGRESSIONAL DELEGATION AND THE UNITED STATES DEPARTMENT OF AGRICULTURE TO WORK FOR THE EARLIEST POSSIBLE REOPENING OF INTERNATIONAL MARKETS FOR ARKANSAS BEEF.

Senate Resolution No. 9 was read the first time, rules suspended, read the second time and placed on the Calendar.

ARKANSAS SENATE
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION

December 31, 2003

Mr. President:

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

SENATE BILL NO. 36, BY SENATOR ARGUE,

beg leave to report that we have carefully compared the enrolled copy with the original and we find the same correctly enrolled and have at 1:00 p.m. delivered them to the Governor for his approval.

Respectfully submitted,

(SIGNED) JOHN PAUL CAPPS, CHAIRMAN

GOVERNOR'S BILL RECEIPTS

SENATE BILL NO. 36

RECEIVED the above papers from the Secretary of the Senate this 31st day of December, 2003 at 1:00 p.m..

(SIGNED) MIKE HUCKABEE

Governor

(SIGNED) STACY DeJARNETTE

Secretary

ARKANSAS SENATE
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION

December 31, 2003

Mr. President:

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

SENATE BILL NO. 42, BY JOINT BUDGET COMMITTEE,

beg leave to report that we have carefully compared the engrossed copy with the original and we find the same correctly engrossed.

Respectfully submitted,
(SIGNED) JOHN PAUL CAPPS, CHAIRMAN

ARKANSAS SENATE
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION

December 31, 2003

Mr. President:

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

HOUSE BILL NO. 1057, BY REPRESENTATIVE WHITE,

beg leave to report that we have carefully compared the engrossed copy with the original and we find the same correctly engrossed.

Respectfully submitted,
(SIGNED) JOHN PAUL CAPPS, CHAIRMAN

On motion of Senator Wilkins, House Bill No. 1057 was re-referred to the Committee on EDUCATION.

* * * * *

SENATE BILLS TRANSMITTED TO THE HOUSE

AS PASSED

SENATE BILL NO. 33

SENATE BILL NO. 44

SENATE BILL RETURNED FROM THE HOUSE

AS PASSED

SENATE BILL NO. 37

SENATE BILL RETURNED FROM THE HOUSE

AS PASSED AS AMENDED

SENATE BILL NO. 43

SENATE BILL RETURNED FROM THE HOUSE

AS PASSED, EMERGENCY CLAUSE HAVING FAILED

SENATE BILL NO. 36

SENATE CONCURRENT RESOLUTION RETURNED FROM THE HOUSE

AS CONCURRED IN

SENATE CONCURRENT RESOLUTION NO. 4

HOUSE BILL TRANSMITTED TO THE SENATE

AS PASSED

HOUSE BILL NO. 1053

On motion of Senator Hill the Senate adjourned until Monday, 1:00, p.m.,
January 5, 2004.

PRESIDENT OF THE SENATE

SECRETARY OF THE SENATE

--ooOoo--

**29TH DAY'S PROCEEDINGS
SENATE CHAMBER
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION**

Little Rock, Arkansas

January 5, 2004

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

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

ALTES, ARGUE, BAKER, BISBEE, BOOKOUT,
BROADWAY, BROWN, BRYLES, CAPPS, CRITCHER,
FARIS, GLOVER, GULLETT, HENDREN,
HIGGINBOTHOM, HILL, HOLT, HORN, G.JEFFRESS,
J.JEFFRESS, JOHNSON, LUKER, MADISON, MALONE,
MILLER, SALMON, SMITH, STEELE, TRUSTY,
WHITAKER, WILKINS, WILKINSON, WOMACK,
WOOLDRIDGE.

Leave was requested for Senator Lavery.

The Senate was led in prayer by Senator Gene Jeffress.

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

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

ARKANSAS SENATE
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION

January 5, 2004

Mr. President:

We, your Committee on EDUCATION, to whom was referred:

HOUSE BILL NO. 1047, BY REPRESENTATIVE J. JOHNSON,
HOUSE BILL NO. 1053, BY REPRESENTATIVE C. JOHNSON,

beg leave to report that we have had the same under consideration, and herewith return the same with the recommendation that they do pass.

Respectfully submitted,

(SIGNED) SENATOR BRENDA GULLETT

The President declared the morning hour to have expired.

STATE OF ARKANSAS
OFFICE OF THE GOVERNOR
STATE CAPITOL
LITTLE ROCK, ARKANSAS

MIKE HUCKABEE
Governor

December 31, 2003

TO THE PRESIDENT OF THE SENATE

Dear Mr. President:

This is to inform your Honorable Body that on December 31, 2003, I approved the following measure:

Senate Bill 14, is now Act Number 24
Senate Bill 35, is now Act Number 25
Senate Bill 37, is now Act Number 26
Senate Bill 43, is now Act Number 27
Senate CR 4
Senate Bill 36, is now Act Number 28

Sincerely,

(SIGNED) MIKE HUCKABEE
Governor

On motion of Senator Bisbee, **Senate Bill No. 46** was ordered re-referred to the Committee on EDUCATION.

On motion of Senator Bisbee, **Senate Bill No. 45** was called up for third reading and final disposition.

SENATE BILL NO. 45

As Engrossed: S12/31/03

CALL ITEM NO. 4

EIGHTY-FOURTH GENERAL ASSEMBLY

SECOND EXTRAORDINARY SESSION

**BY: SENATORS BISBEE, BOOKOUT, CAPPS, CRITCHER, SMITH & TRUSTY
REPRESENTATIVES ANDERSON, ET AL**

A Bill for an Act to be Entitled: AN ACT TO REQUIRE THE ADOPTION OF UNIFORM TEXTBOOKS TO BE USED IN ARKANSAS PUBLIC SCHOOLS; AND FOR OTHER PURPOSES.

On motion of Senator Bisbee, **Senate Bill No. 45** was pulled down at this time.

On motion of Senator J. Jeffress, the rules were suspended in considering **House Bill No. 1018** at this time.

On motion of Senator J. Jeffress, **House Bill No. 1018** was withdrawn from the Committee on EDUCATION, and placed back on second reading for purpose of amendment.

Amendment No. 1 was passed over.

ARKANSAS SENATE
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION
Amendment No. 2 to HOUSE BILL NO. 1018

Amend **House Bill No. 1018** as engrossed , H12/19/03:

Add Senators J. Jeffress and Miller as a cosponsor of the bill

AND

Page 1, line 32, delete "Bruno-Pyatt" and substitute "Marion County"

AND

Page 2, delete lines 2 through 21, and substitute the following:

"(11) Evening Shade School District;
(12) Fourche Valley School District;
(13) Gillett School District;
(14) Kingston School District;
(15) Lynn School District;
(16) Mount Judea School District;
(17) Mount Pleasant School District;
(18) Oark School District;
(19) Oden School District;
(20) Paron School District;
(21) Randolph County School District;
(22) River Valley School District;
(23) Rural Special School District;
(24) Scotland School District;
(25) Sparkman School District;
(26) St. Joe School District;
(27) St. Paul School District;
(28) Stone County School District;
(29) Taylor School District;
(30) Umpire School District;
(31) Williford School District; and
(32) Winslow School District."

AND

Page 2, line 25, delete "As used" and substitute "As Effective for the 2004-2005 school year and each school year thereafter, as used"

(SIGNED) SENATOR JIMMY JEFFRESS

The Amendment was read the first time, rules suspended, read the second time and adopted.

(SIGNED) ANN CORNWELL, SECRETARY

House Bill No. 1018 was ordered engrossed.

On motion of Senator J. Jeffress, the rules were suspended in considering **House Bill No. 1049** at this time.

On motion of Senator J. Jeffress, **House Bill No. 1049** was withdrawn from the Committee on EDUCATION, and placed back on second reading for purpose of amendment.

ARKANSAS SENATE
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION
Amendment No. 1 to HOUSE BILL NO. 1049

Amend **House Bill No. 1049** as engrossed, H12/26/03:

Page 1, delete lines 28 through 30 and substitute the following:

"6-20-2001. Title and purpose.

(a) This subchapter shall be known and may be cited as the "Education Funding Reform Act of 2003".

(b) The purpose of this subchapter is to establish adequate levels of funding for public schools. This subchapter does not impose staffing requirements or minimum teacher-student ratios upon public schools."

AND

Page 7, delete lines 30 and 31 and substitute the following:

"(0.1) of a full-time equivalency, shall carry a resource price of forty-seven thousand two hundred fifty dollars (\$47,250);"

AND

Page 8, delete lines 11 and 12 and substitute the following:

"shall carry a resource price of forty-seven thousand two hundred fifty dollars (\$47,250) for each classroom teacher, or pro-ratio thereof rounded down to"

AND

Page 8, delete line 17 and substitute the following"

"forty-seven thousand two hundred fifty dollars (\$47,250) for each specialist"

AND

Page 8, delete line 26 and substitute the following:

"resource price of forty-seven thousand two hundred fifty dollars (\$47,250) for"

AND

Page 9, delete line 3 and substitute the following:

"price of forty-seven thousand two hundred fifty dollars (\$47,250), or pro-"

AND

Page 9, delete line 21 and substitute the following:

"a resource price of forty-seven thousand two hundred fifty dollars (\$47,250)."

AND

Page 11, on line 13, delete "guaranteed" and substitute "guaranteed funding for"

AND

Page 11, on line 34, delete "Special Needs" and substitute "Struggling"

AND

Page 12, on line 4, delete "special needs" and substitute "struggling"

AND

Page 14, delete lines 13 and 14 and substitute the following:

"activities.

(4) By November 1 of each school year, each school district shall file a report which provides the following information as of October 1 of the school year:

(A) The identity of and salary for each teacher that is assigned to the curriculum and courses required by the Arkansas Standards for Accreditation of Arkansas Public School promulgated by the Arkansas Department of Education;

(B) The student-to-teacher ratio for each class or course offered by each school in the school district; and

(C) Other information that may be required by the department in order for each school district to establish that it is efficiently expending foundational funding provided in § 6-20-2004(a) to meet standards for accreditation and minimum teacher salary requirements as of October 1 of each school year. Information related to expenditures for special needs pursuant to § 6-20-2005, student transportation, and extracurricular activities shall not be included in the report.

(b) Any school district that does not meet the requirements of subsection (a)"

AND

Page 15, delete line 34 and substitute the following:

"Board of Education.

6-20-2012. Gifted and talented student expenditures.

School districts shall expend state and local funds on students in gifted and talented programs in accordance with existing state law and rules promulgated by the Department of Education."

AND

Page 16, delete line 4 and substitute the following:

"Educational Financial Accounting and Reporting Act of 2003"."

AND

Page 16, delete lines 17 and 18.

AND

Page 18, on line 1, delete "as presented in" and substitute "consistent with"

AND

Page 18, on line 7, delete "business" and substitute "Business"

AND

Page 18, on line 16, delete "business" and substitute "Business"

AND

Page 18, on line 22, delete "6-5-1401" and substitute "§ 6-5-1401"

AND

Page 18, on line 32, delete "that allows for" and substitute "that allow for"

AND

Page 19, delete lines 2 through 6 and substitute the following:

"(e) By November 1 of each year, the Department of Education shall submit a report to the State Board of Education, the Governor, and the Senate and House Interim Committees on Education concerning public school and public school district expenditures as described in the Education Funding Reform Act of 2003, § 6-20-2001 et seq."

AND

Page 19, on line 16, delete "Arkansas Public School Computer Network" and substitute "Department of Education"

AND

Page 19, delete lines 20 and 21 and substitute the following:

"education funds, fiscal accountability, and school finance:

(C) Ethics; and

(D) Financial accounting and reporting of local education agency expenditures."

AND

Page 19, delete lines 25 through 28 and substitute the following:

"of training and instruction as required by the department in order to maintain basic proficiency in the topics described in subdivision (a)(1) of this section."

AND

Page 19, delete lines 29 and 30 and substitute the following:

"(3)(A) The instruction may be received from an institution of higher education in this state, from instruction sponsored by the Department of Education, or by an in-service training program conducted by the Arkansas Association of School Business Officials, or from another provider."

AND

Page 20, delete lines 7 and 8 and substitute the following:

"(5) If the person fails to obtain all required training by December 31, this failure shall constitute one (1) citation"

AND

Page 21, delete lines 3 and 4 and substitute the following:

"subchapter shall be placed in fiscal distress as provided by law."

AND

Page 21, delete lines 21 and 22 and substitute the following:

"distress and subject to the applicable enforcement provisions as provided by law."

AND

Page 21, delete lines 24 through 26 and substitute the following:

"requirements of the Education Funding Reform Act of 2003, § 6-20-2001 et seq. shall be deemed to be in fiscal distress and subject to the applicable enforcement provisions as provided by law."

AND

Page 24, delete lines 12 through 23

AND

Page 24, on line 25 delete "6-17-2406" and substitute "6-17-2405"

AND

Page 25, delete lines 3 through 9 and substitute the following:

"(c) The additional pay for teachers authorized by this section shall be paid by school districts with funds provided by the Department of Education."

AND

Page 25, on line 11, delete "6-17-2407" and substitute "6-17-2406"

AND

Page 25, delete lines 35 and 36

AND

Page 26, delete lines 1 through 6

AND

Page 26, on line 8, delete "6-18-2409" and substitute "6-18-2407"

AND

Page 45, delete lines 29 and 30 and substitute the following:

"SECTION 7. Arkansas Code Title 6, Chapter 17, Subchapter 21 is repealed.

~~6-17-2101. Title.~~

~~This subchapter, § 6-5-307(a), and § 6-20-412 shall be known as "The Educator Compensation Act of 2001".~~

~~6-17-2102. Legislative findings and intent.~~

~~(a) The General Assembly determines that:~~

~~(1) Salaries of Arkansas educators have traditionally lagged behind the salaries of educators in the nation and in the states that surround Arkansas;~~

~~(2) Even though educators have achieved annual increases of approximately three and two tenths percent (3.2%) in recent years, Arkansas is still far behind its neighboring states;~~

~~(3)(A) Nationally and within Arkansas, there has developed a shortage of qualified educators in certain fields of teaching.~~

~~(B) One of the reasons for this shortage is that Arkansas educators lag behind other professionals in salary amount;~~

~~(4) The most important part of a student's educational experience is the people who actually educate them; and~~

~~(5) It is necessary to attract qualified educators to the public education system in order to increase the achievement of all Arkansas public school students.~~

~~(b) It is the intent of the General Assembly that:~~

~~(1) This subchapter shall not supplant, but shall supplement, traditional pay increases that have occurred at the local level in recent years;~~

~~(2) School districts should not stop or alter any intentions to give educators a salary increase in the current school year because of the enactment of this subchapter; and~~

~~(3) This subchapter is the first of many steps that must be and shall be taken by the General Assembly to increase the quality of the working force in education over the upcoming years.~~

~~6-17-2103. Definitions.~~

~~As used in this subchapter, unless the context otherwise requires:~~

~~(1) "Required salary increase" means:~~

~~(A) For fiscal year 2002, an amount no less than one thousand dollars (\$1,000), excluding benefits and employer contributions to teacher retirement and social security, over a targeted educator's salary for fiscal year 2001; and~~

~~(B) For fiscal year 2003 an amount no less than three thousand dollars (\$3,000), excluding benefits and employer contributions to teacher retirement and social security, over a targeted educator's salary for fiscal year 2001;~~

~~(2) "Targeted educator" means an individual employed by a school district, and:~~

~~(A) Who must hold a certificate issued by the State Board of Education in order to be employed in the individual's present position; and~~

~~(B) Whose primary job responsibilities are for the education of public school students in grades prekindergarten through twelve (PK-12) and do not include districtwide administrative duties.~~

~~6-17-2104. Method for implementation.~~

~~(a) On or before June 30 of each fiscal year, each local school district shall have implemented the required salary increase or have received a waiver from the Department of Education under § 6-17-2105.~~

~~(b) A school district shall implement the required salary increase in a variety of methods, including:~~

~~(1) Increasing the base salaries of the targeted educators by the required salary increase;~~

~~(2) Paying a supplement to the salaries of the targeted educators at each step and each lane of the salary schedule equal to the required salary increase and making the supplement an addendum to the targeted educator's contract. The supplement, added to the targeted educator's regular salary, shall equal the targeted educator's total salary which shall be a continuing obligation; or~~

~~(3) A combination of subdivisions (b)(1) and (b)(2) of this section.~~

~~(c) Any school district utilizing the method stated in subsection (b)(2) of this section shall clearly mark those supplements under the title "Targeted Educator Compensation Act Supplement" in order to make the method easily identifiable. The "Targeted Educator Compensation Act Supplement" shall be incorporated into the salary schedule in the same way as other salary supplements under §§ 6-17-201-6-17-208.~~

~~(d) Notwithstanding the method used under subsection (b) of this section, the required salary increase shall be a continuing salary obligation of the school districts.~~

~~(e) Targeted educators who work on a part-time basis or individuals who qualify as targeted educators on a part-time basis shall receive a pro rata share of the required salary increase equal to the proportion of time that they are employed.~~

~~(f)(1) Nothing in this section shall be construed to prohibit a school district from implementing the required salary increase for fiscal year 2003 by exceeding the required salary increase for fiscal year 2002 and paying the difference between the required salary increase for fiscal year 2003 and the actual amount applied to the required salary increase for fiscal year 2002.~~

~~(2) The legislative intent of this subchapter is that all targeted educators will receive a required salary increase of three thousand dollars (\$3,000) by fiscal year 2003.~~

~~(g)(1) Nothing in this subchapter shall be construed to allow the step increases for education and experience, required under § 6-17-1001, as currently established in the individual school district, to be applied to the required salary increase as meeting the requirements under the provisions of this subchapter.~~

~~(2) Nothing in this subchapter shall be construed as to allow any other method than increases in the base salary to fulfill the existing requirements of § 6-17-1001 pertaining to the minimum salaries of teachers.~~

~~(3) Nothing in this subchapter shall be construed to prohibit a school district from raising its salaries in excess of the required salary increase.~~

~~(h) Nothing in this subchapter shall be interpreted to preclude school district employees other than targeted educators from receiving a similar increase in salary.~~

~~(i) School districts are prohibited from instituting quid pro quo situations in which school districts extend the length of or add additional duties to the targeted educator's contract in return for the required salary increase.~~

~~(j) The required salary increase for targeted educators who are prekindergarten teachers shall only be required to be implemented if the local school district has sufficient funds available to completely implement the required salary increase for the given fiscal year.~~

~~6-17-2105. Exemptions.~~

~~(a) Any local school district engaged in agreed to collective bargaining with its certified staff shall be exempt from the provisions of this subchapter to the extent that school districts in collective bargaining shall negotiate on salaries and other terms and conditions of employment. This section in no way is to be interpreted as altering or replacing any collective bargaining agreement in place at the time of the enactment of this subchapter.~~

~~(b)(1) Any local school district may petition the Department of Education for a waiver from the provisions of this subchapter.~~

~~(2) The waiver shall not be for a time greater than three (3) years.~~

~~(3) The process for the waiver shall be the same as the process for a local school district to receive a waiver under § 6-17-1001.~~

~~(4) Any local school district that petitions for and is granted a waiver from this subchapter shall be placed in Phase I of fiscal distress as defined under §§ 6-20-1601–6-20-1610.~~

~~6-17-2106. Regulatory authority and enforcement.~~

~~(a) The State Board of Education shall have the authority, acting pursuant to its rule-making power, to promulgate appropriate rules and regulations for the implementation of the provisions of this subchapter.~~

~~(b) The provisions of this subchapter shall be audited on an annual basis.~~

~~(c) Any school district that has been found to not be in compliance with the provisions of this subchapter shall be placed on Phase I fiscal distress under the provisions of § 6-20-1601 et seq.~~

SECTION 8. Arkansas Code § 6-12-412 is amended to read as follows:

6-20-412. Nonrecurring salary payments.

(a) Any school district in the state may pay certified personnel a nonrecurring salary payment from revenues not considered to be recurring sources of revenue.

(b) A nonrecurring salary payment under this section shall not be construed to increase the base salary of the teacher recipient for purposes of calculation of future salary requirements.

(c) Any nonrecurring salary payment under the provisions of this section shall be divided equally among certified personnel employed by the district at the time of payment unless the board of directors of the district and a majority of the teachers agree to a different distribution.

(d) A report indicating the source of the moneys and the name and amount paid to each recipient shall be furnished to the Department of Education and the Division of Legislative Audit by the ex officio financial secretary of the school district.

~~(e) Payments to targeted educators made in the form of supplements as addendums to contracts in fulfilling the provisions of this section, § 6-5-307(a), and § 6-17-2101 et seq. shall not be considered a nonrecurring salary payment under this section.~~

SECTION 9. Effective Date.

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

(SIGNED) SENATOR JIMMY JEFFRESS

The Amendment was read the first time, rules suspended, read the second time and adopted.

(SIGNED) ANN CORNWELL, SECRETARY

House Bill No. 1049 was ordered engrossed.

On motion of Senator Wilkins, House Bill No. 1007 was ordered re-referred to the Committee on EDUCATION.

On motion of Senator Wilkins, **House Bill No. 1054** was called up for third reading and final disposition.

**HOUSE BILL NO. 1054
CALL ITEM NO. 1054
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION
BY: REPRESENTATIVE C. JOHNSON**

A Bill for an Act to be Entitled: AN ACT TO MAKE THE COMMITTEE ON CLOSING THE ACHIEVEMENT GAP IN ARKANSAS A COMMISSION; AND FOR OTHER PURPOSES.

On motion of Senator Wilkins, House Bill No. 1054 was pulled down at this time.

*** * * * * EXPUNGED * * * * ***

On motion of Senator Glover, **House Bill No. 1028** was called up for third reading and final disposition.

**HOUSE BILL NO. 1028
CALL ITEM NO. 4
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION
BY: REPRESENTATIVE BOND**

A Bill for an Act to be Entitled: AN ACT TO CLARIFY THE APPLICATION OF SALES TAX TO THE SALE OF TEXTBOOKS AND OTHER INSTRUCTIONAL MATERIALS TO ARKANSAS SCHOOL DISTRICTS AND ARKANSAS PUBLIC SCHOOLS; AND FOR OTHER PURPOSES.

House Bill No. 1028 was placed on third reading and final disposition, the question being: Shall the Bill pass?

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

AFFIRMATIVE: Altes, Argue, Baker, Bisbee, J. Bookout, Broadway, Brown, Bryles, Capps, Critcher, Faris, Glover, Gullett, Hendren, Higginbotham, Hill, Holt, Horn, G. Jeffress, J. Jeffress, B. Johnson, Luker, Madison, Malone, Miller, Salmon, T. Smith, Steele, Trusty, Whitaker, Wilkins, Wilkinson, Womack, Wooldridge.

Total34

NEGATIVE:

Total0

ABSENT OR NOT VOTING: Lavery

Total1

VOTING PRESENT:

Total0

Total number of votes cast.....34

Necessary to the passage of the bill18

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

(SIGNED) ANN CORNWELL, SECRETARY

*** * * * * EXPUNGED * * * * ***

The record pertaining to the vote by which **House Bill No. 1028** passed was expunged, in accordance with a prevailing motion on January 5, 2004.

Senator Hill moved that the record pertaining to the vote by which **House Bill No. 1028** passed be expunged, the motion was duly seconded and prevailed.

On motion of Senator Glover, **House Bill No. 1028** was called up for third reading and final disposition.

HOUSE BILL NO. 1028
CALL ITEM NO. 4
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION
BY: REPRESENTATIVE BOND

A Bill for an Act to be Entitled: AN ACT TO CLARIFY THE APPLICATION OF SALES TAX TO THE SALE OF TEXTBOOKS AND OTHER INSTRUCTIONAL MATERIALS TO ARKANSAS SCHOOL DISTRICTS AND ARKANSAS PUBLIC SCHOOLS; AND FOR OTHER PURPOSES.

House Bill No. 1028 was placed on third reading and final disposition, the question being: Shall the Bill pass?

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

AFFIRMATIVE: Altes, Argue, Baker, Bisbee, Broadway, Brown, Capps, Faris, Glover, Gullett, Hendren, Higginbothom, Hill, Holt, Horn, G. Jeffress, J. Jeffress, B. Johnson, Luker, Madison, Malone, Miller, Salmon, T. Smith, Trusty, Whitaker, Wilkins, Wilkinson, Womack, Wooldridge.

Total30

NEGATIVE:

Total0

ABSENT OR NOT VOTING: Bookout, Bryles, Critcher, Lavery, Steele.

Total5

VOTING PRESENT:

Total0

Total number of votes cast.....30

Necessary to the passage of the bill18

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

(SIGNED) ANN CORNWELL, SECRETARY

House Bill No. 1028 was ordered immediately returned to the House as passed.

On motion of Senator Broadway, **House Bill No. 1010** was called up for third reading and final disposition.

HOUSE BILL NO. 1010
CALL ITEM NO. 4
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION
BY: REPRESENTATIVES DICKINSON, ET AL

A Bill for an Act to be Entitled: TO CREATE THE ADVISORY COMMISSION ON MATH EXCELLENCE AND IMPROVE MATH EDUCATION IN ARKANSAS; AND FOR OTHER PURPOSES.

House Bill No. 1010 was placed on third reading and final disposition, the question being: Shall the Bill pass?

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

AFFIRMATIVE: Baker, Bisbee, J. Bookout, Broadway, Brown, Bryles, Capps, Faris, Glover, Gullett, Hendren, Horn, G. Jeffress, J. Jeffress, B. Johnson, Luker, Madison, Miller, Salmon, T. Smith, Trusty, Wilkinson, Womack, Wooldridge.

Total24

NEGATIVE: Whitaker.

Total1

ABSENT OR NOT VOTING: Altes, Argue, Critcher, Higginbothom, Hill, Laverty, Malone, Steele, Wilkins.

Total9

VOTING PRESENT: Holt.

Total1

Total number of votes cast26

Necessary to the passage of the bill18

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

(SIGNED) ANN CORNWELL, SECRETARY

There being an emergency clause attached to **House Bill No. 1010**, the President ordered the Secretary to call the roll upon the adoption of the emergency clause.

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

AFFIRMATIVE: Baker, Bisbee, J. Bookout, Broadway, Brown, Bryles, Capps, Faris, Glover, Gullett, Hendren, Horn, G. Jeffress, J. Jeffress, B. Johnson, Luker, Madison, Miller, Salmon, T. Smith, Trusty, Wilkinson, Womack, Wooldridge.

Total24

NEGATIVE: Whitaker.

Total1

ABSENT OR NOT VOTING: Altes, Argue, Critcher, Higginbothom, Hill, Lavery, Malone, Steele, Wilkins.

Total9

VOTING PRESENT: Holt.

Total1

Total number of votes cast.....26

Necessary to the passage of the bill24

So the Emergency Clause was adopted.

(SIGNED) ANN CORNWELL, SECRETARY

House Bill No. 1010 was ordered immediately returned to the House as passed.

On motion of Senator Broadway, the rules were suspended in considering **Senate Bill No. 42** at this time.

On motion of Senator Broadway, **Senate Bill No. 42** was placed back on second reading for purpose of amendment.

ARKANSAS SENATE
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION
Amendment No. 2 to SENATE BILL NO. 42

Amend **Senate Bill No. 42** as engrossed, S12/31/03:

Page 3, delete lines 16 and 17 and substitute the following:

"to eliminate traditional barriers to learning for students;"

AND

Page 4, delete line 24 and substitute the following:

"purpose:

(9) "Gifted and talented programs" means academic curriculum, courses, and options designed to improve educational opportunities for gifted and talented students pursuant to guidelines adopted by the State Board of Education in accordance with § 6-42-106;

(10) "Gifted and talented students" means those students who have been identified as meeting the criteria of the gifted program approval standards established by the State Board of Education;"

AND

Page 4, on line 25, delete "(9)" and substitute "(11)"

AND

Page 4, on line 30 delete "(10)" and substitute "(12)"

AND

Page 4, on line 34, delete "(11)" and substitute "(13)"

AND

Page 5, on line 1, delete "(12)" and substitute "(14)"

AND

Page 5, on line 9, delete "(13)" and substitute "(15)"

AND

Page 5, on line 13, delete "(14)" and substitute "(16)"

AND

Page 5, on line 15, delete "(15)" and substitute "(17)"

AND

Page 5, on line 21, delete "(16)" and substitute "(18)"

AND

Page 5, on line 26, delete "(17)" and substitute "(19)"

AND

Page 5, on line 32, delete "(18)" and substitute "(20)"

AND

Page 6, on line 2, delete "(19)" and substitute "(21)"

AND

Page 6, on line 6 delete "five thousand dollars (\$5,000)" and substitute "five thousand four hundred dollars (\$5,400)"

AND

Page 6, delete line 11 and substitute the following:

"district;

(22) "Teachers of the gifted and talented" means individuals certified by the State Board of Education to teach identified gifted and talented students."

AND

Page 6, on line 12, delete "(20)" and substitute "(23)"

AND

Page 6, on line 16, delete "(21)" and substitute "(24)"

AND

Page 10, on line 25, delete "district; and" and substitute "district;"

AND

Page 10, delete line 27 and substitute the following:

"needs are spent in accordance with law; and

(6) Expend state and local revenues on gifted and talented programs:

(A) In an amount not less than fifteen hundredths percent (0.15%) of the foundation funding amount multiplied times the lesser of the previous year's average daily membership participating in gifted and talented programs in the school district or five percent (5%) of the school district's total average daily membership for the previous year; and

Education."

(B) In accordance with rules promulgated by the State Board of

AND

Page 14, delete line 27 and substitute the following:

"be carried over from year to year. The State Board of Education shall establish by rule the number of hours of training required by this subsection (a)."

AND

Page 17, delete line 26 and substitute the following:

"(2) "Teacher" means:

(A) Any employee of a public school district who"

AND

Page 17, delete line 30 and substitute the following:

"who is teaching full time or part time; and

(B) A licensed guidance counselor or librarian."

(SIGNED) SENATOR SHANE BROADWAY

The Amendment was read the first time, rules suspended, read the second time and adopted.

(SIGNED) ANN CORNWELL, SECRETARY

Senate Bill No. 42 was ordered engrossed.

SENATE BILL NO. 53
CALL ITEM NO. 4
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION
BY: SENATOR BROADWAY & REPRESENTATIVE ELLIOTT

A Bill for an Act to be Entitled: AN ACT TO PROVIDE FOR CUSTODIAL AND MAINTENANCE CARE FOR SCHOOL FACILITIES; TO ESTABLISH CRITERIA FOR SCHOOL FACILITY CARE; AND FOR OTHER PURPOSES.

Senate Bill No. 53 was read the first time, rules suspended, read the second time and referred to the Committee on EDUCATION.

SENATE BILL NO. 54
CALL ITEM NO. 16
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION
BY: SENATOR HENDREN

A Bill for an Act to be Entitled: AN ACT TO AMEND THE LEGAL DESCRIPTIONS OF THE SILOAM SPRINGS AND BENTON COUNTY WEST DISTRICT COURTS; AND FOR OTHER PURPOSES.

Senate Bill No. 54 was read the first time, rules suspended, read the second time and referred to the Committee on JUDICIARY.

ARKANSAS SENATE
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION

January 5, 2004

Mr. President:

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

HOUSE BILL NO. 1018, BY REPRESENTATIVE BOYD, EL AL,

beg leave to report that we have carefully compared the engrossed copy with the original and we find the same correctly engrossed.

Respectfully submitted,

(SIGNED) JOHN PAUL CAPPS, CHAIRMAN

On motion of Senator J. Jeffress, **House Bill No. 1018** was ordered re-referred to the Committee on EDUCATION.

On motion of Senator Broadway, the Senate resolved itself into the Committee of the Whole for the purpose of discussing **Senate Bill No. 42**.

Without objection, the Committee of the Whole was dissolved, and the Senate took up its regular order of business.

ARKANSAS SENATE
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION

January 5, 2004

Mr. President:

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

HOUSE BILL NO. 1049, BY REPRESENTATIVE CLEVELAND, ET AL,

beg leave to report that we have carefully compared the engrossed copy with the original and we find the same correctly engrossed.

Respectfully submitted,

(SIGNED) JOHN PAUL CAPPS, CHAIRMAN

On motion of Senator J. Jeffress, **House Bill No. 1049** was ordered re-referred to the Committee on EDUCATION.

On motion of Senator Broadway, the rules were suspended in considering **House Bill No. 1049** at this time.

On motion of Senator Broadway, **House Bill No. 1049** was withdrawn from the Committee on EDUCATION, and placed back on second reading for purpose of amendment.

ARKANSAS SENATE
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION
Amendment No. 2 to HOUSE BILL NO. 1049

Amend **House Bill No. 1049** as engrossed, S1/5/04:

Page 4, delete line 36 and substitute the following:

"covered by their contracts;

(7) "Gifted and talented programs" means academic curriculum, courses, and options designed to improve educational opportunities for gifted and talented students pursuant to guidelines adopted by the State Board of Education in accordance with § 6-42-106;

(8) "Gifted and talented students" means those students who have been identified as meeting the criteria of the gifted program approval standards established by the State Board of Education;"

AND

Page 5, on line 1, delete "(7)" and substitute "(9)"

AND

Page 5, on line 4 delete "(8)" and substitute "(10)"

AND

Page 5, on line 8, delete "(9)" and substitute "(11)"

AND

Page 5, on line 13, delete "(10)" and substitute "(12)"

AND

Page 5, on line 16, delete "(11)" and substitute "(13)"

AND

Page 5, on line 24, delete "(12)" and substitute "(14)"

AND

Page 5, on line 35, delete "(13)" and substitute "(15)"

AND

Page 6, on line 1, delete "(14)" and substitute "(16)"

AND

Page 6, on line 5, delete "(15)" and substitute "(17)"

AND

Page 6, on line 10, delete "(16)" and substitute "(18)"

AND

Page 6, on line 12, delete "(17)" and substitute "(19)"

AND

Page 6, on line 17, delete "(18)" and substitute "(20)"

AND

Page 6, on line 19, delete "(19)" and substitute "(21)"

AND

Page 6, on line 23, delete "(20)" and substitute "(22)"

AND

Page 6, on line 27, delete "(21)" and substitute "(23)"

AND

Page 6, on line 30, delete "(22)" and substitute "(24)"

AND

Page 6, on line 33, delete "(23)" and substitute "(25)"

AND

Page 6, on line 36, delete "(24)" and substitute "(26)"

AND

Page 7, on line 5, delete "(25)" and substitute "(27)"

AND

Page 7, on line 7, delete "(26)" and substitute "(28)"

AND

Page 10, delete line 15, and substitute the following:

"that school; and

(D) Gifted and talented program. A school district shall be apportioned an amount equal to eight hundred ten dollars (\$810) times five percent (5%) of the school district's average daily membership. The funds shall be expended in accordance with rules promulgated by the State Board of Education;"

AND

Page 26, delete line 35 and substitute the following:

"private sources in whatever manner is available to public school districts.

SECTION 5. Arkansas Code § 6-42-106, concerning gifted and talented programs, is amended to read as follows:

(a)(1) Appropriations made by the General Assembly to the Public School Fund for the purposes of this subchapter shall be disbursed by the Department of Education in accordance with regulations promulgated by the State Board of Education.

(2) Such funds may be used to provide financial assistance to school districts operating programs for gifted and talented children and to fund supplemental programs for gifted and talented children operated by the Department of Education directly or through contract with other public or private agencies.

(3) All school districts are eligible to make application for payments under this subchapter, and two (2) or more districts may submit an application for a cooperative program.

(b)(1) Specific eligibility requirements for gifted and talented programs in each school district shall be determined by the school district board of directors.

(2) In order to qualify for such financial assistance as may be available from the state, school district eligibility requirements must be consistent with the guidelines for gifted and talented programs adopted by the State Board of Education with the advice of the Advisory Council for the Education of Gifted and Talented Children.

(c) Each school district shall identify no less than five percent (5%) of the district's average daily membership for participation in the district's gifted and talented programs."

AND

Appropriately renumber the remaining sections of the bill

(SIGNED) SENATOR SHANE BROADWAY

The Amendment was read the first time, rules suspended, read the second time and adopted.

(SIGNED) ANN CORNWELL, SECRETARY

House Bill No. 1049 was ordered engrossed.

On motion of Senator Brown, the House was requested to return **House Bill No. 1060** for further consideration.

STATE OF ARKANSAS
ARKANSAS SENATE
State Capitol
Little Rock, Arkansas 72201

ANN CORNWELL
Secretary of the Senate
Senate Fiscal Officer
State Capitol, Room 320
Little Rock, Arkansas 72201

January 5, 2004

The Honorable Jo Renshaw
Chief Clerk
State Capitol
Little Rock, AR 72201

Dear Ms. Renshaw:

The Senate respectfully requests the return to the Senate, of **House Bill No. 1060**.

Respectfully submitted,

(SIGNED) ANN CORNWELL
Secretary of the Senate

ARKANSAS SENATE
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION

January 5, 2004

Mr. President:

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

SENATE BILL NO. 42, BY SENATOR BISBEE, ET AL,

beg leave to report that we have carefully compared the engrossed copy with the original and we find the same correctly engrossed.

Respectfully submitted,

(SIGNED) JOHN PAUL CAPPS, CHAIRMAN

On motion of Senator Bisbee, **Senate Bill No. 42** was ordered re-referred to the Committee on EDUCATION.

ARKANSAS SENATE
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION

January 5, 2004

Mr. President:

We, your Committee on EDUCATION, to whom was referred:

SENATE BILL NO. 42, BY SENATORS BISBEE & BROADWAY,

beg leave to report that we have had the same under consideration, and herewith return the same with the recommendation that it do pass.

Respectfully submitted,

(SIGNED) SENATORS JIM ARGUE, STEVE BRYLES,
SHANE BROADWAY, HENRY "HANK" WILKINS

HOUSE BILL NO. 1070
As Engrossed: H12/31/03
CALL ITEM NO. 4
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION
BY: REPRESENTATIVES LENDALL, *BORHAUER*

A Bill for an Act to be Entitled: AN ACT TO REQUIRE ONE (1) FULL-TIME OR THE PROPORTIONATE SHARE OF ONE (1) FULL-TIME SCHOOL NURSE IN EACH SCHOOL DISTRICT; AND FOR OTHER PURPOSES.

House Bill No. 1070 was read the first time, rules suspended, read the second time and referred to the Committee on EDUCATION.

SENATE RESOLUTION NO. 10
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION
BY: SENATOR WHITAKER

SENATE RESOLUTION RECOGNIZING THE IMPORTANCE OF THE BEEF INDUSTRY TO ARKANSAS' ECONOMY; URGING CONTINUING SUPPORT FOR THE BEEF INDUSTRY; RECOGNIZING THAT THE UNITED STATES PROVIDES THE SAFEST FOOD IN THE WORLD; AND URGING THE ARKANSAS CONGRESSIONAL DELEGATION AND THE UNITED STATES DEPARTMENT OF AGRICULTURE TO WORK FOR THE EARLIEST POSSIBLE REOPENING OF INTERNATIONAL MARKETS FOR ARKANSAS BEEF.

Senate Resolution No. 10. was read the first time, rules suspended, read the second time and placed on the Calendar.

SENATE BILL NO. 55
CALL ITEM NO. 3
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION
BY: SENATOR BROADWAY

A Bill for an Act to be Entitled: AN ACT TO MAKE AN APPROPRIATION FOR EXPANSION OF THE ARKANSAS BETTER CHANCE FOR SCHOOL SUCCESS PROGRAM FOR THE DEPARTMENT OF EDUCATION FOR THE FISCAL YEAR ENDING JUNE 30, 2005; AND FOR OTHER PURPOSES.

Senate Bill No. 55 was read the first time, rules suspended, read the second time and referred to the Committee on JOINT BUDGET.

SENATE BILL NO. 56
CALL ITEM NO. 4
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION
BY: SENATOR HOLT

A Bill for an Act to be Entitled: AN ACT REQUIRING THE DEPARTMENT OF EDUCATION TO MODIFY ITS REQUIREMENTS TO ALLOW A HIGH SCHOOL STUDENT TO EARN ONE (1) ELECTIVE CREDIT BY REPEATING ONE (1) CORE COURSE WHEN A STUDENT EARNED CREDIT FOR THE COURSE, BUT EARNED A BELOW AVERAGE GRADE AND THE STUDENT REPEATS THE COURSE AND EARNS A GRADE HIGHER THAN BELOW-AVERAGE; AND FOR OTHER PURPOSES.

Senate Bill No. 56 was read the first time, rules suspended, read the second time and referred to the Committee on EDUCATION.

HOUSE BILL NO. 1083
CALL ITEM NO. 4
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION
BY: REPRESENTATIVE THYER

A Bill for an Act to be Entitled: AN ACT TO AMEND THE ARKANSAS BETTER CHANCE FOR SCHOOL SUCCESS PROGRAM; AND FOR OTHER PURPOSES.

House Bill No. 1083 was read the first time, rules suspended, read the second time and referred to the Committee on EDUCATION.

SENATE BILL NO. 57
CALL ITEM NO. 4
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION
BY: SENATOR HOLT

A Bill for an Act to be Entitled: AN ACT TO REQUIRE PARENTS TO CONSULT A STUDENT'S GUIDANCE COUNSELOR REGARDING COLLEGE PREPARATION CORE CURRICULUM REQUIREMENTS PRIOR TO THE BEGINNING OF THE STUDENT'S NINTH GRADE YEAR; AND FOR OTHER PURPOSES.

Senate Bill No. 57 was read the first time, rules suspended, read the second time and referred to the Committee on EDUCATION.

Senate Bill No. 44 was returned from the House as passed and ordered enrolled:

ARKANSAS SENATE
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION

January 5, 2004

Mr. President:

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

HOUSE BILL NO. 1049, BY REPRESENTATIVE CLEVELAND, ET AL,

beg leave to report that we have carefully compared the engrossed copy with the original and we find the same correctly engrossed.

Respectfully submitted,

(SIGNED) JOHN PAUL CAPPS, CHAIRMAN

On motion of Senator Broadway, **House Bill No. 1049** was re-referred to the Committee on EDUCATION.

* * * * *

HOUSE BILLS RETURNED TO THE HOUSE

AS PASSED

HOUSE BILL NO. 1010

HOUSE BILL NO. 1028

SENATE BILL RETURNED FROM THE HOUSE

AS PASSED

SENATE BILL NO. 44

HOUSE BILLS TRANSMITTED TO THE SENATE
AS PASSED

HOUSE BILL NO. 1070

HOUSE BILL NO. 1083

On motion of Senator Capps the Senate adjourned until Tuesday, 1:00, p.m.,
January 6, 2004.

PRESIDENT OF THE SENATE

SECRETARY OF THE SENATE

--ooOoo--

**30TH DAY'S PROCEEDINGS
SENATE CHAMBER
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION**

Little Rock, Arkansas

January 6, 2004

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

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

ALTES, ARGUE, BAKER, BISBEE, BOOKOUT,
BROADWAY, BROWN, BRYLES, CAPPS, CRITCHER,
FARIS, GLOVER, GULLETT, HENDREN,
HIGGINBOTHOM, HILL, HOLT, HORN, G.JEFFRESS,
J.JEFFRESS, JOHNSON, LAVERTY, LUKER, MADISON,
MALONE, MILLER, SALMON, SMITH, STEELE, TRUSTY,
WHITAKER, WILKINS, WILKINSON, WOMACK,
WOOLDRIDGE.

The Senate was led in prayer by Senator Gilbert Baker.

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

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

On motion of Senator Glover, **Senate Bill No. 39** was withdrawn from the Committee on REVENUE & TAXATION and placed back on second reading for purpose of amendment.

ARKANSAS SENATE
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION
Amendment No. 2 to SENATE BILL NO. 39

Amend **Senate Bill No. 39** as engrossed, S12/22/03:

Page 5, delete lines 16 through 36 and substitute the following:

6-17-1005. Minimum teacher compensation schedule for 2004-2005.

(a) In school year 2004-2005, the board of directors in each school district in the state shall pay their teachers upon a salary schedule that:

(1) Has annual increments for education and experience;

(2) Provides for a base salary; and

(3) Provides for a minimum salary for a teacher with a master’s degree and at least twenty (20) years of experience.

(b)(1) In school year 2004-2005 and each year thereafter, each school district whose teachers have not been assessed shall have in place a salary schedule with at least the following levels of compensation for the basic contract:

<u>Years Experience</u>	<u>BA Degree Salary</u>	<u>MA Degree Salary</u>
<u>0</u>	<u>\$27,891</u>	<u>\$30,750</u>
<u>1</u>	<u>28,449</u>	<u>31,365</u>
<u>2</u>	<u>29,018</u>	<u>31,992</u>
<u>3</u>	<u>29,598</u>	<u>32,632</u>
<u>4</u>	<u>30,190</u>	<u>33,285</u>
<u>5</u>	<u>30,795</u>	<u>33,951</u>
<u>6</u>	<u>31,410</u>	<u>34,630</u>
<u>7</u>	<u>32,039</u>	<u>35,323</u>
<u>8</u>	<u>32,679</u>	<u>36,029</u>
<u>9</u>	<u>33,333</u>	<u>36,750</u>
<u>10</u>	<u>34,000</u>	<u>37,485</u>
<u>11</u>	<u>34,680</u>	<u>38,235</u>
<u>12</u>	<u>35,374</u>	<u>39,000</u>
<u>13</u>	<u>36,082</u>	<u>39,780</u>
<u>14</u>	<u>36,804</u>	<u>40,576</u>
<u>15</u>	<u>37,540</u>	<u>41,388</u>
<u>16</u>	<u>38,291</u>	<u>42,216</u>
<u>17</u>	<u>39,057</u>	<u>43,060</u>
<u>18</u>	<u>39,838</u>	<u>43,921</u>
<u>19</u>	<u>40,634</u>	<u>44,799</u>
<u>20 years or more</u>	<u>41,447</u>	<u>45,695</u>

(2) For purposes of the salary schedule described in this subsection

(b), the teacher's experience shall be his or her total years in any public school district in the state, and shall not be based only upon the years in the school district in which he or she is currently employed.

AND

Page 6, delete lines 1 through 6

(SIGNED) SENATOR BOBBY L. GLOVER

The Amendment was read the first time, rules suspended, read the second time and adopted.

(SIGNED) ANN CORNWELL, SECRETARY

Senate Bill No. 39 was ordered engrossed.

ARKANSAS SENATE
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION

January 6, 2004

Mr. President:

We, your Committee on EDUCATION, to whom was referred:

HOUSE BILL NO. 1057, BY REPRESENTATIVE WHITE,
HOUSE BILL NO. 1070, BY REPRESENTATIVE LENDALL,

beg leave to report that we have had the same under consideration, and herewith return the same with the recommendation that they do pass.

Respectfully submitted,

(SIGNED) SENATOR JIM ARGUE

ARKANSAS SENATE
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION

January 6, 2004

Mr. President:

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

SENATE BILL NO. 39, BY SENATOR GLOVER,

beg leave to report that we have carefully compared the engrossed copy with the original and we find the same correctly engrossed.

Respectfully submitted,

(SIGNED) JOHN PAUL CAPPS, CHAIRMAN

On motion of Senator Glover, **Senate Bill No. 39** was re-referred to the Committee on REVENUE & TAXATION.

On motion of Senator Whitaker, **Senate Resolution No. 10** was called up for third reading and final disposition.

**SENATE RESOLUTION NO. 10
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION
BY: SENATOR WHITAKER**

SENATE RESOLUTION RECOGNIZING THE IMPORTANCE OF THE BEEF INDUSTRY TO ARKANSAS' ECONOMY; URGING CONTINUING SUPPORT FOR THE BEEF INDUSTRY; RECOGNIZING THAT THE UNITED STATES PROVIDES THE SAFEST FOOD IN THE WORLD; AND URGING THE ARKANSAS CONGRESSIONAL DELEGATION AND THE UNITED STATES DEPARTMENT OF AGRICULTURE TO WORK FOR THE EARLIEST POSSIBLE REOPENING OF INTERNATIONAL MARKETS FOR ARKANSAS BEEF.

Senate Resolution No. 10 was read the third time and adopted.

(SIGNED) ANN CORNWELL, SECRETARY

The President declared the morning hour to have expired.

On motion of Senator Wilkins, the rules were suspended in considering **House Bill No. 1053** at this time.

On motion of Senator Wilkins, **House Bill No. 1053** was placed back on second reading for purpose of amendment.

ARKANSAS SENATE
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION
Amendment No. 1 to HOUSE BILL NO. 1053

Amend **House Bill No. 1053** as engrossed, H12/23/03 by:

Page 1, delete line 6, and substitute:

"By: Senators Wilkins, Gullett"

(SIGNED) SENATOR HENRY "HANK" WILKINS

The Amendment was read the first time, rules suspended, read the second time and adopted.

(SIGNED) ANN CORNWELL, SECRETARY

House Bill No. 1053 was ordered engrossed.

On motion of Senator Broadway, the rules were suspended in considering **Senate Bill No. 42** at this time.

On motion of Senator Broadway, **Senate Bill No. 42** was placed back on second reading for purpose of amendment.

Amendment No. 3 was withdrawn by the author.

ARKANSAS SENATE
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION
Amendment No. 4 to SENATE BILL NO. 42

Amend **Senate Bill No. 42** as engrossed, S1/5/04:

Page 11, delete lines 3 through 9 and substitute the following:

"(A) In an amount equal to fifteen hundredths percent (0.15%) of the foundation funding amount multiplied times five percent (5%) of the school district's average daily membership for the previous year; and

(B) Only upon gifted and talented programs in accordance with rules promulgated by the State Board of Education."

(SIGNED) SENATOR SHANE BROADWAY

The Amendment was read the first time, rules suspended, read the second time and adopted.

(SIGNED) ANN CORNWELL, SECRETARY

Senate Bill No. 42 was ordered engrossed.

On motion of Senator Bisbee, **Senate Bill No. 42** was ordered re-referred to the Committee on EDUCATION.

On motion of Senator Wilkins, **House Bill No. 1054** was called up for third reading and final disposition.

**HOUSE BILL NO. 1054
CALL ITEM NO. 4
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION
BY: REPRESENTATIVE C. JOHNSON**

A Bill for an Act to be Entitled: AN ACT TO MAKE THE COMMITTEE ON CLOSING THE ACHIEVEMENT GAP IN ARKANSAS A COMMISSION; AND FOR OTHER PURPOSES.

House Bill No. 1054 was placed on third reading and final disposition, the question being: Shall the Bill pass?

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

AFFIRMATIVE: Altes, Argue, Baker, Bisbee, J. Bookout, Broadway, Brown, Bryles, Capps, Critcher, Faris, Glover, Gullett, Hendren, Higginbotham, Hill, Holt, Horn, G. Jeffress, J. Jeffress, B. Johnson, Laverty, Luker, Madison, Malone, Miller, Salmon, T. Smith, Steele, Trusty, Whitaker, Wilkins, Wilkinson, Womack, Wooldridge.

Total35

NEGATIVE:

Total0

ABSENT OR NOT VOTING:

Total0

VOTING PRESENT:

Total0

Total number of votes cast35

Necessary to the passage of the bill18

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

(SIGNED) ANN CORNWELL, SECRETARY

House Bill No. 1054 was ordered immediately returned to the House as passed.

RUTH WHITAKER

**THE SENATE
STATE OF ARKANSAS**

CHAIRMAN:

Joint Performance Review

SENATOR
3RD DISTRICT
Office: 479-410-1018

Post Office Box 349
Cedarville, Arkansas 72932

MEMBER:

Public Transportation
Agriculture, Economic & Industrial
Development
Efficiency

January 6, 2004

Ms. Ann Cornwell
Secretary of the Senate
State Capitol, Room 315
Little Rock, AR 72201

Dear Ms. Cornwell:

During session on Tuesday, January 6, 2004, House Bill No. 1054 was brought up for 3rd reading and vote. I was incorrectly recorded by the reading clerk as voting for this bill. I should have been recorded as voting **NO** on this piece of legislation. Please file this letter in the Senate Journal along with the roll call that was taken on House Bill No. 1054.

Thank you,

Senator Ruth Whitaker
District 3

On motion of Senator Hill the Senate recessed until 1:55 p.m..

The Senate reconvened after recess. The Secretary called the roll, and a quorum was present.

ARKANSAS SENATE
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION

January 6, 2004

Mr. President:

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

HOUSE BILL NO. 1053, BY REPRESENTATIVE C. JOHNSON,

beg leave to report that we have carefully compared the engrossed copy with the original and we find the same correctly engrossed.

Respectfully submitted,

(SIGNED) JOHN PAUL CAPPS, CHAIRMAN

ARKANSAS SENATE
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION

January 6, 2004

Mr. President:

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

SENATE BILL NO. 42, BY SENATOR BISBEE, ET AL,

beg leave to report that we have carefully compared the engrossed copy with the original and we find the same correctly engrossed.

Respectfully submitted,

(SIGNED) JOHN PAUL CAPPS, CHAIRMAN

On motion of Senator Bisbee, Senate Bill No. 42 was ordered re-referred to the Committee on EDUCATION.

ARKANSAS SENATE
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION

January 6, 2004

Mr. President:

We, your Committee on EDUCATION, to whom was referred:

SENATE BILL NO. 42, BY SENATORS BISBEE & BROADWAY,

beg leave to report that we have had the same under consideration, and herewith return the same with the recommendation that it do pass.

Respectfully submitted,

(SIGNED) SENATORS JIM ARGUE, DAVID BISBEE,
SHANE BROADWAY & JIMMY JEFFRESS

On motion of Senator Bisbee, and without objection, the rules were suspended pertaining to passage of Amendment and Bill on the same day.

On motion of Senator Bisbee, **Senate Bill No. 42** was called up for third reading and final disposition.

SENATE BILL NO. 42
As Engrossed: S12/31/03 S1/5/04 S1/6/04
CALL ITEM NO. 6
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION
BY: SENATORS BISBEE & BROADWAY

A Bill for an Act to be Entitled: AN ACT TO PROVIDE EQUITABLE FUNDING TO PUBLIC SCHOOLS; TO PROVIDE A SYSTEM FOR MONITORING PUBLIC SCHOOL EXPENDITURES; TO INCREASE MINIMUM TEACHER SALARIES; TO ESTABLISH A KNOWLEDGE AND SKILLS-BASED PAY SYSTEM FOR TEACHERS; TO PROVIDE FOR SCHOOL-BASED PERFORMANCE AWARDS; AND FOR OTHER PURPOSES.

On motion of Senator Bisbee, the Senate resolved itself into the Committee of the Whole for the purpose of having Patty Martin answer questions regarding **Senate Bill No. 42**.

Without objection, the Committee of the Whole was dissolved, and the Senate took up its regular order of business.

Senator Argue spoke for the Bill.
Senator Hill spoke on the Bill.
Senator Bisbee closed for his Bill.

Senate Bill No. 42 was placed on third reading and final disposition, the question being: Shall the Bill pass?

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

AFFIRMATIVE: Argue, Baker, Bisbee, J. Bookout, Broadway, Brown, Bryles, Capps, Gullett, Hendren, Higginbotham, Horn, G. Jeffress, Luker, Madison, Salmon, Trusty, Whitaker, Wilkinson, Womack, Wooldridge.

Total21

NEGATIVE: Altes, Faris, Glover, Hill, Holt, J. Jeffress, B. Johnson, Lavery,
Malone, Miller, T. Smith.

Total11

ABSENT OR NOT VOTING: Critcher, Steele, Wilkins.

Total3

VOTING PRESENT:

Total0

Total number of votes cast32

Necessary to the passage of the bill18

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

(SIGNED) ANN CORNWELL, SECRETARY

Senator Bisbee moved that the vote by which **Senate Bill No. 42** passed be reconsidered and that motion be laid upon the table, which motion prevailed and the motion to reconsider was laid on the table.

Senate Bill No. 42 was ordered immediately transmitted to the House as passed.

House Bill No. 1060 was returned from the House as requested.

Senator Brown moved that the record pertaining to the vote by which **House Bill No. 1060** passed be expunged, the motion was duly seconded and prevailed.

On motion of Senator Brown, the rules were suspended in considering **House Bill No. 1060** at this time.

On motion of Senator Brown, **House Bill No. 1060** was placed back on second reading for purpose of amendment.

ARKANSAS SENATE
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION
Amendment No. 1 to HOUSE BILL NO. 1060

Amend **House Bill No. 1060** as originally introduced:

Page 10, delete lines 23 through 36 and substitute the following:

“this section, then the remaining balance on the conventional mortgage or second mortgage shall become due and payable within three (3) months of the termination of the high-performing teacher’s service to the high-priority school district.

(2)(A) If the high-performing teacher stops teaching in the high-priority school district for any reason within five (5) years after exercising an option for a forgivable loan under this section, then the remaining balance on the forgivable loan shall become due and payable within three (3) months of the termination of the high-performing teacher’s service to the high-priority school district.”

AND

Page 11, delete lines 1 through 5 in their entirety.

(SIGNED) SENATOR IRMA HUNTER BROWN

The Amendment was read the first time, rules suspended, read the second time and adopted.

(SIGNED) ANN CORNWELL, SECRETARY

House Bill No. 1060 was ordered engrossed.

ARKANSAS SENATE
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION

January 6, 2004

Mr. President:

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

SENATE BILL NO. 44, BY SENATOR CRITCHER,

beg leave to report that we have carefully compared the enrolled copy with the original and we find the same correctly enrolled and have at 8:41 a.m. delivered them to the Governor for his approval.

Respectfully submitted,

(SIGNED) JOHN PAUL CAPPS, CHAIRMAN

GOVERNOR'S BILL RECEIPTS

SENATE BILL NO. 44

RECEIVED the above papers from the Secretary of the Senate this 6th day of January, 2004 at 8:41 a.m..

(SIGNED) MIKE HUCKABEE
Governor

(SIGNED) STACY DeJARNETTE
Secretary

SENATE MEMORIAL RESOLUTION NO. 5
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION
BY: SENATOR LAVERTY

SENATE MEMORIAL RESOLUTION HONORING THE MEMORY AND
ACHIEVEMENTS OF JERRY A. McFARLAND.

Senate Memorial Resolution No. 5. was read the first time, rules suspended, read the second time and placed on the calendar.

SENATE MEMORIAL RESOLUTION NO. 6
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION
BY: SENATOR LAVERTY

SENATE MEMORIAL RESOLUTION HONORING THE MEMORY OF JIMMIE
DON JANEWAY.

Senate Memorial Resolution No. 6. was read the first time, rules suspended, read the second time and placed on the calendar.

SENATE MEMORIAL RESOLUTION NO. 7
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION
BY: SENATOR LAVERTY

SENATE MEMORIAL RESOLUTION HONORING THE MEMORY OF GROVER
C. SMITH.

Senate Memorial Resolution No. 7. was read the first time, rules suspended, read the second time and placed on the calendar.

ARKANSAS SENATE
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION

January 6, 2004

Mr. President:

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

HOUSE BILL NO. 1060, BY REPRESENTATIVE CHESTERFIELD, ET
AL,

beg leave to report that we have carefully compared the engrossed copy with the original and we find the same correctly engrossed.

Respectfully submitted,

(SIGNED) JOHN PAUL CAPPS, CHAIRMAN

On motion of Senator Brown, **House Bill No. 1060** was ordered re-referred to the Committee on EDUCATION.

* * * * *

SENATE BILL TRANSMITTED TO THE HOUSE
AS PASSED

SENATE BILL NO. 42

HOUSE BILL RETURNED TO THE HOUSE
AS PASSED

HOUSE BILL NO. 1054

HOUSE BILL RETURNED FROM THE HOUSE AS REQUESTED

HOUSE BILL NO. 1060

On motion of Senator Hill, the Senate adjourned until Wednesday, 1:00, p.m.,
January 7, 2004.

PRESIDENT OF THE SENATE

SECRETARY OF THE SENATE

--ooOoo--

**31ST DAY'S PROCEEDINGS
SENATE CHAMBER
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION**

Little Rock, Arkansas

January 7, 2004

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

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

ALTES, ARGUE, BAKER, BISBEE, BOOKOUT,
BROADWAY, BROWN, BRYLES, CAPPS, CRITCHER,
FARIS, GLOVER, GULLETT, HENDREN,
HIGGINBOTHOM, HILL, HOLT, HORN, G.JEFFRESS,
J.JEFFRESS, JOHNSON, LAVERTY, LUKER, MADISON,
MALONE, MILLER, SALMON, SMITH, STEELE, TRUSTY,
WHITAKER, WILKINS, WILKINSON, WOMACK,
WOOLDRIDGE.

The Senate was led in prayer by Senator Irma Hunter Brown.

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

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

ARKANSAS SENATE
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION

January 7, 2004

Mr. President:

We, your Committee on JUDICIARY, to whom was referred:

SENATE BILL NO. 54, BY SENATOR HENDREN,

beg leave to report that we have had the same under consideration, and herewith return the same with the recommendation that it do pass.

Respectfully submitted,

(SIGNED) SENATOR ED WILKINSON

ARKANSAS SENATE
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION

January 7, 2004

Mr. President:

We, your Committee on EDUCATION, to whom was referred:

SENATE BILL NO. 41, BY SENATOR WOMACK,

beg leave to report that we have had the same under consideration, and herewith return the same with the recommendation that it do pass as amended #1.

Respectfully submitted,

(SIGNED) SENATOR JIM ARGUE

SENATE BILL NO. 58
CALL ITEM NO. 1
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION
BY: SENATE EFFICIENCY COMMITTEE

A Bill for an Act to be Entitled: AN ACT TO MAKE AN APPROPRIATION FOR PERSONAL SERVICES AND OPERATING EXPENSES FOR THE ARKANSAS SENATE WHICH SHALL BE SUPPLEMENTAL AND IN ADDITION TO THOSE FUNDS APPROPRIATED BY ACT 2 OF 2003, ACT 1149 OF 2003 AND ACT 2 OF THE SECOND EXTRAORDINARY SESSION OF 2003; AND FOR OTHER PURPOSES.

Senate Bill No. 58 was read the first time, rules suspended, read the second time and placed on the Calendar.

On motion of Senator Lavery, **Senate Memorial Resolution No. 5** was called up for third reading and final disposition.

SENATE MEMORIAL RESOLUTION NO. 5
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION
BY: SENATOR LAVERTY

SENATE MEMORIAL RESOLUTION HONORING THE MEMORY AND ACHIEVEMENTS OF JERRY A. McFARLAND.

Senate Memorial Resolution No. 5 was read the third time and adopted.

(SIGNED) ANN CORNWELL, SECRETARY

On motion of Senator Lavery, **Senate Memorial Resolution No. 6** was called up for third reading and final disposition.

**SENATE MEMORIAL RESOLUTION NO.6
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION
BY: SENATOR LAVERTY**

SENATE MEMORIAL RESOLUTION HONORING THE MEMORY OF JIMMIE DON JANEWAY.

Senate Memorial Resolution No. 6 was read the third time and adopted.

(SIGNED) ANN CORNWELL, SECRETARY

On motion of Senator Lavery, **Senate Memorial Resolution No. 7** was called up for third reading and final disposition.

**SENATE MEMORIAL RESOLUTION NO.7
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION
BY: SENATOR LAVERTY**

SENATE MEMORIAL RESOLUTION HONORING THE MEMORY OF GROVER C. SMITH.

Senate Memorial Resolution No. 7 was read the third time and adopted.

(SIGNED) ANN CORNWELL, SECRETARY

The President declared the morning hour to have expired.

On motion of Senator Womack, the rules were suspended in considering **Senate Bill No. 41** at this time.

On motion of Senator Womack, **Senate Bill No. 41** was placed back on second reading for purpose of amendment.

ARKANSAS SENATE
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION
Amendment No. 1 to SENATE BILL NO. 41

Amend **Senate Bill No. 41** as engrossed as originally introduced:

Page 1, delete lines 27 through 36, and substitute:

"(a)(1)(A) By May 1, 2004, the Department of Education, subject to the"

(SIGNED) SENATOR SHAWN WOMACK

The Amendment was read the first time, rules suspended, read the second time and adopted.

(SIGNED) ANN CORNWELL, SECRETARY

Senate Bill No. 41 was ordered engrossed.

On motion of Senator J. Jeffress, **House Bill No. 1036** was called up for third reading and final disposition.

HOUSE BILL NO. 1036
As Engrossed: H12/17/03
CALL ITEM NO. 4
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION
BY: REPRESENTATIVES HOUSE, ET AL
SENATOR BAKER, G. JEFFRESS, J. JEFFRESS

A Bill for an Act to be Entitled: AN ACT TO ASSIST PUBLIC SCHOOLS THROUGH THE ESTABLISHMENT OF GRANTS FOR DISTANCE LEARNING; AND FOR OTHER PURPOSES.

House Bill No. 1036 was placed on third reading and final disposition, the question being: Shall the Bill pass?

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

AFFIRMATIVE: Altes, Baker, J. Bookout, Broadway, Brown, Bryles, Capps, Critcher, Faris, Glover, Gullett, Hendren, Higginbothom, Hill, Holt, Horn, G. Jeffress, J. Jeffress, B. Johnson, Laverty, Madison, Malone, Miller, Salmon, T. Smith, Steele, Wilkinson, Womack, Wooldridge.

Total29

NEGATIVE:

Total0

ABSENT OR NOT VOTING: Argue, Bisbee, Luker, Trusty, Whitaker, Wilkins.

Total6

VOTING PRESENT:

Total0

Total number of votes cast.....29

Necessary to the passage of the bill18

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

(SIGNED) ANN CORNWELL, SECRETARY

House Bill No. 1036 was ordered immediately returned to the House as passed.

On motion of Senator Gullett, the rules were suspended in considering **House Bill No. 1018** for amendment at this time.

On motion of Senator Gullett, **House Bill No. 1018** was withdrawn from the Committee on EDUCATION, and placed back on second reading for purpose of amendment.

ARKANSAS SENATE
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION
Amendment No. 3 to HOUSE BILL NO. 1018

Amend **House Bill No. 1018** as engrossed, S1/5/04 by:

Page 1, delete line 29 and substitute the following:

“(2) Delta Special School District;”

AND

Page 2, delete line 23 and substitute the following:

“(32) Winslow School District;
(33) Swifton School District; and
(34) Concord School District.”

(SIGNED) SENATOR JACK CRITCHER

The Amendment was read the first time, rules suspended, read the second time and adopted.

(SIGNED) ANN CORNWELL, SECRETARY

House Bill No. 1018 was ordered engrossed.

ARKANSAS SENATE
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION

January 7, 2004

Mr. President:

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

SENATE BILL NO. 41, BY SENATOR WOMACK,

beg leave to report that we have carefully compared the engrossed copy with the original and we find the same correctly engrossed.

Respectfully submitted,

(SIGNED) JOHN PAUL CAPPS, CHAIRMAN

ARKANSAS SENATE
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION

January 7, 2004

Mr. President:

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

HOUSE BILL NO. 1018, BY REPRESENTATIVE BOYD, ET AL,

beg leave to report that we have carefully compared the engrossed copy with the original and we find the same correctly engrossed.

Respectfully submitted,

(SIGNED) JOHN PAUL CAPPS, CHAIRMAN

On motion of Senator Gullett, **House Bill No. 1018** was ordered re-referred to the Committee on EDUCATION.

HOUSE BILL NO. 1027
CALL ITEM NO. 19
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION
BY: REPRESENTATIVE PETRUS

A Bill for an Act to be Entitled: AN ACT TO REVISE VARIOUS PROVISIONS OF THE ARKANSAS MOTOR VEHICLE COMMISSION ACT FOR ENFORCEMENT, WARRANTY AGREEMENTS, AND UNLAWFUL ACTIVITIES FOR MANUFACTURERS; AND FOR OTHER PURPOSES.

House Bill No. 1027 was read the first time, rules suspended, read the second time and referred to the Committee on PUBLIC TRANSPORTATION.

HOUSE BILL NO. 1032
CALL ITEM NO. 4
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION
BY: REPRESENTATIVE CLEVELAND, ET AL

A Bill for an Act to be Entitled: AN ACT TO AUTHORIZE VOLUNTARY REORGANIZATION OF SCHOOL DISTRICTS; TO AUTHORIZE MILLAGE ELECTIONS FOR REORGANIZED DISTRICTS; AND FOR OTHER PURPOSES.

House Bill No. 1032 was read the first time, rules suspended, read the second time and referred to the Committee on EDUCATION.

HOUSE BILL NO. 1035
CALL ITEM NO. 4
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION
BY: REPRESENTATIVE CLEVELAND, ET AL

A Bill for an Act to be Entitled: AN ACT TO CREATE THE ARKANSAS TEACHER SALARY AND COMPENSATION STUDY COMMISSION OF THE DEPARTMENT OF EDUCATION; AND FOR OTHER PURPOSES.

House Bill No. 1035 was read the first time, rules suspended, read the second time and referred to the Committee on EDUCATION.

HOUSE BILL NO. 1064
CALL ITEM NO. 4
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION
BY: REPRESENTATIVE JACKSON

A Bill for an Act to be Entitled: AN ACT TO ENSURE THE AVAILABILITY OF DISTANCE LEARNING TO ALL STUDENTS IN ARKANSAS; AND FOR OTHER PURPOSES.

House Bill No. 1064 was read the first time, rules suspended, read the second time and referred to the Committee on EDUCATION.

HOUSE BILL NO. 1079
CALL ITEM NO. 4
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION
BY: REPRESENTATIVE CLEVELAND

A Bill for an Act to be Entitled: AN ACT TO EXPAND THE STATE TEACHER ASSISTANCE RESOURCE PROGRAM; AND FOR OTHER PURPOSES.

House Bill No. 1079 was read the first time, rules suspended, read the second time and referred to the Committee on EDUCATION.

HOUSE BILL NO. 1089
CALL ITEM NO. 1
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION
BY: HOUSE MANAGEMENT

A Bill for an Act to be Entitled: AN ACT TO MAKE AN APPROPRIATION FOR PERSONAL SERVICES AND OPERATING EXPENSES FOR THE ARKANSAS HOUSE OF REPRESENTATIVES WHICH SHALL BE SUPPLEMENTAL AND IN ADDITION TO THOSE FUNDS APPROPRIATED BY ACT 1 OF 2003, ACT 1025 OF 2003, AND ACT 1 OF THE SECOND EXTRAORDINARY SESSION OF 2003; AND FOR OTHER PURPOSES.

House Bill No. 1089 was read the first time, rules suspended, read the second time and placed on the Calendar.

* * * * *

HOUSE BILL RETURNED TO THE HOUSE

AS PASSED

HOUSE BILL NO. 1036

HOUSE BILLS TRANSMITTED TO THE SENATE

AS PASSED

HOUSE BILL NO. 1027

HOUSE BILL NO. 1032

HOUSE BILL NO. 1064

HOUSE BILL NO. 1079

HOUSE BILL NO. 1089

HOUSE BILL TRANSMITTED TO THE SENATE

AS PASSED, EMERGENCY CLAUSE HAVING FAILED

HOUSE BILL NO. 1035

On motion of Senator Hill, the Senate adjourned until Thursday, 1:00, p.m.,
January 8, 2004.

PRESIDENT OF THE SENATE

SECRETARY OF THE SENATE

--ooOoo--

**32ND DAY'S PROCEEDINGS
SENATE CHAMBER
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION**

Little Rock, Arkansas

January 8, 2004

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

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

ALTES, ARGUE, BAKER, BISBEE, BOOKOUT,
BROADWAY, BROWN, BRYLES, CAPPS, CRITCHER,
FARIS, GLOVER, GULLETT, HENDREN,
HIGGINBOTHOM, HILL, HOLT, HORN, G.JEFFRESS,
J.JEFFRESS, JOHNSON, LAVERTY, LUKER, MADISON,
MALONE, MILLER, SALMON, SMITH, STEELE, TRUSTY,
WHITAKER, WILKINS, WILKINSON, WOMACK,
WOOLDRIDGE.

The Senate was led in prayer by Senator Henry "Hank" Wilkins, III.

The Senate was led in the Pledge of Allegiance by Senator Hill.

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

STATE OF ARKANSAS
OFFICE OF THE GOVERNOR
STATE CAPITOL
LITTLE ROCK, ARKANSAS

MIKE HUCKABEE
Governor

January 7, 2004

TO THE PRESIDENT OF THE SENATE

Dear Mr. President:

This is to inform your Honorable Body that on January 7, 2004, I approved the following measure from the Second Extraordinary Session of the Eighty-fourth General Assembly:

Senate Bill No. 44, now Act Number 30,

Sincerely,

(SIGNED) MIKE HUCKABEE
Governor

**SENATE MEMORIAL RESOLUTION NO. 8
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION
BY: SENATORS GULLETT & SALMON**

SENATE MEMORIAL RESOLUTION CELEBRATING THE LIFE AND
CONTRIBUTIONS, AND MOURNING THE PASSING OF LOUIS L. RAMSAY.

Senate Memorial Resolution No. 8. was read the first time, rules suspended, read the second time and placed on the Calendar.

ARKANSAS SENATE
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION

January 8, 2004

Mr. President:

We, your Committee on EDUCATION, to whom was referred:

SENATE BILL NO. 40, BY SENATOR LAVERTY,

beg leave to report that we have had the same under consideration, and herewith return the same with the recommendation that it do pass.

Respectfully submitted,

(SIGNED) SENATOR JIM ARGUE

ARKANSAS SENATE
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION

January 8, 2004

Mr. President:

We, your Committee on EDUCATION, to whom was referred:

SENATE BILL NO. 46, BY SENATOR BISBEE,

beg leave to report that we have had the same under consideration, and herewith return the same with the recommendation that it do pass as amended #2.

Respectfully submitted,

(SIGNED) SENATOR JIM ARGUE

ARKANSAS SENATE
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION

January 8, 2003

Mr. President:

We, your Committee on EDUCATION, to whom was referred:

HOUSE BILL NO. 1060, BY REPRESENTATIVE CHESTERFIELD,

beg leave to report that we have had the same under consideration, and herewith return the same with the recommendation that it do pass.

Respectfully submitted,

(SIGNED) SENATOR JIM ARGUE

ARKANSAS SENATE
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION

January 8, 2004

Mr. President:

We, your Committee on EDUCATION, to whom was referred:

HOUSE BILL NO. 1034, BY REPRESENTATIVE CLEVELAND,

beg leave to report that we have had the same under consideration, and herewith return the same with the recommendation that it do pass as amended #1 & #2.

Respectfully submitted,

(SIGNED) SENATOR BRENDA GULLETT

The President declared the morning hour to have expired.

On motion of Senator Wilkins, **Senate Bill No. 49** was called up for third reading and final disposition.

SENATE BILL NO. 49
CALL ITEM NO. 4
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION
BY: SENATOR WILKINS

A Bill for an Act to be Entitled: AN ACT TO REQUIRE SUPERINTENDENTS TO COMPLY WITH THE PROVISIONS OF THE ARKANSAS PUBLIC SCHOOL CHOICE ACT OF 1989; AND FOR OTHER PURPOSES.

Senate Bill No. 49 was placed on third reading and final disposition, the question being: Shall the Bill pass?

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

AFFIRMATIVE: Altes, Baker, J. Bookout, Broadway, Brown, Capps, Critcher, Faris, Glover, Higginbothom, Hill, Holt, Horn, G. Jeffress, J. Jeffress, B. Johnson, Laverty, Madison, Miller, Salmon, T. Smith, Steele, Trusty, Whitaker, Wilkins, Wilkinson, Womack, Wooldridge.

Total28

NEGATIVE: Hendren.

Total1

ABSENT OR NOT VOTING: Argue, Bisbee, Bryles, Gullett, Luker, Malone.

Total6

VOTING PRESENT:

Total0

Total number of votes cast29

Necessary to the passage of the bill18

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

(SIGNED) ANN CORNWELL, SECRETARY

Senate Bill No. 49 was ordered immediately transmitted to the House as passed.

On motion of Senator Womack, **Senate Bill No. 41** was called up for third reading and final disposition.

SENATE BILL NO. 41
As Engrossed: S1/7/04
CALL ITEM NO. 4
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION
BY: SENATORS WOMACK & BRYLES
REPRESENTATIVE KEY

A Bill for an Act to be Entitled: AN ACT TO REQUIRE PUBLIC SCHOOL DISTRICTS TO OFFER A PERSONAL FINANCE COURSE TO STUDENTS IN GRADES NINE THROUGH TWELVE (9-12); AND FOR OTHER PURPOSES.

On motion of Senator Womack, **Senate Bill No. 41** was pulled down at this time.

On motion of Senator Hill, **Senate Bill No. 58** was called up for third reading and final disposition.

SENATE BILL NO. 58
CALL ITEM NO. 1
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION
BY: SENATE EFFICIENCY COMMITTEE

A Bill for an Act to be Entitled: AN ACT TO MAKE AN APPROPRIATION FOR PERSONAL SERVICES AND OPERATING EXPENSES FOR THE ARKANSAS SENATE WHICH SHALL BE SUPPLEMENTAL AND IN ADDITION TO THOSE FUNDS APPROPRIATED BY ACT 2 OF 2003, ACT 1149 OF 2003 AND ACT 2 OF THE SECOND EXTRAORDINARY SESSION OF 2003; AND FOR OTHER PURPOSES.

Senate Bill No. 58 was placed on third reading and final disposition, the question being: Shall the Bill pass?

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

AFFIRMATIVE: Altes, Argue, Baker, Bisbee, J. Bookout, Broadway, Brown, Bryles, Capps, Critcher, Faris, Glover, Gullett, Hendren, Higginbothom, Hill, Holt, Horn, G. Jeffress, J. Jeffress, B. Johnson, Lavery, Luker, Madison, Malone, Miller, Salmon, T. Smith, Steele, Trusty, Whitaker, Wilkins, Wilkinson, Womack, Wooldridge.

Total35

NEGATIVE:

Total0

ABSENT OR NOT VOTING:

Total0

VOTING PRESENT:

Total0

Total number of votes cast35

Necessary to the passage of the bill27

There being an emergency clause attached to **Senate Bill No. 58**, the President ordered the Secretary to call the roll upon the adoption of the emergency clause.

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

AFFIRMATIVE: Altes, Argue, Baker, Bisbee, J. Bookout, Broadway, Brown, Bryles, Capps, Critcher, Faris, Glover, Gullett, Hendren, Higginbothom, Hill, Holt, Horn, G. Jeffress, J. Jeffress, B. Johnson, Lavery, Luker, Madison, Malone, Miller, Salmon, T. Smith, Steele, Trusty, Whitaker, Wilkins, Wilkinson, Womack, Wooldridge.

Total35

NEGATIVE:

Total0

ABSENT OR NOT VOTING:

Total0

VOTING PRESENT:

Total0

Total number of votes cast.....	35
Necessary to the adoption of the emergency clause	24

So the Emergency Clause was adopted.

(SIGNED) ANN CORNWELL, SECRETARY

Senate Bill No. 58 was ordered immediately transmitted to the House.

On motion of Senator Hendren, **Senate Bill No. 54** was called up for third reading and final disposition.

**SENATE BILL NO. 54
CALL ITEM NO. 16
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION
BY: SENATOR HENDREN**

A Bill for an Act to be Entitled: AN ACT TO AMEND THE LEGAL DESCRIPTIONS OF THE SILOAM SPRINGS AND BENTON COUNTY WEST DISTRICT COURTS; AND FOR OTHER PURPOSES.

Senate Bill No. 54 was placed on third reading and final disposition, the question being: Shall the Bill pass?

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

AFFIRMATIVE: Altes, Baker, Bisbee, J. Bookout, Broadway, Brown, Capps, Critcher, Faris, Glover, Gullett, Hendren, Higginbothom, Holt, Horn, G. Jeffress, J. Jeffress, B. Johnson, Lavery, Luker, Madison, Malone, Miller, Salmon, T. Smith, Steele, Trusty, Whitaker, Wilkins, Wilkinson, Womack, Wooldridge.

Total	32
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NEGATIVE:

Total0

ABSENT OR NOT VOTING: Argue, Bryles, Hill.

Total3

VOTING PRESENT:

Total0

Total number of votes cast.....32

Necessary to the passage of the bill18

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

(SIGNED) ANN CORNWELL, SECRETARY

Senator Hendren moved that the vote by which **Senate Bill No. 54** passed be reconsidered and that motion be laid upon the table, which motion prevailed and the motion to reconsider was laid on the table.

Senate Bill No. 54 was ordered immediately transmitted to the House as passed.

On motion of Senator Gullett, the rules were suspended in considering **Senate Memorial Resolution No. 8** at this time.

On motion of Senator Gullett, **Senate Memorial Resolution No. 8** was called up for third reading and final disposition.

**SENATE MEMORIAL RESOLUTION NO. 8
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION
BY: SENATORS GULLETT & SALMON**

SENATE MEMORIAL RESOLUTION CELEBRATING THE LIFE AND CONTRIBUTIONS, AND MOURNING THE PASSING OF LOUIS L. RAMSAY.

Senate Memorial Resolution No. 8 was read the third time and adopted.

(SIGNED) ANN CORNWELL, SECRETARY

On motion of Senator Broadway, the rules were suspended in considering Senate Bill No. 53 at this time.

On motion of Senator Broadway, Senate Bill No. 53 was withdrawn from the Committee on EDUCATION and placed back on second reading for purpose of amendment.

ARKANSAS SENATE
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION
Amendment No. 1 to SENATE BILL NO. 53

Amend Senate Bill No. 53 as originally introduced:

Page 1, line 24, delete "is" and substitute "are"

AND

Page 1, line 35 delete "standard" and substitute "standards"

AND

Page 1, delete line 36 and substitute the following:
"maintenance, and preventive maintenance care.

(3) The standards shall become effective July 1, 2005 only if funds are available."

(SIGNED) SHANE BROADWAY

The Amendment was read the first time, rules suspended, read the second time and adopted.

(SIGNED) ANN CORNWELL, SECRETARY

Senate Bill No. 53 was ordered engrossed.

On motion of Senator Broadway, the rules were suspended in considering **House Bill No. 1035** at this time.

On motion of Senator Broadway, **House Bill No. 1035** was withdrawn from the Committee on EDUCATION, and placed back on second reading for purpose of amendment.

ARKANSAS SENATE
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION
Amendment No. 1 to HOUSE BILL NO. 1035

Amend **House Bill No. 1035** as originally introduced:

Page 1, delete lines 24 through 36 and substitute:

"(b) The commission shall consist of eleven (11) members as follows:

(1) Four (4) members appointed by the Governor as follows:

(A) Two (2) members selected from a list of no fewer than five (5) names submitted by the Arkansas School Boards Association no later than five (5) days from the effective date of this act; and

(B) Two (2) members who are teachers that have received a Milken Educator Award and are presently teaching in a public school in Arkansas;

(2) Three (3) members appointed by the President Pro Tempore of the Senate as follows:

(A) One (1) person selected from a list of no fewer than five (5) names submitted by the Arkansas Association of Educational Administrators no later than five (5) days from the effective date of this act;

(B) One (1) person selected from a list of no fewer than five (5) names submitted by the Arkansas Education Association no later than five (5) days from the effective date of this act; and

(C) One (1) person selected from a list of no fewer than five (5) names submitted by the Arkansas Rural Education Association no later than five (5) days from the effective date of this act;

(3) Three (3) members appointed by the Speaker of the House of Representatives as follows:

(A) One (1) person, who shall be a superintendent of an Arkansas public school, selected from a list of no fewer than five (5) names of superintendents submitted by the Arkansas Association of Educational Administrators no later than five (5) days from the effective date of this act;

(B) One (1) person selected from a list of no fewer than five (5) names submitted by the Arkansas Education Association no later than five (5) days from the effective date of this act; and

(C) One (1) person selected from a list of no fewer than five (5) names submitted by the Arkansas Rural Education Association no later than five (5) days from the effective date of this act; and

(4) One (1) member jointly appointed by the Speaker of the House of Representatives and the President Pro Tempore of the Senate who is a member of a state or national parent teacher association."

AND

Page 2, delete lines 1 through 9 entirely

AND

Page 2, line 22, delete "economist" and substitute "superintendent"

AND

Page 2, line 29, delete "Three (3)" and substitute "Six (6)"

AND

Page 3, delete line 27 through 33 and substitute:

"(2)(A) The members of the commission shall serve without pay."

(SIGNED) SENATOR SHANE BROADWAY

The Amendment was read the first time, rules suspended, read the second time and adopted.

(SIGNED) ANN CORNWELL, SECRETARY

House Bill No. 1035 was ordered engrossed.

On motion of Senator Wilkins, the rules were suspended in considering **House Bill No. 1007** at this time.

On motion of Senator Wilkins, **House Bill No. 1007** was withdrawn from the Committee on EDUCATION, and placed back on second reading for purpose of amendment.

ARKANSAS SENATE
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION
Amendment No. 2 to HOUSE BILL NO. 1007

Amend **House Bill No. 1007** as engrossed, S12/26/03:

Page 1, lines 28 and 29, delete "~~six(6)~~ twelve (12)" and substitute "six (6)"

AND

Page 2, line 2, delete "twelve (12)" and substitute "six (6)"

AND

Page 2, line 5, delete "eighteen (18)" and substitute "twelve (12)"

(SIGNED) SENATOR HENRY "HANK" WILKINS

The Amendment was read the first time, rules suspended, read the second time and adopted.

(SIGNED) ANN CORNWELL, SECRETARY

House Bill No. 1007 was ordered engrossed.

On motion of Senator Salmon, the rules were suspended in considering **House Bill No. 1034** at this time.

On motion of Senator Salmon, **House Bill No. 1034** was placed back on second reading for purpose of amendments.

ARKANSAS SENATE
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION
Amendment No. 1 to HOUSE BILL NO. 1034

Amend **House Bill No. 1034** as engrossed, H12/29/03 by:

Page 1, delete line 30 and substitute the following:

“(3) The Director of the Department of Workforce Education;

(4) The Director of the Division of Child Care and Early Childhood Education of the Department of Human Services or the director’s designee;”

AND

Page 1, line 31 delete “(4)” and substitute “(5)”

AND

Page 1, line 32 delete “(5)” and substitute “(6)”

AND

Page 1, line 34 delete “(6)” and substitute “(7)”

AND

Page 1, line 35 delete “(7)” and substitute “(8)”

AND

Page 2, line 1 delete “(8)” and substitute “(9)”

AND

Page 2, line 2 delete “(9)” and substitute “(10)”

AND

Page 2, line 4 delete “(10)” and substitute “(11)”

AND

Page 2, line 7 delete “(11)” and substitute “(12)”

AND

Page 2, line 10 delete “(12)” and substitute “(13)”

AND

Page 2, line 12 delete “(13)” and substitute “(14)”

AND

Page 2, line 15 delete “(14)” and substitute “(15)”

AND

Page 2, line 18 delete “(15)” and substitute “(16)”

AND

Page 2, line 22 delete “(16)” and substitute “(17)”

(SIGNED) SENATOR MARY ANNE SALMON

The Amendment was read the first time, rules suspended, read the second time and adopted.

(SIGNED) ANN CORNWELL, SECRETARY

Amendment No. 2 to HOUSE BILL NO. 1034

Amend **House Bill No. 1034** as engrossed, H12/29/03:

Page 3, line 10 delete "Department of Education" and substitute "Department of Higher Education"

(SIGNED) SENATOR MARY ANNE SALMON

The Amendment was read the first time, rules suspended, read the second time and adopted.

(SIGNED) ANN CORNWELL, SECRETARY

House Bill No. 1034 was ordered engrossed.

On motion of Senator Bisbee, the rules were suspended in considering **Senate Bill No. 46** at this time.

On motion of Senator Bisbee, **Senate Bill No. 46** was placed back on second reading for purpose of amendment.

ARKANSAS SENATE
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION
Amendment No. 2 to SENATE BILL NO. 46

Amend **Senate Bill No. 46** as engrossed, S12/31/03:

Add Senators Baker, Broadway, and Madison as cosponsor of the bill

AND

Add Representatives Agee, Dangeau, Edwards, House, C. Johnson, Penix, and White

AND

Delete everything following the enacting clause and substitute the following:

“SECTION 1. For purposes of this act:

(1) "Incentive bonus" means a bonus paid to master principals serving as a principal of any public school in the state;

(2) "High-need school salary bonus" means an annual bonus to master principals serving as a principal of a public school in phase two (2) or phase three (3) school improvement status or located in a school district in academic distress; and

(3) "Hold-back longevity bonus" means a portion of the high-need school salary bonus held back to be paid at the end of three (3) years and five (5) years of serving as a principal of the same public school in phase two (2) or phase three (3) school improvement status or located in a school district in academic distress.

SECTION 2. (a) There is created the Master School Principal Program to provide training programs and opportunities to expand the knowledge base and leadership skills of public school principals.

(b) The program shall be administered by the Arkansas Leadership Academy.

(c) The program shall consist of no less than a three-phase process developed by the Arkansas Leadership Academy and approved by the State Board of Education, including:

(1) Phase one (1), which shall expand the knowledge base and leadership skills of the principal;

(2) Phase two (2), which shall require the principal to apply strategies and to collect evidence of improvement in student learning and school processes; and

(3) Phase three (3), which shall require the principal to publicly demonstrate the ability and skills that lead to sustained academic improvement in a school and a school district.

(d) A school principal successfully completing the program shall be designated as a master school principal by the Arkansas Leadership Academy.

(e)(1) The Department of Education and the Arkansas Leadership Academy shall:

(A) Develop criteria for selection of candidates for the process;

(B) Review and modify, as deemed appropriate, the program performance areas; and

(C)(i) Develop a rigorous assessment process based on the performance areas.

(ii) The assessment shall include, but shall not be limited to, demonstrable, performance-based evidence of the performance areas.

(2) The number of school principals participating each year may be determined by the amount of funding available for the program.

SECTION 3. (a) The Arkansas Department of Education shall promulgate rules and regulations for the nine thousand dollar (\$9,000) yearly incentive bonus provided under this section for principals receiving master school principal status.

(b) The Department of Education shall pay a yearly incentive bonus of nine thousand dollars (\$9,000) for every school year for no more than five (5) years to any building-level principal who:

(1) Receives a master school principal designation from the Arkansas Leadership Academy; and

(2) Is, at the time of receiving the bonus, employed full-time as a building-level principal in an Arkansas public school district.

SECTION 4. (a) The Arkansas Department of Education shall promulgate rules and regulations for an additional high-need school salary bonus, including a hold-back longevity bonus, for principals receiving master school principal status and serving as a principal of a public school in phase two (2) or phase three (3) school improvement status or located in a school district in academic distress.

(b)(1) The department shall pay a high-need school salary bonus of twenty-five thousand dollars (\$25,000) for every school year for no more than five (5) years to any building-level principal who:

(A) Receives a master school principal designation from the Arkansas Leadership Academy; and

(B) Is, at the time of receiving the (\$25,000) bonus, employed full-time as a building-level principal in an Arkansas public school district that is or was:

(i) A public school in phase two (2) or phase three (3) school improvement status at the time the master school principal began his or her employment as a master school principal of the school; or

(ii) A public school located in a school district in academic distress at the time the master school principal began his or her employment as a master school principal of the school.

(2) The high-need school salary bonus under subdivision (b)(1) of this section shall be paid as follows:

(A) Twenty-thousand dollars (\$20,000) for each school year; and

(B) An additional five thousand dollars (\$5,000) to be set aside for each qualifying school year to be paid as follows:

(i) A fifteen thousand dollar (\$15,000) hold-back longevity bonus at the end of three (3) consecutive school years as a master school principal in the same school; and

(ii) A ten thousand dollar (\$10,000) hold-back longevity bonus at the end of five (5) consecutive school years as a master school principal in the same school.

(3) The high-need school salary bonus with the hold-back longevity bonus payable under this section shall be paid in addition to the five-year incentive bonus allowed under Section 3 of this act, if the master principal is within the time frame for eligibility for the five-year incentive bonus.

(c) No person shall receive either a yearly incentive bonus, a salary bonus, or a longevity bonus, regardless of the person's past participation in the Master School Principal Program, if the person leaves the full-time employment as a principal of an Arkansas public school district."

(SIGNED) SENATOR DAVID BISBEE

The Amendment was read the first time, rules suspended, read the second time and adopted.

(SIGNED) ANN CORNWELL, SECRETARY

Senate Bill No. 46 was ordered engrossed.

On motion of Senator Womack, the rules were suspended in considering **House Bill No. 1070** at this time.

On motion of Senator Womack, **House Bill No. 1070** was placed back on second reading for purpose of amendment.

Senator Gullett spoke for the amendment.

ARKANSAS SENATE
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION
Amendment No. 1 to HOUSE BILL NO. 1070

Amend **House Bill No. 1070** as engrossed, H12/31/03

Page 1, delete lines 30 through 34

(SIGNED) SENATOR SHAWN WOMACK

The Amendment was read the first time, rules suspended, read the second time and adopted.

(SIGNED) ANN CORNWELL, SECRETARY

House Bill No. 1070 was ordered engrossed.

On motion of Senator Wilkins, **House Bill No. 1053** was called up for third reading and final disposition.

HOUSE BILL NO. 1053
As Engrossed: H12/23/03 H12/26/03 S1/6/04
CALL ITEM NO. 4
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION
BY: REPRESENTATIVE C. JOHNSON, ET AL
SENATORS WILKINS & GULLETT

A Bill for an Act to be Entitled: AN ACT TO CLARIFY THE MEANING OF INSTRUCTIONAL DUTIES IN RELATION TO ASSIGNMENT OF NONINSTRUCTIONAL DUTIES TO TEACHERS; AND FOR OTHER PURPOSES.

House Bill No. 1053 was placed on third reading and final disposition, the question being: Shall the Bill pass?

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

AFFIRMATIVE: Altes, Baker, Bisbee, J. Bookout, Broadway, Brown, Capps, Critcher, Faris, Glover, Gullett, Higginbothom, Holt, Horn, G. Jeffress, J. Jeffress, B. Johnson, Laverty, Madison, Malone, Miller, Salmon, T. Smith, Steele, Trusty, Whitaker, Wilkins, Wilkinson, Womack, Wooldridge.

Total30

NEGATIVE: Hendren.

Total1

ABSENT OR NOT VOTING: Argue, Bryles, Hill, Luker.

Total4

VOTING PRESENT:

Total0

Total number of votes cast31

Necessary to the passage of the bill18

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

(SIGNED) ANN CORNWELL, SECRETARY

House Bill No. 1053 was ordered immediately returned to the House as passed as amended.

On motion of Senator Hill, **House Bill No. 1089** was called up for third reading and final disposition.

HOUSE BILL NO. 1089
CALL ITEM NO. 1
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION
BY: HOUSE MANAGEMENT

A Bill for an Act to be Entitled: AN ACT TO MAKE AN APPROPRIATION FOR PERSONAL SERVICES AND OPERATING EXPENSES FOR THE ARKANSAS HOUSE OF REPRESENTATIVES WHICH SHALL BE SUPPLEMENTAL AND IN ADDITION TO THOSE FUNDS APPROPRIATED BY ACT 1 OF 2003, ACT 1025 OF 2003, AND ACT 1 OF THE SECOND EXTRAORDINARY SESSION OF 2003; AND FOR OTHER PURPOSES.

House Bill No. 1089 was placed on third reading and final disposition, the question being: Shall the Bill pass?

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

AFFIRMATIVE: Altes, Argue, Baker, Bisbee, J. Bookout, Broadway, Brown, Bryles, Capps, Critcher, Faris, Glover, Gullett, Hendren, Higginbothom, Hill, Holt, Horn, G. Jeffress, J. Jeffress, B. Johnson, Laverty, Luker, Madison, Malone, Miller, Salmon, T. Smith, Steele, Trusty, Whitaker, Wilkins, Wilkinson, Womack, Wooldridge.

Total35

NEGATIVE:

Total0

ABSENT OR NOT VOTING:

Total0

VOTING PRESENT:

Total0

Total number of votes cast.....35

Necessary to the passage of the bill27

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

(SIGNED) ANN CORNWELL, SECRETARY

There being an emergency clause attached to **House Bill No. 1089**, the President ordered the Secretary to call the roll upon the adoption of the emergency clause.

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

AFFIRMATIVE: Altes, Argue, Baker, Bisbee, J. Bookout, Broadway, Brown, Bryles, Capps, Critcher, Faris, Glover, Gullett, Hendren, Higginbothom, Hill, Holt, Horn, G. Jeffress, J. Jeffress, B. Johnson, Laverty, Luker, Madison, Malone, Miller, Salmon, T. Smith, Steele, Trusty, Whitaker, Wilkins, Wilkinson, Womack, Wooldridge.

Total35

NEGATIVE:

Total0

ABSENT OR NOT VOTING:

Total0

VOTING PRESENT:

Total0

Total number of votes cast.....35

Necessary to the adoption of the emergency clause24

So the Emergency Clause was adopted.

(SIGNED) ANN CORNWELL, SECRETARY

House Bill No. 1089 was ordered immediately returned to the House as passed.

On motion of Senator Womack, **Senate Bill No. 41** was called up for third reading and final disposition.

SENATE BILL NO. 41
As Engrossed: S1/7/04
CALL ITEM NO. 4
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION
BY: SENATORS WOMACK & BRYLES
REPRESENTATIVE KEY

A Bill for an Act to be Entitled: AN ACT TO REQUIRE PUBLIC SCHOOL DISTRICTS TO OFFER A PERSONAL FINANCE COURSE TO STUDENTS IN GRADES NINE THROUGH TWELVE (9-12); AND FOR OTHER PURPOSES.

Senate Bill No. 41 was placed on third reading and final disposition, the question being: Shall the Bill pass?

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

AFFIRMATIVE: Altes, Baker, Bisbee, J. Bookout, Broadway, Capps, Critcher, Faris, Glover, Gullett, Higginbotham, Hill, Holt, Horn, G. Jeffress, J. Jeffress, B. Johnson, Laverty, Madison, Malone, Miller, Salmon, T. Smith, Steele, Trusty, Whitaker, Wilkins, Womack, Wooldridge.

Total29

NEGATIVE: Hendren.

Total1

ABSENT OR NOT VOTING: Argue, Brown, Bryles, Luker, Wilkinson.

Total5

VOTING PRESENT:

Total0

Total number of votes cast.....30

Necessary to the passage of the bill18

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

(SIGNED) ANN CORNWELL, SECRETARY

Senator Womack moved that the vote by which **Senate Bill No. 41** passed be reconsidered and that motion be laid upon the table, which motion prevailed and the motion to reconsider was laid on the table.

Senate Bill No. 41 was ordered immediately transmitted to the House as passed.

**ARKANSAS SENATE
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION**

January 8, 2004

Mr. President:

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

SENATE BILL NO. 46, BY SENATOR BISBEE, EL AL,

beg leave to report that we have carefully compared the engrossed copy with the original and we find the same correctly engrossed.

Respectfully submitted,

(SIGNED) JOHN PAUL CAPPS, CHAIRMAN

On motion of Senator Bisbee, and without objection, the rules were suspended pertaining to passage of Amendment and Bill on the same day.

On motion of Senator Bisbee, **Senate Bill No. 46** was called up for third reading and final disposition.

SENATE BILL NO. 46
As Engrossed: S12/31/03 S1/8/04
CALL ITEM NO. 4
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION
BY: SENATOR BISBEE, ET AL
REPRESENTATIVE MAHONY, ET AL

A Bill for an Act to be Entitled: AN ACT TO IMPROVE SCHOOL PERFORMANCE BY CREATING THE MASTER SCHOOL PRINCIPAL PROGRAM; AND FOR OTHER PURPOSES.

Senate Bill No. 46 was placed on third reading and final disposition, the question being: Shall the Bill pass?

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

AFFIRMATIVE: Altes, Argue, Baker, Bisbee, J. Bookout, Broadway, Capps, Critcher, Faris, Glover, Gullett, Hendren, Higginbothom, Hill, Holt, Horn, B. Johnson, Laverty, Madison, Malone, Miller, Salmon, T. Smith, Trusty, Whitaker, Wilkins, Wilkinson, Womack, Wooldridge.

Total29

NEGATIVE:

Total0

ABSENT OR NOT VOTING: Brown, Bryles, G. Jeffress, J. Jeffress, Luker, Steele.

Total6

VOTING PRESENT:

Total0

Total number of votes cast.....29

Necessary to the passage of the bill18

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

(SIGNED) ANN CORNWELL, SECRETARY

Senate Bill No. 46 was ordered immediately transmitted to the House as passed.

ARKANSAS SENATE
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION

January 8, 2004

Mr. President:

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

SENATE BILL NO. 53, BY SENATOR BROADWAY,

beg leave to report that we have carefully compared the engrossed copy with the original and we find the same correctly engrossed.

Respectfully submitted,

(SIGNED) JOHN PAUL CAPPS, CHAIRMAN

On motion of Senator Broadway, **Senate Bill No. 53** was ordered re-referred to the Committee on EDUCATION.

ARKANSAS SENATE
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION

January 8, 2004

Mr. President:

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

HOUSE BILL NO. 1007, BY REPRESENTATIVE PICKETT,

beg leave to report that we have carefully compared the engrossed copy with the original and we find the same correctly engrossed.

Respectfully submitted,

(SIGNED) JOHN PAUL CAPPS, CHAIRMAN

On motion of Senator Wilkins, **House Bill No. 1007** was ordered re-referred to the Committee on EDUCATION.

SENATE BILL NO. 59
CALL ITEM NO. 6
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION
BY: SENATORS SMITH & BAKER

A Bill for an Act to be Entitled: AN ACT TO INCREASE THE STATE SALES AND USE TAX RATE BY ONE PERCENT (1%) FOR THE BENEFIT OF THE PUBLIC SCHOOL FUND; TO REDUCE THE STATE SALES TAX ON FOOD TO ZERO PERCENT (0%); AND FOR OTHER PURPOSES.

Senate Bill No. 59 was read the first time, rules suspended, read the second time and referred to the Committee on REVENUE & TAXATION.

ARKANSAS SENATE
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION

January 8, 2004

Mr. President:

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

HOUSE BILL NO. 1035, BY REPRESENTATIVE CLEVELAND,

beg leave to report that we have carefully compared the engrossed copy with the original and we find the same correctly engrossed.

Respectfully submitted,
(SIGNED) JOHN PAUL CAPPs, CHAIRMAN

On motion of Senator Broadway, **House Bill No. 1035** was ordered re-referred to the Committee on EDUCATION.

ARKANSAS SENATE
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION

January 8, 2004

Mr. President:

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

HOUSE BILL NO. 1070, BY REPRESENTATIVE LENDALL,

beg leave to report that we have carefully compared the engrossed copy with the original and we find the same correctly engrossed.

Respectfully submitted,
(SIGNED) JOHN PAUL CAPPs, CHAIRMAN

On motion of Senator Womack, **House Bill No. 1070** was ordered re-referred to the Committee on EDUCATION.

ARKANSAS SENATE
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION

January 8, 2004

Mr. President:

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

HOUSE BILL NO. 1034, BY REPRESENTATIVE CLEVELAND, ET AL,

beg leave to report that we have carefully compared the engrossed copy with the original and we find the same correctly engrossed.

Respectfully submitted,

(SIGNED) JOHN PAUL CAPPS, CHAIRMAN

HOUSE BILL NO. 1085
CALL ITEM NO. 6
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION
BY: REPRESENTATIVE THYER

A Bill for an Act to be Entitled: AN ACT TO CONTINUE THE PAYMENT OF A DEBT SERVICE FUNDING SUPPLEMENT TO SCHOOL DISTRICTS CURRENTLY RECEIVING DEBT SERVICE FUNDING; AND FOR OTHER PURPOSES.

House Bill No. 1085 was read the first time, rules suspended, read the second time and referred to the Committee on EDUCATION.

HOUSE BILL NO. 1087
CALL ITEM NO. 4
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION
BY: REPRESENTATIVE HARRIS & SENATOR WILKINS

A Bill for an Act to be Entitled: AN ACT TO REQUIRE SCHOOL DISTRICTS IN FISCAL DISTRESS TO COMPLETE AND FILE AN ANNUAL AUDIT WITH THE DEPARTMENT OF EDUCATION WITHIN SIX (6) MONTHS FOLLOWING THE END OF THE FISCAL YEAR, AND FOR OTHER PURPOSES.

House Bill No. 1087 was read the first time, rules suspended, read the second time and referred to the Committee on EDUCATION.

HOUSE BILL NO. 1090
CALL ITEM NO. 4
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION
BY: REPRESENTATIVE CLEVELAND

A Bill for an Act to be Entitled: AN ACT TO CREATE THE EDUCATIONAL ADEQUACY TRUST FUND; AND FOR OTHER PURPOSES.

House Bill No. 1090 was read the first time, rules suspended, read the second time and referred to the Committee on EDUCATION.

HOUSE BILL NO. 1071
CALL ITEM NO. 6
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION
BY: REPRESENTATIVES BIGGS & MAHONY

A Bill for an Act to be Entitled: AN ACT TO CONTINUE THE PAYMENT OF A DEBT SERVICE FUNDING SUPPLEMENT TO SCHOOL DISTRICTS CURRENTLY RECEIVING DEBT SERVICE FUNDING FOR UP TO THREE (3) YEARS; TO CONTINUE THE PAYMENT OF GENERAL FACILITIES FUNDING TO SCHOOL DISTRICTS FOR UP TO THREE (3) YEARS; TO PROVIDE FOR PAYMENT OF A SUPPLEMENTAL MILLAGE INCENTIVE FUNDING FOR SCHOOL DISTRICTS THAT INCREASE SCHOOL DISTRICT MILLAGE IN EXCESS OF TWENTY-FIVE (25) MILLS; AND FOR OTHER PURPOSES.

House Bill No. 1071 was read the first time, rules suspended, read the second time and referred to the Committee on EDUCATION.

Senate Bill No. 33 was returned from the House as passed, as amended.

On motion of Senator Bryles, **Senate Bill No. 33** was ordered re-referred to the Committee on EDUCATION.

* * * * *

SENATE BILLS TRANSMITTED TO THE HOUSE
AS PASSED

SENATE BILL NO. 41

SENATE BILL NO. 46

SENATE BILL NO. 49

SENATE BILL NO. 54

SENATE BILL NO. 58

HOUSE BILL RETURNED TO THE HOUSE
AS PASSED

HOUSE BILL NO. 1089

HOUSE BILL RETURNED TO THE HOUSE
AS PASSED AS AMENDED

HOUSE BILL NO. 1053

SENATE BILL RETURNED FROM THE HOUSE
AS PASSED AS AMENDED

SENATE BILL NO. 33

HOUSE BILLS TRANSMITTED TO THE SENATE
AS PASSED

HOUSE BILL N O. 1071

HOUSE BILL NO. 1085

HOUSE BILL NO. 1087

HOUSE BILL NO. 1090

On motion of Senator Hill, the Senate adjourned until Friday, 11:05, a.m.,
January 9, 2004.

PRESIDENT OF THE SENATE

SECRETARY OF THE SENATE

--ooOoo--

**33RD DAY'S PROCEEDINGS
SENATE CHAMBER
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION**

Little Rock, Arkansas

January 9, 2004

The Senate was called to order at 11:05 a.m. by the President.

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

ALTES, ARGUE, BAKER, BISBEE, BOOKOUT,
BROADWAY, BROWN, BRYLES, CAPPS, CRITCHER,
FARIS, GLOVER, GULLETT, HENDREN,
HIGGINBOTHOM, HILL, HOLT, HORN, G.JEFFRESS,
J.JEFFRESS, JOHNSON, LAVERTY, LUKER, MADISON,
MALONE, MILLER, SALMON, SMITH, STEELE, TRUSTY,
WHITAKER, WILKINS, WILKINSON, WOMACK,
WOOLDRIDGE.

The Senate was led in prayer by Senator Gilbert Baker.

The Senate was led in the Pledge of Allegiance by Senator Hill.

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

ARKANSAS SENATE
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION

January 9, 2004

Mr. President:

We, your Committee on PUBLIC TRANSPORTATION, to whom was referred:

HOUSE BILL NO. 1027, BY REPRESENTATIVE PETRUS,

beg leave to report that we have had the same under consideration, and herewith return the same with the recommendation that it do pass.

Respectfully submitted,

(SIGNED) SENATOR STEVE HIGGINBOTHOM

Senate Bill No. 58 was returned from the House as passed and ordered enrolled.

The President declared the morning hour to have expired.

On motion of Senator Salmon, **House Bill No. 1034** was called up for third reading and final disposition.

HOUSE BILL NO. 1034
As Engrossed: H12/29/03 S1/8/04
CALL ITEM NO. 4
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION
BY: REPRESENTATIVE CLEVELAND, ET AL
SENATOR SALMON

A Bill for an Act to be Entitled: AN ACT TO CREATE THE ARKANSAS COMMISSION FOR COORDINATION OF EDUCATIONAL EFFORTS; AND FOR OTHER PURPOSES.

House Bill No. 1034 was placed on third reading and final disposition, the question being: Shall the Bill pass?

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

AFFIRMATIVE: Baker, Bisbee, J. Bookout, Brown, Capps, Critcher, Faris, Glover, Gullett, Higginbothom, Hill, Holt, Horn, J. Jeffress, B. Johnson, Madison, Malone, Miller, Salmon, T. Smith, Steele, Wilkins, Wilkinson, Wooldridge.

Total24

NEGATIVE: Altes, Hendren, Whitaker.

Total3

ABSENT OR NOT VOTING: Argue, Broadway, Bryles, G. Jeffress, Lavery, Luker, Trusty, Womack.

Total8

VOTING PRESENT:

Total0

Total number of votes cast.....27

Necessary to the passage of the bill18

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

(SIGNED) ANN CORNWELL, SECRETARY

There being an emergency clause attached to **House Bill No. 1034**, the President ordered the Secretary to call the roll upon the adoption of the emergency clause.

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

AFFIRMATIVE: Baker, Bisbee, J. Bookout, Brown, Capps, Critcher, Faris, Glover, Gullett, Higginbothom, Hill, Holt, Horn, J. Jeffress, B. Johnson, Madison, Malone, Miller, Salmon, T. Smith, Steele, Wilkins, Wilkinson, Wooldridge.

Total24

NEGATIVE: Altes, Hendren, Whitaker.

Total3

ABSENT OR NOT VOTING: Argue, Broadway, Bryles, G. Jeffress, Lavery, Luker, Trusty, Womack.

Total8

VOTING PRESENT:

Total0

Total number of votes cast.....27

Necessary to the adoption of the emergency clause24

So the Emergency Clause was adopted.

(SIGNED) ANN CORNWELL, SECRETARY

Senator Salmon moved that the vote by which **House Bill No. 1034** passed be reconsidered and that motion be laid upon the table, which motion prevailed and the motion to reconsider was laid on the table.

House Bill No. 1034 was ordered immediately returned to the House as passed, as amended.

On motion of Senator Brown, the rules were suspended in considering **House Bill No. 1060** at this time.

On motion of Senator Brown, **House Bill No. 1060** was called up for third reading and final disposition.

HOUSE BILL NO. 1060
As Engrossed: 5/16/04
CALL ITEM NO. 4
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION
BY: REPRESENTATIVE CHESTERFIELD, ET AL
SENATORS BROWN, STEELE & WILKINS

A Bill for an Act to be Entitled: AN ACT TO MEET THE MANDATE OF THE ARKANSAS SUPREME COURT IN LAKE VIEW SCHOOL DISTRICT NO. 25 V. HUCKABEE; TO PROVIDE AN ADEQUATE EDUCATION FOR CHILDREN WHO ATTEND PUBLIC SCHOOLS IN ARKANSAS BY PROVIDING HOUSING INCENTIVES FOR ATTRACTING HIGH-PERFORMING TEACHERS TO HIGH-PRIORITY SCHOOL DISTRICTS; TO CREATE THE TEACHER HOUSING FUND; AND FOR OTHER PURPOSES.

House Bill No. 1060 was placed on third reading and final disposition, the question being: Shall the Bill pass?

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

AFFIRMATIVE: Baker, J. Bookout, Brown, Capps, Critcher, Faris, Glover, Gullett, Higginbothom, Hill, Horn, G. Jeffress, J. Jeffress, B. Johnson, Madison, Malone, Miller, Salmon, T. Smith, Steele, Trusty, Wilkins, Wilkinson, Womack.

Total24

NEGATIVE: Hendren, Holt, Wooldridge.

Total3

ABSENT OR NOT VOTING: Altes, Argue, Bisbee, Broadway, Bryles, Laverty, Luker, Whitaker.

Total8

VOTING PRESENT:

Total0

Total number of votes cast.....27
Necessary to the passage of the bill18

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

(SIGNED) ANN CORNWELL, SECRETARY

House Bill No. 1060 was ordered immediately returned to the House as passed as amended.

ARKANSAS SENATE
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION

January 9, 2004

Mr. President:

We, your Committee on EDUCATION, to whom was referred:

SENATE BILL NO. 33, BY SENATOR BRYLES,

beg leave to report that we have had the same under consideration, and herewith return the same with the recommendation that it do pass to concur in House Amendment #1.

Respectfully submitted,

(SIGNED) SENATOR JIM ARGUE

ARKANSAS SENATE
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION

January 9, 2004

Mr. President:

We, your Committee on EDUCATION, to whom was referred:

HOUSE BILL NO. 1007, BY REPRESENTATIVE PICKETT,
HOUSE BILL NO. 1035, BY REPRESENTATIVE CLEVELAND,
HOUSE BILL NO. 1070, BY REPRESENTATIVE LENDALL,
HOUSE BILL NO. 1087, BY REPRESENTATIVE HARRIS,

beg leave to report that we have had the same under consideration, and herewith return the same with the recommendation that they do pass.

Respectfully submitted,

(SIGNED) SENATOR JIM ARGUE

ARKANSAS SENATE
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION

January 9, 2004

Mr. President:

We, your Committee on EDUCATION, to whom was referred:

HOUSE BILL NO. 1079, BY REPRESENTATIVE CLEVELAND,

beg leave to report that we have had the same under consideration, and herewith return the same with the recommendation that it do pass as amended #1.

Respectfully submitted,

(SIGNED) SENATOR JIM ARGUE

HOUSE BILL NO. 1009
As Engrossed: H12/17/03 H12/26/03 H1/5/04
CALL ITEM NO. 4
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION
BY: REPRESENTATIVE PICKETT

A Bill for an Act to be Entitled: AN ACT TO DIVIDE THE DEPARTMENT OF EDUCATION INTO THE *DIVISION* OF CURRICULUM AND INSTRUCTION AND THE *DIVISION* OF ACCOUNTABILITY; AND FOR OTHER PURPOSES.

House Bill No. 1009 was read the first time, rules suspended, read the second time and referred to the Committee on EDUCATION.

ARKANSAS SENATE
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION

January 9, 2004

Mr. President:

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

SENATE BILL NO. 58, BY SENATE EFFICIENCY COMMITTEE,

beg leave to report that we have carefully compared the enrolled copy with the original and we find the same correctly enrolled and have at 11:20 a.m. delivered them to the Governor for his approval.

Respectfully submitted,

(SIGNED) JOHN PAUL CAPPS, CHAIRMAN

GOVERNOR'S BILL RECEIPTS

SENATE BILL NO. 58

RECEIVED the above papers from the Secretary of the Senate this 9th day of January, 2004, 2003 at 11:20 p.m..

(SIGNED) MIKE HUCKABEE

Governor

(SIGNED) STACY DeJARNETTE

Secretary

SENATE MEMORIAL RESOLUTION NO. 9
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION
BY: SENATOR LAVERTY

SENATE MEMORIAL RESOLUTION HONORING THE MEMORY AND
MOURNING THE LOSS OF MARK A. MOSELEY.

Senate Memorial Resolution No. 9. was read the first time, rules suspended, read the second time and placed on the Calendar.

SENATE BILL NO. 60
CALL ITEM NO. 6
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION
BY: SENATOR GLOVER

A Bill for an Act to be Entitled: AN ACT TO LEVY AN ADDITIONAL GROSS RECEIPTS TAX OF ONE-HALF OF ONE PERCENT (0.5%); TO LEVY AN ADDITIONAL ONE-HALF OF ONE PERCENT COMPENSATING USE TAX; TO PHASE OUT THE STATE SALES AND USE TAX ON FOOD AND FOOD INGREDIENTS; TO CREATE THE EDUCATIONAL ADEQUACY TRUST FUND; AND FOR OTHER PURPOSES.

Senate Bill No. 60 was read the first time, rules suspended, read the second time and referred to the Committee on REVENUE & TAXATION.

SENATE BILL NO. 61
CALL ITEM NO. 6
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION
BY: SENATOR WOOLDRIDGE

A Bill for an Act to be Entitled: AN ACT TO AMEND ARKANSAS LAW TO LEVY A FLAT SEVEN PERCENT (7%) INCOME TAX RATE ON ALL CORPORATIONS SUBJECT TO ARKANSAS INCOME TAX; TO INCREASE THE INCOME TAX SURCHARGE AN ADDITIONAL TWO PERCENT (2%); TO INCREASE THE SEVERANCE TAX ON NATURAL GAS BY FIFTEEN CENTS (15¢) PER THOUSAND CUBIC FEET; TO INCREASE THE TAX ON BEER TO NINE DOLLARS (\$9.00) PER GALLON; TO INCREASE THE PERCENTAGE OF PROPERTY VALUE THAT IS SUBJECT TO PROPERTY TAX; AND FOR OTHER PURPOSES.

Senate Bill No. 61 was read the first time, rules suspended, read the second time and referred to the Committee on REVENUE & TAXATION.

SENATE BILL NO. 62
CALL ITEM NO. 6
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION
BY: SENATOR WOOLDRIDGE

A Bill for an Act to be Entitled: AN ACT TO PROVIDE ADDITIONAL REVENUE TO FUND THE STATE EDUCATION SYSTEM; TO LEVY AN ADDITIONAL FIVE-EIGHTHS OF ONE PERCENT (0.625%); TO ELIMINATE THE REQUIREMENT THAT PROPERTY “COME TO REST” IN THE STATE OR “BECOME COMMINGLED” WITH PROPERTY IN THE STATE IN ORDER TO BE SUBJECT TO USE TAX; TO IMPOSE A GROSS RECEIPTS TAX ON CERTAIN SERVICES; TO REPEAL THE INDIVIDUAL INCOME TAX EXEMPTION FOR CAPITAL GAINS; TO INCREASE THE TAX ON LIQUOR; TO INCREASE THE TAX ON WINE; TO INCREASE THE WHOLESALE VENDING TAX; TO REQUIRE THAT ALL VENDING MACHINE OPERATORS OBTAIN BOTH A SALES TAX PERMIT AND A DECAL; TO CREATE THE EDUCATIONAL ADEQUACY TRUST FUND; AND FOR OTHER PURPOSES.

Senate Bill No. 62 was read the first time, rules suspended, read the second time and referred to the Committee on REVENUE & TAXATION.

* * * * *

HOUSE BILLS RETURNED TO THE HOUSE
AS PASSED AS AMENDED

HOUSE BILL NO. 1034

HOUSE BILL NO. 1060

SENATE BILL RETURNED FROM THE HOUSE
AS PASSED

SENATE BILL NO. 58

HOUSE BILL TRANSMITTED TO THE SENATE
AS PASSED

HOUSE BILL NO. 1009

On motion of Senator Hill, the Senate adjourned until Monday, 1:00, p.m.,
January 12, 2004.

PRESIDENT OF THE SENATE

SECRETARY OF THE SENATE

--ooOoo--

**36TH DAY'S PROCEEDINGS
SENATE CHAMBER
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION**

Little Rock, Arkansas

January 12, 2004

The Senate was called to order at 1:05 p. m. by the President.

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

ALTES, ARGUE, BAKER, BISBEE, BOOKOUT, BROWN,
BRYLES, CAPPS, CRITCHER, FARIS, GLOVER,
GULLETT, HENDREN, HIGGINBOTHOM, HILL, HOLT,
HORN, G.JEFFRESS, J.JEFFRESS, JOHNSON, LAVERTY,
LUKER, MADISON, MALONE, MILLER, SALMON,
SMITH, STEELE, TRUSTY, WILKINS, WILKINSON,
WOMACK, WOOLDRIDGE.

Leave was requested for Senators Broadway and Whitaker.

The Senate was led in prayer by Senator Tim Wooldridge.

The President led the Senate in the Pledge of Allegiance.

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

On motion of Senator Lavery, **Senate Memorial Resolution No. 9** was called up for third reading and final disposition.

**SENATE MEMORIAL RESOLUTION NO. 9
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION
BY: SENATOR LAVERTY**

SENATE MEMORIAL RESOLUTION HONORING THE MEMORY AND MOURNING THE LOSS OF MARK A. MOSELEY.

Senate Memorial Resolution No. 9 was read the third time and adopted.

(SIGNED) ANN CORNWELL, SECRETARY

On motion of Senator Bisbee, the rules were suspended in considering **Senate Bill No. 51** at this time.

On motion of Senator Bisbee, **Senate Bill No. 51** was withdrawn from the Committee on Joint Budget and placed back on second reading for purpose of amendment.

**ARKANSAS SENATE
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION
Amendment No. 1 to SENATE BILL NO. 51**

Amend **Senate Bill No. 51** as originally introduced:

Page 1, line 11, delete in its entirety
AND

Page 1, lines 29 and 30, delete "Operations, Intensive School Support Services and"
AND

Page 1, lines 35 and 36, delete in their entirety and substitute the following:

"(01) MASTER SCHOOL PRINCIPAL PROGRAM \$500,000 \$500,000

TOTAL AMOUNT APPROPRIATED \$500,000 \$500,000 "

AND

Page 2, lines 1 and 2, delete in their entirety

AND

Page 2, lines 7 and 8, delete "Operations, Intensive School Support Services and".

(SIGNED) SENATOR DAVID BISBEE

The Amendment was read the first time, rules suspended, read the second time and adopted.

(SIGNED) ANN CORNWELL, SECRETARY

Senate Bill No. 51 was ordered engrossed.

On motion of Senator Steele, the Senate resolved itself into the Committee of the Whole for the purpose of reading and presenting a citation to Preston Woodruff..

Without objection, the Committee of the Whole was dissolved, and the Senate took up its regular order of business.

On motion of Senator Argue, **House Bill No. 1079** was placed back on second reading for purpose of amendment.

ARKANSAS SENATE
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION
Amendment No. 1 to HOUSE BILL NO. 1079

Amend **House Bill No. 1079** as originally introduced:

Page 3, delete lines 10, 11 and 12 and substitute the following:

"postsecondary course work; and

~~(3) The student is entering the junior year and has taken the standardized rising junior test provided for in § 6-61-114; and"~~

AND

Page 3, line 13, delete "(4)" and substitute "~~(4)~~ (3)"

(SIGNED) SENATOR JIM ARGUE

The Amendment was read the first time, rules suspended, read the second time and adopted.

(SIGNED) ANN CORNWELL, SECRETARY

House Bill No. 1079 was ordered engrossed.

On motion of Senator Smith, the rules were suspended in considering **Senate Bill No. 59** at this time.

On motion of Senator Smith, **Senate Bill No. 59** was withdrawn from the Committee on REVENUE & TAXATION and placed back on second reading for purpose of amendment.

On motion of Senator Smith, Amendment No. 1 was withdrawn.

ARKANSAS SENATE
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION
Amendment No. 2 to SENATE BILL NO. 59

Amend **Senate Bill No. 59** as originally introduced:

Page 1, delete line 10 and substitute:

"RATE BY ONE AND ONE-EIGHTH OF ONE PERCENT (1 1/8%) TO BENEFIT THE"

AND

Page 1, delete lines 16 through 20 and substitute:

"AN ACT TO INCREASE THE STATE SALES AND USE TAX BY ONE AND ONE-EIGHTH OF ONE PERCENT (1 1/8%) TO BENEFIT THE PUBLIC SCHOOL FUND AND TO REDUCE THE STATE SALES TAX ON FOOD TO ZERO PERCENT (0%)."

AND

Page 1, on line 27, delete "one percent (1%)" and substitute "one and one-eighth of one percent (1 1/8%)"

AND

Page 1, delete lines 35 and 36 and substitute:

"subsection (d) shall be distributed as follows:

(A) Fifty percent (50%) of the collections shall be special revenues and shall be deposited in the State Treasury to the credit of the Public School Fund; and

(B) The remaining fifty percent (50%) of the collections shall be deposited in the State Treasury to the credit of the General Revenue Fund Account of the State Apportionment Fund."

AND

Page 3, on line 32 delete "one percent (1%)" and substitute "one and one-eighth of one percent (1 1/8%)"

AND

Page 4, delete lines 4 and 5 and substitute:

"subsection (d) shall be distributed as follows:

(A) Fifty percent (50%) of the collections shall be special revenues and shall be deposited in the State Treasury to the credit of the Public School Fund; and

(B) The remaining fifty percent (50%) of the collections shall be deposited in the State Treasury to the credit of the General Revenue Fund Account of the State Apportionment Fund."

AND

Page 4, on line 10, delete "one percent (1%)" and substitute "one and one-eighth of one percent (1 1/8%)"

AND

Page 4, delete lines 19 and 20 and substitute:

"subsection (d) shall be distributed as follows:

(A) Fifty percent (50%) of the collections shall be special revenues and shall be deposited in the State Treasury to the credit of the Public School Fund; and

(B) The remaining fifty percent (50%) of the collections shall be deposited in the State Treasury to the credit of the General Revenue Fund Account of the State Apportionment Fund."

AND

Page 5, delete line 17 and substitute:

"the second calendar month following:

(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."

(SIGNED) SENATOR TERRY SMITH

The Amendment was read the first time, rules suspended, read the second time and adopted.

(SIGNED) ANN CORNWELL, SECRETARY

Senate Bill No. 59 was ordered engrossed.

The President declared the morning hour to have expired.

On motion of Senator Bryles, **Senate Bill No. 33** was called up for the purpose of considering **Amendment No. 1** thereto, adopted by the House.

HALL OF THE HOUSE OF REPRESENTATIVES
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION
Amendment No. 1 to SENATE BILL NO. 33

Amend **Senate Bill No. 33** as engrossed, S12/30/03:

Add Representatives Blair, Bolin, Bond, Bradford, Childers, Clemons, Creekmore, Dees, Eason, Edwards, D. Evans, Ferguson, Fite, Green, Haak, Hathorn, Jackson, Jacobs, C. Johnson, J. Johnson, Judy, King, Medley, Moore, Nichols, Norton, Oglesby, Penix, Petrus, Seawel, Sullivan, Sumpter, C. Taylor, Thomas, Thyer, White, Wood as cosponsors of the bill

AND

Add Senators Altes, Broadway, Gullett, Higginbotham, Horn, G. Jeffress, J. Jeffress as cosponsors of the bill

AND

Page 1, delete lines 22 through 25 and substitute:

“FOR ARKANSAS SCHOOL DISTRICTS; AND FOR OTHER PURPOSES.”

AND

Page 1, line 30, delete “2003.” and substitute “2004.”

AND

Page 3, delete lines 33 and 34, and substitute “skills in reading and writing literacy, and mathematics. Science, civics, and government shall be measured on a schedule as determined by the state board.”

AND

Page 4, delete line 17, and substitute:

“subject areas where performance is deficient. The academic improvement plan shall describe the parent’s role and responsibilities as well as the consequences for the student’s failure to participate in the plan.”

AND

Page 4, line 19, delete “and” and substitute “which”

AND

Page 5, line 2, delete "end-of-course" and substitute "~~end-of-course~~ End of Course"

AND

Page 5, line 33, delete "benchmark exams, and end" and substitute "Benchmark exams, and End"

AND

Page 5, line 34, delete "of-course" and substitute "of Course"

AND

Page 6, line 29, delete "national, demographically" and substitute "national"

AND

Page 6, line 30, delete "matched" entirely

AND

Page 8, line 24, delete "A norm-referenced test" and substitute "Norm-referenced tests"

AND

Page 8, line 25, delete "a criterion-referenced" and substitute "criterion-referenced"

AND

Page 8, delete line 26, and substitute "tests, as defined in § 6-15-404(g)(1) known as the Benchmark exams, in grades"

AND

Page 8, line 33, delete "end-of-course" and substitute "End of Course"

AND

Page 8, line 36, delete "Science and civics and" and substitute "Science, civics, and"

AND

Page 9, line 4, delete "subsection (b) of this section." and substitute "§ 6-15-404(a)."

AND

Page 9, line 8, delete "national, demographically matched" and substitute "national"

AND

Page 9, line 15, delete "or" and substitute "and"

AND

Page 9, delete line 34 and substitute "statistical models."

AND

Page 9, line 35, delete "(b) of this section." entirely

AND

Page 11, line 16, delete "district board." and substitute "district."

AND

Page 11, line 28, delete "of accountability" and substitute "of improving student achievement, accountability."

AND

Page 12, line 2, delete "calculations." and substitute "calculations:"

AND

Page 14, line 34, delete "end-of-course" and substitute "End of Course"

AND

Page 15, delete line 18, and substitute:

"improvement plan. The district shall notify the student's parent of the parent's role and responsibilities as well as the consequences for the student's failure to participate in the plan. Beginning with the 2005-2006 school year, students in"

AND

Page 15, line 26, delete "end-of course" and substitute "End of Course"

AND

Page 15, line 28, delete "end-of-course" and substitute "End of Course"

AND

Page 15, line 30, delete "end-of-course" and substitute "End of Course"

AND

Page 17, line 30, delete "benchmark exams, on end-of-course" and substitute "Benchmark exams, on End of Course"

AND

Page 18, delete lines 8 and 9 entirely and substitute:

"(c) This section shall apply to the extent that it is not in violation of applicable state or federal law."

AND

Page 18, delete line 15 entirely and substitute:

"subchapter pursuant to the Arkansas Administrative Procedure Act, § 25-15-201 et seq."

AND

Page 19, line 16, delete "6-15-404(1)(A)." and substitute "6-15-404(g)(1)."

AND

Page 19, line 19, delete "end-of-course" and substitute "End of Course"

AND

Page 19, line 20, delete "6-15-1903 and described in Section 6-15-419(18)." and substitute "6-15-1903."

AND

Page 19, line 21, delete "6-15-404(1)(A)." and substitute "6-15-404(g)(1)."

AND

Page 19, line 23, delete "grade." and substitute "level."

AND

Page 19, line 30, delete "schools of excellence;" and substitute "schools of excellence for improvement;"

AND

Page 19, line 31, insert "improvement" between "exceeding" and "standards;"

AND

Page 19, line 32, insert "improvement" between "meeting" and "standards;"

AND

Page 19, line 33, delete "and" and substitute "or"

AND

Page 20, line 1, delete "school year." and substitute "school year and each school year thereafter."

AND

Page 20, line 19, delete "benchmark" and substitute "Benchmark"

AND

Page 20, line 25, delete "and" and substitute "or"

AND

Page 20, line 36, delete "by the resident school district"

AND

Page 21, line 9, delete “1909.” and substitute “1907.”

AND

Page 21, delete lines 14 and 15 and substitute:

"performance of such students."

AND

Page 22, delete lines 12 through 16, and substitute:

“school's assessment program. All schools meeting both criteria shall”

AND

Page 23, delete lines 6 through 9 entirely

AND

Page 23, line 15, delete “2003.” and substitute “2004.”

AND

Page 24, line 3, delete “any other” and substitute “another”

AND

Page 24, delete lines 17 through 23 entirely and insert the following:

“(2)(A) For the purposes of continuity of educational choice, the transfer shall operate as an irrevocable election for each subsequent entire school year and shall remain in force until the student completes high school or the parent, guardian, or the student, if the student is over eighteen (18) years of age, makes application no later than July 30 for attendance or transfer as provided for by §§6-18-202, 6-18-206, and 6-18-316. Such transfer shall be effective at the beginning of the next academic year.

(B) Application for the Arkansas Opportunity Public School Choice Act of 2004 shall be provided by the Department of Education and shall contain a notice that a transfer under this subsection shall operate as an irrevocable choice for at least one (1) entire school year, and shall remain in force until the student completes high school as provided in this subsection, and except as otherwise provided by law.”

AND

Page 25, line 6, delete “higher” and substitute “higher performing”

AND

Page 25, line 22, delete “state.” and substitute “state, and the student’s transportation and the costs thereof shall be the responsibility of the parents.”

AND

Page 27, line 2, delete "benchmark" and substitute "Benchmark"

AND

Page 27, line 17, delete “2003” and substitute “2004”

AND

Page 28, delete lines 21 through 22 and substitute:

"each school is progressing toward implementing and maintaining a system of school improvement."

AND

Page 28, line 23, delete "adequate yearly"

AND

Page 29, line 23, delete “§§ 6-15-1901 et seq., 6-15-403, and 6-15-433;” and substitute “§§ 6-15-404 and 6-15-433;”

AND

Page 30, line 10, delete “(1)”

AND

Page 30, line 13, delete “and” and substitute “and possible”

AND

Page 30, delete line 15, and substitute:

“adopted by the state board and reviewed by the Legislative Council. Revised best financial management practices adopted by the state board shall be used in the next scheduled school district reviews conducted according to this section. The best”

AND

Page 30, line 22, delete "(A)" and substitute "(1)"

AND

Page 30, line 23, delete "(B)" and substitute "(2)"

AND

Page 30, line 24, delete "(C)" and substitute "(3)"

AND

Page 30, line 26, delete "(D)" and substitute "(4)"

AND

Page 30, line 27, delete "(E)" and substitute "(5)"

AND

Page 30, line 28, delete "(F)" and substitute "(6)"

AND

Page 30, line 29, delete "(G)" and substitute "(7)"

AND

Page 30, line 30, delete "(H)" and substitute "(8)"

AND

Page 30, line 31, delete "(I)" and substitute "(9)"

AND

Page 30, line 32, delete "(J)" and substitute "(10)"

AND

Page 30, line 35, delete "(K)" and substitute "(11)"

AND

Page 30, line 36, delete "(L)" and substitute "(12)"

AND

Page 31, delete lines 1 through 7 entirely

AND

Page 31, line 20, delete "biannually" and substitute "biennially"

AND

Page 31, line 29, delete "and" and substitute "or"

AND

Page 31, delete lines 34 and 35, and substitute "website the school and the district financial grades. The report, which shall be part of the overall school and"

AND

Page 32, line 9, delete "conduct or"

AND

Page 34, delete lines 33 and 34 and substitute "Committees."

AND

Page 35, line 10, delete "year." and substitute "year, provided such information is not in conflict with federal or state law."

AND

Page 35, delete lines 22 through 24 and substitute:

"The following definitions shall apply in this subchapter, 6-15-1801 et seq., 6-15-1901 et seq., 6-18-227, 6-15-2001, 5-15-2101, and 6-15-2201, unless the context"

AND

Page 36, delete lines 16 through 36 and substitute:

~~(2)~~(3) "Adequate yearly progress" means that level of academic improvement required of public schools or school districts on the state-mandated criterion-referenced examinations and other indicators as required in the Arkansas Comprehensive Testing, Assessment, and Accountability Program, which shall comply with The Elementary and Secondary Education Act as reauthorized in The No Child Left Behind Act of 2001, 20 U.S.C. § 6301, et seq. (2002);

~~(3)~~(4) "Annexation" means the joining of an affected school district or part of the school district with a receiving district under §§ 6-13-1401 et seq.;

(5) "Annual improvement gains" or "student learning gains" means calculating a student's academic progress from one year to the next, based on a same series nationally-normed assessment given in the same time frame from one (1) year to the next, used as a pre-post measure of learning for the content areas tested;

(6) "Annual performance" means that level of academic achievement required of public schools or school districts on the state-mandated criterion-referenced examinations;"

AND

Page 37, line 9, delete "end-of-course" and substitute "End of Course"

AND

Page 38, line 2, delete "End-of-course" and substitute "End of Course"

AND

Page 40, line 4, delete "national, demographically matched" and substitute "national"

(SIGNED) REPRESENTATIVE H. A. HARDWICK

Amendment No. 1 to Senate Bill No. 33, adopted by the House, was read the first time, rules suspended, read the second time and concurred in, by the Senate.

(SIGNED) ANN CORNWELL, SECRETARY

On motion of Senator Bryles, and without objection, the rules were suspended pertaining to passage of Amendment and Bill on the same day.

On motion of Senator Bryles, **Senate Bill No. 33** was called up for third reading and final disposition.

SENATE BILL NO. 33
As Engrossed: S12/30/03 H1/7/04
CALL ITEM NO. 4
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION
BY: SENATOR BRYLES, ET AL
REPRESENTATIVE HARDWICK, ET AL

A Bill for an Act to be Entitled: AN ACT TO ESTABLISH A COMPREHENSIVE SYSTEM OF TESTING FOR ARKANSAS STUDENTS; TO ESTABLISH A PROGRAM OF SCHOOL AND SCHOOL DISTRICT ACCOUNTABILITY FOR STUDENT PERFORMANCE AND TO ESTABLISH A SYSTEM OF REWARDS AND SANCTIONS; TO GIVE STUDENTS ATTENDING UNDERPERFORMING SCHOOLS CERTAIN CHOICES, KNOWN AS THE ARKANSAS OPPORTUNITY PUBLIC SCHOOL CHOICE ACT; TO ESTABLISH A FINANCIAL MANAGEMENT PRACTICES SYSTEM *FOR ARKANSAS SCHOOL DISTRICTS; AND FOR OTHER PURPOSES.*

Senate Bill No. 33 was placed on third reading and final disposition, the question being: Shall the Bill pass?

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

AFFIRMATIVE: Altes, Argue, Baker, Bisbee, Bookout, Bryles, Capps, Critcher, Faris, Glover, Gullett, Hendren, Higginbothom, Hill, Holt, Horn, G. Jeffress, J. Jeffress, B. Johnson, Lavery, Luker, Madison, Malone, Miller, Salmon, T. Smith, Steele, Trusty, Wilkinson, Womack, Wooldridge.

Total31

NEGATIVE:

Total0

ABSENT OR NOT VOTING: Broadway, Brown, Whitaker, Wilkins.

Total4

VOTING PRESENT:

Total0

Total number of votes cast.....31
 Necessary to the passage of the bill18

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

(SIGNED) ANN CORNWELL, SECRETARY

There being an emergency clause attached to **Senate Bill No. 33**, the President ordered the Secretary to call the roll upon the adoption of the emergency clause.

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

AFFIRMATIVE: Altes, Argue, Baker, Bisbee, J. Bookout, Bryles, Capps, Critcher, Faris, Glover, Gullett, Hendren, Higginbothom, Hill, Holt, Horn, G. Jeffress, J. Jeffress, B. Johnson, Lavery, Luker, Madison, Malone, Miller, Salmon, T. Smith, Steele, Trusty, Wilkinson, Womack, Wooldridge.

Total31

NEGATIVE:

Total0

ABSENT OR NOT VOTING: Broadway, Brown, Whitaker, Wilkins.

Total4

VOTING PRESENT:

Total0

Total number of votes cast.....31

Necessary to the adoption of the emergency clause24

So the Emergency Clause was adopted.

(SIGNED) ANN CORNWELL, SECRETARY

Senate Bill No. 33 was ordered enrolled.

SENATE BILL NO. 63
CALL ITEM NO. 1
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION
BY: SENATOR BISBEE

A Bill for an Act to be Entitled: AN ACT TO MAKE AN APPROPRIATION FOR SALARIES AND EXPENSES OF THE GOVERNOR'S LEAD LEGISLATIVE LIAISON, LEGISLATIVE LIAISON, LEGISLATIVE CLERK, LEGISLATIVE ADMINISTRATIVE ASSISTANT, LEGISLATIVE RECEPTIONIST AND LEGISLATIVE INTERNS DURING THE SECOND EXTRAORDINARY SESSION OF THE EIGHTY FOURTH ARKANSAS GENERAL ASSEMBLY FOR THE OFFICE OF THE GOVERNOR FOR THE FISCAL YEAR ENDING JUNE 30, 2004; AND FOR OTHER PURPOSES.

Senate Bill No. 63 was read the first time, rules suspended, read the second time and referred to the Committee on JOINT BUDGET.

ARKANSAS SENATE
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION

January 12, 2004

Mr. President:

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

SENATE BILL NO. 51, BY BISBEE,

beg leave to report that we have carefully compared the engrossed copy with the original and we find the same correctly engrossed.

Respectfully submitted,

(SIGNED) JOHN PAUL CAPPS, CHAIRMAN

On motion of Senator Bisbee, Senate Bill No. 51 was ordered re-referred to the Committee on JOINT BUDGET.

SENATE BILL NO. 64
CALL ITEM NO. 4
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION
BY: SENATOR WOMACK

A Bill for an Act to be Entitled: AN ACT TO AMEND THE LIMITATIONS ON NONINSTRUCTIONAL DUTIES FOR TEACHERS; AND FOR OTHER PURPOSES.

Senate Bill No. 64 was read the first time, rules suspended, read the second time and referred to the Committee on EDUCATION.

SENATE MEMORIAL RESOLUTION NO. 10
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION
BY: SENATOR HOLT, ET AL

SENATE MEMORIAL RESOLUTION HONORING THE LIFE AND ACHIEVEMENTS, AND MOURNING THE DEATH OF JERROLD "JERRY" ELDON HINSHAW.

Senate Memorial Resolution No. 10. was read the first time, rules suspended, read the second time and placed on the Calendar.

ARKANSAS SENATE
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION

January 12, 2004

Mr. President:

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

SENATE BILL NO. 59, BY SENATOR SMITH, ET AL,

beg leave to report that we have carefully compared the engrossed copy with the original and we find the same correctly engrossed.

Respectfully submitted,

(SIGNED) JOHN PAUL CAPPS, CHAIRMAN

On motion of Senator Smith, **Senate Bill No. 59** was ordered re-referred to the Committee on REVENUE & TAXATION.

ARKANSAS SENATE
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION

January 12, 2004

Mr. President:

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

SENATE BILL NO. 33, BY SENATORS BRYLES, ARGUE, ET AL

beg leave to report that we have carefully compared the enrolled copy with the original and we find the same correctly enrolled and have at 1:50 p.m. delivered them to the Governor for his approval.

Respectfully submitted,

(SIGNED) JOHN PAUL CAPPS, CHAIRMAN

GOVERNOR'S BILL RECEIPTS

SENATE BILL NO. 33

RECEIVED the above papers from the Secretary of the Senate this 12th day of January, 2004, at 1.50 p. m..

(SIGNED) MIKE HUCKABEE

Governor

(SIGNED) STACY DeJARNETTE

Secretary

HOUSE BILL NO. 1072

CALL ITEM NO. 4

EIGHTY-FOURTH GENERAL ASSEMBLY

SECOND EXTRAORDINARY SESSION

BY: REPRESENTATIVE CLEVELAND

A Bill for an Act to be Entitled: AN ACT TO CREATE A PILOT PROGRAM TO STUDY THE EFFECT OF REDUCING TEACHER-STUDENT RATIOS; AND FOR OTHER PURPOSES.

House Bill No. 1072 was read the first time, rules suspended, read the second time and referred to the Committee on EDUCATION.

ARKANSAS SENATE
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION

January 12, 2004

Mr. President:

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

HOUSE BILL NO. 1079, BY REPRESENTATIVE CLEVELAND,

beg leave to report that we have carefully compared the engrossed copy with the original and we find the same correctly engrossed.

Respectfully submitted,

(SIGNED) JOHN PAUL CAPPS, CHAIRMAN

* * * * *

HOUSE BILL TRANSMITTED TO THE SENATE
AS PASSED

HOUSE BILL NO. 1072

On motion of Senator Hill, the Senate adjourned until Tuesday, 1:05, p.m.,
January 13, 2004.

PRESIDENT OF THE SENATE

SECRETARY OF THE SENATE

--ooOoo--

**37TH DAY'S PROCEEDINGS
SENATE CHAMBER
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION**

Little Rock, Arkansas

January 13, 2004

The Senate was called to order at 1:05 p. m. by the President.

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

ALTES, ARGUE, BAKER, BISBEE, BOOKOUT,
BROADWAY, BROWN, BRYLES, CAPPS, CRITCHER,
FARIS, GLOVER, GULLETT, HENDREN,
HIGGINBOTHOM, HILL, HOLT, HORN, G.JEFFRESS,
J.JEFFRESS, JOHNSON, LAVERTY, LUKER, MADISON,
MALONE, MILLER, SALMON, SMITH, STEELE, TRUSTY,
WHITAKER, WILKINS, WILKINSON, WOMACK,
WOOLDRIDGE.

The Senate was led in prayer by Senator Gilbert Baker.

The President led the Senate in the Pledge of Allegiance.

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

ARKANSAS SENATE
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION

January 13, 2004

Mr. President:

We, your Committee on JOINT BUDGET, to whom was referred:

SENATE BILL NO. 18, BY SENATORS SMITH & FARIS,
SENATE BILL NO. 63, BY SENATOR DAVID BISBEE,

beg leave to report that we have had the same under consideration, and herewith return the same with the recommendation that they do pass.

Respectfully submitted,

(SIGNED) SENATOR DAVID BISBEE

SENATE MEMORIAL RESOLUTION NO. 11
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION
BY: SENATOR CAPPS

SENATE MEMORIAL RESOLUTION IN RESPECTFUL MEMORY OF MR.
ROGER Q. MILLS AND IN RECOGNITION OF HIS MANY CONTRIBUTIONS TO THE
STATE OF ARKANSAS AND HIS LOCAL COMMUNITY.

Senate Memorial Resolution No. 11. was read the first time, rules suspended, read the second time and placed on the calendar.

SENATE BILL NO. 65
CALL ITEM NO. 4
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION
BY: SENATORS BROADWAY & BISBEE

A Bill for an Act to be Entitled: THE CONTINUING ADEQUACY EVALUATION ACT OF 2004.

Senate Bill No. 65 was read the first time, rules suspended, read the second time and referred to the Committee on EDUCATION .

SENATE BILL NO. 66
CALL ITEM NO. 4
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION
BY: SENATORS BAKER & WOMACK

A Bill for an Act to be Entitled: AN ACT TO TRANSFER FUNDS TO THE DEPARTMENT OF EDUCATION; AND FOR OTHER PURPOSES.

Senate Bill No. 66 was read the first time, rules suspended, read the second time and referred to the Committee on JOINT BUDGET.

On motion of Senator Bookout, **House Bill No. 1018** was withdrawn from the Committee on EDUCATION, and placed back on second reading for purpose of amendment.

ARKANSAS SENATE
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION
Amendment No. 4 to HOUSE BILL NO. 1018

Amend **House Bill No. 1018** as engrossed, S1/7/04:

Add Senator J. Bookout as a cosponsor of the bill

AND

Page 2, line 22, delete "and" entirely

AND

Page 2, lines 24, delete "and" entirely

AND

Page 2, delete line 25, and substitute:

"(34) Concord School District; and

(35) Weiner School District."

(SIGNED) SENATOR JERRY BOOKOUT

The Amendment was read the first time, rules suspended, read the second time and adopted.

(SIGNED) ANN CORNWELL, SECRETARY

House Bill No. 1018 was ordered engrossed.

On motion of Senator Bisbee, the rules were suspended in considering **House Bill No. 1085** at this time.

On motion of Senator Bisbee, **House Bill No. 1085** was withdrawn from the Committee on EDUCATION, and placed back on second reading for purpose of amendment.

ARKANSAS SENATE
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION
Amendment No. 1 to HOUSE BILL NO. 1085

Amend **House Bill No. 1085** as engrossed, H1/5/04:

Add Representative Biggs as a cosponsor of the bill

AND

Page 3, delete lines 20 through 23 and substitute the following:

"before May 30, 2004, and for which outstanding bonds exist as of May 30, 2004;

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

AND

Page 4, delete lines 6 through 7 and substitute the following:

"required times an amount established annually by the State Board of Education per average daily membership times the state wealth index."

(SIGNED) SENATOR DAVID BISBEE

The Amendment was read the first time, rules suspended, read the second time and adopted.

(SIGNED) ANN CORNWELL, SECRETARY

House Bill No. 1085 was ordered engrossed.

On motion of Senator Malone, the rules were suspended in considering **Senate Bill No. 7** at this time.

On motion of Senator Malone, **Senate Bill No. 7** was withdrawn from the Committee on JOINT BUDGET, and placed back on second reading for purpose of amendment.

ARKANSAS SENATE
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION
Amendment No. 1 to SENATE BILL NO. 7

Amend **Senate Bill No. 7** as originally introduced:

Page 2, line 7 add ", of which the first three million eight hundred thousand dollars (\$3,800,000) may be expended for initial costs, any expenditures over three million eight hundred thousand dollars (\$3,800,000) must receive prior approval by the Legislative Council or the Joint Budget Committee" between "Account" and the period.

(SIGNED) SENATOR PERCY MALONE

The Amendment was read the first time, rules suspended, read the second time and adopted.

(SIGNED) ANN CORNWELL, SECRETARY

Senate Bill No. 7 was ordered engrossed.

On motion of Senator Glover, the rules were suspended in considering **Senate Bill No. 60** at this time.

On motion of Senator Glover, **Senate Bill No. 60** was withdrawn from the Committee on REVENUE & TAXATION, and placed back on second reading for purpose of amendment.

ARKANSAS SENATE
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION
Amendment No. 1 to SENATE BILL NO. 60

Amend **Senate Bill No. 60** as originally introduced:

Page 6, delete lines 28 through 36 and substitute the following:

"(b)(1) Beginning July 1, 2005, the gross receipts taxes levied under §§ 26-52-301 and 26-52-302(a) and (b) upon the gross receipts or gross proceeds derived from the sale of food and food ingredients shall be levied at the rate of three and three-eighths percent (3.375%)."

(2) Beginning July 1, 2006, the gross receipts taxes levied under §§ 26-52-301 and 26-52-302(a) and (b) upon the gross receipts or gross proceeds derived from the sale of food and food ingredients shall be levied at the rate of two and one-fourth percent (2.25%)."

(3) Beginning July 1, 2007, the gross receipts taxes levied under §§ 26-52-301 and 26-52-302(a) and (b) upon the gross receipts or gross proceeds derived from the sale of food and food ingredients shall be levied at the rate of one and one-eighth percent (1.125%)."

(4) Beginning July 1, 2008, the gross receipts taxes levied under §§ 26-52-301 and 26-52-302(a) and (b) upon the gross receipts or gross proceeds derived from the sale of food and food ingredients shall be levied at the rate of zero percent (0%)."

(c) The gross receipts or gross proceeds derived from the sale of food and food ingredients shall continue to be subject to the taxes levied under § 26-52-302(c) and (d).

(d) The gross receipts or gross proceeds derived from the sale of food and food ingredients shall continue to be subject to the tax levied under Arkansas Constitution, Amendment 75, § 2.

(e) The gross receipts or gross proceeds derived from the sale of food and food ingredients shall continue to be subject to all municipal and county gross receipts taxes."

AND

Page 7, delete lines 1 through 12.

AND

Page 7, delete lines 17 through 34 and substitute the following:

"(a)(1) Beginning July 1, 2005, the compensating use taxes levied under §§ 26-53-106 and 26-53-107(a) and (b) shall be levied at the rate of three and three-eighths percent (3.375%) on the sales price of food and food ingredients.

(2) Beginning July 1, 2006, the compensating use taxes levied under §§ 26-53-106 and 26-53-107(a) and (b) shall be levied at the rate of two and one-fourth percent (2.25%) on the sales price of food and food ingredients.

(3) Beginning July 1, 2007, the compensating use taxes levied under §§ 26-53-106 and 26-53-107(a) and (b) shall be levied at the rate of one and one-eighth percent (1.125%) on the sales price of food and food ingredients.

(4) Beginning July 1, 2008, the compensating use taxes levied under §§ 26-53-106 and 26-53-107(a) and (b) shall be levied at the rate of zero percent (0%) on the sales price of food and food ingredients.

(b) The use taxes levied under § 26-53-107(c) and (d) shall continue to apply to the sales price of food and food ingredients.

(c) The use tax levied under Arkansas Constitution, Amendment 75, § 2 shall continue to apply to the sales price of food and food ingredients.

(d) All municipal and county use taxes shall continue to apply to the sales price of food and food ingredients."

(SIGNED) SENATOR BOBBY L. GLOVER

The Amendment was read the first time, rules suspended, read the second time and adopted.

(SIGNED) ANN CORNWELL, SECRETARY

Senate Bill No. 60 was ordered engrossed.

On motion of Senator Bryles, the rules were suspended in considering **House Bill No. 1071** at this time.

On motion of Senator Bryles, **House Bill No. 1071** was withdrawn from the Committee on EDUCATION, and placed back on second reading for purpose of amendment.

ARKANSAS SENATE
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION
Amendment No. 1 to HOUSE BILL NO. 1071

Amend **House Bill No. 1071** as originally introduced by:

Add Senator Bryles as a Senate cosponsor of the bill

AND

Add Representatives Boyd and Thyer as House cosponsors of the bill

AND

Page 1, delete lines 9 through 18 and substitute:

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

AND

Page 1, delete lines 21 through 25 and substitute:

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

AND

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

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

6-20-2001. Title.

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

6-20-2002. Purpose.

(a) The General Assembly finds that:

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

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

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

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

6-20-2003. Definitions.

As used in this subchapter:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(10) "School district assessment per student" means the total assessed valuation of property within a school district divided by the school district's average daily membership;

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

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

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

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

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

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

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

6-20-2004. Debt service funding supplement.

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

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

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

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

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

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

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

6-20-2005. General facilities funding.

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

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

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

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

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

(B) The renovation or repair of existing facilities.

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

6-20-2006. Supplemental millage incentive funding.

(a) The purpose of this section is to provide supplemental state funds to school districts that increase school district millage in excess of twenty-five (25) mills dedicated for maintenance and operations in accordance with Amendment 74 to the Arkansas Constitution and that elect to receive the funds in lieu of funds available under §§ 6-20-2004 and 6-20-2005.

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

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

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

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

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

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

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

(d) Supplemental millage incentive funding shall be distributed quarterly.

6-20-2007. Funding election.

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

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

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

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

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

SECTION 2. EMERGENCY CLAUSE. It is found and determined by the General Assembly of the State of Arkansas that the Arkansas Supreme Court in Lake View School District No. 25 v. Huckabee, 351 Ark. 31 (2002) declared the current system of education to be unconstitutional because it is both inequitable and inadequate; that the Arkansas Supreme Court determined that the state has an absolute duty to provide an equal opportunity to an adequate education; and that providing school districts with additional funding options will enhance learning opportunities for students. Therefore, an emergency is declared to exist and this act being immediately necessary for the preservation of the public peace, health, and safety shall become effective on:

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

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

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

(SIGNED) SENATOR STEVE BRYLES

The Amendment was read the first time, rules suspended, read the second time and adopted.

(SIGNED) ANN CORNWELL, SECRETARY

House Bill No. 1071 was ordered engrossed.

The President declared the morning hour to have expired.

On motion of Senator Wooldridge, the Senate resolved itself into the Committee of the Whole for the purpose of discussing Revenue and Taxation Bills.

Without objection, the Committee of the Whole was dissolved, and the Senate took up its regular order of business.

On motion of Senator Salmon, **House Bill No. 1070** was called up for third reading and final disposition.

HOUSE BILL NO. 1070
As Engrossed: H12/31/03 S1/8/04
CALL ITEM NO. 4
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION
BY: REPRESENTATIVES LENDALL & BORHAUER

A Bill for an Act to be Entitled: AN ACT TO REQUIRE ONE (1) FULL-TIME OR THE PROPORTIONATE SHARE OF ONE (1) FULL-TIME SCHOOL NURSE IN EACH SCHOOL DISTRICT; AND FOR OTHER PURPOSES.

Senator Gullett spoke for the Bill.

House Bill No. 1070 was placed on third reading and final disposition, the question being: Shall the Bill pass?

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

AFFIRMATIVE: J. Bookout, Broadway, Bryles, Capps, Faris, Glover, Gullett, Higginbothom, Horn, J. Jeffress, B. Johnson, Laverty, Madison, Malone, Miller, Salmon, T. Smith, Steele, Trusty, Whitaker, Wilkinson, Womack.

Total22

NEGATIVE: Altes, Baker, Critcher, Hendren, Wooldridge.

Total5

ABSENT OR NOT VOTING: Argue, Bisbee, Brown, Hill, Holt, G. Jeffress, Luker, Wilkins.

Total8

VOTING PRESENT:

Total0

Total number of votes cast27

Necessary to the passage of the bill18

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

(SIGNED) ANN CORNWELL, SECRETARY

House Bill No. 1070 was ordered immediately returned to the House as passed as amended.

On motion of Senator Miller, the rules were suspended in considering **House Bill No. 1021** at this time.

On motion of Senator Miller, **House Bill No. 1021** was withdrawn from the Committee on EDUCATION, and placed back on second reading for purpose of amendment.

ARKANSAS SENATE
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION
Amendment No. 2 to HOUSE BILL NO. 1021

Amend **House Bill No. 1021** as engrossed, S12/23/03:

Add Representative Dees as a cosponsor of the bill

AND

Add Senators Gullett and Horn as cosponsors of the bill

AND

Delete Section 1 of the bill in its entirety

AND

Page 15, line 20 delete "SECTION 2." and substitute "SECTION 1."

AND

Page 16, delete lines 17 through 19 and substitute the following:

"year in which the contract is effective; and"

AND

Page 16, line 20 delete "(3)" and substitute "(2)"

AND

Page 16, lines 34 and 35 delete "whose teachers have not been assessed"

AND

Page 17, delete lines 23 through 36

AND

Page 18, delete lines 1 through 36

AND

Page 19, delete lines 1 through 25

AND

Page 19, line 27 delete "6-17-2407." and substitute "6-17-2405."

AND

Page 20, delete lines 6 through 19

AND

Page 20, line 21 delete "6-17-2410." and substitute "6-17-2406."

AND

Page 21, line 14 delete "6-17-2411." and substitute "6-17-2407."

AND

Delete Section 3 of the bill in its entirety and substitute the following:

"SECTION 2. (a)(1) On March 1, 2005, the Department of Education shall determine whether each school district meets the Standards of Accreditation for Arkansas Public Schools, as the standards exist by rule on January 1, 2004, and meets the teacher salary requirements provided by law. If on March 1, 2005, a school district fails to meet the standards of accreditation or the teacher salary requirements, the school district shall be subject to sanctions under The Quality Education Act of 2003, § 6-15-201 et seq.

(2)(A) If, as a result of not meeting the Standards of Accreditation for Arkansas Public Schools or the teacher salary requirements as required on March 1, 2005, a school district is ordered to consolidate or to be annexed:

(i) The resulting school district must have at least five hundred (500) students per the district's average daily membership;

(ii) The consolidation or annexation shall be administrative and shall not be construed to require the closing of any school; and

(iii) Any school qualifying as an isolated school under Arkansas Code § 6-20-601 that is in school district subject to consolidation or annexation under this section shall remain open under the resulting district.

(B) Nothing in this section shall prohibit voluntary consolidation or annexation of a school district.

(b)(1) A school district in which at least seventy-five percent (75%) of the students are eligible for the free or reduced-price lunch program under the National School Lunch Act or any other act of Congress and that does not meet the standards of accreditation during the 2003-2004 school year shall be assigned a school improvement team from the Department of Education by July 1, 2004.

(2) On March 1, 2005, any school district under subdivision (b)(1) that continues to fail to meet the Standards of Accreditation for Arkansas Public Schools or the teacher salary requirements shall be granted one (1) year of probationary status and shall continue to receive assistance from the Department of Education school improvement team

if, based on the exams administered in the 2004-2005 school year, the school district shows at least six percent (6%) progress or meets annual yearly progress in three (3) of the following six (6) exams:

(A) The benchmark exams for the fourth grade, sixth grade, and eighth grade; and

(B) The end of course exams for algebra I, geometry, and literature.

SECTION 3. Consolidation or annexation assistance funds.

(a) Immediately upon the effective date of this act, the Chief Fiscal Officer of the State shall transfer on his books and those of the State Treasurer and the Auditor of the State the sum of fifteen million dollars (\$15,000,000) from funds received from the Jobs and Growth Tax Relief Reconciliation Act of 2003, Public Law 108-27 to the Department of Education Public School Fund Account there to be used for the consolidation or annexation incentive provided in this section.

(b)(1) The state shall pay consolidation or annexation assistance funds to each school district having an average daily membership of less than five hundred (500) for each of the two (2) school years preceding the school year in which the consolidation or annexation petition is filed, if the school district voluntarily consolidates with another school district or school districts or voluntarily is annexed to another school district or districts and the resulting district has an average daily membership of at least five hundred (500).

(2) The State Board of Education shall promulgate rules concerning the distribution of consolidation or annexation assistance funds.

SECTION 4. Definitions.

(a) As used in section 2 and 3 of this act, "average daily membership" means the total number of days attended plus the total number of days absent by students in grades kindergarten through twelve (K-12) during the first three (3) quarters of each school year divided by the number of school days actually taught in the district during that period of time rounded up to the nearest hundredth.

(b) Students who may be counted for average daily membership are:

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

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

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

(SIGNED) SENATOR PAUL MILLER

The Amendment was read the first time, rules suspended, read the second time and adopted.

(SIGNED) ANN CORNWELL, SECRETARY

House Bill No. 1021 was ordered engrossed.

On motion of Senator Wooldridge, the rules were suspended in considering Senate Bill No. 61 at this time.

On motion of Senator Wooldridge, Senate Bill No. 61 was withdrawn from the Committee on REVENUE & TAXATION, and placed back on second reading for purpose of amendment.

ARKANSAS SENATE
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION
Amendment No. 1 to SENATE BILL NO. 61

Amend Senate Bill No. 61 as originally introduced:

Delete all sections following the enacting clause and substitute the following:

"SECTION 1. Arkansas Code 3-7-104(6), concerning the rate of beer gallonage tax, is amended to read as follows:

(6)(A)(i) A tax at the rate of seven dollars and fifty cents (\$7.50) per barrel of thirty-two (32) gallons, and proportionately for larger and smaller gallonages per barrel, on all beer having an alcoholic content of five percent (5%) or less by weight sold or offered for sale in the State of Arkansas.

(ii) Beginning March 1, 2004, an additional tax at the rate of one dollar and fifty cents (\$1.50) per barrel of thirty-two (32) gallons, and proportionately for larger and smaller gallonages per barrel, on all beer having an alcoholic content of five percent (5%) or less by weight sold or offered for sale in the State of Arkansas.

(B) This tax shall be paid in the manner prescribed by § 3-7-401 et seq.; and

SECTION 2. Arkansas Code 3-5-1408(3), concerning the rate of beer gallonage tax levied on native brewers, is amended to read as follows:

(3)(A) Pay a tax at the rate of seven dollars and fifty cents (\$7.50) per barrel, and proportionately for larger and smaller gallonages per barrel, on all beer and malt beverages in quantities of up to sixty-thousand (60,000) barrels per year and sold or offered for sale in the state.

(B) Beginning March 1, 2004, pay an additional tax at the rate of one dollar and fifty cents (\$1.50) per barrel, and proportionately for larger and smaller gallonages per barrel, on all beer and malt beverages in quantities of up to sixty-thousand (60,000) barrels per year that is sold or offered for sale in the state.

SECTION 3. Arkansas Code 26-26-303 is repealed.

~~26-26-303. Percentage of value to be used in appraisal.~~

~~(a) The appraisal and assessment shall be according to value as required by Arkansas Constitution, Article 16, Section 5.~~

~~(b) The percentage of true and full market or actual value to be used in the appraisal and assessment shall be fixed and certified by the Arkansas Public Service Commission as provided by § 26-24-104.~~

~~(c) Until and unless a budget system is adopted with provisions for eliminating excessive and illegal tax rates and expenditures, the commission shall not fix and certify a percentage of true and full market or actual value in excess of twenty percent (20%).~~

SECTION 4. Arkansas Code § 26-26-304(e)(1), concerning the ratio of assessed value or property to market value, is amended to read as follows:

(e)(1)(A) ~~In~~ For assessment years prior to 2005 and in addition to the other provisions of this section, whenever the August 1 ratio for the classifications of market value real estate, personal property (business), personal property (auto and other), or agri (agricultural and timber) falls below eighteen percent (18%) or above twenty-two percent (22%) of full fair market value, the county shall be deemed to have failed the ratio study and shall be subject to the corrective actions outlined in subdivision (f) of this section.

(B) For assessment years 2005 and 2006 and in addition to the other provisions of this section, whenever the August 1 ratio for the classifications of market value real estate, business personal property, personal property other than business, or agricultural and timber property falls below twenty percent (20%) or above twenty-four percent (24%) of full fair market value, the county shall be deemed to have failed the ratio study and shall be subject to the corrective actions outlined in subsection (f) of this section.

(C) For assessment year 2007 and subsequent years, and in addition to the other provisions of this section, whenever the August 1 ratio for the classifications of market value real estate, business personal property, personal property other than business, or agricultural and timber property falls below twenty-two percent (22%) or above twenty-six percent (26%) of full fair market value, the county shall be deemed to have failed the ratio study and shall be subject to the corrective actions outlined in subsection (f) of this section.

SECTION 5. Arkansas Code Title 26, Chapter 26, Subchapter 3 is amended to add a new section to read as follows:

26-26-312. Assessed value.

(a) As used in this section:

(1) "Appraised value" means the market or current use value of property estimated by an appraiser in accordance with the provisions of Article 16, Section 5 of the Arkansas Constitution or Article 16, Section 15 of the Arkansas Constitution;

(2) "Assessment level" means the percentage of the appraised value of property that equals the full assessed value of property;

(3) "Full assessed value" means the value of property determined by multiplying the appraised value by the assessment level; and

(4) "Taxable assessed value" means the value of property that is subject to property tax after adjustments required by Amendment 79 to the Arkansas Constitution.

(b) For assessment years 2005 and 2006, all real and personal property subject to ad valorem tax shall be assessed at an assessment level of twenty-two percent (22%). Ad valorem tax shall be levied upon the taxable assessed value.

(c) For assessment year 2007 and subsequent years, all real and personal property subject to ad valorem tax shall be assessed at an assessment level of twenty-four percent (24%). Ad valorem tax shall be levied upon the taxable assessed value.

SECTION 6. Arkansas Code § 26-51-205 is amended to read as follows:

26-51-205. Corporations - Work Force 2000 Development Fund.

(a) Every For tax years beginning on or after January 1, 2004, every corporation organized under the laws of this state shall pay annually an income tax with respect to carrying on or doing business ~~on~~ at a flat rate of seven percent (7%) of the entire net income of the corporation, as now defined by the laws of the State of Arkansas, received by such corporation during the income year, ~~on the following basis:~~

(1) ~~On the first \$3,000 of net income or any part thereof 1%~~

~~On the second \$3,000 net income or any part thereof2%~~

~~On the next \$5,000 of net income or any part thereof3%~~

~~On the next \$14,000 of net income or any part thereof5%~~

~~On the next \$75,000 of net income or any part thereof, but not exceeding \$100,0006%~~

(2) ~~On net income exceeding \$100,000, a flat rate of six and one half (6 1/2 %) percent shall be applied to the entire net income.~~

(b) Every For tax years beginning on or after January 1, 2004, every foreign corporation doing business within the jurisdiction of this state shall pay annually an income tax ~~on~~ at the flat rate of seven percent (7%) of the proportion of its entire net income as now determined by the income tax laws of Arkansas, ~~on the following basis:~~

(1) ~~On the first \$3,000 of net income or any part thereof 1%~~

~~On the second \$3,000 of net income or any part thereof2%~~

~~On the next \$5,000 of net income or any part thereof3%~~

~~On the next \$14,000 of net income or any part thereof5%~~

~~On the next \$75,000 of net income or any part thereof, but not exceeding \$100,000
.....6%~~

~~(2) On net income exceeding \$100,000, a flat rate of six and one half percent (6 1/2%) shall be applied to the entire net income.~~

(c)(1) There is hereby created on the books of the Treasurer of State, the Auditor of State, and the Chief Fiscal Officer of the State a fund to be known as the "Work Force 2000 Development Fund." This fund shall consist of those special revenues as specified in § ~~26-51-205(e)(2)~~ 26-51-206(c)(2)(B)(iii) and all other revenues as may be authorized by law.

(2)(A) The Revenue Services Division of the Department of Finance and Administration shall deposit the funds collected under the provisions of this section for corporate income tax into the State Treasury, there to be credited to the Revenue Holding Fund Account of the State Apportionment Fund.

(B)(i) For each of the state's fiscal years, the Chief Fiscal Officer of the State shall determine as an annual allocation available under the provisions of this section an amount based on the total net revenues, as enumerated in § 26-51-205(a) and (b), which were collected in the immediate past year, multiplied by a factor of six hundred seventy-eight ten thousandths (.0678). On the last day of each month of the respective fiscal year, the Chief Fiscal Officer of the State shall certify to the Treasurer of State an amount based on one-twelfth (1/12) of the annual allocation provided in this section for transfer as specified in § 26-51-205(c)(2)(B)(ii).

(ii) The Treasurer of State shall then transfer the amount so certified to the Special Revenue Fund Account as part of the gross special revenues.

(iii) After the deductions as set out in § 19-5-203 have been made, the remaining amount shall be credited to the "Work Force 2000 Development Fund."

~~(iv) The remaining corporate income tax collections remaining in the Revenue Holding Fund Account shall be credited to the General Revenue Fund Account of the State Apportionment Fund, there to be distributed with the other gross general revenue collections for that month in accordance with the provisions of § 19-5-201 et seq.~~

(C)(i) For the fiscal year beginning July 1, 2005 and fiscal years thereafter, the Chief Fiscal Officer of the State shall determine as an annual allocation available under the provisions of this section an amount equal to the total net revenues collected under § 26-51-205(a) and (b) in the immediate past calendar year, multiplied by a factor of one hundred six thousandths (0.106).

(ii) On the last day of each month of the fiscal year, the Chief Fiscal Officer of the State shall certify to the Treasurer of State an amount equal to one-twelfth (1/12) of the annual allocation calculated in subdivision (c)(2)(C)(i) of this section.

(iii) The Treasurer of State shall transfer the amount certified in subdivision (c)(2)(C)(ii) of this section from the Revenue Holding Fund Account of the State Apportionment Fund to the Special Revenue Fund Account as part of the gross special revenues.

(iv) After the deductions under § 19-5-203 have been made, the remaining amount shall be credited to the Educational Adequacy Trust Fund Account.

(D) The corporate income tax collections remaining in the Revenue Holding Fund Account after the transfers required under subdivisions (c)(2)(B) and (C) of this section shall be credited to the General Revenue Fund Account of the State Apportionment Fund, there to be distributed with the other gross general revenue collections for that month in accordance with the provisions of § 19-5-201, et. seq.

(d)(1) All proceeds ~~derived from the additional tax levied by this section~~ credited to the Work Force 2000 Development Fund as provided by § 26-51-205(c)(2)(B)(iii) shall be used exclusively for the authorized educational activities of:

(A) Any postsecondary vocational-technical school, technical institute, comprehensive lifelong learning center, technical college, community college; or

(B) Any postsecondary vocational-technical school, technical institute, comprehensive lifelong learning center, or technical college that merges with a two-year branch of a four-year institution, a four-year institution, a technical college, or a community college.

(2) The distribution of the proceeds shall be supervised by the State Board of Workforce Education and Career Opportunities for the postsecondary vocational-technical schools, technical institutes, and comprehensive lifelong learning centers. The distribution of the proceeds for technical colleges, community colleges, or any postsecondary vocational-technical school, technical institute, comprehensive lifelong learning center, or technical college that merges with a two-year branch of a four-year institution, a four-year institution, a technical college, or a community college shall continue at the same proportion as those distributions made in fiscal year 1996-97, excluding one-time capital disbursements and professional development disbursements made in fiscal year 1996-97 equal to the amount of funds distributed in fiscal year 1998-99. Any increase in the amount of funds in the Work Force 2000 Development Fund above the amount distributed in fiscal year 1998-99 shall be supervised by the Arkansas Higher Education Coordinating Board and shall be distributed after a review of needs including, but not limited to, equity considerations and workforce development and after consultation with the presidents and chancellors of the technical and former technical colleges.

SECTION 7. Arkansas Code § 26-51-207, as added by Act 38 of 2003, First Extraordinary Session, is amended to read as follows:

26-51-207. Income tax surcharge.

(a) In addition to the tax levied by §§ 26-51-201 through 26-51-206, 26-51-301, and 26-51-302, there is hereby levied an income tax surcharge of three percent (3%) of the tax liability of every person required to file an Arkansas income tax return.

(b) For tax years beginning on or after January 1, 2004, there is levied an additional income tax surcharge of two percent (2%) of the tax liability of every person required to file an Arkansas income tax return.

~~(b)(1)(c)(1)~~ (c)(1) If an individual is a resident of an Arkansas border city described in §§ 26-52-601 through 26-52-607, then the individual shall be liable for the income tax ~~surcharge~~ surcharges levied in ~~subsection (a)~~ subsections (a) and (b) of this section.

(2) The ~~surcharge~~ income tax surcharges levied under subsections (a) and (b) of this section shall be computed on the tax liability that would have been due had the income tax exemption of §§ 26-52-601 through 26-52-607 not been available.

(3) The income tax exemption of §§ 26-52-601 through 26-52-607 shall not apply to the income tax surcharges levied in ~~subsection (a)~~ subsections (a) and (b) of this section.

~~(e)(d)~~ (d) The revenues derived from the additional tax imposed by ~~this section~~ subsection (a) of this section shall be credited to the General Revenue Fund Account of the

State Apportionment Fund, there to be distributed with the other gross general revenue collections.

(e)(1) The revenues derived from the additional tax imposed by subsection (b) of this section shall be deposited in the State Treasury as special revenues.

(2) After the deductions required by § 19-5-203 have been made, the remaining amount shall be credited to the Educational Adequacy Trust Fund Account.

~~(d)(f)~~ For purposes of this section, "tax liability" means the tax imposed pursuant to §§ 26-51-201 through 26-51-206, 26-51-301, and 26-51-302, before the application of any tax credits.

~~(e)(g)~~ ~~This section~~ The income tax surcharge levied in subsection (a) of this section shall apply to tax years beginning in calendar years 2003 and 2004.

~~(f)(1)(h)(1)~~ ~~This section~~ The income tax surcharge levied in subsection (a) of this section shall also continue to apply to tax years beginning on and after January 1, 2005, except as provided in this subsection (f)(h).

(2) When the budget estimates required by § 19-4-202(b) for the fiscal year ending June 30, 2006, reflect projected growth in general revenues available for distribution equal to or in excess of one hundred twenty-one million dollars (\$121,000,000), then the tax rate levied in § 26-51-207(a) shall be reduced or expire in accordance with this subsection ~~(f)(h)~~.

(3)(A) When the budget estimates required by § 19-4-202(b) for the fiscal year ending June 30, 2006, reflect projected growth in general revenues available for distribution equal to or in excess of one hundred fifty-six million dollars (\$156,000,000), then the tax levied in § 26-51-207(a) shall expire for tax years beginning on and after January 1, 2005.

(B) When the budget estimates required by § 19-4-202(b) for the fiscal year ending June 30, 2006, reflect projected growth in general revenues available for distribution equal to or in excess of one hundred thirty-nine million dollars (\$139,000,000) but less than one hundred fifty-six million dollars (\$156,000,000), then the tax rate levied in § 26-51-207(a) shall be reduced to one percent (1%) for tax years beginning in calendar year 2005 and for subsequent years.

(C) When the budget estimates required by § 19-4-202(b) for the fiscal year ending June 30, 2006, reflect projected growth in general revenues available for distribution equal to or in excess of one hundred twenty-one million dollars (\$121,000,000) but less than one hundred thirty-nine million dollars (\$139,000,000), then the tax rate levied in § 26-51-207(a) shall be reduced to two percent (2%) for tax years beginning in calendar year 2005 and for subsequent years.

(i) The income tax surcharge levied in subsection (b) of this section shall apply to tax years beginning on or after January 1, 2004, and shall not be subject to the reduction or expiration provided in subsection (h) of this section.

SECTION 8. Arkansas Code Title 26, Chapter 58, Subchapter 1 is amended to add a new section to read as follows:

26-58-127. Additional severance tax on natural gas.

(a) Except as provided in subsections (b)--(d) of this section, in addition to the tax levied by § 26-58-111(5), there is levied an additional severance tax on natural gas at the rate of fifteen cents (15¢) per one thousand (1,000) cubic feet.

(b)(1) The additional severance tax on natural gas shall be at the rate of three cents (3¢) per one thousand (1,000) cubic feet on gas:

(A) Produced from a well that has been designated as an oil well by the Director of the Arkansas Oil and Gas Commission and determined by the Commissioner of Revenues to have a wellhead pressure of fifty (50) pounds per square inch gauge or less under operating conditions; or

(B) That has risen in a vaporous state through the annular space between the casing and tubing of the oil well and has been released through lines connected with the casing head if the gas has been determined by the Commissioner of Revenues to have a casing head pressure of fifty (50) pounds per square inch gauge or less under operating conditions.

(2) For purposes of applying the reduced tax rate provided in this subsection (b), an oil well being produced by the method commonly known as gas lift shall be presumed, in the absence of a determination to the contrary by the Commissioner of Revenues, to have a wellhead pressure of fifty (50) pounds per square inch or less under operating conditions.

(3) To qualify for the reduced tax rate provided in this subsection (b), an oil well must have a casing head pressure of fifty (50) pounds or less per square inch for the entire taxable month.

(c)(1) The additional severance tax on natural gas shall be at the rate of one and three-tenths cents (1.33¢) per one thousand (1,000) cubic feet on gas produced from a well that has been designated as a gas well by the Director of the Arkansas Oil and Gas Commission and determined by the Commissioner of Revenues to be incapable of producing an average of five hundred thousand (500,000) cubic feet of gas per day.

(2) To qualify for the reduced tax rate provided in this subsection (c), a gas well must be incapable of producing five hundred thousand (500,000) cubic feet of gas per day during the entire taxable month.

(d) The additional severance tax on natural gas shall be at the rate of seven cents (7¢) per one thousand (1,000) cubic feet on gas that is produced from a natural gas well that has an approved contract price of less than fifty-two cents (52¢) per one thousand (1,000) cubic feet.

(e) The additional severance tax levied under this section shall begin on March 1, 2004.

SECTION 9. (a) There is created on the books of the Treasurer of State, the Auditor of State, and Chief Fiscal Officer of the State a special revenue fund to be known as the "Educational Adequacy Trust Fund."

(b) The fund shall consist of the revenues generated by Arkansas Code §§ 26-51-205(c)(2)(C), 26-51-207(b), 26-58-127, 3-7-104(6)(A)(ii), 3-5-1408(3)(B), and other revenues provided by law.

(c) On the last day of the month, the Treasurer of State shall transfer amounts available in the Educational Adequacy Fund to the Department of Education Public School Fund Account established in Arkansas Code § 19-5-305, to be used for the purposes as provided by law. The Treasurer of State shall make the transfer after making the deductions required from the net special revenues as set out in Arkansas Code § 19-5-203(b)(2)(A).

SECTION 10. EMERGENCY CLAUSE. It is found and determined by the General Assembly, that the provision of an equal opportunity for an adequate education to all the citizens of the state is imperative; that additional funds are immediately needed to provide an

equal opportunity for an adequate education; that this act is designed to provide the additional revenues needed to provide this equal opportunity to all citizens; and that a delay in the effective date of this act will cause irreparable harm upon the provision of essential education opportunities and the proper administration of educational programs. Therefore, an emergency is declared to exist and this act being immediately necessary for the preservation of the public peace, health and safety shall be in full force and effect from and after the date of March 1, 2004."

(SIGNED) SENATOR TIM WOOLDRIDGE

The Amendment was read the first time, rules suspended, read the second time and adopted.

(SIGNED) ANN CORNWELL, SECRETARY

Senate Bill No. 61 was ordered engrossed.

On motion of Senator Laverty, Senate Bill No. 40 was called up for third reading and final disposition.

SENATE BILL NO. 40
CALL ITEM NO. 4
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION
BY: SENATOR LAVERTY

A Bill for an Act to be Entitled: AN ACT CONCERNING RESPONSIBILITY FOR TRANSPORTATION UNDER THE ARKANSAS PUBLIC SCHOOL CHOICE ACT OF 1989; AND FOR OTHER PURPOSES.

Senator Laverty moved to withdraw Senate Bill No. 40 from further consideration.

ARKANSAS SENATE
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION

January 13, 2004

Mr. President:

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

SENATE BILL NO. 7, BY SENATOR BROADWAY,

beg leave to report that we have carefully compared the engrossed copy with the original and we find the same correctly engrossed.

Respectfully submitted,

(SIGNED) JOHN PAUL CAPPS, CHAIRMAN

On motion of Senator Malone, **Senate Bill No. 7** was ordered re-referred to the Committee on JOINT BUDGET.

ARKANSAS SENATE
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION

January 13, 2004

Mr. President:

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

SENATE BILL NO. 60, BY SENATOR GLOVER,

beg leave to report that we have carefully compared the engrossed copy with the original and we find the same correctly engrossed.

Respectfully submitted,

(SIGNED) JOHN PAUL CAPPS, CHAIRMAN

On motion of Senator Glover, **Senate Bill No. 60** was ordered re-referred to the Committee on REVENUE & TAXATION.

**ARKANSAS SENATE
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION**

January 13, 2004

Mr. President:

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

HOUSE BILL NO. 1018, BY REPRESENTATIVE BOYD, ET AL,
HOUSE BILL NO. 1071, BY REPRESENTATIVE BIGGS,
HOUSE BILL NO. 1085, BY REPRESENTATIVE THYER,

beg leave to report that we have carefully compared the engrossed copies with the original and we find the same correctly engrossed.

Respectfully submitted,

(SIGNED) JOHN PAUL CAPPS, CHAIRMAN

On motion of Senator Bookout, **House Bill No. 1018** was ordered re-referred to the Committee on EDUCATION.

On motion of Senator Bryles, **House Bill No. 1071** was ordered re-referred to the Committee on EDUCATION.

On motion of Senator Bisbee, **House Bill No. 1085** was ordered re-referred to the Committee on EDUCATION.

SENATE BILL NO. 67
CALL ITEM NO. 4
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION
BY: SENATOR WHITAKER

A Bill for an Act to be Entitled: AN ACT TO CREATE COUNTYWIDE ADMINISTRATIONS FOR SCHOOL DISTRICTS; AND FOR OTHER PURPOSES.

Senate Bill No. 67 was read the first time, rules suspended, read the second time and referred to the Committee on EDUCATION.

HOUSE BILL NO. 1094
CALL ITEM NON. 4
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION
BY: REPRESENTATIVE MAHONY

A Bill for an Act to be Entitled: THE ARKANSAS EDUCATIONAL FINANCIAL ACCOUNTING AND REPORTING ACT OF 2004.

House Bill No. 1094 was read the first time, rules suspended, read the second time and referred to the Committee on EDUCATION.

HOUSE BILL NO. 1095
CALL ITEM NO. 4
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION
BY: REPRESENTATIVE J. JOHNSON

A Bill for an Act to be Entitled: AN ACT TO REQUIRE THE DEPARTMENT OF EDUCATION TO MAINTAIN CERTAIN DATA ON THE DEPARTMENT'S WEBSITE FOR THE TWO (2) PREVIOUS YEARS AND THE BUDGETED DATA FOR THE CURRENT YEAR; AND FOR OTHER PURPOSES.

House Bill No. 1095 was read the first time, rules suspended, read the second time and referred to the Committee on EDUCATION.

SENATE BILL NO. 68
CALL ITEM NO. 3
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION
BY: SENATORS BROADWAY & TRUSTY

A Bill for an Act to be Entitled: AN ACT TO MAKE AN APPROPRIATION FOR GRANTS AND AIDS TO LOCAL SCHOOL DISTRICTS AND SPECIAL PROGRAMS FOR THE DEPARTMENT OF WORKFORCE EDUCATION WHICH SHALL BE SUPPLEMENTAL AND IN ADDITION TO THOSE FUNDS APPROPRIATED BY ACT 1309 OF 2003; AND FOR OTHER PURPOSES.

Senate Bill No. 68 was read the first time, rules suspended, read the second time and referred to the Committee on JOINT BUDGET.

ENATE BILL NO. 69
CALL ITEM NO. 4
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION
BY: SENATOR STEELE

A Bill for an Act to be Entitled: AN ACT TO CREATE A COMMITTEE ON OPPORTUNITY, EQUITY, AND FAIRNESS WITHIN THE DEPARTMENT OF EDUCATION; AND FOR OTHER PURPOSES.

Senate Bill No. 69 was read the first time, rules suspended, read the second time and referred to the Committee on EDUCATION.

ARKANSAS SENATE
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION

January 13, 2004

Mr. President:

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

HOUSE BILL NO. 1021, BY REPRESENTATIVE WEAVER, ET AL,

beg leave to report that we have carefully compared the engrossed copy with the original and we find the same correctly engrossed.

Respectfully submitted,

(SIGNED) JOHN PAUL CAPPS, CHAIRMAN

On motion of Senator Miller, House Bill No. 1021 was ordered re-referred to the Committee on EDUCATION.

ARKANSAS SENATE
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION

January 13, 2004

Mr. President:

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

SENATE BILL NO. 61, BY SENATOR WOOLDRIDGE,

beg leave to report that we have carefully compared the engrossed copy with the original and we find the same correctly engrossed.

Respectfully submitted,

(SIGNED) JOHN PAUL CAPPS, CHAIRMAN

On motion of Senator Wooldridge, **Senate Bill No. 61** was ordered re-referred to the Committee on REVENUE & TAXATION.

* * * * *

HOUSE BILL RETURNED TO THE HOUSE
AS PASSED AS AMENDED

HOUSE BILL NO . 1070

HOUSE BILLS TRANSMITTED TO THE SENATE
AS PASSED

HOUSE BILL NO. 1094

HOUSE BILL NO. 1095

On motion of Senator Hill, the Senate adjourned until Wednesday, 1:10 p.m.,
January 14, 2004.

PRESIDENT OF THE SENATE

SECRETARY OF THE SENATE

--ooOoo--

**38TH DAY'S PROCEEDINGS
SENATE CHAMBER
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION**

Little Rock, Arkansas

January 14, 2004

The Senate was called to order at 1:10 p. m. by the President.

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

ALTES, ARGUE, BOOKOUT, BRYLES, CAPPS,
CRITCHER, FARIS, GLOVER, GULLETT, HENDREN,
HILL, HOLT, HORN, G.JEFFRESS, J.JEFFRESS, JOHNSON,
LAVERTY, LUKER, MADISON, MILLER, SALMON,
SMITH, STEELE, TRUSTY, WHITAKER, WILKINSON,
WOOLDRIDGE.

Members not answering roll call:

: BAKER, BISBEE, BROADWAY, BROWN, HIGGINBOTHOM,
MALONE, WILKINS & WOMACK.

The Senate was led in prayer by Senator Gene Jeffress.

The President led the Senate in the Pledge of Allegiance.

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

SENATE MEMORIAL RESOLUTION NO. 11
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION
BY: SENATOR CAPPS

SENATE MEMORIAL RESOLUTION IN RESPECTFUL MEMORY OF MR.
ROGER Q. MILLS AND IN RECOGNITION OF HIS MANY CONTRIBUTIONS TO THE
STATE OF ARKANSAS AND HIS LOCAL COMMUNITY.

Senate Memorial Resolution No. 11 was read the third time and adopted.

(SIGNED) ANN CORNWELL, SECRETARY

On motion of Senator Miller, the rules were suspended in considering House Bill No. 1021 at this time.

On motion of Senator Miller, House Bill No. 1021 was withdrawn from the Committee on EDUCATION, and placed back on second reading for purpose of amendment.

ARKANSAS SENATE
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION
Amendment No. 3 to HOUSE BILL NO. 1021

Amend House Bill No. 1021 as engrossed, S1/13/04::

Page 6, lines 15 through 17 delete “Standards of Accreditation for Arkansas Public Schools, as the standards exist by rule on January 1, 2004.” and substitute “requirements of Arkansas Code § 6-16-1203”

AND

Page 6, line 18 delete “standards of accreditation” and substitute “requirements of Arkansas Code § 6-16-1203”

AND

Page 6, lines 21 and 22 delete “Standards of Accreditation for Arkansas Public Schools” and substitute “requirements of Arkansas Code § 6-16-1203”

AND

Page 7, line 3 delete “standards of accreditation” and substitute “requirements of Arkansas Code § 6-16-1203”

AND

Page 7, lines 7 and 8 delete “Standards of Accreditation for Arkansas Public Schools” and substitute “requirements of Arkansas Code § 6-16-1203”

AND

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

“SECTION 5. Arkansas Code Title 6, Chapter 16, is amended to add an additional subchapter to read as follows:

6-16-1201. Legislative findings.

The General Assembly finds that:

(1) The Supreme Court of Arkansas has declared that the State of Arkansas must provide substantially equal curriculum, facilities, equipment, and teacher salaries in the schools of Arkansas; and

(2) By the 2004-2005 school year, all schools and school districts in the state must meet:

(A) The standards for accreditation as set forth in this subchapter;

(B) Standards for facilities as provided by law; and

(C) Teacher salary requirements as provided in §§ 6-17-1001 through 6-17-1004.

6-16-1202. Definition.

As used in this subchapter, "unit" means the credit given for grades nine through twelve (9-12) for a course which meets for a minimum of:

(1) One hundred twenty (120) clock hours; and

(2) An average:

(A) Six-hour day; or

(B) Thirty-hour week.

6-16-1203. Equal educational opportunity.

To provide students in Arkansas public schools a substantially equal educational opportunity, school districts shall meet the following standards for accreditation of Arkansas public schools:

(1) All school district policies and actions shall be nondiscriminatory and shall be in compliance with state and federal laws;

(2)(A) Each school district in Arkansas shall develop, with appropriate staff and community participation, a five-year educational plan.

(B) School district goals shall be compatible with state and national educational goals and shall address local needs.

(C) The plan shall be filed with and reviewed annually by the Department of Education;

(3) Every school district shall provide a written report to the public each year detailing progress toward accomplishing program goals, accreditation standards, and proposals to correct deficiencies;

(4) Each school board shall adopt written policies for the operation of the school district in accordance with guidelines established by the department;

(5) Each school shall maintain all reports and records necessary for effective planning, operation, and education;

(6)(A) The administrators, teachers, other school staff of each school along with the parents or guardians of students shall develop an annual school improvement plan to monitor the school's progress and to project its continuing needs.

(B) The annual school improvement plan shall be filed with and reviewed by the department;

(7) Each school shall review each curriculum area in-depth at least once every five (5) years;

(8) Each accredited school shall use curriculum frameworks based on the annual school improvement plan to plan instruction leading to student acquisition of the Arkansas content standards;

(9)(A) The core curriculum for grades kindergarten through eight (K-8) shall encompass the broadest feasible spectrum of developmentally appropriate learning experiences and provide for differences in rates of learning among children.

(B) The core curriculum shall emphasize reasoning and problem solving, communicating, connecting, linking knowledge, skills, and other understandings within and across disciplines to real-life situations and internalizing and acting on the learning to make it meaningful, useful, and worthwhile.

(C)(i) One (1) unit of Arkansas history shall be taught as a social studies subject at each elementary grade level in every public elementary school in the state with greater emphasis at the fourth and fifth grade levels.

(ii) Each public secondary school in this state shall ensure that every student receives at least one (1) full semester of Arkansas history in grades seven (7), eight (8), nine (9), ten (10), eleven (11), or twelve (12).

(D) Mastery of core concepts and abilities in the following areas shall be emphasized:

(i) For grades kindergarten through four (K-4):

(a) Language arts to include reading, writing, listening, speaking, and viewing;

(b) Mathematics to include number sense, number properties, number operations, measurement, geometry and spatial sense, data analysis and statistics, and algebra and functions;

(c) Social studies to include one (1) unit of history and culture of Arkansas at each grade level with emphasis at grade four (4), history and culture of the nation and the world, including foreign language experiences, geography, economics, and civic education;

(d) Science to include life science, earth and space science, physical sciences, including physics and chemistry, and environmental education;

(e) Tools for learning to include technical skills, including research and information skills, and the use of computers and calculators, and data gathering, including use of data banks, atlases, dictionaries, almanacs, networks, news sources, and interviews;

(f)(1) For the 2004-2005 school year, fine arts to include the appreciation and application of visual arts instruction and performing arts instruction, including forty (40) minutes of art or music each week.

(2) For the 2005-2006 school year and subsequent years, the provisions of § 6-16-130(b) shall apply.

(g) Practical living skills and career exploration; and

(h) Health and safety education and physical education, including sixty (60) minutes of physical activity each week;

(ii) For grades five through eight (5-8):

(a) Language arts to include reading, writing, listening, speaking, and viewing;

(b) Mathematics to include number sense, number properties, number operations, measurement, geometry and spatial sense, data analysis and statistics, and algebra and functions;

(c) Science to include life science, earth and space science, physical sciences, including physics and chemistry, and environmental education;

(d) Social studies to include one (1) unit of history and culture of Arkansas at grades five (5) and six (6), with emphasis at grade five (5), history and culture of the nation and the world, including foreign language experiences, geography, economics, and civic education;

(e) Physical education, including sixty (60) minutes of physical activity each week;

(f) Fine arts to include the appreciation and application visual arts instruction and performing arts instruction;

(g) Health and safety;

(h) Tools for learning to include technical skills, including research and information skills, the use of computers and calculators, and data gathering, including use of data banks, atlases, dictionaries, almanacs, networks, news sources, and interviews; and

(i) Career and technical education; and

(iii) Beginning with school year 2004-2005, for grades nine through twelve (9-12), the following courses shall be taught each year by every high school to provide a total of thirty-eight (38) units:

(a) Six (6) units of language arts to include:

(1) Four (4) units of English;

(2) Either:

communications; or

communications and one-half (1/2) unit of drama;

(3) One (1) unit of journalism; and

department;

(b) Five (5) units of science with each unit to provide hands-on laboratory experience for students for a minimum of twenty percent (20%) of instructional time, to include:

(1) One (1) unit of biology;

(2) One (1) unit of chemistry;

(3) One (1) unit of physics; and

department;

(c) Six (6) units of mathematics to include:

(1) One (1) unit of algebra I;

(2) One (1) unit of geometry;

(3) One (1) unit of algebra II;

include trigonometry; and

department;

(d) Two (2) units of the same foreign language;

- include:
- (e) Three and one-half (3 1/2) units of fine arts to
 - (1) One (1) unit of art;
 - (2) One (1) unit of instrumental of music;
 - (3) One (1) unit of vocal music; and
 - (4) One-half (1/2) unit survey of fine arts or an advanced art or music course;
 - (f) One (1) unit of computer applications with emphasis on current application to include word processing, spreadsheets, databases, graphics, and telecommunications;
 - (g) Four (4) units of social studies to include:
 - (1) One (1) unit of American history with emphasis on twentieth century America;
 - (2) One (1) unit of world history;
 - (3) One-half (1/2) unit of civics or government;
 - (4) One-half (1/2) unit of Arkansas history if not taught in grade seven (7) or grade eight (8); and
 - (5) Other options as approved by the department;
 - (h) One and one-half (1 1/2) units of health and safety education and physical education to include one (1) unit of physical education and one-half (1/2) unit of health and safety education; and
 - (i) Nine (9) units of career and technical education of which eight (8) units shall be taught every year;
- (10)(A) For grades nine through twelve (9-12), the course offerings may include appropriate advanced placement or concurrent credit courses.
- (B) A minimum of three (3) programs of study selected from three (3) different occupational or technical programs shall be offered annually;
- (11)(A) For each school year, every school district shall operate so that the district provides for at least one hundred and seventy-eight (178) days of instruction for students.
- (B) The department may approve the instruction of students for fewer than one hundred and seventy-eight (178) days in order to allow time for professional development;
- (12) Except for vocational agriculture teacher contracts, all public school teacher and administrator contracts, including elementary, secondary, and vocational teacher contracts shall be for a minimum of one hundred eighty-five (185) days annually;
- (13)(A) At least thirty (30) hours annually shall be used for professional development and in-service training.

(B) At least two (2) days annually shall be used for parent-teacher conferences;

(14) The planned instructional time in each school day shall not average fewer than six (6) hours per day or thirty (30) hours per week;

(15)(A) The student-to-teacher ratio for kindergarten shall be no more than twenty (20) students to one (1) teacher in a classroom.

(B) However, the kindergarten class student-to-teacher ratio maximum may be no more than twenty-two (22) students to one (1) teacher if a half-time instructional aide is employed in the class;

(16)(A) The average student-to-teacher ratio for grades one through three (1-3) in a school district shall be no more than twenty-three (23) students per teacher in a classroom.

(B) There shall be no more than twenty-five (25) students per teacher in any classroom;

(17)(A) The average student-to-teacher ratio for grades four through six (4-6) in a school district shall be no more than twenty-five (25) students per teacher in a classroom.

(B) There shall be no more than twenty-eight (28) students per teacher in any classroom;

(18)(A) In grades seven through twelve (7-12), a teacher shall not be assigned more than one hundred fifty (150) students.

(B)(i) An individual academic class shall not exceed thirty (30) students.

(ii) However, in exceptional cases or for courses that are appropriate for large group instruction, these ratios may be increased;

(19)(A) If a school district is placed on probation for violation of subdivisions (15) -- (18) of this section, the district may submit evidence to establish that the violation is a result of an unanticipated population shift.

(B) If the department finds that an unanticipated population shift has occurred, the department may remove the school district from probation status;

(20)(A) Each school district shall adopt written discipline policies consistent with the guidelines that include a code of student behavior.

(B) Each district's written discipline policies shall be filed with the department.

(C) Local districts and individual schools shall involve parents, staff, and students in the formulation and review of their student discipline policies, rules, and procedures.

(D) Each school shall inform students and parents of the discipline rules and procedures by which the school is governed.

(E) Each school shall make the students aware of the types of behavior that will give rise to disciplinary action and the types of corrective actions that may be imposed.

(F) Students and parents shall acknowledge that they received and understand the school's discipline policies in a signed statement.

(G) Each school shall document procedures and methods used to inform parents and students of the discipline policies.

(H) Teachers and administrators, classified school employees, and volunteers shall be provided with appropriate student discipline training;

(21)(A) Each school district shall provide a full-day kindergarten for every child who reaches age five (5) on or before September 15 each year.

(B) A parent or guardian shall sign a waiver if he or she elects not to enroll a child in kindergarten at age five (5).

(C) Any six-year-old child who has not completed a state-accredited kindergarten program before public school enrollment shall be evaluated by the school district to determine whether placement for the child is in kindergarten or first grade;

(22)(A) At each grade level, each school shall assess each student's progress in acquiring mastery of the competencies, skills, and other subjects required by law and by the Arkansas Comprehensive Testing, Assessment, and Accountability Program regulations.

(B) Assessment data may include performance assessments, competency test scores, standardized test scores, subject matter mastery test scores, and observations of teachers and parents or guardians;

(23)(A) The state uniform grading scale shall be used in grades seven through twelve (7-12).

(B)(i) Grades assigned to students for performance in a course shall reflect only the extent to which a student has achieved the expressed academic objectives of the course.

(ii) Grades that reflect other educational objectives such as the student learning expectations in the curriculum frameworks may also be given;

(24) Students with special needs shall have equal access to programs that meet the criteria for their identified individualized education program and shall receive services in the least restrictive environment that meets their needs;

(25)(A)(i) At least a total of twenty-two (22) units of credit earned in grades nine through twelve (9-12) shall be required for high school graduation.

(ii) Only one (1) of these units may be in physical education.

(B)(i) Seventeen (17) units must be from the smart core curriculum.

(ii) However, in a form approved by the department, a parent or guardian may waive the smart core curriculum for the student and choose the common core curriculum.

(C) A student whose parent or guardian waives the smart core curriculum must earn sixteen (16) units from the common core curriculum in order to graduate from high school.

(D) The provisions of subdivision (25) of this section shall:

(i) Not apply to a student who is eligible for enrollment in grades ten (10), eleven (11), or twelve (12) for school year 2004-2005; and

(ii) First apply to students who are eligible for enrollment in grade nine (9) for school year 2004-2005;

(26) The smart core curriculum shall consist of seventeen (17) units to include:

(A) Four (4) units of English;

(B) One-half (1/2) unit of oral communications;

(C) Three (3) units of social studies to include:

(i) One (1) unit of world history;

(ii) One (1) unit of United States history; and

(iii) One (1) unit of civics or government;

(D)(i) Four (4) units of mathematics to include:

(a) One (1) unit of algebra or its equivalent;

(b) One (1) unit of geometry or its equivalent;

(c) One (1) unit of algebra II; and

(d) One (1) unit chosen from transitions to college math, pre-calculus, calculus, trigonometry, statistics, computer math, or algebra III.

(ii) All math units must build on the base of algebra and geometry knowledge and skills.

(iii) One (1) math course shall be taken by students in either grade eleven (11) or grade twelve (12);

(E) Three (3) units of science to include:

(i) One (1) unit of biology or its equivalent;

(ii) One (1) unit of a physical science; and

(iii) One (1) unit chosen from chemistry, physics, principles of technology I and II, or PIC physics;

(F) One-half (1/2) unit of physical education;

(G) One-half (1/2) unit of health and safety;

(H) One-half (1/2) unit of fine arts; and

(I) One (1) unit of computer application;

(27) The common core curriculum shall consist of sixteen (16) units to include:

(A) Four (4) units of English;

(B) One-half (1/2) unit of oral communications;

(C) Three (3) units of social studies to include:

(i) One (1) unit of world history;

(ii) One (1) unit of United States history; and

(iii) One (1) unit of civics or government;

(D)(i) Three (3) units of mathematics to include at least:

(a) One (1) unit of algebra or its equivalent; and

(b) One (1) unit of geometry or its equivalent.

(ii) A two-year algebra equivalent or a two-year geometry equivalent may be counted as two (2) units of the three-unit mathematics requirement.

(iii) All math units shall build on the base of algebra and geometry knowledge and skills;

(E) Three (3) units of science to include at least:

(i) One (1) unit of biology or its equivalent; and

(ii) One (1) unit of a physical science;

(F) One-half (1/2) unit of physical education;

(G) One-half (1/2) unit of health and safety;

(H) One-half (1/2) unit of fine arts; and

(I) One (1) unit of computer application;

(28)(A) Local school districts may require additional units for graduation beyond the seventeen (17) smart core units or sixteen (16) common core units.

(B) Additional units may be in academic or technical areas, or both.

(C) For each student in grades nine through twelve (9-12), the sum of common core or smart core units, career focus units, and elective units shall total at least twenty-two (22) units in order to graduate from high school;

(29)(A) Each school shall employ at least one (1) half-time principal.

(B) A full-time principal shall be employed when a school's enrollment reaches three hundred (300).

(C)(i) A school district superintendent may be permitted to serve as half-time principal if the district enrollment is fewer than three hundred (300).

(ii) However, the superintendent shall be appropriately certified and shall not be engaged in classroom teaching.

(D) Schools with an enrollment exceeding five hundred (500) shall employ at least:

(i) One (1) full-time principal; and

(ii) One (1) half-time principal, instructional supervisor, or curriculum specialist;

(30) If required by law or regulation, all administrative, teaching, and other personnel shall hold a current Arkansas teaching license;

(31)(A) Each school district shall develop and implement a plan for professional development and in-service training based on local educational needs and state educational goals.

(B) The plan shall provide education and training for school board members, school and district administrators, teachers, and support staff on a continuing and regular basis throughout the school year.

(C) Each teacher shall be involved in the development of the plan for his or her own in-service education.

(D) All programs for professional development and in-service training shall be evaluated by the participants in each program;

(32)(A) Each school district shall have flexibility in establishing plans for professional development and in-service training, if the plans meet standards for in-service education developed by the department.

(B) A minimum of thirty (30) hours of professional development shall be required for teachers and administrators annually;

(33)(A) Support services shall be designed to be comprehensive and integral to the process of the education and the development of all students.

(B)(i) Each school district shall develop and implement a written plan for each school building site in accordance with current laws and regulations.

(ii) The plans shall be based upon the needs identified by parents, teachers, principals, students, and other agencies with which the school district works.

(iii) The plan shall be incorporated into the comprehensive school improvement plan for each site;

(34) Each school shall provide a developmental guidance program to aid students in educational, personal, social, and career development;

(35) Each school shall provide supportive personnel and appropriate facilities to ensure effective counseling to meet the individual needs of students;

(36)(A) Each school shall assign appropriate certified counselor staff.

(B) Each school district shall maintain an overall ratio of one (1) certified counselor to four hundred fifty (450) students;

(37) Each school shall budget and spend sufficient resources each year to purchase and maintain an appropriate, current library collection;

(38)(A) Each school with fewer than three hundred (300) students enrolled shall employ at least one (1) half-time certified library media specialist.

(B)(i) A school with three hundred (300) to fourteen hundred ninety-nine (1,499) students enrolled shall employ at least one (1) full-time certified library media specialist.

(ii) A school with fifteen hundred (1,500) or more students enrolled shall employ two (2) full-time certified library media specialists.

(iii) A school district with fewer than five hundred (500) students enrolled may employ one (1) full-time library media specialist to serve the district.

(C) The library media specialist shall ensure that access to records and resource databases is available to all students.

(D) The media specialist shall assist students in the development and use of research skills;

(39)(A)(i) Each school district shall implement a health services program under the direction of a licensed nurse.

(ii) The program shall make screening, referral, and follow-up procedures available for all students.

(B)(i) The health services program shall provide an individualized health care plan for students with special health care needs, including chronically ill, medically fragile, and technology-dependent students, and students with other health impairments.

(ii) Invasive medical procedures required by students and provided at the school shall be performed only by personnel who are trained and licensed to perform the task. Regular classroom teachers shall not perform invasive medical procedures.

(iii) Custodial health services required by students under an individualized healthcare plan shall be provided by trained school employees. Regular classroom teachers shall not perform custodial health services;

(40) Special education programs and special schools shall be accredited in accordance with applicable laws and regulations;

(41)(A) Each school district shall develop procedures to identify gifted and talented students in accordance with guidelines established by the department.

(B) Each school district shall provide tailored educational opportunities to students identified as gifted and talented;

(42) Each school district shall provide opportunities for qualified students to enroll in courses at institutions of higher education;

(43) Each school district shall provide appropriate alternative programs for students in need of alternative programs in order to continue their education; and

(44) Each room shall be furnished with equipment and instructional materials necessary to provide the environment and working conditions appropriate for subjects or activities assigned.

6-16-1204. Monitoring of school districts.

(a) The Department of Education shall monitor each school district to ensure that:

(1) The content of each course offered by the school district is consistent with content standards and curriculum frameworks developed by the State Board of Education and is presented to students in a manner that is rigorous, specific, sequenced, clear, focused, and measurable; and

(2) All required courses are taught each year.

(b) The department shall verify that each school district is complying with subsection (a) of this section during the standards review visit of the school district.

(c) If the department determines that a school district has failed to align the content of each class and subject area as required by the state board to content standards and curriculum frameworks developed by the state board, the department shall:

(1) Note the failure to comply in the annual school performance report under § 6-15-1402; and

(2) Cite the failure of each school to comply in the Standards for Accreditation of Arkansas Public Schools annual report.”

AND

Appropriately renumber the subsequent Sections of the bill

(SIGNED) SENATOR PAUL MILLER

The Amendment was read the first time, rules suspended, read the second time and adopted.

(SIGNED) ANN CORNWELL, SECRETARY

House Bill No. 1021 was ordered engrossed.

The President declared the morning hour to have expired.

On motion of Senator Argue, House Bill No. 1079 was called up for third reading and final disposition.

HOUSE BILL NO. 1079

As Engrossed: S1/12/04

CALL ITEM NO. 4

EIGHTY-FOURTH GENERAL ASSEMBLY

SECOND EXTRAORDINARY SESSION

BY: REPRESENTATIVE CLEVELAND

A Bill for an Act to be Entitled: AN ACT TO EXPAND THE STATE TEACHER ASSISTANCE RESOURCE PROGRAM; AND FOR OTHER PURPOSES.

House Bill No. 1079 was placed on third reading and final disposition, the question being: Shall the Bill pass?

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

AFFIRMATIVE: Altes, Argue, Baker, Bisbee, J. Bookout, Broadway, Bryles, Capps, Critcher, Faris, Glover, Gullett, Hendren, Higginbothom, Hill, Holt, Horn, G. Jeffress, J. Jeffress, B. Johnson, Laverty, Luker, Madison, Malone, Miller, Salmon, T. Smith, Whitaker, Wilkins, Wilkinson, Womack, Wooldridge.

Total32

NEGATIVE:

Total0

ABSENT OR NOT VOTING: Brown, Steele, Trusty.

Total3

VOTING PRESENT:

Total0

Total number of votes cast.....32

Necessary to the passage of the bill18

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

(SIGNED) ANN CORNWELL, SECRETARY

House Bill No. 1079 was ordered immediately transmitted to the House as passed as amended.

On motion of Senator Smith, the rules were suspended in considering **Senate Bill No. 59** at this time.

On motion of Senator Smith, **Senate Bill No. 59** was withdrawn from the Committee on REVENUE & TAXATION, and placed back on second reading for purpose of amendment.

ARKANSAS SENATE
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION
Amendment No. 3 to SENATE BILL NO. 59

Amend **Senate Bill No. 59** as engrossed, S1/12/04

Page 2, delete lines 1 through 4 and substitute:

"(A) Five percent (5%) of the collections shall be special revenues and shall be deposited in the State Treasury to the credit of the Property Tax Relief Trust Fund;

(B) One and one-half percent (1.5%) of the collections shall be special revenues and shall be deposited in the State Treasury to the credit of the Conservation Tax Fund for subsequent distribution in accordance with § 19-6-484;

(C) Forty-eight percent (48%) of the collections shall be deposited in the State Treasury to the credit of the Department of Education Public School Fund Account;
and

(D) The remaining forty-five and one-half percent (45.5%) of the collections"

AND

Page 4, delete lines 12 through 15 and substitute:

"(A) Five percent (5%) of the collections shall be special revenues and shall be deposited in the State Treasury to the credit of the Property Tax Relief Trust Fund;

(B) One and one-half percent (1.5%) of the collections shall be special revenues and shall be deposited in the State Treasury to the credit of the Conservation Tax Fund for subsequent distribution in accordance with § 19-6-484;

(C) Forty-eight percent (48%) of the collections shall be deposited in the State Treasury to the credit of the Department of Education Public School Fund Account;
and

(D) The remaining forty-five and one-half percent (45.5%) of the collections"

AND

Page 4, delete lines 32 through 35 and substitute:

"(A) Five percent (5%) of the collections shall be special revenues and shall be deposited in the State Treasury to the credit of the Property Tax Relief Trust Fund;

(B) One and one-half percent (1.5%) of the collections shall be special revenues and shall be deposited in the State Treasury to the credit of the Conservation Tax Fund for subsequent distribution in accordance with § 19-6-484;

(C) Forty-eight percent (48%) of the collections shall be deposited in the State Treasury to the credit of the Department of Education Public School Fund Account; and

(D) The remaining forty-five and one-half percent (45.5%) of the collections"

(SIGNED) SENATOR TERRY SMITH

The Amendment was read the first time, rules suspended, read the second time and adopted.

(SIGNED) ANN CORNWELL, SECRETARY

Amend **Senate Bill No. 59** as engrossed.

On motion of Senator Bisbee, the Senate resolved itself into the Committee of the Whole for the purpose of Joint Budget Bills.

Without objection, the Committee of the Whole was dissolved, and the Senate took up its regular order of business.

On motion of Senator Bisbee, the rules were suspended in considering **Senate Bill No. 18** at this time.

On motion of Senator Bisbee, **Senate Bill No. 18** was called up for third reading and final disposition.

SENATE BILL NO. 18
CALL ITEM NO. 3
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION
BY: SENATORS SMITH & FARIS
BY: REPRESENTATIVES MATHIS & R. SMITH

A Bill for an Act to be Entitled: AN ACT TO MAKE AN APPROPRIATION FOR PERSONAL SERVICES AND OPERATING EXPENSES FOR THE UNIVERSITY OF ARKANSAS - ARKANSAS SCHOOL FOR MATHEMATICS, SCIENCES, AND THE ARTS FOR THE BIENNIAL PERIOD ENDING JUNE 30, 2005; AND FOR OTHER PURPOSES.

Senate Bill No. 18 was placed on third reading and final disposition, the question being: Shall the Bill pass?

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

AFFIRMATIVE: Altes, Argue, Baker, Bisbee, J. Bookout, Broadway, Brown, Bryles, Capps, Critcher, Faris, Glover, Gullett, Hendren, Higginbothom, Hill, Holt, Horn, G. Jeffress, J. Jeffress, B. Johnson, Laverty, Luker, Madison, Malone, Miller, Salmon, T. Smith, Steele, Trusty, Whitaker, Wilkins, Wilkinson, Womack, Wooldridge.

Total35

NEGATIVE:

Total0

ABSENT OR NOT VOTING:

Total0

VOTING PRESENT:

Total0

Total number of votes cast.....35

Necessary to the passage of the bill27

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

(SIGNED) ANN CORNWELL, SECRETARY

There being an emergency clause attached to **Senate Bill No. 18**, the President ordered the Secretary to call the roll upon the adoption of the emergency clause.

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

AFFIRMATIVE: Altes, Argue, Baker, Bisbee, J. Bookout, Broadway, Brown, Bryles, Capps, Critcher, Faris, Glover, Gullett, Hendren, Higginbothom, Hill, Holt, Horn, G. Jeffress, J. Jeffress, B. Johnson, Lavery, Luker, Madison, Malone, Miller, Salmon, T. Smith, Steele, Trusty, Whitaker, Wilkins, Wilkinson, Womack, Wooldridge.

Total35

NEGATIVE:

Total0

ABSENT OR NOT VOTING:

Total0

VOTING PRESENT:

Total0

Total number of votes cast35

Necessary to the adoption of the emergency clause24

So the Emergency Clause was adopted.

(SIGNED) ANN CORNWELL, SECRETARY

Senate Bill No. 18 was ordered immediately transmitted to the House.

On motion of Senator Bisbee, the rules were suspended in considering **Senate Bill No. 63** at this time.

On motion of Senator Bisbee, **Senate Bill No. 63** was called up for third reading and final disposition.

SENATE BILL NO. 63
CALL ITEM NO. 1
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION
BY: SENATOR BISBEE

A Bill for an Act to be Entitled: AN ACT TO MAKE AN APPROPRIATION FOR SALARIES AND EXPENSES OF THE GOVERNOR'S LEAD LEGISLATIVE LIAISON, LEGISLATIVE LIAISON, LEGISLATIVE CLERK, LEGISLATIVE ADMINISTRATIVE ASSISTANT, LEGISLATIVE RECEPTIONIST AND LEGISLATIVE INTERNS DURING THE SECOND EXTRAORDINARY SESSION OF THE EIGHTY FOURTH ARKANSAS GENERAL ASSEMBLY FOR THE OFFICE OF THE GOVERNOR FOR THE FISCAL YEAR ENDING JUNE 30, 2004; AND FOR OTHER PURPOSES.

Senate Bill No. 63 was placed on third reading and final disposition, the question being: Shall the Bill pass?

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

AFFIRMATIVE: Altes, Argue, Baker, Bisbee, J. Bookout, Broadway, Brown, Bryles, Capps, Critcher, Faris, Glover, Gullett, Hendren, Higginbothom, Hill, Holt, Horn, G. Jeffress, J. Jeffress, B. Johnson, Lavery, Luker, Madison, Malone, Miller, Salmon, T. Smith, Steele, Trusty, Whitaker, Wilkins, Wilkinson, Womack, Wooldridge.

Total35

NEGATIVE:

Total0

ABSENT OR NOT VOTING:

Total0

VOTING PRESENT:

Total0

Total number of votes cast.....35
 Necessary to the passage of the bill27

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

(SIGNED) ANN CORNWELL, SECRETARY

There being an emergency clause attached to **Senate Bill No. 63**, the President ordered the Secretary to call the roll upon the adoption of the emergency clause.

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

AFFIRMATIVE: Altes, Argue, Baker, Bisbee, J. Bookout, Broadway, Brown, Bryles, Capps, Critcher, Faris, Glover, Gullett, Hendren, Higginbothom, Hill, Holt, Horn, G. Jeffress, J. Jeffress, B. Johnson, Lavery, Luker, Madison, Malone, Miller, Salmon, T. Smith, Steele, Trusty, Whitaker, Wilkins, Wilkinson, Womack, Wooldridge.

Total35

NEGATIVE:

Total0

ABSENT OR NOT VOTING:

Total0

VOTING PRESENT:

Total0

Total number of votes cast.....35
 Necessary to the adoption of the emergency clause24

So the Emergency Clause was adopted.

(SIGNED) ANN CORNWELL, SECRETARY

Senate Bill No. 63 was ordered immediately transmitted to the House.

On motion of Senator Wilkins, **House Bill No. 1057** was called up for third reading and final disposition.

HOUSE BILL NO. 1057

As Engrossed: H12/19/03 S12/31/03

CALL ITEM NO. 4

EIGHTY-FOURTH GENERAL ASSEMBLY

SECOND EXTRAORDINARY SESSION

BY: REPRESENTATIVE WHITE & SENATOR WILKINS

A Bill for an Act to be Entitled: AN ACT TO AMEND THE ARKANSAS BETTER CHANCE FOR SCHOOL SUCCESS PROGRAM TO REMOVE MATCHING REQUIREMENTS AND SET IMPLEMENTATION GOALS; AND FOR OTHER PURPOSES.

House Bill No. 1057 was placed on third reading and final disposition, the question being: Shall the Bill pass?

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

AFFIRMATIVE: Argue, Baker, Bisbee, J. Bookout, Broadway, Bryles, Capps, Critcher, Faris, Glover, Gullett, Higginbothom, Hill, Holt, Horn, G. Jeffress, J. Jeffress, B. Johnson, Lavery, Luker, Madison, Malone, Miller, Salmon, T. Smith, Trusty, Whitaker, Wilkins, Wilkinson, Womack, Wooldridge.

Total31

NEGATIVE: Hendren.

Total1

ABSENT OR NOT VOTING: Altes, Brown, Steele.

Total3

VOTING PRESENT:

Total0

Total number of votes cast32

Necessary to the passage of the bill18

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

(SIGNED) ANN CORNWELL, SECRETARY

House Bill No. 1057 was ordered immediately returned to the House as passed as amended.

On motion of Senator Wilkins, **House Bill No. 1087** was called up for third reading and final disposition.

HOUSE BILL NO. 1087
CALL ITEM NO. 4
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION
BY: REPRESENTATIVE HARRIS & SENATOR WILKINS

A Bill for an Act to be Entitled: AN ACT TO REQUIRE SCHOOL DISTRICTS IN FISCAL DISTRESS TO COMPLETE AND FILE AN ANNUAL AUDIT WITH THE DEPARTMENT OF EDUCATION WITHIN SIX (6) MONTHS FOLLOWING THE END OF THE FISCAL YEAR, AND FOR OTHER PURPOSES.

House Bill No. 1087 was placed on third reading and final disposition, the question being: Shall the Bill pass?

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

AFFIRMATIVE: Altes, Argue, Baker, Bisbee, Broadway, Bryles, Capps, Critcher, Faris, Glover, Gullett, Hendren, Hill, Holt, Horn, G. Jeffress, J. Jeffress, B. Johnson, Lavery, Luker, Madison, Malone, Miller, Salmon, T. Smith, Trusty, Whitaker, Wilkins, Wilkinson, Womack, Wooldridge.

Total31

NEGATIVE:

Total0

ABSENT OR NOT VOTING: J. Bookout, Brown, Higginbothom, Steele.

Total4

VOTING PRESENT:

Total0

Total number of votes cast.....31

Necessary to the passage of the bill18

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

(SIGNED) ANN CORNWELL, SECRETARY

House Bill No. 1087 was ordered immediately returned to the House as passed.

ARKANSAS SENATE
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION

January 14, 2003

Mr. President:

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

HOUSE BILL NO. 1021, BY REPRESENTATIVE WEAVER, ET AL,

beg leave to report that we have carefully compared the engrossed copy with the original and we find the same correctly engrossed.

Respectfully submitted,

(SIGNED) JOHN PAUL CAPPES, CHAIRMAN

On motion of Senator Miller, **House Bill No. 1021** was ordered re-referred to the Committee on EDUCATION.

ARKANSAS SENATE
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION

January 14, 2004

Mr. President:

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

SENATE BILL NO. 59, BY SENATOR SMITH, ET AL,

beg leave to report that we have carefully compared the engrossed copy with the original and we find the same correctly engrossed.

Respectfully submitted,

(SIGNED) JOHN PAUL CAPPES, CHAIRMAN

On motion of Senator Smith, **Senate Bill No. 59** was ordered re-referred to the Committee on REVENUE & TAXATION.

* * * * *

SENATE BILLS TRANSMITTED TO THE HOUSE

AS PASSED

SENATE BILL NO. 18

SENATE BILL NO. 63

HOUSE BILL RETURNED TO THE HOUSE

AS PASSED

HOUSE BILL NO. 1087

HOUSE BILLS RETURNED TO THE HOUSE

AS PASSED AS AMENDED

HOUSE BILL NO. 1057

HOUSE BILL NO. 1079

On motion of Senator Hill, the Senate adjourned until Thursday, 1:00 p.m.,
January 15, 2004.

PRESIDENT OF THE SENATE

SECRETARY OF THE SENATE

--ooOoo--

**39TH DAY'S PROCEEDINGS
SENATE CHAMBER
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION**

Little Rock, Arkansas

January 15, 2004

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

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

ALTES, ARGUE, BAKER, BISBEE, BOOKOUT,
BROADWAY, BROWN, BRYLES, CAPPS, CRITCHER,
FARIS, GLOVER, GULLETT, HENDREN,
HIGGINBOTHOM, HILL, HOLT, HORN, G.JEFFRESS,
J.JEFFRESS, JOHNSON, LAVERTY, LUKER, MADISON,
MALONE, MILLER, SALMON, SMITH, STEELE, TRUSTY,
WHITAKER, WILKINS WILKINSON, WOMACK,
WOOLDRIDGE.

The Senate was led in prayer by Senator Irma Hunter Brown.

The Senate was led in the Pledge of Allegiance by Senator Hill.

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

On motion of Senator Holt, the Senate resolved itself into the Committee of the Whole for the purpose of presenting a Citation for Jerrold "Jerry" Eldon Hinshaw to his daughter, Kathryn Hinshaw.

Without objection, the Committee of the Whole was dissolved, and the Senate took up its regular order of business.

SENATE MEMORIAL RESOLUTION NO. 10
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION
BY: SENATOR HOLT, ET AL

SENATE MEMORIAL RESOLUTION HONORING THE LIFE AND ACHIEVEMENTS, AND MOURNING THE DEATH OF JERROLD "JERRY" ELDON HINSHAW.

Senate Memorial Resolution No. 10 was read the third time and adopted.

(SIGNED) ANN CORNWELL, SECRETARY

Senate Memorial Resolution No. 10 was ordered immediately transmitted to the House.

ARKANSAS SENATE
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION

January 15, 2004

Mr. President:

We, your Committee on EDUCATION, to whom was referred:

HOUSE BILL NO. 1071, BY REPRESENTATIVE BIGGS,
HOUSE BILL NO. 1085, BY REPRESENTATIVE THYER,
HOUSE BILL NO. 1095, BY REPRESENTATIVE J. JOHNSON,

beg leave to report that we have had the same under consideration, and herewith return the same with the recommendation that they do pass.

Respectfully submitted,

(SIGNED) SENATOR JIM ARGUE

ARKANSAS SENATE
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION

January 15, 2004

Mr. President:

We, your Committee on JOINT BUDGET, to whom was referred:

SENATE BILL NO. 7, BY SENATOR BROADWAY &
REPRESENTATIVE ELLIOTT,

beg leave to report that we have had the same under consideration, and herewith return the same with the recommendation that it do pass as amended #2.

Respectfully submitted,

(SIGNED) SENATOR DAVID BISBEE

SENATE RESOLUTION NO. 11
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION
BY: SENATOR SALMON

SENATE RESOLUTION COMMENDING LOCAL BOXING HERO JERMAIN TAYLOR AND EXPRESSING SINCERE APPRECIATION FOR HIS CONTRIBUTIONS TO THE CITY OF LITTLE ROCK AND THE STATE OF ARKANSAS.

Senate Resolution No. 11. was read the first time, rules suspended, read the second time and placed on the Calendar.

SENATE BILL NO. 70
CALL ITEM NO. 10
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION
BY: JOINT BUDGET COMMITTEE

A Bill for an Act to be Entitled: AN ACT TO MAKE AN APPROPRIATION FOR THE ARKANSAS STATE CLAIMS COMMISSION TO PAY CLAIMS AGAINST THE STATE; AND FOR OTHER PURPOSES.

Senate Bill No. 70 was read the first time, rules suspended, read the second time and referred to the Committee on JOINT BUDGET.

STATE OF ARKANSAS
OFFICE OF THE GOVERNOR
STATE CAPITOL
LITTLE ROCK, ARKANSAS

MIKE HUCKABEE
Governor

January 14, 2004

TO THE PRESIDENT OF THE SENATE

Dear Mr. President:

This is to inform your Honorable Body that on January 14, 2004, I approved the following measures from the Second Extraordinary Session of the Eighty-fourth General Assembly:

Senate Bill 33, is now Act Number 35,
Senate Bill 58, is now Act Number 36,

Sincerely,

(SIGNED) MIKE HUCKABEE
Governor

On motion of Senator Glover, the rules were suspended in considering **Senate Bill No. 60** at this time.

On motion of Senator Glover, **Senate Bill No. 60** was withdrawn from the Committee on REVENUE & TAXATION, and placed back on second reading for purpose of amendment.

ARKANSAS SENATE
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION
Amendment No. 2 to SENATE BILL NO. 60

Amend **Senate Bill No. 60** as engrossed, S1/13/04:

Page 1, delete lines 10 and 11 and substitute the following:

"OF ONE PERCENT (1%); TO LEVY AN ADDITIONAL ONE PERCENT (1%)
COMPENSATING"

AND

Page 1, delete lines 19, 20 and 21 and substitute the following:

"OF ONE PERCENT (1%); TO LEVY AN ADDITIONAL ONE PERCENT (1%)
COMPENSATING USE TAX; TO PHASE"

AND

Page 2, delete line 22 and substitute the following:

"tax of one percent (1%) upon all taxable sales of property and"

AND

Page 3, delete line 22 and substitute the following:

"tax of one percent (1%) upon all tangible personal property"

AND

Page 4, delete line 23 and substitute the following:

"tax of one percent (1%) upon all tangible personal property and"

(SIGNED) SENATOR BOBBY L. GLOVER

The Amendment was read for the first time, rules suspended, read the second time
and adopted.

(SIGNED) ANN CORNWELL, SECRETARY

Senate Bill No. 60 was ordered engrossed.

On motion of Senator Broadway, the rules were suspended in considering **Senate Bill No. 34** at this time.

On motion of Senator Broadway, **Senate Bill No. 34** was withdrawn from the Committee on EDUCATION, and placed back on second reading for purpose of amendment.

ARKANSAS SENATE
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION
Amendment No. 2 to SENATE BILL NO. 34

Amend **Senate Bill No. 34** as engrossed S12/19/03:

Page 1, delete line 32 and substitute the following:

"(D) Installation or purchase, or both, of energy conservation measures in school facilities;"

AND

Page 1, line 33, delete "~~Repair~~ Construction, repair," and substitute "Repair"

AND

Page 2, delete line 5 and substitute the following:

"purposes; and"

AND

Page 2, delete line 6 and substitute the following:

~~"(H) Purchase of energy conservation measures; and"~~

AND

Page 2, line 7, delete "~~(H)~~(J)" and substitute "(I)"

(SIGNED) SENATOR SHANE BROADWAY

The Amendment was read for the first time, rules suspended, read the second time and adopted.

(SIGNED) ANN CORNWELL, SECRETARY

Senate Bill No. 34 was ordered engrossed.

On motion of Senator Broadway, the rules were suspended in considering **Senate Bill No. 7** at this time.

On motion of Senator Broadway, **Senate Bill No. 7** was placed back on second reading for purpose of amendment.

ARKANSAS SENATE
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION
Amendment No. 2 to SENATE BILL NO. 7

Amend **Senate Bill No. 7** as engrossed, S1/13/04:

Page 2, line 3, delete “transfer” and substitute "set aside ten million dollars (\$10,000,000) of those funds received from the Jobs and Growth Tax Relief Reconciliation Act of 2003, Public Law 108-27 in order to provide funding for the appropriation in this Act and shall then transfer"

And

Page 2, lines 4 and 5, delete "ten million dollars (\$10,000,000)" and substitute "three million eight hundred thousand dollars (\$3,800,000)"

And

Page 2, delete lines 7 and 8 in their entirety and substitute the following:

"Public School Fund Account, which may be expended for initial costs. Any"

And

Page 2, line 11, delete “Committee” and substitute "Committee and after approval of such expenditures, the Chief Fiscal Officer of the State shall transfer the corresponding amount of funds on his books and those of the State Treasurer and Auditor of the State from funds received from the Jobs and Growth Tax Relief Reconciliation Act of 2003, Public Law 108-27 to the Department of Education Public School Fund Account"

And

Immediately following SECTION 2 on page 2 insert an additional Section to read as follows:

“ SECTION 3. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. CONTRACT REQUIREMENT. Any contract to be paid from funds appropriated in this Act shall not be implemented until having received approval from the Office of Attorney General.”

And

Appropriately renumber the sections of the bill.

(SIGNED) SENATOR SHANE BROADWAY

The Amendment was read the first time, rules suspended, read the second time and adopted.

(SIGNED) ANN CORNWELL, SECRETARY

Senate Bill No. 7 was ordered engrossed.

The President declared the morning hour to have expired.

On motion of Senator Hill, the Senate resolved itself into the Committee of the Whole for the purpose of reviewing **House Bill No. 1021**.

Without objection, the Committee of the Whole was dissolved, and the Senate took up its regular order of business.

**ARKANSAS SENATE
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION**

January 15, 2004

Mr. President:

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

SENATE BILL NO. 7, BY SENATOR BROADWAY, ET AL,

beg leave to report that we have carefully compared the engrossed copy with the original and we find the same correctly engrossed.

Respectfully submitted,

(SIGNED) JOHN PAUL CAPPES, CHAIRMAN

ARKANSAS SENATE
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION

January 15, 2004

Mr. President:

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

SENATE BILL NO. 34, BY SENATOR BROADWAY,

beg leave to report that we have carefully compared the engrossed copy with the original and we find the same correctly engrossed.

Respectfully submitted,

(SIGNED) JOHN PAUL CAPPES, CHAIRMAN

On motion of Senator Broadway, **Senate Bill No. 34** was ordered re-referred to the Committee on EDUCATION.

ARKANSAS SENATE
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION

January 15, 2004

Mr. President:

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

SENATE BILL NO. 60, BY SENATOR GLOVER,

beg leave to report that we have carefully compared the engrossed copy with the original and we find the same correctly engrossed.

Respectfully submitted,

(SIGNED) JOHN PAUL CAPPS, CHAIRMAN

On motion of Senator Glover, **Senate Bill No. 60** was ordered re-referred to the Committee on REVENUE & TAXATION.

Senate Bill No. 21 was returned from the House as passed and ordered enrolled.

Senate Bill No. 46 was returned from the House as passed and ordered enrolled.

Senate Bill No. 54 was returned from the House as passed and ordered enrolled.

Senate Bill No. 41 was returned from the House as passed as amended.

On motion of Senator Womack, **Senate Bill No. 41** was ordered re-referred to the Committee on EDUCATION.

SENATE BILL NO. 71
CALL ITEM NO. 4
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION
BY: SENATORS MADISON, LUKER & BRYLES

A Bill for an Act to be Entitled: AN ACT TO ALLOW THE RESIDENTS OF A PORTION OF A SCHOOL DISTRICT TO PETITION FOR A CHANGE IN THE BOUNDARIES OF THE SCHOOL DISTRICT AND THE ADJOINING SCHOOL DISTRICT; AND FOR OTHER PURPOSES.

Senate Bill No. 71 was read the first time, rules suspended, read the second time and referred to the Committee on EDUCATION.

HOUSE BILL NO. 1109
CALL ITEM NO. 4
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION
BY: REPRESENTATIVE BOND, ET AL

A Bill for an Act to be Entitled: AN ACT TO ADMINISTRATIVELY REORGANIZE THE EXISTING PUBLIC EDUCATION SYSTEM; AND FOR OTHER PURPOSES.

House Bill No. 1109 was read the first time, rules suspended, read the second time and referred to the Committee on EDUCATION.

ARKANSAS SENATE
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION

January 15, 2004

Mr. President:

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

SENATE BILL NO. 46, BY SENATORS BISBEE & BRYLES,
SENATE BILL NO. 54, BY SENATOR HENDREN,
SENATE BILL NO. 21, BY SENATOR BOOKOUT,

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 2:25 p.m. delivered them to the Governor for his approval.

Respectfully submitted,

(SIGNED) JOHN PAUL CAPPS, CHAIRMAN

GOVERNOR'S BILL RECEIPTS

SENATE BILL NO. 46

SENATE BILL NO. 54

SENATE BILL NO. 21

RECEIVED the above papers from the Secretary of the Senate this 15th day of January, 2004, 2003 at 2:25 p.m..

(SIGNED) MIKE HUCKABEE

Governor

(SIGNED) STACY DeJARNETTE

Secretary

* * * * *

SENATE BILLS RETURNED FROM THE HOUSE
AS PASSED

SENATE BILL NO. 21

SENATE BILL NO. 46

SENATE BILL NO . 54

SENATE BILL RETURNED FROM THE HOUSE
AS PASSED AS AMENDED

SENATE BILL NO. 41

HOUSE BILL TRANSMITTED TO THE SENATE
AS PASSED

HOUSE BILL NO . 1109

On motion of Senator Hill, the Senate adjourned until Friday, 1:05 p.m.,
January 16, 2004.

PRESIDENT OF THE SENATE

SECRETARY OF THE SENATE

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**40TH DAY'S PROCEEDINGS
SENATE CHAMBER
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION**

Little Rock, Arkansas
January 16, 2004

The Senate was called to order at 1:05 p. m. by the President.

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

BROADWAY, CAPPS, CRITCHER, FARIS, GLOVER,
HENDREN, HIGGINBOTHOM, HILL, HORN, G.JEFFRESS,
LAVERTY, LUKER, MADISON, MALONE, MILLER,
SALMON, SMITH, STEELE, WHITAKER, WILKINSON,
WOOLDRIDGE.

Not answering roll call:

ALTES, ARGUE, BAKER, BISBEE, BOOKOUT, BROWN, BRYLES,
GULLETT, HOLT, J.JEFFRESS, JOHNSON, TRUSTY, WILKINS,
WOMACK,

The Senate was led in prayer by Senator Shane Broadway.

The President led the Senate in the Pledge of Allegiance.

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

ARKANSAS SENATE
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION

January 16, 2004

Mr. President:

We, your Committee on JOINT BUDGET, to whom was referred:

SENATE BILL NO. 70, BY JOINT BUDGET,

beg leave to report that we have had the same under consideration, and herewith return the same with the recommendation that it do pass as amended #1.

Respectfully submitted,

(SIGNED) SENATOR DAVID BISBEE

ARKANSAS SENATE
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION

January 16, 2004

Mr. President:

We, your Committee on EDUCATION, to whom was referred:

SENATE BILL NO. 69, BY SENATOR STEELE,

beg leave to report that we have had the same under consideration, and herewith return the same with the recommendation that it do pass.

Respectfully submitted,

(SIGNED) SENATOR BRENDA GULLETT

ARKANSAS SENATE
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION

January 16, 2004

Mr. President:

We, your Committee on EDUCATION, to whom was referred:

SENATE BILL NO. 34, BY SENATOR BROADWAY,

beg leave to report that we have had the same under consideration, and herewith return the same with the recommendation that it do pass as amended #3.

Respectfully submitted,

(SIGNED) SENATOR JIM ARGUE

ARKANSAS SENATE
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION

January 16, 2004

Mr. President:

We, your Committee on EDUCATION, to whom was referred:

SENATE BILL NO. 41, BY SENATOR WOMACK,

beg leave to report that we have had the same under consideration, and herewith return the same with the recommendation that it do pass to concur in House Amendments #1 & #2.

Respectfully submitted,

(SIGNED) SENATOR JIM ARGUE

ARKANSAS SENATE
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION

January 16, 2004

Mr. President:

We, your Committee on EDUCATION, to whom was referred:

HOUSE BILL NO. 1009, BY REPRESENTATIVE PICKETT,
HOUSE BILL NO. 1064, BY REPRESENTATIVE JACKSON,

beg leave to report that we have had the same under consideration, and herewith return the same with the recommendation that they do pass as amended #1.

Respectfully submitted,

(SIGNED) SENATOR JIM ARGUE

On motion of Senator Salmon, the Senate resolved itself into the Committee of the Whole for the purpose of introducing and presenting a citation to Jermain Taylor.

Without objection, the Committee of the Whole was dissolved, and the Senate took up its regular order of business.

On motion of Senator Salmon, **Senate Resolution No. 11** was called up for third reading and final disposition.

**SENATE RESOLUTION NO. 11
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION
BY: SENATOR SALMON**

SENATE RESOLUTION COMMENDING LOCAL BOXING HERO JERMAIN TAYLOR AND EXPRESSING SINCERE APPRECIATION FOR HIS CONTRIBUTIONS TO THE CITY OF LITTLE ROCK AND THE STATE OF ARKANSAS.

Senate Resolution No. 11 was read the third time and adopted.

(SIGNED) ANN CORNWELL, SECRETARY

**SENATE BILL NO. 72
CALL ITEM NO. 4
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION
BY: SENATORS BROADWAY & BISBEE**

A Bill for an Act to be Entitled: AN ACT TO AMEND ACT 27 OF THE SECOND EXTRAORDINARY SESSION OF 2003 TO REVISE THE CALCULATION FOR FUNDING NATIONAL SCHOOL LUNCH ACT STUDENTS; AND FOR OTHER PURPOSES.

Senate Bill No. 72 was read the first time, rules suspended, read the second time and referred to the Committee on JOINT BUDGET.

On motion of Senator Broadway, the rules were suspended in considering **House Bill No. 1049** at this time.

On motion of Senator Broadway, **House Bill No. 1049** was withdrawn from the Committee on EDUCATION, and placed back on second reading for purpose of amendment.

ARKANSAS SENATE
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION
Amendment No. 3 to HOUSE BILL NO. 1049

Amend **House Bill No. 1049** as engrossed, S1/5/04:

Page 10, delete line 1 and substitute:

"resource price of one hundred twenty-one dollars (\$121) per day and;

(I) Pupil Support Staff for Struggling Students.

(i) For every school, a school district shall be apportioned funding for one (1) struggling student support staff person for every one hundred (100) struggling students rounded down to one-tenth (0.1) of a full-time equivalency.

(ii) Each eligible school will be guaranteed funding for at least one (1) pupil support staff for struggling students, notwithstanding the calculations under subdivision (a)(1)(D)(i) of this section.

(iii) Struggling student support staff person shall carry a resource price of forty-eight thousand seven hundred fifty dollars (\$48,750), or pro-ration thereof rounded down to the nearest to one-tenth (0.1) of a full-time equivalency; and"

AND

Page 11, delete line 12 and substitute the following:

"(5) Professional Development. For every school, a school district shall be apportioned funding for professional development in the amount of fifty dollars (\$50.00) for each student of average daily membership in that school.

(b)(1) In order to provide flexibility within the school district and"

AND

Page 23, on line 26 delete "6-17-2308" and substitute "6-17-2406"

AND

Page 26, on line 17 delete "6-18-2407" and substitute "6-17-2407"

AND

Page 27, delete line 11 and substitute:

"private sources in whatever manner is available to public school districts.

SECTION 5. Arkansas Code § 6-15-2101, as added by Section 9 of Act 35 of 2003, Second Extraordinary Session, is amended to read as follows:

6-15-2101. Best financial management practices for school districts—~~Standards—
Reviews—~~ Designation of school districts.

~~(a) The purpose of best financial management practices reviews are to improve Arkansas school district management's use of resources and to identify cost savings. The Department of Education and the Division of Legislative Audit of the Legislative Joint Auditing Committee of the General Assembly are directed to develop a system for reviewing the financial management practices of school districts. In this system, the division shall assist the department in examining district operations to determine whether they meet "best financial management code practices".~~

~~(b) The best financial management practices adopted by the State Board of Education may be updated periodically after consultation with the Legislative Council, the Governor, the department, school districts, and the division. The department shall submit to the state board for review and possible adoption proposed revisions to the best financial management practices adopted by the state board and reviewed by the Legislative Council. Revised best financial management practices adopted by the state board shall be used in the next scheduled school district reviews conducted according to this section. The best financial management practices, at a minimum, shall be designed to instill public confidence by addressing the school district's use of resources, identifying ways that the district could save funds, and improving districts' performance accountability systems, including public accountability. To achieve these objectives, best practices shall be developed for, but need not be limited to, the following areas:~~

- ~~(1) Management structures;~~
- ~~(2) Performance accountability;~~
- ~~(3) Efficient delivery of educational services, including instructional materials;~~
- ~~(4) Administrative and instructional technology;~~
- ~~(5) Personnel systems and benefits management;~~
- ~~(6) Facilities construction;~~
- ~~(7) Facilities maintenance;~~
- ~~(8) Student transportation;~~
- ~~(9) Food service operations;~~
- ~~(10) Cost control systems, including asset management, risk management, financial management, purchasing, internal auditing, and financial auditing;~~
- ~~(11) Athletics; and~~
- ~~(12) Other extra-curricular activities.~~

~~(c) The department shall conduct the reviews or contract with a private firm selected through a formal request for proposal process to perform the review. At least one (1) member of the private firm review team shall have expertise in school district finance. The scope of the review shall focus on the best practices adopted by the state board pursuant to subsection (b) of this section.~~

~~(d) The state board shall consult with the department throughout the best practices review process to ensure that the technical expertise of the department benefits the review process and supports the school districts before, during, and after the review.~~

~~(e)(1) Each school district shall be subject to a best financial management practices review. The General Assembly also intends that all school districts shall be reviewed biennially by on-site visits and shall be given one of the following designations:~~

- ~~(A) "A", schools comprehensively complying with best financial practices;~~
- ~~(B) "B", schools complying with best financial practices at significant levels;~~
- ~~(C) "C", schools adequately complying with best financial practices;~~
- ~~(D) "D", schools less than adequately complying with best financial practices; or~~
- ~~(E) "F", schools failing to comply with best financial practices.~~

~~(2) The department shall prepare annual reports of the results of the best financial management practices reviews and shall post to its website the school and the district financial grades. The report, which shall be part of the overall school and district report card requirement pursuant to § 6-15-1806, shall include both revenue sources and expenditures. The reporting of expenditures shall include breakdowns of administrative, instructional, support, and operations expenditures, as well as any other financial commitments of the school and district.~~

~~(f) The Legislative Council may adjust the schedule of districts to be reviewed when unforeseen circumstances prevent initiation of reviews scheduled.~~

~~(g) The department, subject to funding by the General Assembly, may contract with a private firm to conduct best financial management practices reviews.~~

~~(h) Reviews shall be conducted by the division, the department, or the consultant. Funds may be used for the cost of reviews by the division and private consultants contracted by the state board. Costs may include professional services, travel expenses of the department and of the staff of the division, and any other necessary expenses incurred as part of a best financial management practices review and as preapproved by the department.~~

~~(i) Districts shall complete a self-assessment instrument provided by the department that indicates the school district's evaluation of its performance on each best practice. The district shall begin the self-assessment no later than sixty (60) days prior to the commencement of the review. The completed self-assessment instrument and supporting documentation shall be submitted to the department no later than the date of commencement of the review as notified by the department. The best practices review team will use this self-assessment information during their review of the district.~~

~~(j) During the review, the department or the consultant conducting the review, if any, shall hold at least one (1) advertised public forum as part of the review in order to explain the best financial management practices review process and obtain input from students, parents or guardians, the business community, and other district residents regarding their concerns about the operations and management of the school district.~~

~~(k) District reviews conducted under this section shall be completed within six (6) months after commencement. The department shall issue a final report to the Legislative Council regarding the district's use of best financial management practices and cost savings recommendations within sixty (60) days after completing the reviews. Copies of the final report shall be provided to the Governor, the state board, the district superintendent, and the districts' school board members. The district superintendent shall notify the press that the final report has been delivered. The notification shall state the department's website address at which an electronic copy of the report is available.~~

~~(l)(1) If the district is found not to conform to best financial management practices, the report shall contain an action plan, taking public input into consideration, detailing how the district could meet the best practices within two (2) years. The district school board shall develop and approve the implementation schedule within sixty (60) days after receipt of the final report. If a district fails to vote on the action plan within sixty (60) days, the district superintendent and school board members shall be required to appear and present testimony before the state board and the Legislative Council.~~

~~(2) Within sixty (60) days after the receipt of the final report, the district school board shall notify the state board and the department in writing of the implementation schedule for the action plan. The department shall contact the school district, assess the situation, and offer technical assistance, if needed.~~

~~(m) After a district school board votes to implement the action plan:~~

~~(1) No later than six (6) months after receipt of the final best financial practices report, the district school board shall submit an initial status report to the Governor, the state board, the division, the department and the Legislative Council on progress made toward implementing the action plan and whether changes have occurred in other areas of operation that would affect compliance with the best practices; and~~

~~(2)(A) A second status report shall be submitted by the school district to the Governor, the state board, the division, the department, and the Legislative Council no later than six (6) months after submission of the initial report, and every six (6) months thereafter, until status reports are not required.~~

~~(B) Status reports are not required once the state board concludes that the district is using best financial management practices and the district is designated a grade category "A" for its financial practices.~~

~~(n) School districts that are determined in their review to be using the best practices and are graded a category "A" pursuant to subsection (e) of this section, shall receive a "Seal of Best Financial Management". The state board designation shall be effective until a district's financial accountability grade decreases. The state board shall revoke the designation of a district school board at any time if it determines that a district is no longer complying with the state's best financial management practices.~~

~~(o) District school boards that receive a best financial management practices review shall maintain records that will enable independent verification of the implementation of the action plan and any related fiscal impacts.~~

~~(p) Unrestricted cost savings resulting from implementation of the best financial management practices shall be spent at the school and classroom levels for teacher salaries, teacher professional development, improved classroom and school facilities, student supplies, textbooks, classroom technology, and other direct student instruction activities. Cost savings identified for a program that has restrictive expenditure requirements shall be used for the enhancement of the specific program. If the district is in fiscal distress, the cost savings may be used in accordance with the fiscal distress plan.~~

(a)(1) In order to improve the use of resources by Arkansas school districts, the Department of Education shall formulate rules concerning the best financial management practices and associated indicators for presentation to the State Board of Education for review and adoption.

(2) In formulating the rules required by this section, the department shall consult with various stakeholders, including the state board, educators, educational associations, the House Interim Committee on Education, the Senate Interim Committee on Education, and experts in each area for which practices and indicators are being developed under § 6-15-2102.

(3) The department shall hold advertised public forums throughout Arkansas to obtain input from students, parents, the business community, or other interested parties.

(4) The department shall periodically report to the House Interim Committee on Education and the Senate Interim Committee on Education on the progress of developing the rules required by this section.

(b) Within nine (9) months after the effective date of this section, and prior to submitting proposed rules to the state board for adoption, the department shall present the proposed rules to the House Interim Committee on Education, the Senate Interim Committee on Education, the Legislative Council, and the Legislative Joint Auditing Committee for review and comments.

(c) Within one (1) year after the effective date of this section, the state board shall adopt rules concerning best financial management practices and associated indicators for school districts.

SECTION 6. Arkansas Code Title 6, Chapter 15, Subchapter 21 is amended to new sections to read as follows:

6-15-2102. Best financial management practices - Content.

(a) The best financial management practices, at a minimum, shall be designed to:

(1) Instill public confidence by addressing the school district's use of resources;

(2) Identify ways that the school district or educational cooperative could save funds; and

(3) Improve school districts' performance accountability systems, including public accountability.

(b) Best practices shall be developed for areas which include, but are not limited to:

(1) Management structures;

(2) Performance accountability;

(3) Efficient delivery of educational services, including instructional materials;

(4) Administrative and instructional technology;

(5) Personnel systems and benefits management;

(6) Facilities construction;

(7) Facilities maintenance;

(8) Student transportation;

(9) Food service operations;

(10) Cost control systems, including asset management, risk management, financial management, and purchasing;

(11) Athletics; and

(12) Other extra-curricular activities.

(c) After presentation to the House Interim Committee on Education, the Senate Interim Committee on Education, the Legislative Council, and the Legislative Joint Auditing Committee for review and comment, the Department of Education shall present proposed amendments of the best financial management practices to the State Board of Education for review and adoption.

6-15-2103. Implementation of best financial management practices.

(a) The State Board of Education shall adopt an implementation schedule for all school districts to comply with the rules concerning best financial management practices.

(b) If not required by the state board to be implemented sooner, school districts shall begin implementing the rules in the 2005-2006 school year.

(c) School districts shall implement all rules concerning best financial management practices by the beginning of the 2006-2007 school year.

6-15-2104. Pilot review program.

(a) The Division of Legislative Audit shall develop a pilot plan for reviewing certain school districts' compliance with the rules concerning best financial management practices adopted by the State Board of Education.

(b) The pilot plan shall be approved by the Legislative Joint Auditing Committee, following review by the House Interim Committee on Education, the Senate Interim Committee on Education, and the Legislative Council.

(c)(1) The pilot plan shall include a self-assessment plan document developed by the division.

(2) Within sixty (60) days of receipt of the self-assessment document, a school district subject to review shall complete the self-assessment document and return it to the division.

(d) The financial management best practice review reports shall prepared by the division and presented to the Legislative Joint Auditing Committee and forwarded to the Department of Education and the Joint Interim Committee on Education.

(e)(1) If the review report prepared by the division indicates that a school district has not substantially complied with all the provisions of the financial management best practices rules adopted by the state board, the school district board of directors shall adopt a compliance action plan within ninety (90) days after the report has been presented to the Legislative Joint Auditing Committee.

(2) The department may assist a school district in the development and implementation of an action plan. All action plans shall be forwarded to and reviewed by the department.

(3) Within thirty (30) days of receipt of an action plan from a school district, the department shall review the school district's action plan and submit the action plan to the division for presentation to the Legislative Joint Auditing Committee. The division shall submit all action plans to the Joint Interim Committee on Education.

6-15-2105. Best financial practices review program.

(a) In order to improve the use of resources by Arkansas educational cooperatives, the Department of Education shall formulate rules concerning the best financial management practices and associated indicators for presentation to the State Board of Education for review and adoption.

(b) Within one (1) year after the effective date of this section, the state board shall adopt rules concerning best financial management practices and associated indicators for educational cooperatives.

(c) The rules shall be developed for areas listed in § 6-15-2102(b) and shall identify ways in which educational cooperatives could save funds and improve performance accountability systems.

(d) The department shall establish an implementation schedule for educational cooperatives to comply with the rules beginning with the 2005-2006 school year.

(e) The Division of Legislative Audit may establish by rule a pilot review program for educational cooperatives similar to the program established in § 6-15-2104."

AND

Appropriately renumbering the remaining sections of the bill.

(SIGNED) SENATOR SHANE BROADWAY

The Amendment was read the first time, rules suspended, read the second time and adopted.

(SIGNED) ANN CORNWELL, SECRETARY

House Bill No. 1049 was ordered engrossed.

On motion of Senator Broadway, the rules were suspended in considering **House Bill No. 1094** at this time.

*** * * * * RECEDED * * * * ***

On motion of Senator Broadway, **House Bill No. 1094** was withdrawn from the Committee on EDUCATION, and placed back on second reading for purpose of amendment.

**ARKANSAS SENATE
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION
Amendment No. 1 to HOUSE BILL NO. 1094**

Amend **House Bill No. 1094** as originally introduced:

Add Representative Walters as a House cosponsor

AND

Add Senators Bryles, Broadway, and Bisbee as Senate cosponsors

AND

Page 1, on line 28, delete "August 15" and substitute "September 1"

AND

Page 2, delete lines 22 and 23 and substitute the following:

“state board. An annual record shall be filed by September 1 of each year with the”

AND

Page 2, delete lines 26 and 27 and substitute the following:

“the department determines that the financial records of any school district are not”

AND

Page 2, delete line 35 and substitute the following:

“to school districts. The Division of Legislative Audit may assist the auditors of the department upon request of the department.”

AND

Page 3, on line 24, delete "Officials, and" and substitute "Officials, the Arkansas Education Association, and"

AND

Page 3, line 33, delete "Officials, and" and substitute "Officials, the Arkansas Education Association, and"

AND

Page 7, on line 11, delete "fringe benefits." and substitute "fringe benefits and supplemental salary schedules."

AND

Page 8, at line 19, add the following new section:

"SECTION 2. Arkansas Code § 6-15-2101, as added by Section 9 of Act 35 of 2003, Second Extraordinary Session, is amended to read as follows:

6-15-2101. Best financial management practices for school districts—~~Standards—~~
~~Reviews—~~ Designation of school districts.

~~(a) The purpose of best financial management practices reviews are to improve Arkansas school district management's use of resources and to identify cost savings. The Department of Education and the Division of Legislative Audit of the Legislative Joint Auditing Committee of the General Assembly are directed to develop a system for reviewing the financial management practices of school districts. In this system, the division shall assist the department in examining district operations to determine whether they meet "best financial management code practices".~~

~~(b) The best financial management practices adopted by the State Board of Education may be updated periodically after consultation with the Legislative Council, the Governor, the department, school districts, and the division. The department shall submit to the state board for review and possible adoption proposed revisions to the best financial management practices adopted by the state board and reviewed by the Legislative Council. Revised best financial management practices adopted by the state board shall be used in the next scheduled school district reviews conducted according to this section. The best financial management practices, at a minimum, shall be designed to instill public confidence by addressing the school district's use of resources, identifying ways that the district could save funds, and improving districts' performance accountability systems, including public accountability. To achieve these objectives, best practices shall be developed for, but need not be limited to, the following areas:~~

- ~~(1) Management structures;~~
- ~~(2) Performance accountability;~~
- ~~(3) Efficient delivery of educational services, including instructional materials;~~
- ~~(4) Administrative and instructional technology;~~
- ~~(5) Personnel systems and benefits management;~~
- ~~(6) Facilities construction;~~
- ~~(7) Facilities maintenance;~~
- ~~(8) Student transportation;~~
- ~~(9) Food service operations;~~

~~(10) Cost control systems, including asset management, risk management, financial management, purchasing, internal auditing, and financial auditing;~~

~~(11) Athletics; and~~

~~(12) Other extra-curricular activities.~~

~~(c) The department shall conduct the reviews or contract with a private firm selected through a formal request for proposal process to perform the review. At least one (1) member of the private firm review team shall have expertise in school district finance. The scope of the review shall focus on the best practices adopted by the state board pursuant to subsection (b) of this section.~~

~~(d) The state board shall consult with the department throughout the best practices review process to ensure that the technical expertise of the department benefits the review process and supports the school districts before, during, and after the review.~~

~~(e)(1) Each school district shall be subject to a best financial management practices review. The General Assembly also intends that all school districts shall be reviewed biennially by on-site visits and shall be given one of the following designations:~~

~~(A) "A", schools comprehensively complying with best financial practices;~~

~~(B) "B", schools complying with best financial practices at significant levels;~~

~~(C) "C", schools adequately complying with best financial practices;~~

~~(D) "D", schools less than adequately complying with best financial practices; or~~

~~(E) "F", schools failing to comply with best financial practices.~~

~~(2) The department shall prepare annual reports of the results of the best financial management practices reviews and shall post to its website the school and the district financial grades. The report, which shall be part of the overall school and district report card requirement pursuant to § 6-15-1806, shall include both revenue sources and expenditures. The reporting of expenditures shall include breakdowns of administrative, instructional, support, and operations expenditures, as well as any other financial commitments of the school and district.~~

~~(f) The Legislative Council may adjust the schedule of districts to be reviewed when unforeseen circumstances prevent initiation of reviews scheduled.~~

~~(g) The department, subject to funding by the General Assembly, may contract with a private firm to conduct best financial management practices reviews.~~

~~(h) Reviews shall be conducted by the division, the department, or the consultant. Funds may be used for the cost of reviews by the division and private consultants contracted by the state board. Costs may include professional services, travel expenses of the department and of the staff of the division, and any other necessary expenses incurred as part of a best financial management practices review and as preapproved by the department.~~

~~(i) Districts shall complete a self-assessment instrument provided by the department that indicates the school district's evaluation of its performance on each best practice. The district shall begin the self-assessment no later than sixty (60) days prior to the commencement of the review. The completed self-assessment instrument and supporting documentation shall be submitted to the department no later than the date of commencement of the review as notified by the department. The best practices review team will use this self-assessment information during their review of the district.~~

~~(j) During the review, the department or the consultant conducting the review, if any, shall hold at least one (1) advertised public forum as part of the review in order to explain the best financial management practices review process and obtain input from students, parents or guardians, the business community, and other district residents regarding their concerns about the operations and management of the school district.~~

~~(k) District reviews conducted under this section shall be completed within six (6) months after commencement. The department shall issue a final report to the Legislative Council regarding the district's use of best financial management practices and cost savings recommendations within sixty (60) days after completing the reviews. Copies of the final report shall be provided to the Governor, the state board, the district superintendent, and the districts' school board members. The district superintendent shall notify the press that the final report has been delivered. The notification shall state the department's website address at which an electronic copy of the report is available.~~

~~(l)(1) If the district is found not to conform to best financial management practices, the report shall contain an action plan, taking public input into consideration, detailing how the district could meet the best practices within two (2) years. The district school board shall develop and approve the implementation schedule within sixty (60) days after receipt of the final report. If a district fails to vote on the action plan within sixty (60) days, the district superintendent and school board members shall be required to appear and present testimony before the state board and the Legislative Council.~~

~~(2) Within sixty (60) days after the receipt of the final report, the district school board shall notify the state board and the department in writing of the implementation schedule for the action plan. The department shall contact the school district, assess the situation, and offer technical assistance, if needed.~~

~~(m) After a district school board votes to implement the action plan:~~

~~(1) No later than six (6) months after receipt of the final best financial practices report, the district school board shall submit an initial status report to the Governor, the state board, the division, the department and the Legislative Council on progress made toward implementing the action plan and whether changes have occurred in other areas of operation that would affect compliance with the best practices; and~~

~~(2)(A) A second status report shall be submitted by the school district to the Governor, the state board, the division, the department, and the Legislative Council no later than six (6) months after submission of the initial report, and every six (6) months thereafter, until status reports are not required.~~

~~(B) Status reports are not required once the state board concludes that the district is using best financial management practices and the district is designated a grade category "A" for its financial practices.~~

~~(n) School districts that are determined in their review to be using the best practices and are graded a category "A" pursuant to subsection (e) of this section, shall receive a "Seal of Best Financial Management". The state board designation shall be effective until a district's financial accountability grade decreases. The state board shall revoke the designation of a district school board at any time if it determines that a district is no longer complying with the state's best financial management practices.~~

~~(o) District school boards that receive a best financial management practices review shall maintain records that will enable independent verification of the implementation of the action plan and any related fiscal impacts.~~

~~(p) Unrestricted cost savings resulting from implementation of the best financial management practices shall be spent at the school and classroom levels for teacher salaries, teacher professional development, improved classroom and school facilities, student supplies, textbooks, classroom technology, and other direct student instruction activities. Cost savings identified for a program that has restrictive expenditure requirements shall be used for the enhancement of the specific program. If the district is in fiscal distress, the cost savings may be used in accordance with the fiscal distress plan.~~

(a)(1) In order to improve the use of resources by Arkansas school districts, the Department of Education shall formulate rules concerning the best financial management practices and associated indicators for presentation to the State Board of Education for review and adoption.

(2) In formulating the rules required by this section, the department shall consult with various stakeholders, including the state board, educators, educational associations, the House Interim Committee on Education, the Senate Interim Committee on Education, and experts in each area for which practices and indicators are being developed under § 6-15-2102.

(3) The department shall hold advertised public forums throughout Arkansas to obtain input from students, parents or guardians, the business community, and other interested parties.

(4) The department shall periodically report to the House Interim Committee on Education and the Senate Interim Committee on Education on the progress of developing the rules required by this section.

(b) Within nine (9) months after the effective date of this section, and prior to submitting proposed rules to the state board for adoption, the department shall present the proposed rules to the House Interim Committee on Education, the Senate Interim Committee on Education, the Legislative Council, and the Legislative Joint Auditing Committee for review and comments.

(c) Within one (1) year after the effective date of this section, the state board shall adopt rules concerning best financial management practices and associated indicators for school districts.

SECTION 3. Arkansas Code Title 6, Chapter 15, Subchapter 21 is amended to add new sections to read as follows:

6-15-2102. Best financial management practices -- Content.

(a) The best financial management practices, at a minimum, shall be designed to:
resources:

(1) Instill public confidence by addressing the school district's use of

(2) Identify ways that the school district could save funds; and

(3) Improve school districts' performance accountability systems, including public accountability.

(b) Best practices shall be developed for areas which include, but are not limited to:

(1) Management structures;

(2) Performance accountability;

(3) Efficient delivery of educational services, including instructional materials;

(4) Administrative and instructional technology;

(5) Personnel systems and benefits management;

(6) Facilities construction;

(7) Facilities maintenance;

(8) Student transportation;

(9) Food service operations;

(10) Cost control systems, including asset management, risk management, financial management, and purchasing;

(11) Athletics; and

(12) Other extra-curricular activities.

(c) After presentation to the House Interim Committee on Education, the Senate Interim Committee on Education, the Legislative Council, and the Legislative Joint Auditing Committee for review and comment, the Department of Education shall present proposed amendments of the best financial management practices to the State Board of Education for review and adoption.

6-15-2103. Implementation of best financial management practices.

(a) The State Board of Education shall adopt an implementation schedule for all school districts to comply with the rules concerning best financial management practices.

(b) If not required by the state board to be implemented sooner, school districts shall begin implementing the rules in the 2005-2006 school year.

(c) School districts shall implement all rules concerning best financial management practices by the beginning of the 2006-2007 school year.

6-15-2104. Pilot review program.

(a) The Division of Legislative Audit shall develop a pilot plan for reviewing certain school districts' compliance with the rules concerning best financial management practices adopted by the State Board of Education.

(b) The pilot plan shall be approved by the Legislative Joint Auditing Committee, following review by the House Interim Committee on Education, the Senate Interim Committee on Education, and the Legislative Council.

(c)(1) The pilot plan shall include a self-assessment plan document developed by the division.

(2) Within sixty (60) days of receipt of the self-assessment document, a school district subject to review shall complete the self-assessment document and return it to the division.

(d) The financial management best practice review reports shall be prepared by the division and presented to the Legislative Joint Auditing Committee and forwarded to the Department of Education and the House Interim Committee on Education and the Senate Interim Committee on Education.

(e)(1) If the review report prepared by the division indicates that a school district has not substantially complied with all the provisions of the financial management best practices rules adopted by the state board, the school district board of directors shall adopt a compliance action plan within ninety (90) days after the report has been presented to the Legislative Joint Auditing Committee.

(2) The department may assist a school district in the development and implementation of an action plan. All action plans shall be forwarded to and reviewed by the department.

(3) Within thirty (30) days of receipt of an action plan from a school district, the department shall review the school district's action plan and submit the action plan to the division for presentation to the Legislative Joint Auditing Committee. The division shall submit all action plans to the House Interim Committee on Education and the Senate Interim Committee on Education.

6-15-2105. Best financial practices review program.

(a) The Division of Legislative Audit shall utilize information and knowledge gained through the pilot review program to determine resources and procedures necessary to implement a fully operational system for reviewing school districts for compliance with the adopted best financial management practices rules.

(b) The division's determinations regarding necessary resources and procedures shall be presented for approval to the Legislative Joint Auditing Committee. A copy of the determinations shall also be submitted to the House Interim Committee on Education and the Senate Interim Committee on Education.

6-15-2106. Best financial management practices for educational cooperatives.

(a) In order to improve the use of resources by Arkansas educational cooperatives, the Department of Education shall formulate rules concerning the best financial management practices and associated indicators for presentation to the State Board of Education for review and adoption.

(b) Within one (1) year after the effective date of this section, the state board shall adopt rules concerning best financial management practices and associated indicators for educational cooperatives.

(c) The rules shall be developed for areas listed in § 6-15-2102(b) and shall identify ways in which educational cooperatives could save funds and improve performance accountability systems.

(d) The department shall establish an implementation schedule for educational cooperatives to comply with the rules beginning with the 2005-2006 school year.

(e) The Division of Legislative Audit may establish by rule a pilot review program for educational cooperatives similar to the program established in § 6-15-2104."

(SIGNED) SENATOR SHANE BROADWAY

The Amendment was read the first time, rules suspended, read the second time and adopted.

(SIGNED) ANN CORNWELL, SECRETARY

House Bill No. 1094 was ordered engrossed.

(SIGNED) ANN CORNWELL, SECRETARY

* * * * * **RECEDED** * * * * *

The record pertaining to the adoption of Amendment No. 1 to House Bill No. 1094 was receded from, in accordance with a prevailing motion on January 16, 2004.

On motion of Senator Gullett, the rules were suspended in considering House Bill No. 1064 at this time.

On motion of Senator Gullett, House Bill No. 1064 was placed back on second reading for purpose of amendment.

ARKANSAS SENATE
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION
Amendment No. 1 to HOUSE BILL NO. 1064

Amend House Bill No. 1064 as originally introduced:

Page 1, delete lines 30 through 36 and substitute the following:

“(b)(1) The Department of Education shall promulgate the rules necessary for efficient scheduling of courses offered by public schools through distance learning technologies. The rules shall apply beginning for the 2004-2005 school year.

(2) A public school that offers courses through distance learning technologies shall comply with the rules promulgated pursuant to this section.”

(SIGNED) SENATOR BRENDA GULLETT

The Amendment was read the first time, rules suspended, read the second time and adopted.

(SIGNED) ANN CORNWELL, SECRETARY

House Bill No. 1064 was ordered engrossed.

The President declared the morning hour to have expired.

On motion of Senator Broadway, Senate Bill No. 7 was called up for third reading and final disposition.

SENATE BILL NO. 7

As Engrossed: S1/13/04 S1/15/04

CALL ITEM NO. 3

EIGHTY-FOURTH GENERAL ASSEMBLY

SECOND EXTRAORDINARY SESSION

BY: SENATOR BROADWAY & REPRESENTATIVE ELLIOTT

A Bill for an Act to be Entitled: AN ACT TO MAKE AN APPROPRIATION FOR OPERATING EXPENSES AND OTHER EXPENSES FOR THE BUREAU OF LEGISLATIVE RESEARCH DISBURSING OFFICER - JOINT COMMITTEE ON EDUCATIONAL FACILITIES WHICH SHALL BE SUPPLEMENTAL AND IN ADDITION TO THOSE FUNDS APPROPRIATED BY ACT 1284 OF 2003; AND FOR OTHER PURPOSES.

Senator Malone spoke for the Bill.

Senator Miller spoke for the Bill.

Senator Broadway closed for his Bill.

Senate Bill No. 7 was placed on third reading and final disposition, the question being: Shall the Bill pass?

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

AFFIRMATIVE: Argue, Bisbee, Broadway, Brown, Bryles, Capps, Critcher, Faris, Glover, Gullett, Hendren, Higginbothom, Hill, Horn, G. Jeffress, J. Jeffress, Lavery, Luker, Madison, Malone, Miller, Salmon, T. Smith, Steele, Trusty, Whitaker, Wilkinson, Wooldridge.

Total28

NEGATIVE: Baker, Holt, Womack.

Total3

ABSENT OR NOT VOTING: Altes, J. Bookout, B. Johnson, Wilkins.

Total4

VOTING PRESENT:

Total0

Total number of votes cast.....31

Necessary to the passage of the bill27

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

(SIGNED) ANN CORNWELL, SECRETARY

There being an emergency clause attached to **Senate Bill No. 7**, the President ordered the Secretary to call the roll upon the adoption of the emergency clause.

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

AFFIRMATIVE: Argue, Baker, Broadway, Brown, Bryles, Capps, Critcher, Faris, Glover, Gullett, Hendren, Higginbothom, Hill, Horn, G. Jeffress, J. Jeffress, Lavery, Luker, Madison, Malone, Miller, Salmon, T. Smith, Steele, Trusty, Whitaker, Wilkinson, Wooldridge.

Total28

NEGATIVE: Bisbee, Holt, Womack.

Total3

ABSENT OR NOT VOTING: Altes, J. Bookout, B. Johnson, Wilkins.

Total4

VOTING PRESENT:

Total0

Total number of votes cast.....31

Necessary to the adoption of the emergency clause24

So the Emergency Clause was adopted.

(SIGNED) ANN CORNWELL, SECRETARY

Senate Bill No. 7 was ordered immediately transmitted to the House.

On motion of Senator Gullett, **House Bill No. 1095** was called up for third reading and final disposition.

HOUSE BILL NO. 1095

CALL ITEM NO. 4

EIGHTY-FOURTH GENERAL ASSEMBLY

SECOND EXTRAORDINARY SESSION

BY: REPRESENTATIVE J. JOHNSON

A Bill for an Act to be Entitled: AN ACT TO REQUIRE THE DEPARTMENT OF EDUCATION TO MAINTAIN CERTAIN DATA ON THE DEPARTMENT'S WEBSITE FOR THE TWO (2) PREVIOUS YEARS AND THE BUDGETED DATA FOR THE CURRENT YEAR; AND FOR OTHER PURPOSES.

House Bill No. 1095 was placed on third reading and final disposition, the question being: Shall the Bill pass?

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

AFFIRMATIVE: Altes, Argue, Baker, Bisbee, Broadway, Brown, Capps, Critcher, Faris, Glover, Gullett, Hendren, Higginbothom, Hill, Holt, Horn, G. Jeffress, J. Jeffress, B. Johnson, Laverty, Luker, Madison, Malone, Miller, Salmon, T. Smith, Steele, Trusty, Whitaker, Wilkinson, Womack, Wooldridge.

Total32

NEGATIVE:

Total0

ABSENT OR NOT VOTING: J. Bookout, Bryles, Wilkins.

Total3

VOTING PRESENT:

Total0

Total number of votes cast.....32

Necessary to the passage of the bill18

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

(SIGNED) ANN CORNWELL, SECRETARY

House Bill No. 1095 was ordered immediately returned to the House as passed.

On motion of Senator Argue, the rules were suspended in considering House Bill No. 1009 at this time.

* * * * * RECEDE * * * * *

On motion of Senator Argue, House Bill No. 1009 was placed back on second reading for purpose of amendment.

ARKANSAS SENATE
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION
Amendment No. 1 to HOUSE BILL NO. 1009

Amend House Bill No. 1009 as engrossed, H1/5/04:

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.

(1) 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) of this section, shall be six (6) years.

(2)(A) The term of office of a member of the state board, appointed after the effective date of this subdivision (b)(2)(A), shall be a single nine-year term.

(B) Any member appointed to the state board to fill a vacancy for an uncompleted term with fewer than two (2) years remaining on the original term may be reappointed to an additional nine-year term.

(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 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."

(SIGNED) SENATOR JIM ARGUE

The Amendment was read the first time, rules suspended, read the second time and adopted.

(SIGNED) ANN CORNWELL, SECRETARY

House Bill No. 1009 was ordered engrossed.

* * * * * **RECEDE** * * * * *

The record pertaining to the adoption of Amendment No. 1 to House Bill No. 1009 was receded from, in accordance with a prevailing motion on February 4, 2004, 2003.

On motion of Senator Argue the Senate rescinded its previous action in the adoption of Amendment No. 1 to House Bill No. 1009.

On motion of Senator Hill the Senate recessed until 2:30 p.m..

The Senate reconvened after recess. The Secretary called the roll, and a quorum was present.

SENATE BILL NO. 73
CALL ITEM NO. 4
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION
BY: SENATOR ARGUE & REPRESENTATIVE STOVALL

A Bill for an Act to be Entitled: AN ACT TO AMEND THE PROCEDURES TO IMPLEMENT AMENDMENT 74 TO THE ARKANSAS CONSTITUTION; AND FOR OTHER PURPOSES.

Senate Bill No. 73 was read the first time, rules suspended, read the second time and referred to the Committee on EDUCATION.

SENATE RESOLUTION NO. 12
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION
BY: SENATOR WOMACK

A Bill for an Act to be Entitled: REQUESTING THAT ALL MEMBERS OF ARKANSAS' DELEGATION TO THE UNITED STATES SENATE AND HOUSE OF REPRESENTATIVES SUPPORT THE FEDERAL MARRIAGE AMENDMENT TO THE UNITED STATES CONSTITUTION.

Senate Resolution No. 12 was read the first time, rules suspended, read the second time and referred to the Committee on STATE AGENCIES & GOVERNMENTAL AFFAIRS.

ARKANSAS SENATE
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION

January 16, 2004

Mr. President:

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

HOUSE BILL NO. 1049, BY REPRESENTATIVE CLEVELAND, ET AL,

beg leave to report that we have carefully compared the engrossed copy with the original and we find the same correctly engrossed.

Respectfully submitted,

(SIGNED) JOHN PAUL CAPPS, CHAIRMAN

On motion of Senator Broadway, **House Bill No. 1049** was ordered re-referred to the Committee on EDUCATION.

ARKANSAS SENATE
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION

January 16, 2004

Mr. President:

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

HOUSE BILL NO. 1094, BY REPRESENTATIVE MAHONY, ET AL,

beg leave to report that we have carefully compared the engrossed copy with the original and we find the same correctly engrossed.

Respectfully submitted,

(SIGNED) JOHN PAUL CAPPS, CHAIRMAN

On motion of Senator Broadway, **House Bill No. 1094** was ordered re-referred to the Committee on EDUCATION.

**ARKANSAS SENATE
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION**

January 16, 2004

Mr. President:

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

HOUSE BILL NO. 1064, BY REPRESENTATIVE JACKSON,

beg leave to report that we have carefully compared the engrossed copy with the original and we find the same correctly engrossed.

Respectfully submitted,

(SIGNED) JOHN PAUL CAPPS, CHAIRMAN

ARKANSAS SENATE
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION

January 16, 2004

Mr. President:

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

HOUSE BILL NO. 1009, BY REPRESENTATIVE PICKETT,

beg leave to report that we have carefully compared the engrossed copy with the original and we find the same correctly engrossed.

Respectfully submitted,

(SIGNED) JOHN PAUL CAPPS, CHAIRMAN

HOUSE BILL NO. 1008

As Engrossed: H1/8/04 H1/15/04

CALL ITEM NO. 4

**EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION
BY: REPRESENTATIVE PICKETT**

A Bill for an Act to be Entitled: AN ACT TO *TRACK* THE AMOUNT OF STATE FUNDS THAT *ARE* USED TO SUPPORT INTERSCHOOL ATHLETIC PROGRAMS *AND INTERSCHOOL SCHOLASTIC ACTIVITIES IN PUBLIC SCHOOLS; AND FOR OTHER PURPOSES.*

House Bill No. 1008 was read the first time, rules suspended, read the second time and referred to the Committee on EDUCATION.

HOUSE BILL NO. 1111
As Engrossed: H1/15/04
CALL ITEM NO. 4
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION
BY: REPRESENTATIVE DICKINSON, ET AL

A Bill for an Act to be Entitled: THE CONTINUING ADEQUACY EVALUATION ACT OF 2004.

House Bill No. 1111 was read the first time, rules suspended, read the second time and referred to the Committee on EDUCATION.

HOUSE BILL NO. 1117
CALL ITEM NO. 4
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION
BY: REPRESENTATIVE R. SMITH

A Bill for an Act to be Entitled: AN ACT TO AMEND ACT 23 OF THE SECOND EXTRAORDINARY SESSION OF 2003 CONCERNING THE ARKANSAS TEACHER RETIREMENT SYSTEM; AND FOR OTHER PURPOSES.

House Bill No. 1117 was read the first time, rules suspended, read the second time and placed on the Calendar.

HOUSE BILL NO. 1121
CALL ITEM NO. 4
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION
BY: REPRESENTATIVE J. JOHNSON

A Bill for an Act to be Entitled: AN ACT TO AMEND THE APPOINTMENT STRUCTURE OF THE LEGISLATIVE HEALTH ADVISORY COMMITTEE; TO COORDINATE EFFORTS TO COMBAT THE EFFECTS OF INADEQUATE HEALTH CARE ON THE EDUCATIONAL PERFORMANCE OF CHILDREN IN ARKANSAS SCHOOL SYSTEMS; AND FOR OTHER PURPOSES.

House Bill No. 1121 was read the first time, rules suspended, read the second time and referred to the Committee on PUBLIC HEALTH, WELFARE & LABOR.

SENATE RESOLUTION NO. 13
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION
BY: SENATOR BAKER

SENATE RESOLUTION COMMENDING FIRE CHIEF BART CASTLEBERRY OF THE CONWAY FIRE DEPARTMENT.

Senate Resolution No. 13. was read the first time, rules suspended, read the second time and placed on the calendar.

(SIGNED) ANN CORNWELL, SECRETARY

Senate Bill No. 24 was returned from the House as passed and ordered enrolled.

SENATE BILL NO. 74
CALL ITEM NO. 3
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION
BY: SENATOR BRYLES

A Bill for an Act to be Entitled: AN ACT TO MAKE AN APPROPRIATION FOR ARKANSAS STUDENT ASSESSMENT AND EDUCATIONAL ACCOUNTABILITY FOR THE DEPARTMENT OF EDUCATION FOR THE BIENNIAL PERIOD ENDING JUNE 30, 2005; AND FOR OTHER PURPOSES.

Senate Bill No. 74 was read the first time, rules suspended, read the second time and referred to the Committee on JOINT BUDGET.

ARKANSAS SENATE
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION

January 16, 2004

Mr. President:

We, your Committee on STATE AGENCIES & GOVERNMENTAL AFFAIRS, to whom was referred:

SENATE RESOLUTION NO. 12, BY SENATOR WOMACK,

beg leave to report that we have had the same under consideration, and herewith return the same with the recommendation that it do pass.

Respectfully submitted,

(SIGNED) SENATORS STEVE FARIS, JIMMY JEFFRESS,
GILBERT BAKER & ED WILKINSON

ARKANSAS SENATE
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION

January 16, 2004

Mr. President:

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

SENATE BILL NO. 24, BY SENATOR SMITH,

beg leave to report that we have carefully compared the enrolled copy with the original and we find the same correctly enrolled and have at 2:52 p.m. delivered them to the Governor for his approval.

Respectfully submitted,

(SIGNED) JOHN PAUL CAPPS, CHAIRMAN

GOVERNOR'S BILL RECEIPTS

SENATE BILL NO. 24

RECEIVED the above papers from the Secretary of the Senate this 16th day of January, 2004, at 2:52 p.m..

(SIGNED) MIKE HUCKABEE

Governor

(SIGNED) STACY DeJARNETTE

Secretary

On motion of Senator Bryles, House Bill No. 1094 was withdrawn from the Committee on Education and placed on second reading.

Senator Bryles moved the Senate recede from the adoption of **Amendment No. 1** to **House Bill No. 1094**.

(SIGNED) ANN CORNWELL

Secretary

House Bill No. 1094 was ordered engrossed.

On motion of Senator Hill the Senate recessed until 3:45 p.m..

The Senate reconvened after recess. The Secretary called the roll, and a quorum was present.

ARKANSAS SENATE
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION

January 16, 2004

Mr. President:

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

HOUSE BILL NO. 1094, BY REPRESENTATIVE MAHONY, ET AL,

beg leave to report that we have carefully compared the engrossed copy with the original and we find the same correctly engrossed.

Respectfully submitted,

(SIGNED) JOHN PAUL CAPPS, CHAIRMAN

On motion of Senator Bryles, **House Bill No. 1094** was ordered re-referred to the Committee on EDUCATION.

**ARKANSAS SENATE
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION**

January 16, 2004

Mr. President:

We, your Committee on EDUCATION, to whom was referred:

**SENATE BILL NO. 53, BY SENATOR BROADWAY,
SENATE BILL NO. 65, BY SENATOR BROADWAY,**

beg leave to report that we have had the same under consideration, and herewith return the same with the recommendation that they do pass.

Respectfully submitted,

(SIGNED) SENATOR JIM ARGUE

* * * * *

**SENATE BILL TRANSMITTED TO THE HOUSE
AS PASSED**

SENATE BILL NO. 7

HOUSE BILL RETURNED TO THE HOUSE

AS PASSED

HOUSE BILL NO. 1095

SENATE BILL RETURNED FROM THE HOUSE

AS PASSED

SENATE BILL NO. 24

HOUSE BILLS TRANSMITTED TO THE SENATE

AS PASSED

HOUSE BILL NO. 1008

HOUSE BILL NO. 1111

HOUSE BILL NO. 1117

HOUSE BILL NO . 1121

On motion of Senator Capps, the Senate adjourned until Saturday, 10:30 a.m.,
January 17, 2004.

PRESIDENT OF THE SENATE

SECRETARY OF THE SENATE

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**41ST DAY'S PROCEEDINGS
SENATE CHAMBER
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION**

Little Rock, Arkansas

January 17, 2004

The Senate was called to order at 10:30 a. m. by the President.

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

ALTES, ARGUE, BAKER, BISBEE, BOOKOUT,
BROADWAY, BROWN, BRYLES, CAPPS, CRITCHER,
FARIS, GLOVER, GULLETT, HENDREN,
HIGGINBOTHOM, HILL, HOLT, HORN, G.JEFFRESS,
J.JEFFRESS, JOHNSON, LAVERTY, LUKER, MADISON,
MALONE, MILLER, SALMON, SMITH, STEELE, TRUSTY,
WHITAKER, WILKINS, WILKINSON, WOMACK,
WOOLDRIDGE.

The Senate was led in prayer by Senator Henry "Hank" Wilkins, IV.

Senator Hill led the Senate in the Pledge of Allegiance.

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

ARKANSAS SENATE
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION

January 17, 2004

Mr. President:

We, your Committee on EDUCATION, to whom was referred:

HOUSE BILL NO. 1008, BY REPRESENTATIVE PICKETT,

beg leave to report that we have had the same under consideration, and herewith return the same with the recommendation that it do pass.

Respectfully submitted,

(SIGNED) SENATOR JIM ARGUE

ARKANSAS SENATE
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION

January 17, 2004

Mr. President:

We, your Committee on EDUCATION, to whom was referred:

HOSUE BILL NO. 1094, BY REPRESENTATIVE MAHONY,

beg leave to report that we have had the same under consideration, and herewith return the same with the recommendation that it do pass as amended #2.

Respectfully submitted,

(SIGNED) SENATOR JIM ARGUE

ARKANSAS SENATE
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION

January 17, 2004

Mr. President:

We, your Committee on PUBLIC HEALTH, WELFARE & LABOR, to whom was referred:

HOUSE BILL NO. 1121, BY REPRESENTATIVE JOHNSON,

beg leave to report that we have had the same under consideration, and herewith return the same with the recommendation that it do pass.

Respectfully submitted,

(SIGNED) SENATOR JACK CRITCHER

HOUSE BILL NO. 1108
CALL ITEM NO. 4
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION
BY: REPRESENTATIVE DANGEAU, ET AL
SENATORS BRYLES & BROADWAY

A Bill for an Act to be Entitled: AN ACT TO REQUIRE AN AUDIT OF STAFFING NEEDS OF THE DEPARTMENT OF EDUCATION; AND FOR OTHER PURPOSES.

House Bill No. 1108 was read the first time, rules suspended, read the second time and referred to the Committee on EDUCATION.

On motion of Senator Womack, **Senate Resolution No. 12** was called up for third reading and final disposition.

**SENATE RESOLUTION NO. 12
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION
BY: SENATOR WOMACK**

SENATE RESOLUTION REQUESTING THAT ALL MEMBERS OF ARKANSAS' DELEGATION TO THE UNITED STATES SENATE AND HOUSE OF REPRESENTATIVES SUPPORT THE FEDERAL MARRIAGE AMENDMENT TO THE UNITED STATES CONSTITUTION.

Senate Resolution No. 12 was read the third time and adopted.

(SIGNED) ANN CORNWELL, SECRETARY

The President declared the morning hour to have expired.

On motion of Senator Womack, **Senate Bill No. 41** was called up for the purpose of considering **Amendment Nos. 1 & 2** thereto, adopted by the House.

**HALL OF THE HOUSE OF REPRESENTATIVES
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION
Amendment No. 1 to SENATE BILL NO. 41**

Amend **Senate Bill No. 41** as engrossed, S1/7/04:

Page 1, line 27, delete "Education, subject" and substitute "Education, in consultation with the Department of Workforce Education, subject"

(SIGNED) REPRESENTATIVE JOHNNY KEY

Amendment No. 1 to Senate Bill No. 41, adopted by the House, was read the first time, rules suspended, read the second time and concurred in, by the Senate.

(SIGNED) ANN CORNWELL, SECRETARY

Amendment No. 2 to SENATE BILL NO. 41

Amend **Senate Bill No. 41** as engrossed, S1/7/04:

Page 1, line 10, delete "REQUIRE PUBLIC SCHOOL DISTRICTS TO" and substitute "ASSIST PUBLIC SCHOOL DISTRICTS IN"

AND

Page 1, line 11, delete "OFFER" and substitute "OFFERING"

AND

Delete the subtitle in its entirety and substitute:

"AN ACT TO ASSIST PUBLIC SCHOOL DISTRICTS
IN OFFERING A PERSONAL FINANCE COURSE TO
STUDENTS IN GRADES NINE THROUGH TWELVE
(9-12)."

AND

Page 1, delete line 26, and substitute:

"6-16-135. Personal finance."

Amendment No. 2 to Senate Bill No. 41, adopted by the House, was read the first time, rules suspended, read the second time and concurred in, by the Senate.

(SIGNED) ANN CORNWELL, SECRETARY

(SIGNED) REPRESENTATIVE JOHNNY KEY

On motion of Senator Womack, and without objection, the rules were suspended pertaining to passage of Amendment and Bill on the same day.

On motion of Senator Womack, **Senate Bill No. 41** was called up for third reading and final disposition.

SENATE BILL NO. 41
As Engrossed: S/1/7/04 H/1/14/04
CALL ITEM NO. 4
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION
BY: SENATORS WOMACK & BRYLES
REPRESENTATIVE KEY

A Bill for an Act to be Entitled: *AN ACT TO ASSIST PUBLIC SCHOOL DISTRICTS IN OFFERING A PERSONAL FINANCE COURSE TO STUDENTS IN GRADES NINE THROUGH TWELVE (9-12); AND FOR OTHER PURPOSES.*

Senate Bill No. 41 was placed on third reading and final disposition, the question being: Shall the Bill pass?

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

AFFIRMATIVE: Altes, Baker, Capps, Critcher, Faris, Glover, Gullett, Higginbothom, Holt, Horn, J. Jeffress, Laverty, Malone, Salmon, T. Smith, Steele, Trusty, Whitaker, Wilkins, Wilkinson, Womack.

Total21

NEGATIVE: Hendren.

Total1

ABSENT OR NOT VOTING: Argue, Bisbee, J. Bookout, Broadway, Brown, Bryles, Hill, G. Jeffress, B. Johnson, Luker, Madison, Miller, Wooldridge.

Total13

VOTING PRESENT:

Total0

Total number of votes cast.....22

Necessary to the passage of the bill18

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

(SIGNED) ANN CORNWELL, SECRETARY

Senate Bill No. 41 was ordered enrolled.

On motion of Senator Gullett, **House Bill No. 1064** was called up for third reading and final disposition.

HOUSE BILL NO. 1064
As Engrossed: SI/16/04
CALL ITEM NO. 4
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION
BY: REPRESENTATIVE JACKSON

A Bill for an Act to be Entitled: AN ACT TO ENSURE THE AVAILABILITY OF DISTANCE LEARNING TO ALL STUDENTS IN ARKANSAS; AND FOR OTHER PURPOSES.

House Bill No. 1064 was placed on third reading and final disposition, the question being: Shall the Bill pass?

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

AFFIRMATIVE: Altes, Argue, Baker, Brown, Bryles, Capps, Critcher, Faris, Glover, Gullett, Hendren, Higginbothom, Holt, Horn, G. Jeffress, J. Jeffress, B. Johnson, Laverty, Luker, Madison, Malone, Miller, Salmon, T. Smith, Steele, Trusty, Whitaker, Wilkins, Wilkinson, Womack.

Total30

NEGATIVE:

Total0

ABSENT OR NOT VOTING: Bisbee, J. Bookout, Broadway, Hill, Wooldridge.

Total5

VOTING PRESENT:

Total0

Total number of votes cast.....30

Necessary to the passage of the bill18

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

(SIGNED) ANN CORNWELL, SECRETARY

House Bill No. 1064 was ordered immediately returned to the House as passed as amended.

On motion of Senator J. Jeffress, **House Bill No. 1117** was called up for third reading and final disposition.

HOUSE BILL NO. 1117
CALL ITEM NO. 4
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION
BY: REPRESENTATIVE R. SMITH

A Bill for an Act to be Entitled: AN ACT TO AMEND ACT 23 OF THE SECOND EXTRAORDINARY SESSION OF 2003 CONCERNING THE ARKANSAS TEACHER RETIREMENT SYSTEM; AND FOR OTHER PURPOSES.

House Bill No. 1117 was placed on third reading and final disposition, the question being: Shall the Bill pass?

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

AFFIRMATIVE: Altes, Baker, Brown, Bryles, Capps, Critcher, Faris, Glover, Gullett, Hendren, Higginbothom, Horn, G. Jeffress, J. Jeffress, B. Johnson, Lavery, Luker, Madison, Malone, Miller, Salmon, T. Smith, Steele, Whitaker, Wilkins, Wilkinson, Womack.

Total27

NEGATIVE: Holt.

Total1

ABSENT OR NOT VOTING: Argue, Bisbee, J. Bookout, Broadway, Hill, Trusty, Wooldridge.

Total7

VOTING PRESENT:

Total0

Total number of votes cast28

Necessary to the passage of the bill18

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

(SIGNED) ANN CORNWELL, SECRETARY

House Bill No. 1117 was ordered immediately returned to the House as passed.

On motion of Senator Bryles, the rules were suspended in considering **House Bill No. 1094** at this time.

On motion of Senator Bryles, **House Bill No. 1094** was placed back on second reading for purpose of amendment.

ARKANSAS SENATE
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION
Amendment No. 2 to HOUSE BILL NO. 1094

Amend **House Bill No. 1094** as engrossed, S1/16/04:

Add Representative Walters as a House cosponsor

AND

Add Senator Bryles, Broadway, and Bisbee as Senate cosponsors

AND

Page 1, delete all sections following the enacting clause and substitute the following:

"SECTION 1. Arkansas Code Title 6, Chapter 20, is amended to add the following subchapter:

6-20-2201. Title.

This subchapter shall be known and may be cited as the "Arkansas Educational Financial Accounting and Reporting Act of 2004".

6-20-2202. Budget and expenditure report.

(a)(1) The board of directors of each school district, local education agency, and education service cooperative shall annually prepare a budget of expenditures and receipts that shall be filed with the Department of Education by September 1 of each year pursuant to the provisions of this subchapter.

(2) Each budget shall be approved by the board of directors of each school district, local education agency, and education service cooperative at a legally held meeting and shall be signed by the president of the board and the ex officio financial secretary of each school district, local education agency, and education service cooperative. The budget shall contain the information and be prepared in an electronic format prescribed by rules of the State Board of Education governing financial accounting for Arkansas school districts, local education agencies, and education service cooperatives.

(b)(1)(A) Warrants or checks of a school district, local education agency, or education service cooperative issued after the date required by subsection (a) of this section shall be invalid unless a budget has been filed as required by this subchapter and in compliance with appropriate rules.

(B) The ex officio financial secretary of a school district, local education agency, or education service cooperative and his or her surety shall be liable for any warrants or checks countersigned after the date required by subsection (a) of this section if a budget has not been filed.

(2) Distribution of all grants and aids from the state for which the school district, local education agency, or education service cooperative may be eligible shall be suspended until the requirements of this subchapter are met.

(c)(1) School district, local education agency, and education service cooperative budgets filed pursuant to this section shall be reviewed by the auditors of the financial accountability office of the department to determine if the requirements of state law and the rules of the state board regarding the use of school, local education agency, and education service cooperative funds and expenditure requirements are being met.

(2) Upon approval by the auditors, copies of the approved budget shall be filed with the school district, local education agency, education service cooperative, the county treasurer if serving as school treasurer, and the department.

(d)(1) The ex officio financial secretary of each school district, local education agency, and education service cooperative shall keep a record of the daily expenditures and receipts of the school district, local education agency, or education service cooperative in the manner and on the forms as may be specified by rules of the state board. An annual record shall be filed by August 15 of each year with the department.

(2) If the auditors of the financial accountability office of the department determines that the financial records of any school district, local education agency, or education service cooperative are not properly maintained or that the financial affairs of the school district, local education agency, or education service cooperative are not administered in accordance with state law or state board rules, grants and aids from the state to which the school district, local education agency, or education service cooperative may be entitled shall be withheld until it is determined that the fiscal records of the school district, local education agency, or education service cooperative are in order or that the financial affairs are being properly administered as established by statute or by rule promulgated by the board, provided that the department has met all deadlines for providing information to school districts, local education agencies, or education service cooperatives. The Division of Legislative Audit may assist the auditors of the department upon request of the department.

(e)(1) The department may withhold state aid from any school district, local education agency, or education service cooperative that fails to file its budget or any other required report with the department by the deadline established by statute or by rule promulgated by the state board, provided that the department has met all deadlines for providing pertinent information to school districts, local education agencies, or education service cooperatives.

(2) The department shall submit a list of all required financial accountability reports along with due dates to each school district, local education agency, and education service cooperative by July 1 of each year.

(f) The state board shall promulgate the necessary rules to fully implement the provisions of this section.

(g) The Treasurer of State shall withhold the monthly distribution of county aid provided under § 19-5-602(b) from any county that fails to provide in a timely manner information to the department concerning the annual abstract of assessment for each school district located wholly or in part in the county.

6-20-2203 Uniform budget and accounting system required.

(a) The State Board of Education shall adopt by rule a uniform budget and accounting system consistent with the Handbook IIR2 or future revisions as published by the U.S. Department of Education, Office of Educational Research and Improvements, for school districts, local education agencies, education service cooperatives, and open enrollment charter schools. The rules shall be developed by the Department of Education in cooperation with representatives from the Arkansas Association of School Administrators, the Arkansas Association of School Business Officials, the Arkansas Education Association, and the Legislative Joint Auditing Committee.

(b) The definitions contained in the Federal Handbook IIR2 shall be used for school districts, local education agencies, and education service cooperatives in Arkansas and shall be used to allow for valid comparisons of expenditures among schools, school districts, and education service cooperatives.

(c) In addition the State Board of Education shall adopt by rule “Arkansas Revisions” to the Federal Handbook IIR2. The rules shall be developed by the Department of Education in cooperation with representatives from the Arkansas Association of School Administrators, the Arkansas Association of School Business Officials, The Arkansas Education Association, and the Legislative Joint Auditing Committee, and education service cooperatives. Arkansas Revisions shall include but not be limited to:

(1) Categories to allow for the gathering of data on separate functions and programs;

(2) Categories and descriptions of expenditures that each school or school district shall report on its annual school performance report authorized by the School Performance Report Act, § 6-5-1401 et seq. The reported expenditures shall include, but not be limited to, the following categories:

(A) Total Expenditures;

(B) Instructional Expenditures;

(C) Administrative Expenditures;

(D) Extracurricular Expenditures;

(E) Capital Expenditures; and

(F) Debt Service Expenditures;

(3) Categories and descriptions of school and school district expenditures that allow for the gathering of data on separate functions and programs provided by law; and

(4) Categories and descriptions of expenditures that each education service cooperative shall report on its annual report authorized by law.

(d) A handbook for education service cooperatives shall be developed by the State Board of Education that contains appropriate format and codes for expenditures for education service cooperatives. Rules shall be developed by the Department of Education.

(e) The department shall have the authority to analyze and inspect the financial records of any school, school district, or education service cooperative, in order to verify that a school, school district, or education service cooperative is correctly and accurately reporting expenditures.

(f) By November 1 of each year, the Department of Education shall submit a report to the State Board of Education, the Governor, and the Senate and House Interim Committees on Education concerning public school and public school district expenditures required by law.

(g) All rules, regulations, and revisions adopted under this subchapter shall be adopted and published prior to the start of any fiscal year for which they are applicable and shall allow for an implementation schedule consistent with the method outlined in § 6-20-2207.

6-20-2204. Required training.

(a)(1) Any person whose job responsibility includes preparing the budget or recording expenditures of a school, school district, local education agency, or education service cooperative shall obtain training and instruction necessary to demonstrate basic proficiency, as determined by the Department of Education, in, including, but not limited to:

(A) School laws of Arkansas;

(B) Laws and rules governing the expenditure of public education funds, fiscal accountability, and school finance;

(C) Ethics; and

(D) Financial accounting and reporting of local education agency and education service cooperative expenditures.

(2) Each year thereafter, any person whose job responsibility includes preparing the budget or recording expenditures of a school, school district, or education service cooperative shall obtain by December 31 of each calendar year, additional hours of training and instruction as required by the department in order to maintain basic proficiency in the topics described in subdivision (a)(1) of this section.

(3)(A) The instruction may be received from an institution of higher education in this state, from instruction sponsored by the Department of Education, or by an in-service training program conducted by the Arkansas Association of School Business Officials, or from another provider.

(B) Any instruction provider other than the department shall request pre-approval as to form and content by the department.

(4)(A) If a person fails to obtain the required training by the end of the calendar year and fails to cure the deficiency by March 1 of the following calendar year without filing a request for extension of time, as determined from the records of the department, the department shall immediately notify the superintendent of the employing school district or the director of the education service cooperative by certified mail, return receipt requested, with a copy to the board president.

(B) The superintendent or education service cooperative director shall notify the person by certified mail, return receipt requested, and the person shall be unable to continue in his or her position from the date of receipt of notification by the superintendent or education service cooperative director.

(5) If the person fails to obtain all required training by December 31, this failure shall constitute one (1) citation against the school district as measured by the Standards for Accreditation of Arkansas Public Schools issued by the department or an admonishment to the education service cooperative by the department.

(6) If the person is unable to obtain the required training because of military service or illness as verified by a written sworn statement of the person's attending physician, the department shall grant an extension permitting the person additional time to obtain the required training. The issuance of an extension shall not constitute a citation against the school district as measured by the Standards for Accreditation of Arkansas Public Schools issued by the department or the education service cooperative and shall not operate to remove the person from his or her job.

(b)(1) A school district, local education agency, or education service cooperative board of directors is authorized to pay per diem and reimburse the expenses of a person required to obtain training under this section.

(2) The expenses must be incurred in attending in-service workshops, conferences, and other courses of training and instruction necessary for completing the hours of instruction required under this section.

(3) Payments may be made from funds belonging to the school district.

(c) The State Board of Education shall modify the Standards for Accreditation of Arkansas Public Schools issued by the department as may be required by this section.

(d) It is the responsibility of the department to receive and maintain records of instructional hours obtained by any individual covered under this section.

(e) The state board is authorized to promulgate rules and regulations consistent with the provisions of this section.

6-20-2205. Penalties.

(a) Any school district or local education agency that does not follow the provisions of this subchapter shall be placed in fiscal distress as provided by law.

(b) Any education service cooperative that does not follow the provisions of this subchapter shall be sanctioned by the State Board of Education.

6-20-2206. Miscellaneous provisions.

(a) If the Department of Education determines that an overpayment has been made to a school district, local education agency, or education service cooperative in any funding category authorized by law, the department is authorized to withhold the overpayment from future funding of the school district, local education agency, or education service cooperative and is authorized to transfer the amount withheld for the overpayment to the line item appropriation from which the overpayment was initially made.

(b) Each school district, local education agency, and education service cooperative shall prepare an annual statement of the financial conditions and transactions of the school district, local education agency, or education service cooperative as of June 30 of each year in accordance with generally accepted accounting principles.

(c) In order for a school district, local education agency, or education service cooperative to be entitled to state aid as provided by law, each school district, local education agency, and education service cooperative shall satisfy the following requirements:

(1) Expenditures for any fiscal year shall not exceed the legal revenues for that year;

(2) The school district, local education agency, and education service cooperative shall maintain such records and make such reports relative to attendance, receipts, and disbursements and other reports as required by the rules and regulations of the State Board of Education;

(3) The school district, local education agency, and education service cooperative shall maintain proper financial records in accordance with the state's school accounting manual and regulations promulgated by the State Board of Education;

(4) The school district, local education agency, and education service cooperative shall file annually with the State Board of Education a salary schedule for its certified employees which recognizes a minimum level of training and experience. This schedule shall reflect the actual pay practices of the school district, local education agency, or education service cooperative, including all fringe benefits and supplemental salary schedules. Salary increments for experience or education, or both, shall be identified on the schedule; and

(5)(A) All pupil attendance records shall be kept in their original form and shall be public records.

(B) Pupil attendance records shall be kept according to law and regulations, on paper or electronic forms either furnished or approved by the department.

(C) Original pupil attendance records shall be kept on file in the office of the superintendent of schools after the school term is ended for a period of three (3) years and these records shall be available for monitoring purposes during any day of the school term by the teachers or other persons designated to keep attendance.

(d) School districts may not include the cost of substitute teachers, extended contracts for extracurricular activities, or supplementary pay for extracurricular activities in meeting the expenditures requirement for student classroom teacher salaries.

(e) Any licensed classroom teacher or administrator of a school, school district, a local education agency, or education service cooperative that provides false expenditure information may have his or her license placed on probation, suspended, or revoked pursuant to rules promulgated by the State Board of Education.

6-20-2207. Rule-making authority.

(a)(1) Before the 2004-2005 school year, the State Board of Education shall promulgate rules governing and providing compliance with an established uniform chart of accounts for budgeting of school, school district, and education service cooperative revenues and expenditures and financial reporting in order for school districts and education service cooperatives to comply with § 6-20-2202.

(2) These rules shall be applied to all school districts, local education agencies, and education service cooperatives on a pilot basis for the 2004-2005 school year.

(b) Beginning with the 2005-2006 school year, the Department of Education shall amend the rules provided for in subsection (a) of this section as necessary and before the beginning of a school year in order for school districts to comply with this subchapter.

(c) Any school district, local education agency, or education service cooperative that

fails to comply with state law or rules governing and providing a uniform chart of accounts for budgeting of revenues and expenditures and financial reporting shall be deemed to be in fiscal distress and subject to the applicable enforcement provisions as provided by law.

(d) Any school district, local education agency, or education service cooperative that fails to comply with the expenditure requirements of any public school, public school district, or education service cooperative funding law shall be deemed to be in fiscal distress and subject to the applicable enforcement provisions as provided by law.

6-20-2208. Monitoring of expenditures.

(a) The General Assembly determines that although funds may be distributed to school districts under this subchapter, it is the duty and responsibility of the State of Arkansas to monitor such expenditures to ensure that each public school child in Arkansas is provided with an adequate education.

(b) Each school district shall ensure that funds distributed by the State of Arkansas to the district are utilized in an efficient manner in order to provide an adequate education.

(c) Each school district shall:

(1) Expend sums for teacher salaries in order to meet the requirements of Arkansas law;

(2)(A) Expend the sums allocated to the school district under § 6-20-2005(b) for salaries and other instructional aid components to benefit students in the special needs categories within the school district unless other expenditures are allowed by law or rule of the State Board of Education or Department of Education.

(B) The school district shall further ensure that those sums are used to improve the educational opportunity of those children, with a primary emphasis on improving each student's proficiency;

(3) Expend other sums as may be allocated under this subchapter and as may be required by law in order to provide an equal opportunity for an adequate education;

(4) Ensure that sums appropriated by law and allocated to the school district are used to meet standards for accreditation and to provide the required curriculum for all students in the district;

(5) Ensure that sums allocated for facilities or other capital needs are spent in accordance with law; and

(6) Expend state and local revenues on gifted and talented programs:

(A) In an amount equal to fifteen hundredths (0.15) of the foundation funding amount multiplied times five percent (5%) of the school district's average daily membership for the previous year; and

(B) Only upon gifted and talented programs in accordance with rules promulgated by the State Board of Education.

(d)(1) During the appropriate Arkansas public school computer network reporting cycle each year, each school district shall submit appropriate data to the Department of Education establishing the school district's compliance with this section.

(2) The data shall be timely, accurate, and in the format required by rules promulgated by the State Board of Education.

(3) The data reported shall reflect the expenditure of each category of additional education categories.

(4) Reports for each school district shall be developed by the department and transmitted to the Governor, the Senate Interim Committee on Education, and the House Interim Committee on Education.

SECTION 2. Arkansas Code § 6-1-101, concerning the audit of publicly funded educational institutions, is amended to add a new subsection to read as follows:

(e) In addition to any other requirements in this section, the Legislative Joint Auditing Committee may establish additional compliance or financial reporting requirements for audits of publicly funded educational institutions performed by the Division of Legislative Audit or by an independent person licensed to practice accounting by the Arkansas State Board of Public Accountancy.

(f) Education service cooperatives shall be subject to the same financial management practices, reviews, and designations as provided for school districts under Arkansas Code § 6-15-2101 as added by Act 35 of the Second Extraordinary Session of 2003."

(SIGNED) SENATOR STEVE BRYLES

The Amendment was read the first time, rules suspended, read the second time and adopted.

(SIGNED) ANN CORNWELL, SECRETARY

House Bill No. 1094 was ordered engrossed.

On motion of Senator Madison, the rules were suspended in considering Senate Bill No. 71 at this time.

On motion of Senator Madison, Senate Bill No. 71 was withdrawn from the Committee on Education, and placed back on second reading for purpose of amendment.

ARKANSAS SENATE
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION
Amendment No. 1 to SENATE BILL NO. 71

Amend Senate Bill No. 71 as originally introduced:

Page 1, delete lines 33 and 34 and substitute the following:

“(A) Be signed by the lesser of:

(i) Twenty-five (25) adult residents of the area to be moved to a different school district; or

(ii) At least fifty percent (50%) of the adult residents of the area to be moved to a different school district.”

AND

Page 2, lines 1 delete “reasons that it is” and substitute “geographic features that cause it to be”

AND

Page 2, delete lines 7 through 11 and substitute the following:

“(B)(i) Proof that the petitioners have provided a copy of the public notice to the boards of directors of the affected school districts by registered mail or by certified mail with return receipt requested.

(ii) The notice to the boards of directors of the affected school districts must be made at least ten (10) days before a regularly scheduled meeting of each board of directors.

(4)(A) The petition shall be filed with the state board no earlier than January 1 and no later than March 1 in any calendar year.

(B) The petition shall not be filed with the state board until after the boards of directors of the affected school districts have been notified and have had an opportunity to discuss the proposal at a regularly scheduled board meeting.”

AND

Page 2, delete lines 15 through 19 and substitute the following:

“(c)(1) If the state board determines that due to geographic features the proposed change in boundaries is in the best interest of the students of the area, the state board may, by approval of a majority of the members of a quorum present of the state board, issue an order changing or adjusting the boundary lines between the adjoining districts.

(2) Before approving a boundary change, the state board shall also consider the financial consequences of the proposed boundary change and whether the change will result in identifiable boundaries.”

AND

Page 2 line 20 delete “(2)” and substitute “(3)”

Page 1, delete lines 33 and 34 and substitute the following:

“(A) Be signed by the lesser of:

(i) Twenty-five (25) adult residents of the area to be moved to a different school district; or

(ii) At least fifty percent (50%) of the adult residents of the area to be moved to a different school district;”

AND

Page 2, lines 1 delete “reasons that it is” and substitute “geographic features that cause it to be”

AND

Page 2, delete lines 7 through 11 and substitute the following:

“(B)(i) Proof that the petitioners have provided a copy of the public notice to the boards of directors of the affected school districts by registered mail or by certified mail with return receipt requested.

(ii) The notice to the boards of directors of the affected school districts must be made at least ten (10) days before a regularly scheduled meeting of each board of directors.

(4)(A) The petition shall be filed with the state board no earlier than January 1 and no later than March 1 in any calendar year.

(B) The petition shall not be filed with the state board until after the boards of directors of the affected school districts have been notified and have had an opportunity to discuss the proposal at a regularly scheduled board meeting.”

AND

Page 2, delete lines 15 through 19 and substitute the following:

“(c)(1) If the state board determines that due to geographic features the proposed change in boundaries is in the best interest of the students of the area, the state board may, by approval of a majority of the members of a quorum present of the state board, issue an order changing or adjusting the boundary lines between the adjoining districts.

(2) Before approving a boundary change, the state board shall also consider the financial consequences of the proposed boundary change and whether the change will result in identifiable boundaries.”

AND

Page 2 line 20 delete “(2)” and substitute “(3)”

(SIGNED) SENATOR SUE MADISON

The Amendment was read the first time, rules suspended, read the second time and adopted.

(SIGNED) ANN CORNWELL, SECRETARY

Senate Bill No. 71 was ordered engrossed.

On motion of Senator Miller, the rules were suspended in considering **House Bill No. 1021** at this time.

On motion of Senator Miller, **House Bill No. 1021** was withdrawn from the Committee on EDUCATION, and placed back on second reading for purpose of amendment.

ARKANSAS SENATE
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION
Amendment No. 6 to HOUSE BILL NO. 1021

Amend **House Bill No. 1021** as engrossed, S1/14/04:

Page 2, delete lines 1 through 18 and substitute the following:

“(1) Attracts and retains the best teachers possible; and

(2) Will be affordable, somewhat predictable, and in keeping with the state’s educational and fiscal objectives.”

AND

Page 2, delete lines 32 through 36

AND

Page 3, delete lines 1 through 27 and substitute the following:

"6-17-2404. Minimum teacher compensation schedule for 2004-2005.

(a) The board of directors in each school district in the state shall pay classroom teachers upon a minimum salary schedule that provides:

(1) Annual increments for education and experience;

(2) A base salary; and

(3) A minimum salary for a teacher with a master's degree and at least fifteen (15) years of experience.

(b) In school year 2004-2005, each school district in the state shall have in place a salary schedule that includes the following:

(1) A base salary of at least twenty-seven thousand five hundred dollars (\$27,500) for teachers with a bachelor's degree and no experience;

(2) A base salary of at least thirty-one thousand six hundred twenty-five dollars (\$31,625) for teachers with a master's degree and no experience; and

(3) Unless the school district's present salary schedule exceeds the minimum requirements of this subsection (b), provision for at least fifteen (15) annual increments for experience of:

- (A) Four hundred fifty dollars (\$450) for a bachelor's degree; and
- (B) Five hundred dollars (\$500) for a master's degree.

(c) For purposes of the salary schedules described in this section, the teacher's experience shall be his or her total years in any school district in the state and shall not be based only upon the years in the school district in which he or she is currently employed."

AND

Delete Section 2 of the bill and substitute the following:

"SECTION 2. (a) The Standards of Accreditation for Arkansas Public Schools, as they exist by rule on January 1, 2004 shall apply through the 2004-2005 school year.

(b)(1) On March 1, 2005, the Department of Education shall determine whether each school district meets the Standards of Accreditation for Arkansas Public Schools and meets the teacher salary requirements provided by law. If on March 1, 2005, a school district fails to meet the Standards of Accreditation for Arkansas Public Schools or the teacher salary requirements, the school district shall be subject to sanctions under The Quality Education Act of 2003, § 6-15-201 et seq.

(2)(A) If, as a result of not meeting the Standards of Accreditation for Arkansas Public Schools or the teacher salary requirements as required on March 1, 2005, a school district is ordered to consolidate or to be annexed:

(i) The resulting school district must have at least five hundred (500) students per the district's average daily membership;

(ii) The consolidation or annexation shall be administrative and shall not be construed to require the closing of any school; and

(iii) Any school qualifying as an isolated school under Arkansas Code § 6-20-601 that is in a school district subject to consolidation or annexation under this section shall remain open under the resulting district.

(B) Nothing in this section shall prohibit voluntary consolidation or annexation of a school district."

AND

Delete Section 5 of the bill in its entirety and substitute the following:

"SECTION 5. Arkansas Code Title 6, Chapter 13, is amended to add an additional subchapter to read as follows:

6-13-1601. Definitions.

For purposes of this subchapter:

(1) "Average daily membership" means the same as defined under § 6-20-303;

(2) "Education efficiency and adequacy unit" means a cooperative endeavor established under § 6-13-1602; and

(3) "Participating school district" means a school district in an education efficiency and adequacy unit.

6-13-1602. Education efficiency and adequacy units.

(a)(1) By June 1, 2004, every school district, regardless of size, must be in an education efficiency and adequacy unit.

(2)(A) If the school district has an average daily membership of one thousand five hundred (1,500) students or fewer for the previous school year, the education efficiency and adequacy unit must include at least one (1) other school district.

(B)(i) The selection of school district partners shall be voluntary between the school districts.

(ii) However, if the Department of Education finds on June 1, 2004 that a school district has not selected at least one (1) participating school district as a partner in an education efficiency and adequacy unit, then by July 1, 2004, the department shall assign another school district to the education efficiency and adequacy unit. The school districts must be within a reasonable geographic proximity to one another.

(3) A school district having an average daily membership of more than one thousand five hundred (1,500) students for the previous school year may include another school district in its education efficiency and adequacy unit but is not required to include another school district.

(b) School districts may be partners in more than one (1) education efficiency and adequacy unit during a school year, and any school district may change education efficiency and adequacy units any year.

(c) Each school district shall provide the department with the names of entities in each education efficiency and adequacy unit in which the school district participates.

(d)(1) The partnership between school districts and the establishment of education efficiency and adequacy units under this subchapter shall not be construed to affect the powers of each school district to govern itself.

(2) Nothing in this subchapter shall be construed to prohibit a school district from engaging in cooperative efforts with other school districts outside of the education efficiency and adequacy unit.

6-13-1603. Higher education and education service cooperative partners.

(a) Any public institution of higher education that is situated within the boundaries of a participating school district shall participate as a partner in the education efficiency and adequacy unit.

(b)(1) Any education service cooperatives that are situated within the boundaries of a participating school district shall participate as a partner in the education efficiency and adequacy unit.

(2) An education service cooperative may participate as a partner in more than one (1) education efficiency and adequacy unit.

(3) This section shall not limit the authority of an education service cooperative to engage in activities outside of the education efficiency and adequacy unit.

6-13-1604. Unit supervisory boards.

(a) Each education efficiency and adequacy unit shall establish a unit supervisory board.

(b)(1) The unit supervisory board shall consist of an equal number of members from each school district in the education efficiency and adequacy unit, each public institution of higher education in the education efficiency and adequacy unit, and each education service cooperative education efficiency and adequacy unit.

(2) At least one (1) school board member from each participating school district shall be a member of the unit supervisory board.

(3) At least one (1) school administrator from each participating school district shall be a member of the unit supervisory board.

(c)(1) Each unit supervisory board shall elect a chair who shall preside over the meetings of the board.

(2) The chair shall be elected to serve a one-year term.

(d) Each unit supervisory board shall meet at three (3) times annually and at least one (1) of the meetings is to take place during the school year.

(e) Each participating school district shall equally furnish reasonable staff assistance to their education efficiency and adequacy unit.

(f) A majority vote of those members present shall be required for any action of the unit supervisory board.

(g) Members of the unit supervisory board shall serve without pay but may receive expense reimbursement from entity that the member represents, if authorized by the entity.

6-13-1605. Duties.

Each unit supervisory board shall:

(1) Develop plans for the efficient operation of the participating school districts in partnership with the other members of the education efficiency and adequacy unit and, if necessary, revise the plans;

(2) Implement the plan for the efficient operation of the participating school districts which shall include, but not be limited to, provisions for sharing:

(A) Certified personnel;

(B) Classified personnel;

(C) Curriculum and programs;

(D) Administrators;

(E) Maintenance and operation costs;

(F) Purchasing power through contracts and bids; or

(G) Any other operation of the school in which efficiencies can be obtain through cooperation;

(3) Develop plans for enhanced and increased educational opportunities;

(4) Ensure collaboration among the participating school districts, the higher education institution partners, and the education service cooperative partners;

(5) Actively encourage involvement of parents, guardians, community members, and business leaders;

(6) Collect data necessary to evaluate the progress of the participating school districts toward providing an efficient and adequate education and increasing educational opportunities;

(7) By August 1, 2004, and each year thereafter, report to the State Board of Education on:

(A) The plan for the efficient operation of the participating school districts in the education efficiency and adequacy unit; and

(B) The contribution that each partner will make toward the efficient operation and increased educational opportunities of the participating school districts by cooperating and sharing resources; and

(8) By January 1 of each year, report to the state board on the efficiencies achieved and increased educational opportunities through the cooperative efforts of the education efficiency and adequacy unit.

6-13-1606. Student eligibility for activities or classes.

At the discretion of the participating school districts, two (2) or more participating school districts may agree to authorize students in the school districts to be eligible to participate in activities or classes of a participating school district, if the activity or class in not offered in the student's school district.

6-13-1607. State Board of Education -- Rules.

The State Board of Education shall promulgate rules to implement this subchapter.”

AND

Appropriately renumber the subsequent sections of the bill

(SIGNED) SENATOR PAUL MILLER

The Amendment was read the first time, rules suspended, read the second time and adopted.

(SIGNED) ANN CORNWELL, SECRETARY

House Bill No. 1021 was ordered engrossed.

On motion of Senator Broadway, **Senate Bill No. 34** was placed back on second reading for purpose of amendment.

ARKANSAS SENATE
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION
Amendment No. 3 to SENATE BILL NO. 34

Amend **Senate Bill No. 34** as originally introduced:

Page 2, line 21, delete "twenty-year" and substitute "fifteen-year"

AND

Page 6, line 4, delete "~~a fifteen-year period~~ twenty (20) years" and substitute "a fifteen-year period"

(SIGNED) SENATOR SHANE BROADWAY

The Amendment was read the first time, rules suspended, read the second time and adopted.

(SIGNED) ANN CORNWELL, SECRETARY

Senate Bill No. 34 was ordered engrossed.

On motion of Senator Bisbee, the Senate resolved itself into the Committee of the Whole for the purpose of Joint Budget Bills and Amendment.

Without objection, the Committee of the Whole was dissolved, and the Senate took up its regular order of business.

On motion of Senator Bisbee, **Senate Bill No. 70** was placed back on second reading for purpose of amendment.

ARKANSAS SENATE
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION
Amendment No. 1 to SENATE BILL NO. 70

Amend **Senate Bill No. 70** as originally introduced:

Page 4, line 3, delete the words "SECTION 8" and substitute "SECTION 10"

AND

Page 4, line 13, delete the words "SECTION 9" and substitute "SECTION 11"

AND

Page 4, line 23, delete the words "SECTION 10" and substitute "SECTION 12"

AND

Page 4, line 31, delete the words "SECTION 11" and substitute "SECTION 13"

AND

Page 5, line 5, delete the words "SECTION 12" and substitute "SECTION 14"

AND

Page 5, line 17, delete the words "SECTION 13" and substitute "SECTION 15"

AND

Page 5, line 29, delete the words "SECTION 14" and substitute "SECTION 16"

AND

Page 6, line 7, delete the words "SECTION 15" and substitute "SECTION 17"

AND

Page 6, line 17, delete the words "SECTION 16" and substitute "SECTION 18"

AND

Page 6, line 26, delete the words "SECTION 17" and substitute "SECTION 19"

(SIGNED) SENATOR DAVID BISBEE

The Amendment was read the first time, rules suspended, read the second time and adopted.

(SIGNED) ANN CORNWELL, SECRETARY

On motion of Senator Bisbee, and without objection, the rules were suspended pertaining to passage of Amendment and Bill on the same day.

On motion of Senator Bisbee, the rules were suspended in considering **Senate Bill No. 70** at this time.

On motion of Senator Bisbee, **Senate Bill No. 70** was called up for third reading and final disposition.

**SENATE BILL NO. 70
CALL ITEM NO. 10
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION
BY: JOINT BUDGET COMMITTEE**

A Bill for an Act to be Entitled: AN ACT TO MAKE AN APPROPRIATION FOR THE ARKANSAS STATE CLAIMS COMMISSION TO PAY CLAIMS AGAINST THE STATE; AND FOR OTHER PURPOSES.

Senate Bill No. 70 was placed on third reading and final disposition, the question being: Shall the Bill pass?

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

AFFIRMATIVE: Altes, Argue, Baker, Bisbee, Broadway, Brown, Bryles, Capps, Critcher, Faris, Glover, Gullett, Hendren, Higginbothom, Hill, Holt, Horn, G. Jeffress, J. Jeffress, B. Johnson, Laverty, Luker, Madison, Malone, Miller, Salmon, T. Smith, Steele, Whitaker, Wilkins, Wilkinson, Womack.

Total32

NEGATIVE:

Total0

ABSENT OR NOT VOTING: J. Bookout, Trusty, Wooldridge.

Total3

VOTING PRESENT:

Total0

Total number of votes cast.....32

Necessary to the passage of the bill27

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

(SIGNED) ANN CORNWELL, SECRETARY

There being an emergency clause attached to **Senate Bill No. 70**, the President ordered the Secretary to call the roll upon the adoption of the emergency clause.

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

AFFIRMATIVE: Altes, Argue, Baker, Bisbee, Broadway, Brown, Bryles, Capps, Critcher, Faris, Glover, Gullett, Hendren, Higginbothom, Hill, Holt, Horn, G. Jeffress, J. Jeffress, B. Johnson, Laverty, Luker, Madison, Malone, Miller, Salmon, T. Smith, Steele, Whitaker, Wilkins, Wilkinson, Womack.

Total32

NEGATIVE:

Total0

ABSENT OR NOT VOTING: J. Bookout, Trusty, Wooldridge.

Total3

VOTING PRESENT:

Total0

Total number of votes cast.....32

Necessary to the adoption of the emergency clause24

So the Emergency Clause was adopted.

(SIGNED) ANN CORNWELL, SECRETARY

Senate Bill No. 70 was ordered engrossed.

ARKANSAS SENATE
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION

January 17, 2004

Mr. President:

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

SENATE BILL NO. 34, BY SENATOR BROADWAY,

beg leave to report that we have carefully compared the engrossed copy with the original and we find the same correctly engrossed.

Respectfully submitted,

(SIGNED) JOHN PAUL CAPPS, CHAIRMAN

ARKANSAS SENATE
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION

January 17, 2004

Mr. President:

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

SENATE BILL NO. 70, BY JOINT BUDGET COMMITTEE,

beg leave to report that we have carefully compared the engrossed copy with the original and we find the same correctly engrossed.

Respectfully submitted,

(SIGNED) JOHN PAUL CAPPS, CHAIRMAN

Senate Bill No. 70 was ordered immediately transmitted to the House.

ARKANSAS SENATE
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION

January 17, 2004

Mr. President:

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

SENATE BILL NO. 71, BY SENATOR MADISON, ET AL,

beg leave to report that we have carefully compared the engrossed copy with the original and we find the same correctly engrossed.

Respectfully submitted,

(SIGNED) JOHN PAUL CAPPS, CHAIRMAN

On motion of Senator Madison, **Senate Bill No. 71** was ordered re-referred to the Committee on EDUCATION.

ARKANSAS SENATE
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION

January 17, 2004

Mr. President:

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

HOUSE BILL NO. 1094, BY REPRESENTATIVE MAHONY, ET AL,

beg leave to report that we have carefully compared the engrossed copy with the original and we find the same correctly engrossed.

Respectfully submitted,

(SIGNED) JOHN PAUL CAPPES, CHAIRMAN

**ARKANSAS SENATE
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION**

January 17, 2004

Mr. President:

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

HOUSE BILL NO. 1021, BY REPRESENTATIVE WEAVER, ET AL,

beg leave to report that we have carefully compared the engrossed copy with the original and we find the same correctly engrossed.

Respectfully submitted,

(SIGNED) JOHN PAUL CAPPES, CHAIRMAN

On motion of Senator Miller, **House Bill No. 1021** was ordered re-referred to the Committee on EDUCATION.

* * * * *

SENATE BILL TRANSMITTED TO THE HOUSE
AS PASSED

SENATE BILL NO. 70

HOUSE BILL RETURNED TO THE HOUSE
AS PASSED

HOUSE BILL NO. 1117

HOUSE BILL RETURNED TO THE HOUSE
AS PASSED AS AMENDED

HOUSE BILL NO. 1064

HOUSE BILL TRANSMITTED TO THE SENATE
AS PASSED

HOUSE BILL NO. 1108

On motion of Senator Critcher, the Senate adjourned until Tuesday, 1:00 p.m.,
January 20, 2004.

PRESIDENT OF THE SENATE

SECRETARY OF THE SENATE

--ooOoo--

**44TH DAY'S PROCEEDINGS
SENATE CHAMBER
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION**

Little Rock, Arkansas

January 20, 2004

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

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

ALTES, ARGUE, BAKER, BISBEE, BOOKOUT,
BROADWAY, BROWN, BRYLES, CAPPS, CRITCHER,
FARIS, GLOVER, GULLETT, HENDREN,
HIGGINBOTHOM, HILL, HOLT, HORN, G.JEFFRESS,
J.JEFFRESS, JOHNSON, LAVERTY, LUKER, MADISON,
MALONE, MILLER, SALMON, SMITH, STEELE, TRUSTY,
WHITAKER, WILKINS, WILKINSON, WOMACK,
WOOLDRIDGE.

The Senate was led in prayer by Senator Gilbert Baker

Senator Hill led the Senate in the Pledge of Allegiance.

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

ARKANSAS SENATE
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION

January 20, 2004

Mr. President:

We, your Committee on EDUCATION, to whom was referred:

SENATE BILL NO. 73, BY SENATOR ARGUE,

beg leave to report that we have had the same under consideration, and herewith return the same with the recommendation that it do pass.

Respectfully submitted,

(SIGNED) SENATOR JIM ARGUE

ARKANSAS SENATE
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION

January 20, 2004

Mr. President:

We, your Committee on EDUCATION, to whom was referred:

SENATE BILL NO. 67, BY SENATOR WHITAKER,
SENATE BILL NO. 71, BY SENATOR MADISON,

beg leave to report that we have had the same under consideration, and herewith return the same with the recommendation that it do pass as amended #1.

Respectfully submitted,

(SIGNED) SENATOR JIM ARGUE

ARKANSAS SENATE
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION

January 20, 2004

Mr. President:

We, your Committee on EDUCATION, to whom was referred:

HOUSE BILL NO. 1108, BY REPRESENTATIVE DANGEAU,

beg leave to report that we have had the same under consideration, and herewith return the same with the recommendation that it do pass.

Respectfully submitted,

(SIGNED) SENATOR JIM ARGUE

ARKANSAS SENATE
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION

January 20, 2004

Mr. President:

We, your Committee on EDUCATION, to whom was referred:

HOUSE BILL NO. 1109, BY REPRESENTATIVE BOND,

beg leave to report that we have had the same under consideration, and herewith return the same with the recommendation that it do pass as amended #1, #2, #3 & #4.

Respectfully submitted,

(SIGNED) SENATOR JIM ARGUE

ARKANSAS SENATE
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION

January 20, 2004

Mr. President:

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

. SENATE BILL NO. 41, BY SENATOR WOMACK,

beg leave to report that we have carefully compared the enrolled copy with the original and we find the same correctly enrolled and have at 8:50 a.m. delivered them to the Governor for his approval.

Respectfully submitted,

(SIGNED) JOHN PAUL CAPPS, CHAIRMAN

GOVERNOR'S BILL RECEIPTS

SENATE BILL NO. 41

RECEIVED the above papers from the Secretary of the Senate this 20th day of January, 2004, at 8:50 a.m..

(SIGNED) MIKE HUCKABEE

Governor

(SIGNED) STACY DeJARNETTE

Secretary

On motion of Senator Broadway, the rules were suspended in considering **House Bill No. 1090** at this time.

On motion of Senator Broadway, **House Bill No. 1090** was withdrawn from the Committee on EDUCATION, and placed back on second reading for purpose of amendment.

ARKANSAS SENATE
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION
Amendment No. 1 to HOUSE BILL NO. 1090

Amend **House Bill No. 1090** as originally introduced by:

Page 1 lines 19 through 31 delete in their entirety and substitute therefor

"SECTION 1. Educational Adequacy Trust Fund.

(a) There is created on the books of the Treasurer of State, the Auditor of State, and the Chief Fiscal Officer of the State a fund to be known as the Educational Adequacy Trust Fund.

(b) The fund shall consist of all net revenues collected due to enactments of the 84th General Assembly meeting in Second Extraordinary Session after the Treasurer of State has made the deduction from the revenues under Arkansas Code § 19-5-203(b)(2)(A).

(c)(1) The Chief Fiscal Officer of the State will determine, from time to time, the amount of funds required from the fund which, when added to other resources available to the Department of Education Public School Fund Account, is needed to fulfill the financial obligation of the state to provide an adequate educational system and shall certify the amount to the Treasurer of State.

(2) At the end of each month, the Treasurer of State shall transfer all monies available from the fund to the Department of Education Public School Fund Account established in Arkansas Code § 19-5-305, until the sum of all transfers from the fund equal the amount determined in subdivision (1) of this subsection, there to be used as determined by law.

(d) In the event the Chief Fiscal Officer of the State determines that the transfers from this fund, when added to the other resources available to the Department of Education Public School Fund Account are not sufficient to meet the state's financial obligation to provide an adequate educational system, the additional amount required shall be transferred from the other funds and fund accounts within Arkansas Code 19-5-402(a) and 19-5-404(a) based upon the proportion that each of the remaining fund and fund accounts bears to the total of the remaining funds and fund accounts in Arkansas Code 19-5-402(a) and 19-5-404(a)."

(SIGNED) SENATOR SHANE BROADWAY

The Amendment was read the first time, rules suspended, read the second time and adopted.

(SIGNED) ANN CORNWELL, SECRETARY

House Bill No. 1090 was ordered engrossed.

On motion of Senator Madison, the rules were suspended in considering Senate Bill No. 71 at this time.

On motion of Senator Madison, Senate Bill No. 71 was placed back on second reading for purpose of amendment.

ARKANSAS SENATE
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION
Amendment No. 2 to SENATE BILL NO. 71

Amend Senate Bill No. 71 as engrossed, S1/17/04:

Page 2, line 4 delete “features that” and substitute “features, including, but not limited to terrain, roads, and distances to schools, that”

(SIGNED) SENATOR SUE MADISON

The Amendment was read the first time, rules suspended, read the second time and adopted.

(SIGNED) ANN CORNWELL, SECRETARY

Senate Bill No. 71 was ordered engrossed.

On motion of Senator Glover, the rules were suspended in considering **Senate Bill No. 61** at this time.

On motion of Senator Glover, **Senate Bill No. 61** was withdrawn from the Committee on REVENUE & TAXATION, and placed back on second reading for purpose of amendment.

ARKANSAS SENATE
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION
Amendment No. 2 to SENATE BILL NO. 61

Amend **Senate Bill No. 61** as engrossed, S1/13/04

Page 1, on line 16, delete "PER GALLON" and substitute "PER BARREL"

(SIGNED) SENATOR TIM WOOLDRIDGE

The Amendment was read the first time, rules suspended, read the second time and adopted.

(SIGNED) ANN CORNWELL, SECRETARY

Amend **Senate Bill No. 61** as engrossed.

On motion of Senator Glover, the rules were suspended in considering **Senate Bill No. 62** at this time.

On motion of Senator Glover, **Senate Bill No. 62** was withdrawn from the Committee on REVENUE & TAXATION, and placed back on second reading for purpose of amendment.

ARKANSAS SENATE
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION
Amendment No. 1 to SENATE BILL NO. 62

Amend **Senate Bill No. 62** as originally introduced:

Deleting Sections 1 through 29 of the bill and substituting the following:

"SECTION 1. Arkansas Code § 26-52-302, concerning levying additional sales taxes, is amended to add an additional subsection to read as follows:

(d)(1) Beginning March 1, 2004, there is levied an additional excise tax of five-eighths of one percent (0.625%) upon all taxable sales of property and services subject to the tax levied by the Arkansas Gross Receipts Act of 1941, § 26-52-101 et seq.

(2) The tax shall be collected, reported, and paid in the same manner and at the same time as prescribed by the Arkansas Gross Receipts Act of 1941, § 26-52-101 et seq., for the collection, reporting, and payment of Arkansas gross receipts taxes.

SECTION 2. Arkansas Code § 26-52-311(b)(1), pertaining to the rental vehicle tax, is amended to read as follows:

(b)(1) In addition to the rate in subsection (c) of this section, the rental vehicle tax shall be levied at the ~~same rate as the combined gross receipts taxes levied by §§ 26-52-301 and 26-52-302 and any act supplemental thereto~~ rate of five percent (5%) and the rate of any applicable municipal or county taxes.

SECTION 3. Arkansas Code § 26-53-107, effective until contingency in Acts 2003, No. 1273, § 88 is met, is amended to add an additional subsection to read as follows:

(d)(1) Beginning March 1, 2004, there is levied an additional excise tax of five-eighths of one percent (0.625%) upon all tangible personal property subject to the tax levied by the Arkansas Compensating Tax Act of 1949, § 26-53-101 et seq.

(2) The tax shall be collected, reported, and paid in the same manner and at the same time as is prescribed by the Arkansas Compensating Tax Act of 1949, § 26-53-101 et seq., for the collection, reporting, and payment of Arkansas compensating taxes.

SECTION 4. Arkansas Code § 26-53-107, effective when contingency in Acts 2003, No. 1223, § 88 is met, is amended to read as follows:

(d)(1) Beginning March 1, 2004, there is levied an additional excise tax of five-eighths of one percent (0.625%) upon all tangible personal property and taxable services subject to the tax levied by the Arkansas Compensating Tax Act of 1949, § 26-53-101 et seq.

(2) The tax shall be collected, reported, and paid in the same manner and at the same time as is prescribed by the Arkansas Compensating Tax Act of 1949, § 26-53-101 et seq., for the collection, reporting, and payment of Arkansas compensating taxes.

SECTION 5. Arkansas Code § 26-53-106 is amended to read as follows:

26-53-106. Imposition and rate of tax generally - Presumption. [Effective until contingency in Acts 2003, No. 1273, § 88 is met.]

(a) There is levied and there shall be collected from every person in this state a tax or excise for the privilege of storing, using, distributing, or consuming within this state any article of tangible personal property purchased for storage, use, distribution, or consumption in this state at the rate of three percent (3%) of the sales price of the property.

~~(b) This tax will not apply with respect to the storage, use, distribution, or consumption of any article of tangible personal property purchased, produced, or manufactured outside this state until the transportation of the article has finally come to rest within this state or until the article has become commingled with the general mass of property of this state.~~

~~(e)(b)~~ This tax shall apply to use, storage, distribution, or consumption of every article of tangible personal property, except as provided in this subchapter, irrespective of whether the article or similar articles are manufactured within the State of Arkansas or are available for purchase within the State of Arkansas and irrespective of any other condition.

~~(d)(1)(A)(c)(1)(A)~~ For the purpose of the proper administration of this subchapter and to prevent evasion of the tax and the duty to collect the tax imposed in this section, it shall be presumed that tangible personal property sold by any vendor for delivery in this state or transportation to this state is sold for storage, use, distribution, or consumption in this state unless the vendor selling the tangible personal property has taken from the purchaser a resale certificate signed by and bearing the name, address, and sales tax permit number of the purchaser certifying that the property was purchased for resale.

(B) The use by the purchaser of a resale certificate and any resulting liability for, or exemption from, use tax in a transaction involving a resale certificate shall be governed in all respects by the terms of § 26-52-517.

(2) It is further presumed that tangible personal property shipped, mailed, expressed, transported, or brought to this state by the purchaser was purchased from a vendor for storage, use, distribution, or consumption in this state.

SECTION 6. Arkansas Code § 26-53-106 is amended to read as follows:

26-53-106. Imposition and rate of tax generally - Presumptions. [Effective when contingency in Acts 2003, No. 1273, § 88 is met.]

(a) There is levied and there shall be collected from every person in this state a tax or excise for the privilege of storing, using, distributing, or consuming within this state any article of tangible personal property or taxable service purchased for storage, use, distribution, or consumption in this state at the rate of three percent (3%) of the sales price of the property.

~~(b) This tax will not apply with respect to the storage, use, distribution, or consumption of any article of tangible personal property purchased, produced, or manufactured outside this state until the transportation of the article has finally come to rest within this state or until the article has become commingled with the general mass of property of this state.~~

~~(e)(b)~~ This tax shall apply to use, storage, distribution, or consumption of every article of tangible personal property or taxable service except as provided in this subchapter irrespective of whether the article or similar articles are manufactured within the State of Arkansas or are available for purchase within the State of Arkansas and irrespective of any other condition.

~~(d)(1)(A)(c)(1)(A)~~ For the purpose of the proper administration of this subchapter and to prevent evasion of the tax and the duty to collect the tax imposed in this section, it shall be presumed that tangible personal property or taxable services sold by any vendor for delivery in this state or transportation to this state are sold for storage, use, distribution, or consumption in this state unless the vendor selling the tangible personal property or taxable services has taken from the purchaser a resale certificate signed by and bearing the name, address, and sales tax permit number of the purchaser certifying that the property was purchased for resale except that sales made electronically will not require the purchaser's signature.

(B) The use by the purchaser of a resale certificate and any resulting liability for, or exemption from, use tax in a transaction involving a resale certificate shall be governed in all respects by the terms of § 26-52-517.

(2) It is further presumed that tangible personal property or taxable services shipped, mailed, expressed, transported, or brought to this state by the purchaser were purchased from a vendor for storage, use, distribution, or consumption in this state.

SECTION 7. Arkansas Code § 26-52-301(3)(C), effective until contingency in Acts 2003, No. 1273, § 88 is met, is amended to read as follows:

(C)(i) Service of initial installation, alteration, addition, cleaning, refinishing, replacement, and repair of motor vehicles, aircraft, farm machinery and implements, motors of all kinds, tires and batteries, boats, electrical appliances and devices, furniture, rugs, flooring, upholstery, household appliances, televisions and radios, jewelry, watches and clocks, engineering instruments, medical and surgical instruments, machinery of all kinds, bicycles, office machines and equipment, shoes, tin and sheetmetal, mechanical tools, and shop equipment.

(ii) However, the provisions of this section shall not apply to coin-operated car washes. For the purposes of this section, a coin-operated car wash shall be defined as one wherein the car washing equipment is activated by the insertion of coins into a slot or receptacle and where the labor of washing the exterior of the car or motor vehicle is performed solely by the customer or by mechanical equipment.

(iii) Additionally, the gross receipts tax levied in this section shall not apply to the repair or maintenance of railroad parts, railroad cars, and equipment brought into the State of Arkansas solely and exclusively for the purpose of being repaired, refurbished, modified, or converted within this state.

(iv) The General Assembly determines and affirms that the original intent of subdivision (3) of this section which provides that gross receipts derived from certain services would be subject to the gross receipts tax was not intended to be applicable, nor shall Arkansas gross receipts taxes be collected, with respect to services performed on watches and clocks which are received by mail or common carrier from outside this state and which, after the service is performed, are returned by mail or common carrier or in the repairman's own conveyance to points outside this state.

(v) Additionally, the gross receipts tax levied in this section shall not apply to the repair or remanufacture of industrial metal rollers or platens that have a remanufactured, nonmetallic material covering on all or part of the roller or platen surface which are brought into the State of Arkansas solely and exclusively for the purpose of being repaired or remanufactured in this state and are then shipped back to the state of origin.

(vi) The gross receipts tax levied in this section shall not apply to the service of alteration, addition, cleaning, refinishing, replacement, or repair of commercial jet aircraft, commercial jet aircraft components, or commercial jet aircraft subcomponents. The term "commercial jet aircraft" shall mean any commercial, military, private, or other turbine or turbo jet aircraft having a certified maximum take-off weight of more than twelve thousand five hundred (12,500) pounds;

(vii) The provisions of subdivision (3)(C)(i) of this section shall not apply to the services performed by a temporary or leased employee or other contract laborer on items owned or leased by the employer. The following criteria must be met for a person to be a temporary or leased employee:

(a) There must be a written contract with the temporary employment agency, employee leasing company, or other contractor providing the services;

(b) The employee, temporary employment agency, employee leasing company, or other contractor must not bear the risk of loss for damages caused during the performance of the contract. The person for whom the services are performed must bear the risk of loss; and

(c) The temporary or leased employee or contract laborer is controlled by the employer as if he were a full-time permanent employee. "Control" includes, but is not limited to, scheduling work hours, designating work duties, and directing work performance.

(viii)(a) Additionally, the gross receipts tax levied in this section shall not apply to the initial installation, alteration, addition, cleaning, refinishing, replacement, or repair of nonmechanical, passive, or manually operated components of buildings or other improvements or structures affixed to real estate, including, but not limited to, the following:

(1) Walls;

~~(2)~~ Floors;

~~(3)~~(2) Ceilings;

~~(4)~~(3) Doors;

~~(5)~~(4) Locks;

~~(6)~~(5) Windows;

~~(7)~~(6) Glass;

~~(8)~~(7) Heat and air ducts;

~~(9)~~(8) Roofs;

~~(10)~~(9) Wiring;

~~(11)~~(10) Breakers;

~~(12)~~(11) Breaker boxes;

~~(13)~~(12) Electrical switches and receptacles;

~~(14)~~(13) Light fixtures;

~~(15)~~(14) Pipes;

~~(16)~~(15) Plumbing fixtures;

~~(17)~~(16) Fire and security alarms;

~~(18)~~(17) Intercoms;

~~(19)~~(18) Sprinkler systems;

~~(20)~~(19) Parking lots;

~~(21)~~(20) Fences;

~~(22)~~(21) Gates;

~~(23)~~(22) Fireplaces; and

~~(24)~~(23) Similar components which become a part of real estate after, installation, except flooring.

(b) Contractors are deemed to be consumers or users of all tangible personal property used or consumed by them in providing such nontaxable services, in the same manner as when performing any other contract.

(c) Subdivision (3)(C)(viii) of this section shall not apply to any services subject to tax pursuant to the terms of ~~subdivision (3)(E)~~ subdivisions (3)(C)(i) and (3)(E) of this section.

SECTION 8. Arkansas Code § 26-52-301(3)(C), effective when contingency in Acts 2003, No. 1273, § 88 is met, is amended to read as follows:

(C)(i) Service of initial installation, alteration, addition, cleaning, refinishing, replacement, and repair of motor vehicles, aircraft, farm machinery and implements, motors of all kinds, tires and batteries, boats, electrical appliances and devices, furniture, rugs, flooring, upholstery, household appliances, televisions and radios, jewelry, watches and clocks, engineering instruments, medical and surgical instruments, machinery of all kinds, bicycles, office machines and equipment, shoes, tin and sheetmetal, mechanical tools, and shop equipment.

(ii) However, the provisions of this section shall not apply to coin-operated car washes. For the purposes of this section, a coin-operated car wash shall be defined as one wherein the car washing equipment is activated by the insertion of coins into a slot or receptacle and where the labor of washing the exterior of the car or motor vehicle is performed solely by the customer or by mechanical equipment.

(iii) Additionally, the gross receipts tax levied in this section shall not apply to the repair or maintenance of railroad parts, railroad cars, and equipment brought into the State of Arkansas solely and exclusively for the purpose of being repaired, refurbished, modified, or converted within this state.

(iv) The General Assembly determines and affirms that the original intent of subdivision (3) of this section which provides that gross receipts derived from certain services would be subject to the gross receipts tax was not intended to be applicable, nor shall Arkansas gross receipts taxes be collected, with respect to services performed on watches and clocks which are received by mail or common carrier from outside this state and which, after the service is performed, are returned by mail or common carrier or in the repairman's own conveyance to points outside this state.

(v) Additionally, the gross receipts tax levied in this section shall not apply to the repair or remanufacture of industrial metal rollers or platens that have a remanufactured, nonmetallic material covering on all or part of the roller or platen surface which are brought into the State of Arkansas solely and exclusively for the purpose of being repaired or remanufactured in this state and are then shipped back to the state of origin.

(vi) The gross receipts tax levied in this section shall not apply to the service of alteration, addition, cleaning, refinishing, replacement, or repair of commercial jet aircraft, commercial jet aircraft components, or commercial jet aircraft subcomponents. The term "commercial jet aircraft" shall mean any commercial, military, private, or other turbine or turbo jet aircraft having a certified maximum take-off weight of more than twelve thousand five hundred (12,500) pounds;

(vii) The provisions of subdivision (3)(C)(i) of this section shall not apply to the services performed by a temporary or leased employee or other contract laborer on items owned or leased by the employer. The following criteria must be met for a person to be a temporary or leased employee:

(a) There must be a written contract with the temporary employment agency, employee leasing company, or other contractor providing the services;

(b) The employee, temporary employment agency, employee leasing company, or other contractor must not bear the risk of loss for damages caused during the performance of the contract. The person for whom the services are performed must bear the risk of loss; and

(c) The temporary or leased employee or contract laborer is controlled by the employer as if he were a full-time permanent employee. "Control" includes, but is not limited to, scheduling work hours, designating work duties, and directing work performance.

(viii)(a) Additionally, the gross receipts tax levied in this section shall not apply to the initial installation, alteration, addition, cleaning, refinishing, replacement, or repair of nonmechanical, passive, or manually operated components of buildings or other improvements or structures affixed to real estate, including, but not limited to, the following:

(1) Walls;

~~(2) Floors;~~

~~(3)(2) Ceilings;~~

- ~~(4)~~(3) Doors;
- ~~(5)~~(4) Locks;
- ~~(6)~~(5) Windows;
- ~~(7)~~(6) Glass;
- ~~(8)~~(7) Heat and air ducts;
- ~~(9)~~(8) Roofs;
- ~~(10)~~(9) Wiring;
- ~~(11)~~(10) Breakers;
- ~~(12)~~(11) Breaker boxes;
- ~~(13)~~(12) Electrical switches and receptacles;
- ~~(14)~~(13) Light fixtures;
- ~~(15)~~(14) Pipes;
- ~~(16)~~(15) Plumbing fixtures;
- ~~(17)~~(16) Fire and security alarms;
- ~~(18)~~(17) Intercoms;
- ~~(19)~~(18) Sprinkler systems;
- ~~(20)~~(19) Parking lots;
- ~~(21)~~(20) Fences;
- ~~(22)~~(21) Gates;
- ~~(23)~~(22) Fireplaces; and
- ~~(24)~~(23) Similar components which become a part of real estate after installation, except flooring.

(b) Contractors are deemed to be consumers or users of all tangible personal property used or consumed by them in providing such nontaxable services, in the same manner as when performing any other contract.

(c) Subdivision (3)(C)(viii) of this section shall not apply to any services subject to tax pursuant to the terms of ~~subdivision (3)(E)~~ subdivisions (3)(C)(i) and (3)(E) of this section.

SECTION 9. Arkansas Code § 26-52-304 is amended to read as follows:

26-52-304. Tax levied on sales of computer software and maintenance of computer hardware.

~~(a)~~ The excise tax levied by the Arkansas Gross Receipts Act, § 26-52-101 et seq., ~~and by any act supplemental thereto,~~ is levied on gross receipts or gross proceeds received from the following:

~~(1)(A) Sales of computer software or programs and software licensing fees, which shall be taxed as sales of tangible personal property. Software shall include tapes, disks, cards, or other devices or materials which contain instructions for a computer and dictate different operations or functions to be performed by the computer;~~

~~(B) "Computer software or programs" means~~

~~(i) A series of instructions sold as a completed program that are coded for acceptance or use by a computer system and designed to permit the computer system to process data and provide results and information.~~

~~(ii) The instructions may be in the form of magnetic tapes, semiconductor chips, punched cards, printed instructions, or other tangible or electronic media.~~

~~(iii) "Completed program" means any modification, installation, or maintenance charges made in connection with the sale of the program;~~

~~(2) Service of repairing or maintaining computer equipment or hardware in any form;~~

~~(3) Charges for installation of computer software or programs;~~

~~(4) Software transmitted from one computer or system to another computer or system, electronically or otherwise;~~

~~(b) It is found and determined by the General Assembly that technological advances in the computer industry have created an uncertainty as to whether sales of computer software constitute a transfer of tangible personal property.~~

~~(c) This section is not intended to affect the taxability of any sales of computer software prior to February 9, 1984.~~

SECTION 10. Arkansas Code Title 26, Chapter 52, Subchapter 3 is amended to add an additional section to read as follows:

26-52-316. Services subject to tax.

The gross proceeds or gross receipts derived from the following services are subject to the gross receipts tax:

(1) Wrecker and towing services;

(2) Collection and disposal of solid wastes;

(3) Cleaning parking lots and gutters;

(4) Dry cleaning and laundry services;

(5) Industrial laundry services;

(6) Mini warehouse and self storage rental services;

(7) Body piercing, tattooing, and electrolysis services;

(8) Pest control services;

(9) Security and alarm monitoring services;

(10) Boat storage and docking fees;

(11) Furnishing camping spaces or trailer spaces at public or privately-owned campgrounds, except for federal campgrounds, on less than a month-to-month basis;

(12)(A) Locksmith services.

(B) "Locksmith services" means repairing, servicing, or installing locks and locking devices, whether the locks and locking devices are:

(i) Incorporated into real property;

(ii) Incorporated into tangible personal property; or

(iii) Locks separate and apart from other property.

(C) "Locksmith services" also includes unlocking locks or locking devices for another person.

(13)(A) Personal instruction services.

(B) "Personal instruction services" means teaching an individual or group of individuals:

(i) To play a musical instrument or to dance;

(ii) To paint, sculpt, draw, make pottery or jewelry, or otherwise engage in artistic or creative activities;

(iii) To mime, act, or otherwise engage in dramatic activities;

(iv) Tae kwon do, tae bo, kung fu, karate, or other martial arts;

(v) To play or improve skills in baseball, football, basketball, soccer, volleyball, golf, tennis, or other sports;

(vi) To drive a motor vehicle;

(vii) To fly an airplane, glider, or other aircraft; or

(viii) To operate a boat, jet ski, or other watercraft; and

(14) Pet grooming and kennel services.

SECTION 11. Arkansas Code § 26-51-815 is amended to read as follows:

26-51-815. Computing capital gains and losses.

(a) To the extent they apply to capital gains and losses realized or incurred during income years beginning after December 31, 1996, 26 U.S.C. §§ 1211-1237 and 1239-1257 as in effect on January 1, 1999, and the regulations of the Secretary of the Treasury promulgated thereunder and in effect on January 1, 1999, are adopted for the purpose of computing tax liability under the Income Tax Act of 1929, as amended, § 26-51-101 et seq. However, the provisions of this section shall not apply to C corporations as defined in 26 U.S.C. § 1361, as in effect on January 1, 1997. Furthermore, any other provisions of the federal income tax law and regulations necessary for interpreting and implementing 26 U.S.C. §§ 1211-1237 and 1239-1257 are adopted to that extent and as in effect on January 1, 1999.

~~(b) If a taxpayer has a net capital gain for tax years beginning on and after January 1, 1999, thirty percent (30%) of the gain shall be exempt from state income tax.~~

~~(e)(b)~~ Section 1202 of the Internal Revenue Code of 1986, as in effect on January 1, 1995, regarding the exclusion from gain of certain small business stock, is adopted for the purpose of computing Arkansas income tax liability.

~~(d)(c)(1)~~ If a taxpayer has a net capital gain from a venture capital investment, one hundred percent (100%) of the gain shall be exempt from the Income Tax Act of 1929, § 26-51-101 et seq., if:

(A) The venture capital investment was initially made on or after January 1, 2001; and

(B) The venture capital investment was held for at least five (5) years prior to disposition.

(2)(A) "Venture capital" means equity financing, broadly defined, including early stage research, development, commercialization, seed capital for startup enterprises, and other risk capital for expansion of entrepreneurial enterprises doing business in Arkansas that are qualified technology-based enterprises doing business in Arkansas, qualified biotechnology enterprises doing business in Arkansas, or qualified technology incubator clients doing business in Arkansas.

(B) "Venture capital" does not include the purchase of a share of stock in a company if, on the date on which the share of stock is purchased, the company has securities outstanding that are:

(i) Registered on a national securities exchange under Section 12(b) of Title I of the Securities Exchange Act of 1934 as it exists on January 1, 2001;

(ii) Registered or required to be registered under Section 12(g) of Title I of the Securities Exchange Act of 1934 as it exists on January 1, 2001; or

(iii) Required to be registered except for the exemptions in Section 12(g)(2) of Title I of the Securities Exchange Act of 1934 as it exists on January 1, 2001.

(C) "Qualified biotechnology enterprise" means a corporation, partnership, limited liability company, sole proprietorship, or other entity that is certified by the department pursuant to § 2-8-108.

(D) "Qualified technology incubator" means a business incubator certified by the Board of Directors of the Arkansas Science and Technology Authority as being a facility operated in cooperation with an Arkansas college or university to foster the growth of technology-based enterprises.

(E) "Qualified technology incubator client" means a corporation, partnership, limited liability company, sole proprietorship, or other entity that, as of the date of the venture capital investment, is certified by an Arkansas college or university as currently receiving, or having received within the previous three (3) years, the services of a qualified technology incubator.

(F) "Qualified technology-based enterprise" means a corporation, partnership, limited liability company, sole proprietorship, or other legal entity whose primary business directly involves commercializing the results of research in fields having long-term economic or commercial value to the state and having been identified in the research and development plan approved by the board.

SECTION 12. Arkansas Code § 3-7-104 is amended to read as follows: 3-7-104. Rate of tax.

There is levied and there shall be collected as provided by law and regulation the following taxes:

(1)(A)(i) A tax at the rate of two dollars and fifty cents (\$2.50) on each gallon of spirituous liquor sold or offered for sale in the State of Arkansas.

(ii) Beginning March 1, 2004, an additional tax at the rate of fifty cents (50¢) on each gallon of spirituous liquor sold or offered for sale in this state.

(B) "Spirituous liquor", as used in this section, means liquor distilled from the fermented juices of grain, fruits, or vegetables and any mixture containing liquor distilled from the fermented juices of grain, fruits, or vegetables, with an alcoholic content of twenty-one percent (21%) or more alcohol by weight;

(2)(A) A tax at the rate of one dollar (\$1.00) on each gallon of premixed spirituous liquor sold or offered for sale in the State of Arkansas.

(B) "Premixed spirituous liquor", as used in this section, means liquor distilled from the fermented juices of grain, fruits, or vegetables, having an alcoholic content of less than twenty-one percent (21%) alcohol by weight but more than five percent (5%) alcohol by weight;

(3)(A) A tax at the rate of fifty cents (50¢) on each gallon of light spirituous liquor sold or offered for sale in the State of Arkansas.

(B) "Light spirituous liquor", as used in this section, means liquor distilled from the fermented juices of grain, fruits, or vegetables and any mixture containing liquor distilled from the fermented juices of grain, fruits, or vegetables, having an alcoholic content between one-half of one percent (0.5%) and five percent (5%) alcohol by weight;

(4)(A)(i) A tax at the rate of seventy-five cents (75¢) on each gallon of vinous liquor, except wines fermented and manufactured within the State of Arkansas from grapes, berries, or other fruits grown in Arkansas, as authorized by §§ 3-5-401 - 3-5-412, sold or offered for sale in the State of Arkansas.

(ii) Beginning March 1, 2004, an additional tax at the rate of twenty-five cents (25¢) on each gallon of vinous liquor, except wines fermented and manufactured within this state from grapes, berries, or other fruits grown in Arkansas, as authorized by §§ 3-5-401 - 3-5-412, sold or offered for sale in this state.

(B) "Vinous liquor", as used in this section, means the fermented juices of grapes, berries, or other fruits and any other mixture containing the fermented juices of grapes, berries, or other fruits, having an alcoholic content of more than five percent (5%) alcohol by weight;

(5)(A) A tax at the rate of twenty-five cents (25¢) on each gallon of light wine except light wine fermented and manufactured within the State of Arkansas from grapes, berries, or other fruits grown in Arkansas, as authorized by §§ 3-5-401 - 3-5-412, sold or offered for sale in the State of Arkansas.

(B) "Light wine", as used in this section, means the fermented juices of grapes, berries, or fruits and any other mixture containing the fermented juices of grapes, berries, or fruits, having an alcoholic content of between one-half of one percent (0.5%) and five percent (5%) alcohol by weight;

(6)(A) A tax at the rate of seven dollars and fifty cents (\$7.50) per barrel of thirty-two (32) gallons, and proportionately for larger and smaller gallon ages per barrel, on all beer having an alcoholic content of five percent (5%) or less by weight sold or offered for sale in the State of Arkansas.

(B) This tax shall be paid in the manner prescribed by § 3-7-401 et seq.; and

(7) A tax at the rate of twenty cents (20¢) on each gallon of malt liquor sold or offered for sale in the State of Arkansas.

SECTION 13. Arkansas Code § 3-5-409(a), concerning the tax rate on native wine, is amended to read as follows:

(a)(1)(A) Under the provisions of this subchapter, for the privilege of manufacturing wine and for selling it at the winery or in this state, there is imposed, assessed, and levied a tax of seventy-five cents (75¢) per gallon upon all the wine manufactured and sold in this state under the provisions of this subchapter.

(B) Beginning March 1, 2004, for the privilege of manufacturing wine and for selling it at the winery or in this state, there is imposed, assessed, and levied an additional tax of twenty-five cents (25¢) per gallon upon all the wine manufactured and sold in this state under the provisions of this subchapter.

(2) For the privilege of manufacturing light wine under the provisions of this subchapter, and for selling it at the winery or in this state, there is imposed, assessed, and levied a tax of twenty-five cents (25¢) per gallon upon all light wine manufactured and sold in this state under the provisions of this subchapter.

SECTION 14. Arkansas Code § 3-5-605(c), concerning the tax levied on each gallon of imported wines or wines produced from fruits and vegetables not grown in this state, is amended to read as follows:

(c)(1)(A) An Arkansas winery importing fruits or vegetables grown outside the State of Arkansas for use in making wines in this state shall pay the seventy-five cents (75¢) per gallon tax levied on imported wines or wines produced from fruits and vegetables not grown in this state or on wine made from such juices extracted from fruits or vegetables brought into the state if the wine is sold in Arkansas.

(B) Beginning March 1, 2004, an Arkansas winery importing fruits or vegetables grown outside the State of Arkansas for use in making wines in this state shall pay an additional twenty-five cents (25¢) per gallon tax levied on imported wines or wines produced from fruits and vegetables not grown in this state or on wine made from such juices extracted from fruits or vegetables brought into the state if the wine is sold in Arkansas.

(2) The tax shall be paid in the same manner as prescribed by law on the twentieth day of the month on sales in Arkansas for the month preceding.

(3) Records at the Arkansas winery required by federal law shall be maintained to reflect the ratio of blend of Arkansas-grown wine and the amount of wine in the blend made from the fruits or vegetables grown outside the State of Arkansas.

(4) The seventy-five cents (75¢) per gallon tax and the additional twenty-five cents (25¢) per gallon tax levied effective March 1, 2004, shall be required to be paid only on the portion of the blend made from fruits or vegetables grown outside the State of Arkansas which are sold in Arkansas.

(5) The tax on the Arkansas-grown portion of the wine blend shall be the same as now required on wines produced from Arkansas-grown fruits and vegetables.

SECTION 15. Arkansas Code § 3-5-606(b), concerning the tax levied on each gallon of imported wines for blending, is amended to read as follows:

(b)(1) The Arkansas winery shall pay a tax of seventy-five cents (75¢) per gallon on all wines imported into this state if the wines are sold in Arkansas. The seventy-five cents (75¢) per gallon tax shall be required to be paid only on the portion of the blend not grown and produced in Arkansas. The tax on the Arkansas-grown portion of the wine blend shall be the same as now required for wines produced from Arkansas-produced fruits and vegetables.

(2) Beginning March 1, 2004, the Arkansas winery shall pay an additional tax of twenty-five cents (25¢) per gallon on all wines imported into this state if the wines are sold in Arkansas. The additional twenty-five cents (25¢) per gallon tax shall be required to be paid only on the portion of the blend not grown and produced in Arkansas. The tax on the Arkansas-grown portion of the wine blend shall be the same as now required for wines produced from Arkansas-produced fruits and vegetables.

SECTION 16. Arkansas Code § 26-57-1002 is amended to read as follows:

26-57-1002. Registration - Records - Amount of tax.

(a) Any person who sells tangible personal property through vending devices ~~may elect to~~ shall register with the director as a vending device operator and pay the ~~state and local sales and use~~ wholesale vending taxes as provided in this section.

~~(b) Any person who elects to register as a vending device operator~~ All vending device operators shall obtain a gross receipts tax permit from the director as provided in § 26-52-201 et seq.

(c)(1) All tangible personal property purchased by a vending device operator for resale through a vending device shall be purchased exempt from the Arkansas gross receipts tax, § 26-52-101 et seq., the Arkansas compensating use tax, § 26-53-101 et seq., and any local sales and use taxes pursuant to the sale for resale exemption provided for in § 26-52-401(12).

(2) The vending device operator shall maintain suitable records reflecting all purchases of tangible personal property during each calendar month for resale through a vending device.

(d)(1)(A) ~~A tax of four and one-half percent (4.5%)~~ A wholesale vending tax at the rate of ten percent (10%) is hereby levied on the purchase price of all tangible personal property purchased or withdrawn from inventory during each calendar month by a vending device operator for resale through a vending device.

(B) This tax shall be in lieu of any state gross receipts tax on the gross receipts or gross proceeds derived from the sale of the property by the vending device operator through a vending device.

(2)(A) An additional tax of ~~one percent (1%)~~ one and three-quarters percent (1.75%) is hereby levied on the purchase price of all tangible personal property purchased or withdrawn from inventory during each calendar month for resale through a vending device.

(B) This tax shall be in lieu of any local gross receipts taxes imposed by any city or county of this state on the gross receipts or gross proceeds derived from the sale of the property by the vending device operator through a vending device.

(e) The taxes levied by subsection (d) of this section shall be reported and paid in the same manner and at the same time as prescribed by law for the reporting and payment of the Arkansas gross receipts tax, § 26-52-101 et seq.

(f) When calculating the taxes due under this section, a vending device operator shall be allowed to deduct any manufacturer's rebates received which lower the final purchase price paid by the vending device operator for property sold through a vending device.

(g) Any vending device operator who manufactures the product which is withdrawn from stock for sale through a vending device shall calculate the tax due by multiplying the tax rate set out in subsection (d) of this section by the selling price for which the person would sell the product to another vending device operator for resale through a vending device.

SECTION 17. Arkansas Code § 26-57-1003 is repealed:

~~26-57-1003. Election not to register.~~

~~(a) Any person selling tangible personal property through a vending device, and who elects not to register as a vending device operator, shall:~~

~~(1) Surrender any gross receipts tax permits issued by the director, unless the permit is needed to report taxable sales other than sales through a vending device; and~~

~~(2)(A) Pay the Arkansas gross receipts tax, § 26-52-101 et seq., the Arkansas compensating use tax, § 26-53-101 et seq., and any applicable local sales and use taxes to their vendor on all purchases of tangible personal property purchased for resale through a vending device.~~

~~(B)(i) The sale for resale exemption provided in § 26-52-401(12) shall not apply to purchases of tangible personal property for resale through vending devices unless the purchaser is registered with the director as a vending device operator.~~

~~(ii) However, any person not registered as a vending device operator who maintains property in inventory for subsequent resale on which the state and local sales and use taxes have not been paid, and who subsequently withdraws that property from inventory for sale through a vending device, shall report and pay the state and local sales and use taxes on their purchase price of such property withdrawn from inventory.~~

~~(b) Any person selling property through vending devices who has paid the state and local sales and use taxes in the manner provided by this section shall not be required to collect and remit state or local sales tax on sales of tangible personal property through the vending device.~~

~~(c) Any person who elects to pay tax on tangible personal property sold through vending devices in accordance with the provisions of this section and who manufactures the product which is withdrawn from stock for resale through a vending device shall pay the taxes due under this section by multiplying the tax rate by the selling price for which the person would sell the product to another for resale through a vending device.~~

SECTION 18. Arkansas Code § 26-57-1004 is amended to read as follows:

26-57-1004. Identification of taxpayer - Presumption of nonpayment.

(a) All persons who sell tangible personal property through vending devices shall affix the name and identification number, if any, of the person responsible for the payment of the taxes imposed by §§ ~~26-57-1002 and 26-57-1003~~ § 26-57-1002.

(b)(1)(A) If any vending device does not have the information required by subsection (a) of this section affixed thereto, there shall be a presumption that the taxes imposed by this subchapter have not been paid.

(B) The director shall seal any vending device subject to this presumption in such a manner as to prevent any further sales through the device and shall assess and collect a penalty of fifty dollars (\$50.00) per vending device against the person selling tangible personal property through the device.

(2) The presumption in subdivision (b)(1) of this section shall be overcome if the person selling property through the vending device affixes the information required by this section to the device and proves that the taxes imposed by §§ ~~26-57-1002 and 26-57-1003~~ § 26-57-1002 have been paid.

SECTION 19. Arkansas Code § 26-57-1204 is amended to read as follows:

26-57-1204. Application, issuance and display of decal. [Effective January 1, 1998.]

(a) Any person who is the operator of a vending device in this state that is made available for use and operation by the general public (whether the operator is the owner of such vending device, or a lessee, renter, bailee, etc. of the owner of such vending device) ~~may, in lieu of paying sales taxes under the provisions of § 26-52-101, et seq., or under the provisions of § 26-57-1001, et seq. elect to~~ shall obtain a decal and pay the decal fees provided by § 26-57-1206. ~~If such election is not made by the operator, then the general or short term sales taxes that are otherwise applicable to the operation of these vending devices shall be imposed upon the sale of tangible personal property from such vending devices.~~

(b) ~~The~~ An operator of vending devices, ~~who makes the election to pay the decal fees provided by this subchapter,~~ shall be responsible for applying to the Director of the Department of Finance and Administration for the issuance of an annual or short-term special vending device decal for such vending device and shall, at the same time, pay to the Director of the Department of Finance and Administration the annual or short-term special vending device decal fee provided for by this subchapter, before such vending device is made available for use and operation by the general public.

(c) The Director of the Department of Finance and Administration, upon receipt of full payment of the applicable decal fee, and upon approval of such application, shall issue to the person making such application an annual or short-term special vending device decal for the type of vending device or devices covered by such application and payment.

(d)(1) The annual or short-term special vending device decals, and the application provided for herein, shall be in such form as prescribed by the Director of the Department of Finance and Administration. These decals and applications shall contain on their faces such information and descriptions as shall be required by regulations adopted by the Director of the Department of Finance and Administration to properly and reasonably implement the provisions of this subchapter.

(2) Any number of vending devices may be included in one (1) application, but all vending devices operated by the applying operator must be made subject to this ~~alternative decal fee. Such operator may not choose to have part of his or her vending devices covered by the decal fee provided by this subchapter, while other vending devices operated by the same operator during the decal registration year would be subject to the general or sales taxes that would be otherwise applicable to the sale of tangible personal property from such vending devices.~~

(e) Before any vending device is put into operation or placed where the same may be used or operated by any member of the general public, and at all times when the vending device is being used or operated or made available to members of the general public for use or operation, an annual or short-term special vending device decal shall be firmly affixed to the vending device covered thereby by the person who is the operator of the vending device, so that such decal shall be plainly visible to, and readable by, the members of the general public.

SECTION 20. Arkansas Code § 26-57-1206 is amended to read as follows:

26-57-1206. Annual decal fee - ~~Special decal - In lieu of sales tax.~~ Short-term special decal. [~~Effective January 1, 1998.~~]

(a)(1) Every person who is the operator of a vending device, ~~who elects to have the operation of such vending device covered by the provisions of this subchapter,~~ and who makes available to the general public for use and operation vending devices described in this subchapter, shall pay to the Director of the Department of Finance and Administration (for the benefit of the state and its municipalities and counties) the following annual vending device decal fee for each vending device before such vending device may be placed in service within the state for use by members of the public:

(A) For each coin-operated vending device requiring a coin or thing of value of ~~twenty five cents (25¢) or more for a sale, seventy dollars (\$70.00)~~ twenty dollars (\$20.00);

~~(B) For each coin-operated vending device requiring a coin or thing of value of less than twenty five cents (25¢) for a sale, fifteen dollars (\$15.00);~~

~~(C)(B) For each coin-operated bulk vending device requiring a coin or thing of value of more than twenty five cents (25¢) for a sale, seven dollars and fifty cents (\$7.50)~~ five dollars (\$5.00); and

~~(D) For each coin-operated bulk vending device requiring a coin or thing of value of twenty five cents (25¢) or less for a sale, two dollars and fifty cents (\$2.50); and~~

~~(E)(C) For each coin-operated manually powered vending devices, coin-operated tabletop snack vending device, or other manually powered coin-operated vending device requiring a coin or thing of value of twenty five cents (25¢) or more for a sale, thirty dollars (\$30.00)~~ twenty dollars (\$20.00).

(2) The annual vending device decal issued by the Director of the Department of Finance and Administration, after payment of the appropriate annual vending device decal fee, shall bear on its face the year of its issue, and such annual decal must be affixed to each vending device in a place that is clearly visible to the user of such device before each such vending device may be placed for public use or operation in this state by the operator.

(3) Such annual vending device decal shall not be transferred from one (1) vending device to another, unless the person who is the operator of such vending device shall establish to the satisfaction of the Director of the Department of Finance and Administration that the vending device to which the annual vending device decal is to be transferred is a vending device that is replacing the vending device to which such annual decal was originally affixed.

(b) In those instances where it is shown to the satisfaction of the Director of the Department of Finance and Administration that a vending device upon which an annual vending device decal fee is otherwise due will be placed in service for use by members of the general public for a definite, but limited, period of time that is less than one (1) year, such as where the vending device shall be placed for public use in connection with fairs, carnivals, and places of amusement that operate only during certain seasons of the year, the Director of the Department of Finance and Administration shall issue a short-term special vending device decal and collect a short-term special vending device decal fee for such vending devices as hereinafter computed:

(1) Such short-term special decal may be issued for any number of thirty-day periods, less than a full year, and such short-term special decal shall indicate on its face that it is a short-term special decal, not an annual decal, and such short-term special decal shall be for one (1) or more thirty-day periods, but such short-term special decal shall state on its face the precise dates for which it has been issued and such short-term special decal shall not be transferred from one (1) vending device to another.

(2) The short-term special vending device decal fee shall be computed and paid by the person who is the operator of such vending device ~~on the basis of one fifth (1/5) of the annual vending device decal fee charged by this subchapter for the type of vending device operated, for each thirty day period for which such short term decal is issue.~~ on the following basis:

(A) For each coin-operated or manually-powered vending device, the fee shall be five dollars (\$5.00) for each thirty-day period for which the short-term decal is issued, up to the annual rate of twenty dollars (\$20.00); and

(B) For each coin-operated bulk vending device, the fee shall be one dollar (\$1.00) for each thirty-day period for which the short-term decal is issued, up to the annual rate of five dollars (\$5.00).

(3) In the event the vending device is made available to the public for a period beyond that for which the short-term special decal is issued, then a full year's fee and penalty, as set out in § 26-57-1206, shall be due on such vending device from the person who is the operator of such vending device.

(c) The annual or short-term special vending device decal fees required to be paid by subsections (a) and (b) of this section shall be paid by the person who is the operator of such vending device ~~in lieu of the requirement that such person collect and remit: (1) the state and local gross receipts (sales) taxes levied pursuant to the provisions of the Arkansas Gross Receipts Act of 1941, as amended, § 26-52-101 et. seq., or any provision of Chapters 74 and 75 of Title 26, or any other provision of this Code which provides for the levy of a local sales tax; or (2) in addition to the special sales taxes levied pursuant to the provisions of the Vending Devices Sales Tax Act of 1995, § 26-57-1001, et seq. Where gross receipts or gross proceeds are received by a person who is the operator of a vending device from the sale of any item of tangible personal property, through the vending device, where the annual vending device decal fee has been paid and such decal is affixed to the vending device, then it is the intent of the General Assembly that such gross proceeds or gross receipts shall not be subject to any state or local gross receipts (sales) taxes imposed in this state.~~

(d) Any sales made by the operator of a coin-operated vending device that is made without the use of a vending device, e.g., office coffee service, manual hot foods lines, catering events, etc., shall be subject to the state and local gross (sales) taxes levied pursuant to the provisions of the Arkansas Gross Receipts Act of 1941, as amended, § 26-52-101, et seq, or any provision of Chapters 74 and 75 of Title 26, or any other provision of the Code that provides for the levy of a local sales tax.

~~(e) For all vending devices that the operator does not elect to have covered by the decal fee provided by this section, the operator of that vending device shall acquire from the Director of the Department of Finance and Administration an identifying decal that the operator shall affix to the vending device in a prominent~~

~~place so as to establish to the consuming public that such vending device is not covered by the provisions of this subchapter. The Director of the Department of Finance and Administration shall establish, by reasonable regulations, the amount to be charged for such identifying decal, which amount shall not exceed the cost of producing such decals.~~

~~(f) Operators who elect to pay tax at the wholesale level and which have been issued an identification number by the Department of Finance and Administration as of March 31, 1997, shall be entitled to utilize that identification number for all vending devices owned by that operator.~~

SECTION 21. Arkansas Code § 26-57-1208 is repealed.

~~26-57-1208. Distribution of revenue. [Effective January 1, 1998.]~~

~~(a) It is hereby declared to be the purpose of this subchapter to provide revenues for general governmental functions of the state, and its counties and municipalities, in lieu of the state and local gross receipts (sales) taxes or vending devices sales taxes that would otherwise be due and owing from the person who is the operator of such vending devices. For that purpose and to that end, it is expressly provided that the revenue derived by the Director of the Department of Finance and Administration from the sale of annual or special vending device decal fees, including penalties, shall be deposited by the director into the State Treasury and credited as follows.~~

~~(b) The vending device decal fees imposed by § 26-57-1206, or any proportionate amount thereof, shall be divided:~~

~~(1) With eighty percent (80%) of such amount being deposited to the credit of the General Revenue Fund Account of the State Apportionment Fund provided by § 19-5-202; and~~

~~(2) With twenty percent (20%) of such amount being deposited by the Treasurer of the State in the Identification Pending Trust Fund for Local Sales and Use Taxes in accordance with the provisions of §§ 26-74-221 and 26-75-223, and all revenues deposited into that fund shall be distributed to the cities and counties of this state in accordance with the provisions of §§ 26-74-221 (a)(2)(C)(ii) and 26-75-223 (a)(2)(C)(ii).~~

SECTION 22. Arkansas Code § 26-57-1217 is repealed.

~~26-57-1217. Purpose. [Effective January 1, 1998.]~~

~~The purpose for the enactment of this "Vending Devices Decal Act of 1997" is to provide a simplified method for the operators of such vending devices to be able to pay their proportionate amount of state and local taxes, without being required to maintain complex financial records that would otherwise be required of such operators (who are in the unique position among retailers in this state of not being able to pass the cost of sales taxes directly on to their customers), and to assure that the State of Arkansas and its cities and counties collect their fair share of taxes from what is almost entirely a cash business.~~

SECTION 23. Arkansas Code Title 26, Chapter 57, Subchapter 12 is amended to add an additional section to read as follows:

26-57-1218. Renewal.

(a) All annual vending device decals issued by the Director of the Department of Finance and Administration authorizing the use and operation of vending devices are renewable by June 30 of each calendar year for the fiscal year beginning July 1.

(b) Any person who renews an annual vending device decal after June 30 shall pay a penalty. For each sixty-day period or a portion thereof after June 30 during which the renewal fee is paid, the penalty shall be one-half (1/2) of the yearly renewal fee.

(c) No annual vending device decal shall be renewed by the Department of Finance and Administration for a vending device decal holder who has failed to pay any wholesale vending tax, excise tax, or any other state and local taxes.

SECTION 24. Educational Adequacy Trust Fund.

(a) There is created on the books of the Treasurer of State, the Auditor of State, and Chief Fiscal Officer of the State a special revenue fund to be known as the Educational Adequacy Trust Fund.

(b) The Educational Adequacy Trust Fund shall consist of the revenues enacted by the Second Extraordinary Session of the 84th General Assembly and other revenues as provided by law.

(c) On the last day of the month, the Treasurer of State shall transfer amounts available in the Educational Adequacy Trust Fund to the Department of Education Public School Fund Account established in Arkansas Code § 19-5-305, to be used for the purposes provided by law. The Treasurer of State shall make the transfer after making the deductions required from the net special revenues as set out in Arkansas Code § 19-5-203(b)(2)(A).

(d)(1) Additionally, for each of the state's fiscal years, the Chief Fiscal Officer of the State shall determine as an annual allocation amount for the Educational Adequacy Trust Fund an amount equivalent to the revenues generated by Arkansas Code § 26-52-316. The determination shall be based on the total net general revenues as enumerated in § 19-6-201(1) and (2), which were collected in the immediate past year, times a factor of 0.0109.

(2) Upon the determination, the Chief Fiscal Officer of the State shall certify to the Treasurer of State the amount determined in subdivision (d)(1) of this section for transfer to the fund.

(3) The Treasurer of State shall make the transfer from general revenues after making the deductions required from the net general revenues under Arkansas Code § 19-5-202(b)(2)(B)(i).

(e)(1) Additionally, for each of the state's fiscal years, the Chief Fiscal Officer of the State shall determine as an annual allocation amount for this Educational Adequacy Trust Fund an amount equivalent to the revenues generated by the increase in the wholesale vending tax. The determination shall be based on the total net general revenues as enumerated in § 19-6-201(1) and (2), which were collected in the immediate past year, times a factor of 0.0044.

(2) Upon the determination, the Chief Fiscal Officer of the State shall certify to the Treasurer of State the amount determined in subdivision (d)(1) of this section for transfer to the Educational Adequacy Trust Fund.

(3) The Treasurer of State shall make the transfer from general revenues after making the deductions required from the net general revenues under Arkansas Code § 19-5-202(b)(2)(B)(i).

SECTION 25. Sections 1 through 6 of this bill become effective on March 1, 2004.

SECTION 26. Sections 7, 8, 9 and 10 of this bill becomes effective on July 1, 2004.

SECTION 27. Section 11 applies to tax years beginning on or after January 1, 2004.

SECTION 28. Sections 12, 13, 14, and 15 become effective on March 1, 2004.

SECTION 29. Sections 16 through 23 become effective on July 1, 2004.

SECTION 30. EMERGENCY CLAUSE. It is found and determined by the General Assembly, that the provision of an equal opportunity for an adequate education to all the citizens of the state is imperative; that additional funds are immediately needed to provide an equal opportunity for an adequate education; that this act is designed to provide the additional revenues needed to provide this equal opportunity to all citizens; and that a delay in the effective date of this act will cause irreparable harm upon the provision of essential education opportunities and the proper administration of educational programs. Therefore, an emergency is hereby declared to exist and this act being necessary for the immediate preservation of the public peace, health, and safety shall be in full force and effect from and after the date of March 1, 2004."

(SIGNED) SENATOR TIM WOOLDRIDGE

The Amendment was read for the first time, rules suspended, read the second time and adopted.

(SIGNED) ANN CORNWELL, SECRETARY

Senate Bill No. 62 was ordered engrossed.

On motion of Senator Bryles, the rules were suspended in considering House Bill No. 1109 at this time.

On motion of Senator Bryles, House Bill No. 1109 was placed back on second reading for purpose of amendments #1, #2, #3 & #4.

ARKANSAS SENATE
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION

* * * * * **RECEDED** * * * * *

Amendment No. 1 to HOUSE BILL NO. 1109

Amend House Bill No. 1109 as originally introduced:

Page 4, line 14, delete "July 1" and substitute "April 1"

AND

Page 4, line 18, delete "June 1 of" and substitute "June 1,"

AND

Page 4, delete line 19, and substitute:
"to be effective the July 1 immediately following the publication of the list required under § 6-13-1602."

AND

Page 4, line 24, delete "June 1 of the" and substitute "June 1,"

AND

Page 4, delete line 25, and substitute "to be effective the July 1 immediately following the publication of the list required under § 6-13-1602."

AND

Page 4, delete line 30, and substitute "annexation by July 1 immediately following the publication of the list required under § 6-13-1602."

AND

Page 6, line 15, delete "2005" and substitute "2004"

(SIGNED) SENATOR JIM ARGUE

The Amendment was read the first time, rules suspended, read the second time and adopted.

(SIGNED) ANN CORNWELL, SECRETARY

* * * * * **RECEDED** * * * * *

The record pertaining to the adoption of **Amendment No. 1** to **House Bill No. 1109** was receded from, in accordance with a prevailing motion on January 20, 2004, 2003.

Amendment No. 2 to HOUSE BILL NO. 1109

Amend **House Bill No. 1109** as originally introduced:

Page 6, delete line 30 and substitute:

"6-13-1605. Charter schools.

The provisions of § 6-13-1601 - 1604 shall not apply to charter schools in existence on the effective date of this act or to schools achieving charter status by June 1, 2005."

SECTION 4. Immediately upon the effective date of this act, the Chief"

(SIGNED) SENATOR STEVE BRYLES

The Amendment was read the first time, rules suspended, read the second time and adopted.

(SIGNED) ANN CORNWELL, SECRETARY

Amendment No. 3 to HOUSE BILL NO. 1109

Amend **House Bill No. 1109** as originally introduced:

Page 5, delete lines 14 through 18, and substitute:

"(f) No school shall be closed by the state board or a local school board until after completion of an assessment of public school facilities by the Joint Committee on Educational Facilities as required by Act 1181 of 2003, but in no event shall any be closed prior to June 1, 2005."

(SIGNED) SENATOR STEVE BRYLES

The Amendment was read the first time, rules suspended, read the second time and adopted.

(SIGNED) ANN CORNWELL, SECRETARY

Amendment No. 4 to HOUSE BILL NO. 1109

Amend **House Bill No. 1109** as originally introduced:

Add Representatives Clemons and Sullivan as sponsors.

AND

Page 2, delete lines 15 and 16 and substitute the following:

"population in the resulting school district that came from each affected school district."

AND

Page 2, delete lines 25 and 26 and substitute the following:

"or more school districts to create a new single school district with one (1) administrative unit and one (1) board of directors that is not required to close school facilities."

AND

Page 3, on line 20, delete "and"

AND

Page 3, delete line 27 and substitute the following:

"result of administrative annexation; and"

AND

Page 4, on line 22 delete "state board of" and substitute "state board for"

AND

Page 4, on line 23, delete "or annexed"

AND

Page 4, on line 27, delete "or annex"

AND

Page 4, on line 32, delete "consolidation" and substitute "consolidation or annexation"

AND

Page 4, on line 34, delete "consolidation" and substitute "consolidation or annexation"

AND

Page 4, on line 35, delete "consolidation" and substitute "consolidation or annexation"

AND

Page 5, delete line 2 and substitute:

"under this subchapter shall be administratively consolidated"

AND

Page 5, on line 3, delete "annexed"

AND

Page 5, on line 11, delete "§ 26-80-111" and substitute "§ 6-13-1409"

AND

Page 5, delete line 14 and substitute:

"(f) No school facility in a school district included in the consolidation list required by § 6-13-1602 shall be closed by the state board or a local"

AND

Page 5, delete lines 30 through 33 and substitute:

"(i) Noncontiguous school districts may voluntarily consolidate if:

(1)(A) The facilities and physical plant of each school district are within the same county; and

(B) The state board approves the administrative consolidation; or

(2)(A) The facilities and physical plant of each school district are not within the same county; and

(B) The state board approves the administrative consolidation or annexation and finds that:

(i) The consolidation or annexation will result in the overall improvement in the educational benefit to students in all of the school districts involved; or

(ii) The consolidation or annexation will provide a significant advantage in transportation costs or service to all of the school districts involved."

AND

Page 6, on line 9, delete "§ 6-13-1603;" and substitute "§ 6-13-1603 by July 1, 2005;"

AND

Page 6, on line 21, delete "national lunch" and substitute "national school lunch"

AND

Page 6, on line 28, delete "consolidated" and substitute "consolidated or annexed"

AND

Page 6, delete lines 32 through 34 and substitute:

"State Treasurer and the Auditor of the State the sum of thirty-seven million ninety-seven thousand five hundred sixty dollars (\$37,097,560) from funds received from the Jobs and Growth Tax Relief"

AND

Page 7, delete lines 6 through 12 and substitute:

"(a) "Isolated school" means a school within a school district that:

(1) Prior to administrative consolidation or annexation under this act qualified as an isolated school district under § 6-20-601; and

(2) Is subject to administrative consolidation or annexation under this act.

(b) Any isolated school within a resulting or receiving district shall remain open.

(c) Funding for isolated school districts shall be expended by the resulting or receiving district only on the operation, maintenance, and other expenses of the isolated schools within the resulting or receiving district."

Senator Johnson requested hard copies of Amendment #1 and Amendment #4 to **House Bill No. 1109** be placed on each Senator's desk.

On motion Senator Bryles, **House Bill No. 1109** was pulled down so hard copies of Amendment #1 and Amendment # 4 can be placed on each Senator's desk.

Senator Bryles moved the Senate recede its previous action in the adoption of **Amendment No. 1 to House Bill No. 1109**.

(SIGNED) ANN CORNWELL, SECRETARY

On motion of Senator Steele, the rules were suspended in considering **Senate Bill No. 69** at this time.

On motion of Senator Steele, **Senate Bill No. 69** was placed back on second reading for purpose of amendment.

ARKANSAS SENATE
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION
Amendment No. 1 to SENATE BILL NO. 69

Amend **Senate Bill No. 69** as originally introduced:

Add Senators Brown, Higginbotham, G. Jeffress, Malone, Salmon and Wilkins as cosponsors of the bill

AND

Page 1, delete lines 24 and 25 and substitute the following:

"(a) As used in this section, "clearinghouse" means an office that:"

AND

Page 1, line 26, delete "(A)" and substitute "(1)"

AND

Page 1, line 29, delete "(B)" and substitute "(2)"

AND

Page 1, line 31, delete "(i)" and substitute "(A)"

AND

Page 1, line 33, delete "(ii)" and substitute "(B)"

AND

Page 1, line 35, delete "(iii)" and substitute "(C)"

AND

Page 1, line 36, delete "; and" and substitute a period

AND

Page 2, delete lines 1 through 3

AND

Page 2, line 7, delete "Ensure" and substitute "Advise"

AND

Page 2, line 8, delete "minority" and substitute "all"

AND

Page 2, line 9, delete "minority" and substitute "all"

AND

Page 2, line 26, delete "minority" and substitute "all"

AND

Page 3, line 18, delete "provide staff" and substitute "provide services"

(SIGNED) SENATOR TRACY STEELE

The Amendment was read for the first time, rules suspended, read the second time and adopted.

(SIGNED) ANN CORNWELL, SECRETARY

Senate Bill No. 69 was ordered engrossed.

The President declared the morning hour to have expired.

On motion of Senator Broadway, Senate Bill No. 53 was called up for third reading and final disposition.

SENATE BILL NO. 53

As Engrossed: 5/1/04

CALL ITEM NO. 4

EIGHTY-FOURTH GENERAL ASSEMBLY

SECOND EXTRAORDINARY SESSION

BY: SENATOR BROADWAY & REPRESENTATIVE ELLIOTT

A Bill for an Act to be Entitled: AN ACT TO PROVIDE FOR CUSTODIAL AND MAINTENANCE CARE FOR SCHOOL FACILITIES; TO ESTABLISH CRITERIA FOR SCHOOL FACILITY CARE; AND FOR OTHER PURPOSES.

On motion of Senator Broadway, Senate Bill No. 53 was pulled down.

On motion of Senator Whitaker, the rules were suspended in considering **Senate Bill No. 67** at this time.

On motion of Senator Whitaker, **Senate Bill No. 67** was placed back on second reading for purpose of amendment.

ARKANSAS SENATE
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION
Amendment No. 1 to SENATE BILL NO. 67

Amend **Senate Bill No. 67** as originally introduced:

Delete everything following the enacting clause and substitute the following:

"SECTION 1. Arkansas Code Title 6, Chapter 13, is amended to add an additional subchapter to read as follows:

6-13-1601. Purpose.

The purpose of this subchapter is to create countywide administration of public school districts.

6-13-1602. Definitions.

For purposes of this subchapter:

(1) "Administrative functions" means business support services, central support services, general administration support services, operation and maintenance support services, and student transportation support services;

(2) "Business support services" means activities that are related to goods and services for the district, including business services, fiscal operations, budget planning, payroll, financial accounting, internal auditing, purchasing services, printing, and administrative technology services;

(3) "Central support services" means support of each of the other instructional and support services programs, including information services to disseminate educational and administrative information for students, staff, or the public, staff services, recruitment and placement, in-service training for classified staff, and technology services;

(4) "Countywide administration" means one (1) superintendent and a central office performing the administrative functions for all schools within a county;

(5) "General administration support services" means activities that are related to establishing and administering district policy, including the activities of the district board of education, elections, reappraisal of property, the overall general administration of the district, and the office of the superintendent;

(6) "Operation and maintenance support services" means activities related to the operating and maintaining of the plant, grounds, buildings and equipment, maintaining general purpose vehicles such as trucks, tractors, graders, and staff vehicles, and maintaining order and safety in school buildings and on school grounds;

(7) "State funds" means all money derived from state revenues and distributed through the Department of Education Public School Fund and in addition, the ad valorem property tax, up to the uniform rate of tax established under Arkansas Constitution, Amendment 74, distributed to the district; and

(8) "Student transportation support services" means activities related to the transporting of students to and from school and other activities, including supervision, and vehicle operation and maintenance.

6-13-1603. Countywide administration.

(a)(1) The administrative functions of existing public school districts shall be reorganized so that all schools in a county share one (1) countywide administration.

(2) The administrative reorganization required under this subchapter is intended to require reorganization of only the administration and administrative functions of a school district and shall not be construed to require the consolidation of schools, the relocation of schools, the closing of any facilities, or the transportation of students.

(b) For purposes of this subchapter, a school shall be considered within a county if the school district's principal administrative office is located in the county on the effective date of this subchapter.

6-13-1604. Organization of countywide administration.

(a)(1) The boards of directors of each school district within a county shall collectively meet to develop a plan to create a countywide administration and countywide interim board as allowed by under § 6-13-1406 and in accordance with the provisions of this subchapter.

(2) The plans shall be submitted for approval to the State Board of Education by April 30, 2004.

(3) Each plan shall be drafted in a manner that:

(A) Complies with all state laws, federal laws, state rules and regulations, and applicable court orders;

(B) Is fair to all districts involved; and

(C) Serves the best interest of the students served by each district.

(4) The state board shall require the modification of any plan that is not in compliance with subdivision (a)(1)(C) of this section.

(b) The state board may receive and hear petitions or move on its own motion to create countywide administrations of school districts in such a timeframe to comply with the provisions of this subchapter.

(c)(1) The state board shall cause the creation of countywide administrations in accordance with this subchapter effective July 1, 2004.

(2) The state board may take action prior to July 1, 2004, as necessary for an orderly and efficient transition of administration and administrative functions on July 1, 2004.

(d) No existing school administration shall be reorganized if the reorganization is prohibited by an existing court order.

(e) Countywide school boards established under this subchapter shall be created in compliance with existing laws for school district board of directors. Additionally, local schools' parent advisory councils as established in this subsection (e) may have a member serve as an ex officio nonvoting member on the countywide board

SECTION 2. Effective July 1, 2004, Arkansas Code Title 6, Chapter 13, Subchapter 6 is amended to add the following sections:

6-13-641. Countywide School District Boards of Directors - Election Zones.

(a) Each school district shall elect its board of directors from single-member electoral zones with the exception that those school districts with seven (7) or nine (9) board members may have two (2) of its members elected at-large.

(b) On or before August 1, 2004, each school district shall produce and file with the county board of election commissioners a map or a legal description of its electoral zones to be used at the next school election.

(c)(1) At the 2004 annual school election, any school district whose boundaries, or both, have changed since the 2003 annual school election or who previously had a board consisting solely of at-large members shall conduct an election at which all board members are elected.

(2) At the first meeting of the board of directors following the 2004 school election in those school districts to whom subsection (c)(1) applies, members shall draw lots for term lengths in compliance with Arkansas Code § 6-13-643.

(d)(1) Upon completion of the 2010 decennial census and every decennial census thereafter, and ninety (90) days prior to the 2012 school election and every school election falling two (2) years hence of the decennial census, the school district shall redraw its electoral zones to be in compliance with the Voting Rights Act and the Fourteenth Amendment of the United States Constitution.

(2) The election following the adjustment of electoral zone boundaries shall be of the same manner as explicated in subsection (c) of this section.

SECTION 3. Arkansas Code § 6-13-620(a)(4), concerning the powers and duties of the local school board of directors, is amended to read as follows:

(4)(A)(i) Employ teachers and other employees necessary for the proper conduct of the public schools of the district and make written contracts with teachers and all other employees in the form prescribed by the State Board of Education.

(ii) If a school district shares a countywide administration, the board of directors of each school shall not have the authority to hire a superintendent or other countywide administrative staff. A superintendent and countywide administrative staff shall be hired by the executive committee as set forth under § 6-13-1605.

SECTION 4. Arkansas Code § 6-13-109 is amended to read as follows:

6-13-109. School superintendent. [Effective July 1, 2000.]

(a)(1) The public school districts in the state shall each employ a superintendent of schools, whose qualifications and duties shall be prescribed by the General Assembly and the State Board of Education.

(2) If a school district shares a countywide administration and administrative function, there shall be only one (1) superintendent for all of the districts served by the countywide administration who shall be hired by the countywide school board as set forth under § 6-13-1605.

(b) "Superintendent of schools" is defined as the executive officer of a school district board of directors directing the affairs of the school district and teaching not more than one-half (1/2) of the time in the school day.

SECTION 5. Arkansas Code, Title 6, Chapter 13, is amended to add the following new subchapter:

6-13-1701. Parent Advisory Council - Establishment.

Each school shall establish a Parent Advisory Council based on the following tenets:

(1) A student's education is a responsibility shared by the school and family during the entire time that he/she spends in school;

(2) Schools and parents must work as knowledgeable partners in order to support the goal of the schools to educate all students effectively;

(3) Parents are integral components of a school's ability to provide for the educational success of students, although parents and students are diverse in culture, language, and needs;

(4) The engagement of parents is essential to improve student achievement; and

(5) Schools should foster a safe and secure environment that supports active parental involvement.

6-13-1702. Parent Advisory Council - Membership.

The Parent Advisory Council shall consist of the school principal and no fewer than six (6) parents or legal guardians, representative of the grade levels, race, gender, and socio-economic status of the school's population. No parent or legal guardian representative on the Parent Advisory Council may be an employee of that school. Each school shall establish policies regarding individual members' length of service on the council and filling vacancies. Membership on the council shall be by nomination from the school principal and that school's organized parent group. The school district board of directors will confirm nominations.

6-13-1703. Parent Advisory Council - Meetings.

The Parent Advisory Council shall be convened at least quarterly during the school year.

6-13-1704. Parent Advisory Council - Roles and Responsibilities.

The Parent Advisory Council shall recognize the principal as the chief academic and operational officer of the school. It also shall:

(a)(1) Annually review the school improvement plan including the disaggregation of achievement data from each tested grade or course in the school as well as the performance of the various student subgroups;

(2) Annually review the school's report card including the narrative of yearly progress based on current state and federal requirements;

(3) Make recommendations encouraging regular, two-way meaningful communication with parents and legal guardians such as publishing the school's process for resolving parental concerns, including whom to approach first and how to develop solutions;

(4) Make recommendations regarding the school's parental involvement program, including activities such as sponsoring seminars to inform parents and legal guardians of high school students about how to be involved in the decisions affecting course selection, career planning, and preparation for post secondary opportunities, as well as other activities to promote parent participation;

(5) Provide input into the development of parental involvement activities as required in the School Improvement Plan;

(6) Make recommendations regarding appropriate professional development activities to be included as part of the required professional development for teachers and administrators. These professional activities shall enhance the understanding of effective parent involvement; and

(7) Make recommendations regarding the school's collaboration with community organizations for the purpose of enhancing student achievement.

(b) The Parent Advisory Council for each school may choose one (1) member of the council to serve as an ex officio, nonvoting member of the countywide school board of directors.

SECTION 6. EMERGENCY CLAUSE. It is found and determined by the General Assembly of the State of Arkansas that the Arkansas Supreme Court in Lake View School District No. 25 v. Huckabee, 351 Ark. 31 (2002) declared the current system of education in the state to be unconstitutional because it is both inequitable and inadequate; and the Arkansas Supreme Court set forth the test for a constitutional system to be one in which the state has an "absolute duty" to provide an "equal opportunity to an adequate education"; the Arkansas Supreme Court instructed the General Assembly to undertake actions as necessary to provide an opportunity for an adequate and equitable education for the children of Arkansas; and the provisions of this bill are necessary steps toward accomplishing that goal. 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."

(SIGNED) SENATOR RUTH WHITAKER

The Amendment was read the first time, rules suspended, read the second time and adopted.

(SIGNED) ANN CORNWELL, SECRETARY

Senate Bill No. 67 was ordered engrossed.

On motion of Senator Baker, the Senate resolved itself into the Committee of the Whole for the purpose of commending Fire Chief Bart Castleberry of the Conway Fire Department..

Without objection, the Committee of the Whole was dissolved, and the Senate took up its regular order of business.

On motion of Senator Baker, Senate Resolution No. 13 was called up for third reading and final disposition.

SENATE RESOLUTION NO. 13
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION
BY: SENATOR BAKER

SENATE RESOLUTION COMMENDING FIRE CHIEF BART CASTLEBERRY
OF THE CONWAY FIRE DEPARTMENT.

Senate Resolution No. 13 was read the third time and adopted.

(SIGNED) ANN CORNWELL, SECRETARY

On motion of Senator Broadway, **Senate Bill No. 65** was called up for third reading and final disposition.

SENATE BILL NO. 65
CALL ITEM NO. 4
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION
BY: SENATORS BROADWAY & BISBEE

A Bill for an Act to be Entitled: THE CONTINUING ADEQUACY EVALUATION ACT OF 2004.

Senate Bill No. 65 was placed on third reading and final disposition, the question being: Shall the Bill pass?

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

AFFIRMATIVE: Argue, Baker, Bisbee, J. Bookout, Broadway, Bryles, Capps, Critcher, Faris, Glover, Gullett, Higginbothom, Holt, Horn, J. Jeffress, Laverty, Luker, Madison, Miller, Salmon, T. Smith, Trusty, Whitaker, Wilkinson, Womack, Wooldridge.

Total26

NEGATIVE: Hendren.

Total1

ABSENT OR NOT VOTING: Altes, Brown, Hill, G. Jeffress, B. Johnson, Malone, Steele, Wilkins.

Total8

VOTING PRESENT:

Total0

Total number of votes cast.....27

Necessary to the passage of the bill18

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

(SIGNED) ANN CORNWELL, SECRETARY

Senate Bill No. 65 was ordered immediately transmitted to the House as passed.

On motion of Senator Bryles, **House Bill No. 1109** was placed back on second reading for purpose of amendment # 4 & #1.

ARKANSAS SENATE
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION
Amendment No. 4 to HOUSE BILL NO. 1109

Amend **House Bill No. 1109** as originally introduced:

Add Representatives Clemons and Sullivan as sponsors.

AND

Page 2, delete lines 15 and 16 and substitute the following:

"population in the resulting school district that came from each affected school district."

AND

Page 2, delete lines 25 and 26 and substitute the following:

"or more school districts to create a new single school district with one (1) administrative unit and one (1) board of directors that is not required to close school facilities."

AND

Page 3, on line 20, delete "and"

AND

Page 3, delete line 27 and substitute the following:

"result of administrative annexation; and"

AND

Page 4, on line 22 delete "state board of" and substitute "state board for"

AND

Page 4, on line 23, delete "or annexed"

AND

Page 4, on line 27, delete "or annex"

AND

Page 4, on line 32, delete "consolidation" and substitute "consolidation or annexation"

AND

Page 4, on line 34, delete "consolidation" and substitute "consolidation or annexation"

AND

Page 4, on line 35, delete "consolidation" and substitute "consolidation or annexation"

AND

Page 5, delete line 2 and substitute:

"under this subchapter shall be administratively consolidated"

AND

Page 5, on line 3, delete "annexed"

AND

Page 5, on line 11, delete "§ 26-80-111" and substitute "§ 6-13-1409"

AND

Page 5, delete line 14 and substitute:

"(f) No school facility in a school district included in the consolidation list required by § 6-13-1602 shall be closed by the state board or a local"

AND

Page 5, delete lines 30 through 33 and substitute:

"(i) Noncontiguous school districts may voluntarily consolidate if:

(1)(A) The facilities and physical plant of each school district are within the same county; and

(B) The state board approves the administrative consolidation; or

(2)(A) The facilities and physical plant of each school district are not within the same county; and

(B) The state board approves the administrative consolidation or annexation and finds that:

(i) The consolidation or annexation will result in the overall improvement in the educational benefit to students in all of the school districts involved; or

(ii) The consolidation or annexation will provide a significant advantage in transportation costs or service to all of the school districts involved."

AND

Page 6, on line 9, delete "§ 6-13-1603;" and substitute "§ 6-13-1603 by July 1, 2005;"

AND

Page 6, on line 21, delete "national lunch" and substitute "national school lunch"

AND

Page 6, on line 28, delete "consolidated" and substitute "consolidated or annexed"

AND

Page 6, delete lines 32 through 34 and substitute:

"State Treasurer and the Auditor of the State the sum of thirty-seven million ninety-seven thousand five hundred sixty dollars (\$37,097,560) from funds received from the Jobs and Growth Tax Relief"

AND

Page 7, delete lines 6 through 12 and substitute:

"(a) "Isolated school" means a school within a school district that:

(1) Prior to administrative consolidation or annexation under this act qualified as an isolated school district under § 6-20-601; and

(2) Is subject to administrative consolidation or annexation under this act.

(b) Any isolated school within a resulting or receiving district shall remain open.

(c) Funding for isolated school districts shall be expended by the resulting or receiving district only on the operation, maintenance, and other expenses of the isolated schools within the resulting or receiving district."

(SIGNED) SENATOR STEVE BRYLES

The Amendment was read the first time, rules suspended, read the second time and adopted.

(SIGNED) ANN CORNWELL, SECRETARY

Amendment No. 1 to HOUSE BILL NO. 1109

Amend **House Bill No. 1109** as originally introduced:

Page 4, line 14, delete "July 1" and substitute "April 1"

AND

Page 4, line 18, delete “June 1 of” and substitute “June 1.”

AND

Page 4, delete line 19, and substitute:

“to be effective the July 1 immediately following the publication of the list required under § 6-13-1602.”

AND

Page 4, line 24, delete “June 1 of the” and substitute “June 1.”

AND

Page 4, delete line 25, and substitute “to be effective the July 1 immediately following the publication of the list required under § 6-13-1602.”

AND

Page 4, delete line 30, and substitute “annexation by July 1 immediately following the publication of the list required under § 6-13-1602.”

AND

Page 6, line 15, delete “2005” and substitute “2004”

(SIGNED) SENATOR JIM ARGUE

Senator Miller spoke against the Amendment.

Senator Bisbee spoke for the Amendment.

Senator Critcher spoke against the Amendment.

Senator Argue spoke for the Amendment.

Senator Jimmy Jeffress spoke against the Amendment.

Senator Bryles closed for the Amendment.

By voice vote the Chair ruled Amendment # 1 to **House Bill No. 1109** failed.

Senator Argue requested a roll call, five hands were seen and a roll call was ordered on the question of whether or not **Amendment No. 1** to **House Bill No. 1109** be adopted.

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

AFFIRMATIVE: Altes, Argue, Baker, Bisbee, J. Bookout, Broadway, Brown, Bryles, Capps, Hendren, Higginbothom, Hill, Luker, Madison, Malone, Salmon, T. Smith, Steele, Trusty, Whitaker, Womack.

Total21

NEGATIVE: Critcher, Faris, Glover, Gullett, Holt, Horn, G. Jeffress, J. Jeffress, B. Johnson, Laverty, Miller, Wilkinson, Wooldridge.

Total13

ABSENT OR NOT VOTING: Wilkins.

Total1

VOTING PRESENT:

Total0

Total number of votes cast.....34

Necessary to the adoption of the amendment18

The Amendment was adopted.

(SIGNED) ANN CORNWELL, SECRETARY

Senator Argue moved that the vote by which Amendment # 1 to **House Bill No. 1109** passed be reconsidered and that motion be laid upon the table, which motion prevailed and the motion to reconsider was laid on the table.

House Bill No. 1109 was ordered engrossed.

* * * * * **EXPUNGED** * * * * *

On motion of Senator Argue, **House Bill No. 1009** was called up for third reading and final disposition.

HOUSE BILL NO. 1009

As Engrossed: H12/17/03 H12/26/03 H1/5/04 S1/16/04

CALL ITEM NO. 4

EIGHTY-FOURTH GENERAL ASSEMBLY

SECOND EXTRAORDINARY SESSION

BY: REPRESENTATIVE PICKETT

A Bill for an Act to be Entitled: *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.*

House Bill No. 1009 was placed on third reading and final disposition, the question being: Shall the Bill pass?

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

AFFIRMATIVE: Altes, Argue, Baker, Bisbee, J. Bookout, Broadway, Brown, Bryles, Capps, Critcher, Glover, Gullett, Higginbothom, J. Jeffress, Madison, Miller, Salmon, T. Smith, Trusty, Wilkinson, Wooldridge.

Total21

NEGATIVE: Hendren, Holt, Womack.

Total3

ABSENT OR NOT VOTING: Faris, Hill, Horn, G. Jeffress, B. Johnson, Lavery, Luker, Malone, Steele, Whitaker, Wilkins.

Total11

VOTING PRESENT:

Total0

Total number of votes cast.....24
 Necessary to the passage of the bill18

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

(SIGNED) ANN CORNWELL, SECRETARY

* * * * * **EXPUNGED** * * * * *

The record pertaining to the vote by which **House Bill No. 1009** passed was expunged, in accordance with a prevailing motion on February 4, 2004.

* * * * * **EXPUNGED** * * * * *

There being an emergency clause attached to **House Bill No. 1009**, the President ordered the Secretary to call the roll upon the adoption of the emergency clause.

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

AFFIRMATIVE: Altes, Argue, Baker, Bisbee, J. Bookout, Broadway, Brown, Bryles, Capps, Critcher, Glover, Gullett, Higginbothom, J. Jeffress, Madison, Miller, Salmon, T. Smith, Trusty, Wilkinson, Wooldridge.

Total 21

NEGATIVE: Hendren, Holt, Womack.

Total 3

ABSENT OR NOT VOTING: Faris, Hill, Horn, G. Jeffress, B. Johnson, Lavery, Luker, Malone, Steele, Whitaker, Wilkins.

Total 11

VOTING PRESENT:

Total 0

Total number of votes cast.....24
 Necessary to the passage of the bill.....24

So the Emergency Clause failed of adoption.

(SIGNED) ANN CORNWELL, SECRETARY

* * * * * **EXPUNGED** * * * * *

The record pertaining to the vote by which the Emergency Clause to **House Bill No. 1009** failed of adoption was expunged, in accordance with a prevailing motion on January 20, 2004.

Senator Argue moved that the record pertaining to the vote by which the Emergency Clause to **House Bill No. 1009** failed of adoption be expunged, the motion was duly seconded and prevailed.

* * * * * **EXPUNGED** * * * * *

On motion of Senator Argue, the President ordered the Secretary to call the roll upon the adoption of the emergency clause.

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

AFFIRMATIVE: Altes, Argue, Baker, Bisbee, J. Bookout, Broadway, Brown, Bryles, Capps, Faris, Glover, Gullett, Hendren, Higginbothom, Hill, Holt, Horn, Luker, Madison, Malone, Salmon, T. Smith, Steele, Trusty, Whitaker, Wooldridge.

Total26

NEGATIVE: Miller, Womack.

Total2

ABSENT OR NOT VOTING: Critcher, G. Jeffress, J. Jeffress, B. Johnson, Laverty, Wilkins, Wilkinson.

Total7

VOTING PRESENT:

Total0

Total number of votes cast.....	28
Necessary to the adoption of the emergency clause	24

Senator Argue moved that the vote by which **House Bill No. 1009** passed be reconsidered and that motion be laid upon the table, which motion prevailed and the motion to reconsider was laid on the table.

House Bill No. 1009 was ordered immediately returned to the House as passed as amended.

*** * * * * EXPUNGED * * * * ***

The record pertaining to the vote by which the emergency clause to **House Bill No. 1009** was adopted, was expunged, in accordance with a prevailing motion on February 4, 2004.

On motion of Senator Bryles, the rules were suspended in considering **House Bill No. 1094** at this time.

On motion of Senator Bryles, **House Bill No. 1094** was placed back on second reading for purpose of amendment.

**ARKANSAS SENATE
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION
Amendment No. 3 to HOUSE BILL NO. 1094**

Amend **House Bill No. 1094** as engrossed, S1/17/04:

Page 2, line 34 delete "August 15" and substitute "September 1"

AND

Page 4, line 5 delete "Association," and substitute "Association, the education service cooperatives,"

AND

Page 6, delete line 4 through 5 and substitute:

"(B) To satisfy the training and requirements under this subsection (a), any provider, other than the department, shall apply for and receive pre-approval by the department as to the form and content of the training and instruction before it is offered as training and instruction to comply with the provisions of this subsection (a)."

(SIGNED) SENATOR STEVE BRYLES

The Amendment was read the first time, rules suspended, read the second time and adopted.

(SIGNED) ANN CORNWELL, SECRETARY

House Bill No. 1094 was ordered engrossed.

ARKANSAS SENATE
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION

January 20, 2004

Mr. President:

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

SENATE BILL NO. 61, BY SENATOR WOOLDRIDGE,
SENATE BILL NO. 62, BY SENATOR WOOLDRIDGE,

beg leave to report that we have carefully compared the engrossed copies with the original and we find the same correctly engrossed.

Respectfully submitted,
(SIGNED) JOHN PAUL CAPPS, CHAIRMAN

On motion of Senator Wooldridge, **Senate Bill No. 61** was ordered re-referred to the Committee on REVENUE & TAXATION.

On motion of Senator Wooldridge, **Senate Bill No. 62** was ordered re-referred to the Committee on REVENUE & TAXATION.

**ARKANSAS SENATE
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION**

January 20, 2004

Mr. President:

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

SENATE BILL NO. 69, BY SENATOR STEELE,

beg leave to report that we have carefully compared the engrossed copy with the original and we find the same correctly engrossed.

Respectfully submitted,

(SIGNED) JOHN PAUL CAPPS, CHAIRMAN

On motion of Senator Steele, **Senate Bill No. 69** was ordered re-referred to the Committee on EDUCATION.

ARKANSAS SENATE
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION

January 20, 2004

Mr. President:

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

SENATE BILL NO. 67, BY SENATOR WHITAKER,
SENATE BILL NO. 71, BY SENATOR MADISON, ET AL,

beg leave to report that we have carefully compared the engrossed copy with the original and we find the same correctly engrossed.

Respectfully submitted,

(SIGNED) JOHN PAUL CAPPS, CHAIRMAN

ARKANSAS SENATE
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION

January 20, 2004

Mr. President:

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

HOUSE BILL NO. 1090, BY REPRESENTATIVE CLEVELAND,

beg leave to report that we have carefully compared the engrossed copy with the original and we find the same correctly engrossed.

Respectfully submitted,

(SIGNED) JOHN PAUL CAPPS, CHAIRMAN

On motion of Senator Broadway, **House Bill No. 1090** was ordered re-referred to the Committee on EDUCATION.

On motion of Senator Bryles, **House Bill No. 1071** was called up for third reading and final disposition.

HOUSE BILL NO. 1071
As Engrossed: S1/13/04
CALL ITEM NO. 6
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION
BY: REPRESENTATIVES BIGGS, ET AL
SENATOR BRYLES

A Bill for an Act to be Entitled: *AN ACT TO CONTINUE THE PAYMENT OF A DEBT SERVICE FUNDING SUPPLEMENT TO ELECTING SCHOOL DISTRICTS; TO CONTINUE THE PAYMENT OF GENERAL FACILITIES FUNDING TO ELECTING SCHOOL DISTRICTS; TO PROVIDE FOR PAYMENT OF A SUPPLEMENTAL MILLAGE INCENTIVE FUNDING FOR SCHOOL DISTRICTS THAT INCREASE SCHOOL DISTRICT MILLAGE IN EXCESS OF TWENTY-FIVE (25) MILLS; AND FOR OTHER PURPOSES.*

Senator Bryles pulled the bill down.

On motion of Senator Bryles, **House Bill No. 1071** was ordered re-referred to the Committee on EDUCATION.

Senate Bill No. 18 was returned from the House as passed and ordered enrolled.

Senate Bill No. 63 was returned from the House as passed and ordered enrolled.

On motion of Senator Hill the Senate recessed until 3:55 p.m..

The Senate reconvened after recess. The Secretary called the roll, and a quorum was present.

ARKANSAS SENATE
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION

January 20, 2004

Mr. President:

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

HOUSE BILL NO. 1109, BY REPRESENTATIVE BOND, ET AL

beg leave to report that we have carefully compared the engrossed copy with the original and we find the same correctly engrossed.

Respectfully submitted,

(SIGNED) JOHN PAUL CAPPS, CHAIRMAN

On motion of Senator Bryles, and without objection, the rules were suspended pertaining to passage of Amendment and Bill on the same day.

On motion of Senator Bryles, **House Bill No. 1109** was called up for third reading and final disposition.

HOUSE BILL NO. 1109
As Engrossed: S1/20/04
CALL ITEM NO. 4
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION
BY: REPRESENTATIVE BOND, ET AL

A Bill for an Act to be Entitled: AN ACT TO ADMINISTRATIVELY REORGANIZE THE EXISTING PUBLIC EDUCATION SYSTEM; AND FOR OTHER PURPOSES.

House Bill No. 1109 was placed on third reading and final disposition, the question being: Shall the Bill pass?

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

AFFIRMATIVE: Altes, Argue, Baker, Bisbee, J. Bookout, Broadway, Bryles, Capps, Gullett, Hendren, Higginbothom, Hill, Luker, Madison, Malone, Salmon, T. Smith, Trusty, Wilkinson, Womack.

Total20

NEGATIVE: Critcher, Faris, Glover, Holt, Horn, G. Jeffress, J. Jeffress, B. Johnson, Laverty, Miller, Wooldridge.

Total11

ABSENT OR NOT VOTING: Brown, Steele, Whitaker, Wilkins.

Total4

VOTING PRESENT:

Total0

Total number of votes cast.....31

Necessary to the passage of the bill18

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

(SIGNED) ANN CORNWELL, SECRETARY

Senator Hill moved that the vote by which **House Bill No. 1109** passed be reconsidered and that motion be laid upon the table, which motion prevailed and the motion to reconsider was laid on the table.

*** * * * * EXPUNGED * * * * ***

There being an emergency clause attached to **House Bill No. 1109**, the President ordered the Secretary to call the roll upon the adoption of the emergency clause.

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

AFFIRMATIVE: Altes, Argue, Baker, Bisbee, J. Bookout, Broadway, Bryles, Capps, Gullett, Hendren, Higginbothom, Hill, Luker, Madison, Malone, Salmon, T. Smith, Trusty, Wilkinson, Womack.

Total20

NEGATIVE: Critcher, Faris, Glover, Holt, Horn, G. Jeffress, J. Jeffress, B. Johnson, Lavery, Miller, Wooldridge.

Total11

ABSENT OR NOT VOTING: Brown, Steele, Whitaker, Wilkins.

Total4

VOTING PRESENT:

Total0

Total number of votes cast.....31

Necessary to the adoption of the emergency clause24

So the Emergency Clause failed of adoption.

(SIGNED) ANN CORNWELL, SECRETARY

*** * * * * EXPUNGED * * * * ***

The record pertaining to the vote by which the emergency clause to **House Bill No. 1109** failed of adoption was expunged, in accordance with a prevailing motion on January 20, 2004.

Senator J. Jeffress requested a Sounding of the Ballot on the passage of **House Bill No. 1109**. Five hands were seen, whereupon the Secretary sounded the ballot. Results are as follows:

Total number of votes cast	30
Necessary to the passage of the Bill	18
Total number voting in the affirmative	19
Total number voting in the negative	11
Total number absent or not voting	5

Upon sounding of the ballot, so the bill passed.

(SIGNED) ANN CORNWELL, SECRETARY

Senator Hill moved that the record pertaining to the vote by which **House Bill No. 1109** failed of adoption be expunged, the motion was duly seconded and prevailed.

*** * * * * EXPUNGED * * * * ***

The President ordered the Secretary to call the roll upon the adoption of the emergency clause to **House Bill No. 1109**.

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

AFFIRMATIVE: Altes, Argue, Baker, Bisbee, J. Bookout, Brown, Bryles, Capps, Gullett, Hendren, Higginbothom, Hill, Horn, Luker, Madison, Malone, Salmon, T. Smith, Trusty, Wilkinson, Womack.

Total21

NEGATIVE: Critcher, Faris, Glover, Holt, G. Jeffress, J. Jeffress, B. Johnson, Laverty, Miller, Wooldridge.

Total10

ABSENT OR NOT VOTING: Broadway, Steele, Whitaker, Wilkins.

Total4

VOTING PRESENT:

Total0

Total number of votes cast.....31
Necessary to the adoption of the emergency clause24

So the Emergency Clause failed of adoption.

(SIGNED) ANN CORNWELL, SECRETARY

*** * * * * EXPUNGED * * * * ***

The record pertaining to the vote by which the Emergency Clause to **House Bill No. 1109** failed of adoption was expunged, in accordance with a prevailing motion on January 20, 2004.

Senator Womack moved that the record pertaining to the vote by which **House Bill No. 1109** failed of adoption be expunged, the motion was duly seconded and prevailed.

*** * * * * EXPUNGED * * * * ***

The President ordered the Secretary to call the roll upon the adoption of the emergency clause to **House Bill No. 1109**.

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

AFFIRMATIVE: Altes, Argue, Baker, Bisbee, J. Bookout, Broadway, Brown, Bryles, Capps, Gullett, Hendren, Higginbothom, Hill, Horn, Luker, Madison, Malone, T. Smith, Trusty, Wilkinson, Womack.

Total21

NEGATIVE: Critcher, Faris, Glover, G. Jeffress, J. Jeffress, B. Johnson, Laverty, Miller, Wooldridge.

Total9

ABSENT OR NOT VOTING: Holt, Salmon, Steele, Whitaker, Wilkins.

Total5

VOTING PRESENT:

Total0

Total number of votes cast.....30
Necessary to the adoption of the emergency clause24

So the Emergency Clause failed of adoption.

(SIGNED) ANN CORNWELL, SECRETARY

* * * * * **EXPUNGED** * * * * *

The record pertaining to the vote by which the Emergency Clause to **House Bill No. 1109** failed of adoption was expunged, in accordance with a prevailing motion on January 20, 2004.

Senator Argue moved that the record pertaining to the vote by which **House Bill No. 1109** failed of adoption be expunged, the motion was duly seconded and prevailed.

Senator Argue moved to hold **House Bill No. 1109** in the Chamber and not transmit to the House.

Motion Prevailed.

**ARKANSAS SENATE
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION**

January 20, 2004

Mr. President:

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

HOUSE BILL NO. 1094, BY REPRESENTATIVE MAHONY,

beg leave to report that we have carefully compared the engrossed copy with the original and we find the same correctly engrossed.

Respectfully submitted,

(SIGNED) JOHN PAUL CAPPS, CHAIRMAN

On motion of Senator Bryles, **House Bill No. 1094** was ordered re-referred to the Committee on EDUCATION.

**SENATE RESOLUTION NO. 14
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION
BY: SENATOR J. JEFFRESS, ET AL**

SENATE RESOLUTION HONORING THE CAREER AND ACHIEVEMENTS OF GENERAL WESLEY CLARK.

Senate Resolution No. 14. was read the first time, rules suspended, read the second time and placed on the Calendar.

(SIGNED) ANN CORNWELL, SECRETARY

* * * * *

SENATE BILL TRANSMITTED TO THE HOUSE
AS PASSED

SENATE BILL NO. 65

HOUSE BILL RETURNED TO THE HOUSE
AS PASSED AS AMENDED

HOUSE BILL NO. 1009

SENATE BILLS RETURNED FROM THE HOUSE
AS PASSED

SENATE BILL NO. 18

SENATE BILL NO. 63

On motion of Senator Hill, the Senate adjourned until Wednesday, 1:05 p.m.,
January 21, 2004.

PRESIDENT OF THE SENATE

SECRETARY OF THE SENATE

--ooOoo--

**45TH DAY'S PROCEEDINGS
SENATE CHAMBER
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION**

Little Rock, Arkansas

January 21, 2004

The Senate was called to order at 1:05 p. m. by the President.

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

ALTES, ARGUE, BAKER, BISBEE, BOOKOUT,
BROADWAY, BROWN, BRYLES, CAPPS, CRITCHER,
FARIS, GLOVER, GULLETT, HENDREN,
HIGGINBOTHOM, HILL, HOLT, HORN, G.JEFFRESS,
J.JEFFRESS, JOHNSON, LAVERTY, LUKER, MADISON,
MALONE, MILLER, SALMON, SMITH, STEELE, TRUSTY,
WHITAKER, WILKINS, WILKINSON, WOMACK,
WOOLDRIDGE.

The Senate was led in prayer by Senator Tim Wooldridge.

The President led the Senate in the Pledge of Allegiance.

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

ARKANSAS SENATE
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION

January 21, 2004

Mr. President:

We, your Committee on EDUCATION, to whom was referred:

SENATE BILL NO. 69 , BY SENATOR STEELE,

beg leave to report that we have had the same under consideration, and herewith return the same with the recommendation that it do pass.

Respectfully submitted,

(SIGNED) SENATOR JIM ARGUE

ARKANSAS SENATE
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION

January 21, 2004

Mr. President:

We, your Committee on EDUCATION, to whom was referred:

HOUSE BILL NO. 1111, BY REPRESENTATIVE DICKINSON,

beg leave to report that we have had the same under consideration, and herewith return the same with the recommendation that it do pass.

Respectfully submitted,

(SIGNED) SENATOR JIM ARGUE

ARKANSAS SENATE
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION

January 21, 2004

Mr. President:

We, your Committee on EDUCATION, to whom was referred:

HOUSE BILL NO. 1021, BY REPRESENTATIVE WEAVER,

beg leave to report that we have had the same under consideration, and herewith return the same with the recommendation that it do pass as amended #7.

Respectfully submitted,

(SIGNED) SENATOR JIM ARGUE

ARKANSAS SENATE
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION

January 21, 2004

Mr. President:

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

SENATE BILL NO. 18, BY SENATORS SMITH & FARIS,
SENATE BILL NO. 63, BY SENATOR BISBEE,

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 8:35 a.m. delivered them to the Governor for his approval.

Respectfully submitted,

(SIGNED) JOHN PAUL CAPPS, CHAIRMAN

GOVERNOR'S BILL RECEIPTS

SENATE BILL NO. 18

SENATE BILL NO. 63

RECEIVED the above papers from the Secretary of the Senate this 21st day of January, 2004, 2003 at 8:35 a.m..

(SIGNED) MIKE HUCKABEE

Governor

(SIGNED) STACY DeJARNETTE

Secretary

STATE OF ARKANSAS

OFFICE OF THE GOVERNOR

STATE CAPITOL
LITTLE ROCK, ARKANSAS

MIKE HUCKABEE
Governor

January 20, 2004

TO THE PRESIDENT OF THE SENATE

Dear Mr. President:

This is to inform your Honorable Body that on January 20, 2004, I approved the following measure:

Senate Bill 41, is now Act Number 42,
Senate Bill 21, is now Act Number 43,
Senate Bill 46, is now Act Number 44,
Senate Bill 54, is now Act Number 45,
Senate Bill 24, is now Act Number 46,

Sincerely,

(SIGNED) MIKE HUCKABEE
Governor

On motion of Senator Miller, the rules were suspended in considering **House Bill No. 1021** at this time.

On motion of Senator Miller, **House Bill No. 1021** was placed back on second reading for purpose of amendment.

ARKANSAS SENATE
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION
Amendment No. 7 to HOUSE BILL NO. 1021

Amend **House Bill No. 1021** as engrossed, S1/17/04

Page 3 delete lines 6 through 19

AND

Page 3, line 21 delete "6-17-2406." and substitute "6-17-2405."

AND

Page 4, delete lines 7 through 36

AND

Page 5, delete 1 through 25

AND

Page 6, line 11 after "to" add "administrative"

AND

Page 6, line 15 delete "a school district" and substitute "school districts"

AND

Page 9, line 6 after the period add an additional sentence to read as follows:

"Each board shall be established by June 1, 2004."

AND

Page 9, line 11 after the period add the following:

“The members of the board shall serve for terms of one (1) year. Each member shall be appointed by the governing body of the entity that the member represents.”

AND

Page 10, delete line 28 and substitute the following:

“(8) By November 1, 2004 and each year thereafter, report to the state board and the Senate and House Interim Committees on Education on the”

AND

Page 10, delete line 33 and substitute the following:

“As outlined in the efficiency and adequacy unit’s plan for efficient operation, two (2) or”

(SIGNED) SENATOR PAUL MILLER

The Amendment was read the first time, rules suspended, read the second time and adopted.

(SIGNED) ANN CORNWELL, SECRETARY

The President declared the morning hour to have expired.

On motion of Senator Broadway, **Senate Bill No. 34** was called up for third reading and final disposition.

SENATE BILL NO. 34
As Engrossed: S12/19/03 S1/15/04 S1/17/04
CALL ITEM NO. 4
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION
BY: SENATOR BROADWAY

A Bill for an Act to be Entitled: AN ACT TO ASSIST SCHOOL DISTRICTS IN THE ACQUISITION OF ENERGY CONSERVATION MEASURES; AND FOR OTHER PURPOSES.

Senate Bill No. 34 was placed on third reading and final disposition, the question being: Shall the Bill pass?

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

AFFIRMATIVE: Argue, Baker, Broadway, Brown, Bryles, Capps, Critcher, Faris, Glover, Gullett, Hendren, Higginbothom, Hill, Holt, Horn, G. Jeffress, J. Jeffress, B. Johnson, Lavery, Luker, Madison, Malone, Miller, Salmon, T. Smith, Steele, Whitaker, Wilkins, Wilkinson, Womack, Wooldridge.

Total	31
NEGATIVE: Altes.	
Total	1
ABSENT OR NOT VOTING: Bisbee, J. Bookout, Trusty.	
Total	3
VOTING PRESENT:	
Total	0
Total number of votes cast.....	32
Necessary to the passage of the bill	18

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

(SIGNED) ANN CORNWELL, SECRETARY

Senate Bill No. 34 was ordered immediately transmitted to the House as passed.

On motion of Senator Whitaker, **Senate Bill No. 67** was called up for third reading and final disposition.

SENATE BILL NO. 67
As Engrossed: S1/20/04
CALL ITEM NO. 4
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION
BY: SENATOR WHITAKER

A Bill for an Act to be Entitled: AN ACT TO CREATE COUNTYWIDE ADMINISTRATIONS FOR SCHOOL DISTRICTS; AND FOR OTHER PURPOSES.

On motion Senator Whitaker, Senate Bill No. 67 was pulled down.

On motion of Senator Gullett, **House Bill No. 1008** was called up for third reading and final disposition.

HOUSE BILL NO. 1008
As Engrossed: H1/8/04 H1/15/04
CALL ITEM NO. 4
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION
BY: REPRESENTATIVE PICKETT

A Bill for an Act to be Entitled: AN ACT TO *TRACK* THE AMOUNT OF STATE FUNDS THAT *ARE* USED TO SUPPORT INTERSCHOOL ATHLETIC PROGRAMS *AND INTERSCHOOL SCHOLASTIC ACTIVITIES IN PUBLIC SCHOOLS; AND FOR OTHER PURPOSES.*

House Bill No. 1008 was placed on third reading and final disposition, the question being: Shall the Bill pass?

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

AFFIRMATIVE: Altes, Argue, Baker, Bisbee, Broadway, Bryles, Capps, Critcher, Faris, Glover, Gullett, Hendren, Higginbothom, Hill, Holt, Horn, G. Jeffress, J. Jeffress, B. Johnson, Laverty, Luker, Madison, Malone, Miller, Salmon, T. Smith, Steele, Trusty, Whitaker, Wilkins, Wilkinson, Womack, Wooldridge.

Total33

NEGATIVE:

Total0

ABSENT OR NOT VOTING: J. Bookout, Brown.

Total2

VOTING PRESENT:

Total0

Total number of votes cast.....33

Necessary to the passage of the bill18

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

(SIGNED) ANN CORNWELL, SECRETARY

House Bill No. 1008 was ordered immediately returned to the House as passed.

On motion of Senator Steele, **House Bill No. 1121** was called up for third reading and final disposition.

HOUSE BILL NO. 1121
CALL ITEM NO. 4
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION
BY: REPRESENTATIVE J. JOHNSON

A Bill for an Act to be Entitled: AN ACT TO AMEND THE APPOINTMENT STRUCTURE OF THE LEGISLATIVE HEALTH ADVISORY COMMITTEE; TO COORDINATE EFFORTS TO COMBAT THE EFFECTS OF INADEQUATE HEALTH CARE ON THE EDUCATIONAL PERFORMANCE OF CHILDREN IN ARKANSAS SCHOOL SYSTEMS; AND FOR OTHER PURPOSES.

House Bill No. 1121 was placed on third reading and final disposition, the question being: Shall the Bill pass?

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

AFFIRMATIVE: Altes, Argue, Baker, Bisbee, Broadway, Brown, Bryles, Capps, Critcher, Faris, Glover, Gullett, Hendren, Higginbothom, Holt, Horn, G. Jeffress, J. Jeffress, B. Johnson, Laverty, Madison, Malone, Miller, Salmon, T. Smith, Steele, Trusty, Whitaker, Wilkins, Wilkinson, Womack, Wooldridge.

Total32

NEGATIVE:

Total0

ABSENT OR NOT VOTING: J. Bookout, Hill, Luker.

Total3

VOTING PRESENT:

Total0

Total number of votes cast.....32

Necessary to the passage of the bill18

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

(SIGNED) ANN CORNWELL, SECRETARY

House Bill No. 1121 was ordered immediately returned to the House as passed.

On motion of Senator Argue, **Senate Bill No. 73** was called up for third reading and final disposition.

SENATE BILL NO. 73
CALL ITEM NO. 4
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION
BY: SENATOR ARGUE & REPRESENTATIVE STOVALL

A Bill for an Act to be Entitled: AN ACT TO AMEND THE PROCEDURES TO IMPLEMENT AMENDMENT 74 TO THE ARKANSAS CONSTITUTION; AND FOR OTHER PURPOSES.

Senate Bill No. 73 was placed on third reading and final disposition, the question being: Shall the Bill pass?

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

AFFIRMATIVE: Altes, Argue, Baker, Bisbee, Broadway, Brown, Bryles, Capps, Critcher, Faris, Glover, Gullett, Hendren, Higginbothom, Hill, Holt, Horn, G. Jeffress, J. Jeffress, B. Johnson, Luker, Madison, Malone, Miller, Salmon, T. Smith, Steele, Trusty, Whitaker, Wilkins, Wilkinson, Womack, Wooldridge.

Total33

NEGATIVE:

Total0

ABSENT OR NOT VOTING: J. Bookout, Laverty.

Total2

VOTING PRESENT:

Total0

Total number of votes cast.....33

Necessary to the passage of the bill18

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

(SIGNED) ANN CORNWELL, SECRETARY

There being an emergency clause attached to **Senate Bill No. 73**, the President ordered the Secretary to call the roll upon the adoption of the emergency clause.

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

AFFIRMATIVE: Altes, Argue, Baker, Bisbee, Broadway, Brown, Bryles, Capps, Critcher, Faris, Glover, Gullett, Hendren, Higginbothom, Hill, Holt, Horn, G. Jeffress, J. Jeffress, B. Johnson, Luker, Madison, Malone, Miller, Salmon, T. Smith, Steele, Trusty, Whitaker, Wilkins, Wilkinson, Womack, Wooldridge.

Total33

NEGATIVE:

Total0

ABSENT OR NOT VOTING: J. Bookout, Lavery.

Total2

VOTING PRESENT:

Total0

Total number of votes cast.....33

Necessary to the adoption of the emergency clause24

So the Emergency Clause was adopted.

(SIGNED) ANN CORNWELL, SECRETARY

Senate Bill No. 73 was ordered immediately transmitted to the House.

ARKANSAS SENATE
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION

January 21, 2004

Mr. President:

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

HOUSE BILL NO. 1021, BY REPRESENTATIVE WEAVER, ET AL,

beg leave to report that we have carefully compared the engrossed copy with the original and we find the same correctly engrossed.

Respectfully submitted,

(SIGNED) JOHN PAUL CAPPES, CHAIRMAN

On motion of Senator Argue, **House Bill No. 1109** was called up for third reading and final disposition to consider the Emergency Clause to **House Bill No. 1109**.

There being an emergency clause attached to **House Bill No. 1109**, the President ordered the Secretary to call the roll upon the adoption of the emergency clause.

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

AFFIRMATIVE: Altes, Argue, Baker, Bisbee, J. Bookout, Broadway, Brown, Bryles, Capps, Gullett, Hendren, Higginbothom, Hill, Luker, Madison, Malone, Salmon, T. Smith, Steele, Trusty, Whitaker, Wilkins, Wilkinson, Womack.

Total24

NEGATIVE: Critcher, Faris, Glover, Holt, Horn, G. Jeffress, J. Jeffress, B. Johnson, Lavery, Miller, Wooldridge.

Total11

ABSENT OR NOT VOTING:

Total0

VOTING PRESENT:

Total0

Total number of votes cast.....35

Necessary to the adoption of the emergency clause24

So the Emergency Clause was adopted.

(SIGNED) ANN CORNWELL, SECRETARY

Senator Argue moved that the vote by which the Emergency Clause to **House Bill No. 1109** was adopted be reconsidered and that motion be laid upon the table, which motion prevailed and the motion to reconsider was laid on the table.

House Bill No. 1109 was ordered immediately returned to the House as passed as amended.

On motion of Senator Miller, and without objection, the rules were suspended pertaining to passage of Amendment and Bill on the same day.

On motion of Senator Miller, **House Bill No. 1021** was called up for third reading and final disposition.

HOUSE BILL NO. 1021

*As Engrossed: H12/11/03 H12/16/03 H12/17/03
S12/23/03 S1/13/04 S1/14/04 S1/17/04 S1/21/04*

CALL ITEM NO. 4

EIGHTY-FOURTH GENERAL ASSEMBLY

SECOND EXTRAORDINARY SESSION

BY: REPRESENTATIVE WEAVER, ET AL

SENATOR MILLER, ET AL

A Bill for an Act to be Entitled: AN ACT PERTAINING TO STATE SCHOOL STANDARDS AND TEACHERS' SALARIES; TO PROVIDE FOR AN ADEQUATE EDUCATION IN ARKANSAS SCHOOLS AND TO ADDRESS THE DISPARITY IN TEACHERS' SALARIES; AND FOR OTHER PURPOSES.

House Bill No. 1021 was placed on third reading and final disposition, the question being: Shall the Bill pass?

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

AFFIRMATIVE: Critcher, Faris, Glover, Gullett, Higginbothom, Holt, Horn, G. Jeffress, J. Jeffress, B. Johnson, Lavery, Malone, Miller, Wilkinson, Womack, Wooldridge.

Total16

NEGATIVE: Altes, Argue, Baker, Bisbee, J. Bookout, Brown, Bryles, Capps, Hendren, Luker, Madison, Salmon, T. Smith, Steele, Trusty, Whitaker.

Total16

ABSENT OR NOT VOTING: Broadway, Hill, Wilkins.

Total3

VOTING PRESENT:

Total0

Total number of votes cast.....32

Necessary to the passage of the bill18

So the bill failed to pass and the title as read was not agreed to.

(SIGNED) ANN CORNWELL, SECRETARY

There being an emergency clause attached to **House Bill No. 1021**, the President ordered the Secretary to call the roll upon the adoption of the emergency clause.

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

AFFIRMATIVE: Critcher, Faris, Glover, Gullett, Higginbothom, Holt, Horn, G. Jeffress, J. Jeffress, B. Johnson, Lavery, Malone, Miller, Wilkinson, Womack, Wooldridge.

Total16

NEGATIVE: Altes, Argue, Baker, Bisbee, J. Bookout, Brown, Bryles, Capps, Hendren, Luker, Madison, Salmon, T. Smith, Steele, Trusty, Whitaker.

Total16

ABSENT OR NOT VOTING: Broadway, Hill, Wilkins.

Total3

VOTING PRESENT:

Total0

Total number of votes cast.....32

Necessary to the adoption of the emergency clause24

So the Emergency Clause failed of adoption.

(SIGNED) ANN CORNWELL, SECRETARY

Senator Miller moved that the record pertaining to the vote by which **House Bill No. 1021** failed to pass and emergency clause failed of adoption be expunged.

The Chair could not determine the vote by voice vote, and ordered a roll call.

The Secretary called the roll, and the following members voted to expunge the record pertaining to the vote by which **House Bill No. 1021** failed to pass and the emergency clause failed of adoption:

AFFIRMATIVE: J. Bookout, Brown, Critcher, Faris, Glover, Gullett, Higginbothom, Holt, Horn, G. Jeffress, J. Jeffress, B. Johnson, Lavery, Malone, Miller, T. Smith, Steele, Wilkinson, Womack, Wooldridge.

Total20

NEGATIVE: Altes, Argue, Baker, Bisbee, Hendren, Hill, Madison, Salmon, Trusty, Whitaker.

Total10

ABSENT OR NOT VOTING: Broadway, Bryles, Capps, Luker, Wilkins.

Total5

VOTING PRESENT:

Total0

Total number of votes cast.....30

Necessary to the motion to expunge24

Motion to expunge the vote by which **House Bill No. 1021** failed to pass and the emergency clause failed of adoption failed.

Senator J. Jeffress moved to hold House Bill No. 1021 in the Senate Chamber.

Motion prevailed.

SENATE BILL NO. 75
CALL ITEM NO. 4
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION
BY: SENATOR WOMACK & REPRESENTATIVE KEY

A Bill for an Act to be Entitled: AN ACT TO PROVIDE PHYSICAL EDUCATION COURSE CREDIT FOR PARTICIPATION IN SCHOOL SPORTS ACTIVITIES; AND FOR OTHER PURPOSES.

Senate Bill No. 75 was read the first time, rules suspended, read the second time and referred to the Committee on EDUCATION.

Senate Bill No. 70 was returned from the House as passed and ordered enrolled.

SENATE BILL NO. 76
CALL ITEM NO. 4
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION
BY: SENATOR BRYLES

A Bill for an Act to be Entitled: AN ACT TO AMEND THE ARKANSAS CHARTER SCHOOL ACT OF 1999; AND FOR OTHER PURPOSES.

Senate Bill No. 76 was read the first time, rules suspended, read the second time and referred to the Committee on EDUCATION.

Senate Bill No. 42 was returned from the House as passed, as amended.

On motion of Senator Bisbee, Senate Bill No. 42 was ordered re-referred to the Committee on EDUCATION.

* * * * *

SENATE BILLS TRANSMITTED TO THE HOUSE

AS PASSED

SENATE BILL NO. 34

SENATE BILL NO. 73

HOUSE BILLS RETURNED TO THE HOUSE

AS PASSED

HOUSE BILL NO. 1008

HOUSE BILL NO. 1121

HOUSE BILL RETURNED TO THE HOUSE

AS PASSED AS AMENDED

HOUSE BILL NO. 1109

SENATE BILL RETURNED FROM THE HOUSE

AS PASSED

SENATE BILL NO. 70

SENATE BILL RETURNED FROM THE HOUSE
AS PASSED AS AMENDED

SENATE BILL NO. 42

On motion of Senator Hill, the Senate adjourned until Thursday, 1:05 p.m.,
January 22, 2004.

PRESIDENT OF THE SENATE

SECRETARY OF THE SENATE

--ooOoo--

**46TH DAY'S PROCEEDINGS
SENATE CHAMBER
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION**

Little Rock, Arkansas

January 22, 2004

The Senate was called to order at 1:05 p. m. by the President.

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

ALTES, ARGUE, BAKER, BISBEE, BOOKOUT,
BROADWAY, BROWN, BRYLES, CAPPS, CRITCHER,
FARIS, GLOVER, GULLETT, HENDREN,
HIGGINBOTHOM, HILL, HOLT, HORN, G.JEFFRESS,
J.JEFFRESS, JOHNSON, LAVERTY, LUKER, MADISON,
MILLER, SALMON, SMITH, STEELE, TRUSTY,
WHITAKER, WILKINS, WILKINSON, WOMACK,
WOOLDRIDGE.

Not answering roll call:

BISBEE, BROADWAY, BRYLES, CRITCHER.

Leave was requested for Senator Malone.

The Senate was led in prayer by Senator Henry "Hank" Wilkins, IV

The President led the Senate in the Pledge of Allegiance.

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

SENATE BILL NO. 77
CALL ITEM NO. 4
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION
BY: SENATOR BAKER

A Bill for an Act to be Entitled: AN ACT TO EXEMPT PROJECTS EXCEEDING FIVE MILLION DOLLARS (\$5,000,000) OF THE UNIVERSITY OF CENTRAL ARKANSAS FROM REVIEW, APPROVAL, AND REGULATIONS OF THE ARKANSAS BUILDING AUTHORITY; AND FOR OTHER PURPOSES.

Senate Bill No. 77 was read the first time, rules suspended, read the second time and referred to the Committee on JOINT BUDGET.

On motion of Senator J. Jeffress, **Senate Resolution No. 14** was called up for third reading and final disposition.

SENATE RESOLUTION NO. 14
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION
BY: SENATOR J. JEFFRESS, ET AL

SENATE RESOLUTION HONORING THE CAREER AND ACHIEVEMENTS OF GENERAL WESLEY CLARK.

Senator Womack spoke for the Resolution.

Senator Whitaker spoke on the Resolution.

Senator J. Jeffress closed for the Resolution.

Senate Resolution No. 14 was read the third time and adopted.

(SIGNED) ANN CORNWELL, SECRETARY

The President declared the morning hour to have expired.

ARKANSAS SENATE
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION

January 22, 2004

Mr. President:

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

SENATE BILL NO. 70, BY JOINT BUDGET,

beg leave to report that we have carefully compared the enrolled copy with the original and we find the same correctly enrolled and have at 9:06 a.m. delivered them to the Governor for his approval.

Respectfully submitted,

(SIGNED) JOHN PAUL CAPPS, CHAIRMAN

GOVERNOR'S BILL RECEIPTS

SENATE BILL NO. 70

RECEIVED the above papers from the Secretary of the Senate this 22nd day of January, 2004, at 9:06 a.m..

(SIGNED) MIKE HUCKABEE

Governor

(SIGNED) STACY DeJARNETTE

Secretary

On motion of Senator Whitaker, **Senate Bill No. 67** was called up for third reading and final disposition.

SENATE BILL NO. 67
As Engrossed: S1/20/04
CALL ITEM NO. 4
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION
BY: SENATOR RUTH WHITAKER

A Bill for an Act to be Entitled: AN ACT TO CREATE COUNTYWIDE ADMINISTRATIONS FOR SCHOOL DISTRICTS; AND FOR OTHER PURPOSES.

Senator Miller spoke against the Bill.

Senator Whitaker closed for her Bill.

Senate Bill No. 67 was placed on third reading and final disposition, the question being: Shall the Bill pass?

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

AFFIRMATIVE: Altes, Argue, Baker, J. Bookout, Broadway, Bryles, Capps, Gullett, Holt, Salmon, T. Smith, Whitaker, Wilkins, Wooldridge.

Total14

NEGATIVE: Critcher, Glover, Hendren, Higginbothom, Horn, G. Jeffress, B. Johnson, Lavery, Miller, Steele, Wilkinson.

Total11

ABSENT OR NOT VOTING: Bisbee, Brown, Faris, Hill, J. Jeffress, Luker, Madison, Malone, Trusty, Womack.

Total10

VOTING PRESENT:

Total0

Total number of votes cast.....25

Necessary to the passage of the bill18

So the bill failed and the title as read was not agreed to.

(SIGNED) ANN CORNWELL, SECRETARY

There being an emergency clause attached to **Senate Bill No. 67**, the President ordered the Secretary to call the roll upon the adoption of the emergency clause.

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

AFFIRMATIVE: Altes, Argue, Baker, J. Bookout, Broadway, Bryles, Capps, Gullett, Holt, Salmon, T. Smith, Whitaker, Wilkins, Wooldridge.

Total14

NEGATIVE: Critcher, Glover, Hendren, Higginbothom, Horn, G. Jeffress, B. Johnson, Lavery, Miller, Steele, Wilkinson.

Total11

ABSENT OR NOT VOTING: Bisbee, Brown, Faris, Hill, J. Jeffress, Luker, Madison, Malone, Trusty, Womack.

Total10

VOTING PRESENT:

Total0

Total number of votes cast.....25

Necessary to the adoption of the emergency clause24

So the Emergency Clause failed of adoption.

(SIGNED) ANN CORNWELL, SECRETARY

On motion of Senator Whitaker, **Senate Bill No. 67** was referred to the interim committee on EDUCATION.

On motion of Senator Wilkinson 1007, **House Bill No. 1007** was called up for third reading and final disposition.

HOUSE BILL NO. 1007
As Engrossed: S12/26/03 S1/8/04
CALL ITEM NO. 4
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION
BY: REPRESENTATIVE PICKETT
SENATORS WILKINS & GULLETT

A Bill for an Act to be Entitled: AN ACT TO INCREASE THE NUMBER OF HOURS OF TRAINING THAT MEMBERS OF THE SCHOOL BOARDS ARE REQUIRED TO TAKE FOLLOWING ELECTION; AND FOR OTHER PURPOSES.

On motion of Senator Wilkins, **House Bill No. 1007** was pulled down.

On motion of Senator Steele, **Senate Bill No. 69** was ordered re-referred to the Committee on EDUCATION.

SENATE RESOLUTION NO. 15
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION
BY: SENATOR MADISON, ET AL

SENATE RESOLUTION URGING THE ARKANSAS CONGRESSIONAL DELEGATION TO TAKE ALL APPROPRIATE ACTIONS TO ASSURE THAT FEDERAL FUNDS FOR CONSTRUCTION OF THE ARKANSAS VETERANS HOME IN FAYETTEVILLE, ARKANSAS ARE APPROPRIATED AND MADE AVAILABLE AS SOON AS POSSIBLE.

Senate Resolution No. 15. was read the first time, rules suspended, read the second time and placed on the Calendar.

HOUSE BILL NO. 1091

As Engrossed: H1/12/04 H1/17/04

CALL ITEM NO. 4

EIGHTY-FOURTH GENERAL ASSEMBLY

SECOND EXTRAORDINARY SESSION

BY: REPRESENTATIVE JUDY, ET AL

A Bill for an Act to be Entitled: AN ACT TO REMOVE NONACADEMIC BARRIERS TO ACADEMIC SUCCESS THROUGH THE ESTABLISHMENT OF FAMILY RESOURCE CENTERS; AND FOR OTHER PURPOSES.

House Bill No. 1091 was read the first time, rules suspended, read the second time and referred to the Committee on EDUCATION.

HOUSE BILL NO. 1100

CALL ITEM NO. 6

EIGHTY-FOURTH GENERAL ASSEMBLY

SECOND EXTRAORDINARY SESSION

BY: REPRESENTATIVES MATAYO & KEY

A Bill for an Act to be Entitled: AN ACT TO PROVIDE A STATE TAX PENALTY AND INTEREST AMNESTY PROGRAM; AND FOR OTHER PURPOSES.

House Bill No. 1100 was read the first time, rules suspended, read the second time and referred to the Committee on REVENUE & TAXATION.

HOUSE BILL NO. 1118

As Engrossed: H1/17/04

CALL ITEM NO. 4

EIGHTY-FOURTH GENERAL ASSEMBLY

SECOND EXTRAORDINARY SESSION

BY: REPRESENTATIVE LEDBETTER & *SENATOR BROWN*

A Bill for an Act to be Entitled: AN ACT TO AUTHORIZE THE SCHOOL FOR THE BLIND AND THE SCHOOL FOR THE DEAF TO PROVIDE TEACHER SALARY INCREASES FROM TRANSFERS FROM THE MERIT ADJUSTMENT FUND; AND FOR OTHER PURPOSES.

House Bill No. 1118 was read the first time, rules suspended, read the second time and placed on the Calendar.

HOUSE BILL NO. 1127

CALL ITEM NO. 4

EIGHTY-FOURTH GENERAL ASSEMBLY

SECOND EXTRAORDINARY SESSION

BY: REPRESENTATIVE MAHONY

A Bill for an Act to be Entitled: AN ACT TO CREATE A TASK FORCE ON TEACHER COMPENSATION; TO PILOT AND IMPLEMENT A PROGRAM FOR TEACHER COMPENSATION REFORM; AND FOR OTHER PURPOSES.

House Bill No. 1127 was read the first time, rules suspended, read the second time and referred to the Committee on EDUCATION.

HOUSE BILL NO. 1130
CALL ITEM NO. 6
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION
BY: JOINT BUDGET COMMITTEE

A Bill for an Act to be Entitled: AN ACT TO CREATE THE FEDERAL FISCAL RELIEF FUND; AND FOR OTHER PURPOSES.

House Bill No. 1130 was read the first time, rules suspended, read the second time and placed on the Calendar.

* * * * *

HOUSE BILLS TRANSMITTED TO THE SENATE
AS PASSED

HOUSE BILL NO. 1091
HOUSE BILL NO. 1100
HOUSE BILL NO. 1118
HOUSE BILL NO. 1127
HOUSE BILL NO. 1130

On motion of Senator Hill, the Senate adjourned until Friday, 11:00 a.m.,
January 23, 2004.

PRESIDENT OF THE SENATE

SECRETARY OF THE SENATE

--ooOoo--

**47TH DAY'S PROCEEDINGS
SENATE CHAMBER
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION**

Little Rock, Arkansas

January 23, 2004

The Senate was called to order at 11:20 a. m. by the President.

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

ALTES, ARGUE, BAKER, BISBEE, BOOKOUT,
BROADWAY, BROWN, BRYLES, CAPPS, CRITCHER,
FARIS, GLOVER, GULLETT, HENDREN,
HIGGINBOTHOM, HILL, HOLT, HORN, G.JEFFRESS,
J.JEFFRESS, JOHNSON, LAVERTY, LUKER, MADISON,
MALONE, MILLER, SALMON, SMITH, STEELE, TRUSTY,
WHITAKER, WILKINS, WILKINSON, WOMACK,
WOOLDRIDGE.

The Senate was led in prayer by Senator Ruth Whitaker.

Senator Hill led the Senate in the Pledge of Allegiance.

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

ARKANSAS SENATE
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION

January 23, 2004

Mr. President:

We, your Committee on REVENUE & TAXATION, to whom was referred:

HOUSE BILL NO. 1100, BY REPRESENTATIVE MATAYO,

beg leave to report that we have had the same under consideration, and herewith return the same with the recommendation that it do pass.

Respectfully submitted,

(SIGNED) SENATOR TIM WOOLDRIDGE

ARKANSAS SENATE
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION

January 23, 2004

Mr. President:

We, your Committee on EDUCATION, to whom was referred:

SENATE BILL NO. 42, BY SENATOR BISBEE,

beg leave to report that we have had the same under consideration, and herewith return the same with the recommendation that it do pass to concur in House Amendments #2, #3, & #4.

Respectfully submitted,

(SIGNED) SENATOR BRENDA GULLETT

ARKANSAS SENATE
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION

January 23, 2004

Mr. President:

We, your Committee on EDUCATION, to whom was referred:

HOUSE BILL NO. 1094, BY REPRESENTATIVE MAHONY,

beg leave to report that we have had the same under consideration, and herewith return the same with the recommendation that it do pass.

Respectfully submitted,

(SIGNED) SENATOR BRENDA GULLETT

ARKANSAS SENATE
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION

January 23, 2004

Mr. President:

We, your Committee on EDUCATION, to whom was referred:

HOUSE BILL NO. 1090, BY REPRESENTATIVE CLEVELAND,

beg leave to report that we have had the same under consideration, and herewith return the same with the recommendation that it do pass as amended #2.

Respectfully submitted,

(SIGNED) SENATOR BRENDA GULLETT

On motion of Senator Baker, **Senate Bill No. 77** was withdrawn from the Committee on JOINT BUDGET, and ordered re-referred to the Committee on STATE AGENCIES & GOVERNMENTAL AFFAIRS.

On motion of Senator Madison, **Senate Resolution No. 15** was called up for third reading and final disposition.

SENATE RESOLUTION NO. 15
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION
BY: SENATOR MADISON, ET AL

SENATE RESOLUTION URGING THE ARKANSAS CONGRESSIONAL DELEGATION TO TAKE ALL APPROPRIATE ACTIONS TO ASSURE THAT FEDERAL FUNDS FOR CONSTRUCTION OF THE ARKANSAS VETERANS HOME IN FAYETTEVILLE, ARKANSAS ARE APPROPRIATED AND MADE AVAILABLE AS SOON AS POSSIBLE.

Senate Resolution No. 15 was read the third time and adopted.

(SIGNED) ANN CORNWELL, SECRETARY

On motion of Senator Broadway, **Senate Bill No. 53** was ordered re-referred to the Committee on EDUCATION.

On motion of Senator Broadway, the rules were suspended in considering **House Bill No. 1090** at this time.

On motion of Senator Broadway, **House Bill No. 1090** was placed back on second reading for purpose of amendment.

ARKANSAS SENATE
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION
Amendment No. 2 to HOUSE BILL NO. 1090

Amend **House Bill No. 1090** as engrossed, S1/20/04:

Add Sen. Broadway as a Senate sponsor

And

Page 1 Line 9 delete "TRUST"

And

Page 1 line 14 delete "TRUST"

And

Page 1 line 19 delete "Trust"

And

Page 1 line 22 delete "Trust"

And

Page 1 line 28 delete "fund" and substitute "Educational Adequacy Fund"

And

Page 1 line 30 immediately following "Account" insert "and the Department of Education Fund Account"

And

Page 1 line 31 immediately following "system" insert "as enacted by the Second Extraordinary Session of the 84th General Assembly"

And

Page 1 line 31 delete "amount" and substitute "amounts"

And

Page 1 Line 34 delete "fund" and substitute "Educational Adequacy Fund"

And

Page 1 line 35 immediately preceding the comma insert "and to the Department of Education Fund Account"

And

Page 1 line 36 delete "fund equal the amount" and substitute therefor "Educational Adequacy Fund equal the amounts"

And

Page 2 line 3 delete "this fund" and substitute therefor "the Education Adequacy Fund"

And

Page 2 line 6 immediately preceding the comma insert "as enacted by the Second Extraordinary Session of the 84th General Assembly"

And

Add a new section immediately following section 1 to read as follows:

“ SECTION 2. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.

For the fiscal year ending June 30, 2005, the Chief Fiscal Officer of the State shall transfer the sum of eighty nine thousand nine hundred forty nine dollars (\$89,949) from the Education Adequacy Fund to the Department of Higher Education Fund Account in order to finance the personal services costs of the Higher Education Recruitment Coordinator.”

And

Renumber the remaining sections accordingly.

(SIGNED) SENATOR SHANE BROADWAY

The Amendment was read the first time, rules suspended, read the second time and adopted.

(SIGNED) ANN CORNWELL, SECRETARY

House Bill No. 1090 was ordered engrossed.

On motion of Senator Bryles, the rules were suspended in considering **House Bill No. 1083** at this time.

On motion of Senator Bryles, **House Bill No. 1083** was withdrawn from the Committee on Education and placed back on second reading for purpose of amendment.

ARKANSAS SENATE
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION
Amendment No. 1 to HOUSE BILL NO. 1083

Amend **House Bill No. 1083** as originally introduced:

Page 1, delete line 9 and substitute:

"AN ACT TO AMEND ACT 49 OF THE SECOND EXTRAORDINARY SESSION OF 2003 CONCERNING THE ARKANSAS BETTER CHANCE FOR"

AND

Delete the subtitle in its entirety and substitute:

"AN ACT TO AMEND ACT 49 OF THE SECOND EXTRAORDINARY SESSION OF 2003 CONCERNING THE ARKANSAS BETTER CHANCE FOR SCHOOL SUCCESS PROGRAM."

AND

Delete everything after the enacting clause and substitute:

"SECTION 1. Arkansas Code § 6-45-104, as amended by Section 1 of Act 49 of the Second Extraordinary Session of 2003, is amended to read as follows:

6-45-104. Construction.

(a)(1) Except as required under subdivision (a)(2) of this subsection, this chapter shall not require any school district to participate.

(2) A local school district is required to work with the Department of Education and their local community to establish, promote, and assist in the development of a program under the Arkansas Better Chance for School Success Program to serve all children in the school district as provided in § 6-45-108, if:

(A) ~~The~~ A school within the district has seventy-five percent (75%) or more students scoring below proficiency on the primary benchmark exams or other exams designated by the department in the preceding two (2) school years; or

(B) The school has been designated by the department as being in school improvement status under § 6 -15-425 or is located in a district in academic distress.

(b) ~~Furthermore, nothing~~ Nothing in this chapter shall require parents or legal guardians to enroll their children under five (5) years of age in any program established pursuant to this chapter.

SECTION 2. Arkansas Code § 6-45-106, as amended by Section 2 of Act 49 of the Second Extraordinary Session of 2003, is amended to read as follows:

6-45-106. Application process - Allocation of funding.

(a)(1)(A) Any early childhood program accredited and quality approved by the Department of Human Services according to standards approved by the Department of Education may apply for funding, regardless of the sponsorship of the program. Local school districts may apply for funding to operate early childhood programs, not including public school kindergarten, but an appropriate early childhood program need not be affiliated with a school district in order to receive funding.

(B) All applications submitted by sectarian or sectarian-affiliated programs must first be reviewed to assure that any approval of funding will not result in a violation of the United States Constitution, ~~Amendment One~~ or any applicable federal or state statute.

(2)(A) A local-to-state match will be required in the ratio of forty-sixty (40:60), except the Division of Child Care and Early Childhood Education within the Department of Human Services may waive the requirement of the local-to-state match; if

(i) The school is in a district that have been designated by the Department of Education as being in academic distress; and

(ii) The division determines that the school is unable to provide the local-to-state match requirement, after the division has assisted the school in identifying potential funding sources to provide local-to-state match requirements.

(C) The local match may consist of cash or appropriate in-kind services.

(b) In order to be considered, an application must contain all information required by the Department of Education's regulatory guidelines.

(c)(1) The Department of Education, with the advice of the division, shall fund those applications which comply with the programmatic standards and other relevant criteria.

(2) If the Department of Education receives more applications that qualify for funding than can be fully funded with the funds available for this program, the Department of Education, after seeking the advice of the division, shall determine whether to prorate the available funds among all qualified applicants or to allocate the available funds among fewer than all applicants which qualify for funding.

~~(e)~~(d)(1) In allocating funding for the Arkansas Better Chance for School Success Program, priority consideration shall be given to:

(A) Schools that have seventy-five percent (75%) or more students scoring below proficiency on the primary benchmark exams, or other exams designated by the Department of Education, in the preceding two (2) school years; and

(B) Schools that have been designated by the Department of Education as being in school improvement status under § 6-15-425 or are located in a school district in academic distress.

(2) The goal of the state is to make available an Arkansas Better Chance for School Success Program for an additional one-fifth (1/5) of the qualifying students each year over a period of five (5) years at which time programs shall be available in all schools statewide.

(3) The priority considerations for funding under the Arkansas Better Chance for School Success Program shall not affect the funding of the Arkansas Better Chance Program and shall not create any priority for funding the Arkansas Better Chance for School Success Program over the Arkansas Better Chance Program."

(SIGNED) SENATOR STEVE BRYLES

The Amendment was read the first time, rules suspended, read the second time and adopted.

(SIGNED) ANN CORNWELL, SECRETARY

House Bill No. 1083 was ordered engrossed.

On motion of Senator Broadway, **House Bill No. 1118** was ordered re-referred to the Committee on JOINT BUDGET.

On motion of Senator Bryles, **House Bill No. 1130** was ordered re-referred to the Committee on JOINT BUDGET.

HOUSE BILL NO. 1114

As Engrossed: H1/21/04

CALL ITEM NO. 4

EIGHTY-FOURTH GENERAL ASSEMBLY

SECONDT EXTRAORDINARY SESSION

BY: REPRESENTATIVE CHESTERFIELD, ET AL

A Bill for an Act to be Entitled: *AN ACT TO REQUIRE AUDIT REPORTS OF SCHOOL DISTRICTS NOT CONDUCTED BY LEGISLATIVE AUDIT TO BE FILED WITHIN NINE (9) MONTHS FOLLOWING THE END OF EACH FISCAL YEAR.*

House Bill No. 1114 was read the first time, rules suspended, read the second time and referred to the Committee on EDUCATION.

SENATE RESOLUTION NO. 16

EIGHTY-FOURTH GENERAL ASSEMBLY

SECOND EXTRAORDINARY SESSION

BY: SENATOR LAVERTY

SENATE RESOLUTION URGING THE ARKANSAS CONGRESSIONAL DELEGATION TO INTRODUCE AND PASS LEGISLATION TO REVISE THE AGE AND SERVICE REQUIREMENTS FOR MEMBERS OF THE NATIONAL GUARD AND RESERVES TO BE ELIGIBLE TO RECEIVE RETIREMENT PAY; AND TO INCREASE THE AMOUNT OF NATIONAL GUARD AND RESERVE RETIREMENT PAY TO MAKE IT ON PAR WITH ACTIVE DUTY MEMBERS OF OUR ARMED FORCES.

Senate Resolution No. 17. was read the first time, rules suspended, read the second time and placed on the Calendar.

(SIGNED) ANN CORNWELL, SECRETARY

HOUSE BILL NO. 1066
As Engrossed: H1/22/04
CALL ITEM NO. 4
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION
BY: REPRESENTATIVE SUMPTER, ET AL

A Bill for an Act to be Entitled: *TO REQUIRE A SCHOOL DISTRICT CONTRIBUTION TO THE PUBLIC SCHOOL EMPLOYEE HEALTH INSURANCE PROGRAM ADMINISTERED BY THE DEPARTMENT OF FINANCE AND ADMINISTRATION; AND FOR OTHER PURPOSES.*

House Bill No. 1066 was read the first time, rules suspended, read the second time and referred to the Committee on INSURANCE & COMMERCE.

On motion of Senator Wooldridge, the rules were suspended in considering **Senate Bill No. 62** at this time.

On motion of Senator Wooldridge, **Senate Bill No. 62** was withdrawn from the Committee on REVENUE & TAXATION and placed back on second reading for purpose of amendment.

ARKANSAS SENATE
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION
Amendment No. 2 to SENATE BILL NO. 62

Amend **Senate Bill No. 62** as engrossed, S1/20/04

Page 1, delete line 11, and substitute:

“SEVEN-EIGHTHS OF ONE PERCENT (0.875%); TO”

AND

Page 1, delete line 18, and substitute the following:

“EXCISE TAX ON LIQUOR; TO INCREASE THE EXCISE TAX ON WINE; TO INCREASE THE EXCISE TAX ON BEER; TO”

AND

Page 1, delete line 35 and substitute the following:

“tax of seven-eighths of one percent (0.875%) upon all taxable sales of”

AND

Page 2, delete line 19 and substitute the following:

“tax of seven-eighths of one percent (0.875%) upon all tangible personal”

AND

Page 2, delete line 30 and substitute the following:

“tax of seven-eighths of one percent (0.875%) upon all tangible personal”

AND

Page 7, delete lines 35 and 36 and substitute the following:

“not apply to any services subject to tax pursuant to terms of subdivision 3(E) of this section.
(ix) The gross receipts tax levied in subdivision (3)(C)(i) of this section shall not apply to the service of initial installation of any property that is specifically exempted from the tax imposed by the Arkansas Gross Receipts Act of 1941, § 26-52-101 et seq.”

AND

Page 10, delete line 28 and substitute the following:

“subdivision (3)(E) of this section.

(ix) The gross receipts tax levied in subdivision (3)(C)(i) of this section shall not apply to the service of initial installation of any property that is specifically exempted from the tax imposed by the Arkansas Gross Receipts Act of 1941, § 26-52-101 et seq.”

AND

Page 10, delete lines 30 through 36

AND

Page 11, delete lines 1 through 26

AND

Page 11, on line 28, delete "SECTION 10" and substitute "SECTION 9"

AND

Page 12, delete line 14 and substitute the following:

“(i) Incorporated into real property, except as provided in subdivision 12(D) of this section;”

AND

Page 12, delete line 19 and substitute the following:

locking devices for another person.

(D) “Locksmith services” shall not include the initial installation of locks by a contractor in new construction.

AND

Page 13, on line 3, delete "SECTION 11" and substitute "SECTION 10"

AND

Page 14, delete lines 34 through 36 and substitute:

“SECTION 11. Arkansas Code Title 3, Chapter 7, Subchapter 1 is amended to add an additional section to read as follows:

3-7-206. Additional Tax.

(a)(1) In addition to the special alcoholic beverage excise tax levied upon all retail receipts or proceeds derived from the sale of liquor, cordials, liqueurs, specialties, and sparkling and still wines under § 3-7-201(a)(1), there is levied an excise tax of one percent (1%) upon all taxable sales subject to the tax levied in § 3-7-201(a)(1).

(2) Native wine sold at retail in this state shall be subject to the special alcoholic beverage excise tax levied upon all retail receipts or proceeds derived from the sale of liquor, cordials, liqueurs, specialties, and sparkling and still wines under the provisions of this section.

(3) In addition to the special alcoholic beverage excise tax levied upon all retail receipts or proceeds derived from the sale of beer by § 3-7-201(a)(3)(A), there is levied an excise tax of one percent (1%) upon all taxable sales of beer subject to the tax in § 3-7-201(a)(3)(A).

(4) The taxes levied by this section shall be in addition to all other taxes now imposed by the Arkansas Gross Receipts Act of 1941, § 26-52-101 et seq.

(5) The taxes levied under this section shall be collected, reported, and paid in the same manner and at the same time as is prescribed by law for the collection, reporting, and payment of all other Arkansas gross receipts taxes.

(b) It shall be the duty of every retailer in this state to collect the tax levied in this section from the consumer in addition to the established retail price of beer, liquor, cordials, liqueurs, specialties, sparkling and still wines and to file a return and remittance with the Director of the Department of Finance and Administration on or before the twentieth day of each calendar month for the preceding month.

(c) Failure to file the return and remittance on the due date shall be cause for the director to enter an assessment for the return and remittance and add as a penalty ten percent

(10%) of the amount of tax found to be due.

(d) Returns shall be filed upon forms prescribed by the director in accordance with such regulations as the director may promulgate hereunder.

(e) The revenues derived from the excise taxes levied under this section shall be special revenues and shall be deposited in the Educational Adequacy Trust Fund.”

AND

Page 15, delete lines 1 through 36

AND

Page 16, delete lines 1 through 36

AND

Page 17, delete lines 1 through 36

AND

Page 18, delete lines 2 through 16

AND

Page 18, delete line 36 and substitute the following:

"vending tax at the rate of eight percent (8%) is hereby levied on the purchase"

AND

Page 19, delete lines 7 and 8 and substitute the following:

“(2)(A) An additional tax of one percent (1%) is hereby levied on the purchase price of all”

AND

Page 22, delete lines 34 and 35 and substitute the following:

"or thing of value of ~~twenty five cents (25¢) or more~~ for a sale, ~~seventy dollars (\$70.00)~~ two dollars (\$2.00);"

AND

Page 23, delete line 5 and substitute the following:

"sale, ~~seven dollars and fifty cents (\$7.50)~~ two dollars (\$2.00); and"

AND

Page 23, delete lines 12 and 13 and substitute the following:

“~~twenty five cents (25¢) or more~~ for a sale, ~~thirty dollars (\$30.00)~~ two dollars (\$2.00).”

AND

Page 24, delete lines 17 through 22 and substitute the following:

"device, the fee shall be two dollars (\$2.00) for each thirty-day period for which the short-term decal is issued, up to the annual rate of two dollars (\$2.00); and

(B) For each coin-operated bulk vending device, the fee shall be one dollar (\$1.00) for each thirty-day period for which the short-term decal is issued, up to the annual rate of two dollars (\$2.00)."

AND

Page 27, delete lines 14 through 16 and substitute the following:

“(b) The Educational Adequacy Trust Fund shall consist of the revenues generated by Arkansas Code §§ 26-52-302, 26-53-107, and 26-52-316), 33-7-206, 26-57-1002(d)(1)(A), the repeal of the exemption for capital gain in § 26-51-815(b), and other revenues as provided by law.”

AND

Page 28, delete line 12 and substitute the following:

"under Arkansas Code § 19-5-202(b)(2)(B)(i).

(f)(1)(A) For the fiscal year beginning July 1, 2005, the Chief Fiscal Office shall determine an amount equivalent to the revenues generated by the repeal of the capital gains exemption in Section 10 of this act for transfer to the Educational Adequacy Trust Fund.

(B) For each of the months January through June 2005, the Chief Fiscal Officer of the State shall transfer the amount of two million, one hundred thousand dollars (\$2,100,000) monthly from gross receipts to the Revenue Holding Fund Account of the State Apportionment Fund.

(C) On July 1, 2005, the Treasurer of State shall transfer the twelve million six hundred thousand dollars (\$12,600,000) transferred to the Revenue Holding Fund Account according to subdivision (f)(1)(B) of this section to the Educational Adequacy Trust Fund Account.

(D) On March 1, 2006, the Chief Fiscal Office of the State shall:

(i) Calculate the amount generated by the repeal of the capital gain exemption from individual income tax returns filed during calendar year 2005;

(ii) Subtract from the amount calculated in subdivision (f)(1)(D)(i) of this section the twelve million six hundred thousand dollars (\$12,600,000) transferred to the Educational Adequacy Trust Fund Account on July 1, 2005; and

(iii) Certify the amount of the difference to the Treasurer of State.

(iv) The Treasurer of State shall transfer the amount certified in subdivision (f)(1)(D)(iii) of this section from the Revenue Holding Fund Account of the State Apportionment Fund to the Educational Adequacy Trust Fund, after making the deductions required from the net general revenues under Arkansas Code § 19-5-202(b)(2)(B)(i).

(2)(A) On March 1, 2007, and each year thereafter, the Chief Fiscal Office of the State shall calculate the amount generated by the repeal of the capital gain exemption from individual income tax returns filed during the previous calendar year and shall certify this amount to the Treasurer of State.

(B) The Treasurer of State shall transfer the amount certified in subdivision (f)(2)(A) of this section from the Revenue Holding Fund Account of the State Apportionment Fund to the Educational Adequacy Trust Fund, after making the deductions required from the net general revenues under Arkansas Code § 19-5-202(b)(2)(B)(i)."

AND

Page 28, delete line 17 and substitute the following:

"SECTION 22. Sections 7, 8, and 9 of this bill become effective on"

AND

Page 28, delete line 20 and substitute the following:

"SECTION 23. Section 10 applies to tax years beginning on or after"

AND

Page 28, delete line 23 and substitute the following:

"SECTION 24. Section 11 becomes effective on March 1,"

AND

Page 28, delete line 26 and substitute the following:

"SECTION 25. Sections 12 through 19 become effective on July 1, 2004."

AND

Appropriately renumber the remaining sections of the bill.

(SIGNED) SENATOR TIM WOOLDRIDGE

The Amendment was read the first time, rules suspended, read the second time and adopted.

(SIGNED) ANN CORNWELL, SECRETARY

Amend **Senate Bill No. 62** as engrossed.

The President declared the morning hour to have expired.

* * * * * **EXPUNGED** * * * * *

On motion of Senator Wilkins, **House Bill No. 1007** was called up for third reading and final disposition.

HOUSE BILL NO. 1007
As Engrossed: S12/26/03 S1/8 /04
CALL ITEM NO. 4
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION
BY: REPRESENTATIVE PICKETT
SENATORS WILKINS & GULLETT

A Bill for an Act to be Entitled: AN ACT TO INCREASE THE NUMBER OF HOURS OF TRAINING THAT MEMBERS OF THE SCHOOL BOARDS ARE REQUIRED TO TAKE FOLLOWING ELECTION; AND FOR OTHER PURPOSES.

House Bill No. 1007 was placed on third reading and final disposition, the question being: Shall the Bill pass?

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

AFFIRMATIVE: Altes, Argue, J. Bookout, Broadway, Bryles, Capps, Gullett, Higginbothom, Madison, Salmon, T. Smith, Whitaker, Wilkins.

Total13

NEGATIVE: Faris, Glover, Hendren, Holt, Horn, B. Johnson, Lavery, Luker, Steele.

Total9

ABSENT OR NOT VOTING: Baker, Bisbee, Brown, Critcher, Hill, G. Jeffress, J. Jeffress, Malone, Miller, Trusty, Wilkinson, Womack, Wooldridge.

Total13

VOTING PRESENT:

Total0

Total number of votes cast.....22

Necessary to the passage of the bill18

So the bill failed to pass and the title as read was not agreed to.

(SIGNED) ANN CORNWELL, SECRETARY

* * * * * **EXPUNGED** * * * * *

The record pertaining to the vote by which **House Bill No. 1007** failed to pass was expunged, in accordance with a prevailing motion on January 23, 2004.

Senator Argue moved that the record pertaining to the vote by which **House Bill No. 1007** failed to pass be expunged, the motion was duly seconded and prevailed.

ARKANSAS SENATE
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION

January 23, 2004

Mr. President:

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

HOUSE BILL NO. 1090, REPRESENTATIVE CLEVELAND,

beg leave to report that we have carefully compared the engrossed copy with the original and we find the same correctly engrossed.

Respectfully submitted,

(SIGNED) JOHN PAUL CAPPS, CHAIRMAN

ARKANSAS SENATE
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION

January 23, 2004

Mr. President:

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

HOUSE BILL NO. 1083, BY REPRESENTATIVE THYER,

beg leave to report that we have carefully compared the engrossed copy with the original and we find the same correctly engrossed.

Respectfully submitted,

(SIGNED) JOHN PAUL CAPPS, CHAIRMAN

On motion of Senator Bryles, **House Bill No. 1083** was ordered re-referred to the Committee on EDUCATION.

ARKANSAS SENATE
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION

January 23, 2004

Mr. President:

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

SENATE BILL NO. 62, BY SENATOR WOOLDRIDGE,

beg leave to report that we have carefully compared the engrossed copy with the original and we find the same correctly engrossed.

Respectfully submitted,

(SIGNED) JOHN PAUL CAPPS, CHAIRMAN

On motion of Senator Wooldridge, **Senate Bill No. 62** was ordered re-referred to the Committee on REVENUE & TAXATION.

* * * * *

HOUSE BILLS TRANSMITTED TO THE SENATE
AS PASSED

HOUSE BILL NO. 1066

HOUSE BILL NO. 1114

On motion of Senator Hill, the Senate adjourned until Monday, 1:05 p.m.,
January 26, 2004.

PRESIDENT OF THE SENATE

SECRETARY OF THE SENATE

--ooOoo--

**50TH DAY'S PROCEEDINGS
SENATE CHAMBER
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION**

Little Rock, Arkansas

January 26, 2004

The Senate was called to order at 1:05 p. m. by the President.

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

ALTES, ARGUE, BAKER, BISBEE, BOOKOUT,
BROADWAY, BROWN, BRYLES, CAPPS, CRITCHER,
FARIS, GLOVER, GULLETT, HENDREN,
HIGGINBOTHOM, HILL, HOLT, HORN, G.JEFFRESS,
J.JEFFRESS, JOHNSON, LAVERTY, LUKER, MADISON,
MALONE, MILLER, SALMON, SMITH, STEELE, TRUSTY,
WHITAKER, WILKINS, WILKINSON, WOMACK,
WOOLDRIDGE.

The Senate was led in prayer by Senator Paul Miller.

Senator Hill led the Senate in the Pledge of Allegiance.

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

On motion of Senator Wooldridge, **Senate Bill No. 61** was withdrawn from the Committee on REVENUE & TAXATION and placed back on second reading for purpose of amendment.

ARKANSAS SENATE
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION
Amendment No. 3 to SENATE BILL NO. 61

Amend **Senate Bill No. 61** as engrossed S1/20/04:

Page 1, delete lines 9 through 18 and substitute:

"AN ACT TO INCREASE THE TOP CORPORATE INCOME TAX RATE TO SEVEN PERCENT (7%); TO INCREASE THE SEVERANCE TAX ON NATURAL GAS BY FIFTEEN CENTS (15¢) PER ONE THOUSAND CUBIC FEET (1,000 CU. FT.); TO INCREASE THE CORPORATE FRANCHISE TAX; AND FOR OTHER PURPOSES."

AND

Page 1, delete lines 21 through 25 and substitute:

INCREASES TOP CORPORATE INCOME TAX RATE TO SEVEN PERCENT (7%), INCREASES SEVERANCE TAX ON NATURAL GAS BY FIFTEEN CENTS (15¢) PER ONE THOUSAND CUBIC FEET (1,000 CU. FT.), AND INCREASES THE CORPORATE FRANCHISE TAX.

AND

Page 1, delete lines 30 through 36 and substitute the following:

"SECTION 1. Arkansas Code § 26-51-205(a)(2), concerning corporate income tax on domestic corporations, is amended to read as follows:

(2) ~~On net income exceeding \$100,000, a flat rate of six and one-half (6 1/2%) percent shall be applied to net income~~ Tax at the rate of seven percent (7%) shall be applied to net income exceeding one hundred thousand dollars (\$100,000) for tax years beginning on or after January 1, 2004.

SECTION 2. Arkansas Code § 26-51-205(b)(2), concerning corporate income tax on foreign corporations, is amended to read as follows:

(2) ~~On net income exceeding \$100,000, a flat rate of six and one-half percent (6 1/2%) shall be applied to the entire net income~~ Tax at the rate of seven percent (7%) shall be applied to net income exceeding one hundred thousand dollars (\$100,000) for tax years beginning on or after January 1, 2004.

SECTION 3. Arkansas Code § 26-51-205(c), concerning the distribution of corporate income tax, is amended to read as follows:

(c)(1) There is hereby created on the books of the Treasurer of State, the Auditor of State, and the Chief Fiscal Officer of the State a fund to be known as the "Work Force 2000

Development Fund." This fund shall consist of those special revenues as specified in § ~~26-51-205(e)(2)~~ 26-51-205(c)(2)(B)(iii) and all other revenues as may be authorized by law.

(2)(A) The Revenue Services Division of the Department of Finance and Administration shall deposit the funds collected under the provisions of this section for corporate income tax into the State Treasury, there to be credited to the Revenue Holding Fund Account of the State Apportionment Fund.

(B)(i) For each of the state's fiscal years, the Chief Fiscal Officer of the State shall determine as an annual allocation available under the provisions of this section an amount based on the total net revenues, as enumerated in § 26-51-205(a) and (b), which were collected in the immediate past year, multiplied by a factor of six hundred seventy-eight ten thousandths (.0678). On the last day of each month of the respective fiscal year, the Chief Fiscal Officer of the State shall certify to the Treasurer of State an amount based on one-twelfth (1/12) of the annual allocation provided in this section for transfer as specified in § 26-51-205(c)(2)(B)(ii).

(ii) The Treasurer of State shall then transfer the amount so certified to the Special Revenue Fund Account as part of the gross special revenues.

(iii) After the deductions as set out in § 19-5-203 have been made, the remaining amount shall be credited to the "Work Force 2000 Development Fund."

~~(iv) The remaining corporate income tax collections remaining in the Revenue Holding Fund Account shall be credited to the General Revenue Fund Account of the State Apportionment Fund, there to be distributed with the other gross general revenue collections for that month in accordance with the provisions of § 19-5-201 et seq.~~

(C)(i) For the fiscal year beginning July 1, 2005, the Chief Fiscal Officer of the State shall determine as an annual allocation available under the provisions of this section an amount equal to the total net revenues collected under § 26-51-205(a) and (b) in the immediate past year, multiplied by a factor of forty-nine thousandths (0.049).

(ii) On the last day of each month of the fiscal year, the Chief Fiscal Officer of the State shall certify to the Treasurer of State an amount equal to one-twelfth (1/12) of the annual allocation calculated in subdivision (c)(2)(C)(i) of this section.

(iii) The Treasurer of State shall transfer the amount certified in subdivision (c)(2)(C)(ii) of this section from the Revenue Holding Fund Account of the State Apportionment Fund to the Special Revenue Fund Account as part of the gross special revenues.

(iv) After the deductions under § 19-5-203 have been made, the remaining amount shall be credited to the Educational Adequacy Trust Fund Account.

(D)(i) For the fiscal year beginning July 1, 2006, and fiscal years thereafter, the Chief Fiscal Officer of the State shall determine as an annual allocation available under the provisions of this section an amount equal to the total net revenues collected under § 26-51-205(a) and (b) in the immediate past year, multiplied by a factor of seventy-four thousandths (0.074).

(ii) On the last day of each month of the fiscal year, the Chief Fiscal Officer of the State shall certify to the Treasurer of State an amount equal to one-twelfth (1/12) of the annual allocation calculated in subdivision (c)(2)(D)(i) of this section.

(iii) The Treasurer of State shall transfer the amount certified in subdivision (c)(2)(D)(i) of this section from the Revenue Holding Fund Account of the State Apportionment Fund to the Special Revenue Fund Account as part of the gross special revenues.

(iv) After the deductions under § 19-5-203 have been made, the remaining amount shall be credited to the Educational Adequacy Trust Fund Account.

(E) The corporate income tax collections remaining in the Revenue Holding Fund Account after the transfers required under subdivisions (c)(2)(B) - (D) of this section shall be credited to the General Revenue Fund Account of the State Apportionment Fund, there to be distributed with the other gross general revenue collections for that month in accordance with the provisions of § 19-5-201, et. seq.

SECTION 4. Arkansas Code § 26-51-205(d)(1), concerning the Work Force 2000 Development Fund, is amended to read as follows:

(d)(1) All proceeds derived from the additional tax levied by this section credited to the Work Force 2000 Development Fund as provided by § 26-51-205(c)(2)(B)(iii) shall be used exclusively for the authorized educational activities of:

- (A) Any postsecondary vocational-technical school, technical institute, comprehensive lifelong learning center, technical college, community college; or
- (B) Any postsecondary vocational-technical school, technical institute, comprehensive lifelong learning center, or technical college that merges with a two-year branch of a four-year institution, a four-year institution, a technical college, or a community college.

SECTION 5. Arkansas Code § 26-54-104 is amended to read as follows:

26-54-104. Annual franchise tax.

(a) Every corporation shall file an annual franchise tax report and pay an annual franchise tax, unless exempted under § 26-54-105, as follows:

(1) Each life, fire, accident, surety, liability, steam boiler, tornado, health, or other kind of insurance company of whatever nature, having an outstanding capital stock of less than five hundred thousand dollars (\$500,000) shall pay ~~one hundred dollars (\$100)~~ three hundred dollars (\$300). Each such company having an outstanding capital stock of five hundred thousand dollars (\$500,000) or more shall pay ~~two hundred dollars (\$200)~~ four hundred dollars (\$400);

(2) Each legal reserve mutual insurance corporation having assets of less than one hundred million dollars (\$100,000,000) shall pay ~~one hundred dollars (\$100)~~ three hundred dollars (\$300). Each such corporation having assets of one hundred million dollars (\$100,000,000) or more shall pay ~~two hundred dollars (\$200)~~ four hundred dollars (\$400);

(3) Each mutual assessment insurance corporation shall pay ~~one hundred dollars (\$100)~~ three hundred dollars (\$300);

(4) Each mortgage loan corporation shall pay an amount equivalent to ~~twenty-seven one-hundredths of one percent (0.27%)~~ thirty one-hundredths of one percent (0.30%) of that proportion of the par value of its outstanding capital stock that its aggregate outstanding loans made in the State of Arkansas bears to the total aggregate outstanding loans made in all states. No corporation shall pay an annual tax of less than ~~one hundred dollars (\$100)~~ three hundred dollars (\$300) ~~nor more than one million seventy-five thousand dollars (\$1,075,000)~~;

(5) Each corporation, other than those in subdivisions (2)-(4) of this section, without authorized capital stock shall pay ~~one hundred dollars (\$100)~~ three hundred dollars (\$300);

(6) Each corporation, other than those in subdivisions (1)-(5) of this section, shall pay an amount equivalent to ~~twenty-seven one-hundredths of one percent (0.27%)~~ thirty one-hundredths of one percent (0.30%) of that proportion of the par value of its outstanding

capital stock that the value of its real and personal property in the State of Arkansas bears to the total value of the real and personal property of the corporation. No corporation shall pay an annual tax of less than ~~fifty dollars (\$50.00)~~ two hundred fifty dollars (\$250) ~~nor more than one million seventy-five thousand dollars (\$1,075,000)~~;

(7) Each corporation, actually and actively in the process of liquidation and which does not rent or lease its property but which retains its corporate charter or authority for the sole purpose of winding up its affairs, shall pay an annual tax as provided in subdivision (6) of this section or an amount equivalent to ~~twenty-seven one-hundredths of one percent (0.27%)~~ thirty one-hundredths of one percent (0.30%) of the value of its real and tangible personal property in Arkansas, whichever is smaller, but in no instance shall the tax be less than ~~fifty dollars (\$50.00)~~ two hundred fifty dollars (\$250) ~~nor more than one million seventy-five thousand dollars (\$1,075,000)~~;

(8) Organizations formed pursuant to the Small Business Entity Tax Pass Through Act, § 4-32-101 et seq., shall pay the minimum franchise tax.

(b)(1) In addition to the annual franchise taxes levied in subsection (a) of this section, there is hereby levied a franchise tax of three dollars (\$3.00) per year on each corporation required to report and remit franchise taxes under that subsection. All revenues derived from the additional franchise tax levied in subsection (a) of this section shall be deposited in the State Treasury as special revenues and shall be credited to the Voter Registration Signature Imaging System Fund and shall be used exclusively for acquiring and operating a voter registration signature imaging system in the office of the Secretary of State.

(2) There is hereby created on the books of the Treasurer of State, the Auditor of State, and the Chief Fiscal Officer of the State a fund to be known as the "Voter Registration Signature Imaging System Fund".

(c) This section shall be effective for tax years beginning January 1, 2004.

SECTION 6. Arkansas Code § 26-54-105(c), concerning the filing of franchise tax reports, is amended to read as follows:

(c)(1) Each corporation subject to the requirements of this chapter shall file a franchise tax report with the Secretary of State which shows its condition and status as of the close of business on December 31, ~~last preceding,~~ of the preceding calendar year, and other information required by the Secretary of State.

(2) The franchise tax as computed on the report shall be remitted with the franchise tax report on or before ~~June 1~~ May 1 of the reporting year.”

AND

Page 2, delete lines 1 through 36

AND

Page 3, delete lines 1 through 36

AND

Page 4, delete lines 1 through 36

AND

Page 5, delete lines 1 through 36

AND

Page 6, delete lines 1 through 36

AND

Page 7, delete lines 1 through 36

AND

Page 8, delete lines 1 through 36

AND

Page 9, delete lines 1 through 14

AND

Appropriately renumber the remaining sections of the bill

AND

Page 10, on line 8, delete "1.33¢" and substitute "1 3/10¢"

AND

Page 10, delete lines 26 through 28 and substitute:

"(b) The fund shall consist of the revenues generated by Arkansas Code §§ 26-51-205(c)(2)(C) and (D), 26-58-127, and other revenues provided by law."

(SIGNED) SENATOR TIM WOOLDRIDGE

The Amendment was read the first time, rules suspended, read the second time and adopted.

(SIGNED) ANN CORNWELL, SECRETARY

Amend **Senate Bill No. 61** as engrossed.

ARKANSAS SENATE
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION

January 26, 2004

Mr. President:

We, your Committee on JOINT BUDGET, to whom was referred:

SENATE BILL NO. 55, BY SENATOR BROADWAY,

beg leave to report that we have had the same under consideration, and herewith return the same with the recommendation that it do pass.

Respectfully submitted,

(SIGNED) SENATOR DAVID BISBEE

ARKANSAS SENATE
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION

January 26, 2004

Mr. President:

We, your Committee on STATE AGENCIES & GOVERNMENTAL AFFAIRS, to whom was referred:

SENATE BILL NO. 77, BY SENATOR BAKER,

beg leave to report that we have had the same under consideration, and herewith return the same with the recommendation that it do pass.

Respectfully submitted,

(SIGNED) SENATORS STEVE FARIS, GILBERT BAKER,
SHANE BROADWAY, J. JEFFRESS

ARKANSAS SENATE
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION

January 26, 2004

Mr. President:

We, your Committee on EDUCATION, to whom was referred:

HOUSE BILL NO. 1114, BY REPRESENTATIVE CHESTERFIELD,

beg leave to report that we have had the same under consideration, and herewith return the same with the recommendation that it do pass amended #1.

Respectfully submitted,

(SIGNED) SENATOR JIM ARGUE

ARKANSAS SENATE
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION

January 26, 2004

Mr. President:

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

SENATE BILL NO. 61, BY SENATOR WOOLDRIDGE,

beg leave to report that we have carefully compared the engrossed copy with the original and we find the same correctly engrossed.

Respectfully submitted,

(SIGNED) JOHN PAUL CAPP, CHAIRMAN

On motion of Senator Wooldridge, **Senate Bill No. 61** was ordered re-referred to the Committee on REVENUE & TAXATION.

On motion of Senator Broadway, the rules were suspended in considering **Senate Bill No. 53** at this time.

On motion of Senator Broadway, **Senate Bill No. 53** was withdrawn from the Committee on EDUCATION and placed back on second reading for purpose of amendment.

ARKANSAS SENATE
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION
Amendment No. 2 to SENATE BILL NO. 53

Amend **Senate Bill No. 53** as engrossed, S/1/8/04:

Page 1, delete lines 32 through 34 and substitute the following:

"(b)(1) The Joint Committee on Educational Facilities, in consultation with the Department of Education, shall develop standards for custodial and maintenance care of school facilities in the state."

AND

Page 2, delete lines 1 and 2

(SIGNED) SENATOR SHANE BROADWAY

The Amendment was read the first time, rules suspended, read the second time and adopted.

(SIGNED) ANN CORNWELL, SECRETARY

Amend **Senate Bill No. 53** as engrossed.

On motion of Senator Bryles, the rules were suspended in considering **House Bill No. 1071** at this time.

On motion of Senator Bryles, **House Bill No. 1071** was withdrawn from the Committee on EDUCATION and placed back on second reading for purpose of amendment.

ARKANSAS SENATE
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION
Amendment No. 2 to HOUSE BILL NO. 1071

Amend **House Bill No. 1071** as engrossed , S1/13/04

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

AND

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

AND

Page 5, delete line 8 and substitute:
"twenty-five (25) mills"

AND

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

AND

Page 5, delete lines 22 and 23 and substitute:

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

AND

Page 6, delete line 25 and substitute:

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

AND

Page 6, delete line 26 and substitute:

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

AND

Page 6, delete line 27 and substitute:

"twenty-five (25) mills in accordance"

AND

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

AND

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

AND

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

AND

Page 6, delete line 36 and substitute:

"twenty-five (25) mills required by"

AND

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

(SIGNED) SENATOR STEVE BRYLES

The Amendment was read the first time, rules suspended, read the second time and adopted.

(SIGNED) ANN CORNWELL, SECRETARY

Amend **House Bill No. 1071** as engrossed.

On motion of Senator Argue, the rules were suspended in considering **House Bill No. 1114** at this time.

On motion of Senator Argue, **House Bill No. 1114** was and placed back on second reading for purpose of amendment.

ARKANSAS SENATE
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION
Amendment No. 1 to HOUSE BILL NO. 1114

Amend **House Bill No. 1114** as engrossed, H1/21/04 by:

Page 1, line 26, delete "(a)" and substitute "(a)(1)"

AND

Page 1, delete line 30, and substitute:
"of each fiscal year.

(2) At the request of the school district, the Department of Education may grant an extension of up to ninety (90) days on the deadline under this subsection (a)."

AND

Page 1, line 31, delete "(b)" and substitute "(b)(1)"

AND

Page 1, delete line 35, and substitute:
"months following the end of each fiscal year.

(2) At the request of the school district, the Department of Education may grant an extension of up to ninety (90) days on the deadline under this subsection (b)."

AND

Page 2, line 7, delete "period" and substitute "period or within the time period under any extension granted by the Department of Education"

AND

Page 2, line 29, delete "period" and substitute "period or within the time period under any extension granted by the Department of Education"

(SIGNED) SENATOR JIM ARGUE

The Amendment was read the first time, rules suspended, read the second time and adopted.

(SIGNED) ANN CORNWELL, SECRETARY

House Bill No. 1114 was ordered engrossed.

On motion of Senator J. Jeffress, the rules were suspended in considering House Bill No. 1091 at this time.

On motion of Senator J. Jeffress, House Bill No. 1091 was withdrawn from the Committee on EDUCATION, and placed back on second reading for purpose of amendment.

ARKANSAS SENATE
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION
Amendment No. 1 to HOUSE BILL NO. 1091

Amend House Bill No. 1091 as engrossed, H1/17/04:

Page 2, line 35, delete “duties.” and substitute “duties, subject to funding:”

AND

Page 3, line 30, delete “and”

AND

Page 3, delete line 31 and substitute the following:

“(10) To find alternative funding sources for the board and the programs under this subchapter, including, but not limited to, grants or donations; and
(11) Other duties as determined by the board.”

AND

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

AND

Page 5, line 14, delete “activities” and substitute “activities that”

AND

Page 8, delete line 17 and substitute the following:

“resource centers.

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

AND

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

AND

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

AND

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

AND

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

AND

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

(SIGNED) SENATOR JIMMY JEFFRESS

The Amendment was read the first time, rules suspended, read the second time and adopted.

(SIGNED) ANN CORNWELL, SECRETARY

House Bill No. 1091 was ordered engrossed.

On motion of Senator Broadway, **House Bill No. 1090** was ordered re-referred to the Committee on JOINT BUDGET.

The President declared the morning hour to have expired.

On motion of Senator Bryles, **House Bill No.1108** was called up for third reading and final disposition.

HOUSE BILL NO. 1108
CALL ITEM NO. 4
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION
BY: REPRESENTATIVE DANGEAU, ET AL
SENATORS BRYLES & BROADWAY

A Bill for an Act to be Entitled: AN ACT TO REQUIRE AN AUDIT OF STAFFING NEEDS OF THE DEPARTMENT OF EDUCATION; AND FOR OTHER PURPOSES.

On motion of Senator Bryles, **House Bill No. 1108** was pulled down.

On motion of Senator Madison, **Senate Bill No.71** was called up for third reading and final disposition.

SENATE BILL NO. 71
As Engrossed: S1/17/04 S1/20/04
CALL ITEM NO. 4
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION
BY: SENATORS MADISON, LUKER & BRYLES

A Bill for an Act to be Entitled: AN ACT TO ALLOW THE RESIDENTS OF A PORTION OF A SCHOOL DISTRICT TO PETITION FOR A CHANGE IN THE BOUNDARIES OF THE SCHOOL DISTRICT AND THE ADJOINING SCHOOL DISTRICT; AND FOR OTHER PURPOSES.

Senate Bill No. 71 was placed on third reading and final disposition, the question being: Shall the Bill pass?

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

AFFIRMATIVE: Argue, Bisbee, J. Bookout, Broadway, Brown, Bryles, Capps, Critcher, Faris, Glover, Gullett, Higginbothom, Hill, Horn, B. Johnson, Luker, Madison, Malone, Miller, Salmon, T. Smith, Steele, Womack, Wooldridge.

Total24

NEGATIVE: Altes, Hendren, Whitaker.

Total3

ABSENT OR NOT VOTING: Baker, Holt, G. Jeffress, J. Jeffress, Lavery, Trusty, Wilkins, Wilkinson.

Total8

VOTING PRESENT:

Total0

Total number of votes cast27

Necessary to the passage of the bill18

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

(SIGNED) ANN CORNWELL, SECRETARY

Senate Bill No. 71 was ordered immediately transmitted to the House as passed.

On motion of Senator Broadway, **House Bill No. 1111** was called up for third reading and final disposition.

HOUSE BILL NO. 1111
As Engrossed: H1/15/04
CALL ITEM NO. 4
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION
BY: REPRESENTATIVE DICKINSON, ET AL

A Bill for an Act to be Entitled: THE CONTINUING ADEQUACY EVALUATION ACT OF 2004.

House Bill No. 1111 was placed on third reading and final disposition, the question being: Shall the Bill pass?

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

AFFIRMATIVE: Altes, Argue, Baker, Bisbee, J. Bookout, Broadway, Brown, Bryles, Capps, Critcher, Glover, Gullett, Hendren, Higginbotham, Hill, Holt, Horn, J. Jeffress, Luker, Madison, Malone, Miller, Salmon, T. Smith, Steele, Wilkins, Womack, Wooldridge.

Total28

NEGATIVE:

Total0

ABSENT OR NOT VOTING: Faris, G. Jeffress, B. Johnson, Lavery, Trusty, Whitaker, Wilkinson.

Total7

VOTING PRESENT:

Total0

Total number of votes cast.....28

Necessary to the passage of the bill18

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

(SIGNED) ANN CORNWELL, SECRETARY

House Bill No. 1111 was ordered immediately returned to the House as passed.

ARKANSAS SENATE
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION

January 26, 2004

Mr. President:

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

SENATE BILL NO. 53, BY SENATOR BROADWAY,

beg leave to report that we have carefully compared the engrossed copy with the original and we find the same correctly engrossed.

Respectfully submitted,

(SIGNED) JOHN PAUL CAPPS, CHAIRMAN

On motion of Senator Broadway, **Senate Bill No. 53** was ordered re-referred to the Committee on EDUCATION.

On motion of Senator Hill, the rules were suspended in considering **Senate Bill No. 62** at this time.

On motion of Senator Hill, **Senate Bill No. 62** was withdrawn from the Committee on REVENUE & TAXATION and placed back on second reading for purpose of amendment.

ARKANSAS SENATE
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION
Amendment No. 3 to SENATE BILL NO. 62

Amend **Senate Bill No. 62** as engrossed, S1/23/04:

Page 1, delete line 11 and substitute:

"SALES AND USE TAX OF SEVEN-EIGHTHS OF ONE PERCENT (0.875%); TO"

AND

Page 2, on line 29, delete "Acts 2003, No. 1223" and substitute "Acts 2003, No. 1273"

AND

Page 11, on line 6, delete "The gross proceeds" and substitute:

"(a) The gross proceeds"

AND

Page 11, delete lines 20 through 36 and substitute:

"month-to-month basis;

(12) Locksmith services;

(13) Personal instruction services; and

(14) Pet grooming and kennel services.

(b) For purposes of this section:

(1)(A) "Locksmith services" means repairing, servicing, or installing locks and locking devices, whether the locks and locking devices are:

(i) Incorporated into real property;

(ii) Incorporated into tangible personal property; or

(iii) Locks separate and apart from other property.

(B) "Locksmith services" also includes unlocking locks or locking devices for another person; and

(2) "Personal instruction services" means teaching an individual or group of individuals:

(A) To play a musical instrument or to dance;

(B) To paint, sculpt, draw, make pottery or jewelry, or otherwise engage in artistic or creative activities;

(C) To mime, act, or otherwise engage in dramatic activities;

(D) Tae kwon do, tae bo, kung fu, karate, or other martial arts;

(E) To play or improve skills in baseball, football, basketball, soccer, volleyball, golf, tennis, or other sports;

(F) To drive a motor vehicle;

(G) To fly an airplane, glider, or other aircraft; or

(H) To operate a boat, jet ski, or other watercraft."

AND

Page 12, delete lines 1 through 15

AND

Page 14, delete lines 14 through 36 and substitute:

"3-7-206. Additional Tax.

(a)(1) An additional one percent (1%) excise tax is levied upon all gross receipts or proceeds derived from the retail sale of liquor, cordials, liqueurs, specialties, sparkling and still wines, native wine, and beer.

(2) The taxes levied by this section shall be in addition to all other taxes now imposed by the Arkansas Gross Receipts Act of 1941, § 26-52-101 et seq. and the excise tax imposed by § 3-7-201.

(3) The taxes levied under this section shall be collected, reported, and paid in the same manner and at the same time as is prescribed by law for the collection, reporting, and payment of all other Arkansas gross receipts taxes.

(b) It shall be the duty of every retailer in this state to collect the tax levied in this section from the consumer in addition to the established retail price of beer, liquor, cordials, liqueurs, specialties, sparkling and still wines, and native wine, and to file a return and remittance with the Director of the Department of Finance and Administration on or before the twentieth day of each calendar month for the preceding month.

(c) Returns shall be filed upon forms prescribed by the director in accordance with such regulations as the director may promulgate hereunder.

(d) The revenues derived from the excise tax levied under this section shall be special revenues and shall be deposited in the Educational Adequacy Trust Fund."

AND

Page 15, delete lines 1 through 12

AND

Page 21, on line 17, delete "one dollars" and substitute "one dollar"

AND

Page 24, delete lines 7 through 36 and substitute:

"(a) There is created on the books of the Treasurer of State, the Auditor of State, and Chief Fiscal Officer of the State a special revenue fund to be known as the Educational Adequacy Trust Fund.

(b) The Educational Adequacy Trust Fund shall consist of the revenues generated by Arkansas Code §§ 26-52-302(d), 26-53-107(d), 26-52-316, 3-7-206, 26-57-1002(d)(1)(A), the repeal of the exemption for capital gain in § 26-51-815(b), and other revenues as provided by law.

(c) On the last day of the month, the Treasurer of State shall transfer amounts available in the Educational Adequacy Trust Fund to the Department of Education Public School Fund Account established in Arkansas Code § 19-5-305, to be used for the purposes provided by law. The Treasurer of State shall make the transfer after making the deductions required from the net special revenues as set out in Arkansas Code § 19-5-203(b)(2)(A).

(d)(1) Additionally, for each of the state's fiscal years, the Chief Fiscal Officer of the State shall determine as an annual allocation amount for the Educational Adequacy Trust Fund an amount equivalent to the revenues generated by Arkansas Code § 26-52-316 which shall be equal to total net general revenues as enumerated in § 19-6-201(1) and (2), which were collected in the immediate past year, times a factor of 0.0103.

(2) The Chief Fiscal Officer of the State shall certify to the Treasurer of State the amount determined in subdivision (d)(1) of this section for transfer to the Educational Adequacy Trust Fund.

(3) The Treasurer of State shall make the transfer from general revenues after making the deductions required from the net general revenues under Arkansas Code § 19-5-202(b)(2)(B)(i).

(e)(1) Additionally, for each of the state's fiscal years, the Chief Fiscal Officer of the State shall determine as an annual allocation amount for this Educational Adequacy Trust Fund an amount equivalent to the revenues generated by the increase in the wholesale vending tax which shall be equal to the total net general revenues as enumerated in § 19-6-201(1) and (2), which were collected in the immediate past year, times a factor of 0.0031.

(2) The Chief Fiscal Officer of the State shall certify to the Treasurer of State the amount determined in subdivision (e)(1) of this section for transfer to the Educational Adequacy Trust Fund.

(3) The Treasurer of State shall make the transfer from general revenues after making the deductions required from the net general revenues under Arkansas Code § 19-5-202(b)(2)(B)(i).

(f)(1)(A) For the fiscal year beginning July 1, 2005, the Chief Fiscal Officer shall determine an amount equivalent to the revenues generated by the repeal of the capital gain exemption in Arkansas Code § 26-51-815(b) for transfer to the Educational Adequacy Trust Fund.

(B) For each of the months January through June 2005, the Chief Fiscal Officer of the State shall transfer the amount of two million, one hundred thousand dollars (\$2,100,000) monthly from gross receipts to the Revenue Holding Fund Account of the State Apportionment Fund.

(C) On July 1, 2005, the Treasurer of State shall transfer twelve million six hundred thousand dollars (\$12,600,000) from the Revenue Holding Fund Account of the State Apportionment Fund to the Educational Adequacy Trust Fund Account.

(D)(i) On March 1, 2006, the Chief Fiscal Officer of the State shall:

(a) Calculate the amount generated by the repeal of the capital gain exemption in Arkansas Code § 26-51-815(b) from individual income tax returns filed during calendar year 2005;

(b) Subtract from the amount calculated in subdivision (f)(1)(D)(i)(a) of this section the twelve million six hundred thousand dollars (\$12,600,000) transferred to the Educational Adequacy Trust Fund Account on July 1, 2005; and

(c) Certify the amount of the difference to the Treasurer of State.

(ii) The Treasurer of State shall transfer the amount certified in subdivision (f)(1)(D)(i)(c) of this section to the Educational Adequacy Trust Fund, after making the deductions required from the net general revenues under Arkansas Code § 19-5-202(b)(2)(B)(i).

(2)(A) On March 1, 2007, and each year thereafter, the Chief Fiscal Office of the State shall calculate the amount generated by the repeal of the capital gain exemption in Arkansas Code § 26-51-815(b) from individual income tax returns filed during the previous calendar year and shall certify this amount to the Treasurer of State.

(B) The Treasurer of State shall transfer the amount certified in subdivision (f)(2)(A) of this section to the Educational Adequacy Trust Fund, after making the deductions required from the net general revenues under Arkansas Code § 19-5-202(b)(2)(B)(i)."

AND

Page 25, delete lines 1 through 36

AND

Page 26, delete lines 1 through 11.

(SIGNED) SENATOR TIM WOOLDRIDGE

The Amendment was read the first time, rules suspended, read the second time and adopted.

(SIGNED) ANN CORNWELL, SECRETARY

Senate Bill No. 62 was ordered engrossed.

SENATE MEMORIAL RESOLUTION NO. 12
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION
BY: SENATOR BOOKOUT

SENATE MEMORIAL RESOLUTION IN RESPECTFUL MEMORY OF MR.
WILLIAM ERNEST "BILL" HOOK AND IN RECOGNITION OF HIS MANY
CONTRIBUTIONS TO THE STATE OF ARKANSAS AND HIS LOCAL COMMUNITY.

Senate Memorial Resolution No. 12. was read the first time, rules suspended, read the
second time and placed on the Calendar.

ARKANSAS SENATE
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION

January 26, 2004

Mr. President:

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

HOUSE BILL NO. 1071, BY REPRESENTATIVE BIGGS,

beg leave to report that we have carefully compared the engrossed copy with the original and
we find the same correctly engrossed.

Respectfully submitted,

(SIGNED) JOHN PAUL CAPPS, CHAIRMAN

On motion of Senator Bryles, **House Bill No. 1071** was ordered re-referred to the
Committee on EDUCATION.

ARKANSAS SENATE
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION

January 26, 2004

Mr. President:

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

HOUSE BILL NO. 1091, BY REPRESENTATIVE JUDY,

beg leave to report that we have carefully compared the engrossed copy with the original and we find the same correctly engrossed.

Respectfully submitted,

(SIGNED) JOHN PAUL CAPPS, CHAIRMAN

On motion of Senator J. Jeffress, **House Bill No. 1091** was ordered re-referred to the Committee on EDUCATION.

HOUSE CONCURRENT RESOLUTION NO. 1002
CALL ITEM NO. 4
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION
BY: REPRESENTATIVE MAHONY, ET AL

HOUSE CONCURRENT RESOLUTION REQUESTING THE JOINT INTERIM COMMITTEE ON EDUCATION CONDUCT A STUDY OF THE SALARY INCREASES TO TEACHERS IN SPECIAL SETTINGS THAT MAY NOT OTHERWISE BE ELIGIBLE TO RECEIVE THE SALARY INCREASES AUTHORIZED FOR OTHER TEACHERS FOR THE BIENNIAL PERIOD ENDING JUNE 30, 2005.

House Concurrent Resolution No. 1002 was read the first time, rules suspended, read the second time and referred to the Committee on EDUCATION.

ARKANSAS SENATE
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION

January 26, 2004

Mr. President:

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

HOUSE BILL NO. 1114, BY REPRESENTATIVE CHESTERFIELD, ET AL,

beg leave to report that we have carefully compared the engrossed copy with the original and we find the same correctly engrossed.

Respectfully submitted,

(SIGNED) JOHN PAUL CAPPS, CHAIRMAN

ARKANSAS SENATE
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION

January 26, 2004

Mr. President:

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

SENATE BILL NO. 62, BY SENATOR WOOLDRIDGE,

beg leave to report that we have carefully compared the engrossed copy with the original and we find the same correctly engrossed.

Respectfully submitted,

(SIGNED) JOHN PAUL CAPPS, CHAIRMAN

On motion of Senator Wooldridge, **Senate Bill No. 62** was ordered re-referred to the Committee on REVENUE & TAXATION.

HOUSE BILL NO. 1078
CALL ITEM NO. 4
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION
BY: REPRESENTATIVE CLEVELAND

A Bill for an Act to be Entitled: AN ACT TO MAKE AN APPROPRIATION FOR PERSONAL SERVICES FOR THE DEPARTMENT OF HIGHER EDUCATION FOR THE BIENNIAL PERIOD ENDING JUNE 30, 2005; AND FOR OTHER PURPOSES.

House Bill No. 1078 was read the first time, rules suspended, read the second time and placed on the Calendar.

HOUSE BILL NO. 1122
CALL ITEM NO. 4
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION
BY: REPRESENTATIVE GILLESPIE

A Bill for an Act to be Entitled: AN ACT CONCERNING A CRIMINAL RECORDS CHECK AS A CONDITION FOR INITIAL EMPLOYMENT OF NONCERTIFIED PERSONNEL IN SCHOOL DISTRICTS; TO ALLOW THE STATE BOARD OF EDUCATION TO GRANT AN EMPLOYMENT ELIGIBILITY WAIVER UNDER CERTAIN CIRCUMSTANCES; AND FOR OTHER PURPOSES.

House Bill No. 1122 was read the first time, rules suspended, read the second time and referred to the Committee on EDUCATION.

HOUSE BILL NO. 1132
CALL ITEM NO. 4
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION
BY: REPRESENTATIVE MAHONY

A Bill for an Act to be Entitled: AN ACT TO AMEND ACT 35 OF THE SECOND EXTRAORDINARY SESSION OF 2003 TO ALLOW THE DEPARTMENT OF EDUCATION TO EXTEND THE DEADLINE FOR TEST RESULTS IF THE DEADLINE SUBSTANTIALLY INCREASES THE COST OF ADMINISTRATION OF THE TESTS OR COMPROMISES THE VALIDITY OF THE TEST RESULTS; AND FOR OTHER PURPOSES.

House Bill No. 1132 was read the first time, rules suspended, read the second time and referred to the Committee on EDUCATION.

HOUSE BILL NO. 1141
As Engrossed: H1/23/04
CALL ITEM NO. 3
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION
BY: REPRESENTATIVES MAHONY & LENDALL

A Bill for an Act to be Entitled: AN ACT TO AMEND THE PROVISIONS OF THE ARKANSAS CODE RELATING TO SCHOOL NURSES; AND FOR OTHER PURPOSES.

House Bill No. 1141 was read the first time, rules suspended, read the second time and referred to the Committee on EDUCATION.

HOUSE BILL NO. 1142
CALL ITEM NO. 3
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION
BY: REPRESENTATIVE LEDBETTER

A Bill for an Act to be Entitled: AN ACT TO MAKE AN APPROPRIATION FOR GRANTS AND AIDS TO LOCAL SCHOOL DISTRICTS FOR ADMINISTRATIVE CONSOLIDATION ASSISTANCE FOR THE DEPARTMENT OF EDUCATION FOR THE BIENNIAL PERIOD ENDING JUNE 30, 2005; AND FOR OTHER PURPOSES.

House Bill No. 1142 was read the first time, rules suspended, read the second time and placed on the Calendar.

* * * * *

SENATE BILL TRANSMITTED TO THE HOUSE
AS PASSED

SENATE BILL NO. 71

HOUSE BILL RETURNED TO THE HOUSE
AS PASSED

HOUSE BILL NO. 1111

HOUSE BILLS TRANSMITTED TO THE SENATE
AS PASSED

HOUSE BILL NO. 1078
HOUSE BILL NO. 1122
HOUSE BILL NO. 1132
HOUSE BILL NO. 1141
HOUSE BILL NO. 1142

HOUSE CONCURRENT RESOLUTION TRANSMITTED
TO THE SENATE AS ADOPTED
HOUSE CONCURRENT RESOLUTION NO. 1002

On motion of Senator Hill, the Senate adjourned until Tuesday, 1:00 p.m.,
January 27, 2004.

PRESIDENT OF THE SENATE

SECRETARY OF THE SENATE

--ooOoo--

**51ST DAY'S PROCEEDINGS
SENATE CHAMBER
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION**

Little Rock, Arkansas

January 27, 2004

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

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

ALTES, ARGUE, BAKER, BISBEE, BOOKOUT,
BROADWAY, BROWN, BRYLES, CAPPS, CRITCHER,
FARIS, GLOVER, GULLETT, HENDREN,
HIGGINBOTHOM, HILL, HOLT, HORN, G.JEFFRESS,
J.JEFFRESS, JOHNSON, LAVERTY, LUKER, MADISON,
MALONE, MILLER, SALMON, SMITH, STEELE, TRUSTY,
WHITAKER, WILKINS, WILKINSON, WOMACK,
WOOLDRIDGE.

The Senate was led in prayer by Senator Brenda Gullett.

Senator Hill led the Senate in the Pledge of Allegiance.

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

ARKANSAS SENATE
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION

January 27, 2004

Mr. President:

We, your Committee on JOINT BUDGET, to whom was referred:

SENATE BILL NO. 51, BY SENATOR BISBEE,

beg leave to report that we have had the same under consideration, and herewith return the same with the recommendation that it do pass.

Respectfully submitted,

(SIGNED) SENATOR DAVID BISBEE

ARKANSAS SENATE
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION

January 27, 2004

Mr. President:

We, your Committee on JOINT BUDGET, to whom was referred:

HOUSE BILL NO. 1090, BY JOINT BUDGET COMMITTEE,

beg leave to report that we have had the same under consideration, and herewith return the same with the recommendation that it do pass as amended.# 3.

Respectfully submitted,

(SIGNED) SENATOR DAVID BISBEE

ARKANSAS SENATE
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION

January 27, 2004

Mr. President:

We, your Committee on JOINT BUDGET, to whom was referred:

HOUSE BILL NO. 1130, BY JOINT BUDGET COMMITTEE,

beg leave to report that we have had the same under consideration, and herewith return the same with the recommendation that it do pass as amended.# 1.

Respectfully submitted,

(SIGNED) SENATOR DAVID BISBEE

ARKANSAS SENATE
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION

January 27, 2004

Mr. President:

We, your Committee on EDUCATION, to whom was referred:

SENATE BILL NO. 53, BY SENATOR BROADWAY,

beg leave to report that we have had the same under consideration, and herewith return the same with the recommendation that it do pass as amended #3.

Respectfully submitted,

(SIGNED) SENATOR JIM ARGUE

ARKANSAS SENATE
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION

January 27, 2004

Mr. President:

We, your Committee on EDUCATION, to whom was referred:

HOUSE CONCURRENT RESOLUTION NO. 1002,
BY, REPRESENTATIVE MAHONY,

beg leave to report that we have had the same under consideration, and herewith return the same with the recommendation that it do pass.

Respectfully submitted,

(SIGNED) SENATOR JIM ARGUE

ARKANSAS SENATE
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION

January 27, 2004

Mr. President:

We, your Committee on EDUCATION, to whom was referred:

HOUSE BILL NO. 1091, BY REPRESENTATIVE JUDY,

beg leave to report that we have had the same under consideration, and herewith return the same with the recommendation that it do pass.

Respectfully submitted,

(SIGNED) SENATOR JIM ARGUE

ARKANSAS SENATE
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION

January 27, 2004

Mr. President:

We, your Committee on EDUCATION, to whom was referred:

HOUSE BILL NO. 1018, BY REPRESENTATIVE BOYD,

beg leave to report that we have had the same under consideration, and herewith return the same with the recommendation that it do pass as amended #5.

Respectfully submitted,

(SIGNED) SENATOR JIM ARGUE

ARKANSAS SENATE
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION

January 27, 2004

Mr. President:

We, your Committee on EDUCATION, to whom was referred:

HOUSE BILL NO. 1141, BY REPRESENTATIVE MAHONY,

beg leave to report that we have had the same under consideration, and herewith return the same with the recommendation that it do pass as amended #1.

Respectfully submitted,

(SIGNED) SENATOR JIM ARGUE

On motion of Senator Lavery, **Senate Resolution No. 16** was called up for third reading and final disposition.

**SENATE RESOLUTION NO. 16
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION
BY: SENATOR LAVERTY**

SENATE RESOLUTION URGING THE ARKANSAS CONGRESSIONAL DELEGATION TO INTRODUCE AND PASS LEGISLATION TO REVISE THE AGE AND SERVICE REQUIREMENTS FOR MEMBERS OF THE NATIONAL GUARD AND RESERVES TO BE ELIGIBLE TO RECEIVE RETIREMENT PAY; AND TO INCREASE THE AMOUNT OF NATIONAL GUARD AND RESERVE RETIREMENT PAY TO MAKE IT ON PAR WITH ACTIVE DUTY MEMBERS OF OUR ARMED FORCES.

Senate Resolution No. 16 was read the third time and adopted.

(SIGNED) ANN CORNWELL, SECRETARY

On motion of Senator Bookout, **Senate Memorial Resolution No. 12** was called up for third reading and final disposition.

**SENATE MEMORIAL RESOLUTION NO. 12
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION
BY: SENATOR BOOKOUT**

SENATE MEMORIAL RESOLUTION IN RESPECTFUL MEMORY OF MR. WILLIAM ERNEST "BILL" HOOK AND IN RECOGNITION OF HIS MANY CONTRIBUTIONS TO THE STATE OF ARKANSAS AND HIS LOCAL COMMUNITY.

Senate Memorial Resolution No. 12 was read the third time and adopted.

(SIGNED) ANN CORNWELL, SECRETARY

STATE OF ARKANSAS
OFFICE OF THE GOVERNOR
STATE CAPITOL
LITTLE ROCK, ARKANSAS

MIKE HUCKABEE
Governor

January 26, 2004

TO THE PRESIDENT OF THE SENATE

Dear Mr. President:

This is to inform your Honorable Body that on January 26, 2004, I approved the following measure from the Second Extraordinary Session of the Eighty-fourth General Assembly:

Senate Bill 70, is now Act Number 54

Senate Bill 18, is now Act Number 55

Senate Bill 63, is now Act Number 56

Sincerely,

(SIGNED) MIKE HUCKABEE
Governor

On motion of Senator Broadway, the rules were suspended in considering **House Bill No. 1141** at this time.

On motion of Senator Broadway, **House Bill No. 1141** was placed back on second reading for purpose of amendment.

ARKANSAS SENATE
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION
Amendment No. 1 to HOUSE BILL NO. 1141

Amend **House Bill No. 1141** as engrossed, H1/23/04:

Add Representative Borhauer as a cosponsor of the bill.

AND

Add Senator Broadway as a cosponsor of the bill.

(SIGNED) SENATOR SHANE BROADWAY

The Amendment was read the first time, rules suspended, read the second time and adopted.

(SIGNED) ANN CORNWELL, SECRETARY

House Bill No. 1141 was ordered engrossed.

On motion of Senator Broadway, the rules were suspended in considering **House Bill No. 1018** at this time.

On motion of Senator Broadway, **House Bill No. 1018** was placed back on second reading for purpose of amendment.

ARKANSAS SENATE
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION
Amendment No. 5 to HOUSE BILL NO. 1018

Amend **House Bill No. 1018** as engrossed, S1/13/04:

Add Senators Broadway and Bisbee as cosponsors of the bill

AND

Add Representative Mahony as cosponsors of the bill

AND

Delete everything following the enacting clause and substitute the following:

"SECTION 1. (a) Upon the effective date of consolidation, annexation, or reorganization, the following school districts that received isolated funding in the 2003-2004 school year shall become isolated school areas for the sole purpose of receiving isolated funding and shall have a per student isolated funding amount as follows:

<u>County</u> <u>Column A</u>	<u>School District</u> <u>Column B</u>	<u>Per Student</u> <u>Isolated</u> <u>Funding Amount</u> <u>Column C</u>
<u>Van Buren</u>	<u>Alread</u>	<u>2,219</u>
<u>Desha</u>	<u>Arkansas City</u>	<u>2,040</u>
<u>Randolph</u>	<u>Biggers-Reyno</u>	<u>763</u>
<u>Miller</u>	<u>Bright Star</u>	<u>916</u>
<u>Marion</u>	<u>Bruno Pyatt</u>	<u>329</u>
<u>Dallas</u>	<u>Carthage</u>	<u>1,938</u>
<u>Independence</u>	<u>Cord-Charlotte</u>	<u>235</u>
<u>Woodruff</u>	<u>Cotton Plant</u>	<u>733</u>
<u>Crittenden</u>	<u>Crawfordsville</u>	<u>642</u>
<u>Newton</u>	<u>Deer</u>	<u>853</u>
<u>Greene</u>	<u>Delaplaine</u>	<u>215</u>
<u>Desha</u>	<u>Delta Special</u>	<u>952</u>
<u>Nevada</u>	<u>Emmet</u>	<u>307</u>
<u>Sharp</u>	<u>Evening Shade</u>	<u>115</u>
<u>Ashley</u>	<u>Fountain Hill</u>	<u>339</u>
<u>Yell</u>	<u>Fourche Valley</u>	<u>1,603</u>
<u>Arkansas</u>	<u>Gillett</u>	<u>1,000</u>
<u>Lincoln</u>	<u>Gould</u>	<u>765</u>
<u>Lincoln</u>	<u>Grady</u>	<u>560</u>
<u>Polk</u>	<u>Hatfield</u>	<u>42</u>

<u>Monroe</u>	<u>Holly Grove</u>	<u>868</u>
<u>Arkansas</u>	<u>Humphrey</u>	<u>328</u>
<u>Union</u>	<u>Huttig</u>	<u>668</u>
<u>Cleveland</u>	<u>Kingsland</u>	<u>394</u>
<u>Madison</u>	<u>Kingston</u>	<u>661</u>
<u>Phillips</u>	<u>Lake View</u>	<u>1,054</u>
<u>Searcy</u>	<u>Leslie</u>	<u>628</u>
<u>Lawrence</u>	<u>Lynn</u>	<u>782</u>
<u>Columbia</u>	<u>McNeil</u>	<u>329</u>
<u>Union</u>	<u>Mount Holly</u>	<u>898</u>
<u>Newton</u>	<u>Mount Judea</u>	<u>622</u>
<u>Izard</u>	<u>Mount Pleasant</u>	<u>225</u>
<u>Johnson</u>	<u>Oark</u>	<u>1,576</u>
<u>Montgomery</u>	<u>Oden</u>	<u>671</u>
<u>Saline</u>	<u>Paron</u>	<u>733</u>
<u>Yell</u>	<u>Plainview-Rover</u>	<u>297</u>
<u>Franklin</u>	<u>Pleasant View</u>	<u>679</u>
<u>Randolph</u>	<u>Randolph County</u>	<u>444</u>
<u>Lawrence</u>	<u>River Valley</u>	<u>106</u>
<u>Stone</u>	<u>Rural Special</u>	<u>788</u>
<u>Searcy</u>	<u>Saint Joe</u>	<u>727</u>
<u>Madison</u>	<u>Saint Paul</u>	<u>123</u>
<u>Hempstead</u>	<u>Saratoga</u>	<u>1,407</u>
<u>Van Buren</u>	<u>Scotland</u>	<u>1,841</u>
<u>Dallas</u>	<u>Sparkman</u>	<u>487</u>
<u>Ouachita</u>	<u>Stephens</u>	<u>1</u>
<u>Stone</u>	<u>Stone County</u>	<u>367</u>
<u>Jackson</u>	<u>Swifton</u>	<u>458</u>
<u>Columbia</u>	<u>Taylor</u>	<u>353</u>
<u>Howard</u>	<u>Umpire</u>	<u>2,152</u>
<u>Union</u>	<u>Union</u>	<u>45</u>
<u>Columbia</u>	<u>Walker</u>	<u>819</u>
<u>Newton</u>	<u>Western Grove</u>	<u>375</u>
<u>Cleburne</u>	<u>Wilburn</u>	<u>978</u>
<u>Sharp</u>	<u>Williford</u>	<u>475</u>
<u>Washington</u>	<u>Winslow</u>	<u>494</u>

(b) Beginning with the 2004-2005 school year and each school year thereafter, state financial aid in the form of isolated funding shall be provided to school districts containing an isolated school area in an amount equal to the prior year three (3) quarter average daily membership of the isolated school area multiplied by the per student isolated funding amount for the isolated school areas as set forth under column "C" of subsection (a) of this section.

(c) No school district may receive isolated funding, under this section, for an isolated school area if the prior year three (3) quarter average daily membership of the isolated school area exceeds three hundred and fifty (350).

(d) A school district receiving isolated funding for an isolated school area shall expend the funds solely for the operation, maintenance, and support of the isolated school area.

(e) No school district or isolated school area which may qualify under other law to receive additional state aid because its average daily membership is less than three hundred fifty (350) shall be eligible to receive funding under this section except that a district

qualifying under other law for such aid and qualifying for funds under this section may elect to receive funds under this section in lieu of aid under other.

(f) For the purposes of this section, school districts with isolated school areas shall account for the average daily membership of all schools located in the isolated school area as required by the Department of Education and shall submit reports as required by the department.

(g) The department shall distribute isolated funding under this section in two (2) payments per school year.

(h) Nothing in this section shall be construed to determine a school district's qualification as an isolated school under Arkansas Code § 6-20-601 as required to prohibit the closing of an isolated school in the act that was introduced as House Bill 1109 of the Second Extraordinary Session of 2003 of the General Assembly.

(i) The State Board of Education may promulgate rules as necessary for the proper implementation of this section."

(SIGNED) SENATOR SHANE BROADWAY

Senator Bisbee spoke for the amendment.

The Amendment was read the first time, rules suspended, read the second time and adopted.

(SIGNED) ANN CORNWELL, SECRETARY

House Bill No. 1018 was ordered engrossed.

On motion of Senator Argue, the rules were suspended in considering House Bill No. 1071 at this time.

On motion of Senator Argue, House Bill No. 1071 was withdrawn from the Committee on EDUCATION and placed back on second reading for purpose of amendment.

ARKANSAS SENATE
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION
Amendment No. 3 to HOUSE BILL NO. 1071

Amend House Bill No. 1071 as engrossed, S1/26/04:

Page 7, delete line 8 and substitute:

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

AND

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

(SIGNED) SENATOR STEVE BRYLES

The Amendment was read the first time, rules suspended, read the second time and adopted.

(SIGNED) ANN CORNWELL, SECRETARY

House Bill No. 1071 was ordered engrossed.

On motion of Senator Bisbee, the Senate resolved itself into the Committee of the Whole for the purpose of Joint Budget Bills and Amendments.

Without objection, the Committee of the Whole was dissolved, and the Senate took up its regular order of business.

On motion of Senator Bisbee, the rules were suspended in considering **House Bill No. 1130** at this time.

On motion of Senator Bisbee, **House Bill No. 1130** was placed back on second reading for purpose of amendment.

ARKANSAS SENATE
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION
Amendment No. 1 to HOUSE BILL NO. 1130

Amend **House Bill No. 1130** as originally introduced:

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

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

(SIGNED) SENATOR DAVID BISBEE

The Amendment was read the first time, rules suspended, read the second time and adopted.

(SIGNED) ANN CORNWELL, SECRETARY

House Bill No. 1130 was ordered engrossed.

On motion of Senator Bisbee, the rules were suspended in considering **House Bill No. 1090** at this time.

On motion of Senator Bisbee, **House Bill No. 1090** was placed back on second reading for purpose of amendment.

ARKANSAS SENATE
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION
Amendment No. 3 to HOUSE BILL NO. 1090

Amend **House Bill No. 1090** as engrossed, S1/23/04:

Page 1, Line 26 insert after the underlined word "Session" the following:

" unless a different distribution of those additional net revenues is otherwise provided in the Act of the Eighty-Fourth General Assembly meeting in Second Extraordinary Session creating those additional net revenues,"

AND

Insert a new Section immediately following Section 2 to read as follows:

"SECTION 3. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. On June 30, 2005, the Chief Fiscal Officer of the State shall transfer on his books and those of the State Treasurer and the State Auditor the sum of twenty two million dollars (\$22,000,000), or so much thereof as is available, from the General Revenue Allotment Reserve Fund to the Educational Adequacy Fund."

AND

Appropriately renumber the subsequent Sections of the bill.

(SIGNED) SENATOR DAVID BISBEE

The Amendment was read the first time, rules suspended, read the second time and adopted.

(SIGNED) ANN CORNWELL, SECRETARY

House Bill No. 1090 was ordered engrossed.

On motion of Senator Broadway, **Senate Bill No. 55** was called up for third reading and final disposition.

SENATE BILL NO. 55
CALL ITEM NO. 3
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION
BY: SENATOR BROADWAY

A Bill for an Act to be Entitled: AN ACT TO MAKE AN APPROPRIATION FOR EXPANSION OF THE ARKANSAS BETTER CHANCE FOR SCHOOL SUCCESS PROGRAM FOR THE DEPARTMENT OF EDUCATION FOR THE FISCAL YEAR ENDING JUNE 30, 2005; AND FOR OTHER PURPOSES.

- Senator Gullett spoke for the Bill.
- Senator Argue spoke for the Bill
- Senator Hendren spoke against the Bill.
- Senator Luker spoke for the Bill.
- Senator Salmon spoke for the Bill.
- Senator Miller spoke for the Bill.
- Senator Malone spoke for the Bill.
- Senator Holt spoke against the Bill.
- Senator Lavery spoke for the Bill.
- Senator Wilkins spoke for the Bill.
- Senator Womack spoke for the Bill.
- Senator Broadway closed for his Bill.

Senate Bill No. 55 was placed on third reading and final disposition, the question being: Shall the Bill pass?

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

AFFIRMATIVE: Argue, Baker, J. Bookout, Broadway, Brown, Bryles, Capps, Critcher, Faris, Glover, Gullett, Higginbothom, Hill, Horn, G. Jeffress, J. Jeffress, B. Johnson, Lavery, Luker, Madison, Malone, Miller, Salmon, Steele, Trusty, Whitaker, Wilkins, Wilkinson, Womack, Wooldridge.

Total30

NEGATIVE: Altes, Hendren, Holt.	
Total	3
ABSENT OR NOT VOTING: Bisbee, T. Smith.	
Total	2
VOTING PRESENT:	
Total	0
Total number of votes cast.....	33
Necessary to the passage of the bill	18

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

(SIGNED) ANN CORNWELL, SECRETARY

There being an emergency clause attached to **Senate Bill No. 55**, the President ordered the Secretary to call the roll upon the adoption of the emergency clause.

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

AFFIRMATIVE: Argue, Baker, J. Bookout, Broadway, Brown, Bryles, Capps, Critcher, Faris, Glover, Gullett, Higginbothom, Hill, Horn, G. Jeffress, J. Jeffress, B. Johnson, Laverty, Luker, Madison, Malone, Miller, Salmon, Steele, Trusty, Whitaker, Wilkins, Wilkinson, Womack, Wooldridge.

 Total

30

NEGATIVE: Altes, Hendren, Holt.

 Total

3

ABSENT OR NOT VOTING: Bisbee, T. Smith.

 Total

2

VOTING PRESENT:

 Total

0

Total number of votes cast.....

33

Necessary to the adoption of the emergency clause24

So the Emergency Clause was adopted.

(SIGNED) ANN CORNWELL, SECRETARY

Senate Bill No. 55 was ordered immediately transmitted to the House.

On motion of Senator Bisbee, the rules were suspended in considering **Senate Bill No. 51** at this time.

On motion of Senator Bisbee, **Senate Bill No. 51** was called up for third reading and final disposition.

SENATE BILL NO. 51

As Engrossed: S1/12/04

CALL ITEM NO. 3

EIGHTY-FOURTH GENERAL ASSEMBLY

SECOND EXTRAORDINARY SESSION

BY: SENATOR BISBEE

A Bill for an Act to be Entitled: AN ACT TO MAKE AN APPROPRIATION FOR GRANTS AND AID TO THE ARKANSAS LEADERSHIP ACADEMY FOR THE MASTER SCHOOL PRINCIPAL PROGRAM FOR THE DEPARTMENT OF EDUCATION FOR THE BIENNIAL PERIOD ENDING JUNE 30, 2005; AND FOR OTHER PURPOSES.

Senate Bill No. 51 was placed on third reading and final disposition, the question being: Shall the Bill pass?

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

AFFIRMATIVE: Altes, Baker, Bisbee, J. Bookout, Broadway, Brown, Bryles, Capps, Critcher, Faris, Glover, Gullett, Hendren, Higginbothom, Hill, Holt, Horn, G. Jeffress, J. Jeffress, B. Johnson, Lavery, Luker, Madison, Miller, Salmon, Steele, Whitaker, Wilkins, Wilkinson, Womack, Wooldridge.

Total31

NEGATIVE:

Total0

ABSENT OR NOT VOTING: Argue, Malone, T. Smith, Trusty.

Total4

VOTING PRESENT:

Total0

Total number of votes cast.....31

Necessary to the passage of the bill27

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

(SIGNED) ANN CORNWELL, SECRETARY

There being an emergency clause attached to **Senate Bill No. 51**, the President ordered the Secretary to call the roll upon the adoption of the emergency clause.

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

AFFIRMATIVE: Altes, Baker, Bisbee, J. Bookout, Broadway, Brown, Bryles, Capps, Critcher, Faris, Glover, Gullett, Hendren, Higginbothom, Hill, Holt, Horn, G. Jeffress, J. Jeffress, B. Johnson, Lavery, Luker, Madison, Miller, Salmon, Steele, Whitaker, Wilkins, Wilkinson, Womack, Wooldridge.

Total31

NEGATIVE:

Total0

ABSENT OR NOT VOTING: Argue, Malone, T. Smith, Trusty.

Total4

VOTING PRESENT:

Total0

Total number of votes cast.....31

Necessary to the adoption of the emergency clause24

So the Emergency Clause was adopted.

(SIGNED) ANN CORNWELL, SECRETARY

Senate Bill No. 51 was ordered immediately transmitted to the House.

On motion of Senator Broadway, the rules were suspended in considering House Bill No. 1142 at this time.

On motion of Senator Broadway, House Bill No. 1142 was placed back on second reading for purpose of amendment.

ARKANSAS SENATE
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION
Amendment No. 1 to HOUSE BILL NO. 1142

Amend House Bill No. 1142 as originally introduced:

Add a new section immediately after Section 2 of the bill to read as follows:

“SECTION 3. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE NOR PUBLISHED SEPAARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. FUND TRANSFER. Any of the remaining balance of moneys transferred to the Department of Education Public School Fund Account as authorized by law for Administrative Consolidation Assistance that are determined by the Chief Fiscal Officer of the State as no longer needed to fulfill the purpose for which the funds were transferred shall immediately transfer any remaining balances to the Federal Fiscal Relief Fund.”

AND

Renumber the subsequent sections of the bill.

(SIGNED) SENATOR SHANE BROADWAY

The Amendment was read the first time, rules suspended, read the second time and adopted.

(SIGNED) ANN CORNWELL, SECRETARY

House Bill No. 1142 was ordered engrossed.

On motion of Senator Broadway, the rules were suspended in considering Senate Bill No. 53 at this time.

On motion of Senator Broadway, Senate Bill No. 53 was placed back on second reading for purpose of amendment.

ARKANSAS SENATE
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION
Amendment No. 3 to SENATE BILL NO. 53

Amend Senate Bill No. 53 as engrossed, S1/26/04:

Page 1, line 34, delete "state." and substitute "state for presentation to the Eighty-Fifth General Assembly."

AND

Page 2, line 2, delete "care, the" and substitute "care, the committee and the"

(SIGNED) SENATOR SHANE BROADWAY

The Amendment was read the first time, rules suspended, read the second time and adopted.

(SIGNED) ANN CORNWELL, SECRETARY

Amend **Senate Bill No. 53** as engrossed.

On motion of Senator Gullett, the rules were suspended in considering **House Bill No. 1047** at this time.

On motion of Senator Gullett, **House Bill No. 1047** was placed back on second reading for purpose of amendments.

ARKANSAS SENATE
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION
Amendment No. 1 to HOUSE BILL NO. 1047

Amend **House Bill No. 1047** as engrossed , H12/17/03:

Page 1, delete all the sections following the enacting clause and substitute the following:

“SECTION 1. Arkansas Code § 6-17-2402, as added by the act that was introduced as Senate Bill 42 of the Second Extraordinary Session of 2003, is amended to read as follows:

6-17-2402. Definitions.

As used in this subchapter:

(1) "Basic contract" means a teacher employment contract for one hundred and ninety (190) days that includes ten (10) days of professional development. ~~The provisions of § 6-17-807 shall apply to require a school district to increase teacher pay proportionately if the school district's normal base contract period exceeds one hundred and ninety (190) days.~~

(2) "Teacher" means:

- (A) An individual who is required to hold a teaching license from the department and who is engaged directly in instruction with students in a classroom setting for more than seventy percent (70%) of the individual's contracted time;
- (B) A guidance counselor; or
- (C) A librarian.

SECTION 2. Arkansas Code § 6-17-2403, as added by the act that was introduced as Senate Bill 42 of the Second Extraordinary Session of 2003, is amended to read as follows:

6-17-2403. Minimum teacher compensation schedule for 2004-2005.

(a) The board of directors in each school district in the state shall pay classroom teachers upon a minimum salary schedule that provides:

- (1) Annual increments for education and experience;
- (2) A base salary; and
- (3) A minimum salary for a teacher with a master's degree and at least fifteen (15) years of experience.

~~(b) In school year 2004-2005, each school district in the state shall have in place a salary schedule that includes the following:~~

~~(1) A base salary of at least twenty-seven thousand five hundred dollars (\$27,500) for teachers with a bachelor's degree and no experience;~~

~~(2) A base salary of at least thirty-one thousand six hundred twenty-five dollars (\$31,625) for teachers with a master's degree and no experience; and~~

~~(3) Unless the school district's present salary schedule exceeds the minimum requirements of this subsection (b), provision for at least fifteen (15) annual increments for experience of:~~

~~(A) Four hundred fifty dollars (\$450) for a bachelor's degree; and~~

~~(B) Five hundred dollars (\$500) for a master's degree.~~

In school year 2004-2005, each school district in the state shall have in place a salary schedule with at least the following minimum levels of compensation:

<u>Years of Experience</u>	<u>BA Degree Select</u>	<u>MA Degree Salary</u>
<u>0</u>	<u>\$27,500</u>	<u>\$31,625</u>
<u>1</u>	<u>27,950</u>	<u>32,125</u>
<u>2</u>	<u>28,400</u>	<u>32,625</u>
<u>3</u>	<u>28,850</u>	<u>33,125</u>
<u>4</u>	<u>29,300</u>	<u>33,625</u>
<u>5</u>	<u>29,750</u>	<u>34,125</u>
<u>6</u>	<u>30,200</u>	<u>34,625</u>
<u>7</u>	<u>30,650</u>	<u>35,125</u>
<u>8</u>	<u>31,100</u>	<u>35,625</u>
<u>9</u>	<u>31,550</u>	<u>36,125</u>
<u>10</u>	<u>32,000</u>	<u>36,625</u>
<u>11</u>	<u>32,450</u>	<u>37,125</u>
<u>12</u>	<u>32,900</u>	<u>37,625</u>
<u>13</u>	<u>33,350</u>	<u>38,125</u>
<u>14</u>	<u>33,800</u>	<u>38,625</u>

15

34,250

39,125

(c) For purposes of the salary schedules described in this section, the teacher's experience shall be his or her total years in any school district in the state and shall not be based only upon the years in the school district in which he or she is currently employed.

(d)(1) A teacher shall be entitled to additional pay if the number of days in the teacher's contract for the 2004-2005 school year exceeds the number of days in the teacher's contract for the 2003-2004 school year.

(2) The additional pay shall be at least equal to the number of additional contract days under subdivision (d)(1) of this section times the daily rate calculated using the teacher's 2003-2004 salary.

(e)(1) A teacher shall not be entitled to additional pay under subsection (d) of this section if the teacher's salary to which he or she would have been entitled for school year 2003-2004 if the salary schedule in subsection (b) of this section had been effective for the 2003-2004 school year less the teacher's actual salary for the 2003-2004 school year exceeds the result of multiplying the number of additional contract days under subdivision (d)(1) of this section times the daily rate as calculated using the teacher's actual salary for the 2003-2004 school year.

(2) If the provisions of subdivision (e)(1) of this section apply:

(A) The teacher shall receive a minimum salary for school year 2004-2005 based upon the salary schedule in subsection (b) of this section; and

(B) The requirements of § 6-17-807 shall not apply.

(f) For purposes of this section, "daily rate" means the teacher contract salary divided by the number of days in the teacher contract.

SECTION 3. Arkansas Code Title 6, Chapter 17, Subchapter 10 is repealed.

~~6-17-1001. Minimum base salary—Master's degree.~~

~~(a)(1) The board of directors in each school district in the state shall pay its teachers upon a salary schedule which has annual increments for education and experience and which provides for a base salary, a minimum salary for a teacher with a master's degree, and at least fifteen (15) years of experience as described in this section.~~

~~(2) Beginning with the 2003-2004 school year, the teacher's experience for purposes of salary and benefits shall be his or her total years in any school district in the state and shall not be based on only the years in the district in which he or she is currently employed.~~

~~(b) In school year 2000-2001 and in each school year thereafter, no school district shall pay its teachers with a bachelor's degree and no experience less than twenty-one thousand eight hundred sixty dollars (\$21,860).~~

~~(c) In school year 2000-2001 and in each school year thereafter, school districts shall pay teachers with a master's degree and no experience at least one hundred fifteen percent (115%) of the minimum base salary prescribed in subsection (b) of this section.~~

~~(d) In school year 2001-2002 and in each school year thereafter, school districts shall pay a teacher with a master's degree and at least fifteen (15) years of experience one hundred fifty percent (150%) of the state minimum base salary.~~

~~(e)(1) In school year 1995-1996 and in each school year thereafter, each school district in the state shall have in place a salary schedule which provides at least fourteen (14) annual increments for experience.~~

~~(2) In school year 2001-2002 and in each school year thereafter, each school district in the state shall have in place a salary schedule which provides at least fifteen (15) annual increments for experience.~~

~~(3) In school year 2001-2002 and in each school year thereafter, each school district in the state shall have in place a salary schedule with at least the following minimum levels of compensation:~~

Years Experience	BA Degree Salary	MA Degree Salary
0	\$21,860	\$25,139
1	22,304	25,649
2	22,748	26,159
3	23,192	26,669
4	23,636	27,179
5	24,080	27,689
6	24,524	28,199
7	24,968	28,709
8	25,412	29,219
9	25,856	29,729
10	26,300	30,239
11	26,744	30,749
12	27,188	31,259
13	27,632	31,769
14	28,076	32,279
15 or more	28,520	32,789

~~(f) For the 1997-98 school year and for each year thereafter, each school district shall provide no less than four hundred-dollar increments for experience for teachers with one (1) and two (2) years of experience.~~

~~(g) For the 1998-1999 school year and for each year thereafter, each school district shall provide no less than four hundred-dollar increments for experience for teachers with three (3) and four (4) years of experience.~~

~~(h) For the 1999-2000 school year and for each year thereafter, each school district shall provide no less than four hundred-dollar increments for experience for teachers with five (5) and six (6) years of experience.~~

~~(i) For the 2000-2001 school year and for each year thereafter, each school district shall provide no less than four hundred-dollar increments for experience for teachers with seven (7) and eight (8) years of experience.~~

~~(j) For the 2001-2002 school year and for each year thereafter, each school district shall provide no less than four hundred-dollar increments for experience for teachers with nine (9) and ten (10) years of experience.~~

~~(k) For the 2002-2003 school year and for each year thereafter, each school district shall provide no less than four hundred-dollar increments for experience for teachers with eleven (11) and twelve (12) years of experience.~~

~~(l)(1) For the 2003-2004 school year and for each year thereafter, each school district shall provide no less than four hundred-dollar increments for experience for teachers with~~

~~thirteen (13) years of experience.~~

~~(2) For the 2004-2005 school year and for each year thereafter, each school district shall provide no less than four hundred dollar increments for experience for teachers with fourteen (14) years of experience.~~

~~(3) For the 2005-2006 school year and for each year thereafter, each school district shall provide no less than four hundred dollar increments for experience for teachers with fifteen (15) years of experience.~~

~~(m) Subsections (f) (1) of this section shall not apply to any local school district whose minimum salary for teachers exceeds twenty one thousand eight hundred sixty dollars (\$21,860) and whose average salary exceeds the state average salary for teachers for the previous year.~~

~~(n) As used in this section, "teacher" shall include any full-time employee of a local public school district:~~

~~(1) Who is compelled by law to secure a license from the State Board of Education as a condition precedent to employment in a position in or related to grades prekindergarten through twelve (preK-12) of the public schools of this state; and~~

~~(2) Who is:~~

~~(A) Engaged directly in instruction with students in a classroom setting for more than seventy percent (70%) of the individual's contracted time;~~

~~(B) A guidance counselor; or~~

~~(C) A librarian.~~

~~(o) All minimum salaries set forth in this section shall be for a contract number of days that is not more than the number of days in the school year required by the State Board of Education's regulations for accreditation for the school year in which the contract is effective.~~

~~(p)(1) A district that determines that it cannot meet the minimum salary requirements of this section from funds available may petition the Department of Education for a waiver of the requirements of this section for up to three (3) school years based on regulations promulgated by the State Board of Education.~~

~~(2) The department shall not grant a waiver to any district that is not in compliance with the uniform rate of tax requirements under Arkansas Constitution, Amendment 74.~~

~~6-17-1002. Salary amount—Annual review.~~

~~(a) The salaries fixed herein shall be regarded as minimum salaries only, and each district may supplement such salaries. No teacher shall receive a reduced salary as a result of this subchapter's requirements.~~

~~(b) Base salary shall not be raised until all teachers within a district are paid equal to or greater than the minimum requirements established herein. Each school district shall develop its own salary schedule with salaries equal to or greater than the required minimums set forth herein.~~

~~(c) The Arkansas Teachers' Salaries Study Commission shall annually review the minimum base salary and make recommendations to the Department of Education, the~~

Governor, and the General Assembly for such modifications as the commission shall deem appropriate.

~~6-17-1003. Enforcement—Appeal—Rules and regulations.~~

~~(a) The State Board of Education is empowered to enforce the provisions of this subchapter and is specifically authorized to order the dissolution and merger of any school district which fails to comply with the minimum salary requirements established by this subchapter. Any appeal from a decision of the board ordering the dissolution and merger of a school district for failure to comply with the provisions of this subchapter shall be filed in the Circuit Court of Pulaski County and must be filed within thirty (30) days of the decision of the board.~~

~~(b) The board shall issue rules and regulations to implement this subchapter.~~

~~6-17-1004. Salary goals.~~

~~(a) The personnel policies committees and negotiating teams established and maintained in Arkansas public schools are encouraged to set and meet five-year goals to substantially increase teacher salaries. In setting realistic yet meaningful salary goals, the committees and teams shall consider exceeding the state, regional Southern Regional Education Board states, border states, or national average salaries for teachers.~~

~~(b) Within two (2), four (4), and five (5) years following the adoption of this section, school districts shall report to the Arkansas Teachers' Salaries Study Commission and the Department of Education the goals developed, adopted, and met.~~

SECTION 4. EMERGENCY CLAUSE. It is found and determined by the General Assembly of the State of Arkansas that the Arkansas Supreme Court in Lake View School District No. 25 v. Huckabee, 351 Ark. 31 (2002) declared the current system of education to be unconstitutional because it is both inequitable and inadequate; and the Arkansas Supreme Court set forth the test for a constitutional system to be one in which the State has an “absolute duty” to provide an “equal opportunity to an adequate education”; the Arkansas Supreme Court instructed the General Assembly to undertake actions as necessary to provide an opportunity for an adequate and equitable education for the children of Arkansas; and the provisions of this bill are necessary steps toward accomplishing that goal. 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.”

(SIGNED) SENATOR BRENDA GULLETT

The Amendment was read the first time, rules suspended, read the second time and adopted.

(SIGNED) ANN CORNWELL, SECRETARY

Amendment No. 2 to HOUSE BILL NO. 1047

Amend **House Bill No. 1047** as engrossed , H12/17/03:

Page 1, delete line 10 and substitute:

"AN ACT TO PROVIDE FOR MINIMUM TEACHER SALARIES; AND"

AND

Page 1, delete lines 14 and 15 and substitute:

"AN ACT TO PROVIDE FOR MINIMUM TEACHER SALARIES."

(SIGNED) SENATOR BRENDA GULLETT

The Amendment was read the first time, rules suspended, read the second time and adopted.

(SIGNED) ANN CORNWELL, SECRETARY

House Bill No. 1047 was ordered engrossed.

ARKANSAS SENATE
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION

January 27, 2004

Mr. President:

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

HOUSE BILL NO . 1018 , BY REPRESENTATIVE BOYD, ET AL,

beg leave to report that we have carefully compared the engrossed copy with the original and we find the same correctly engrossed.

Respectfully submitted,

(SIGNED) JOHN PAUL CAPPS, CHAIRMAN

On motion of Senator Gullett, and without objection, the rules were suspended pertaining to passage of Amendment and Bill on the same day.

On motion of Senator Gullett, **House Bill No. 1018** was called up for third reading and final disposition.

HOUSE BILL NO. 1018

As Engrossed: H12/16/03 H12/19/03 S1/5/04 S1/7/04 S1/13/04 S1/27/04

CALL ITEM NO. 4

EIGHTY-FOURTH GENERAL ASSEMBLY

SECOND EXTRAORDINARY SESSION

BY: REPRESENTATIVE BOYD, ET AL

SENATORS GULLETT, ET AL

A Bill for an Act to be Entitled: AN ACT TO PROVIDE FOR THE CONTINUED SUPPORT OF ISOLATED SCHOOL DISTRICTS; AND FOR OTHER PURPOSES.

House Bill No. 1018 was placed on third reading and final disposition, the question being: Shall the Bill pass?

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

AFFIRMATIVE: Altes, Argue, Baker, Bisbee, Broadway, Brown, Bryles, Capps, Critcher, Faris, Glover, Gullett, Hendren, Higginbothom, Hill, Holt, Horn, G. Jeffress, J. Jeffress, B. Johnson, Laverty, Luker, Malone, Miller, Salmon, Steele, Trusty, Whitaker, Wilkins, Wilkinson, Womack, Wooldridge.

Total32

NEGATIVE:

Total0

ABSENT OR NOT VOTING: J. Bookout, Madison, T. Smith.

Total3

VOTING PRESENT:

Total0

Total number of votes cast32

Necessary to the passage of the bill18

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

(SIGNED) ANN CORNWELL, SECRETARY

House Bill No. 1018 was ordered immediately returned to the House as passed as amended.

On motion of Senator Bisbee the Senate recessed until 3:45 p.m..

The Senate reconvened after recess. The Secretary called the roll, and a quorum was present.

ARKANSAS SENATE
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION

January 27, 2004

Mr. President:

We, your Committee on REVENUE & TAXATION, to whom was referred:

SENATE BILL NO. 62 , BY SENATOR WOOLDRIDGE,

beg leave to report that we have had the same under consideration, and herewith return the same with the recommendation that it do pass.

Respectfully submitted,

(SIGNED) SENATOR TIM WOOLDRIDGE

ARKANSAS SENATE
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION

January 27, 2004

Mr. President:

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

SENATE BILL NO. 53, BY SENATOR BROADWAY,

beg leave to report that we have carefully compared the engrossed copy with the original and we find the same correctly engrossed.

Respectfully submitted,

(SIGNED) JOHN PAUL CAPPS, CHAIRMAN

ARKANSAS SENATE
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION

January 27, 2004

Mr. President:

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

HOUSE BILL NO. 1090, BY JOINT BUDGET COMMITTEE,
HOUSE BILL NO. 1130, BY JOINT BUDGET COMMITTEE,
HOUSE BILL NO. 1141, REPRESENTATIVE MAHONY,

beg leave to report that we have carefully compared the engrossed copies with the original and we find the same correctly engrossed.

Respectfully submitted,

(SIGNED) JOHN PAUL CAPPES, CHAIRMAN

ARKANSAS SENATE
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION

January 27, 2004

Mr. President:

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

HOUSE BILL NO. 1047, BY REPRESENTATIVE J. JOHNSON,
HOUSE BILL NO. 1071, BY REPRESENTATIVE BIGGS,

beg leave to report that we have carefully compared the engrossed copies with the original and we find the same correctly engrossed.

Respectfully submitted,

(SIGNED) JOHN PAUL CAPPES, CHAIRMAN

On motion of Senator Gullett, **House Bill No. 1047** was ordered re-referred to the Committee on EDUCATION.

On motion of Senator Bryles, **House Bill No. 1071** was ordered re-referred to the Committee on EDUCATION.

**ARKANSAS SENATE
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION**

January 27, 2004

Mr. President:

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

HOUSE BILL NO. 1142, BY REPRESENTATIVE LEDBETTER,

beg leave to report that we have carefully compared the engrossed copy with the original and we find the same correctly engrossed.

Respectfully submitted,

(SIGNED) JOHN PAUL CAPPS, CHAIRMAN

On motion of Senator Broadway, **House Bill No. 1142** was ordered re-referred to the Committee on JOINT BUDGET.

Senate Bill No. 34 was returned from the House as passed and ordered enrolled.

On motion of Senator Bisbee, **Senate Bill No. 42** was called up for the purpose of considering **Amendment Nos. 2, 3 & 4** thereto, adopted by the House.

HALL OF THE HOUSE OF REPRESENTATIVES
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION
Amendment No. 2 to SENATE BILL NO. 42

Amend **Senate Bill No. 42** as engrossed, S1/6/04:

Add Representative King as the House cosponsor

(SIGNED) REPRESENTATIVE BARBARA KING

Amendment No. 2 to Senate Bill No. 42, adopted by the House, was read the first time, rules suspended, read the second time and concurred in, by the Senate.

(SIGNED) ANN CORNWELL, SECRETARY

Amendment No. 3 to SENATE BILL NO. 42

Amend **Senate Bill No. 42** as engrossed, S1/6/04:

Page 5, delete line 31 and substitute:

"by the General Assembly and Title 6 of the Arkansas Code;

(19) "Secondary vocational area center" means a public secondary vocational institution organized for the specific purpose of educating high school students in specific occupational or vocational areas and serving students from more than one (1) participating school district;"

AND

Page 5, on line 32 delete "(19)" and substitute "(20)"

AND

Page 6, on line 2 delete "(20)" and substitute "(21)"

AND

Page 6, on line 8 delete "(21)" and substitute "(22)"

AND

Page 6, on line 18 delete "(22)" and substitute "(23)"

AND

Page 6, on line 21 delete "(23)" and substitute "(24)"

AND

Page 6, on line 25, delete "(24)" and substitute "(25)"

AND

Page 7, delete lines 13 through 18 and substitute:

"(2)(A) For the 2004-2005 school year, alternative learning environmental funding and secondary vocational area center funding shall be three thousand two hundred fifty dollars (\$3,250) multiplied times:

(i) The number of identified alternative learning environment students enrolled during the 2003-2004 school year; and

(ii) The number of students enrolled in a secondary vocational area center during the 2003-2004 school year;

(B) Funding for students in alternative learning environments shall be distributed based on rules promulgated by the State Board of Education.

(C) Funding for students in secondary vocational area centers shall be distributed based on rules promulgated by the State Board of Workforce Education and Community Opportunities."

AND

Page 8, delete lines 21 through 23 and substitute:

"social workers, nurses, and curriculum specialists;

(e) Parent education;

(f) Summer programs;

(g) Early intervention programs; and

(h) Materials, supplies, and equipment including technology used in approved programs or for approved purposes."

AND

Page 8, delete line 29 and substitute:

"for other academic programs or salaries.

(iii) The department may direct that a school district expend available funds on specified programs under subsection (b)(4)(C)(i) of this section."

AND

Page 9, delete line 31 and substitute:

"permitted by the department.

(f) In order for a school district to be entitled to state funds under the provisions of this subchapter, each school district shall satisfy the following requirements:

(1) Expenditures for any fiscal year shall not exceed the legal revenues for that year;

(2) The school district shall maintain records and make reports relative to attendance, receipts, and disbursements and other reports as required by the department for the administration of this subchapter;

(3) The school district shall maintain proper financial records in accordance with the state's school accounting manual and regulations promulgated by the state board.

(4)(A) Each year the school district shall file with the state board a salary schedule for its certified employees that recognizes a minimum level of training and experience.

(B) The schedule shall reflect the actual pay practices of the school district, including all fringe benefits.

(C) Salary increments for experience or education, or both, shall be identified on the schedule;

(5)(A) All pupil attendance records shall be kept in their original form and shall be public records.

(B) The records shall be kept according to law and regulations on paper or electronic forms either furnished or approved by the department.

(C) Original attendance records shall be kept on file in the office of the superintendent of the school district after the school term has ended for a period of three (3) years and shall be available for monitoring purposes during any day of the school term by the teachers or other persons designated to keep attendance."

AND

Page 11, on line 3, delete "percent"

AND

Page 11, on line 4, delete "(0.15%)" and substitute "(0.15)"

AND

Page 11, on line 23, delete "August 15" and substitute "September 1"

AND

Page 11, delete lines 31 and 32

AND

Page 12, delete lines 19 and 20 and substitute:

"state board. An annual record shall be filed by September 1 of each year within the"

AND

Page 12, delete lines 23 and 24 and substitute:

"the department determine that the financial records of any school district are not"

AND

Page 12, delete line 32 and substitute:

"to school districts. The Division of Legislative Audit may assist the auditors of the department upon request of the department."

AND

Page 15, on line 14, delete "request" and substitute "receive"

AND

Page 16, delete lines 2 through 4 and substitute:

"(b)(1) A school district board of directors is authorized to reimburse the actual expenses of a person required to obtain training under this section."

AND

Page 16, on line 29, delete "§ 6-22-2008" and substitute "§ 6-20-2008"

AND

Page 18, delete lines 4 through 7 and substitute:

"(1) "Basic contract" means a teacher employment contract for one hundred and ninety (190) days that includes ten (10) days of professional development. The provisions of § 6-17-807 shall apply to require a school district to increase teacher pay proportionately if the school district's normal base contract period exceeds one hundred and ninety (190) days."

AND

Page 18, delete lines 9 through 14 and substitute:

"(A) An individual who is required to hold a teaching license from the department and who is engaged directly in instruction with students in a classroom setting for more than seventy percent (70%) of the individual's contracted time;
(B) A guidance counselor; or

(C) A librarian."

AND

Page 18, delete lines 17 through 36

AND

Page 19, delete lines 1 through 16 and substitute:

"(a) The board of directors in each school district in the state shall pay classroom teachers upon a minimum salary schedule that provides:

(1) Annual increments for education and experience;

(2) A base salary; and

(3) A minimum salary for a teacher with a master's degree and at least fifteen (15) years of experience.

(b) In school year 2004-2005, each school district in the state shall have in place a salary schedule that includes the following:

(1) A base salary of at least twenty-seven thousand five hundred dollars (\$27,500) for teachers with a bachelor's degree and no experience;

(2) A base salary of at least thirty-one thousand six hundred twenty-five dollars (\$31,625) for teachers with a master's degree and no experience; and

(3) Unless the school district's present salary schedule exceeds the minimum requirements of this subsection (b), provision for at least fifteen (15) annual increments for experience of:

(A) Four hundred fifty dollars (\$450) for a bachelor's degree; and

(B) Five hundred dollars (\$500) for a master's degree.

(c) For purposes of the salary schedules described in this section, the teacher's experience shall be his or her total years in any school district in the state and shall not be based only upon the years in the school district in which he or she is currently employed."

(SIGNED) REPRESENTATIVE BARBARA KING

Amendment No. 3 to Senate Bill No. 42, adopted by the House, was read the first time, rules suspended, read the second time and concurred in, by the Senate.

(SIGNED) ANN CORNWELL, SECRETARY

Amendment No. 4 to SENATE BILL NO. 42

Amend **Senate Bill No. 42** as engrossed, S1/6/04:

Page 10, delete lines 9 through 36

AND

Page 11, delete lines 1 through 36

AND

Page 12, delete lines 1 through 36

AND

Page 13, delete lines 1 through 36

AND

Page 14, delete lines 1 through 36

AND

Page 15, delete lines 1 through 36

AND

Page 16, delete lines 1 through 36

AND

Page 17, delete lines 1 through 30

(SIGNED) REPRESENTATIVE BARBARA KING

Amendment No. 3 to Senate Bill No. 42, adopted by the House, was read the first time, rules suspended, read the second time and concurred in, by the Senate.

(SIGNED) ANN CORNWELL, SECRETARY

On motion of Senator Broadway, and without objection, the rules were suspended pertaining to passage of Amendment and Bill on the same day.

On motion of Senator Broadway, **Senate Bill No. 42** was called up for third reading and final disposition.

SENATE BILL NO. 42

As Engrossed: S12/31/03 S1/5/04 S1/6/04 H1/16/04

CALL ITEM NO. 6

EIGHTY-FOURTH GENERAL ASSEMBLY

SECOND EXTRAORDINARY SESSION

BY: SENATORS BISBEE & BROADWAY & REPRESENTATIVE KING

A Bill for an Act to be Entitled: AN ACT TO PROVIDE EQUITABLE FUNDING TO PUBLIC SCHOOLS; TO PROVIDE A SYSTEM FOR MONITORING PUBLIC SCHOOL EXPENDITURES; TO INCREASE MINIMUM TEACHER SALARIES; TO ESTABLISH A KNOWLEDGE AND SKILLS-BASED PAY SYSTEM FOR TEACHERS; TO PROVIDE FOR SCHOOL-BASED PERFORMANCE AWARDS; AND FOR OTHER PURPOSES.

Senate Bill No. 42 was placed on third reading and final disposition, the question being: Shall the Bill pass?

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

AFFIRMATIVE: Altes, Argue, Baker, Bisbee, J. Bookout, Broadway, Brown, Bryles, Capps, Critcher, Faris, Glover, Hendren, Higginbotham, Holt, Horn, G. Jeffress, J. Jeffress, B. Johnson, Lavery, Luker, Madison, Malone, Miller, Salmon, Steele, Trusty, Whitaker, Wilkinson, Womack, Wooldridge.

Total31

NEGATIVE:

Total0

ABSENT OR NOT VOTING: Gullett, Hill, T. Smith, Wilkins.

Total4

VOTING PRESENT:

Total0

Total number of votes cast.....31

Necessary to the passage of the bill18

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

(SIGNED) ANN CORNWELL, SECRETARY

Senate Bill No. 42 was ordered enrolled.

GREAT SEAL OF THE STATE OF ARKANSAS

BRENDA GULLETT

SENATOR
23rd District
OFFICE: 870-541-0620

28 Longmeadow
Pine Bluff, AR 71603-6300

**THE SENATE
STATE OF ARKANSAS**

CHAIRMAN

Senate Interim Committee on
Children & Youth

VICE CHAIRMAN
Education

MEMBER:
Technology & Legislative Affairs
Rules, Resolutions & Memorials

January 28, 2004

Ms. Ann Cornwell
Secretary of the Senate
State Capitol, Room 320
Little Rock, AR 72201

Dear Ms. Cornwell,

During session on Wednesday, January 27, 2004, Senate Bill No. 42 was brought up for 3rd reading and vote. I was not able to vote on this bill because I was in the Governor's office. Please file this letter in the Senate Journal along with the roll call that was taken on Senate Bill No. 42.

Thank you,

Senator Brenda Gullett
District 23

GREAT SEAL OF THE STATE OF ARKANSAS

DAVID BISBEE

SENATOR
8th District
OFFICE: 479-636-2516

14068 Pyramid Drive
Rogers, AR 72758-0116

**THE SENATE
STATE OF ARKANSAS**

CHAIRMAN:
Joint Budget

VICE CHAIRMAN:
Efficiency

MEMBER:
City, County & Local Affairs
Joint Energy

January 27, 2004

Ms. Ann Cornwell
Secretary of the Senate
State Capitol Building, Room 320
Little Rock, AR 72201

Dear Ms. Cornwell:

I would like the attached details on the calculations used in Senate Bill No. 42 to be recorded in the Senate Journal when Senate Bill 42 is brought up for third reading and final disposition.

The Arkansas Department of Education was requested to provide the Analysis of Senate Bill No. 42.

The first page is the calculation of the Foundation aid per student (\$5,400).

The second page contains the calculations of NSLA, ELL, and ALE.

Sincerely,

Senator David Bisbee

Senator Shane Broadway

**Arkansas Department of Education
Requested Analysis of SB 42
Foundation Per Student
15-Jan-04**

Odden and Picus Matrix Recommendations	SB 42 Calculations	Foundation per student Calculations
Average Salary for Teachers and Pupil Support Staff	\$ 48,750	
School Size	500	
K is 8% of students		40
Grades 1 -3 is 23% of students		115
Grades 4-12 is 69% of students		345
Calculation of number of Personnel:		
K Pupil:Teacher Ratio	20:1	2.0
Grades 1 - 3 Pupil:Teacher Ratio	23:1	5.0
Grades 4 -12 Pupil:Teacher Ratio	25:1	13.8
PAM Teachers	20% of Classroom Teachers	4.2
Total Classroom Teachers		25.0
Special Education Teachers	2.9 teachers per 500 students	2.9
Instructional Facilitators	2.5 teachers per 500 students	2.5
Librarian and Media Specialist	Total Enrolled / 500 0 for K3 .5 for Grades 4-12	0.7
Guidance Counselor	Total Enrolled / 500 0 for K3 1 for Grades 4-8 2 for Grades 9-12	2.5
Total Pupil Support Personnel		8.6
Total number of Personnel:		33.6
Calculation of Salary Expenditures:		
Total number of Personnel		33.6
Average Teacher Salary		48,750
Salary Expenditures		1,635,675
Principal	1 per school	1
Principal Salary		71,837
Total Salary Expenditures		1,707,512
Salary Per Student		3,415
Per Pupil Resources:		

Teacher Continuing Education Pay	\$101 per student	101	
Technology	\$250 per student	250	
Instructional Materials	\$250 per student	250	
Extra Duty Funds	\$60 per middle school student \$120 per high school student (averaged)	90	
Supervisory Aid	\$35 per student	35	
Substitutes	10 days per classroom teachers times 121 per day divided by 500 students	63	
Total Per Pupil Resources			789
Carry Forward			1,152
			<hr/>
Foundation Per Pupil Expenditures			\$ 5,356
			<hr/>

	Odden and Picus Matrix Recommendations	SB 42 Calculations	Foundation per student Calculations
Categorical Distributions:			
Students eligible for NSLA	1 teacher for each 100 poverty students		
	1 teacher salary 100 students	48,750 100	
	funding per student		488
ELL Students	.4 teacher for each 100 ELL students		
	.4 teacher salary 100 students	19,500 100	
	funding per student		195
ALE Students	1 teacher for each 20 poverty students		
	1 teacher salary 15 students	48,750 15	
	funding per student		3,250

On motion of Senator Bryles, **House Bill No. 1108** was called up for third reading and final disposition.

HOUSE BILL NO. 1108
CALL ITEM NO. 4
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION
BY: REPRESENTATIVE DANGEAU, ET AL
SENATORS BRYLES & BROADWAY

A Bill for an Act to be Entitled: AN ACT TO REQUIRE AN AUDIT OF STAFFING NEEDS OF THE DEPARTMENT OF EDUCATION; AND FOR OTHER PURPOSES.

House Bill No. 1108 was placed on third reading and final disposition, the question being: Shall the Bill pass?

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

AFFIRMATIVE: Altes, Argue, Baker, Bisbee, J. Bookout, Broadway, Brown, Bryles, Capps, Critcher, Faris, Glover, Hendren, Higginbothom, Hill, Horn, G. Jeffress, J. Jeffress, B. Johnson, Lavery, Luker, Madison, Malone, Miller, Salmon, Trusty, Whitaker, Wilkinson, Wooldridge.

Total29

NEGATIVE:

Total0

ABSENT OR NOT VOTING: Gullett, Holt, T. Smith, Steele, Wilkins, Womack.

Total6

VOTING PRESENT:

Total0

Total number of votes cast29

Necessary to the passage of the bill18

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

(SIGNED) ANN CORNWELL, SECRETARY

There being an emergency clause attached to **House Bill No. 1108**, the President ordered the Secretary to call the roll upon the adoption of the emergency clause.

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

AFFIRMATIVE: Altes, Argue, Baker, Bisbee, J. Bookout, Broadway, Brown, Bryles, Capps, Critcher, Faris, Glover, Hendren, Higginbothom, Hill, Horn, G. Jeffress, J. Jeffress, B. Johnson, Laverty, Luker, Madison, Malone, Miller, Salmon, Trusty, Whitaker, Wilkinson, Wooldridge.

Total29

NEGATIVE:

Total0

ABSENT OR NOT VOTING: Gullett, Holt, T. Smith, Steele, Wilkins, Womack.

Total6

VOTING PRESENT:

Total0

Total number of votes cast.....29

Necessary to the adoption of the emergency clause24

So the Emergency Clause was adopted.

(SIGNED) ANN CORNWELL, SECRETARY

House Bill No. 1108 was ordered immediately returned to the House as passed.

On motion of Senator Bryles, **House Bill No. 1094** was called up for third reading and final disposition.

HOUSE BILL NO. 1094
As Engrossed: S1/16/04 S1/16/04 S1/17/04 S1/20/04
CALL ITEM NO. 4
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION
BY: REPRESENTATIVES MAHONY & WALTERS
SENATORS BRYLES, BROADWAY & BISBEE

A Bill for an Act to be Entitled: THE ARKANSAS EDUCATIONAL FINANCIAL ACCOUNTING AND REPORTING ACT OF 2004.

House Bill No. 1094 was placed on third reading and final disposition, the question being: Shall the Bill pass?

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

AFFIRMATIVE: Altes, Argue, Baker, Bisbee, J. Bookout, Broadway, Brown, Bryles, Capps, Critcher, Faris, Glover, Gullett, Hendren, Higginbothom, Hill, Holt, Horn, G. Jeffress, J. Jeffress, B. Johnson, Laverty, Madison, Malone, Miller, Trusty, Whitaker, Wilkinson, Womack, Wooldridge.

Total30

NEGATIVE:

Total0

ABSENT OR NOT VOTING: Luker, Salmon, T. Smith, Steele, Wilkins.

Total5

VOTING PRESENT:

Total0

Total number of votes cast30

Necessary to the passage of the bill18

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

(SIGNED) ANN CORNWELL, SECRETARY

House Bill No. 1094 was ordered immediately returned to the House as passed as amended.

On motion of Senator Argue, **House Bill No. 1114** was called up for third reading and final disposition.

HOUSE BILL NO. 1114
As Engrossed: H1/21/04 S1/26/04
CALL ITEM NO. 4
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION
BY: REPRESENTATIVE CHESTERFIELD, ET AL

A Bill for an Act to be Entitled: *AN ACT TO REQUIRE AUDIT REPORTS OF SCHOOL DISTRICTS NOT CONDUCTED BY LEGISLATIVE AUDIT TO BE FILED WITHIN NINE (9) MONTHS FOLLOWING THE END OF EACH FISCAL YEAR.*

House Bill No. 1114 was placed on third reading and final disposition, the question being: Shall the Bill pass?

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

AFFIRMATIVE: Argue, Baker, Bisbee, J. Bookout, Broadway, Brown, Capps, Critcher, Faris, Glover, Hendren, Higginbothom, Hill, Holt, Horn, G. Jeffress, J. Jeffress, B. Johnson, Lavery, Madison, Malone, Miller, Steele, Trusty, Wilkinson, Womack, Wooldridge.

Total27

NEGATIVE:

Total0

ABSENT OR NOT VOTING: Altes, Bryles, Gullett, Luker, Salmon, T. Smith, Whitaker, Wilkins.

Total8

VOTING PRESENT:

Total0

Total number of votes cast27

Necessary to the passage of the bill18

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

(SIGNED) ANN CORNWELL, SECRETARY

House Bill No. 1114 was ordered immediately returned to the House as passed as amended.

On motion of Senator Wooldridge, the rules were suspended in considering **Senate Bill No. 62** at this time.

On motion of Senator Wooldridge, **Senate Bill No. 62** was called up for third reading and final disposition.

SENATE BILL NO. 62

As Engrossed: S1/20/04 S1/23/04 S1/26/04

CALL ITEM NO. 6

EIGHTY-FOURTH GENERAL ASSEMBLY

SECOND EXTRAORDINARY SESSION

BY: SENATOR WOOLDRIDGE

A Bill for an Act to be Entitled: AN ACT TO PROVIDE ADDITIONAL REVENUE TO FUND THE STATE EDUCATION SYSTEM; TO LEVY AN ADDITIONAL *SALES AND USE TAX OF SEVEN-EIGHTHS OF ONE PERCENT (0.875%)*; TO ELIMINATE THE REQUIREMENT THAT PROPERTY “COME TO REST” IN THE STATE OR “BECOME COMMINGLED” WITH PROPERTY IN THE STATE IN ORDER TO BE SUBJECT TO USE TAX; TO IMPOSE A GROSS RECEIPTS TAX ON CERTAIN SERVICES; TO REPEAL THE INDIVIDUAL INCOME TAX EXEMPTION FOR CAPITAL GAINS; TO INCREASE THE *EXCISE TAX ON LIQUOR*; *TO INCREASE THE EXCISE TAX ON WINE*; *TO INCREASE THE EXCISE TAX ON BEER*; TO INCREASE THE WHOLESALE VENDING TAX; TO REQUIRE THAT ALL VENDING MACHINE OPERATORS OBTAIN BOTH A SALES TAX PERMIT AND A DECAL; TO CREATE THE EDUCATIONAL ADEQUACY TRUST FUND; AND FOR OTHER PURPOSES.

On motion of Senator Wooldridge, **Senate Bill No. 62** was pulled down.

ARKANSAS SENATE
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION

January 27, 2004

Mr. President:

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

SENATE BILL NO. 34, BY SENATOR BROADWAY,

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 4:32 p.m. delivered them to the Governor for his approval.

Respectfully submitted,

(SIGNED) JOHN PAUL CAPPS, CHAIRMAN

GOVERNOR'S BILL RECEIPTS

SENATE BILL NO. 34

RECEIVED the above papers from the Secretary of the Senate this 27th day of January, 2004, at 4:32 p.m..

(SIGNED) MIKE HUCKABEE

Governor

(SIGNED) STACY DeJARNETTE

Secretary

SENATE BILL NO. 78
CALL ITEM NO. 6
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION
BY: SENATOR HILL, ET AL

A Bill for an Act to be Entitled: AN ACT TO INCREASE THE SALES AND USE TAX RATE BY ONE PERCENT (1%); TO REDUCE THE SALES AND USE TAX RATE ON FOOD AND FOOD INGREDIENTS WHEN SALES AND USE TAX REVENUES FROM OUT-OF-STATE SALES BY VENDORS THAT DO NOT HAVE A PHYSICAL PRESENCE IN ARKANSAS HAVE SUFFICIENTLY INCREASED; AND FOR OTHER PURPOSES.

Senate Bill No. 78 was read the first time, rules suspended, read the second time and referred to the Committee on REVENUE & TAXATION.

SENATE BILL NO. 79
CALL ITEM NO. 3
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION
BY: JOINT BUDGET COMMITTEE

A Bill for an Act to be Entitled: AN ACT TO MAKE AN APPROPRIATION FOR GRANTS AND AIDS TO LOCAL SCHOOL DISTRICTS AND SPECIAL PROGRAMS, AND TO PROVIDE A BONUS TO TEACHERS IN SPECIAL SETTINGS FOR THE DEPARTMENT OF EDUCATION FOR THE BIENNIAL PERIOD ENDING JUNE 30, 2005; AND FOR OTHER PURPOSES.

Senate Bill No. 79 was read the first time, rules suspended, read the second time and referred to the Committee on JOINT BUDGET.

HOUSE BILL NO. 1140
CALL ITEM NO. 4
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION
BY: REPRESENTATIVE WALTERS, ET AL

A Bill for an Act to be Entitled: AN ACT TO REQUIRE CRIMINAL BACKGROUND CHECKS FOR FRAUDULENT ACTS BY FISCAL OFFICERS OF PUBLIC SCHOOL DISTRICTS; AND FOR OTHER PURPOSES.

House Bill No. 1140 was read the first time, rules suspended, read the second time and referred to the Committee on EDUCATION.

SENATE BILL NO. 80
CALL ITEM NO. 6
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION
BY: SENATORS SALMON & HIGGINBOTHOM

A Bill for an Act to be Entitled: AN ACT TO INCREASE THE CORPORATE FRANCHISE TAX; AND FOR OTHER PURPOSES.

Senate Bill No. 80 was read the first time, rules suspended, read the second time and referred to the Committee on REVENUE & TAXATION.

* * * * *

SENATE BILLS RETURNED FROM THE HOUSE
AS PASSED

SENATE BILL NO. 51

SENATE BILL NO. 55

HOUSE BILL RETURNED TO THE HOUSE
AS PASSED

HOUSE BILL NO. 1108

HOUSE BILLS RETURNED TO THE HOUSE
AS PASSED AS AMENDED

HOUSE BILL NO. 1018

HOUSE BILL NO. 1094

HOUSE BILL NO. 1114

SENATE BILL RETURNED FROM THE HOUSE
AS PASSED

SENATE BILL NO. 34

HOUSE BILL TRANSMITTED TO THE SENATE
AS PASSED

HOUSE BILL NO. 1140

On motion of Senator Hill, the Senate adjourned until Wednesday, 1:00 p.m.,
January 28, 2004.

PRESIDENT OF THE SENATE

SECRETARY OF THE SENATE

--ooOoo--

**52ND DAY'S PROCEEDINGS
SENATE CHAMBER
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION**

Little Rock, Arkansas

January 28, 2004

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

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

ALTES, BAKER, BISBEE, BROADWAY, BROWN, CAPPS,
CRITCHER, FARIS, GLOVER, HENDREN,
HIGGINBOTHOM, HOLT, HORN, G.JEFFRESS, JOHNSON,
MADISON, MILLER, SALMON, SMITH, TRUSTY,
WHITAKER, WILKINSON, WOMACK, WOOLDRIDGE.

Members not answering roll call:

ARGUE, BOOKOUT, BRYLES, GULLETT, HILL, J.JEFFRESS,
LAVERTY, LUKER, MALONE, STEELE, WILKINS,

The Senate was led in prayer by Senator Tim Wooldridge.

The President led the Senate in the Pledge of Allegiance.

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

ARKANSAS SENATE
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION

January 28, 2004

Mr. President:

We, your Committee on REVENUE & TAXATION, to whom was referred:

SENATE BILL NO. 78, BY SENATOR HILL,

beg leave to report that we have had the same under consideration, and herewith return the same with the recommendation that it do pass as amended #1.

Respectfully submitted,

(SIGNED) SENATOR TIM WOOLDRIDGE

ARKANSAS SENATE
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION

January 28, 2004

Mr. President:

We, your Committee on EDUCATION, to whom was referred:

HOUSE BILL NO. 1071, BY REPRESENTATIVE BIGGS,

beg leave to report that we have had the same under consideration, and herewith return the same with the recommendation that it do pass.

Respectfully submitted,

(SIGNED) SENATOR JIM ARGUE

ARKANSAS SENATE
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION

January 28, 2004

Mr. President:

We, your Committee on EDUCATION, to whom was referred:

HOUSE BILL NO. 1127, BY REPRESENTATIVE MAHONY,

beg leave to report that we have had the same under consideration, and herewith return the same with the recommendation that it do pass as amended #1, #2 & #3.

Respectfully submitted,

(SIGNED) SENATOR JIM ARGUE

ARKANSAS SENATE
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION

January 28, 2004

Mr. President:

We, your Committee on JOINT BUDGET, to whom was referred:

HOUSE BILL NO. 1142, BY REPRESENTATIVE LEDBETTER,

beg leave to report that we have had the same under consideration, and herewith return the same with the recommendation that it do pass.

Respectfully submitted,

(SIGNED) SENATOR PERCY MALONE

STATE OF ARKANSAS
OFFICE OF THE GOVERNOR

STATE CAPITOL
LITTLE ROCK, ARKANSAS

MIKE HUCKABEE
Governor

January 27, 2004

TO THE PRESIDENT OF THE SENATE

Dear Mr. President:

This is to inform your Honorable Body that on January 27, 2004, I approved the following measures from the Second Extraordinary Session of the Eighty-fourth General Assembly:

Senate Bill 34, is now Act Number 58,
Senate Bill 42, is now Act Number 59,

Sincerely,

(SIGNED) MIKE HUCKABEE
Governor

On motion of Senator Hill, the rules were suspended in considering **Senate Bill No. 78** at this time.

On motion of Senator Hill, **Senate Bill No. 78** was placed back on second reading for purpose of amendment.

ARKANSAS SENATE
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION
Amendment No. 1 to SENATE BILL NO. 78

Amend **Senate Bill No. 78** as originally introduced:

Page 1, line 28, delete "July 1, 2004" and substitute "April 1, 2004"

AND

After SECTION 1, add an additional section to read as follows:

"SECTION 2. Arkansas Code § 26-52-311(b)(1), pertaining to the rental vehicle tax, is amended to read as follows:

(b)(1) In addition to the rate in subsection (c) of this section, the rental vehicle tax shall be levied at the ~~same rate as the combined gross receipts taxes levied by §§ 26-52-301 and 26-52-302 and any act supplemental thereto~~ rate of five percent (5%) and the rate of any applicable municipal or county taxes."

AND

Page 3, line 33, delete "two hundred percent (200%)" and substitute "one hundred and fifty percent (150%)"

AND

Page 4, line 24, delete "July 1, 2004" and substitute "April 1, 2004"

AND

Page 4, line 35, delete "July 1, 2004" and substitute "April 1, 2004"

AND

Page 5, line 23, delete "two hundred percent (200%)" and substitute "one hundred and fifty percent (150%)"

AND

After SECTION 5, add an additional section to read as follows:

"SECTION 7. Educational Adequacy Trust Fund.

(a) There is created on the books of the Treasurer of State, the Auditor of State, and Chief Fiscal Officer of the State a special revenue fund to be known as the Educational Adequacy Trust Fund.

(b) The fund shall consist of the revenues generated by Arkansas Code §§ 26-52-302(d) and 26-53-107(d).

(c) On the last day of the month, the Treasurer of State shall transfer amounts available in the Educational Adequacy Trust Fund to the Department of Education Public School Fund Account established in Arkansas Code § 19-5-305, to be used for the purposes as provided by law. The Treasurer of State shall make the transfer after making the deductions required from the net special revenues as set out in Arkansas Code § 19-5-203(b)(2)(A)."

AND

Page 6, line 23, delete "July 1, 2004" and substitute "April 1, 2004"

AND

Appropriately renumber the sections of the bill.

(SIGNED) SENATOR JIM HILL

The Amendment was read for the first time, rules suspended, read the second time and adopted.

(SIGNED) ANN CORNWELL, SECRETARY

Senate Bill No. 78 was ordered engrossed.

On motion of Senator Broadway, **Senate Bill No. 53** was called up for third reading and final disposition.

SENATE BILL NO. 53

As Engrossed: S1/8/04 S1/26/04 S1/27/04

CALL ITEM NO. 4

EIGHTY-FOURTH GENERAL ASSEMBLY

SECOND EXTRAORDINARY SESSION

BY: SENATOR BROADWAY & REPRESENTATIVE ELLIOTT

A Bill for an Act to be Entitled: AN ACT TO PROVIDE FOR CUSTODIAL AND MAINTENANCE CARE FOR SCHOOL FACILITIES; TO ESTABLISH CRITERIA FOR SCHOOL FACILITY CARE; AND FOR OTHER PURPOSES.

Senate Bill No. 53 was placed on third reading and final disposition, the question being: Shall the Bill pass?

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

AFFIRMATIVE: Altes, Argue, Baker, Bisbee, J. Bookout, Broadway, Bryles, Capps, Critcher, Faris, Glover, Gullett, Hendren, Higginbothom, Hill, Holt, B. Johnson, Laverty, Luker, Madison, Miller, Salmon, T. Smith, Trusty, Whitaker, Wilkinson, Womack, Wooldridge.

Total28

NEGATIVE:

Total0

ABSENT OR NOT VOTING: Brown, Horn, G. Jeffress, J. Jeffress, Malone, Steele, Wilkins.

Total7

VOTING PRESENT:

Total0

Total number of votes cast.....28

Necessary to the passage of the bill18

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

(SIGNED) ANN CORNWELL, SECRETARY

Senate Bill No. 53 was ordered immediately transmitted to the House as passed.

On motion of Senator J. Jeffress, **House Bill No. 1091** was called up for third reading and final disposition.

HOUSE BILL NO. 1091
As Engrossed: H1/12/04 H1/17/04 S1/26/04
CALL ITEM NO. 4
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION
BY: REPRESENTATIVE JUDY, ET AL

A Bill for an Act to be Entitled: AN ACT TO REMOVE NONACADEMIC BARRIERS TO ACADEMIC SUCCESS THROUGH THE ESTABLISHMENT OF FAMILY RESOURCE CENTERS; AND FOR OTHER PURPOSES.

House Bill No. 1091 was placed on third reading and final disposition, the question being: Shall the Bill pass?

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

AFFIRMATIVE: Altes, Baker, J. Bookout, Broadway, Bryles, Capps, Critcher, Faris, Glover, Gullett, Higginbothom, Horn, G. Jeffress, J. Jeffress, B. Johnson, Laverty, Luker, Madison, Malone, Salmon, T. Smith, Trusty, Whitaker, Wilkinson, Womack, Wooldridge.

Total26

NEGATIVE: Bisbee, Hendren, Holt.

Total3

ABSENT OR NOT VOTING: Argue, Brown, Hill, Miller, Steele, Wilkins.

Total6

VOTING PRESENT:

Total0

Total number of votes cast.....29

Necessary to the passage of the bill18

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

(SIGNED) ANN CORNWELL, SECRETARY

There being an emergency clause attached to **House Bill No. 1091**, the President ordered the Secretary to call the roll upon the adoption of the emergency clause.

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

AFFIRMATIVE: Altes, Baker, J. Bookout, Broadway, Bryles, Capps, Critcher, Faris, Glover, Gullett, Higginbothom, Horn, G. Jeffress, J. Jeffress, B. Johnson, Laverty, Luker, Madison, Malone, Salmon, T. Smith, Trusty, Whitaker, Wilkinson, Womack, Wooldridge.

Total26

NEGATIVE: Bisbee, Hendren, Holt.

Total3

ABSENT OR NOT VOTING: Argue, Brown, Hill, Miller, Steele, Wilkins.

Total6

VOTING PRESENT:

Total0

Total number of votes cast29

Necessary to the adoption of the emergency clause24

So the Emergency Clause was adopted.

(SIGNED) ANN CORNWELL, SECRETARY

House Bill No. 1091 was ordered immediately returned to the House as passed as amended.

On motion of Senator Broadway, **House Bill No. 1141** was called up for third reading and final disposition.

HOUSE BILL NO. 1141
CALL ITEM NO. 3
As Engrossed: H1/23/04 S1/27/04
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION
BY: REPRESENTATIVE MAHONY, ET AL & SENATOR BROADWAY

A Bill for an Act to be Entitled: AN ACT TO AMEND THE PROVISIONS OF THE ARKANSAS CODE RELATING TO SCHOOL NURSES; AND FOR OTHER PURPOSES.

House Bill No. 1141 was placed on third reading and final disposition, the question being: Shall the Bill pass?

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

AFFIRMATIVE: Baker, Bisbee, J. Bookout, Broadway, Capps, Critcher, Faris, Glover, Gullett, Hendren, Higginbothom, Hill, Holt, Horn, G. Jeffress, B. Johnson, Laverty, Luker, Madison, Malone, Miller, Salmon, T. Smith, Steele, Trusty, Wilkinson.

Total26

NEGATIVE: Altes, Whitaker.

Total2

ABSENT OR NOT VOTING: Argue, Brown, Bryles, J. Jeffress, Wilkins, Womack, Wooldridge.

Total7

VOTING PRESENT:

Total0

Total number of votes cast.....28

Necessary to the passage of the bill18

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

(SIGNED) ANN CORNWELL, SECRETARY

House Bill No. 1141 was ordered immediately returned to the House as passed as amended.

ARKANSAS SENATE
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION

January 28, 2004

Mr. President:

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

SENATE BILL NO. 78, BY SENATOR HILL,

beg leave to report that we have carefully compared the engrossed copy with the original and we find the same correctly engrossed.

Respectfully submitted,

(SIGNED) JOHN PAUL CAPPS, CHAIRMAN

On motion of Senator Hill, and without objection, the rules were suspended pertaining to passage of Amendment and Bill on the same day.

On motion of Senator Hill, **Senate Bill No. 78** was called up for third reading and final disposition.

SENATE BILL NO. 78
As Engrossed: S1/28/04
CALL ITEM NO. 6
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION
BY: SENATOR HILL

A Bill for an Act to be Entitled: AN ACT TO INCREASE THE SALES AND USE TAX RATE BY ONE PERCENT (1%); TO REDUCE THE SALES AND USE TAX RATE ON FOOD AND FOOD INGREDIENTS WHEN SALES AND USE TAX REVENUES FROM OUT-OF-STATE SALES BY VENDORS THAT DO NOT HAVE A PHYSICAL PRESENCE IN ARKANSAS HAVE SUFFICIENTLY INCREASED; AND FOR OTHER PURPOSES.

Senator Malone spoke for the Bill.

Senator Smith spoke for the Bill.

Senator Hill closed for his Bill.

Senate Bill No. 78 was placed on third reading and final disposition, the question being: Shall the Bill pass?

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

AFFIRMATIVE: Argue, Baker, Bisbee, J. Bookout, Broadway, Bryles, Critcher, Faris, Gullett, Hendren, Higginbotham, Hill, B. Johnson, Luker, Madison, Malone, Miller, Salmon, T. Smith, Trusty, Wilkinson.

Total21

NEGATIVE: Capps, Glover, Holt, Horn, G. Jeffress, J. Jeffress, Lavery, Steele, Whitaker, Wilkins, Womack, Wooldridge.

Total12

ABSENT OR NOT VOTING: Altes, Brown.

Total2

VOTING PRESENT:

Total0

Total number of votes cast.....33

Necessary to the passage of the bill18

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

(SIGNED) ANN CORNWELL, SECRETARY

*** * * * * EXPUNGED * * * * ***

There being an emergency clause attached to **Senate Bill No. 78**, the President ordered the Secretary to call the roll upon the adoption of the emergency clause.

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

AFFIRMATIVE: Argue, Baker, Bisbee, J. Bookout, Broadway, Bryles, Critcher, Faris, Gullett, Hendren, Higginbothom, Hill, B. Johnson, Luker, Madison, Malone, Miller, Salmon, T. Smith, Trusty, Wilkinson.

Total21

NEGATIVE: Capps, Glover, Holt, Horn, G. Jeffress, J. Jeffress, Lavery, Steele, Whitaker, Wilkins, Womack, Wooldridge.

Total12

ABSENT OR NOT VOTING: Altes, Brown.

Total2

VOTING PRESENT:

Total0

Total number of votes cast.....33

Necessary to the adoption of the emergency clause24

So the Emergency Clause failed of adoption.

(SIGNED) ANN CORNWELL, SECRETARY

* * * * * **EXPUNGED** * * * * *

The record pertaining to the vote by which the emergency clause to **Senate Bill No. 78** failed of adoption was expunged, in accordance with a prevailing motion on January 28, 2004.

Senator Hill moved that the record pertaining to the vote by which the emergency clause to **Senate Bill No. 78** failed of adoption be expunged, the motion was duly seconded and prevailed.

There being an emergency clause attached to **Senate Bill No. 78**, the President ordered the Secretary to call the roll upon the adoption of the emergency clause.

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

AFFIRMATIVE: Argue, Baker, Bisbee, J. Bookout, Broadway, Bryles, Capps, Critcher, Faris, Glover, Gullett, Hendren, Higginbothom, Hill, Horn, G. Jeffress, J. Jeffress, B. Johnson, Lavery, Luker, Madison, Malone, Miller, Salmon, T. Smith, Trusty, Wilkinson, Womack, Wooldridge.

Total29

NEGATIVE: Holt.

Total1

ABSENT OR NOT VOTING: Altes, Brown, Steele, Whitaker, Wilkins.

Total5

VOTING PRESENT:

Total0

Total number of votes cast.....30

Necessary to the adoption of the emergency clause24

So the Emergency Clause was adopted.

(SIGNED) ANN CORNWELL, SECRETARY

Senate Bill No. 78 was ordered immediately returned to the House as passed.

STATE OF ARKANSAS
HOUSE OF REPRESENTATIVES
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION
LITTLE ROCK, ARKANSAS 72201

HERSCHEL W. CLEVELAND, SPEAKER

TIM MASSANELLI, PARLIAMENTARIAN

JO RENSHAW, CHIEF CLERK

January 27, 2004

The Honorable Winthrop Paul Rockefeller
President of the Senate
Room 320, State Capitol Building
Little Rock, AR 72201

RE: House Bill 1009

Dear Mr. President:

The House failed to concur in Senate Amendment #1 to House Bill 1009.

I am by this letter appointing the four (4) members of the House of Representatives listed below to meet with four (4) appointed Senate members as a Conference Committee to attempt to resolve the differences that exist on HB 1009, Senate Amendment #1. I am naming Representative Gary Biggs as House Chairman of the Conference Committee.

Representative Gary Biggs, Chairman
Representative Phillip T. Jacobs
Representative Betty Pickett
Representative Jeff Wood

Please send us a list of the Senate appointees to this Conference Committee.

Sincerely,

Herschel W. Cleveland
Speaker of the House

HWC/kd

Cc: Carolyn Bell, House Journal Clerk
Senate Journal Clerk
Tim Massanelli, House Parliamentarian
Jo Renshaw, Chief Clerk of the House
Ann Cornwell, Secretary of the Senate

GREAT SEAL OF THE STATE OF ARKANSAS

JIM HILL
President Pro Tempore
SENATOR
20th District
OFFICE: 870-845-3273
Jhill@arkleg.state.ar.us

100 Center
Nashville, AR 71852-3821

THE SENATE
STATE OF ARKANSAS

CHAIRMAN:
Efficiency

MEMBER:
Revenue & Taxation
Agriculture, Economic & Industrial
Development
Joint Energy
Joint Budget

January 28, 2004

The Honorable Herschel W. Cleveland
Speaker
House of Representatives
State Capitol, Room 350
Little Rock, AR 72201

RE: House Bill 1009, Senate Amendment #1

Dear Mr. Speaker:

In response to your request to appoint four members of the Arkansas Senate to meet with four members of the House of Representatives as a Conference Committee concerning the above bill, this is to inform you that I have appointed the following Senators

Senator Percy Malone, Chairman
Senator Dave Bisbee
Senator Jim Luker
Senator Jim Argue

Sincerely,

Jim Hill
President Pro Tem

JH:mas

Cc: Ann Cornwell, Secretary of the Senate
Tim Massanelli, House Parliamentarian
Jo Renshaw, Chief Clerk of the House
Carolyn Bell, House Journal Clerk

On motion of Senator Argue, the rules were suspended in considering **House Bill No. 1127** at this time.

On motion of Senator Argue, **House Bill No. 1127** was placed back on second reading for purpose of amendment #1, #2 & #3.

ARKANSAS SENATE
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION
Amendment No. 1 to HOUSE BILL NO. 1127

Amend **House Bill No. 1127** as engrossed , H1/21/04:

Add Senator Argue as a cosponsor of the bill

AND

Page 2, delete lines 24 and 25, and substitute:

"(H) One (1) member who is a teacher in Arkansas who has been awarded a teacher of the year award by an state or national program that recognizes the accomplishments of teachers on a yearly basis; and"

AND

Page 3, line 21, delete "Develop, pilot, and implement" and substitute "Develop"

AND

Page 3, delete line 25, and substitute:

"performance categories in the knowledge and skill-based pay program;

(6)(A) Develop and recommend to the State Board of Education rules that the task force shall use to select assessors to be used in the school-based performance award program and skill-based pay program; the assessor used in pilot programs; and the selection of schools to participate in the pilot program.

(B) The rules shall ensure equity in the selection of assessors and schools included in the pilot program and shall be designed to ensure that the assessors are representative of the teachers that they will be assessing in both subject matter and geographical location.

(C) The state board shall adopt rules that are consistent with the requirements of this subdivision for the selection of assessors and schools to be included in the pilot programs; and"

AND

Page 3, line 26, delete "(6)" and substitute "(7)"

AND

Page 5, delete lines 5 through 15 entirely

(SIGNED) SENATOR ARGUE

The Amendment was read the first time, rules suspended, read the second time and adopted.

(SIGNED) ANN CORNWELL, SECRETARY

Amendment No. 2 to HOUSE BILL NO. 1127

Amend **House Bill No. 1127** as engrossed , H1/21/04:

Page 3, line 25, delete "program; and" and substitute: "program;"

AND

Page 3, delete line 28, and substitute:

"continuous improvement in student learning and achievement;

(8) Develop market studies to define the amount of compensation and types of benefits that will be necessary to recruit and retain teachers for Arkansas public schools. The taskforce may make recommendations regarding compensation for classified employees;

(9) Develop strategies that would create a procedure to provide substantially equal teachers' salaries throughout the state, taking into consideration the cost of living in various parts of the state and other economic factors;

(10) Design plans for correcting disparities in teachers' salaries throughout the state;

(11) Recommend a starting salary and benefits package, including stipends and other supplemental pay, that would make Arkansas competitive with other states for teacher recruitment purposes;

(12) Equate any recommended teacher compensation package, including stipends and other supplemental pay, with that offered by surrounding states;

(13) Recommend superintendent compensation packages;

(14) Conduct market studies and other related studies that the taskforce deems relevant to address the salary issues raised by the Arkansas Supreme Court in the decision of Lake View School District No. 25 v. Huckabee, 351 Ark. 31 (2002); and

(15) Provide a report to the Chairperson of the House Committee on Education, the Chairperson of the Senate Committee on Education, the Chairperson of the House Interim Committee on Education, the Chairperson of the Senate Interim Committee on Education, and the Governor by September 1, 2004, and no less than quarterly thereafter or as requested by any legislative committee or the Governor."

AND

Appropriately renumber the remaining sections, subsections, and subdivisions of the bill

(SIGNED) SENATOR ARGUE

The Amendment was read the first time, rules suspended, read the second time and adopted.

(SIGNED) ANN CORNWELL, SECRETARY

Amendment No. 3 to HOUSE BILL NO. 1127

Amend House Bill No. 1127 as engrossed , H1/21/04:

Page 4, line 36, delete "program and a formative" and substitute "program in schools where there is evidence of substantial support for the program by classroom teachers and a formative"

(SIGNED) SENATOR ARGUE

The Amendment was read the first time, rules suspended, read the second time and adopted.

(SIGNED) ANN CORNWELL, SECRETARY

House Bill No. 1127 was ordered engrossed.

On motion of Senator Gullett, the rules were suspended in considering **House Bill No. 1047** at this time.

On motion of Senator Gullett, **House Bill No. 1047** was withdrawn from the Committee on EDUCATION and placed back on second reading for purpose of amendment.

ARKANSAS SENATE
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION
Amendment No. 3 to HOUSE BILL NO. 1047

Amend **House Bill No. 1047** as engrossed , S1/27/04:

Page 2, delete line 27 and substitute the following:

"compensation for a basic contract:"

(SIGNED) SENATOR BRENDA GULLETT

The Amendment was read the first time, rules suspended, read the second time and adopted.

(SIGNED) ANN CORNWELL, SECRETARY

Amend **House Bill No. 1047** as engrossed.

On motion of Senator Bryles, the rules were suspended in considering **House Bill No. 1071** at this time.

On motion of Senator Bryles, **House Bill No. 1071** was called up for third reading and final disposition.

HOUSE BILL NO. 1071
As Engrossed: S1/13/04 S1/26/04 S1/27/04
CALL ITEM NO. 6
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION
BY: REPRESENTATIVE BIGGS, ET AL & SENATOR BRYLES

A Bill for an Act to be Entitled: *AN ACT TO CONTINUE THE PAYMENT OF A DEBT SERVICE FUNDING SUPPLEMENT TO ELECTING SCHOOL DISTRICTS; TO CONTINUE THE PAYMENT OF GENERAL FACILITIES FUNDING TO ELECTING SCHOOL DISTRICTS; TO PROVIDE FOR PAYMENT OF A SUPPLEMENTAL MILLAGE INCENTIVE FUNDING FOR SCHOOL DISTRICTS THAT INCREASE SCHOOL DISTRICT MILLAGE IN EXCESS OF TWENTY-FIVE (25) MILLS; AND FOR OTHER PURPOSES.*

House Bill No. 1071 was placed on third reading and final disposition, the question being: Shall the Bill pass?

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

AFFIRMATIVE: Argue, Baker, J. Bookout, Broadway, Bryles, Capps, Faris, Glover, Gullett, Higginbothom, Hill, Horn, G. Jeffress, J. Jeffress, Laverty, Luker, Madison, Malone, Miller, Salmon, T. Smith, Steele, Trusty, Wilkins, Wilkinson, Wooldridge.

Total26

NEGATIVE: Bisbee, Hendren, Holt, Womack.

Total4

ABSENT OR NOT VOTING: Altes, Brown, Critcher, B. Johnson, Whitaker.

Total5

VOTING PRESENT:

Total0

Total number of votes cast.....30

Necessary to the passage of the bill18

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

(SIGNED) ANN CORNWELL, SECRETARY

There being an emergency clause attached to **House Bill No. 1071**, the President ordered the Secretary to call the roll upon the adoption of the emergency clause.

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

AFFIRMATIVE: Argue, Baker, J. Bookout, Broadway, Bryles, Capps, Faris, Glover, Gullett, Higginbotham, Hill, Horn, G. Jeffress, J. Jeffress, Lavery, Luker, Madison, Malone, Miller, Salmon, T. Smith, Steele, Trusty, Wilkins, Wilkinson, Wooldridge.

Total26

NEGATIVE: Bisbee, Hendren, Holt, Womack.

Total4

ABSENT OR NOT VOTING: Altes, Brown, Critcher, B. Johnson, Whitaker.

Total5

VOTING PRESENT:

Total0

Total number of votes cast.....30

Necessary to the adoption of the emergency clause24

So the Emergency Clause was adopted.

(SIGNED) ANN CORNWELL, SECRETARY

House Bill No. 1071 was ordered immediately returned to the House as passed as amended.

On motion of Senator Bisbee, the Senate resolved itself into the Committee of the Whole for the purpose of Joint Budget Bills.

Without objection, the Committee of the Whole was dissolved, and the Senate took up its regular order of business.

On motion of Senator Bisbee, **House Bill No. 1130** was called up for third reading and final disposition.

HOUSE BILL NO. 1130
As Engrossed: S1/27/04
CALL ITEM NO. 6
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION
BY: JOINT BUDGET COMMITTEE

A Bill for an Act to be Entitled: AN ACT TO CREATE THE FEDERAL FISCAL RELIEF FUND; AND FOR OTHER PURPOSES.

House Bill No. 1130 was placed on third reading and final disposition, the question being: Shall the Bill pass?

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

AFFIRMATIVE: Argue, Baker, Bisbee, Broadway, Brown, Capps, Critcher, Faris, Glover, Gullett, Hendren, Higginbothom, Hill, Holt, Horn, G. Jeffress, J. Jeffress, B. Johnson, Lavery, Luker, Madison, Malone, Miller, Salmon, T. Smith, Trusty, Wilkinson, Wooldridge.

Total28

NEGATIVE: Altes.

Total1

ABSENT OR NOT VOTING: J. Bookout, Bryles, Steele, Whitaker, Wilkins, Womack.

Total6

VOTING PRESENT:

Total0

Total number of votes cast.....29

Necessary to the passage of the bill27

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

(SIGNED) ANN CORNWELL, SECRETARY

There being an emergency clause attached to **House Bill No. 1130**, the President ordered the Secretary to call the roll upon the adoption of the emergency clause.

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

AFFIRMATIVE: Argue, Baker, Bisbee, Broadway, Brown, Capps, Critcher, Faris, Glover, Gullett, Hendren, Higginbothom, Hill, Holt, Horn, G. Jeffress, J. Jeffress, B. Johnson, Laverty, Luker, Madison, Malone, Miller, Salmon, T. Smith, Trusty, Wilkinson, Wooldridge.

Total28

NEGATIVE: Altes.

Total1

ABSENT OR NOT VOTING: J. Bookout, Bryles, Steele, Whitaker, Wilkins, Womack.

Total6

VOTING PRESENT:

Total0

Total number of votes cast.....29

Necessary to the passage of the bill24

So the Emergency Clause was adopted.

(SIGNED) ANN CORNWELL, SECRETARY

House Bill No. 1130 was ordered immediately returned to the House as passed as amended.

On motion of Senator Bisbee, the rules were suspended in considering **House Bill No. 1078** at this time.

On motion of Senator Bisbee, **House Bill No. 1078** was called up for third reading and final disposition.

HOUSE BILL NO. 1078
CALL ITEM NO. 4
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION
BY: JOINT BUDGET COMMITTEE

A Bill for an Act to be Entitled: AN ACT TO MAKE AN APPROPRIATION FOR PERSONAL SERVICES FOR THE DEPARTMENT OF HIGHER EDUCATION FOR THE BIENNIAL PERIOD ENDING JUNE 30, 2005; AND FOR OTHER PURPOSES.

House Bill No. 1078 was placed on third reading and final disposition, the question being: Shall the Bill pass?

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

AFFIRMATIVE: Altes, Argue, Baker, Bisbee, J. Bookout, Broadway, Brown, Capps, Critcher, Faris, Glover, Gullett, Higginbothom, Hill, Horn, G. Jeffress, J. Jeffress, B. Johnson, Lavery, Luker, Madison, Malone, Miller, Salmon, T. Smith, Trusty, Wilkinson, Wooldridge.

Total28

NEGATIVE: Hendren, Holt.

Total2

ABSENT OR NOT VOTING: Bryles, Steele, Whitaker, Wilkins, Womack.

Total5

VOTING PRESENT:

Total0

Total number of votes cast.....30

Necessary to the passage of the bill27

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

(SIGNED) ANN CORNWELL, SECRETARY

There being an emergency clause attached to **House Bill No. 1078**, the President ordered the Secretary to call the roll upon the adoption of the emergency clause.

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

AFFIRMATIVE: Altes, Argue, Baker, Bisbee, J. Bookout, Broadway, Brown, Capps, Critcher, Faris, Glover, Gullett, Higginbothom, Hill, Horn, G. Jeffress, J. Jeffress, B. Johnson, Laverty, Luker, Madison, Malone, Miller, Salmon, T. Smith, Trusty, Wilkinson, Wooldridge.

Total28

NEGATIVE: Hendren, Holt.

Total2

ABSENT OR NOT VOTING: Bryles, Steele, Whitaker, Wilkins, Womack.

Total5

VOTING PRESENT:

Total0

Total number of votes cast.....30

Necessary to the passage of the bill24

So the Emergency Clause was adopted.

(SIGNED) ANN CORNWELL, SECRETARY

House Bill No. 1078 was ordered immediately returned to the House as passed.

On motion of Senator Bisbee, the Senate resolved itself into the Committee of the Whole for the purpose of explanation on House Bill No. 1090.

Without objection, the Committee of the Whole was dissolved, and the Senate took up its regular order of business.

On motion of Senator Bisbee, the rules were suspended in considering **House Bill No. 1090** at this time.

On motion of Senator Bisbee, **House Bill No. 1090** was called up for third reading and final disposition.

HOUSE BILL NO. 1090

As Engrossed: S1/20/04 S1/23/04 S1/27/04

CALL ITEM NO. 4

EIGHTY-FOURTH GENERAL ASSEMBLY

SECOND EXTRAORDINARY SESSION

BY: REPRESENTATIVE CLEVELAND & SENATOR BROADWAY

A Bill for an Act to be Entitled: AN ACT TO CREATE THE EDUCATIONAL ADEQUACY FUND; AND FOR OTHER PURPOSES.

Senator Broadway spoke for the Bill.

House Bill No. 1090 was placed on third reading and final disposition, the question being: Shall the Bill pass?

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

AFFIRMATIVE: Altes, Argue, Baker, Bisbee, J. Bookout, Broadway, Brown, Bryles, Capps, Critcher, Glover, Hendren, Higginbothom, Hill, Holt, Horn, G. Jeffress, J. Jeffress, B. Johnson, Laverty, Madison, Malone, Miller, Salmon, T. Smith, Trusty, Wilkinson, Wooldridge.

Total28

NEGATIVE:

Total0

ABSENT OR NOT VOTING: Faris, Gullett, Luker, Steele, Whitaker, Wilkins,
Womack.

Total7

VOTING PRESENT:

Total0

Total number of votes cast.....28

Necessary to the passage of the bill27

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

(SIGNED) ANN CORNWELL, SECRETARY

There being an emergency clause attached to **House Bill No. 1090**, the President
ordered the Secretary to call the roll upon the adoption of the emergency clause.

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

AFFIRMATIVE: Altes, Argue, Baker, Bisbee, J. Bookout, Broadway, Brown,
Bryles, Capps, Critcher, Glover, Hendren, Higginbothom, Hill, Holt, Horn, G. Jeffress, J.
Jeffress, B. Johnson, Laverty, Madison, Malone, Miller, Salmon, T. Smith, Trusty,
Wilkinson, Wooldridge.

Total28

NEGATIVE:

Total0

ABSENT OR NOT VOTING: Faris, Gullett, Luker, Steele, Whitaker, Wilkins,
Womack.

Total7

VOTING PRESENT:

Total0

Total number of votes cast.....28

Necessary to the adoption of the emergency clause24

So the Emergency Clause was adopted.

(SIGNED) ANN CORNWELL, SECRETARY

House Bill No. 1090 was ordered immediately returned to the House as passed as amended.

ARKANSAS SENATE
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION

January 28, 2004

Mr. President:

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

HOUSE BILL NO. BILL NO. 1047, BY REPRESENTATIVE J. JOHNSON

beg leave to report that we have carefully compared the engrossed copy with the original and we find the same correctly engrossed.

Respectfully submitted,

(SIGNED) JOHN PAUL CAPPS, CHAIRMAN

On motion of Senator Gullett, House Bill No. 1047 was ordered re-referred to the Committee on EDUCATION.

HOUSE BILL NO. 1080
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION
BY: REPRESENTATIVE C. JOHNSON & SENATOR WILKINS

A Bill for an Act to be Entitled: AN ACT TO AMEND THE DUTIES AND FOCUS OF THE OFFICE FOR TEACHER RECRUITMENT WITHIN THE DEPARTMENT OF EDUCATION; AND FOR OTHER PURPOSES.

House Bill No. 1080 was read the first time, rules suspended, read the second time and referred to the Committee on EDUCATION.

HOUSE BILL NO. 1056
As Engrossed: H12/19/03 H1/27/04
CALL ITEM NO. 4
EIGHTY-FOURTH GENERAL ASSEMBLY
SECONDT EXTRAORDINARY SESSION
BY: REPRESENTATIVE C. JOHNSON, ET AL
SENATORS WILKINS & STEELE

A Bill for an Act to be Entitled: AN ACT TO CREATE THE *DIVISION* OF EDUCATION RENEWAL ZONES; AND FOR OTHER PURPOSES.

House Bill No. 1056 was read the first time, rules suspended, read the second time and referred to the Committee on EDUCATION.

ARKANSAS SENATE
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION

January 28, 2004

Mr. President:

We, your Committee on EDUCATION, to whom was referred:

HOUSE BILL NO. 1047, BY REPRESENTATIVE J. JOHNSON,

beg leave to report that we have had the same under consideration, and herewith return the same with the recommendation that it do pass.

Respectfully submitted,

(SIGNED) SENATORS JIM ARGUE, BRENDA GULLETT,
SHANE BROADWAY & JIMMY JEFFRESS

ARKANSAS SENATE
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION

January 28, 2004

Mr. President:

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

HOUSE BILL NO. 1127, BY REPRESENTATIVE MAHONY,

beg leave to report that we have carefully compared the engrossed copy with the original and we find the same correctly engrossed.

Respectfully submitted,

(SIGNED) JOHN PAUL CAPPS, CHAIRMAN

SENATE BILL NO. 81
CALL ITEM NO. 6
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION
BY: SENATORS WOOLDRIDGE, GLOVER, CAPPS, BAKER & MILLER
REPRESENTATIVE BIGGS

A Bill for an Act to be Entitled: AN ACT TO PROVIDE ADDITIONAL REVENUE TO FUND THE STATE EDUCATION SYSTEM; TO LEVY AN ADDITIONAL FIVE-EIGHTHS OF ONE PERCENT (0.625%) SALES AND USE TAX; TO CREATE THE EDUCATIONAL ADEQUACY TRUST FUND; AND FOR OTHER PURPOSES.

Senate Bill No. 81 was read the first time, rules suspended, read the second time and referred to the Committee on REVENUE & TAXATION.

* * * * *

SENATE BILLS TRANSMITTED TO THE HOUSE

AS PASSED

SENATE BILL NO. 53

SENATE BILL NO . 78

HOUSE BILLS RETURNED TO THE HOUSE

AS PASSED

HOUSE BILL NO. 1078

HOUSE BILL NO. 1141

HOUSE BILLS RETURNED TO THE HOUSE
AS PASSED AS AMENDED

HOUSE BILL NO. 1071

HOUSE BILL NO. 1090

HOUSE BILL NO. 1091

HOUSE BILL NO. 1130

HOUSE BILL TRANSMITTED TO THE SENATE
AS PASSED

HOUSE BILL NO. 1080

HOUSE BILL TRANSMITTED TO THE SENATE
AS PASSED, EMERGENCY CLAUSE HAVING
FAILED OF ADOPTION

HOUSE BILL NO. 1056

On motion of Senator Hill, the Senate adjourned until Thursday, 1:00 p.m.,
January 29, 2004.

PRESIDENT OF THE SENATE

SECRETARY OF THE SENATE

--ooOoo--

**53RD DAY'S PROCEEDINGS
SENATE CHAMBER
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION**

Little Rock, Arkansas

January 29, 2004

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

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

ARGUE, ALTES, BAKER, BISBEE, BOOKOUT,
BROADWAY, BRYLES, CAPPS, CRITCHER, FARIS,
GLOVER, HENDREN, HIGGINBOTHOM, HOLT, HORN,
G.JEFFRESS, J.JEFFRESS, JOHNSON, LUKER, MADISON,
MILLER, SALMON, WHITAKER, WILKINSON, WOMACK,
WOOLDRIDGE.

Members not answering roll call:

BROWN, GULLETT, HILL, LAVERTY, MALONE, SMITH, STEELE,
TRUSTY, WILKINS,

The Senate was led in prayer by Senator Gilbert Baker.

The President led the Senate in the Pledge of Allegiance.

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

On motion of Senator Broadway, **House Concurrent Resolution No. 1002** was called up for third reading and final disposition.

HOUSE CONCURRENT RESOLUTION NO. 1002
CALL ITEM NO. 4
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION
BY: REPRESENTATIVE MAHONY, ET AL

HOUSE CONCURRENT RESOLUTION REQUESTING THE JOINT INTERIM COMMITTEE ON EDUCATION CONDUCT A STUDY OF THE SALARY INCREASES TO TEACHERS IN SPECIAL SETTINGS THAT MAY NOT OTHERWISE BE ELIGIBLE TO RECEIVE THE SALARY INCREASES AUTHORIZED FOR OTHER TEACHERS FOR THE BIENNIAL PERIOD ENDING JUNE 30, 2005.

House Concurrent Resolution No. 1002 was read the third time and concurred in by the Senate.

(SIGNED) ANN CORNWELL, SECRETARY

House Concurrent Resolution No. 1002 was ordered immediately returned to the House.

The President declared the morning hour to have expired.

On motion of Senator Gullett, the rules were suspended in considering **House Bill No. 1140** at this time.

On motion of Senator Gullett, **House Bill No. 11400** was withdrawn from the Committee on EDUCATION and placed back on second reading for purpose of amendment.

ARKANSAS SENATE
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION
Amendment No. 1 to HOUSE BILL NO. 1140

Amend **House Bill No. 1140** as engrossed , H/1/26/04:

Add Senators Gullett and Wilkinson as cosponsors of the bill

AND

Page 3, delete lines 11 through 15, and substitute:

"(e) A prosecuting attorney who prosecutes a person whom he or she knows is a school employee in a case in which the school employee has pleaded guilty or nolo contendere to, or has been found guilty of, a fraudulent act shall report the name of the employee and the nature of the crime to the school district in which the person is employed and the State Board of education."

(SIGNED) SENATOR BRENDA GULLETT

The Amendment was read the first time, rules suspended, read the second time and adopted.

(SIGNED) ANN CORNWELL, SECRETARY

Amend **House Bill No. 1140** as engrossed.

On motion of Senator Capps, **House Bill No. 1027** was called up for third reading and final disposition.

HOUSE BILL NO. 1027
CALL ITEM NO. 19
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION
BY: REPRESENTATIVE PETRUS

A Bill for an Act to be Entitled: AN ACT TO REVISE VARIOUS PROVISIONS OF THE ARKANSAS MOTOR VEHICLE COMMISSION ACT FOR ENFORCEMENT, WARRANTY AGREEMENTS, AND UNLAWFUL ACTIVITIES FOR MANUFACTURERS; AND FOR OTHER PURPOSES.

House Bill No. 1027 was placed on third reading and final disposition, the question being: Shall the Bill pass?

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

AFFIRMATIVE: Altes, Argue, Baker, Bisbee, Broadway, Brown, Bryles, Capps, Critcher, Faris, Glover, Hendren, Higginbothom, Horn, G. Jeffress, J. Jeffress, B. Johnson, Luker, Madison, Malone, Miller, Salmon, T. Smith, Whitaker, Wilkins, Wilkinson, Womack.

Total27

NEGATIVE:

Total0

ABSENT OR NOT VOTING: J. Bookout, Gullett, Hill, Laverty, Steele, Trusty, Wooldridge.

Total7

VOTING PRESENT: Holt.

Total1

Total number of votes cast.....28

Necessary to the passage of the bill18

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

(SIGNED) ANN CORNWELL, SECRETARY

House Bill No. 1027 was ordered immediately returned to the House as passed.

* * * * * **EXPUNGED** * * * * *

On motion of Senator Argue, **House Bill No. 1127** was called up for third reading and final disposition.

HOUSE BILL NO. 1127

As Engrossed: H1/21/04 S1/28/04

CALL ITEM NO. 4

EIGHTY-FOURTH GENERAL ASSEMBLY

SECOND EXTRAORDINARY SESSION

BY: REPRESENTATIVE MAHONY & SENATOR ARGUE

A Bill for an Act to be Entitled: AN ACT TO CREATE A TASK FORCE ON TEACHER COMPENSATION; TO PILOT AND IMPLEMENT A PROGRAM FOR TEACHER COMPENSATION REFORM; AND FOR OTHER PURPOSES.

Senator Hendren spoke against the Bill.

Senator Argue closed for the Bill.

House Bill No. 1127 was placed on third reading and final disposition, the question being: Shall the Bill pass?

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

AFFIRMATIVE: Argue, J. Bookout, Broadway, Bryles, Capps, Critcher, Gullett, Higginbotham, Horn, Lavery, Luker, Madison, Malone, Salmon, Steele, Whitaker, Wilkinson, Wooldridge.

Total18

NEGATIVE: Altes, Baker, Brown, Faris, Glover, Hendren, Holt, G. Jeffress, J. Jeffress, B. Johnson, Miller, Womack.

Total12

ABSENT OR NOT VOTING: Bisbee, Hill, T. Smith, Trusty, Wilkins.

Total5

VOTING PRESENT:

Total0

Total number of votes cast.....30

Necessary to the passage of the bill18

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

(SIGNED) ANN CORNWELL, SECRETARY

* * * * * **EXPUNGED** * * * * *

The record pertaining to the vote by which **House Bill No. 1127** failed to pass was expunged, in accordance with a prevailing motion on January 29, 2004.

* * * * * **EXPUNGED** * * * * *

There being an emergency clause attached to **House Bill No. 1127**, the President ordered the Secretary to call the roll upon the adoption of the emergency clause.

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

AFFIRMATIVE: Argue, J. Bookout, Broadway, Bryles, Capps, Critcher, Gullett, Higginbothom, Horn, Laverty, Luker, Madison, Malone, Salmon, Steele, Whitaker, Wilkinson, Wooldridge.

Total18

NEGATIVE: Altes, Baker, Brown, Faris, Glover, Hendren, Holt, G. Jeffress, J. Jeffress, B. Johnson, Miller, Womack.

Total12

ABSENT OR NOT VOTING: Bisbee, Hill, T. Smith, Trusty, Wilkins.

Total5

VOTING PRESENT:

Total0

Total number of votes cast.....30

Necessary to the adoption of the emergency clause24

So the Emergency Clause failed of adoption.

(SIGNED) ANN CORNWELL, SECRETARY

* * * * * **EXPUNGED** * * * * *

The record pertaining to the vote by which the emergency clause to **House Bill No. 1127** failed of adoption was expunged, in accordance with a prevailing motion on January 29, 2004.

Senator Argue moved that the record pertaining to the vote by which the emergency clause to **House Bill No. 1127** failed of adoption be expunged, the motion was duly seconded and prevailed.

Senator J. Jeffress requested Sounding of the Ballot on the vote by which **House Bill No. 1127** passed. Five hands were seen, whereupon the Secretary sounded the ballot. Results are as follows:

Total number of votes cast	29
Necessary to the passage of the Bill	18
Total number voting in the affirmative	17
Total number voting in the negative	12
Total number absent or not voting	6

Upon sounding of the ballot, Senator Critcher's vote was struck, so the bill failed to pass.

(SIGNED) ANN CORNWELL, SECRETARY

Senator J. Jeffress moved that the vote by which **House Bill No. 1127** failed to pass be reconsidered and that motion be laid upon the table.

Senator J. Jeffress withdrew his motion to.

Senator Argue moved that the record pertaining to the vote by which **House Bill No. 1127** failed to pass be expunged, the motion was duly seconded and prevailed.

On motion of Senator Gullett, **House Bill No. 1047** was called up for third reading and final disposition.

HOUSE BILL NO. 1047
As Engrossed: H12/17/03 S1/27/04 S1/28/04
CALL ITEM NO. 4
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION
BY: REPRESENTATIVE J. JOHNSON, ET AL
SENATORS WHITAKER & GULLETT

A Bill for an Act to be Entitled: *AN ACT TO PROVIDE FOR MINIMUM TEACHER SALARIES; AND FOR OTHER PURPOSES.*

On motion of Senator Gullett, House Bill NO. 1047 was pulled down.

On motion of Senator Bisbee, the Senate resolved itself into the Committee of the Whole for the purpose of Joint Budget Bills.

Without objection, the Committee of the Whole was dissolved, and the Senate took up its regular order of business.

On motion of Senator Bisbee, the rules were suspended in considering **House Bill No. 1142** at this time.

On motion of Senator Bisbee, **House Bill No. 1142** was called up for third reading and final disposition.

HOUSE BILL NO. 1142
As Engrossed: S1/27/04
CALL ITEM NO. 4
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION
BY: REPRESENTATIVE LEDBETTER

A Bill for an Act to be Entitled: AN ACT TO MAKE AN APPROPRIATION FOR GRANTS AND AIDS TO LOCAL SCHOOL DISTRICTS FOR ADMINISTRATIVE CONSOLIDATION ASSISTANCE FOR THE DEPARTMENT OF EDUCATION FOR THE BIENNIAL PERIOD ENDING JUNE 30, 2005; AND FOR OTHER PURPOSES.

House Bill No. 1142 was placed on third reading and final disposition, the question being: Shall the Bill pass?

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

AFFIRMATIVE: Altes, Argue, Baker, Bisbee, J. Bookout, Broadway, Brown, Capps, Critcher, Faris, Glover, Hendren, Higginbothom, Hill, Horn, G. Jeffress, J. Jeffress, B. Johnson, Lavery, Luker, Madison, Malone, Miller, Salmon, Steele, Wilkins, Wilkinson, Womack.

Total28

NEGATIVE:

Total0

ABSENT OR NOT VOTING: Bryles, Gullett, T. Smith, Trusty, Whitaker, Wooldridge.

Total6

VOTING PRESENT: Holt.

Total1

Total number of votes cast.....29

Necessary to the passage of the bill27

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

(SIGNED) ANN CORNWELL, SECRETARY

There being an emergency clause attached to **House Bill No. 1142**, the President ordered the Secretary to call the roll upon the adoption of the emergency clause.

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

AFFIRMATIVE: Altes, Argue, Baker, Bisbee, J. Bookout, Broadway, Brown, Capps, Critcher, Faris, Glover, Hendren, Higginbothom, Hill, Horn, G. Jeffress, J. Jeffress, B. Johnson, Laverty, Luker, Madison, Malone, Miller, Salmon, Steele, Wilkins, Wilkinson, Womack.

Total28

NEGATIVE:

Total0

ABSENT OR NOT VOTING: Bryles, Gullett, T. Smith, Trusty, Whitaker, Wooldridge.

Total6

VOTING PRESENT: Holt.

Total1

Total number of votes cast.....29

Necessary to the adoption of the emergency clause24

So the Emergency Clause was adopted.

(SIGNED) ANN CORNWELL, SECRETARY

House Bill No. 1142 was ordered immediately returned to the House as passed as amended.

SENATE RESOLUTION NO. 17
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION
BY: SENATORS MALONE & FARIS

SENATE RESOLUTION COMMENDING ALCOHOLIC BEVERAGE CONTROL ENFORCEMENT DIVISION DIRECTOR BARNEY HUGH REEVES OF MAGNOLIA.

Senate Resolution No. 17. was read the first time, rules suspended, read the second time and placed on the calendar.

SENATE RESOLUTION NO. 18
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION
BY: SENATOR CRITCHER

SENATE RESOLUTION RECOGNIZING MR. KERN TREAT, DIRECTOR OF THE BUREAU OF LEGISLATIVE RESEARCH, UPON COMPLETING FIFTY YEARS OF SERVICE TO THE ARKANSAS GENERAL ASSEMBLY.

Senate Resolution No. 18. was read the first time, rules suspended, read the second time and placed on the Calendar.

SENATE BILL NO. 82
CALL ITEM NO. 16
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION
BY: SENATOR GLOVER

A Bill for an Act to be Entitled: AN ACT TO CORRECT THE TOWNSHIPS IN THE BOUNDARY OF THE LONOKE COUNTY DISTRICT COURT, SOUTHERN DISTRICT; AND FOR OTHER PURPOSES.

Senate Bill No. 82 was read the first time, rules suspended, read the second time and referred to the Committee on JUDICIARY.

SENATE BILL NO. 83
CALL ITEM NO. 4
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION
BY: SENATOR WILKINS

A Bill for an Act to be Entitled: AN ACT TO CREATE A REDUCTION IN FORCE POLICY FOR TEACHERS AND CLASSIFIED EMPLOYEES; AND FOR OTHER PURPOSES.

Senate Bill No. 83 was read the first time, rules suspended, read the second time and referred to the Committee on EDUCATION.

On motion of Senator Whitaker, **House Bill No. 1047** was called up for third reading and final disposition.

HOUSE BILL NO. 1047

As Engrossed: H12/17/03 S1/27/04 S1/28/04

CALL ITEM NO. 4

EIGHTY-FOURTH GENERAL ASSEMBLY

SECOND EXTRAORDINARY SESSION

BY: REPRESENTATIVE J. JOHNSON, ET AL

SENATORS WHITAKER & GULLETT

A Bill for an Act to be Entitled: *AN ACT TO PROVIDE FOR MINIMUM TEACHER SALARIES; AND FOR OTHER PURPOSES.*

House Bill No. 1047 was placed on third reading and final disposition, the question being: Shall the Bill pass?

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

AFFIRMATIVE: Altes, Argue, Baker, J. Bookout, Broadway, Brown, Capps, Critcher, Faris, Glover, Gullett, Hendren, Hill, Holt, Horn, G. Jeffress, J. Jeffress, B. Johnson, Lavery, Madison, Malone, Miller, T. Smith, Steele, Whitaker, Wilkinson, Womack, Wooldridge.

Total28

NEGATIVE:

Total0

ABSENT OR NOT VOTING: Bisbee, Bryles, Higginbothom, Luker, Salmon, Trusty, Wilkins.

Total7

VOTING PRESENT:

Total0

Total number of votes cast.....28

Necessary to the passage of the bill18

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

(SIGNED) ANN CORNWELL, SECRETARY

There being an emergency clause attached to **House Bill No. 1047**, the President ordered the Secretary to call the roll upon the adoption of the emergency clause.

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

AFFIRMATIVE: Altes, Argue, Baker, J. Bookout, Broadway, Brown, Capps, Critcher, Faris, Glover, Gullett, Hendren, Hill, Holt, Horn, G. Jeffress, J. Jeffress, B. Johnson, Lavery, Madison, Malone, Miller, T. Smith, Steele, Whitaker, Wilkinson, Womack, Wooldridge.

Total28

NEGATIVE:

Total0

ABSENT OR NOT VOTING: Bisbee, Bryles, Higginbothom, Luker, Salmon, Trusty, Wilkins.

Total7

VOTING PRESENT:

Total0

Total number of votes cast.....28

Necessary to the adoption of the emergency clause24

So the Emergency Clause was adopted.

(SIGNED) ANN CORNWELL, SECRETARY

House Bill No. 1047 was ordered immediately returned to the House as passed as amended.

HOUSE BILL NO. 1153
CALL ITEM NO. 4
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION
BY: REPRESENTATIVE CLEVELAND

A Bill for an Act to be Entitled: AN ACT TO DETERMINE STUDENT DROP-
OUT RATES; AND FOR OTHER PURPOSES.

House Bill No. 1153 was read the first time, rules suspended, read the second time
and referred to the Committee on EDUCATION.

ARKANSAS SENATE
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION

January 29, 2004

Mr. President:

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

HOUSE BILL NO. 1140, BY REPRESENTATIVE WALTERS, ET AL,

beg leave to report that we have carefully compared the engrossed copy with the original and
we find the same correctly engrossed.

Respectfully submitted,

(SIGNED) JOHN PAUL CAPPES, CHAIRMAN

On motion of Senator Gullett, **House Bill No. 1140** was ordered re-referred to the Committee on EDUCATION.

SENATE RESOLUTION NO. 19
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION
BY: SENATOR SMITH

SENATE RESOLUTION COMMENDING ARKANSAS SCHOOL FOR MATHEMATICS SCIENCES AND THE ARTS STUDENTS AUDREY MORRIS, KATHERINE HERRING, JOHNSON WONG, AND ALEX WONG FOR THEIR DESIGNATION AS A NATIONAL OUTSTANDING TEAM IN THE SIXTH ANNUAL HIGH SCHOOL MATHEMATICAL CONTEST IN MODELING.

Senate Resolution No. 19. was read the first time, rules suspended, read the second time and placed on the Calendar.

HOUSE BILL NO. 1157
CALL ITEM NO. 4
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION
BY: REPRESENTATIVE HATHORN

A Bill for an Act to be Entitled: AN ACT TO ALLOW ALL CONSOLIDATED, ANNEXED, OR OTHERWISE REORGANIZED SCHOOL DISTRICTS TO ENJOY THE BENEFIT OF FUND BALANCES ACCRUED BY THE AFFECTED SCHOOL DISTRICT PRIOR TO CONSOLIDATION, ANNEXATION, OR REORGANIZATION; AND FOR OTHER PURPOSES.

House Bill No. 1157 was read the first time, rules suspended, read the second time and referred to the Committee on EDUCATION.

HOUSE BILL NO. 1158
CALL ITEM NO. 5
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION
BY: REPRESENTATIVE R. SMITH

A Bill for an Act to be Entitled: AN ACT TO AMEND AND REORGANIZE THE ARKANSAS PUBLIC SCHOOL INSURANCE AND MOTOR VEHICLE INSURANCE PROGRAMS; AND FOR OTHER PURPOSES.

House Bill No. 1158 was read the first time, rules suspended, read the second time and referred to the Committee on EDUCATION.

HOUSE BILL NO. 1135
CALL ITEM NO. 4
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION
BY: REPRESENTATIVE MAHONY

A Bill for an Act to be Entitled: AN ACT TO MAKE AN APPROPRIATION FOR MATCHING FUNDS FOR A NATIONAL SCIENCE FOUNDATION GRANT FOR THE DEPARTMENT OF HIGHER EDUCATION FOR THE BIENNIAL PERIOD ENDING JUNE 30, 2005; AND FOR OTHER PURPOSES.

House Bill No. 1135 was read the first time, rules suspended, read the second time and placed on the Calendar.

SENATE MEMORIAL RESOLUTION NO. 13
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION
BY: SENATOR LAVERTY

SENATE MEMORIAL RESOLUTION HONORING THE MEMORY AND
MOURNING THE LOSS OF ELVIN L. SAMUELS.

Senate Memorial Resolution No. 13. was read the first time, rules suspended, read the second time and placed on the Calendar

SENATE MEMORIAL RESOLUTION NO. 14
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION
BY: SENATOR LAVERTY

SENATE MEMORIAL RESOLUTION HONORING THE MEMORY AND
MOURNING THE LOSS OF MARGARET PHILLIPS.

Senate Memorial Resolution No. 14. was read the first time, rules suspended, read the second time and placed on the Calendar

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HOUSE BILL RETURNED TO THE HOUSE
AS PASSED

HOUSE BILL NO . 1027

HOUSE CONCURRENT RESOLUTION RETURNED
TO THE HOUSE AS CONCURRED

HOUSE CONCURRENT RESOLUTION NO. 1002

HOUSE BILLS RETURNED TO THE HOUSE
AS PASSED AS AMENDED

HOUSE BILL NO. 1047

HOUSE BILL NO. 1142

HOUSE BILLS TRANSMITTED TO THE SENATE
AS PASSED

HOUSE BILL NO. 1135

HOUSE BILL NO . 1153

HOUSE BILL NO. 1157

HOUSE BILL NO. 1158

On motion of Senator Hill, the Senate adjourned until 11:15 a.m., Friday, January 30, 2004.

PRESIDENT OF THE SENATE

SECRETARY OF THE SENATE

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54TH DAY'S PROCEEDINGS
SENATE CHAMBER
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION

Little Rock, Arkansas
January 30, 2004

The Senate was called to order at 11:40 a. m. by the President.

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

ARGUE, ALTES, BAKER, BISBEE, BOOKOUT,
BROADWAY, BROWN, BRYLES, CAPPS, CRITCHER,
FARIS, GLOVER, GULLETT, HENDREN,
HIGGINBOTHOM, HILL, HOLT, HORN, G.JEFFRESS,
J.JEFFRESS, JOHNSON, LAVERTY, LUKER, MADISON,
MALONE, MILLER, SALMON, SMITH, STEELE, TRUSTY,
WHITAKER, WILKINS, WILKINSON, WOMACK,
WOOLDRIDGE.

The Senate was led in prayer by Senator Gene Jeffress.

The President led the Senate in the Pledge of Allegiance.

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

ARKANSAS SENATE
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION

January 30, 2004

Mr. President:

We, your Committee on EDUCATION, to whom was referred:

HOUSE BILL NO. 1080, BY REPRESENTATIVE C. JOHNSON,
HOUSE BILL NO. 1122, BY REPRESENTATIVE GILLESPIE,
HOUSE BILL NO. 1157, BY REPRESENTATIVE HATHORN,

beg leave to report that we have had the same under consideration, and herewith return the same with the recommendation that they do pass.

Respectfully submitted,

(SIGNED) SENATOR JIM ARGUE

ARKANSAS SENATE
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION

January 30, 2004

Mr. President:

We, your Committee on EDUCATION, to whom was referred:

SENATE BILL NO. 83, BY SENATOR WILKINS,

beg leave to report that we have had the same under consideration, and herewith return the same with the recommendation that it do pass as amended #1.

Respectfully submitted,

(SIGNED) SENATOR JIM ARGUE

ARKANSAS SENATE
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION

January 30, 2004

Mr. President:

We, your Committee on EDUCATION, to whom was referred:

HOUSE BILL NO. 1056, BY REPRESENTATIVE C. JOHNSON,
HOUSE BILL NO. 1158, BY REPRESENTATIVE R. SMITH,

beg leave to report that we have had the same under consideration, and herewith return the same with the recommendation that it do pass as amended #1.

Respectfully submitted,

(SIGNED) SENATOR JIM ARGUE

ARKANSAS SENATE
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION

January 30, 2004

Mr. President:

We, your Committee on EDUCATION, to whom was referred:

HOUSE BILL NO. 1140, BY REPRESENTATIVE WALTERS,

beg leave to report that we have had the same under consideration, and herewith return the same with the recommendation that it do pass as amended #2.

Respectfully submitted,

(SIGNED) SENATORS JIM ARGUE, BRENDA GULLETT,
STEVE BRYLES & HENRY "HANK" WILKINS, IV

ARKANSAS SENATE
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION

January 30, 2004

Mr. President:

We, your Committee on REVENUE & TAXATION, to whom was referred:

SENATE BILL NO. 80, BY SENATOR SALMON,

beg leave to report that we have had the same under consideration, and herewith return the same with the recommendation that it do pass as amended #1.

Respectfully submitted,

(SIGNED) SENATOR TIM WOOLDRIDGE

ARKANSAS SENATE
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION

January 30, 2004

Mr. President:

We, your Committee on JUDICIARY, to whom was referred:

SENATE BILL NO. 82, BY SENATOR GLOVER,

beg leave to report that we have had the same under consideration, and herewith return the same with the recommendation that it do pass.

Respectfully submitted,

(SIGNED) SENATOR ED WILKINSON

On motion of Senator Malone, the rules were suspended in considering **Senate Resolution No. 17** at this time.

On motion of Senator Malone, **Senate Resolution No. 17** was placed back on second reading for purpose of amendment.

ARKANSAS SENATE
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION
Amendment No. 1 to SENATE RESOLUTION NO. 17

Amend **Senate Resolution No. 17** as originally introduced:

Page 2, line 13, delete "THE HOUSE OF REPRESENTATIVES" and substitute "THE SENATE"

(SIGNED) SENATOR PERCY MALONE

The Amendment was read the first time, rules suspended, read the second time and adopted.

(SIGNED) ANN CORNWELL, SECRETARY

On motion of Senator Malone, and without objection, the rules were suspended pertaining to passage of Amendment and Resolution on the same day.

On motion of Senator Malone, **Senate Resolution No. 17** was called up for third reading and final disposition.

SENATE RESOLUTION NO. 17
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION
BY: SENATORS MALONE & FARIS

SENATE RESOLUTION COMMENDING ALCOHOLIC BEVERAGE CONTROL
ENFORCEMENT DIVISION DIRECTOR BARNEY HUGH REEVES OF MAGNOLIA.

Senate Resolution No. 17 was read the third time and adopted.

(SIGNED) ANN CORNWELL, SECRETARY

Senate Resolution No. 17 was ordered engrossed.

On motion of Senator Critcher, Senate Resolution No. 18 was called up for third reading and final disposition.

SENATE RESOLUTION NO. 18
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION
BY: SENATOR CRITCHER

SENATE RESOLUTION RECOGNIZING MR. KERN TREAT, DIRECTOR OF THE BUREAU OF LEGISLATIVE RESEARCH, UPON COMPLETING FIFTY YEARS OF SERVICE TO THE ARKANSAS GENERAL ASSEMBLY.

Senate Resolution No. 18 was read the third time and adopted.

(SIGNED) ANN CORNWELL, SECRETARY

On motion of Senator Lavery, **Senate Memorial Resolution No. 13** was called up for third reading and final disposition.

**SENATE RESOLUTION NO. 13
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION
BY: SENATOR LAVERTY**

SENATE MEMORIAL RESOLUTION HONORING THE MEMORY AND MOURNING THE LOSS OF ELVIN L. SAMUELS.

Senate Memorial Resolution No. 13 was read the third time and adopted.

(SIGNED) ANN CORNWELL, SECRETARY

On motion of Senator Lavery, **Senate Memorial Resolution No. 14** was called up for third reading and final disposition.

**SENATE RESOLUTION NO. 14
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION
BY: SENATOR LAVERTY**

SENATE MEMORIAL RESOLUTION HONORING THE MEMORY AND MOURNING THE LOSS OF MARGARET PHILLIPS.

Senate Memorial Resolution No. 14 was read the third time and adopted.

(SIGNED) ANN CORNWELL, SECRETARY

On motion of Senator Gullett, the rules were suspended in considering **House Bill No. 1140** at this time.

On motion of Senator Gullett, **House Bill No. 1140** was placed back on second reading for purpose of amendment.

ARKANSAS SENATE
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION
Amendment No. 2 to HOUSE BILL NO. 1140

Amend **House Bill No. 1140** as engrossed S1/29/04

Page 1, delete line 22, and substitute:

"SECTION 1. Arkansas Code Title 6, Chapter 17, Subchapter 4 is amended to add an additional section to read as follows:

6-17-421. Criminal records check for fraudulent acts."

AND

Page 3, line 36, add a blank line immediately before Section 2

(SIGNED) SENATOR BRENDA GULLETT

The Amendment was read the first time, rules suspended, read the second time and adopted.

(SIGNED) ANN CORNWELL, SECRETARY

Amend **House Bill No. 1140** as engrossed.

On motion of Senator Salmon, the rules were suspended in considering **Senate Bill No. 80** at this time.

On motion of Senator Salmon, **Senate Bill No. 80** was placed back on second reading for purpose of amendment.

ARKANSAS SENATE
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION
Amendment No. 1 to SENATE BILL NO. 80

Amend **Senate Bill No. 80** as originally introduced:

Page 3, delete line 12 and substitute:

"the rates in existence prior to the effective date of this act.

SECTION 3. Arkansas Code § 26-54-105(c), concerning the filing of franchise tax reports, is amended to read as follows:

(c)(1) Each corporation subject to the requirements of this chapter shall file a franchise tax report with the Secretary of State which shows its condition and status as of the close of business on December 31, ~~last preceding~~, of the preceding calendar year, and other information required by the Secretary of State.

(2)(A) The franchise tax as computed on the report shall be remitted with the franchise tax report on or before June 1 of the reporting year for franchise tax due for calendar year 2003 and years prior to 2003.

(B) The franchise tax as computed on the report shall be remitted with the franchise tax report on or before May 1 of the reporting year for franchise tax due for calendar year 2004 and subsequent years.

AND

Page 3, on line 14, delete "July 1, 2005" and substitute "July 1, 2004"

AND

Appropriately renumber the remaining sections of the bill.

(SIGNED) SENATOR MARY ANNE SALMON

The Amendment was read the first time, rules suspended, read the second time and adopted.

(SIGNED) ANN CORNWELL, SECRETARY

Senate Bill No. 80 was ordered engrossed.

Page 4, delete lines 9 and 10 in their entirety and substitute the following:

"shall provide a one-time bonus of \$2,500 for each full time equivalent certified teacher employed on October 1, 2004, by a private"

And

Immediately following Section 5 add the following new Sections as follows:

" SECTION 6. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. FUND TRANSFER. Immediately upon the effective date of this act, the Chief Fiscal Officer of the State shall transfer on his books and those of the State Treasurer and the Auditor of the State the sum of nine hundred ten thousand dollars (\$910,000) from funds received from the Jobs and Growth Tax Relief Reconciliation Act of 2003, Public Law 108-27, to the Department of Education Public School Fund Account for providing a one-time bonus of \$2,500 for each certified teacher employed by a Educational Services Cooperative that is providing teaching services to special education children ages 3 to 5 years old or employed as a Math or Literacy Specialist on October 1, 2004. The provisions of this section shall be in effect only from July 1, 2003 through June 30, 2005.

SECTION 7. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. DEFINITION OF CERTIFIED TEACHER.

"Certified Teacher " means:

(A) An individual who is required to hold a teaching license from the department and who is engaged directly in instruction with students in a classroom setting for more than seventy percent (70%) of the individual's contracted time;

(B) A guidance counselor; or

(C) A librarian;

SECTION 8. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. RETIREMENT BENEFITS. Bonus payments as required by this act are not considered as salary for the calculation of retirement benefits under the Arkansas Teacher Retirement System or the Arkansas Public Employee Retirement System. However, this special language does not preclude or require any provider of services from including the bonus for retirement purposes.

SECTION 9. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. CHARTER SCHOOL FUNDING RESTRICTIONS. Regardless of any provision of any law to the contrary, the Department of Education shall fund from state monies only those charter schools which provide education services in a traditional public school setting and, if the internet or long-distance learning technology is used, the internet or long-distance learning technology is used as a supplement to the school's traditional classroom setting.

SECTION 10. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. SCHOOL FOR THE BLIND AND SCHOOL FOR THE DEAF CERTIFIED EDUCATIONAL SUPPORT STAFF BONUS. If sufficient appropriation and funds are available in the budgets of the School for the Blind and the School for the Deaf as

approved by the Chief Fiscal Officer of the State during the 2004-05 fiscal year, the schools are authorized to provide a one-time bonus of \$2,500 to each certified educational support staff that may not otherwise be eligible to receive the bonus under Section 2 of this Act. The provisions of this section shall only be in effect from July 1, 2003 through June 30, 2005."

And appropriately renumber the Sections of the bill

(SIGNED) SENATOR DAVID BISBEE

The Amendment was read for the first time, rules suspended, read the second time and adopted.

(SIGNED) ANN CORNWELL, SECRETARY

Senate Bill No. 79 was ordered engrossed.

On motion of Senator Argue, the rules were suspended in considering House Bill No. 1158 at this time.

On motion of Senator Argue, House Bill No. 1158 was placed back on second reading for purpose of amendment.

ARKANSAS SENATE
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION
Amendment No. 1 to HOUSE BILL NO. 1158

Amend House Bill No. 1158 as originally introduced:

Page 9, delete lines 30 through 34, and substitute the following:

“SECTION 14. Arkansas Code § 6-20-1515 is amended to read as follows:

6-20-1515. Annual Reports.

The ~~Department of Education~~ State Insurance Department shall report annually to the Governor, ~~the board~~, and the General Assembly on the status of the program. The report shall include a detailed statement of investments and earnings.”

AND

Delete Section 25 of the Bill in its entirety and substitute the following:

“SECTION 25. Arkansas Code § 6-22-711 is amended to read as follows:

6-21-711. Advisory committee – Members – Duties.

(a) There is hereby established a Public Elementary and Secondary School Insurance Program and School Motor Vehicle Self-Insurance Program Advisory Committee, consisting of five (5) members as follows:

(1) The ~~Chairman~~ Chair and Cochair of the Senate ~~Interim~~ Committee on ~~Education~~ Insurance and Commerce;

(2) The ~~Chairman~~ Chair and Cochair of the House ~~Interim~~ Committee on ~~Education~~ Insurance and Commerce; and

~~(3) The Insurance Commissioner;~~

~~(4)(3) The Director of the Department of Finance and Administration; and~~
~~(5)(A) One (1) person to be appointed by the Governor.~~

~~(B) The appointed member shall be appointed for a term of two (2) years.~~

(b) The committee shall meet at the times and places as it shall deem necessary for the purpose of carrying out its duties under the provisions of this subchapter.

(c) The committee shall select one (1) of its members as ~~chairman~~ chair and such other officers as may be deemed necessary for transaction of business.

~~(d) The Assistant Director for Public School Finance and Administrative Support of the Department of Education shall serve as secretary of the committee.~~

~~(e)(d)~~ A majority of the members of the committee shall constitute a quorum for the purpose of transacting business.

~~(f)(e)~~ All action of the committee shall be by a majority vote of the full membership of the committee.

~~(g)(f)~~ Members shall serve without pay but may receive expense reimbursement in accordance with § 25-16-901 et seq.

~~(h) It shall be the duty of the committee to advise the State Board of Education with respect to the operation of the School Motor Vehicle Self-Insurance Program authorized by this subchapter.~~

~~(i)(g)~~ The advisory committee shall periodically review the status of the Public Elementary and Secondary School Insurance Fund and the School Vehicle Insurance Reserve Trust Fund and the adequacy of insurance premium rates and shall promulgate proposed operational procedures with respect to the administration of the programs.

~~(h)~~(h) The advisory committee shall perform such other duties in an advisory capacity to the ~~board and the Department of Education~~ State Insurance Department as will expedite the operation of the ~~program~~ programs.

~~(i)~~(i) All proposed procedures, guidelines, and other recommendations pertaining to the ~~program~~ programs recommended by the advisory committee under this subchapter shall be advisory to the ~~board~~ State Insurance Department.”

(SIGNED) SENATOR JIMMY JEFFRESS

The Amendment was read the first time, rules suspended, read the second time and adopted.

(SIGNED) ANN CORNWELL, SECRETARY

House Bill No. 1158 was ordered engrossed.

The President declared the morning hour to have expired.

On motion of Senator Glover, the rules were suspended in considering Senate Bill No. 82 at this time.

On motion of Senator Glover, Senate Bill No. 82 was called up for third reading and final disposition.

SENATE BILL NO. 82
CALL ITEM NO. 16
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION
BY: SENATOR GLOVER

A Bill for an Act to be Entitled: AN ACT TO CORRECT THE TOWNSHIPS IN THE BOUNDARY OF THE LONOKE COUNTY DISTRICT COURT, SOUTHERN DISTRICT; AND FOR OTHER PURPOSES.

Senate Bill No. 82 was placed on third reading and final disposition, the question being: Shall the Bill pass?

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

AFFIRMATIVE: Altes, Argue, Bisbee, J. Bookout, Broadway, Brown, Capps, Critcher, Faris, Glover, Gullett, Hendren, Higginbotham, Hill, Holt, Horn, G. Jeffress, J. Jeffress, B. Johnson, Laverty, Luker, Malone, Miller, Salmon, T. Smith, Steele, Trusty, Whitaker, Wilkinson, Womack, Wooldridge.

Total31

NEGATIVE:

Total0

ABSENT OR NOT VOTING: Baker, Bryles, Madison, Wilkins.

Total4

VOTING PRESENT:

Total0

Total number of votes cast.....31

Necessary to the passage of the bill18

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

(SIGNED) ANN CORNWELL, SECRETARY

Senate Bill No. 82 was ordered immediately transmitted to the House as passed.

On motion of Senator Higginbothom, **House Bill No. 1100** was called up for third reading and final disposition.

HOUSE BILL NO. 1100
CALL ITEM NO. 6
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION
BY: REPRESENTATIVES MATAYO & KEY

A Bill for an Act to be Entitled: AN ACT TO PROVIDE A STATE TAX PENALTY AND INTEREST AMNESTY PROGRAM; AND FOR OTHER PURPOSES.

House Bill No. 1100 was placed on third reading and final disposition, the question being: Shall the Bill pass?

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

AFFIRMATIVE: Altes, Argue, Baker, Bisbee, J. Bookout, Broadway, Brown, Capps, Critcher, Glover, Gullett, Hendren, Higginbothom, Hill, Holt, Horn, G. Jeffress, J. Jeffress, B. Johnson, Lavery, Luker, Malone, Miller, Salmon, T. Smith, Steele, Trusty, Whitaker, Wilkinson, Womack, Wooldridge.

Total31

NEGATIVE:

Total0

ABSENT OR NOT VOTING: Bryles, Faris, Madison, Wilkins.

Total4

VOTING PRESENT:

Total0

Total number of votes cast.....31

Necessary to the passage of the bill18

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

(SIGNED) ANN CORNWELL, SECRETARY

There being an emergency clause attached to **House Bill No. 1100**, the President ordered the Secretary to call the roll upon the adoption of the emergency clause.

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

AFFIRMATIVE: Altes, Argue, Baker, Bisbee, J. Bookout, Broadway, Brown, Capps, Critcher, Glover, Gullett, Hendren, Higginbothom, Hill, Holt, Horn, G. Jeffress, J. Jeffress, B. Johnson, Lavery, Luker, Malone, Miller, Salmon, T. Smith, Steele, Trusty, Whitaker, Wilkinson, Womack, Wooldridge.

Total31

NEGATIVE:

Total0

ABSENT OR NOT VOTING: Bryles, Faris, Madison, Wilkins.

Total4

VOTING PRESENT:

Total0

Total number of votes cast.....31

Necessary to the adoption of the emergency clause24

So the Emergency Clause was adopted.

(SIGNED) ANN CORNWELL, SECRETARY

House Bill No. 1100 was ordered immediately returned to the House as passed.

ARKANSAS SENATE
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION

January 30, 2004

Mr. President:

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

SENATE BILL NO. 80, BY SENATOR SALMON,

beg leave to report that we have carefully compared the engrossed copy with the original and we find the same correctly engrossed.

Respectfully submitted,

(SIGNED) JOHN PAUL CAPPS, CHAIRMAN

On motion of Senator Salmon, and without objection, the rules were suspended pertaining to passage of Amendment and Bill on the same day.

On motion of Senator Salmon, **Senate Bill No. 80** was called up for third reading and final disposition.

SENATE BILL NO. 80

As Engrossed: S1/30/04

CALL ITEM NO. 6

**EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION
BY: SENATORS SALMON & HIGGINBOTHOM**

A Bill for an Act to be Entitled: AN ACT TO INCREASE THE CORPORATE FRANCHISE TAX; AND FOR OTHER PURPOSES.

The President announced a Pair at the desk.

STATE OF ARKANSAS

ARKANSAS SENATE

State Capitol

Little Rock, Arkansas 72201

EIGHTY-FOURTH GENERAL ASSEMBLY

Second Extraordinary Session

DATE JANUARY 30, 2004

PAIR VOTE

SENATE BILL NO. 80

VOTING YEAS SENATOR GILBERT BAKER

VOTING NAYS SENATOR DENNY ALTES

**(SIGNED) ANN CORNWELL
SECRETARY OF THE SENATE**

Senate Bill No. 80 was placed on third reading and final disposition, the question being: Shall the Bill pass?

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

AFFIRMATIVE: Argue, Baker, Bisbee, J. Bookout, Broadway, Brown, Bryles, Capps, Critcher, Faris, Glover, Gullett, Hendren, Higginbotham, Hill, Horn, G. Jeffress, J. Jeffress, B. Johnson, Lavery, Luker, Malone, Miller, Salmon, T. Smith, Steele, Trusty, Whitaker, Wilkins, Wilkinson, Wooldridge.

Total31

NEGATIVE: Altes, Holt, Womack.
 Total3
 ABSENT OR NOT VOTING: Madison.
 Total1
 VOTING PRESENT:
 Total0

Total number of votes cast.....34
 Necessary to the passage of the bill27

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

(SIGNED) ANN CORNWELL, SECRETARY

There being an emergency clause attached to **Senate Bill No. 80**, the President ordered the Secretary to call the roll upon the adoption of the emergency clause.

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

AFFIRMATIVE: Argue, Baker, Bisbee, J. Bookout, Broadway, Brown, Bryles, Capps, Critcher, Faris, Glover, Gullett, Hendren, Higginbothom, Hill, Horn, G. Jeffress, J. Jeffress, B. Johnson, Lavery, Luker, Malone, Miller, Salmon, T. Smith, Steele, Trusty, Whitaker, Wilkins, Wilkinson, Wooldridge.
 Total31

NEGATIVE: Altes, Holt, Womack.
 Total3
 ABSENT OR NOT VOTING: Madison.
 Total1
 VOTING PRESENT:
 Total0

Total number of votes cast.....34
 Necessary to the adoption of the emergency clause24

So the Emergency Clause was adopted.

(SIGNED) ANN CORNWELL, SECRETARY

Senator Salmon moved that the vote by which **Senate Bill No. 80** passed be reconsidered and that motion be laid upon the table, which motion prevailed and the motion to reconsider was laid on the table.

Senate Bill No. 80 was ordered immediately transmitted to the House.

**HOUSE BILL NO. 1148
CALL ITEM NO. 4
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION
BY: REPRESENTATIVE STOVALL**

A Bill for an Act to be Entitled: AN ACT TO REPEAL ACT 27 OF THE SECOND EXTRAORDINARY SESSION OF THE EIGHTY FOURTH GENERAL ASSEMBLY; AND FOR OTHER PURPOSES.

House Bill No. 1148 was read the first time, rules suspended, read the second time and placed on the Calendar.

**HOUSE BILL NO. 1154
CALL ITEM NO. 4
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION
BY: REPRESENTATIVE MAHONY**

A Bill for an Act to be Entitled: AN ACT TO REQUIRE THAT EACH SCHOOL DISTRICT PROVIDE HIGH SCHOOL STUDENTS WITH THE OPPORTUNITY TO ENROLL IN AT LEAST ONE (1) ADVANCED PLACEMENT COURSE IN THE FOUR (4) CORE AREAS OF ENGLISH, MATH, SCIENCE, AND SOCIAL STUDIES; AND FOR OTHER PURPOSES.

House Bill No. 1154 was read the first time, rules suspended, read the second time and referred to the Committee on EDUCATION.

HOUSE BILL NO. 1161
CALL ITEM NO 4
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION
BY: REPRESENTATIVES HATHORN & STOVALL

A Bill for an Act to be Entitled: AN ACT TO PROVIDE ADMINISTRATIVE CONSOLIDATION ASSISTANCE TO SCHOOL DISTRICTS THAT ADMINISTRATIVELY CONSOLIDATE; AND FOR OTHER PURPOSES.

House Bill No. 1161 was read the first time, rules suspended, read the second time and referred to the Committee on EDUCATION.

On motion of Senator Steele, Senate Bill No. 69 was withdrawn from the Committee on EDUCATION and ordered re-referred to the Interim Committee on EDUCATION.

ARKANSAS SENATE
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION

January 30, 2004

Mr. President:

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

HOUSE BILL NO. 1140, BY REPRESENTATIVE WALTERS,

beg leave to report that we have carefully compared the engrossed copy with the original and we find the same correctly engrossed.

Respectfully submitted,

(SIGNED) JOHN PAUL CAPPS, CHAIRMAN

ARKANSAS SENATE
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION

January 30, 2004

Mr. President:

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

SENATE BILL NO. 79, BY JOINT BUDGET COMMITTEE,

beg leave to report that we have carefully compared the engrossed copy with the original and we find the same correctly engrossed.

Respectfully submitted,

(SIGNED) JOHN PAUL CAPPS, CHAIRMAN

On motion of Senator Bisbee, **Senate Bill No. 79** was ordered re-referred to the Committee on JOINT BUDGET.

ARKANSAS SENATE
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION

January 30, 2004

Mr. President:

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

HOUSE BILL NO. 1158, BY REPRESENTATIVE R. SMITH,

beg leave to report that we have carefully compared the engrossed copy with the original and we find the same correctly engrossed.

Respectfully submitted,

(SIGNED) JOHN PAUL CAPPES, CHAIRMAN

ARKANSAS SENATE
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION

January 30, 2004

Mr. President:

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

SENATE RESOLUTION BILL NO. 17, BY SENATORS MALONE,

beg leave to report that we have carefully compared the engrossed copy with the original and we find the same correctly engrossed.

Respectfully submitted,

(SIGNED) JOHN PAUL CAPPES, CHAIRMAN

* * * * *

SENATE BILLS TRANSMITTED TO THE HOUSE
AS PASSED

SENATE BILL NO. 80

SENATE BILL NO. 82

HOUSE BILL RETURNED TO THE HOUSE
AS PASSED

HOUSE BILL NO. 1100

HOUSE BILLS TRANSMITTED TO THE SENATE
AS PASSED

HOUSE BILL NO. 1148

HOUSE BILL NO. 1154

HOUSE BILL NO. 1161

On motion of Senator Hill, the Senate adjourned until 1:15 p.m., Monday, February 2,
2004.

PRESIDENT OF THE SENATE

SECRETARY OF THE SENATE

--ooOoo--

**57TH DAY'S PROCEEDINGS
SENATE CHAMBER
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION**

Little Rock, Arkansas

February 2, 2004

The Senate was called to order at 1:15 p. m. by the President.

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

ARGUE, ALTES, BAKER, BISBEE, BOOKOUT,
BROADWAY, BRYLES, CAPPS, CRITCHER, FARIS,
GLOVER, GULLETT, HENDREN, HIGGINBOTHOM, HILL,
HOLT, HORN, G.JEFFRESS, J.JEFFRESS, JOHNSON,
LAVERTY, LUKER, MADISON, MALONE, MILLER,
SALMON, SMITH, TRUSTY, WHITAKER, WILKINSON,
WOMACK, WOOLDRIDGE.

Members not answering roll call:

BROWN, STEELE, WILKINS.

The Senate was led in prayer by Senator Tim Wooldridge.

The President led the Senate in the Pledge of Allegiance.

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

ARKANSAS SENATE
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION

February 2, 2004

Mr. President:

We, your Committee on EDUCATION, to whom was referred:

HOUSE BILL NO. 1132, BY REPRESENTATIVE MAHONY,
HOUSE BILL NO. 1153, BY REPRESENTATIVE CLEVELAND,

beg leave to report that we have had the same under consideration, and herewith return the same with the recommendation that they do pass.

Respectfully submitted,

(SIGNED) SENATOR JIM ARGUE

ARKANSAS SENATE
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION

February 2, 2004

Mr. President:

We, your Committee on EDUCATION, to whom was referred:

HOUSE BILL NO. 1072, BY REPRESENTATIVE CLEVELAND,

beg leave to report that we have had the same under consideration, and herewith return the same with the recommendation that it do pass as amended #1.

Respectfully submitted,

(SIGNED) SENATOR JIM ARGUE

SENATE BILL NO. 84
CALL ITEM NO. 4
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION
BY: SENATORS BROADWAY & BISBEE

A Bill for an Act to be Entitled: AN ACT TO TRANSFER FUNDS TO PROVIDE CERTIFIED FULL TIME EQUIVALENT TEACHERS IN SPECIAL SETTINGS A ONE-TIME BONUS; TO TRANSFER FUNDS FOR THE ASSESSMENT OF PUBLIC SCHOOL FACILITIES; AND FOR OTHER PURPOSES.

Senate Bill No. 84 was read the first time, rules suspended, read the second time and referred to the Committee on JOINT BUDGET.

SENATE BILL NO. 85
CALL ITEM NO. 6
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION
BY: SENATOR HIGGINBOTHOM

A Bill for an Act to be Entitled: AN ACT TO MAKE AN APPROPRIATION FOR PERSONAL SERVICES AND OPERATING EXPENSES TO IMPLEMENT THE CORPORATE FRANCHISE TAX INCREASE FOR THE SECRETARY OF STATE WHICH SHALL BE SUPPLEMENTAL AND IN ADDITION TO THOSE FUNDS APPROPRIATED BY ACT 1314 OF 2003; AND FOR OTHER PURPOSES.

Senate Bill No. 85 was read the first time, rules suspended, read the second time and referred to the Committee on JOINT BUDGET.

On motion of Senator Smith, the Senate resolved itself into the Committee of the Whole for the purpose of commending Arkansas Math & Science students Andrey Morris, Katherine Herring, Johnson Wong and Alex Wong..

Without objection, the Committee of the Whole was dissolved, and the Senate took up its regular order of business.

On motion of Senator Smith, **Senate Resolution No. 19** was called up for third reading and final disposition.

**SENATE RESOLUTION NO. 19
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION
BY: SENATOR SMITH**

SENATE RESOLUTION COMMENDING ARKANSAS SCHOOL FOR MATHEMATICS SCIENCES AND THE ARTS STUDENTS AUDREY MORRIS, KATHERINE HERRING, JOHNSON WONG, AND ALEX WONG FOR THEIR DESIGNATION AS A NATIONAL OUTSTANDING TEAM IN THE SIXTH ANNUAL HIGH SCHOOL MATHEMATICAL CONTEST IN MODELING.

Senate Resolution No. 19 was read the third time and adopted.

(SIGNED) ANN CORNWELL, SECRETARY

On motion of Senator Broadway, the rules were suspended in considering **House Bill No. 1072** at this time.

On motion of Senator Broadway, **House Bill No. 1072** was placed back on second reading for purpose of amendment.

ARKANSAS SENATE
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION
Amendment No. 1 to HOUSE BILL NO. 1072

Amend **House Bill No. 1072** as originally introduced by:

Page 1, line 28, delete "one-to-eighteen" and substitute "one-to-eighteen and from one-to-twenty to one-to-fifteen "

AND

Page 1, line 36, delete "one-to-eighteen" and substitute "one-to-eighteen and from one-to-twenty to one-to-fifteen"

AND

Page 2, line 7, delete "(b)(1)" and substitute "(b)(1)(A)"

AND

Page 2, delete line 8 and substitute:

"elementary schools for the pilot project.

(B) Eight (8) of the schools in the pilot project shall be have its teacher-student ratios reduced to one-to-fifteen.

(C) Eight (8) of the schools in the pilot project shall be have its teacher-student ratios reduced to one-to-eighteen."

(SIGNED) SENATOR SHANE BROADWAY

The Amendment was read the first time, rules suspended, read the second time and adopted.

(SIGNED) ANN CORNWELL, SECRETARY

House Bill No. 1072 was ordered engrossed.

The President declared the morning hour to have expired.

On motion of Senator Laverty, **House Bill No. 1157** was called up for third reading and final disposition.

HOUSE BILL NO. 1157
CALL ITEM NO. 4
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION
BY: REPRESENTATIVE HATHORN

A Bill for an Act to be Entitled: AN ACT TO ALLOW ALL CONSOLIDATED, ANNEXED, OR OTHERWISE REORGANIZED SCHOOL DISTRICTS TO ENJOY THE BENEFIT OF FUND BALANCES ACCRUED BY THE AFFECTED SCHOOL DISTRICT PRIOR TO CONSOLIDATION, ANNEXATION, OR REORGANIZATION; AND FOR OTHER PURPOSES.

House Bill No. 1157 was placed on third reading and final disposition, the question being: Shall the Bill pass?

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

AFFIRMATIVE: Altes, Baker, Bisbee, J. Bookout, Broadway, Bryles, Capps, Critcher, Glover, Gullett, Hendren, Higginbothom, Holt, Horn, G. Jeffress, J. Jeffress, B. Johnson, Laverty, Madison, Malone, Miller, Salmon, T. Smith, Steele, Trusty, Whitaker, Wilkins, Wilkinson, Womack, Wooldridge.

Total30

NEGATIVE:

Total0

ABSENT OR NOT VOTING: Argue, Brown, Faris, Hill, Luker.

Total5

VOTING PRESENT:

Total0

Total number of votes cast.....30

Necessary to the passage of the bill18

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

(SIGNED) ANN CORNWELL, SECRETARY

House Bill No. 1157 was ordered immediately returned to the House as passed.

On motion of Senator Gullett, **House Bill No. 1140** was called up for third reading and final disposition.

HOUSE BILL NO. 1140
As Engrossed, H1/26/04 S1/29/04 S1/30/04
CALL ITEM NO. 4
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION
BY: REPRESENTATIVE WALTERS, ET AL
SENATORS GULLETT & WILKINSON

A Bill for an Act to be Entitled: AN ACT TO REQUIRE CRIMINAL
BACKGROUND CHECKS FOR FRAUDULENT ACTS BY FISCAL OFFICERS OF
PUBLIC SCHOOL DISTRICTS; AND FOR OTHER PURPOSES.

House Bill No. 1140 was placed on third reading and final disposition, the question being: Shall the Bill pass?

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

AFFIRMATIVE: Altes, Argue, Baker, Bisbee, J. Bookout, Broadway, Bryles, Capps, Faris, Glover, Gullett, Hendren, Higginbothom, Holt, Horn, G. Jeffress, J. Jeffress, B. Johnson, Laverty, Luker, Madison, Malone, Miller, Salmon, T. Smith, Steele, Trusty, Whitaker, Wilkins, Wilkinson, Womack, Wooldridge.

Total32

NEGATIVE:

Total0

ABSENT OR NOT VOTING: Brown, Critcher, Hill.

Total3

VOTING PRESENT:

Total0

Total number of votes cast.....32

Necessary to the passage of the bill18

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

(SIGNED) ANN CORNWELL, SECRETARY

There being an emergency clause attached to **House Bill No. 1140**, the President ordered the Secretary to call the roll upon the adoption of the emergency clause.

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

AFFIRMATIVE: Altes, Argue, Baker, Bisbee, J. Bookout, Broadway, Bryles, Capps, Faris, Glover, Gullett, Hendren, Higginbothom, Holt, Horn, G. Jeffress, J. Jeffress, B. Johnson, Laverty, Luker, Madison, Malone, Miller, Salmon, T. Smith, Steele, Trusty, Whitaker, Wilkins, Wilkinson, Womack, Wooldridge.

Total32

NEGATIVE:

Total0

ABSENT OR NOT VOTING: Brown, Critcher, Hill.

Total3

VOTING PRESENT:

Total0

Total number of votes cast.....32

Necessary to the adoption of the emergency clause24

So the Emergency Clause was adopted.

(SIGNED) ANN CORNWELL, SECRETARY

House Bill No. 1140 was ordered immediately returned to the House as passed as amended.

On motion of Senator Wilkins, **House Bill No. 1056** was placed back on second reading for purpose of amendment.

ARKANSAS SENATE
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION
Amendment No. 1 to HOUSE BILL NO. 1056

Amend **House Bill No. 1056** as engrossed, H1/27/04::

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"

(SIGNED) SENATOR HENRY "HANK" WILKINS

The Amendment was read the first time, rules suspended, read the second time and adopted.

(SIGNED) ANN CORNWELL, SECRETARY

House Bill No. 1056 was ordered engrossed.

On motion of Senator Wilkins, the rules were suspended in considering **Senate Bill No. 83** at this time.

On motion of Senator Wilkins, **Senate Bill No. 83** was placed back on second reading for purpose of amendments.

ARKANSAS SENATE
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION
Amendment No. 1 to SENATE BILL NO. 83

Amend **Senate Bill No. 83** as originally introduced:

Page 3, delete lines 8 through 12, and substitute:

"(2)(A) Between July 1, 2004 and July 1, 2006, this subchapter shall replace and supersede any existing or to be enacted school district policy that may apply, and any personnel policy or any other school district policy, procedure, or process concerning a reduction in force triggered by a consolidation of the school districts shall be null and void, and shall not be legally binding on any party.

(B) The provisions of section shall be considered to be incorporated as terms of the contracts, entered into after the effective date of this section, of classified employees and teachers as defined under subsection (a) of this section and shall be binding upon the classified employees and teachers who are employed in a district subject to the reduction in force procedure under this section and the district."

AND

Page 6, line 20, insert a Section 2 to read as follows:

"SECTION 2. EMERGENCY CLAUSE. It is found and determined by the General Assembly of the State of Arkansas that the Arkansas Supreme Court in Lake View School District No. 25 v. Huckabee, 351 Ark. 31 (2002) declared the current system of education in the state to be unconstitutional because it is both inequitable and inadequate; and the Arkansas Supreme Court set forth the test for a constitutional system to be one in which the state has an "absolute duty" to provide an "equal opportunity to an adequate education"; the Arkansas Supreme Court instructed the General Assembly to undertake actions as necessary to provide an opportunity for an adequate and equitable education for the children of Arkansas; and the provisions of this bill are necessary steps toward accomplishing that goal. 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."

(SIGNED) SENATOR HENRY "HANK" WILKINS

The Amendment was read the first time, rules suspended, read the second time and adopted.

(SIGNED) ANN CORNWELL, SECRETARY

Amendment No. 2 to SENATE BILL NO. 83

Amend **Senate Bill No. 83** as originally introduced:

Page 5, line 1, delete "state board" and substitute "local school board"

AND

Page 5, line 2, delete "state board" and substitute "local school board"

AND

Page 5, line 9, delete "The teacher" and substitute "the teacher"

AND

Page 5, line 27, delete "state board" and substitute "local school board"

AND

Page 5, line 28, delete "state board" and substitute "local school board"

(SIGNED) SENATOR HENRY "HANK" WILKINS

The Amendment was read the first time, rules suspended, read the second time and adopted.

(SIGNED) ANN CORNWELL, SECRETARY

Senate Bill No. 83 was ordered engrossed.

ARKANSAS SENATE
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION

February 2, 2004

Mr. President:

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

HOUSE BILL NO. 1072, BY REPRESENTATIVE CLEVELAND,

beg leave to report that we have carefully compared the engrossed copy with the original and we find the same correctly engrossed.

Respectfully submitted,

(SIGNED) JOHN PAUL CAPPS, CHAIRMAN

ARKANSAS SENATE
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION

February 2, 2004

Mr. President:

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

SENATE BILL NO. 83, BY SENATOR WILKINS,

beg leave to report that we have carefully compared the engrossed copy with the original and we find the same correctly engrossed.

Respectfully submitted,

(SIGNED) JOHN PAUL CAPPS, CHAIRMAN

On motion of Senator Wilkins, **Senate Bill No. 83** was ordered re-referred to the Committee on EDUCATION.

ARKANSAS SENATE
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION

February 2, 2004

Mr. President:

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

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

beg leave to report that we have carefully compared the engrossed copy with the original and we find the same correctly engrossed.

Respectfully submitted,

(SIGNED) JOHN PAUL CAPPS, CHAIRMAN

SENATE BILL NO. 86
CALL ITEM NO. 4
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION
BY: SENATOR BROADWAY

A Bill for an Act to be Entitled: AN ACT TO MEASURE THE ACHIEVEMENT OF STUDENTS IN DISTANCE LEARNING COURSES; AND FOR OTHER PURPOSES.

Senate Bill No. 86 was read the first time, rules suspended, read the second time and referred to the Committee on EDUCATION.

SENATE BILL NO. 87
CALL ITEM NO. 4
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION
BY: SENATOR BROADWAY

A Bill for an Act to be Entitled: AN ACT TO CREATE EDUCATION ASSISTANCE TEAMS FOR SCHOOLS IN SCHOOL IMPROVEMENT; TO ALLOW THE STATE BOARD OF EDUCATION TO INTERVENE WHEN NECESSARY TO RESTORE SAFETY AND AN ORDERLY LEARNING ENVIRONMENT IN A SCHOOL; AND FOR OTHER PURPOSES.

Senate Bill No. 87 was read the first time, rules suspended, read the second time and referred to the Committee on EDUCATION.

SENATE BILL NO. 88
CALL ITEM NO. 4
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION
BY: SENATOR BROADWAY

A Bill for an Act to be Entitled: AN ACT TO ALLOW SCHOOL DISTRICTS TO APPEAL CERTAIN DECISIONS OF THE STATE BOARD OF EDUCATION TO A CIRCUIT COURT IN PULASKI COUNTY OR THE CIRCUIT COURT IN THE COUNTY WHERE THE SCHOOL DISTRICT MAINTAINS ITS PRINCIPAL ADMINISTRATIVE OFFICE; AND FOR OTHER PURPOSES.

Senate Bill No. 88 was read the first time, rules suspended, read the second time and referred to the Committee on EDUCATION.

SENATE BILL NO. 89
CALL ITEM NO. 4
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION
BY: SENATORS STEELE, WILKINS, BRYLES, BROWN, HIGGINBOTHOM &
BROADWAY

A Bill for an Act to be Entitled: AN ACT TO PROVIDE EXTRAORDINARY INCENTIVES FOR TEACHER RECRUITMENT AND RETENTION IN HIGH-PRIORITY DISTRICTS WITH AN AVERAGE DAILY MEMBERSHIP OF ONE THOUSAND (1,000) OR FEWER; AND FOR OTHER PURPOSES.

Senate Bill No. 89 was read the first time, rules suspended, read the second time and referred to the Committee on EDUCATION.

* * * * *

HOUSE BILL RETURNED TO THE HOUSE

AS PASSED

HOUSE BILL NO, 1157

HOUSE BILL RETURNED TO THE HOUSE

AS PASSED AS AMENDED

HOUSE BILL NO. 1140

On motion of Senator Baker, the Senate adjourned until 1:15 p.m., Tuesday, February 3, 2004.

PRESIDENT OF THE SENATE

SECRETARY OF THE SENATE

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**58TH DAY'S PROCEEDINGS
SENATE CHAMBER
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION**

Little Rock, Arkansas

February 3, 2004

The Senate was called to order at 1:15 p. m. by the President.

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

ARGUE, ALTES, BAKER, BISBEE, BOOKOUT,
BROADWAY, BROWN, BRYLES, CAPPS, CRITCHER,
FARIS, GLOVER, GULLETT, HENDREN,
HIGGINBOTHOM, HILL, HOLT, HORN, G. JEFFRESS,
J.JEFFRESS, JOHNSON, LAVERTY, LUKER, MADISON,
MALONE, MILLER, SALMON, SMITH, STEELE, TRUSTY,
WHITAKER, WILKINSON, WOMACK, WOOLDRIDGE.

Leave was requested for Senator Wilkins.

The Senate was led in prayer by Senator Brenda Gullett.

The President led the Senate in the Pledge of Allegiance.

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

ARKANSAS SENATE
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION

February 2, 2004

Mr. President:

We, your Committee on JOINT BUDGET, to whom was referred:

SENATE BILL NO. 84, BY SENATORS BROADWAY & BISBEE,

beg leave to report that we have had the same under consideration, and herewith return the same with the recommendation that they do pass.

Respectfully submitted,

(SIGNED) SENATOR BISBEE

ARKANSAS SENATE
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION

February 3, 2004

Mr. President:

We, your Committee on JOINT BUDGET, to whom was referred:

SENATE BILL NO. 85, BY SENATOR HIGGINBOTHOM,

beg leave to report that we have had the same under consideration, and herewith return the same with the recommendation that it do pass.

Respectfully submitted,

(SIGNED) SENATOR DAVID BISBEE

ARKANSAS SENATE
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION

February 2, 2004

Mr. President:

We, your Committee on JOINT BUDGET, to whom was referred:

SENATE BILL NO. 79, BY JOINT BUDGET COMMITTEE,

beg leave to report that we have had the same under consideration, and herewith return the same with the recommendation that it do pass as amended #3.

Respectfully submitted,

(SIGNED) SENATOR DAVID BISBEE

ARKANSAS SENATE
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION

February 3, 2004

Mr. President:

We, your Committee on EDUCATION, to whom was referred:

SENATE BILL NO. 83, BY SENATOR WILKINS,

beg leave to report that we have had the same under consideration, and herewith return the same with the recommendation that it do pass.

Respectfully submitted,

(SIGNED) SENATORS JIM ARGUE, BRENDA GULLETT,
SHANE BROADWAY & JIMMY JEFFRESS

ARKANSAS SENATE
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION

February 3, 2004

Mr. President:

We, your Committee on EDUCATION, to whom was referred:

HOUSE BILL NO. 1161, BY REPRESENTATIVE HATHORN,

beg leave to report that we have had the same under consideration, and herewith return the same with the recommendation that it do pass.

Respectfully submitted,

(SIGNED) SENATORS JIM ARGUE, BRENDA GULLETT,
SHANE BROADWAY & JIMMY JEFFRESS

On motion of Senator Hendren, the Senate resolved itself into the Committee of the Whole for the purpose of recognizing Dr. Billy V. Hall of Coal Hill, Arkansas, and presenting him with a Senate Citation..

Without objection, the Committee of the Whole was dissolved, and the Senate took up its regular order of business.

On motion of Senator Bisbee, the rules were suspended in considering **Senate Bill No. 79** at this time.

On motion of Senator Bisbee, **Senate Bill No. 79** was placed back on second reading for purpose of amendment.

Amendment No. 2 was withdrawn by the author.

ARKANSAS SENATE
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION
Amendment No. 3 to SENATE BILL NO. 79

Amend **Senate Bill No. 79** as engrossed S1/30/04:

Page 2, lines 22 and 23, delete "and the Division of Youth Services - Residential,"

AND

Page 2, line 25, insert after the word "or" the words "Adult Education Centers at public school districts as approved by"

AND

Page 3, lines 17,18,19 and 20, delete in their entirety and substitute "district students. Each provider will be responsible for notifying the school"

AND

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

"Section 4. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. NON-AGENCY CERTIFIED TEACHERS IN SPECIAL SETTINGS BONUS. The Department of Human Services - Youth Services Division, shall provide a one-time bonus of \$2,500 for each full time equivalent certified teacher employed by a private provider that is providing teaching services to juveniles in the custody of the Youth Services Division. Immediately upon receiving the monies from the Department of Human Services - Youth Services Division the provider of service shall make available the \$2,500 one-time bonus to each of its full time equivalent certified teachers that are providing the services to juveniles in custody of the Youth Services Division.

The provisions of this section shall be in effect only from July 1, 2003 through June 30, 2005."

AND

Delete Section 6 of the bill in its entirety

AND

Renumber the sections of the bill.

(SIGNED) SENATOR DAVID BISBEE

The Amendment was read the first time, rules suspended, read the second time and adopted.

(SIGNED) ANN CORNWELL, SECRETARY

Amend **Senate Bill No. 79** as engrossed.

The President declared the morning hour to have expired.

On motion of Senator J. Jeffress, the rules were suspended in considering **Senate Bill No. 83** at this time.

On motion of Senator J. Jeffress, **Senate Bill No. 83** was called up for third reading and final disposition.

SENATE BILL NO. 83
As Engrossed: S2/2/04
CALL ITEM NO. 4
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION
BY: SENATOR WILKINS

A Bill for an Act to be Entitled: AN ACT TO CREATE A REDUCTION IN FORCE POLICY FOR TEACHERS AND CLASSIFIED EMPLOYEES; AND FOR OTHER PURPOSES.

Senate Bill No. 83 was placed on third reading and final disposition, the question being: Shall the Bill pass?

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

AFFIRMATIVE: Argue, Baker, J. Bookout, Broadway, Brown, Bryles, Capps, Faris, Glover, Gullett, Hendren, Higginbotham, Horn, G. Jeffress, J. Jeffress, B. Johnson, Lavery, Madison, Miller, Salmon, T. Smith, Steele, Trusty, Wilkinson, Womack, Wooldridge.

Total26

NEGATIVE: Altes, Bisbee, Critcher.

Total3

ABSENT OR NOT VOTING: Hill, Luker, Malone, Whitaker, Wilkins.

Total5

VOTING PRESENT: Holt.

Total1

Total number of votes cast.....30

Necessary to the passage of the bill18

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

(SIGNED) ANN CORNWELL, SECRETARY

There being an emergency clause attached to **Senate Bill No. 83**, the President ordered the Secretary to call the roll upon the adoption of the emergency clause.

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

AFFIRMATIVE: Argue, Baker, J. Bookout, Broadway, Brown, Bryles, Capps, Faris, Glover, Gullett, Hendren, Higginbothom, Horn, G. Jeffress, J. Jeffress, B. Johnson, Lavery, Madison, Miller, Salmon, T. Smith, Steele, Trusty, Wilkinson, Womack, Wooldridge.

Total26

NEGATIVE: Altes, Bisbee, Critcher.

Total3

ABSENT OR NOT VOTING: Hill, Luker, Malone, Whitaker, Wilkins.

Total5

VOTING PRESENT: Holt.

Total1

Total number of votes cast.....30

Necessary to the adoption of the emergency clause24

So the Emergency Clause was adopted.

(SIGNED) ANN CORNWELL, SECRETARY

Senate Bill No. 83 was ordered immediately transmitted to the House.

On motion of Senator Argue, **House Bill No. 1158** was called up for third reading and final disposition.

HOUSE BILL NO. 1158
As Engrossed: S1/30/04
CALL ITEM NO. 5
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION
BY: REPRESENTATIVE R. SMITH

A Bill for an Act to be Entitled: AN ACT TO AMEND AND REORGANIZE THE ARKANSAS PUBLIC SCHOOL INSURANCE AND MOTOR VEHICLE INSURANCE PROGRAMS; AND FOR OTHER PURPOSES.

House Bill No. 1158 was placed on third reading and final disposition, the question being: Shall the Bill pass?

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

AFFIRMATIVE: Altes, Argue, Baker, Bisbee, J. Bookout, Broadway, Brown, Capps, Critcher, Glover, Gullett, Hendren, Higginbothom, Holt, Horn, G. Jeffress, J. Jeffress, B. Johnson, Laverty, Luker, Madison, Malone, Miller, Salmon, T. Smith, Steele, Trusty, Whitaker, Wilkinson, Womack, Wooldridge.

Total31

NEGATIVE:

Total0

ABSENT OR NOT VOTING: Bryles, Faris, Hill, Wilkins.

Total4

VOTING PRESENT:

Total0

Total number of votes cast.....31

Necessary to the passage of the bill18

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

(SIGNED) ANN CORNWELL, SECRETARY

There being an emergency clause attached to **House Bill No. 1158**, the President ordered the Secretary to call the roll upon the adoption of the emergency clause.

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

AFFIRMATIVE: Altes, Argue, Baker, Bisbee, J. Bookout, Broadway, Brown, Capps, Critcher, Glover, Gullett, Hendren, Higginbothom, Holt, Horn, G. Jeffress, J. Jeffress, B. Johnson, Lavery, Luker, Madison, Malone, Miller, Salmon, T. Smith, Steele, Trusty, Whitaker, Wilkinson, Womack, Wooldridge.

Total31

NEGATIVE:

Total0

ABSENT OR NOT VOTING: Bryles, Faris, Hill, Wilkins.

Total4

VOTING PRESENT:

Total0

Total number of votes cast.....31

Necessary to the adoption of the emergency clause24

So the Emergency Clause was adopted.

(SIGNED) ANN CORNWELL, SECRETARY

House Bill No. 1158 was ordered immediately returned to the House as passed as amended.

On motion of Senator Argue, **House Bill No. 1132** was called up for third reading and final disposition.

HOUSE BILL NO. 1132
CALL ITEM NO. 4
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION
BY: REPRESENTATIVE MAHONY

A Bill for an Act to be Entitled: AN ACT TO AMEND ACT 35 OF THE SECOND EXTRAORDINARY SESSION OF 2003 TO ALLOW THE DEPARTMENT OF EDUCATION TO EXTEND THE DEADLINE FOR TEST RESULTS IF THE DEADLINE SUBSTANTIALLY INCREASES THE COST OF ADMINISTRATION OF THE TESTS OR COMPROMISES THE VALIDITY OF THE TEST RESULTS; AND FOR OTHER PURPOSES.

House Bill No. 1132 was placed on third reading and final disposition, the question being: Shall the Bill pass?

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

AFFIRMATIVE: Altes, Argue, Baker, Bisbee, J. Bookout, Broadway, Brown, Bryles, Capps, Critcher, Faris, Glover, Gullett, Hendren, Higginbotham, Hill, Holt, Horn, G. Jeffress, J. Jeffress, B. Johnson, Laverty, Luker, Madison, Malone, Miller, Salmon, T. Smith, Steele, Trusty, Whitaker, Wilkinson, Womack, Wooldridge.

Total34

NEGATIVE:

Total0

ABSENT OR NOT VOTING: Wilkins

Total1

VOTING PRESENT:

Total0

Total number of votes cast34

Necessary to the passage of the bill18

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

(SIGNED) ANN CORNWELL, SECRETARY

House Bill No. 1132 was ordered immediately returned to the House as passed.

ARKANSAS SENATE
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION

February 3, 2004

Mr. President:

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

SENATE BILL NO. 79, BY JOINT BUDGET COMMITTEE,

beg leave to report that we have carefully compared the engrossed copy with the original and we find the same correctly engrossed.

Respectfully submitted,

(SIGNED) JOHN PAUL CAPPS, CHAIRMAN

On motion of Senator Bisbee, and without objection, the rules were suspended pertaining to passage of Amendment and Bill on the same day.

On motion of Senator Bisbee, **Senate Bill No. 79** was called up for third reading and final disposition.

SENATE BILL NO. 79
As Engrossed: S1/30/04 S2/3/04
CALL ITEM NO. 3
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION
BY: JOINT BUDGET COMMITTEE

A Bill for an Act to be Entitled: AN ACT TO MAKE AN APPROPRIATION FOR GRANTS AND AIDS TO LOCAL SCHOOL DISTRICTS AND SPECIAL PROGRAMS, AND TO PROVIDE A BONUS TO TEACHERS IN SPECIAL SETTINGS FOR THE DEPARTMENT OF EDUCATION FOR THE BIENNIAL PERIOD ENDING JUNE 30, 2005; AND FOR OTHER PURPOSES.

Senate Bill No. 79 was placed on third reading and final disposition, the question being: Shall the Bill pass?

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

AFFIRMATIVE: Altes, Argue, Bisbee, J. Bookout, Broadway, Brown, Capps, Critcher, Faris, Glover, Gullett, Hendren, Higginbothom, Hill, Horn, G. Jeffress, J. Jeffress, B. Johnson, Laverty, Luker, Madison, Malone, Miller, Salmon, T. Smith, Steele, Trusty, Wooldridge.

Total28

NEGATIVE: Baker, Holt, Whitaker, Womack.

Total4

ABSENT OR NOT VOTING: Bryles, Wilkins, Wilkinson.

Total3

VOTING PRESENT:

Total0

Total number of votes cast32

Necessary to the passage of the bill18

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

(SIGNED) ANN CORNWELL, SECRETARY

There being an emergency clause attached to **Senate Bill No. 79**, the President ordered the Secretary to call the roll upon the adoption of the emergency clause.

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

AFFIRMATIVE: Altes, Argue, Bisbee, J. Bookout, Broadway, Brown, Capps, Critcher, Faris, Glover, Gullett, Hendren, Higginbothom, Hill, Horn, G. Jeffress, J. Jeffress, B. Johnson, Laverty, Luker, Madison, Malone, Miller, Salmon, T. Smith, Steele, Trusty, Wooldridge.

Total28

NEGATIVE: Baker, Holt, Whitaker, Womack.
 Total 4
 ABSENT OR NOT VOTING: Bryles, Wilkins, Wilkinson.
 Total 3
 VOTING PRESENT:
 Total 0

Total number of votes cast 32
 Necessary to the adoption of the emergency clause 24

So the Emergency Clause was adopted.

(SIGNED) ANN CORNWELL, SECRETARY

Senate Bill No. 79 was ordered immediately transmitted to the House.

On motion of Senator Bisbee, the rules were suspended in considering Senate Bill No. 84 at this time.

On motion of Senator Bisbee, Senate Bill No. 84 was called up for third reading and final disposition.

SENATE BILL NO. 84
 CALL ITEM NO. 4
 EIGHTY-FOURTH GENERAL ASSEMBLY
 SECOND EXTRAORDINARY SESSION
 BY: SENATORS BROADWAY & BISBEE

A Bill for an Act to be Entitled: AN ACT TO TRANSFER FUNDS TO PROVIDE CERTIFIED FULL TIME EQUIVALENT TEACHERS IN SPECIAL SETTINGS A ONE-TIME BONUS; TO TRANSFER FUNDS FOR THE ASSESSMENT OF PUBLIC SCHOOL FACILITIES; AND FOR OTHER PURPOSES.

Senate Bill No. 84 was placed on third reading and final disposition, the question being: Shall the Bill pass?

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

AFFIRMATIVE: Argue, Bisbee, J. Bookout, Broadway, Brown, Bryles, Capps, Critcher, Faris, Glover, Gullett, Hendren, Higginbothom, Hill, Horn, G. Jeffress, J. Jeffress, B. Johnson, Laverty, Luker, Madison, Malone, Miller, Salmon, T. Smith, Steele, Trusty, Whitaker, Wilkinson, Wooldridge.

Total30

NEGATIVE: Altes, Baker, Holt, Womack.

Total4

ABSENT OR NOT VOTING: Wilkins.

Total1

VOTING PRESENT:

Total0

Total number of votes cast34

Necessary to the passage of the bill18

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

(SIGNED) ANN CORNWELL, SECRETARY

There being an emergency clause attached to **Senate Bill No. 84**, the President ordered the Secretary to call the roll upon the adoption of the emergency clause.

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

AFFIRMATIVE: Argue, Bisbee, J. Bookout, Broadway, Brown, Bryles, Capps, Critcher, Faris, Glover, Gullett, Hendren, Higginbothom, Hill, Horn, G. Jeffress, J. Jeffress, B. Johnson, Laverty, Luker, Madison, Malone, Miller, Salmon, T. Smith, Steele, Trusty, Whitaker, Wilkinson, Wooldridge.

Total30

NEGATIVE: Altes, Baker, Holt, Womack.
 Total 4
 ABSENT OR NOT VOTING: Wilkins.
 Total 1
 VOTING PRESENT:
 Total 0

Total number of votes cast 34
 Necessary to the adoption of the emergency clause 24

So the Emergency Clause was adopted.

(SIGNED) ANN CORNWELL, SECRETARY

Senate Bill No. 84 was ordered immediately transmitted to the House.

ARKANSAS SENATE
 EIGHTY-FOURTH GENERAL ASSEMBLY
 SECOND EXTRAORDINARY SESSION

February 3, 2004

Mr. President:

We, your Committee on EDUCATION, to whom was referred:

SENATE BILL NO. 89, BY SENATOR STEELE, ET AL,

beg leave to report that we have had the same under consideration, and herewith return the same with the recommendation that it do pass.

Respectfully submitted,

(SIGNED) SENATORS JIM ARGUE, SHANE BROADWAY,
 JIMMY JEFFRESS & STEVE BRYLES

Senate Bill No. 82 was returned from the House as passed and ordered enrolled.

**SENATE BILL NO. 90
CALL ITEM NO. 6
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION
BY: SENATOR SALMON, GULLETT & WHITAKER
REPRESENTATIVE AGEE, ET AL**

A Bill for an Act to be Entitled: AN ACT TO PROVIDE FOR THE CERTIFICATION OF DELINQUENT PERSONAL PROPERTY TAXES TO THE DEPARTMENT OF FINANCE AND ADMINISTRATION FOR COLLECTION; AND FOR OTHER PURPOSES.

Senate Bill No. 90 was read the first time, rules suspended, read the second time and referred to the Committee on REVENUE & TAXATION.

**SENATE BILL NO. 91
CALL ITEM NO. 3
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION
BY: SENATOR BISBEE**

A Bill for an Act to be Entitled: AN ACT TO MAKE AN APPROPRIATION FOR THE DEPARTMENT OF EDUCATION WHICH SHALL BE SUPPLEMENTAL AND IN ADDITION TO THOSE FUNDS APPROPRIATED BY ACT 1608 OF 2003 AND ACT 51 OF THE 1ST EXTRAORDINARY SESSION OF 2003, FOR THE BIENNIAL PERIOD ENDING JUNE 30, 2005; AND FOR OTHER PURPOSES.

Senate Bill No. 91 was read the first time, rules suspended, read the second time and referred to the Committee on JOINT BUDGET.

SENATE BILL NO. 92
CALL ITEM NO. 3
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION
BY: SENATOR BISBEE

A Bill for an Act to be Entitled: AN ACT TO MAKE AN APPROPRIATION TO THE DEPARTMENT OF EDUCATION FOR A PILOT PROGRAM FOR A KNOWLEDGE AND SKILLS BASED PAY SYSTEM FOR THE BIENNIAL PERIOD ENDING JUNE 30, 2005; AND FOR OTHER PURPOSES.

Senate Bill No. 92 was read the first time, rules suspended, read the second time and referred to the Committee on JOINT BUDGET.

SENATE BILL NO. 93
CALL ITEM NO. 4
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION
BY: SENATOR BROADWAY

A Bill for an Act to be Entitled: AN ACT TO CREATE THE EDUCATIONAL ADEQUACY FUND; AND FOR OTHER PURPOSES.

Senate Bill No. 93 was read the first time, rules suspended, read the second time and referred to the Committee on JOINT BUDGET.

SENATE BILL NO. 94
CALL ITEM NO. 3
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION
BY: SENATOR BROADWAY

A Bill for an Act to be Entitled: AN ACT TO MAKE AN APPROPRIATION FOR OPERATING EXPENSES AND OTHER EXPENSES FOR THE BUREAU OF LEGISLATIVE RESEARCH DISBURSING OFFICER - JOINT COMMITTEE ON EDUCATIONAL FACILITIES WHICH SHALL BE SUPPLEMENTAL AND IN ADDITION TO THOSE FUNDS APPROPRIATED BY ACT 1284 OF 2003; AND FOR OTHER PURPOSES.

Senate Bill No. 94 was read the first time, rules suspended, read the second time and referred to the Committee on JOINT BUDGET.

SENATE RESOLUTION NO. 20
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION
BY: SENATOR HIGGINBOTHOM

SENATE RESOLUTION RECOGNIZING MR. FREDRICK D. PORTER, ADMINISTRATOR OF THE OFFICE OF MOTOR VEHICLE OF THE REVENUE DIVISION OF THE DEPARTMENT OF FINANCE AND ADMINISTRATION, FOR COMPLETING OVER THIRTY-ONE (31) YEARS OF SERVICE TO THE CITIZENS OF ARKANSAS AND THE ARKANSAS GENERAL ASSEMBLY.

Senate Resolution No. 20. was read the first time, rules suspended, read the second time and placed on the calendar.

HOUSE BILL NO. 1162
CALL ITEM NO. 6
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION
BY: REPRESENTATIVES STOVALL, MAHONY & JACKSON

A Bill for an Act to be Entitled: AN ACT TO INCREASE THE UNIFORM RATE OF AD VALOREM PROPERTY TAX BY THREE (3) MILLS SUBJECT TO THE APPROVAL OF THE VOTERS IN THIS STATE TO BE USED SOLELY FOR MAINTENANCE AND OPERATION OF PUBLIC SCHOOLS; AND FOR OTHER PURPOSES.

House Bill No. 1162 was read the first time, rules suspended, read the second time and referred to the Committee on REVENUE & TAXATION.

HOUSE BILL NO. 1170
CALL ITEM NO. 4
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION
BY: REPRESENTATIVE P. BOOKOUT, ET AL
SENATOR J. BOOKOUT, ET AL

A Bill for an Act to be Entitled: AN ACT TO PROVIDE TEACHERS WITH QUALITY PROFESSIONAL DEVELOPMENT THAT WILL PROMOTE AND ENHANCE LEARNING OPPORTUNITIES FOR STUDENTS; AND FOR OTHER PURPOSES.

House Bill No. 1170 was read the first time, rules suspended, read the second time and referred to the Committee on EDUCATION.

ARKANSAS SENATE
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION

February 3, 2004

Mr. President:

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

SENATE BILL NO. 82, BY SENATOR GLOVER,

beg leave to report that we have carefully compared the enrolled copy with the original and we find the same correctly enrolled and have at 2:36 p.m. delivered them to the Governor for his approval.

Respectfully submitted,

(SIGNED) JOHN PAUL CAPPS, CHAIRMAN

GOVERNOR'S BILL RECEIPTS

SENATE BILL NO. 82

RECEIVED the above papers from the Secretary of the Senate this 3rd day of February, 2004, 2003 at 2:36 p.m..

(SIGNED) MIKE HUCKABEE
Governor

(SIGNED) CHAD GALLAGHER
Secretary

SENATE BILL NO. 95
CALL ITEM NO. 6
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION
BY: SENATOR BISBEE

A Bill for an Act to be Entitled: AN ACT TO LEVY AN ADDITIONAL TAX OF FIVE DOLLARS (\$5.00) PER ONE THOUSAND (1,000) CIGARETTES AT THE WHOLESALE LEVEL TO SUPPORT EDUCATION; TO REMOVE PRICE PROTECTIONS AFFORDED TO WHOLESALERS OF CIGARETTES SO THAT THE MARKET MAY ABSORB A TAX INCREASE; TO CREATE THE EDUCATIONAL ADEQUACY TRUST FUND; AND FOR OTHER PURPOSES.

Senate Bill No. 95 was read the first time, rules suspended, read the second time and referred to the Committee on REVENUE & TAXATION.

House Bill No. 1009 was received from the House.

ARKANSAS SENATE
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION

February 3, 2004

Mr. President:

We, your Committee on JOINT BUDGET, to whom was referred:

SENATE BILL NO. 91, BY SENATOR BISBEE,
SENATE BILL NO. 93, BY SENATOR BROADWAY,
SENATE BILL NO. 94, BY SENATOR BROADWAY,

beg leave to report that we have had the same under consideration, and herewith return the same with the recommendation that they do pass.

Respectfully submitted,

(SIGNED) SENATOR DAVID BISBEE

* * * * *

SENATE BILLS TRANSMITTED TO THE HOUSE

AS PASSED

SENATE BILL NO. 79

SENATE BILL NO. 83

SENATE BILL NO. 84

HOUSE BILL RETURNED TO THE HOUSE

AS PASSED

HOUSE BILL NO. 1132

HOUSE BILLS RETURNED TO THE HOUSE

AS PASSED AS AMENDED

HOUSE BILL NO. 1158

SENATE BILL RETURNED FROM THE HOUSE

AS PASSED

SENATE BILL NO. 82

HOUSE BILLS TRANSMITTED TO THE SENATE
AS PASSED

HOUSE BILL NO. 1162
HOUSE BILL NO. 1170

HOUSE BILLS TRANSMITTED TO THE SENATE

HOUSE BILL NO. 1009

On motion of Senator Hill, the Senate adjourned until 1:15 p.m., Wednesday, February 4, 2004.

PRESIDENT OF THE SENATE

SECRETARY OF THE SENATE

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**59TH DAY'S PROCEEDINGS
SENATE CHAMBER
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION**

Little Rock, Arkansas

February 4, 2004

The Senate was called to order at 1:15 p. m. by the President.

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

ARGUE, ALTES, BISBEE, BOOKOUT, BROADWAY,
BROWN, BRYLES, CAPPS, FARIS, GLOVER, GULLETT,
HENDREN, HIGGINBOTHOM, HILL, HORN, G. JEFFRESS,
J. JEFFRESS, JOHNSON, LAVERTY, LUKER, MADISON,
MALONE, MILLER, SALMON, SMITH, STEELE, TRUSTY,
WHITAKER, WILKINSON, WOMACK, WOOLDRIDGE.

Members not answering roll call:

BAKER, CRITCHER, HOLT, WILKINS.

The Senate was led in prayer by Senator Tim Wooldridge.

The President led the Senate in the Pledge of Allegiance.

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

On motion of Senator Higginbothom, the Senate resolved itself into the Committee of the Whole for the purpose of presenting a citation to Mr. Fredrick D. Porter.

Without objection, the Committee of the Whole was dissolved, and the Senate took up its regular order of business.

On motion of Senator Higginbothom, **Senate Resolution No. 20** was called up for third reading and final disposition.

**SENATE RESOLUTION NO. 20
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION
BY: SENATOR HIGGINBOTHOM**

SENATE RESOLUTION RECOGNIZING MR. FREDRICK D. PORTER,
ADMINISTRATOR OF THE OFFICE OF MOTOR VEHICLE OF THE REVENUE
DIVISION OF THE DEPARTMENT OF FINANCE AND ADMINISTRATION, FOR
COMPLETING OVER THIRTY-ONE (31) YEARS OF SERVICE TO THE CITIZENS OF
ARKANSAS AND THE ARKANSAS GENERAL ASSEMBLY.

Senate Resolution No. 20 was read the third time and adopted.

(SIGNED) ANN CORNWELL, SECRETARY

ARKANSAS SENATE
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION

February 4, 2004

Mr. President:

We, your Committee on EDUCATION, to whom was referred:

SENATE BILL NO. 86, BY SENATOR BROADWAY,

beg leave to report that we have had the same under consideration, and herewith return the same with the recommendation that it do pass.

Respectfully submitted,

(SIGNED) SENATOR JIM ARGUE

ARKANSAS SENATE
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION

February 4, 2004

Mr. President:

We, your Committee on EDUCATION, to whom was referred:

HOUSE BILL NO . 1170, BY REPRESENTATIVE BOOKOUT,

beg leave to report that we have had the same under consideration, and herewith return the same with the recommendation that it do pass.

Respectfully submitted,

(SIGNED) SENATOR JIM ARGUE

ARKANSAS SENATE
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION

February 4, 2004

Mr. President:

We, your Committee on EDUCATION, to whom was referred:

HOUSE BILL NO. 1154, BY REPRESENTATIVE MAHONY,

beg leave to report that we have had the same under consideration, and herewith return the same with the recommendation that it do pass as amended #1.

Respectfully submitted,

(SIGNED) SENATOR JIM ARGUE

On motion of Senator Argue, the rules were suspended in considering House Bill No. 1009 at this time.

Senator Argue moved that the record pertaining to the vote by which House Bill No. 1009 passed and the emergency clause was adopted be expunged, the motion was duly seconded and prevailed.

On motion of Senator Argue the Senate receded its previous action in the adoption of Amendment No. 1 to House Bill No. 1009.

House Bill No. 1009 was ordered engrossed.

On motion of Senator Hill the Senate recessed until 2:15 p.m..

The Senate reconvened after recess. The Secretary called the roll, and a quorum was present.

ARKANSAS SENATE
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION

February 4, 2004

Mr. President:

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

HOUSE BILL NO. 1009, BY REPRESENTATIVE PICKETT,

beg leave to report that we have carefully compared the engrossed copy with the original and we find the same correctly engrossed.

Respectfully submitted,

(SIGNED) JOHN PAUL CAPPS, CHAIRMAN

On motion of Senator Argue, **House Bill No. 1009** was ordered re-referred to the Committee on EDUCATION.

SENATE RESOLUTION NO. 21
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION
BY: SENATOR SMITH

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

Senate Resolution No. 21. was read the first time, rules suspended, read the second time and placed on the Calendar.

SENATE MEMORIAL RESOLUTION NO. 15
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION
BY: SENATOR HILL

SENATE MEMORIAL RESOLUTION IN RESPECTFUL MEMORY OF MS. LUCILLE WESTBROOK AND IN RECOGNITION OF HER MANY CONTRIBUTIONS TO THE STATE OF ARKANSAS AND HER LOCAL COMMUNITY.

Senate Memorial Resolution No. 15. was read the first time, rules suspended, read the second time and placed on the Calendar.

ARKANSAS SENATE
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION

February 4, 2004

Mr. President:

We, your Committee on EDUCATION, to whom was referred:

HOUSE BILL NO. 1009, BY REPRESENTATIVE PICKETT,

beg leave to report that we have had the same under consideration, and herewith return the same with the recommendation that it do pass as amended #3.

Respectfully submitted,

(SIGNED) SENATORS JIM ARGUE, SHANE BROADWAY,
DAVID BISBEE & JIMMY JEFFRESS

On motion of Senator Wooldridge, the rules were suspended in considering **House Bill No. 1162** at this time.

On motion of Senator Wooldridge, **House Bill No. 1162** was withdrawn from the Committee on REVENUE & TAXATION and placed back on second reading for purpose of amendment.

ARKANSAS SENATE
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION
Amendment No. 1 to HOUSE BILL NO. 1162

Amend **House Bill No. 1162** as engrossed, H2/2/04:

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.””

(SIGNED) SENATOR TIM WOOLDRIDGE

The Amendment was read the first time, rules suspended, read the second time and adopted.

(SIGNED) ANN CORNWELL, SECRETARY

Amend **House Bill No. 1162** as engrossed.

On motion of Senator Broadway, the rules were suspended in considering **House Bill No. 1154** at this time.

On motion of Senator Broadway, **House Bill No. 1154** was placed back on second reading for purpose of amendment.

ARKANSAS SENATE
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION
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."

(SIGNED) SENATOR SHANE BROADWAY

The Amendment was read the first time, rules suspended, read the second time and adopted.

(SIGNED) ANN CORNWELL, SECRETARY

House Bill No. 1154 was ordered engrossed.

On motion of Senator Argue, the rules were suspended in considering **House Bill No. 1009** at this time.

On motion of Senator Argue, **House Bill No. 1009** was and placed back on second reading for purpose of amendment.

Amendment No. 2 was withdrawn by the author.

ARKANSAS SENATE
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION
Amendment No. 3 to HOUSE BILL NO. 1009

Amend **House Bill No. 1009** as engrossed, S2/4/04:

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.

(1) 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."

(SIGNED) SENATOR JIM ARGUE

The Amendment was read the first time, rules suspended, read the second time and adopted.

(SIGNED) ANN CORNWELL, SECRETARY

House Bill No. 1009 was ordered engrossed.

On motion of Senator Steele, Senate Bill No. 89 was called up for third reading and final disposition.

SENATE BILL NO. 89
CALL ITEM NO. 4
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION
BY: SENATOR STEELE, ET AL

A Bill for an Act to be Entitled: AN ACT TO PROVIDE EXTRAORDINARY INCENTIVES FOR TEACHER RECRUITMENT AND RETENTION IN HIGH-PRIORITY DISTRICTS WITH AN AVERAGE DAILY MEMBERSHIP OF ONE THOUSAND (1,000) OR FEWER; AND FOR OTHER PURPOSES.

Senator Miller spoke for the Bill.

Senator Bryles spoke for the Bill.

Senate Bill No. 89 was placed on third reading and final disposition, the question being: Shall the Bill pass?

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

AFFIRMATIVE: Altes, Argue, Baker, Bisbee, J. Bookout, Broadway, Brown, Bryles, Capps, Critcher, Faris, Glover, Gullett, Higginbothom, Hill, Horn, G. Jeffress, J. Jeffress, B. Johnson, Laverty, Luker, Madison, Malone, Miller, Salmon, T. Smith, Steele, Trusty, Whitaker, Wilkinson, Womack.

Total31

NEGATIVE: Holt.

Total1

ABSENT OR NOT VOTING: Hendren, Wilkins, Wooldridge.

Total3

VOTING PRESENT:

Total0

Total number of votes cast.....32

Necessary to the passage of the bill18

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

(SIGNED) ANN CORNWELL, SECRETARY

Senate Bill No. 89 was ordered immediately transmitted to the House as passed.

Senate Bill No. 53 was returned from the House as passed and ordered enrolled.

Senate Bill No. 80 was returned from the House as amended.

On motion of Senator Salmon, Senate Bill No. 80 was ordered re-referred to the Committee on REVENUE & TAXATION.

ARKANSAS SENATE
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION

February 4, 2004

Mr. President:

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

HOUSE BILL NO. 1009, BY REPRESENTATIVE PICKETT,

beg leave to report that we have carefully compared the engrossed copy with the original and we find the same correctly engrossed.

Respectfully submitted,

(SIGNED) JOHN PAUL CAPPES, CHAIRMAN

ARKANSAS SENATE
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION

February 4, 2004

Mr. President:

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

HOUSE BILL NO. 1162, BY REPRESENTATIVE STOVALL,

beg leave to report that we have carefully compared the engrossed copy with the original and we find the same correctly engrossed.

Respectfully submitted,

(SIGNED) JOHN PAUL CAPPS, CHAIRMAN

On motion of Senator Wooldridge, **House Bill No. 1162** was ordered re-referred to the Committee on REVENUE & TAXATION.

On motion of Senator Lavery, **House Bill No. 1161** was called up for third reading and final disposition.

**HOUSE BILL NO. 1161
CALL ITEM NO. 4
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION
BY: REPRESENTATIVES HATHORN & STOVALL**

A Bill for an Act to be Entitled: AN ACT TO PROVIDE ADMINISTRATIVE CONSOLIDATION ASSISTANCE TO SCHOOL DISTRICTS THAT ADMINISTRATIVELY CONSOLIDATE; AND FOR OTHER PURPOSES.

House Bill No. 1161 was placed on third reading and final disposition, the question being: Shall the Bill pass?

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

AFFIRMATIVE: Argue, Baker, Bisbee, J. Bookout, Broadway, Brown, Bryles, Capps, Critcher, Faris, Glover, Gullett, Hendren, Higginbothom, Hill, Holt, Horn, G. Jeffress, J. Jeffress, B. Johnson, Lavery, Luker, Madison, Salmon, T. Smith, Steele, Trusty, Whitaker, Wilkinson, Womack.

Total30

NEGATIVE: Altes.
 Total 1
 ABSENT OR NOT VOTING: Malone, Miller, Wilkins, Wooldridge.
 Total 4
 VOTING PRESENT:
 Total 0

Total number of votes cast 31
 Necessary to the passage of the bill 18

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

(SIGNED) ANN CORNWELL, SECRETARY

House Bill No. 1161 was ordered immediately returned to the House as passed.

On motion of Senator Argue, and without objection, the rules were suspended pertaining to passage of Amendment and Bill on the same day.

On motion of Senator Argue, **House Bill No. 1009** was called up for third reading and final disposition.

HOUSE BILL NO. 1009

As Engrossed: H12/17/03 H12/26/03 H1/5/04 S1/16/04 S2/4/04 S2/4/04

CALL ITEM NO. 4

EIGHTY-FOURTH GENERAL ASSEMBLY

SECOND EXTRAORDINARY SESSION

BY: REPRESENTATIVE PICKETT

A Bill for an Act to be Entitled: *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.

House Bill No. 1009 was placed on third reading and final disposition, the question being: Shall the Bill pass?

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

AFFIRMATIVE: Altes, Argue, Baker, Bisbee, J. Bookout, Broadway, Brown, Bryles, Capps, Critcher, Glover, Gullett, Hendren, Higginbothom, Hill, Horn, G. Jeffress, J. Jeffress, B. Johnson, Laverty, Luker, Madison, Malone, Miller, Salmon, T. Smith, Steele, Trusty, Whitaker, Wilkinson, Wooldridge.

Total31

NEGATIVE:

Total0

ABSENT OR NOT VOTING: Faris, Holt, Wilkins, Womack.

Total4

VOTING PRESENT:

Total0

Total number of votes cast.....31

Necessary to the passage of the bill18

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

(SIGNED) ANN CORNWELL, SECRETARY

There being an emergency clause attached to **House Bill No. 1009**, the President ordered the Secretary to call the roll upon the adoption of the emergency clause.

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

AFFIRMATIVE: Altes, Argue, Baker, Bisbee, J. Bookout, Broadway, Brown, Bryles, Capps, Critcher, Glover, Gullett, Hendren, Higginbothom, Hill, Horn, G. Jeffress, J. Jeffress, B. Johnson, Laverty, Luker, Madison, Malone, Miller, Salmon, T. Smith, Steele, Trusty, Whitaker, Wilkinson, Wooldridge.

Total31

NEGATIVE:

Total0

ABSENT OR NOT VOTING: Faris, Holt, Wilkins, Womack.

Total4

VOTING PRESENT:

Total0

Total number of votes cast.....31

Necessary to the adoption of the emergency clause24

So the Emergency Clause was adopted.

(SIGNED) ANN CORNWELL, SECRETARY

House Bill No. 1009 was ordered immediately returned to the House as passed as amended.

ARKANSAS SENATE
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION

February 4, 2004

Mr. President:

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

HOUSE BILL NO. 1154, BY REPRESENTATIVE MAHONY,

beg leave to report that we have carefully compared the engrossed copy with the original and we find the same correctly engrossed.

Respectfully submitted,

(SIGNED) JOHN PAUL CAPPIS, CHAIRMAN

On motion of Senator Bisbee, the Senate resolved itself into the Committee of the Whole for the purpose of Joint Budget Bills.

Without objection, the Committee of the Whole was dissolved, and the Senate took up its regular order of business.

On motion of Senator Bisbee, the rules were suspended in considering **Senate Bill No. 85** at this time.

On motion of Senator Bisbee, **Senate Bill No. 85** was called up for third reading and final disposition.

SENATE BILL NO. 85
CALL ITEM NO. 6
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION
BY: SENATOR HIGGINBOTHOM

A Bill for an Act to be Entitled: AN ACT TO MAKE AN APPROPRIATION FOR PERSONAL SERVICES AND OPERATING EXPENSES TO IMPLEMENT THE CORPORATE FRANCHISE TAX INCREASE FOR THE SECRETARY OF STATE WHICH SHALL BE SUPPLEMENTAL AND IN ADDITION TO THOSE FUNDS APPROPRIATED BY ACT 1314 OF 2003; AND FOR OTHER PURPOSES.

Senate Bill No. 85 was placed on third reading and final disposition, the question being: Shall the Bill pass?

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

AFFIRMATIVE: Altes, Argue, Baker, Bisbee, J. Bookout, Broadway, Brown, Bryles, Capps, Critcher, Faris, Glover, Gullett, Hendren, Higginbothom, Hill, Holt, Horn, G. Jeffress, J. Jeffress, B. Johnson, Lavery, Luker, Madison, Malone, Miller, Salmon, Steele, Trusty, Wilkinson, Womack, Wooldridge.

Total32

NEGATIVE:

Total0

ABSENT OR NOT VOTING: T. Smith, Whitaker, Wilkins.

Total3

VOTING PRESENT:

Total0

Total number of votes cast.....32

Necessary to the passage of the bill27

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

(SIGNED) ANN CORNWELL, SECRETARY

There being an emergency clause attached to **Senate Bill No. 85**, the President ordered the Secretary to call the roll upon the adoption of the emergency clause.

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

AFFIRMATIVE: Altes, Argue, Baker, Bisbee, J. Bookout, Broadway, Brown, Bryles, Capps, Critcher, Faris, Glover, Gullett, Hendren, Higginbothom, Hill, Holt, Horn, G. Jeffress, J. Jeffress, B. Johnson, Lavery, Luker, Madison, Malone, Miller, Salmon, Steele, Trusty, Wilkinson, Womack, Wooldridge.

Total32

NEGATIVE:

Total0

ABSENT OR NOT VOTING: T. Smith, Whitaker, Wilkins.

Total3

VOTING PRESENT:

Total0

Total number of votes cast.....32

Necessary to the passage of the bill24

So the Emergency Clause was adopted.

(SIGNED) ANN CORNWELL, SECRETARY

Senate Bill No. 85 was ordered immediately transmitted to the House.

On motion of Senator Bisbee, the rules were suspended in considering **Senate Bill No. 93** at this time.

On motion of Senator Bisbee, **Senate Bill No. 93** was called up for third reading and final disposition.

SENATE BILL NO. 93
CALL ITEM NO. 4
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION
BY: SENATOR BROADWAY

A Bill for an Act to be Entitled: AN ACT TO CREATE THE EDUCATIONAL ADEQUACY FUND; AND FOR OTHER PURPOSES.

Senate Bill No. 93 was placed on third reading and final disposition, the question being: Shall the Bill pass?

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

AFFIRMATIVE: Altes, Argue, Baker, Bisbee, J. Bookout, Broadway, Brown, Bryles, Capps, Critcher, Faris, Glover, Gullett, Hendren, Higginbothom, Hill, Holt, Horn, G. Jeffress, J. Jeffress, B. Johnson, Lavery, Luker, Madison, Malone, Miller, Salmon, Steele, Trusty, Wilkinson, Womack, Wooldridge.

Total32

NEGATIVE:

Total0

ABSENT OR NOT VOTING: T. Smith, Whitaker, Wilkins.

Total3

VOTING PRESENT:

Total0

Total number of votes cast32

Necessary to the passage of the bill18

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

(SIGNED) ANN CORNWELL, SECRETARY

There being an emergency clause attached to **Senate Bill No. 93**, the President ordered the Secretary to call the roll upon the adoption of the emergency clause.

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

AFFIRMATIVE: Altes, Argue, Baker, Bisbee, J. Bookout, Broadway, Brown, Bryles, Capps, Critcher, Faris, Glover, Gullett, Hendren, Higginbothom, Hill, Holt, Horn, G. Jeffress, J. Jeffress, B. Johnson, Lavery, Luker, Madison, Malone, Miller, Salmon, Steele, Trusty, Wilkinson, Womack, Wooldridge.

Total32

NEGATIVE:

Total0

ABSENT OR NOT VOTING: T. Smith, Whitaker, Wilkins.

Total3

VOTING PRESENT:

Total0

Total number of votes cast.....32

Necessary to the passage of the bill24

So the Emergency Clause was adopted.

(SIGNED) ANN CORNWELL, SECRETARY

Senate Bill No. 93 was ordered immediately transmitted to the House.

On motion of Senator Bisbee, the rules were suspended in considering Senate Bill No. 94 at this time.

On motion of Senator Bisbee, Senate Bill No. 94 was called up for third reading and final disposition.

SENATE BILL NO. 94
CALL ITEM NO. 3
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION
BY: BROADWAY

A Bill for an Act to be Entitled: AN ACT TO MAKE AN APPROPRIATION FOR OPERATING EXPENSES AND OTHER EXPENSES FOR THE BUREAU OF LEGISLATIVE RESEARCH DISBURSING OFFICER - JOINT COMMITTEE ON EDUCATIONAL FACILITIES WHICH SHALL BE SUPPLEMENTAL AND IN ADDITION TO THOSE FUNDS APPROPRIATED BY ACT 1284 OF 2003; AND FOR OTHER PURPOSES.

Senate Bill No. 94 was placed on third reading and final disposition, the question being: Shall the Bill pass?

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

AFFIRMATIVE: Altes, Argue, Baker, Bisbee, J. Bookout, Broadway, Brown, Bryles, Capps, Critcher, Faris, Glover, Gullett, Hendren, Higginbothom, Hill, Holt, Horn, G. Jeffress, J. Jeffress, B. Johnson, Lavery, Luker, Madison, Malone, Miller, Salmon, Steele, Trusty, Wilkinson, Womack, Wooldridge.

Total32

NEGATIVE:

Total0

ABSENT OR NOT VOTING: T. Smith, Whitaker, Wilkins.

Total3

VOTING PRESENT:

Total0

Total number of votes cast.....32

Necessary to the passage of the bill18

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

(SIGNED) ANN CORNWELL, SECRETARY

There being an emergency clause attached to **Senate Bill No. 94**, the President ordered the Secretary to call the roll upon the adoption of the emergency clause.

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

AFFIRMATIVE: Altes, Argue, Baker, Bisbee, J. Bookout, Broadway, Brown, Bryles, Capps, Critcher, Faris, Glover, Gullett, Hendren, Higginbothom, Hill, Holt, Horn, G. Jeffress, J. Jeffress, B. Johnson, Lavery, Luker, Madison, Malone, Miller, Salmon, Steele, Trusty, Wilkinson, Womack, Wooldridge.

Total32

NEGATIVE:

Total0

ABSENT OR NOT VOTING: T. Smith, Whitaker, Wilkins.

Total3

VOTING PRESENT:

Total0

Total number of votes cast.....32

Necessary to the adoption of the emergency clause24

So the Emergency Clause was adopted.

(SIGNED) ANN CORNWELL, SECRETARY

Senate Bill No. 94 was ordered immediately transmitted to the House.

On motion of Senator Bisbee, the rules were suspended in considering **House Bill No. 1135** at this time.

On motion of Senator Bisbee, **House Bill No. 1135** was called up for third reading and final disposition.

HOUSE BILL NO. 1135

CALL ITEM NO. 4

EIGHTY-FOURTH GENERAL ASSEMBLY

SECOND EXTRAORDINARY SESSION

BY: REPRESENTATIVE MAHONY

A Bill for an Act to be Entitled: AN ACT TO MAKE AN APPROPRIATION FOR MATCHING FUNDS FOR A NATIONAL SCIENCE FOUNDATION GRANT FOR THE DEPARTMENT OF HIGHER EDUCATION FOR THE BIENNIAL PERIOD ENDING JUNE 30, 2005; AND FOR OTHER PURPOSES.

House Bill No. 1135 was placed on third reading and final disposition, the question being: Shall the Bill pass?

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

AFFIRMATIVE: Altes, Argue, Baker, Bisbee, J. Bookout, Broadway, Brown, Bryles, Capps, Critcher, Faris, Glover, Gullett, Hendren, Higginbothom, Hill, Holt, Horn, G. Jeffress, J. Jeffress, B. Johnson, Lavery, Luker, Madison, Malone, Miller, Salmon, Steele, Trusty, Wilkinson, Womack, Wooldridge.

Total32

NEGATIVE:

Total0

ABSENT OR NOT VOTING: T. Smith, Whitaker, Wilkins.

Total3

VOTING PRESENT:

Total0

Total number of votes cast.....32

Necessary to the passage of the bill18

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

(SIGNED) ANN CORNWELL, SECRETARY

There being an emergency clause attached to **House Bill No. 1135**, the President ordered the Secretary to call the roll upon the adoption of the emergency clause.

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

AFFIRMATIVE: Altes, Argue, Baker, Bisbee, J. Bookout, Broadway, Brown, Bryles, Capps, Critcher, Faris, Glover, Gullett, Hendren, Higginbothom, Hill, Holt, Horn, G. Jeffress, J. Jeffress, B. Johnson, Lavery, Luker, Madison, Malone, Miller, Salmon, Steele, Trusty, Wilkinson, Womack, Wooldridge.

Total32

NEGATIVE:

Total0

ABSENT OR NOT VOTING: T. Smith, Whitaker, Wilkins.

Total3

VOTING PRESENT:

Total0

Total number of votes cast.....32

Necessary to the adoption of the emergency clause24

So the Emergency Clause was adopted.

(SIGNED) ANN CORNWELL, SECRETARY

House Bill No. 1135 was ordered immediately returned to the House as passed.

On motion of Senator Bisbee, the rules were suspended in considering House Bill No. 1148 at this time.

On motion of Senator Bisbee, House Bill No. 1148 was called up for third reading and final disposition.

HOUSE BILL NO. 1148

CALL ITEM NO. 4

EIGHTY-FOURTH GENERAL ASSEMBLY

SECOND EXTRAORDINARY SESSION

BY: REPRESENTATIVE STOVALL

A Bill for an Act to be Entitled: AN ACT TO REPEAL ACT 27 OF THE SECOND EXTRAORDINARY SESSION OF THE EIGHTY FOURTH GENERAL ASSEMBLY; AND FOR OTHER PURPOSES.

House Bill No. 1148 was placed on third reading and final disposition, the question being: Shall the Bill pass?

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

AFFIRMATIVE: Altes, Argue, Baker, Bisbee, J. Bookout, Broadway, Brown, Bryles, Capps, Critcher, Faris, Glover, Gullett, Hendren, Higginbothom, Hill, Holt, Horn, G. Jeffress, J. Jeffress, B. Johnson, Lavery, Luker, Madison, Malone, Miller, Salmon, Steele, Trusty, Wilkinson, Womack, Wooldridge.

Total32

NEGATIVE:

Total0

ABSENT OR NOT VOTING: T. Smith, Whitaker, Wilkins.

Total3

VOTING PRESENT:

Total0

Total number of votes cast.....32

Necessary to the passage of the bill18

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

(SIGNED) ANN CORNWELL, SECRETARY

There being an emergency clause attached to **House Bill No. 1148**, the President ordered the Secretary to call the roll upon the adoption of the emergency clause.

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

AFFIRMATIVE: Altes, Argue, Baker, Bisbee, J. Bookout, Broadway, Brown, Bryles, Capps, Critcher, Faris, Glover, Gullett, Hendren, Higginbothom, Hill, Holt, Horn, G. Jeffress, J. Jeffress, B. Johnson, Lavery, Luker, Madison, Malone, Miller, Salmon, Steele, Trusty, Wilkinson, Womack, Wooldridge.

Total	32
NEGATIVE:	
Total	0
ABSENT OR NOT VOTING: T. Smith, Whitaker, Wilkins.	
Total	3
VOTING PRESENT:	
Total	0
Total number of votes cast.....	32
Necessary to the adoption of the emergency clause	24

So the Emergency Clause was adopted.

(SIGNED) ANN CORNWELL, SECRETARY

House Bill No. 1148 was ordered immediately returned to the House as passed.

Senate Bill No. 84 was returned from the House as passed and ordered enrolled.

HOUSE BILL NO. 1031
CALL ITEM NO. 3
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION
BY: REPRESENTATIVE CLEVELAND

A Bill for an Act to be Entitled: AN ACT TO MAKE AN APPROPRIATION FOR PERSONAL SERVICES AND OPERATING EXPENSES FOR REGIONAL ALTERNATIVE LEARNING ENVIRONMENTS FOR THE DEPARTMENT OF EDUCATION; AND FOR OTHER PURPOSES.

House Bill No. 1031 was read the first time, rules suspended, read the second time and placed on the Calendar.

HOUSE BILL NO. 1084
CALL ITEM NO. 4
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION
BY: REPRESENTATIVE LENDALL

A Bill for an Act to be Entitled: AN ACT TO MAKE AN APPROPRIATION FOR GRANTS AND AIDS TO LOCAL SCHOOL DISTRICTS FOR ADDITIONAL SCHOOL NURSES FOR THE DEPARTMENT OF EDUCATION FOR THE BIENNIAL PERIOD ENDING JUNE 30, 2005; AND FOR OTHER PURPOSES.

House Bill No. 1084 was read the first time, rules suspended, read the second time and placed on the Calendar.

HOUSE BILL NO. 1128
CALL ITEM NO. 3
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION
BY: REPRESENTATIVE MAHONY

A Bill for an Act to be Entitled: AN ACT TO MAKE AN APPROPRIATION FOR THE DEPARTMENT OF EDUCATION WHICH SHALL BE SUPPLEMENTAL AND IN ADDITION TO THOSE FUNDS APPROPRIATED BY ACT 1608 OF 2003 AND ACT 51 OF THE 1ST EXTRAORDINARY SESSION OF 2003, FOR THE BIENNIAL PERIOD ENDING JUNE 30, 2005; AND FOR OTHER PURPOSES.

House Bill No. 1128 was read the first time, rules suspended, read the second time and placed on the Calendar.

* * * * *

SENATE BILLS TRANSMITTED TO THE HOUSE

AS PASSED

SENATE BILL NO. 85

SENATE BILL NO. 89

SENATE BILL NO. 93

SENATE BILL NO. 94

HOUSE BILLS RETURNED TO THE HOUSE

AS PASSED

HOUSE BILL NO. 1135

HOUSE BILL NO. 1148

HOUSE BILL NO. 1161

HOUSE BILL RETURNED TO THE HOUSE

AS PASSED AS AMENDED

HOUSE BILL NO. 1009

SENATE BILLS RETURNED FROM THE HOUSE

AS PASSED

SENATE BILL NO. 53

SENATE BILL NO. 84

SENATE BILL RETURNED FROM THE HOUSE

AS PASSED AS AMENDED

SENATE BILL NO. 80

HOUSE BILLS TRANSMITTED TO THE SENATE

AS PASSED

HOUSE BILL NO. 1031

HOUSE BILL NO. 1128

HOUSE BILL TRANSMITTED TO THE SENATE

AS PASSED, EMERGENCY CLAUSE HAVING FAILED OF ADOPTION

HOUSE BILL NO. 1084

On motion of Senator Hill, the Senate adjourned until 1:15 p.m., Thursday, February 5, 2004.

PRESIDENT OF THE SENATE

SECRETARY OF THE SENATE

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**60TH DAY'S PROCEEDINGS
SENATE CHAMBER
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION**

Little Rock, Arkansas

February 5, 2004

The Senate was called to order at 1:15 p. m. by the President.

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

ARGUE, ALTES, BAKER, BISBEE, BOOKOUT,
BROADWAY, BROWN, BRYLES, CAPPS, CRITCHER,
FARIS, GLOVER, GULLETT, HENDREN,
HIGGINBOTHOM, HILL, HOLT, HORN, G. JEFFRESS, J.
JEFFRESS, JOHNSON, LAVERTY, LUKER, MADISON,
MALONE, MILLER, SALMON, SMITH, STEELE, TRUSTY,
WHITAKER, WILKINSON, WOMACK, WOOLDRIDGE.

Members not answering roll call:

WILKINS.

The Senate was led in prayer by Senator Paul Miller.

Archer Tribett led the Senate in the Pledge of Allegiance.

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

ARKANSAS SENATE
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION

February 5, 2004

Mr. President:

We, your Committee on REVENUE & TAXATION, to whom was referred:

SENATE BILL NO. 80, BY SENATOR SALMON,

beg leave to report that we have had the same under consideration, and herewith return the same with the recommendation that it do pass to concur in House amendment #2.

Respectfully submitted,

(SIGNED) SENATOR TIM WOOLDRIDGE

ARKANSAS SENATE
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION

February 5, 2004

Mr. President:

We, your Committee on REVENUE & TAXATION, to whom was referred:

HOUSE BILL NO. 1162, BY REPRESENTATIVE STOVALL,

beg leave to report that we have had the same under consideration, and herewith return the same with the recommendation that it do pass as amended #2.

Respectfully submitted,

(SIGNED) SENATOR TIM WOOLDRIDGE

SENATE BILL NO. 96
CALL ITEM NO. 6
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION
BY: SENATOR WOOLDRIDGE

A Bill for an Act to be Entitled: AN ACT TO CREATE A TASK FORCE TO
STUDY THE REVISION OF PROPERTY TAX LAW; AND FOR OTHER PURPOSES.

Senate Bill No. 96 was read the first time, rules suspended, read the second time and
referred to the Committee on REVENUE & TAXATION.

ARKANSAS SENATE
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION

February 5, 2004

Mr. President:

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

SENATE BILL NO. 53, BY SENATOR BROADWAY,
SENATE BILL NO. 84, BY SENATORS BROADWAY & BISBEE,

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 8:52 a.m. delivered them to the Governor for
his approval.

Respectfully submitted,

(SIGNED) JOHN PAUL CAPPS, CHAIRMAN

GOVERNOR'S BILL RECEIPTS

SENATE BILL NO. 53

SENATE BILL NO. 84

RECEIVED the above papers from the Secretary of the Senate this 5th day of February, 2004, at 8:52 a.m..

(SIGNED) MIKE HUCKABEE

Governor

(SIGNED) LAUREN BROWN

Secretary

STATE OF ARKANSAS

OFFICE OF THE GOVERNOR

STATE CAPITOL
LITTLE ROCK, ARKANSAS

MIKE HUCKABEE
Governor

February 4, 2004

TO THE PRESIDENT OF THE SENATE

Dear Mr. President:

This is to inform your Honorable Body that on February 4, 2004, I approved the following measure from the Second Extraordinary Session of the Eighty-fourth General Assembly:

Senate Bill 82, is now Act Number 76

Sincerely,

(SIGNED) MIKE HUCKABEE
Governor

On motion of Senator Smith, **Senate Resolution No. 21** was called up for third reading and final disposition.

**SENATE RESOLUTION NO. 21
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION
BY: SENATOR SMITH**

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

Senate Resolution No. 21 was read the third time and adopted.

(SIGNED) ANN CORNWELL, SECRETARY

On motion of Senator Hill, **Senate Memorial Resolution No. 15** was called up for third reading and final disposition.

**SENATE MEMORIAL RESOLUTION NO. 15
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION
BY: SENATOR HILL**

SENATE MEMORIAL RESOLUTION IN RESPECTFUL MEMORY OF MS. LUCILLE WESTBROOK AND IN RECOGNITION OF HER MANY CONTRIBUTIONS TO THE STATE OF ARKANSAS AND HER LOCAL COMMUNITY.

Senate Memorial Resolution No. 15 was read the third time and adopted.

(SIGNED) ANN CORNWELL, SECRETARY

On motion of Senator Critcher, the Senate resolved itself into the Committee of the Whole for the purpose of presenting a citation to Mr. Kern Treat, Director of the Bureau of Legislative Research.

Without objection, the Committee of the Whole was dissolved, and the Senate took up its regular order of business.

On motion of Senator Wooldridge, the rules were suspended in considering **House Bill No. 1162** at this time.

On motion of Senator Wooldridge, **House Bill No. 1162** was placed back on second reading for purpose of amendment.

ARKANSAS SENATE
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION
Amendment No. 2 to HOUSE BILL NO. 1162

Amend **House Bill No. 1162** as engrossed, S2/4/04:

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."

(SIGNED) SENATOR TIM WOOLDRIDGE

The Amendment was read the first time, rules suspended, read the second time and adopted.

(SIGNED) ANN CORNWELL, SECRETARY

House Bill No. 1162 was ordered engrossed.

The President declared the morning hour to have expired.

On motion of Senator Hill the Senate recessed until 2:45 p.m..

The Senate reconvened after recess. The Secretary called the roll, and a quorum was present.

HOUSE BILL NO. 1030

As Engrossed: H12/26/03 H2/2/04

CALL ITEM NO. 6

EIGHTY-FOURTH GENERAL ASSEMBLY

SECOND EXTRAORDINARY SESSION

BY: REPRESENTATIVE HICKINBOTHOM

A Bill for an Act to be Entitled: *AN ACT TO PROVIDE ADDITIONAL REVENUE TO FUND THE STATE EDUCATION SYSTEM; TO LEVY AN ADDITIONAL SALES AND USE TAX OF SEVEN-EIGHTHS OF ONE PERCENT (0.875%); TO IMPOSE A GROSS RECEIPTS TAX ON CERTAIN SERVICES; TO INCREASE THE WHOLESALE VENDING TAX; TO CREATE THE EDUCATIONAL ADEQUACY TRUST FUND; AND FOR OTHER PURPOSES.*

House Bill No. 1030 was read the first time, rules suspended, read the second time and referred to the Committee on REVENUE & TAXATION.

HOUSE CONCURRENT RESOLUTION NO. 1003

CALL ITEM NO. 4

EIGHTY-FOURTH GENERAL ASSEMBLY

SECOND EXTRAORDINARY SESSION

BY: REPRESENTATIVE STOVALL

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

House Concurrent Resolution No. 1003 was read the first time, rules suspended, read the second time and referred to the Committee on REVENUE & TAXATION.

ARKANSAS SENATE
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION

February 5, 2004

Mr. President:

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

HOUSE BILL NO. 1162, BY REPRESENTATIVE STOVALL,

beg leave to report that we have carefully compared the engrossed copy with the original and we find the same correctly engrossed.

Respectfully submitted,

(SIGNED) JOHN PAUL CAPPS, CHAIRMAN

On motion of Senator Hill the Senate recessed until 3:00 p.m..

The Senate reconvened after recess. The Secretary called the roll, and a quorum was present.

Senate Bill No. 73 was returned from the House as passed as amended.

On motion of Senator Argue, **Senate Bill No. 73** was ordered re-referred to the Committee on EDUCATION.

Senate Bill No. 7 was returned from the House as passed as amended.

Senate Bill No. 51 was returned from the House as passed, emergency clause having failed of adoption.

Senate Bill No. 51 was ordered enrolled.

HOUSE BILL NO. 1061
CALL ITEM NO. 4
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION
BY: REPRESENTATIVE CHESTERFIELD

A Bill for an Act to be Entitled: AN ACT TO MAKE AN APPROPRIATION TO THE DEPARTMENT OF EDUCATION FOR AN OPERATING GRANT FOR THE ARKANSAS TEACHER HOUSING DEVELOPMENT FOUNDATION FOR THE BIENNIAL PERIOD ENDING JUNE 30, 2005; AND FOR OTHER PURPOSES.

House Bill No. 1061 was read the first time, rules suspended, read the second time and placed on the Calendar.

HOUSE BILL NO. 1138
CALL ITEM NO. 5
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION
BY: REPRESENTATIVE C. JOHNSON

A Bill for an Act to be Entitled: AN ACT TO MAKE AN APPROPRIATION FOR PERSONAL SERVICES AND OPERATING EXPENSES FOR THE DEPARTMENT OF EDUCATION - OFFICE OF EDUCATION RENEWAL ZONES FOR THE BIENNIAL PERIOD ENDING JUNE 30, 2005; AND FOR OTHER PURPOSES.

House Bill No. 1138 was read the first time, rules suspended, read the second time and placed on the Calendar.

HOUSE BILL NO. 1098
CALL ITEM NO. 3
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION
BY: REPRESENTATIVE MAHONY

A Bill for an Act to be Entitled: AN ACT TO MAKE AN APPROPRIATION FOR GRANTS AND AIDS TO LOCAL SCHOOL DISTRICTS AND SPECIAL PROGRAMS FOR THE DEPARTMENT OF EDUCATION FOR THE BIENNIAL PERIOD ENDING JUNE 30, 2005; AND FOR OTHER PURPOSES.

House Bill No. 1098 was read the first time, rules suspended, read the second time and placed on the Calendar.

ARKANSAS SENATE
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION

February 5, 2004

Mr. President:

We, your Committee on REVENUE & TAXATION, to whom was referred:

SENATE BILL NO. 96, BY SENATOR WOOLDRIDGE,

beg leave to report that we have had the same under consideration, and herewith return the same with the recommendation that it do pass.

Respectfully submitted,

(SIGNED) SENATOR TIM WOOLDRIDGE

ARKANSAS SENATE
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION

February 5, 2004

Mr. President:

We, your Committee on REVENUE & TAXATION, to whom was referred:

HOUSE BILL NO. 1030, BY REPRESENTATIVE HIGGINBOTHOM,

beg leave to report that we have had the same under consideration, and herewith return the same with the recommendation that it do pass.

Respectfully submitted,

(SIGNED) SENATOR TIM WOOLDRIDGE

ARKANSAS SENATE
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION

February 5, 2004

Mr. President:

We, your Committee on REVENUE & TAXATION, to whom was referred:

HOUSE CONCURRENT RESOLUTION NO. 1003,
BY REPRESENTATIVE STOVALL,

beg leave to report that we have had the same under consideration, and herewith return the same with the recommendation that it do pass.

Respectfully submitted,

(SIGNED) SENATOR TIM WOOLDRIDGE

HOUSE BILL NO. 1041

As Engrossed: H12/23/03 H12/26/03

CALL ITEM NO. 4

EIGHTY-FOURTH GENERAL ASSEMBLY

SECOND EXTRAORDINARY SESSION

BY: REPRESENTATIVES MEDLEY, GREEN & J. JOHNSON

SENATORS BROADWAY & J. JEFFRESS

A Bill for an Act to be Entitled: AN ACT TO ENSURE THAT THE TEACHER DAILY PLANNING PERIOD OCCURS DURING THE STUDENT INSTRUCTIONAL DAY; AND FOR OTHER PURPOSES.

House Bill No. 1041 was read the first time, rules suspended, read the second time and referred to the Committee on EDUCATION.

HOUSE BILL NO. 1177

CALL ITEM NO. 4

EIGHTY-FOURTH GENERAL ASSEMBLY

SECOND EXTRAORDINARY SESSION

BY: REPRESENTATIVE PETRUS, ET AL

A Bill for an Act to be Entitled: AN ACT TO ALLOW STUDENTS IN ADMINISTRATIVELY CONSOLIDATED SCHOOL DISTRICTS TO ATTEND CLASSES AND PROGRAMS IN OTHER SCHOOLS IN THE DISTRICT IF THE SCHOOL TO WHICH THE STUDENT IS ASSIGNED DOES NOT OFFER THE SAME OR SIMILAR CLASSES OR PROGRAMS; AND FOR OTHER PURPOSES.

House Bill No. 1177 was read the first time, rules suspended, read the second time and referred to the Committee on EDUCATION.

On motion of Senator Bisbee, the Senate resolved itself into the Committee of the Whole for the purpose of Joint Budget Bills.

Without objection, the Committee of the Whole was dissolved, and the Senate took up its regular order of business.

On motion of Senator Bisbee, **Senate Bill No. 91** was called up for third reading and final disposition.

SENATE BILL NO. 91
CALL ITEM NO. 3
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION
BY: SENATOR BISBEE

A Bill for an Act to be Entitled: AN ACT TO MAKE AN APPROPRIATION FOR THE DEPARTMENT OF EDUCATION WHICH SHALL BE SUPPLEMENTAL AND IN ADDITION TO THOSE FUNDS APPROPRIATED BY ACT 1608 OF 2003 AND ACT 51 OF THE 1ST EXTRAORDINARY SESSION OF 2003, FOR THE BIENNIAL PERIOD ENDING JUNE 30, 2005; AND FOR OTHER PURPOSES.

Senate Bill No. 91 was placed on third reading and final disposition, the question being: Shall the Bill pass?

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

AFFIRMATIVE: Altes, Argue, Baker, Bisbee, J. Bookout, Broadway, Brown, Bryles, Capps, Critcher, Faris, Glover, Gullett, Hendren, Higginbothom, Hill, Holt, Horn, G. Jeffress, J. Jeffress, B. Johnson, Luker, Madison, Malone, Miller, Salmon, T. Smith, Steele, Whitaker, Wilkinson, Womack, Wooldridge.

Total32

NEGATIVE:

Total0

ABSENT OR NOT VOTING: Lavery, Trusty, Wilkins.

Total3

VOTING PRESENT:

Total0

Total number of votes cast.....	32
Necessary to the passage of the bill	27

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

(SIGNED) ANN CORNWELL, SECRETARY

There being an emergency clause attached to **Senate Bill No. 91**, the President ordered the Secretary to call the roll upon the adoption of the emergency clause.

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

AFFIRMATIVE: Altes, Argue, Baker, Bisbee, J. Bookout, Broadway, Brown, Bryles, Capps, Critcher, Faris, Glover, Gullett, Hendren, Higginbothom, Hill, Holt, Horn, G. Jeffress, J. Jeffress, B. Johnson, Luker, Madison, Malone, Miller, Salmon, T. Smith, Steele, Whitaker, Wilkinson, Womack, Wooldridge.

Total32

NEGATIVE:

Total0

ABSENT OR NOT VOTING: Lavery, Trusty, Wilkins.

Total3

VOTING PRESENT:

Total0

Total number of votes cast.....32

Necessary to the adoption of the emergency clause24

So the Emergency Clause was adopted.

(SIGNED) ANN CORNWELL, SECRETARY

Senate Bill No. 91 was ordered immediately transmitted to the House.

On motion of Senator Argue, the rules were suspended in considering **House Bill No. 1056** at this time.

On motion of Senator Argue, **House Bill No. 1056** was called up for third reading and final disposition.

HOUSE BILL NO. 1056
As Engrossed: H12/19/03 H1/27/04 S2/2/04
CALL ITEM NO. 4
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION
BY: REPRESENTATIVE C. JOHNSON, ET AL
SENATORS WILKINS & STEELE

A Bill for an Act to be Entitled: AN ACT TO CREATE THE *DIVISION* OF EDUCATION RENEWAL ZONES; AND FOR OTHER PURPOSES.

House Bill No. 1056 was placed on third reading and final disposition, the question being: Shall the Bill pass?

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

AFFIRMATIVE: Argue, Baker, Bisbee, J. Bookout, Broadway, Brown, Bryles, Capps, Glover, Gullett, Higginbothom, Horn, G. Jeffress, J. Jeffress, B. Johnson, Luker, Madison, Malone, Salmon, T. Smith, Steele, Trusty, Whitaker, Wilkins, Wilkinson, Womack, Wooldridge.

Total27

NEGATIVE: Altes, Faris, Hendren, Holt.

Total4

ABSENT OR NOT VOTING: Critcher, Hill, Lavery, Miller.

Total4

VOTING PRESENT:

Total0

Total number of votes cast.....31

Necessary to the passage of the bill18

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

(SIGNED) ANN CORNWELL, SECRETARY

House Bill No. 1056 was ordered immediately returned to the House as passed as amended.

On motion of Senator Argue, the rules were suspended in considering House Bill No. 1080 at this time.

On motion of Senator Argue, House Bill No. 1080 was called up for third reading and final disposition.

HOUSE BILL NO. 1080
CALL ITEM NO. 4
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION
BY: REPRESENTATIVE C. JOHNSON & SENATOR WILKINS

A Bill for an Act to be Entitled: AN ACT TO AMEND THE DUTIES AND FOCUS OF THE OFFICE FOR TEACHER RECRUITMENT WITHIN THE DEPARTMENT OF EDUCATION; AND FOR OTHER PURPOSES.

House Bill No. 1080 was placed on third reading and final disposition, the question being: Shall the Bill pass?

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

AFFIRMATIVE: Altes, Argue, Baker, Bisbee, J. Bookout, Broadway, Brown, Bryles, Capps, Critcher, Faris, Glover, Gullett, Hendren, Higginbothom, Hill, Holt, Horn, G. Jeffress, J. Jeffress, B. Johnson, Laverty, Luker, Madison, Malone, Salmon, T. Smith, Steele, Trusty, Whitaker, Wilkins, Wilkinson, Wooldridge.

Total33

NEGATIVE:

Total0

ABSENT OR NOT VOTING: Miller, Womack.

Total2

VOTING PRESENT:

Total0

Total number of votes cast.....33

Necessary to the passage of the bill18

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

(SIGNED) ANN CORNWELL, SECRETARY

House Bill No. 1080 was ordered immediately returned to the House as passed.

ARKANSAS SENATE
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION

February 5, 2004

Mr. President:

We, your Committee on EDUCATION, to whom was referred:

SENATE BILL NO. 73, BY SENATOR ARGUE,

beg leave to report that we have had the same under consideration, and herewith return the same with the recommendation that it do pass to concur in House amendment # 1.

Respectfully submitted,

(SIGNED) SENATORS JIM ARGUE, STEVE BRYLES,
BRENDA GULLETT & DAVID BISBEE

On motion of Senator Hill the Senate recessed until 4:45 p.m..

The Senate reconvened after recess. The Secretary called the roll, and a quorum was present.

SENATE MEMORIAL RESOLUTION NO. 16
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION
BY: SENATORS STEELE & BROWN

SENATE MEMORIAL RESOLUTION HONORING THE MEMORY AND
MOURNING THE LOSS OF JOSLYN SWANIGAN ROCKER.

Senate Memorial Resolution No. 16. was read the first time, rules suspended, read the second time and placed on the Calendar.

ARKANSAS SENATE
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION

February 5, 2004

Mr. President:

We, your Committee on EDUCATION, to whom was referred:

HOUSE BILL NO. 1177, BY REPRESENTATIVE PETRUS,

beg leave to report that we have had the same under consideration, and herewith return the same with the recommendation that it do pass as amended #1.

Respectfully submitted,

(SIGNED) SENATOR JIM ARGUE

HOUSE BILL NO. 1073
CALL ITEM NO. 3
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION
BY: REPRESENTATIVE CLEVELAND

A Bill for an Act to be Entitled: AN ACT TO MAKE AN APPROPRIATION FOR A PILOT PROGRAM TO STUDY THE EFFECT OF REDUCING TEACHER-STUDENT RATIOS IN GRADES KINDERGARTEN THROUGH THREE FOR THE DEPARTMENT OF EDUCATION FOR THE REMAINDER OF THE BIENNIAL PERIOD ENDING JUNE 30, 2005; AND FOR OTHER PURPOSES.

House Bill No. 1073 was read the first time, rules suspended, read the second time and placed on the Calendar.

HOUSE BILL NO. 1052
CALL ITEM NO. 3
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION
BY: REPRESENTATIVES HOUSE & BOLIN

A Bill for an Act to be Entitled: AN ACT TO MAKE AN APPROPRIATION FOR ACQUIRING EQUIPMENT AND TELECOMMUNICATIONS SERVICES FOR DISTANCE LEARNING TWO-WAY INTERACTIVE TELEVISION FOR THE DEPARTMENT OF EDUCATION FOR THE BIENNIAL PERIOD ENDING JUNE 30, 2005; AND FOR OTHER PURPOSES.

House Bill No. 1052 was read the first time, rules suspended, read the second time and placed on the Calendar.

On motion of Senator Argue, the rules were suspended in considering Senate Bill No. 73 at this time.

On motion of Senator Argue, Senate Bill No. 73 was called up for the purpose of considering Amendment No. 1 thereto, adopted by the House.

HALL OF THE HOUSE OF REPRESENTATIVES
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION
Amendment No. 1 to SENATE BILL NO. 73

Amend Senate Bill No. 73 as originally introduced:

Page 12, delete lines 6 through 8, and substitute:

~~“(3) The approved tax may be considered part of the school district's uniform rate of tax as calculated by the State Department of Education under Arkansas Constitution, Amendment 74.”~~

(SIGNED) REPRESENTATIVE STOVALL

Amendment No. 1 to Senate Bill No. 73, adopted by the House, was read the first time, rules suspended, read the second time and concurred in, by the Senate.

(SIGNED) ANN CORNWELL, SECRETARY

On motion of Senator Argue, and without objection, the rules were suspended pertaining to passage of Amendment and Bill on the same day.

On motion of Senator Argue, **Senate Bill No. 73** was called up for third reading and final disposition.

SENATE BILL NO. 73
As Engrossed: H2/2/04
CALL ITEM NO. 4
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION
BY: SENATOR ARGUE & REPRESENTATIVE STOVALL

A Bill for an Act to be Entitled: AN ACT TO AMEND THE PROCEDURES TO IMPLEMENT AMENDMENT 74 TO THE ARKANSAS CONSTITUTION; AND FOR OTHER PURPOSES.

Senate Bill No. 73 was placed on third reading and final disposition, the question being: Shall the Bill pass?

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

AFFIRMATIVE: Altes, Argue, Baker, Bisbee, J. Bookout, Broadway, Brown, Bryles, Capps, Critcher, Faris, Glover, Gullett, Hendren, Higginbothom, Hill, Holt, Horn, G. Jeffress, J. Jeffress, B. Johnson, Lavery, Luker, Madison, Malone, Miller, Salmon, T. Smith, Steele, Trusty, Whitaker, Wilkins, Wilkinson, Wooldridge.

Total34

NEGATIVE:

Total0

ABSENT OR NOT VOTING: Womack.

Total1

VOTING PRESENT:

Total0

Total number of votes cast.....34

Necessary to the passage of the bill18

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

(SIGNED) ANN CORNWELL, SECRETARY

There being an emergency clause attached to **Senate Bill No. 73**, the President ordered the Secretary to call the roll upon the adoption of the emergency clause.

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

AFFIRMATIVE: Altes, Argue, Baker, Bisbee, J. Bookout, Broadway, Brown, Bryles, Capps, Critcher, Faris, Glover, Gullett, Hendren, Higginbothom, Hill, Holt, Horn, G. Jeffress, J. Jeffress, B. Johnson, Lavery, Luker, Madison, Malone, Miller, Salmon, T. Smith, Steele, Trusty, Whitaker, Wilkins, Wilkinson, Wooldridge.

Total34

NEGATIVE:

Total0

ABSENT OR NOT VOTING: Womack.

Total1

VOTING PRESENT:

Total0

Total number of votes cast.....34

Necessary to the adoption of the emergency clause24

So the Emergency Clause was adopted.

(SIGNED) ANN CORNWELL, SECRETARY

Senate Bill No. 73 was ordered enrolled.

On motion of Senator Bisbee, the Senate resolved itself into the Committee of the Whole for the purpose of Joint Budget Bills.

Without objection, the Committee of the Whole was dissolved, and the Senate took up its regular order of business.

On motion of Senator Broadway, the rules were suspended in considering **Senate Bill No. 7** at this time.

On motion of Senator Broadway, **Senate Bill No. 7** was called up for the purpose of considering **Amendment No. 1** thereto, adopted by the House.

HALL OF THE HOUSE OF REPRESENTATIVES
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION
Amendment No. 1 to SENATE BILL NO. 7

Amend **Senate Bill No. 7** as engrossed, S1/15/04:

Delete Section 2 of the bill in its entirety

AND

Re-number the subsequent sections of the bill.

(SIGNED) REPRESENTATIVE WEAVER

Amendment No. 1 to Senate Bill No. 7, adopted by the House, was read the first time, rules suspended, read the second time and concurred in, by the Senate.

(SIGNED) ANN CORNWELL, SECRETARY

On motion of Senator Broadway, and without objection, the rules were suspended pertaining to passage of Amendment and Bill on the same day.

On motion of Senator Broadway, **Senate Bill No. 7** was called up for third reading and final disposition.

SENATE BILL NO. 7
As Engrossed: S1/13/04 S1/15/04 H2/4/04
CALL ITEM NO. 3
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION
BY: SENATOR BROADWAY & REPRESENTATIVE ELLIOTT

A Bill for an Act to be Entitled: AN ACT TO MAKE AN APPROPRIATION FOR OPERATING EXPENSES AND OTHER EXPENSES FOR THE BUREAU OF LEGISLATIVE RESEARCH DISBURSING OFFICER - JOINT COMMITTEE ON EDUCATIONAL FACILITIES WHICH SHALL BE SUPPLEMENTAL AND IN ADDITION TO THOSE FUNDS APPROPRIATED BY ACT 1284 OF 2003; AND FOR OTHER PURPOSES.

Senate Bill No. 7 was placed on third reading and final disposition, the question being: Shall the Bill pass?

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

AFFIRMATIVE: Argue, Bisbee, J. Bookout, Broadway, Brown, Bryles, Capps, Critcher, Faris, Glover, Gullett, Hendren, Higginbothom, Hill, Horn, J. Jeffress, B. Johnson, Laverty, Luker, Madison, Malone, Miller, Salmon, T. Smith, Steele, Trusty, Whitaker, Wooldridge.

Total28

NEGATIVE: Altes, Baker, Holt, Womack.

Total4

ABSENT OR NOT VOTING: G. Jeffress, Wilkins, Wilkinson.

Total3

VOTING PRESENT:

Total0

Total number of votes cast.....32

Necessary to the passage of the bill18

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

(SIGNED) ANN CORNWELL, SECRETARY

There being an emergency clause attached to **Senate Bill No. 7**, the President ordered the Secretary to call the roll upon the adoption of the emergency clause.

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

AFFIRMATIVE: Argue, Bisbee, J. Bookout, Broadway, Brown, Bryles, Capps, Critcher, Faris, Glover, Gullett, Hendren, Higginbothom, Hill, Horn, J. Jeffress, B. Johnson, Laverty, Luker, Madison, Malone, Miller, Salmon, T. Smith, Steele, Trusty, Whitaker, Wooldridge.

Total28

NEGATIVE: Altes, Baker, Holt, Womack.

Total4

ABSENT OR NOT VOTING: G. Jeffress, Wilkins, Wilkinson.

Total3

VOTING PRESENT:

Total0

Total number of votes cast.....32

Necessary to the adoption of the emergency clause24

So the Emergency Clause was adopted.

(SIGNED) ANN CORNWELL, SECRETARY

Senate Bill No. 7 was ordered enrolled.

On motion of Senator Bisbee, the rules were suspended in considering **House Bill No. 1138** at this time.

* * * * * **EXPUNGED** * * * * *

On motion of Senator Bisbee, **House Bill No. 1138** was called up for third reading and final disposition.

**HOUSE BILL NO. 1138
CALL ITEM NO. 5
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION
BY: C. JOHNSON**

A Bill for an Act to be Entitled: AN ACT TO MAKE AN APPROPRIATION FOR PERSONAL SERVICES AND OPERATING EXPENSES FOR THE DEPARTMENT OF EDUCATION - OFFICE OF EDUCATION RENEWAL ZONES FOR THE BIENNIAL PERIOD ENDING JUNE 30, 2005; AND FOR OTHER PURPOSES.

House Bill No. 1138 was placed on third reading and final disposition, the question being: Shall the Bill pass?

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

AFFIRMATIVE: Argue, Bisbee, J. Bookout, Broadway, Brown, Bryles, Capps, Critcher, Faris, Glover, Gullett, Higginbothom, Hill, Horn, G. Jeffress, J. Jeffress, B. Johnson, Laverty, Luker, Madison, Malone, Miller, Salmon, T. Smith, Steele, Whitaker, Wilkins, Wilkinson, Wooldridge.

Total29

NEGATIVE: Altes, Baker, Hendren, Holt, Womack.

Total5

ABSENT OR NOT VOTING: Trusty.

Total1

VOTING PRESENT:

Total0

Total number of votes cast.....34

Necessary to the passage of the bill18

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

(SIGNED) ANN CORNWELL, SECRETARY

There being an emergency clause attached to **House Bill No. 1138**, the President ordered the Secretary to call the roll upon the adoption of the emergency clause.

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

AFFIRMATIVE: Argue, Bisbee, J. Bookout, Broadway, Brown, Bryles, Capps, Critcher, Faris, Glover, Gullett, Higginbothom, Hill, Horn, G. Jeffress, J. Jeffress, B. Johnson, Laverty, Luker, Madison, Malone, Miller, Salmon, T. Smith, Steele, Whitaker, Wilkins, Wilkinson, Wooldridge.

Total29

NEGATIVE: Altes, Baker, Hendren, Holt, Womack.

Total5

ABSENT OR NOT VOTING: Trusty.

Total1

VOTING PRESENT:

Total0

Total number of votes cast.....34

Necessary to the passage of the bill24

So the Emergency Clause was adopted.

(SIGNED) ANN CORNWELL, SECRETARY

*** * * * * EXPUNGED * * * * ***

The record pertaining to the vote by which **House Bill No. 1138** passed and the emergency clause adopted was expunged, in accordance with a prevailing motion on February 6, 2004.

On motion of Senator Bryles, the rules were suspended in considering **House Bill No. 1177** at this time.

On motion of Senator Bryles, **House Bill No. 1177** was placed back on second reading for purpose of amendments.

ARKANSAS SENATE
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION
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"

(SIGNED) SENATOR STEVE BRYLES

The Amendment was read the first time, rules suspended, read the second time and adopted.

(SIGNED) ANN CORNWELL, SECRETARY

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

(SIGNED) SENATOR BRENDA GULLETT

The Amendment was read the first time, rules suspended, read the second time and adopted.

(SIGNED) ANN CORNWELL, SECRETARY

House Bill No. 1177 was ordered engrossed.

On motion of Senator Bisbee, the rules were suspended in considering House Bill No. 1162 at this time.

On motion of Senator Bisbee, House Bill No. 1162 was called up for third reading and final disposition.

HOUSE BILL NO. 1162

As Engrossed: H2/2/04 S2/4/04 S2/5/05

CALL ITEM NO. 6

EIGHTY-FOURTH GENERAL ASSEMBLY

SECOND EXTRAORDINARY SESSION

BY: REPRESENTATIVES STOVALL, MAHONY & JACKSON

A Bill for an Act to be Entitled: AN ACT TO INCREASE THE UNIFORM RATE OF AD VALOREM PROPERTY TAX BY THREE (3) MILLS SUBJECT TO THE APPROVAL OF THE VOTERS IN THIS STATE TO BE USED SOLELY FOR MAINTENANCE AND OPERATION OF PUBLIC SCHOOLS; AND FOR OTHER PURPOSES.

House Bill No. 1162 was placed on third reading and final disposition, the question being: Shall the Bill pass?

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

AFFIRMATIVE: Argue, Baker, Bisbee, J. Bookout, Broadway, Brown, Bryles, Capps, Critcher, Gullett, Higginbothom, Hill, Horn, J. Jeffress, B. Johnson, Laverty, Luker, Madison, Malone, Miller, Salmon, T. Smith, Steele, Whitaker, Wooldridge.

Total25

NEGATIVE: Altes, Glover, Hendren, Holt, G. Jeffress, Trusty, Womack.
 Total7
 ABSENT OR NOT VOTING: Faris, Wilkins, Wilkinson.
 Total3
 VOTING PRESENT:
 Total0

Total number of votes cast.....32
 Necessary to the passage of the bill18

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

(SIGNED) ANN CORNWELL, SECRETARY

House Bill No. 1162 was ordered immediately returned to the House as passed as amended.

On motion of Senator Womack, **Senate Bill No. 64** was withdrawn from the Committee on Education and re-referred to the Interim Committee on Education.

On motion of Senator Womack, **Senate Bill No. 75** was withdrawn from the Committee on Education and re-referred to the Interim Committee on Education.

On motion of Senator Bookout, **House Bill No. 1170** was called up for third reading and final disposition.

HOUSE BILL NO. 1170
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION
BY: REPRESENTATIVE P. BOOKOUT, ET AL & SENATOR J. BOOKOUT, ET AL

A Bill for an Act to be Entitled: AN ACT TO PROVIDE TEACHERS WITH QUALITY PROFESSIONAL DEVELOPMENT THAT WILL PROMOTE AND ENHANCE LEARNING OPPORTUNITIES FOR STUDENTS; AND FOR OTHER PURPOSES.

House Bill No. 1170 was placed on third reading and final disposition, the question being: Shall the Bill pass?

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

AFFIRMATIVE: Altes, Argue, Baker, Bisbee, J. Bookout, Broadway, Brown, Bryles, Capps, Critcher, Faris, Glover, Gullett, Hendren, Higginbothom, Hill, Horn, G. Jeffress, J. Jeffress, B. Johnson, Laverty, Luker, Madison, Malone, Miller, Salmon, T. Smith, Steele, Trusty, Whitaker, Wilkinson, Wooldridge.

Total32

NEGATIVE:

Total0

ABSENT OR NOT VOTING: Wilkins, Womack.

Total2

VOTING PRESENT: Holt.

Total1

Total number of votes cast.....33

Necessary to the passage of the bill18

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

(SIGNED) ANN CORNWELL, SECRETARY

There being an emergency clause attached to **House Bill No. 1170**, the President ordered the Secretary to call the roll upon the adoption of the emergency clause.

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

AFFIRMATIVE: Altes, Argue, Baker, Bisbee, J. Bookout, Broadway, Brown, Bryles, Capps, Critcher, Faris, Glover, Gullett, Hendren, Higginbotham, Hill, Horn, G. Jeffress, J. Jeffress, B. Johnson, Laverty, Luker, Madison, Malone, Miller, Salmon, T. Smith, Steele, Trusty, Whitaker, Wilkinson, Wooldridge.

Total32

NEGATIVE:

Total0

ABSENT OR NOT VOTING: Wilkins, Womack.

Total2

VOTING PRESENT: Holt.

Total1

Total number of votes cast.....33

Necessary to the emergency clause.....24

So the Emergency Clause was adopted.

(SIGNED) ANN CORNWELL, SECRETARY

House Bill No. 1170 was ordered immediately returned to the House as passed.

On motion of Senator Miller, **House Bill No. 1154** was called up for third reading and final disposition.

HOUSE BILL NO. 1154
As Engrossed: S2/4/04
CALL ITEM NO. 4
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION
BY: REPRESENTATIVE MAHONY

A Bill for an Act to be Entitled: AN ACT TO REQUIRE THAT EACH SCHOOL DISTRICT PROVIDE HIGH SCHOOL STUDENTS WITH THE OPPORTUNITY TO ENROLL IN AT LEAST ONE (1) ADVANCED PLACEMENT COURSE IN THE FOUR (4) CORE AREAS OF ENGLISH, MATH, SCIENCE, AND SOCIAL STUDIES; AND FOR OTHER PURPOSES.

Senator Broadway spoke for the Bill.

Senator Malone moved immediate consideration on **House Bill No. 1154**.

Motion prevailed.

House Bill No. 1154 was placed on third reading and final disposition, the question being: Shall the Bill pass?

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

AFFIRMATIVE: Altes, Argue, Baker, Bisbee, J. Bookout, Broadway, Brown, Bryles, Capps, Critcher, Faris, Glover, Hendren, Higginbothom, Hill, Horn, G. Jeffress, J. Jeffress, B. Johnson, Luker, Madison, Malone, Miller, Salmon, T. Smith, Steele, Trusty, Womack, Wooldridge.

Total29

NEGATIVE:

Total0

ABSENT OR NOT VOTING: Gullett, Laverty, Whitaker, Wilkins, Wilkinson.

Total5

VOTING PRESENT: Holt.

Total1

Total number of votes cast.....30
Necessary to the passage of the bill18

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

(SIGNED) ANN CORNWELL, SECRETARY

House Bill No. 1154 was ordered immediately returned to the House as passed as amended.

On motion of Senator Broadway, **House Bill No. 1072** was called up for third reading and final disposition.

HOUSE BILL NO. 1072

As Engrossed: S2/2/04

CALL ITEM NO. 4

EIGHTY-FOURTH GENERAL ASSEMBLY

SECOND EXTRAORDINARY SESSION

BY: REPRESENTATIVE CLEVELAND

A Bill for an Act to be Entitled: AN ACT TO CREATE A PILOT PROGRAM TO STUDY THE EFFECT OF REDUCING TEACHER-STUDENT RATIOS; AND FOR OTHER PURPOSES.

Senator Womack moved for immediate consideration on **House Bill No. 1072**.

Motion prevailed.

House Bill No. 1072 was placed on third reading and final disposition, the question being: Shall the Bill pass?

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

AFFIRMATIVE: Broadway, Bryles, Critcher, Hill, G. Jeffress, J. Jeffress, B. Johnson, Madison, Salmon, Wooldridge.

Total10

NEGATIVE: Altes, Argue, Baker, J. Bookout, Faris, Glover, Gullett, Hendren, Holt, Horn, Malone, Trusty, Whitaker, Womack.

Total14

ABSENT OR NOT VOTING: Bisbee, Brown, Capps, Higginbothom, Lavery, Luker, Miller, T. Smith, Steele, Wilkins, Wilkinson.

Total11

VOTING PRESENT:

Total0

Total number of votes cast.....24

Necessary to the passage of the bill18

So the bill failed and the title as read was not agreed to.

(SIGNED) ANN CORNWELL, SECRETARY

House Bill No. 1072 was ordered immediately returned to the House having failed to pass.

Senate Bill No. 93 was returned from the House as passes as amended.

Senate Bill No. 79 was returned from the House as passed and ordered enrolled.

Senate Bill No. 85 was returned from the House as passed and ordered enrolled.

ARKANSAS SENATE
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION

February 5, 2004

Mr. President:

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

HOUSE BILL NO. 1177, BY REPRESENTATIVE PETRUS, ET AL,

beg leave to report that we have carefully compared the engrossed copy with the original and we find the same correctly engrossed.

Respectfully submitted,

(SIGNED) JOHN PAUL CAPPS, CHAIRMAN

* * * * *

SENATE BILL TRANSMITTED TO THE HOUSE

AS PASSED

SENATE BILL NO. 91

HOUSE BILLS RETURNED TO THE HOUSE

AS PASSED

HOUSE BILL NO. 1080

HOUSE BILL NO. 1138

HOUSE BILL NO. 1170

HOUSE BILLS RETURNED TO THE HOUSE
AS PASSED AS AMENDED

HOUSE BILL NO. 1056

HOUSE BILL NO. 1154

HOUSE BILL NO. 1162

HOUSE BILL RETURNED TO THE HOUSE
HAVING FAILED TO PASS

HOUSE BILL NO. 1072

SENATE BILLS RETURNED FROM THE HOUSE
AS PASSED

SENATE BILL NO. 79

SENATE BILL NO. 85

SENATE BILLS RETURNED FROM THE HOUSE
AS PASSED AS AMENDED

SENATE BILL NO. 7

SENATE BILL NO. 73

SENATE BILL NO. 93

SENATE BILL RETURNED FROM THE HOUSE
AS PASSED
EMERGENCY CLAUSE HAVING FAILED OF ADOPTION

SENATE BILL NO. 51

HOUSE BILLS TRANSMITTED TO THE SENATE

AS PASSED

HOUSE BILL NO. 1030

HOUSE BILL NO. 1041

HOUSE BILL NO. 1052

HOUSE BILL NO. 1073

HOUSE BILL NO. 1098

HOUSE BILL NO. 1138

HOUSE BILL NO. 1177

HOUSE BILL TRANSMITTED TO THE HOUSE

AS PASSED

EMERGENCY CLAUSE HAVING FAILED OF ADOPTION

HOUSE BILL NO. 1061

HOUSE CONCURRENT RESOLUTION TRANSMITTED

TO THE SENATE AS ADOPTED

HOUSE CONCURRENT RESOLUTION NO. 1003

On motion of Senator Hill, the Senate adjourned until 10:30 a.m., Friday, February 6, 2004.

PRESIDENT OF THE SENATE

SECRETARY OF THE SENATE

--ooOoo--

**61ST DAY'S PROCEEDINGS
SENATE CHAMBER
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION**

Little Rock, Arkansas

February 6, 2004

The Senate was called to order at 11:00 a. m. by the President.

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

ARGUE, ALTES, BAKER, BISBEE, BOOKOUT,
BROADWAY, BROWN, BRYLES, CAPPS, CRITCHER,
FARIS, GLOVER, GULLETT, HENDREN,
HIGGINBOTHOM, HILL, HOLT, HORN, G. JEFFRESS, J.
JEFFRESS, JOHNSON, LAVERTY, LUKER, MADISON,
MALONE, MILLER, SALMON, SMITH, STEELE,
WHITAKER, WILKINS WILKINSON, WOMACK,
WOOLDRIDGE.

Leave was requested for Senator Trusty.

The Senate was led in prayer by Senator Tim Wooldridge.

The President led the Senate in the Pledge of Allegiance.

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

SENATE RESOLUTION NO. 22
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION
BY: SENATORS HILL, BROADWAY, BISBEE & MALONE

SENATE RESOLUTION HONORING THE CAREER AND ACHIEVEMENTS OF
BILL GOODMAN.

Senate Resolution No. 22. was read the first time, rules suspended, read the second time
and placed on the Calendar.

(SIGNED) ANN CORNWELL, SECRETARY

HOUSE BILL NO. 1159
CALL ITEM NO. 4
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION
BY: REPRESENTATIVE MATAYO

A Bill for an Act to be Entitled: AN ACT TO ALLOW DIGITAL COPIES OF THE
PERSONNEL POLICIES AND AMENDMENTS TO PERSONNEL POLICIES TO BE
GIVEN TO CLASSIFIED EMPLOYEES; AND FOR OTHER PURPOSES.

House Bill No. 1159 was read the first time, rules suspended, read the second time
and referred to the Committee on EDUCATION.

**STATE OF ARKANSAS
MIKE HUCKABEE
GOVERNOR**

February 6, 2004

Dear Members of the 84th General Assembly:

This is to inform you that I've signed **Senate Bill No. 79** but have exercised the prerogative of the line-item veto of the special language of Section 8. That section would have an immediate, harmful effect on the very purpose of this special session -- giving every student in Arkansas access to a quality education.

The language in this appropriation bill perhaps represents a strong reaction to what some perceived to be questionable procedures in securing funding for the Arkansas Virtual Academy. I'm sympathetic to that. However, no one has presented evidence that the program has failed to meet its objectives or failed to provide students with an innovative, effective education. If the Arkansas Virtual Academy fails to live up to its charter to provide a quality education for its students, we have the ability to close it immediately. That's something we cannot currently do with traditional public schools.

The Virtual Academy uses cutting-edge technology and proven instructional methods. It can put Arkansas on the map as a state that uses innovative methods of instruction to give its students an adequate, equitable, efficient education.

There are other ways to express your displeasure with how this process played out. But to punish students and their families for the perceived sins of the school's administration would be a tragedy.

I urge you to sustain the line-item veto of this section.

Sincerely yours,

(SIGNED) MIKE HUCKABEE
Governor

FILED

FEB 06, 2004

CHARLIE DANIELS
SECRETARY OF STATE

BY _____

MH:ddc

Senate Bill No. 89 was returned from the House as passed and ordered enrolled.

Senate Bill No. 55 was returned from the House as passed and ordered enrolled.

ARKANSAS SENATE
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION

February 6, 2004

Mr. President:

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

SENATE BILL NO. 51, BY SENATOR BISBEE,
SENATE BILL NO. 79, BY JOINT BUDGET COMMITTEE,
SENATE BILL NO. 85, BY JOINT BUDGET COMMITTEE,
SENATE BILL NO. 7, BY SENATOR BROADWAY,
SENATE BILL NO. 73, BY SENATOR ARGUE,

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 8:20 a.m. delivered them to the Governor for his approval.

Respectfully submitted,

(SIGNED) JOHN PAUL CAPPS, CHAIRMAN

GOVERNOR'S BILL RECEIPTS

SENATE BILL NO. 51

SENATE BILL NO. 79

SENATE BILL NO. 85

SENATE BILL NO. 7

SENATE BILL NO. 73

RECEIVED the above papers from the Secretary of the Senate this 6th day of February, 2004
at 8:20 a.m..

(SIGNED) MIKE HUCKABEE

Governor

(SIGNED) CHAD GALLAGHER

Secretary

On motion of Senator Steele, **Senate Resolution No. 16** was called up for third reading
and final disposition.

SENATE MEMORIAL RESOLUTION NO. 16

EIGHTY-FOURTH GENERAL ASSEMBLY

SECOND EXTRAORDINARY SESSION

BY: SENATORS STEELE & BROWN

SENATE MEMORIAL RESOLUTION HONORING THE MEMORY AND
MOURNING THE LOSS OF JOSLYN SWANIGAN ROCKER.

Senate Memorial Resolution No. 16 was read the third time and adopted.

(SIGNED) ANN CORNWELL, SECRETARY

On motion of Senator Hill, the rules were suspended in considering **Senate Resolution No. 22** at this time.

On motion of Senator Hill, **Senate Resolution No. 22** was called up for third reading and final disposition.

**SENATE RESOLUTION NO. 22
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION
BY: SENATORS HILL, BROADWAY, BISBEE & MALONE**

SENATE RESOLUTION HONORING THE CAREER AND ACHIEVEMENTS OF
BILL GOODMAN.

Senate Resolution No. 22 was read the third time and adopted.

(SIGNED) ANN CORNWELL, SECRETARY

On motion of Senator Wooldridge, **House Concurrent Resolution No. 1003** was called up for third reading and final disposition.

**HOUSE CONCURRENT RESOLUTION NO. 1003
CALL ITEM NO. 4
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION
BY: REPRESENTATIVE STOVALL**

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

House Concurrent Resolution No. 1003 was read the third time and concurred in by the Senate.

(SIGNED) ANN CORNWELL, SECRETARY

House Concurrent Resolution No. 1003 was ordered immediately returned to the House.

The President declared the morning hour to have expired.

Senator Bisbee moved that the record pertaining to the vote by which **House Bill No. 1138** passed and the emergency clause was adopted be expunged, the motion was duly seconded and prevailed.

On motion of Senator Bisbee, the rules were suspended in considering **House Bill No. 1138** at this time.

On motion of Senator Bisbee, **House Bill No. 1138** was called up for third reading and final disposition.

HOUSE BILL NO. 1138
CALL ITEM NO. 5
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION
BY: REPRESENTATIVE C. JOHNSON

A Bill for an Act to be Entitled: AN ACT TO MAKE AN APPROPRIATION FOR PERSONAL SERVICES AND OPERATING EXPENSES FOR THE DEPARTMENT OF EDUCATION - OFFICE OF EDUCATION RENEWAL ZONES FOR THE BIENNIAL PERIOD ENDING JUNE 30, 2005; AND FOR OTHER PURPOSES.

House Bill No. 1138 was placed on third reading and final disposition, the question being: Shall the Bill pass?

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

AFFIRMATIVE: Argue, Bisbee, J. Bookout, Broadway, Brown, Capps, Critcher, Faris, Glover, Gullett, Higginbothom, Hill, Horn, G. Jeffress, J. Jeffress, B. Johnson, Laverty, Madison, Malone, Miller, Salmon, T. Smith, Steele, Whitaker, Wilkins, Wilkinson, Wooldridge.

Total27

NEGATIVE: Altes, Baker, Hendren, Holt.

Total4

ABSENT OR NOT VOTING: Bryles, Luker, Trusty, Womack.

Total4

VOTING PRESENT:

Total0

Total number of votes cast.....31

Necessary to the passage of the bill18

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

(SIGNED) ANN CORNWELL, SECRETARY

There being an emergency clause attached to **House Bill No. 1138**, the President ordered the Secretary to call the roll upon the adoption of the emergency clause.

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

AFFIRMATIVE: Argue, Bisbee, J. Bookout, Broadway, Brown, Capps, Critcher, Faris, Glover, Gullett, Higginbothom, Hill, Horn, G. Jeffress, J. Jeffress, B. Johnson, Laverty, Madison, Malone, Miller, Salmon, T. Smith, Steele, Whitaker, Wilkins, Wilkinson, Wooldridge.

Total27

NEGATIVE: Altes, Baker, Hendren, Holt.

Total4

ABSENT OR NOT VOTING: Bryles, Luker, Trusty, Womack.

Total4

VOTING PRESENT:

Total0

Total number of votes cast.....31

Necessary to the adoption of the emergency clause24

So the Emergency Clause was adopted.

(SIGNED) ANN CORNWELL, SECRETARY

House Bill No. 1138 was ordered immediately returned to the House as passed.

Senator Malone moved to consider over-riding the Governor's line-item veto on **Senate Bill No. 79**.

Senator Baker spoke against the motion.

Senator Bisbee spoke for the motion.

Senator Womack spoke against the motion.

Senator Miller spoke for the motion.

Senator Argue spoke for the motion.

Senator Jimmy Jeffress moved for immediate consideration.

Motion prevailed.

The motion to consider over-riding the Governor's line-item veto on **Senate Bill No. 79** was adopted.

President ordered the Secretary to call the roll on over-riding the Governor's line-item veto.

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

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

Total27

NEGATIVE: Altes, Baker, Holt, Whitaker, Womack.

Total5

ABSENT OR NOT VOTING: Gullett, Trusty, Wilkinson.

Total3

VOTING PRESENT:

Total0

Total number of votes cast.....32

Necessary to the adoption of the over-ride veto18

So the adoption of the over-ride veto passed.

(SIGNED) ANN CORNWELL, SECRETARY

Senate Bill No. 79 was transmitted to the House having over-ridden the Governor's line-item veto.

GREAT SEAL OF THE STATE OF ARKANSAS

STEVE BRYLES

SENATOR
15th District
OFFICE: 870-762-1365

514 West Main
Blytheville, AR 72315

**THE SENATE
STATE OF ARKANSAS**

MEMBER:

Education
Agriculture, Economic and Industrial
Development
Joint Retirement and Social Security
Efficiency

TO: Ann Cornwell, Secretary of the Senate

FROM: Senator Steve Bryles

DATE: February 6, 2004

Noting that my vote on the motion to override the Governor's line item veto of special language contained in SB 79 was incorrectly in the affirmative when it should have been recorded as "present", I would appreciate your seeing that the record reflects this correctly.

SIGNED

Steve Bryles

SB/mj

On motion of Senator Gullett, **House Bill No. 1177** was called up for third reading and final disposition.

HOUSE BILL NO. 1177

As Engrossed: S2/5/04

CALL ITEM NO. 4

EIGHTY-FOURTH GENERAL ASSEMBLY

SECOND EXTRAORDINARY SESSION

BY: REPRESENTATIVE PETRUS, ET AL

SENATORS GULLETT & LAVERTY

A Bill for an Act to be Entitled: AN ACT TO ALLOW STUDENTS IN ADMINISTRATIVELY CONSOLIDATED SCHOOL DISTRICTS TO ATTEND CLASSES AND PROGRAMS IN OTHER SCHOOLS IN THE DISTRICT IF THE SCHOOL TO WHICH THE STUDENT IS ASSIGNED DOES NOT OFFER THE SAME OR SIMILAR CLASSES OR PROGRAMS; AND FOR OTHER PURPOSES.

House Bill No. 1177 was placed on third reading and final disposition, the question being: Shall the Bill pass?

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

AFFIRMATIVE: Altes, Argue, Baker, Bisbee, J. Bookout, Broadway, Brown, Bryles, Capps, Critcher, Faris, Glover, Gullett, Hendren, Higginbothom, Hill, Holt, Horn, G. Jeffress, J. Jeffress, B. Johnson, Laverty, Luker, Madison, Malone, Miller, Salmon, T. Smith, Steele, Whitaker, Wilkins, Womack, Wooldridge.

Total33

NEGATIVE:

Total0

ABSENT OR NOT VOTING: Trusty, Wilkinson.

Total2

VOTING PRESENT:

Total0

Total number of votes cast.....33

Necessary to the passage of the bill18

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

(SIGNED) ANN CORNWELL, SECRETARY

House Bill No. 1177 was ordered immediately returned to the House as passed as amended.

On motion of Senator Gullett, the rules were suspended in considering **House Bill No. 1007** at this time.

On motion of Senator Gullett, **House Bill No. 1007** was called up for third reading and final disposition.

HOUSE BILL NO. 1007

As Engrossed: S12/26/03 S1/8/04

CALL ITEM NO. 4

EIGHTY-FOURTH GENERAL ASSEMBLY

SECOND EXTRAORDINARY SESSION

BY: REPRESENTATIVE PICKETT & SENATORS WILKINS & GULLETT

A Bill for an Act to be Entitled: AN ACT TO INCREASE THE NUMBER OF HOURS OF TRAINING THAT MEMBERS OF THE SCHOOL BOARDS ARE REQUIRED TO TAKE FOLLOWING ELECTION; AND FOR OTHER PURPOSES.

Senator Whitaker moved for immediate consideration.

Motion prevailed.

House Bill No. 1007 was placed on third reading and final disposition, the question being: Shall the Bill pass?

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

AFFIRMATIVE: Argue, Broadway, Bryles, Gullett, Horn, Madison, Miller, Salmon, Whitaker, Wilkins, Wooldridge.

Total11

NEGATIVE: Altes, Baker, Critcher, Glover, Hendren, Holt, G. Jeffress, J. Jeffress, Laverty, Malone, Steele, Womack.

Total12

ABSENT OR NOT VOTING: Bisbee, J. Bookout, Brown, Capps, Faris, Higginbotham, Hill, B. Johnson, Luker, T. Smith, Trusty, Wilkinson.

Total12

VOTING PRESENT:

Total0

Total number of votes cast23

Necessary to the passage of the bill18

So the bill failed to pass and the title as read was not agreed to.

(SIGNED) ANN CORNWELL, SECRETARY

House Bill No. 1007 was ordered immediately returned to the House as having failed to pass.

On motion of Senator Wooldridge, **House Bill No. 1030** was called up for third reading and final disposition.

HOUSE BILL NO. 1030

As Engrossed: H12/26/03 H2/2/04

CALL ITEM NO. 6

EIGHTY-FOURTH GENERAL ASSEMBLY

SECOND EXTRAORDINARY SESSION

BY: REPRESENTATIVE HICKINBOTHOM

A Bill for an Act to be Entitled: *AN ACT TO PROVIDE ADDITIONAL REVENUE TO FUND THE STATE EDUCATION SYSTEM; TO LEVY AN ADDITIONAL SALES AND USE TAX OF SEVEN-EIGHTHS OF ONE PERCENT (0.875%); TO IMPOSE A GROSS RECEIPTS TAX ON CERTAIN SERVICES; TO INCREASE THE WHOLESALE VENDING TAX; TO CREATE THE EDUCATIONAL ADEQUACY TRUST FUND; AND FOR OTHER PURPOSES.*

House Bill No. 1030 was placed on third reading and final disposition, the question being: Shall the Bill pass?

A pair was announced at the desk:

STATE OF ARKANSAS

ARKANSAS SENATE

State Capitol

Little Rock, Arkansas 72201

EIGHTY-FOURTH GENERAL ASSEMBLY

Second Extraordinary Session

DATE February 6, 2004

PAIR VOTE

HOUSE BILL NO. 1030

VOTING YEAS SHARON TRUSTY

VOTING NAYS DENNY ALTES

(SIGNED) ANN CORNWELL
SECRETARY OF THE SENATE

Senator Womack moved for immediate consideration.

Motion prevailed.

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

AFFIRMATIVE: Argue, Baker, Bisbee, J. Bookout, Broadway, Bryles, Capps, Faris, Glover, Hendren, Higginbothom, Hill, Horn, B. Johnson, Luker, Madison, Malone, Miller, Salmon, Steele, Trusty, Wilkinson, Wooldridge.

Total23

NEGATIVE: Altes, Brown, Critcher, Gullett, Holt, G. Jeffress, J. Jeffress, Laverty, T. Smith, Whitaker, Wilkins, Womack.

Total12

ABSENT OR NOT VOTING:

Total0

VOTING PRESENT:

Total0

Total number of votes cast.....35

Necessary to the passage of the bill18

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

(SIGNED) ANN CORNWELL, SECRETARY

* * * * * **EXPUNGED** * * * * *

There being an emergency clause attached to **House Bill No. 1030**, the President ordered the Secretary to call the roll upon the adoption of the emergency clause.

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

AFFIRMATIVE: Argue, Baker, Bisbee, J. Bookout, Broadway, Bryles, Capps, Faris, Glover, Hendren, Higginbothom, Hill, Horn, B. Johnson, Luker, Madison, Malone, Miller, Salmon, Steele, Trusty, Wilkinson, Wooldridge.

Total23

NEGATIVE: Altes, Brown, Critcher, Gullett, Holt, G. Jeffress, J. Jeffress, Lavery, T. Smith, Whitaker, Wilkins, Womack.

Total12

ABSENT OR NOT VOTING:

Total0

VOTING PRESENT:

Total0

Total number of votes cast.....35

Necessary to the adoption of the emergency clause24

So the Emergency Clause failed of adoption.

(SIGNED) ANN CORNWELL, SECRETARY

*** * * * * EXPUNGED * * * * ***

The record pertaining to the vote by which the emergency clause to **House Bill No. 1030** failed of adoption was expunged, in accordance with a prevailing motion on February 6, 2004.

Senator Womack moved that the record pertaining to the vote by which the emergency clause to **House Bill No. 1030** failed of adoption be expunged, the motion was duly seconded and prevailed.

President ordered the Secretary to call the roll upon the adoption of the emergency clause.

A pair was announced at the desk:

STATE OF ARKANSAS

ARKANSAS SENATE

State Capitol

Little Rock, Arkansas 72201

EIGHTY-FOURTH GENERAL ASSEMBLY

Second Extraordinary Session

DATE February 6, 2004

PAIR VOTE

HOUSE BILL NO. 1030

VOTING YEAS SHARON TRUSTY

VOTING NAYS DENNY ALTES

(SIGNED) ANN CORNWELL
SECRETARY OF THE SENATE

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

AFFIRMATIVE: Argue, Baker, Bisbee, J. Bookout, Broadway, Brown, Bryles, Capps, Critcher, Faris, Glover, Gullett, Hendren, Higginbotham, Hill, Horn, G. Jeffress, J. Jeffress, B. Johnson, Laverty, Luker, Madison, Malone, Miller, Salmon, Steele, Trusty, Whitaker, Wilkins, Wilkinson, Wooldridge.

Total31

NEGATIVE: Altes, Holt, Womack.

Total3

ABSENT OR NOT VOTING: T. Smith.

Total1

VOTING PRESENT:

Total0

Total number of votes cast.....34
Necessary to the adoption of the emergency clause24

So the Emergency Clause was adopted.

(SIGNED) ANN CORNWELL, SECRETARY

House Bill No. 1030 was ordered immediately returned to the House as passed.

STATE OF ARKANSAS
OFFICE OF THE GOVERNOR
STATE CAPITOL
LITTLE ROCK, ARKANSAS

MIKE HUCKABEE
Governor

February 6, 2004

TO THE PRESIDENT OF THE SENATE

Dear Mr. President:

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

Senate Bill No. 7 is now Act Number 84,
Senate Bill No. 84 is now Act Number 85,
Senate Bill No. 51 is now Act Number 86,
Senate Bill No. 53 is now Act Number 87,

Sincerely,

(SIGNED) MIKE HUCKABEE
Governor

HOUSE CONCURRENT RESOLUTION NO. 1004
CALL ITEM NO. 4
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION
BY: REPRESENTATIVE FITE & SENATOR BROADWAY

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

House Concurrent Resolution No. 1004 was read the first time, rules suspended, read the
second time and referred to the Committee on EDUCATION.

HOUSE BILL NO. 1179
CALL ITEM NO. 4
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION
BY: REPRESENTATIVE CHESTERFIELD, ET AL
SENATORS GULLETT, ARGUE, J. JEFFRESS & STEELE

A Bill for an Act to be Entitled: AN ACT TO PROVIDE FOR THE PAYROLL
DEDUCTION OF MEMBERSHIP DUES FOR CLASSIFIED PUBLIC SCHOOL
EMPLOYEES; AND FOR OTHER PURPOSES.

House Bill No. 1179 was read the first time, rules suspended, read the second time
and referred to the Committee on EDUCATION.

Senate Bill No. 91 was returned from the House as passed as amended.

HOUSE BILL NO. 1186
CALL ITEM NO. 6
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION
BY: REPRESENTATIVE JACKSON

A Bill for an Act to be Entitled: AN ACT TO CREATE A TASK FORCE TO STUDY PROGRESSIVE TAX REFORM; AND FOR OTHER PURPOSES.

House Bill No. 1186 was read the first time, rules suspended, read the second time and referred to the Committee on REVENUE & TAXATION.

On motion of Senator Hill the Senate recessed until 1:00 p.m..

The Senate reconvened after recess. The Secretary called the roll, and a quorum was present.

On motion of Senator Salmon, Senate Bill No. 80 was called up for the purpose of considering Amendment No. 2 thereto, adopted by the House.

HALL OF THE HOUSE OF REPRESENTATIVES
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION
Amendment No. 2 to SENATE BILL NO. 80

Amend Senate Bill No. 80 as engrossed S1/30/04:

Add Representative Jones as a House sponsor

AND

Page 2, on line 16, delete "two hundred fifty" and substitute "one hundred fifty"

AND

Page 2, on line 17, delete "dollars (\$250)" and substitute "dollars (\$150)"

AND

Page 2, on line 26, delete "two hundred fifty" and substitute "one hundred fifty"

AND

Page 2, on line 27, "dollars (\$250)" and substitute "dollars (\$150)"

(SIGNED) REPRESENTATIVE MIKE KENNEY

Amendment No. 2 to Senate Bill No. 80, adopted by the House, was read the first time, rules suspended, read the second time and concurred in by a vote in excess of 27, in the Senate.

(SIGNED) ANN CORNWELL, SECRETARY

On motion of Senator Salmon, and without objection, the rules were suspended pertaining to passage of Amendment and Bill on the same day.

On motion of Senator Salmon, **Senate Bill No. 80** was called up for third reading and final disposition.

SENATE BILL NO. 80
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION
BY: SENATORS SALMON & HIGGINBOTHOM
REPRESENTATIVE JONES

A Bill for an Act to be Entitled: AN ACT TO INCREASE THE CORPORATE FRANCHISE TAX; AND FOR OTHER PURPOSES.

Senate Bill No. 80 was placed on third reading and final disposition, the question being: Shall the Bill pass?

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

AFFIRMATIVE: Argue, Baker, Bisbee, J. Bookout, Broadway, Brown, Bryles, Capps, Critcher, Faris, Glover, Gullett, Hendren, Higginbothom, Hill, Horn, G. Jeffress, J. Jeffress, B. Johnson, Laverty, Luker, Madison, Malone, Miller, Salmon, T. Smith, Steele, Whitaker, Wilkins, Wilkinson, Womack, Wooldridge.

Total32

NEGATIVE: Altes, Holt.

Total2

ABSENT OR NOT VOTING: Trusty.

Total1

VOTING PRESENT:

Total0

Total number of votes cast.....34

Necessary to the passage of the bill27

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

(SIGNED) ANN CORNWELL, SECRETARY

There being an emergency clause attached to **Senate Bill No. 80**, the President ordered the Secretary to call the roll upon the adoption of the emergency clause.

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

AFFIRMATIVE: Argue, Baker, Bisbee, J. Bookout, Broadway, Brown, Bryles, Capps, Critcher, Faris, Glover, Gullett, Hendren, Higginbothom, Hill, Horn, G. Jeffress, J. Jeffress, B. Johnson, Laverty, Luker, Madison, Malone, Miller, Salmon, T. Smith, Steele, Whitaker, Wilkins, Wilkinson, Womack, Wooldridge.

Total32

NEGATIVE: Altes, Holt.

Total2

ABSENT OR NOT VOTING: Trusty.

Total1

VOTING PRESENT:

Total0

Total number of votes cast.....34

Necessary to the adoption of the emergency clause24

So the Emergency Clause was adopted.

(SIGNED) ANN CORNWELL, SECRETARY

Senate Bill No. 80 was ordered enrolled.

On motion of Senator Broadway, Senate Bill No. 86 was ordered re-referred to the Interim Committee on EDUCATION.

On motion of Senator Broadway, **House Bill No. 1153** was called up for third reading and final disposition.

HOUSE BILL NO. 1153
CALL ITEM NO. 4
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION
BY: REPRESENTATIVE CLEVELAND

A Bill for an Act to be Entitled: AN ACT TO DETERMINE STUDENT DROP-OUT RATES; AND FOR OTHER PURPOSES.

House Bill No. 1153 was placed on third reading and final disposition, the question being: Shall the Bill pass?

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

AFFIRMATIVE: Altes, Argue, Baker, Bisbee, J. Bookout, Broadway, Brown, Bryles, Capps, Critcher, Faris, Glover, Gullett, Hendren, Higginbotham, Hill, Holt, Horn, G. Jeffress, J. Jeffress, B. Johnson, Laverty, Madison, Malone, Miller, Salmon, T. Smith, Steele, Whitaker, Wilkins, Womack, Wooldridge.

Total32

NEGATIVE:

Total0

ABSENT OR NOT VOTING: Luker, Trusty, Wilkinson.

Total3

VOTING PRESENT:

Total0

Total number of votes cast.....32

Necessary to the passage of the bill18

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

(SIGNED) ANN CORNWELL, SECRETARY

House Bill No. 1153 was ordered immediately returned to the House as passed.

On motion of Senator Broadway, **House Bill No. 1122** was called up for third reading and final disposition.

HOUSE BILL NO. 1122
CALL ITEM NO. 4
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION
BY: REPRESENTATIVE GILLESPIE

A Bill for an Act to be Entitled: AN ACT CONCERNING A CRIMINAL RECORDS CHECK AS A CONDITION FOR INITIAL EMPLOYMENT OF NONCERTIFIED PERSONNEL IN SCHOOL DISTRICTS; TO ALLOW THE STATE BOARD OF EDUCATION TO GRANT AN EMPLOYMENT ELIGIBILITY WAIVER UNDER CERTAIN CIRCUMSTANCES; AND FOR OTHER PURPOSES.

House Bill No. 1122 was placed on third reading and final disposition, the question being: Shall the Bill pass?

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

AFFIRMATIVE: Altes, Argue, Baker, Bisbee, Broadway, Brown, Bryles, Capps, Critcher, Faris, Glover, Gullett, Hendren, Higginbothom, Hill, Holt, Horn, G. Jeffress, J. Jeffress, B. Johnson, Laverty, Madison, Malone, Miller, Salmon, T. Smith, Steele, Whitaker, Wilkins, Womack, Wooldridge.

Total31

NEGATIVE:

Total0

ABSENT OR NOT VOTING: J. Bookout, Luker, Trusty, Wilkinson.

Total4

VOTING PRESENT:

Total0

Total number of votes cast.....31

Necessary to the passage of the bill18

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

(SIGNED) ANN CORNWELL, SECRETARY

There being an emergency clause attached to **House Bill No. 1122**, the President ordered the Secretary to call the roll upon the adoption of the emergency clause.

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

AFFIRMATIVE: Altes, Argue, Baker, Bisbee, Broadway, Brown, Bryles, Capps, Critcher, Faris, Glover, Gullett, Hendren, Higginbothom, Hill, Holt, Horn, G. Jeffress, J. Jeffress, B. Johnson, Laverty, Madison, Malone, Miller, Salmon, T. Smith, Steele, Whitaker, Wilkins, Womack, Wooldridge.

Total31

NEGATIVE:

Total0

ABSENT OR NOT VOTING: J. Bookout, Luker, Trusty, Wilkinson.

Total4

VOTING PRESENT:

Total0

Total number of votes cast.....31

Necessary to the adoption of the emergency clause24

So the Emergency Clause was adopted.

(SIGNED) ANN CORNWELL, SECRETARY

House Bill No. 1122 was ordered immediately returned to the House as passed.

Senate Bill No. 96 was withdrawn by the author, Senator Wooldridge.

On motion of Senator Bisbee, the rules were suspended in considering **Senate Bill No. 91** at this time.

On motion of Senator Bisbee, **Senate Bill No. 91** was called up for the purpose of considering **Amendment No. 1** thereto, adopted by the House.

**HALL OF THE HOUSE OF REPRESENTATIVES
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION
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/RETENTION INCENTIVES	<u> 0</u>	<u> 2,100,000</u>
TOTAL AMOUNT APPROPRIATED	<u>\$ 0</u>	<u>\$ 19,452,000</u>

(SIGNED) REPRESENTATIVE PAUL WEAVER

Amendment No. 91 to Senate Bill No. 91, adopted by the House, was read the first time, rules suspended, read the second time and concurred in, by the Senate.

(SIGNED) ANN CORNWELL, SECRETARY

On motion of Senator Bisbee, and without objection, the rules were suspended pertaining to passage of Amendment and Bill on the same day.

On motion of Senator Bisbee, **Senate Bill No. 91** was called up for third reading and final disposition.

SENATE BILL NO. 91
As Engrossed: H2/6/04
CALL ITEM NO. 3
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION
BY: SENATOR BISBEE

A Bill for an Act to be Entitled: AN ACT TO MAKE AN APPROPRIATION FOR THE DEPARTMENT OF EDUCATION WHICH SHALL BE SUPPLEMENTAL AND IN ADDITION TO THOSE FUNDS APPROPRIATED BY ACT 1608 OF 2003 AND ACT 51 OF THE 1ST EXTRAORDINARY SESSION OF 2003, FOR THE BIENNIAL PERIOD ENDING JUNE 30, 2005; AND FOR OTHER PURPOSES.

Senate Bill No. 91 was placed on third reading and final disposition, the question being: Shall the Bill pass?

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

AFFIRMATIVE: Argue, Baker, Bisbee, J. Bookout, Broadway, Brown, Bryles, Capps, Critcher, Faris, Glover, Gullett, Hendren, Higginbothom, Hill, Horn, G. Jeffress, J. Jeffress, B. Johnson, Laverty, Madison, Malone, Miller, Salmon, Steele, Whitaker, Wilkins, Wooldridge.

Total28

NEGATIVE: Altes, Holt.

Total2

ABSENT OR NOT VOTING: Luker, T. Smith, Trusty, Wilkinson, Womack.

Total5

VOTING PRESENT:

Total0

Total number of votes cast.....30

Necessary to the passage of the bill18

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

(SIGNED) ANN CORNWELL, SECRETARY

There being an emergency clause attached to **Senate Bill No. 91**, the President ordered the Secretary to call the roll upon the adoption of the emergency clause.

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

AFFIRMATIVE: Argue, Baker, Bisbee, J. Bookout, Broadway, Brown, Bryles, Capps, Critcher, Faris, Glover, Gullett, Hendren, Higginbothom, Hill, Horn, G. Jeffress, J. Jeffress, B. Johnson, Lavery, Madison, Malone, Miller, Salmon, Steele, Whitaker, Wilkins, Wooldridge.

Total28

NEGATIVE: Altes, Holt.

Total2

ABSENT OR NOT VOTING: Luker, T. Smith, Trusty, Wilkinson, Womack.

Total5

VOTING PRESENT:

Total0

Total number of votes cast.....30

Necessary to the adoption of the emergency clause24

So the Emergency Clause was adopted.

(SIGNED) ANN CORNWELL, SECRETARY

Senate Bill No. 91 was ordered enrolled.

On motion of Senator Bisbee, **Senate Bill No. 93** was called up for the purpose of considering **Amendment No. 1** thereto, adopted by the House.

HALL OF THE HOUSE OF REPRESENTATIVES
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION
Amendment No. 1 to SENATE BILL NO. 93

Amend **Senate Bill No. 93** as originally introduced:

Insert a new Section immediately following Section 3 to read as follows:

"SECTION 4. Any enactment of the Eighty-Fourth General Assembly, meeting in Second Extraordinary Session, which creates an "Educational Adequacy Trust Fund" is hereby deemed to be the "Educational Adequacy Fund", as enacted by the Eighty-Fourth General Assembly meeting in Second Extraordinary Session as created by this Act."

AND

Appropriately renumber the subsequent sections of the bill.

(SIGNED) REPRESENTATIVE PAUL WEAVER

Amendment No. 1 to Senate Bill No. 93, adopted by the House, was read the first time, rules suspended, read the second time and concurred in, by the Senate.

(SIGNED) ANN CORNWELL, SECRETARY

On motion of Senator Bisbee, and without objection, the rules were suspended pertaining to passage of Amendment and Bill on the same day.

On motion of Senator Bisbee, **Senate Bill No. 93** was called up for third reading and final disposition.

SENATE BILL NO. 93
As Engrossed: H2/5/04
CALL ITEM NO. 93
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION
BY: SENATOR BROADWAY

A Bill for an Act to be Entitled: AN ACT TO CREATE THE EDUCATIONAL ADEQUACY FUND; AND FOR OTHER PURPOSES.

Senate Bill No. 93 was placed on third reading and final disposition, the question being: Shall the Bill pass?

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

AFFIRMATIVE: Altes, Argue, Baker, Bisbee, J. Bookout, Broadway, Brown, Bryles, Capps, Critcher, Faris, Glover, Gullett, Hendren, Higginbothom, Hill, Holt, Horn, G. Jeffress, J. Jeffress, B. Johnson, Lavery, Luker, Madison, Malone, Miller, Salmon, T. Smith, Steele, Whitaker, Wilkins, Womack, Wooldridge.

Total33

NEGATIVE:

Total0

ABSENT OR NOT VOTING: Trusty, Wilkinson.

Total2

VOTING PRESENT:

Total0

Total number of votes cast33

Necessary to the passage of the bill18

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

(SIGNED) ANN CORNWELL, SECRETARY

There being an emergency clause attached to **Senate Bill No. 93**, the President ordered the Secretary to call the roll upon the adoption of the emergency clause.

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

AFFIRMATIVE: Altes, Argue, Baker, Bisbee, J. Bookout, Broadway, Brown, Bryles, Capps, Critcher, Faris, Glover, Gullett, Hendren, Higginbotham, Hill, Holt, Horn, G. Jeffress, J. Jeffress, B. Johnson, Laverty, Luker, Madison, Malone, Miller, Salmon, T. Smith, Steele, Whitaker, Wilkins, Womack, Wooldridge.

Total33

NEGATIVE:

Total0

ABSENT OR NOT VOTING: Trusty, Wilkinson.

Total2

VOTING PRESENT:

Total0

Total number of votes cast33

Necessary to the adoption of the emergency clause24

So the Emergency Clause was adopted.

(SIGNED) ANN CORNWELL, SECRETARY

Senate Bill No. 93 was ordered enrolled.

On motion of Senator Bisbee, the Senate resolved itself into the Committee of the Whole for the purpose of Joint Budget Bills.

Without objection, the Committee of the Whole was dissolved, and the Senate took up its regular order of business.

On motion of Senator Bisbee, the rules were suspended in considering **House Bill No. 1052** at this time.

On motion of Senator Bisbee, **House Bill No. 1052** was called up for third reading and final disposition.

HOUSE BILL NO. 1052
CALL ITEM NO. 3
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION
BY: REPRESENTATIVES HOUSE & BOLIN

A Bill for an Act to be Entitled: AN ACT TO MAKE AN APPROPRIATION FOR ACQUIRING EQUIPMENT AND TELECOMMUNICATIONS SERVICES FOR DISTANCE LEARNING TWO-WAY INTERACTIVE TELEVISION FOR THE DEPARTMENT OF EDUCATION FOR THE BIENNIAL PERIOD ENDING JUNE 30, 2005; AND FOR OTHER PURPOSES.

House Bill No. 1052 was placed on third reading and final disposition, the question being: Shall the Bill pass?

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

AFFIRMATIVE: Altes, Argue, Baker, Bisbee, J. Bookout, Broadway, Brown, Bryles, Capps, Critcher, Faris, Glover, Gullett, Hendren, Higginbothom, Hill, Horn, G. Jeffress, J. Jeffress, B. Johnson, Laverty, Luker, Madison, Malone, Miller, Salmon, T. Smith, Steele, Whitaker, Wilkins, Wilkinson, Womack, Wooldridge.

Total33

NEGATIVE:

Total0

ABSENT OR NOT VOTING: Trusty.

Total1

VOTING PRESENT: Holt.

Total1

Total number of votes cast.....34

Necessary to the passage of the bill18

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

(SIGNED) ANN CORNWELL, SECRETARY

There being an emergency clause attached to **House Bill No. 1052**, the President ordered the Secretary to call the roll upon the adoption of the emergency clause.

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

AFFIRMATIVE: Altes, Argue, Baker, Bisbee, J. Bookout, Broadway, Brown, Bryles, Capps, Critcher, Faris, Glover, Gullett, Hendren, Higginbothom, Hill, Horn, G. Jeffress, J. Jeffress, B. Johnson, Laverty, Luker, Madison, Malone, Miller, Salmon, T. Smith, Steele, Whitaker, Wilkins, Wilkinson, Womack, Wooldridge.

Total33

NEGATIVE:

Total0

ABSENT OR NOT VOTING: Trusty.

Total1

VOTING PRESENT: Holt.

Total1

Total number of votes cast.....34

Necessary to the passage of the bill24

So the Emergency Clause was adopted.

(SIGNED) ANN CORNWELL, SECRETARY

House Bill No. 1052 was ordered immediately returned to the House as passed.

On motion of Senator Bisbee, the rules were suspended in considering **House Bill No. 1061** at this time.

On motion of Senator Bisbee, **House Bill No. 1061** was called up for third reading and final disposition.

HOUSE BILL NO. 1061
CALL ITEM NO. 4
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION
BY: REPRESENTATIVE CHESTERFIELD

A Bill for an Act to be Entitled: AN ACT TO MAKE AN APPROPRIATION TO THE DEPARTMENT OF EDUCATION FOR AN OPERATING GRANT FOR THE ARKANSAS TEACHER HOUSING DEVELOPMENT FOUNDATION FOR THE BIENNIAL PERIOD ENDING JUNE 30, 2005; AND FOR OTHER PURPOSES.

House Bill No. 1061 was placed on third reading and final disposition, the question being: Shall the Bill pass?

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

AFFIRMATIVE: Altes, Argue, Baker, Bisbee, J. Bookout, Broadway, Brown, Bryles, Capps, Critcher, Faris, Glover, Gullett, Hendren, Higginbotham, Hill, Horn, G. Jeffress, J. Jeffress, B. Johnson, Laverty, Luker, Madison, Malone, Miller, Salmon, T. Smith, Steele, Whitaker, Wilkins, Wilkinson, Womack, Wooldridge.

Total	33
NEGATIVE:	
Total	0
ABSENT OR NOT VOTING: Trusty.	
Total	1
VOTING PRESENT: Holt.	
Total	1
Total number of votes cast.....	34
Necessary to the passage of the bill	18

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

(SIGNED) ANN CORNWELL, SECRETARY

House Bill No. 1061 was ordered immediately returned to the House as passed.

On motion of Senator Bisbee, the rules were suspended in considering **House Bill No. 1098** at this time.

On motion of Senator Bisbee, **House Bill No. 1098** was called up for third reading and final disposition.

HOUSE BILL NO. 1098
CALL ITEM NO. 3
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION
BY: REPRESENTATIVE MAHONY

A Bill for an Act to be Entitled: AN ACT TO MAKE AN APPROPRIATION FOR GRANTS AND AIDS TO LOCAL SCHOOL DISTRICTS AND SPECIAL PROGRAMS FOR THE DEPARTMENT OF EDUCATION FOR THE BIENNIAL PERIOD ENDING JUNE 30, 2005; AND FOR OTHER PURPOSES.

House Bill No. 1098 was placed on third reading and final disposition, the question being: Shall the Bill pass?

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

AFFIRMATIVE: Altes, Argue, Baker, Bisbee, J. Bookout, Broadway, Brown, Bryles, Capps, Critcher, Faris, Glover, Gullett, Hendren, Higginbothom, Hill, Horn, G. Jeffress, J. Jeffress, B. Johnson, Laverty, Luker, Madison, Malone, Miller, Salmon, T. Smith, Steele, Whitaker, Wilkins, Wilkinson, Womack, Wooldridge.

Total33

NEGATIVE:

Total0

ABSENT OR NOT VOTING: Trusty.

Total1

VOTING PRESENT: Holt.

Total1

Total number of votes cast.....34

Necessary to the passage of the bill18

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

(SIGNED) ANN CORNWELL, SECRETARY

There being an emergency clause attached to **House Bill No. 1098**, the President ordered the Secretary to call the roll upon the adoption of the emergency clause.

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

AFFIRMATIVE: Altes, Argue, Baker, Bisbee, J. Bookout, Broadway, Brown, Bryles, Capps, Critcher, Faris, Glover, Gullett, Hendren, Higginbothom, Hill, Horn, G. Jeffress, J. Jeffress, B. Johnson, Laverty, Luker, Madison, Malone, Miller, Salmon, T. Smith, Steele, Whitaker, Wilkins, Wilkinson, Womack, Wooldridge.

Total33

NEGATIVE:

Total0

ABSENT OR NOT VOTING: Trusty

Total1

VOTING PRESENT: Holt.

Total1

Total number of votes cast.....34

Necessary to the adoption of the emergency clause24

So the Emergency Clause was adopted.

(SIGNED) ANN CORNWELL, SECRETARY

House Bill No. 1098 was ordered immediately returned to the House as passed.

On motion of Senator Bisbee, **House Bill No. 1084** was called up for third reading and final disposition.

HOUSE BILL NO. 1084
CALL ITEM NO. 4
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION
BY: REPRESENTATIVE LENDALL

A Bill for an Act to be Entitled: AN ACT TO MAKE AN APPROPRIATION FOR GRANTS AND AIDS TO LOCAL SCHOOL DISTRICTS FOR ADDITIONAL SCHOOL NURSES FOR THE DEPARTMENT OF EDUCATION FOR THE BIENNIAL PERIOD ENDING JUNE 30, 2005; AND FOR OTHER PURPOSES.

House Bill No. 1084 was placed on third reading and final disposition, the question being: Shall the Bill pass?

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

AFFIRMATIVE: Argue, Broadway, Brown, Gullett, J. Jeffress, Salmon, Steele, Whitaker, Wilkins, Womack, Wooldridge.

Total11

NEGATIVE: Altes, Baker, Critcher, Faris, Glover, Hendren, Hill, Holt, B. Johnson, Laverty, Miller.

Total11

ABSENT OR NOT VOTING: Bisbee, J. Bookout, Bryles, Capps, Higginbothom, Horn, G. Jeffress, Luker, Madison, Malone, T. Smith, Trusty, Wilkinson.

Total13

VOTING PRESENT:

Total0

Total number of votes cast.....22

Necessary to the passage of the bill18

So the bill failed to pass and the title as read was not agreed to.

(SIGNED) ANN CORNWELL, SECRETARY

Senator Steele moved that the record pertaining to the vote by which **House Bill No. 1084** failed to pass be expunged, the motion failed.

House Bill No. 1084 was ordered immediately returned to the House having failed to pass.

ARKANSAS SENATE
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION

February 6, 2004

Mr. President:

We, your Committee on EDUCATION, to whom was referred:

HOUSE BILL NO. 1179, BY REPRESENTATIVE CHESTERFIELD,

beg leave to report that we have had the same under consideration, and herewith return the same with the recommendation that it do pass.

Respectfully submitted,

(SIGNED) SENATORS JIM ARGUE, JIMMY JEFFRESS,
BRENDA GULLETT & HENRY "HANK" WILKINS

SENATE CONCURRENT RESOLUTION NO. 5
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION
BY: SENATOR HILL

SENATE CONCURRENT RESOLUTION 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.

Senate Concurrent Resolution No. 5 was read the first time, rules suspended, read the second time and placed on the Calendar.

On motion of Senator Hill the Senate recessed until 2:15 p.m..

The Senate reconvened after recess. The Secretary called the roll, and a quorum was present.

ARKANSAS SENATE
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION

February 6, 2004

Mr. President:

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

SENATE BILL NO. 89, BY SENATOR STEELE, ET AL,
SENATE BILL NO. 55, BY SENATOR BROADWAY,
SENATE BILL NO. 80, BY SENATOR SALMON,
SENATE BILL NO. 91, BY SENATOR BISBEE,

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,

(SIGNED) JOHN PAUL CAPPS, CHAIRMAN

GOVERNOR'S BILL RECEIPTS

SENATE BILL NO. 89
SENATE BILL NO. 55
SENATE BILL NO. 80
SENATE BILL NO. 91

RECEIVED the above papers from the Secretary of the Senate this 6th day of February, 2004 at 2:00 p.m..

(SIGNED) MIKE HUCKABEE

Governor

(SIGNED) STACY DeJARNETTE

Secretary

On motion of Senator Hill, the rules were suspended in considering **Senate Concurrent Resolution Bill No. 5** at this time.

On motion of Senator Hill, **Senate Concurrent Resolution No. 5** was called up for third reading and final disposition.

**SENATE CONCURRENT RESOLUTION NO. 5
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION
BY: SENATOR HILL**

SENATE CONCURRENT RESOLUTION 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.

Senate Concurrent Resolution No. 5 was read the third time and adopted.

(SIGNED) ANN CORNWELL, SECRETARY

Senate Concurrent Resolution No. 5 was ordered immediately transmitted to the House.

On motion of Senator Hill the Senate recessed until the call of the Chair.

The Senate reconvened after recess. The Secretary called the roll, and a quorum was present.

Senate Bill No. 79 was returned from the House having overridden the Governor's line-item veto.

Senator Bill No. 79 was ordered delivered to the Secretary of State.

STATE OF ARKANSAS
ARKANSAS SENATE

GENERAL ASSEMBLY
LITTLE ROCK, ARKANSAS 72201

ANN CORNWELL
Secretary of the Senate
Senate Fiscal Officer
State Capitol, Room 320
Little Rock, Arkansas 72201

February 6, 2004

Mr. Charlie Daniels
Secretary of State
State Capitol Building
Little Rock, AR 72201

Dear Mr. Daniels:

I am transmitting Senate Bill No. 79, which is now Act 77 back to your office having overridden the line-item veto of the Governor. On February 6, 2004 the Arkansas Senate and the House of Representatives over-rode this line-item veto.

Sincerely,

Ann Cornwell
Secretary of the Senate

FILED

FEB 06, 2004

CHARLIE DANIELS
SECRETARY OF STATE

BY _____

House Bill No. 1034 was received from the House having overridden the Governor's veto.

ARKANSAS SENATE
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION

February 6, 2004

Mr. President:

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

SENATE BILL NO. 93, BY SENATOR BROADWAY,

beg leave to report that we have carefully compared the enrolled copy with the original and we find the same correctly enrolled and have at 3:30 p.m. delivered it to the Governor for his approval.

Respectfully submitted,

(SIGNED) JOHN PAUL CAPPS, CHAIRMAN

GOVERNOR'S BILL RECEIPTS

SENATE BILL NO. 93

RECEIVED the above papers from the Secretary of the Senate this 6th day of February, 2004 at 3:30 p.m..

(SIGNED) MIKE HUCKABEE

Governor

(SIGNED) LAURA BROWN

Secretary

Senate Bill No. 49 was returned from the House as passed, as amended.

Senate Concurrent Resolution No. 5 was returned from the House as concurred in.

Senate Concurrent Resolution No. 5 was ordered enrolled.

ARKANSAS SENATE
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION

February 6, 2004

Mr. President:

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

SENATE CONCURRENT RESOLUTION NO. 5, BY SENATOR HILL,

beg leave to report that we have carefully compared the enrolled copy with the original and we find the same correctly enrolled and have at 4:22 p.m. delivered it to the Governor for his approval.

Respectfully submitted,

(SIGNED) JOHN PAUL CAPPS, CHAIRMAN

GOVERNOR'S BILL RECEIPTS

SENATE CONCURRENT RESOLUTION NO. 5

RECEIVED the above papers from the Secretary of the Senate this 6th day of February, 2004 at 4:22 p.m..

(SIGNED) MIKE HUCKABEE
Governor

(SIGNED) LAUREN BROWN
Secretary

* * * * *

SENATE BILL TRANSMITTED TO THE HOUSE
HAVING OVERRIDDEN THE LINE-ITEM
VETO OF THE GOVERNOR

SENATE BILL NO. 79

SENATE CONCURRENT RESOLUTION TRANSMITTED
TO THE HOUSE AS ADOPTED

SENATE CONCURRENT RESOLUTION NO. 5

HOUSE BILLS RETURNED TO THE HOUSE
AS PASSED

HOUSE BILL NO. 1030

HOUSE BILL NO. 1052

HOUSE BILL NO. 1061

HOUSE BILL NO. 1098

HOUSE BILL NO. 1122

HOUSE BILL NO. 1138

HOUSE BILL NO. 1153

HOUSE BILL RETURNED TO THE HOUSE
AS PASSED AS AMENDED

HOUSE BILL NO. 1177

HOUSE CONCURRENT RESOLUTION RETURNED
TO THE HOUSE AS CONCURRED

HOUSE CONCURRENT RESOLUTION NO. 1003

HOUSE BILLS RETURNED TO THE HOUSE
HAVING FAILED TO PASS

HOUSE BILL NO. 1007

HOUSE BILL NO. 1084

SENATE BILLS RETURNED FROM THE HOUSE
AS PASSED

SENATE BILL NO. 55

SENATE BILL NO. 89

SENATE BILL RETURNED FROM THE HOUSE
HAVING OVERRIDDEN THE LINE-ITEM
VETO OF THE GOVERNOR

SENATE BILL NO. 79

SENATE BILLS RETURNED FROM THE HOUSE
AS PASSED AS AMENDED

SENATE BILL NO. 49

SENATE BILL NO. 91

SENATE CONCURRENT RESOLUTION RETURNED FROM THE HOUSE
AS CONCURRED IN

SENATE CONCURRENT RESOLUTION NO. 5

HOUSE BILLS TRANSMITTED TO THE SENATE
AS PASSED

HOUSE BILL NO. 1159

HOUSE BILL NO. 1179

HOUSE BILL NO. 1186

HOUSE CONCURRENT RESOLUTION TRANSMITTED
TO THE SENATE AS ADOPTED

HOUSE CONCURRENT RESOLUTION NO. 1004

HOUSE BILLS TRANSMITTED TO THE SENATE
HAVING OVERRIDDEN THE GOVERNOR'S VETO

HOUSE BILL NO. 1034

On motion of Senator Bryles, the Senate recessed until 12:00 Noon, Thursday, March 4, 2004, or at the call of the Chair.

PRESIDENT OF THE SENATE

SECRETARY OF THE SENATE

--ooOoo--

88TH DAY'S PROCEEDINGS
SENATE CHAMBER
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION

Little Rock, Arkansas

March 4, 2004

The Senate was called to order at 12:00 Noon by the President.

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

ALTES, BAKER, BISBEE, BOOKOUT, BROADWAY,
BROWN, BRYLES, CAPPS, CRITCHER, FARIS, GLOVER,
HENDREN, HILL, HORN, G. JEFFRESS, J. JEFFRESS,
JOHNSON, LAVERTY, LUKER, MADISON, MALONE,
MILLER, SALMON, SMITH, STEELE, TRUSTY
WHITAKER, WILKINSON, WOMACK, WOOLDRIDGE.

Senators not answering roll call:

ARGUE, HOLT, WILKINS.

Leave was requested for Senators Gullett and Senator Higginbothom.

The Senate was led in prayer by Reverend Milton Cowling, First Baptist Church,
Dardanelle, Arkansas

The President led the Senate in the Pledge of Allegiance.

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

The President declared the morning hour to have expired.

STATE OF ARKANSAS
OFFICE OF THE GOVERNOR

STATE CAPITOL
LITTLE ROCK, ARKANSAS

MIKE HUCKABEE
Governor

February 10, 2004

TO THE PRESIDENT OF THE SENATE

Dear Mr. President:

This is to inform your Honorable Body that on February 10, 2004, I approved the following measures from the Second Extraordinary Session of the Eighty-fourth General Assembly:

Senate Bill 85, which is now Act Number 93
Senate Bill 90, which is now Act Number 94
Senate Bill 91, which is now Act Number 98
Senate Bill 55, which is now Act Number 99
Senate Bill 89, which is now Act Number 101
Senate Bill 73, which is now Act Number 105

Sincerely,

(SIGNED) MIKE HUCKABEE
Governor

STATE OF ARKANSAS
OFFICE OF THE GOVERNOR
STATE CAPITOL
LITTLE ROCK, ARKANSAS

MIKE HUCKABEE
Governor

February 12, 2004

TO THE PRESIDENT OF THE SENATE

Dear Mr. President:

This is to inform your Honorable Body that on February 11, 2004, I approved the following measures from the Second Extraordinary Session of the Eighty-fourth General Assembly:

Senate Bill 93, which is now Act Number 108

Sincerely,

(SIGNED) MIKE HUCKABEE
Governor

On motion of Senator Steele, **House Bill No. 1179** was called up for third reading and final disposition.

HOUSE BILL NO. 1179
EIGHTY-FOURTH GENERAL ASSEMBLY
FIRST EXTRAORDINARY SESSION
BY: REPRESENTATIVES CHESTERFIELD, ET AL
SENATORS GULLETT, ARGUE, J. JEFFRESS & STEELE

A Bill for an Act to be Entitled: AN ACT TO PROVIDE FOR THE PAYROLL DEDUCTION OF MEMBERSHIP DUES FOR CLASSIFIED PUBLIC SCHOOL EMPLOYEES; AND FOR OTHER PURPOSES.

House Bill No. 1179 was placed on third reading and final disposition, the question being: Shall the Bill pass?

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

AFFIRMATIVE: Bisbee, J. Bookout, Broadway, Brown, Bryles, Capps, Faris, Glover, Hill, Horn, G. Jeffress, J. Jeffress, B. Johnson, Lavery, Luker, Madison, Malone, Miller, Salmon, T. Smith, Steele, Whitaker, Wilkinson, Wooldridge.

Total24

NEGATIVE: Altes, Baker, Hendren, Trusty.

Total4

ABSENT OR NOT VOTING: Argue, Critcher, Gullett, Higginbothom, Holt, Wilkins, Womack.

Total7

VOTING PRESENT:

Total0

Total number of votes cast.....28

Necessary to the passage of the bill18

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

(SIGNED) ANN CORNWELL, SECRETARY

There being an emergency clause attached to **House Bill No. 1179**, the President ordered the Secretary to call the roll upon the adoption of the emergency clause.

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

AFFIRMATIVE: Bisbee, J. Bookout, Broadway, Brown, Bryles, Capps, Faris, Glover, Hill, Horn, G. Jeffress, J. Jeffress, B. Johnson, Laverty, Luker, Madison, Malone, Miller, Salmon, T. Smith, Steele, Whitaker, Wilkinson, Wooldridge.

Total 24

NEGATIVE: Altes, Baker, Hendren, Trusty.

Total 4

ABSENT OR NOT VOTING: Argue, Critcher, Gullett, Higginbothom, Holt, Wilkins, Wilkins.

Total 7

VOTING PRESENT:

Total 0

Total number of votes cast..... 28

Necessary to the passage of the bill..... 24

So the Emergency Clause was adopted.

(SIGNED) ANN CORNWELL, SECRETARY

House Bill No. 1179 was ordered immediately returned to the House as passed.

Senator Salmon moved to consider overriding the Governor's veto of House
Bill Number 1034.

Motion carried.

On motion of Senator Salmon, **House Bill No. 1034** was called up to override the
Governor's veto.

A pair was announced at the desk.

STATE OF ARKANSAS

ARKANSAS SENATE

State Capitol
Little Rock, Arkansas 72201

EIGHTY-FOURTH GENERAL ASSEMBLY

Second Extraordinary Session

DATE March 4, 2004

PAIR VOTE

HOUSE BILL NO. 1034

VOTING YEA STEVE HIGGINBOTHOM

VOTING NAY DAVID BISBEE

(SIGNED) ANN CORNWELL
SECRETARY OF THE SENATE

Senate Bill No. 1034 was placed on third reading and final disposition, the question being: Shall the override pass?

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

AFFIRMATIVE: J. Bookout, Broadway, Brown, Bryles, Capps, Critcher, Glover, Higginbotham, Hill, G. Jeffress, J. Jeffress, B. Johnson, Laverty, Luker, Madison, Malone, Miller, Salmon, Steele, Wilkinson, Wooldridge.

Total21

NEGATIVE: Altes, Baker, Bisbee, Hendren, Horn, Trusty, Whitaker.

Total7

ABSENT OR NOT VOTING: Argue, Faris, Gullett, Holt, T. Smith, Wilkins, Womack.

Total7

VOTING PRESENT:

Total0

Total number of votes cast28

Necessary to the passage of the bill18

So the override passed.

(SIGNED) ANN CORNWELL, SECRETARY

House Bill No. 1034 was ordered immediately transmitted to the House as having overridden the Governor's veto.

Leave was requested for Senator Holt.

Senator Broadway moved that the rules be suspended concerning Senate Rule 25.01 which addresses campaign contributions. The suspension will be in effect until December 8, 2004.

Motion carried.

On motion of Senator Broadway, **Senate Bill No. 49** was called up for the purpose of considering **Amendment No. 1** thereto, adopted by the House.

HALL OF THE HOUSE OF REPRESENTATIVES
EIGHTY-FOURTH GENERAL ASSEMBLY
FIRST EXTRAORDINARY SESSION
Amendment No. 1 to SENATE BILL NO. 49

Amend **Senate Bill No. 49** as originally introduced:

Page 5, delete lines 23 through 27 entirely

(SIGNED) REPRESENTATIVE CALVIN JOHNSON

On motion of Senator Broadway, and without objection, the rules were suspended pertaining to passage of Amendment and Bill on the same day.

On motion of Senator Broadway, **Senate Bill No. 49** was called up for third reading and final disposition.

SENATE BILL NO. 49
EIGHTY-FOURTH GENERAL ASSEMBLY
FIRST EXTRAORDINARY SESSION
BY: SENATOR WILKINS

A Bill for an Act to be Entitled: AN ACT TO REQUIRE SUPERINTENDENTS TO COMPLY WITH THE PROVISIONS OF THE ARKANSAS PUBLIC SCHOOL CHOICE ACT OF 1989; AND FOR OTHER PURPOSES.

Senate Bill No. 49 was placed on third reading and final disposition, the question being: Shall the Bill pass?

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

AFFIRMATIVE: Baker, Bisbee, J. Bookout, Broadway, Brown, Bryles, Capps, Critcher, Faris, Glover, Hendren, Hill, Horn, G. Jeffress, J. Jeffress, B. Johnson, Luker, Madison, Malone, Miller, Salmon, T. Smith, Steele, Trusty, Whitaker, Wilkinson.

Total26

NEGATIVE:

Total0

ABSENT OR NOT VOTING: Altes, Argue, Gullett, Higginbothom, Holt, Laverty, Wilkins, Womack, Wooldridge.

Total9

VOTING PRESENT:

Total0

Total number of votes cast26

Necessary to the passage of the bill18

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

(SIGNED) ANN CORNWELL, SECRETARY

Senate Bill No. 49 was ordered enrolled.

HOUSE CONCURRENT RESOLUTION NO. 1006
EIGHTY-FOURTH GENERAL ASSEMBLY
FIRST EXTRAORDINARY SESSION
BY: REPRESENTATIVE DANGEAU

HOUSE CONCURRENT RESOLUTION TO PROVIDE THAT THE SECOND EXTRAORDINARY SESSION OF THE EIGHTY-FOURTH GENERAL ASSEMBLY SHALL RECESS AT THE CLOSE OF BUSINESS IN EACH HOUSE ON MARCH 4, 2004 UNTIL 12:00 NOON ON JUNE 9, 2004, AT WHICH TIME IT IS ADJOURNED SINE DIE UNLESS THE SPEAKER OF THE HOUSE OF REPRESENTATIVES AND THE PRESIDENT PRO TEMPORE OF THE SENATE DETERMINE THAT FURTHER ACTION BY THE SECOND EXTRAORDINARY SESSION OF THE EIGHTY-FOURTH GENERAL ASSEMBLY IS NECESSARY, IN WHICH EVENT THEY MAY BY JOINT PROCLAMATION RECONVENE THE GENERAL ASSEMBLY ON THAT DATE FOR THE PURPOSE OF CONSIDERING VETOES, CORRECTING ERRORS, OVERSIGHTS AND OMISSIONS, AND TO CLARIFY OR OTHERWISE REVISE THOSE LAWS ENACTED PRIOR TO THE RECESS, AND TO COMPLETE ACTION ON ANY AND ALL OTHER MATTERS INCLUDED IN THE GOVERNOR'S PROCLAMATION CALLING THE SECOND EXTRAORDINARY SESSION OF THE EIGHTY-FOURTH GENERAL ASSEMBLY; TO RECOGNIZE THE GOVERNOR'S AUTHORITY TO CALL AN ADDITIONAL EXTRAORDINARY SESSION DURING THIS RECESS IN CASE OF AN EMERGENCY.

House Concurrent Resolution No. 1006 was read the first time, rules suspended, read the second time and placed on the Calendar.

On motion of Senator Hill, the rules were suspended in considering **House Concurrent Resolution Bill No. 1006** at this time.

On motion of Senator Hill, **House Concurrent Resolution No. 1006** was called up for third reading and final disposition.

HOUSE CONCURRENT RESOLUTION NO. 1006
EIGHTY-FOURTH GENERAL ASSEMBLY
FIRST EXTRAORDINARY SESSION
BY: REPRESENTATIVE DANGEAU

HOUSE CONCURRENT RESOLUTION TO PROVIDE THAT THE SECOND EXTRAORDINARY SESSION OF THE EIGHTY-FOURTH GENERAL ASSEMBLY SHALL RECESS AT THE CLOSE OF BUSINESS IN EACH HOUSE ON MARCH 4, 2004 UNTIL 12:00 NOON ON JUNE 9, 2004, AT WHICH TIME IT IS ADJOURNED SINE DIE UNLESS THE SPEAKER OF THE HOUSE OF REPRESENTATIVES AND THE PRESIDENT PRO TEMPORE OF THE SENATE DETERMINE THAT FURTHER ACTION BY THE SECOND EXTRAORDINARY SESSION OF THE EIGHTY-FOURTH GENERAL ASSEMBLY IS NECESSARY, IN WHICH EVENT THEY MAY BY JOINT PROCLAMATION RECONVENE THE GENERAL ASSEMBLY ON THAT DATE FOR THE PURPOSE OF CONSIDERING VETOES, CORRECTING ERRORS, OVERSIGHTS AND OMISSIONS, AND TO CLARIFY OR OTHERWISE REVISE THOSE LAWS ENACTED PRIOR TO THE RECESS, AND TO COMPLETE ACTION ON ANY AND ALL OTHER MATTERS INCLUDED IN THE GOVERNOR'S PROCLAMATION CALLING THE SECOND EXTRAORDINARY SESSION OF THE EIGHTY-FOURTH GENERAL ASSEMBLY; TO RECOGNIZE THE GOVERNOR'S AUTHORITY TO CALL AN ADDITIONAL EXTRAORDINARY SESSION DURING THIS RECESS IN CASE OF AN EMERGENCY.

House Concurrent Resolution No. 1006 was read the third time and concurred in by the Senate.

(SIGNED) ANN CORNWELL, SECRETARY

House Concurrent Resolution No. 1006 was ordered immediately returned to the House.

ARKANSAS SENATE
EIGHTY-FOURTH GENERAL ASSEMBLY
FIRST EXTRAORDINARY SESSION

March 4, 2004

Mr. President:

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

SENATE BILL NO. 49, BY WILKINS,

beg leave to report that we have carefully compared the enrolled copy with the original and we find the same correctly enrolled and have at 1:05 p.m. delivered them to the Governor for his approval.

Respectfully submitted,

(SIGNED) JOHN PAUL CAPPS, CHAIRMAN

GOVERNOR'S BILL RECEIPTS

SENATE BILL NO. 49

RECEIVED the above papers from the Secretary of the Senate this 4th day of March, 2004,
at 1:05 p.m..

(SIGNED) MIKE HUCKABEE

Governor

(SIGNED) STACY JARNETTE

Secretary

STATE OF ARKANSAS
HOUSE OF REPRESENTATIVES
EIGHTY-FOURTH GENERAL ASSEMBLY
FIRST EXTRAORDINARY SESSION
LITTLE ROCK, ARKANSAS 72201

HERSCHEL W. CLEVELAND, SPEAKER

TIM MASSANELLI, PARLIAMENTARIAN

JO RENSHAW, CHIEF CLERK

March 4, 2004

House Bill 1034

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 4th day of March.

(SIGNED) HERSCHEL CLEVELAND

Speaker of the House of Representative

(SIGNED) WINTHROP P. ROCKEFELLER

President of the Senate

STATE OF ARKANSAS
OFFICE OF THE GOVERNOR

State Capitol
Little Rock 72201

Mike Huckabee, Governor

March 4, 2004

The Honorable Jim Hill
President Pro Tempore
State Chambers- State Capitol
Little Rock, Arkansas 72201

Mr. President and Members of the Senate:

Pursuant to the authority vested in me by the Constitution of the State of Arkansas, I am submitting the following appointments to be confirmed.

I respectfully submit these appointments to your Honorable Body and request that they be confirmed.

Sincerely,

(SIGNED) MIKE HUCKABEE
Governor

SENATOR DENNY ALTES
SENATE CONFIRMATIONS 2003

<u>APPOINTEE & COUNTY</u>	<u>EXPIRATION DATE</u>	<u>BOARD OR COMMISSION</u>
Eldon Coffman Sebastian County		Temporary Commission as Special Chairman on Worker's Compensation Commission for the case of <u>Judy Valor V. Conley Transport, Inc.</u>
James Damron Sebastian County	June 30, 2007	State Review Committee for Historic Preservation
Jerry Tomlin Sebastian County	July 18, 2006	State Fire Prevention Commission
Wayne Haver Sebastian County	June 30, 2007	Arkansas Pygmalion Commission on Nontraditional Education
Benny Gooden Sebastian County	June 30, 2007	Arkansas Pygmalion Commission on Nontraditional Education
Randy Hall Sebastian County	January 14, 2007	Criminal Detention Facility Review Committee, Judicial Dist. #12
Rob Covington Sebastian County	September 14, 2007	State Board of Examiners of Alcoholism and Drug Abuse Counselors
David Hudson Sebastian County	August 1, 2007	Arkansas State Land Information Board
Russell Gibson Sebastian County	August 1, 2007	Arkansas State Land Information Board
Thurma Polinsky Sebastian County	December 1, 2006	Arkansas Board of Examiners in Counseling

SENATOR JIM ARGUE
SENATE CONFIRMATIONS 2003

<u>APPOINTEE & COUNTY</u>	<u>EXPIRATION DATE</u>	<u>BOARD OR COMMISSION</u>
Shawna Oliver County	January 14, 2005	Arkansas Commission on National Pulaski and Community Service
Theodore Fotioo Pulaski County	June 30, 2005	Arkansas Board of Dispensing Opticians
Keith Jones Pulaski County	September 20, 2007	Public Transportation Coordination Council
David Eberdt County	January 14, 2007	Arkansas Science and Technology Pulaski Authority

Jack Acre Pulaski County	May 26, 2007	Arkansas Board of Private Investigators and Private Security Agencies
Bryan Jeffrey	January 14, 2007	Arkansas Development Finance Pulaski County Authority Board of Directors
Lynda Johnson Pulaski County	May 1, 2009	Arkansas Higher Education Coordinating Board
Leon Catlett Pulaski County	April 9, 2006	Health Services Permit Commission
Martha Hiett Pulaski County	June 30, 2007	Arkansas Pygmalion Commission on Nontraditional Education
Beatrice Reed Pulaski County	June 30, 2005	Arkansas Commission on Eye & Vision Care of School Age Children
Tom Bonner Pulaski County	Drawing of Lots	Baby Sharon's Children's Catastrophic Illness Grant Program Advisory Committee
Michael Tidwell Pulaski County	June 30, 2007	Arkansas Arts Advisory Council
Stephen Bingham Pulaski County	July 1, 2005	Arkansas Child Abuse, Rape and Domestic Violence Commission
Eddie Schmeckenbecher Pulaski County	July 1, 2005	Arkansas Child Abuse, Rape and Domestic Violence Commission
Gray LeMaster Pulaski County	July 1, 2006	Sex Offenders Assessment Committee
Richard Mays Pulaski County	December 31, 2003	State Banking Board
Mary Parker Pulaski County	December 31, 2009	Board of Corrections
James Montague Pulaski County	June 30, 2006	Board of Examiners in Speech- Language Pathology and Audiology
Kara Cooper Pulaski County	July 1, 2006	Arkansas Early Childhood Commission
Michael Manley Pulaski County	June 30, 2005	Arkansas Legislative Commission on Nursing
Virginia Robertson Pulaski County	July 1, 2005	Arkansas Child Abuse, Rape and Domestic Violence Commission
Frank Riggins Pulaski County	July 1, 2009	Arkansas State Board of Landscape Architects
Joe Musgrove Pulaski County	Will of Governor	Early Intervention Interagency Coordinating Council
Charles Tenney Pulaski County	July 1, 2007	State Board of Registration for Professional Engineers and Land Surveyors
Marlene Vadjunec Pulaski County	June 1, 2006	Governor's Commission on People with Disabilities
Leslie Smith Pulaski County	June 30, 2006	Social Work Licensing Board

Sharon Berry Pulaski County	June 30, 2007	Board of the Division of State Services for the Blind
Karen McKinney Pulaski County	December 5, 2004	Workers' Compensation Commission
Stacey Mahurin Pulaski County	June 30, 2004	Arkansas Pygmalion Commission on Nontraditional Education
Sherman Tate Pulaski County	December 31, 2004	Task Force on Racial Profiling
Henrietta Williams Pulaski County	January 14, 2009	Arkansas School for the Blind and the Arkansas School for the Deaf Board of Trustees
John Hartnedy Pulaski County	Drawing of Lots	Arkansas Advisory Commission on Mandated Health Insurance Benefits
Carolyn Walton Pulaski County	----	Information Network of Arkansas
Bob Trevino Pulaski County	October 1, 2006	Tobacco Prevention & Cessation Advisory Committee
Dale Charles Pulaski County	December 31, 2004	Task Force on Racial Profiling
Bruce Blackall Pulaski County	June 30, 2004	Heating, Ventilation, A/C, Refrigeration Licensing Board
David King Pulaski County	January 14, 2009	Arkansas School for the Blind and the Arkansas School for the Deaf Board of Trustees
Robert Campbell Pulaski County	October 15, 2008	Governor's Commission on Veterans' Affairs
Patricia Vannatta Pulaski County	July 31, 2006	Arkansas Board of Health Education
Len Pitcock Pulaski County	January 1, 2007	Outdoor Recreation Grants Advisory Committee
H.F. "Bunny" Brown Pulaski County	September 1, 2006	Arkansas Board of Podiatric Medicine
Patrick Anders Pulaski County	Will of Governor	Arkansas Public Art Advisory Board
John Davidson Pulaski County	June 30, 2007	Arkansas Pygmalion Commission on Nontraditional Education
Timothy Calicott Pulaski County	July 1, 2005	Emergency Medical Services Advisory Council
Joe Pevahouse Pulaski County	January 14, 2007	State Kidney Disease Commission
Cynthia Elizonda Pulaski County	December 31, 2004	Task Force on Racial Profiling

SENATOR GILBERT BAKER
SENATE CONFIRMATIONS 2003

<u>APPOINTEE & COUNTY</u>	<u>EXPIRATION DATE</u>	<u>BOARD OR COMMISSION</u>
Billy Bob French Faulkner County	June 30, 2008	State Board of Barber Examiners
Vance Strange Faulkner County	April 8, 2005	State and Public School Life and Health Insurance Board
Curtis Brewer Faulkner County	December 1, 2003	Arkansas Dairy Committee
Bruce Leggitt Faulkner County	December 31, 2003	Arkansas Rural Development Commission
Bill Johnson Faulkner County	May 1, 2009	Arkansas Higher Education Coordinating Board
Shari Campbell Pulaski County	June 30, 2009	State Board of Barber Examiners
Robert "Bunny" Adcock Faulkner County	February 9, 2007	Bank Commissioner
Allan Roisen Faulkner County	January 14, 2007	Criminal Detention Facility Review Committee, Judicial Dist. #20
Michael Maggio Faulkner County	July 1, 2005	Arkansas Child Abuse, Rape and Domestic Violence Commission
Tina Pilgreen Faulkner County	Will of Governor	Early Intervention Interagency Coordinating Council
Bum Lee Faulkner County	January 14, 2007	Arkansas Science and Technology Authority
Ephrain Valdez Faulkner County	March 29, 2006	Arkansas Pollution Control and Ecology Commission
John Mattox Faulkner County	April 8, 2007	State and Public School Life and Health Insurance Board
Dawn Tirado Simpson Faulkner County	Drawing of Lots	Committee on Closing the Academic Achievement Gap in Arkansas
Jason Walsh Faulkner County	June 22, 2006	Arkansas Towing and Recovery Board
Elden Myers Faulkner County	July 1, 2007	Elevator Safety board
Dan West Faulkner County	October 1, 2007	Arkansas State Board of Nursing
Steve Ward Faulkner County	September 20, 2006	Public Transportation Coordination Council
Theman Taylor, Sr. Faulkner County	October 1, 2006	Delta Cultural Center Policy Advisory Board

Shane Ford Faulkner County	June 30, 2005	Arkansas Commission on Eye and Vision Care of School Age Children
Ephrain Valdez Faulkner County	December 31, 2004	Task Force on Racial Profiling
Robert Goff Faulkner County	November 1, 2008	Arkansas State Board of Registration for Professional Soil Classifiers

**SENATOR DAVE BISBEE
SENATE CONFIRMATIONS 2003**

<u>APPOINTEE & COUNTY</u>	<u>EXPIRATION DATE</u>	<u>BOARD OR COMMISSION</u>
Dick Trammel Benton County	June 30, 2007	Arkansas Arts Advisory Council
Bob Dufour Benton County	June 30, 2009	Arkansas Arts Advisory Council
Jerry Hudlow Benton County	July 1, 2006	Arkansas Early Childhood Commission
Jamin Snarr Benton County	July 1, 2006	Emergency Medical Services Advisory Council
Janet Parks Benton County	July 31, 2005	Arkansas State Board of Acupuncture and Related Techniques
Mary Kay Sullivan Benton County	August 1, 2007	Arkansas State Land Information Board
Curtis Boyd Benton County	Drawing of Lots	Arkansas Fire Protection Services Board
Andrew Jaeger Benton County	Drawing of Lots	Arkansas Fire Protection Services Board
Daniel Brackett Benton County	August 1, 2006	Public Education Technology Advisory Board
Lindi Johnson Benton County	June 30, 2007	Board of the Division of State Services for the Blind
Jerry Pittman Benton County	July 31, 2007	State Marketing Board for Recyclables
William Carmack Benton County	October 5, 2006	Marine Sanitation Advisory Committee
Donna Hutchinson Benton County	July 8, 2007	Arkansas Student Loan Authority

**SENATOR JERRY BOOKOUT
SENATE CONFIRMATIONS 2003**

<u>APPOINTEE & COUNTY</u>	<u>EXPIRATION DATE</u>	<u>BOARD OR COMMISSION</u>
Lori Roach Craighead County	October 17, 2007	Arkansas Fire Protection Licensing Board
William Howard Craighead County	May 15, 2008	Arkansas Sentencing Commission
Wayne Wiggins Craighead County	June 30, 2005	Arkansas Rice Research and Promotion Board
Jerry Brackett Craighead County	Will of Governor	Arkansas Public Art Advisory Board
Barry Ledbetter Craighead County	September 1, 2007	Arkansas Title Insurance Agents' Licensing Board
Joe Barre Craighead County	July 14, 2006	Perfusionists Advisory Committee
Sherry Burrow Craighead County	Drawing of Lots	Committee on Closing the Academic Achievement Gap in Arkansas
Todd Burton Craighead County	July 1, 2006	Arkansas State Board of Physical Therapy
Wayne Miller Craighead County	Drawing of Lots	Arkansas Fire Protection Services Board
Susan Carter Craighead County	June 30, 2006	Home Health Care Service Agency Advisory Council
Sherry Burrow Craighead County	June 30, 2004	State Board of Education
Charles Coleman Craighead County	July 8, 2007	Arkansas Student Loan Authority
Tyra Whitaker Craighead County	December 1, 2006	Arkansas Board of Examiners in Counseling
Pamela Crowson Craighead County	October 1, 2007	Arkansas State Board of Nursing
Lynda Medlock Craighead County	December 31, 2006	Arkansas Humanities Council

**SENATOR SHANE BROADWAY
SENATE CONFIRMATIONS 2003**

<u>APPOINTEE & COUNTY</u>	<u>EXPIRATION DATE</u>	<u>BOARD OR COMMISSION</u>
Don Carter Saline County	June 30, 2008	State Board of Barber Examiners
Ronald Moore Saline County	June 1, 2006	Governor's Commission on People with Disabilities
Mary Harris Saline County	April 15, 2010	State Board of Private Career Education
Brad Wooley Pulaski County	April 15, 2007	Auctioneers Licensing Board
Betty Davis Pulaski County	December 31, 2007	Arkansas Board of Examiners in Psychology
Brett Morgan Pulaski County	January 1, 2010	Arkansas Game and Fish Commission
Robert Thompson Saline County	June 15, 2007	Board of Electrical Examiners of the State of Arkansas
Jack Justus Pulaski County	June 30, 2010	State Board of Workforce Education and Career Opportunities
James Herzfeld Saline County	July 1, 2010	Pulaski Technical College Board of Trustees
Daniel Flora Saline County	July 1, 2005	Arkansas Child Abuse, Rape and Domestic Violence Commission
Henry Lile Pulaski County	June 30, 2007	Arkansas Aviation and Aerospace Commission
Ronnie Jones Jefferson County	July 1, 2010	Southeast Arkansas College Board of Trustees
Aurian Zoldessy Pulaski County	July 1, 2005	Arkansas Child Abuse, Rape and Domestic Violence Commission
Ronald Rivers Saline County	July 1, 2008	Arkansas Tobacco Control Board
Robert McGrew Pulaski County	July 31, 2006	Arkansas Board of Hearing Aid Dispensers
Lisa Channell Saline County	July 1, 2005	Arkansas Child Abuse, Rape and Domestic Violence Commission
Rickey Williams Pulaski County	January 14, 2007	Arkansas Science and Technology Authority
Gordon Knetzer Saline County	January 14, 2007	Arkansas Science and Technology Authority

Kenneth Musteen Saline County	June 1, 2006	Arkansas Deaf & Hearing Impaired Telecommunications Services Corporation
Dr. Wendell Pahls Pulaski County	July 1, 2007	Governor's Trauma Advisory Council
Bernard Bevill Pulaski County	September 29, 2005	Central Interstate Low-Level Pulaski Radioactive Waste Commission
Annette Enderlin Saline County	June 30, 2005	Arkansas Commission on Eye and Vision Care of School Age Children
Melissa Simpson Saline County	Will of Governor	Arkansas Division of Volunteerism Advisory Council
Timothy Luft Pulaski County	July 14, 2006	Perfusionists Advisory Committee
Richard Emmel Pulaski County	Drawing of Lots	Baby Sharon's Children's Catastrophic Illness Grant Program Advisory Committee
Doyle Webb Saline County	December 31, 2004	Task Force on Racial Profiling
Terri Hardy Pulaski County	May 3, 2005	Education Commission of the States
Lee Leibovich Saline County	October 18, 2010	State Library Board
Brenda Allen Saline County	June 1, 2006	Arkansas Deaf and Hearing Impaired Telecommunications Services Corporation

**SENATOR IRMA HUNTER BROWN
SENATE CONFIRMATIONS 2003**

<u>APPOINTEE & COUNTY</u>	<u>EXPIRATION DATE</u>	<u>BOARD OR COMMISSION</u>
Stephen Hare Pulaski County	June 1, 2005	Governor's Commission on People with Disabilities
Margaret Williams Pulaski County	August 13, 2003	Martin Luther King, Jr. Commission
Ronald Ross Pulaski County	April 26, 2008	Arkansas State Board of Architects
John Roberts Pulaski County	June 30, 2007	State Review Committee for Historic Preservation
Becky Del Rio Pulaski County	June 30, 2006	Board of Examiners in Speech-Language Pathology and Audiology
Robert Walters Pulaski County	July 1, 2007	State Board of Registration for Professional Engineers and Land Surveyors
Michael Vowell Pulaski County	May 26, 2007	Arkansas Board of Private Investigators and Private Security Agencies

Mark Carter Pulaski County	July 1, 2008	Arkansas Tobacco Control Board
Rickey Hicks Pulaski County	December 31, 2004	Task Force on Racial Profiling
Barbara Gilkey Pulaski County	July 1, 2006	Arkansas Early Childhood Commission
Dr. Dexter Booth Pulaski County	October 1, 2007	Minority Teachers Recruitment Advisory Council
Dr. William Broadnax Pulaski County	October 1, 2006	Minority Teachers Recruitment Advisory Council
Solomon Bradford Pulaski County	August 13, 2005	Capitol Zoning District Commission
Searcy Ewell, Sr. Pulaski County	June 30, 2007	Board of the Division of State Services for the Blind

**SENATOR STEVE BRYLES
SENATE CONFIRMATIONS 2003**

<u>APPOINTEE & COUNTY</u>	<u>EXPIRATION DATE</u>	<u>BOARD OR COMMISSION</u>
Sandra Kennett Mississippi County	May 3, 2004	Education Commission of the States
Gary Sitzer Poinsett County	June 30, 2005	Arkansas Soybean Promotion Board
Barry Walls Poinsett County	June 30, 2005	Arkansas Wheat Promotion Board
Edward Regenold Mississippi County	November 1, 2008	Blytheville-Gosnell Regional Airport Authority
Connie Ash Mississippi County	October 1, 2007	Tobacco Prevention & Cessation Advisory Committee
Amelia Stuckey Poinsett County	Will of Governor	Governor's Council on Physical Fitness

SENATOR JOHN PAUL CAPPS
SENATE CONFIRMATIONS 2003

<u>APPOINTEE & COUNTY</u>	<u>EXPIRATION DATE</u>	<u>BOARD OR COMMISSION</u>
Randy Harriman White County	January 14, 2006	Arkansas State Board of Athletic Training
Roger Pearson White County	May 26, 2007	Arkansas Board of Private Investigators and Private Security Agencies
Lisa Williams White County	June 30, 2006	Board of Examiners in Speech-Language Pathology and Audiology
Rick Ezell Pulaski County	Drawing of Lots	Arkansas Fire Protection Services Board
James Carr White County	October 1, 2007	Arkansas State Board of Nursing
Debra Davis Pulaski County	July 1, 2006	Arkansas Early Childhood Commission
Boyd Wright White County	October 15, 2006	Long Term Care Facility Advisory Board

SENATOR JACK CRITCHER
SENATE CONFIRMATIONS 2003

<u>APPOINTEE & COUNTY</u>	<u>EXPIRATION DATE</u>	<u>BOARD OR COMMISSION</u>
Ronnie Kay Erwin Jackson County	July 20, 2006	Advisory Council for the Education of Gifted and Talented Children
Marvin Hare Jackson County	June 30, 2005	Arkansas Rice Research and Promotion Board
Keith Rutledge Independence County	Will of Governor	Arkansas Alcohol and Drug Abuse Coordinating Council
Don Ivie Independence County	July 18, 2006	State Fire Prevention Commission
Kaneaster Hodges Jackson County	March 30, 2005	Two-Year College and Technical Institute Study Committee
Darrell Hays Independence County	June 22, 2006	Arkansas Towing and Recovery Board
Augusta Williamson Independence County	October 1, 2006	Minority Teachers Recruitment Advisory Council
Tommy Young Jackson County	July 1, 2005	Arkansas Corn & Grain Sorghum Promotion Board
Stacey Caplener Independence County	Drawing of Lots	Arkansas Fire Protection Services Board

**SENATOR STEVE FARIS
SENATE CONFIRMATIONS 2003**

<u>APPOINTEE & COUNTY</u>	<u>EXPIRATION DATE</u>	<u>BOARD OR COMMISSION</u>
George Haas Garland County	April 26, 2008	State Board of Optometry
Pam Vaughan Dallas County	July 20, 2006	Advisory Council for the Education of Gifted and Talented Children
John Ed Anthony Garland County	March 1, 2011	Board of Trustees of the University of Arkansas
Peter Paladino Hot Springs County	July 1, 2010	Ouachita Technical College Board of Directors
Marlin Freeman Saline County	June 30, 2006	Arkansas Board of Dispensing Opticians
Howard Coston Hot Spring County	January 14, 2007	Criminal Detention Facility Review Committee, Judicial Dist. #7
Mark Buhrow Garland County	October 5, 2005	Marine Sanitation Advisory Committee
Terry Beavers Montgomery County	October 5, 2006	Marine Sanitation Advisory Committee
Donna Ferguson Grant County	July 31, 2006	Arkansas Board of Health Education
Quin Baber Saline County	October 1, 2008	Board of Registration for Professional Geologists

**SENATOR BOBBY GLOVER
SENATE CONFIRMATIONS 2003**

<u>APPOINTEE & COUNTY</u>	<u>EXPIRATION DATE</u>	<u>BOARD OR COMMISSION</u>
Holbert Hill Lonoke County	January 14, 2007	Criminal Detention Facility Review Committee, Judicial Dist. #23
Rose Bryant Jones Lonoke County	January 15, 2007	Arkansas Cemetery Board
Ernestine Thomas Arkansas County	March 1, 2007	Child Welfare Agency Review Board
Charles Ammons Lonoke County	January 7, 2006	Arkansas Division of Volunteerism Advisory Council

Susan Bradberry Arkansas County	October 5, 2005	Crime Victims Reparations Board
Todd Armstrong Lonoke County	May 26, 2007	Arkansas Board of Private Investigators and Private Security Agencies
Peggy Williams Lonoke County	December 1, 2006	Arkansas Apprenticeship Coordination Steering Committee
Sharon Capps Lonoke County	June 30, 2009	Arkansas State Board of Pharmacy
Sammie Cox Lonoke County	June 15, 2007	Board of Electrical Examiners of the State of Arkansas
Davis Bell Prairie County	Drawing of Lots	Arkansas Fire Protection Services Board
Dan Rieke Prairie County	August 17, 2008	Arkansas State Board of Public Accountancy
Blake Swears Lonoke County	Drawing of Lots	Arkansas Young and Beginning Farmer Advisory Board
Don Keesee Lonoke County	September 1, 2006	State Board of Examiners of Alcoholism and Drug Abuse Counselors
Marion Scott Lonoke County	June 1, 2006	Arkansas Deaf & Hearing Impaired Telecommunications Services Corporation
Ray Vester Arkansas County	March 17, 2005	State Plant Board
Rose Bryant-Jones Lonoke County	August 13, 2006	Martin Luther King, Jr. Commission

**SENATOR BRENDA GULLETT
SENATE CONFIRMATIONS 2003**

<u>APPOINTEE & COUNTY</u>	<u>EXPIRATION DATE</u>	<u>BOARD OR COMMISSION</u>
Jack McNulty Jefferson County	January 14, 2005	Arkansas Economic Development Commission
Larry Fratesi Jefferson County	March 9, 2009	Arkansas Public Employees' Retirement System Board of Trustees
Carolyn Davis Jefferson County	January 15, 2008	Arkansas Dietetics Licensing Board
Nancy Young Grant County	July 18, 2008	Arkansas State Board of Registration for Foresters

John Garrison Jefferson County	September 1, 2012	Arkansas Authority on Financing Hospital Equipment
Diane Tatum Jefferson County	June 30, 2009	State Board of Education
Ed Carrington Jefferson County	June 15, 2007	Board of Electrical Examiners of the State of Arkansas
B.K. Bethge Jefferson County	July 22, 2006	Arkansas Building Authority Council
Stan Owen Jefferson County	July 20, 2005	Advisory Council for the Education of Gifted and Talented Children
Zelda Hoaglan Jefferson County	July 26, 2008	Governor's Developmental Disabilities Council
John Mattingly Saline County	July 15, 2005	Arkansas Athletic Commission
Daniel Smith Jefferson County	June 30, 2008	State Board of Sanitarians
John Ross Jefferson County	September 1, 2008	Arkansas State Board of Dental Examiners
Frank Wilson Cleveland County	July 31, 2006	University of Arkansas at Monticello Board of Visitors
Craig Christiansen Jefferson County	July 18, 2006	State Fire Prevention Commission
Rhonda Mullikin Lincoln County	July 31, 2006	University of Arkansas at Monticello Board of Visitors
John McGehee Lincoln County	January 14, 2009	Arkansas School for the Blind and the Arkansas School for the Deaf Board of Trustees
Dr. Omar Atiq Jefferson County	December 31, 2004	Task Force on Racial Profiling
Theresa Horton Lincoln County	October 15, 2006	Long Term Care Facility Advisory Board
Nathan Angel Saline County	Drawing of Lots	Arkansas Home Inspector Registration Board
Jack Jones Jefferson County	July 1, 2008	Arkansas Public Defender Commission
Kenneth Baim Jefferson County	July 1, 2004	Southeast Arkansas College Board of Trustees
John Hauge Jefferson County	July 1, 2005	Arkansas Tobacco Control Board
Donnie Savage Jefferson County	December 31, 2004	Task Force on Racial Profiling
Harold Pointer Jefferson County	June 03, 2007	Arkansas Crime Information Center Supervisory Board

SENATOR KIM HENDREN
SENATE CONFIRMATIONS 2003

<u>APPOINTEE & COUNTY</u>	<u>EXPIRATION DATE</u>	<u>BOARD OR COMMISSION</u>
Charles Moxon Benton County	January 14, 2006	Criminal Detention Facility Review Committee, Judicial Dist. #19-West
Mary Lou Slinkard Benton County	May 28, 2005	State Board of Election Commissioners
Patrick Carr Benton County	January 1, 2007	Outdoor Recreation Grants Advisory Committee
J.D. Chastain Benton County	June 15, 2007	Board of Electrical Examiners of the State of Arkansas
Randy Lawson Benton County	June 30, 2009	State Board of Education
Dale Skupa Benton County	August 17, 2008	Arkansas State Board of Public Accountancy
Jack Hales Benton County	October 1, 2006	Residential Building Contractors Committee
Joyce Reed Benton County	June 30, 2008	Northwest Technical Institute Board of Directors
David Jordan Benton County	August 7, 2006	Arkansas Respiratory Care Examining Committee
Robert Sterrett Benton County	October 15, 2008	Governor's Commission on Veterans' Affairs
Larry Counts Washington County	September 14, 2007	State Board of Examiners of Alcoholism & Drug Abuse Counselors

SENATOR STEVE HIGGINBOTHOM
SENATE CONFIRMATIONS 2003

<u>APPOINTEE & COUNTY</u>	<u>EXPIRATION DATE</u>	<u>BOARD OR COMMISSION</u>
Jerry Himes Phillips County	June 30, 2005	Arkansas Board of Dispensing Opticians
Carl Hutchens Phillips County	October 1, 2006	Delta Cultural Center Policy Advisory Board
Mary Toney Crittenden County	July 1, 2009	Mid-South Community College
Marion Hooper Crittenden County	July 31, 2006	State Child Abuse and Neglect Prevention Board

Theodore Eldridge Phillips County	July 15, 2005	Arkansas Athletic Commission
Gracie Giles-Gonner Phillips County	July 1, 2005	Arkansas Child Abuse, Rape and Domestic Violence Commission
Peggy Wright St. Francis County	October 1, 2005	Delta Cultural Center Policy Advisory Board
Gary Hughes St. Francis County	June 30, 2006	Home Health Care Service Agency Advisory Council
Constance McDaniel St. Francis County	June 30, 2005	State Teacher Assistance Resource Commission
Travis Williams Phillips County	Drawing of Lots	Arkansas Fire Protection Services Board
Parthasarathy Vasudevan Phillips County	October 1, 2006	Delta Cultural Center Policy Advisory Board
Lawrence Vaughn Crittenden County	December 31, 2004	Task Force on Racial Profiling
Dr. Deborah King Phillips County	October 1, 2006	Delta Cultural Center Policy Advisory Board
Margaret Staub Phillips County	September 30, 2007	Board of Directors of the Arkansas Interest on Lawyers' Trust Account Foundation
Lynn Stillwell Phillips County	October 1, 2006	Delta Cultural Center Policy Advisory Board

SENATOR JIM HILL

SENATE CONFIRMATIONS 2003

<u>APPOINTEE & COUNTY</u>	<u>EXPIRATION DATE</u>	<u>BOARD OR COMMISSION</u>
Randy Quillin Hempstead County	March 29, 2007	Arkansas Pollution Control and Ecology Commission
James Hurtgen Pike County	January 14, 2007	Criminal Detention Facility Review Committee, Judicial Dist #9-West
Roy Chaloner Pike County	May 26, 2007	Arkansas Board of Private Investigators and Private Security Agencies
David Long Hempstead County	July 26, 2008	Governor's Developmental Disabilities Council
Cleon Green Howard County	July 26, 2008	Governor's Developmental Disabilities Council
Dennis Ramsey Hempstead County	January 1, 2007	Outdoor Recreation Grants Advisory Committee
Leanita Muldrew Hempstead County	January 14, 2004	Criminal Detention Facility Review Committee, Judicial Dist. #8 North

Dewight Mack Pike County	September 1, 2008	Arkansas Manufactured Home Commission
John McCoy Hempstead County	January 14, 2007	Criminal Detention Facility Review Committee, Judicial Dist. #8, North
Tony Smith Pike County	June 1, 2006	State Board of Embalmers and Funeral Directors

SENATOR JIM HOLT
SENATE CONFIRMATIONS 2003

<u>APPOINTEE & COUNTY</u>	<u>EXPIRATION DATE</u>	<u>BOARD OR COMMISSION</u>
Bonnie Coates Washington County	June 30, 2009	DHS State Institutional System Board
Patricia Frederick Washington County	July 31, 2004	Arkansas Board of Health Education
Rex Morris Washington County	September 30, 2010	Professional Bail Bondsman Licensing Board
Lance Johnson Washington County	October 1, 2006	Residential Building Contractors Committee
Frank Duane Steele Washington County	September 1, 2007	Arkansas Title Insurance Agents' Licensing Board
Harold Harris Washington County	October 15, 2008	Governor's Commission on Veterans' Affairs
Susie Chapman Washington County	June 7, 2006	Arkansas State Board of Massage Therapy
Diana Shiell Washington County	January 31, 2005	Minority Health Commission

SENATOR BARBARA HORN
SENATE CONFIRMATIONS 2003

<u>APPOINTEE & COUNTY</u>	<u>EXPIRATION DATE</u>	<u>BOARD OR COMMISSION</u>
Gerald Whistle Miller County	May 10, 2009	Red River Levee District 1
Paul Brent Lafayette County	May 10, 2009	Red River Levee District 1

Beverly Kersey Miller County	June 1, 2004	Governor's Commission on People with Disabilities
John Smelley LaFayette County	May 10, 2009	Red River Levee District 1
Margaret Thompson Miller County	June 9, 2008	Arkansas State Board of Chiropractic Examiners
Doyle Harrison Miller County	January 14, 2006	Governor's Advisory Council on Aging
Larry Autry Little River County	June 30, 2005	Arkansas State Board of Pharmacy
Lou Ella Humphrey Miller County	June 30, 2005	Arkansas Legislative Commission on Nursing
James Cowart, Jr. Miller County	January 1, 2007	Outdoor Recreation Grants Advisory Committee
Glen Young Little River County	January 14, 2006	Arkansas Revenue Department Building Commission
Jimmy Leopard Hempstead County	October 1, 2007	Tobacco Prevention and Cessation Advisory Committee
Kevin Huff Miller County	October 1, 2009	Garland Levee District Board of Directors
Randy House Miller County	January 14, 2007	Criminal Detention Facility Review Committee, Judicial District #8 South
Ann Brown Miller County	October 1, 2009	Garland Levee District Board of Directors
John Upton Lafayette County	March 31, 2010	Red River Compact Commission
Linda Crawford Miller County	November 9, 2008	Arkansas Department of Aeronautics Commission
Rodney Heigle Miller County	October 1, 2009	Garland Levee District Board of Directors
Ray Nelson Miller County	June 30, 2007	Arkansas Judicial Discipline and Disability Commission
Virginia Lee Little River County	July 18, 2006	State Fire Prevention Commission
Vernon Pate Lafayette County	January 14, 2007	Criminal Detention Facility Review Committee, Judicial Dist #8 South

SENATOR GENE JEFFRESS
SENATE CONFIRMATIONS 2003

<u>APPOINTEE & COUNTY</u>	<u>EXPIRATION DATE</u>	<u>BOARD OR COMMISSION</u>
Virginia Risinger Union County	January 15, 2006	Arkansas Appraisers Licensing and Certification Board
Robert Watson Union County	April 8, 2007	State and Public School Life and Health Insurance Board
Lanatter Fox Union County	June 30, 2007	Arkansas Arts Advisory Council
William Philip Seaton Ouachita County	July 1, 2006	Emergency Medical Services Advisory Council
Henry Gilbert Union County	July 1, 2007	Arkansas Natural and Cultural Resources Council
George Baumgardner Union County	December 31, 2006	South Arkansas Community College Board of Trustees
Terry Laster Union County	Drawing of Lots	Arkansas Young and Beginning Farmer Advisory Board
Marcia Newton-White Union County	July 8, 2005	Arkansas Student Loan Authority
Gene Summers Union County	January 7, 2007	Arkansas Division of Volunteerism Advisory Council
Kay Humphries Calhoun County	July 18, 2006	State Fire Prevention Commission

SENATOR JIMMY JEFFRESS
SENATE CONFIRMATIONS 2003

<u>APPOINTEE & COUNTY</u>	<u>EXPIRATION DATE</u>	<u>BOARD OR COMMISSION</u>
Robin McClendon Drew County	June 8, 2008	Mississippi River Parkway Commission
Leyden Pugh Chicot County	June 30, 2005	Arkansas Catfish Promotion Board
Jerald Williamson Chicot County	June 30, 2005	Arkansas Catfish Promotion Board

William Troutt Chicot County	June 30, 2005	Arkansas Catfish Promotion Board
John Kidwell Bradley County	January 14, 2006	Criminal Detention Facility Review Committee, Judicial Dist. #10
Arnold Blankers Ashley County	January 14, 2007	Criminal Detention Facility Review Committee, Judicial Dist. #10
James Jett Drew County	September 1, 2008	Arkansas Manufactured Home Commission
Lathan Hairston Bradley County	September 1, 2012	Arkansas Authority on Financing Hospital Equipment
Benny Ryburn, III Drew County	July 31, 2006	University of Arkansas at Monticello Board of Visitors
Herbert Hutchison Ashley County	July 31, 2006	University of Arkansas at Monticello Board of Visitors
Marilyn Johnson Bradley County	July 31, 2006	University of Arkansas at Monticello Board of Visitors
Andrew Tolbert Bradley County	January 14, 2007	Arkansas School for the Blind and School for the Deaf Board of Trustees
Scott Claycomb Bradley County	June 30, 2005	Arkansas Commission on Eye and Vision Care of School Age Children
Johnny Foster Ashley County	Drawing of Lots	Arkansas Fire Protection Services Board
Tommy Poole Chicot County	July 31, 2006	University of Arkansas at Monticello Board of Visitors
Ian Beer Drew County	July 31, 2006	University of Arkansas at Monticello Board of Visitors
Cynthia Montgomery Desha County	July 31, 2006	University of Arkansas at Monticello Board of Visitors
Judy Kirkley Ashley County	July 31, 2006	University of Arkansas at Monticello Board of Visitors
Bob Graham Chicot County	December 31, 2004	Task Force on Racial Profiling
Laurie Black Chicot County	January 14, 2010	Keep Arkansas Beautiful Commission
LeAnne Bird Drew Copunty	June 30, 2007	Arkansas Pygmalion Commission on Nontraditional Education

SENATOR BOB JOHNSON
SENATE CONFIRMATIONS 2003

<u>APPOINTEE & COUNTY</u>	<u>EXPIRATION DATE</u>	<u>BOARD OR COMMISSION</u>
Billy Gipson Perry County	January 14, 2005	Livestock and Poultry Commission
Elizabeth Blankenship Cleburne County	April 9, 2006	Health Services Permit Commission
Richard McCormac Van Buren County	January 14, 2007	Criminal Detention Facility Review Committee, Judicial Dist. #20
Susan Underwood Perry County	July 1, 2006	Arkansas Early Childhood Commission
Suellen Ward Faulkner County	July 1, 2006	Arkansas Early Childhood Commission
Michael Allison Conway County	July 1, 2006	Sex Offenders Assessment Committee
Gordon Warren Conway County	January 14, 2007	Criminal Detention Facility Review Committee, Judicial Dist. #15
Charles Gangluff Conway County	Drawing of Lots	Arkansas Fire Protection Services Board
Mark Carson Cleburne County	February 1, 2004	State Rehabilitation Council
John Tyer Van Buren County	October 1, 2007	Individual Sewage Disposal Systems Advisory Council
Brenda Hargis Cleburne County	October 15, 2006	Long Term Care Facility Advisory Board
John Trafford Conway County	July 31, 2009	Grade "A" Milk Program Advisory Committee
Harold Cox Perry County	January 14, 2008	Criminal Detention Facility Review Committee, Judicial Dist. #6
Lorrie Kirk Perry County	January 14, 2006	Arkansas Commission on National and Community Service

SENATOR RANDY LAVERTY
SENATE CONFIRMATIONS 2003

<u>APPOINTEE & COUNTY</u>	<u>EXPIRATION DATE</u>	<u>BOARD OR COMMISSION</u>
Troy Waters Searcy County	January 1, 2007	Arkansas Local Police and Fire Retirement system Board of Trustees
Roy Ragland Searcy County	December 31, 2005	Arkansas Rural Development Commission
Sanford Varnell Madison County	July 1, 2008	Arkansas Game and Fish Commission
Fred Jenke Carroll County	January 14, 2007	Criminal Detention Facility Review Committee, Judicial Dist. #19 East
Dorothy Ragland Searcy County	May 3, 2005	Education Commission of the States
Mike McFarland Boone County	October 1, 2005	Residential Building Contractors Committee
Linda Kaye House Newton County	January 14, 2007	Criminal Detention Facility Review Committee, Judicial Dist. #14
Bryan King Carroll County	Drawing of Lots	Arkansas Young and Beginning Farmer Advisory Board
Ruby Faulconer Carroll County	September 1, 2008	Arkansas State Board of Dental Examiners
Roger Edwards Boone County	Drawing of Lots	Arkansas Fire Protection Services Board

SENATOR JIM LUKER
SENATE CONFIRMATIONS 2003

<u>APPOINTEE & COUNTY</u>	<u>EXPIRATION DATE</u>	<u>BOARD OR COMMISSION</u>
Dixie Carlson Crittenden County	January 14, 2009	Keep Arkansas Beautiful Commission
Virginia Manatt Monroe County	June 6, 2008	Mississippi River Parkway Commission
Lynn Allen Crittenden County	July 1, 2009	Mid-South Community College
Michael East Crittenden County	July 1, 2009	Mid-South Community College

John Cooper Cross County	June 30, 2005	Arkansas Soybean Promotion Board
Glenda Caldwell Cross County	June 30, 2008	Crowley's Ridge Technical Institute Board of Directors
Judy Brooks Crittenden County	July 26, 2008	Governor's Developmental Disabilities Council
Sherry Balentine Cross County	January 14, 2005	Criminal Detention Facility Review Committee, Judicial Dist. #1
John Fogleman Crittenden County	December 31, 2004	Circuit Court Apportionment Commission

**SENATOR SUE MADISON
SENATE CONFIRMATIONS 2003**

<u>APPOINTEE & COUNTY</u>	<u>EXPIRATION DATE</u>	<u>BOARD OR COMMISSION</u>
Theodore Collins Washington County	January 14, 2005	Criminal Detention Facility Review Committee, Judicial Dist. #4
Thomas Linthicum Washington County	January 14, 2007	Criminal Detention Facility Review Committee, Judicial Dist. #4
Tracee Williams Washington County	January 7, 2006	Arkansas Division of Volunteerism Advisory Council
James Hall Washington County	June 30, 2009	Arkansas Alternative Dispute Resolution Commission
Sherron West Washington County	June 1, 2008	State Board of Cosmetology
Bootsie Ackerman Washington County	August 1, 2007	Arkansas Pollution Control and Ecology Commission
Charles Robinson Washington County	March 19, 2012	Old State House Commission
David Knowles Washington County	July 1, 2007	State Board of Registration for Professional Engineers and Land Surveyors
Lepaine McHenry Washington County	October 15, 2006	Long Term Care Facility Advisory Board
Sabra Hassel Washington County	December 31, 2008	Arkansas Psychology Board

SENATOR PERCY MALONE
SENATE CONFIRMATIONS 2003

<u>APPOINTEE & COUNTY</u>	<u>EXPIRATION DATE</u>	<u>BOARD OR COMMISSION</u>
Wendell Evanson Clark County	December 1, 2005	Arkansas Board of Examiners in Counseling
Margie Russ Columbia County	December 31, 2003	State Banking Board
Terry DeWitt Clark County	January 14, 2006	Arkansas State Board of Athletic Training
William Haynes Nevada County	January 14, 2005	Arkansas State Board of Athletic Training
Marie Brown Columbia County	January 14, 2008	Southern Arkansas University Board of Trustees
Robert Hill Nevada County	July 1, 2006	Arkansas State Board of Physical Therapy
David Kirkpatrick Columbia County	Drawing of Lots	Arkansas Fire Protection Services Board
Billy Daniells Columbia County	July 15, 2005	Arkansas Athletic Commission
Kathy Bivens Ouachita County	June 30, 2006	Social Work Licensing Board
Eugene Pillard Clark County	January 14, 2007	Governor's Advisory Council on Aging
Alfred Smith Ouachita County	September 1, 2010	Ouachita River Commission
Bobby Joe Martin Nevada County	October 1, 2006	Residential Building Contractors Committee
William Mullins Nevada County	January 14, 2006	Criminal Detention Facility Review Committee, Judicial Dist. #8 North
Michael Kelly Clark County	December 1, 2006	Arkansas Board of Examiners in Counseling
Karen Breashears Clark County	December 1, 2006	Arkansas Apprenticeship Coordinating Steering Committee

SENATOR PAUL MILLER
SENATE CONFIRMATIONS 2003

<u>APPOINTEE & COUNTY</u>	<u>EXPIRATION DATE</u>	<u>BOARD OR COMMISSION</u>
W.K. McNeil Stone County	October 1, 2006	Delta Cultural Center Policy Advisory Board
Rhonda Sitzes Izard County	January 14, 2006	Governor's Advisory Council on Aging
George Hove Baxter County	July 31, 2006	Arkansas Board of Hearing Aid Dispensers
Bonnie Wyatt Izard County	July 1, 2010	Ozarka Technical College Board of Directors
David Curtis Fulton County	Drawing of Lots	Arkansas Young and Beginning Farmer Advisory Board
Tracy McLaughlin Izard County	October 1, 2007	Arkansas State Board of Nursing
Kenny Wyatt Stone County	June 30, 2005	Arkansas Commission on Eye and Vision Care of School Age Children
Jimmie Creech Randolph County	July 1, 2010	Black River Technical College Board of Directors
Richard Sackett Sharp County	January 14, 2007	State Emergency Response Commission

SENATOR MARY ANNE SALMON
SENATE CONFIRMATIONS 2003

<u>APPOINTEE & COUNTY</u>	<u>EXPIRATION DATE</u>	<u>BOARD OR COMMISSION</u>
Herman Shirley Pulaski County	April 26, 2008	State Board of Optometry
Mark Clinton Pulaski County	March 1, 2006	Amusement Ride Safety Advisory Board
Anna Haver Pulaski County	July 31, 2005	Arkansas Board of Health Education
LeighAnna Askins Pulaski County	Will of Governor	Early Intervention Interagency Coordinating Council
Terri Hardy Pulaski County	May 3, 2005	Education Commission of the States
Candyce Harris Pulaski County	January 14, 2006	Arkansas Commission on National and Community Service

James Graham Pulaski County	July 1, 2006	Governor's Trauma Advisory Council
Roy Kindle Pulaski County	June 30, 2007	Arkansas Pygmalion Commission on Nontraditional Education
Sam Cummings Pulaski County	June 30, 2007	Heating, Ventilation, A/C, Refrigeration Licensing Board
Michael Joshua Pulaski County	January 14, 2007	Arkansas Economic Development Commission
Daniel Dring Pulaski County	July 15, 2005	Arkansas Athletic Commission
Shelby McCook Pulaski County	April 8, 2007	State and Public School Life and Health Insurance Board
Santo Formica Pulaski County	January 14, 2006	Governor's Advisory Council on Aging
William Spradlin Pulaski County	September 1, 2008	Arkansas Manufactured Home Commission
Laura Gilson Pulaski County	September 29, 2005	Central Interstate Low-Level Radioactive Waste Commission
Charles Gunn Pulaski County	October 17, 2008	Arkansas Fire Protection Licensing Board
Mark Swanson Pulaski County	June 30, 2007	Arkansas Pygmalion Commission on Nontraditional Education
Ronald Boyles Pulaski County	June 30, 2005	Arkansas Commission on Eye and Vision Care of School Age Children
Martha Jackson Pulaski County	September 1, 2005	Arkansas Board of Podiatric Medicine
Artee Williams Pulaski County	March 9, 2008	Arkansas Public Employees' Retirement System Board of Trustees

**SENATOR TERRY SMITH
SENATE CONFIRMATIONS 2003**

<u>APPOINTEE & COUNTY</u>	<u>EXPIRATION DATE</u>	<u>BOARD OR COMMISSION</u>
Bob Kempkes Garland County	June 30, 2003	State Review Committee for Historic Preservation
Timothy Webb Garland County	December 31, 2003	State Board of Health
Ed Staton Garland County	July 31, 2006	Arkansas Board of Hearing Aid Dispensers

Ben Wofford Garland County	July 31, 2006	Arkansas Board of Hearing Aid Dispensers
Jim Morgan Garland County	June 30, 2007	Arkansas Pygmalion Commission on Nontraditional Education
Susan Holton Garland County	January 14, 2007	Criminal Detention Facility Review Committee, Judicial Dist. #18 East
Thomas Hopkins Garland County	Drawing of Lots	Arkansas Fire Protection Services
Bob Kempkes Garland County	June 30, 2007	State Review Committee for Historic Preservation
Ronnie Walker Garland County	June 22, 2006	Arkansas Towing and Recovery Board

SENATOR TRACY STEELE
SENATE CONFIRMATIONS 2003

<u>APPOINTEE & COUNTY</u>	<u>EXPIRATION DATE</u>	<u>BOARD OR COMMISSION</u>
Al Davis Pulaski County	October 17, 2007	Arkansas Fire Protection Licensing Board
Marty Ryall Pulaski County	August 13, 2005	Martin Luther King, Jr. Commission
Dexter Doyne Pulaski County	July 22, 2006	Arkansas Building Authority Council
Townsend Wolf, III Pulaski County	January 14, 2005	Arkansas School for Mathematics and Sciences Board of Trustees
LaCher Rockins Pulaski County	July 1, 2006	Arkansas Early Childhood Commission
Avery Page Pulaski County	December 31, 2005	Burial Association Board
Lawrence Fisher Pulaski County	July 15, 2005	Arkansas Athletic Commission
Stacy Williams Pulaski County	August 13, 2005	Martin Luther King, Jr. Commission

**SENATOR SHARON TRUSTY
SENATE CONFIRMATIONS 2003**

<u>APPOINTEE & COUNTY</u>	<u>EXPIRATION DATE</u>	<u>BOARD OR COMMISSION</u>
Wesley White Pope County	June 30, 2006	State Teacher Assistance Resource Commission
Gina Skelton Pope County	June 7, 2005	Arkansas State Board of Massage Therapy
Donald Loudon Pope County	Drawing of Lots	Arkansas Home Inspector Registration Board
Michael Burden Pope County	June 30, 2010	DHS State Institutional System Board
Felecia West Pope County	October 1, 2007	Arkansas Scenic Resources Preservation Coordinating Committee

**SENATOR RUTH WHITAKER
SENATE CONFIRMATIONS 2003**

<u>APPOINTEE & COUNTY</u>	<u>EXPIRATION DATE</u>	<u>BOARD OR COMMISSION</u>
Janice Myers Franklin County	June 30, 2004	Home Health Care Service Agency Advisory Council
Colleen Nick Crawford County	October 5, 2007	Crime Victims Reparations Board

**SENATOR HANK WILKINS
SENATE CONFIRMATIONS 2003**

<u>APPOINTEE & COUNTY</u>	<u>EXPIRATION DATE</u>	<u>BOARD OR COMMISSION</u>
Clyde Campbell Jefferson County	August 7, 2005	Arkansas Respiratory Care Examining Committee
Jerry Riley Jefferson County	August 13, 2006	Martin Luther King, Jr. Commission
Lewis White Jefferson County	August 13, 2006	Martin Luther King, Jr. Commission

Jammy Turner Arkansas County	September 1, 2007	Arkansas Manufactured Home Commission
Debbie Shea Desha County	June 30, 2004	Arkansas Arts Advisory Council
George Dunklin Arkansas County	June 30, 2005	Arkansas Rice Research and Promotion Board
Gene Mckissic Jefferson County	July 1, 2006	Arkansas Tobacco Control Board
Farris Madison Jefferson County	September 1, 2008	Arkansas Manufactured Home Commission
Mary Benjamin Jefferson County	October 1, 2007	Tobacco Prevention & Cessation Advisory Committee
Clearance Lovell Jefferson County	June 30, 2007	Arkansas Pygmalion Commission on Nontraditional Education
Cora Bradshaw Lincoln County	April 26, 2008	Arkansas State Board of Architects

SENATOR ED WILKINSON
SENATE CONFIRMATIONS 2003

<u>APPOINTEE & COUNTY</u>	<u>EXPIRATION DATE</u>	<u>BOARD OR COMMISSION</u>
Stephen Tabor Sebastian County	May 15, 2007	Arkansas Sentencing Commission
Don Murray Logan County	June 30, 2007	Arkansas Pygmalion Commission Nontraditional Education

SENATOR SHAWN WOMACK
SENATE CONFIRMATIONS 2003

<u>APPOINTEE & COUNTY</u>	<u>EXPIRATION DATE</u>	<u>BOARD OR COMMISSION</u>
Kathryn Scarsdale Boone County	June 30, 2009	State Board of Workforce Education and Career Opportunities
Danny Hickman Boone County	May 26, 2007	Arkansas Board of Private Investigators and Private Security Agencies
Gary Isbell Baxter County	June 30, 2007	Arkansas Pygmalion Commission on Nontraditional Education
Mark Ungerank Baxter County	June 9, 2008	Arkansas State Board of Chiropractic Examiners

James Brown Baxter County	June 30, 2007	Heating, Ventilation, A/C, Refrigeration Licensing Board
Arlon Hickman Boone County	June 22, 2006	Arkansas Towing and Recovery Board
Francis O'Brien Baxter County	July 15, 2005	Arkansas Athletic Commission
K.C. Jones Boone County	July 1, 2007	Governor's Trauma Advisory Council
Nelda Speaks Baxter County	January 1, 2007	Outdoor Recreation Grants Advisory Committee
Dan Sears Boone County	Will of Governor	Arkansas Coalition for Juvenile Justice
Gordon Webb Boone County	May 15, 2008	Arkansas Sentencing Commission
George Hove Baxter County	July 31, 2006	Arkansas Board of Hearing Aid Dispensers

**SENATOR TIM WOOLDRIDGE
SENATE CONFIRMATIONS 2003**

<u>APPOINTEE & COUNTY</u>	<u>EXPIRATION DATE</u>	<u>BOARD OR COMMISSION</u>
Wesley Eddington Greene County	February 1, 2004	State Rehabilitation Council
Carrie Rowland Greene County	January 1, 2007	Oversight Committee on Breast Cancer Research
Deborah Caspall Lawrence County	June 30, 2007	State Teacher Assistance Resource Commission
Roger Dickinson Greene County	January 14, 2007	Criminal Detention Facility Review Committee, Judicial Dist. #2
Dallas Wood Greene County	January 14, 2008	Arkansas State University Board of Trustees
L.M. Duncan Craighead County	July 15, 2005	Arkansas Athletic Commission
Mike Gaskill Greene County	January 14, 2007	Arkansas Local Police and Fire Retirement System Board of Trustees

STATE OF ARKANSAS

ARKANSAS SENATE

State Capitol

Little Rock, Arkansas 72201

ANN CORNWELL
Secretary of the Senate
Senate Fiscal Officer
State Capitol, Room 320
Little Rock, Arkansas 72201

March 4, 2004

The Honorable Mike Huckabee
Governor of Arkansas
Executive Chamber
State Capitol Building
Little Rock, Arkansas

Dear Governor Huckabee:

This is to advise that the Senate of the Eighty-Fourth General Assembly, on a motion of **Senator Denny Altes**, advised with and consented unanimously to the enclosed appointments heretofore submitted to this Honorable Body.

SENATOR DENNY ALTES
SENATE CONFIRMATIONS 2003

<u>APPOINTEE & COUNTY</u>	<u>EXPIRATION DATE</u>	<u>BOARD OR COMMISSION</u>
Eldon Coffman Sebastian County		Temporary Commission as Special Chairman on Worker's Compensation Commission for the case of <u>Judy Valor V. Conley Transport, Inc.</u>
James Damron Sebastian County	June 30, 2007	State Review Committee for Historic Preservation
Jerry Tomlin Sebastian County	July 18, 2006	State Fire Prevention Commission
Wayne Haver Sebastian County	June 30, 2007	Arkansas Pygmalion Commission on Nontraditional Education
Benny Gooden Sebastian County	June 30, 2007	Arkansas Pygmalion Commission on Nontraditional Education
Randy Hall Sebastian County	January 14, 2007	Criminal Detention Facility Review Committee, Judicial Dist. #12
Rob Covington Sebastian County	September 14, 2007	State Board of Examiners of Alcoholism and Drug Abuse Counselors
David Hudson Sebastian County	August 1, 2007	Arkansas State Land Information Board

Russell Gibson
Sebastian County

August 1, 2007

Arkansas State Land Information Board

Thurma Polinsky
Sebastian County

December 1, 2006

Arkansas Board of Examiners in Counseling

Respectfully submitted,

(SIGNED) ANN CORNWELL
Secretary of the Senate

AC/ads

cc: The Honorable Charlie Daniels, Secretary of State
Steve Guntharp, Director of Boards and Commissions

STATE OF ARKANSAS

ARKANSAS SENATE

State Capitol

Little Rock, Arkansas 72201

ANN CORNWELL
Secretary of the Senate
Senate Fiscal Officer
State Capitol, Room 320
Little Rock, Arkansas 72201

March 4, 2004

The Honorable Mike Huckabee
Governor of Arkansas
Executive Chamber
State Capitol Building
Little Rock, Arkansas

Dear Governor Huckabee:

This is to advise that the Senate of the Eighty-Fourth General Assembly, on a motion of **Senator Jim Argue** advised with and consented unanimously to the enclosed appointments heretofore submitted to this Honorable Body.

**SENATOR JIM ARGUE
SENATE CONFIRMATIONS 2003**

<u>APPOINTEE & COUNTY</u>	<u>EXPIRATION DATE</u>	<u>BOARD OR COMMISSION</u>
Shawna Oliver Pulaski County	January 14, 2005	Arkansas Commission on National and Community Service
Theodore Fotioo Pulaski County	June 30, 2005	Arkansas Board of Dispensing Opticians
Keith Jones Pulaski County	September 20, 2007	Public Transportation Coordination Council
David Eberdt Pulaski County	January 14, 2007	Arkansas Science and Technology Authority
Jack Acre Pulaski County	May 26, 2007	Arkansas Board of Private Investigators and Private Security Agencies
Bryan Jeffrey Pulaski County	January 14, 2007	Arkansas Development Finance Authority Board of Directors
Lynda Johnson Pulaski County	May 1, 2009	Arkansas Higher Education Coordinating Board
Leon Catlett Pulaski County	April 9, 2006	Health Services Permit Commission
Martha Hiett Pulaski County	June 30, 2007	Arkansas Pygmalion Commission on Nontraditional Education
Beatrice Reed Pulaski County	June 30, 2005	Arkansas Commission on Eye & Vision Care of School Age Children
Tom Bonner Pulaski County	Drawing of Lots	Baby Sharon's Children's Catastrophic Illness Grant Program Advisory Committee
Michael Tidwell Pulaski County	June 30, 2007	Arkansas Arts Advisory Council
Stephen Bingham Pulaski County	July 1, 2005	Arkansas Child Abuse, Rape and Domestic Violence Commission
Eddie Schmeckenbecher Pulaski County	July 1, 2005	Arkansas Child Abuse, Rape and Domestic Violence Commission
Gray LeMaster County	July 1, 2006	Sex Offenders Assessment Committee Pulaski
Richard Mays Pulaski County	December 31, 2003	State Banking Board
Mary Parker Pulaski County	December 31, 2009	Board of Corrections
James Montague Pulaski County	June 30, 2006	Board of Examiners in Speech-Language Pathology and Audiology
Kara Cooper County	July 1, 2006	Arkansas Early Childhood Commission Pulaski
Michael Manley Pulaski County	June 30, 2005	Arkansas Legislative Commission on Nursing
Virginia Robertson Pulaski County	July 1, 2005	Arkansas Child Abuse, Rape and Domestic Violence Commission

Frank Riggins Pulaski County	July 1, 2009	Arkansas State Board of Landscape Architects
Joe Musgrove Pulaski County	Will of Governor	Early Intervention Interagency Coordinating Council
Charles Tenney Pulaski County	July 1, 2007	State Board of Registration for Professional Engineers and Land Surveyors
Marlene Vadjunec Pulaski County	June 1, 2006	Governor's Commission on People with Disabilities
Leslie Smith Pulaski County	June 30, 2006	Social Work Licensing Board
Sharon Berry Pulaski County	June 30, 2007	Board of the Division of State Services for the Blind
Karen McKinney Pulaski County	December 5, 2004	Workers' Compensation Commission
Stacey Mahurin Pulaski County	June 30, 2004	Arkansas Pygmalion Commission on Nontraditional Education
Sherman Tate Pulaski County	December 31, 2004	Task Force on Racial Profiling
Henrietta Williams Pulaski County	January 14, 2009	Arkansas School for the Blind and the Arkansas the Arkansas School for the Deaf Board of Trustees
John Hartnedy Pulaski County	Drawing of Lots	Arkansas Advisory Commission on Mandated Health Insurance Benefits
Carolyn Walton Pulaski County	----	Information Network of Arkansas
Bob Trevino Pulaski County	October 1, 2006	Tobacco Prevention & Cessation Advisory Committee
Dale Charles Pulaski County	December 31, 2004	Task Force on Racial Profiling
Bruce Blackall Pulaski County	June 30, 2004	Heating, Ventilation, A/C, Refrigeration Licensing Board
David King Pulaski County	January 14, 2009	Arkansas School for the Blind and the Arkansas School for the Deaf Board of Trustees
Robert Campbell Pulaski County	October 15, 2008	Governor's Commission on Veterans' Affairs
Patricia Vannatta Pulaski County	July 31, 2006	Arkansas Board of Health Education
Len Pitcock Pulaski County	January 1, 2007	Outdoor Recreation Grants Advisory Committee
H.F. "Bunny" Brown Pulaski County	September 1, 2006	Arkansas Board of Podiatric Medicine
Patrick Anders Pulaski County	Will of Governor	Arkansas Public Art Advisory Board
John Davidson Pulaski County	June 30, 2007	Arkansas Pygmalion Commission on Nontraditional Education
Timothy Calicott	July 1, 2005	Emergency Medical Services Advisory Council

Pulaski County

Joe Pevahouse January 14, 2007 State Kidney Disease Commission
Pulaski County

Cynthia Elizonda December 31, 2004 Task Force on Racial Profiling
Pulaski County

Respectfully Submitted,

(SIGNED) ANN CORNWELL
Secretary of the Senate

AC/ads

cc: The Honorable Charlie Daniels, Secretary of State
 Steve Guntharp, Director of Boards and Commissions

STATE OF ARKANSAS

ARKANSAS SENATE

State Capitol

Little Rock, Arkansas 72201

ANN CORNWELL
Secretary of the Senate
Senate Fiscal Officer
State Capitol, Room 320
Little Rock, Arkansas 72201

March 4, 2004

The Honorable Mike Huckabee
Governor of Arkansas
Executive Chamber
State Capitol Building
Little Rock, Arkansas

Dear Governor Huckabee:

This is to advise that the Senate of the Eighty-Fourth General Assembly, on a motion of **Senator Gilbert Baker**, advised with and consented unanimously to the enclosed appointments heretofore submitted to this Honorable Body.

**SENATOR GILBERT BAKER
SENATE CONFIRMATIONS 2003**

<u>APPOINTEE & COUNTY</u>	<u>EXPIRATION DATE</u>	<u>BOARD OR COMMISSION</u>
Billy Bob French Faulkner County	June 30, 2008	State Board of Barber Examiners
Vance Strange Faulkner County	April 8, 2005	State and Public School Life and Health Insurance Board
Curtis Brewer Faulkner County	December 1, 2003	Arkansas Dairy Committee
Bruce Leggitt Faulkner County	December 31, 2003	Arkansas Rural Development Commission
Bill Johnson Faulkner County	May 1, 2009	Arkansas Higher Education Coordinating Board
Shari Campbell Pulaski County	June 30, 2009	State Board of Barber Examiners
Robert "Bunny" Adcock Faulkner County	February 9, 2007	Bank Commissioner
Allan Roisen Faulkner County	January 14, 2007	Criminal Detention Facility Review Committee, Judicial Dist. #20
Michael Maggio Faulkner County	July 1, 2005	Arkansas Child Abuse, Rape and Domestic Violence Commission
Tina Pilgreen Faulkner County	Will of Governor	Early Intervention Interagency Coordinating Council
Bum Lee Faulkner County	January 14, 2007	Arkansas Science and Technology Authority
Ephrain Valdez Faulkner County	March 29, 2006	Arkansas Pollution Control and Ecology Commission
John Mattox Faulkner County	April 8, 2007	State and Public School Life and Health Insurance Board
Dawn Tirado Simpson Faulkner County	Drawing of Lots	Committee on Closing the Academic Achievement Gap in Arkansas
Jason Walsh Faulkner County	June 22, 2006	Arkansas Towing and Recovery Board
Elden Myers Faulkner County	July 1, 2007	Elevator Safety board
Dan West Faulkner County	October 1, 2007	Arkansas State Board of Nursing
Steve Ward Faulkner County	September 20, 2006	Public Transportation Coordination Council
Theman Taylor, Sr. Faulkner County	October 1, 2006	Delta Cultural Center Policy Advisory Board
Shane Ford Faulkner County	June 30, 2005	Arkansas Commission on Eye and Vision Care of School Age Children

Ephrain Valdez
Faulkner County

December 31, 2004

Task Force on Racial Profiling

Robert Goff
Faulkner County

November 1, 2008

Arkansas State Board of Registration
for Professional Soil Classifiers

Respectfully Submitted,

(SIGNED) ANN CORNWELL
Secretary of the Senate

Cc: The Honorable Charlie Daniels, Secretary of the Senate
Steve Guntharp, Director of Boards and Commissions

STATE OF ARKANSAS

ARKANSAS SENATE

State Capitol

Little Rock, Arkansas 72201

ANN CORNWELL
Secretary of the Senate
Senate Fiscal Officer
State Capitol, Room 320
Little Rock, Arkansas 72201

March 4, 2004

The Honorable Mike Huckabee
Governor of Arkansas
Executive Chamber
State Capitol Building
Little Rock, Arkansas

Dear Governor Huckabee:

This is to advise that the Senate of the Eighty-Fourth General Assembly, on a motion of **Senator Dave Bisbee**, advised with and consented unanimously to the enclosed appointments heretofore submitted to this Honorable Body.

**SENATOR DAVE BISBEE
SENATE CONFIRMATIONS 2003**

<u>APPOINTEE & COUNTY</u>	<u>EXPIRATION DATE</u>	<u>BOARD OR COMMISSION</u>
Dick Trammel Benton County	June 30, 2007	Arkansas Arts Advisory Council
Bob Dufour Benton County	June 30, 2009	State Board of Pharmacy
Jerry Hudlow Benton County	July 1, 2006	Arkansas Early Childhood Commission
Jamin Snarr Benton County	July 1, 2006	Emergency Medical Services Advisory Council
Janet Parks Benton County	July 31, 2005	Arkansas State Board of Acupuncture and Related Techniques
Mary Kay Sullivan Benton County	August 1, 2007	Arkansas State Land Information Board
Curtis Boyd Benton County	Drawing of Lots	Arkansas Fire Protection Services Board
Andrew Jaeger Benton County	Drawing of Lots	Arkansas Fire Protection Services Board
Daniel Brackett Benton County	August 1, 2006	Public Education Technology Advisory Board
Lindi Johnson Benton County	June 30, 2007	Board of the Division of State Services for the Blind
Jerry Pittman Benton County	July 31, 2007	State Marketing Board for Recyclables
William Carmack Benton County	October 5, 2006	Marine Sanitation Advisory Committee
Donna Hutchinson Benton County	July 8, 2007	Arkansas Student Loan Authority

Respectfully Submitted,

(SIGNED) ANN CORNWELL
Secretary of the Senate

AC:ads

Cc: The Honorable Charlie Daniels, Secretary of State
Steve Guntharp, Director of Boards and Commissions

STATE OF ARKANSAS

ARKANSAS SENATE

State Capitol

Little Rock, Arkansas 72201

ANN CORNWELL
Secretary of the Senate
Senate Fiscal Officer
State Capitol, Room 320
Little Rock, Arkansas 72201

March 4, 2004

The Honorable Mike Huckabee
Governor of Arkansas
Executive Chamber
State Capitol Building
Little Rock, Arkansas

Dear Governor Huckabee:

This is to advise that the Senate of the Eighty-Fourth General Assembly, on a motion of **Senator Jerry Bookout**, advised with and consented unanimously to the enclosed appointments heretofore submitted to this Honorable Body.

SENATOR JERRY BOOKOUT
SENATE CONFIRMATIONS 2003

<u>APPOINTEE & COUNTY</u>	<u>EXPIRATION DATE</u>	<u>BOARD OR COMMISSION</u>
Lori Roach Craighead County	October 17, 2007	Arkansas Fire Protection Licensing Board
William Howard Craighead County	May 15, 2008	Arkansas Sentencing Commission
Wayne Wiggins Craighead County	June 30, 2005	Arkansas Rice Research and Promotion Board
Jerry Brackett Craighead County	Will of Governor	Arkansas Public Art Advisory Board
Barry Ledbetter Craighead County	September 1, 2007	Arkansas Title Insurance Agents' Licensing Board
Joe Barre Craighead County	July 14, 2006	Perfusionists Advisory Committee
Sherry Burrow Craighead County	Drawing of Lots	Committee on Closing the Academic Achievement Gap in Arkansas
Todd Burton Craighead County	July 1, 2006	Arkansas State Board of Physical Therapy
Wayne Miller Craighead County	Drawing of Lots	Arkansas Fire Protection Services Board

Susan Carter Craighead County	June 30, 2006	Home Health Care Service Agency Advisory Council
Sherry Burrow Craighead County	June 30, 2004	State Board of Education
Charles Coleman Craighead County	July 8, 2007	Arkansas Student Loan Authority
Tyra Whitaker Craighead County	December 1, 2006	Arkansas Board of Examiners in Counseling
Pamela Crowson Craighead County	October 1, 2007	Arkansas State Board of Nursing
Lynda Medlock Craighead County	December 31, 2006	Arkansas Humanities Council

Respectfully Submitted,

(SIGNED) ANN CORNWELL
Secretary of the Senate

AC:ads

Cc: The Honorable Charlie Daniels, Secretary of State
Steve Guntharp, Director of Boards and Commissions

STATE OF ARKANSAS

ARKANSAS SENATE

State Capitol

Little Rock, Arkansas 72201

ANN CORNWELL
Secretary of the Senate
Senate Fiscal Officer
State Capitol, Room 320
Little Rock, Arkansas 72201

March 4, 2004

The Honorable Mike Huckabee
Governor of Arkansas
Executive Chamber
State Capitol Building
Little Rock, Arkansas

Dear Governor Huckabee:

This is to advise that the Senate of the Eighty-Fourth General Assembly, on a motion of **Senator Shane Broadway**, advised with and consented unanimously to the enclosed appointments heretofore submitted to this Honorable Body.

**SENATOR SHANE BROADWAY
SENATE CONFIRMATIONS 2003**

<u>APPOINTEE & COUNTY</u>	<u>EXPIRATION DATE</u>	<u>BOARD OR COMMISSION</u>
Don Carter Saline County	June 30, 2008	State Board of Barber Examiners
Ronald Moore Saline County	June 1, 2006	Governor's Commission on People with Disabilities
Mary Harris Saline County	April 15, 2010	State Board of Private Career Education
Brad Wooley Pulaski County	April 15, 2007	Auctioneers Licensing Board
Betty Davis Pulaski County	December 31, 2007	Arkansas Board of Examiners in Psychology
Brett Morgan Pulaski County	January 1, 2010	Arkansas Game and Fish Commission
Robert Thompson Saline County	June 15, 2007	Board of Electrical Examiners of the State of Arkansas
Jack Justus Pulaski County	June 30, 2010	State Board of Workforce Education and Career Opportunities
James Herzfeld Saline County	July 1, 2010	Pulaski Technical College Board of Trustees
Daniel Flora Saline County	July 1, 2005	Arkansas Child Abuse, Rape and Domestic Violence Commission
Henry Lile Pulaski County	June 30, 2007	Arkansas Aviation and Aerospace Commission
Ronnie Jones Jefferson County	July 1, 2010	Southeast Arkansas College Board of Trustees
Aurian Zoldessy Pulaski County	July 1, 2005	Arkansas Child Abuse, Rape and Domestic Violence Commission
Ronald Rivers Saline County	July 1, 2008	Arkansas Tobacco Control Board
Robert McGrew Pulaski County	July 31, 2006	Arkansas Board of Hearing Aid Dispensers
Lisa Channell Saline County	July 1, 2005	Arkansas Child Abuse, Rape and Domestic Violence Commission
Rickey Williams Pulaski County	January 14, 2007	Arkansas Science and Technology Authority
Gordon Knetzer Saline County	January 14, 2007	Arkansas Science and Technology Authority

Kenneth Musteen Saline County	June 1, 2006	Arkansas Deaf & Hearing Impaired Telecommunications Services Corporation
Dr. Wendell Pahls Pulaski County	July 1, 2007	Governor's Trauma Advisory Council
Bernard Bevill Pulaski County	September 29, 2005	Central Interstate Low-Level Pulaski Radioactive Waste Commission
Annette Enderlin Saline County	June 30, 2005	Arkansas Commission on Eye and Vision Care of School Age Children
Melissa Simpson Saline County	Will of Governor	Arkansas Division of Volunteerism Advisory Council
Timothy Luft Pulaski County	July 14, 2006	Perfusionists Advisory Committee
Richard Emmel Pulaski County	Drawing of Lots	Baby Sharon's Children's Catastrophic Illness Grant Program Advisory Committee
Doyle Webb Saline County	December 31, 2004	Task Force on Racial Profiling
Terri Hardy Pulaski County	May 3, 2005	Education Commission of the States
Lee Leibovich Saline County	October 18, 2010	State Library Board
Brenda Allen Saline County	June 1, 2006	Arkansas Deaf and Hearing Impaired Telecommunications Services Corporation

Respectfully Submitted,

(SIGNED) ANN CORNWELL
Secretary of the Senate

AC:ads

Cc: The Honorable Charlie Daniels, Secretary of State
Steve Guntharp, Director of Boards and Commissions

STATE OF ARKANSAS

ARKANSAS SENATE

State Capitol

Little Rock, Arkansas 72201

ANN CORNWELL
Secretary of the Senate
Senate Fiscal Officer
State Capitol, Room 320
Little Rock, Arkansas 72201

March 4, 2004

The Honorable Mike Huckabee
Governor of Arkansas
Executive Chamber
State Capitol Building
Little Rock, Arkansas

Dear Governor Huckabee:

This is to advise that the Senate of the Eighty-Fourth General Assembly, on a motion of **Senator Irma Hunter Brown**, advised with and consented unanimously to the enclosed appointments heretofore submitted to this Honorable Body.

SENATOR IRMA HUNTER BROWN
SENATE CONFIRMATIONS 2003

<u>APPOINTEE & COUNTY</u>	<u>EXPIRATION DATE</u>	<u>BOARD OR COMMISSION</u>
Stephen Hare Pulaski County	June 1, 2005	Governor's Commission on People with Disabilities
Margaret Williams Pulaski County	August 13, 2003	Martin Luther King, Jr. Commission
Ronald Ross Pulaski County	April 26, 2008	Arkansas State Board of Architects
John Roberts Pulaski County	June 30, 2007	State Review Committee for Historic Preservation
Becky Del Rio Pulaski County	June 30, 2006	Board of Examiners in Speech-Language Pathology and Audiology
Robert Walters Pulaski County	July 1, 2007	State Board of Registration for Professional Engineers and Land Surveyors
Michael Vowell Pulaski County	May 26, 2007	Arkansas Board of Private Investigators and Private Security Agencies
Mark Carter Pulaski County	July 1, 2008	Arkansas Tobacco Control Board
Rickey Hicks Pulaski County	December 31, 2004	Task Force on Racial Profiling

Barbara Gilkey Pulaski County	July 1, 2006	Arkansas Early Childhood Commission
Dr. Dexter Booth Pulaski County	October 1, 2007	Minority Teachers Recruitment Advisory Council
Dr. William Broadnax Pulaski County	October 1, 2006	Minority Teachers Recruitment Advisory Council
Solomon Bradford Pulaski County	August 13, 2005	Capitol Zoning District Commission
Searcy Ewell, Sr. Pulaski County	June 30, 2007	Board of the Division of State Services for the Blind

Respectfully Submitted,

(SIGNED) ANN CORNWELL
Secretary of the Senate

AC:ads

Cc: The Honorable Charlie Daniels, Secretary of State
Steve Guntharp, Director of Boards and Commissions

STATE OF ARKANSAS

ARKANSAS SENATE

State Capitol

Little Rock, Arkansas 72201

**ANN CORNWELL
Secretary of the Senate
Senate Fiscal Officer
State Capitol, Room 320
Little Rock, Arkansas 72201**

March 4, 2004

The Honorable Mike Huckabee
Governor of Arkansas
Executive Chamber
State Capitol Building
Little Rock, Arkansas

Dear Governor Huckabee:

This is to advise that the Senate of the Eighty-Fourth General Assembly, on a motion of **Senator Steve Bryles**, advised with and consented unanimously to the enclosed appointments heretofore submitted to this Honorable Body.

SENATOR STEVE BRYLES
SENATE CONFIRMATIONS 2003

<u>APPOINTEE & COUNTY</u>	<u>EXPIRATION DATE</u>	<u>BOARD OR COMMISSION</u>
Sandra Kennett Mississippi County	May 3, 2004	Education Commission of the States
Gary Sitzer Poinsett County	June 30, 2005	Arkansas Soybean Promotion Board
Barry Walls Poinsett County	June 30, 2005	Arkansas Wheat Promotion Board
Edward Regenold Mississippi County	November 1, 2008	Blytheville-Gosnell Regional Airport Authority
Connie Ash Mississippi County	October 1, 2007	Tobacco Prevention & Cessation Advisory Committee
Amelia Stuckey Poinsett County	Will of Governor	Governor's Council on Physical Fitness

Respectfully Submitted,

(SIGNED) ANN CORNWELL
Secretary of the Senate

AC:ads

Cc: The Honorable Charlie Daniels, Secretary of State
Steve Guntharp, Director of Boards and Commissions

STATE OF ARKANSAS

ARKANSAS SENATE

State Capitol

Little Rock, Arkansas 72201

ANN CORNWELL
Secretary of the Senate
Senate Fiscal Officer
State Capitol, Room 320
Little Rock, Arkansas 72201

March 4, 2004

The Honorable Mike Huckabee
Governor of Arkansas
Executive Chamber
State Capitol Building
Little Rock, Arkansas

Dear Governor Huckabee:

This is to advise that the Senate of the Eighty-Fourth General Assembly, on a motion of **Senator John Paul Capps**, advised with and consented unanimously to the enclosed appointments heretofore submitted to this Honorable body.

SENATOR JOHN PAUL CAPPS
SENATE CONFIRMATIONS 2003

<u>APPOINTEE & COUNTY</u>	<u>EXPIRATION DATE</u>	<u>BOARD OR COMMISSION</u>
Randy Harriman White County	January 14, 2006	Arkansas State Board of Athletic Training
Roger Pearson White County	May 26, 2007	Arkansas Board of Private Investigators and Private Security Agencies
Lisa Williams White County	June 30, 2006	Board of Examiners in Speech-Language Pathology and Audiology
Rick Ezell Pulaski County	Drawing of Lots	Arkansas Fire Protection Services Board
James Carr White County	October 1, 2007	Arkansas State Board of Nursing
Debra Davis Pulaski County	July 1, 2006	Arkansas Early Childhood Commission
Boyd Wright White County	October 15, 2006	Long Term Care Facility Advisory Board

Respectfully Submitted,

(SIGNED) ANN CORNWELL
Secretary of the Senate

AC:ads

Cc: The Honorable Charlie Daniels, Secretary of State
Steve Guntharp, Director of Boards and Commissions

STATE OF ARKANSAS

ARKANSAS SENATE

State Capitol

Little Rock, Arkansas 72201

ANN CORNWELL
Secretary of the Senate
Senate Fiscal Officer
State Capitol, Room 320
Little Rock, Arkansas 72201

March 4, 2004

The Honorable Mike Huckabee
Governor of Arkansas
Executive Chamber
State Capitol Building
Little Rock, Arkansas

Dear Governor Huckabee:

This is to advise that the Senate of the Eighty-Fourth General Assembly, on a motion of **Senator Jack Critcher**, advised with and consented unanimously to the enclosed appointments heretofore submitted to this Honorable Body.

SENATOR JACK CRITCHER
SENATE CONFIRMATIONS 2003

<u>APPOINTEE & COUNTY</u>	<u>EXPIRATION DATE</u>	<u>BOARD OR COMMISSION</u>
Ronnie Kay Erwin Jackson County	July 20, 2006	Advisory Council for the Education of Gifted and Talented Children
Marvin Hare Jackson County	June 30, 2005	Arkansas Rice Research and Promotion Board
Keith Rutledge Independence County	Will of Governor	Arkansas Alcohol and Drug Abuse Coordinating Council
Don Ivie Independence County	July 18, 2006	State Fire Prevention Commission
Kaneaster Hodges Jackson County	March 30, 2005	Two-Year College and Technical Institute Study Committee
Darrell Hays Independence County	June 22, 2006	Arkansas Towing and Recovery Board
Augusta Williamson Independence County	October 1, 2006	Minority Teachers Recruitment Advisory Council

Tommy Young
Jackson County

July 1, 2005

Arkansas Corn & Grain Sorghum
Promotion Board

Stacey Caplener
Independence County

Drawing of Lots

Arkansas Fire Protection Services
Board

Respectfully Submitted,

(SIGNED) ANN CORNWELL
Secretary of the Senate

AC/ads

Cc: The Honorable Charlie Daniels, Secretary of State
Steve Guntharp, Director of Boards and Commissions

STATE OF ARKANSAS

ARKANSAS SENATE

State Capitol

Little Rock, Arkansas 72201

ANN CORNWELL
Secretary of the Senate
Senate Fiscal Officer
State Capitol, Room 320
Little Rock, Arkansas 72201

March 4, 2004

The Honorable Mike Huckabee
Governor of Arkansas
Executive Chamber
State Capitol Building
Little Rock, Arkansas

Dear Governor Huckabee:

This is to advise that the Senate of the Eighty-Fourth General Assembly, on a motion of **Senator Steve Faris**, advised with and consented unanimously to the enclosed appointments heretofore submitted to this Honorable Body.

**SENATOR STEVE FARIS
SENATE CONFIRMATIONS 2003**

<u>APPOINTEE & COUNTY</u>	<u>EXPIRATION DATE</u>	<u>BOARD OR COMMISSION</u>
George Haas Garland County	April 26, 2008	State Board of Optometry
Pam Vaughan Dallas County	July 20, 2006	Advisory Council for the Education of Gifted and Talented Children
John Ed Anthony Garland County	March 1, 2011	Board of Trustees of the University of Arkansas
Peter Paladino Hot Springs County	July 1, 2010	Ouachita Technical College Board of Directors
Marlin Freeman Saline County	June 30, 2006	Arkansas Board of Dispensing Opticians
Howard Coston Hot Spring County	January 14, 2007	Criminal Detention Facility Review Committee, Judicial Dist. #7
Mark Buhrow Garland County	October 5, 2005	Marine Sanitation Advisory Committee
Terry Beavers Montgomery County	October 5, 2006	Marine Sanitation Advisory Committee
Donna Ferguson Grant County	July 31, 2006	Arkansas Board of Health Education
Quin Baber Saline County	October 1, 2008	Board of Registration for Professional Geologists

Respectfully Submitted,

(SIGNED) ANN CORNWELL
Secretary of the Senate

Cc: The Honorable Charlie Daniels, Secretary of State
Steve Guntharp, Director of Boards and Commissions

STATE OF ARKANSAS

ARKANSAS SENATE

State Capitol

Little Rock, Arkansas 72201

ANN CORNWELL
Secretary of the Senate
Senate Fiscal Officer
State Capitol, Room 320
Little Rock, Arkansas 72201

March 4, 2004

The Honorable Mike Huckabee
Governor of Arkansas
Executive Chamber
State Capitol Building
Little Rock, Arkansas

Dear Governor Huckabee:

This is to advise that the Senate of the Eighty-Fourth General Assembly, on a motion of **Senator Bobby Glover**, advised with and consented unanimously to the enclosed appointments heretofore submitted to this Honorable Body.

SENATOR BOBBY GLOVER
SENATE CONFIRMATIONS 2003

<u>APPOINTEE & COUNTY</u>	<u>EXPIRATION DATE</u>	<u>BOARD OR COMMISSION</u>
Holbert Hill Lonoke County	January 14, 2007	Criminal Detention Facility Review Committee, Judicial Dist. #23
Rose Bryant Jones Lonoke County	January 15, 2007	Arkansas Cemetery Board
Ernestine Thomas Arkansas County	March 1, 2007	Child Welfare Agency Review Board
Charles Ammons Lonoke County	January 7, 2006	Arkansas Division of Volunteerism Advisory Council
Susan Bradberry Arkansas County	October 5, 2005	Crime Victims Reparations Board
Todd Armstrong Lonoke County	May 26, 2007	Arkansas Board of Private Investigators and Private Security Agencies
Peggy Williams Lonoke County	December 1, 2006	Arkansas Apprenticeship Coordination Steering Committee
Sharon Capps Lonoke County	June 30, 2009	Arkansas State Board of Pharmacy
Sammie Cox Lonoke County	June 15, 2007	Board of Electrical Examiners of the State of Arkansas

Davis Bell Prairie County	Drawing of Lots	Arkansas Fire Protection Services Board
Dan Rieke Prairie County	August 17, 2008	Arkansas State Board of Public Accountancy
Blake Swears Lonoke County	Drawing of Lots	Arkansas Young and Beginning Farmer Advisory Board
Don Keesee Lonoke County	September 1, 2006	State Board of Examiners of Alcoholism and Drug Abuse Counselors
Marion Scott Lonoke County	June 1, 2006	Arkansas Deaf & Hearing Impaired Telecommunications Services Corporation
Ray Vester Arkansas County	March 17, 2005	State Plant Board
Rose Bryant-Jones Lonoke County	August 13, 2006	Martin Luther King, Jr. Commission

Respectfully Submitted,

(SIGNED) ANN CORNWELL
Secretary of the Senate

AC/ads

Cc: The Honorable Charlie Daniels, Secretary of State
Steve Guntharp, Director of Boards and Commissions

STATE OF ARKANSAS

ARKANSAS SENATE

State Capitol

Little Rock, Arkansas 72201

ANN CORNWELL
Secretary of the Senate
Senate Fiscal Officer
State Capitol, Room 320
Little Rock, Arkansas 72201

March 4, 2004

The Honorable Mike Huckabee
Governor of Arkansas
Executive Chamber
State Capitol Building
Little Rock, Arkansas

Dear Governor Huckabee:

This is to advise that the Senate of the Eighty-Fourth General Assembly, on a motion of **Senator Brenda Gullett**, advised with and consented unanimously to the enclosed appointments heretofore submitted to this Honorable Body.

**SENATOR BRENDA GULLETT
SENATE CONFIRMATIONS 2003**

<u>APPOINTEE & COUNTY</u>	<u>EXPIRATION DATE</u>	<u>BOARD OR COMMISSION</u>
Jack McNulty Jefferson County	January 14, 2005	Arkansas Economic Development Commission
Larry Fratesi Jefferson County	March 9, 2009	Arkansas Public Employees' Retirement System Board of Trustees
Carolyn Davis Jefferson County	January 15, 2008	Arkansas Dietetics Licensing Board
Nancy Young Grant County	July 18, 2008	Arkansas State Board of Registration for Foresters
John Garrison Jefferson County	September 1, 2012	Arkansas Authority on Financing Hospital Equipment
Diane Tatum Jefferson County	June 30, 2009	State Board of Education
Ed Carrington Jefferson County	June 15, 2007	Board of Electrical Examiners of the State of Arkansas
B.K. Bethge Jefferson County	July 22, 2006	Arkansas Building Authority Council
Stan Owen Jefferson County	July 20, 2005	Advisory Council for the Education of Gifted and Talented Children
Zelda Hoaglan Jefferson County	July 26, 2008	Governor's Developmental Disabilities Council
John Mattingly Saline County	July 15, 2005	Arkansas Athletic Commission
Daniel Smith Jefferson County	June 30, 2008	State Board of Sanitarians
John Ross Jefferson County	September 1, 2008	Arkansas State Board of Dental Examiners
Frank Wilson Cleveland County	July 31, 2006	University of Arkansas at Monticello Board of Visitors
Craig Christiansen Jefferson County	July 18, 2006	State Fire Prevention Commission
Rhonda Mullikin Lincoln County	July 31, 2006	University of Arkansas at Monticello Board of Visitors
John McGehee Lincoln County	January 14, 2009	Arkansas School for the Blind and the Arkansas School for the Deaf Board of Trustees
Dr. Omar Atiq Jefferson County	December 31, 2004	Task Force on Racial Profiling
Theresa Horton Lincoln County	October 15, 2006	Long Term Care Facility Advisory Board
Nathan Angel Saline County	Drawing of Lots	Arkansas Home Inspector Registration Board

Jack Jones Jefferson County	July 1, 2008	Arkansas Public Defender Commission
Kenneth Baim Jefferson County	July 1, 2004	Southeast Arkansas College Board of Trustees
John Hauge Jefferson County	July 1, 2005	Arkansas Tobacco Control Board
Donnie Savage Jefferson County	December 31, 2004	Task Force on Racial Profiling
Harold Pointer Jefferson County	June 03, 2007	Arkansas Crime Information Center Supervisory Board

Respectfully Submitted,

(SIGNED) ANN CORNWELL
Secretary of the Senate

AC/ads

Cc: The Honorable Charlie Daniels, Secretary of State
Steve Guntharp, Director of Boards and Commissions

STATE OF ARKANSAS

ARKANSAS SENATE

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

March 4, 2004

The Honorable Mike Huckabee
Governor of Arkansas
Executive Chamber
State Capitol Building
Little Rock, Arkansas

Dear Governor Huckabee:

This is to advise that the Senate of the Eighty-Fourth General Assembly, on a motion of **Senator Kim Hendren**, advised with and consented unanimously to the enclosed appointments heretofore submitted to this Honorable Body.

**SENATOR KIM HENDREN
SENATE CONFIRMATIONS 2003**

<u>APPOINTEE & COUNTY</u>	<u>EXPIRATION DATE</u>	<u>BOARD OR COMMISSION</u>
Charles Moxon Benton County	January 14, 2006	Criminal Detention Facility Review Committee, Judicial Dist. #19-West
Mary Lou Slinkard Benton County	May 28, 2005	State Board of Election Commissioners
Patrick Carr Benton County	January 1, 2007	Outdoor Recreation Grants Advisory Committee
J.D. Chastain Benton County	June 15, 2007	Board of Electrical Examiners of the State of Arkansas
Randy Lawson Benton County	June 30, 2009	State Board of Education
Dale Skupa Benton County	August 17, 2008	Arkansas State Board of Public Accountancy
Jack Hales Benton County	October 1, 2006	Residential Building Contractors Committee
Joyce Reed Benton County	June 30, 2008	Northwest Technical Institute Board of Directors
David Jordan Benton County	August 7, 2006	Arkansas Respiratory Care Examining Committee
Robert Sterrett Benton County	October 15, 2008	Governor's Commission on Veterans' Affairs
Larry Counts Washington County	September 14, 2007	State Board of Examiners of Alcoholism & Drug Abuse Counselors

Respectfully Submitted,

(SIGNED) ANN CORNWELL
Secretary of the Senate

AC/ads

Cc: The Honorable Charlie Daniels, Secretary of State
Steve Guntharp, Director of Boards and Commissions

STATE OF ARKANSAS

ARKANSAS SENATE

State Capitol

Little Rock, Arkansas 72201

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

March 4, 2004

The Honorable Mike Huckabee
Governor of Arkansas
Executive Chamber
State Capitol Building
Little Rock, Arkansas

Dear Governor Huckabee:

This is to advise that the Senate of the Eighty-Fourth General Assembly, on a motion of **Senator Steve Higginbothom**, advised with and consented unanimously to the enclosed appointments heretofore submitted to this Honorable Body.

SENATOR STEVE HIGGINBOTHOM
SENATE CONFIRMATIONS 2003

<u>APPOINTEE & COUNTY</u>	<u>EXPIRATION DATE</u>	<u>BOARD OR COMMISSION</u>
Jerry Himes Phillips County	June 30, 2005	Arkansas Board of Dispensing Opticians
Carl Hutchens Phillips County	October 1, 2006	Delta Cultural Center Policy Advisory Board
Mary Toney Crittenden County	July 1, 2009	Mid-South Community College
Marion Hooper Crittenden County	July 31, 2006	State Child Abuse and Neglect Prevention Board
Theodore Eldridge Phillips County	July 15, 2005	Arkansas Athletic Commission
Gracie Giles-Gonner Phillips County	July 1, 2005	Arkansas Child Abuse, Rape and Domestic Violence Commission
Peggy Wright St. Francis County	October 1, 2005	Delta Cultural Center Policy Advisory Board
Gary Hughes St. Francis County	June 30, 2006	Home Health Care Service Agency Advisory Council
Constance McDaniel St. Francis County	June 30, 2005	State Teacher Assistance Resource Commission
Travis Williams Phillips County	Drawing of Lots	Arkansas Fire Protection Services Board

Parthasarathy Vasudevan Phillips County	October 1, 2006	Delta Cultural Center Policy Advisory Board
Lawrence Vaughn Crittenden County	December 31, 2004	Task Force on Racial Profiling
Dr. Deborah King Phillips County	October 1, 2006	Delta Cultural Center Policy Advisory Board
Margaret Staub Phillips County	September 30, 2007	Board of Directors of the Arkansas Interest on Lawyers' Trust Account Foundation
Lynn Stillwell Phillips County	October 1, 2006	Delta Cultural Center Policy Advisory Board

Respectfully Submitted,

(SIGNED) ANN CORNWELL
Secretary of the Senate

AC/ads

Cc: The Honorable Charlie Daniels, Secretary of the Senate
Steve Guntharp, Director of Boards and Commissions

STATE OF ARKANSAS

ARKANSAS SENATE

State Capitol

Little Rock, Arkansas 72201

ANN CORNWELL
Secretary of the Senate
Senate Fiscal Officer
State Capitol, Room 320
Little Rock, Arkansas 72201

March 4, 2004

The Honorable Mike Huckabee
Governor of Arkansas
Executive Chamber
State Capitol Building
Little Rock, Arkansas

Dear Governor Huckabee:

This is to advise that the Senate of the Eighty-Fourth General Assembly, on a motion of **Senator Jim Hill**, advised with and consented unanimously to the enclosed appointments heretofore submitted to this Honorable Body.

**SENATOR JIM HILL
SENATE CONFIRMATIONS 2003**

<u>APPOINTEE & COUNTY</u>	<u>EXPIRATION DATE</u>	<u>BOARD OR COMMISSION</u>
Randy Quillin Hempstead County	March 29, 2007	Arkansas Pollution Control and Ecology Commission
James Hurtgen Pike County	January 14, 2007	Criminal Detention Facility Review Committee, Judicial Dist #9-West
Roy Chaloner Pike County	May 26, 2007	Arkansas Board of Private Investigators and Private Security Agencies
David Long Hempstead County	July 26, 2008	Governor's Developmental Disabilities Council
Cleon Green Howard County	July 26, 2008	Governor's Developmental Disabilities Council
Dennis Ramsey Hempstead County	January 1, 2007	Outdoor Recreation Grants Advisory Committee
Leanita Muldrew Hempstead County	January 14, 2004	Criminal Detention Facility Review Committee, Judicial Dist. #8 North
Dewight Mack Pike County	September 1, 2008	Arkansas Manufactured Home Commission
John McCoy Hempstead County	January 14, 2007	Criminal Detention Facility Review Committee, Judicial Dist. #8, North
Tony Smith Pike County	June 1, 2006	State Board of Embalmers and Funeral Directors

Respectfully Submitted,

(SIGNED) ANN CORNWELL
Secretary of the Senate

AC/ads

Cc: The Honorable Charlie Daniels, Secretary of State
Steve Guntharp, Director of Boards and Commissions

STATE OF ARKANSAS

ARKANSAS SENATE

State Capitol

Little Rock, Arkansas 72201

ANN CORNWELL
Secretary of the Senate
Senate Fiscal Officer
State Capitol, Room 320
Little Rock, Arkansas 72201

March 4, 2004

The Honorable Mike Huckabee
Governor of Arkansas
Executive Chamber
State Capitol Building
Little Rock, Arkansas

Dear Governor Huckabee:

This is to advise that the Senate of the Eighty-Fourth General Assembly, on a motion of **Senator Jim Holt**, advised with and consented unanimously to the enclosed appointments heretofore submitted to this Honorable Body.

SENATOR JIM HOLT
SENATE CONFIRMATIONS 2003

<u>APPOINTEE & COUNTY</u>	<u>EXPIRATION DATE</u>	<u>BOARD OR COMMISSION</u>
Bonnie Coates Washington County	June 30, 2009	DHS State Institutional System Board
Patricia Frederick Washington County	July 31, 2004	Arkansas Board of Health Education
Rex Morris Washington County	September 30, 2010	Professional Bail Bondsman Licensing Board
Lance Johnson Washington County	October 1, 2006	Residential Building Contractors Committee
Frank Duane Steele Washington County	September 1, 2007	Arkansas Title Insurance Agents' Licensing Board
Harold Harris Washington County	October 15, 2008	Governor's Commission on Veterans' Affairs
Susie Chapman Washington County	June 7, 2006	Arkansas State Board of Massage Therapy

Diana Shiell
Washington County

January 31, 2005

Minority Health Commission

Respectfully Submitted,

(SIGNED) ANN CORNWELL
Secretary of the Senate

AC/ads

Cc: The Honorable Charlie Daniels, Secretary of State
Steve Guntharp, Director of Boards and Commissions

STATE OF ARKANSAS

ARKANSAS SENATE

State Capitol

Little Rock, Arkansas 72201

ANN CORNWELL
Secretary of the Senate
Senate Fiscal Officer
State Capitol, Room 320
Little Rock, Arkansas 72201

March 4, 2004

The Honorable Mike Huckabee
Governor of Arkansas
Executive Chamber
State Capitol Building
Little Rock, Arkansas

Dear Governor Huckabee:

This is to advise that the Senate of the Eighty-Fourth General Assembly, on a motion of **Senator Barbara Horn**, advised with and consented unanimously to the enclosed appointments heretofore submitted to this Honorable Body.

**SENATOR BARBARA HORN
SENATE CONFIRMATIONS 2003**

<u>APPOINTEE & COUNTY</u>	<u>EXPIRATION DATE</u>	<u>BOARD OR COMMISSION</u>
Gerald Whistle Miller County	May 10, 2009	Red River Levee District 1
Paul Brent Lafayette County	May 10, 2009	Red River Levee District 1
Beverly Kersey Miller County	June 1, 2004	Governor's Commission on People with Disabilities
John Smelley LaFayette County	May 10, 2009	Red River Levee District 1
Margaret Thompson Miller County	June 9, 2008	Arkansas State Board of Chiropractic Examiners
Doyle Harrison Miller County	January 14, 2006	Governor's Advisory Council on Aging
Larry Autry Little River County	June 30, 2005	Arkansas State Board of Pharmacy
Lou Ella Humphrey Miller County	June 30, 2005	Arkansas Legislative Commission on Nursing
James Cowart, Jr. Miller County	January 1, 2007	Outdoor Recreation Grants Advisory Committee
Glen Young Little River County	January 14, 2006	Arkansas Revenue Department Building Commission
Jimmy Leopard Hempstead County	October 1, 2007	Tobacco Prevention and Cessation Advisory Committee
Kevin Huff Miller County	October 1, 2009	Garland Levee District Board of Directors
Randy House Miller County	January 14, 2007	Criminal Detention Facility Review Committee, Judicial District #8 South
Ann Brown Miller County	October 1, 2009	Garland Levee District Board of Directors
John Upton Lafayette County	March 31, 2010	Red River Compact Commission
Linda Crawford Miller County	November 9, 2008	Arkansas Department of Aeronautics Commission
Rodney Heigle Miller County	October 1, 2009	Garland Levee District Board of Directors
Ray Nelson Miller County	June 30, 2007	Arkansas Judicial Discipline and Disability Commission
Virginia Lee Little River County	July 18, 2006	State Fire Prevention Commission

Vernon Pate
Lafayette County

January 14, 2007

Criminal Detention Facility Review
Committee, Judicial Dist #8 South

Respectfully Submitted,

(SIGNED) ANN CORNWELL
Secretary of the Senate

AC/ads

Cc: The Honorable Charlie Daniels, Secretary of State
Steve Guntharp, Director of Boards and Commissions

STATE OF ARKANSAS

ARKANSAS SENATE

State Capitol

Little Rock, Arkansas 72201

**ANN CORNWELL
Secretary of the Senate
Senate Fiscal Officer
State Capitol, Room 320
Little Rock, Arkansas 72201**

March 4, 2004

The Honorable Mike Huckabee
Governor of Arkansas
Executive Chamber
State Capitol Building
Little Rock, Arkansas

Dear Governor Huckabee:

This is to advise that the Senate of the Eighty-Fourth General Assembly, on a motion of **Senator Gene Jeffress**, advised with and consented unanimously to the enclosed appointments heretofore submitted to this Honorable Body.

**SENATOR GENE JEFFRESS
SENATE CONFIRMATIONS 2003**

<u>APPOINTEE & COUNTY</u>	<u>EXPIRATION DATE</u>	<u>BOARD OR COMMISSION</u>
Virginia Risinger Union County	January 15, 2006	Arkansas Appraisers Licensing and Certification Board
Robert Watson Union County	April 8, 2007	State and Public School Life and Health Insurance Board
Lanatter Fox Union County	June 30, 2007	Arkansas Arts Advisory Council
William Philip Seaton Ouachita County	July 1, 2006	Emergency Medical Services Advisory Council
Henry Gilbert Union County	July 1, 2007	Arkansas Natural and Cultural Resources Council
George Baumgardner Union County	December 31, 2006	South Arkansas Community College Board of Trustees
Terry Laster Union County	Drawing of Lots	Arkansas Young and Beginning Farmer Advisory Board
Marcia Newton-White Union County	July 8, 2005	Arkansas Student Loan Authority
Gene Summers Union County	January 7, 2007	Arkansas Division of Volunteerism Advisory Council
Kay Humphries Calhoun County	July 18, 2006	State Fire Prevention Commission

Respectfully Submitted,

(SIGNED) ANN CORNWELL
Secretary of the Senate

AC/ads

Cc: The Honorable Charlie Daniels, Secretary of State
Steve Guntharp, Director of Boards and Commissions

STATE OF ARKANSAS

ARKANSAS SENATE

State Capitol

Little Rock, Arkansas 72201

ANN CORNWELL
Secretary of the Senate
Senate Fiscal Officer
State Capitol, Room 320
Little Rock, Arkansas 72201

March 4, 2004

The Honorable Mike Huckabee
Governor of Arkansas
Executive Chamber
State Capitol Building
Little Rock, Arkansas

Dear Governor Huckabee:

This is to advise that the Senate of the Eighty-Fourth General Assembly, on a motion of **Senator Jimmy Jeffress**, advised with and consented unanimously to the enclosed appointments heretofore submitted to this Honorable Body.

SENATOR JIMMY JEFFRESS
SENATE CONFIRMATIONS 2003

<u>APPOINTEE & COUNTY</u>	<u>EXPIRATION DATE</u>	<u>BOARD OR COMMISSION</u>
Robin McClendon Drew County	June 8, 2008	Mississippi River Parkway Commission
Leyden Pugh Chicot County	June 30, 2005	Arkansas Catfish Promotion Board
Jerald Williamson Chicot County	June 30, 2005	Arkansas Catfish Promotion Board
William Troutt Chicot County	June 30, 2005	Arkansas Catfish Promotion Board
John Kidwell Bradley County	January 14, 2006	Criminal Detention Facility Review Committee, Judicial Dist. #10
Arnold Blankers Ashley County	January 14, 2007	Criminal Detention Facility Review Committee, Judicial dist. #10
James Jett Drew County	September 1, 2008	Arkansas Manufactured Home Commission
Lathan Hairston Bradley County	September 1, 2012	Arkansas Authority on Financing Hospital Equipment

Benny Ryburn, III Drew County	July 31, 2006	University of Arkansas at Monticello Board of Visitors
Herbert Hutchison Ashley County	July 31, 2006	University of Arkansas at Monticello Board of Visitors
Marilyn Johnson Bradley County	July 31, 2006	University of Arkansas at Monticello Board of Visitors
Andrew Tolbert Bradley County	January 14, 2007	Arkansas School for the Blind and School for the Deaf Board of Trustees
Scott Claycomb Bradley County	June 30, 2005	Arkansas Commission on Eye and Vision Care of School Age Children
Johnny Foster Ashley County	Drawing of Lots	Arkansas Fire Protection Services Board
Tommy Poole Chicot County	July 31, 2006	University of Arkansas at Monticello Board of Visitors
Ian Beer Drew County	July 31, 2006	University of Arkansas at Monticello Board of Visitors
Cynthia Montgomery Desha County	July 31, 2006	University of Arkansas at Monticello Board of Visitors
Judy Kirkley Ashley County	July 31, 2006	University of Arkansas at Monticello Board of Visitors
Bob Graham Chicot County	December 31, 2004	Task Force on Racial Profiling
Laurie Black Chicot County	January 14, 2010	Keep Arkansas Beautiful Commission
LeAnne Bird Drew County	June 30, 2007	Arkansas Pygmalion Commission on Nontraditional Education

Respectfully Submitted,

(SIGNED) ANN CORNWELL
Secretary of the Senate

AC/ads

Cc: The Honorable Charlie Daniels, Secretary of State
Steve Guntharp, Director of Boards and Commissions

STATE OF ARKANSAS

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Senate Fiscal Officer
State Capitol, Room 320
Little Rock, Arkansas 72201

March 4, 2004

The Honorable Mike Huckabee
Governor of Arkansas
Executive Chamber
State Capitol Building
Little Rock, Arkansas

Dear Governor Huckabee:

This is to advise that the Senate of the Eighty-Fourth General Assembly, on a motion of **Senator Bob Johnson**, advised with and consented unanimously to the enclosed appointments heretofore submitted to this Honorable Body.

SENATOR BOB JOHNSON
SENATE CONFIRMATIONS 2003

<u>APPOINTEE & COUNTY</u>	<u>EXPIRATION DATE</u>	<u>BOARD OR COMMISSION</u>
Billy Gipson Perry County	January 14, 2005	Livestock and Poultry Commission
Elizabeth Blankenship Cleburne County	April 9, 2006	Health Services Permit Commission
Richard McCormac Van Buren County	January 14, 2007	Criminal Detention Facility Review Committee, Judicial Dist. #20
Susan Underwood Perry County	July 1, 2006	Arkansas Early Childhood Commission
Suellen Ward Faulkner County	July 1, 2006	Arkansas Early Childhood Commission
Michael Allison Conway County	July 1, 2006	Sex Offenders Assessment Committee
Gordon Warren Conway County	January 14, 2007	Criminal Detention Facility Review Committee, Judicial Dist. #15
Charles Gangluff Conway County	Drawing of Lots	Arkansas Fire Protection Services Board
Mark Carson Cleburne County	February 1, 2004	State Rehabilitation Council
John Tyer Van Buren County	October 1, 2007	Individual Sewage Disposal Systems Advisory Council

Brenda Hargis Cleburne County	October 15, 2006	Long Term Care Facility Advisory Board
John Trafford Conway County	July 31, 2009	Grade "A" Milk Program Advisory Committee
Harold Cox Perry County	January 14, 2008	Criminal Detention Facility Review Committee, Judicial Dist. #6
Lorrie Kirk Perry County	January 14, 2006	Arkansas Commission on National and Community Service

Respectfully Submitted,

(SIGNED) ANN CORNWELL
Secretary of the Senate

AC/ads

Cc: The Honorable Charlie Daniels, Secretary of State
Steve Guntharp, Director of Boards and Commissions

STATE OF ARKANSAS

ARKANSAS SENATE

State Capitol

Little Rock, Arkansas 72201

**ANN CORNWELL
Secretary of the Senate
Senate Fiscal Officer
State Capitol, Room 320
Little Rock, Arkansas 72201**

March 4, 2004

The Honorable Mike Huckabee
Governor of Arkansas
Executive Chamber
State Capitol Building
Little Rock, Arkansas

Dear Governor Huckabee:

This is to advise that the Senate of the Eighty-Fourth General Assembly, on a motion of **Senator Randy Laverty**, advised with and consented unanimously to the enclosed appointments heretofore submitted to this Honorable Body.

**SENATOR RANDY LAVERTY
SENATE CONFIRMATIONS 2003**

<u>APPOINTEE & COUNTY</u>	<u>EXPIRATION DATE</u>	<u>BOARD OR COMMISSION</u>
Troy Waters Searcy County	January 1, 2007	Arkansas Local Police and Fire Retirement system Board of Trustees
Roy Ragland Searcy County	December 31, 2005	Arkansas Rural Development Commission
Sanford Varnell Madison County	July 1, 2008	Arkansas Game and Fish Commission
Fred Jenke Carroll County	January 14, 2007	Criminal Detention Facility Review Committee, Judicial Dist. #19 East
Dorothy Ragland Searcy County	May 3, 2005	Education Commission of the States
Mike McFarland Boone County	October 1, 2005	Residential Building Contractors Committee
Linda Kaye House Newton County	January 14, 2007	Criminal Detention Facility Review Committee, Judicial Dist. #14
Bryan King Carroll County	Drawing of Lots	Arkansas Young and Beginning Farmer Advisory Board
Ruby Faulconer Carroll County	September 1, 2008	Arkansas State Board of Dental Examiners
Roger Edwards Boone County	Drawing of Lots	Arkansas Fire Protection Services Board

Respectfully Submitted,

(SIGNED) ANN CORNWELL
Secretary of the Senate

AC/ads

Cc: The Honorable Charlie Daniels, Secretary of State
Steve Guntharp, Director of Boards and Commissions

STATE OF ARKANSAS

ARKANSAS SENATE

State Capitol

Little Rock, Arkansas 72201

ANN CORNWELL
Secretary of the Senate
Senate Fiscal Officer
State Capitol, Room 320
Little Rock, Arkansas 72201

March 4, 2004

The Honorable Mike Huckabee
Governor of Arkansas
Executive Chamber
State Capitol Building
Little Rock, Arkansas

Dear Governor Huckabee:

This is to advise that the Senate of the Eighty-Fourth General Assembly, on a motion of **Senator Jim Luker**, advised with and consented unanimously to the enclosed appointments heretofore submitted to this Honorable Body.

SENATOR JIM LUKER
SENATE CONFIRMATIONS 2003

<u>APPOINTEE & COUNTY</u>	<u>EXPIRATION DATE</u>	<u>BOARD OR COMMISSION</u>
Dixie Carlson Crittenden County	January 14, 2009	Keep Arkansas Beautiful Commission
Virginia Manatt Monroe County	June 6, 2008	Mississippi River Parkway Commission
Lynn Allen Crittenden County	July 1, 2009	Mid-South Community College
Michael East Crittenden County	July 1, 2009	Mid-South Community College
John Cooper Cross County	June 30, 2005	Arkansas Soybean Promotion Board
Glenda Caldwell Cross County	June 30, 2008	Crowley's Ridge Technical Institute Board of Directors

Judy Brooks
Crittenden County

July 26, 2008

Governor's Developmental Disabilities
Council

Sherry Balentine
Cross County

January 14, 2005

Criminal Detention Facility Review
Committee, Judicial Dist. #1

John Fogleman
Crittenden County

December 31, 2004

Circuit Court Apportionment
Commission

Respectfully Submitted,

(SIGNED) ANN CORNWELL
Secretary of the Senate

AC/ads

Cc: The Honorable Charlie Daniels, Secretary of State
Steve Guntharp, Director of Boards and Commissions

STATE OF ARKANSAS

ARKANSAS SENATE

State Capitol

Little Rock, Arkansas 72201

ANN CORNWELL
Secretary of the Senate
Senate Fiscal Officer
State Capitol, Room 320
Little Rock, Arkansas 72201

March 4, 2004

The Honorable Mike Huckabee
Governor of Arkansas
Executive Chamber
State Capitol Building
Little Rock, Arkansas

Dear Governor Huckabee:

This is to advise that the Senate of the Eighty-Fourth General Assembly, on a motion of **Senator Sue Madison**, advised with and consented unanimously to the enclosed appointments heretofore submitted to this Honorable Body.

**SENATOR SUE MADISON
SENATE CONFIRMATIONS 2003**

<u>APPOINTEE & COUNTY</u>	<u>EXPIRATION DATE</u>	<u>BOARD OR COMMISSION</u>
Theodore Collins Washington County	January 14, 2005	Criminal Detention Facility Review Committee, Judicial Dist. #4
Thomas Linthicum Washington County	January 14, 2007	Criminal Detention Facility Review Committee, Judicial Dist. #4
Tracee Williams Washington County	January 7, 2006	Arkansas Division of Volunteerism Advisory Council
James Hall Washington County	June 30, 2009	Arkansas Alternative Dispute Resolution Commission
Sherron West Washington County	June 1, 2008	State Board of Cosmetology
Bootsie Ackerman Washington County	August 1, 2007	Arkansas Pollution Control and Ecology Commission
Charles Robinson Washington County	March 19, 2012	Old State House Commission
David Knowles Washington County	July 1, 2007	State Board of Registration for Professional Engineers and Land Surveyors
Lepaine McHenry Washington County	October 15, 2006	Long Term Care Facility Advisory Board
Sabra Hassel Washington County	December 31, 2008	Arkansas Psychology Board

Respectfully Submitted,

(SIGNED) ANN CORNWELL
Secretary of State

AC/ads

Cc: The Honorable Charlie Daniels, Secretary of State
Steve Guntharp, Director of Boards and Commissions

STATE OF ARKANSAS

ARKANSAS SENATE

State Capitol

Little Rock, Arkansas 72201

ANN CORNWELL
Secretary of the Senate
Senate Fiscal Officer
State Capitol, Room 320
Little Rock, Arkansas 72201

March 4, 2004

The Honorable Mike Huckabee
Governor of Arkansas
Executive Chamber
State Capitol Building
Little Rock, Arkansas

Dear Governor Huckabee:

This is to advise that the Senate of the Eighty-Fourth General Assembly, on a motion of **Senator Percy Malone**, advised with and consented unanimously to the enclosed appointments heretofore submitted to this Honorable Body.

SENATOR PERCY MALONE
SENATE CONFIRMATIONS 2003

<u>APPOINTEE & COUNTY</u>	<u>EXPIRATION DATE</u>	<u>BOARD OR COMMISSION</u>
Wendell Evanson Clark County	December 1, 2005	Arkansas Board of Examiners in Counseling
Margie Russ Columbia County	December 31, 2003	State Banking Board
Terry DeWitt Clark County	January 14, 2006	Arkansas State Board of Athletic Training
William Haynes Nevada County	January 14, 2005	Arkansas State Board of Athletic Training
Marie Brown Columbia County	January 14, 2008	Southern Arkansas University Board of Trustees
Robert Hill Nevada County	July 1, 2006	Arkansas State Board of Physical Therapy
David Kirkpatrick Columbia County	Drawing of Lots	Arkansas Fire Protection Services Board

Billy Daniells Columbia County	July 15, 2005	Arkansas Athletic Commission
Kathy Bivens Ouachita County	June 30, 2006	Social Work Licensing Board
Eugene Pillard Clark County	January 14, 2007	Governor's Advisory Council on Aging
Alfred Smith Ouachita County	September 1, 2010	Ouachita River Commission
Bobby Joe Martin Nevada County	October 1, 2006	Residential Building Contractors Committee
William Mullins Nevada County	January 14, 2006	Criminal Detention Facility Review Committee, Judicial Dist. #8 North
Michael Kelly Clark County	December 1, 2006	Arkansas Board of Examiners in Counseling
Karen Breashears Clark County	December 1, 2006	Arkansas Apprenticeship Coordinating Steering Committee

Respectfully Submitted,

(SIGNED) ANN CORNWELL
Secretary of the Senate

AC/ads

Cc: The Honorable Charlie Daniels, Secretary of State
Steve Guntharp, Director of Boards and Commissions

STATE OF ARKANSAS

ARKANSAS SENATE

State Capitol

Little Rock, Arkansas 72201

ANN CORNWELL
Secretary of the Senate
Senate Fiscal Officer
State Capitol, Room 320
Little Rock, Arkansas 72201

March 4, 2004

The Honorable Mike Huckabee
Governor of Arkansas
Executive Chamber
State Capitol Building
Little Rock, Arkansas

Dear Governor Huckabee:

This is to advise that the Senate of the Eighty-Fourth General Assembly, on a motion of **Senator Paul Miller**, advised with and consented unanimously to the enclosed appointments heretofore submitted to this Honorable Body.

SENATOR PAUL MILLER
SENATE CONFIRMATIONS 2003

<u>APPOINTEE & COUNTY</u>	<u>EXPIRATION DATE</u>	<u>BOARD OR COMMISSION</u>
W.K. McNeil Stone County	October 1, 2006	Delta Cultural Center Policy Advisory Board
Rhonda Sitzes Izard County	January 14, 2006	Governor's Advisory Council on Aging
George Hove Baxter County	July 31, 2006	Arkansas Board of Hearing Aid Dispensers
Bonnie Wyatt Izard County	July 1, 2010	Ozarka Technical College Board of Directors
David Curtis Fulton County	Drawing of Lots	Arkansas Young and Beginning Farmer Advisory Board
Tracy McLaughlin Izard County	October 1, 2007	Arkansas State Board of Nursing
Kenny Wyatt Stone County	June 30, 2005	Arkansas Commission on Eye and Vision Care of School Age Children
Jimmie Creech Randolph County	July 1, 2010	Black River Technical College Board of

Richard Sackett
Sharp County

January 14, 2007

State Emergency Response Commission

Respectfully Submitted,

(SIGNED) ANN CORNWELL
Secretary of the Senate

AC/ads

Cc: The Honorable Charlie Daniels, Secretary of State
Steve Guntharp, Director of Boards and Commissions

STATE OF ARKANSAS

ARKANSAS SENATE

State Capitol

Little Rock, Arkansas 72201

**ANN CORNWELL
Secretary of the Senate
Senate Fiscal Officer
State Capitol, Room 320
Little Rock, Arkansas 72201**

March 4, 2004

The Honorable Mike Huckabee
Governor of Arkansas
Executive Chamber
State Capitol Building
Little Rock, Arkansas

Dear Governor Huckabee:

This is to advise that the Senate of the Eighty-Fourth General Assembly, on a motion of **Senator Mary Anne Salmon**, advised with and consented unanimously to the enclosed appointments heretofore submitted to this Honorable Body.

**SENATOR MARY ANNE SALMON
SENATE CONFIRMATIONS 2003**

<u>APPOINTEE & COUNTY</u>	<u>EXPIRATION DATE</u>	<u>BOARD OR COMMISSION</u>
Herman Shirley Pulaski County	April 26, 2008	State Board of Optometry
Mark Clinton Pulaski County	March 1, 2006	Amusement Ride Safety Advisory Board

Anna Haver Pulaski County	July 31, 2005	Arkansas Board of Health Education
LeighAnna Askins Pulaski County	Will of Governor	Early Intervention Interagency Coordinating Council
Terri Hardy Pulaski County	May 3, 2005	Education Commission of the States
Candyce Harris Pulaski County	January 14, 2006	Arkansas Commission on National and Community Service
James Graham Pulaski County	July 1, 2006	Governor's Trauma Advisory Council
Roy Kindle Pulaski County	June 30, 2007	Arkansas Pygmalion Commission on Nontraditional Education
Sam Cummings Pulaski County	June 30, 2007	Heating, Ventilation, A/C, Refrigeration Licensing Board
Michael Joshua Pulaski County	January 14, 2007	Arkansas Economic Development Commission
Daniel Dring Pulaski County	July 15, 2005	Arkansas Athletic Commission
Shelby McCook Pulaski County	April 8, 2007	State and Public School Life and Health Insurance Board
Santo Formica Pulaski County	January 14, 2006	Governor's Advisory Council on Aging
William Spradlin Pulaski County	September 1, 2008	Arkansas Manufactured Home Commission
Laura Gilson Pulaski County	September 29, 2005	Central Interstate Low-Level Radioactive Waste Commission
Charles Gunn Pulaski County	October 17, 2008	Arkansas Fire Protection Licensing Board
Mark Swanson Pulaski County	June 30, 2007	Arkansas Pygmalion Commission on Nontraditional Education
Ronald Boyles Pulaski County	June 30, 2005	Arkansas Commission on Eye and Vision Care of School Age Children
Martha Jackson Pulaski County	September 1, 2005	Arkansas Board of Podiatric Medicine
Artee Williams Pulaski County	March 9, 2008	Arkansas Public Employees' Retirement System Board of Trustees

Respectfully Submitted,

(SIGNED) ANN CORNWELL
Secretary of the Senate

AC/ads

Cc: The Honorable Charlie Daniels, Secretary of State
Steve Guntharp, Director of Boards and Commissions

STATE OF ARKANSAS

ARKANSAS SENATE

State Capitol

Little Rock, Arkansas 72201

**ANN CORNWELL
Secretary of the Senate
Senate Fiscal Officer
State Capitol, Room 320
Little Rock, Arkansas 72201**

March 4, 2004

The Honorable Mike Huckabee
Governor of Arkansas
Executive Chamber
State Capitol Building
Little Rock, Arkansas

Dear Governor Huckabee:

This is to advise that the Senate of the Eighty-Fourth General Assembly, on a motion of **Senator Terry Smith**, advised with and consented unanimously to the enclosed appointments heretofore submitted to this Honorable Body.

**SENATOR TERRY SMITH
SENATE CONFIRMATIONS 2003**

<u>APPOINTEE & COUNTY</u>	<u>EXPIRATION DATE</u>	<u>BOARD OR COMMISSION</u>
Bob Kempkes Garland County	June 30, 2003	State Review Committee for Historic Preservation
Timothy Webb Garland County	December 31, 2003	State Board of Health
Ed Staton Garland County	July 31, 2006	Arkansas Board of Hearing Aid Dispensers
Ben Wofford Garland County	July 31, 2006	Arkansas Board of Hearing Aid Dispensers
Jim Morgan Garland County	June 30, 2007	Arkansas Pygmalion Commission on Nontraditional Education
Susan Holton Garland County	January 14, 2007	Criminal Detention Facility Review Committee, Judicial Dist. #18 East
Thomas Hopkins Garland County	Drawing of Lots	Arkansas Fire Protection Services
Bob Kempkes Garland County	June 30, 2007	State Review Committee for Historic Preservation

Ronnie Walker
Garland County

June 22, 2006

Arkansas Towing and Recovery Board

Respectfully Submitted,

(SIGNED) ANN CORNWELL
Secretary of the Senate

AC/ads

Cc: The Honorable Charlie Daniels, Secretary of State
Steve Guntharp, Director of Boards and Commissions

STATE OF ARKANSAS

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

March 4, 2004

The Honorable Mike Huckabee
Governor of Arkansas
Executive Chamber
State Capitol Building
Little Rock, Arkansas

Dear Governor Huckabee:

This is to advise that the Senate of the Eighty-Fourth General Assembly, on a motion of **Senator Tracy Steele**, advised with and consented unanimously to the enclosed appointments heretofore submitted to this Honorable Body.

**SENATOR TRACY STEELE
SENATE CONFIRMATIONS 2003**

<u>APPOINTEE & COUNTY</u>	<u>EXPIRATION DATE</u>	<u>BOARD OR COMMISSION</u>
Al Davis Pulaski County	October 17, 2007	Arkansas Fire Protection Licensing Board
Marty Ryall Pulaski County	August 13, 2005	Martin Luther King, Jr. Commission
Dexter Doyne Pulaski County	July 22, 2006	Arkansas Building Authority Council
Townsend Wolfe, III Pulaski County	January 14, 2005	Arkansas School for Mathematics and Sciences Board of Trustees
LaCher Rockins Pulaski County	July 1, 2006	Arkansas Early Childhood Commission
Avery Page Pulaski County	December 31, 2005	Burial Association Board
Lawrence Fisher Pulaski County	July 15, 2005	Arkansas Athletic Commission
Stacy Williams Pulaski County	August 13, 2005	Martin Luther King, Jr. Commission

Respectfully Submitted,

(SIGNED) ANN CORNWELL
Secretary of the Senate

AC/ads

Cc: The Honorable Charlie Daniels, Secretary of State
Steve Guntharp, Director of Boards and Commissions

STATE OF ARKANSAS

ARKANSAS SENATE

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Little Rock, Arkansas 72201

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

March 4, 2004

The Honorable Mike Huckabee
Governor of Arkansas
Executive Chamber
State Capitol Building
Little Rock, Arkansas

Dear Governor Huckabee:

This is to advise that the Senate of the Eighty-Fourth General Assembly, on a motion of **Senator Sharon Trusty**, advised with and consented unanimously to the enclosed appointments heretofore submitted to this Honorable Body.

SENATOR SHARON TRUSTY
SENATE CONFIRMATIONS 2003

<u>APPOINTEE & COUNTY</u>	<u>EXPIRATION DATE</u>	<u>BOARD OR COMMISSION</u>
Wesley White Pope County	June 30, 2006	State Teacher Assistance Resource Commission
Gina Skelton Pope County	June 7, 2005	Arkansas State Board of Massage Therapy
Donald Loudon Pope County	Drawing of Lots	Arkansas Home Inspector Registration Board
Michael Burden Pope County	June 30, 2010	DHS State Institutional System Board
Felecia West Pope County	October 1, 2007	Arkansas Scenic Resources Preservation Coordinating Committee

Respectfully Submitted,

(SIGNED) ANN CORNWELL
Secretary of the Senate

AC/ads

Cc: The Honorable Charlie Daniels, Secretary of State
Steve Guntharp, Director of Boards and Commissions

STATE OF ARKANSAS

ARKANSAS SENATE

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Senate Fiscal Officer
State Capitol, Room 320
Little Rock, Arkansas 72201

March 4, 2004

The Honorable Mike Huckabee
Governor of Arkansas
Executive Chamber
State Capitol Building
Little Rock, Arkansas

Dear Governor Huckabee:

This is to advise that the Senate of the Eighty-Fourth General Assembly, on a motion of **Senator Ruth Whitaker**, advised with and consented unanimously to the enclosed appointments heretofore submitted to this Honorable Body.

SENATOR RUTH WHITAKER
SENATE CONFIRMATIONS 2003

<u>APPOINTEE & COUNTY</u>	<u>EXPIRATION DATE</u>	<u>BOARD OR COMMISSION</u>
Janice Myers Franklin County	June 30, 2004	Home Health Care Service Agency Advisory Council
Colleen Nick Crawford County	October 5, 2007	Crime Victims Reparations Board

Respectfully Submitted,

(SIGNED) ANN CORNWELL
Secretary of the Senate

AC/ads

Cc: The Honorable Charlie Daniels, Secretary of State
Steve Guntharp, Director of Boards and Commissions

STATE OF ARKANSAS

ARKANSAS SENATE

State Capitol

Little Rock, Arkansas 72201

ANN CORNWELL
Secretary of the Senate
Senate Fiscal Officer
State Capitol, Room 320
Little Rock, Arkansas 72201

March 4, 2004

The Honorable Mike Huckabee
Governor of Arkansas
Executive Chamber
State Capitol Building
Little Rock, Arkansas

Dear Governor Huckabee:

This is to advise that the Senate of the Eighty-Fourth General Assembly, on a motion of **Senator Hank Wilkins**, advised with and consented unanimously to the enclosed appointments heretofore submitted to this Honorable Body.

SENATOR HANK WILKINS
SENATE CONFIRMATIONS 2003

<u>APPOINTEE & COUNTY</u>	<u>EXPIRATION DATE</u>	<u>BOARD OR COMMISSION</u>
Clyde Campbell Jefferson County	August 7, 2005	Arkansas Respiratory Care Examining Committee
Jerry Riley Jefferson County	August 13, 2006	Martin Luther King, Jr. Commission
Lewis White Jefferson County	August 13, 2006	Martin Luther King, Jr. Commission
Jammy Turner Arkansas County	September 1, 2007	Arkansas Manufactured Home Commission
Debbie Shea Desha County	June 30, 2004	Arkansas Arts Advisory Council
George Dunklin Arkansas County	June 30, 2005	Arkansas Rice Research and Promotion Board
Gene Mckissic Jefferson County	July 1, 2006	Arkansas Tobacco Control Board
Farris Madison Jefferson County	September 1, 2008	Arkansas Manufactured Home Commission
Mary Benjamin Jefferson County	October 1, 2007	Tobacco Prevention & Cessation Advisory Committee

Clearance Lovell
Jefferson County

June 30, 2007

Arkansas Pygmalion Commission
on Nontraditional Education

Cora Bradshaw
Lincoln County

April 26, 2008

Arkansas State Board of Architects

Respectfully Submitted,

(SIGNED) ANN CORNWELL
Secretary of the Senate

AC/ads

Cc: The Honorable Charlie Daniels, Secretary of State
Steve Guntharp, Director of Boards and Commissions

STATE OF ARKANSAS

ARKANSAS SENATE

State Capitol

Little Rock, Arkansas 72201

ANN CORNWELL
Secretary of the Senate
Senate Fiscal Officer
State Capitol, Room 320
Little Rock, Arkansas 72201

March 4, 2004

The Honorable Mike Huckabee
Governor of Arkansas
Executive Chamber
State Capitol Building
Little Rock, Arkansas

Dear Governor Huckabee:

This is to advise that the Senate of the Eighty-Fourth General Assembly, on a motion of **Senator Ed Wilkinson**, advised with and consented unanimously to the enclosed appointments heretofore submitted to this Honorable Body.

**SENATOR ED WILKINSON
SENATE CONFIRMATIONS 2003**

<u>APPOINTEE & COUNTY</u>	<u>EXPIRATION DATE</u>	<u>BOARD OR COMMISSION</u>
Stephen Tabor Sebastian County	May 15, 2007	Arkansas Sentencing Commission
Don Murray Logan County	June 30, 2007	Arkansas Pygmalion Commission Nontraditional Education

Respectfully Submitted,

(SIGNED) ANN CORNWELL
Secretary of the Senate

AC/ads

Cc: The Honorable Charlie Daniels, Secretary of State
Steve Guntharp, Director of Boards and Commissions

STATE OF ARKANSAS

ARKANSAS SENATE

State Capitol

Little Rock, Arkansas 72201

ANN CORNWELL
Secretary of the Senate
Senate Fiscal Officer
State Capitol, Room 320
Little Rock, Arkansas 72201

March 4, 2004

The Honorable Mike Huckabee
Governor of Arkansas
Executive Chamber
State Capitol Building
Little Rock, Arkansas

Dear Governor Huckabee:

This is to advise that the Senate of the Eighty-Fourth General Assembly, on a motion of **Senator Shawn Womack**, advised with and consented unanimously to the enclosed appointments heretofore submitted to this Honorable Body.

**SENATOR SHAWN WOMACK
SENATE CONFIRMATIONS 2003**

<u>APPOINTEE & COUNTY</u>	<u>EXPIRATION DATE</u>	<u>BOARD OR COMMISSION</u>
Kathryn Scarsdale Boone County	June 30, 2009	State Board of Workforce Education and Career Opportunities
Danny Hickman Boone County	May 26, 2007	Arkansas Board of Private Investigators and Private Security Agencies
Gary Isbell Baxter County	June 30, 2007	Arkansas Pygmalion Commission on Nontraditional Education
Mark Ungerank Baxter County	June 9, 2008	Arkansas State Board of Chiropractic Examiners
James Brown Baxter County	June 30, 2007	Heating, Ventilation, A/C, Refrigeration Licensing Board
Arlon Hickman Boone County	June 22, 2006	Arkansas Towing and Recovery Board
Francis O'Brien Baxter County	July 15, 2005	Arkansas Athletic Commission
K.C. Jones Boone County	July 1, 2007	Governor's Trauma Advisory Council
Nelda Speaks Baxter County	January 1, 2007	Outdoor Recreation Grants Advisory Committee
Dan Sears Boone County	Will of Governor	Arkansas Coalition for Juvenile Justice
Gordon Webb Boone County	May 15, 2008	Arkansas Sentencing Commission
George Hove Baxter County	July 31, 2006	Arkansas Board of Hearing Aid Dispensers

Respectfully Submitted,

(SIGNED) ANN CORNWELL
Secretary of the Senate

AC/ads

Cc: The Honorable Charlie Daniels, Secretary of State
Steve Guntharp, Director of Boards and Commissions

STATE OF ARKANSAS

ARKANSAS SENATE

State Capitol

Little Rock, Arkansas 72201

ANN CORNWELL
Secretary of the Senate
Senate Fiscal Officer
State Capitol, Room 320
Little Rock, Arkansas 72201

March 4, 2004

The Honorable Mike Huckabee
Governor of Arkansas
Executive Chamber
State Capitol Building
Little Rock, Arkansas

Dear Governor Huckabee:

This is to advise that the Senate of the Eighty-Fourth General Assembly, on a motion of **Senator Tim Wooldridge**, advised with and consented unanimously to the enclosed appointments heretofore submitted to this Honorable Body.

SENATOR TIM WOOLDRIDGE
SENATE CONFIRMATIONS 2003

<u>APPOINTEE & COUNTY</u>	<u>EXPIRATION DATE</u>	<u>BOARD OR COMMISSION</u>
Wesley Eddington Greene County	February 1, 2004	State Rehabilitation Council
Carrie Rowland Greene County	January 1, 2007	Oversight Committee on Breast Cancer Research
Deborah Caspall Lawrence County	June 30, 2007	State Teacher Assistance Resource Commission
Roger Dickinson Greene County	January 14, 2007	Criminal Detention Facility Review Committee, Judicial Dist. #2
Dallas Wood Greene County	January 14, 2008	Arkansas State University Board of Trustees
L.M. Duncan Craighead County	July 15, 2005	Arkansas Athletic Commission
Mike Gaskill Greene County	January 14, 2007	Arkansas Local Police and Fire Retirement System Board of Trustees

Respectfully Submitted,

(SIGNED) ANN CORNWELL
Secretary of the Senate

AC/ads

Cc: The Honorable Charlie Daniels, Secretary of State
Steve Guntharp, Director of Boards and Commissions

* * * * *

HOUSE BILL RETURNED TO THE HOUSE
AS PASSED

HOUSE BILL NO. 1179

HOUSE BILL RETURNED TO THE HOUSE
HAVING OVERRIDDEN THE GOVERNOR'S VETO

HOUSE BILL NO. 1034

HOUSE CONCURRENT RESOLUTION TRANSMITTED
TO THE SENATE AS ADOPTED

HOUSE CONCURRENT RESOLUTION NO. 1006

HOUSE CONCURRENT RESOLUTION RETURNED
TO THE HOUSE AS CONCURRED

HOUSE CONCURRENT RESOLUTION NO. 1006

On motion of Senator Hill, the Senate recessed until 12:00 Noon, Wednesday, June 9, 2004.

PRESIDENT OF THE SENATE

SECRETARY OF THE SENATE

ADDENDUM

**SENATE CHAMBER
EIGHTY-FOURTH GENERAL ASSEMBLY
SECOND EXTRAORDINARY SESSION**

Little Rock, Arkansas

June 9, 2004

On motion of Senator Jim Hill, President Pro Tempore, the Senate
adjourned Sine Die at 12:00 Noon, June 9, 2004

STATE OF ARKANSAS

OFFICE OF THE GOVERNOR

STATE CAPITOL
LITTLE ROCK, ARKANSAS

MIKE HUCKABEE
Governor

March 9, 2004

TO THE PRESIDENT OF THE SENATE

Dear Mr. President:

This is to inform your Honorable Body that on March 9, 2004, I approved the following measure from the Second Extraordinary Session of the Eighty-fourth General Assembly:

Senate Bill No. 49 is now Act 110

Sincerely,

(SIGNED) MIKE HUCKABEE
Governor

June 9, 2004

The Honorable Herschel Cleveland
Speaker
House of Representatives
State Capitol, Room 350
Little Rock, AR 72201

Dear Mr. Speaker:

I am enclosing herewith the following House Bills that died in Senate at Sine Die Adjournment following the Second Extraordinary Session of the Eighty-Fourth General Assembly on June 9, 2004.

HOUSE BILLS DYING ON THE SENATE CALENDAR

HOUSE BILL 1031	HOUSE BILL 1085
1035	1127
1073	1128

HOUSE BILL FAILING TO PASS

HOUSE BILL 1021

HOUSE BILLS DYING IN SENATE COMMITTEES

EDUCATION

HOUSE BILL 1032	HOUSE BILL 1055
1041	1083
1049	1159

HOUSE CONCURRENT RESOLUTION 1004

REVENUE & TAXATION

HOUSE BILL 1186

INSURANCE & COMMERCE

HOUSE BILL 1066

JOINT BUDGET

HOUSE BILL 1118

Respectfully Submitted,

Ann Cornwell
Secretary of Senate

RECEIVED: 6-09-2004
(signed) JO RENSHAW

STATE OF ARKANSAS
HOUSE OF REPRESENTATIVES
EIGHTY-FOURTH GENERAL ASSEMBLY
ROOM 350, THIRD FLOOR, STATE CAPITOL
LITTLE ROCK, ARKANSAS 72201

HERSCHEL W. CLEVELAND, SPEAKER

TIM MASSANELLI, PARLIAMENTARIAN

JO RENSHAW, CHIEF CLERK

June 9, 2004

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

Dear Ms. Cornwell:

Attached are the following Senate Bills that died in House committees at Sine Die adjournment of the 2nd Extraordinary Session of the 84th General Assembly,

Rev. and Tax
SB 78

Education
SB 27
SB 28
SB 65
SB 71

Respectfully submitted,

(signed) Jo Renshaw
Chief Clerk

STATE OF ARKANSAS
HOUSE OF REPRESENTATIVES
EIGHTY-FOURTH GENERAL ASSEMBLY
ROOM 350, THIRD FLOOR, STATE CAPITOL
LITTLE ROCK, ARKANSAS 72201

HERSCHEL W. CLEVELAND, SPEAKER

TIM MASSANELLI, PARLIAMENTARIAN

JO RENSHAW, CHIEF CLERK

June 9, 2004

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

Dear Ms. Cornwell:

Attached is **Senate Bill 83** which failed in the House during the 2nd Extraordinary Session of the 84th General Assembly.

Respectfully submitted,

(signed) Jo Renshaw
Chief Clerk

STATE OF ARKANSAS
HOUSE OF REPRESENTATIVES
EIGHTY-FOURTH GENERAL ASSEMBLY
ROOM 350, THIRD FLOOR, STATE CAPITOL
LITTLE ROCK, ARKANSAS 72201

HERSCHEL W. CLEVELAND, SPEAKER

TIM MASSANELLI, PARLIAMENTARIAN

JO RENSHAW, CHIEF CLERK

June 10, 2004

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

Dear Ms. Cornwell:

Attached is **Senate Bill 94** which died on the House calendar at Sine Die adjournment of the 2nd Extraordinary Session of the 84th General Assembly.

Respectfully submitted,

(signed) Jo Renshaw
Chief Clerk

June 10, 2004

Mr. Kern Treat, Director
Bureau of Legislative Research
State Capitol, Room 315
Little Rock, AR 72201

Dear Mr. Treat:

I am enclosing herewith a list of the following Senate Bills and Senate Resolutions remaining in the Senate at Sine Die Adjournment following the Second Extraordinary Session of the Eighty-Fourth General Assembly on June 9, 2004.

SENATE BILLS DYING ON SENATE CALENDAR

SENATE BILL 62
 77

SENATE BILL DYING ON HOUSE CALENDAR

SENATE BILL 94

SENATE BILLS DYING IN COMMITTEE

JOINT BUDGET COMMITTEE

SENATE BILL	19	SENATE BILL	72
	31		74
	66		92
	68		

EDUCATION COMMITTEE

SENATE BILL	9	SENATE BILL	48
	12		50
	16		52
	22		56
	23		57
	26		69
	29		76
	30		87
	45		88
	47		

PUBLIC HEALTH, WELFARE & LABOR COMMITTEE

SENATE BILL 17

REVENUE & TAXATION COMMITTEE

SENATE BILL	39	SENATE BILL	81
	59		90
	60		95
	61		

SENATE BILLS REFERRED TO INTERIM COMMITTEES

EDUCATION COMMITTEE

SENATE BILL 64
67
75
86

SENATE CONCURRENT RESOLUTION DYING IN COMMITTEE

STATE AGENCIES & GOVERNMENTAL AFFAIRS COMMITTEE

SENATE CONCURRENT RESOLUTION 3

SENATE BILL THAT FAILED TO PASS

SENATE BILL 25

SENATE BILLS WITHDRAWN BY AUTHOR

SENATE BILL 40
96

Respectfully submitted,

Ann Cornwell,
Secretary of the Senate

June 10, 2004

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 remaining in the Senate at Sine Die Adjournment following the Second Extraordinary Session of the 84th General Assembly on June 9, 2004.

SENATE BILLS DYING ON SENATE CALENDAR

SENATE BILL 62
 77

SENATE BILL DYING ON HOUSE CALENDAR

SENATE BILL 94

SENATE BILLS DYING IN COMMITTEE

JOINT BUDGET COMMITTEE

SENATE BILL	19	SENATE BILL	72
	31		74
	66		92
	68		

EDUCATION COMMITTEE

SENATE BILL	9	SENATE BILL	48
	12		50
	16		52
	22		56
	23		57
	26		69
	29		76
	30		87
	45		88
	47		

REVENUE & TAXATION COMMITTEE

SENATE BILL	39	SENATE BILL	81
	59		90
	60		95
	61		

PUBLIC HEALTH, WELFARE & LABOR COMMITTEE

SENATE BILL 17

SENATE RESOLUTION DYING ON SENATE CALENDAR

SENATE RESOLUTION 9

SENATE CONCURRENT RESOLUTION DYING IN COMMITTEE

STATE AGENCIES & GOVERNMENTAL AFFAIRS COMMITTEE

SENATE CONCURRENT RESOLUTION 3

SENATE BILL THAT FAILED TO PASS

SENATE BILL 25

SENATE BILLS WITHDRAWN BY AUTHOR

SENATE BILL 40
96

SENATE RESOLUTIONS READ & ADOPTED

SENATE RESOLUTION	1	SENATE RESOLUTION	12
	2		13
	3		14
	4		15
	5		16
	6		17
	7		18
	8		19
	10		20
	11		21
			22

SENATE MEMORIAL RESOLUTIONS READ & ADOPTED

SENATE MEMORIAL RESOLUTION	1	SENATE MEMORIAL RESOLUTION	9
	2		10
	3		11
	4		12
	5		13
	6		14
	7		15
	8		16

SENATE CONCURRENT RESOLUTIONS READ & ADOPTED

SENATE CONCURRENT RESOLUTION	1
	2

Respectfully Submitted,

Ann Cornwell
Secretary of the Senate

Arkansas General Assembly

84TH General Assembly

Second Extraordinary Session

We, your Committee on Technology and Legislative Affairs, have checked the Journal of the 84th General Assembly, Second 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 PAUL ROCKEFELLER,
PRESIDENT OF THE SENATE

(SIGNED) ANN CORNWELL
SECRETARY OF THE SENATE