JOURNAL

HALL OF THE HOUSE OF REPRESENTATIVES

EIGHTY-THIRD GENERAL ASSEMBLY
FIRST EXTRAORDINARY SESSION
STATE OF ARKANSAS
CONVENED IN THE STATE CAPITOL LITTLE ROCK, ARKANSAS
JUNE 10, 2002

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RED INDICATES ROLL CALL

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

Little Rock, Arkansas June 10, 2002

The House was called to order at 12:05 p.m. by Mr. Broadway, the Speaker. The following members answered to the roll call:

Adams, Agee, Allison, Altes, Bennett, Bevis, Biggs, Bledsoe, Bolin, Bond, Bookout, Borhauer, Boyd, Bradford, Bright, Carson, Childers, Clemons, Cleveland, Cook, Cowling, Creekmore, Dangeau, Dees, Duggar, Eason, D.Elliott, Ferguson, Fite, French, Gillespie, Gipson, Glover, Goss, Green, Haak, Hathorn, Hausam, Hendren, Hickinbotham, Holt, House, Hutchinson, Jackson, Jacobs, Jeffress, Johnson, Jones, Judy, King, Ledbetter, Lendall, Lewellen, Lowery, Mack, Magnus, Mathis, McMellon, Milligan, Milum, Minton, Moore, Napper, Nichols, Oglesby, Ormond, Parks, Prater, Pritchard, Rackley, Rankin, Rodgers, Roebuck, Salmon, Schall, Scrimshire, Scroggin, Seawel, Shoffner, M.Smith, R.Smith, M.Steele, T.Steele, Stovall, C.Taylor, J.Taylor, Teague, Thomas, Trammell, Verkamp, Walker, Weaver, White, Womack, Mr. Speaker.

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The following member(s) was absent and did not answ	er to the roll call:
J. Elliott, Files, Willis and Wood	
Total	04

Total present95

A quorum was present.

Unanimous leave was granted for Representative(s) J. Elliott, Files and Wood.

The House stood and was led in prayer by House Chaplain, Dr. John Owen, Bryant, Arkansas.

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

Speaker Broadway recognized House Parliamentarian Tim Massanelli to read the Governor's Proclamation.

STATE OF ARKANSAS EXECUTIVE DEPARTMENT

PROCLAMATION

AMENDED

TO ALL TO WHOM THESE PRESENTS SHALL COME - GREETINGS:

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WHEREAS,	an Avtranrdinary	' Accaeinn hae riedn	n making it necessar	v t∩
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convene the 83rd General Assembly into extraordinary

session; and

WHEREAS, there is an immediate and pressing need to respond to

devastating economic conditions that have significantly reduced the available general revenues of the state by

approximately 56 million dollars; and

WHEREAS, the various programs and services provided by state

agencies funded from the general revenues of the state are in distress and immediate action is required by the Governor and General Assembly to ameliorate these

conditions; and

WHEREAS, specific legislation is necessary to transfer various un-

obligated funds of the state to the net available general revenues to be distributed under the Revenue Stabilization

Law for the fiscal year ending June 30, 2002; and

WHEREAS, specific legislation is necessary to provide for additional

funds to be made available to the net available general

revenues to be distributed under the Revenue Stabilization

Law for the fiscal period ending June 30, 2003;

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 June10, 2002, at 12:00 noon, and I do hereby specify that the General Assembly is convened to consider, and,
- To appropriate funds to pay the expenses and per diem of this Extraordinary Session of the General Assembly for the Senate, the House of Representatives, and the Office of the Governor.
- To consider a resolution for the purpose of calling a
 joint session of the House and Senate on the opening
 day of the extraordinary session and for the purpose of
 hearing an address by the Honorable Mike Huckabee,
 Governor of the State of Arkansas, at that time.
- 3. To consider a bill to transfer various funds of the state for the fiscal year ending June 30, 2002.
- To consider a bill for the establishment of a Rainy Day
 Fund to be used in the event of continued economic
 distress during the fiscal year ending June 30, 2003.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Arkansas to be affixed at the State Capitol in Little Rock on this day 10th day of June in the year of our Lord 2002.

/s/ Mike Huckabee, Governor

/s/ Sharon Priest, Secretary of State

Speaker Broadway announced that in accordance with the provisions of Article VI, Section 19 of the Arkansas Constitution, no business other than that which is germane to the items in the Call of the Governor will be considered until all items in the Call have been disposed of.

Speaker Broadway appointed the following named Representatives as the Committee to notify the Senate that the House is in session and ready for business.

Representative Sandra D. Rodgers, Chairman

Representative Jim Milum

Representative Martha A. Shoffner

Representative Bobby L. Glover

Representative Mary Ann Salmon

Representative Jake Files

Representative Randy Minton

Representative Shawn A. Womack

Representative Gene Jeffress

Representative Tracy Steele

Representative Dean Elliott

Speaker Broadway appointed the following named Representatives as the Committee to notify Governor Huckabee that the House is in session and ready for business:

Representative Bill Bevis, Chairman

Representative Marvin Steele

Representative Arnell Willis

Representative Jo Carson

Representative Mark Alan Smith

Representative Jim Bob Duggar

Representative Denny Altes

Representative John T. Lowery, Jr.

Representative Kim Hendren

Representative Steve Schall

Representative Jim Holt

Speaker Broadway recognized a Senate delegation, led by Senator Horn, which reported that the Senate was in session and ready for business.

Representative Bevis presented House Concurrent Resolution No.1001 calling for a Joint-Session of the House and Senate at 12:30 p.m., Monday, June 10, 2002.

HOUSE CONCURRENT RESOLUTION NO. 1001

BY: REPRESENTATIVE BEVIS

FOR A JOINT SESSION OF THE HOUSE OF REPRESENTATIVES AND THE SENATE AT 12:30 P.M., MONDAY, JUNE 10, 2002, TO HEAR AN ADDRESS BY GOVERNOR MIKE HUCKABEE.

Was read the first time, read the second time, rules suspended, read third time, adopted and ordered transmitted to the Senate.

Upon motion of Speaker Broadway the House recessed at 12:25 p.m. until the Joint Session at 12:30 p.m.

Proceedings for the Joint Session of the First Extraordinary Session of the 83rd General Assembly Monday, June 10, 2002 at 12:30 p.m.

The Joint Session of the House and Senate was called to order at 12:30 p.m. by Speaker of the House, Shane Broadway, and President of the Senate, Winthrop Paul Rockefeller.

The Secretary of the Senate called the roll and the following members answered the roll call. The roll call was as follows:

Argue, Baker, Beebe, Bisbee, Brown, Bryles, Cash, Critcher, DeLay, Everett, Faris, Fitch, Gullett, Gwatney, Hill, Hoofman, Horn, Hunter, J. Jeffress, Johnson,

Mahony, D. Malone, P. Malone, Miller, K. Smith, T. Smith, Walker, Whitaker, Wilkins, Wilkinson, Wooldridge.

Total			31
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The following member(s) was absent and did not answer to the roll call: Riggs, Simes and Trusty.

Total	r	١	•	2
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Unanimous leave was granted for Senators Riggs and Trusty.

The House roll was called and the following members were present:

Adams, Agee, Allison, Altes, Bennett, Bevis, Biggs, Bledsoe, Bolin, Bond, Bookout, Borhauer, Boyd, Bradford, Bright, Carson, Childers, Clemons, Cleveland, Cook, Cowling, Creekmore, Dangeau, Dees, Duggar, Eason, D.Elliott, Ferguson, Files, Fite, French, Gillespie, Gipson, Glover, Goss, Green, Haak, Hathorn, Hausam, Hendren, Hickinbotham, Holt, House, Hutchinson, Jackson, Jacobs, Jeffress, Johnson, Jones, Judy, King, Ledbetter, Lendall, Lewellen, Lowery, Mack, Magnus, Mathis, McMellon, Milligan, Milum, Minton, Moore, Napper, Nichols, Oglesby, Ormond, Parks, Prater, Pritchard, Rackley, Rankin, Rodgers, Roebuck, Salmon, Schall, Scrimshire, Scroggin, Seawel, Shoffner, M.Smith, R.Smith, M.Steele, T.Steele, Stovall, C.Taylor, J.Taylor, Teague, Thomas, Trammell, Verkamp, Walker, Weaver, White, Womack, Wood, Mr. Speaker.

Total present......95

The following member(s) was absent and did not answer to the roll call:

J. Elliott, Files, Willis, Wood

Total......04

Unanimous leave was granted for Representatives J. Elliott, Files and Wood.

Governor Huckabee addressed the Joint Session.

Previously appointed Committee escorted Governor Huckabee from the Chamber.

Joint Session adjourned.

House reconvened at 1:45 p.m.

HOUSE BILL NO. 1001

BY: REPRESENTATIVE GILLESPIE

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO CREATE AND FUND THE ARKANSAS RAINY DAY FUND THROUGH THE ARKANSAS HEALTHY CENTURY TRUST FUND; AND FOR OTHER PURPOSES.

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

HOUSE BILL NO. 1002

BY: REPRESENTATIVE GILLESPIE

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO TRANSFER PART OF THE ARKANSAS HEALTHY CENTURY TRUST FUND TO THE GENERAL REVENUES OF THE STATE TO BE DISTRIBUTED FOR THE FISCAL PERIOD ENDING JUNE 30, 2002; AND FOR OTHER PURPOSES.

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

HOUSE BILL NO. 1003

BY: REPRESENTATIVE D. ELLIOTT, ET AL

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO LIMIT THE EXPENDITURE OF GENERAL REVENUES; TO CREATE THE ARKANSAS RAINY DAY FUND TO BE USED IN THE EVENT OF CONTINUED ECONOMIC DISTRESS DURING FISCAL YEAR 2003 OR THEREAFTER; TO CREATE THE ARKANSAS TAX RELIEF FUND; AND FOR OTHER PURPOSES.

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

HOUSE BILL NO. 1004

BY: REPRESENTATIVE M. SMITH, AGEE

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO CREATE AND FUND THE ARKANSAS RAINY DAY FUND WITH ESTATE, SALES AND USE TAXES; TO PROVIDE THE CONDITIONS FOR TRANSFERS FROM THE FUND; AND FOR OTHER PURPOSES.

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

HOUSE BILL NO. 1005

BY: REPRESENTATIVE AGEE

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO TRANSFER CERTAIN FUNDS TO THE GENERAL REVENUES OF THE STATE TO BE DISTRIBUTED FOR THE FISCAL PERIOD ENDING JUNE 30, 2002; AND FOR OTHER PURPOSES.

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

HOUSE BILL NO. 1006

BY: REPRESENTATIVE LENDALL

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO CREATE THE ARKANSAS RAINY DAY FUND; TO AMEND ARKANSAS CODE 26-58-111 TO REVISE THE RATES FOR SEVERANCE TAX ON NATURAL GAS PRODUCED IN THIS STATE; TO DECLARE AN EMERGENCY; AND FOR OTHER PURPOSES.

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

HOUSE RESOLUTION NO. 1001

BY: REPRESENTATIVES BROADWAY, LEDBETTER

COMMENDING GOVERNOR SIDNEY S. McMATH FOR HIS SERVICE TO HIS STATE AND NATION, AND CONGRATULATING HIM UPON THE CELEBRATION OF HIS NINETIETH BIRTHDAY.

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

House adjourned at 1:55 p.m.

House reconvened at 3:53 p.m.

COMMITTEE REPORT

June 10, 2002

JOINT BUDGET COMMITTEE GEORGE FRENCH

CHAIRPERSON

HOUSE BILL NO. 1005

BY REPRESENTATIVE AGEE DO PASS AS

AMENDED #1

Upon motion of Representative French HOUSE BILL NO. 1005 was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 1 TO HOUSE BILL NO. 1005

Amend HOUSE BILL NO. 1005 as originally introduced:

delete on page one the sponsor(s) and substituting therefor "Joint Budget Committee"; and by deleting on page 2 line 10 the words "during the 2001 fiscal year".

/s/ French

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

/s/ Ms. Jo Renshaw Chief Clerk

ENGROSSED BILL REPORTS

SHANE BROADWAY, CHAIRMAN

JUNE 10, 2002

The following bill(s) reported correctly engrossed:

HOUSE BILL 1005

BY JOINT BUDGET COMMITTEE

HOUSE CONCURRENT RESOLUTIONS ADOPTED AND ORDERED TRANSMITTED TO THE SENATE

HOUSE CONCURRENT RESOLUTION NO. 1001

BY: REPRESENTATIVE BEVIS

ARKANSAS SENATE HOUSE CONCURRENT RESOLUTION CONCURRED IN AND RETURNED TO THE HOUSE

HOUSE CONCURRENT RESOLUTION NO. 1001

BY: REPRESENTATIVE BEVIS

ENROLLED AND DELIVERY TO GOVERNOR REPORTS

Little Rock, Arkansas June 10, 2002

MR. SPEAKER:

We, your committee on Enrolled Bills, to whom was referred the following: HOUSE CONCURRENT RESOLUTION NO. 1001 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 3:15 P.M. delivered them to the Governor for his approval.

Respectfully submitted,

/s/ Shane Broadway
Chairman

HOUSE BILL NO. 1007

BY: REPRESENTATIVE LENDALL

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO CREATE THE ARKANSAS RAINY DAY FUND; TO AMEND ARKANSAS CODE 26-51-201(a) AND 26-51-205(a) AND (b) TO INCREASE THE INCOME TAX LEVIED AGAINST INDIVIDUALS, TRUSTS, ESTATES, AND CORPORATIONS BY ONE PERCENT (1%) FOR EACH INCOME BRACKET TO FUND THE ARKANSAS RAINY DAY FUND; AND FOR OTHER PURPOSES.

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

HOUSE BILL NO. 1008

BY: REPRESENTATIVE HUTCHINSON, ET AL

A BILL FOR AN ACT TO BE ENTITLED AN ACT CONCERNING THE LICENSE FEE FOR LANDSCAPE ARCHITECTS; TO LIMIT THE EXPENDITURE OF GENERAL REVENUES; TO CREATE THE ARKANSAS RAINY DAY FUND TO BE USED IN THE EVENT OF CONTINUED ECONOMIC DISTRESS DURING FISCAL YEAR 2003 OR THEREAFTER; TO CREATE THE ARKANSAS TAX RELIEF FUND; AND FOR OTHER PURPOSES.

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

HOUSE BILL NO. 1009

BY: REPRESENTATIVE STOVALL, ET AL

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO TRANSFER CERTAIN FUNDS TO THE GENERAL REVENUES OF THE STATE TO BE DISTRIBUTED FOR THE FISCAL PERIOD ENDING JUNE 30, 2002; AND FOR OTHER PURPOSES.

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

HOUSE BILL NO. 1010

BY: REPRESENTATIVE HATHORN, CREEKMORE

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO TRANSFER FUNDS TO THE HIGHER EDUCATION GRANTS FUND ACCOUNT FOR ARKANSAS ACADEMIC CHALLENGE SCHOLARSHIPS; TO REQUIRE A NO SMOKING PLEDGE AS A CONDITION FOR RECEIVING AN ARKANSAS ACADEMIC CHALLENGE SCHOLARSHIP AWARD; AND FOR OTHER PURPOSES.

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

HOUSE RESOLUTION NO. 1002

BY: REPRESENTATIVE HENDREN

A BILL FOR AN ACT TO BE ENTITLED REQUESTING THAT THE GOVERNOR, UPON PROCLAIMING AN EXTRAORDINARY SESSION, PROVIDE ADEQUATE NOTICE AND COPIES OF THE PROCLAMATION TO MEMBERS OF THE GENERAL ASSEMBLY AND REQUESTING THAT THE HOUSE INTERIM COMMITTEE ON AGING, CHILDREN AND YOUTH, LEGISLATIVE AND MILITARY AFFAIRS CONDUCT A STUDY OF THE EXTRAORDINARY SESSION PROCESS AND RECOMMEND PROCEDURES FOR THE FUTURE TO PROVIDE ADEQUATE NOTICE OF THE SESSIONS AND OF THE ISSUES INVOLVED IN PROCLAIMING THE EXTRAORDINARY SESSIONS.

Was read the first time, rules suspended, read the second time, and referred to the Committee on AGING, CHILDREN AND YOUTH AND LEGISLATIVE AFFAIRS.

Upon motion of Representative Broadway, the House adjourned at 5:10 p.m. until 10:00 a.m., Tuesday, June 11, 2002.

ATTEST:

Shane Broadway

Speaker of the House of Representatives

Chief Clerk

SECOND DAY'S PROCEEDINGS HALL OF THE HOUSE OF REPRESENTATIVES

Little Rock, Arkansas June 11, 2002

95

The House was called to order at 10:10 a.m. by Mr. Broadway, the Speaker. The following members answered to the roll call:

Adams, Agee, Altes, Bennett, Bevis, Biggs, Bledsoe, Bolin, Bond, Bookout, Borhauer, Boyd, Bradford, Bright, Carson, Childers, Clemons, Cleveland, Cook, Cowling, Creekmore, Dangeau, Dees, Duggar, Eason, D.Elliott, Ferguson, Files, Fite, French, Gillespie, Gipson, Glover, Goss, Green, Haak, Hathorn, Hausam, Hendren, Hickinbotham, Holt, House, Hutchinson, Jackson, Jacobs, Jeffress, Johnson, Jones, Judy, King, Ledbetter, Lendall, Lewellen, Lowery, Mack, Magnus, Mathis, McMellon, Milligan, Milum, Minton, Moore, Napper, Nichols, Oglesby, Ormond, Parks, Prater, Pritchard, Rackley, Rankin, Rodgers, Roebuck, Salmon, Schall, Scrimshire, Scroggin, Seawel, Shoffner, M.Smith, R.Smith, M.Steele, T.Steele, Stovall, C.Taylor, Teague, Thomas, Trammell, Verkamp, Walker, Weaver, White, Womack, Wood, Mr. Speaker.

1000	
The following member(s) was absent and did not answer to the roll cal	II:
Allison, J. Elliott, J.Taylor, and Willis	
Total04	

A quorum was present.

Total

Unanimous leave was granted for Representative(s) Allison, J.Elliott, J.Taylor, and Willis.

The House stood and was led in prayer by Representative Teague.

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

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

COMMITTEE REPORT

June 11, 2002

AGING, CHILDREN AND YOUTH, LEGISLATIVE AND MILITARY AFFAIRS

JO ELLEN CARSON, CHAIRPERSON

HOUSE RESOLUTION 1002 BY REPRESENTATIVE HENDREN **DO PASS**

Upon motion by Representative French House Bill 1005 was re-referred to the Joint Budget Committee.

Morning Hour Expired.

House recessed at 10:24 a.m. until 1:30 p.m.

House reconvened at 1:59 p.m.

COMMITTEE REPORT

June 11, 2002

JOINT BUDGET COMMITTEE

GEORGE FRENCH, CHAIRPERSON

HOUSE BILL 1005

DO PASS

BY JOINT BUDGET COMMITTEE

AS AMENDED #2

COMMITTEE REPORT

June 11, 2002

RULES COMMITTEE MARY ANNE SALMON,

CHAIRPERSON

HOUSE BILL 1010

BY REPRESENTATIVE HATHORN

DO PASS

AS AMENDED #1 & 2

COMMITTEE REPORT

June 11, 2002

REVENUE AND TAX

LARRY TEAGUE, CHAIRPERSON

HOUSE RESOLUTION 1003 BY REPRESENTATIVE DANGEAU DO PASS

SENATE BILL NO. 1

BY: JOINT BUDGET COMMITTEE

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO TRANSFER CERTAIN FUNDS TO THE GENERAL REVENUES OF THE STATE TO BE DISTRIBUTED FOR THE FISCAL PERIOD ENDING JUNE 30, 2002; AND FOR OTHER PURPOSES.

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

SENATE BILL NO. 2

BY: SENATOR BEEBE, ET AL

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO CREATE AN ARKANSAS RAINY DAY FUND; TO MAKE MONEYS IMMEDIATELY AVAILABLE TO SUSTAIN THE STATE MEDICAID PROGRAM AT ITS PRESENT LEVEL OF SERVICE; AND FOR OTHER PURPOSES.

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

HOUSE RESOLUTION NO. 1003

BY: REPRESENTATIVE DANGEAU, ET AL

URGING THE GOVERNOR AND THE CHIEF FISCAL OFFICER OF THE STATE TO USE AS THE GENERAL REVENUE FORECAST FOR THE 2002-2003 FISCAL YEAR AN AMOUNT EQUAL TO ONE HUNDRED AND TWO AND ONE-HALF PERCENT (102.5%) OF THE ACTUAL GENERAL REVENUE RECEIPTS DURING FISCAL YEAR 2001-2002.

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

STATE OF ARKANSAS OFFICE OF THE GOVERNOR

Little Rock, Arkansas June 11, 2002

TO THE SPEAKER OF THE HOUSE

Dear Mr. Speaker:

This is to inform you that on June 10, 2002, I approved the following measure from the Special Session of the Eighty-third General Assembly:

HCR 1001

Sincerely,

Mike Huckabee

MDH:br

Upon motion of Representative Hathorn, HOUSE BILL NO. 1010 was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 1 TO HOUSE BILL NO. 1010

Amend HOUSE BILL NO. 1010 as originally introduced

Add the following Representatives as cosponsors of the bill: Stovall, Gillespie, Bolin, McMellon, Seawel, Fite

AND

Page 2, line 6, add an additional Section to read as follows:

"SECTION 3. EMERGENCY CLAUSE. It is found and determined by the General Assembly that additional moneys are necessary to fund Arkansas Academic Challenge Scholarships; that this act transfers moneys for that purpose; and that this act is immediately necessary for the effective administration of this act. 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 the date of its approval by the Governor. If the bill is neither approved nor vetoed by the Governor, it shall become effective on the expiration of the period of time during which the Governor may veto the bill. If the bill is vetoed by the Governor and the veto is overridden, it shall become effective on the date the last house overrides the veto."

/s/ Hathorn

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

/s/ Ms. Jo Renshaw Chief Clerk

Upon motion of Representative Jackson, HOUSE BILL NO. 1010 was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 2 TO HOUSE BILL NO. 1010

Amend HOUSE BILL NO. 1010 as originally introduced

Page 2, line 1, delete "an additional subsection" and substitute "additional subsections"

AND

Page 2, line 5, add the following:

"(f)(1) Prior to receiving an award for the first time and in each school year in which the recipient receives an award, the recipient must complete ten (10) hours of community service work in the area of smoking prevention.

(2) The community service work shall be conducted under regulations established by the Department of Higher Education."

/s/ Jackson

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

/s/ Ms. Jo Renshaw Chief Clerk Upon motion of Representative French, HOUSE BILL NO. 1005 was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 2 TO HOUSE BILL NO. 1005

Amend HOUSE BILL NO. 1005 as engrossed, 6/10/02:

By deleting on page 1 line 34 the words and number "thirteen million dollars (\$13,000,000)" and substituting therefor "eleven million nine hundred thousand dollars (\$11,900,000)";

And

By deleting on page 2 line 4 the words and number "seven million dollars (\$7,000,000)" and substituting therefor "eight million one hundred thousand dollars (\$8,100,000)".

/s/ French

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

/s/ Ms. Jo Renshaw Chief Clerk

FNGR	OSSED	BILLS	REPORT	Г
	COLD			

SHANE BROADWAY, CHAIRMAN

6-11-02

The following bill(s) reported correctly engrossed:

HOUSE BILL NO. 1010 BY REPRESENTATIVE HATHORN

HOUSE BILL NO. 1005 BY JOINT BUDGET COMMITTEE

HOUSE BILL ENGROSSED AS TITLE AMENDED HOUSE BILL NO. 1005

BY: JOINT BUDGET COMMITTEE

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO TRANSFER CERTAIN FUNDS TO THE GENERAL REVENUES OF THE STATE TO BE DISTRIBUTED FOR THE FISCAL PERIOD ENDING JUNE 30, 2002; AND FOR OTHER PURPOSES.

HOUSE BILL ENGROSSED AS TITLE AMENDED HOUSE BILL NO. 1010

BY: REPRESENTATIVES HATHORN, ET AL

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO TRANSFER FUNDS TO THE HIGHER EDUCATION GRANTS FUND ACCOUNT FOR ACADEMIC CHALLENGE SCHOLARSHIPS; TO REQUIRE A NO SMOKING PLEDGE AS A CONDITION FOR RECEIVING AN ARKANSAS ACADEMIC CHALLENGE SCHOLARSHIP AWARD; AND FOR OTHER PURPOSES.

House recessed at 2:25 p.m. until 3:15 p.m.

House reconvened at 3:15 p.m.

Motion was made by Representative Hathorn to suspend the Rules on House Bill 1010 to place on third reading for final passage.

On this motion the ayes and nays were called for and the call was sustained. The Clerk called the roll. The vote was as follows:

HOUSE BILL NO. 1010

BY: REPRESENTATIVE HATHORN

AFFIRMATIVE: Boyd, Carson, Clemons, Cleveland, Cook, Cowling, Creekmore, Dangeau, Eason, Ferguson, Fite, French, Gillespie, Gipson, Glover, Hathorn, Jackson, Jacobs, G. Jeffress, C. Johnson, Judy, King, Lewellen, Lowery, Mack, McMellon, Milligan, Moore, Nichols, Oglesby, Prater, Rodgers, Roebuck, Salmon, Scroggin, Seawel, M. Steele, T. Steele, Stovall, Thomas, W. Walker, Weaver, White. NEGATIVE: Agee, Altes, Bennett, Bledsoe, Borhauer, Bradford, Bright, Childers, Dees, Duggar, D. Elliott, Files, Goss, Green, Haak, Hausam, Hendren, Hickinbotham, Holt, Hutchinson, Ledbetter, Lendall, Mathis, Milum, Minton, Ormond, Parks, Pritchard, Rackley, Schall, Scrimshire, M. Smith, R. Smith, C. Taylor, Teague, Verkamp, Womack. Total37 ABSENT OR NOT VOTING: Allison, J. Elliott, House, Jones, Magnus, Napper, Rankin, Shoffner, J. Taylor, Trammell, Willis, Mr. Speaker. Total12 VOTING PRESENT: Wood. Total1 Total number of votes cast......87 Necessary to the passage of the motion......58

ARKANSAS SENATE SENATE BILLS RECEIVED FROM SENATE

SENATE BILL NO. 1	BY JOINT BUDGE	T COMMITTEE
SENATE BILL NO. 2	BY SENATOR BEI	EBE
Upon motion of Rep	resentative Cook th	ne House adjourned at 4:55 P.M. until
9:00 A. M. Wednesday, Ju	ne 12, 2002.	
ATTEST:		
Shane Broadway		Jo Renshaw
Speaker of the House of R	epresentatives	Chief Clerk

THIRD DAY'S PROCEEDINGS HALL OF THE HOUSE OF REPRESENTATIVES

Little Rock, Arkansas June 12, 2002

The House was called to order at 9:17 a.m. by Mr. Broadway, the Speaker. The following members answered to the roll call:

Adams, Agee, Allison, Altes, Bennett, Bevis, Biggs, Bledsoe, Bolin, Bond, Bookout, Borhauer, Boyd, Bradford, Bright, Carson, Childers, Clemons, Cleveland, Cook, Cowling, Creekmore, Dangeau, Dees, Duggar, Eason, D.Elliott, Ferguson, Files, Fite, French, Gillespie, Gipson, Glover, Goss, Green, Haak, Hathorn, Hendren, Hickinbotham, Holt, Hutchinson, Jackson, Jacobs, Jeffress, Johnson, Jones, Judy, King, Ledbetter, Lendall, Lewellen, Lowery, Mack, Mathis, McMellon, Milligan, Milum, Minton, Moore, Napper, Nichols, Oglesby, Ormond, Parks, Prater, Pritchard, Rackley, Rankin, Rodgers, Roebuck, Salmon, Schall, Scrimshire, Scroggin, Seawel, Shoffner, M.Smith, R.Smith, M.Steele, T.Steele, Stovall, C.Taylor, Teague, Thomas, Trammell, Verkamp, Walker, Weaver, White, Womack, Wood, Mr. Speaker.

Total93	
The following member(s) was absent and did not answer to the roll ca	all:
J. Elliott, Hausam, House, Magnus, J. Taylor, and Willis	
Total06	

A quorum was present.

Unanimous leave was granted for Representative(s) J. Elliott, Hausam, House, J. Taylor and Willis.

The House stood and was led in prayer by House Chaplain, John Owen, Bryant, Arkansas.

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

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

Motion was made by Representative Ledbetter to resolve the House into the Committee of the Whole for a presentation to Sidney S. McMath.

HOUSE RESOLUTION NO.1001

BY: REPRESENTATIVE BROADWAY

COMMENDING GOVERNOR SIDNEY S. McMATH FOR HIS SERVICE TO HIS STATE AND NATION, AND CONGRATULATING HIM UPON THE CELEBRATION OF HIS NINETIETH BIRTHDAY.

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

Motion was made by Representative Dangeau that the House rise and report progress.

HOUSE RESOLUTION NO.1002

BY: REPRESENTATIVE HENDREN

REQUESTING THAT THE GOVERNOR, UPON PROCLAIMING AN EXTRAORDINARY SESSION, PROVIDE ADEQUATE NOTICE AND COPIES OF THE PROCLAMATION TO MEMBERS OF THE GENERAL ASSEMBLY AND REQUESTING THAT THE HOUSE INTERIM COMMITTEE ON AGING, CHILDREN AND YOUTH, LEGISLATIVE AND MILITARY AFFAIRS CONDUCT A STUDY OF THE EXTRAORDINARY SESSION PROCESS AND RECOMMEND PROCEDURES FOR THE FUTURE TO PROVIDE ADEQUATE NOTICE OF THE SESSIONS AND OF THE ISSUES INVOLVED IN PROCLAIMING THE EXTRAORDINARY SESSIONS.

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

HOUSE RESOLUTION NO.1003

BY: REPRESENTATIVE DANGEAU

URGING THE GOVERNOR AND THE CHIEF FISCAL OFFICER OF THE STATE TO USE AS THE GENERAL REVENUE FORECAST FOR THE 2002-2003 FISCAL YEAR AN AMOUNT EQUAL TO ONE HUNDRED AND TWO AND ONE-HALF PERCENT (102.5%) OF THE ACTUAL GENERAL REVENUE RECEIPTS DURING FISCAL YEAR 2001-2002.

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

The Resolution received unanimous support.

The Morning Hour Expired.

Representative T. Steele moved to suspend the rules for immediate consideration of HB1010. The Motion failed.

Representative Womack asked for a ruling by the Chair on the number of votes necessary to the passage of House Bill 1010. Speaker Broadway ruled that 51 votes were necessary.

Representative Bradford challenged Speaker Broadway's ruling on HB1010. The Speaker sent the ruling to the Rules Committee. The Rules Committee sustained the ruling of 51 votes.

Representative Bradford moved to overturn the ruling by the Rules Committee on HB1010.

The vote was as follows:

AFFIRMATIVE: Agee, Altes, Bennett, Bledsoe, Bond, Borhauer, Bradford,
Bright, Dees, Duggar, D. Elliott, Glover, Green, Haak, Hendren, Holt, Hutchinson,
King, Ledbetter, Lendall, Mathis, Milum, Minton, Parks, Pritchard, Rackley, Schall,
Scrimshire, R. Smith, Verkamp, W. Walker, Womack.

NEGATIVE: Adams, Allison, Biggs, Bolin, Bookout, Boyd, Carson, Clemons, Cleveland, Cowling, Creekmore, Dangeau, Eason, Ferguson, Files, Fite, French, Gillespie, Gipson, Goss, Hathorn, Hickinbotham, Jackson, Jacobs, G. Jeffress, C. Johnson, Jones, Judy, Lewellen, Lowery, Mack, McMellon, Milligan, Moore, Napper, Nichols, Oglesby, Ormond, Prater, Rankin, Rodgers, Roebuck, Salmon, Scroggin, Seawel, M. Smith, M. Steele, T. Steele, Stovall, Teague, Thomas, Trammell, White, Wood.

So the motion failed.

HOUSE BILL NO. 1010

BY: REPRESENTATIVE HATHORN

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

AFFIRMATIVE: Adams, Allison, Bevis, Biggs, Bolin, Bookout, Boyd, Carson, Clemons, Cleveland, Cook, Cowling, Creekmore, Dangeau, Eason, Ferguson, Files, Fite, Gillespie, Gipson, Goss, Hathorn, Hickinbotham, Jackson, Jacobs, G. Jeffress, Jones, Judy, King, Lewellen, Mack, McMellon, Milligan, Napper, Nichols, Oglesby, Ormond, Prater, Pritchard, Rankin, Rodgers, Roebuck, Salmon, Scroggin, Seawel, Shoffner, M. Steele, T. Steele, Stovall, Thomas, Trammell, Wood.

Shoffner, M. Steele, T. Steele, Stovall, Thomas, Trammell, Wood.
Total52
NEGATIVE: Agee, Altes, Bennett, Bledsoe, Bond, Borhauer, Bradford,
Bright, Childers, Duggar, French, Glover, Green, Haak, Hendren, Holt, Hutchinson,
C. Johnson, Ledbetter, Lendall, Lowery, Mathis, Milum, Minton, Parks, Rackley,
Schall, M. Smith, R. Smith, Teague, Verkamp, W. Walker, White, Womack.
Total34
ABSENT OR NOT VOTING: D. Elliott, J. Elliott, Hausam, House, Magnus, J.
Taylor, C. Taylor, Weaver, Willis, Mr. Speaker.
Total10
VOTING PRESENT: Dees, Moore, Scrimshire.
Total3
Total number of votes cast89
Necessary to the passage of the bill51

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

Sounding of the Ballot was requested on HOUSE BILL NO. 1010 and the call was sustained. None of the members votes was successfully challenged.

AYE: 52

Total	. 52
Total number of votes cast	. 89
Necessary to the passage of the bill	. 51
Total number voting in the affirmative	. 52
Total number voting in the negative	34
Total number absent or not voting	. 10
Total number voting present	. 03

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

Upon motion of Representative Hathorn the Clincher motion prevailed.

There being an Emergency Clause attached to House Bill 1010, the Speaker ordered the clerk to call the roll upon the adoption of the Emergency Clause.

The vote was as follows:

EMERGENCY CLAUSE

AFFIRMATIVE: Adams, Allison, Bevis, Biggs, Bolin, Bookout, Boyd, Carson, Clemons, Cleveland, Cook, Cowling, Creekmore, Dangeau, Eason, Ferguson, Files, Fite, Gillespie, Gipson, Goss, Hathorn, Hickinbotham, Hutchinson, Jackson, Jacobs, G. Jeffress, Jones, Judy, King, Lewellen, Mack, McMellon, Milligan, Napper, Nichols, Oglesby, Ormond, Prater, Pritchard, Rackley, Rankin, Rodgers, Roebuck, Salmon, Scroggin, Seawel, Shoffner, M. Steele, T. Steele, Stovall, Thomas, Trammell, Wood.

ABSENT OR NOT VOTING: D. Elliott, J. Elliott, Hausam, House, Magnus, J. Taylor, C. Taylor, Weaver, Willis, Mr. Speaker.

So the Emergency Clause was not adopted.

Upon motion of Representative Broadway, the House recessed at 10:04 a.m. until 10:20 a.m.

House reconvened at 11:15 a.m.

Upon motion of Representative French the rules were suspended.

Considered in the Committee of the Whole. Returned with the recommendation that it "DO PASS".

SENATE BILL NO. 1

BY: JOINT BUDGET COMMITTEE

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

AFFIRMATIVE: Adams, Agee, Allison, Altes, Bennett, Bevis, Biggs, Bledsoe, Bolin, Bond, Bookout, Borhauer, Boyd, Bradford, Bright, Carson, Clemons, Cleveland, Cook, Cowling, Creekmore, Dangeau, Dees, Duggar, Eason, D. Elliott, Ferguson, Files, Fite, French, Gillespie, Gipson, Glover, Goss, Green, Haak, Hathorn, Hendren, Hickinbotham, Holt, Hutchinson, Jackson, Jacobs, G. Jeffress, C. Johnson, Jones, Judy, King, Ledbetter, Lendall, Lewellen, Lowery, Mack, Mathis, McMellon, Milligan, Milum, Minton, Moore, Napper, Nichols, Oglesby, Ormond, Parks, Prater, Pritchard, Rackley, Rankin, Roebuck, Salmon, Schall, Scrimshire, Scroggin, Seawel, Shoffner, M. Smith, R. Smith, M. Steele, T. Steele, Stovall, C. Taylor, Teague, Thomas, Trammell, Verkamp, W. Walker, White, Womack, Wood, Mr. Speaker.

Total	90
NEGATIVE: Rodgers.	
Total	1
ABSENT OR NOT VOTING: Childers, J. Elliott, Hausam, House	, Magnus, J.
Taylor, Weaver, Willis.	
Total	8
VOTING PRESENT:	
Total	0
Total number of votes cast	91
Necessary to the passage of the bill	75
So the Bill passed and the title as read was agreed to.	

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

EMERGENCY CLAUSE

AFFIRMATIVE: Adams, Agee, Allison, Altes, Bennett, Bevis, Biggs, Bledsoe, Bolin, Bond, Bookout, Borhauer, Boyd, Bradford, Bright, Carson, Clemons, Cleveland, Cook, Cowling, Creekmore, Dangeau, Dees, Duggar, Eason, D. Elliott, Ferguson, Files, Fite, French, Gillespie, Gipson, Glover, Goss, Green, Haak, Hathorn, Hendren, Hickinbotham, Holt, Hutchinson, Jackson, Jacobs, G. Jeffress, C. Johnson, Jones, Judy, King, Ledbetter, Lendall, Lewellen, Lowery, Mack, Mathis, McMellon, Milligan, Milum, Minton, Moore, Napper, Nichols, Oglesby, Ormond, Parks, Prater, Pritchard, Rackley, Rankin, Roebuck, Salmon, Schall, Scrimshire, Scroggin, Seawel, Shoffner, M. Smith, R. Smith, M. Steele, T. Steele, Stovall, C. Taylor, Teague, Thomas, Trammell, Verkamp, W. Walker, White, Womack, Wood, Mr. Speaker.

Total9	0
NEGATIVE: Rodgers.	
Total	1
ABSENT OR NOT VOTING: Childers, J. Elliott, Hausam, House, Magnus, J.	J.
aylor, Weaver, Willis.	
Total	8
VOTING PRESENT:	
Total	0
Total number of votes cast9	1
Necessary to the passage of the emergency clause6	7

So the Emergency Clause was adopted.

Upon motion of Representative French the rules were suspended.

Considered in the Committee of the Whole. Returned with the recommendation that it "DO PASS"

SENATE BILL NO. 2

BY: SENATOR BEEBE, ET AL

Total

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

AFFIRMATIVE: Adams, Agee, Allison, Bennett, Bevis, Biggs, Bledsoe, Bolin, Bond, Bookout, Borhauer, Boyd, Bright, Carson, Childers, Clemons, Cleveland, Cook, Cowling, Creekmore, Dangeau, Dees, Duggar, Eason, D. Elliott, Ferguson, Files, Fite, French, Gipson, Glover, Goss, Green, Haak, Hathorn, Hendren, Holt, Jacobs, G. Jeffress, C. Johnson, Jones, Judy, King, Ledbetter, Lendall, Lewellen, Lowery, Mack, Mathis, McMellon, Milum, Minton, Moore, Napper, Nichols, Oglesby, Ormond, Parks, Prater, Pritchard, Rackley, Rankin, Roebuck, Salmon, Schall, Scrimshire, Scroggin, Seawel, Shoffner, M. Smith, R. Smith, M. Steele, T. Steele, C. Taylor, Teague, Thomas, Trammell, W. Walker, White, Womack, Wood, Mr. Speaker.

10tal02
NEGATIVE: Bradford, Gillespie, Jackson, Rodgers, Stovall, Verkamp.
Total6
ABSENT OR NOT VOTING: Altes, J. Elliott, Hausam, House, Hutchinson
Magnus, J. Taylor, Weaver, Willis.
Total
VOTING PRESENT: Hickinbotham, Milligan.
Total2
Total number of votes cast90
Necessary to the passage of the bill75

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

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There being an Emergency Clause attached to SENATE BILL NO. 2, the Speaker ordered the clerk to call the roll upon the adoption of the Emergency Clause. The vote was as follows:

EMERGENCY CLAUSE

AFFIRMATIVE: Adams, Agee, Allison, Bennett, Bevis, Biggs, Bledsoe, Bolin, Bond, Bookout, Borhauer, Boyd, Bright, Carson, Childers, Clemons, Cleveland, Cook, Cowling, Creekmore, Dangeau, Dees, Duggar, Eason, D. Elliott, Ferguson, Files, Fite, French, Gipson, Glover, Goss, Green, Haak, Hathorn, Hendren, Holt, Jacobs, G. Jeffress, C. Johnson, Jones, Judy, King, Ledbetter, Lendall, Lewellen, Lowery, Mack, Mathis, McMellon, Milum, Minton, Moore, Napper, Nichols, Oglesby, Ormond, Parks, Prater, Pritchard, Rackley, Rankin, Roebuck, Salmon, Schall, Scrimshire, Scroggin, Seawel, Shoffner, M. Smith, R. Smith, M. Steele, T. Steele, C. Taylor, Teague, Thomas, Trammell, W. Walker, White, Womack, Wood, Mr. Speaker.

Total	82
NEGATIVE: Bradford, Gillespie, Jackson, Rodgers, Stovall, Verka	amp.
Total	6
ABSENT OR NOT VOTING: Altes, J. Elliott, Hausam, House,	Hutchinson,
Magnus, J. Taylor, Weaver, Willis.	
Total	9
VOTING PRESENT: Hickinbotham, Milligan.	
Total	2
Total number of votes cast	90
Necessary to the passage of the emergency clause	67

So the Emergency Clause was adopted.

HOUSE BILLS ORDERED TRANSMITTED TO THE SENATE AS PASSED

HOUSE BILL NO.1010	BY REPRESENTATIVE HATHORN
SENATE BILL NO. 1	BY JOINT BUDGET COMMITTEE
SENATE BILL NO 2	BY SENATOR BEEBE

In accordance with the provisions of HOUSE CONCURRENT RESOLUTION NO. 1001 the Speaker declared the House of Representatives of the Eighty-Third General Assembly to be adjourned Sine Die at, 3:08 p.m., 2002.

ATTEST:		
Shane Broadway	Jo Renshaw	
Speaker of the House of Representative	Chief Clerk	

ADDENDUM

EIGHTY-THIRD GENERAL ASSEMBLY

FIRST EXTRAORDINARY SESSION

JUNE 10, 2002

JUNE 12, 2002

The Honorable Shane Broadway Speaker House of Representatives State Capitol, Room 350 Little Rock, AR 72201

Dear Mr. Speaker:

I am enclosing herewith the following House Bill that died in the Senate Public Health Welfare and Labor Committee at Sine Die Adjournment on June 12, 2002.

HOUSE BILL DYING IN PUBLIC HEALTH, WELFARE AND LABOR COMMITTEE

HOUSE BILL 1010

Respectfully submitted,

/s/ Ann Cornwell

Secretary of Senate

June 13, 2002

The Honorable Sharon Priest Secretary of State State Capitol Building Little Rock, AR 72201

Dear Ms. Priest:

Attached are the following House Resolutions which were read and adopted during the First Extraordinary Session of the 83rd General Assembly.

HR 1001 HR 1002 HR 1003

Respectfully submitted,

Jo Renshaw Chief Clerk June 13, 2002

The Honorable Sharon Priest Secretary of State State Capitol Building Little Rock, AR 72201

Dear Ms. Priest:

Attached are the following House Bills which died in House Committee at Sine Die Adjournment of the First Extraordinary Session of the 83rd General Assembly.

Joint Budget Committee	Revenue & Tax Committee	Rules Committee
HB 1003	HB 1006	HB 1001
HB 1004	HB 1007	HB 1002
HB 1009	HB 1008	

Respectfully submitted,

/s/ Jo Renshaw Chief Clerk

June 13, 2002

The Honorable Sharon Priest Secretary of State State Capitol Building Little Rock, AR 72201

Dear Ms. Priest:

Attached is House Bill 1010 which died in the Senate Committee on Public Health during the First Extraordinary Session of the 83rd General Assembly.

Respectfully submitted,

Jo Renshaw Chief Clerk

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June 13, 2002

The Honorable Sharon Priest Secretary of State State Capitol Building Little Rock, AR 72201

Dear Ms. Priest:

Attached is House Bill 1005 which died on the House Calendar during the First Extra Ordinary Session of the 83rd General Assembly.

Respectfully submitted, Jo Renshaw Chief Clerk