

JOURNAL OF THE ARKANSAS
HOUSE OF REPRESENTATIVE



84th GENERAL ASSEMBLY
2003 2nd EXTRAORDINARY SESSION

JOURNAL
HALL OF THE
HOUSE OF REPRESENTATIVES

EIGHTY-FOURTH GENERAL ASSEMBLY

SECOND EXTRAORDINARY SESSION

STATE OF ARKANSAS

CONVENED IN THE STATE CAPITOL
LITTLE ROCK, ARKANSAS

DECEMBER 8, 2003

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

Little Rock, Arkansas
December 8, 2003

The House was called to order at 12:04 p.m. by Mr. Cleveland, the Speaker.
The following members answered to the roll call:

Adams, Agee, Anderson, Bennett, Berry, Biggs, Blair, Bledsoe, Bolin, Bond, Bookout, Borhauer, Boyd, Bradford, Bright, Chesterfield, Childers, Clemons, Cowling, Creekmore, Dangeau, Dees, Dickinson, Dobbins, Eason, Edwards, Elliott, D.Evans, L. Evans, Ferguson, Fite, 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.

Total99

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

Total1

A quorum was present.

Unanimous leave was granted for Representative Gillespie.

The House stood and was led in prayer by Reverend Tim Prock, House Chaplain, Paris, 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.

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

STATE OF ARKANSAS
EXECUTIVE DEPARTMENT
P R O C L A M A T I O N

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.

/s/ Mike Huckabee, Governor

/s/ Charlie Daniels, Secretary of State

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

Representative Steven B. Jones, Chairperson
Representative Jim Lendall
Representative Steve Napper
Representative John A. Eason
Representative Don R. House
Representative Roger Smith
Representative John Lewellen
Representative David M. Haak
Representative Marvin Parks
Representative Billy O. Gipson
Representative Paul Bookout

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

Representative Russell Bennett, Chairperson
Representative Bill Scrimshire
Representative Mike Hathorn
Representative Chaney Taylor, Jr.
Representative Mike Creekmore
Representative Gary Biggs
Representative Calvin Johnson
Representative Cecile Bledsoe
Representative Jimmy "Red" Milligan
Representative Sarah S. Agee
Representative Robert J. White

Presentation of House Concurrent Resolution 1001 by Representative Mike Creekmore, calling for a Joint Session of the House and Senate at 12:30 p.m., Monday, December 8, 2003.

HOUSE CONCURRENT RESOLUTION NO. 1001

BY: REPRESENTATIVE CREEKMORE

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.

Was read the first time, rules suspended, read the second time, rules suspended, read the third time without objection, adopted and ordered transmitted to the Senate.

House recessed at 12:13 p.m. until 12:30 p.m.

Proceedings for the Joint Session of the Second Extraordinary Session of the 84th General Assembly Monday, December 8, 2003 at 12:37 p.m.

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

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

Altes, Argue, Baker, Bisbee, J. 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.

Total.....35

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

Total.....0

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

Adams, Agee, Anderson, Bennett, Berry, Biggs, Blair, Bledsoe, Bolin, Bond, P. Bookout, Borhauer, Boyd, Bradford, Bright, Chesterfield, Childers, Clemons, Cowling, Creekmore, Dangeau, Dees, Dickinson, Dobbins, Eason, Edwards, Elliott, D. Evans, L. Evans, Ferguson, Fite, 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, R. Smith, Stovall, Sullivan, Sumpter, C.Taylor, J.Taylor, Thomas, Thomason, Thyer, Verkamp, Walters, Weaver, White, Wood, Mr. Speaker.

Total 99

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

Gillespie.

Total 1

Unanimous leave was granted for Representative(s) Gillespie.

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

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

Senator David Bisbee, Chairperson

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 appointed the following named Representatives as the Committee to escort Governor Huckabee to the House Chamber:

Representative Paul Weaver, Chairperson

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 was presented to the General Assembly by Speaker Herschel W. Cleveland.

Governor Huckabee addressed the Joint Session.

Mr. Speaker, Governor Rockefeller, Members of the 84th General Assembly, Ladies and Gentlemen:

Slightly more than one year ago, our State Supreme Court presented to us the dilemma of providing an adequate education to every student in our public schools and doing it equitably.....they reminded us of our duty under the solemn oath by which we took office to uphold the Constitution of our state, whether or not we liked it or even agreed with it. And they gave us a very clear and firm deadline by which to do it and you have exactly 23 days from today to face the dilemma, do your duty, and meet the deadline.

Almost 12 months ago, I laid forth a detailed plan for meeting this challenge. In the months following, there have been numerous changes, compromises, and concessions. I have traveled in virtually every county to every part of the state, have met with almost every legislator and spoken to literally thousands of Arkansans in every setting imaginable seeking to lead us to a court compliant resolution. After 94 days in regular session and 5 in special session, we were unable to agree on a plan. Exactly 60 days ago, I presented another detailed plan for consideration. In the Senate today, a further compromise will be introduced that will mean I will give up about 2/3 of what I have believed we ought to do. In the 23 days which remain, I can only hope that at least 51% of this legislature will yield on the other 1/3.

Surely by now, we understand the dilemma, recognize the clear deadline, leaving the only thing remaining is to do your duty. A man with a reputation for fishing and always getting his limit and sometimes more became the target of the local game warden. The game warden called and didn't disclose he was an enforcement officer, but asked to go fishing with him to see how he did it. The fisherman agreed and they were to meet the next morning at the agreed upon launch site. The game officer was surprised to see that the man didn't have a boat full of rod and reels, just a paper sack and a dip net. They motored out in the lake, when the man reached into the sack, took out a stick of dynamite, lit it, tossed it in the water and after the explosion, used the dip net to scoop up the fish. Before the enforcement officer even had time to bring out his badge and stop him, the old

fisherman reached in the sack, got another stick of dynamite, lit it, tossed it over, and the fish came floating up and he scooped them up. The game warden now had regained his composure, pulled out his badge and ordered him to stop immediately as he was going to be under arrest....the fisherman got another stick of dynamite, lit it, handed it to the game warden and said, "Now what do you want to do, talk or fish?"

Ladies and Gentlemen, I'm not going to give you the long speech you expected today....we've been talking for more than a year...it's time to fish.

Joint Session adjourned at 12:55 p.m.

House reconvened at 1:04 p.m.

Senate reconvened at 1:05 p.m.

House stood in recess at 1:10 p.m.

House reconvened at 4:29 p.m.

HOUSE CONCURRENT RESOLUTIONS ADOPTED AND
ORDERED TRANSMITTED TO THE SENATE

HOUSE CONCURRENT RESOLUTION NO. 1001
BY REPRESENTATIVE CREEKMORE

ENROLLED AND DELIVERY TO GOVERNOR REPORTS

Little Rock, Arkansas

December 8, 2003

MR. SPEAKER:

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

HOUSE CONCURRENT RESOLUTION NO. 1001

BY REPRESENTATIVE CREEKMORE

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 2:35 p.m. delivered them to the Governor for his approval.

Respectfully submitted,

/s/ Herschel W. Cleveland
Chairman

RECEIPT FROM THE GOVERNOR

RECEIVED FROM THE HOUSE:

HOUSE CONCURRENT RESOLUTION NO. 1001

BY REPRESENTATIVE CREEKMORE

/s/ Mike Huckabee - Governor

TIME: 2:35 p.m.

By: Stacy DeJarnett

HOUSE BILL NO. 1001

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.

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

HOUSE BILL NO. 1002

BY: REPRESENTATIVE DANGEAU

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO ALLOW THE GENERAL ASSEMBLY TO BETTER ENSURE THAT THE SYSTEM OF PUBLIC EDUCATION IN THE STATE OPERATES AS CONSTITUTIONALLY MANDATED BY REORGANIZING THE STATE BOARD OF EDUCATION; TO REQUIRE THE DIRECTOR OF THE DEPARTMENT OF EDUCATION TO SERVE AT THE PLEASURE OF THE BOARD; AND FOR OTHER PURPOSES.

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

HOUSE BILL NO. 1003

BY: REPRESENTATIVE DANGEAU

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO EXEMPT SCHOOL DISTRICTS IN ACADEMIC DISTRESS FROM THE TEACHER RETENTION REQUIREMENTS OF THE TEACHER FAIR DISMISSAL ACT; AND FOR OTHER PURPOSES.

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

HOUSE BILL NO. 1004

BY: REPRESENTATIVE DANGEAU

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO PROVIDE ASSESSMENT TEAMS TO ASSIST SCHOOL DISTRICTS IN ACADEMIC OR FINANCIAL DISTRESS AND SCHOOLS IN SCHOOL IMPROVEMENT; AND FOR OTHER PURPOSES.

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

HOUSE BILL NO. 1005

BY: REPRESENTATIVE DANGEAU

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 ACADEMIC DISTRESS REMEDIATION FOR ARKANSAS SCHOOLS; 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 EDWARDS

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO ADD WASHINGTON COUNTY PRAIRIE 3 TOWNSHIP INTO THE JURISDICTION BOUNDARIES OF THE PRAIRIE GROVE DISTRICT COURT; AND FOR OTHER PURPOSES.

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

HOUSE BILL NO. 1007

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.

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

HOUSE BILL NO. 1008

BY: REPRESENTATIVE PICKETT

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO LIMIT THE AMOUNT OF STATE FUNDS THAT MAY BE USED TO SUPPORT INTERSCHOOL ATHLETIC PROGRAMS IN PUBLIC SCHOOLS; AND FOR OTHER PURPOSES.

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

HOUSE BILL NO. 1009

BY: REPRESENTATIVE PICKETT

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO DIVIDE THE DEPARTMENT OF EDUCATION INTO THE DEPARTMENT OF CURRICULUM AND INSTRUCTION AND THE DEPARTMENT OF ACCOUNTABILITY; AND FOR OTHER PURPOSES.

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

HOUSE BILL NO. 1010

BY: REPRESENTATIVES DICKINSON, P. BOOKOUT, CHESTERFIELD, CLEVELAND, DANGEAU, FITE, J. JOHNSON, JACKSON, MOORE, SEAWEL, THOMAS, WEAVER, WHITE

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.

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

HOUSE BILL NO. 1011

BY: REPRESENTATIVE BOYD

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.

Was read the first time, rules suspended, read the second time, and referred to the Committee on PUBLIC HEALTH, WELFARE AND LABOR.

HOUSE BILL NO. 1012

BY: REPRESENTATIVE PICKETT

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO CREATE UNIFIED SCHOOL BOARDS OF EDUCATION; TO CREATE MORE EFFICIENT OPERATION OF SCHOOL DISTRICTS WITHOUT CONSOLIDATION OF SCHOOL FACILITIES; TO REQUIRE ADDITIONAL TRAINING FOR MEMBERS OF SCHOOL BOARDS OF EDUCATION; AND FOR OTHER PURPOSES.

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

HOUSE BILL NO. 1013

BY: REPRESENTATIVE ELLIOTT

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO PROVIDE ALTERNATIVE METHODS FOR REORGANIZING SCHOOL DISTRICTS; TO PROVIDE FOR CITIZEN PARTICIPATION; TO SUSTAIN STATE-ASSISTED DESEGREGATION; AND FOR OTHER PURPOSES.

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

HOUSE BILL NO. 1014

BY: REPRESENTATIVE L. PRATER

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO PROVIDE ADDITIONAL REVENUE TO FUND THE STATE EDUCATION SYSTEM BY REDUCING THE EXEMPTION FROM STATE INCOME TAX FOR CAPITAL GAINS TO TWENTY PERCENT (20%); 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. 1015

BY: REPRESENTATIVE L. PRATER

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO PROVIDE ADDITIONAL REVENUE TO FUND THE STATE EDUCATION SYSTEM; TO CREATE A NEW TOP TAX BRACKET FOR PERSONAL INCOME TAX OVER ONE HUNDRED THOUSAND DOLLARS (\$100,000); TO APPLY THE NEW TOP TAX BRACKET TO NONRESIDENTS AND FIDUCIARIES; TO INCREASE THE TOP CORPORATE INCOME TAX RATE; 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. 1016

BY: REPRESENTATIVE L. PRATER

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO PROVIDE ADDITIONAL REVENUE TO FUND THE STATE EDUCATION SYSTEM; TO INCREASE THE STATE GROSS RECEIPTS AND USE TAX RATE BY SEVEN-EIGHTHS OF ONE PERCENT (7/8 of 1%); TO CREATE THE EDUCATIONAL ADEQUACY TRUST FUND FOR DISTRIBUTION OF SPECIAL REVENUE TO THE PUBLIC SCHOOL FUND; TO IMPOSE A GROSS RECEIPTS TAX ON THE SALE OF ADVERTISING SPACE AND TIME INCLUDING NEWSPAPER ADVERTISING SPACE, TELEVISION AND RADIO ADVERTISING TIME, AND BILLBOARD ADVERTISING; TO REPEAL ARKANSAS CODE § 26-52-401(13) TO ELIMINATE THE GROSS RECEIPTS TAX EXEMPTION FOR ADVERTISING SPACE IN NEWSPAPERS AND ON BILLBOARDS; TO AMEND ARKANSAS CODE §§ 26-52-304 AND 26-53-109 TO PROVIDE THAT GROSS RECEIPTS FROM THE SALE OF SOFTWARE AND LICENSES ARE TAXABLE WITHOUT REGARD TO THE MANNER OF DELIVERY AND IMPOSING SALES TAX ON SOFTWARE-RELATED SERVICES AND COMPUTER CONSULTING SERVICES; 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. 1017

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.

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

HOUSE BILL NO. 1018

BY: REPRESENTATIVES BOYD, CLEVELAND, AND MILLIGAN

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO PROVIDE FOR THE CONTINUED SUPPORT OF ISOLATED SCHOOL DISTRICTS; AND FOR OTHER PURPOSES.

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

HOUSE BILL NO. 1019

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.

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

HOUSE BILL NO. 1020

BY: REPRESENTATIVE CREEKMORE

BY: SENATOR J. 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.

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

HOUSE BILL NO. 1021

BY: REPRESENTATIVES WEAVER, SEAWEL, ADAMS, BENNETT, BOLIN, FITE, HICKINBOTHAM, HOUSE, MILLIGAN, OGLESBY, L. PRATER, J. TAYLOR, WALTERS

BY: 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.

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

HOUSE RESOLUTION NO. 1001

BY: REPRESENTATIVE DICKINSON

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

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

Upon motion of Representative Napper, the House adjourned at 4:30 p.m. until 1:30 p.m., Tuesday, December 9, 2003.

ATTEST:

Herschel W. Cleveland
Speaker of the House of Representatives

Jo Renshaw
Chief Clerk

**SECOND DAY'S PROCEEDINGS
HALL OF THE HOUSE OF REPRESENTATIVES**

Little Rock, Arkansas
December 9, 2003

The House was called to order at 1:33 p.m. by Mr. Cleveland, the Speaker.
The following members answered to the roll call:

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

Total100

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

Total0

A quorum was present.

The House stood and was led in prayer by Representative Don R. House.

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

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

HOUSE BILL NO. 1001

BY: HOUSE MANAGEMENT

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

AFFIRMATIVE: Adams, Agee, Anderson, Bennett, Berry, Biggs, Blair, Bledsoe, Bolin, Bond, P. Bookout, Borhauer, Boyd, Bradford, Bright, Chesterfield, Childers, Clemons, Cowling, Creekmore, Dangeau, Dees, Dickinson, Dobbins, Eason, Edwards, Elliott, D. Evans, L. Evans, Ferguson, Fite, Gillespie, Gipson, Goss, Green, Haak, 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, R. Smith, Stovall, Sullivan, Sumpter, C. Taylor, J. Taylor, Thomas, Thomason, Thyer, Verkamp, Walters, Weaver, White, Wood, Mr. Speaker.

Total100

NEGATIVE:

Total0

ABSENT OR NOT VOTING:

Total0

VOTING PRESENT:

Total0

Total number of votes cast.....100

Total number voting in the affirmative100

Necessary to the passage of the bill75

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

There being an Emergency Clause attached to **HOUSE BILL NO. 1001**, the Speaker ordered the clerk to call the roll upon the adoption of the Emergency Clause. The vote was as follows:

EMERGENCY CLAUSE

AFFIRMATIVE: Adams, Agee, Anderson, Bennett, Berry, Biggs, Blair, Bledsoe, Bolin, Bond, P. Bookout, Borhauer, Boyd, Bradford, Bright, Chesterfield, Childers, Clemons, Cowling, Creekmore, Dangeau, Dees, Dickinson, Dobbins, Eason, Edwards, Elliott, D. Evans, L. Evans, Ferguson, Fite, Gillespie, Gipson, Goss, Green, Haak, 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, R. Smith, Stovall, Sullivan, Sumpter, C. Taylor, J. Taylor, Thomas, Thomason, Thyer, Verkamp, Walters, Weaver, White, Wood, Mr. Speaker.

Total	100
NEGATIVE:	
Total	0
ABSENT OR NOT VOTING:	
Total	0
VOTING PRESENT:	
Total	0
Total number of votes cast.....	100
Total number voting in the affirmative	100
Necessary to the adoption of the emergency clause.....	67

So the Emergency Clause was adopted.

House recessed at 1:47 p.m. until 4:30 p.m.

House reconvened at 4:27 p.m.

HOUSE BILLS ORDERED TRANSMITTED TO THE SENATE AS PASSED

HOUSE BILL NO. 1001 BY HOUSE MANAGEMENT COMMITTEE

ARKANSAS SENATE
SENATE BILLS RECEIVED FROM SENATE

SENATE BILL NO. 1 BY SENATE EFFICIENCY COMMITTEE

HOUSE BILL NO. 1022

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.

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

HOUSE BILL NO. 1023

BY: REPRESENTATIVE WEAVER

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO PROVIDE FOR THE TRANSFER OF FUNDS FROM THE INDUSTRY AND AEROSPACE DEVELOPMENT FUND TO THE GENERAL IMPROVEMENT 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. 1024

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.

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

HOUSE BILL NO. 1025

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.

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

HOUSE BILL NO. 1026

BY: REPRESENTATIVE NAPPER

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO LEVY AN ADDITIONAL EXCISE TAX OF ONE PERCENT (1%) 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 SUBJECT TO THE TAX LEVIED BY THE ARKANSAS COMPENSATING TAX ACT; TO CREATE THE EDUCATIONAL ADEQUACY TRUST 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. 1027

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.

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

HOUSE BILL NO. 1028

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.

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

HOUSE BILL NO. 1029

BY: REPRESENTATIVE BOYD

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO LEVY GROSS RECEIPTS TAX ON SERVICES; 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. 1030

BY: REPRESENTATIVE BOYD

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO LEVY GROSS RECEIPTS TAX ON SERVICES; TO LEVY AN ADDITIONAL THREE-EIGHTHS OF ONE PERCENT (.375%) GROSS RECEIPTS TAX; AND FOR OTHER PURPOSES.

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

HOUSE RESOLUTION NO. 1002

BY: REPRESENTATIVE C. TAYLOR

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

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

SENATE BILL NO. 1

BY: SENATE EFFICIENCY

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.

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

Upon motion of Representative Gillespie, the House adjourned at 4:28 p.m. until 1:30 p.m. Wednesday, December 10, 2003.

ATTEST:

 Herschel W. Cleveland
 Speaker of the House of Representatives

 Jo Renshaw
 Chief Clerk

**THIRD DAY'S PROCEEDINGS
HALL OF THE HOUSE OF REPRESENTATIVES**

Little Rock, Arkansas
December 10, 2003

The House was called to order at 1:30 p.m. by Mr. Cleveland, the Speaker.
The following members answered to the roll call:

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

Total100

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

Total0

A quorum was present.

The House stood and was led in prayer by Representative Jay Martin.

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

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

COMMITTEE REPORT

EDUCATION	December 10, 2003
	CALVIN JOHNSON
	CHAIRPERSON
HOUSE BILL NO. 1017	DO PASS
BY REPRESENTATIVE MAHONY	
HOUSE BILL NO. 1019	DO PASS
BY REPRESENTATIVE MAHONY	
HOUSE BILL NO. 1021	DO PASS
BY REPRESENTATIVE WEAVER	AS AMENDED #1

COMMITTEE REPORT

AGING, CHILDREN AND YOUTH, LEGISLATIVE AND MILITARY AFFAIRS	December 10, 2003
	JOYCE DEES
	CHAIRPERSON
HOUSE RESOLUTION NO. 1001	DO PASS
BY REPRESENTATIVE DICKINSON	
HOUSE RESOLUTION NO. 1002	DO PASS
BY REPRESENTATIVE C. TAYLOR	

SENATE BILL NO. 1

BY: SENATE EFFICIENCY

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

AFFIRMATIVE: Adams, Agee, Anderson, Bennett, Berry, Biggs, Bledsoe, Bolin, Bond, P. Bookout, Borhauer, Boyd, Bradford, Bright, Chesterfield, Childers, Clemons, Cowling, Creekmore, Dangeau, Dees, Dickinson, Dobbins, Eason, Edwards, Elliott, D. Evans, L. Evans, Ferguson, Fite, Gillespie, Gipson, Goss, Green, Haak, 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, R. Smith, Stovall, Sullivan, Sumpter, C. Taylor, J. Taylor, Thomas, Thomason, Thyer, Verkamp, Walters, Weaver, White, Wood, Mr. Speaker.

Total99

NEGATIVE:

Total0

ABSENT OR NOT VOTING: Blair.

Total1

VOTING PRESENT:

Total0

Total number of votes cast.....99

Total number voting in the affirmative99

Necessary to the passage of the bill75

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

There being an Emergency Clause attached to **SENATE BILL NO. 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, Anderson, Bennett, Berry, Biggs, Bledsoe, Bolin, Bond, P. Bookout, Borhauer, Boyd, Bradford, Bright, Chesterfield, Childers, Clemons, Cowling, Creekmore, Dangeau, Dees, Dickinson, Dobbins, Eason, Edwards, Elliott, D. Evans, L. Evans, Ferguson, Fite, Gillespie, Gipson, Goss, Green, Haak, 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, R. Smith, Stovall, Sullivan, Sumpter, C. Taylor, J. Taylor, Thomas, Thomason, Thyer, Verkamp, Walters, Weaver, White, Wood, Mr. Speaker.

Total99

NEGATIVE:

Total0

ABSENT OR NOT VOTING: Blair.

Total1

VOTING PRESENT:

Total0

Total number of votes cast99

Total number voting in the affirmative99

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

So the Emergency Clause was adopted.

The House recessed at 1:50 p.m.

The House reconvened at 4:26 p.m.

ARKANSAS SENATE
HOUSE BILLS RETURNED FROM THE SENATE AS PASSED

HOUSE BILL NO. 1001 BY HOUSE MANAGEMENT

SENATE BILLS ORDERED RETURNED TO THE SENATE AS PASSED

SENATE BILL NO. 1 BY SENATE EFFICIENCY

ENROLLED AND DELIVERY TO GOVERNOR REPORTS

Little Rock, Arkansas

December 10, 2003

MR. SPEAKER:

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

HOUSE BILL NO. 1001 BY HOUSE MANAGEMENT

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 2:24 p.m. delivered them to the Governor for his approval.

Respectfully submitted,

/s/ Herschel W. Cleveland
Chairman

RECEIPT FROM THE GOVERNOR

RECEIVED FROM THE HOUSE:

HOUSE BILL NO. 1001 BY HOUSE MANAGEMENT

/s/ Mike Huckabee - Governor

TIME: 2:24 p.m.

By: Stacy DeJarnett

HOUSE BILL NO. 1031

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.

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

HOUSE BILL NO. 1032

BY: REPRESENTATIVES CLEVELAND, BOLIN, P. BOOKOUT, CHESTERFIELD, DANGEAU, FITE, J. JOHNSON, MOORE, SEAWEL, THOMAS

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.

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

HOUSE BILL NO. 1033

BY: REPRESENTATIVES CLEVELAND, BOLIN, CHESTERFIELD, FITE, MOORE

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO CREATE REGIONAL ALTERNATIVE LEARNING ENVIRONMENTS; AND FOR OTHER PURPOSES.

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

HOUSE BILL NO. 1034

BY: REPRESENTATIVES CLEVELAND, P. BOOKOUT, CHESTERFIELD, FITE, J. JOHNSON, MOORE, SEAWEL, THOMAS, WHITE

BY: 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.

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

HOUSE BILL NO. 1035

BY: REPRESENTATIVES CLEVELAND, P. BOOKOUT, CHESTERFIELD, DANGEAU, FITE, J. JOHNSON, MOORE, SEAWEL, THOMAS, WEAVER, WHITE

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.

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

HOUSE BILL NO. 1036

BY: REPRESENTATIVES HOUSE, BOLIN, SEAWEL, WALTERS, P. BOOKOUT, FITE, JUDY, LENDALL, L. PRATER

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.

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

Upon motion of Representative Gillespie, the House adjourned at 4:28 p.m. until 1:30 p.m. Thursday, December 11, 2003.

ATTEST:

Herschel W. Cleveland
Speaker of the House of Representatives

Jo Renshaw
Chief Clerk

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

Little Rock, Arkansas
Thursday, December 11, 2003

The House was called to order at 1:33 p.m. by Mr. Cleveland, the Speaker.
The following members answered to the roll call:

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

Total100

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

Total0

A quorum was present.

The House stood and was led in prayer by Representative Daryl Pace.

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

	December 11, 2003
JOINT BUDGET	PAUL WEAVER
	CHAIRPERSON
HOUSE BILL NO. 1022	DO PASS
BY REPRESENTATIVE WEAVER	
HOUSE BILL NO. 1025	DO PASS
BY REPRESENTATIVE WEAVER	

COMMITTEE REPORT

	December 10, 2003
EDUCATION	CALVIN JOHNSON
	CHAIRPERSON
HOUSE BILL NO. 1010	DO PASS
BY REPRESENTATIVE DICKINSON	

Upon motion of Representative Weaver, **HOUSE BILL NO. 1021** was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 1 TO HOUSE BILL NO. 1021

Amend **HOUSE BILL NO. 1021** as originally introduced:

Page 22, delete line 32 and substitute the following: "average teacher salary disparity by the lesser of:"

/s/ Paul Weaver

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

/s/ Ms. Jo Renshaw
Chief Clerk

Upon motion of Representative Napper, **HOUSE BILL NO. 1026** was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 1 TO HOUSE BILL NO. 1026

Amend **HOUSE BILL NO. 1026** as originally introduced:

Page 2, Line 33, delete "four and one-half percent (4.5%)" and substitute "five percent (5%)"

AND

Delete Section 6 in its entirety and appropriately renumber the sections of the bill

/s/ Steve Napper

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

/s/ Ms. Jo Renshaw

Chief Clerk

ENGROSSED BILL REPORTS

HERSCHEL W. CLEVELAND, CHAIRMAN

December 11, 2003

The following bill(s) reported correctly engrossed:

HOUSE BILL NO. 1021 BY REPRESENTATIVE WEAVER, ET AL

HOUSE BILL NO. 1026 BY REPRESENTATIVE NAPPER

HOUSE RESOLUTION NO.1002

BY: REPRESENTATIVE C. TAYLOR

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

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

Morning Hour Expired.

HOUSE BILL NO. 1017

BY: REPRESENTATIVE MAHONY

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

AFFIRMATIVE: Adams, Agee, Anderson, Bennett, Berry, Biggs, Blair, Bledsoe, Bolin, Bond, P. Bookout, Borhauer, Boyd, Bradford, Bright, Chesterfield, Childers, Clemons, Cowling, Creekmore, Dangeau, Dees, Dickinson, Dobbins, Eason, Edwards, Elliott, D. Evans, L. Evans, Ferguson, Fite, Gillespie, Gipson, Goss, Green, Haak, 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, Pace, Parks, Pate, Penix, Petrus, Pickett, L. Prater, S. Prater, Pritchard, Rankin, Roebuck, Rosenbaum, Scrimshire, Scroggin, Seawel, R. Smith, Stovall, Sullivan, Sumpster, C. Taylor, J. Taylor, Thomas, Thomason, Thyer, Verkamp, Walters, Weaver, White, Wood, Mr. Speaker.

Total	98
NEGATIVE: Ormond.	
Total	1
ABSENT OR NOT VOTING: Schulte.	
Total	1
VOTING PRESENT:	
Total	0
Total number of votes cast	99
Total number voting in the affirmative	98
Necessary to the passage of the bill	51

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

HOUSE BILL NO. 1019

BY: REPRESENTATIVE MAHONY

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

AFFIRMATIVE: Adams, Agee, Anderson, Bennett, Berry, Biggs, Blair, Bledsoe, Bolin, Bond, P. Bookout, Borhauer, Boyd, Bradford, Bright, Chesterfield, Childers, Clemons, Cowling, Creekmore, Dees, Dickinson, Dobbins, Eason, Edwards, Elliott, D. Evans, L. Evans, Ferguson, Fite, Gillespie, Gipson, Goss, Green, Haak, 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, R. Smith, Stovall, Sullivan, Sumpter, C. Taylor, J. Taylor, Thomas, Thomason, Thyer, Verkamp, Walters, Weaver, White, Wood.

Total97

NEGATIVE:

Total0

ABSENT OR NOT VOTING: Dangeau, Hardwick, Mr. Speaker.

Total3

VOTING PRESENT:

Total0

Total number of votes cast.....97

Total number voting in the affirmative97

Necessary to the passage of the bill51

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

The House recessed at 1:58 p.m. until 4:30 p.m.

HOUSE BILLS ORDERED TRANSMITTED TO THE SENATE AS PASSED

HOUSE BILL NO. 1017 BY REPRESENTATIVE MAHONY

HOUSE BILL NO. 1019 BY REPRESENTATIVE MAHONY

ARKANSAS SENATE
SENATE BILLS RECEIVED FROM SENATE

SENATE BILL NO. 4 BY SENATOR BISBEE

State of Arkansas
Office of the Governor

Mike Huckabee
Governor

December 9, 2003

TO THE SPEAKER OF THE HOUSE

Dear Mr. Speaker:

This is to inform your Honorable Body that on December 9, 2003, I approved the following measure from the Second Extraordinary Session of the Eighty-Fourth General Assembly:

HOUSE CONCURRENT RESOLUTION NO. 1001

Sincerely,

/s/ Mike Huckabee

MH:sm

cc: President of the Senate

HOUSE BILL NO. 1037

BY: REPRESENTATIVE MATAYO

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.

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

HOUSE BILL NO. 1038

BY: REPRESENTATIVE MATHIS

BY: SENATOR T. 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.

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

HOUSE BILL NO. 1039

BY: REPRESENTATIVES SUMPTER, KING

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO MAKE AN APPROPRIATION FOR STATE CONTRIBUTIONS TO THE PUBLIC SCHOOL EMPLOYEE HEALTH INSURANCE PROGRAM FOR THE DEPARTMENT OF EDUCATION FOR THE BIENNIAL PERIOD ENDING JUNE 30, 2005; 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. 1040

BY: REPRESENTATIVE ELLIOTT

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO PROVIDE EXTRAORDINARY INCENTIVES FOR TEACHER RECRUITMENT AND RETENTION IN HIGH-POVERTY DISTRICTS; AND FOR OTHER PURPOSES.

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

HOUSE RESOLUTION NO. 1003

BY: REPRESENTATIVES BLAIR, JUDY

HOUSE RESOLUTION TO RECOGNIZE AND COMMEND THE WESTERN ARKANSAS STATE PROFESSIONAL FIREFIGHTERS/IAFF LOCAL S-24 OF THE 188TH FIRE DEPARTMENT, ARKANSAS AIR NATIONAL GUARD, FORT SMITH, ARKANSAS.

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

SENATE BILL NO. 4

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.

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

The House reconvened at 4:26 p.m.

Upon motion of Representative Gillespie, the House adjourned at 4:27 p.m. until 10:30 a.m. Friday, December 12, 2003.

ATTEST:

Herschel W. Cleveland
Speaker of the House of Representatives

Jo Renshaw
Chief Clerk

**FIFTH DAY'S PROCEEDINGS
HALL OF THE HOUSE OF REPRESENTATIVES**

Little Rock, Arkansas
December 12, 2003

The House was called to order at 10:34 a.m. by Mr. Cleveland, the Speaker.
The following members answered to the roll call:

Adams, Agee, Anderson, Bennett, Berry, Biggs, Blair, Bledsoe, Bolin, Bond, Bookout, Borhauer, Boyd, Bradford, Bright, Chesterfield, Childers, Clemons, Cowling, Creekmore, Dangeau, Dees, Dickinson, Dobbins, Eason, Edwards, Elliott, D.Evans, L. Evans, Ferguson, Fite, Gillespie, Gipson, Goss, 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, 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.

Total98

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

Total2

A quorum was present.
Unanimous leave was granted for Representative(s) Green, L. Prater.
The House stood and was led in prayer by Representative Tommy Dickinson.
The House stood and gave the Pledge of Allegiance to the Flag.
The reading of the Journal of yesterday's proceedings was dispensed with.

State of Arkansas
Office of the Governor

Mike Huckabee
Governor

December 11, 2003

TO THE SPEAKER OF THE HOUSE

Dear Mr. Speaker:

This is to inform your Honorable Body that on December 11, 2003, I approved the following measures from the Second Extraordinary Session of the Eighty-Fourth General Assembly:

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

Sincerely,

/s/ Mike Huckabee

MH:sm

cc: President of the Senate

Upon motion of Representative Cleveland, HOUSE BILL NO. 1031 was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 1 TO HOUSE BILL NO. 1031

Amend HOUSE BILL NO. 1031 as originally introduced:

Page 1, delete line 27 in its entirety and substitute the following:

"Environments, for the remainder of the biennial period ending June 30, 2005, the sum of\$5,000,000"

/s/ Herschel Cleveland

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

/s/ Ms. Jo Renshaw
Chief Clerk

Upon motion of Representative Boyd, HOUSE BILL NO. 1011 was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 1 TO HOUSE BILL NO. 1011

Amend HOUSE BILL NO. 1011 as originally introduced:

Add Representatives P. Bookout, Judy, and Creekmore as cosponsors of the bill
AND

Add Senator J. Bookout as a cosponsor of the bill

Page 1, delete lines 33 through 36, and substitute therefore:

"(3) Require schools to include as a part of ~~the~~ a student health report card to parents an annual body mass index percentile by age for each students;
and

(4) Require schools to annually provide parents with an"

AND

Page 2, delete lines 1 and 2 and substitute the following:

"explanation of the possible health effects of body mass index, nutrition, and physical activity."

/s/ Travis Boyd

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

/s/ Ms. Jo Renshaw
Chief Clerk

ENGROSSED BILL REPORTS

HERSCHEL W. CLEVELAND, CHAIRMAN

December 12, 2003

The following bill(s) reported correctly engrossed:

HOUSE BILL NO. 1011 - TITLE - BY REPRESENTATIVE BOYD, ET AL

HOUSE BILL NO. 1031 BY REPRESENTATIVE CLEVELAND

HOUSE BILL ENGROSSED AS TITLE AMENDED

HOUSE BILL NO. 1011

BY: REPRESENTATIVES BOYD, *P. BOOKOUT, JUDY, CREEKMORE*

BY: *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 RESOLUTION NO.1001

BY: REPRESENTATIVE DICKINSON

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

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

Morning Hour Expired.

HOUSE BILL NO. 1010

BY: REPRESENTATIVE DICKINSON

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

AFFIRMATIVE: Adams, Berry, Blair, Bolin, Bond, P. Bookout, Borhauer, Boyd, Bright, Chesterfield, Clemons, Cowling, Creekmore, Dangeau, Dees, Dickinson, Dobbins, Eason, Elliott, D. Evans, L. Evans, Ferguson, Fite, Gillespie, Goss, Hardwick, Harris, Hathorn, Hickinbotham, House, Hutchinson, Jacobs, Jeffrey, J. Johnson, Jones, Judy, Key, King, Lendall, Lewellen, Mack, Martin, Matayo, Medley, Milligan, Moore, Napper, Norton, Oglesby, Pate, Petrus, Pickett, S. Prater, Roebuck, Scrimshire, Scroggin, Seawel, Stovall, Sullivan, Sumpter, C. Taylor, J. Taylor, Thomason, Weaver, White, Wood, Mr. Speaker.

Total67

NEGATIVE: Agee, Childers, Gipson, Jackson, Kenney, Lamoureux, Mathis, Nichols, Pace, Penix, Pritchard, Rankin, R. Smith, Thomas, Thyer, Verkamp, Walters.

Total17

ABSENT OR NOT VOTING: Anderson, Bennett, Bledsoe, Bradford, Green, Haak, C. Johnson, Ledbetter, Mahony, Ormond, Parks, L. Prater.

Total12

VOTING PRESENT: Biggs, Edwards, Rosenbaum, Schulte.

Total4

Total number of votes cast88

Total number voting in the affirmative67

Necessary to the passage of the bill51

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

There being an Emergency Clause attached to **HOUSE BILL NO. 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, Berry, Blair, Bolin, Bond, P. Bookout, Borhauer, Boyd, Bright, Chesterfield, Clemons, Cowling, Creekmore, Dangeau, Dees, Dickinson, Dobbins, Eason, Elliott, D. Evans, L. Evans, Ferguson, Fite, Gillespie, Goss, Hardwick, Harris, Hathorn, Hickinbotham, House, Hutchinson, Jacobs, Jeffrey, J. Johnson, Jones, Judy, Key, King, Lendall, Lewellen, Mack, Martin, Matayo, Medley, Milligan, Moore, Napper, Norton, Oglesby, Pate, Petrus, Pickett, S. Prater, Roebuck, Scrimshire, Scroggin, Seawel, Stovall, Sullivan, Sumpter, C. Taylor, J. Taylor, Thomason, Weaver, White, Wood, Mr. Speaker.

Total67

NEGATIVE: Agee, Childers, Gipson, Jackson, Kenney, Lamoureux, Mathis, Nichols, Pace, Penix, Pritchard, Rankin, R. Smith, Thomas, Thyer, Verkamp, Walters.

Total17

ABSENT OR NOT VOTING: Anderson, Bennett, Bledsoe, Bradford, Green, Haak, C. Johnson, Ledbetter, Mahony, Ormond, Parks, L. Prater.

Total12

VOTING PRESENT: Biggs, Edwards, Rosenbaum, Schulte.

Total4

Total number of votes cast88

Total number voting in the affirmative67

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

So the Emergency Clause was adopted.

Motion was made by Representative Weaver to refer **HOUSE BILL NO. 1021** back to the Committee on EDUCATION.

Speaker Cleveland requested that **HOUSE BILL NO. 1036** be transferred from the Committee on EDUCATION to the Committee on ADVANCED COMMUNICATIONS AND INFORMATION TECHNOLOGY.

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

HOUSE BILL NO. 1025

BY: JOINT BUDGET COMMITTEE

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

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

Total93

NEGATIVE:

Total0

ABSENT OR NOT VOTING: Bolin, Gillespie, Green, Hardwick, Moore, Napper, L. Prater.

Total7

VOTING PRESENT:

Total0

Total number of votes cast.....93

Total number voting in the affirmative93

Necessary to the passage of the bill75

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

There being an Emergency Clause attached to **HOUSE BILL NO. 1025**, the Speaker ordered the clerk to call the roll upon the adoption of the Emergency Clause. The vote was as follows:

EMERGENCY CLAUSE

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

Total93

NEGATIVE:

Total0

ABSENT OR NOT VOTING: Bolin, Gillespie, Green, Hardwick, Moore, Napper, L. Prater.

Total7

VOTING PRESENT:

Total0

Total number of votes cast93

Total number voting in the affirmative93

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

So the Emergency Clause was adopted.

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

SENATE BILL NO. 4

BY: JOINT BUDGET COMMITTEE

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

AFFIRMATIVE: Adams, Agee, Anderson, Bennett, Berry, Biggs, Blair, Bledsoe, Bolin, Bond, P. Bookout, Borhauer, Bradford, Bright, Chesterfield, Childers, Clemons, Cowling, Creekmore, Dees, Dickinson, Dobbins, Eason, Edwards, Elliott, D. Evans, L. Evans, Ferguson, Fite, Gillespie, Gipson, Goss, 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, Mathis, Medley, Milligan, Napper, Nichols, Norton, Oglesby, Pace, Parks, Pate, Penix, Petrus, Pickett, S. Prater, Pritchard, Rankin, Roebuck, Rosenbaum, Schulte, Scrimshire, Scroggin, Seawel, R. Smith, Sullivan, Sumpter, C. Taylor, J. Taylor, Thomas, Thomason, Thyer, Verkamp, Walters, Weaver, White, Wood, Mr. Speaker.

Total92

NEGATIVE:

Total0

ABSENT OR NOT VOTING: Boyd, Dangeau, Green, Matayo, Moore, L. Prater, Stovall.

Total7

VOTING PRESENT: Ormond.

Total1

Total number of votes cast.....93

Total number voting in the affirmative92

Necessary to the passage of the bill75

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

There being an Emergency Clause attached to **SENATE BILL NO. 4**, the Speaker ordered the clerk to call the roll upon the adoption of the Emergency Clause. The vote was as follows:

EMERGENCY CLAUSE

AFFIRMATIVE: Adams, Agee, Anderson, Bennett, Berry, Biggs, Blair, Bledsoe, Bolin, Bond, P. Bookout, Borhauer, Bradford, Bright, Chesterfield, Childers, Clemons, Cowling, Creekmore, Dees, Dickinson, Dobbins, Eason, Edwards, Elliott, D. Evans, L. Evans, Ferguson, Fite, Gillespie, Gipson, Goss, 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, Mathis, Medley, Milligan, Napper, Nichols, Norton, Oglesby, Pace, Parks, Pate, Penix, Petrus, Pickett, S. Prater, Pritchard, Rankin, Roebuck, Rosenbaum, Schulte, Scrimshire, Scroggin, Seawel, R. Smith, Sullivan, Sumpter, C. Taylor, J. Taylor, Thomas, Thomason, Thyer, Verkamp, Walters, Weaver, White, Wood, Mr. Speaker.

Total92

NEGATIVE:

Total0

ABSENT OR NOT VOTING: Boyd, Dangeau, Green, Matayo, Moore, L. Prater, Stovall.

Total7

VOTING PRESENT: Ormond.

Total1

Total number of votes cast93

Total number voting in the affirmative92

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

So the Emergency Clause was adopted.

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

HOUSE BILL NO. 1022

BY: JOINT BUDGET COMMITTEE

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

AFFIRMATIVE: Adams, Agee, Anderson, Bennett, Berry, Biggs, Blair, Bledsoe, Bolin, Bond, P. Bookout, Borhauer, Boyd, Bradford, Bright, Chesterfield, Childers, Clemons, Cowling, Creekmore, Dangeau, Dees, Dickinson, Dobbins, Eason, Edwards, Elliott, D. Evans, L. Evans, Ferguson, Fite, Gillespie, Gipson, Goss, 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, Napper, Nichols, Norton, Oglesby, Ormond, Pace, Parks, Pate, Penix, Petrus, Pickett, S. Prater, Pritchard, Rankin, Roebuck, Rosenbaum, Schulte, Scrimshire, Scroggin, Seawel, R. Smith, Stovall, Sullivan, Sumpter, C. Taylor, J. Taylor, Thomas, Thomason, Thyer, Verkamp, Walters, Weaver, White, Wood, Mr. Speaker.

Total	97
NEGATIVE:	
Total	0
ABSENT OR NOT VOTING: Green, Moore, L. Prater.	
Total	3
VOTING PRESENT:	
Total	0
Total number of votes cast	97
Total number voting in the affirmative	97
Necessary to the passage of the bill	75

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

There being an Emergency Clause attached to **HOUSE BILL NO. 1022**, the Speaker ordered the clerk to call the roll upon the adoption of the Emergency Clause. The vote was as follows:

EMERGENCY CLAUSE

AFFIRMATIVE: Adams, Agee, Anderson, Bennett, Berry, Biggs, Blair, Bledsoe, Bolin, Bond, P. Bookout, Borhauer, Boyd, Bradford, Bright, Chesterfield, Childers, Clemons, Cowling, Creekmore, Dangeau, Dees, Dickinson, Dobbins, Eason, Edwards, Elliott, D. Evans, L. Evans, Ferguson, Fite, Gillespie, Gipson, Goss, 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, Napper, Nichols, Norton, Oglesby, Ormond, Pace, Parks, Pate, Penix, Petrus, Pickett, S. Prater, Pritchard, Rankin, Roebuck, Rosenbaum, Schulte, Scrimshire, Scroggin, Seawel, R. Smith, Stovall, Sullivan, Sumpter, C. Taylor, J. Taylor, Thomas, Thomason, Thyer, Verkamp, Walters, Weaver, White, Wood, Mr. Speaker.

Total	97
NEGATIVE:	
Total	0
ABSENT OR NOT VOTING: Green, Moore, L. Prater.	
Total	3
VOTING PRESENT:	
Total	0
Total number of votes cast	97
Total number voting in the affirmative	97
Necessary to the passage of the bill	67

So the Emergency Clause was adopted.

The House stood in recess at 11:13 a.m. until 1:30 p.m.

HOUSE BILLS ORDERED TRANSMITTED TO THE SENATE AS PASSED

HOUSE BILL NO. 1010 BY REPRESENTATIVE DICKINSON
 HOUSE BILL NO. 1022 BY REPRESENTATIVE WEAVER
 HOUSE BILL NO. 1025 BY REPRESENTATIVE WEAVER

SENATE BILLS ORDERED RETURNED TO THE SENATE AS PASSED

SENATE BILL NO. 4 BY SENATOR BISBEE
 SENATE BILL NO. 6 BY STATE AGENCIES & GOVERNMENTAL AFFAIRS
 SENATE BILL NO. 13 BY SENATOR GULLETT
 SENATE BILL NO. 14 BY SENATOR SALMON

HOUSE BILL NO. 1041

BY: REPRESENTATIVES MEDLEY, GREEN

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.

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

HOUSE BILL NO. 1042

BY: REPRESENTATIVES MEDLEY, GREEN

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO PROHIBIT THE TEACHING OF SPLIT CLASSES IN GRADES KINDERGARTEN THROUGH FOUR (K-4); AND FOR OTHER PURPOSES.

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

HOUSE BILL NO. 1043

BY: REPRESENTATIVES MEDLEY, GREEN

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO ENSURE THAT TEACHERS RECEIVE A THIRTY-MINUTE UNINTERRUPTED DUTY-FREE LUNCH PERIOD DURING EACH STUDENT INSTRUCTIONAL DAY; AND FOR OTHER PURPOSES.

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

HOUSE BILL NO. 1044

BY: REPRESENTATIVE ANDERSON

BY: SENATOR BISBEE

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.

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

HOUSE BILL NO. 1045

BY: REPRESENTATIVE ANDERSON

BY: SENATOR BISBEE

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO PROHIBIT REMEDIAL STUDENTS FROM ADMISSION TO DEGREE PROGRAMS AT FOUR-YEAR COLLEGES AND UNIVERSITIES IN ARKANSAS; AND FOR OTHER PURPOSES.

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

HOUSE BILL NO. 1046

BY: REPRESENTATIVE VERKAMP

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO AMEND ARKANSAS CODE § 26-53-106 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; 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. 1047

BY: REPRESENTATIVES J. JOHNSON, WALTERS, CHESTERFIELD, DEES, S. PRATER

BY: SENATORS WHITAKER, GULLETT

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO AMEND THE MINIMUM TEACHER SALARIES; AND FOR OTHER PURPOSES.

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

HOUSE BILL NO. 1048

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.

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

HOUSE BILL NO. 1049

BY: REPRESENTATIVES CLEVELAND, STOVALL, DANGEAU, ELLIOTT, MAHONY, VERKAMP, BOLIN, BOND, BOYD, COWLING, HATHORN, JACKSON, C. JOHNSON, JONES, PATE, ROEBUCK, THOMASON, WALTERS, WHITE

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.

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

HOUSE RESOLUTION NO. 1004

BY: REPRESENTATIVE STOVALL

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

Was read the first time, rules suspended, read the second time and referred to the Calendar.

SENATE BILL NO. 6

BY: STATE AGENCIES & GOVERNMENTAL AFFAIRS - SENATE

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.

Was read the first time, rules suspended, read the second time and referred to the Committee on STATE AGENCIES AND GOVERNMENTAL AFFAIRS.

SENATE BILL NO. 13

BY: SENATOR GULLETT

BY: 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.

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

SENATE BILL NO. 14

BY: SENATOR SALMON

BY: 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.

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

Upon motion of Representative Gillespie, the House adjourned at 2:43 p.m. until 1:30 p.m. Monday, December 15, 2003.

ATTEST:

Herschel W. Cleveland
Speaker of the House of Representatives

Jo Renshaw
Chief Clerk

**EIGHTH DAY'S PROCEEDINGS
HALL OF THE HOUSE OF REPRESENTATIVES**

Little Rock, Arkansas
December 15, 2003

The House was called to order at 1:32 p.m. by Mr. Cleveland, the Speaker.
The following members answered to the roll call:

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

Total97

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

Total3

A quorum was present.

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

The House stood and was led in prayer by Chaplin Carol Hall, Ft. Smith, 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.

COMMITTEE REPORT

ADVANCED COMMUNICATIONS AND
 INFORMATION TECHNOLOGY
 HOUSE BILL NO. 1036
 BY REPRESENTATIVE HOUSE

December 15, 2003
 JIM LENDALL
 CHAIRPERSON
 DO PASS

The House recessed at 1:45 p.m. until 4:00 p.m.

The House reconvened at 4:06 p.m.

The House gave Representative Creekmore unanimous leave to withdraw
 HOUSE BILL NO. 1020.

ARKANSAS SENATE
 SENATE BILLS RECEIVED FROM SENATE

SENATE BILL NO. 11 BY SENATOR J. BOOKOUT

HOUSE BILL NO. 1050

BY: REPRESENTATIVE MAHONY

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO AMEND ACT 1608 OF 2003, REGULAR SESSION, TO INCREASE THE MAXIMUM AUTHORIZED SALARY RATE OF THE DIRECTOR OF THE DEPARTMENT OF EDUCATION; AND FOR OTHER PURPOSES.

Was read the first time, rules suspended, read the second time, and reassigned from the EDUCATION COMMITTEE to the Committee on JOINT BUDGET.

HOUSE BILL NO. 1051

BY: REPRESENTATIVE CREEKMORE

BY: SENATOR J. 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.

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

SENATE BILL NO. 11

BY: SENATORS J. BOOKOUT, CRITCHER

BY: 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.

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

HOUSE MEMORIAL RESOLUTION NO. 1001

BY: REPRESENTATIVE EDWARDS

A BILL FOR AN ACT TO BE ENTITLED MOURNING THE DEATH OF JAMES T. WHITEHEAD AND HONORING HIM AS A CHAMPION OF EDUCATION.

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

Upon motion of Representative Gillespie, the House adjourned at 4:07 p.m. until 1:30 p.m. Tuesday, December 16, 2003.

ATTEST:

Herschel W. Cleveland
Speaker of the House of Representatives

Jo Renshaw
Chief Clerk

**NINTH DAY'S PROCEEDINGS
HALL OF THE HOUSE OF REPRESENTATIVES**

Little Rock, Arkansas
December 16, 2003

The House was called to order at 1:30 p.m. by Mr. Cleveland, the Speaker.
The following members answered to the roll call:

Adams, Agee, Anderson, Bennett, Berry, Biggs, Blair, Bledsoe, Bolin, Bond, Bookout, Borhauer, Boyd, Bradford, Bright, Chesterfield, Childers, Clemons, Cowling, Creekmore, Dangeau, Dees, Dickinson, Dobbins, Eason, Edwards, Elliott, D.Evans, L. Evans, Ferguson, Fite, Gillespie, Gipson, Goss, Green, Haak, Hardwick, Harris, Hathorn, Hickinbotham, House, Hutchinson, Jackson, Jacobs, Jeffrey, C.Johnson, J. Johnson, Jones, Judy, Kenney, Key, King, Lamoureux, Ledbetter, Lendall, Lewellen, Mack, Mahony, Martin, Matayo, Mathis, Medley, Milligan, Moore, Napper, Nichols, Norton, Oglesby, Ormond, Pace, Parks, Pate, Penix, Petrus, Pickett, 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.

Total99

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

Total1

A quorum was present.

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

The House stood and was led in prayer by Representative Marvin Parks.

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

ADVANCED COMMUNICATIONS AND INFORMATION TECHNOLOGY HOUSE BILL NO. 1036 BY REPRESENTATIVE HOUSE	December 15, 2003 JIM LENDALL CHAIRPERSON DO PASS
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COMMITTEE REPORT

JOINT BUDGET HOUSE BILL NO. 1024 BY REPRESENTATIVE WEAVER	December 16, 2003 PAUL WEAVER CHAIRPERSON DO PASS
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COMMITTEE REPORT

EDUCATION HOUSE BILL NO. 1043 BY REPRESENTATIVE MEDLEY HOUSE BILL NO. 1048 BY REPRESENTATIVE J. JOHNSON	December 16, 2003 CALVIN JOHNSON CHAIRPERSON DO PASS DO PASS
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COMMITTEE REPORT

PUBLIC HEALTH, WELFARE AND LABOR HOUSE BILL NO. 1011 BY REPRESENTATIVE BOYD	December 16, 2003 GARY BIGGS VICE-CHAIRPERSON DO PASS AS AMENDED #2
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COMMITTEE REPORT

PUBLIC TRANSPORTATION SENATE BILL NO. 11 BY SENATOR J. BOOKOUT	December 16, 2003 JOHNNIE BOLIN CHAIRPERSON DO PASS NON-CONTROVERSIAL
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Upon motion of Representative Elliott, **HOUSE BILL NO. 1040** was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 1 TO HOUSE BILL NO. 1040

Amend **HOUSE BILL NO. 1040** as originally introduced:

Page 1, delete line 34 and substitute the following:

(1) A bonus of six thousand dollars (\$6,000) to be paid at the time the teacher signs a contract to teach in a high poverty area;

(2) Five (5) days of paid vacation to be awarded at the end of

AND

Page 1, line 36, delete (2) and substitute (3)

AND

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

AND

Immediately following SECTION 1, add the following additional SECTION:

SECTION 2. Arkansas Code Title 26, Chapter 51, Subchapter 5 is amended to add an additional section to read as follows:

26-51-512. Teachers in high-poverty area.

(a)(1) For purposes of this section "high-poverty area" means an area of the state in which seventy-five (75%) percent or more of public school students are eligible for the free or reduced-price lunch program under the National School Lunch Act.

(b) A credit shall be allowed against the income tax imposed by the Arkansas Income Tax Act of 1929, § 26-51-101, et seq., to a teacher teaching in a high-poverty area.

(1) For the first school year that a teacher teaches in a high-poverty area, the credit is two thousand dollars (\$2,000).

(2) For the second school year that a teacher teaches in a high-poverty district, the credit is three thousand dollars (\$3,000)

(3) For the third school year that a teacher teaches in a high-poverty area, the credit is four thousand dollars (\$4,000).

(4) For the fourth year and subsequent years that a teacher teaches in a high-poverty area, the credit is five thousand dollars (\$5,000).

(c) This section applies to tax years beginning on or after January 1, 2004 and expires December 31, 2015.

(d) The Director of the Department of Finance and Administration shall promulgate rules necessary to implement this tax credit.

/s/ J. Elliott

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

/s/ Ms. Jo Renshaw

Chief Clerk

Upon motion of Representative Weaver, **HOUSE BILL NO. 1021** was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 2 TO HOUSE BILL NO. 1021

Amend **HOUSE BILL NO. 1021** as engrossed,

H12/11/03 (version: 12-11-2003 09:30):

Page 4, delete lines 10 through 12 and substitute the following:

"(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."

AND

Page 6, delete lines 30 through 32 and substitute the following:

"(B) For grades nine through twelve (9-12), students must be offered at least one-half (1/2) unit of instruction on personal finance to include instruction on taxes, debt, credit, and insurance."

AND

Page 7, line 27, delete "less" and substitute "more"

AND

Page 9, delete line 26 and substitute the following:

"education.

(iii) One-half (1/2) unit must be in personal finance."

AND

Page 11, delete line 27 and substitute the following:

"areas, or both, but must include one-half (1/2) unit of personal finance."

AND

Page 14, delete line 25 and substitute the following:

"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

Page 17, delete line 1 and substitute the following:

"comprised of grades kindergarten through eight (K-8) or grades kindergarten through six (K-6)."

AND

Delete SECTION 3, SECTION 4, and SECTION 5 and substitute the following:

"SECTION 3. Arkansas Code Title 6, Chapter 17, is amended to add the following subchapter:

6-17-2401. Title.

This subchapter shall be known and may be cited as the "Minimum Teacher Compensation Act of 2003".

6-17-2402. Legislative intent.

The intent of this subchapter is for the State of Arkansas to create a teacher compensation system that:

(1) Drives improvements in student academic achievement;

(2) Attracts and retains the best teachers possible;

(3) Provides teachers with meaningful and rewarding opportunities for advancement in the profession based on the acquisition of skills that enhance instructional excellence and student learning, taking on leadership roles, and making exceptional professional contributions;

(4) Motivates and provides financial incentives for teacher efforts and performance that leads directly to improved student achievement;

(5) Encourages and rewards teachers individually for increasing their knowledge, skills, and competencies, and rewards teachers collectively for improving student performance;

(6) Promotes a sense of ownership for student results and a commitment to perform in a manner that promotes student achievement;

(7) Promotes professional collegial cooperation;

(8) Causes teachers to have a keen understanding of what is expected of them and the priorities of the state; and

(9) Will be affordable, somewhat predictable, and in keeping with the state's educational and fiscal objectives.

6-17-2403. Definitions.

As used in this subchapter:

(1) "Basic contract" means a teacher employment contract for a number of days that does not exceed the number of days in the school year required by the State Board of Education for accreditation for the school year in which the contract is effective;

(2) "Knowledge and skills-based pay system" is the compensation system established in § 6-17-2405; and

(3) "Teacher" means any full-time employee of a public school district who is compelled by law to secure a license from the state board as a condition precedent to employment in a position in or related to grades pre-kindergarten through twelve (preK-12) of the public schools of this state.

6-17-2404. Minimum teacher compensation schedule for 2004-2005.

(a) In school year 2004-2005 and each year thereafter, 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 fifteen (15) years of experience.

(b)(1) In school year 2004-2005, 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>\$28,000</u>	<u>\$31,080</u>
<u>1</u>	<u>28,444</u>	<u>31,590</u>
<u>2</u>	<u>28,888</u>	<u>32,100</u>
<u>3</u>	<u>29,332</u>	<u>32,610</u>
<u>4</u>	<u>29,776</u>	<u>33,120</u>
<u>5</u>	<u>30,220</u>	<u>33,630</u>
<u>6</u>	<u>30,664</u>	<u>34,140</u>
<u>7</u>	<u>31,108</u>	<u>34,650</u>
<u>8</u>	<u>31,552</u>	<u>35,160</u>

<u>9</u>	<u>31,996</u>	<u>35,670</u>
<u>10</u>	<u>32,440</u>	<u>36,180</u>
<u>11</u>	<u>32,884</u>	<u>36,690</u>
<u>12</u>	<u>33,328</u>	<u>37,200</u>
<u>13</u>	<u>33,772</u>	<u>37,710</u>
<u>14</u>	<u>34,216</u>	<u>38,220</u>
<u>15 years or more</u>	<u>34,660</u>	<u>38,730</u>

(2) For purposes of the salary schedule defined 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.

6-17-2405. Knowledge and skills-based pay after 2004-2005.

(a) In school year 2005-2006, the board of directors of each school district whose teachers have been assessed 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 fifteen (15) years of experience.

(b)(1) In school year 2005-2006 and each school year thereafter, each school district in the state shall have in place a salary schedule with at least the following levels of compensation for the basic contract:

<u>Skill Level</u>	<u>Step Within Level</u>	<u>Salary</u>	<u>Percent Step</u>
<u>Entry</u>	<u>1</u>	<u>\$28,000</u>	<u>0%</u>
	<u>2</u>	<u>28,560</u>	<u>2%</u>
	<u>3</u>	<u>29,131</u>	<u>2%</u>
<u>Emerging Career</u>	<u>1</u>	<u>31,898</u>	<u>9.5%</u>
	<u>2</u>	<u>32,536</u>	<u>2%</u>
	<u>3</u>	<u>33,187</u>	<u>2%</u>
<u>Career</u>	<u>1</u>	<u>36,340</u>	<u>9.5%</u>
	<u>2</u>	<u>37,066</u>	<u>2%</u>
	<u>3</u>	<u>37,808</u>	<u>2%</u>
	<u>4</u>	<u>38,564</u>	<u>2%</u>
<u>Master</u>	<u>1</u>	<u>42,228</u>	<u>9.5%</u>
	<u>2</u>	<u>43,072</u>	<u>2%</u>
	<u>3</u>	<u>43,934</u>	<u>2%</u>
	<u>4</u>	<u>44,812</u>	<u>2%</u>
<u>Arkansas Fellow</u>	<u>1</u>	<u>49,069</u>	<u>9.5%</u>

(2) For purposes of the knowledge and skills-based pay system, when a teacher moves from one (1) school district to another, the teacher shall be placed in an equivalent position in terms of skill level and steps within the level on the salary schedule of the school district to which the teacher moves.

(c)(1) No person without a standard teaching license issued by the State Board of Education may advance from entry skill level to emerging career skill level.

(2) For a person to advance from emerging career skill level to each successive skill level, that person must demonstrate sufficient increases in knowledge and skills and the ability to use those knowledge and skills to advance student achievement, in accordance with rules promulgated by the state board. The basis for advancement shall not be based only on student achievement.

(3) A person shall advance from the entry skill level to the emerging career skill level within three (3) years or be subject to termination.

(4) A person shall remain in the emerging career skill level for at least one (1) year before requesting promotion to the career skill level.

(5) A person shall spend at least three (3) years in the career skill level before requesting promotion to the master skill level.

(6) The Arkansas fellow skill level is reserved for teachers who become National Board Certified or complete the Master Teacher Program.

(d)(1) Any person who has reached the highest step within a level without advancing to the next skill level shall continue to receive increases in teacher pay equal to two percent (2%) per year.

(2) If the person then advances to the next skill level, the person's compensation shall increase by nine and one-half percent (9.5%) and shall continue to increase by two percent (2%) each school year thereafter until the Arkansas fellow skill level is attained.

(e) A person who has attained the Arkansas fellow skill level shall only receive cost-of-living increases.

6-17-2406. Compensation system transition.

(a)(1) Before July 1, 2004, the State Board of Education shall promulgate rules to implement all aspects of the knowledge and skills-based pay system in § 6-17-2405.

(2) The state board shall work in cooperation with the House Interim Committee on Education and the Senate Interim Committee on Education and any subcommittees created by those committees while creating the rules.

(b) During the 2004-2005 school year, the Department of Education shall pilot and evaluate the knowledge and skills-based pay system under § 6-17-2404 in a limited number of school districts.

(c) During the 2004-2005 school year, the department shall preliminarily determine where each teacher will be located on the knowledge and skills-based pay system under § 6-17-2405.

(d) Beginning July 1, 2005, the knowledge and skills-based pay system under § 6-17-2405 shall be in full force and effect.

6-17-2407. Additional pay for certain teacher qualities.

(a)(1) For the school year 2004-2005 and every school year thereafter, school districts shall pay a teacher an additional four and six tenths percent (4.6%) of the teacher's salary if the teacher teaches in an academic field in which there is a shortage of teachers.

(2) The State Board of Education shall determine for each school year the academic areas in which there is a shortage of teachers.

(b)(1) For the school year 2004-2005 and every school year thereafter, school districts shall pay a teacher an additional ten percent (10%) of the teacher's salary if the teacher teaches in a geographic area in which there is difficulty in recruiting and retaining teachers.

(2) The state board shall determine for each school year the geographic areas in which there is a difficulty in recruiting and retaining teachers.

6-17-2408. Monitoring and assessment of the compensation system.

(a) The State Board of Education shall promulgate rules establishing a system for the monitoring and assessment of the implementation and continuation of the knowledge and skills-based pay system.

(b) The Director of the Department of Education shall establish a unit within the department that is charged with the monitoring, training, and assessment duties required by this subchapter.

6-17-2409. Future adjustments of the compensation system.

Each biennium, the House Interim Committee on Education and the Senate Interim Committee on Education shall analyze the compensation levels provided in this subchapter, review relevant data, and make recommendations to the General Assembly for any adjustments to the compensation levels as needed to further the objective provided in § 6-17-2402.

6-17-2410. Salary amount.

(a) The Arkansas Teachers' Salaries Study Commission created under § 6-17-806 shall annually review the minimum base salary of certified teachers for grades kindergarten through twelve (K-12) and make recommendations to the Department of Education, the Governor, and the General Assembly for modifications as the commission shall deem appropriate.

(b) The State Board of Education may authorize the department to permit a school district to pay a teacher or teachers an amount exceeding, but not less than, the amount set forth in the teacher salary schedule, if:

(1) The department has determined that the school district has a critical shortage of teachers;

(2) The teacher or teachers have a certification in a subject-matter area that the department has determined to have a critical shortage of teachers;

(3) The teacher's particular skills, performance, training, or experience would warrant a salary increase; or

(4) The school district or a particular school is experiencing a hardship in recruiting or retaining teachers because the teacher salary schedule is significantly disproportionate to the average salaries paid in other available job markets in the county.

(c) The requirements in subsection (b) of this section do not place a cap or maximum on the amount that school districts may pay their teachers.

(d) The salary schedule implemented by this subchapter shall only be valid if completely funded by appropriations from the General Assembly. If a lesser amount than is required to fully fund the salary schedule in each district is funded by the General Assembly, the school district's requirement will be proportionately reduced and the minimum salary schedule required shall be reduced proportionately to the reduction in funding made available.

6-17-2411. Incentives.

(a) The Department of Education shall establish and fund financial incentives for:

(1) Geographic and subject-matter areas in which a critical shortage of teachers exists; and

(2) Schools determined by the State Board of Education to need assistance in recruiting and retaining good certified teachers because those schools have:

(A) Seventy-five percent (75%) or more of their students performing below basic on the state benchmark tests;

(B) A three-year history of low student performance based on the definitions of the Arkansas Comprehensive Testing, Assessment, and Accountability Program; or

(C) Been unsuccessful in recruiting and maintaining teachers based on the salary schedule of the district.

(b) The incentives are as follows:

(1)(A) A loan forgiveness or scholarship program to recruit high quality people to teach in the areas identified under subsection (a) of this section.

(B) The amount of scholarship or loan amount forgiven is limited to two thousand five hundred dollars (\$2,500) per calendar year for up to four (4) years if the teacher teaches in an area identified under subsection (a) of this section.

(C) The state board shall promulgate regulations to implement this program; and

(2) A salary of up to one hundred ten percent (110%) of the certified salary of the district in which the teacher is hired if:

(A) Either:

(i) The teacher participates in an initial rigorous twenty-day training session focused on improving student achievement; or

(ii) The school employing the teacher demonstrates improved student performance by reaching adequate yearly progress minimum levels for students as outlined in the Arkansas plan for meeting the federal No Child Left Behind Act of 2001, 20 U.S.C. § 6301 et seq., and the Arkansas Comprehensive Testing, Assessment, and Accountability Program.

(B) For every school year that a teacher fails to meet the requirements of either subdivision (b)(2)(A)(i) or subdivision (b)(2)(A)(ii) of this section, the teacher shall participate annually in the regular twenty-day training session for teachers on improving student achievement until one (1) of those provisions is met or sustained, or both.

(c)(1) Each school district desiring to participate in the financial incentive programs available under this section must file a request with the state board by January 1 of the school year prior to the school year for which the incentives may be available.

(2) Based upon the school district's request and any additional information required by the department or the state board, the state board shall determine whether the requirements of subsection (a) of this section have been met and notify the district of the decision.

SECTION 4. Arkansas Code Title 6, Chapter 10, Subchapter 1 is amended to add two additional sections to read as follows:

6-10-118. Economic and academic efficiency.

(a) The General Assembly finds that:

(1) The Arkansas Constitution states that the State of Arkansas shall provide a "general, suitable, and efficient" education for the students in Arkansas Public Schools; and

(2) In order to meet the efficiency standard that is constitutionally prescribed, efficiency shall be defined in terms of educational efficiency and economic efficiency.

(b)(1) Academic and economic efficiency shall be measured:

(A) On a one-hundred-point scale covering both educational efficiency and economic efficiency; and

(B) Through the awarding of extra points for poverty, minority population, and special education population.

(2) The one-hundred-point scale through which schools may achieve a satisfactory score for academic and economic efficiency shall be as follows:

(A) Educational efficiency shall be measured through:

(i) Norm-referenced testing for a maximum of twenty-five (25) points; and

(ii) Criterion-referenced testing for a maximum of twenty-five (25) points; and

(B) Economic efficiency shall be measured by expenditures per student for a maximum of fifty (50) points.

(3) Additional points shall be awarded to schools based on:

(A) Poverty as identified by the number of students eligible for a free and reduced-price lunch;

(B) The number of minority students; and

(C) The number of students receiving special education.

(4) The economic efficiency standard shall apply for school years 2004-2005 and each year thereafter. The academic efficiency standards shall apply for school years 2006-2007 and each year thereafter.

(c)(1) By the end of the 2004-2005 school year and each year thereafter, each school district must satisfactorily meet the economic efficiency standard of this subsection (c).

(2)(A) A state average expenditure per student shall be determined by the Department of Education utilizing the third-quarter average daily membership, and considering only state and local funds for purposes of determining economic efficiency points.

(B) Federal funds shall be excluded from the calculation under this subsection (c).

(C) Supplemental funds that may be distributed to school districts for special circumstances, including funds for students in poverty and high cost special education students, shall be excluded from the calculation under this subsection (c).

(3)(A) For purposes of this subsection (c), the computation of a school district's percentage of the state average expenditure per student shall be to the nearest whole number.

(B) School districts that expend from eighty-five percent (85%) to one hundred fifteen percent (115%) of the state average expenditure per student shall qualify for the full fifty (50) economic efficiency points.

(C) School districts that spend less than eighty-five percent (85%) of the state average expenditure per student or more than one hundred fifteen percent (115%) of the state average expenditure per student shall be awarded a pro rata share of the fifty (50) points based on the following scale:

<u>Percent of State Average Expenditure</u>	<u>Points</u>
<u>84% or 116%</u>	<u>49 points</u>
<u>83% or 117%</u>	<u>48 points</u>
<u>82% or 118%</u>	<u>47 points</u>
<u>81% or 119%</u>	<u>46 points</u>
<u>80% or 120%</u>	<u>45 points</u>
<u>79% or 121%</u>	<u>44 points</u>
<u>78% or 122%</u>	<u>43 points</u>
<u>77% or 123%</u>	<u>42 points</u>
<u>76% or 124%</u>	<u>41 points</u>
<u>75% or 125%</u>	<u>40 points</u>
<u>74% or 126%</u>	<u>39 points</u>
<u>73% or 127%</u>	<u>38 points</u>
<u>72% or 128%</u>	<u>37 points</u>
<u>71% or 129%</u>	<u>36 points</u>
<u>70% or 130%</u>	<u>35 points</u>
<u>69% or 131%</u>	<u>34 points</u>
<u>68% or 132%</u>	<u>33 points</u>
<u>67% or 133%</u>	<u>32 points</u>
<u>66% or 134%</u>	<u>31 points</u>
<u>65% or 135%</u>	<u>30 points</u>
<u>64% or 136%</u>	<u>29 points</u>
<u>63% or 137%</u>	<u>28 points</u>
<u>62% or 138%</u>	<u>27 points</u>
<u>61% or 139%</u>	<u>26 points</u>
<u>60% or 140%</u>	<u>25 points</u>
<u>59% or 141%</u>	<u>24 points</u>

<u>58% or 142%</u>	<u>23 points</u>
<u>57% or 143%</u>	<u>22 points</u>
<u>56% or 144%</u>	<u>21 points</u>
<u>55% or 145%</u>	<u>20 points</u>
<u>54% or 146%</u>	<u>19 points</u>
<u>53% or 147%</u>	<u>18 points</u>
<u>52% or 148%</u>	<u>17 points</u>
<u>51% or 149%</u>	<u>16 points</u>
<u>50% or 150%</u>	<u>15 points</u>
<u>49% or 151%</u>	<u>14 points</u>
<u>48% or 152%</u>	<u>13 points</u>
<u>47% or 153%</u>	<u>12 points</u>
<u>46% or 154%</u>	<u>11 points</u>
<u>45% or 155%</u>	<u>10 points</u>
<u>44% or 156%</u>	<u>9 points</u>
<u>43% or 157%</u>	<u>8 points</u>
<u>42% or 158%</u>	<u>7 points</u>
<u>41% or 159%</u>	<u>6 points</u>
<u>40% or 160%</u>	<u>5 points</u>
<u>39% or 161%</u>	<u>4 points</u>
<u>38% or 162%</u>	<u>3 points</u>
<u>37% or 163%</u>	<u>2 points</u>
<u>36% or 164%</u>	<u>1 point</u>
<u>35% and below</u>	<u>0 points</u>
<u>165% and above</u>	<u>0 points</u>

(4) By the end of school year 2004-2005, a school district must earn a minimum of thirty-five (35) points under this subsection (c) or be subject to a one-year probation. If a school district fails to meet economic efficiency after one (1) year of probation, the school district shall be subject to the probationary sanctions of The Quality Education Act of 2003, § 6-15-201 et seq.

(d)(1) For the school year 2006-2007 and each school year thereafter, a school district shall meet the academic efficiency standards of norm-referenced testing and criterion-referenced testing of subsections (d) and (e) of this section.

(e)(1) Nationally norm-referenced testing shall be offered to every student in each school district each year.

(2)(A) For the school year 2006-2007 and each school year thereafter, a school district shall be awarded twenty (25) points if the school district meets or exceeds the fiftieth percentile rank in its composite scores based on the data of the

current school year.

(B) If a school district falls below the fiftieth percentile rank in the composite scores based on the most current three (3) years of data, the district shall be awarded a pro rata share of the twenty-five (25) points based on the achievement scores of that school district.

(C) However, no school district may receive points for norm-referenced testing if that district has a percentile ranking below the twenty-fifth percentile.

(3) A sliding scale shall be used to determine norm-referenced testing points awarded to districts as follows:

<u>Percentile</u>	<u>Points</u>
<u>50th percentile and above</u>	<u>25 points</u>
<u>49th</u>	<u>24 points</u>
<u>48th</u>	<u>23 points</u>
<u>47th</u>	<u>22 points</u>
<u>46th</u>	<u>21 points</u>
<u>45th</u>	<u>20 points</u>
<u>44th</u>	<u>19 points</u>
<u>43rd</u>	<u>18 points</u>
<u>42nd</u>	<u>17 points</u>
<u>41st</u>	<u>16 points</u>
<u>40th</u>	<u>15 points</u>
<u>39th</u>	<u>14 points</u>
<u>38th</u>	<u>13 points</u>
<u>37th</u>	<u>12 points</u>
<u>36th</u>	<u>11 points</u>
<u>35th</u>	<u>10 points</u>
<u>34th</u>	<u>9 points</u>
<u>33rd</u>	<u>8 points</u>
<u>32nd</u>	<u>7 points</u>
<u>31st</u>	<u>6 points</u>
<u>30th</u>	<u>5 points</u>
<u>29th</u>	<u>4 points</u>
<u>28th</u>	<u>3 points</u>
<u>27th</u>	<u>2 points</u>
<u>26th</u>	<u>1 point</u>
<u>25th and below</u>	<u>0 points</u>

(f)(1) The state benchmark exam, end-of-course algebra and geometry

exams, end-of-course literacy exam, and end-of-course biology exam, if available, and any other criterion-referenced tests that are developed and implemented by the department under the Arkansas Comprehensive Testing, Assessment, and Accountability Program regulations shall be used to award the criterion-referenced test points for the school year 2006-2007 and each school year thereafter.

(2) The percentage of students rated proficient or advanced for each school district shall be computed for all criterion-referenced tests given.

(3)(A) The full twenty-five (25) points shall be awarded to a school district if seventy-five percent (75%) of the students achieve proficient or advanced status.

(B) No school district shall receive points for criterion-referenced tests if an average of more than twenty-five percent (25%) of its students do not reach the proficient or advanced status for the criterion-referenced tests.

(C) Pro rata points shall be awarded on a sliding scale as follows:

<u>Percent</u>	<u>Points</u>
<u>75% and above</u>	<u>25 points</u>
<u>74%</u>	<u>24.5 points</u>
<u>73%</u>	<u>24 points</u>
<u>72%</u>	<u>23.5 points</u>
<u>71%</u>	<u>23 points</u>
<u>70%</u>	<u>22.5 points</u>
<u>69%</u>	<u>22 points</u>
<u>68%</u>	<u>21.5 points</u>
<u>67%</u>	<u>21 points</u>
<u>66%</u>	<u>20.5 points</u>
<u>65%</u>	<u>20 points</u>
<u>64%</u>	<u>19.5 points</u>
<u>63%</u>	<u>19 points</u>
<u>62%</u>	<u>18.5 points</u>
<u>61%</u>	<u>18 points</u>
<u>60%</u>	<u>17.5 points</u>
<u>59%</u>	<u>17 points</u>
<u>58%</u>	<u>16.5 points</u>
<u>57%</u>	<u>16 points</u>
<u>56%</u>	<u>15.5 points</u>
<u>55%</u>	<u>15 points</u>
<u>54%</u>	<u>14.5 points</u>

<u>53%</u>	<u>14 points</u>
<u>52%</u>	<u>13.5 points</u>
<u>51%</u>	<u>13 points</u>
<u>50%</u>	<u>12.5 points</u>
<u>49%</u>	<u>12 points</u>
<u>48%</u>	<u>11.5 points</u>
<u>47%</u>	<u>11 points</u>
<u>46%</u>	<u>10.5 points</u>
<u>45%</u>	<u>10 points</u>
<u>44%</u>	<u>9.5 points</u>
<u>43%</u>	<u>9 points</u>
<u>42%</u>	<u>8.5 points</u>
<u>41%</u>	<u>8 points</u>
<u>40%</u>	<u>7.5 points</u>
<u>39%</u>	<u>7 points</u>
<u>38%</u>	<u>6.5 points</u>
<u>37%</u>	<u>6 points</u>
<u>36%</u>	<u>5.5 points</u>
<u>35%</u>	<u>5 points</u>
<u>34%</u>	<u>4.5 points</u>
<u>33%</u>	<u>4 points</u>
<u>32%</u>	<u>3.5 points</u>
<u>31%</u>	<u>3 points</u>
<u>30%</u>	<u>2.5 points</u>
<u>29%</u>	<u>2 points</u>
<u>28%</u>	<u>1.5 points</u>
<u>27%</u>	<u>1 point</u>
<u>26%</u>	<u>0.5 points</u>
<u>25% and below-zero</u>	<u>0 points</u>

(g) For the school year 2006-2007 and each school year thereafter, if a school district's student population is comprised of a student body with fifty percent (50%) or more classified in poverty as identified by the number of students qualifying for the free and reduced-price lunch programs, one (1) bonus point will be awarded for every five percent (5%) of the student population qualifying for the free and reduced-price lunch programs above the fifty percent (50%) base as follows:

(1) Fifty-one percent to fifty-five percent (51%-55%) shall be awarded one (1) bonus point;

(2) Fifty-six percent to sixty percent (56%-60%) shall be awarded two

(2) bonus points:

(3) Sixty-one percent to sixty-five percent (61%-65%) shall be awarded three (3) bonus points;

(4) Sixty-six percent to seventy percent (66%-70%) shall be awarded four (4) bonus points;

(5) Seventy-one percent to seventy-five percent (71%-75%) shall be awarded five (5) bonus points;

(6) Seventy-six percent to eighty percent (76%-80%) shall be awarded six (6) bonus points;

(7) Eighty-one percent to eighty-five percent (81%-85%) shall be awarded seven (7) bonus points;

(8) Eighty-six percent to ninety percent (86%-90%) shall be awarded eight (8) bonus points;

(9) Ninety-one percent to ninety-five percent (91%-95%) shall be awarded nine (9) bonus points; and

(10) Ninety-six percent to one hundred percent (96%-100%) shall be awarded ten (10) bonus points.

(h)(1) For purposes of subdivision (h)(2) of this section, the minority student population of a school district shall be determined from the Arkansas Public School Computer Network cycle 2 report required to be filed with the department.

(2) For the school year 2006-2007 and each school year thereafter, if a school district's student population is comprised of a student body with fifty percent (50%) or more of its students classified in a single minority group, one (1) bonus point will be awarded for every five percent (5%) increase above the fifty percent (50%) base as follows:

(A) Fifty-one percent to sixty percent (51%-60%) shall be awarded one (1) bonus point;

(B) Sixty-one percent to seventy percent (61%-70%) shall be awarded two (2) bonus points;

(C) Seventy-one percent to eighty percent (71%-80%) shall be awarded three (3) bonus points;

(D) Eighty-one percent to ninety percent (81%-90%) shall be awarded four (4) bonus points; and

(E) Ninety-one percent to one hundred percent (91%-100%) shall be awarded five (5) bonus points.

(i)(1) For the school year 2006-2007 and each school year thereafter, bonus points shall be awarded to a school district having a disproportionate number of high-cost special needs students if the school district's expenditures for special

education and special needs students exceeds the state requirement for those expenditures.

(2) Points will be awarded for every ten percent (10%) increase above expenditure requirements as follows:

(A) One percent to ten percent (1%-10%) shall be awarded one (1) bonus point;

(B) Eleven percent to twenty percent (11%-20%) shall be awarded two (2) bonus points;

(C) Twenty-one percent to thirty percent (21%-30%) shall be awarded three (3) bonus points;

(D) Thirty-one percent to forty percent (31%-40%) shall be awarded four (4) bonus points; and

(E) Forty-one percent (41%) and above shall be awarded five (5) bonus points.

(j)(1) By the end of the 2006-2007 school year and every school year thereafter, each school district shall be evaluated using the criteria established in subsections (c) through (i) of this section.

(2)(A) A school district that earns at least a total of seventy (70) points under subsections (c) through (i) of this section shall be considered to meet the economic and academic efficiency standards of this section.

(B)(i) If a school district fails to earn at least seventy (70) points under subsections (c) through (i) of this section, the school district shall be placed on probation for one (1) year.

(ii) If the school district fails to earn the minimum seventy (70) points at the end of the year of probation, the school district shall be subject to additional probationary sanctions of The Quality Education Act of 2003, § 6-15-201 et seq.

6-10-119. Failure to meet standards.

(a)(1)(A) At the end of the 2004-2005 school year, the Department of Education shall review pertinent information to ascertain whether or not each school district has met the requirements of § 6-16-1201.

(B) The department shall report its findings to the State Board of Education.

(2) School districts not meeting the requirements of § 6-16-1201 by the end of the 2004-2005 school year shall be subject to the sanctions described in subdivision (c)(2) of this section.

(b)(1) After the 2004-2005 school year, the department shall review annually

pertinent information from every school district to ensure that the district and schools are in compliance with the requirements of § 6-16-1201.

(2) The department shall report its findings to the state board.

(c)(1) The state board or the Director of the Department of Education shall take immediate action concerning any school district that fails to meet all of the requirements of § 6-16-1201 in any given year.

(2) A school district that does not meet the standards for accreditation in § 6-16-1203 shall be subject to citation and probation as outlined in The Quality Education Act of 2003, § 6-15-201 et seq.

(3) School districts that do not meet the teacher salary requirements as established by the General Assembly or the efficiency standards of § 6-10-118 in any given year shall be placed in year-one probation.

(d) In the first year of probation, actions against school districts may include:

(1) Requiring a school district to institute and fully implement a curriculum that is based on state academic content and academic content and achievement standards, including providing appropriate professional development to be paid by the district;

(2)(A) Assigning a task force to evaluate the deficiencies of the district and to assist the district in enacting corrective measures.

(B) The task force shall work under the authority of the director.

(C) The task force shall include representatives from the department, teachers, administrators from other school districts, and other stakeholders such as community leaders and business interests; and

(3) Taking any other appropriate action allowed by law and determined by the state board to assist a failing school district in meeting the requirements of § 6-16-1201.

(e)(1) School districts that have been placed on probationary status because of a deficiency in accreditation standards shall correct the deficiency causing the probationary status by the end of the second consecutive school year.

(2) Failure to correct the deficiency shall allow the state board to select appropriate action that would best serve the educational needs of the children in the failing district.

(3) The actions available for state board selection may include:

(A) Requiring a school district to reorganize or reassign the administrative, instructional, or support staff of a public school;

(B) Removing a particular school from the jurisdiction of the school district and establishing alternative public governance and supervision of the school or schools;

(C) Requiring a school district to close down or dissolve a particular school or schools within a school district;

(D) Annexing a school district or districts or parts of a district with another receiving school district or districts;

(E) Consolidating a school district or districts or parts of a school district with another receiving school district or districts;

(F)(i) Reconstituting the leadership of a school district by removing permanently or suspending on a temporary basis the superintendent of the school district or any particular board member of a school district.

(ii) The state board may appoint an administrator or call for the election of new school board members to administer the affairs and provide governance of the school district, or both; and

(G) Taking any other appropriate action allowed by law to assist and address a school or school district failing to meet the standards for accreditation.

(f) School districts that exist on the effective date of this section and that are reorganized by the state board shall retain a local school comprised of grades kindergarten through eight (K-8).

(g)(1) The state board may take into consideration the isolated factors relating to a school district's circumstances and may make decisions on the proper course of action best suited for that district and its students.

(2) The state board may exempt a school district from the provisions of this section but only at the discretion of the state board or as provided in Arkansas law.

(h)(1) The decisions of the state board shall be final with no further right of appeal.

(2) However, a school district may appeal to the circuit court in the county seat in which the school district is located or to the Pulaski County Circuit Court under the Arkansas Administrative Procedure Act, § 25-15-201 et seq.

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."~~

SECTION. 6. 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."~~

AND

Renumber SECTION 6 as SECTION 7

/s/ Paul Weaver

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

/s/ Ms. Jo Renshaw
Chief Clerk

Upon motion of Representative Boyd, **HOUSE BILL NO. 1018** was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 1 TO HOUSE BILL NO. 1018

Amend **HOUSE BILL NO. 1018** as originally introduced:

Add Representatives Jacobs, Seawel, Hathorn, House, Bennett, King, Fite, Weaver, Rankin, Adams, Berry and Gillespie, as cosponsors of the bill

AND

Add Senators Gullett, Horn, and Lavery as cosponsors of the bill

AND

Page 2, delete lines 13 through 15 and substitute the following:

"(24) Taylor School District;
(25) Umpire School District;
(26) Williford School District; and
(27) Winslow County School District."

AND

Page 2, line 20 delete "or" and substitute "and"

/s/ Travis Boyd

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

/s/ Ms. Jo Renshaw
 Chief Clerk

Upon motion of Representative Boyd, **HOUSE BILL NO. 1018** was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 2 TO HOUSE BILL NO. 1018

Amend **HOUSE BILL NO. 1018** as originally introduced:

Add Senator Wooldridge as a cosponsor of this bill

/s/ Travis Boyd

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

/s/ Ms. Jo Renshaw
 Chief Clerk

ENGROSSED BILL REPORTS

HERSCHEL W. CLEVELAND, CHAIRMAN

December 16, 2003

The following bill(s) reported correctly engrossed:

HOUSE BILL NO. 1018 - TITLE - BY REPRESENTATIVE BOYD, ET AL

HOUSE BILL NO. 1021 BY REPRESENTATIVE WEAVER, ET AL

HOUSE BILL NO. 1040 BY REPRESENTATIVE J. ELLIOTT

HOUSE BILL ENGROSSED AS TITLE AMENDED

HOUSE BILL NO. 1018

BY: REPRESENTATIVES BOYD, CLEVELAND, MILLIGAN, *JACOBS, SEAWEL, HATHORN, HOUSE, BENNETT, KING, FITE, WEAVER, RANKIN, ADAMS, BERRY, GILLESPIE*

BY: *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 RESOLUTION NO.1004

BY: REPRESENTATIVE STOVALL

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

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

Morning Hour Expired.

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

SENATE BILL NO. 13

BY: JOINT BUDGET COMMITTEE

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

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

Total	97
NEGATIVE:	
Total	0
ABSENT OR NOT VOTING: Bolin, Dangeau, L. Prater.	
Total	3
VOTING PRESENT:	
Total	0
Total number of votes cast	97
Total number voting in the affirmative	97
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. 13**, the Speaker ordered the clerk to call the roll upon the adoption of the Emergency Clause. The vote was as follows:

EMERGENCY CLAUSE

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

Total	97
NEGATIVE:	
Total	0
ABSENT OR NOT VOTING: Bolin, Dangeau, L. Prater.	
Total	3
VOTING PRESENT:	
Total	0
Total number of votes cast.....	97
Total number voting in the affirmative	97
Necessary to the adoption of the emergency clause.....	67

So the Emergency Clause was adopted.

The House recessed at 1:45 p.m. until 4:30 p.m.

SENATE BILLS ORDERED RETURNED TO THE SENATE AS PASSED

SENATE BILL NO. 13 BY SENATOR GULLETT

ARKANSAS SENATE
HOUSE BILLS RETURNED FROM THE SENATE AS PASSED

HOUSE BILL NO. 1025 BY REPRESENTATIVE WEAVER

ENROLLED AND DELIVERY TO GOVERNOR REPORTS

Little Rock, Arkansas
December 16, 2003

MR. SPEAKER:

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

HOUSE BILL NO. 1025 BY REPRESENTATIVE WEAVER

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 2:19 p.m. delivered them to the Governor for his approval.

Respectfully submitted,

/s/ Herschel W. Cleveland
Chairman

RECEIPT FROM THE GOVERNOR

RECEIVED FROM THE HOUSE:

HOUSE BILL NO. 1025 BY REPRESENTATIVE WEAVER

TIME: 2:19 p.m.

/s/ Mike Huckabee - Governor
By: Stacy DeJarnett

HOUSE BILL NO. 1052

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.

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

HOUSE BILL NO. 1053

BY: REPRESENTATIVE C. JOHNSON

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.

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

HOUSE BILL NO. 1054

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.

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

HOUSE BILL NO. 1055

BY: REPRESENTATIVES WALTERS, CLEVELAND

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO AMEND THE TEACHER LICENSURE PROGRAM; AND FOR OTHER PURPOSES.

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

HOUSE BILL NO. 1056

BY: REPRESENTATIVE C. JOHNSON

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO CREATE THE OFFICE OF EDUCATION RENEWAL ZONES; AND FOR OTHER PURPOSES.

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

HOUSE RESOLUTION NO. 1005

BY: REPRESENTATIVES THYER, P. BOOKOUT, GIPSON

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

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

HOUSE RESOLUTION NO. 1006

BY: REPRESENTATIVE SCRIMSHIRE

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

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

HOUSE MEMORIAL RESOLUTION NO. 1002

BY: REPRESENTATIVE JUDY, EDWARDS, AGEE, PRITCHARD, HATHORN

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

Was read the first time, rules suspended, read the second time and referred to the Calendar.

Upon motion of Representative Gillespie, the House adjourned at 4:39 p.m. until 1:30 p.m., Wednesday, December 17, 2003.

ATTEST:

Herschel W. Cleveland
Speaker of the House of Representatives

Jo Renshaw
Chief Clerk

**TENTH DAY'S PROCEEDINGS
HALL OF THE HOUSE OF REPRESENTATIVES**

Little Rock, Arkansas
December 17, 2003

The House was called to order at 1:30 p.m. by Mr. Cleveland, the Speaker.
The following members answered to the roll call:

Adams, Agee, Anderson, Bennett, Berry, Biggs, Blair, Bledsoe, Bolin, Bond, Bookout, Borhauer, Boyd, Bradford, Bright, Chesterfield, Childers, Clemons, Cowling, Creekmore, Dangeau, Dees, Dickinson, Dobbins, Eason, Edwards, Elliott, D.Evans, L. Evans, Ferguson, Fite, Gillespie, Gipson, Goss, Green, Haak, Hardwick, Harris, Hathorn, Hickinbotham, House, Hutchinson, Jackson, Jacobs, Jeffrey, C.Johnson, J. Johnson, Jones, Judy, Kenney, Key, King, Lamoureux, Ledbetter, Lendall, Lewellen, Mack, Mahony, Martin, Matayo, Mathis, Medley, Milligan, 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.

Total99

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

Total1

A quorum was present.

The House stood and was led in prayer by Representative Jay Martin.

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

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

COMMITTEE REPORT

	December 17, 2003
AGING, CHILDREN & YOUTH ,	JOYCE DEES
LEGISLATIVE AND MILITARY AFFAIRS	CHAIRPERSON
HOUSE RESOLUTION 1003	DO PASS
BY REPRESENTATIVE BLAIR	
HOUSE RESOLUTION 1005	DO PASS
BY REPRESENTATIVE THYER	
HOUSE RESOLUTION 1006	DO PASS
BY REPRESENTATIVE SCRIMSHIRE	

COMMITTEE REPORT

	December 17, 2003
EDUCATION	CALVIN JOHNSON
	CHAIRPERSON
HOUSE BILL NO. 1018	DO PASS
BY REPRESENTATIVE BOYD	
HOUSE BILL NO. 1054	DO PASS
BY REPRESENTATIVE C. JOHNSON	

COMMITTEE REPORT

	December 17, 2003
STATE AGENCIES AND GOVERNMENTAL	SARAH AGEE
AFFAIRS	CHAIRPERSON
SENATE BILL NO. 6	DO PASS
BY STATE AGENCIES AND GOVERNMENTAL AFFAIRS - SENATE	

Upon motion of Representative Pickett, **HOUSE BILL NO. 1009** was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 1 TO HOUSE BILL NO. 1009

Amend **HOUSE BILL NO. 1009** as originally introduced:

Page 3, delete lines 29 through 36, and substitute the following:

"(c)(1) The person selected as the ~~director~~ Director of the Department of Curriculum and Instruction must:

(A) Be a person of good moral character, recognized as a leader in the field of education, and qualified technically and by experience to direct the work of the ~~Department of Education~~ Department of Curriculum and Instruction;

(B) Hold the master's degree from an accredited institution;

(C) Have had ten (10) years' experience as a teacher, five (5) of which must be of an administrative or supervisory nature; and

(D) Hold a valid state teacher's certificate.

(2) 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 ~~director~~ Director of the Department of Curriculum and Instruction.

(d)(1) The person selected as the Director of the Department of Accountability must:

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

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

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

(2) 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 of the Department of Accountability."

AND

Page 4, delete lines 1 through 5 entirely

AND

Page 4, line 6, delete "(d)" and substitute "~~(d)~~(e)"

AND

Page 4, line 8, delete "(e)(1)" and substitute "~~(e)(1)~~(f)(1)"

AND

Page 4, line 19, delete "(f)" and substitute "~~(f)~~(g)"

AND

Page 4, delete line 21, and substitute the following:

"equipment.

(h)(1) Director of the Department of Curriculum and Instruction and the Department of Accountability shall agree to coordinate and share certain materials, data, and administrative, custodial, legal, internal finance and other personnel necessary to effectuate the daily operations of the departments.

(2) The agreement entered into by the directors of the departments under subdivision (h)(1) of this section shall be in writing and approved by the State Board of Education in keeping with the purpose and intent of Section 1 of this act of 2003."

AND

Page 4, line 35, delete "board state" and substitute "state board"

AND

Page 5, line 3, delete "and the" and substitute "or the"

AND

Page 5, line 19, delete "department" and substitute "~~department~~ departments"

/s/ Betty Pickett

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

/s/ Ms. Jo Renshaw
Chief Clerk

Upon motion of Representative J. Johnson, **HOUSE BILL NO. 1047** was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 1 TO HOUSE BILL NO. 1047

Amend **HOUSE BILL NO. 1047** as originally introduced:

Add Representatives Borhauer and King as cosponsors of the bill

/s/ Janet Johnson

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

/s/ Ms. Jo Renshaw
Chief Clerk

Upon motion of Representative House, **HOUSE BILL NO. 1036** was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 1 TO HOUSE BILL NO. 1036

Amend **HOUSE BILL NO. 1036** as originally introduced:

Add the following Representatives as cosponsors of the bill: Borhauer, L. Evans, Fite, Jacobs, J. Johnson, Jones, Judy, Petrus, Roebuck, Schulte, Scroggin, Sullivan
AND

Add the following Senators as cosponsors of the bill: Baker, G. Jeffress, J. Jeffress

/s/ Don House

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

/s/ Ms. Jo Renshaw
Chief Clerk

Upon motion of Representative Weaver, **HOUSE BILL NO. 1021** was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 3 TO HOUSE BILL NO. 1021

Amend **HOUSE BILL NO. 1021** as engrossed, H12/16/03

(12-16-2003 08:49):

Page 15, delete SECTION 2 in its entirety

AND

Page 18, line 6, delete SECTION 3. and substitute SECTION 2.

AND

Page 25, delete lines 13 and 14 and substitute the following:

"SECTION 3. Arkansas Code Title 6, Chapter 10, Subchapter 1 is amended to add new sections to read as follows:"

AND

Page 28, delete lines 33 and 34 and substitute the following:

"percentile rank in the composite scores based on the data of the current school year, the district shall be awarded a pro rata share of the twenty-"

AND

Page 36, delete line 11 and substitute the following:

"15-201 et seq.

6-10-120. Testing and Accountability.

(a) In addition to the testing required by the Arkansas Comprehensive Testing, Assessment, and Accountability Program regulations and end-of-course tests, each school shall administer nationally norm-referenced tests to each student every year.

(b) The results of these tests shall be used to track the performance of students and groups of students from year to year and to assess the educational effectiveness of schools and school districts.

(c) The Department of Education shall contract with testing companies so that results of the tests can be distributed to school districts prior to the end of the school year in which the tests were administered."

AND

Appropriately renumber the sections of the bill.

/s/ Paul Weaver

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

/s/ Ms. Jo Renshaw
Chief Clerk

Upon motion of Representative Verkamp, **HOUSE BILL NO. 1046** was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 1 TO HOUSE BILL NO. 1046

Amend **HOUSE BILL NO. 1046** as originally introduced:

Add Representative Stovall as co-sponsor of the bill.

/s/ John Verkamp

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

/s/ Ms. Jo Renshaw
Chief Clerk

Upon motion of Representative Lendall, **HOUSE BILL NO. 1011** was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 2 TO HOUSE BILL NO. 1011

Amend **HOUSE BILL NO. 1011** as engrossed, H12/12/03

(version: 12-12-2003 08:42):

Page 1, line 36, delete "students;" and substitute "student;"

/s/ Jim Lendall

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

/s/ Ms. Jo Renshaw
Chief Clerk

ENGROSSED BILL REPORTS

HERSCHEL W. CLEVELAND, CHAIRMAN

December 17, 2003

The following bill(s) reported correctly engrossed:

HOUSE BILL NO. 1009 BY REPRESENTATIVE PICKETT

HOUSE BILL NO. 1011 BY REPRESENTATIVE BOYD, ET AL

HOUSE BILL NO. 1021 BY REPRESENTATIVE WEAVER, ET AL

HOUSE BILL NO. 1036 - TITLE - BY REPRESENTATIVE HOUSE, ET AL

HOUSE BILL NO. 1046 - TITLE - BY REPRESENTATIVE VERKAMP, ET AL

HOUSE BILL NO. 1047 - TITLE - BY REPRESENTATIVE J. JOHNSON, ET AL

HOUSE BILL ENGROSSED AS TITLE AMENDED
HOUSE BILL NO. 1036

BY: REPRESENTATIVES HOUSE, BOLIN, SEAWEL, WALTERS, P. BOOKOUT, LENDALL, L. PRATER, *BORHAUER, L. EVANS, FITE, JACOBS, J. JOHNSON, JONES, JUDY, PETRUS, ROEBUCK, SCHULTE, SCROGGIN, SULLIVAN*
BY: *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 ENGROSSED AS TITLE AMENDED
HOUSE BILL NO. 1046

BY: REPRESENTATIVES VERKAMP, *STOVALL*

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO AMEND ARKANSAS CODE § 26-53-106 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; AND FOR OTHER PURPOSES.

HOUSE BILL ENGROSSED AS TITLE AMENDED
HOUSE BILL NO. 1047

BY: REPRESENTATIVES J. JOHNSON, WALTERS, CHESTERFIELD, DEES, S. PRATER, *BORHAUER, KING*
BY: *SENATORS WHITAKER, GULLETT*

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO AMEND THE MINIMUM TEACHER SALARIES; AND FOR OTHER PURPOSES.

SENATE BILL NO. 11

BY: SENATOR J. BOOKOUT

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

AFFIRMATIVE: Adams, Agee, Anderson, Bennett, Berry, Biggs, Blair, Bledsoe, Bolin, Bond, P. Bookout, Borhauer, Boyd, Bradford, Bright, Chesterfield, Childers, Clemons, Cowling, Creekmore, Dangeau, Dees, Dickinson, Dobbins, Eason, Edwards, Elliott, D. Evans, L. Evans, Ferguson, Fite, Gillespie, Gipson, Goss, Green, Haak, 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, Napper, Nichols, Norton, Oglesby, Ormond, Pace, Parks, Pate, Penix, Petrus, Pickett, L. Prater, S. Prater, Pritchard, Rankin, Roebuck, Rosenbaum, Schulte, Scrimshire, Scroggin, Seawel, R. Smith, Stovall, Sullivan, Sumpter, C. Taylor, J. Taylor, Thomas, Thomason, Thyer, Verkamp, Walters, Weaver, Wood.

Total97

NEGATIVE:

Total0

ABSENT OR NOT VOTING: Moore, Mr. Speaker.

Total2

VOTING PRESENT: White.

Total1

Total number of votes cast.....98

Total number voting in the affirmative97

Necessary to the passage of the bill51

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

There being an Emergency Clause attached to **SENATE BILL NO. 11**, the Speaker ordered the clerk to call the roll upon the adoption of the Emergency Clause. The vote was as follows:

EMERGENCY CLAUSE

AFFIRMATIVE: Adams, Agee, Anderson, Bennett, Berry, Biggs, Blair, Bledsoe, Bolin, Bond, P. Bookout, Borhauer, Boyd, Bradford, Bright, Chesterfield, Childers, Clemons, Cowling, Creekmore, Dangeau, Dees, Dickinson, Dobbins, Eason, Edwards, Elliott, D. Evans, L. Evans, Ferguson, Fite, Gillespie, Gipson, Goss, Green, Haak, 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, Napper, Nichols, Norton, Oglesby, Ormond, Pace, Parks, Pate, Penix, Petrus, Pickett, L. Prater, S. Prater, Pritchard, Rankin, Roebuck, Rosenbaum, Schulte, Scrimshire, Scroggin, Seawel, R. Smith, Stovall, Sullivan, Sumpter, C. Taylor, J. Taylor, Thomas, Thomason, Thyer, Verkamp, Walters, Weaver, Wood.

Total97

NEGATIVE:

Total0

ABSENT OR NOT VOTING: Moore, Mr. Speaker.

Total2

VOTING PRESENT: White.

Total1

Total number of votes cast98

Total number voting in the affirmative97

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

So the Emergency Clause was adopted.

Morning Hour Expired.

Due to the passage of **SENATE BILL NO. 11**, a non-controversial bill, Parliamentarian Tim Massanelli announced on the House Floor that under the Rules of the House, Section 25(h), **SENATE BILL NO. 11** will be held in the House for one full day. House Rule 25(h) states "Prior to the 60th day of the session, no bill passed during the morning hour, or a bill appearing on the non-controversial bill calendar which has passed, shall be transmitted to the Senate until the expiration of the morning hour of the day next following its passage in which the House is in session".

HOUSE BILL NO. 1048

BY: REPRESENTATIVE J. JOHNSON

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

AFFIRMATIVE: Adams, Anderson, Berry, Blair, Bond, Boyd, Bradford, Bright, Chesterfield, Clemons, Cowling, Creekmore, Dangeau, Dees, Dickinson, Dobbins, Eason, Elliott, D. Evans, L. Evans, Ferguson, Fite, Gillespie, Gipson, Goss, Green, Haak, Hardwick, Harris, Hathorn, Hickinbotham, House, Hutchinson, Jackson, Jacobs, Jeffrey, J. Johnson, Jones, Judy, Kenney, King, Ledbetter, Lendall, Lewellen, Mack, Martin, Mathis, Medley, Milligan, Moore, Napper, Norton, Oglesby, Ormond, Pace, Pate, Penix, Petrus, Pickett, L. Prater, S. Prater, Pritchard, Rankin, Roebuck, Rosenbaum, Schulte, Scrimshire, Seawel, R. Smith, Stovall, Sullivan, Sumpter, Thomas, Thomason, Verkamp, Walters, Weaver, White, Wood, Mr. Speaker.

Total80

NEGATIVE: Agee, Biggs, Bolin, Borhauer, Edwards, Key, Lamoureux, Matayo, Thyer.

Total9

ABSENT OR NOT VOTING: Bennett, Bledsoe, P. Bookout, Childers, C. Johnson, Mahony, Nichols, Parks, Scroggin, C. Taylor, J. Taylor.

Total11

VOTING PRESENT:

Total0

Total number of votes cast89

Total number voting in the affirmative80

Necessary to the passage of the bill51

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

***** EXPUNGED*****12/18/03*****

HOUSE BILL NO. 1043

BY: REPRESENTATIVE MEDLEY

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

AFFIRMATIVE: Blair, Bolin, Borhauer, Chesterfield, Clemons, Creekmore, Dickinson, Dobbins, Eason, Elliott, D. Evans, Goss, Green, C. Johnson, J. Johnson, Judy, King, Ledbetter, Lendall, Lewellen, Martin, Medley, Pace, Penix, Pickett, L. Prater, Roebuck, C. Taylor, Thomas, Wood.

Total30

NEGATIVE: Agee, Anderson, Bennett, Berry, Biggs, Bledsoe, Bond, P. Bookout, Bradford, Bright, Childers, Cowling, Edwards, L. Evans, Fite, Gillespie, Gipson, Haak, Harris, Hathorn, Hickinbotham, House, Hutchinson, Jackson, Jeffrey, Jones, Kenney, Key, Lamoureux, Mack, Mahony, Mathis, Milligan, Napper, Nichols, Norton, Oglesby, Ormond, Pate, Petrus, S. Prater, Rosenbaum, Schulte, Scrimshire, Scroggin, Seawel, Sullivan, Sumpter, Thomason, Thyer, Verkamp, Walters, Weaver.

Total53

ABSENT OR NOT VOTING: Adams, Boyd, Dangeau, Dees, Ferguson, Hardwick, Moore, Parks, Pritchard, Rankin, R. Smith, Stovall, J. Taylor, White, Mr. Speaker.

Total15

VOTING PRESENT: Jacobs, Matayo.

Total2

Total number of votes cast.....85

Total number voting in the affirmative30

Necessary to the passage of the bill51

So the Bill failed.

***** EXPUNGED*****12/18/03*****

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

HOUSE BILL NO. 1024

BY: JOINT BUDGET COMMITTEE

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

AFFIRMATIVE: Adams, Agee, Anderson, Bennett, Berry, Biggs, Blair, Bledsoe, Bolin, Bond, P. Bookout, Borhauer, Boyd, Bradford, Bright, Chesterfield, Childers, Clemons, Cowling, Creekmore, Dees, Dickinson, Dobbins, Eason, Edwards, Elliott, D. Evans, L. Evans, Ferguson, Fite, Gillespie, Gipson, 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, Napper, Nichols, Norton, Oglesby, Ormond, Pace, Parks, Pate, Penix, Petrus, Pickett, L. Prater, S. Prater, Pritchard, Rankin, Roebuck, Rosenbaum, Schulte, Scrimshire, Scroggin, Seawel, R. Smith, Stovall, Sullivan, Sumpter, C. Taylor, J. Taylor, Thomas, Thomason, Thyer, Verkamp, Walters, Weaver, White, Wood.

Total96

NEGATIVE:

Total0

ABSENT OR NOT VOTING: Dangeau, Goss, Moore, Mr. Speaker.

Total4

VOTING PRESENT:

Total0

Total number of votes cast96

Total number voting in the affirmative96

Necessary to the passage of the bill75

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

There being an Emergency Clause attached to **HOUSE BILL NO. 1024**, the Speaker ordered the clerk to call the roll upon the adoption of the Emergency Clause. The vote was as follows:

EMERGENCY CLAUSE

AFFIRMATIVE: Adams, Agee, Anderson, Bennett, Berry, Biggs, Blair, Bledsoe, Bolin, Bond, P. Bookout, Borhauer, Boyd, Bradford, Bright, Chesterfield, Childers, Clemons, Cowling, Creekmore, Dees, Dickinson, Dobbins, Eason, Edwards, Elliott, D. Evans, L. Evans, Ferguson, Fite, Gillespie, Gipson, 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, Napper, Nichols, Norton, Oglesby, Ormond, Pace, Parks, Pate, Penix, Petrus, Pickett, L. Prater, S. Prater, Pritchard, Rankin, Roebuck, Rosenbaum, Schulte, Scrimshire, Scroggin, Seawel, R. Smith, Stovall, Sullivan, Sumpter, C. Taylor, J. Taylor, Thomas, Thomason, Thyer, Verkamp, Walters, Weaver, White, Wood.

Total	96
NEGATIVE:	
Total	0
ABSENT OR NOT VOTING: Dangeau, Goss, Moore, Mr. Speaker.	
Total	4
VOTING PRESENT:	
Total	0
Total number of votes cast.....	96
Total number voting in the affirmative	96
Necessary to the adoption of the emergency clause.....	67

So the Emergency Clause was adopted.

Motion was made by Representative Boyd to refer **HOUSE BILL NO. 1018** back to the Committee on Education.

ARKANSAS SENATE
SENATE BILLS RECEIVED FROM SENATE

SENATE BILL NO. 2 BY SENATOR LUKER
SENATE BILL NO. 3 BY SENATOR BROADWAY
SENATE BILL NO. 5 BY SENATOR BISBEE
SENATE BILL NO. 8 BY SENATOR GLOVER
SENATE BILL NO. 10 BY SENATOR BROADWAY
SENATE BILL NO. 27 BY SENATOR BISBEE
SENATE BILL NO. 32 BY SENATOR BAKER

ARKANSAS SENATE
HOUSE BILLS RETURNED FROM THE SENATE AS PASSED

HOUSE BILL NO. 1022 BY REPRESENTATIVE WEAVER AS AMENDED #1

HOUSE BILLS ORDERED TRANSMITTED TO THE SENATE AS PASSED

HOUSE BILL NO. 1024 BY REPRESENTATIVE WEAVER
HOUSE BILL NO. 1048 BY REPRESENTATIVE J. JOHNSON

HOUSE BILL NO. 1057

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.

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

HOUSE BILL NO. 1058

BY: REPRESENTATIVE KING

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO PROVIDE ADEQUATE AND EQUITABLE FUNDING TO PUBLIC SCHOOLS; TO PROVIDE A SYSTEM FOR MONITORING PUBLIC SCHOOL EXPENDITURES; AND FOR OTHER PURPOSES.

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

HOUSE MEMORIAL RESOLUTION NO. 1003

BY: REPRESENTATIVES R. SMITH, MATHIS, MOORE, MACK

A BILL FOR AN ACT TO BE ENTITLED MOURNING THE DEATH OF JOHNNY POPE AND HONORING HIM AS A TRUE ARKANSAS HERO.

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

SENATE BILL NO. 2

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.

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

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.

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

SENATE BILL NO. 5

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.

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

SENATE BILL NO. 8

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.

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

SENATE BILL NO. 10

BY: SENATOR BROADWAY

BY: 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.

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

SENATE BILL NO. 27

BY: SENATOR BISBEE

BY: 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.

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

SENATE BILL NO. 32

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.

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

The House recessed at 2:15 p.m. until 4:30 p.m.

The House reconvened at 4:00 p.m.

Upon motion of Representative Gillespie, the House adjourned at 4:02 p.m. until 1:30 p.m. Thursday, December 18, 2003.

ATTEST:

Herschel W. Cleveland
Speaker of the House of Representatives

Jo Renshaw
Chief Clerk

**ELEVENTH DAY'S PROCEEDINGS
HALL OF THE HOUSE OF REPRESENTATIVES**

Little Rock, Arkansas
December 18, 2003

The House was called to order at 1:31 p.m. by Mr. Cleveland, the Speaker.
The following members answered to the roll call:

Adams, Agee, Anderson, Bennett, Berry, Biggs, Blair, Bledsoe, Bolin, Bond, Bookout, Borhauer, Boyd, Bradford, Bright, Chesterfield, Childers, Clemons, Cowling, Creekmore, Dangeau, Dees, Dickinson, Eason, Edwards, Elliott, D.Evans, L. Evans, Ferguson, Fite, Gillespie, Gipson, Goss, Green, Haak, Hardwick, Harris, Hathorn, Hickinbotham, House, Hutchinson, Jackson, Jacobs, Jeffrey, C.Johnson, J. Johnson, Jones, Judy, Kenney, Key, King, Lamoureux, Lendall, Lewellen, Mack, Mahony, Martin, Matayo, Mathis, Medley, Milligan, Moore, Napper, Nichols, Norton, Oglesby, Ormond, Pace, 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.

Total97

The following member(s) was absent and did not answer to the roll call:
Dobbins, Ledbetter, Parks.

Total3

A quorum was present.

Unanimous leave was granted for Representative(s) Dobbins, Ledbetter, Parks.

The House stood and was led in prayer by Representative Robert Jeffrey.

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

	December 18, 2003
JOINT BUDGET	PAUL WEAVER
	CHAIRPERSON
HOUSE BILL NO. 1022	DO PASS, TO CONCUR IN
BY REPRESENTATIVE WEAVER	SENATE AMENDMENT #1
SENATE BILL NO. 5	DO PASS
BY SENATOR BISBEE	

COMMITTEE REPORT

	December 18, 2003
EDUCATION	CALVIN JOHNSON
	CHAIRPERSON
HOUSE BILL NO. 1007	DO PASS
BY REPRESENTATIVE PICKETT	
HOUSE BILL NO. 1018	DO PASS
BY REPRESENTATIVE BOYD	AS AMENDED #3
HOUSE BILL NO. 1021	DO PASS
BY REPRESENTATIVE WEAVER	
HOUSE BILL NO. 1038	DO PASS
BY REPRESENTATIVE MATHIS	AS AMENDED #1
HOUSE BILL NO. 1047	DO PASS
BY REPRESENTATIVE J. JOHNSON	
HOUSE BILL NO. 1055	DO PASS
BY REPRESENTATIVE WALTERS	
HOUSE BILL NO. 1056	DO PASS
BY REPRESENTATIVE C. JOHNSON	AS AMENDED #1
HOUSE BILL NO. 1057	DO PASS
BY REPRESENTATIVE WHITE	AS AMENDED #1
SENATE BILL NO. 8	DO PASS
BY SENATOR GLOVER	

COMMITTEE REPORT

JUDICIARY	December 18, 2003
	MIKE HATHORN
	CHAIRPERSON
HOUSE BILL NO. 1051	DO PASS
BY REPRESENTATIVE CREEKMORE	
SENATE BILL NO. 14	DO PASS
BY SENATOR SALMON	

COMMITTEE REPORT

REVENUE AND TAXATION	December 18, 2003
	BOYD HICKINBOTHAM
	CHAIRPERSON
HOUSE BILL NO. 1028	DO PASS
BY REPRESENTATIVE BOND	

Upon motion of Representative Cleveland, **HOUSE BILL NO. 1049** was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 1 TO HOUSE BILL NO. 1049

Amend **HOUSE BILL NO. 1049** as originally introduced:

Page 7 delete lines 15 through 17 and substitute the following:

“(A) Principal.

(i) For every school, a school district shall be apportioned funding for one (1) principal for every five hundred (500) students in average daily membership rounded up to one-tenth (0.1) of a full-time equivalency.

(ii) Each principal shall carry a resource price of seventy-one thousand eight hundred thirty-seven dollars (\$71,837), or pro-ration thereof rounded up to one-tenth (0.1) of a full-time equivalency.

(iii) Each school will be guaranteed funding for at least one (1) principal, notwithstanding the calculations under this subdivision (a)(1)(A);”

/s/ H. W. Cleveland

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

/s/ Ms. Jo Renshaw

Chief Clerk

Upon motion of Representative Cleveland, **HOUSE BILL NO. 1049** was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 2 TO HOUSE BILL NO. 1049

Amend **HOUSE BILL NO. 1049** as originally introduced:

Page 3, delete lines 25 and 26

AND

Page 3, line 27 delete “(g)” and substitute “(f)”

AND

Page 7, lines 23 and 24 delete “rounded down to the nearest rounded down to the nearest to” and substitute “rounded down to the nearest”

AND

Page 8, line 28 after “equivalency;” add “and”

AND

Page 8, line 31 delete "equivalency; and" and substitute "equivalency."

AND

Page 8, delete lines 32 through 34

AND

Page 10, line 9 delete "and"

AND

Page 10, delete lines 12 through 19 and substitute the following:

"dollars (\$1,152) for each student of average daily membership in that school; and

(4) Technology.

(A) For every school, a school district shall be apportioned funding for technology in the amount of two hundred fifty dollars (\$250) for each student of average daily membership in that school.

(B) To the extent that a school district receives funds from sources other than funding under this subdivision (a)(4)(A) of this section and the funds are used for expenditures for technology, the school district may use an equal amount of funds received pursuant to this section for expenditures for technology-related expenditures for personnel, instructional material, internet course delivery, and distance learning courses.

(C) In order to provide flexibility within the school district and the schools in the school district, funds for technology under this subdivision (a)(4)(A) of this section shall not be expended for other categories in this section or § 6-20-2005, unless the expenditure meets standards for technology established by the state board.

(b)(1) In order to provide flexibility within the school district and the schools in the school district, funds received pursuant to this section, other than funds for technology, may be expended for any category in this section or § 6-20-2005."

AND

Page 10, line 20 delete "(3)" and substitute "(2)"

AND

Page 11, delete line 21 and substitute the following:

"of a full-time equivalency.

(ii) Each eligible school will be guaranteed funding for at least one (1) pupil support staff for special needs students, notwithstanding the calculations under subdivision (a)(1)(D)(i) of this section."

AND

Page 11, line 22 delete "(ii)" and substitute "(iii)"

AND

Page 11, delete lines 26 through 36 and substitute the following:

“(2) 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.”

AND

Page 12, delete lines 1 through 9 and substitute the following:

“(b)(1)(A) Funds received pursuant to this section may be used for any category included in this section.”

AND

Page 15, delete lines 25 through 28

AND

Page 15, line 29 delete “(h)” and substitute “(g)”

AND

Page 16, line 10 delete “of § 6-20-2103”

AND

Page 16, line 35 delete “set forth in § 6-20-2103”

AND

Page 23, delete lines 9 and 10

AND

Page 23, line 11 delete “(3)” and substitute “(2)”

AND

Page 23, line 13 delete “(4)” and substitute “(3)”

AND

Page 23, lines 30 and 31 delete “thirty-two thousand two hundred eighty dollars (\$32,280)” and substitute “twenty-nine thousand nine hundred dollars (\$29,900)”

AND

Page 24, lines 3 and 4 delete “whose teachers have not been assessed under § 6-17-2405”

AND

Page 24, lines 8 and 9 delete “thirty-three thousand two hundred eighty dollars (\$33,280)” and substitute “thirty-one thousand fifty dollars (\$31,050)”

AND

Page 24, delete lines 17 and 18 and substitute

“(d) In school year 2006-2007 and each school year thereafter, each school district in the state shall have in place a”

AND

Page 24, line 22 and 23 delete “thirty-four thousand two hundred eighty dollars (\$34,280)” and substitute “thirty-two thousand two hundred dollars (\$32,200)”

AND

Page 25, delete lines 1 through 36 and substitute the following:

“6-17-2405. Knowledge and skills-based pay system pilot program.

(a) Beginning with the 2004-2005 school year, the Department of Education shall establish a knowledge and skills-based pay system as a pilot program. The pilot program shall be implemented in a limited number of school districts that agree to participate in the pilot program.

(b) The pilot program shall be based on the following skill levels:

(1) Entry;

(2) Emerging Career;

(3) Career;

(4) Master; and

(5) Arkansas Fellow.”

AND

Page 26, delete lines 1 through 36

AND

Page 27 delete lines 1 through 5

AND

Page 27 line 7 delete “6-17-2407.” and substitute “6-17-2406.”

AND

Page 27 line 29 delete “6-17-2408.” and substitute “6-17-2407.”

AND

Page 28 line 17 delete “6-17-2409.” and substitute “6-17-2408.”

AND

Page 28, line 20 delete “the knowledge and skills-based pay system and”

AND

Page 28, line 26 delete “6-18-2410.” and substitute “6-18-2409.”

/s/ H. W. Cleveland

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

/s/ Ms. Jo Renshaw
Chief Clerk

ENGROSSED BILL REPORTS

HERSCHEL W. CLEVELAND, CHAIRMAN

December 18, 2003

The following bill(s) reported correctly engrossed:

HOUSE BILL NO. 1049 BY REPRESENTATIVE CLEVELAND, ET AL

HOUSE MEMORIAL RESOLUTION NO. 1002

BY: REPRESENTATIVE JUDY

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

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

HOUSE RESOLUTION NO.1003

BY: REPRESENTATIVE BLAIR

TO RECOGNIZE AND COMMEND THE WESTERN ARKANSAS STATE PROFESSIONAL FIREFIGHTERS/IAFF LOCAL S-24 OF THE 188TH FIRE DEPARTMENT, ARKANSAS AIR NATIONAL GUARD, FORT SMITH, ARKANSAS.

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

HOUSE RESOLUTION NO.1005

BY: REPRESENTATIVE THYER

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

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

HOUSE RESOLUTION NO.1006

BY: REPRESENTATIVE SCRIMSHIRE

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

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

HOUSE MEMORIAL RESOLUTION NO. 1001

BY: REPRESENTATIVE EDWARDS

MOURNING THE DEATH OF JAMES T. WHITEHEAD AND HONORING HIM AS A CHAMPION OF EDUCATION.

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

HOUSE MEMORIAL RESOLUTION NO. 1003

BY: REPRESENTATIVE R. SMITH

MOURNING THE DEATH OF JOHNNY POPE AND HONORING HIM AS A TRUE ARKANSAS HERO.

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

Morning Hour Expired.

HOUSE BILL NO. 1036

BY: REPRESENTATIVE HOUSE

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

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

Total92

NEGATIVE:

Total0

ABSENT OR NOT VOTING: Dobbins, Ledbetter, Parks, Stovall, Thyer, Verkamp.

Total6

VOTING PRESENT: Lewellen, Schulte.

Total2

Total number of votes cast.....94

Total number voting in the affirmative92

Necessary to the passage of the bill51

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

HOUSE BILL NO. 1011

BY: REPRESENTATIVE BOYD

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

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

Total93

NEGATIVE: Lewellen.

Total1

ABSENT OR NOT VOTING: Dobbins, Ledbetter, Norton, Parks, Stovall, Mr. Speaker.

Total6

VOTING PRESENT:

Total0

Total number of votes cast.....94

Total number voting in the affirmative93

Necessary to the passage of the bill51

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

HOUSE BILL NO. 1054

BY: REPRESENTATIVE C. JOHNSON

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

AFFIRMATIVE: Adams, Bennett, Biggs, Blair, Bond, P. Bookout, Borhauer, Boyd, Bradford, Chesterfield, Childers, Clemons, Creekmore, Dangeau, Dees, Dickinson, Eason, Elliott, D. Evans, L. Evans, Ferguson, Fite, Gillespie, Gipson, Goss, Green, Haak, Hardwick, Harris, Hathorn, Hickinbotham, House, Hutchinson, C. Johnson, J. Johnson, Jones, Judy, Key, King, Lamoureux, Lendall, Lewellen, Mack, Mahony, Martin, Mathis, Medley, Milligan, Moore, Napper, Pate, Penix, Petrus, Pickett, L. Prater, S. Prater, Roebuck, Scrimshire, Seawel, R. Smith, Stovall, Sumpter, C. Taylor, J. Taylor, Thomas, Thomason, Thyer, Verkamp, Walters, Weaver, White, Wood.

Total72

NEGATIVE: Agee, Berry, Bledsoe, Bolin, Jeffrey, Rosenbaum, Sullivan.

Total7

ABSENT OR NOT VOTING: Anderson, Bright, Cowling, Dobbins, Jackson, Jacobs, Kenney, Ledbetter, Nichols, Norton, Oglesby, Ormond, Pace, Parks, Pritchard, Rankin, Scroggin, Mr. Speaker.

Total18

VOTING PRESENT: Edwards, Matayo, Schulte.

Total3

Total number of votes cast.....82

Total number voting in the affirmative72

Necessary to the passage of the bill51

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

Representative Berry moved that the record by which **HOUSE BILL NO. 1043** failed to pass be expunged from the record. The vote was as follows:

AFFIRMATIVE: Adams, Anderson, Bennett, Biggs, Blair, Bledsoe, Bond, P. Bookout, Borhauer, Boyd, Bradford, Bright, Chesterfield, Childers, Clemons, Cowling, Creekmore, Dickinson, Eason, Elliott, D. Evans, L. Evans, Fite, Gillespie, Goss, Green, Haak, Hardwick, Harris, Hathorn, House, Hutchinson, Jeffrey, C. Johnson, J. Johnson, Jones, Judy, Kenney, Key, King, Lamoureux, Lendall, Lewellen, Mack, Martin, Matayo, Mathis, Medley, Moore, Napper, Nichols, Norton, Ormond, Pace, Pate, Penix, Pickett, L. Prater, S. Prater, Pritchard, Rankin, Roebuck, Rosenbaum, Schulte, Seawel, R. Smith, Sullivan, Sumpter, C. Taylor, J. Taylor, Thomas, Thomason, Thyer, Verkamp, Walters, Wood.

Total76

NEGATIVE: Agee, Edwards, Mahony, Oglesby.

Total4

ABSENT OR NOT VOTING: Berry, Bolin, Dangeau, Dees, Dobbins, Ferguson, Gipson, Hickinbotham, Jackson, Jacobs, Ledbetter, Milligan, Parks, Petrus, Scrimshire, Scroggin, Stovall, Weaver, White, Mr. Speaker.

Total20

VOTING PRESENT:

Total0

Total number of votes cast80

Total number voting in the affirmative76

Necessary to the adoption of the motion67

So the motion was adopted.

SENATE BILL NO. 6

BY: STATE AGENCIES AND GOVERNMENTAL AFFAIRS

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

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

Total91

NEGATIVE:

Total0

ABSENT OR NOT VOTING: Dangeau, Dobbins, Jacobs, Ledbetter, Parks, Stovall, Mr. Speaker.

Total7

VOTING PRESENT: Elliott, King.

Total2

Total number of votes cast.....93

Total number voting in the affirmative91

Necessary to the passage of the bill67

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

There being an Emergency Clause attached to **SENATE BILL NO. 6**, the Speaker ordered the clerk to call the roll upon the adoption of the Emergency Clause. The vote was as follows:

EMERGENCY CLAUSE

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

Total91

NEGATIVE:

Total0

ABSENT OR NOT VOTING: Dangeau, Dobbins, Jacobs, Ledbetter, Parks, Stovall, Mr. Speaker.

Total7

VOTING PRESENT: Elliott, King.

Total2

Total number of votes cast93

Total number voting in the affirmative91

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

So the Emergency Clause was adopted.

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

SENATE BILL NO. 3

BY: JOINT BUDGET COMMITTEE

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

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

Total90

NEGATIVE:

Total0

ABSENT OR NOT VOTING: Berry, Dees, Dobbins, Jacobs, Ledbetter, Parks, Schulte, Scroggin, Stovall, Mr. Speaker.

Total10

VOTING PRESENT:

Total0

Total number of votes cast.....90

Total number voting in the affirmative90

Necessary to the passage of the bill75

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

There being an Emergency Clause attached to **SENATE BILL NO. 3**, the Speaker ordered the clerk to call the roll upon the adoption of the Emergency Clause. The vote was as follows:

EMERGENCY CLAUSE

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

Total90

NEGATIVE:

Total0

ABSENT OR NOT VOTING: Berry, Dees, Dobbins, Jacobs, Ledbetter, Parks, Schulte, Scroggin, Stovall, Mr. Speaker.

Total10

VOTING PRESENT:

Total0

Total number of votes cast90

Total number voting in the affirmative90

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

So the Emergency Clause was adopted.

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

SENATE BILL NO. 10

BY: JOINT BUDGET COMMITTEE

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

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

Total93

NEGATIVE:

Total0

ABSENT OR NOT VOTING: Dobbins, Jacobs, Ledbetter, Parks, Scroggin, White, Mr. Speaker.

Total7

VOTING PRESENT:

Total0

Total number of votes cast.....93

Total number voting in the affirmative93

Necessary to the passage of the bill75

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

There being an Emergency Clause attached to **SENATE BILL NO. 10**, the Speaker ordered the clerk to call the roll upon the adoption of the Emergency Clause. The vote was as follows:

EMERGENCY CLAUSE

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

Total93

NEGATIVE:

Total0

ABSENT OR NOT VOTING: Dobbins, Jacobs, Ledbetter, Parks, Scroggin, White, Mr. Speaker.

Total7

VOTING PRESENT:

Total0

Total number of votes cast93

Total number voting in the affirmative93

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

So the Emergency Clause was adopted.

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

SENATE BILL NO. 32

BY: JOINT BUDGET COMMITTEE

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

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

Total93

NEGATIVE:

Total0

ABSENT OR NOT VOTING: Dobbins, Jacobs, Ledbetter, Pace, Parks, White, Mr. Speaker.

Total7

VOTING PRESENT:

Total0

Total number of votes cast.....93

Total number voting in the affirmative93

Necessary to the passage of the bill75

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

There being an Emergency Clause attached to **SENATE BILL NO. 32**, the Speaker ordered the clerk to call the roll upon the adoption of the Emergency Clause. The vote was as follows:

EMERGENCY CLAUSE

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

Total93

NEGATIVE:

Total0

ABSENT OR NOT VOTING: Dobbins, Jacobs, Ledbetter, Pace, Parks, White, Mr. Speaker.

Total7

VOTING PRESENT:

Total0

Total number of votes cast93

Total number voting in the affirmative93

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

So the Emergency Clause was adopted.

The House stood in recess at 2:15 p.m. until 4:00 p.m. for the reading of the bills.

HOUSE BILLS ORDERED TRANSMITTED TO THE SENATE AS PASSED

HOUSE BILL NO. 1011 BY REPRESENTATIVE BOYD
 HOUSE BILL NO. 1036 BY REPRESENTATIVE HOUSE
 HOUSE BILL NO. 1054 BY REPRESENTATIVE C. JOHNSON

SENATE BILLS ORDERED RETURNED TO THE SENATE AS PASSED

SENATE BILL NO. 3 BY SENATOR BROADWAY
 SENATE BILL NO. 6 BY STATE AGENCIES & GOVERNMENTAL AFFAIRS
 SENATE BILL NO. 10 BY SENATOR BROADWAY
 SENATE BILL NO. 11 BY SENATOR J. BOOKOUT
 SENATE BILL NO. 32 BY SENATOR BAKER

ARKANSAS SENATE
 SENATE BILLS RECEIVED FROM SENATE

SENATE BILL NO. 15 BY SENATOR BISBEE
 SENATE BILL NO. 21 BY SENATOR J. BOOKOUT

The House reconvened at 4:00 p.m.

HOUSE BILL NO. 1059

BY: REPRESENTATIVE KEY

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO AMEND THE CHARTER SCHOOL LAW; AND FOR OTHER PURPOSES.

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

HOUSE BILL NO. 1060

BY: REPRESENTATIVES CHESTERFIELD, CLEMONS, DOBBINS, ELLIOTT, C. JOHNSON, J. JOHNSON, WALTERS

BY: 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.

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

HOUSE BILL NO. 1061

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.

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

HOUSE BILL NO. 1062

BY: REPRESENTATIVE PENIX

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO IMPROVE EDUCATIONAL ACCOUNTABILITY; TO REQUIRE SCHOOL DISTRICTS TO PAY THE COST OF POSTSECONDARY REMEDIATION FOR THEIR GRADUATES; AND FOR OTHER PURPOSES.

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

HOUSE BILL NO. 1063

BY: REPRESENTATIVES ELLIOTT, CLEVELAND

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO CREATE THREE (3) PILOT PROGRAMS TO STUDY THE EFFECT OF REDUCING TEACHER-STUDENT RATIOS IN GRADES KINDERGARTEN THROUGH TWELVE (K-12); AND FOR OTHER PURPOSES.

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

HOUSE RESOLUTION NO. 1007

BY: REPRESENTATIVE JEFFREY

CONGRATULATING THE 2003 CLASS AA STATE FOOTBALL CHAMPION JUNCTION CITY HIGH SCHOOL DRAGONS.

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

HOUSE RESOLUTION NO. 1008

BY: REPRESENTATIVE ROSENBAUM

A BILL FOR AN ACT TO BE ENTITLED CONGRATULATING THE 2003 AAA STATE FOOTBALL CHAMPION PULASKI ACADEMY BRUINS.

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

HOUSE RESOLUTION NO. 1009

BY: REPRESENTATIVE PICKETT

A BILL FOR AN ACT TO BE ENTITLED HONORING DR. THOMAS E. GOODWIN AS THE 2003 U. S. PROFESSOR OF THE YEAR FOR OUTSTANDING BACCALAUREATE COLLEGE PROFESSOR.

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

SENATE BILL NO. 15

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.

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

SENATE BILL NO. 21

BY: SENATOR J. 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.

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

The House reconvened at 4:04 p.m.

Upon motion of Representative Gillespie, the House adjourned at 4:06 p.m. until 10:00 a.m. Friday, December 19, 2003.

ATTEST:

Herschel W. Cleveland
Speaker of the House of Representatives

Jo Renshaw
Chief Clerk

**TWELFTH DAY'S PROCEEDINGS
HALL OF THE HOUSE OF REPRESENTATIVES**

Little Rock, Arkansas
December 19, 2003

The House was called to order at 10:00 a.m. by Mr. Cleveland, the Speaker.
The following members answered to the roll call:

Adams, Agee, Anderson, Bennett, Berry, Biggs, Blair, Bledsoe, Bolin, Bond, Bookout, Borhauer, Boyd, Bradford, Bright, Chesterfield, Childers, Clemons, Cowling, Creekmore, Dangeau, Dees, Dickinson, Eason, Edwards, Elliott, D.Evans, L. Evans, Ferguson, Fite, Gillespie, Gipson, Goss, Green, Haak, Hardwick, Hathorn, Hickinbotham, House, Hutchinson, Jackson, Jacobs, Jeffrey, C. Johnson, J. Johnson, Jones, Judy, Kenney, 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, J.Taylor, Thomas, Thomason, Thyer, Verkamp, Walters, Weaver, White, Wood, Mr. Speaker.

Total97

The following member(s) was absent and did not answer to the roll call:
Dobbins, Harris, C. Taylor.

Total3

A quorum was present.

Unanimous leave was granted for Representative(s) Dobbins, Harris, C. Taylor.

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

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

	December 19, 2003
AGING, CHILDREN AND YOUTH, LEGISLATIVE AND MILITARY AFFAIRS	JOYCE DEES CHAIRPERSON
HOUSE RESOLUTION NO. 1007 BY REPRESENTATIVE JEFFREY	DO PASS
HOUSE RESOLUTION NO. 1008 BY REPRESENTATIVE ROSENBAUM	DO PASS
HOUSE RESOLUTION NO. 1009 BY REPRESENTATIVE PICKETT	DO PASS

COMMITTEE REPORT

	December 19, 2003
CITY, COUNTY AND LOCAL AFFAIRS	PHILLIP JACOBS CHAIRPERSON
SENATE BILL NO. 2 BY SENATOR LUKER	DO PASS

COMMITTEE REPORT

	December 19, 2003
JOINT BUDGET	PAUL WEAVER CHAIRPERSON
SENATE BILL NO. 15 BY SENATOR BISBEE	DO PASS

Upon motion of Representative House, **HOUSE BILL NO. 1052** was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 1 TO HOUSE BILL NO. 1052

Amend **HOUSE BILL NO. 1052** as originally introduced:

Page 2, line 15, delete the period and underline "." and substitute "as allocated by the Department of Education.".

/s/ Don House

/s/ J. Bolin

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

/s/ Ms. Jo Renshaw

Chief Clerk

Upon motion of Representative Mathis, **HOUSE BILL NO. 1038** was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 1 TO HOUSE BILL NO. 1038

Amend **HOUSE BILL NO. 1038** as originally introduced:

Page 1, line 32 delete "state"

AND

Page 1, delete line 33 and substitute the following:

"federal funds.

(c) Nothing in this section shall permit the Arkansas School for Mathematics, Sciences, and the Arts to receive funds from the Public School Fund except pursuant to a line item appropriation."

AND

Page 2, delete line 3 and substitute the following:

"Schools Act of 1999. If the petition is granted, funding for the charter school shall be made pursuant to an appropriation by the General Assembly for the Arkansas School for Mathematics, Sciences, and the Arts."

/s/ Bob Mathis

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

/s/ Ms. Jo Renshaw

Chief Clerk

Upon motion of Representative Boyd, **HOUSE BILL NO. 1018** was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 3 TO HOUSE BILL NO. 1018

Amend **HOUSE BILL NO. 1018** as engrossed, H12/16/03 (version:12-16-2003 08:45):

Add Representative Norton as a cosponsor of the bill

AND

Page 2, delete lines 9 through 18, and substitute the following:

- "(18) Omaha School District;
- (19) Paron School District;
- (20) Randolph County School District;
- (21) Rural Special School District;
- (22) Scotland School District;
- (23) Sparkman School District;
- (24) St. Joe School District;
- (25) St. Paul School District;
- (26) Stone County School District;
- (27) Taylor School District;
- (28) Umpire School District;
- (29) Williford School District; and
- (30) Winslow School District."

/s/ Travis Boyd

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

/s/ Ms. Jo Renshaw

Chief Clerk

Upon motion of Representative King, **HOUSE BILL NO. 1058** was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 1 TO HOUSE BILL NO. 1058

Amend **HOUSE BILL NO. 1058** as originally introduced:

Page 11, delete line 8 and substitute the following:

"provisions of this subchapter are properly enforced."

SECTION 2. Arkansas Code § 6-23-501(a), concerning funding for open-enrollment charter schools, is amended to read as follows:

(a)(1) An open-enrollment charter school shall receive funds equal to the amount that the open-enrollment charter school would receive under §§ 6-20-2001 through 6-20-2011 if it were treated as a public school within a school district ~~the minimum state and local revenue per average daily membership as defined in § 6-20-303.~~

(2) Funding for an open-enrollment charter school shall be based upon the current year three-quarter average daily membership of the open-enrollment charter school as follows:

(A) The initial funding estimate for each school year shall be based on enrollment as of April 15 preceding the school year in which the students are to attend;

(B) In December, funding will be adjusted based on the first quarter average daily membership; and

(C) A final adjustment will be made after the current year three-quarter average daily membership is established.

(3) Funding for an open-enrollment charter school shall be paid in twelve (12) equal installments each fiscal year."

AND

Appropriately renumber the subsequent sections of the bill.

/s/ Barbara King

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

/s/ Ms. Jo Renshaw

Chief Clerk

Upon motion of Representative C. Johnson, **HOUSE BILL NO. 1056** was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 1 TO HOUSE BILL NO. 1056

Amend **HOUSE BILL NO. 1056** as originally introduced:

Add Representatives Chesterfield, Clemmons, Dobbins, Eason, Elliott, Green, Jones, Thomas, and White as cosponsors of the bill

AND

Add Senators Wilkins and Steele as cosponsors of the bill

AND

Page 3, line 27, delete "(A)" and substitute "(A)(i)"

AND

Page 3, delete line 29 and substitute the following:

"school is a part.

(ii) Public schools designated by the Department of Education as a school in school improvement or a school in a school district designated by the department as being in academic distress shall participate in an education renewal zone and the office shall establish education renewal zones for those schools."

AND

Page 5, delete line 7, and substitute the following:

"education renewal zones within any single education service cooperative area.

(C) The membership and staff of local advisory groups shall be reflective of the diversity of the population being served by the education renewal zone."

/s/ Calvin Johnson

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

/s/ Ms. Jo Renshaw

Chief Clerk

Upon motion of Representative Sumpter, **HOUSE BILL NO. 1039** was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 1 TO HOUSE BILL NO. 1039

Amend **HOUSE BILL NO. 1039** as originally introduced:

Add the following Representative as a cosponsor of the bill: Edwards

/s/ Denny Sumpter

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

/s/ Ms. Jo Renshaw
Chief Clerk

ENGROSSED BILL REPORTS

HERSCHEL W. CLEVELAND, CHAIRMAN

December 19, 2003

The following bill(s) reported correctly engrossed:

HOUSE BILL NO. 1018 - TITLE - BY REPRESENTATIVE BOYD, ET AL

HOUSE BILL NO. 1038 BY REPRESENTATIVE MATHIS

HOUSE BILL NO. 1039 - TITLE - BY REPRESENTATIVE SUMPTER, ET AL

HOUSE BILL NO. 1052 BY REPRESENTATIVE HOUSE, ET AL

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

HOUSE BILL NO. 1057 BY REPRESENTATIVE WHITE

HOUSE BILL NO. 1058 BY REPRESENTATIVE KING

HOUSE BILL ENGROSSED AS TITLE AMENDED
HOUSE BILL NO. 1018

BY: REPRESENTATIVES BOYD, CLEVELAND, MILLIGAN, *JACOBS, SEAWEL, HATHORN, HOUSE, BENNETT, KING, FITE, WEAVER, RANKIN, ADAMS, BERRY, GILLESPIE, NORTON*

BY: *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 ENGROSSED AS TITLE AMENDED
HOUSE BILL NO. 1039

BY: REPRESENTATIVES SUMPTER, KING, *EDWARDS*

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO MAKE AN APPROPRIATION FOR STATE CONTRIBUTIONS TO THE PUBLIC SCHOOL EMPLOYEE HEALTH INSURANCE PROGRAM FOR THE DEPARTMENT OF EDUCATION FOR THE BIENNIAL PERIOD ENDING JUNE 30, 2005; AND FOR OTHER PURPOSES.

HOUSE BILL ENGROSSED AS TITLE AMENDED
HOUSE BILL NO. 1056

BY: REPRESENTATIVES C. JOHNSON, *CHESTERFIELD, CLEMONS, DOBBINS, EASON, ELLIOTT, GREEN, JONES, THOMAS, WHITE*

BY: *SENATORS WILKINS, STEELE*

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO CREATE THE OFFICE OF EDUCATION RENEWAL ZONES; AND FOR OTHER PURPOSES.

Upon motion of Representative White, **HOUSE BILL NO. 1057** was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 1 TO HOUSE BILL NO. 1057

Amend **HOUSE BILL NO. 1057** as originally introduced:

Page 3, line 18, delete "Division of Early" and substitute "Division Child Care and Early"

AND

Page 3, line 19, delete "Childhood Education" and substitute "Childhood Education within the Department of Human Services"

AND

Page 3, line 24, delete "Division of Early Childhood Education" and substitute "Division of Child Care and Early Childhood Education within the Department of Human Services"

AND

Page 3, line 28, delete "Division of Early Childhood Education" and substitute "Division of Child Care and Early Childhood Education within the Department of Human Services"

AND

Page 4, line 4, delete "Division of Early Childhood Education" and substitute "Division of Child Care and Early Childhood Education within the Department of Human Services"

/s/ Robert J. White

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

/s/ Ms. Jo Renshaw
Chief Clerk

Morning Hour Expired.

HOUSE BILL NO. 1028

BY: REPRESENTATIVE BOND

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

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

Total91

NEGATIVE:

Total0

ABSENT OR NOT VOTING: Bolin, Dobbins, Harris, Moore, Norton, Penix, Stovall, C. Taylor, Mr. Speaker.

Total9

VOTING PRESENT:

Total0

Total number of votes cast91

Total number voting in the affirmative91

Necessary to the passage of the bill51

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

HOUSE BILL NO. 1051

BY: REPRESENTATIVE CREEKMORE

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

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

Total93

NEGATIVE:

Total0

ABSENT OR NOT VOTING: Dobbins, Harris, Moore, Penix, L. Prater, C. Taylor, Mr. Speaker.

Total7

VOTING PRESENT:

Total0

Total number of votes cast.....93

Total number voting in the affirmative93

Necessary to the passage of the bill51

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

HOUSE BILL NO. 1021 was removed from the schedule due to the need for a fiscal impact statement.

Representative Bond was recognized for a point of order regarding whether a fiscal impact statement for **HOUSE BILL NO. 1021** was placed on members' desks. The author of the bill, Representative Weaver stated the fiscal impact statement had been on members' desks for 30 minutes. According to ACA 191703, a fiscal impact statement must be on the desk for (1) day prior to presenting the bill.

The Speaker ruled in favor of the point of order.

HOUSE BILL NO. 1007

BY: REPRESENTATIVE PICKETT

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

AFFIRMATIVE: Anderson, Blair, Bledsoe, Bond, Borhauer, Boyd, Bradford, Bright, Chesterfield, Childers, Clemons, Cowling, Dangeau, Dees, Dickinson, Eason, Edwards, Elliott, D. Evans, Ferguson, Fite, Gillespie, Goss, Green, Haak, Hardwick, Hutchinson, C. Johnson, J. Johnson, Jones, Judy, Kenney, Key, King, Ledbetter, Lendall, Lewellen, Mack, Mahony, Martin, Matayo, Mathis, Medley, Napper, Nichols, Pace, Pate, Penix, Petrus, Pickett, L. Prater, S. Prater, Rankin, Roebuck, Rosenbaum, Seawel, R. Smith, Stovall, Sumpter, Thomas, Thomason, Walters, White, Wood.

Total64

NEGATIVE: Adams, Agee, Berry, Biggs, P. Bookout, Creekmore, L. Evans, Gipson, House, Jackson, Jeffrey, Lamoureux, Oglesby, Ormond, Parks, Pritchard, Schulte, Scrimshire, Scroggin, Sullivan, J. Taylor, Thyer, Verkamp.

Total23

ABSENT OR NOT VOTING: Bennett, Bolin, Dobbins, Harris, Hathorn, Hickinbotham, Jacobs, Moore, Norton, C. Taylor, Weaver, Mr. Speaker.

Total12

VOTING PRESENT: Milligan.

Total1

Total number of votes cast.....88

Total number voting in the affirmative64

Necessary to the passage of the bill51

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

Upon motion of Representative Pickett the Clincher motion prevailed.

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

ARKANSAS SENATE

AMENDMENT NO. 1 TO HOUSE BILL NO. 1022

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".

/s/ David A. Bisbee

The Amendment was read and the vote was as follows:

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

Total93

NEGATIVE:

Total0

ABSENT OR NOT VOTING: Bolin, Dickinson, Dobbins, Harris, Moore, Penix, C. Taylor.

Total7

VOTING PRESENT:

Total0

Total number of votes cast93

Total number voting in the affirmative93

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

So the Amendment was concurred in.

/s/ Ms. Jo Renshaw

Chief Clerk

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

SENATE BILL NO. 5

BY: JOINT BUDGET COMMITTEE

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

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

Total93

NEGATIVE:

Total0

ABSENT OR NOT VOTING: Dickinson, Dobbins, Harris, Moore, Penix, C. Taylor.

Total6

VOTING PRESENT: Ormond.

Total1

Total number of votes cast94

Total number voting in the affirmative93

Necessary to the passage of the bill75

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

There being an Emergency Clause attached to **SENATE BILL NO. 5**, the Speaker ordered the clerk to call the roll upon the adoption of the Emergency Clause. The vote was as follows:

EMERGENCY CLAUSE

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

Total93

NEGATIVE:

Total0

ABSENT OR NOT VOTING: Dickinson, Dobbins, Harris, Moore, Penix, C. Taylor.

Total6

VOTING PRESENT: Ormond.

Total1

Total number of votes cast94

Total number voting in the affirmative93

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

So the Emergency Clause was adopted.

Upon motion of Representative Cleveland the House recessed at 10:37 a.m. until 3:00 p.m.

ENROLLED AND DELIVERY TO GOVERNOR REPORTS

Little Rock, Arkansas
December 19, 2003

MR. SPEAKER:

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

HOUSE BILL NO. 1022 BY REPRESENTATIVE WEAVER

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 12:33 p.m. delivered them to the Governor for his approval.

Respectfully submitted,

/s/ Herschel W. Cleveland
Chairman

RECEIPT FROM THE GOVERNOR

RECEIVED FROM THE HOUSE:

TIME: 12:33 p.m.

/s/ Mike Huckabee - Governor
By: Stacy D. Jarnett

HOUSE BILLS ORDERED TRANSMITTED TO THE SENATE AS PASSED

HOUSE BILL NO. 1007 BY REPRESENTATIVE PICKETT
HOUSE BILL NO. 1028 BY REPRESENTATIVE BOND
HOUSE BILL NO. 1051 BY REPRESENTATIVE CREEKMORE

SENATE BILLS ORDERED RETURNED TO THE SENATE AS PASSED

SENATE BILL NO. 5 BY SENATOR BISBEE

SENATE BILLS ORDERED RETURNED TO THE SENATE AS PASSED
EMERGENCY CLAUSE HAVING FAILED OF ADOPTION

SENATE BILL NO. 28 BY SENATOR ARGUE

ARKANSAS SENATE
SENATE BILLS RECEIVED FROM SENATE

SENATE BILL NO. 35 BY SENATOR MADISON

The House reconvened at 3:05 p.m.

HOUSE BILL NO. 1064

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.

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

HOUSE BILL NO. 1065

BY: REPRESENTATIVES J. JOHNSON, WOOD, WALTERS, ELLIOTT

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO ENSURE THAT ALL TEACHERS IN THE STATE RECEIVE SUBSTANTIALLY EQUAL TEACHER SALARIES AND BENEFITS; AND FOR OTHER PURPOSES.

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

HOUSE BILL NO. 1066

BY: REPRESENTATIVES SUMPTER, KING, EDWARDS

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO ELIMINATE THE REQUIREMENT THAT SCHOOL DISTRICTS MAKE HEALTH INSURANCE CONTRIBUTIONS FOR SCHOOL DISTRICT EMPLOYEES; TO REQUIRE A STATE CONTRIBUTION TO THE PUBLIC SCHOOL EMPLOYEE HEALTH INSURANCE PROGRAM ADMINISTERED BY THE DEPARTMENT OF FINANCE AND ADMINISTRATION; AND FOR OTHER PURPOSES.

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

HOUSE BILL NO. 1067

BY: REPRESENTATIVES PATE, STOVALL

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO ESTABLISH A BONUS TO BE AWARDED TO CLASSROOM TEACHERS BASED ON TEACHER ATTENDANCE ON DAYS OF SCHEDULED CLASSROOM INSTRUCTION; AND FOR OTHER PURPOSES.

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

HOUSE RESOLUTION NO. 1010

BY: REPRESENTATIVE KING

CONGRATULATING THE 2003 SIX-AA CONFERENCE FOOTBALL CHAMPION BARTON BEARS.

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

SENATE BILL NO. 28

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.

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

SENATE BILL NO. 35

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.

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

Upon motion of Representative Gillespie, the House adjourned at 3:07 p.m. until 1:30 p.m., Monday, December 22, 2003.

ATTEST:

Herschel W. Cleveland
Speaker of the House of Representatives

Jo Renshaw
Chief Clerk

**FIFTEENTH DAY'S PROCEEDINGS
HALL OF THE HOUSE OF REPRESENTATIVES**

Little Rock, Arkansas
December 22, 2003

The House was called to order at 1:36 p.m. by Mr. Cleveland, the Speaker.
The following members answered to the roll call:

Adams, Agee, Anderson, Bennett, Berry, Biggs, Blair, Bledsoe, Bolin, Bond, Bookout, Borhauer, Bradford, Bright, Chesterfield, Childers, Clemons, Cowling, Creekmore, Dangeau, Dees, Dickinson, Eason, Edwards, Elliott, D.Evans, L. Evans, Ferguson, Fite, Gillespie, Gipson, Goss, Green, Haak, Hardwick, Harris, Hathorn, Hickinbotham, House, Hutchinson, Jackson, 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.

Total97

The following member(s) was absent and did not answer to the roll call:
Boyd, Dobbins, Jacobs.

Total3

A quorum was present.
Unanimous leave was granted for Representative(s) Boyd, Dobbins, Jacobs.
The House stood and was led in prayer by Representative Harmon Seawel.
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

EDUCATION	December 22, 2003
	CALVIN JOHNSON
	CHAIRPERSON
HOUSE BILL NO. 1060	DO PASS
BY REPRESENTATIVE CHESTERFIELD	
SENATE BILL NO. 35	DO PASS
BY SENATOR MADISON	

Upon motion of Representative Napper, **HOUSE BILL NO. 1026** was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 2 TO HOUSE BILL NO. 1026

Amend **HOUSE BILL NO. 1026** as engrossed, H12/11/03

(version: 12-11-2003 09:39):

Page 3, delete line 29 and substitute the following:

"tax of one percent (1%) upon all tangible personal property and taxable services subject to the"

/s/ Steve Napper

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

/s/ Ms. Jo Renshaw

Chief Clerk

Upon motion of Representative J. Johnson, **HOUSE BILL NO. 1065** was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 1 TO HOUSE BILL NO. 1065

Amend **HOUSE BILL NO. 1065** as originally introduced:

Add Representative Pickett as a cosponsor of the bill.

/s/ Janet Johnson

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

/s/ Ms. Jo Renshaw

Chief Clerk

Upon motion of Representative Cleveland, **HOUSE BILL NO. 1049** was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 3 TO HOUSE BILL NO. 1049

Amend **HOUSE BILL NO. 1049** as engrossed, H12/18/03

(version: 12-18-2003 09:53):

Page 14 line 32 delete "certified audit" and substitute "statement"

AND

Page 14, delete lines 34 and 35 and substitute the following:

30 of each year in accordance with generally accepted accounting principles.

AND

Page 16, delete lines 12 through 14

AND

Page 16, line 15 delete "(3)" and substitute "(2)"

AND

Page 16, line 21 delete "(4)" and substitute "(3)"

AND

Page 17, line 7 delete "the expenditures" and substitute "the daily expenditures"

AND

Page 17, line 9 after the period add the following new sentence: "An annual record shall be filed by August 15 of each year."

AND

Page 18, line 3 delete "for school" and substitute "for schools, school"

AND

Page 18, line 4 after the period add the following new sentence: "The rules shall be approved by the Legislative Joint Auditing Committee."

AND

Page 18, delete lines 11 through 17 and substitute the following:

"gathering of data on separate functions and programs."

AND

Page 18, line 27 after the period add the following new sentence: "The rules shall be approved by the Legislative Joint Auditing Committee."

AND

Page 19, delete lines 13 through 34 and substitute the following:

"6-22-2206. 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, in, including, but not limited to:

AND

Page 20, delete lines 10 though 13 and substitute the following:

“(3)(A) The instruction shall be received from the Arkansas Public School Network.”

AND

Page 21, line 23 delete “6-20-2208.” and substitute “6-20-2207.”

AND

Page 21, line 24 delete “section” and substitute “subchapter”

AND

Page 21, line 28 delete “6-20-2209.” and substitute “6-20-2208.”

AND

Page 22, line 10 delete “of § 6-20-2103”

/s/ Herschel Cleveland

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

/s/ Ms. Jo Renshaw
Chief Clerk

ENGROSSED BILL REPORTS

HERSCHEL W. CLEVELAND, CHAIRMAN

December 22, 2003

The following bill(s) reported correctly engrossed:

HOUSE BILL NO. 1026

BY REPRESENTATIVE NAPPER

HOUSE BILL NO. 1049

BY REPRESENTATIVE CLEVELAND, ET AL

HOUSE BILL NO. 1065 - TITLE - BY REPRESENTATIVE J. JOHNSON, ET AL

HOUSE BILL ENGROSSED AS TITLE AMENDED

HOUSE BILL NO. 1065

BY: REPRESENTATIVES J. JOHNSON, WOOD, WALTERS, ELLIOTT, PICKETT

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO ENSURE THAT ALL TEACHERS IN THE STATE RECEIVE SUBSTANTIALLY EQUAL TEACHER SALARIES AND BENEFITS; AND FOR OTHER PURPOSES.

HOUSE RESOLUTION NO.1009

BY: REPRESENTATIVE PICKETT

HONORING DR. THOMAS E. GOODWIN AS THE 2003 U. S. PROFESSOR OF THE YEAR FOR OUTSTANDING BACCALAUREATE COLLEGE PROFESSOR.

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

HOUSE RESOLUTION NO.1008

BY: REPRESENTATIVE ROSENBAUM

CONGRATULATING THE 2003 AAA STATE FOOTBALL CHAMPION PULASKI ACADEMY BRUINS.

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

HOUSE RESOLUTION NO.1007

BY: REPRESENTATIVE JEFFREY

CONGRATULATING THE 2003 CLASS AA STATE FOOTBALL CHAMPION JUNCTION CITY HIGH SCHOOL DRAGONS.

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

Morning Hour Expired.

HOUSE BILL NO. 1021

BY: REPRESENTATIVE WEAVER

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, Bennett, Berry, Bolin, Bright, Chesterfield, Clemons, Cowling, Creekmore, Dangeau, Dees, Dickinson, [Dobbins], Edwards, L. Evans, Ferguson, Fite, Gillespie, Goss, Hathorn, Hickinbotham, House, Hutchinson, Jackson, [Jacobs], Jeffrey, J. Johnson, Jones, Judy, Key, King, Mack, Mathis, Milligan, Moore, Nichols, Norton, Oglesby, Ormond, Parks, Pate, Petrus, L. Prater, Rankin, Roebuck, Schulte, Scrimshire, Scroggin, Seawel, Stovall, Sullivan, Sumpter, C. Taylor, J. Taylor, Thomason, Walters, Weaver, Mr. Speaker.

Total58

NEGATIVE: Agee, Anderson, Biggs, Blair, Bledsoe, Bond, P. Bookout, Borhauer, Bradford, Childers, Eason, Elliott, D. Evans, Gipson, Green, Haak, Hardwick, Harris, [C. Johnson], Kenney, Lamoureux, Ledbetter, Lendall, Lewellen, Mahony, Martin, Matayo, Medley, Napper, Pace, Penix, Pickett, S. Prater, Pritchard, Rosenbaum, R. Smith, Thomas, Thyer, Verkamp, White, [Wood].

Total41

ABSENT OR NOT VOTING: Boyd.

Total1

VOTING PRESENT:

Total0

Total number of votes cast99

Total number voting in the affirmative58

Necessary to the passage of the bill51

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

Upon motion of Representative Weaver the Clincher motion prevailed.

PAIR VOTE
ON
HOUSE BILL NO. 1021

AYE: REPRESENTATIVE R. DWAYNE DOBBINS
NAY: REPRESENTATIVE CALVIN JOHNSON
WITNESS: REPRESENTATIVE JIM MILLIGAN

This pair form was signed by Representative R. Dwayne Dobbins and Representative Calvin Johnson in the presence of each other and witnessed by Representative Jim Milligan.

Total number of votes cast.....	99
Necessary to the passage of the bill	51
Total number voting in the affirmative	58
Total number voting in the negative	41
Total number absent or not voting.....	1
Total number voting present	0

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

PAIR VOTE
ON
HOUSE BILL NO. 1021

AYE: **REPRESENTATIVE PHILLIP T. JACOBS**
NAY: **REPRESENTATIVE JEFF WOOD**
WITNESS: **REPRESENTATIVE JAY MARTIN**

This pair form was signed by Representative Phillip T. Jacobs and Representative Jeff Wood in the presence of each other and witnessed by Representative Jay Martin.

Total number of votes cast.....99

Necessary to the passage of the bill51

Total number voting in the affirmative58

Total number voting in the negative41

Total number absent or not voting.....1

Total number voting present.....0

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

There being an Emergency Clause attached to **HOUSE BILL NO. 1021**, 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, Bennett, Berry, Biggs, Bolin, Bond, P. Bookout, Bradford, Bright, Chesterfield, Childers, Clemons, Cowling, Creekmore, Dangeau, Dees, Dickinson, Eason, Edwards, Elliott, L. Evans, Ferguson, Fite, Gillespie, Gipson, Goss, Haak, Hardwick, Hathorn, Hickinbotham, House, Hutchinson, Jackson, Jeffrey, J. Johnson, Judy, Key, King, Lamoureux, Ledbetter, Lendall, Mack, Martin, Mathis, Milligan, Moore, Nichols, Norton, Oglesby, Ormond, Parks, Pate, Petrus, L. Prater, Pritchard, Rankin, Roebuck, Schulte, Scrimshire, Scroggin, Seawel, R. Smith, Stovall, Sullivan, Sumpter, C. Taylor, J. Taylor, Thomason, Thyer, Walters, Weaver, Wood, Mr. Speaker.

Total73

NEGATIVE: Agee, Blair, Bledsoe, Borhauer, D. Evans, Green, Harris, Jones, Kenney, Lewellen, Matayo, Medley, Napper, Pace, Penix, Pickett, S. Prater, Thomas, Verkamp.

Total19

ABSENT OR NOT VOTING: Anderson, Boyd, Dobbins, Jacobs, C. Johnson, Mahony, Rosenbaum, White.

Total8

VOTING PRESENT:

Total0

Total number of votes cast.....92

Total number voting in the affirmative73

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

So the Emergency Clause was adopted.

Upon motion of Representative Weaver the Clincher motion prevailed.

HOUSE BILL NO. 1057

BY: REPRESENTATIVE WHITE

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

AFFIRMATIVE: Berry, Blair, Bolin, Bond, Borhauer, Bradford, Bright, Chesterfield, Childers, Clemons, Cowling, Creekmore, Dangeau, Dees, Dickinson, Eason, Elliott, D. Evans, L. Evans, Ferguson, Fite, Gillespie, Gipson, Goss, Green, Hardwick, Hathorn, House, Jeffrey, C. Johnson, J. Johnson, Jones, Judy, Key, King, Ledbetter, Lendall, Lewellen, Mack, Mahony, Martin, Mathis, Medley, Milligan, Moore, Napper, Oglesby, Pate, Penix, Petrus, Pickett, L. Prater, S. Prater, Rankin, Roebuck, Seawel, R. Smith, Stovall, Sumpter, Thomas, Thomason, Walters, White, Wood, Mr. Speaker.

Total65

NEGATIVE: Agee, Anderson, Biggs, Bledsoe, Edwards, Haak, Harris, Hutchinson, Jackson, Kenney, Lamoureux, Nichols, Norton, Pace, Pritchard, Rosenbaum, Scroggin, Sullivan, Thyer, Verkamp.

Total20

ABSENT OR NOT VOTING: Adams, Bennett, P. Bookout, Boyd, Dobbins, Hickinbotham, Jacobs, Ormond, Parks, Scrimshire, C. Taylor, J. Taylor, Weaver.

Total13

VOTING PRESENT: Matayo, Schulte.

Total2

Total number of votes cast87

Total number voting in the affirmative65

Necessary to the passage of the bill51

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

Upon motion of Representative White the Clincher motion prevailed.

Representative Boyd arrived at 2:55 p.m.

***** EXPUNGED*****12/23/03*****

Motion was made by Representative Moore for immediate consideration of HOUSE BILL NO. 1055. Motion carried.

HOUSE BILL NO. 1055

BY: REPRESENTATIVE WALTERS

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

AFFIRMATIVE: Anderson, Bennett, Berry, Blair, Bolin, Bright, Chesterfield, Clemons, Dangeau, Dees, Fite, Gipson, Goss, Green, Hardwick, Hickinbotham, House, Hutchinson, Jackson, Judy, Key, King, Lamoureux, Mack, Matayo, Mathis, Medley, Milligan, Moore, Norton, Oglesby, Ormond, Penix, Petrus, L. Prater, Roebuck, Rosenbaum, Scrimshire, Seawel, Stovall, C. Taylor, Verkamp, Walters, Weaver, Wood.

Total45

NEGATIVE: Agee, Biggs, Bond, P. Bookout, Borhauer, Bradford, Childers, Cowling, Creekmore, Eason, Edwards, Elliott, D. Evans, L. Evans, Ferguson, Gillespie, Haak, Harris, Hathorn, C. Johnson, J. Johnson, Jones, Kenney, Ledbetter, Lendall, Lewellen, Martin, Napper, Nichols, Pace, Pate, Pickett, S. Prater, Pritchard, Rankin, Schulte, R. Smith, Sullivan, Sumpter, J. Taylor, Thomas, Thomason, Thyer, White.

Total44

ABSENT OR NOT VOTING: Adams, Bledsoe, Boyd, Dickinson, Dobbins, Jacobs, Jeffrey, Mahony, Parks, Scroggin, Mr. Speaker.

Total11

VOTING PRESENT:

Total0

Total number of votes cast89

Total number voting in the affirmative45

Necessary to the passage of the bill51

So the Bill failed.

***** EXPUNGED*****12/23/03*****

Motion was made by Representative Medley to refer **HOUSE BILL NO. 1043** back to the Committee on EDUCATION.

SENATE BILL NO. 8

BY: SENATOR GLOVER

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

AFFIRMATIVE: Adams, Anderson, Bennett, Berry, Bledsoe, Bolin, Borhauer, Bright, Chesterfield, Childers, Clemons, Cowling, Creekmore, Dangeau, Dees, Eason, Edwards, D. Evans, L. Evans, Ferguson, Fite, Gillespie, Gipson, Goss, Green, Haak, Hardwick, Harris, Hathorn, Hickinbotham, House, Hutchinson, Jackson, Jeffrey, C. Johnson, J. Johnson, Jones, Judy, Kenney, Key, King, Lamoureux, Ledbetter, Lewellen, Mack, Mahony, Martin, Matayo, Mathis, Medley, Milligan, Moore, Napper, Nichols, Norton, Oglesby, Ormond, Pate, Penix, Petrus, L. Prater, S. Prater, Pritchard, Rankin, Rosenbaum, Schulte, Scrimshire, Scroggin, Seawel, R. Smith, Stovall, Sullivan, Sumpter, C. Taylor, J. Taylor, Thomas, Thomason, Verkamp, Walters, Weaver, White, Wood.

Total82

NEGATIVE: Agee, Elliott, Pace, Pickett.

Total4

ABSENT OR NOT VOTING: Biggs, Blair, Bond, P. Bookout, Boyd, Dickinson, Dobbins, Jacobs, Lendall, Parks, Roebuck, Mr. Speaker.

Total12

VOTING PRESENT: Bradford, Thyer.

Total2

Total number of votes cast88

Total number voting in the affirmative82

Necessary to the passage of the bill51

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

Upon motion of Representative Fite the Clincher motion prevailed.

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

SENATE BILL NO. 15

BY: SENATOR BISBEE

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

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

Total89

NEGATIVE: Bolin.

Total1

ABSENT OR NOT VOTING: Chesterfield, Dangeau, Dickinson, Dobbins, Goss, Jacobs, Moore, Ormond, Thomason, Mr. Speaker.

Total10

VOTING PRESENT:

Total0

Total number of votes cast90

Total number voting in the affirmative89

Necessary to the passage of the bill75

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

There being an Emergency Clause attached to **SENATE BILL NO. 15**, the Speaker ordered the clerk to call the roll upon the adoption of the Emergency Clause. The vote was as follows:

EMERGENCY CLAUSE

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

Total89

NEGATIVE: Bolin.

Total1

ABSENT OR NOT VOTING: Chesterfield, Dangeau, Dickinson, Dobbins, Goss, Jacobs, Moore, Ormond, Thomason, Mr. Speaker.

Total10

VOTING PRESENT:

Total0

Total number of votes cast90

Total number voting in the affirmative89

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

So the Emergency Clause was adopted.

The House stood in recess at 3:08 p.m. until 4:00 p.m.

The House reconvened at 4:17 p.m.

HOUSE BILLS ORDERED TRANSMITTED TO THE SENATE AS PASSED

HOUSE BILL NO. 1021 BY REPRESENTATIVE WEAVER

HOUSE BILL NO. 1057 BY REPRESENTATIVE WHITE

SENATE BILLS ORDERED RETURNED TO THE SENATE AS PASSED

SENATE BILL NO. 8 BY SENATOR GLOVER

SENATE BILL NO. 15 BY SENATOR BISBEE

ARKANSAS SENATE
HOUSE BILLS RETURNED FROM THE SENATE AS PASSED

HOUSE BILL NO. 1024 BY REPRESENTATIVE WEAVER

ARKANSAS SENATE
SENATE BILLS RECEIVED FROM SENATE

SENATE BILL NO. 20 BY SENATOR LUKER

SENATE BILL NO. 36 BY SENATOR ARGUE

SENATE BILL NO. 37 BY SENATOR HIGGINBOTHOM

SENATE BILL NO. 38 BY SENATOR BISBEE

ENROLLED AND DELIVERY TO GOVERNOR REPORTS

Little Rock, Arkansas
December 22, 2003

MR. SPEAKER:

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

HOUSE BILL NO. 1024 BY REPRESENTATIVE WEAVER

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 2:40 p.m. delivered them to the Governor for his approval.

Respectfully submitted,

/s/ Herschel W. Cleveland
Chairman

RECEIPT FROM THE GOVERNOR

RECEIVED FROM THE HOUSE:

HOUSE BILL NO. 1024 BY REPRESENTATIVE WEAVER

/s/ Mike Huckabee - Governor

TIME: 2:40 p.m.

By: Stacy DeJarnett

STATE OF ARKANSAS
HOUSE OF REPRESENTATIVES

December 22, 2003

To Whom It May Concern:

By mistake, I voted "FOR" **HOUSE BILL NO. 1055** when I meant to vote "NO".
Please post this notice to the House Journal.

Respectfully submitted,

/s/ Tommy Roebuck
State Representative

TR/jlh

HOUSE BILL NO. 1068

BY: REPRESENTATIVE MAHONY

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO PROVIDE INCENTIVES FOR STUDENTS TO IMPROVE THEIR PERFORMANCE ON STATE-MANDATED ASSESSMENTS; AND FOR OTHER PURPOSES.

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

HOUSE BILL NO. 1069

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.

Was read the first time, rules suspended, read the second time, and referred to the JOINT COMMITTEE ON PUBLIC RETIREMENT AND SOCIAL SECURITY PROGRAMS.

HOUSE RESOLUTION NO. 1011

BY: REPRESENTATIVES LEWELLEN, LEDBETTER, LENDALL, ELLIOTT,
DOBBINS, CHESTERFIELD

CONGRATULATING THE 2003 STATE HIGH SCHOOL AAAAA FOOTBALL
CHAMPION LITTLE ROCK CENTRAL TIGERS.

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

HOUSE MEMORIAL RESOLUTION NO. 1004

BY: REPRESENTATIVES PETRUS, BRADFORD, MAHONY

IN RESPECTFUL MEMORY OF MR. SAMUEL GEORGE KONECNY OF
STUTT GART, ARKANSAS.

Was read the first time, rules suspended, read the second time and referred
to the Calendar .

HOUSE MEMORIAL RESOLUTION NO. 1005

BY: REPRESENTATIVE MAHONY

IN RESPECTFUL MEMORY OF MR. MARCUS HALBROOK AND IN
RECOGNITION OF HIS LIFETIME OF DEDICATED SERVICE TO THE STATE OF
ARKANSAS.

Was read the first time, rules suspended, read the second time and referred
to the Calendar.

SENATE BILL NO. 20

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.

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

SENATE BILL NO. 36

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.

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

SENATE BILL NO. 37

BY: SENATORS HIGGINBOTHOM, ALTES, HORN, B. JOHNSON, SALMON, T. SMITH, WILKINSON

BY: REPRESENTATIVES FERGUSON, CREEKMORE, P. BOOKOUT, COWLING, HARDWICK, HUTCHINSON, MATAYO, RANKIN, THYER

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.

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

SENATE BILL NO. 38

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.

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

Upon motion of Representative Cleveland, the House adjourned at 4:17 p.m. until 10:00 a.m., Tuesday, December 23, 2003.

ATTEST:

Herschel W. Cleveland
Speaker of the House of Representatives

Jo Renshaw
Chief Clerk

**SIXTEENTH DAY'S PROCEEDINGS
HALL OF THE HOUSE OF REPRESENTATIVES**

Little Rock, Arkansas
December 23, 2003

The House was called to order at 10:08 a.m. by Mr. Cleveland, the Speaker.
The following members answered to the roll call:

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

Total 98

The following member(s) was absent and did not answer to the roll call:
Dobbins, J. Taylor.

Total 2

A quorum was present.

Unanimous leave was granted for Representative(s) Dobbins, J. Taylor.

The House stood and was led in prayer by Representative John Eason.

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

	December 23, 2003
JOINT COMMITTEE ON PUBLIC RETIREMENT	ROGER SMITH
AND SOCIAL SECURITY PROGRAMS	CHAIRPERSON
HOUSE BILL NO. 1069	DO PASS
BY REPRESENTATIVE R. SMITH	

COMMITTEE REPORT

	December 23, 2003
EDUCATION	CALVIN JOHNSON
	CHAIRPERSON
HOUSE BILL NO. 1049	DO PASS
BY REPRESENTATIVE CLEVELAND	AS AMENDED #4 & #5
SENATE BILL NO. 36	DO PASS
BY SENATOR ARGUE	

State of Arkansas
Office of the Governor

Mike Huckabee
Governor

December 22, 2003

TO THE SPEAKER OF THE HOUSE

Dear Mr. Speaker:

This is to inform you that on December 22, 2003, I approved the following measures from the Second Extraordinary Session of the Eighty-Fourth General Assembly:

HOUSE BILL NO. 1024 is now Act Number 13

HOUSE BILL NO. 1022 is now Act Number 11

HOUSE BILL NO. 1025 is now Act Number 10

Sincerely,

/s/ Mike Huckabee

MH:sm

cc: President of the Senate

Upon motion of Representative J. Johnson, **HOUSE BILL NO. 1065** was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 2 TO HOUSE BILL NO. 1065

Amend **HOUSE BILL NO. 1065** as engrossed, H12/22/03

(version: 12-22-2003 08:39):

Page 2, delete lines 12 through 15 entirely

AND

Page 2, line 16, delete "(d)(1)" and substitute "(c)(1)"

AND

Page 2, line 24, delete "recommendations consistent" and substitute "recommendations to the General Assembly consistent"

AND

Page 2, line 26, delete "to the General Assembly"

/s/ Janet Johnson

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

/s/ Ms. Jo Renshaw

Chief Clerk

Upon motion of Representative C. Johnson, **HOUSE BILL NO. 1053** was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 1 TO HOUSE BILL NO. 1053

Amend **HOUSE BILL NO. 1053** as originally introduced:

Page 1, delete lines 35 and 36, and substitute the following:

"(c) For the purpose of this section, "instructional purposes" means activities initiated by the teacher related to teaching duties"

/s/ Calvin Johnson

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

/s/ Ms. Jo Renshaw

Chief Clerk

Upon motion of Representative Elliott, **HOUSE BILL NO. 1063** was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 1 TO HOUSE BILL NO. 1063

Amend **HOUSE BILL NO. 1063** as originally introduced:

Page 2, line 27, delete "substantially" and substitute "substantially equal"

AND

Page 3, line 10, delete "substantially" and substitute "substantially equal"

AND

Page 3, line 31, delete "substantially" and substitute "substantially equal"

/s/ J. Elliott

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

/s/ Ms. Jo Renshaw

Chief Clerk

Upon motion of Representative Petrus, **HOUSE BILL NO. 1027** was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 1 TO HOUSE BILL NO. 1027

Amend **HOUSE BILL NO. 1027** as originally introduced:

Delete everything after the enacting clause and substitute the following:

"SECTION 1. Arkansas Code Title 23, Chapter 112, Subchapter 1 is amended to add an additional section to read as follows:

23-112-106. Enforcement.

(a)(1) The Arkansas Motor Vehicle Commission may enter orders that direct and command compliance with this chapter and regulations under this chapter if any of the following conditions have been met:

(A) The commission has conducted a hearing within sixty (60) days on the matter;

(B) The commission has made written findings that the public interest and welfare require the person or entity against whom the commission is acting to take the specified action;

(C) The commission finds that the current civil or administrative penalties are insufficient; or

(D) The failure of the commission to issue the order would be detrimental to the public interest or welfare.

(2) The commission may enforce its findings and conclusions upon entry of an order under this subsection (a).

(b) The commission shall have the power to enforce the prohibitions contained in the Arkansas Motor Vehicle Commission Act, § 23-112-101 et seq., and rules promulgated under this chapter through the imposition of fines and penalties, the issuance of cease and desist orders, and other remedies that are provided by law.

(c) Regarding all orders issued under subsection (b) of this section, the following procedures shall apply:

(1) Upon finding that any action of a person or entity is violating this chapter, the commission or its designee may order the person to cease and desist from the prohibited action;

(2) Upon entering the order under subdivision (c)(1) of this section, the commission or its designee shall promptly notify the person or entity that the order has been entered and shall state the reasons for the order;

(3) The person may contest the cease and desist order by delivering a written request for a hearing to the commission within three (3) days from the date on which the person receives notice of the order;

(4)(A) If the commission receives a timely written request for a hearing, the commission shall schedule a hearing to be held within thirty (30) days after receipt of the request.

(B) The commission may otherwise determine that a hearing is necessary and order a hearing within thirty (30) days after the order under subdivision (c)(1) of this section is issued;

(5) If the person does not request a hearing or the commission does not order a hearing, the order issued under subdivision (c)(1) of this section shall remain in effect until it is modified or vacated by the commission; and

(6) If a hearing is requested or ordered, after notice of and opportunity for a hearing, the commission may take the following actions on orders issued under subdivision (c)(1) of this section:

(A) Modify the order;

(B) Vacate the order; or

(C) Make the order permanent.

(d)(1) A person shall be subject to a civil penalty of up to two thousand five hundred dollars (\$2,500) for each violation of the commission's cease and desist order committed after entry of the cease and desist order if:

(A)(i) The person or entity subject to the cease and desist order fails to appeal the order in accordance with this section; or

(ii) The person appeals and the appeal is denied or dismissed; or

(B) The person continues to engage in the prohibited action in violation of the commission's order.

(2) In addition to the civil penalty under this section, the commission may impose a civil penalty as provided under § 23-112-314.

(3) The penalties of this section apply in addition to, but not in lieu of, any other provision of law applicable to a person or entity for his or her failure to comply with an order of the commission.

(e) The orders of the commission shall be subject to a person's right to appeal."

/s/ Benny C. Petrus

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

/s/ Ms. Jo Renshaw
Chief Clerk

Upon motion of Representative Medley, **HOUSE BILL NO. 1041** was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 1 TO HOUSE BILL NO. 1041

Amend **HOUSE BILL NO. 1041** as originally introduced:

Page 1, line 23, delete "(2)" and substitute "(2)(A)"

AND

Page 1, delete line 24 and substitute the following:

"forty (40) minutes during the student instructional day.

(B) A teacher who does not receive the planning time required under subdivision (a)(2)(A) of this section within the student instructional day shall be compensated at his or her hourly rate of pay for each missed planning period."

AND

Immediately following SECTION 1 add the following two additional SECTIONS to read as follows:

"SECTION 2. Arkansas Code § 6-17-114, concerning the daily planning period for teachers, is amended to read as follows:

(d) As used in this section, "student instructional day" means the time that students are required to be present at school.

SECTION 3. This act shall be effective at the beginning of the 2004-2005 school year."

/s/ Jim Medley

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

/s/ Ms. Jo Renshaw
Chief Clerk

Upon motion of Representative Medley, **HOUSE BILL NO. 1041** was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 2 TO HOUSE BILL NO. 1041

Amend **HOUSE BILL NO. 1041** as originally introduced:

Page 1, line 23, delete "(2)" and substitute "(2)(A)"

AND

Page 1, delete line 24 and substitute the following:

"forty (40) minutes during the student instructional day.

(B) A teacher who does not receive the planning time required under subdivision (a)(2)(A) of this section within the student instructional day shall be compensated at his or her hourly rate of pay for each missed planning period.

(C) Teachers who have collectively negotiated a contract through a local teacher's association are exempt from the provisions of this subsection (a)."

AND

Immediately following SECTION 1 add the following two additional SECTIONS to read as follows:

"SECTION 2. Arkansas Code § 6-17-114, concerning the daily planning period for teachers, is amended to read as follows:

(d) As used in this section, "student instructional day" means the time that students are required to be present at school.

SECTION 3. This act shall be effective at the beginning of the 2004-2005 school year."

/s/ Jim Medley

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

/s/ Ms. Jo Renshaw

Chief Clerk

Upon motion of Representative Medley, **HOUSE BILL NO. 1042** was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 1 TO HOUSE BILL NO. 1042

Amend **HOUSE BILL NO. 1042** as originally introduced:

Page 1, line 28, delete "(b)" and substitute "(b)(1)"

AND

Page 1, delete line 29 and substitute the following:

"kindergarten through four (K-4), unless at those particular students' grade level, there are six (6) or fewer students available to comprise a class under current law.

(2) Classroom size may be adjusted under this subsection (b) within thirty (30) days after the beginning of each school year.

(c) Classes for gifted and talented students are exempt from the provisions of this section."

/s/ Jim Medley

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

/s/ Ms. Jo Renshaw
Chief Clerk

Upon motion of Representative Medley, **HOUSE BILL NO. 1043** was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 1 TO HOUSE BILL NO. 1043

Amend **HOUSE BILL NO. 1043** as originally introduced:

Page 1, delete line 35 and substitute the following:

~~"right to be compensated.~~

(3) Teachers who have collectively negotiated a contract through a local teacher's association are exempt for the provisions of this subsection (a).

SECTION 2. This act shall be effective at the beginning of the 2004-2005 school year."

/s/ Jim Medley

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

/s/ Ms. Jo Renshaw
Chief Clerk

Upon motion of Representative Boyd, HOUSE BILL NO. 1030 was placed back on second reading for the purpose of amendment.

***** EXPUNGE D*****12/26/03*****

AMENDMENT NO. 1 TO HOUSE BILL NO. 1030

Amend HOUSE BILL NO. 1030 as originally introduced:

Page 15, delete line 13, and substitute the following:

"property and services, and that is effective until contingency in Acts 2003, No. 1273, § 88 is met, is amended to read as follows:"

AND

Page 15, delete line 20, and substitute the following:

"transportation services:

SECTION 3. Arkansas Code § 26-52-301(2), establishing an excise tax on property and services that is effective when contingency in Acts 2003, No. 1273, § 88 is met, is amended to read as follows:

(2)(A) Natural or artificial gas, electricity, water, ice, steam, sewer services, sanitation services, garbage collection, and solid and liquid waste collection and disposal ~~or any other utility or public service, except transportation services, sewer services, and sanitation or garbage collection services;~~

(B) Any other utility or public service except transportation services;"

AND

Page 15, line 22, delete "SECTION 3." and substitute "SECTION 4."

AND

Page 15, line 34, delete "SECTION 4." and substitute "SECTION 5."

AND

Page 16, line 10, delete "SECTION 5." and substitute "SECTION 6."

AND

Page 17, line 19, delete "SECTION 6." and substitute "SECTION 7."

AND

Page 17, delete line 23, and substitute the following:

"levied in this section shall not apply to the alteration, addition, cleaning,"

AND

Page 18, line 29, delete "SECTION 7." and substitute "SECTION 8."

AND

Page 19, line 8, delete "SECTION 8." and substitute "SECTION 9."

AND

Page 19, line 23, delete "SECTION 9." and substitute "SECTION 10."

AND

Page 20, line 23, delete "SECTION 10." and substitute "SECTION 11."

AND

Page 21, line 24, delete "SECTION 11." and substitute "SECTION 12."

AND

Page 22, line 28, delete "SECTION 12." and substitute "SECTION 13."

AND

Page 23, line 32, delete "SECTION 13." and substitute "SECTION 14."

AND

Page 24, line 13, delete "SECTION 14." and substitute "SECTION 15."

AND

Page 24, line 18, delete "SECTION 15." and substitute "SECTION 16."

AND

Page 24, line 27, delete "SECTION 16." and substitute "SECTION 17."

AND

Page 25, line 3, delete "SECTION 17." and substitute "SECTION 18."

AND

Page 25, line 11, delete "SECTION 18." and substitute "SECTION 19."

AND

Page 25, delete lines 13 through 22, and substitute the following:

"(a)(1) 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 pay the decal fees provided by ~~§ 26-57-1206.~~ If such election is not made by the operator, then the general or special 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. shall:

(A) Pay the decal fees provided by § 26-57-1206; and

(B) Collect and remit the state gross receipts taxes levied under Arkansas Gross Receipts Act of 1941, § 26-52-101 et seq. and Amendment 75 of the Arkansas Constitution, and any applicable city and county gross receipts taxes.

(2) The provisions of subdivision (a)(1) of this section shall apply whether the operator of a vending device is the owner of the vending device, or is the lessee, renter, or bailee of the owner of the vending device."

AND

Page 25, line 24, delete "SECTION 19." and substitute "SECTION 20."

AND

Page 25, line 35, delete "SECTION 20." and substitute "SECTION 21."

AND

Page 26, line 17, delete "SECTION 21." and substitute "SECTION 22."

AND

Page 29, delete lines 10 through 13, and substitute the following:

~~"(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."~~

AND

Page 29, delete lines 15 through 26, and substitute the following:

"SECTION 23. Arkansas Code § 26-57-1208 is repealed.

~~26-57-1208. Distribution of revenue.~~

~~(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)."~~

AND

Page 29, delete line 26 and substitute the following:

"State Treasury and credited as follows.

"SECTION 24. Arkansas Code §§ 26-57-1001 through 26-57-1005 are

repealed.

~~26-57-1001. Definitions.~~

For the purposes of this subchapter, the following definitions shall apply:

~~(1) "Director" shall mean the Director of the Department of Finance and Administration or his authorized agents;~~

~~(2) "Person" shall mean any individual, partnership, corporation, limited liability corporation, association, organization, or nonprofit corporation, and any county or municipal subdivision of this state;~~

~~(3)(A) "Vending device" shall mean any machine or manual device which dispenses tangible personal property after a coin or thing of value is inserted.~~

~~(B) The term "vending device" shall not include devices used exclusively for the purpose of selling cigarettes, newspapers, magazines, or postage stamps; and~~

~~(4) "Vending device operator" shall mean any person who sells tangible personal property through vending devices, and who elects to pay the taxes imposed by § 26-57-1002.~~

~~26-57-1002. Registration—Records—Amount of tax.~~

~~(a) Any person who sells tangible personal property through vending devices may elect to register with the director as a vending device operator and pay the state and local sales and use taxes as provided in this section.~~

~~(b) Any person who elects to register as a vending device operator 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%) 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%) 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.~~

~~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."~~

~~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.~~

~~(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 have been paid.~~

~~26-57-1005. Disposition of revenues.~~

~~(a) The revenues derived from § 26-57-1002(d)(1) shall be general revenues and shall be deposited in the State Treasury in the same manner as the Arkansas gross receipts tax, § 26-52-101 et seq.~~

~~(b) All revenues derived from § 26-57-1002(d)(2) shall be deposited by the Treasurer of 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 in 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)."~~

AND

Page 29, line 28, delete "SECTION 23." and substitute "SECTION 25."

AND

Page 30, line 4, delete "SECTION 24." and substitute "SECTION 26."

AND

Page 30, line 15, delete "SECTION 25." and substitute "SECTION 27."

AND

Page 30, line 27, delete "SECTION 26." and substitute "SECTION 28."

AND

Page 30, delete line 31, and substitute the following:

"one percent (.375%) upon all tangible personal property and services subject to the tax"

AND

Page 31, line 3, delete "SECTION 27." and substitute "SECTION 29."

AND

Page 31, line 14, delete "SECTION 28." and substitute "SECTION 30."

AND

Page 31, delete line 26, and substitute the following:

"the second calendar month following the effective date of this act, with the exception of sections 18 through 25 pertaining to the provisions of Arkansas Code § 26-57-1001 et seq., which shall become effective July 1, 2004."

/s/ Travis Boyd

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

/s/ Ms. Jo Renshaw

Chief Clerk

***** EXPUNGED*****12/26/03*****

Upon motion of Representative Boyd, **HOUSE BILL NO. 1029** was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 1 TO HOUSE BILL NO. 1029

Amend **HOUSE BILL NO. 1029** as originally introduced:

Page 15, delete line 8, and substitute the following:

"property and services and that is effective until contingency in Acts 2003, No. 1273, § 88 is met, is amended to read as follows:"

AND

Page 15, delete line 15, substitute the following:

“transportation services:

SECTION 3. Arkansas Code § 26-52-301(2), establishing an excise tax on property and services and that is effective when contingency in Acts 2003, No. 1273, § 88 is met, is amended to read as follows:

(2)(A) Natural or artificial gas, electricity, water, ice, steam, sewer services, sanitation services, garbage collection, and solid and liquid waste collection and disposal ~~or any other utility or public service, except transportation services, sewer services, and sanitation or garbage collection services;~~

(B) Any other utility or public service except transportation services;

AND

Page 15, line 17, delete “SECTION 3.” and substitute “SECTION 4.”

AND

Page 15, line 29, delete “SECTION 4.” and substitute “SECTION 5.”

AND

Page 16, line 5, delete “SECTION 5.” and substitute “SECTION 6.”

AND

Page 17, line 14, delete “SECTION 6.” and substitute “SECTION 7.”

AND

Page 17, delete line 18, and substitute:

“levied in this section shall not apply to the alteration, addition, cleaning,”

AND

Page 18, line 24, delete “SECTION 7.” and substitute “SECTION 8.”

AND

Page 19, line 3, delete “SECTION 8.” and substitute “SECTION 9.”

AND

Page 19, line 18, delete “SECTION 9.” and substitute “SECTION 10.”

AND

Page 20, line 18, delete “SECTION 10.” and substitute “SECTION 11.”

AND

Page 21, line 19, delete “SECTION 11.” and substitute “SECTION 12.”

AND

Page 22, line 23, delete “SECTION 12.” and substitute “SECTION 13.”

AND

Page 23, line 27, delete “SECTION 13.” and substitute “SECTION 14.”

AND

Page 24, line 8, delete “SECTION 14.” and substitute “SECTION 15.”

AND

Page 24, line 13, delete "SECTION 15." and substitute "SECTION 16."

AND

Page 24, line 22, delete "SECTION 16." and substitute "SECTION 17."

AND

Page 24, line 34, delete "SECTION 17." and substitute "SECTION 18."

AND

Page 25, line 6, delete "SECTION 18." and substitute "SECTION 19."

AND

Page 25, delete lines 8 through 17, and substitute:

~~"(a)(1) 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 pay the decal fees provided by § 26-57-1206. If such election is not made by the operator, then the general or special 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 shall:~~

(A) Pay the decal fees provided by § 26-57-1206; and

(B) Collect and remit the state gross receipts taxes levied under Arkansas Gross Receipts Act of 1941, § 26-52-101 et seq. and Amendment 75 of the Arkansas Constitution, and any applicable city and county gross receipts taxes.

(2) The provisions of subdivision (a)(1) of this section shall apply whether the operator of a vending device is the owner of the vending device, or is the lessee, renter, or bailee of the owner of the vending device."

AND

Page 25, line 19, delete "SECTION 19." and substitute "SECTION 20."

AND

Page 25, line 30, delete "SECTION 20." and substitute "SECTION 21."

AND

Page 26, line 12, delete "SECTION 21." and substitute "SECTION 22."

AND

Page 29, delete lines 5 through 8, and substitute the following:

~~"(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."~~

AND

Page 29, delete lines 10 through 21 and substitute the following:

"SECTION 23. Arkansas Code § 26-57-1208 is repealed.

~~26-57-1208. Distribution of revenue.~~

~~(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)."~~

AND

Page 29, line 23, delete "SECTION 23." and substitute "SECTION 24."

AND

Page 29, delete line 33 and substitute the following:

~~"what is almost entirely a cash business.~~

SECTION 25. Arkansas Code § 26-57-1001 through 26-57-1005 are repealed.

~~26-57-1001. Definitions.~~

~~For the purposes of this subchapter, the following definitions shall apply:~~

~~(1) "Director" shall mean the Director of the Department of Finance and Administration or his authorized agents;~~

~~(2) "Person" shall mean any individual, partnership, corporation, limited liability corporation, association, organization, or nonprofit corporation, and any county or municipal subdivision of this state;~~

~~(3)(A) "Vending device" shall mean any machine or manual device~~

which dispenses tangible personal property after a coin or thing of value is inserted.

~~(B) The term "vending device" shall not include devices used exclusively for the purpose of selling cigarettes, newspapers, magazines, or postage stamps; and~~

~~(4) "Vending device operator" shall mean any person who sells tangible personal property through vending devices, and who elects to pay the taxes imposed by § 26-57-1002.~~

~~26-57-1002. Registration—Records—Amount of tax.~~

~~(a) Any person who sells tangible personal property through vending devices may elect to register with the director as a vending device operator and pay the state and local sales and use taxes as provided in this section.~~

~~(b) Any person who elects to register as a vending device operator 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%) 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%) 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.~~

~~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.

~~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.~~

~~(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 have been paid.~~

~~26-57-1005. Disposition of revenues.~~

~~(a) The revenues derived from § 26-57-1002(d)(1) shall be general revenues and shall be deposited in the State Treasury in the same manner as the Arkansas gross receipts tax, § 26-52-101 et seq.~~

~~(b) All revenues derived from § 26-57-1002(d)(2) shall be deposited by the Treasurer of 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 in 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)."~~

AND

Page 29, line 35, delete "SECTION 24." and substitute "SECTION 26."

AND

Page 30, delete line 11, and substitute the following:

"the second calendar month following the effective date of this act, with the exception of sections 18 through 25 pertaining to the provisions of Arkansas Code § 26-57-1001 et seq., which shall become effective July 1, 2004."

/s/ Travis Boyd

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

/s/ Ms. Jo Renshaw

Chief Clerk

ENGROSSED BILL REPORTS

HERSCHEL W. CLEVELAND, CHAIRMAN

December 23, 2003

The following bill(s) reported correctly engrossed:

HOUSE BILL NO. 1027 BY REPRESENTATIVE PETRUS
 HOUSE BILL NO. 1029 BY REPRESENTATIVE BOYD
 HOUSE BILL NO. 1041 BY REPRESENTATIVE MEDLEY, ET AL
 HOUSE BILL NO. 1042 BY REPRESENTATIVE MEDLEY, ET AL
 HOUSE BILL NO. 1043 BY REPRESENTATIVE MEDLEY, ET AL
 HOUSE BILL NO. 1053 BY REPRESENTATIVE C. JOHNSON
 HOUSE BILL NO. 1063 BY REPRESENTATIVE ELLIOTT, ET AL
 HOUSE BILL NO. 1065 BY REPRESENTATIVE J. JOHNSON, ET AL

HOUSE MEMORIAL RESOLUTION NO. 1004

BY: REPRESENTATIVE PETRUS

IN RESPECTFUL MEMORY OF MR. SAMUEL GEORGE KONECNY OF STUTTGART, ARKANSAS.

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

HOUSE MEMORIAL RESOLUTION NO. 1005

BY: REPRESENTATIVE MAHONY

IN RESPECTFUL MEMORY OF MR. MARCUS HALBROOK AND IN RECOGNITION OF HIS LIFETIME OF DEDICATED SERVICE TO THE STATE OF ARKANSAS.

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

Morning Hour Expired.

Motion was made by Representative Calvin Johnson for the House to recess at 10:23 a.m for the EDUCATION COMMITTEE Meeting. Motion carried.

The House reconvened at 11:01 a.m.

HOUSE BILL NO. 1038

BY: REPRESENTATIVE MATHIS

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

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

Total92

NEGATIVE:

Total0

ABSENT OR NOT VOTING: Bolin, Dangeau, Dobbins, Hardwick, Moore, J. Taylor, White.

Total7

VOTING PRESENT: Pickett.

Total1

Total number of votes cast93

Total number voting in the affirmative92

Necessary to the passage of the bill51

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

Upon motion of Representative Mathis the Clincher motion prevailed.

There being an Emergency Clause attached to **HOUSE BILL NO. 1038**, the Speaker ordered the clerk to call the roll upon the adoption of the Emergency Clause. The vote was as follows:

EMERGENCY CLAUSE

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

Total92

NEGATIVE:

Total0

ABSENT OR NOT VOTING: Bolin, Dangeau, Dobbins, Hardwick, Moore, J. Taylor, White.

Total7

VOTING PRESENT: Pickett.

Total1

Total number of votes cast.....93

Total number voting in the affirmative92

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

So the Emergency Clause was adopted.

Upon motion of Representative Mathis the Clincher motion prevailed.

HOUSE BILL NO. 1018

BY: REPRESENTATIVE BOYD

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, Anderson, Bennett, Berry, Biggs, Blair, Boyd, Bright, Chesterfield, Clemons, Cowling, Creekmore, Dangeau, Dees, Dickinson, Eason, Elliott, D. Evans, L. Evans, Ferguson, Fite, Gillespie, Gipson, Goss, Hathorn, Hickinbotham, House, Jackson, Jacobs, Jeffrey, C. Johnson, J. Johnson, Jones, Judy, Key, King, Lendall, Mahony, Martin, Mathis, Milligan, Napper, Nichols, Norton, Oglesby, Ormond, Parks, Petrus, L. Prater, S. Prater, Rankin, Roebuck, Rosenbaum, Schulte, Scrimshire, Scroggin, Seawel, R. Smith, C. Taylor, Thomas, Verkamp, Walters, Weaver, Wood, Mr. Speaker.

Total65

NEGATIVE: Agee, Bolin, Bond, Borhauer, Bradford, Childers, Edwards, Green, Haak, Harris, Lamoureux, Ledbetter, Lewellen, Mack, Medley, Pace, Pate, Penix, Pickett, Pritchard, Sullivan, Sumpter, Thomason, Thyer.

Total24

ABSENT OR NOT VOTING: Bledsoe, P. Bookout, Dobbins, Hardwick, Hutchinson, Kenney, Moore, Stovall, J. Taylor, White.

Total10

VOTING PRESENT: Matayo.

Total1

Total number of votes cast90

Total number voting in the affirmative65

Necessary to the passage of the bill51

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

Upon motion of Representative Boyd the Clincher motion prevailed.

There being an Emergency Clause attached to **HOUSE BILL NO. 1018**, 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, Anderson, Berry, Blair, Bond, Boyd, Bright, Chesterfield, Childers, Clemons, Cowling, Creekmore, Dangeau, Dees, Dickinson, Eason, Elliott, D. Evans, L. Evans, Ferguson, Fite, Gillespie, Gipson, Goss, Hathorn, Hickinbotham, Jackson, Jacobs, Jeffrey, C. Johnson, J. Johnson, Jones, Judy, Key, King, Lendall, Mack, Mahony, Martin, Matayo, Mathis, Milligan, Napper, Nichols, Norton, Oglesby, Parks, Pate, Petrus, L. Prater, S. Prater, Pritchard, Roebuck, Rosenbaum, Schulte, Scrimshire, Seawel, R. Smith, Sumpter, C. Taylor, Thomas, Thomason, Thyer, Verkamp, Walters, Weaver, Wood, Mr. Speaker.

Total68

NEGATIVE: Agee, Bolin, Borhauer, Bradford, Edwards, Green, Haak, Harris, Lamoureux, Ledbetter, Lewellen, Ormond, Pace, Penix, Pickett, Sullivan.

Total16

ABSENT OR NOT VOTING: Bennett, Biggs, Bledsoe, P. Bookout, Dobbins, Hardwick, House, Hutchinson, Kenney, Medley, Moore, Rankin, Scroggin, Stovall, J. Taylor, White.

Total16

VOTING PRESENT:

Total0

Total number of votes cast84

Total number voting in the affirmative68

Necessary to the adoption of the emergency clause67

So the Emergency Clause was adopted.

Upon motion of Representative Boyd the Clincher motion prevailed.

Motion was made by Representative Pritchard to reconsider **HOUSE BILL NO. 1055**. On this motion the vote was as follows:

AFFIRMATIVE: Adams, Anderson, Bennett, Berry, Blair, Bledsoe, Bolin, Boyd, Bright, Chesterfield, Childers, Clemons, Creekmore, Dees, Dickinson, L. Evans, Ferguson, Fite, Gillespie, Goss, Green, Harris, Hathorn, Hickinbotham, House, Jackson, Jacobs, Judy, Kenney, Key, King, Lamoureux, Mack, Matayo, Mathis, Medley, Milligan, Norton, Oglesby, Parks, Penix, Petrus, L. Prater, S. Prater, Pritchard, Rankin, Rosenbaum, Schulte, Scrimshire, Seawel, Sullivan, C. Taylor, Thomas, Verkamp, Walters, Weaver, White, Wood.

Total58

NEGATIVE: Agee, Biggs, Bond, P. Bookout, Borhauer, Bradford, Cowling, Eason, Edwards, Elliott, D. Evans, Gipson, Haak, Jeffrey, C. Johnson, J. Johnson, Jones, Ledbetter, Lendall, Lewellen, Mahony, Martin, Napper, Nichols, Pace, Pate, Pickett, Roebuck, Scroggin, R. Smith, Sumpter, Thomason, Thyer.

Total33

ABSENT OR NOT VOTING: Dangeau, Dobbins, Hardwick, Hutchinson, Moore, Ormond, Stovall, J. Taylor, Mr. Speaker.

Total9

VOTING PRESENT:

Total0

Total number of votes cast91

Total number voting in the affirmative58

Necessary to the adoption of the motion51

So the motion was adopted.

HOUSE BILL NO. 1055

BY: REPRESENTATIVE WALTERS

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

AFFIRMATIVE: Adams, Anderson, Bennett, Berry, Blair, Bledsoe, Bolin, Boyd, Bright, Chesterfield, Childers, Clemons, Dangeau, Dees, Dickinson, L. Evans, Ferguson, Fite, Gillespie, Goss, **Hardwick**, Harris, Hathorn, House, Jackson, Jacobs, Judy, Kenney, Key, King, Lamoureux, Mack, Matayo, Mathis, Medley, Milligan, Norton, Oglesby, Parks, Penix, Petrus, L. Prater, Pritchard, Rosenbaum, Schulte, Scrimshire, Seawel, Sullivan, C. Taylor, Verkamp, Walters, Weaver, Wood, Mr. Speaker.

Total54

NEGATIVE: Agee, Biggs, Bond, P. Bookout, Borhauer, Bradford, Cowling, Creekmore, Eason, Edwards, Elliott, D. Evans, Gipson, Haak, Jeffrey, C. Johnson, J. Johnson, Jones, Ledbetter, Lendall, Lewellen, Mahony, Martin, Napper, Nichols, Ormond, Pace, Pate, Pickett, S. Prater, Rankin, Roebuck, Scroggin, R. Smith, Sumpter, Thomas, Thomason, Thyer, White.

Total39

ABSENT OR NOT VOTING: Dobbins, Green, Hickinbotham, Hutchinson, Moore, Stovall, J. Taylor.

Total7

VOTING PRESENT:

Total0

Total number of votes cast.....93

Total number voting in the affirmative54

Necessary to the passage of the bill51

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

Upon motion of Representative Walters the Clincher motion prevailed.

The Chair requested the Sounding of the Ballot on **HOUSE BILL NO. 1055** and the call was sustained. The following members votes were successfully challenged:

AYE: Hardwick.

Total	1
Total number of votes cast	92
Necessary to the passage of the bill	51
Total number voting in the affirmative	53
Total number voting in the negative	39
Total number absent or not voting.....	8
Total number voting present.....	0

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

Motion was made by Representative Stovall to suspend the Rules on **HOUSE BILL NO. 1049** for the purpose of an amendment. On this motion the vote was as follows:

AFFIRMATIVE: Adams, Berry, Bolin, Bond, P. Bookout, Boyd, Bradford, Chesterfield, Clemons, Cowling, Creekmore, Dangeau, Dees, Dickinson, Eason, Edwards, Elliott, D. Evans, L. Evans, Ferguson, Fite, Gillespie, Gipson, Goss, Hathorn, Hickinbotham, Jackson, Jacobs, Jeffrey, C. Johnson, Jones, Judy, King, Ledbetter, Lendall, Lewellen, Mack, Mahony, Martin, Mathis, Medley, Milligan, Nichols, Norton, Oglesby, Ormond, Pate, Petrus, L. Prater, S. Prater, Rankin, Roebuck, Schulte, Scrimshire, Scroggin, Seawel, Stovall, Sullivan, Sumpter, C. Taylor, Thomas, Thomason, Thyer, Verkamp, Walters, Weaver, White, Wood, Mr. Speaker.

Total69

NEGATIVE: Agee, Anderson, Blair, Bledsoe, Borhauer, Bright, Green, Haak, Harris, J. Johnson, Kenney, Key, Lamoureux, Matayo, Napper, Pace, Penix, Pickett, Pritchard.

Total19

ABSENT OR NOT VOTING: Bennett, Biggs, Childers, Dobbins, Hardwick, House, Hutchinson, Moore, Parks, Rosenbaum, R. Smith, J. Taylor.

Total12

VOTING PRESENT:

Total0

Total number of votes cast88

Total number voting in the affirmative69

Necessary to the adoption of the motion51

So the motion was adopted.

Upon motion of Representative Cleveland, **HOUSE BILL NO. 1049** was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 4 TO HOUSE BILL NO. 1049

Amend **HOUSE BILL NO. 1049** as engrossed, H12/22/03

(version: 12-22-2003 09:09)

Page 5, line 28 after "activities." and before "and" add "capital expenditures."

AND

Page 5, delete lines 30 and 31 and substitute the following:

“(C) “Noninstructional and support components” does not include debt service payments.”

AND

Page 10, delete lines 30 through 32 and substitute the following:

“this subdivision (a)(4)(A) of this section may be expended for other categories in this section or § 6-20-2005, if the schools in the school district meet standards for technology established by the state board.”

AND

Page 14, delete line 13 and substitute the following:

“include the cost of providing for special needs funded in § 6-20-2005, and shall not include student transportation services or extracurricular activities.”

AND

Page 17, line 6 delete “year.” And substitute “year with the department.”

AND

Page 19, delete line 24 and substitute the following:

“Arkansas Public School Network, which may approve other providers.”

AND

Page 19, delete lines 27 and 28

AND

Page 19, line 29 delete “(5)” and substitute “(4)”

AND

Page 20, line 3 delete “(6)” and substitute “(5)”

AND

Page 20, line 7 delete “(7)” and substitute “(6)”

AND

Page 20, delete lines 21 and 22 and substitute the following:

“section.”

/s/ Herschel Cleveland

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

/s/ Ms. Jo Renshaw

Chief Clerk

Upon motion of Representative Cleveland, **HOUSE BILL NO. 1049** was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 5 TO HOUSE BILL NO. 1049

Amend **HOUSE BILL NO. 1049** as engrossed, H12/22/03

(version: 12-22-2003 09:09):

Page 17, delete lines 34 through 36 and substitute the following:

"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 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 allows 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 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) The department shall annually submit a summary report to the State Board of Education, the Governor, and the Senate and House Joint Interim Committee concerning public school and public school district expenditures as described in the Education Funding Reform Act of 2003, § 6-20-2001 et seq. by November 1 of each year.

(f) 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 § 6-20-2206."

AND

Page 18, delete lines 1 through 36

AND

Page 19, delete lines 1 through 4

AND

Page 19, line 6 delete "6-22-2206." and substitute "6-22-2204."

AND

Page 20, line 34 delete "6-22-2207." and substitute "6-22-2205."

AND

Page 21, line 34 delete "6-22-2208." and substitute "6-22-2206."

AND

Page 21, delete lines 11 through 14 and substitute the following:

"(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."

/s/ Herschel Cleveland

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

/s/ Ms. Jo Renshaw

Chief Clerk

Speaker Cleveland requested that **HOUSE BILL NO. 1049** be sent to engrossing.

HOUSE BILL NO. 1060

BY: REPRESENTATIVE CHESTERFIELD

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

AFFIRMATIVE: Bennett, Blair, Bolin, Bond, P. Bookout, Borhauer, Boyd, Bradford, Chesterfield, Clemons, Dangeau, Dees, Dickinson, Eason, Edwards, Elliott, D. Evans, L. Evans, Ferguson, Fite, Gillespie, Goss, Green, Hardwick, Hickinbotham, House, Jackson, Jacobs, C. Johnson, J. Johnson, Jones, Judy, Kenney, Key, King, Ledbetter, Lendall, Lewellen, Mack, Mahony, Martin, Matayo, Mathis, Medley, Milligan, Napper, Oglesby, Pace, Pate, Penix, Petrus, Pickett, L. Prater, S. Prater, Rankin, Roebuck, Scroggin, Seawel, R. Smith, Sullivan, Sumpter, Thomas, Thomason, Verkamp, Walters, Weaver, White, Wood, Mr. Speaker.

Total69

NEGATIVE: Agee, Anderson, Berry, Bledsoe, Bright, Childers, Gipson, Haak, Harris, Jeffrey, Lamoureux, Nichols, Ormond, Parks, Rosenbaum, C. Taylor, Thyer.

Total17

ABSENT OR NOT VOTING: Adams, Biggs, Cowling, Dobbins, Hutchinson, Moore, Pritchard, Scrimshire, Stovall, J. Taylor.

Total10

VOTING PRESENT: Creekmore, Hathorn, Norton, Schulte.

Total4

Total number of votes cast90

Total number voting in the affirmative69

Necessary to the passage of the bill51

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

There being an Emergency Clause attached to **HOUSE BILL NO. 1060**, the Speaker ordered the clerk to call the roll upon the adoption of the Emergency Clause. The vote was as follows:

EMERGENCY CLAUSE

AFFIRMATIVE: Bennett, Blair, Bolin, Bond, P. Bookout, Borhauer, Boyd, Bradford, Chesterfield, Clemons, Dangeau, Dees, Dickinson, Eason, Edwards, Elliott, D. Evans, L. Evans, Ferguson, Fite, Gillespie, Goss, Green, Hardwick, Hickinbotham, House, Jackson, Jacobs, C. Johnson, J. Johnson, Jones, Judy, Kenney, Key, King, Ledbetter, Lendall, Lewellen, Mack, Mahony, Martin, Matayo, Mathis, Medley, Milligan, Napper, Oglesby, Pace, Pate, Penix, Petrus, Pickett, L. Prater, S. Prater, Rankin, Roebuck, Scroggin, Seawel, R. Smith, Sullivan, Sumpter, Thomas, Thomason, Verkamp, Walters, Weaver, White, Wood, Mr. Speaker.

Total69

NEGATIVE: Agee, Anderson, Berry, Bledsoe, Bright, Childers, Gipson, Haak, Harris, Jeffrey, Lamoureux, Nichols, Ormond, Parks, Rosenbaum, C. Taylor, Thyer.

Total17

ABSENT OR NOT VOTING: Adams, Biggs, Cowling, Dobbins, Hutchinson, Moore, Pritchard, Scrimshire, Stovall, J. Taylor.

Total10

VOTING PRESENT: Creekmore, Hathorn, Norton, Schulte.

Total4

Total number of votes cast90

Total number voting in the affirmative69

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

So the Emergency Clause was adopted.

Upon motion of Representative Chesterfield the Clincher motion prevailed.

SENATE BILL NO. 2

BY: SENATOR LUKER

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

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

Total91

NEGATIVE:

Total0

ABSENT OR NOT VOTING: Biggs, Dobbins, Hardwick, Hutchinson, Lendall, Moore, Stovall, J. Taylor, Mr. Speaker.

Total9

VOTING PRESENT:

Total0

Total number of votes cast.....91

Total number voting in the affirmative91

Necessary to the passage of the bill51

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

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

SENATE BILL NO. 20

BY: SENATOR LUKER

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

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

Total91

NEGATIVE:

Total0

ABSENT OR NOT VOTING: Dobbins, L. Evans, Hardwick, Kenney, Moore, L. Prater, Stovall, J. Taylor, Mr. Speaker.

Total9

VOTING PRESENT:

Total0

Total number of votes cast91

Total number voting in the affirmative91

Necessary to the passage of the bill75

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

There being an Emergency Clause attached to **SENATE BILL NO. 20**, the Speaker ordered the clerk to call the roll upon the adoption of the Emergency Clause. The vote was as follows:

EMERGENCY CLAUSE

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

Total91

NEGATIVE:

Total0

ABSENT OR NOT VOTING: Dobbins, L. Evans, Hardwick, Kenney, Moore, L. Prater, Stovall, J. Taylor, Mr. Speaker.

Total9

VOTING PRESENT:

Total0

Total number of votes cast.....91

Total number voting in the affirmative91

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

So the Emergency Clause was adopted.

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

SENATE BILL NO. 38

BY: SENATOR BISBEE

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

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

Total87

NEGATIVE:

Total0

ABSENT OR NOT VOTING: Bolin, Dangeau, Dickinson, Dobbins, Elliott, Hardwick, Lendall, Moore, Stovall, Sullivan, J. Taylor, Weaver, Mr. Speaker.

Total13

VOTING PRESENT:

Total0

Total number of votes cast87

Total number voting in the affirmative87

Necessary to the passage of the bill75

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

There being an Emergency Clause attached to **SENATE BILL NO. 38**, the Speaker ordered the clerk to call the roll upon the adoption of the Emergency Clause. The vote was as follows:

EMERGENCY CLAUSE

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

Total87

NEGATIVE:

Total0

ABSENT OR NOT VOTING: Bolin, Dangeau, Dickinson, Dobbins, Elliott, Hardwick, Lendall, Moore, Stovall, Sullivan, J. Taylor, Weaver, Mr. Speaker.

Total13

VOTING PRESENT:

Total0

Total number of votes cast.....87

Total number voting in the affirmative87

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

So the Emergency Clause was adopted.

HOUSE BILLS ORDERED TRANSMITTED TO THE SENATE AS PASSED

HOUSE BILL NO. 1018 BY REPRESENTATIVE BOYD
HOUSE BILL NO. 1038 BY REPRESENTATIVE MATHIS
HOUSE BILL NO. 1055 BY REPRESENTATIVE WALTERS
HOUSE BILL NO. 1060 BY REPRESENTATIVE CHESTERFIELD

SENATE BILLS ORDERED RETURNED TO THE SENATE AS PASSED

SENATE BILL NO. 2 BY SENATOR LUKER
SENATE BILL NO. 20 BY SENATOR LUKER
SENATE BILL NO. 38 BY SENATOR BISBEE

ARKANSAS SENATE
HOUSE BILLS RETURNED FROM THE SENATE AS PASSED

HOUSE BILL NO. 1019 BY REPRESENTATIVE MAHONY

ENROLLED AND DELIVERY TO GOVERNOR REPORTS

Little Rock, Arkansas

December 23, 2003

MR. SPEAKER:

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

HOUSE BILL NO. 1019 BY REPRESENTATIVE MAHONY

beg leave to report that we have carefully compared the enrolled copies with the original and we find the same correctly enrolled and have at 1:55 p.m. delivered them to the Governor for his approval.

Respectfully submitted,

/s/ Herschel W. Cleveland
Chairman

RECEIPT FROM THE GOVERNOR

RECEIVED FROM THE HOUSE:

HOUSE BILL NO. 1019 BY REPRESENTATIVE MAHONY

/s/ Mike Huckabee - Governor

TIME: 1:55 p.m.

By: Stacy DeJarnett

The House recessed at 11:50 a.m. until 2:00 p.m. for reading of the Bills.

The House reconvened at 2:17 p.m.

HOUSE BILL NO. 1070

BY: REPRESENTATIVE LENDALL

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.

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

HOUSE BILL NO. 1071

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.

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

HOUSE BILL NO. 1072

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.

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

HOUSE BILL NO. 1073

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.

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

HOUSE MEMORIAL RESOLUTION NO. 1006

BY: REPRESENTATIVES LENDALL, LEDBETTER, ADAMS, BERRY, BIGGS, P. BOOKOUT, JACKSON, BORHAUER, DEES, EDWARDS, D. EVANS, L. EVANS, HAAK, JEFFREY, C. JOHNSON, JONES, JUDY, KING, LEWELLEN, MAHONY, MILLIGAN, PATE, PENIX, L. PRATER, ROEBUCK, SCHULTE, STOVALL, SULLIVAN, C. TAYLOR, THOMASON, THYER, WALTERS, ELLIOTT, BRIGHT, HATHORN, CREEKMORE, MEDLEY, PICKETT

MOURNING THE DEATH OF GEORGE FISHER AND HONORING HIM AS A LEGENDARY POLITICAL CARTOONIST AND SATIRIST.

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

Upon motion of Representative Gillespie, the House adjourned at 2:19 p.m. until 10:00 a.m. Friday, December 26, 2003.

ATTEST:

Herschel W. Cleveland
Speaker of the House of Representatives

Jo Renshaw
Chief Clerk

**NINETEENTH DAY'S PROCEEDINGS
HALL OF THE HOUSE OF REPRESENTATIVES**

Little Rock, Arkansas
December 26, 2003

The House was called to order at 10:07 a.m. by Mr. Cleveland, the Speaker.
The following members answered to the roll call:

Adams, Agee, Anderson, Bennett, Berry, Biggs, Blair, Bledsoe, Bolin, Bond, Bookout, Borhauer, Boyd, Bradford, Bright, Chesterfield, Childers, Clemons, Cowling, Creekmore, Dangeau, Dees, Dickinson, Eason, Edwards, Elliott, D.Evans, L. Evans, Ferguson, Gillespie, Gipson, Goss, Green, Haak, Harris, Hickinbotham, House, Hutchinson, Jackson, Jacobs, Jeffrey, C.Johnson, J. Johnson, Jones, Judy, Kenney, Key, King, Lamoureux, Ledbetter, Lendall, Mack, Mahony, Martin, Matayo, Mathis, Medley, Milligan, Moore, Napper, Nichols, 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.

Total 94

The following member(s) was absent and did not answer to the roll call:
Dobbins, Fite, Hardwick, Hathorn, Lewellen, Norton.

Total 6

A quorum was present.

Unanimous leave was granted for Representative(s) Dobbins, Fite, Hardwick, Hathorn, Lewellen, Norton.

The House stood and was led in prayer by Representative Shirley Borhauer.

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

EDUCATION	December 26, 2003
	CALVIN JOHNSON
	CHAIRPERSON
HOUSE BILL NO. 1034	DO PASS
BY REPRESENTATIVE CLEVELAND	AS AMENDED #1
HOUSE BILL NO. 1049	DO PASS
BY REPRESENTATIVE CLEVELAND	

Upon motion of Representative C. Johnson, **HOUSE BILL NO. 1053** was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 2 TO HOUSE BILL NO. 1053

Amend **HOUSE BILL NO. 1053** as originally introduced:

Add Representatives Chesterfield, Elliott, Fite, Green, Johnson, Pickett, and White as cosponsors of the bill

AND

Add Senator Gullett as a cosponsor of the bill

/s/ Calvin Johnson

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

/s/ Ms. Jo Renshaw
Chief Clerk

Upon motion of Representative Pickett, **HOUSE BILL NO. 1009** was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 2 TO HOUSE BILL NO. 1009

Amend **HOUSE BILL NO. 1009** as engrossed, H12/17/03

(version: 12-17-2003 09:09):

Page 1, line 35, delete "Department of Education" and substitute "Department of Curriculum and Instruction"

AND

Page 2, line 8, delete "Department of Education" and substitute "Department of Curriculum and Instruction"

AND

Page 2, delete line 21 and substitute the following:

"an equitable and adequate education:

(E) Enforce the provisions of The Quality Education Act of 2003, §6-15-202, et seq.; and"

AND

Page 2, line 22, delete "(E)(i)" and substitute "(F)(i)"

AND

Page 3, delete line 5, and substitute the following:

"otherwise in this act.

(f)(1) The Director of the Department of Accountability shall review the functions, duties, and qualifications of the employees of the Department of Accountability to ensure that each employee is qualified and capable of performing his or her duties.

(2) The Director of the Department of Accountability may replace or reassign any employee the Director of the Department of Accountability determines is not qualified or capable of satisfactorily performing his or her duties."

AND

Page 6, line 7, delete "or the Director of the Director of the" and substitute "or the Director of the"

/s/ Betty Pickett

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

/s/ Ms. Jo Renshaw

Chief Clerk

Upon motion of Representative Medley, **HOUSE BILL NO. 1041** was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 3 TO HOUSE BILL NO. 1041

Amend **HOUSE BILL NO. 1041** as engrossed, H12/23/03

(version: 12-23-2003 09:14):

Add Representative J. Johnson as a co-sponsor of the bill

AND

Add Senators Broadway and J. Jeffress as co-sponsors of the bill

/s/ Jim Medley

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

/s/ Ms. Jo Renshaw

Chief Clerk

Upon motion of Representative Medley, **HOUSE BILL NO. 1043** was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 2 TO HOUSE BILL NO. 1043

Amend **HOUSE BILL NO. 1043** as engrossed, H12/23/03

(version: 12-23-2003 09:04):

Add Representatives C. Johnson, J. Johnson, and Thomas as co-sponsors of the bill

AND

Add Senators Broadway and J. Jeffress as co-sponsors of the bill

AND

Page 2, line 1, delete "for" and substitute "from"

/s/ Jim Medley

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

/s/ Ms. Jo Renshaw

Chief Clerk

ENGROSSED BILL REPORTS

HERSCHEL W. CLEVELAND, CHAIRMAN

December 26, 2003

The following bill(s) reported correctly engrossed:

HOUSE BILL NO. 1009 BY REPRESENTATIVE PICKETT
 HOUSE BILL NO. 1030 BY REPRESENTATIVE BOYD
 HOUSE BILL NO. 1041 - TITLE - BY REPRESENTATIVE MEDLEY, ET AL
 HOUSE BILL NO. 1043 - TITLE - BY REPRESENTATIVE MEDLEY, ET AL
 HOUSE BILL NO. 1049 BY REPRESENTATIVE CLEVELAND, ET AL
 HOUSE BILL NO. 1053 - TITLE - BY REPRESENTATIVE C. JOHNSON, ET AL

HOUSE BILL ENGROSSED AS TITLE AMENDED
 HOUSE BILL NO. 1041

BY: REPRESENTATIVES MEDLEY, GREEN, *J. JOHNSON*

BY: *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 ENGROSSED AS TITLE AMENDED
 HOUSE BILL NO. 1043

BY: REPRESENTATIVES MEDLEY, GREEN, *C. JOHNSON, J. JOHNSON, THOMAS*

BY: *SENATORS BROADWAY, J. JEFFRESS*

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO ENSURE THAT TEACHERS RECEIVE A THIRTY-MINUTE UNINTERRUPTED DUTY-FREE LUNCH PERIOD DURING EACH STUDENT INSTRUCTIONAL DAY; AND FOR OTHER PURPOSES.

HOUSE BILL ENGROSSED AS TITLE AMENDED
HOUSE BILL NO. 1053

BY: REPRESENTATIVES C. JOHNSON, *CHESTERFIELD*, *ELLIOTT*, *FITE*,
GREEN, *J. JOHNSON*, *PICKETT*, *WHITE*

BY: *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 MEMORIAL RESOLUTION NO. 1006

BY: REPRESENTATIVE LENDALL

MOURNING THE DEATH OF GEORGE FISHER AND HONORING HIM AS A LEGENDARY POLITICAL CARTOONIST AND SATIRIST.

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

Morning Hour Expired.

Upon motion of Representative Stovall, **HOUSE BILL NO. 1049** was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 5 TO HOUSE BILL NO. 1049

Amend **HOUSE BILL NO. 1049** as engrossed, H12/22/03

(version: 12-22-2003 09:09):

Page 17, delete lines 34 through 36 and substitute the following:

“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 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 allows 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 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) The department shall annually submit a summary report to the State Board of Education, the Governor, and the Senate and House Joint Interim Committee concerning public school and public school district expenditures as described in the Education Funding Reform Act of 2003, § 6-20-2001 et seq. by November 1 of each year.

(f) 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 § 6-20-2206.”

AND

Page 18, delete lines 1 through 36

AND

Page 19, delete lines 1 through 4

AND

Page 19, line 6 delete “6-22-2206.” and substitute “6-22-2204.”

AND

Page 20, line 34 delete “6-22-2207.” and substitute “6-22-2205.”

AND

Page 21, line 34 delete “6-22-2208.” and substitute “6-22-2206.”

AND

Page 21, delete lines 11 through 14 and substitute the following:

“(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.”

/s/ Herschel Cleveland

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

/s/ Ms. Jo Renshaw

Chief Clerk

Upon motion of Representative Stovall, **HOUSE BILL NO. 1049** was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 6 TO HOUSE BILL NO. 1049

Amend **HOUSE BILL NO. 1049** as engrossed, H12/22/03

(version: 12-22-2003 09:09):

Page 17, delete lines 34 through 36 and substitute the following:

“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 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 allows 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 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) The department shall annually submit a summary report to the State Board of Education, the Governor, and the Senate and House Joint Interim Committee concerning public school and public school district expenditures as described in the Education Funding Reform Act of 2003, § 6-20-2001 et seq. by November 1 of each year.

(f) 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 § 6-20-2206.”

AND

Page 18, delete lines 1 through 36

AND

Page 19, delete lines 1 through 4

AND

Page 19, line 6 delete “6-22-2206.” and substitute “6-20-2204.”

AND

Page 20, line 34 delete “6-20-2207.” and substitute “6-20-2205.”

AND

Page 21, line 3 delete “6-20-2208.” and substitute “6-20-2206.”

AND

Page 21, delete lines 11 through 14 and substitute the following:

“(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.”

/s/ Herschel Cleveland

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

/s/ Ms. Jo Renshaw
Chief Clerk

Upon motion of Representative Cleveland, **HOUSE BILL NO. 1049** was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 7 TO HOUSE BILL NO. 1049

Amend **HOUSE BILL NO. 1049** as engrossed, H12/22/03

(version: 12-22-2003 09:09):

Page 14, line 3 delete "and each school within a school district"

AND

Page 14, line 5 delete "each school within"

/s/ Herschel Cleveland

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

/s/ Ms. Jo Renshaw

Chief Clerk

Speaker Cleveland requested that **HOUSE BILL NO. 1049** be referred back to the Committee on EDUCATION.

HOUSE BILL NO. 1069

BY: REPRESENTATIVE R. SMITH

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

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

Total93

NEGATIVE:

Total0

ABSENT OR NOT VOTING: Chesterfield, Dobbins, Fite, Hardwick, Hathorn, Lewellen, Norton.

Total7

VOTING PRESENT:

Total0

Total number of votes cast.....93

Total number voting in the affirmative93

Necessary to the passage of the bill51

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

Representative Boyd moved that the record by which **HOUSE BILL NO. 1030 AMENDMENT NO. 1** passed be expunged from the record, which motion prevailed by more than 67 votes.

Upon motion of Representative Boyd, **HOUSE BILL NO. 1030** was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 1 TO HOUSE BILL NO. 1030

Amend **HOUSE BILL NO. 1030** as originally introduced:

Page 15, delete line 13, and substitute the following:

"property and services, and that is effective until contingency in Acts 2003, No. 1273, § 88 is met, is amended to read as follows:"

AND

Page 15, delete line 20, and substitute the following:

"transportation services:

SECTION 3. Arkansas Code § 26-52-301(2), establishing an excise tax on property and services that is effective when contingency in Acts 2003, No. 1273, § 88 is met, is amended to read as follows:

(2)(A) Natural or artificial gas, electricity, water, ice, steam, sewer services, sanitation services, garbage collection, and solid and liquid waste collection and disposal ~~or any other utility or public service, except transportation services, sewer services, and sanitation or garbage collection services;~~

(B) Any other utility or public service except transportation services;"

AND

Page 15, line 22, delete "SECTION 3." and substitute "SECTION 4."

AND

Page 15, line 34, delete "SECTION 4." and substitute "SECTION 5."

AND

Page 16, line 10, delete "SECTION 5." and substitute "SECTION 6."

AND

Page 17, line 19, delete "SECTION 6." and substitute "SECTION 7."

AND

Page 17, delete line 23, and substitute the following:

"levied in this section shall not apply to the alteration, addition, cleaning,"

AND

Page 18, line 29, delete "SECTION 7." and substitute "SECTION 8."

AND

Page 19, line 8, delete "SECTION 8." and substitute "SECTION 9."

AND

Page 19, line 23, delete "SECTION 9." and substitute "SECTION 10."

AND

Page 20, line 23, delete "SECTION 10." and substitute "SECTION 11."

AND

Page 21, line 24, delete "SECTION 11." and substitute "SECTION 12."

AND

Page 22, line 28, delete "SECTION 12." and substitute "SECTION 13."

AND

Page 23, line 32, delete "SECTION 13." and substitute "SECTION 14."

AND

Page 24, line 13, delete "SECTION 14." and substitute "SECTION 15."

AND

Page 24, line 18, delete "SECTION 15." and substitute "SECTION 16."

AND

Page 24, line 27, delete "SECTION 16." and substitute "SECTION 17."

AND

Page 25, line 3, delete "SECTION 17." and substitute "SECTION 18."

AND

Page 25, line 11, delete "SECTION 18." and substitute "SECTION 19."

AND

Page 25, delete lines 13 through 22, and substitute the following:

"(a)(1) 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 pay the decal fees provided by § 26-57-1206. If such election is not made by the operator, then the general or special 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.shall:

(A) Pay the decal fees provided by § 26-57-1206; and

(B) Collect and remit the state gross receipts taxes levied under Arkansas Gross Receipts Act of 1941, § 26-52-101 et seq. and Amendment 75 of the Arkansas Constitution, and any applicable city and county gross receipts taxes.

(2) The provisions of subdivision (a)(1) of this section shall apply whether the operator of a vending device is the owner of the vending device, or is

the lessee, renter, or bailee of the owner of the vending device."

AND

Page 25, line 24, delete "SECTION 19." and substitute "SECTION 20."

AND

Page 25, line 35, delete "SECTION 20." and substitute "SECTION 21."

AND

Page 26, line 17, delete "SECTION 21." and substitute "SECTION 22."

AND

Page 29, delete lines 10 through 13, and substitute the following:

~~"(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."~~

AND

Page 29, delete lines 15 through 26, and substitute the following:

"SECTION 23. Arkansas Code § 26-57-1208 is repealed.

~~26-57-1208. Distribution of revenue.~~

~~(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)."~~

AND

Page 29, delete line 26 and substitute the following:

"State Treasury and credited as follows.

"SECTION 24. Arkansas Code §§ 26-57-1001 through 26-57-1005 are repealed.

~~26-57-1001. Definitions.~~

~~For the purposes of this subchapter, the following definitions shall apply:~~

~~(1) "Director" shall mean the Director of the Department of Finance and Administration or his authorized agents;~~

~~(2) "Person" shall mean any individual, partnership, corporation, limited liability corporation, association, organization, or nonprofit corporation, and any county or municipal subdivision of this state;~~

~~(3)(A) "Vending device" shall mean any machine or manual device which dispenses tangible personal property after a coin or thing of value is inserted.~~

~~(B) The term "vending device" shall not include devices used exclusively for the purpose of selling cigarettes, newspapers, magazines, or postage stamps; and~~

~~(4) "Vending device operator" shall mean any person who sells tangible personal property through vending devices, and who elects to pay the taxes imposed by § 26-57-1002.~~

~~26-57-1002. Registration - Records - Amount of tax.~~

~~(a) Any person who sells tangible personal property through vending devices may elect to register with the director as a vending device operator and pay the state and local sales and use taxes as provided in this section.~~

~~(b) Any person who elects to register as a vending device operator 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%) 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%) 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.~~

~~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."~~

~~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.~~

~~(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 have been paid.~~

~~26-57-1005. Disposition of revenues.~~

~~(a) The revenues derived from § 26-57-1002(d)(1) shall be general revenues and shall be deposited in the State Treasury in the same manner as the Arkansas gross receipts tax, § 26-52-101 et seq.~~

~~(b) All revenues derived from § 26-57-1002(d)(2) shall be deposited by the Treasurer of 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 in 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)."

AND

Page 29, line 28, delete "SECTION 23." and substitute "SECTION 25."

AND

Page 30, line 4, delete "SECTION 24." and substitute "SECTION 26."

AND

Page 30, line 15, delete "SECTION 25." and substitute "SECTION 27."

AND

Page 30, line 27, delete "SECTION 26." and substitute "SECTION 28."

AND

Page 30, delete line 31, and substitute the following:

"one percent (.375%) upon all tangible personal property and services subject to the tax"

AND

Page 31, line 3, delete "SECTION 27." and substitute "SECTION 29."

AND

Page 31, line 14, delete "SECTION 28." and substitute "SECTION 30."

AND

Page 31, delete line 26, and substitute the following:

"the second calendar month following the effective date of this act, with the exception of sections 18 through 25 pertaining to the provisions of Arkansas Code § 26-57-1001 et seq., which shall become effective July 1, 2004."

/s/ Travis Boyd

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

/s/ Ms. Jo Renshaw

Chief Clerk

Upon motion of Representative Boyd, **HOUSE BILL NO. 1030** was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 2 TO HOUSE BILL NO. 1030

Amend **HOUSE BILL NO. 1030** as originally introduced:

Page 15, delete line 13, and substitute the following:

"property and services, and that is effective until contingency in Acts 2003, No. 1273, § 88 is met, is amended to read as follows:"

AND

Page 15, delete line 20, and substitute the following:

"transportation services;

SECTION 3. Arkansas Code § 26-52-301(2), establishing an excise tax on property and services that is effective when contingency in Acts 2003, No. 1273, § 88 is met, is amended to read as follows:

(2)(A) Natural or artificial gas, electricity, water, ice, steam, sewer services, sanitation services, garbage collection, and solid and liquid waste collection and disposal ~~or any other utility or public service, except transportation services, sewer services, and sanitation or garbage collection services;~~

(B) Any other utility or public service except transportation services;

AND

Page 15, line 22, delete "SECTION 3." and substitute "SECTION 4."

AND

Page 15, line 34, delete "SECTION 4." and substitute "SECTION 5."

AND

Page 16, line 10, delete "SECTION 5." and substitute "SECTION 6."

AND

Page 17, line 19, delete "SECTION 6." and substitute "SECTION 7."

AND

Page 17, delete line 23, and substitute the following:

"levied in this section shall not apply to the alteration, addition, cleaning,"

AND

Page 18, line 29, delete "SECTION 7." and substitute "SECTION 8."

AND

Page 19, line 8, delete "SECTION 8." and substitute "SECTION 9."

AND

Page 19, line 23, delete "SECTION 9." and substitute "SECTION 10."

AND

Page 20, line 23, delete "SECTION 10." and substitute "SECTION 11."

AND

Page 21, line 24, delete "SECTION 11." and substitute "SECTION 12."

AND

Page 22, line 28, delete "SECTION 12." and substitute "SECTION 13."

AND

Page 23, line 32, delete "SECTION 13." and substitute "SECTION 14."

AND

Page 24, line 13, delete "SECTION 14." and substitute "SECTION 15."

AND

Page 24, line 18, delete "SECTION 15." and substitute "SECTION 16."

AND

Page 24, line 27, delete "SECTION 16." and substitute "SECTION 17."

AND

Page 25, line 3, delete "SECTION 17." and substitute "SECTION 18."

AND

Page 25, line 11, delete "SECTION 18." and substitute "SECTION 19."

AND

Page 25, delete lines 13 through 22, and substitute the following:

"(a)(1) 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 pay the decal fees provided by ~~§ 26-57-1206.~~ If such election is not made by the operator, then the general or special 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. shall:

(A) Pay the decal fees provided by § 26-57-1206; and

(B) Collect and remit the state gross receipts taxes levied under Arkansas Gross Receipts Act of 1941, § 26-52-101 et seq. and Amendment 75 of the Arkansas Constitution, and any applicable city and county gross receipts taxes.

(2) The provisions of subdivision (a)(1) of this section shall apply whether the operator of a vending device is the owner of the vending device, or is the lessee, renter, or bailee of the owner of the vending device."

AND

Page 25, line 24, delete "SECTION 19." and substitute "SECTION 20."

AND

Page 25, line 35, delete "SECTION 20." and substitute "SECTION 21."

AND

Page 26, line 17, delete "SECTION 21." and substitute "SECTION 22."

AND

Page 29, delete lines 10 through 13, and substitute the following:

~~"(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."~~

AND

Page 29, delete lines 15 through 26, and substitute the following:

"SECTION 23. Arkansas Code § 26-57-1208 is repealed.

~~26-57-1208. Distribution of revenue.~~

~~(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)."~~

AND

Page 29, line 28 add a new section to read as follows:

"SECTION 24. Arkansas Code §§ 26-57-1001 through 26-57-1005 are repealed.

~~26-57-1001. Definitions.~~

For the purposes of this subchapter, the following definitions shall apply:

~~(1) "Director" shall mean the Director of the Department of Finance and Administration or his authorized agents;~~

~~(2) "Person" shall mean any individual, partnership, corporation, limited liability corporation, association, organization, or nonprofit corporation, and any county or municipal subdivision of this state;~~

~~(3)(A) "Vending device" shall mean any machine or manual device which dispenses tangible personal property after a coin or thing of value is inserted.~~

~~(B) The term "vending device" shall not include devices used exclusively for the purpose of selling cigarettes, newspapers, magazines, or postage stamps; and~~

~~(4) "Vending device operator" shall mean any person who sells tangible personal property through vending devices, and who elects to pay the taxes imposed by § 26-57-1002.~~

~~26-57-1002. Registration - Records - Amount of tax.~~

~~(a) Any person who sells tangible personal property through vending devices may elect to register with the director as a vending device operator and pay the state and local sales and use taxes as provided in this section.~~

~~(b) Any person who elects to register as a vending device operator 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%) 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%) 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.~~

~~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."~~

~~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.~~

~~(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 have been paid.~~

~~26-57-1005. Disposition of revenues.~~

~~(a) The revenues derived from § 26-57-1002(d)(1) shall be general revenues and shall be deposited in the State Treasury in the same manner as the Arkansas gross receipts tax, § 26-52-101 et seq.~~

~~(b) All revenues derived from § 26-57-1002(d)(2) shall be deposited by the Treasurer of 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 in 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)."~~

AND

Page 29, line 28, delete "SECTION 23." and substitute "SECTION 25."

AND

Page 30, line 4, delete "SECTION 24." and substitute "SECTION 26."

AND

Page 30, line 15, delete "SECTION 25." and substitute "SECTION 27."

AND

Page 30, line 27, delete "SECTION 26." and substitute "SECTION 28."

AND

Page 30, delete line 31, and substitute the following:

"one percent (.375%) upon all tangible personal property and services subject to the tax"

AND

Page 31, line 3, delete "SECTION 27." and substitute "SECTION 29."

AND

Page 31, line 14, delete "SECTION 28." and substitute "SECTION 30."

AND

Page 31, delete line 26, and substitute the following:

"the second calendar month following the effective date of this act, with the exception of sections 18 through 25 pertaining to the provisions of Arkansas Code § 26-57-1001 et seq., which shall become effective July 1, 2004."

/s/ Travis Boyd

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

/s/ Ms. Jo Renshaw

Chief Clerk

Motion was made by Representative C. Johnson to recess at 10:27 a.m. until 11:00 a.m. for the EDUCATION COMMITTEE to meet.

The House reconvened at 11:03 a.m.

Representative Norton arrived at 11:03 a.m.

The House recessed at 11:05 a.m. and stood in recess until 3:00 p.m.

The House reconvened at 2:58 p.m.

HOUSE BILLS ORDERED TRANSMITTED TO THE SENATE AS PASSED

HOUSE BILL NO. 1069 BY REPRESENTATIVE R. SMITH

ARKANSAS SENATE
HOUSE BILLS RETURNED FROM THE SENATE AS PASSED

HOUSE BILL NO. 1011 BY REPRESENTATIVE BOYD
AS AMENDED #1 & #2

HOUSE BILL NO. 1074

BY: REPRESENTATIVES PETRUS, MAHONY

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO SIMPLIFY THE QUALIFICATIONS FOR THE OFFICE OF DIRECTOR OF THE DEPARTMENT OF EDUCATION; AND FOR OTHER PURPOSES.

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

HOUSE BILL NO. 1075

BY: REPRESENTATIVES ANDERSON, ROSENBAUM, MATAYO

BY: SENATOR BISBEE

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO STANDARDIZE SCHOOL SUPERINTENDENT SALARIES; AND FOR OTHER PURPOSES.

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

HOUSE BILL NO. 1076

BY: REPRESENTATIVE DANGEAU

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO MAKE AN APPROPRIATION FOR ARKANSAS BETTER CHANCE FOR SCHOOL SUCCESS PROGRAM GRANTS AND AID FOR THE DEPARTMENT OF EDUCATION FOR THE BIENNIAL PERIOD ENDING JUNE 30, 2005; 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. 1077

BY: REPRESENTATIVE CLEVELAND

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.

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

HOUSE BILL NO. 1078

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.

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

HOUSE BILL NO. 1079

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.

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

Upon motion of Representative Gillespie, the House adjourned at 3:00 p.m. until 1:30 p.m., Monday, December 29, 2003.

ATTEST:

Herschel W. Cleveland
Speaker of the House of Representatives

Jo Renshaw
Chief Clerk

**TWENTY- SECOND DAY'S PROCEEDINGS
HALL OF THE HOUSE OF REPRESENTATIVES**

Little Rock, Arkansas
December 29, 2003

The House was called to order at 1:34 p.m. by Mr. Cleveland, the Speaker.
The following members answered to the roll call:

Adams, Agee, Anderson, Bennett, Berry, Blair, Bledsoe, Bolin, Bond, Bookout, Borhauer, Boyd, Bradford, Bright, Chesterfield, Childers, Clemons, Cowling, Creekmore, Dangeau, Dees, Dickinson, Eason, Edwards, Elliott, D.Evans, L. Evans, Ferguson, Fite, Gillespie, Gipson, Goss, Green, Haak, Hardwick, Harris, Hathorn, Hickinbotham, House, Hutchinson, Jackson, Jacobs, Jeffrey, C.Johnson, J. Johnson, Jones, Judy, Kenney, Key, King, Lamoureux, Ledbetter, Lendall, Lewellen, Mack, Mahony, Martin, Matayo, Mathis, Medley, Milligan, Moore, Napper, Nichols, Norton, Oglesby, Ormond, Parks, Pate, Penix, Petrus, Pickett, L. 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.

Total96

The following member(s) was absent and did not answer to the roll call:
Biggs, Dobbins, Pace, S. Prater.

Total4

A quorum was present.

Unanimous leave was granted for Representative(s) Biggs, Dobbins, Pace, S. Prater.

The House stood and was led in prayer by Representative Jay Martin.

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

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

COMMITTEE REPORT

EDUCATION	December 29, 2003
	CALVIN JOHNSON
	CHAIRPERSON
HOUSE BILL NO. 1041	DO PASS
BY REPRESENTATIVE MEDLEY	
HOUSE BILL NO. 1043	DO PASS
BY REPRESENTATIVE MEDLEY	

Upon motion of Representative Elliott, **HOUSE BILL NO. 1040** was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 2 TO HOUSE BILL NO. 1040

Amend **HOUSE BILL NO. 1040** as engrossed,

H12/16/03 (version: 12-16-2003 08:37):

Add Representatives Chesterfield, Clemons, Eason, Goss, Green, House, C. Johnson, J. Johnson, Jones, Ledbetter, Lendall, Penix, Thomas and White as cosponsors of the bill

AND

Add Senators Wilkins, Bryles, Steele, Higginbothom and Broadway as cosponsors of the bill

AND

Page 1, line 23, delete "6-17-8. Incentives for teacher" and substitute "6-17-811. Incentives for teacher and other certified staff"

AND

Page 1, delete lines 25 through 28 and substitute the following:

"(a) For purposes of this section:

(1) "Other certified staff" means those certified personnel who work full-time for one (1) or more school districts;

(2) "Teachers" means those certified personnel who spend seventy percent (70%) of their time interacting with students in a classroom setting teaching all grade level or subject matter appropriate classes with the exception of physical education, art, and music; and

(3)(A) "High-poverty area" means an area of the state in which seventy-five percent (75%) or more of public school students are eligible for the free or reduced-price lunch program under the National School Lunch Act; and

(4) "Previous year" means the school year immediately preceding the present school year."

AND

Page 1, line 32, delete "teaches" and substitute "teaches or other certified staff who work in a school"

AND

Page 1, delete lines 34 and 35 and substitute the following:

"(1)(A) A signing bonus of ten thousand dollars (\$10,000) to be paid as follows:

(i) Four thousand dollars (\$4,000) at the time the teacher signs a new contract to teach in a high-poverty area; and

(ii) Two thousand dollars (\$2,000) at the beginning of each of the next three (3) subsequent years if the teacher continues teaching in the same high-poverty area.

(B)(i) If a teacher has received bonus pay under subdivision (b)(1)(A) of this section and leaves the high-poverty area before the end of the four-year bonus pay period, the teacher shall pay back the amount of the bonus received in the previous year.

(ii) If the teacher leaves the district during the school year, the teacher shall pay back the previous years' bonus and the current years' bonus."

AND

Page 2, delete line 1 and substitute the following:

"each school year if the teacher finishes the school year in the same district;"

AND

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

AND

Page 2, delete line 7 and substitute the following:

"which the teacher is employed.

(B) Reimbursement shall be paid under subdivision (b)(4)(A) of this section only to teachers and other certified staff for two-way travel of at least forty (40) miles but not to exceed fifty (50) miles."

AND

Page 3, delete lines 6 and 7 and substitute the following:

"(e) To be reimbursed under this section, teachers and other certified staff shall reside within the State of Arkansas."

AND

Delete SECTION 2 in its entirety

/s/ J. Elliott

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

/s/ Ms. Jo Renshaw
Chief Clerk

Upon motion of Representative Cleveland, **HOUSE BILL NO. 1034** was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 1 TO HOUSE BILL NO. 1034

Amend **HOUSE BILL NO. 1034** as originally introduced:

Page 1, line 33 delete "at Fayetteville"

AND

Page 2, line 17 delete "and"

AND

Page 2, delete line 21 and substitute the following:

"Association; and

(16) One (1) representative of a predominantly black college or university in Arkansas appointed by the Speaker of the House of Representatives."

/s/ H. Cleveland

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

/s/ Ms. Jo Renshaw
Chief Clerk

Upon motion of Representative Key, **HOUSE BILL NO. 1059** was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 1 TO HOUSE BILL NO. 1059

Amend **HOUSE BILL NO. 1059** as originally introduced:

Page 3, delete lines 21 through 30, and substitute the following:

"(2) However, if the local board disapproves the petition, the petitioners shall have an immediate right to proceed with a written notice of appeal to the state board, which shall hold a hearing within forty-five (45) calendar days after receipt of the notice of appeal and where all interested parties may appear and present relevant information regarding the proposed open-enrollment charter school petition."

/s/ Johnny Key

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

/s/ Ms. Jo Renshaw
Chief Clerk

ENGROSSED BILL REPORTS

HERSCHEL W. CLEVELAND, CHAIRMAN

December 29, 2003

The following bill(s) reported correctly engrossed:

HOUSE BILL NO. 1034 BY REPRESENTATIVE CLEVELAND, ET AL
HOUSE BILL NO. 1040 - TITLE - BY REPRESENTATIVE ELLIOTT, ET AL
HOUSE BILL NO. 1059 BY REPRESENTATIVE KEY

HOUSE BILL ENGROSSED AS TITLE AMENDED
HOUSE BILL NO. 1040

BY: REPRESENTATIVES ELLIOTT, CHESTERFIELD, CLEMONS, EASON,
GOSS, GREEN, HOUSE, C. JOHNSON, J. JOHNSON, JONES, LEDBETTER,
LENDALL, PENIX, THOMAS, WHITE

BY: SENATORS WILKINS, BRYLES, STEELE, HIGGINBOTHOM, BROADWAY

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO PROVIDE
EXTRAORDINARY INCENTIVES FOR TEACHER RECRUITMENT AND
RETENTION IN HIGH-POVERTY DISTRICTS; AND FOR OTHER PURPOSES.

State of Arkansas
Office of the Governor

Mike Huckabee
Governor

December 29, 2003

TO THE SPEAKER OF THE HOUSE

Dear Mr. Speaker:

This is to inform you that on December 29, 2003, I approved the following measure
from the Second Extraordinary Session of the Eighty-Fourth General Assembly:

HOUSE BILL 1019 is now Act Number 17

Sincerely,

/s/ Mike Huckabee

MH:sm

cc: President of the Senate

Morning Hour Expired.

***** EXPUNGED*****1/16/04*****

HOUSE BILL NO. 1056

BY: REPRESENTATIVE C. JOHNSON

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

AFFIRMATIVE: Blair, Bolin, P. Bookout, Borhauer, Bradford, Chesterfield, Clemons, Dees, Eason, Elliott, L. Evans, Ferguson, Fite, Gipson, Goss, Green, Hardwick, Hathorn, House, Jacobs, C. Johnson, J. Johnson, Jones, Judy, Kenney, Key, King, Ledbetter, Lendall, Lewellen, Martin, Medley, Moore, Pate, Penix, Pickett, Rankin, Seawel, R. Smith, Sullivan, C. Taylor, Thomas, Thomason, Walters, White, Wood.

Total46

NEGATIVE: Adams, Agee, Anderson, Berry, Bledsoe, Bond, Boyd, Bright, Cowling, Creekmore, Dickinson, Edwards, D. Evans, Gillespie, Haak, Hickinbotham, Hutchinson, Jackson, Jeffrey, Lamoureux, Mack, Mathis, Napper, Nichols, Oglesby, Ormond, Parks, Petrus, Pritchard, Roebuck, Rosenbaum, Schulte, Scrimshire, Scroggin, Sumpter, J. Taylor, Thyer, Verkamp, Weaver.

Total39

ABSENT OR NOT VOTING: Bennett, Biggs, Childers, Dangeau, Dobbins, Harris, Mahony, Pace, S. Prater, Stovall, Mr. Speaker.

Total11

VOTING PRESENT: Matayo, Milligan, Norton, L. Prater.

Total4

Total number of votes cast.....89

Total number voting in the affirmative46

Necessary to the passage of the bill51

So the Bill failed.

***** EXPUNGED*****1/16/04*****

Motion was made by Representative Ormond to table the vote on **HOUSE BILL NO. 1049** until the Committee on REVENUE AND TAXATION meets. Representative Bond moved for immediate consideration of **HOUSE BILL NO. 1049**. Motion carried.

HOUSE BILL NO. 1049

BY: REPRESENTATIVE CLEVELAND

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

AFFIRMATIVE: Adams, Berry, Blair, Bolin, Bond, Boyd, Bradford, Bright, Chesterfield, Childers, Clemons, Cowling, Dangeau, Dees, [Dobbins], Eason, Elliott, D. Evans, L. Evans, Ferguson, Gillespie, Gipson, Goss, Hardwick, Hathorn, Hickinbotham, House, Jackson, Jacobs, Jeffrey, C. Johnson, Jones, Ledbetter, Lendall, Lewellen, Mack, Mahony, Martin, Medley, Milligan, Moore, Norton, Oglesby, Pate, Petrus, L. Prater, Rankin, Roebuck, Scrimshire, Seawel, Stovall, Sullivan, Sumpter, J. Taylor, Thomas, Thomason, Thyer, Verkamp, Walters, Weaver, White, Wood, Mr. Speaker.

Total63

NEGATIVE: Agee, Anderson, Bennett, Bledsoe, P. Bookout, Borhauer, Creekmore, Dickinson, Edwards, Fite, Green, Haak, Harris, Hutchinson, [J. Johnson], Judy, Kenney, Key, King, Lamoureux, Matayo, Mathis, Napper, Nichols, Ormond, Parks, Penix, Pickett, Pritchard, Rosenbaum, Scroggin, R. Smith, C. Taylor.

Total33

ABSENT OR NOT VOTING: Biggs, Pace, S. Prater.

Total3

VOTING PRESENT: Schulte.

Total1

Total number of votes cast97

Total number voting in the affirmative63

Necessary to the passage of the bill51

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

PAIR VOTE
ON
HOUSE BILL NO. 1049

AYE: **REPRESENTATIVE DWAYNE DOBBINS**
 NAY: **REPRESENTATIVE JANET JOHNSON**
 WITNESS: **REPRESENTATIVE WILL BOND**

This pair form was signed by Representative Dwayne Dobbins and Representative Janet Johnson in the presence of each other and witnessed by Representative Will Bond.

Total number of votes cast	97
Necessary to the passage of the bill	51
Total number voting in the affirmative	63
Total number voting in the negative	33
Total number absent or not voting.....	3
Total number voting present	1

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

Upon motion of Representative Mahony the Clincher motion prevailed.

HOUSE BILLS ORDERED TRANSMITTED TO THE SENATE AS PASSED

HOUSE BILL NO. 1049 BY REPRESENTATIVE CLEVELAND

ARKANSAS SENATE

HOUSE BILLS RETURNED FROM THE SENATE AS PASSED

HOUSE BILL NO. 1017 BY REPRESENTATIVE MAHONY

HOUSE BILL NO. 1038 BY REPRESENTATIVE MATHIS

HOUSE BILL NO. 1051 BY REPRESENTATIVE CREEKMORE

HOUSE BILL NO. 1069 BY REPRESENTATIVE R. SMITH

ARKANSAS SENATE

SENATE BILLS RECEIVED FROM SENATE

SENATE BILL NO. 24 BY SENATOR T. SMITH

ENROLLED AND DELIVERY TO GOVERNOR REPORTS

Little Rock, Arkansas

December 29, 2003

MR. SPEAKER:

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

HOUSE BILL NO. 1017 BY REPRESENTATIVE MAHONY

HOUSE BILL NO. 1038 BY REPRESENTATIVE MATHIS

HOUSE BILL NO. 1051 BY REPRESENTATIVE CREEKMORE

HOUSE BILL NO. 1069 BY REPRESENTATIVE R. SMITH

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 4:00 p.m. delivered them to the Governor for his approval.

Respectfully submitted,

/s/ Herschel W. Cleveland

Chairman

RECEIPT FROM THE GOVERNOR

RECEIVED FROM THE HOUSE:

HOUSE BILL NO. 1017 BY REPRESENTATIVE MAHONY

HOUSE BILL NO. 1038 BY REPRESENTATIVE MATHIS

HOUSE BILL NO. 1051 BY REPRESENTATIVE CREEKMORE

HOUSE BILL NO. 1069 BY REPRESENTATIVE R. SMITH

/s/ Mike Huckabee - Governor

TIME: 4:00 p.m.

By: Stacy DeJarnett

HOUSE BILL NO. 1080

BY: REPRESENTATIVE C. JOHNSON

BY: 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.

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

SENATE BILL NO. 24

BY: SENATOR T. SMITH

BY: 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.

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

Upon motion of Representative Gillespie, the House adjourned at 3:50 p.m. until 1:30 p.m. Tuesday, December 30, 2003.

ATTEST:

Herschel W. Cleveland
Speaker of the House of Representatives

Jo Renshaw
Chief Clerk

**TWENTY-THIRD DAY'S PROCEEDINGS
HALL OF THE HOUSE OF REPRESENTATIVES**

Little Rock, Arkansas
December 30, 2003

The House was called to order at 1:34 p.m. by Mr. Cleveland, the Speaker.
The following members answered to the roll call:

Adams, Agee, Anderson, Bennett, Berry, Biggs, Blair, Bledsoe, Bolin, Bond, Bookout, Borhauer, Boyd, Bradford, Bright, Chesterfield, Childers, Clemons, Cowling, Creekmore, Dangeau, Dees, Dickinson, Eason, Edwards, Elliott, D.Evans, L. Evans, Ferguson, Fite, Gillespie, Goss, Green, 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.

Total97

The following member(s) was absent and did not answer to the roll call:
Dobbins, Gipson, Haak.

Total3

A quorum was present.

Unanimous leave was granted for Representative(s) Dobbins, Gipson, Haak.

The House stood and was led in prayer by Representative Johnny Key.

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

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

Morning Hour Expired.

COMMITTEE REPORT

EDUCATION	December 30, 2003
	HARMON SEAWEL
	VICE-CHAIRPERSON
HOUSE BILL NO. 1053	DO PASS
BY REPRESENTATIVE C. JOHNSON	
HOUSE BILL NO. 1065	DO PASS
BY REPRESENTATIVE J. JOHNSON	AS AMENDED #3
HOUSE BILL NO. 1070	DO PASS
BY REPRESENTATIVE LENDALL	AS AMENDED #1

COMMITTEE REPORT

INSURANCE AND COMMERCE	December 30, 2003
	PAUL BOOKOUT
	CHAIRPERSON
SENATE BILL NO. 37	DO PASS
BY SENATOR HIGGINBOTHOM	

COMMITTEE REPORT

PUBLIC HEALTH, WELFARE AND LABOR	December 30, 2003
	JAY BRADFORD
	CHAIRPERSON
HOUSE BILL NO. 1011	DO PASS, TO CONCUR IN
BY REPRESENTATIVE BOYD	SENATE AMENDMENTS 1, 2

HOUSE BILL NO. 1034

BY: REPRESENTATIVE CLEVELAND

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, Anderson, Bennett, Berry, Biggs, Blair, Bolin, P. Bookout, Borhauer, Boyd, Bradford, Bright, Chesterfield, Clemons, Cowling, Creekmore, Dangeau, Dees, Dickinson, Eason, Edwards, Elliott, D. Evans, L. Evans, Ferguson, Gillespie, Goss, Hardwick, Harris, Hathorn, Hickinbotham, House, Hutchinson, Jackson, Jacobs, C. Johnson, J. Johnson, Jones, Judy, Kenney, Key, King, Ledbetter, Lendall, Lewellen, Mack, Mahony, Martin, Matayo, Mathis, Medley, Milligan, Nichols, Norton, Oglesby, Pace, Pate, Penix, Petrus, L. Prater, S. Prater, Rankin, Roebuck, Rosenbaum, Scrimshire, Seawel, Stovall, Sullivan, Sumpter, C. Taylor, J. Taylor, Thomas, Thomason, Verkamp, Walters, Weaver, White, Wood, Mr. Speaker.

Total79

NEGATIVE: Agee, Bledsoe, Bond, Lamoureux, Ormond, Pickett, Pritchard, Schulte, R. Smith, Thyer.

Total10

ABSENT OR NOT VOTING: Childers, Dobbins, Fite, Gipson, Green, Haak, Moore, Napper, Parks, Scroggin.

Total10

VOTING PRESENT: Jeffrey.

Total1

Total number of votes cast.....90

Total number voting in the affirmative79

Necessary to the passage of the bill51

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

There being an Emergency Clause attached to **HOUSE BILL NO. 1034**, 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, Anderson, Bennett, Berry, Biggs, Blair, Bolin, P. Bookout, Borhauer, Boyd, Bradford, Bright, Chesterfield, Clemons, Cowling, Creekmore, Dangeau, Dees, Dickinson, Eason, Edwards, Elliott, D. Evans, L. Evans, Ferguson, Gillespie, Goss, Hardwick, Harris, Hathorn, Hickinbotham, House, Hutchinson, Jackson, Jacobs, C. Johnson, J. Johnson, Jones, Judy, Kenney, Key, King, Ledbetter, Lendall, Lewellen, Mack, Mahony, Martin, Matayo, Mathis, Medley, Milligan, Nichols, Norton, Oglesby, Pace, Pate, Penix, Petrus, L. Prater, S. Prater, Rankin, Roebuck, Rosenbaum, Scrimshire, Seawel, Stovall, Sullivan, Sumpter, C. Taylor, J. Taylor, Thomas, Thomason, Verkamp, Walters, Weaver, White, Wood, Mr. Speaker.

Total79

NEGATIVE: Agee, Bledsoe, Bond, Lamoureux, Ormond, Pickett, Pritchard, Schulte, R. Smith, Thyer.

Total10

ABSENT OR NOT VOTING: Childers, Dobbins, Fite, Gipson, Green, Haak, Moore, Napper, Parks, Scroggin.

Total10

VOTING PRESENT: Jeffrey.

Total1

Total number of votes cast90

Total number voting in the affirmative79

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

So the Emergency Clause was adopted.

HOUSE BILL NO. 1047

BY: REPRESENTATIVE J. JOHNSON

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

AFFIRMATIVE: Adams, Agee, Anderson, Bennett, Biggs, Blair, Bolin, Bond, P. Bookout, Borhauer, Boyd, Bradford, Bright, Chesterfield, Clemons, Creekmore, Dangeau, Dees, Dickinson, Eason, Edwards, Elliott, D. Evans, L. Evans, Ferguson, Fite, Gillespie, Goss, Green, Hardwick, Harris, Hathorn, Hickinbotham, House, Hutchinson, Jacobs, C. Johnson, J. Johnson, Judy, Kenney, Key, King, Ledbetter, Lendall, Lewellen, Mack, Mahony, Martin, Matayo, Mathis, Medley, Milligan, Napper, Norton, Oglesby, Ormond, Pace, Parks, Penix, Petrus, L. Prater, S. Prater, Pritchard, Rankin, Roebuck, Rosenbaum, Schulte, Seawel, Sumpter, J. Taylor, Thomas, Walters, Weaver, White, Wood, Mr. Speaker.

Total76

NEGATIVE: Berry, Bledsoe, Childers, Jackson, Jeffrey, Lamoureux, Nichols, Pate, Scrimshire, Scroggin, R. Smith, Stovall, Sullivan, C. Taylor, Thomason, Thyer, Verkamp.

Total17

ABSENT OR NOT VOTING: Cowling, Dobbins, Gipson, Haak, Jones, Moore.

Total6

VOTING PRESENT: Pickett.

Total1

Total number of votes cast.....94

Total number voting in the affirmative76

Necessary to the passage of the bill51

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

Upon motion of Representative J. Johnson the Clincher motion prevailed.

There being an Emergency Clause attached to **HOUSE BILL NO. 1047**, the Speaker ordered the clerk to call the roll upon the adoption of the Emergency Clause. The vote was as follows:

EMERGENCY CLAUSE

AFFIRMATIVE: Adams, Agee, Anderson, Bennett, Biggs, Blair, Bolin, Bond, P. Bookout, Borhauer, Boyd, Bradford, Bright, Chesterfield, Clemons, Creekmore, Dangeau, Dees, Dickinson, Eason, Edwards, Elliott, D. Evans, L. Evans, Ferguson, Fite, Gillespie, Goss, Green, Hardwick, Harris, Hathorn, Hickinbotham, House, Hutchinson, Jacobs, C. Johnson, J. Johnson, Judy, Kenney, Key, King, Ledbetter, Lendall, Lewellen, Mack, Mahony, Martin, Matayo, Mathis, Medley, Milligan, Napper, Norton, Oglesby, Ormond, Pace, Parks, Penix, Petrus, L. Prater, S. Prater, Pritchard, Rankin, Roebuck, Rosenbaum, Schulte, Seawel, Sumpter, J. Taylor, Thomas, Walters, Weaver, White, Wood, Mr. Speaker.

Total76

NEGATIVE: Berry, Bledsoe, Childers, Jackson, Jeffrey, Lamoureux, Nichols, Pate, Scrimshire, Scroggin, R. Smith, Stovall, Sullivan, C. Taylor, Thomason, Thyer, Verkamp.

Total17

ABSENT OR NOT VOTING: Cowling, Dobbins, Gipson, Haak, Jones, Moore.

Total6

VOTING PRESENT: Pickett.

Total1

Total number of votes cast94

Total number voting in the affirmative76

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

So the Emergency Clause was adopted.

Upon motion of Representative J. Johnson the Clincher motion prevailed.

***** EXPUNGED*****12/31/03*****

HOUSE BILL NO. 1041

BY: REPRESENTATIVE MEDLEY

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

AFFIRMATIVE: Adams, Blair, Borhauer, Boyd, Bradford, Bright, Chesterfield, Clemons, Creekmore, Dangeau, Dickinson, Eason, Edwards, Elliott, D. Evans, Ferguson, Fite, Gillespie, Goss, Green, Harris, Hathorn, C. Johnson, J. Johnson, Judy, King, Lendall, Lewellen, Martin, Matayo, Mathis, Medley, Parks, Penix, Pickett, L. Prater, S. Prater, Roebuck, Rosenbaum, Seawel, R. Smith, Stovall, C. Taylor, Verkamp, Walters, White, Wood.

Total47

NEGATIVE: Agee, Anderson, Berry, Biggs, Bledsoe, Bolin, Bond, Childers, Cowling, Hickinbotham, Hutchinson, Kenney, Key, Lamoureux, Ledbetter, Napper, Nichols, Norton, Ormond, Pace, Pate, Petrus, Rankin, Scroggin, Sullivan, Sumpter, Thomason, Thyer, Weaver.

Total29

ABSENT OR NOT VOTING: Bennett, P. Bookout, Dobbins, L. Evans, Gipson, Haak, House, Jackson, Jeffrey, Jones, Mack, Mahony, Moore, Pritchard, J. Taylor, Thomas, Mr. Speaker.

Total17

VOTING PRESENT: Dees, Hardwick, Jacobs, Milligan, Oglesby, Schulte, Scrimshire.

Total7

Total number of votes cast.....83

Total number voting in the affirmative47

Necessary to the passage of the bill51

So the Bill failed.

***** EXPUNGED*****12/31/03*****

Motion was made by Representative Medley to refer HOUSE BILL NO. 1043 back to the Committee on EDUCATION for amendments.

Representative C. Johnson moved that the record by which **HOUSE BILL NO. 1056** failed to pass be expunged from the record. On this motion the vote was as follows:

AFFIRMATIVE: Adams, Anderson, Berry, Blair, Bond, P. Bookout, Borhauer, Boyd, Bradford, Chesterfield, Clemons, Dangeau, Dees, Dickinson, Eason, Elliott, Ferguson, Fite, Gillespie, Goss, Green, Hardwick, Harris, Hathorn, Jackson, Jacobs, C. Johnson, J. Johnson, Judy, Kenney, Key, King, Ledbetter, Lendall, Lewellen, Mack, Martin, Matayo, Mathis, Medley, Norton, Oglesby, Parks, Pate, Penix, L. Prater, S. Prater, Rankin, Roebuck, Schulte, Seawel, R. Smith, Stovall, Sullivan, Sumpter, C. Taylor, Thomason, Thyer, Verkamp, Walters, White, Wood, Mr. Speaker.

Total63

NEGATIVE: Agee, Bennett, Bolin, Cowling, Edwards, D. Evans, L. Evans, Hickinbotham, Hutchinson, Jeffrey, Lamoureux, Nichols, Ormond, Petrus, Rosenbaum, Scroggin, J. Taylor, Weaver.

Total18

ABSENT OR NOT VOTING: Biggs, Bright, Childers, Dobbins, Gipson, Haak, House, Jones, Mahony, Moore, Napper, Pickett, Pritchard, Thomas.

Total14

VOTING PRESENT: Bledsoe, Creekmore, Milligan, Pace, Scrimshire.

Total5

Total number of votes cast86

Total number voting in the affirmative63

Necessary to adopt the motion.....67

So the motion failed of adoption.

SENATE BILL NO. 36

BY: SENATOR ARGUE

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

AFFIRMATIVE: Agee, Anderson, Bennett, Biggs, Blair, Bledsoe, Bond, P. Bookout, Borhauer, Bradford, Childers, Clemons, Cowling, Dees, Eason, Elliott, Ferguson, Fite, Goss, Green, Hardwick, Harris, Jacobs, C. Johnson, J. Johnson, Jones, Judy, Kenney, King, Ledbetter, Lendall, Lewellen, Martin, Mathis, Medley, Napper, Nichols, Oglesby, Pace, Pickett, S. Prater, Pritchard, Roebuck, Rosenbaum, Seawel, R. Smith, C. Taylor, Thomas, White, Wood.

Total50

NEGATIVE: Adams, Berry, Bolin, Boyd, Bright, Creekmore, Dangeau, Dickinson, Edwards, D. Evans, L. Evans, Gillespie, Hathorn, Hickinbotham, Hutchinson, Jackson, Jeffrey, Key, Lamoureux, Mack, Matayo, Milligan, Ormond, Pate, Penix, Petrus, L. Prater, Rankin, Scrimshire, Scroggin, Stovall, Sullivan, Sumpter, J. Taylor, Thomason, Thyer, Verkamp, Walters, Weaver.

Total39

ABSENT OR NOT VOTING: Chesterfield, Dobbins, Gipson, Haak, House, Mahony, Moore, Parks, Mr. Speaker.

Total9

VOTING PRESENT: Norton, Schulte.

Total2

Total number of votes cast.....91

Total number voting in the affirmative50

Necessary to the passage of the bill51

So the Bill failed.

SENATE BILL NO. 14

BY: SENATOR SALMON

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

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

Total93

NEGATIVE:

Total0

ABSENT OR NOT VOTING: Dobbins, Gipson, Haak, House, Mahony, Moore, Mr. Speaker.

Total7

VOTING PRESENT:

Total0

Total number of votes cast.....93

Total number voting in the affirmative93

Necessary to the passage of the bill51

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

Upon motion of Representative Edwards the Clincher motion prevailed.

SENATE BILL NO. 35

BY: SENATOR MADISON

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

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

Total91

NEGATIVE: Jeffrey.

Total1

ABSENT OR NOT VOTING: Dobbins, Gipson, Haak, House, Moore, Thomas, Weaver, Mr. Speaker.

Total8

VOTING PRESENT:

Total0

Total number of votes cast.....92

Total number voting in the affirmative91

Necessary to the passage of the bill51

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

Upon motion of Representative Edwards the Clincher motion prevailed.

The House recessed at 2:18 p.m. until 4:00 p.m. for the reading of the bills.

HOUSE BILLS ORDERED TRANSMITTED TO THE SENATE AS PASSED

HOUSE BILL NO. 1034 BY REPRESENTATIVE CLEVELAND
HOUSE BILL NO. 1047 BY REPRESENTATIVE J. JOHNSON

SENATE BILLS ORDERED RETURNED TO THE SENATE AS PASSED

SENATE BILL NO. 14 BY SENATOR SALMON
SENATE BILL NO. 35 BY SENATOR MADISON

ARKANSAS SENATE

HOUSE BILLS RETURNED FROM THE SENATE AS PASSED

HOUSE BILL NO. 1048 BY REPRESENTATIVE J. JOHNSON
AS AMENDED #1
HOUSE BILL NO. 1060 BY REPRESENTATIVE CHESTERFIELD

HOUSE BILL NO. 1048 was referred back to the Committee on EDUCATION.

ARKANSAS SENATE

SENATE CONCURRENT RESOLUTIONS ADOPTED AND
TRANSMITTED TO THE HOUSE

SENATE CONCURRENT RESOLUTION NO. 4 BY SENATOR HILL

ARKANSAS SENATE
SENATE BILLS RECEIVED FROM SENATE

SENATE BILL NO. 43 BY SENATOR BROADWAY

ENROLLED AND DELIVERY TO GOVERNOR REPORTS

Little Rock, Arkansas

December 30, 2003

MR. SPEAKER:

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

HOUSE BILL NO. 1060 BY REPRESENTATIVE CHESTERFIELD, ET AL

beg leave to report that we have carefully compared the enrolled copies with the original and we find the same correctly enrolled and have at 3:31 p.m. delivered them to the Governor for his approval.

Respectfully submitted,

/s/ Herschel W. Cleveland

Chairman

RECEIPT FROM THE GOVERNOR

RECEIVED FROM THE HOUSE:

HOUSE BILL NO. 1060 BY REPRESENTATIVE CHESTERFIELD, ET AL

/s/ Mike Huckabee - Governor

TIME: 3:31 p.m.

By: Stacy DeJarnett

HOUSE BILL NO. 1081

BY: REPRESENTATIVE WALTERS

BY: SENATOR ALTES

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.

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

HOUSE BILL NO. 1082

BY: REPRESENTATIVE PICKETT

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO IMPLEMENT A PROCEDURE FOR SCHOOL DISTRICTS TO USE IN THE DEVELOPMENT OF A FIVE-YEAR SCHOOL PLAN; TO CREATE SCHOOL IMPROVEMENT TEAMS; TO CREATE EDUCATION ASSISTANCE TEAMS FOR SCHOOLS IN SCHOOL IMPROVEMENT STATUS; AND FOR OTHER PURPOSES.

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

HOUSE BILL NO. 1083

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.

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

HOUSE BILL NO. 1084

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.

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

HOUSE BILL NO. 1085

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.

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

SENATE BILL NO. 43

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.

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

SENATE CONCURRENT RESOLUTION NO. 4

BY: SENATOR HILL

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.

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

Upon motion of Representative Gillespie, the House adjourned at 4:08 p.m. until 10:00 a.m. Wednesday, December 31, 2003.

ATTEST:

Herschel W. Cleveland
Speaker of the House of Representatives

Jo Renshaw
Chief Clerk

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

Little Rock, Arkansas
December 31, 2003

The House was called to order at 10:12 a.m. by Mr. Cleveland, the Speaker.
The following members answered to the roll call:

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

Total99

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

Total1

A quorum was present.
Unanimous leave was granted for Representative(s) Dobbins.
The House stood and was led in prayer by Representative Doug Matayo.
The House stood and gave the Pledge of Allegiance to the Flag.
The reading of the Journal of yesterday's proceedings was dispensed with.

COMMITTEE REPORT

JOINT BUDGET	December 31, 2003
	PAUL WEAVER
	CHAIRPERSON
SENATE BILL NO. 43	DO PASS
BY SENATORS BROADWAY AND BISBEE	

COMMITTEE REPORT

AGING, CHILDREN AND YOUTH, LEGISLATIVE AND MILITARY AFFAIRS	December 31, 2003
	JOYCE DEES
	CHAIRPERSON
HOUSE RESOLUTION NO. 1010	DO PASS
BY REPRESENTATIVE KING	
HOUSE RESOLUTION NO. 1011	DO PASS
BY REPRESENTATIVE LEWELLEN	

COMMITTEE REPORT

EDUCATION	December 31, 2003
	HARMON SEAWEL
	VICE-CHAIRPERSON
HOUSE BILL NO. 1048	DO PASS, TO CONCUR IN
BY REPRESENTATIVE J. JOHNSON	SENATE AMENDMENT #1
HOUSE BILL NO. 1083	DO PASS
BY REPRESENTATIVE THYER	

Upon motion of Representative Petrus, **HOUSE BILL NO. 1027** was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 2 TO HOUSE BILL NO. 1027

Amend **HOUSE BILL NO. 1027** as engrossed, H12/23/03

(version: 12-23-2003 09:00):

Delete everything after the enacting clause and substitute the following:

“SECTION 1. Arkansas Code Title 23, Chapter 112, Subchapter 1 is amended to add an additional section to read as follows:

23-112-106. Enforcement.

(a) The Arkansas Motor Vehicle Commission may enter orders that direct and command compliance with this chapter and regulations under this chapter if any of the following conditions have been met:

(1) The commission has conducted a hearing within sixty (60) days on the matter;

(2) The commission has made written findings that the public interest and welfare require the person or entity against whom the commission is acting to take the specified action; or

(3) The commission finds that the current civil or administrative penalties are insufficient.

(b) The commission may enforce its findings and conclusions upon entry of an order under subsection (a) of this section.”

/s/ Benny C. Petrus

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

/s/ Ms. Jo Renshaw
Chief Clerk

Upon motion of Representative Key, **HOUSE BILL NO. 1059** was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 2 TO HOUSE BILL NO. 1059

Amend **HOUSE BILL NO. 1059** as engrossed, H12/29/03

(version: 12-29-2003 08:37):

Add Representative King as a cosponsor of the bill

AND

Add Senator Bryles as a cosponsor of the bill

AND

Page 3, add a space between lines 26 and 27

AND

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

"(c) The state board may grant no more than a total of ~~twelve (12)~~ twenty-four (24) charters for open-enrollment charter schools, and no more than ~~three (3)~~ six (6) of such charters may be granted in any single congressional district in the state."

AND

Page 4, line 8, delete "~~(d)(1)~~ (c)" and substitute "~~(d)(1)~~"

AND

Delete Section 9 entirely

AND

Appropriately renumber the remaining sections

AND

Page 8, delete line 1, and substitute the following:

" U.S.C. § 142(a)(13), as in existence on January 1, 2003.

SECTION 11. 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 that charters schools are method by which the state may improve educational opportunities in the state; that it is necessary to immediately allow the State Board of Education the opportunity to extent the charted of schools up for renewal shortly. Therefore, an emergency is declared to exist and this act being immediately

necessary for the preservation of the public peace, health, and safety shall become effective on:

- (1) The date of its approval by the Governor;
- (2) If the bill is neither approved nor vetoed by the Governor, the expiration of the period of time during which the Governor may veto the bill; or
- (3) If the bill is vetoed by the Governor and the veto is overridden, the date the last house overrides the veto."

/s/ J. Key

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

/s/ Ms. Jo Renshaw
Chief Clerk

Upon motion of Representative Lendall, **HOUSE BILL NO. 1070** was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 1 TO HOUSE BILL NO. 1070

Amend **HOUSE BILL NO. 1070** as originally introduced:

Add Representative Borhauer as a cosponsor of the bill

AND

Page 1, line 27 delete "one thousand (1,000)" and substitute "one thousand (1,000) seven hundred fifty (750)"

/s/ Jim Lendall

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

/s/ Ms. Jo Renshaw
Chief Clerk

Upon motion of Representative J. Johnson, **HOUSE BILL NO. 1065** was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 3 TO HOUSE BILL NO. 1065

Amend **HOUSE BILL NO. 1065** as engrossed, H12/23/03

(version: 12-23-2003 08:55):

Page 2, delete line 23, and substitute the following:

"amendments to the Uniform Classification and Compensation Act of 1973.

(d) Nothing in this section shall be construed to required a school district to pay the salary of any teacher that is not an employee of the school district or to required that teachers be paid from any state funds other than as appropriated by the General Assembly."

/s/ Janet Johnson

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

/s/ Ms. Jo Renshaw

Chief Clerk

Upon motion of Representative Medley, **HOUSE BILL NO. 1043** was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 3 TO HOUSE BILL NO. 1043

Amend **HOUSE BILL NO. 1043** as engrossed, H12/26/03

(version: 12-26-2003 08:54):

Page 2, delete lines 1 through 3 and substitute the following:

"(3) Teachers are exempt from the provisions of this subsection

(a), if they:

(i) Have collectively negotiated a contract through a local teacher's association; and

(ii) The collectively negotiated contract expressly addresses a duty-free lunch period."

/s/ Jim Medley

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

/s/ Ms. Jo Renshaw

Chief Clerk

The House gave Representative Medley unanimous leave to withdraw **HOUSE BILL NO. 1042**. Recommended for study by the Committee on EDUCATION.

ENGROSSED BILL REPORTS

HERSCHEL W. CLEVELAND, CHAIRMAN

December 31, 2003

The following bill(s) reported correctly engrossed:

HOUSE BILL NO. 1027 BY REPRESENTATIVE PETRUS
HOUSE BILL NO. 1043 BY REPRESENTATIVE MEDLEY, ET AL
HOUSE BILL NO. 1059 - TITLE - BY REPRESENTATIVE KEY, ET AL
HOUSE BILL NO. 1065 BY REPRESENTATIVE J. JOHNSON, ET AL
HOUSE BILL NO. 1070 - TITLE - BY REPRESENTATIVE LENDALL, ET AL
SENATE BILL NO. 43 BY SENATOR BROADWAY, ET AL

HOUSE BILL ENGROSSED AS TITLE AMENDED
 HOUSE BILL NO. 1059

BY: REPRESENTATIVES KEY, *KING*

BY: *SENATOR BRYLES*

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO AMEND THE CHARTER SCHOOL LAW; AND FOR OTHER PURPOSES.

HOUSE BILL ENGROSSED AS TITLE AMENDED
 HOUSE BILL NO. 1070

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.

Morning Hour Expired.

Motion was made by Representative Walters to reconsider **SENATE BILL NO. 36**. On this motion the vote was as follows:

AFFIRMATIVE: Agee, Anderson, Biggs, Blair, Bledsoe, Bond, P. Bookout, Borhauer, Boyd, Bradford, Bright, Chesterfield, Childers, Clemons, Cowling, Creekmore, Dees, Eason, Edwards, Elliott, D. Evans, Ferguson, Goss, Green, Haak, Harris, Hathorn, House, Hutchinson, Jackson, Jacobs, C. Johnson, J. Johnson, Jones, Judy, Kenney, King, Lamoureux, Ledbetter, Lendall, Lewellen, Mack, Mahony, Martin, Matayo, Mathis, Medley, Moore, Napper, Nichols, Oglesby, Pace, Penix, Pickett, S. Prater, Pritchard, Rankin, Roebuck, Rosenbaum, Seawel, R. Smith, Sullivan, C. Taylor, Thomas, Thyer, Walters, White, Wood.

Total68

NEGATIVE: Adams, Bennett, Berry, Bolin, Dickinson, Fite, Gillespie, Gipson, Hickinbotham, Jeffrey, Key, Milligan, Ormond, Pate, L. Prater, Schulte, Scrimshire, Scroggin, Stovall, J. Taylor, Thomason, Verkamp, Weaver.

Total23

ABSENT OR NOT VOTING: Dangeau, Dobbins, L. Evans, Hardwick, Parks, Petrus, Sumpter, Mr. Speaker.

Total8

VOTING PRESENT: Norton.

Total1

Total number of votes cast92

Total number voting in the affirmative68

Necessary to adopt the motion.....67

So the motion was adopted.

SENATE BILL NO. 36

BY: SENATOR ARGUE

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

AFFIRMATIVE: Agee, Anderson, Biggs, Blair, Bledsoe, Bond, P. Bookout, Borhauer, Bradford, Bright, Childers, Clemons, Cowling, Creekmore, Dees, Eason, Edwards, Elliott, D. Evans, Ferguson, Goss, Haak, Harris, Hutchinson, Jacobs, C. Johnson, J. Johnson, Jones, Judy, Kenney, King, Ledbetter, Lendall, Lewellen, Martin, Mathis, Medley, Napper, Nichols, Oglesby, Pace, Pickett, S. Prater, Pritchard, Rankin, Roebuck, Rosenbaum, Seawel, R. Smith, Sullivan, C. Taylor, Thomas, Thyer, Walters, Wood.

Total55

NEGATIVE: Adams, Bennett, Berry, Bolin, Boyd, Dickinson, L. Evans, Fite, Gillespie, Gipson, Green, Hathorn, Hickinbotham, House, Jackson, Jeffrey, Key, Lamoureux, Mack, Milligan, Norton, Ormond, Parks, Pate, Penix, L. Prater, Scrimshire, Scroggin, Stovall, J. Taylor, Thomason, Verkamp, Weaver.

Total33

ABSENT OR NOT VOTING: Dangeau, Dobbins, Hardwick, Mahony, Moore, Petrus, Sumpter, White, Mr. Speaker.

Total9

VOTING PRESENT: Chesterfield, Matayo, Schulte.

Total3

Total number of votes cast.....91

Total number voting in the affirmative55

Necessary to the passage of the bill51

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

There being an Emergency Clause attached to **SENATE BILL NO. 36**, the Speaker ordered the clerk to call the roll upon the adoption of the Emergency Clause. The vote was as follows:

EMERGENCY CLAUSE

AFFIRMATIVE: Agee, Anderson, Biggs, Blair, Bledsoe, Bond, P. Bookout, Borhauer, Boyd, Bradford, Bright, Chesterfield, Childers, Clemons, Cowling, Creekmore, Dangeau, Dees, Eason, Elliott, D. Evans, Ferguson, Fite, Goss, Green, Haak, Harris, House, Hutchinson, Jackson, Jacobs, J. Johnson, Jones, Judy, Kenney, King, Ledbetter, Lendall, Lewellen, Martin, Mathis, Medley, Moore, Napper, Nichols, Norton, Oglesby, Pace, Pickett, S. Prater, Pritchard, Rankin, Roebuck, Rosenbaum, Seawel, R. Smith, Sullivan, C. Taylor, Thomas, Thomason, Thyer, Walters, White, Wood.

Total64

NEGATIVE: Adams, Bennett, Berry, Bolin, Dickinson, Edwards, L. Evans, Gillespie, Gipson, Hathorn, Hickinbotham, Jeffrey, Key, Lamoureux, Mack, Milligan, Ormond, Pate, Penix, L. Prater, Schulte, Scrimshire, Scroggin, Stovall, Sumpter, J. Taylor, Verkamp, Weaver.

Total28

ABSENT OR NOT VOTING: Dobbins, Hardwick, C. Johnson, Mahony, Parks, Petrus, Mr. Speaker.

Total7

VOTING PRESENT: Matayo.

Total1

Total number of votes cast93

Total number voting in the affirmative64

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

So the Emergency Clause failed of adoption.

Upon motion of Representative Mahony, **SENATE BILL NO. 43** was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 1 TO SENATE BILL NO. 43

Amend **SENATE BILL NO. 43** as engrossed, S12/30/03

(version: 12-30-2003 13:34):

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)"

/s/ Jodie Mahony

The Amendment was read and the vote was as follows:

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

Total87

NEGATIVE: Agee, Biggs, Bolin, Bond, Elliott, Pickett.

Total6

ABSENT OR NOT VOTING: Chesterfield, Dobbins, Green, Hardwick, Schulte, Weaver, Mr. Speaker.

Total7

VOTING PRESENT:

Total0

Total number of votes cast.....93

Total number voting in the affirmative87

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

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

/s/ Ms. Jo Renshaw

Chief Clerk

SENATE CONCURRENT RESOLUTION NO. 4

BY: SENATOR HILL

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

AFFIRMATIVE: Agee, Anderson, Bennett, Berry, Biggs, Blair, Bledsoe, P. Bookout, Borhauer, Boyd, Chesterfield, Childers, Clemons, Cowling, Creekmore, Dangeau, Dees, Dickinson, Eason, Edwards, Elliott, Ferguson, Fite, Gillespie, Gipson, Goss, Green, Haak, Harris, Hathorn, Hickinbotham, House, Hutchinson, Jacobs, C. Johnson, J. Johnson, Jones, Judy, Kenney, Key, Ledbetter, Lendall, Lewellen, Mack, Mahony, Matayo, Mathis, Medley, Milligan, Moore, Napper, Nichols, Norton, Oglesby, Pace, Parks, L. Prater, Pritchard, Roebuck, Rosenbaum, Scrimshire, Scroggin, Seawel, R. Smith, Stovall, C. Taylor, J. Taylor, Verkamp, Walters, Weaver, White, Mr. Speaker.

Total72

NEGATIVE: Bolin, Bond, Bradford, Bright, D. Evans, L. Evans, Jackson, Jeffrey, Lamoureux, Martin, Ormond, Pate, Penix, Petrus, Pickett, Sullivan, Sumpter, Thomas, Thomason, Thyer, Wood.

Total21

ABSENT OR NOT VOTING: Adams, Dobbins, Hardwick, Rankin.

Total4

VOTING PRESENT: King, S. Prater, Schulte.

Total3

Total number of votes cast96

Total number voting in the affirmative72

Necessary to adopt the resolution51

So the Resolution was adopted.

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

ARKANSAS SENATE

AMENDMENT NO. 1 TO HOUSE BILL NO. 1011

Amend **HOUSE BILL NO. 1011** as engrossed, H12/17/03

(version: 12-17-2003 13:39):

Add Senator Faris as cosponsor of the bill

/s/Steve Faris

The Amendment was read and the vote was as follows:

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

Total96

NEGATIVE:

Total0

ABSENT OR NOT VOTING: Dobbins, Hardwick, Moore, Mr. Speaker.

Total4

VOTING PRESENT:

Total0

Total number of votes cast.....96

Total number voting in the affirmative96

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

So the Amendment was concurred in.

/s/ Ms. Jo Renshaw
Chief Clerk

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

ARKANSAS SENATE

AMENDMENT NO. 2 TO HOUSE BILL NO. 1011

Amend **HOUSE BILL NO. 1011** as engrossed, H12/17/03

(version: 12-17-2003 13:39):

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 ";"

/s/ J. Bookout

The Amendment was read and the vote was as follows:

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

Total95

NEGATIVE:

Total0

ABSENT OR NOT VOTING: Bolin, Dobbins, Hardwick, Moore, Mr. Speaker.

Total5

VOTING PRESENT:

Total0

Total number of votes cast.....95

Total number voting in the affirmative95

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

So the Amendment was concurred in.

/s/ Ms. Jo Renshaw

Chief Clerk

Representative Medley moved that the record by which **HOUSE BILL NO. 1041** failed to pass be expunged from the record. On this motion the vote was as follows:

AFFIRMATIVE: Adams, Berry, Blair, Bledsoe, Bond, Borhauer, Boyd, Bradford, Bright, Chesterfield, Childers, Clemons, Creekmore, Dangeau, Dees, Dickinson, Eason, Edwards, Elliott, D. Evans, Ferguson, Fite, Gillespie, Goss, Green, Haak, Harris, Hathorn, House, Hutchinson, Jackson, Jacobs, J. Johnson, Judy, Kenney, Key, King, Ledbetter, Lendall, Mack, Martin, Matayo, Mathis, Medley, Napper, Nichols, Norton, Pace, Parks, Penix, Petrus, Pickett, S. Prater, Pritchard, Rankin, Roebuck, Rosenbaum, Schulte, Seawel, R. Smith, Stovall, Sullivan, Sumpter, C. Taylor, Thomas, Thyer, Verkamp, Walters, White, Wood.

Total70

NEGATIVE: Agee, Biggs, L. Evans, Hickinbotham, Jeffrey, Jones, Ormond, Pate, Thomason, Weaver.

Total10

ABSENT OR NOT VOTING: Bennett, Bolin, P. Bookout, Cowling, Dobbins, Gipson, Hardwick, C. Johnson, Mahony, Moore, L. Prater, Scrimshire, Scroggin, J. Taylor, Mr. Speaker.

Total15

VOTING PRESENT: Anderson, Lamoureux, Lewellen, Milligan, Oglesby.

Total5

Total number of votes cast85

Total number voting in the affirmative70

Necessary to the adoption of the motion67

So the motion was adopted.

Motion was made to refer **HOUSE BILL NO. 1041** to the HOUSE EDUCATION COMMITTEE for the purpose of amendment. Motion carried.

HOUSE BILL NO. 1053

BY: REPRESENTATIVE C. JOHNSON

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

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

Total88

NEGATIVE: Lamoureux, Ormond.

Total2

ABSENT OR NOT VOTING: Bennett, Bolin, Dobbins, Hardwick, Milligan, Penix, Scroggin, Weaver, Mr. Speaker.

Total9

VOTING PRESENT: Gipson.

Total1

Total number of votes cast.....91

Total number voting in the affirmative88

Necessary to the passage of the bill51

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

Motion was made by Representative Chesterfield to suspend the rules and recall HOUSE BILL NO. 1060 from the Governor's office. The motion received more than 51 votes. The Clerk was requested to have HOUSE BILL NO. 1060 returned from the Governor's office.

SENATE BILL NO. 37

BY: SENATOR HIGGINBOTHOM

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

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

Total95

NEGATIVE:

Total0

ABSENT OR NOT VOTING: Dobbins, Fite, Lamoureux, Mack, Mr. Speaker.

Total5

VOTING PRESENT:

Total0

Total number of votes cast95

Total number voting in the affirmative95

Necessary to the passage of the bill51

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

There being an Emergency Clause attached to **SENATE BILL NO. 37**, the Speaker ordered the clerk to call the roll upon the adoption of the Emergency Clause. The vote was as follows:

EMERGENCY CLAUSE

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

Total95

NEGATIVE:

Total0

ABSENT OR NOT VOTING: Dobbins, Fite, Lamoureux, Mack, Mr. Speaker.

Total5

VOTING PRESENT:

Total0

Total number of votes cast.....95

Total number voting in the affirmative95

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

So the Emergency Clause was adopted.

The House stood in recess at 10:45 a.m. until 11:30 a.m.

The House reconvened at 11:30 a.m.

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

SENATE BILL NO. 43

BY: SENATOR BROADWAY

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

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

Total89

NEGATIVE: Bond, Childers, Elliott, Lamoureux, Ledbetter, Petrus, Pickett.

Total7

ABSENT OR NOT VOTING: Bolin, Dobbins, Mathis, Nichols.

Total4

VOTING PRESENT:

Total0

Total number of votes cast96

Total number voting in the affirmative89

Necessary to the passage of the bill75

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

Upon motion of Representative Dangeau the Clincher motion prevailed.

There being an Emergency Clause attached to **SENATE BILL NO. 43**, the Speaker ordered the clerk to call the roll upon the adoption of the Emergency Clause. The vote was as follows:

EMERGENCY CLAUSE

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

Total89

NEGATIVE: Bond, Childers, Elliott, Lamoureux, Ledbetter, Petrus, Pickett.

Total7

ABSENT OR NOT VOTING: Bolin, Dobbins, Mathis, Nichols.

Total4

VOTING PRESENT:

Total0

Total number of votes cast96

Total number voting in the affirmative89

Necessary to the adoption of the emergency clause67

So the Emergency Clause was adopted.

Upon motion of Representative Dangeau the Clincher motion prevailed.

The House recessed at 11:37 a.m. until 1:00 p.m.

The House reconvened at 1:09 p.m.

HOUSE BILLS ORDERED TRANSMITTED TO THE SENATE AS PASSED

HOUSE BILL NO. 1053 BY REPRESENTATIVE C. JOHNSON

SENATE BILLS ORDERED RETURNED TO THE SENATE AS PASSED

SENATE BILL NO. 36 BY SENATOR ARGUE
THE EMERGENCY CLAUSE HAVING FAILED OF
ADOPTION

State of Arkansas
Office of the Governor

Mike Huckabee
Governor

December 31, 2003

TO THE SPEAKER OF THE HOUSE

Dear Mr. Speaker:

This is to inform you that on December 31, 2003, I approved the following measures from the Second Extraordinary Session of the Eighty-fourth General Assembly:

HOUSE BILL NO. 1017 is now Act Number 20

HOUSE BILL NO. 1051 is now Act Number 21

HOUSE BILL NO. 1038 is now Act Number 22

HOUSE BILL NO. 1069 is now Act Number 23

Sincerely,

/s/ Mike Huckabee

MH:sm

cc: President of the Senate

SENATE CONCURRENT RESOLUTIONS CONCURRED IN
AND ORDERED RETURNED TO THE SENATE

SENATE CONCURRENT RESOLUTION NO. 4 BY SENATOR HILL

SENATE BILLS ORDERED RETURNED TO THE SENATE AS PASSED

SENATE BILL NO. 37 BY SENATOR HIGGINBOTHOM

SENATE BILL NO. 43 BY SENATOR BROADWAY
AS AMENDED #1

ARKANSAS SENATE
SENATE BILLS RECEIVED FROM SENATE

SENATE BILL NO. 33 BY SENATOR BRYLES

SENATE BILL NO. 44 BY SENATOR CRITCHER

ENROLLED AND DELIVERY TO GOVERNOR REPORTS

Little Rock, Arkansas

December 31, 2003

MR. SPEAKER:

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

HOUSE BILL NO. 1011 BY REPRESENTATIVE BOYD, ET AL

beg leave to report that we have carefully compared the enrolled copies with the original and we find the same correctly enrolled and have at 1:40 p.m. delivered them to the Governor for his approval.

Respectfully submitted,

/s/ Herschel W. Cleveland

Chairman

RECEIPT FROM THE GOVERNOR

RECEIVED FROM THE HOUSE:

HOUSE BILL NO. 1011 BY REPRESENTATIVE BOYD, ET AL

/s/ Mike Huckabee - Governor

TIME: 1:40 p.m.

By: Stacy DeJarnett

STATE OF ARKANSAS
HOUSE OF REPRESENTATIVES

December 31, 2003

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

Dear Governor Huckabee:

The House of Representatives respectfully requests the return of **HOUSE BILL NO. 1060** to the House.

Respectfully submitted,

Jo Renshaw
Chief Clerk

RECEIPT FROM THE CHIEF CLERK

RECEIVED FROM THE GOVERNOR'S OFFICE:
HOUSE BILL NO. 1060

TIME: 11:00 a.m.

/s/ Ms. Jo Renshaw
Chief Clerk

HOUSE BILL NO. 1086

BY: REPRESENTATIVE MAHONY

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO MAKE AN APPROPRIATION FOR COLLEGE BOARD APPROVED ADVANCED PLACEMENT TEACHER TRAINING FOR THE DEPARTMENT OF EDUCATION FOR THE BIENNIAL PERIOD ENDING JUNE 30, 2005; 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. 1087

BY: REPRESENTATIVE HARRIS**BY: 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.

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

HOUSE RESOLUTION NO. 1012

BY: REPRESENTATIVES ADAMS, AGEE, ANDERSON, BENNETT, BERRY, BIGGS, BLAIR, BLEDSOE, BOLIN, BOND, P. BOOKOUT, BORHAUER, BOYD, BRADFORD, BRIGHT, CHILDERS, CLEMONS, CLEVELAND, COWLING, CREEKMORE, DANGEAU, DEES, DICKINSON, EASON, EDWARDS, ELLIOTT, L. EVANS, D. EVANS, FERGUSON, FITE, GILLESPIE, GIPSON, GOSS, GREEN, HAAK, HARDWICK, HARRIS, HATHORN, HICKINBOTHAM, HOUSE, HUTCHINSON, JACKSON, JACOBS, JEFFREY, J. JOHNSON, C. JOHNSON, JONES, JUDY, KENNEY, KEY, KING, LAMOUREUX, LEDBETTER, LEWELLEN, MACK, MAHONY, MARTIN, MATAYO, MATHIS, MEDLEY, MILLIGAN, NAPPER, NICHOLS, NORTON, OGLESBY, ORMOND, PACE, PARKS, PATE, PENIX, PETRUS, PICKETT, L. PRATER, S. PRATER, PRITCHARD, RANKIN, ROEBUCK, ROSENBAUM, SCHULTE, SCRIMSHIRE, SCROGGIN, SEAWEL, R. SMITH, STOVALL, SUMPTER, J. TAYLOR, C. TAYLOR, THOMAS, THOMASON, THYER, VERKAMP, WALTERS, WEAVER, WHITE, WOOD

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.

Was read the first time, rules suspended, read the second time and referred to the Committee on AGRICULTURE, FORESTRY AND ECONOMIC DEVELOPMENT

SENATE BILL NO. 33

BY: SENATORS BRYLES, ARGUE, BAKER, BISBEE, B. JOHNSON, FARIS, SALMON, TRUSTY, WHITAKER, WOMACK, WOOLDRIDGE, *WILKINSON*
 BY: REPRESENTATIVES HARDWICK, CLEVELAND, AGEE, ANDERSON, BLEDSOE, BORHAUER, BENNETT, BRIGHT, DICKINSON, L. EVANS, HARRIS, HOUSE, HUTCHINSON, KENNEY, KEY, MARTIN, MATAYO, MATHIS, PACE, PARKS, PRITCHARD, ROSENBAUM, SCHULTE, R. SMITH

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.

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

SENATE BILL NO. 44

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.

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

Upon motion of Representative Gillespie, the House adjourned at 1:11 p.m. until 1:30 p.m. Monday, January 5, 2004.

ATTEST:

Herschel W. Cleveland
Speaker of the House of Representatives

Jo Renshaw
Chief Clerk

**TWENTY-NINTH DAY'S PROCEEDINGS
HALL OF THE HOUSE OF REPRESENTATIVES**

Little Rock, Arkansas
January 5, 2004

The House was called to order at 1:31 p.m. by Mr. Cleveland, the Speaker.
The following members answered to the roll call:

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

Total99

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

Total1

A quorum was present.

Unanimous leave was granted for Representative(s) Dobbins.

The House stood and was led in prayer by House Parliamentarian Tim Massanelli.

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

EDUCATION	January 5, 2004
	HARMON SEAWEL
	VICE-CHAIRPERSON
SENATE BILL NO. 28	DO PASS
BY SENATOR ARGUE	AS AMENDED #1 & #3

Upon motion of Representative Thyer, **HOUSE BILL NO. 1085** was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 1 TO HOUSE BILL NO. 1085

Amend **HOUSE BILL NO. 1085** as originally introduced:

Page 3, on line 8, delete "May 30, 2002" and substitute "July 1, 2004"

AND

Page 3, delete lines 19 through 21 and substitute:

"(A) Issued bonds to finance school district projects before July 1, 2004, and for which outstanding bonds exist as of July 1, 2004;"

AND

Page 3, on line 30, insert "and" after "English;"

AND

Page 3, delete line 33 and substitute:

"school year."

AND

Page 3, delete lines 34 through 36

AND

Page 4, delete lines 1 through 10

/s/ Chris Thyer

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

/s/ Ms. Jo Renshaw

Chief Clerk

Upon motion of Representative Pickett, **HOUSE BILL NO. 1009** was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 3 TO HOUSE BILL NO. 1009

Amend **HOUSE BILL NO. 1009** as engrossed, H12/26/03

(version: 12-26-2003 09:00):

Page 1, line 10, delete "DEPARTMENT" and substitute "DIVISION"

AND

Page 1, line 11, delete "DEPARTMENT" and substitute "DIVISION"

AND

Page 1, line 16, delete "DEPARTMENT" and substitute "DIVISION"

AND

Page 1, line 18, delete "DEPARTMENT" and substitute "DIVISION"

AND

Page 1, line 24, delete "separate divisions" and substitute "separate operating divisions"

AND

Page 1, line 25, delete "Department" and substitute "Division"

AND

Page 1, line 26 delete "Department" and substitute "Division"

AND

Page 1, line 27, delete "Department" and substitute "Division"

AND

Page 1, line 28, delete "and the State" and substitute "or by the State"

AND

Page 1, line 29, delete "Department" and substitute "Division"

AND

Page 1, line 35, delete "Department" and substitute "Division"

AND

Page 2, line 1, delete "will" and substitute "shall"

AND

Page 2, line 7, delete "Department" and substitute "Division"

AND

Page 2, line 8, delete "Department" and substitute "Division"

AND

Page 2, delete lines 32 through 34 entirely

AND

Page 2, line 35, delete "(e)(1)" and substitute "(d)(1)"

AND

Page 3, line 1, delete "Department" and substitute "Division"

AND

Page 3, line 2, delete "Department" and substitute "Division"

AND

Page 3, line 6, delete "Department" and substitute "Division"

AND

Page 3, delete line 8 and substitute:

(e)(1) The Director of the Division of Accountability shall review"

AND

Page 3, line 9, delete "Department" and substitute "Division"

AND

Page 3, line 12, delete "Department" and substitute "Division"

AND

Page 3, line 13, delete "Department" and substitute "Division"

AND

Page 3, line 18, delete "Director of the Department of Education" and substitute "~~Director of the Department of Education~~ Directors"

AND

Page 3, line 23, delete "Department of Education, who" and substitute "~~Department of Education, who~~ Division of"

AND

Page 3, line 30, delete "the" and substitute "the state"

AND

Page 3, delete line 31, and substitute:

"Division of Curriculum and Instruction and the Division of Accountability"

AND

Page 3, line 32, delete "department's" and substitute "division's"

AND

Page 3, delete line 33, and substitute:

"authorized for both divisions for personal services and operating expenses; and

(D) Shall not employ a person to serve as a director of the Department of Education, as the Department of Education shall not have a director, powers, duties, or functions separate from the Division of Curriculum and Instruction or the Division of Accountability."

AND

Page 4, line 3, delete "Department" and substitute "Division"

AND

Page 4, line 7, delete "Department" and substitute "Division"

AND

Page 4, line 16, delete "Department" and substitute "Division"

AND

Page 4, line 17, delete "Department" and substitute "Division"

AND

Page 4, line 18, delete "must" and substitute "shall"

AND

Page 4, line 20, delete "Department" and substitute "Division"

AND

Page 4, line 24, delete "had" entirely

AND

Page 4, line 24, delete "years" and substitute "years of"

AND

Page 4, line 28, delete "Department" and substitute "Division"

AND

Page 5, line 9, delete "Department" and substitute "Division"

AND

Page 5, line 10, delete "Department" and substitute "Division"

AND

Page 5, line 13, delete "departments" and substitute "divisions"

AND

Page 5, line 15, delete "departments" and substitute "divisions"

AND

Page 5, line 35, delete "Department of ~~Education~~ Curriculum" and substitute "~~Department of Education~~ Division of Curriculum"

AND

Page 5, line 36, delete "Department" and substitute "Division"

AND

Page 6, delete line 4 and substitute:

"Division of Curriculum and Instruction or the Director of the Division of"

AND

Page 6, line 15, delete "~~department~~ departments" and substitute "~~department~~ divisions"

AND

Page 6, line 16, delete "Department of ~~Education~~ " and substitute "~~Department of Education~~ Division of"

AND

Page 6, line 28, delete "Department of" and substitute "~~Department of~~"

AND

Page 6, line 29, delete "Accountability" and substitute "Division of Accountability"

AND

Page 6, line 34 delete "Department of ~~Education Curriculum~~" and substitute "~~Department of Education~~ Division of Curriculum"

AND

Page 7, line 9, delete "Department of Curriculum" and substitute "Division of Curriculum"

/s/ Betty Pickett

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

/s/ Ms. Jo Renshaw

Chief Clerk

ENGROSSED BILL REPORTS

HERSCHEL W. CLEVELAND, CHAIRMAN

January 5, 2004

The following bill(s) reported correctly engrossed:

HOUSE BILL NO. 1009 - TITLE - BY REPRESENTATIVE PICKETT

HOUSE BILL NO. 1085 BY REPRESENTATIVE THYER

HOUSE BILL ENGROSSED AS TITLE AMENDED

HOUSE BILL NO. 1009

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 RESOLUTION NO. 1010

BY: REPRESENTATIVE KING

CONGRATULATING THE 2003 SIX-AA CONFERENCE FOOTBALL CHAMPION BARTON BEARS.

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

Morning Hour Expired.

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

ARKANSAS SENATE

AMENDMENT NO. 1 TO HOUSE BILL NO. 1048

Amend HOUSE BILL NO. 1048 as originally introduced:

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,"

/s/ Henry "Hank" Wilkins

The Amendment was read and the vote was as follows:

AFFIRMATIVE: Adams, Agee, Anderson, Bennett, Berry, Biggs, Blair, Bledsoe, Bond, P. Bookout, Borhauer, Boyd, Bradford, Bright, Chesterfield, Childers, Clemons, Cowling, Creekmore, Dangeau, Dees, Dickinson, Eason, Edwards, Elliott, D. Evans, L. Evans, Ferguson, Fite, Gillespie, Gipson, Goss, Green, Haak, Hardwick, Harris, Hathorn, Hickinbotham, House, Hutchinson, Jackson, Jacobs, Jeffrey, C. Johnson, J. Johnson, Jones, Judy, Key, King, Lamoureux, Ledbetter, Lendall, Mack, Martin, Matayo, Medley, Milligan, Moore, Napper, Nichols, Norton, Oglesby, Ormond, Pace, Parks, Pate, Penix, Petrus, Pickett, L. Prater, S. Prater, Pritchard, Rankin, Rosenbaum, Schulte, Scroggin, Seawel, Sullivan, Sumpter, C. Taylor, J. Taylor, Thomas, Thomason, Thyer, Verkamp, Walters, Weaver, White, Wood, Mr. Speaker.

Total90

NEGATIVE:

Total0

ABSENT OR NOT VOTING: Bolin, Dobbins, Kenney, Lewellen, Mahony, Mathis, Roebuck, Scrimshire, R. Smith, Stovall.

Total10

VOTING PRESENT:

Total0

Total number of votes cast90

Total number voting in the affirmative90

Necessary to concur in the amendment51

So the Amendment was concurred in.

/s/ Ms. Jo Renshaw
Chief Clerk

HOUSE BILL NO. 1070

BY: REPRESENTATIVE LENDALL

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

AFFIRMATIVE: Biggs, Blair, Bolin, Bond, Borhauer, Bradford, Chesterfield, Childers, Clemons, Dees, Dickinson, Eason, Edwards, Elliott, D. Evans, L. Evans, Fite, Gillespie, Goss, Green, Haak, House, C. Johnson, J. Johnson, Jones, Judy, Key, King, Ledbetter, Lendall, Martin, Matayo, Napper, Pace, Pate, Penix, Pickett, L. Prater, S. Prater, Pritchard, Roebuck, Seawel, R. Smith, Sullivan, Sumpter, C. Taylor, Thomas, Thomason, Walters, White, Wood.

Total51

NEGATIVE: Adams, Agee, Anderson, Bennett, Berry, Bledsoe, P. Bookout, Boyd, Bright, Cowling, Creekmore, Dangeau, Gipson, Hardwick, Harris, Hathorn, Hickinbotham, Hutchinson, Jackson, Jeffrey, Kenney, Lamoureux, Mack, Mahony, Mathis, Medley, Milligan, Moore, Nichols, Norton, Ormond, Parks, Petrus, Rosenbaum, Schulte, Scrimshire, Scroggin, J. Taylor, Thyer, Verkamp, Weaver.

Total41

ABSENT OR NOT VOTING: Dobbins, Ferguson, Jacobs, Lewellen, Rankin, Stovall, Mr. Speaker.

Total7

VOTING PRESENT: Oglesby.

Total1

Total number of votes cast.....93

Total number voting in the affirmative51

Necessary to the passage of the bill51

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

Upon motion of Representative Lendall the Clincher motion prevailed.

HOUSE BILL NO. 1083

BY: REPRESENTATIVE THYER

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

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

Total90

NEGATIVE: Ormond, Verkamp.

Total2

ABSENT OR NOT VOTING: Dobbins, House, Jacobs, Moore, Stovall, Mr. Speaker.

Total6

VOTING PRESENT: Chesterfield, Milligan.

Total2

Total number of votes cast94

Total number voting in the affirmative90

Necessary to the passage of the bill51

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

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

SENATE BILL NO. 44

BY: JOINT BUDGET COMMITTEE

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

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

Total93

NEGATIVE:

Total0

ABSENT OR NOT VOTING: Dobbins, Harris, Moore, Pickett, L. Prater, Roebuck, Stovall.

Total7

VOTING PRESENT:

Total0

Total number of votes cast93

Total number voting in the affirmative93

Necessary to the passage of the bill75

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

There being an Emergency Clause attached to **SENATE BILL NO. 44**, the Speaker ordered the clerk to call the roll upon the adoption of the Emergency Clause. The vote was as follows:

EMERGENCY CLAUSE

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

Total93

NEGATIVE:

Total0

ABSENT OR NOT VOTING: Dobbins, Harris, Moore, Pickett, L. Prater, Roebuck, Stovall.

Total7

VOTING PRESENT:

Total0

Total number of votes cast93

Total number voting in the affirmative93

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

So the Emergency Clause was adopted.

The House stood in recess at 2:27 p.m. until 4:00 p.m.

The House reconvened at 4:04 p.m.

HOUSE BILLS ORDERED TRANSMITTED TO THE SENATE AS PASSED

HOUSE BILL NO. 1070 BY REPRESENTATIVE LENDALL

HOUSE BILL NO. 1083 BY REPRESENTATIVE THYER

SENATE BILLS ORDERED RETURNED TO THE SENATE AS PASSED

SENATE BILL NO. 44 BY SENATOR CRITCHER

ARKANSAS SENATE
HOUSE BILLS RETURNED FROM THE SENATE AS PASSED

HOUSE BILL NO. 1010 BY REPRESENTATIVE DICKINSON

HOUSE BILL NO. 1028 BY REPRESENTATIVE BOND

ENROLLED AND DELIVERY TO GOVERNOR REPORTS

Little Rock, Arkansas

January 5, 2004

MR. SPEAKER:

We, your committee on Enrolled Bills, to whom was referred the following:
HOUSE BILL NO. 1048 BY REPRESENTATIVE J. JOHNSON, CLEVELAND
 beg leave to report that we have carefully compared the enrolled copies with the original and we find the same correctly enrolled and have at 2:45 p.m. delivered them to the Governor for his approval.

Respectfully submitted,

/s/ Herschel W. Cleveland

Chairman

RECEIPT FROM THE GOVERNOR

RECEIVED FROM THE HOUSE:

HOUSE BILL NO. 1048 BY REPRESENTATIVES J. JOHNSON, CLEVELAND

/s/ Mike Huckabee - Governor

TIME: 2:45 p.m.

By: Stacy DeJarnett

ENROLLED AND DELIVERY TO GOVERNOR REPORTS

Little Rock, Arkansas

January 5, 2004

MR. SPEAKER:

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

HOUSE BILL NO. 1010 BY REPRESENTATIVE DICKINSON, ET AL

HOUSE BILL NO. 1028 BY REPRESENTATIVE BOND

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 3:42 p.m. delivered them to the Governor for his approval.

Respectfully submitted,

/s/ Herschel W. Cleveland

Chairman

RECEIPT FROM THE GOVERNOR

RECEIVED FROM THE HOUSE:

HOUSE BILL NO. 1010 BY REPRESENTATIVE DICKINSON, ET AL

HOUSE BILL NO. 1028 BY REPRESENTATIVE BOND

/s/ Mike Huckabee - Governor

TIME: 3:42 p.m.

By: Stacy DeJarnett

State of Arkansas
Office of the Governor

Mike Huckabee
Governor

December 31, 2003

TO THE SPEAKER OF THE HOUSE

Dear Mr. Speaker:

This is to inform you that on December 31, 2003, I approved the following measure from the Second Extraordinary Session of the Eighty-Fourth General Assembly:

HOUSE BILL NO. 1011 is now Act Number 29

Sincerely,

/s/ Mike Huckabee

MH:sm

cc: President of the Senate

HOUSE BILL NO. 1088

BY: REPRESENTATIVES PICKETT, CLEVELAND, ROEBUCK

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.

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

HOUSE RESOLUTION NO. 1013

BY: REPRESENTATIVES J. TAYLOR, CLEMONS, BRADFORD

RECOGNIZING SGT. MARQUETTE WHITESIDE FOR HIS EXEMPLARY MILITARY SERVICE.

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

Upon motion of Representative Gillespie, the House adjourned at 4:05 p.m. until 1:30 p.m. Tuesday, January 6, 2004.

ATTEST:

Herschel W. Cleveland
Speaker of the House of Representatives

Jo Renshaw
Chief Clerk

**THIRTIETH DAY'S PROCEEDINGS
HALL OF THE HOUSE OF REPRESENTATIVES**

Little Rock, Arkansas
January 6, 2004

The House was called to order at 1:32 p.m. by Mr. Cleveland, the Speaker.
The following members answered to the roll call:

Adams, Agee, Anderson, Bennett, Berry, Biggs, Blair, Bledsoe, Bolin, Bond, Bookout, Borhauer, Boyd, Bradford, Bright, Chesterfield, Childers, Clemons, Cowling, Creekmore, Dangeau, Dees, Dickinson, Dobbins, Eason, Edwards, Elliott, L. Evans, Ferguson, Fite, Gillespie, Gipson, Goss, Green, Hardwick, Harris, Hathorn, Hickinbotham, House, Hutchinson, Jackson, Jacobs, Jeffrey, C.Johnson, J. Johnson, Jones, Judy, Kenney, Key, King, Lamoureux, Ledbetter, Lendall, Lewellen, Mack, Mahony, 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.

Total97

The following member(s) was absent and did not answer to the roll call:
D. Evans, Haak, Martin.

Total3

A quorum was present.

Unanimous leave was granted for Representative(s) D. Evans, Haak, Martin.

The House stood and was led in prayer by Representative Shirley Borhauer.

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

	January 6, 2004
EDUCATION	CALVIN JOHNSON
	CHAIRPERSON
HOUSE BILL NO. 1032	DO PASS
BY REPRESENTATIVE CLEVELAND	
HOUSE BILL NO. 1035	DO PASS
BY REPRESENTATIVE CLEVELAND	
HOUSE BILL NO. 1064	DO PASS
BY REPRESENTATIVE JACKSON	
HOUSE BILL NO. 1077	DO PASS
BY REPRESENTATIVE CLEVELAND	
HOUSE BILL NO. 1079	DO PASS
BY REPRESENTATIVE CLEVELAND	
SENATE BILL NO. 33	DO PASS
BY SENATOR BRYLES	AS AMENDED #1

COMMITTEE REPORT

	January 6, 2004
PUBLIC TRANSPORTATION	JOHNNIE BOLIN
	CHAIRPERSON
HOUSE BILL NO. 1027	DO PASS
BY REPRESENTATIVE PETRUS	

COMMITTEE REPORT

	January 6, 2004
JOINT BUDGET	PAUL WEAVER
	CHAIRPERSON
HOUSE BILL NO. 1061	DO PASS
BY REPRESENTATIVE CHESTERFIELD	

Upon motion of Representative Dangeau, **HOUSE BILL NO. 1076** was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 1 TO HOUSE BILL NO. 1076

Amend **HOUSE BILL NO. 1076** as originally introduced:

Page 1, line 30, delete in its entirety and substitute "fiscal year ending June 30, 2005, the sum of \$20,000,000."

AND

Add a new section immediately after Section 1 of the bill to read as follows:

"SECTION 2. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. CARRYFORWARD. Any unexpended balance of monies allocated for the Arkansas Better Chance for School Success Program remaining on June 30th of each fiscal year shall be carried forward and made available the following fiscal year exclusively for the Arkansas Better Chance for School Success Program.

The provisions of this section shall be in effect only from July 1, 2004 through June 30, 2005."

AND

Renumber the subsequent sections of the bill.

/s/ LeRoy Dangeau

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

/s/ Ms. Jo Renshaw
Chief Clerk

Upon motion of Representative Elliott, **HOUSE BILL NO. 1040** was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 3 TO HOUSE BILL NO. 1040

Amend **HOUSE BILL NO. 1040** as engrossed, H12/29/03

(version: 12-29-2003 09:00):

Page 1, line 5, delete "Clemons, Eason," and substitute "Clemons, Dobbins, Eason,"

AND

Page 1, line 7, delete "Steele, Higginbothom," and substitute "Steele, Brown, Higginbothom,"

AND

Page 1, line 12 delete "HIGH-POVERTY" and substitute "HIGH-PRIORITY"

AND

Page 1, line 18 delete "HIGH-POVERTY" and substitute "HIGH-PRIORITY"

AND

Page 1, line 26 delete "high-poverty" and substitute "high-priority"

AND

Page 1, line 27, delete "(a)" and substitute "(a)(1)"

AND

Page 1, line 28, delete "(1)" and substitute "(A)"

AND

Page 1, line 30, delete "(2)" and substitute "(B)"

Page 1, delete lines 32 and 33 and substitute the following:

"teaching all grade level or subject matter appropriate classes; and"

AND

Page 1, line 34, delete "(3)(A) High-poverty" and substitute "(C) High-priority"

AND

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

AND

Page 2, line 5, delete "high-poverty" and substitute "high-priority"

AND

Page 2, line 8, delete "high-poverty" and substitute "high-priority"

AND

Page 2, delete line 9 delete and substitute the following:

"(1)(A) For new teachers and other new certified staff, a one-time signing bonus to be"

AND

Page 2, line 11, delete "the time the" and substitute "the time a"

AND

Page 2, delete line 12, and substitute the following:

"teacher not currently employed by the district signs a new contract to teach in a high-priority area; and"

AND

Page 2, line 15, delete "high-poverty" and substitute "high-priority"

AND

Page 2, line 17, delete "high-poverty" and substitute "high-priority"

AND

Page 2, line 21, delete "years' bonus" and substitute "year's bonus"

AND

Page 2, line 22, delete "years' bonus" and substitute "year's bonus"

AND

Page 2, line 23, delete "Five" and substitute "For all teachers and other certified staff, five"

AND

Page 2, line 24, delete "teacher finishes" and substitute "teacher or other certified staff member finishes"

AND

Page 2, line 26 delete "teacher and" and substitute "teacher, other certified staff,"

AND

Page 2, delete lines 27 through 31, and substitute the following:

"and their immediate family members; and

(4)(A) A monthly allowance at the federal Internal Revenue Service reimbursement rate for travel, as in effect on January 1, 2004, to pay for two-way travel from the teacher's residence to a high-priority area school at which the teacher is employed."

AND

Page 2, delete lines 35 and 36 and substitute the following:

"(c) The Department of Education shall promulgate rules to implement the bonus pay program established by subsection (b) of this section.

(d) The school board of any school district in a high-priority area may reimburse at the federal Internal Revenue Service reimbursement rate for"

AND

Page 3, delete lines 1 through 4 and substitute the following:

"travel, as in effect on January 1, 2004, any person who interviews for employment as a licensed teacher with the district, for the mileage and other actual expenses incurred by the person in the course of travel to and from the interview."

AND

Page 3, line 5 delete "(d)(1)" and substitute "(e)(1)"

AND

Page 3, line 7, delete "high-poverty" and substitute "high-priority"

AND

Page 3, line 10, delete "high-poverty" and substitute "high-priority"

AND

Page 3, line 27, delete "subsection (d)" and substitute "subsection (e)"

AND

Page 3, line 31, delete "high-poverty" and substitute "high-priority"

AND

Page 3, line 33, delete "(e)" and substitute "(f)"

AND

Page 3, delete line 34 and substitute the following:

"other certified staff shall reside within the State of Arkansas.

(g) The department shall:

(1)(A) Monitor the implementation of the incentive program established by this section; and

(B) Collect data to be used to evaluate the incentive program's effectiveness; and

(2) Before August 31, 2008, submit to the House and Senate Interim Committees on Education a comprehensive evaluation of the incentive program established by this section."

/s/ J. Elliott

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

/s/ Ms. Jo Renshaw
Chief Clerk

Upon motion of Representative Adams, **HOUSE RESOLUTION NO. 1012** was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 1 TO HOUSE RESOLUTION NO. 1012

Amend **HOUSE RESOLUTION NO. 1012** as originally introduced:

Page 1, line 5 delete "Adams," and substitute "Sullivan, Adams,"

AND

Page 2, line 25, delete "General Assembly" and substitute "House of Representatives"

/s/ Bob Adams

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

/s/ Ms. Jo Renshaw
Chief Clerk

ENGROSSED BILL REPORTS

HERSCHEL W. CLEVELAND, CHAIRMAN

January 6, 2004

The following bill(s) reported correctly engrossed:

HOUSE BILL NO. 1040 - TITLE - BY REPRESENTATIVE ELLIOTT, ET AL

HOUSE BILL NO. 1076 BY REPRESENTATIVE DANGEAU

HOUSE RESOLUTION NO. 1012

- TITLE - BY REPRESENTATIVE SULLIVAN, ET AL

SENATE BILL NO. 28 - TITLE - BY SENATOR ARGUE, ET AL

HOUSE BILL ENGROSSED AS TITLE AMENDED
HOUSE BILL NO. 1040

BY: REPRESENTATIVES ELLIOTT, CHESTERFIELD, CLEMONS, DOBBINS,
EASON, GOSS, GREEN, HOUSE, C. JOHNSON, J. JOHNSON, JONES,
LEDBETTER, LENDALL, PENIX, THOMAS, WHITE
BY: SENATORS WILKINS, BRYLES STEELE, 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; AND FOR OTHER PURPOSES.

HOUSE RESOLUTION ENGROSSED AS TITLE AMENDED
HOUSE RESOLUTION NO. 1012

BY: REPRESENTATIVES *SULLIVAN, ADAMS, AGEE, ANDERSON, BENNETT, BERRY, BIGGS, BLAIR, BLEDSOE, BOLIN, BOND, P. BOOKOUT, BORHAUER, BOYD, BRADFORD, BRIGHT, CHILDERS, CLEMONS, CLEVELAND, COWLING, CREEKMORE, DANGEAU, DEES, DICKINSON, EASON, EDWARDS, ELLIOTT, L.EVANS, D. EVANS, FERGUSON, FITE, GILLESPIE, GIPSON, GOSS, GREEN, HAAK, HARDWICK, HARRIS, HATHORN, HICKINBOTHAM, HOUSE, HUTCHINSON, JACKSON, JACOBS, JEFFREY, J.JOHNSON, C. JOHNSON, JONES, JUDY, KENNEY, KEY, KING, LAMOUREUX, LEDBETTER, LEWELLEN, MACK, MAHONY, MARTIN, MATAYO, MATHIS, MEDLEY, MILLIGAN, NAPPER, NICHOLS, NORTON, OGLESBY, ORMOND, PACE, PARKS, PATE, PENIX, PETRUS, PICKETT, L. PRATER, S. PRATER, PRITCHARD, RANKIN, ROEBUCK, ROSENBAUM, SCHULTE, SCRIMSHIRE, SCROGGIN, SEAWEL, R. SMITH, STOVALL, SUMPTER, J.TAYLOR, C.TAYLOR, THOMAS, THOMASON, THYER, VERKAMP, WALTERS, WEAVER, WHITE, WOOD.*

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 BILL ENGROSSED AS TITLE AMENDED
SENATE BILL NO. 28

BY: SENATORS ARGUE, BISBEE, BRYLES, GULLETT, BAKER, WHITAKER
BY: REPRESENTATIVES *C. JOHNSON, BLEDSOE, BORHAUER, HARRIS, MEDLEY, R. SMITH, AGEE, GIPSON, HUTCHINSON, KENNEY, LEWELLEN, WHITE*

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 DIRECTORS OF THE PUBLIC EDUCATION SYSTEM; AND FOR OTHER PURPOSES.

STATE OF ARKANSAS
ARKANSAS SENATE

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,

/s/ Ann Cornwell
Secretary of the Senate

HOUSE BILL NO. 1060 was referred back to the Senate.

Upon motion of Representative Mahony, **SENATE BILL NO. 28** was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 1 TO SENATE BILL NO. 28

Amend **SENATE BILL NO. 28** as engrossed, S12/16/03

(version: 12-16-2003 14:52):

Page 20, line 3, delete "of one" and substitute "of at least one"

AND

Page 20, delete lines 15 and 16 entirely

AND

Page 22, line 18, delete "employee of" and substitute "employee, hired after the effective date of this act of 2003, of

/s/ Jodie Mahony

The Amendment was read and the vote was as follows:

AFFIRMATIVE: Adams, Bennett, Berry, Biggs, Blair, Bolin, Bond, P. Bookout, Boyd, Bradford, Bright, Childers, Clemons, Cowling, Creekmore, Dangeau, Dees, Dickinson, Dobbins, Edwards, Elliott, L. Evans, Ferguson, Fite, Gillespie, Gipson, Goss, Hardwick, Hathorn, Hickinbotham, House, Jackson, Jacobs, Jeffrey, C. Johnson, J. Johnson, Jones, Judy, King, Ledbetter, Lendall, Lewellen, Mack, Mahony, Mathis, Milligan, Moore, Napper, Nichols, Norton, Oglesby, Pate, Penix, Petrus, L. Prater, S. Prater, Rankin, Roebuck, Schulte, Scrimshire, Scroggin, Seawel, Sullivan, Sumpter, C. Taylor, J. Taylor, Thomas, Thomason, Thyer, Verkamp, Walters, Weaver, White, Wood.

Total74

NEGATIVE: Agee, Anderson, Bledsoe, Borhauer, Chesterfield, Harris, Hutchinson, Kenney, Key, Lamoureux, Matayo, Medley, Pace, Parks, Pickett, Pritchard, Rosenbaum.

Total17

ABSENT OR NOT VOTING: Eason, D. Evans, Green, Haak, Martin, Ormond, R. Smith, Stovall, Mr. Speaker.

Total9

VOTING PRESENT:

Total0

Total number of votes cast91

Total number voting in the affirmative74

Necessary to adopt the amendment51

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

/s/ Ms. Jo Renshaw
Chief Clerk

Upon motion of Representative C. Johnson, **SENATE BILL NO. 28** was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 3 TO SENATE BILL NO. 28

Amend **SENATE BILL NO. 28** as engrossed, S12/16/03

(version: 12-16-2003 14:52):

Add Representatives C. Johnson, Bledsoe, Borhauer, Harris, Medley, Smith, Agee, Gipson, Hutchinson, Kenney, Lewellen, and White as cosponsors of the bill

AND

Page 1, line 11, delete "TIES" and substitute "DUTIES"

AND

Page 3, delete line 33 through 36 entirely

AND

Page 4, delete lines 1 and 5, and substitute the following:

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

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

AND

Page 5, line 7, delete "one hundred (120)" and substitute "one hundred twenty (120)"

AND

Page 6, delete lines 14 and 20 and substitute:

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

AND

Page 6, delete lines 23 through 25, and substitute

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

AND

Page 7, line 29, delete "facilities and technologies" and substitute "facility and technology"

AND

Page 7, line 35, delete "panel" and substitute "office"

AND

Page 8, line 1, delete "panel" and substitute "office"

AND

Page 8, line 7, delete "panel" and substitute "office"

AND

Pages 8 through 14, delete Section 4 and substitute:

"SECTION 4. Creation of the Office of Education Renewal Zones.

(a) There is created an Office of Education Renewal Zones.

(b) The office shall be under the supervision of the State Board of Education.

(c) The state board shall select an individual to serve as the Director of the Office of Education Renewal Zones and the director shall serve at the pleasure of the state board.

(d)(1) The Director of the Office of Education Renewal Zones, with guidance and approval from the state board, shall be responsible for hiring all employees of the office.

(2) The Director of the Department of Higher Education shall assign one (1) individual from the staff of the Department of Higher Education to serve as a liaison to the office.

(e) The office shall be responsible for developing guidelines for the approval of education renewal zone strategic plans and guidelines for the evaluation and reporting of education renewal zone activities.

(f) The office shall approve any education renewal zone strategic plan prior to the disbursement or annual renewal of funds to participating institutions of higher education.

(g)(1) Effective July 1, 2004, any public school, education service cooperative and institution of higher education is authorized to enter into one (1) or more inter-local agreements through which they collaborate to improve public school performance and academic achievement.

(2) Each inter-local agreement shall establish an education renewal zone.

(3) The purpose of an education renewal zone shall be to:

(A) Identify and implement education and management strategies designed specifically to improve public school performance and student academic achievement throughout the State of Arkansas, with special focus on the state's most academically distressed public schools;

(B) Provide for collaboration among the state's smaller schools and districts in order to achieve some of the advantages of economies of scale in providing educational and related activities;

(C) Maximize benefits and outcomes of public schooling by concentrating and coordinating the resources of Arkansas' higher education institutions, the expertise of the regional education service cooperatives, and the

technical assistance of other service providers to improve public school performance and student academic achievement; and

(D) Enable small, rural and low-wealth schools to make the best use of the latest cost-effective distance learning technology to enhance curricula and professional development through two-way interactive learning environments.

(h) Each education renewal zone shall consist of the following:

(1) Higher education partner:

(A) The office shall develop, publish and disseminate guidelines for establishing an education renewal zone, including a process for selecting a qualified higher education partner in the fifteen (15) education service cooperative areas in the state and in Pulaski County.

(B)(i) A qualified higher education partner shall:

(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 flexibility to restructure its programs and services to meet the needs of the participating grades kindergarten through twelve (K-12) schools and school districts.

(ii) The office shall give preference to qualified four-year higher education institutions located within the education service cooperative area.

(C) If there is no qualified four-year higher education institution located within the education service cooperative area, the office may select:

(i) A two-year higher education institution that in collaboration with a qualified four-year educational institution located in another education service cooperative area provides a comprehensive four-year teacher preparation program;

(ii) A qualified higher education institution located in another education service cooperative area; or

(iii) An institution of higher education may serve as the higher education partner for more than one (1) educational service cooperative area.

(2)(A) Education Service Cooperative.

(B) The education service cooperative shall be a full partner in planning, implementing, and evaluating the education renewal zone in its respective service area and shall provide direct services as called for in the education renewal zone plan;

(3) Public Schools.

(A)(i) Public schools may participate in an education renewal zone upon successful application by the public school district of which the school is

a part.

(ii) Public schools designated by the Department of Education as a school in school improvement or a school in a school district designated by the department as being in academic distress shall participate in an education renewal zone and the office shall establish education renewal zones for those schools.

(iii) Acceptance or rejection of the application by a school for admittance to an education renewal zone shall be the responsibility of the office, with consultation from the higher education partner.

(iv) The office may include within an education renewal zone any school within the education service cooperative area provided that no more than ten (10) schools may participate in any single education renewal zone.

(v) The office may designate up to a maximum of three (3) education renewal zones within any single education service cooperative area.

(C) In designating education renewal zones and selecting schools for participation in a particular zone, the office shall give priority to schools that meet one or more of the following criteria:

(i) The school is classified as a school in school improvement or alert status for school improvement under the Arkansas state compliance plan under the federal No Child Left Behind Act of 2001, 20 U.S.C.S. § 6301 et seq.

(ii) The school lies within a school district designated by the Department of Education as in academic distress or financial distress under the Arkansas Comprehensive Testing, Assessment, and Accountability Program.

(iii) The school demonstrates an inability to hire and retain highly qualified teachers as defined by the state plan for compliance with the federal No Child Left Behind Act of 2001, 20 U.S.C.S. § 6301 et seq.

(iv) The school demonstrates an inability to provide the minimum number of course offerings as determined by the state through the conventional hiring of qualified teachers.

(v) The school is within a school district with an average daily membership of fewer than one thousand five hundred (1,500) students.

(vi) The school serves a student population that exceeds the statewide average rate of participation in free or reduced price lunch programs.

(4) Local Advisory Group.

(A) Each education renewal zone shall form a local advisory group comprised of a representative of the following groups:

(i) The higher education partner

(ii) The education service cooperative which includes the area in which the education renewal zone is located;

(iii) The public school or school district participating in the education renewal zone; and

(iv) Each community in which there is a school participating in the education renewal zone.

(B) The office may designate up to a maximum of three (3) education renewal zones within any single education service cooperative area.

(C) The membership and staff of local advisory groups shall be reflective of the diversity of the population being served by the education renewal zone.

(5) Technical Assistance Provider. Any two-year community or technical college, technical support organization, or other entity may participate in the education renewal zone at the discretion of the office and in collaboration with a designated higher education partner and a designated education service cooperative.

(i) The office, the state board and the local school districts shall exercise due diligence to assure that all schools classified as a school in school improvement under the federal No Child Left Behind Act of 2001, 20 U.S.C.S. § 6301 et seq., as in existence on December 1, 2003 are included in a designated education renewal zone.

(j) The office may, at its discretion, include any school regardless of its eligibility under the criteria in subdivisions (h)(3)(C)(i) through (vi) of this section, if it determines that on the basis of location, characteristics of its faculty or leadership, needs of the students, or other factors, that the inclusion of such school significantly strengthens the prospect of the education renewal zone in meeting its school improvement goals.

(k) The office may, at its discretion, change participating schools within each education renewal zone.

(l)(1) Each school participating in an education renewal zone shall develop and implement a school improvement plan.

(2) Each school improvement plan shall at a minimum include the following:

(A) Goals for improving student achievement;

(B) Measurable benchmarks for achieving student improvement goals;

(C) A timeline for reaching goals in improving student achievement; and

(D) Requirements for services to be provided by the Education Renewal Zone Partners.

(m) The partners within a specific education renewal zone shall develop a strategic plan that is responsive to the needs of the individual school improvement plans.

(n) The education renewal zone strategic plan shall at a minimum provide for the following:

(A) Collaboration between and among the higher education institution partners, education service cooperatives, schools and communities participating in the education renewal zone, including within the academic departments within the higher education institution partners;

(B) A comprehensive program of professional development to assure the practical knowledge base of pre-service and in-service teachers with respect to pedagogical practice, content knowledge, and competent use of distance learning technology;

(C) Enhancement and expansion of local school curricula offerings through the use of two-way interactive television to include advanced placement, dual-credit and advanced high school courses;

(D) The sharing of faculty for core course offerings when schools are unable to hire highly-qualified teachers in core subject areas required for college entrance or teachers necessary to meet state accreditation standards;

(E) A strategy to recruit and retain highly-qualified teachers with particular focus on hard-to-staff schools;

(F) A system for mentoring teachers with three (3) or fewer years of professional service;

(G) Active participation of the community in the work of the school;

(H) Active involvement of parents in the academic work of the student; and

(I) A means of collecting the data necessary to evaluate the progress of each participating public school and the education renewal zone in its entirety.

(o) Each education renewal zone, using guidelines and indicators set by the office, shall prepare an annual report to the office describing the progress toward accomplishing the goals of the education renewal zone.

(p) The office, shall prepare an annual report to the Governor, the General Assembly, and the State Board of Education describing the progress toward accomplishing the goals of the individual education renewal zones and the overall

education renewal zone program.

(q) The office shall establish a website, accessible by the public, to provide for broad dissemination of both the education renewal zone plans and strategies and the results of the annual reports on progress toward accomplishing the goals of the individual education renewal zones and the overall education renewal zone program."

AND

Page 16, delete line 35, and substitute

"§ 6-13-1601(b)."

AND

Page 17, line 4, delete "seven hundred (700)" and substitute "five hundred (500)"

AND

Page 17, delete line 15 and substitute:

"1602(a)."

AND

Page 17, delete line 20, and substitute:

" of any grades kindergarten through eight (K-8) school facilities.

6-13-1603. Personnel in consolidated school districts.

All school district personnel policies, decisions regarding personnel, and the application of any reduction-in-force policies shall be in compliance with the Federal Civil Rights Act of 1964, as amended, the Federal Civil Rights Act of 1866, the Federal Civil Rights Act of 1871, the Fourteenth Amendment to the United States Constitution, the Arkansas Civil Rights Act of 1993, § 16-123-101, et seq. and any applicable court orders."

AND

Page 18, line 2, delete "is in" and substitute "is in a"

AND

Page 19, line 31, delete "§§ 6-13-906 and 6-13-907" and substitute "§§ 6-13-905 and 6-13-906"

AND

Page 22, line 12, delete "Chapter 13 Subsection 10" and substitute "Chapter 13, Subchapter 10"

AND

Page 22, line 17, delete "center" and substitute "cooperative"

AND

Page 22, line 33, delete "center" and substitute "cooperative"

AND

Page 25, delete line 3 and substitute the following:

"district.

(3) The interim personnel policies committee shall reflect the diversity of the population of the new school district.

(4) Any personnel policies shall be in compliance with the Federal Civil Rights Act of 1964, as amended, the Federal Civil Rights Act of 1866, the Federal Civil Rights Act of 1871, the Fourteenth Amendment to the United States Constitution, the Arkansas Civil Rights Act of 1993, § 16-123-101, et seq. and any applicable court orders."

AND

Page 27, line 28, delete "or" and substitute "of"

AND

Page 27, line 30, delete "amended, when" and substitute "amended, or § 6-13-1603, when"

AND

Page 29, delete line 31, and substitute:

"(g) and (h) of this section.

(j) The Arkansas Employment Security Division shall be available to assist laid-off employees as may be appropriate.

(k) The provisions of this section shall not interfere with or restrict the authority of a school district to comply with applicable court orders regarding personnel matters."

AND

Page 30, line 18, delete "2003-2004" and substitute "2004-2005"

AND

Page 30, line 26, delete "2003-2004" and substitute "2004-2005"

AND

Page 33, delete lines 4 through 8, and substitute the following:

~~"(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."~~

AND

Page 33, line 9, delete "(h)" and substitute "(f)"

AND

Page 33, line 21, delete "(i)" and substitute "(g)"

AND

Page 33, line 25, delete "(j)(1)" and substitute "(h)(1)"

AND

Page 33, line 34, delete "Section 18." and substitute "SECTION 18."

AND

Page 36, line 28, delete "center" and substitute "cooperative"

AND

Page 37, line 25, delete "~~(d)(1)(A)(F)(1)(A)~~ ~~(d)Each~~" and substitute "~~(d)(1)(A)(F)(1)(A)~~ Each"

AND

Page 38, line 26, delete "Type 3" and substitute "Type 2"

AND

Page 38, line 33, delete "Type 3" and substitute "Type 2"

/s/ Calvin Johnson

The Amendment was read and the vote was as follows:

AFFIRMATIVE: Agee, Anderson, Biggs, Blair, Bledsoe, Bond, P. Bookout, Borhauer, Bradford, Bright, Childers, Clemons, Dees, Dickinson, Dobbins, Eason, Edwards, Elliott, Fite, Gipson, Goss, Green, Hardwick, Harris, House, Hutchinson, C. Johnson, J. Johnson, Jones, Judy, Kenney, Key, King, Lamoureux, Ledbetter, Lendall, Lewellen, Mack, Mahony, Matayo, Mathis, Medley, Moore, Napper, Pace, Parks, Penix, Pickett, S. Prater, Pritchard, Roebuck, Rosenbaum, Seawel, R. Smith, C. Taylor, Thomas, Thyer, White, Wood.

Total59

NEGATIVE: Adams, Berry, Bolin, Boyd, Chesterfield, Cowling, Creekmore, Dangeau, L. Evans, Gillespie, Hathorn, Hickinbotham, Jackson, Jacobs, Jeffrey, Milligan, Nichols, Norton, Oglesby, Ormond, Pate, Petrus, Rankin, Schulte, Scrimshire, Scroggin, Sullivan, Sumpter, Thomason, Verkamp, Walters, Weaver.

Total32

ABSENT OR NOT VOTING: Bennett, D. Evans, Ferguson, Haak, Martin, L. Prater, Stovall, J. Taylor, Mr. Speaker.

Total9

VOTING PRESENT:

Total0

Total number of votes cast.....91

Total number voting in the affirmative59

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

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

/s/ Ms. Jo Renshaw

Chief Clerk

Motion was made by Representative Scrimshire for immediate consideration of **SENATE BILL NO. 28, AMENDMENT NO. 6**. Motion carried.

Upon motion of Representative Bennett, **SENATE BILL NO. 28** was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 6 TO SENATE BILL NO. 28

Amend **SENATE BILL NO. 28** as engrossed, S12/16/03
(version: 12-16-2003 14:52):

Pages 15 through 19, delete Section 7, Section 8, and Section 9 entirely
AND
Appropriately renumber the remaining sections of the bill

/s/ Russ Bennett

The Amendment was read and the vote was as follows:

AFFIRMATIVE: Adams, Bennett, Berry, Blair, Bolin, Boyd, Bright, Chesterfield, Clemons, Cowling, Creekmore, Dangeau, Dickinson, Dobbins, L. Evans, Fite, Gillespie, Goss, Hathorn, Hickinbotham, House, Jackson, Jacobs, Jeffrey, Jones, Judy, King, Mack, Milligan, Nichols, Norton, Oglesby, Ormond, Pate, Petrus, L. Prater, Rankin, Roebuck, Schulte, Scrimshire, Scroggin, Seawel, Stovall, Sullivan, Sumpter, C. Taylor, J. Taylor, Thomas, Thomason, Verkamp, Walters, Weaver, Mr. Speaker.

Total53

NEGATIVE: Agee, Anderson, Biggs, Bledsoe, Bond, P. Bookout, Borhauer, Bradford, Childers, Dees, Eason, Edwards, Elliott, Ferguson, Gipson, Green, Hardwick, Harris, Hutchinson, C. Johnson, J. Johnson, Kenney, Key, Lamoureux, Ledbetter, Lendall, Lewellen, Mahony, Matayo, Mathis, Medley, Moore, Napper, Pace, Parks, Penix, Pickett, S. Prater, Pritchard, Rosenbaum, R. Smith, Thyer, White, Wood.

Total44

ABSENT OR NOT VOTING: D. Evans, Haak, Martin.

Total3

VOTING PRESENT:

Total0

Total number of votes cast.....97

Total number voting in the affirmative53

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

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

/s/ Ms. Jo Renshaw
Chief Clerk

The Clerk requested the Sounding of the Ballot on **AMENDMENT NO. 6 TO SENATE BILL NO. 28** and the call was sustained. The following members votes were successfully challenged:

AYE: 0

Total	0
Total number of votes cast	97
Necessary to the adoption of the amendment.....	51
Total number voting in the affirmative	53
Total number voting in the negative	44
Total number absent or not voting.....	3
Total number voting present.....	0

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

/s/ Ms. Jo Renshaw
Chief Clerk

Upon motion of Representative Bennett the Clincher motion prevailed.

Leave was granted for Representative Chesterfield to pull **AMENDMENT NO. 7, SENATE BILL NO. 28.**

Upon motion of Representative Chesterfield, **SENATE BILL NO. 28** was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 8 TO SENATE BILL NO. 28

Amend **SENATE BILL NO. 28** as engrossed, S12/16/03

(version: 12-16-2003 14:52):

Page 17, delete line 20, and substitute:

"of any grades kindergarten through eight (K-8) school facilities.

(e)(1) An applicant for a position of superintendent of a school district created as a result of consolidation or annexation under this section who is not hired may request a written statement detailing all of the reasons that the members of the local school board did not hire the individual to serve as superintendent.

(2) Within thirty (30) calendar days after receiving the request of the applicant, the school board shall provide a written statement that details all of the reasons that the members of the local school board did not hire the individual to serve as superintendent."

/s/ Linda Chesterfield

The Amendment was read and the vote was as follows:

AFFIRMATIVE: Bolin, Bond, Boyd, Chesterfield, Clemons, Cowling, Dangeau, Dickinson, Dobbins, Eason, Fite, Gillespie, Goss, House, Jacobs, Jeffrey, J. Johnson, Jones, Judy, King, Lewellen, Milligan, L. Prater, Scrimshire, Scroggin, Seawel, Sullivan, Thomas, Thomason, Weaver, Mr. Speaker.

Total31

NEGATIVE: Agee, Anderson, Berry, Biggs, Blair, Bledsoe, Borhauer, Bradford, Childers, Creekmore, Edwards, Gipson, Green, Harris, Hathorn, Hickinbotham, Hutchinson, C. Johnson, Key, Lamoureux, Ledbetter, Mahony, Matayo, Mathis, Medley, Moore, Napper, Norton, Ormond, Pace, Parks, Penix, Petrus, Pickett, S. Prater, Pritchard, Rankin, Roebuck, Rosenbaum, C. Taylor, J. Taylor, Thyer, White, Wood.

Total44

ABSENT OR NOT VOTING: Adams, Bennett, P. Bookout, Bright, Dees, Elliott, D. Evans, L. Evans, Ferguson, Haak, Hardwick, Jackson, Kenney, Lendall, Mack, Martin, Nichols, Oglesby, Pate, Schulte, R. Smith, Stovall, Sumpter, Verkamp, Walters.

Total25

VOTING PRESENT:

Total0

Total number of votes cast75

Total number voting in the affirmative31

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

So the Amendment failed of adoption.

/s/ Ms. Jo Renshaw
Chief Clerk

Morning Hour Expired.

The House stood in recess at 2:37 p.m. until 4:00 p.m.

NOTICE OF RETURN OF HOUSE BILLS AS REQUESTED

HOUSE BILL NO. 1060 BY REPRESENTATIVE CHESTERFIELD

ARKANSAS SENATE
SENATE BILLS RECEIVED FROM SENATE

SENATE BILL NO. 42 BY SENATOR BISBEE

ENROLLED AND DELIVERY TO GOVERNOR REPORTS

Little Rock, Arkansas
January 6, 2004

MR. SPEAKER:

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

HOUSE BILL NO. 1054 BY REPRESENTATIVE C. JOHNSON

beg leave to report that we have carefully compared the enrolled copies with the original and we find the same correctly enrolled and have at 1:55 p.m. delivered them to the Governor for his approval.

Respectfully submitted,

/s/ Herschel W. Cleveland
Chairman

RECEIPT FROM THE GOVERNOR

RECEIVED FROM THE HOUSE:

HOUSE BILL NO. 1054 BY REPRESENTATIVE C. JOHNSON

/s/ Mike Huckabee - Governor

TIME: 1:55 p.m.

By: Stacy DeJarnett

STATE OF ARKANSAS
HOUSE OF REPRESENTATIVES

MEMORANDUM

TO: Whom It May Concern
FROM: House Committee on the Journal; Engrossed and Enrolled Bills
DATE: January 6, 2004
SUBJECT: Amendment #3 to Senate Bill 28

The House Committee on the Journal; Engrossed and Enrolled Bills, by this letter, approves the correction of an error in Amendment #3 to SB28. In the Amendment, the first line of the fourth paragraph should read, "Page 4, delete lines 1 through 5, and substitute the following:"

And,

The first line of the sixth paragraph should read, "Page 6, delete lines 14 through 20 and substitute."

The Committee authorizes the Chief Clerk to carry out the intent of the amendment by correctly engrossing **SENATE BILL NO. 28**.

/s/ Herschel W. Cleveland
Speaker of the House

/s/ Jodie Mahony

/s/ Mike Creekmore, Chairman
House Rules

/s/ Lenville Evans

/s/ Robert J. White, Chairman
House Management Committee

/s/ Tim Massanelli, Parliamentarian

cc: Jo Renshaw, Chief Clerk

HOUSE BILL NO. 1089

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.

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

HOUSE BILL NO. 1090

BY: REPRESENTATIVE CLEVELAND

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO CREATE THE EDUCATIONAL ADEQUACY TRUST FUND; AND FOR OTHER PURPOSES.

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

HOUSE BILL NO. 1091

BY: REPRESENTATIVE JUDY

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.

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

SENATE BILL NO. 42

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.

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

Upon motion of Representative Gillespie the House adjourned at 4:05 P.M. until 1:30 p.m. Wednesday, January 7, 2004.

ATTEST:

Herschel W. Cleveland
Speaker of the House of Representatives

Jo Renshaw
Chief Clerk

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

Little Rock, Arkansas

January 7, 2004

The House was called to order at 1:33 p.m. by Mr. Cleveland, the Speaker.
The following members answered to the roll call:

Adams, Agee, Anderson, Bennett, Berry, Biggs, Blair, Bledsoe, Bolin, Bond, Bookout, Borhauer, Boyd, Bradford, Bright, Chesterfield, Childers, Clemons, Cowling, Creekmore, Dangeau, Dees, Dickinson, Eason, Edwards, Elliott, D.Evans, L. Evans, Ferguson, Fite, Gillespie, Gipson, Goss, Green, Haak, Hardwick, Harris, Hathorn, Hickinbotham, House, Hutchinson, Jackson, Jacobs, 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.

Total98

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

Total2

A quorum was present.

Unanimous leave was granted for Representative(s) Dobbins, Jeffrey.

The House stood and was led in prayer by Representative Scott Sullivan.

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

AGING, CHILDREN AND YOUTH, LEGISLATIVE AND MILITARY AFFAIRS HOUSE RESOLUTION NO. 1013 BY REPRESENTATIVE J. TAYLOR	January 7, 2004 JOYCE DEES CHAIRPERSON DO PASS
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COMMITTEE REPORT

EDUCATION	January 7, 2004 HARMON SEAWEL VICE-CHAIRPERSON
HOUSE BILL NO. 1008 BY REPRESENTATIVE PICKETT	DO PASS AS AMENDED #1
HOUSE BILL NO. 1040 BY REPRESENTATIVE ELLIOTT	DO PASS
HOUSE BILL NO. 1071 BY REPRESENTATIVE BIGGS	DO PASS
HOUSE BILL NO. 1080 BY REPRESENTATIVE C. JOHNSON	DO PASS
HOUSE BILL NO. 1085 BY REPRESENTATIVE THYER	DO PASS
HOUSE BILL NO. 1087 BY REPRESENTATIVE HARRIS	DO PASS
HOUSE BILL NO. 1090 BY REPRESENTATIVE CLEVELAND	DO PASS

Upon motion of Representative Anderson, **HOUSE BILL NO. 1075** was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 1 TO HOUSE BILL NO. 1075

Amend **HOUSE BILL NO. 1075** as originally introduced:

Add Representative Penix as a cosponsor of the bill

AND

Page 2, line 21, delete "(d)" and substitute "(d)(1)"

AND

Page 2, delete line 22, and substitute the following:

"(75%) of the contracted salary at the beginning of the 2003-2004 school year, if the superintendent continues to work within the same school district.

(2) For as long as he or she continues to work within the same school district, a superintendent's salary calculated under subdivision (d)(1) of this section shall not be lower than that calculated salary."

AND

Page 4, line 3 delete "Establish" and substitute "In consultation with school superintendents, establish"

/s/ Kevin Anderson

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

/s/ Ms. Jo Renshaw
Chief Clerk

ENGROSSED BILL REPORTS

HERSCHEL W. CLEVELAND, CHAIRMAN

January 7, 2004

The following bill(s) reported correctly engrossed:

HOUSE BILL NO. 1075 - TITLE - BY REPRESENTATIVE ANDERSON, ET AL
SENATE BILL NO. 33 - TITLE - BY SENATOR BRYLES, ET AL

HOUSE BILL ENGROSSED AS TITLE AMENDED
HOUSE BILL NO. 1075

BY: REPRESENTATIVES ANDERSON, ROSENBAUM, MATAYO, *PENIX*
BY: SENATOR BISBEE

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO STANDARDIZE
SCHOOL SUPERINTENDENT SALARIES; AND FOR OTHER PURPOSES.

SENATE BILL ENGROSSED AS TITLE AMENDED
SENATE BILL NO. 33

BY: SENATORS BRYLES, ARGUE, BAKER, BISBEE, B. JOHNSON, FARIS,
SALMON, TRUSTY, WHITAKER, WOMACK, WOOLDRIDGE, WILKINSON, *ALTES,*
BROADWAY, GULLETT, HIGGINBOTHOM, HORN, G. JEFFRESS, J. JEFFRESS
BY: REPRESENTATIVES HARDWICK, CLEVELAND, AGEE, ANDERSON,
BLEDSOE, BORHAUER, BENNETT, BRIGHT, DICKINSON, L. EVANS, HARRIS,
HOUSE, HUTCHINSON, KENNEY, KEY, MARTIN, MATAYO, MATHIS, PACE,
PARKS, PRITCHARD, ROSENBAUM, SCHULTE, R. SMITH, *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

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.

Upon motion of Representative Hardwick, **SENATE BILL NO. 33** was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 1 TO SENATE BILL NO. 33

Amend **SENATE BILL NO. 33** as engrossed, S12/30/03

(version: 12-30-2003 14:29):

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, Higginbothom, 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"

/s/ H. A. Hardwick

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

/s/ Ms. Jo Renshaw

Chief Clerk

Morning Hour Expired.

HOUSE BILL NO. 1089

BY: HOUSE MANAGEMENT

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

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

Total93

NEGATIVE: Rosenbaum.

Total1

ABSENT OR NOT VOTING: Dobbins, Edwards, Jeffrey, C. Johnson, Moore.

Total5

VOTING PRESENT: Ormond.

Total1

Total number of votes cast95

Total number voting in the affirmative93

Necessary to the passage of the bill51

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

There being an Emergency Clause attached to **HOUSE BILL NO. 1089**, the Speaker ordered the clerk to call the roll upon the adoption of the Emergency Clause. The vote was as follows:

EMERGENCY CLAUSE

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

Total	93
NEGATIVE: Rosenbaum.	
Total	1
ABSENT OR NOT VOTING: Dobbins, Edwards, Jeffrey, C. Johnson, Moore.	
Total	5
VOTING PRESENT: Ormond.	
Total	1
Total number of votes cast.....	95
Total number voting in the affirmative	93
Necessary to the adoption of the emergency clause.....	67

So the Emergency Clause was adopted.

HOUSE BILL NO. 1027

BY: REPRESENTATIVE PETRUS

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

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

Total92

NEGATIVE:

Total0

ABSENT OR NOT VOTING: Chesterfield, Childers, Dobbins, Jeffrey, Mathis, Moore, Stovall, Mr. Speaker.

Total8

VOTING PRESENT:

Total0

Total number of votes cast.....92

Total number voting in the affirmative92

Necessary to the passage of the bill51

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

HOUSE BILL NO. 1032

BY: REPRESENTATIVE CLEVELAND

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

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

Total93

NEGATIVE:

Total0

ABSENT OR NOT VOTING: Bennett, Clemons, Dobbins, Jeffrey, Kenney, Lamoureux, Stovall.

Total7

VOTING PRESENT:

Total0

Total number of votes cast.....93

Total number voting in the affirmative93

Necessary to the passage of the bill51

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

There being an Emergency Clause attached to **HOUSE BILL NO. 1032**, the Speaker ordered the clerk to call the roll upon the adoption of the Emergency Clause. The vote was as follows:

EMERGENCY CLAUSE

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

Total93

NEGATIVE:

Total0

ABSENT OR NOT VOTING: Bennett, Clemons, Dobbins, Jeffrey, Kenney, Lamoureux, Stovall.

Total7

VOTING PRESENT:

Total0

Total number of votes cast93

Total number voting in the affirmative93

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

So the Emergency Clause was adopted.

HOUSE BILL NO. 1079

BY: REPRESENTATIVE CLEVELAND

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

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

Total95

NEGATIVE:

Total0

ABSENT OR NOT VOTING: Dobbins, Gipson, Jeffrey, Kenney, Stovall.

Total5

VOTING PRESENT:

Total0

Total number of votes cast.....95

Total number voting in the affirmative95

Necessary to the passage of the bill51

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

Motion was made by Representative Ledbetter to refer HOUSE BILL NO. 1077 back to the Committee on EDUCATION. Motion carried.

HOUSE BILL NO. 1035

BY: REPRESENTATIVE CLEVELAND

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: Berry, Blair, Bolin, P. Bookout, Boyd, Bradford, Bright, Chesterfield, Clemons, Cowling, Dangeau, Dickinson, Eason, Edwards, Elliott, Fite, Gillespie, Goss, Hathorn, Hickenbotham, House, Jackson, C. Johnson, J. Johnson, Jones, Judy, King, Ledbetter, Lendall, Lewellen, Mack, Mahony, Martin, Milligan, Moore, Nichols, Oglesby, Pate, Pickett, L. Prater, Rankin, Roebuck, Seawel, Sullivan, Sumpter, Thomas, Thomason, Verkamp, Walters, Weaver, Wood, Mr. Speaker.

Total52

NEGATIVE: Agee, Anderson, Bennett, Bledsoe, Bond, Borhauer, Childers, Dees, D. Evans, Gipson, Green, Haak, Harris, Hutchinson, Key, Lamoureux, Matayo, Mathis, Medley, Napper, Norton, Ormond, Pace, Parks, Penix, Petrus, S. Prater, Pritchard, Rosenbaum, Schulte, R. Smith, C. Taylor, J. Taylor, Thyer.

Total34

ABSENT OR NOT VOTING: Adams, Biggs, Creekmore, Dobbins, L. Evans, Ferguson, Hardwick, Jacobs, Jeffrey, Kenney, Scrimshire, Scroggin, Stovall, White.

Total14

VOTING PRESENT:

Total0

Total number of votes cast86

Total number voting in the affirmative52

Necessary to the passage of the bill51

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

There being an Emergency Clause attached to **HOUSE BILL NO. 1035**, 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, Anderson, Bennett, Berry, Blair, Bolin, Bond, P. Bookout, Boyd, Bradford, Bright, Chesterfield, Clemons, Cowling, Dangeau, Dickinson, Eason, Edwards, Elliott, L. Evans, Fite, Gillespie, Gipson, Goss, Hathorn, Hickinbotham, House, Jackson, Jacobs, C. Johnson, J. Johnson, Jones, Judy, King, Ledbetter, Lendall, Lewellen, Mack, Mahony, Martin, Milligan, Nichols, Oglesby, Pate, Petrus, L. Prater, S. Prater, Rankin, Roebuck, Schulte, Scrimshire, Scroggin, Seawel, Stovall, Sullivan, Sumpter, J. Taylor, Thomas, Thomason, Thyer, Verkamp, Walters, Weaver, Wood, Mr. Speaker.

Total65

NEGATIVE: Agee, Bledsoe, Borhauer, D. Evans, Green, Harris, Matayo, Medley, Norton, Ormond, Pace, Pritchard, R. Smith, C. Taylor.

Total14

ABSENT OR NOT VOTING: Biggs, Childers, Creekmore, Dees, Dobbins, Ferguson, Haak, Hardwick, Hutchinson, Jeffrey, Kenney, Key, Lamoureux, Mathis, Moore, Napper, Parks, Penix, Pickett, Rosenbaum, White.

Total21

VOTING PRESENT:

Total0

Total number of votes cast.....79

Total number voting in the affirmative65

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

So the Emergency Clause was not adopted.

Representative Pace requested the Sounding of the Ballot on **HOUSE BILL NO. 1035** and the call was sustained. The following members votes were successfully challenged:

AYE: None

Total.....	0
Total number of votes cast.....	86
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.....	14
Total number voting present.....	0

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

Upon motion of Representative Chesterfield the Clincher motion prevailed.

HOUSE BILL NO. 1064

BY: REPRESENTATIVE JACKSON

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

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

Total93

NEGATIVE: Agee.

Total1

ABSENT OR NOT VOTING: Biggs, Dobbins, Jeffrey, Lamoureux, Pickett, Thomas.

Total6

VOTING PRESENT:

Total0

Total number of votes cast.....94

Total number voting in the affirmative93

Necessary to the passage of the bill51

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

Motion was made by Representative Rosenbaum to take **HOUSE BILL NO. 1061** out of proper order and hold. On this motion the vote was as follows:

AFFIRMATIVE: Agee, Anderson, Bennett, Biggs, Bledsoe, Bond, Borhauer, Bright, Childers, Cowling, Edwards, Green, Haak, Hardwick, Harris, Hutchinson, C. Johnson, Kenney, Key, King, Lamoureux, Lewellen, Mahony, Martin, Matayo, Mathis, Medley, Nichols, Norton, Ormond, Pace, Parks, Penix, S. Prater, Pritchard, Rosenbaum, C. Taylor, Thyer, Verkamp, White, Wood.

Total41

NEGATIVE: Adams, Berry, Blair, P. Bookout, Boyd, Bradford, Chesterfield, Clemons, Creekmore, Dangeau, Dickinson, Eason, Elliott, D. Evans, L. Evans, Ferguson, Gillespie, Gipson, Goss, Hathorn, Hickinbotham, House, Jacobs, J. Johnson, Jones, Judy, Ledbetter, Lendall, Mack, Milligan, Moore, Napper, Oglesby, Pate, Petrus, L. Prater, Rankin, Roebuck, Scrimshire, Scroggin, Seawel, Stovall, Sullivan, J. Taylor, Thomason, Walters, Weaver.

Total47

ABSENT OR NOT VOTING: Bolin, Dees, Dobbins, Fite, Jackson, Jeffrey, Pickett, Schulte, R. Smith, Sumpter, Thomas, Mr. Speaker.

Total12

VOTING PRESENT:

Total0

Total number of votes cast88

Total number voting in the affirmative41

Necessary to the adoption of the motion51

So the motion failed of adoption.

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

HOUSE BILL NO. 1061

BY: REPRESENTATIVE CHESTERFIELD

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

AFFIRMATIVE: Berry, Blair, Bolin, Bond, P. Bookout, Boyd, Bradford, Chesterfield, Clemons, Creekmore, Dangeau, Dees, Dickinson, Eason, Elliott, D. Evans, L. Evans, Ferguson, Gillespie, Gipson, Goss, Hathorn, Hickinbotham, House, Jackson, Jacobs, C. Johnson, J. Johnson, Jones, Judy, King, Ledbetter, Lendall, Lewellen, Mack, Moore, Napper, Oglesby, Pate, L. Prater, S. Prater, Rankin, Roebuck, Seawel, Stovall, Sullivan, Sumpter, Thomas, Thomason, Walters, Weaver, Mr. Speaker.

Total52

NEGATIVE: Adams, Agee, Anderson, Bennett, Bledsoe, Borhauer, Bright, Childers, Cowling, Green, Haak, Hardwick, Harris, Hutchinson, Key, Martin, Matayo, Mathis, Medley, Nichols, Norton, Ormond, Parks, Penix, Petrus, Pritchard, Rosenbaum, C. Taylor, J. Taylor, Thyer, Verkamp, Wood.

Total32

ABSENT OR NOT VOTING: Biggs, Dobbins, Edwards, Fite, Jeffrey, Kenney, Lamoureux, Mahony, Milligan, Pace, Pickett, Schulte, Scrimshire, Scroggin, R. Smith, White.

Total16

VOTING PRESENT:

Total0

Total number of votes cast84

Total number voting in the affirmative52

Necessary to the passage of the bill75

So the Bill failed.

The House stood in recess at 2:13 p.m. until 4:00 p.m.

The House reconvened at 4:01 p.m.

HOUSE BILLS ORDERED TRANSMITTED TO THE SENATE AS PASSED

HOUSE BILL NO. 1027 BY REPRESENTATIVE PETRUS
HOUSE BILL NO. 1032 BY REPRESENTATIVE CLEVELAND
HOUSE BILL NO. 1064 BY REPRESENTATIVE JACKSON
HOUSE BILL NO. 1079 BY REPRESENTATIVE CLEVELAND
HOUSE BILL NO. 1089 BY HOUSE MANAGEMENT

HOUSE BILL ORDERED TRANSMITTED TO THE SENATE AS PASSED
THE EMERGENCY CLAUSE HAVING FAILED OF ADOPTION

HOUSE BILL NO. 1035 BY REPRESENTATIVE CLEVELAND

ARKANSAS SENATE

HOUSE BILLS RETURNED FROM THE SENATE AS PASSED

HOUSE BILL NO. 1036 BY REPRESENTATIVE HOUSE

ENROLLED AND DELIVERY TO GOVERNOR REPORTS

Little Rock, Arkansas

January 7, 2004

MR. SPEAKER:

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

HOUSE BILL NO. 1036 BY REPRESENTATIVE HOUSE, ET AL

beg leave to report that we have carefully compared the enrolled copies with the original and we find the same correctly enrolled and have at 2:31 p.m. delivered them to the Governor for his approval.

Respectfully submitted,

/s/ Herschel W. Cleveland
Chairman

RECEIPT FROM THE GOVERNOR

RECEIVED FROM THE HOUSE:

HOUSE BILL NO. 1036 BY REPRESENTATIVE HOUSE, ET AL

TIME: 2:31 p.m.

/s/ Mike Huckabee - Governor

By: Stacy DeJarnett

HOUSE BILL NO. 1092

BY: REPRESENTATIVE HARRIS

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO ESTABLISH AN INCOME TAX CREDIT FOR DONATIONS TO SCHOOL DISTRICTS; 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. 1093

BY: REPRESENTATIVES MATAYO, ANDERSON, HARRIS, KENNEY, KEY, ROSENBAUM

BY: SENATOR BISBEE

A BILL FOR AN ACT TO BE ENTITLED TO REPEAL THE INCOME TAX SURCHARGE LEVIED UNDER ACT 38 OF THE FIRST EXTRAORDINARY SESSION OF 2003; 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. 1094

BY: REPRESENTATIVE MAHONY

A BILL FOR AN ACT TO BE ENTITLED THE ARKANSAS EDUCATIONAL FINANCIAL ACCOUNTING AND REPORTING ACT OF 2004.

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

Upon motion of Representative Gillespie, the House adjourned at 4:02 p.m. until 1:30 p.m. Thursday, January 8, 2004.

ATTEST:

Herschel W. Cleveland
Speaker of the House of Representatives

Jo Renshaw
Chief Clerk

**THIRTY-SECOND DAY'S PROCEEDINGS
HALL OF THE HOUSE OF REPRESENTATIVES**

Little Rock, Arkansas
January 8, 2004

The House was called to order at 1:34 p.m. by Mr. Cleveland, the Speaker.
The following members answered to the roll call:

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

Total 98

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

Total 2

A quorum was present.

Unanimous leave was granted for Representative(s) Chesterfield, Schulte.

The House stood and was led in prayer by Representative Dwayne Mack.

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

EDUCATION	January 8, 2004
	CALVIN JOHNSON
	CHAIRPERSON
HOUSE BILL NO. 1009	DO PASS
BY REPRESENTATIVE PICKETT	
HOUSE BILL NO. 1063	DO PASS
BY REPRESENTATIVE ELLIOTT	AS AMENDED #2
HOUSE BILL NO. 1072	DO PASS
BY REPRESENTATIVE CLEVELAND	

COMMITTEE REPORT

AGRICULTURE, FORESTRY AND ECONOMIC DEVELOPMENT	January 8, 2004
	JIM MILLIGAN
	CHAIRPERSON
HOUSE RESOLUTION NO. 1012	DO PASS
BY REPRESENTATIVE SULLIVAN	

Upon motion of Representative Pickett, **HOUSE BILL NO. 1008** was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 1 TO HOUSE BILL NO. 1008

Amend **HOUSE BILL NO. 1008** as originally introduced:

Page 1, line 9, delete "LIMIT" and substitute "TRACK"

AND

Page 1, line 10, delete "MAY BE" and substitute "ARE"

AND

Delete the subtitle in its entirety and substitute:

"TO TRACK THE AMOUNT OF STATE FUNDS THAT ARE USED TO SUPPORT ATHLETIC PROGRAMS IN PUBLIC SCHOOLS."

AND

Delete everything following the enacting clause and substitute the following:

"SECTION 1. Arkansas Code Title 6, Chapter 20, is amended to add an additional subchapter to read as follows:

6-20-2001. Purpose.

The purpose of this subchapter is to track and account for the amount of state funds that is used to support interschool athletic programs in public schools.

6-20-2002. Definitions.

As used in this subchapter:

(1) "Athletic expenditures" means all direct and indirect expenses related to interschool athletic programs, prorated if necessary, including but not limited to:

(A) Salaries or supplemental pay for staff for interschool athletic programs, excluding salaries received for duties as a classroom teacher;

(B) All fringe benefits, including, but not limited to, medical and dental insurance, workers' compensation, pension plans, and any other cost associated with employment of staff for interschool athletic programs;

(C) Travel, including bus-related operation and maintenance;

(D) Equipment;

(E) Meals;

(F) Supplies;

(G) Property and medical insurance;

(H) Medical expenses;

(I) Utilities; and

(J) Maintenance of facilities related to interschool athletic teams

and spirit groups, excluding bands;

(2) "Classroom teacher" means an individual who is required to hold a teaching license from the Department of Education 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;

(3) "Interschool athletic program" means:

(A) Any athletic program which is organized primarily for the purpose of competing with other schools, public or private; or

(B) Any athletic program which is subject to regulation by the Arkansas Activities Association; and

(4) "State funds" means all money derived from state revenues, specifically including but not limited to, the uniform rate of ad valorem property tax established under Arkansas Constitution, Amendment 74, and distributed to a public school or school district.

6-20-2003. Certification by local district school board.

(a) Annually by September 15 of each year, the local school board of each school district shall:

(1) In a written report, certify to the State Board of Education:

(A) For the previous school year, the amount of the district's total athletic expenditures for interschool athletic programs and separately within the report, if expenditures were paid from:

(i) State funds;

(ii) Ticket sales;

(iii) Donations or fundraisers;

(iv) Local funds in excess of the uniform rate of ad valorem property tax under Arkansas Constitution, Amendment 74; or

(v) Other sources of funding. For other sources of funding, the report shall identify the source.

(B) For the upcoming school year, the district's total athletic expenditures budgeted for interschool athletic programs, indicating separately within the report, if expenditures are to be paid from:

(i) State funds;

(ii) Ticket sales;

(iii) Donations or fundraisers;

(iv) Local funds in excess of the uniform rate of ad valorem property tax under Arkansas Constitution, Amendment 74; or

(v) Other sources of funding. For other sources of funding, the report shall identify the source;

(2) Provide the state board with a report of the school district's total athletic expenditures in a format approved by the state board or the Department of Education for the previous school year and post the report on the school district's website;

(3) Provide the state board with a budget for the athletic expenditures as set forth under subdivision (a)(1)(B) of this section for the upcoming year and post the report on the school district's website; and

(4) Provide the state board and the department with any additional information or documentation requested.

(b)(1) Any school district failing to comply with the provisions of this subchapter and the rules adopted by the state board for the implementation of this subchapter shall be identified by the department to be a school in fiscal distress in accordance with the Arkansas Fiscal Assessment and Accountability Program, § 6-20-1901 et seq.

(2) Any report required by this subchapter shall be subject to a yearly audit which shall be filed as set forth under §§ 6-20-1801 – 6-20-1804.

6-20-2004. Regulations – Nondiscriminatory application.

(a) By May 1, 2004, the State Board of Education shall promulgate any rules necessary for the implementation of this subchapter.

(b) The rules shall include a procedure to be developed by the Department of Education to ensure uniform reporting of athletic expenditures.

/s/ Betty Pickett

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

/s/ Ms. Jo Renshaw
Chief Clerk

ENGROSSED BILL REPORTS

HERSCHEL W. CLEVELAND, CHAIRMAN

January 8, 2004

The following bill(s) reported correctly engrossed:

HOUSE BILL NO. 1008 - TITLE - BY REPRESENTATIVE PICKETT

HOUSE BILL ENGROSSED AS TITLE AMENDED

HOUSE BILL NO. 1008

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 IN PUBLIC SCHOOLS; AND FOR OTHER PURPOSES.

State of Arkansas
Office of the Governor

Mike Huckabee
Governor

January 7, 2004

TO THE SPEAKER OF THE HOUSE

Dear Mr. Speaker:

This is to inform you that on January 7, 2004, I approved the following measures from the Second Extraordinary Session of the Eighty-Fourth General Assembly:

HOUSE BILL NO. 1048, which is now Act Number 31

HOUSE BILL NO. 1028, which is now Act Number 32

HOUSE BILL NO. 1054, which is now Act Number 33

Sincerely,

/s/ Mike Huckabee

MH:sm

Morning Hour Expired.

HOUSE BILL NO. 1090

BY: REPRESENTATIVE CLEVELAND

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

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

Total92

NEGATIVE:

Total0

ABSENT OR NOT VOTING: P. Bookout, Chesterfield, Lamoureux, Moore, Oglesby, Parks, Schulte, Stovall.

Total8

VOTING PRESENT:

Total0

Total number of votes cast.....92

Total number voting in the affirmative92

Necessary to the passage of the bill51

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

There being an Emergency Clause attached to **HOUSE BILL NO. 1090**, the Speaker ordered the clerk to call the roll upon the adoption of the Emergency Clause. The vote was as follows:

EMERGENCY CLAUSE

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

Total92

NEGATIVE:

Total0

ABSENT OR NOT VOTING: P. Bookout, Chesterfield, Lamoureux, Moore, Oglesby, Parks, Schulte, Stovall.

Total8

VOTING PRESENT:

Total0

Total number of votes cast92

Total number voting in the affirmative92

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

So the Emergency Clause was adopted.

HOUSE BILL NO. 1087

BY: REPRESENTATIVE HARRIS

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

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

Total91

NEGATIVE:

Total0

ABSENT OR NOT VOTING: Chesterfield, Goss, Harris, Lamoureux, Moore, Oglesby, Schulte, Stovall, Thomas.

Total9

VOTING PRESENT:

Total0

Total number of votes cast.....91

Total number voting in the affirmative91

Necessary to the passage of the bill51

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

STATE OF ARKANSAS
HOUSE OF REPRESENTATIVES

January 8, 2004

To Whom it May Concern:

I was called away from my seat during the vote on **HOUSE BILL NO. 1087**. Please mark my vote as "yes."

Sincerely,

/s/ Eric Harris
State Representative

EH:jwa

HOUSE BILL NO. 1085

BY: REPRESENTATIVE THYER

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

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

Total94

NEGATIVE: Medley.

Total1

ABSENT OR NOT VOTING: Bright, Chesterfield, Dobbins, Lamoureux, Schulte.

Total5

VOTING PRESENT:

Total0

Total number of votes cast.....95

Total number voting in the affirmative94

Necessary to the passage of the bill51

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

Upon motion of Representative Thyer the Clincher motion prevailed.

Motion was made by Representative Bledsoe to delay the vote on **HOUSE BILL NO. 1080** because there is no fiscal impact statement on the desk. On this motion the vote was as follows:

AFFIRMATIVE: Adams, Agee, Anderson, Biggs, Bledsoe, Bolin, P. Bookout, Boyd, Childers, Cowling, Creekmore, Dangeau, Dees, Edwards, D. Evans, L. Evans, Ferguson, Gillespie, Gipson, Haak, Harris, Hickinbotham, Jackson, Jacobs, Jeffrey, Kenney, Key, King, Lamoureux, Lewellen, Mack, Matayo, Mathis, Napper, Nichols, Norton, Oglesby, Ormond, Pace, Parks, Pate, Penix, Pickett, Pritchard, Rosenbaum, Scroggin, R. Smith, Stovall, Sullivan, C. Taylor, Thomason, Thyer, Verkamp, Walters.

Total54

NEGATIVE: Blair, Borhauer, Bradford, Clemons, Dickinson, Eason, Elliott, Fite, Goss, Green, House, C. Johnson, J. Johnson, Judy, Ledbetter, Lendall, Mahony, Martin, Medley, Petrus, S. Prater, Roebuck, Seawel, Sumpter, Thomas, White, Wood.

Total27

ABSENT OR NOT VOTING: Bennett, Berry, Bond, Bright, Chesterfield, Dobbins, Hardwick, Hathorn, Hutchinson, Jones, Moore, L. Prater, Rankin, Schulte, Scrimshire, J. Taylor, Weaver, Mr. Speaker.

Total18

VOTING PRESENT: Milligan.

Total1

Total number of votes cast82

Total number voting in the affirmative54

Necessary to the adoption of the motion51

So the motion was adopted.

Motion was made by Representative Bradford to suspend the rules for immediate consideration of **HOUSE BILL NO. 1080**. On this motion the vote was as follows:

AFFIRMATIVE: Biggs, Blair, P. Bookout, Boyd, Bradford, Clemons, Cowling, Dangeau, Dees, Dickinson, Eason, Edwards, Elliott, Gipson, Goss, Green, Hardwick, House, C. Johnson, J. Johnson, Jones, Judy, Ledbetter, Lendall, Lewellen, Mack, Mahony, Martin, Medley, Pate, Petrus, Pickett, L. Prater, S. Prater, Roebuck, Seawel, R. Smith, Stovall, Sumpter, J. Taylor, Thomas, Thomason, Thyer, Verkamp, Walters, White, Wood.

Total47

NEGATIVE: Agee, Anderson, Bledsoe, Bolin, Borhauer, Creekmore, D. Evans, L. Evans, Fite, Gillespie, Haak, Harris, Jackson, Jacobs, Jeffrey, Kenney, Lamoureux, Matayo, Mathis, Napper, Nichols, Norton, Oglesby, Ormond, Parks, Pritchard, Rosenbaum, Scroggin, Sullivan, C. Taylor.

Total30

ABSENT OR NOT VOTING: Adams, Bennett, Berry, Bond, Bright, Chesterfield, Childers, Dobbins, Ferguson, Hathorn, Hickinbotham, Hutchinson, Key, King, Milligan, Moore, Pace, Penix, Rankin, Schulte, Scrimshire, Weaver, Mr. Speaker.

Total23

VOTING PRESENT:

Total0

Total number of votes cast.....77

Total number voting in the affirmative47

Necessary to the adoption of the motion.....67

So the motion failed of adoption.

HOUSE BILL NO. 1071

BY: REPRESENTATIVE BIGGS

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

AFFIRMATIVE: Adams, Bennett, Berry, Biggs, Blair, Bolin, Bond, P. Bookout, Borhauer, Boyd, Bradford, Childers, Clemons, Cowling, Dangeau, Dees, Dickinson, Eason, Elliott, L. Evans, Ferguson, Fite, Gillespie, Gipson, Goss, Green, Hardwick, Hathorn, Hickinbotham, House, Hutchinson, Jacobs, Jeffrey, C. Johnson, J. Johnson, Jones, King, Lamoureux, Ledbetter, Lendall, Lewellen, Mack, Mahony, Mathis, Milligan, Moore, Napper, Norton, Parks, Pate, Pickett, L. Prater, Rankin, Roebuck, Scrimshire, Scroggin, Seawel, R. Smith, Stovall, Sullivan, Sumpter, C. Taylor, J. Taylor, Thomas, Thomason, Thyer, Verkamp, Walters, Weaver, White, Mr. Speaker.

Total71

NEGATIVE: Agee, Anderson, Edwards, D. Evans, Harris, Judy, Kenney, Martin, Matayo, Medley, Oglesby, Petrus, S. Prater, Pritchard, Rosenbaum, Wood.

Total16

ABSENT OR NOT VOTING: Bledsoe, Bright, Chesterfield, Creekmore, Dobbins, Haak, Jackson, Nichols, Pace, Penix, Schulte.

Total11

VOTING PRESENT: Key, Ormond.

Total2

Total number of votes cast89

Total number voting in the affirmative71

Necessary to the passage of the bill51

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

Upon motion of Representative Biggs the Clincher motion prevailed.

***** EXPUNGED*****1/12/04*****

HOUSE BILL NO. 1040

BY: REPRESENTATIVE ELLIOTT

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

AFFIRMATIVE: Biggs, Blair, Bolin, Bond, Borhauer, Bradford, Clemons, Dees, Dobbins, Eason, Edwards, Elliott, Ferguson, Fite, Goss, Green, House, C. Johnson, J. Johnson, Jones, Judy, Ledbetter, Lendall, Lewellen, Martin, Medley, Moore, Napper, Penix, Pickett, S. Prater, Roebuck, Seawel, Thomas, Walters, White, Wood.

Total37

NEGATIVE: Adams, Agee, Anderson, Bennett, Berry, Bledsoe, Cowling, Creekmore, Dickinson, D. Evans, L. Evans, Gillespie, Gipson, Haak, Hardwick, Harris, Hathorn, Hickinbotham, Jacobs, Jeffrey, Key, King, Lamoureux, Matayo, Mathis, Nichols, Norton, Oglesby, Ormond, Pace, Parks, Pate, Petrus, Pritchard, Rosenbaum, Scrimshire, Scroggin, R. Smith, Stovall, C. Taylor, J. Taylor, Thomason, Thyer, Verkamp, Weaver.

Total45

ABSENT OR NOT VOTING: P. Bookout, Boyd, Bright, Chesterfield, Childers, Dangeau, Hutchinson, Jackson, Kenney, Mack, Mahony, Milligan, L. Prater, Rankin, Schulte, Sullivan, Sumpter, Mr. Speaker.

Total18

VOTING PRESENT:

Total0

Total number of votes cast.....82

Total number voting in the affirmative37

Necessary to the passage of the bill51

So the Bill failed.

***** EXPUNGED*****1/12/04*****

SENATE BILL NO. 33

BY: SENATOR HARDWICK

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

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

Total94

NEGATIVE: Lewellen.

Total1

ABSENT OR NOT VOTING: Chesterfield, Hardwick, Pickett, Schulte, Sumpter.

Total5

VOTING PRESENT:

Total0

Total number of votes cast.....95

Total number voting in the affirmative94

Necessary to the passage of the bill51

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

There being an Emergency Clause attached to **SENATE BILL NO. 33**, the Speaker ordered the clerk to call the roll upon the adoption of the Emergency Clause. The vote was as follows:

EMERGENCY CLAUSE

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

Total94

NEGATIVE: Lewellen.

Total1

ABSENT OR NOT VOTING: Chesterfield, Hardwick, Pickett, Schulte, Sumpter.

Total5

VOTING PRESENT:

Total0

Total number of votes cast.....95

Total number voting in the affirmative94

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

So the Emergency Clause was adopted.

Upon motion of Representative Hardwick the Clincher motion prevailed.

HOUSE BILLS ORDERED TRANSMITTED TO THE SENATE AS PASSED

HOUSE BILL NO. 1071 BY REPRESENTATIVE BIGGS
 HOUSE BILL NO. 1085 BY REPRESENTATIVE THYER
 HOUSE BILL NO. 1087 BY REPRESENTATIVE HARRIS
 HOUSE BILL NO. 1090 BY REPRESENTATIVE CLEVELAND

SENATE BILLS ORDERED RETURNED TO THE SENATE AS PASSED

SENATE BILL NO. 33 BY SENATOR BRYLES, AS AMENDED #1

ARKANSAS SENATE
 HOUSE BILLS RETURNED FROM THE SENATE AS PASSED

HOUSE BILL NO. 1089 BY HOUSE MANAGEMENT
 HOUSE BILL NO. 1053 BY REPRESENTATIVE C. JOHNSON
 AS AMENDED #1

ARKANSAS SENATE
 SENATE BILLS RECEIVED FROM SENATE

SENATE BILL NO. 41 BY SENATOR WOMACK
 SENATE BILL NO. 46 BY SENATOR BISBEE
 SENATE BILL NO. 49 BY SENATOR WILKINS
 SENATE BILL NO. 54 BY SENATOR HENDREN
 SENATE BILL NO. 58 BY SENATE EFFICIENCY

STATE OF ARKANSAS
HOUSE OF REPRESENTATIVES

January 8, 2003

To Whom it May Concern:

I was called away from my seat during the vote on **SENATE BILL NO. 33**. Please mark my vote as "yes."

Sincerely,

/s/ Horace Hardwick
State Representative

HH:smt

HOUSE BILL NO. 1095

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.

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

HOUSE BILL NO. 1096

BY: REPRESENTATIVE MAHONY

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO INCREASE STUDENT RESPONSIBILITY FOR PERFORMANCE ON END-OF-COURSE TESTING; AND FOR OTHER PURPOSES.

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

SENATE BILL NO. 41

BY: SENATORS WOMACK, BRYLES

BY: 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.

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

SENATE BILL NO. 46

BY: SENATORS BISBEE, BRYLES, WILKINS, J. JEFFRESS, *BAKER, BROADWAY, MADISON*

BY: REPRESENTATIVES MAHONY, SEAWEL, ANDERSON, *AGEE, DANGEAU, EDWARDS, HOUSE, C. JOHNSON, PENIX, WHITE*

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.

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

SENATE BILL NO. 49

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.

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

SENATE BILL NO. 54

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.

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

SENATE BILL NO. 58

BY: SENATE EFFICIENCY

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.

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

Upon motion of Representative Gillespie, the House adjourned at 3:32 p.m. until 10:00 a.m. Friday, January 9, 2004.

ATTEST:

Herschel W. Cleveland
Speaker of the House of Representatives

Jo Renshaw
Chief Clerk

**THIRTY-THIRD DAY'S PROCEEDINGS
HALL OF THE HOUSE OF REPRESENTATIVES**

Little Rock, Arkansas
January 9, 2004

The House was called to order at 10:04 a.m. by Mr. Cleveland, the Speaker.
The following members answered to the roll call:

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

Total 98

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

Total 2

A quorum was present.

Unanimous leave was granted for Representative(s) Moore, Rankin.

The House stood and was led in prayer by Representative Jay Martin.

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

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

COMMITTEE REPORT

EDUCATION	January 9, 2004
	CALVIN JOHNSON
	CHAIRPERSON
SENATE BILL NO. 46	DO PASS
BY SENATOR BISBEE	

Upon motion of Representative Elliott, **HOUSE BILL NO. 1063** was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 2 TO HOUSE BILL NO. 1063

Amend **HOUSE BILL NO. 1063** as engrossed, H12/23/03

(version: 12-23-2003 09:00):

Page 1, line 11 delete "THOUGH" and substitute "THROUGH"

AND

Page 1, line 18 delete "THOUGH" and substitute "THROUGH"

AND

Page 2, delete line 14 and substitute the following:

"three (K-3) to determine the impact of reducing teacher-student ratios to one (1) teacher for each fifteen (15) students."

/s/ J. Elliott

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

/s/ Ms. Jo Renshaw
Chief Clerk

Upon motion of Representative Pickett, HOUSE BILL NO. 1012 was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 1 TO HOUSE BILL NO. 1012

Amend HOUSE BILL NO. 1012 as originally introduced:

Page 6, line 18, delete "three thousand (3,000) and" and substitute "three thousand (3,000) or is countywide and"

/s/ Betty Pickett

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

/s/ Ms. Jo Renshaw
Chief Clerk

ENGROSSED BILL REPORTS

HERSCHEL W. CLEVELAND, CHAIRMAN

January 9, 2004

The following bill(s) reported correctly engrossed:

HOUSE BILL NO. 1012 BY REPRESENTATIVE PICKETT

HOUSE BILL NO. 1063 - TITLE - BY REPRESENTATIVE ELLIOTT, ET AL

HOUSE BILL ENGROSSED AS TITLE AMENDED
HOUSE BILL NO. 1063

BY: REPRESENTATIVES ELLIOTT, CLEVELAND

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO CREATE THREE (3) PILOT PROGRAMS TO STUDY THE EFFECT OF REDUCING TEACHER-STUDENT RATIOS IN GRADES KINDERGARTEN THROUGH TWELVE (K-12); AND FOR OTHER PURPOSES.

HOUSE RESOLUTION NO.1012

BY: REPRESENTATIVE SULLIVAN

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.

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

HOUSE RESOLUTION NO.1013

BY: REPRESENTATIVE J. TAYLOR

RECOGNIZING SGT. MARQUETTE WHITESIDE FOR HIS EXEMPLARY MILITARY SERVICE.

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

Morning Hour Expired.

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

ARKANSAS SENATE

AMENDMENT NO. 1 TO HOUSE BILL NO. 1053

Amend HOUSE BILL NO. 1053 as engrossed, H12/23/03

(version: 12-26-2003 09:07):

Page 1, delete line 6, and substitute:

"By: Senators Wilkins, Gullett"

/s/ Henry "Hank" Wilkins

The Amendment was read and the vote was as follows:

AFFIRMATIVE: Adams, Agee, Anderson, Bennett, Berry, Biggs, Blair, Bledsoe, P. Bookout, Borhauer, Boyd, Bradford, Bright, Chesterfield, Childers, Clemons, Cowling, Creekmore, Dees, Dickinson, Dobbins, Eason, Edwards, Elliott, D. Evans, Ferguson, Fite, Gillespie, Gipson, Goss, Hardwick, Harris, Hathorn, Hickinbotham, Hutchinson, Jackson, Jacobs, Jeffrey, C. Johnson, J. Johnson, Jones, Judy, Kenney, Key, King, Lamoureux, Ledbetter, Lendall, Lewellen, Mack, Mahony, Martin, Matayo, Medley, Napper, Nichols, Oglesby, Ormond, Pace, Parks, Pate, Penix, Pickett, L. Prater, S. Prater, Pritchard, Roebuck, Rosenbaum, Schulte, Scroggin, Seawel, R. Smith, Sullivan, Sumpter, C. Taylor, J. Taylor, Thomas, Thomason, Thyer, Verkamp, Walters, Wood.

Total82

NEGATIVE:

Total0

ABSENT OR NOT VOTING: Bolin, Bond, Dangeau, L. Evans, Green, Haak, Mathis, Moore, Norton, Petrus, Rankin, Stovall, Weaver, White, Mr. Speaker.

Total15

VOTING PRESENT: House, Milligan, Scrimshire.

Total3

Total number of votes cast.....85

Total number voting in the affirmative82

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

So the Amendment was concurred in.

/s/ Ms. Jo Renshaw

Chief Clerk

***** EXPUNGED*****1/16/04*****

HOUSE BILL NO. 1080

BY: REPRESENTATIVE C. JOHNSON

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

AFFIRMATIVE: Agee, Biggs, Blair, P. Bookout, Borhauer, Boyd, Bradford, Bright, Chesterfield, Clemons, Dees, Dickinson, Dobbins, D. Evans, Gillespie, Goss, Green, Hardwick, Hutchinson, C. Johnson, J. Johnson, Jones, Judy, Kenney, King, Ledbetter, Lewellen, Martin, Medley, Napper, Penix, Pickett, S. Prater, Roebuck, Seawel, R. Smith, Thomas, White, Wood.

Total39

NEGATIVE: Berry, Bond, Cowling, Edwards, L. Evans, Hickinbotham, Jackson, Jeffrey, Lamoureux, Mathis, Milligan, Nichols, Norton, Ormond, Pate, Rosenbaum, Scrimshire, Scroggin, Sullivan, Thomason, Thyer, Verkamp, Walters, Weaver.

Total24

ABSENT OR NOT VOTING: Adams, Anderson, Bennett, Bledsoe, Bolin, Childers, Creekmore, Dangeau, Eason, Elliott, Ferguson, Fite, Haak, Harris, Hathorn, House, Jacobs, Lendall, Mack, Mahony, Matayo, Moore, Oglesby, Pace, Petrus, L. Prater, Pritchard, Rankin, Schulte, Stovall, Sumpter, C. Taylor, J. Taylor, Mr. Speaker.

Total34

VOTING PRESENT: Gipson, Key, Parks.

Total3

Total number of votes cast.....66

Total number voting in the affirmative39

Necessary to the passage of the bill51

So the Bill failed.

***** EXPUNGED*****1/16/04*****

Motion was made by Representative Wood to refer HOUSE BILL NO. 1008 back to the Committee on EDUCATION. Motion carried.

HOUSE BILL NO. 1009

BY: REPRESENTATIVE PICKETT

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

AFFIRMATIVE: Adams, Agee, Anderson, Bennett, Biggs, Blair, Bledsoe, Bolin, Bond, P. Bookout, Borhauer, Bradford, Bright, Childers, Clemons, Creekmore, Dees, Dickinson, Eason, Edwards, Elliott, D. Evans, Ferguson, Fite, Gillespie, Goss, Green, Hardwick, Harris, Hathorn, House, Jacobs, C. Johnson, J. Johnson, Jones, Judy, King, Ledbetter, Lendall, Mack, Mahony, Martin, Matayo, Medley, Napper, Nichols, Norton, Oglesby, Ormond, Pace, Pate, Penix, Petrus, Pickett, S. Prater, Pritchard, Roebuck, Rosenbaum, Schulte, Seawel, R. Smith, Sullivan, Sumpter, C. Taylor, J. Taylor, Thomas, Thomason, Thyer, Walters, White, Wood.

Total71

NEGATIVE: Berry, Cowling, Gipson, Hutchinson, Jackson, Kenney, Key, Lamoureux, Scrimshire.

Total9

ABSENT OR NOT VOTING: Boyd, Chesterfield, Dangeau, Dobbins, L. Evans, Haak, Hickenbotham, Mathis, Moore, Parks, L. Prater, Rankin, Scroggin, Stovall, Verkamp, Weaver, Mr. Speaker.

Total17

VOTING PRESENT: Jeffrey, Lewellen, Milligan.

Total3

Total number of votes cast83

Total number voting in the affirmative71

Necessary to the passage of the bill51

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

Upon motion of Representative Pickett the Clincher motion prevailed.

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

EMERGENCY CLAUSE

AFFIRMATIVE: Adams, Agee, Anderson, Bennett, Biggs, Blair, Bledsoe, Bolin, Bond, P. Bookout, Borhauer, Bradford, Bright, Childers, Clemons, Creekmore, Dees, Dickinson, Eason, Edwards, Elliott, D. Evans, Ferguson, Fite, Gillespie, Goss, Green, Hardwick, Harris, Hathorn, House, Jacobs, C. Johnson, J. Johnson, Jones, Judy, King, Ledbetter, Lendall, Mack, Mahony, Martin, Matayo, Medley, Napper, Nichols, Norton, Oglesby, Ormond, Pace, Pate, Penix, Petrus, Pickett, S. Prater, Pritchard, Roebuck, Rosenbaum, Schulte, Seawel, R. Smith, Sullivan, Sumpter, C. Taylor, J. Taylor, Thomas, Thomason, Thyer, Walters, White, Wood.

Total71

NEGATIVE: Berry, Cowling, Gipson, Hutchinson, Jackson, Kenney, Key, Lamoureux, Scrimshire.

Total9

ABSENT OR NOT VOTING: Boyd, Chesterfield, Dangeau, Dobbins, L. Evans, Haak, Hickinbotham, Mathis, Moore, Parks, L. Prater, Rankin, Scroggin, Stovall, Verkamp, Weaver, Mr. Speaker.

Total17

VOTING PRESENT: Jeffrey, Lewellen, Milligan.

Total3

Total number of votes cast83

Total number voting in the affirmative71

Necessary to the adoption of the emergency clause67

So the Emergency Clause was adopted.

Upon motion of Representative Pickett the Clincher motion prevailed.

SENATE BILL NO. 58

BY: SENATOR WHITE

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

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

Total86

NEGATIVE:

Total0

ABSENT OR NOT VOTING: Bright, Chesterfield, Childers, Dangeau, Dobbins, Haak, House, Moore, Pritchard, Rankin, Thomas, Mr. Speaker.

Total12

VOTING PRESENT: Ormond, Rosenbaum.

Total2

Total number of votes cast88

Total number voting in the affirmative86

Necessary to the passage of the bill51

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

There being an Emergency Clause attached to **SENATE BILL NO. 58**, the Speaker ordered the clerk to call the roll upon the adoption of the Emergency Clause. The vote was as follows:

EMERGENCY CLAUSE

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

Total86

NEGATIVE:

Total0

ABSENT OR NOT VOTING: Bright, Chesterfield, Childers, Dangeau, Dobbins, Haak, House, Moore, Pritchard, Rankin, Thomas, Mr. Speaker.

Total12

VOTING PRESENT: Ormond, Rosenbaum.

Total2

Total number of votes cast88

Total number voting in the affirmative86

Necessary to the adoption of the emergency clause67

So the Emergency Clause was adopted.

The House stood in recess at 4:00 p.m. for the reading of the bills.

The House reconvened at 4:03 p.m and adjourned at 4:06 p.m.

HOUSE BILLS ORDERED TRANSMITTED TO THE SENATE AS PASSED

HOUSE BILL NO. 1009 BY REPRESENTATIVE PICKETT

SENATE BILLS ORDERED RETURNED TO THE SENATE AS PASSED

SENATE BILL NO. 58 BY SENATE EFFICIENCY

ARKANSAS SENATE
HOUSE BILLS RETURNED FROM THE SENATE AS PASSED

HOUSE BILL NO. 1034 BY REPRESENTATIVE CLEVELAND
AS AMENDED #1 & #2

HOUSE BILL NO. 1060 BY REPRESENTATIVE CHESTERFIELD
AS AMENDED #1

ENROLLED AND DELIVERY TO GOVERNOR REPORTS

Little Rock, Arkansas
January 9, 2004

MR. SPEAKER:

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

HOUSE BILL NO. 1089 BY HOUSE MANAGEMENT

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 8:36 a.m. delivered them to the Governor for his approval.

Respectfully submitted,

/s/ Herschel W. Cleveland
Chairman

RECEIPT FROM THE GOVERNOR

RECEIVED FROM THE HOUSE:

HOUSE BILL NO. 1089 BY HOUSE MANAGEMENT

/s/ Mike Huckabee - Governor

TIME: 8:36 a.m.

By: Stacy DeJarnett

ENROLLED AND DELIVERY TO GOVERNOR REPORTS

Little Rock, Arkansas

January 9, 2004

MR. SPEAKER:

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

HOUSE BILL NO. 1053 BY REPRESENTATIVE C. JOHNSON, ET AL

beg leave to report that we have carefully compared the enrolled copies with the original and we find the same correctly enrolled and have at 11:00 a.m. delivered them to the Governor for his approval.

Respectfully submitted,

/s/ Herschel W. Cleveland

Chairman

RECEIPT FROM THE GOVERNOR

RECEIVED FROM THE HOUSE:

HOUSE BILL NO. 1053 BY REPRESENTATIVE C. JOHNSON, ET AL

/s/ Mike Huckabee - Governor

TIME: 11:00 a.m.

By: Stacy DeJarnett

HOUSE BILL NO. 1097

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.

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

HOUSE BILL NO. 1098

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.

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

HOUSE BILL NO. 1099

BY: REPRESENTATIVE MAHONY

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.

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

HOUSE BILL NO. 1100

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.

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

HOUSE BILL NO. 1101

BY: REPRESENTATIVE WHITE

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO CREATE A REDUCTION IN FORCE POLICY FOR SCHOOL DISTRICTS; AND FOR OTHER PURPOSES.

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

HOUSE BILL NO. 1102

BY: REPRESENTATIVE PICKETT

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO REQUIRE STUDENTS TO ENROLL IN THE SMART CORE CURRICULUM; AND FOR OTHER PURPOSES.

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

HOUSE BILL NO. 1103

BY: REPRESENTATIVE JACKSON

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO AMEND ARKANSAS LAW TO PROVIDE FOR THE WITHHOLDING OF INCOME TAX BY PASS-THROUGH ENTITIES ON NONRESIDENT TAXPAYERS; 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. 1104

BY: REPRESENTATIVE JACKSON

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO AMEND ARKANSAS LAW TO BROADEN THE SCOPE OF THE CORPORATE INCOME TAX LEVIED UPON MULTISTATE CORPORATIONS; 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. 1105

BY: REPRESENTATIVE JACKSON

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO PROVIDE FOR COMBINED REPORTING BY CORPORATIONS THAT ARE MEMBERS OF AN AFFILIATED GROUP; 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. 1106

BY: REPRESENTATIVE C. JOHNSON

BY: SENATOR ARGUE

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO REORGANIZE THE EXISTING PUBLIC SCHOOL EDUCATION SYSTEM; AND FOR OTHER PURPOSES.

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

HOUSE BILL NO. 1107

BY: REPRESENTATIVES ELLIOTT, CLEMONS, EASON, GOSS, C. JOHNSON, JONES, LEWELLEN, WHITE

BY: SENATORS WILKINS, STEELE

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO TARGET THE DISTRIBUTION OF NEW REVENUE IN THE PUBLIC SCHOOL FUND; TO ESTABLISH AND FUND A MINIMUM TEACHER COMPENSATION SCHEDULE; AND FOR OTHER PURPOSES.

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

HOUSE BILL NO. 1108

BY: REPRESENTATIVES DANGEAU, BOLIN, BOYD, JACOBS, STOVALL

BY: 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.

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

HOUSE RESOLUTION NO. 1014

BY: REPRESENTATIVES C. JOHNSON, CHESTERFIELD, CLEMONS, CLEVELAND, DANGEAU, DICKINSON, ELLIOTT, FITE, GOSS, JONES, LEWELLEN, MAHONY, PENIX, PICKETT, THOMAS, WHITE

COMMENDING THE DIRECTORS OF THE FEDERAL TRIO PROGRAMS AND RECOGNIZING THEIR CONTRIBUTION OF \$18.2 MILLION TO EDUCATION IN ARKANSAS FOR THE 2002-2003 SCHOOL YEAR.

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

HOUSE MEMORIAL RESOLUTION NO. 1007

BY: REPRESENTATIVES KENNEY, AGEE, ANDERSON, BLEDSOE, BORHAUER, EDWARDS, HARDWICK, HARRIS, JUDY, MATAYO, PACE, PRITCHARD, ROEBUCK

HONORING THE MEMORY AND ACHIEVEMENTS OF JERROLD "JERRY" ELDON HINSHAW.

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

HOUSE MEMORIAL RESOLUTION NO. 1008

BY: REPRESENTATIVES MARTIN, BRADFORD, CHILDERS

HONORING THE MEMORY AND ACHIEVEMENTS OF JERRY LEWIS RUSSELL, JUNIOR.

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

HOUSE MEMORIAL RESOLUTION NO. 1009

BY: REPRESENTATIVES AGEE, EDWARDS, JUDY

HONORING THE MEMORY OF MR. WILEY B. "JOE" HOLT.

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

Upon motion of Representative Gillespie, the House adjourned at 10:43 a.m. until 1:30 p.m. Monday, January 12, 2004.

ATTEST:

Herschel W. Cleveland
Speaker of the House of Representatives

Jo Renshaw
Chief Clerk

**THIRTY-SIXTH DAY'S PROCEEDINGS
HALL OF THE HOUSE OF REPRESENTATIVES**

Little Rock, Arkansas
January 12, 2004

The House was called to order at 1:31 p.m. by Mr. Cleveland, the Speaker.
The following members answered to the roll call:

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

Total 97

The following member(s) was absent and did not answer to the roll call:
Kenney, Oglesby, Schulte.

Total 3

A quorum was present.

Unanimous leave was granted for Representative(s) Kenney, Oglesby, Schulte.

The House stood and was led in prayer by Representative Tommy Dickinson.

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

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

COMMITTEE REPORT

EDUCATION	January 12, 2004
	CALVIN JOHNSON
	CHAIRPERSON
HOUSE BILL NO. 1034	DO PASS, TO CONCUR IN
BY REPRESENTATIVE CLEVELAND	SENATE AMENDMENTS 1, 2
HOUSE BILL NO. 1060	DO PASS, TO CONCUR IN
BY REPRESENTATIVE CHESTERFIELD	SENATE AMENDMENT #1
HOUSE BILL NO. 1077	DO PASS
BY REPRESENTATIVE CLEVELAND	AS AMENDED #1
HOUSE BILL NO. 1094	DO PASS
BY REPRESENTATIVE MAHONY	
HOUSE BILL NO. 1095	DO PASS
BY REPRESENTATIVE J. JOHNSON	
HOUSE RESOLUTION NO. 1014	DO PASS
BY REPRESENTATIVE C. JOHNSON	

Upon motion of Representative Judy, **HOUSE BILL NO. 1091** was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 1 TO HOUSE BILL NO. 1091

Amend **HOUSE BILL NO. 1091** as originally introduced:

Delete everything after the enacting clause and substitute the following:

“SECTION 1. Arkansas Code Title 6, Chapter 18, is amended to add an additional subchapter to read as follows:

6-18-1401. Title.

This subchapter shall be known and may be cited as the “Family Resource Centers Act”.

6-18-1402. Definitions.

For the purpose of this subchapter:

(1) “Board” means the State Child Abuse and Neglect Prevention Board;

(2) “Core component” means one (1) of the activities or services for children and their families provided by a family resource center pursuant to the school district’s grant application;

(3) “Family resource center” means a center in or near a priority elementary school;

(4) “National school lunch students” mean those students from low socioeconomic backgrounds as indicated by eligibility for free or reduced-priced meals under the National School Lunch Act as calculated on October 1 of each year and submitted to the Department of Education;

(5) “Optional component” means one (1) of the activities or services for children or their families provided by a family resource center to satisfy unique community needs;

(6) “Parent” means a parent, legal guardian, or person standing in loco parentis; and

(7) “Priority elementary school” means a public school that meets the following requirements:

(A) Has one (1) or more of grades kindergarten through six (K-6); and

(B)(i) Has fifty percent (50%) or more of the enrolled students that are national school lunch students based on data from the 2002-2003 school year; or

(ii) Has fifty percent (50%) or more of the students that are performing below proficient on any or all benchmark examinations based on

examination results from the 2002-2003 school year.

6-18-1403. Administration.

This subchapter shall be administered by the State Child Abuse and Neglect Prevention Board as created under § 9-30-104.

6-18-1404. Duties.

(a) The State Child Abuse and Neglect Prevention Board shall have the following duties:

(1) To determine which schools are priority elementary schools under this subchapter;

(2) To review grant applications and to award grants to school districts for family resource centers;

(3)(A) To formulate and assist with the implementation of an implementation plan to establish a minimum of ten (10) family resource centers.

(B) The family resource centers shall be designed to meet the following goals:

(i) To remove nonacademic barriers to student success in school;

(ii) To enhance the abilities of students to succeed in school; and

(iii) To meet the needs of children and their families;

(4) To monitor the family resource centers;

(5) To modify the implementation plans as necessary;

(6) To promulgate rules and forms for the administration of this subchapter;

(7) To employ administrative or training staff as needed;

(8) To create local advisory groups; and

(9) Other duties as determined by the board.

(b) This subchapter is the framework for schools to address student poverty issues and to remove nonacademic barriers that hinder student performance. A school district may fund programs or services under this subchapter with monies received from the Public School Fund or its successor fund for poverty index funding, National School Lunch Act student funding, national school lunch students funding, or other funding for students eligible for the free or reduced-price lunch program.

(c) On or before October 1 of each year, the chairperson of the board or his or her designee shall report to the House Interim Committee on Aging, Children and Youth, Legislative and Military Affairs and Senate Interim Committee on Children and Youth regarding the status of the development of the family resource centers

and the outcomes achieved at each operational family resource center.

6-18-1405. Purposes.

(a) Family resource centers shall be designed to remove nonacademic barriers to success and to enhance the abilities of the students to succeed in school.

(b) Students and families who are the most economically disadvantaged shall have priority status for receiving services at the family resource centers.

6-18-1406. Implementation plans.

(a) The implementation plan developed by the State Child Abuse and Neglect Prevention Board with input from the local advisory groups, the local school district, and the priority elementary school shall include an effort to implement a network of family resource centers across the state.

(b) The family resource centers shall be located in or near each priority elementary school.

(c) The implementation plan shall promote identification and coordination of existing resources.

(d) The implementation plan may include the following components for each site:

(1)(A) Information and referral activities for off-site services to assist participants in having their basic needs met.

(B) Information and referral activities provide participants with a point of entry to available support networks.

(C) Examples of off-site service referrals include, but are not limited to, the following:

(i) Child care centers;

(ii) Health care providers;

(iii) Counseling services;

(iv) Legal aid;

(v) Food banks;

(vi) Housing and domestic violence shelters;

and

(vii) Federal agencies, state agencies, or other entities that provide benefits or services that the participants may need;

(2)(A) Parenting education services to promote the sharing of information, strategies, and tools to help parents with the difficult job of being parents.

(B) Examples of parenting activities include, but are not limited to, the following:

(i) Group-based parent education classes;

(ii) Providing credentialed guest speakers; or
(iii) Making materials on parenting issues available to parents through lending libraries or take home materials;

(3)(A) Child development activities to strengthen the parent and child bond and promote optimal development of a child by assisting parents in the utilization, understanding, and application of early child development activities.

(B) Child development activities shall emphasize child development during the earliest years, specifically age zero to three (0-3).

(C) Child development activities shall address the following:

(i) Healthy physical development;

(ii) Cognitive development;

(iii) Social development; or

(iv) Emotional development.

(D) Specific strategies to promote child development within family resource centers may include the following:

(i) Referring or establishing quality childcare or after-school care programs;

(ii) Providing developmental screenings;

(iii) Educating parents about developmental milestones;

(iv) Providing literacy and pre-literacy activities such as story time;

(v) Providing play groups or "make and take" activities for young children; or

(vi) Establishing toy or book lending libraries.

(E) Child development activities may be conducted at the family resource centers or through home visiting programs;

(4) Life skills education to provide an opportunity for participants to strengthen skills and competencies that will help them succeed in everyday tasks to include, but not be limited to, the following:

(A) Developing and maintaining a household budget;

(B) Shopping for and preparing nutritious meals;

(C) Securing and maintaining employment;

(D) Conflict resolution skills;

(E) Goal setting;

(F) Time management;

(G) Decision making; or

(H) Stress management;

(5)(A) Family literacy to connect education for children with literacy

instruction for their parents.

(B) Family literacy activities may include the following:

- (i) Adult literacy instruction for parents;
- (ii) General education diploma instruction for parents;
- (iii) Child literacy programs; or
- (iv) Parent and child literacy activities; and

(6)(A) Informal network building to assist families in developing a network of mutual support to include caring, resource sharing, emotional support, and social support.

(B) The informal network building program shall be designed to promote activities to help parents get to know one another, raise their social capital, and reduce their isolation.

(C) Examples of informal network building programs include the following:

- (i) Support groups;
- (ii) Social activities;
- (iii) Family celebrations;
- (iv) Recreational activities;
- (v) Holiday gatherings; or
- (vi) Newsletters.

(e) The board and the local advisory group shall agree which of the components in subsection (d) of this section are core components or optional components based on the individual implementation plan for each priority elementary school's family resource center.

(f)(1) The board shall determine which schools meet the definition of priority elementary schools under this subchapter by July 1, 2004.

(2) The Department of Education and the State Board of Education shall provide all information necessary in the format necessary for the board to meet the deadline under this subsection (f).

(g)(1) The board shall select a minimum of ten (10) eligible priority elementary schools for which an implementation plan shall be completed.

(2) The board shall complete its implementation plan for a minimum of ten (10) priority elementary schools on or before December 1, 2004.

(h) On or before August 1, 2005, family resource centers shall be established in or adjacent to a minimum of ten (10) priority elementary schools.

6-18-1407. Grant program.

(a) A grant program is established to provide financial assistance to school districts with priority elementary schools that establish family resource centers.

(b) Local school districts shall submit to the State Child Abuse and Neglect Prevention Board the grant applications and plans for their family resource centers by March 1, 2005.

(c) Beginning July 1, 2005, the board shall award grants to school districts that establish family resource centers at priority elementary schools in their districts.

(d)(1) The board or its designee shall develop a grant application process that includes the following:

(A) An application for a grant under this subchapter;

(B) Instructions about the grant process; and

(C) Scoring procedures to determine the award of the grants.

(2)(A) The grant application process shall include the preparation of a grant application package that is distributed to each priority elementary school and the superintendent of the school district containing each priority elementary school.

(B) The board shall distribute the grant application package no later than December 15, 2004.

(3) The grant application process shall be straightforward and require a minimum amount of paperwork.

6-18-1408. Local advisory councils.

(a) Each family resource center shall have a local advisory council that has a central role in designing and delivering services.

(b) Members of the local advisory council shall be representative of the diversity of the students in the priority elementary school that is served.

(c)(1) Except for the initial chairperson, the members shall determine annually and by majority vote who shall serve as chairperson.

(2) The superintendent of the priority elementary school shall appoint the initial chairperson for the purpose of calling the first organizational meeting.

(3) The initial chairperson shall call an organizational meeting no fewer than thirty (30) days after all of the members are appointed.

(d)(1) The council shall meet at such times and places that the chairperson deems necessary but no meetings shall be held outside of the county where the priority elementary school is located.

(2) A quorum is not required for the council to transact business.

(3) All actions of the council shall be by a majority vote of all members who are present.

(e) The local school district shall provide meeting facilities for the council.

6-18-1409. Family resource centers.

(a) Each family resource center shall have the following:

- (1) A full-time coordinator;
- (2) At least fifteen (15) hours a week of social work services; and
- (3) Sufficient staff to implement the plan submitted with the grant application.

(b) The services provided at the family resource centers shall take into consideration the schedule of the student and the student's family to provide discreet after-hour services where appropriate.

(c) The family resource centers shall work with the local advisory council to give the members notice of all activities and needs of the family resource centers.

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 District No. 25 v. Huckabee, 351 Ark. 31 (2002) declared our current public education system 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 an "equal opportunity to an adequate education"; that the Arkansas Supreme Court has instructed the General Assembly to correct these constitutional infirmities with our public education system; and that this act is immediately necessary to provide additional resources to the poorest and most disadvantaged students in the state that face countless nonacademic barriers in their quest for academic success. Therefore, an emergency is declared to exist and this act being immediately necessary for the preservation of the public peace, health, and safety shall become effective on:

- (1) The date of its approval by the Governor;
- (2) If the bill is neither approved nor vetoed by the Governor, the expiration of the period of time during which the Governor may veto the bill; or
- (3) If the bill is vetoed by the Governor and the veto is overridden, the date the last house overrides the veto."

/s/ Jan Judy

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

/s/ Ms. Jo Renshaw
Chief Clerk

ENGROSSED BILL REPORTS

HERSCHEL W. CLEVELAND, CHAIRMAN

January 12, 2004

The following bill(s) reported correctly engrossed:

HOUSE BILL NO. 1091 BY REPRESENTATIVE JUDY**SENATE BILL NO. 27 BY SENATOR BISBEE**

State of Arkansas
Office of the Governor

Mike Huckabee
Governor

January 9, 2004

TO THE ARKANSAS HOUSE OF REPRESENTATIVES

Dear Mr. Speaker:

This is to provide notice that pursuant to Article 6, Section 15 of the Arkansas Constitution, on this date I vetoed **HOUSE BILL NO. 1010**, a measure from the Second Special Session of the Eighty-Fourth General Assembly. Also in accordance with Article 6, Section 15, the bill is being returned to this body, the originating house for the bill, and accompanies this letter.

The state Board of Education already has responsibility for the duties outlined in **HOUSE BILL NO. 1010**. At a time when our limited state resources are desperately needed for essential services, this bill creates another commission that will result in unwarranted expenses. The bill also will add without reasonable justification to the duties of and space requirements at the state Department of Education. Due to the current inability to create a more efficient public education system in Arkansas, it is imperative that every resource be dedicated to providing an adequate, equitable education to each child. The expenditure of our resources on a duplicative bureaucracy fails to meet that test.

Sincerely,

/s/ Mike Huckabee

MH:cmf:eh

cc: Honorable Jim Hill
President Pro Tem
Arkansas Senate (w/encl)

RECEIPT FROM THE CHIEF CLERK

RECEIVED FROM THE GOVERNOR'S OFFICE:
HOUSE BILL NO. 1010 BY REPRESENTATIVE DICKINSON
VETOED BILL AND LETTER

TIME: 4:14 p.m.

/s/ Ms. Jo Renshaw
Chief Clerk

Upon motion of Representative Anderson, **SENATE BILL NO. 27** was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 1 TO SENATE BILL NO. 27

Amend **SENATE BILL NO. 27** as originally introduced:

Page 1, line 25, delete "For" and substitute "(a) For"

AND

Page 1, delete line 27 and substitute the following:

"under § 6-61-217.

(b) However, at the option of the student, Advanced Placement courses may be used to calculate class rank and grade point average."

/s/ Keven Anderson

The Amendment was read and the vote was as follows:

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

Total92

NEGATIVE:

Total0

ABSENT OR NOT VOTING: Bolin, Boyd, Kenney, Oglesby, Penix, Schulte, White, Mr. Speaker.

Total8

VOTING PRESENT:

Total0

Total number of votes cast92

Total number voting in the affirmative92

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

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

/s/ Ms. Jo Renshaw
Chief Clerk

Upon motion of Representative Lendall, **SENATE BILL NO. 42** was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 1 TO SENATE BILL NO. 42

Amend **SENATE BILL NO. 42** as engrossed, S1/6/04

(version: 01-06-2004 13:21):

Page 9, delete line 5 and substitute the following:

"outlined in rules promulgated by the state board.

(6)(A) School Nurses. For every classroom or specialist teacher funded under this subsection (b), each school district shall receive state funding for no less than the full-time equivalent of one (1) school nurse per seven hundred fifty (750) students or the proportionate ratio thereof.

(B) The state board shall determine the average salary for the full-time equivalent of one (1) school nurse in this state.

(C) Each school nurse shall be paid at least the average salary for a full-time equivalent of one (1) school nurse in this state or the proportionate ratio thereof as determined by the state board."

/s/ Jim Lendall

The Amendment was read and the vote was as follows:

AFFIRMATIVE: Blair, Bolin, Borhauer, Bradford, Chesterfield, Clemons, Dobbins, Eason, Elliott, Fite, Gipson, Goss, House, C. Johnson, J. Johnson, Judy, Ledbetter, Lendall, Lewellen, Martin, Milligan, Napper, Pate, Pickett, L. Prater, S. Prater, Roebuck, Scrimshire, Stovall, Sumpter, Thomas, Thomason, White.

Total33

NEGATIVE: Adams, Agee, Anderson, Bennett, Berry, Bledsoe, Bond, P. Bookout, Boyd, Bright, Childers, Cowling, Creekmore, Dangeau, Edwards, Ferguson, Haak, Hardwick, Harris, Hathorn, Hickinbotham, Hutchinson, Jackson, Jacobs, Jeffrey, Jones, Key, King, Lamoureux, Mack, Mahony, Matayo, Mathis, Moore, Nichols, Norton, Ormond, Pace, Parks, Penix, Petrus, Pritchard, Rankin, Rosenbaum, Scroggin, R. Smith, C. Taylor, J. Taylor, Thyer, Verkamp, Walters, Weaver, Wood.

Total53

ABSENT OR NOT VOTING: Biggs, Dees, Dickinson, D. Evans, L. Evans, Gillespie, Green, Kenney, Medley, Oglesby, Schulte, Seawel, Sullivan, Mr. Speaker.

Total14

VOTING PRESENT:

Total0

Total number of votes cast86

Total number voting in the affirmative33

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

So the Amendment failed of adoption.

/s/ Ms. Jo Renshaw
Chief Clerk

HOUSE MEMORIAL RESOLUTION NO. 1009

BY: REPRESENTATIVE AGEE

HONORING THE MEMORY OF MR. WILEY B. "JOE" HOLT.

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

Morning Hour Expired.

HOUSE BILL NO. 1072

BY: REPRESENTATIVE CLEVELAND

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

AFFIRMATIVE: Berry, Biggs, Blair, Bolin, Bond, P. Bookout, Borhauer, Boyd, Bradford, Bright, Chesterfield, Clemons, Cowling, Dangeau, Dees, Dickinson, Dobbins, Eason, Edwards, Elliott, D. Evans, Ferguson, Fite, Gipson, Goss, Hathorn, Hickinbotham, House, Jackson, Jacobs, Jeffrey, C. Johnson, J. Johnson, Jones, Judy, Ledbetter, Lendall, Lewellen, Mack, Mahony, Martin, Milligan, Moore, Pace, Pate, Pickett, L. Prater, Roebuck, Scrimshire, Seawel, Stovall, Sullivan, Sumpter, Thomas, Thomason, Verkamp, Walters, Weaver, White, Wood, Mr. Speaker.

Total61

NEGATIVE: Adams, Agee, Anderson, Bennett, Bledsoe, Childers, Gillespie, Green, Haak, Hardwick, Harris, Lamoureux, Matayo, Mathis, Napper, Nichols, Norton, Ormond, Parks, Pritchard, Rosenbaum, C. Taylor, Thyer.

Total23

ABSENT OR NOT VOTING: Creekmore, L. Evans, Hutchinson, Kenney, King, Medley, Oglesby, Penix, Petrus, S. Prater, Rankin, Schulte, Scroggin, R. Smith, J. Taylor.

Total15

VOTING PRESENT: Key.

Total1

Total number of votes cast85

Total number voting in the affirmative61

Necessary to the passage of the bill51

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

***** EXPUNGED***** 1/22/04*****

HOUSE BILL NO. 1063

BY: REPRESENTATIVE ELLIOTT

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

AFFIRMATIVE: Berry, Biggs, Blair, Bolin, Bond, P. Bookout, Borhauer, Boyd, Bradford, Chesterfield, Clemons, Cowling, Dangeau, Dees, Dickinson, Dobbins, Eason, Edwards, Elliott, D. Evans, Ferguson, Fite, Gipson, Goss, Hathorn, House, Jackson, Jacobs, Jeffrey, C. Johnson, J. Johnson, Jones, Judy, Ledbetter, Lendall, Lewellen, Martin, Milligan, Pate, Pickett, L. Prater, S. Prater, Roebuck, Seawel, Sullivan, Sumpter, Thomason, White, Wood, Mr. Speaker.

Total50

NEGATIVE: Adams, Agee, Anderson, Bennett, Bledsoe, Bright, Childers, Creekmore, Gillespie, Green, Haak, Hardwick, Harris, Hickinbotham, Key, Lamoureux, Mack, Matayo, Mathis, Napper, Nichols, Norton, Ormond, Parks, Pritchard, Rosenbaum, C. Taylor, Thyer, Verkamp, Walters.

Total30

ABSENT OR NOT VOTING: Hutchinson, Kenney, King, Mahony, Medley, Oglesby, Pace, Penix, Petrus, Rankin, Schulte, Scrimshire, Scroggin, R. Smith, Stovall, J. Taylor, Thomas, Weaver.

Total18

VOTING PRESENT: L. Evans, Moore.

Total2

Total number of votes cast.....82

Total number voting in the affirmative50

Necessary to the passage of the bill51

So the Bill failed.

***** EXPUNGED***** 1/22/04*****

Representative Elliott moved that the record by which **HOUSE BILL NO. 1040** failed to pass be expunged from the record. On this motion the vote was as follows:

AFFIRMATIVE: Anderson, Bennett, Berry, Blair, Bledsoe, Bolin, Borhauer, Boyd, Bradford, Bright, Chesterfield, Childers, Clemons, Cowling, Creekmore, Dangeau, Dees, Dickinson, Dobbins, Eason, Edwards, Elliott, D. Evans, L. Evans, Ferguson, Fite, Gillespie, Goss, Green, Haak, Hardwick, Harris, Hathorn, Hickinbotham, House, Hutchinson, Jackson, Jeffrey, C. Johnson, J. Johnson, Jones, Judy, King, Lamoureux, Ledbetter, Lendall, Lewellen, Mack, Mahony, Martin, Matayo, Mathis, Medley, Milligan, Moore, Napper, Norton, Pace, Pate, Petrus, Pickett, S. Prater, Rankin, Roebuck, Seawel, Sullivan, Sumpter, C. Taylor, J. Taylor, Thomas, Thomason, Verkamp, Walters, Weaver, White, Wood, Mr. Speaker.

Total77

NEGATIVE: Agee, Gipson, Nichols, Ormond, Scrimshire.

Total5

ABSENT OR NOT VOTING: Adams, Biggs, Bond, P. Bookout, Jacobs, Kenney, Key, Oglesby, Parks, Penix, L. Prater, Pritchard, Rosenbaum, Schulte, Scroggin, R. Smith, Stovall, Thyer.

Total18

VOTING PRESENT:

Total0

Total number of votes cast82

Total number voting in the affirmative77

Necessary to the adoption of the motion67

So the motion was adopted.

Motion was made by Representative Elliott to refer **HOUSE BILL NO. 1040** to the House Committee on EDUCATION for the purpose of amendment. Send the Bill back to committee.

The House stood in recess at 2:05 p.m. until 4:00 p.m. for the reading of the bills.

The House reconvened at 4:17 p.m.

HOUSE BILLS ORDERED TRANSMITTED TO THE SENATE AS PASSED

HOUSE BILL NO. 1072 BY REPRESENTATIVE CLEVELAND

HOUSE RESOLUTION NO. 1015

BY: REPRESENTATIVE BRADFORD

COMMEMORATING THE FORTIETH ANNIVERSARY OF THE SURGEON GENERAL'S REPORT ON SMOKING AND HEALTH.

Was read the first time, rules suspended, read the second time and referred to the Committee on PUBLIC HEALTH, WELFARE AND LABOR.

HOUSE BILL NO. 1109

BY: REPRESENTATIVES BOND, LEDBETTER, WALTERS, THYER, BRADFORD

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO ADMINISTRATIVELY REORGANIZE THE EXISTING PUBLIC EDUCATION SYSTEM; AND FOR OTHER PURPOSES.

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

Upon motion of Representative Gillespie, the House adjourned at 4:18 p.m. until 1:30 p.m. Tuesday, January 13, 2004.

ATTEST:

Herschel W. Cleveland
Speaker of the House of Representatives

Jo Renshaw
Chief Clerk

**THIRTY-SEVENTH DAY'S PROCEEDINGS
HALL OF THE HOUSE OF REPRESENTATIVES**

Little Rock, Arkansas
January 13, 2004

The House was called to order at 1:31 p.m. by Mr. Cleveland, the Speaker.
The following members answered to the roll call:

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

Total 97

The following member(s) was absent and did not answer to the roll call:
Moore, Rankin, J. Taylor.

Total 3

A quorum was present.

Unanimous leave was granted for Representative(s) Moore, Rankin, J. Taylor.

The House stood and was led in prayer by Representative Ken Cowling.

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

EDUCATION	January 13, 2004
	CALVIN JOHNSON
	CHAIRPERSON
HOUSE BILL NO. 1097	DO PASS
BY REPRESENTATIVE GILLESPIE	
SENATE BILL NO. 41	DO PASS
BY SENATOR WOMACK	AS AMENDED #1 & #2

COMMITTEE REPORT

JUDICIARY	January 13, 2004
	MIKE HATHORN
	CHAIRPERSON
SENATE BILL NO. 54	DO PASS
BY SENATOR HENDREN	

Upon motion of Representative Chesterfield, **HOUSE BILL NO. 1061** was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 1 TO HOUSE BILL NO. 1061

Amend **HOUSE BILL NO. 1061** as originally introduced:

Page 1, delete line 26 in its entirety and substitute the following:

"be payable from the Public School Fund, to provide an"

And

Page 1, delete line 33 in its entirety and substitute the following:

" FOUNDATION - OPERATING GRANT \$ 200,000 \$ 100,000 "

/s/ Linda Chesterfield

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

/s/ Ms. Jo Renshaw
Chief Clerk

Upon motion of Representative Medley, **HOUSE BILL NO. 1041** was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 4 TO HOUSE BILL NO. 1041

Amend **HOUSE BILL NO. 1041** as engrossed, H12/26/03

(version: 12-26-2003 09:08):

Page 1, delete lines 30 through 32 and substitute the following:

"(C) A school district shall be exempt from the provisions of this subdivision (a)(2)(A), if it:

(ii) Has collectively negotiated a contract through a local teacher's association; and

(ii) The collectively negotiated contract expressly provides for a teacher's daily planning period."

/s/ Jim Medley

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

/s/ Ms. Jo Renshaw

Chief Clerk

Upon motion of Representative Medley, **HOUSE BILL NO. 1043** was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 4 TO HOUSE BILL NO. 1043

Amend **HOUSE BILL NO. 1043** as engrossed, H12/31/03

(version: 12-31-2003 08:33):

Page 1, line 28, delete "~~at least~~" and substitute "at least"

AND

Page 2, line 1, delete "Teachers are" and substitute "A school district shall be"

AND

Page 2, line 2, delete "they" and substitute "it"

AND

Page 2, line 3, delete "(i) Have" and substitute "(A) Has"

AND

Page 2, line 5, delete "(ii)" and substitute "(B)"

/s/ Jim Medley

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

/s/ Ms. Jo Renshaw

Chief Clerk

Upon motion of Representative Cleveland, **HOUSE BILL NO. 1077** was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 1 TO HOUSE BILL NO. 1077

Amend **HOUSE BILL NO. 1077** as originally introduced:

Page 1, line 35, delete "de novo" and substitute "on arbitrary, capricious, or discriminatory standard. The court shall receive any new evidence offered by any party."

AND

Page 2, line 27, delete "de novo" and substitute "on arbitrary, capricious, or discriminatory standard. The court shall receive any new evidence offered by any party."

AND

Page 3, line 15, delete "de novo" and substitute "on arbitrary, capricious, or discriminatory standard. The court shall receive any new evidence offered by any party."

AND

Page 4, line 10, delete "de novo" and substitute "on arbitrary, capricious, or discriminatory standard. The court shall receive any new evidence offered by any party."

AND

Page 4, line 29, delete "de novo" and substitute "on arbitrary, capricious, or discriminatory standard. The court shall receive any new evidence offered by any party."

/s/ Herschel Cleveland

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

/s/ Ms. Jo Renshaw

Chief Clerk

Upon motion of Representative J. Johnson, **HOUSE BILL NO. 1065** was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 4 TO HOUSE BILL NO. 1065

Amend **HOUSE BILL NO. 1065** as engrossed, H12/31/03

(version: 12-31-2003 08:34):

Page 1, line 25, delete "a local" entirely

AND

Page 1, line 26, delete "public school district" and substitute "an entity"

AND

Page 1, delete lines 29 through 36, and substitute:

"in or related to grades prekindergarten through twelve (preK-12); and

"(B) Who is:

(i) Engaged directly in instruction with students in a classroom setting for more than seventy percent (70%) of the individual's contracted time;

(ii) A guidance counselor; or

(iii) A librarian or media specialist;"

AND

Page 2, line 3, delete "Guard; or a political subdivision;" and substitute "Guard; or a political subdivision of the state;"

AND

Page 2, line 15, delete "entitle" and substitute "entitled"

AND

Page 2, line 24, delete "required" and substitute "require"

AND

Page 2, line 26, delete "required" and substitute "require"

/s/ Janet Johnson

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

/s/ Ms. Jo Renshaw
Chief Clerk

ENGROSSED BILL REPORTS

HERSCHEL W. CLEVELAND, CHAIRMAN

January 13, 2004

The following bill(s) reported correctly engrossed:

HOUSE BILL NO. 1041 BY REPRESENTATIVE MEDLEY, ET AL
 HOUSE BILL NO. 1043 BY REPRESENTATIVE MEDLEY, ET AL
 HOUSE BILL NO. 1061 BY REPRESENTATIVE CHESTERFIELD
 HOUSE BILL NO. 1065 BY REPRESENTATIVE J. JOHNSON, ET AL
 HOUSE BILL NO. 1077 BY REPRESENTATIVE CLEVELAND

HOUSE MEMORIAL RESOLUTION NO. 1008

BY: REPRESENTATIVE MARTIN

HONORING THE MEMORY AND ACHIEVEMENTS OF JERRY LEWIS
 RUSSELL, JUNIOR.

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

HOUSE RESOLUTION NO.1014

BY: REPRESENTATIVE C. JOHNSON

COMMENDING THE DIRECTORS OF THE FEDERAL TRIO PROGRAMS
 AND RECOGNIZING THEIR CONTRIBUTION OF \$18.2 MILLION TO EDUCATION
 IN ARKANSAS FOR THE 2002-2003 SCHOOL YEAR.

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

Morning Hour Expired.

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

ARKANSAS SENATE

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.

/s/ Irma Hunter Brown

The Amendment was read and the vote was as follows:

AFFIRMATIVE: Agee, Anderson, Berry, Biggs, Blair, Bledsoe, Bolin, Bond, P. Bookout, Borhauer, Boyd, Bradford, Chesterfield, Clemons, Cowling, Creekmore, Dangeau, Dees, Dickinson, Dobbins, Eason, Edwards, Elliott, D. Evans, L. Evans, Ferguson, Gillespie, Gipson, Goss, Green, Hardwick, Hathorn, Hickinbotham, House, Jackson, Jacobs, C. Johnson, J. Johnson, Jones, Judy, Kenney, Key, King, Lamoureux, Ledbetter, Lendall, Lewellen, Mack, Mahony, Martin, Matayo, Mathis, Milligan, Napper, Norton, Ormond, Parks, Pate, Penix, Pickett, L. Prater, S. Prater, Roebuck, Rosenbaum, Schulte, Scrimshire, Seawel, Sumpter, C. Taylor, Thomas, Thomason, Verkamp, Walters, Weaver, White, Wood, Mr. Speaker.

Total77

NEGATIVE: Harris.

Total1

ABSENT OR NOT VOTING: Adams, Bennett, Bright, Childers, Fite, Haak, Hutchinson, Medley, Moore, Nichols, Oglesby, Pace, Petrus, Pritchard, Rankin, Scroggin, R. Smith, Stovall, Sullivan, J. Taylor.

Total20

VOTING PRESENT: Jeffrey, Thyer.

Total2

Total number of votes cast80

Total number voting in the affirmative77

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

So the Amendment was concurred in.

/s/ Ms. Jo Renshaw
Chief Clerk

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

ARKANSAS SENATE

AMENDMENT NO. 1 TO HOUSE BILL NO. 1034

Amend **HOUSE BILL NO. 1034** as engrossed, H12/29/03

(version: 12-29-2003 08:38):

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)”

/s/ M. A. Salmon

The Amendment was read and the vote was as follows:

AFFIRMATIVE: Adams, Anderson, Berry, Biggs, Blair, Bledsoe, Bolin, Bond, P. Bookout, Borhauer, Boyd, Bradford, Chesterfield, Childers, Clemons, Cowling, Creekmore, Dangeau, Dees, Dobbins, Eason, Edwards, Elliott, D. Evans, L. Evans, Ferguson, Fite, Gillespie, Gipson, Goss, Green, Hardwick, Hathorn, Hickinbotham, House, Jackson, Jacobs, C. Johnson, J. Johnson, Jones, Judy, Kenney, King, Ledbetter, Lendall, Lewellen, Mahony, Martin, Mathis, Medley, Milligan, Napper, Nichols, Norton, Ormond, Pace, Pate, Petrus, Pickett, L. Prater, S. Prater, Roebuck, Rosenbaum, Schulte, Scrimshire, Seawel, R. Smith, Sullivan, Sumpter, Thomas, Thomason, Thyer, Verkamp, Walters, Weaver, White, Wood, Mr. Speaker.

Total78

NEGATIVE: Agee, Haak, Harris, Lamoureux.

Total4

ABSENT OR NOT VOTING: Bennett, Bright, Dickinson, Hutchinson, Key, Mack, Moore, Oglesby, Pritchard, Rankin, Scroggin, Stovall, C. Taylor, J. Taylor.

Total14

VOTING PRESENT: Jeffrey, Matayo, Parks, Penix.

Total4

Total number of votes cast86

Total number voting in the affirmative78

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

So the Amendment was concurred in.

/s/ Ms. Jo Renshaw

Chief Clerk

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

ARKANSAS SENATE

AMENDMENT NO. 2 TO HOUSE BILL NO. 1034

Amend HOUSE BILL NO. 1034 as engrossed, H12/29/03

(version: 12-29-2003 08:38):

Page 3, line 10 delete "Department of Education" and substitute "Department of Higher Education"

/s/ M. A. Salmon

The Amendment was read and the vote was as follows:

AFFIRMATIVE: Adams, Anderson, Bennett, Berry, Biggs, Blair, Bolin, Bond, P. Bookout, Borhauer, Boyd, Bradford, Chesterfield, Clemons, Cowling, Creekmore, Dangeau, Dees, Dickinson, Dobbins, Eason, Edwards, Elliott, D. Evans, L. Evans, Ferguson, Fite, Gillespie, Gipson, Goss, Green, Hardwick, Hathorn, Hickinbotham, House, Jackson, Jacobs, C. Johnson, J. Johnson, Jones, Judy, Kenney, King, Ledbetter, Lendall, Lewellen, Mahony, Martin, Mathis, Medley, Milligan, Napper, Nichols, Norton, Oglesby, Ormond, Pace, Pate, Petrus, Pickett, L. Prater, S. Prater, Roebuck, Rosenbaum, Schulte, Scrimshire, Seawel, Sullivan, Sumpter, Thomason, Thyer, Verkamp, Walters, Weaver, White, Wood, Mr. Speaker.

Total77

NEGATIVE: Agee, Bledsoe, Haak, Harris, Lamoureux, Matayo.

Total6

ABSENT OR NOT VOTING: Bright, Childers, Hutchinson, Key, Mack, Moore, Parks, Penix, Pritchard, Rankin, Scroggin, R. Smith, Stovall, C. Taylor, J. Taylor, Thomas.

Total16

VOTING PRESENT: Jeffrey.

Total1

Total number of votes cast.....84

Total number voting in the affirmative77

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

So the Amendment was concurred in.

/s/ Ms. Jo Renshaw

Chief Clerk

HOUSE BILL NO. 1095

BY: REPRESENTATIVE J. JOHNSON

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

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

Total86

NEGATIVE: Harris.

Total1

ABSENT OR NOT VOTING: Bennett, Bright, Dees, House, Hutchinson, Mack, Mahony, Moore, Parks, Rankin, Stovall, J. Taylor, Mr. Speaker.

Total13

VOTING PRESENT:

Total0

Total number of votes cast87

Total number voting in the affirmative86

Necessary to the passage of the bill51

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

HOUSE BILL NO. 1094

BY: REPRESENTATIVE MAHONY

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

AFFIRMATIVE: Adams, Agee, Anderson, Bennett, Biggs, Blair, Bledsoe, Bolin, Bond, P. Bookout, Borhauer, Boyd, Bradford, Chesterfield, Childers, Clemons, Cowling, Creekmore, Dangeau, Dees, Dobbins, Eason, Edwards, Elliott, D. Evans, L. Evans, Ferguson, Fite, Gillespie, Gipson, Goss, Green, Haak, Hardwick, Harris, Hathorn, Hickinbotham, House, Jackson, Jacobs, Jeffrey, C. Johnson, J. Johnson, Jones, Judy, Kenney, Key, King, Lamoureux, Ledbetter, Lendall, Lewellen, Mahony, Martin, Matayo, Mathis, Medley, Napper, Nichols, Norton, Oglesby, Ormond, Pace, Pate, Penix, Petrus, Pickett, L. Prater, S. Prater, Pritchard, Roebuck, Rosenbaum, Schulte, Scroggin, Seawel, Sullivan, Sumpter, C. Taylor, Thomason, Thyer, Verkamp, Walters, White, Wood.

Total84

NEGATIVE: Berry.

Total1

ABSENT OR NOT VOTING: Bright, Dickinson, Hutchinson, Mack, Moore, Parks, Rankin, R. Smith, Stovall, J. Taylor, Weaver, Mr. Speaker.

Total12

VOTING PRESENT: Milligan, Scrimshire, Thomas.

Total3

Total number of votes cast.....88

Total number voting in the affirmative84

Necessary to the passage of the bill51

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

The House stood in recess at 2:05 p.m. until the reading of the bills at 4:00 p.m.

The House reconvened at 4:03 p.m.

HOUSE BILLS ORDERED TRANSMITTED TO THE SENATE AS PASSED

HOUSE BILL NO. 1094 BY REPRESENTATIVE MAHONY

HOUSE BILL NO. 1095 BY REPRESENTATIVE J. JOHNSON

ARKANSAS SENATE
HOUSE BILLS RETURNED FROM THE SENATE AS PASSED

HOUSE BILL NO. 1070 BY REPRESENTATIVE LENDALL

AS AMENDED #1

ENROLLED AND DELIVERY TO GOVERNOR REPORTS

Little Rock, Arkansas

January 13, 2004

MR. SPEAKER:

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

HOUSE BILL NO. 1034 BY REPRESENTATIVE CLEVELAND, ET AL

HOUSE BILL NO. 1060 BY REPRESENTATIVE CHESTERFIELD, ET AL

beg leave to report that we have carefully compared the enrolled copies with the original and we find the same correctly enrolled and have at 2:30 p.m. delivered them to the Governor for his approval.

Respectfully submitted,

/s/ Herschel W. Cleveland

Chairman

RECEIPT FROM THE GOVERNOR

RECEIVED FROM THE HOUSE:

HOUSE BILL NO. 1034 BY REPRESENTATIVE CLEVELAND, ET AL

HOUSE BILL NO. 1060 BY REPRESENTATIVE CHESTERFIELD, ET AL

/s/ Mike Huckabee - Governor

TIME: 2:30 p.m.

By: Stacy DeJarnett

HOUSE BILL NO. 1110

BY: REPRESENTATIVE WHITE

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO ESTABLISH THE EDUCATIONAL PLANNING AND ASSESSMENTS SYSTEM TO BE USED IN CONJUNCTION WITH THE AMERICAN COLLEGE TEST; AND FOR OTHER PURPOSES.

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

HOUSE BILL NO. 1111

BY: REPRESENTATIVES DICKINSON, BENNETT, BERRY, BOLIN, P. BOOKOUT, CHESTERFIELD, COWLING, DEES, D. EVANS, L. EVANS, FITE, GREEN, HARDWICK, JACOBS, C. JOHNSON, J. JOHNSON, MACK, MATHIS, MOORE, PENIX, SCROGGIN, SEAWEL, THYER, WEAVER, WHITE, WOOD

A BILL FOR AN ACT TO BE ENTITLED THE CONTINUING ADEQUACY EVALUATION ACT OF 2004.

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

HOUSE BILL NO. 1112

BY: REPRESENTATIVES ROEBUCK, PENIX

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO MAKE AN APPROPRIATION FOR PERSONAL SERVICES AND OPERATING EXPENSES FOR THE HENDERSON STATE UNIVERSITY - SOUTH ARKANSAS EDUCATIONAL LEADERSHIP ASSESSMENT CENTER FOR THE BIENNIAL PERIOD ENDING JUNE 30, 2005; 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. 1113

BY: REPRESENTATIVES ROEBUCK, PENIX

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO CREATE THE SOUTH ARKANSAS EDUCATIONAL LEADERSHIP ASSESSMENT CENTER; TO PROVIDE ARKANSAS WITH AN EFFECTIVE EDUCATIONAL LEADERSHIP ASSESSMENT PROGRAM; AND FOR OTHER PURPOSES.

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

HOUSE BILL NO. 1114

BY: REPRESENTATIVES CHESTERFIELD, BOND, CHILDERS, HARDWICK, JACKSON, J. JOHNSON, MACK

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 WITH THE DEPARTMENT OF EDUCATION BY DECEMBER 31 FOLLOWING THE END OF EACH FISCAL YEAR; AND FOR OTHER PURPOSES.

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

HOUSE BILL NO. 1115

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 TEACHER RECRUITMENT FOR THE BIENNIAL PERIOD ENDING JUNE 30, 2005; 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. 1116

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.

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

HOUSE BILL NO. 1117

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.

Was read the first time, rules suspended, read the second time, and referred to the JOINT COMMITTEE ON PUBLIC RETIREMENT AND SOCIAL SECURITY PROGRAMS.

Upon motion of Representative Napper, the House adjourned at 4:04 p.m. until 1:30 p.m. Wednesday, January 14, 2004.

ATTEST:

Herschel W. Cleveland
Speaker of the House of Representatives

Jo Renshaw
Chief Clerk

**THIRTY-EIGHTH DAY'S PROCEEDINGS
HALL OF THE HOUSE OF REPRESENTATIVES**

Little Rock, Arkansas

January 14, 2004

The House was called to order at 1:32 p.m. by Mr. Cleveland, the Speaker.
The following members answered to the roll call:

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

Total97

The following member(s) was absent and did not answer to the roll call:
Bright, Oglesby, Rankin.

Total3

A quorum was present.

Unanimous leave was granted for Representative(s) Bright, Oglesby, Rankin.

The House stood and was led in prayer by Representative Scott Sullivan.

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

EDUCATION	January 14, 2004
	CALVIN JOHNSON
	CHAIRPERSON
HOUSE BILL NO. 1008	DO PASS
BY REPRESENTATIVE PICKETT	AS AMENDED #2
HOUSE BILL NO. 1109	DO PASS
BY REPRESENTATIVE BOND	
HOUSE BILL NO. 1110	DO PASS
BY REPRESENTATIVE WHITE	
HOUSE BILL NO. 1111	DO PASS
BY REPRESENTATIVE DICKINSON	AS AMENDED #1

COMMITTEE REPORT

REVENUE AND TAXATION	January 14, 2004
	BOYD HICKINBOTHAM
	CHAIRPERSON
SENATE BILL NO. 21	DO PASS
BY SENATOR J. BOOKOUT	
SENATE BILL NO. 24	DO PASS
BY SENATOR T. SMITH	

State of Arkansas
Office of the Governor

Mike Huckabee
Governor

January 13, 2004

TO THE SPEAKER OF THE HOUSE

Dear Mr. Speaker:

This is to inform you that on January 13, 2004, the following measure became law without signature during the Second Extraordinary Session of the Eighty-Fourth General Assembly:

HOUSE BILL NO. 1036 is now Act Number 34

Sincerely,

/s/ Mike Huckabee

MH:sm

Upon motion of Representative Elliott, **HOUSE BILL NO. 1040** was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 4 TO HOUSE BILL NO. 1040

Amend **HOUSE BILL NO. 1040** as engrossed, H1/6/04

(version: 01-06-2004 09:54):

Page 1, delete line 33 and substitute the following:

"(C) "High-priority district" means a district of the state in which"

AND

Page 2, line 4, delete "areas" and substitute "districts"

AND

Page 2, line 7, delete "area" and substitute "district"

AND

Page 2, line 13, delete "area" and substitute "district"

AND

Page 2, line 16, delete "area" and substitute "district"

AND

Page 2, line 18, delete "area" and substitute "district"

AND

Page 2, delete lines 24 through 28 and substitute the following:

"(2)(A) For all teachers and other certified staff not newly signed to work in the district, a two thousand dollar (\$2,000) retention bonus at the beginning of the school year.

(B) If the teacher leaves the district during the school year, the teacher shall pay back the previous year's bonus and the current year's bonus; and"

AND

Page 3, line 29, delete "(4)(A)" and substitute "(3)(A)"

AND

Page 2, line 31, delete "area" and substitute "district"

AND

Page 3, delete lines 2 through 36

AND

Page 4, delete line 1

AND

Page 4, line 2, delete "(g)" and substitute "(d)"

AND

Page 4, line 7, delete "August" and substitute "July"

AND

Page 4, delete line 9 and substitute the following:

"program established by this section.

(e) By August 31, 2008, the House and Senate Interim Committees on Education shall determine whether to recommend the continuation of the incentive program."

/s/ J. Elliott

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

/s/ Ms. Jo Renshaw
Chief Clerk

Upon motion of Representative Matayo, **HOUSE BILL NO. 1093** was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 1 TO HOUSE BILL NO. 1093

Amend **HOUSE BILL NO. 1093** as originally introduced:

Delete Senator Bisbee as a co-sponsor of the bill.

/s/ D. Matayo

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

/s/ Ms. Jo Renshaw
Chief Clerk

ENGROSSED BILL REPORTS

HERSCHEL W. CLEVELAND, CHAIRMAN

January 14, 2004

The following bill(s) reported correctly engrossed:

HOUSE BILL NO. 1040 BY REPRESENTATIVE ELLIOTT, ET AL
HOUSE BILL NO. 1093 - TITLE - BY REPRESENTATIVE MATAYO, ET AL
SENATE BILL NO. 41 - TITLE - BY SENATOR WOMACK, ET AL

HOUSE BILL ENGROSSED AS TITLE AMENDED
HOUSE BILL NO. 1093

BY: REPRESENTATIVES MATAYO, ANDERSON, HARRIS, KENNEY, KEY,
ROSENBAUM

A BILL FOR AN ACT TO BE ENTITLED TO REPEAL THE INCOME TAX SURCHARGE LEVIED UNDER ACT 38 OF THE FIRST EXTRAORDINARY SESSION OF 2003; AND FOR OTHER PURPOSES.

SENATE BILL ENGROSSED AS TITLE AMENDED
SENATE BILL NO. 41

BY: SENATORS WOMACK, BRYLES
BY: 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.

Upon motion of Representative Key, **SENATE BILL NO. 41** was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 1 TO SENATE BILL NO. 41

Amend **SENATE BILL NO. 41** as engrossed, S1/7/04

(version: 01-07-2004 13:22):

Page 1, line 27, delete "Education, subject" and substitute "Education, in consultation with the Department of Workforce Education, subject"

/s/ J. Key

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

/s/ Ms. Jo Renshaw

Chief Clerk

Upon motion of Representative Key, **SENATE BILL NO. 41** was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 2 TO SENATE BILL NO. 41

Amend **SENATE BILL NO. 41** as engrossed, S1/7/04

(version: 01-07-2004 13:22):

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."

/s/ J. Key

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

/s/ Ms. Jo Renshaw

Chief Clerk

Morning Hour Expired.

HOUSE BILL NO. 1077

BY: REPRESENTATIVE CLEVELAND

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

AFFIRMATIVE: Adams, Berry, Bolin, Bond, Boyd, Cowling, Creekmore, Dangeau, Dickinson, Eason, Edwards, L. Evans, Ferguson, Fite, Gillespie, Gipson, Goss, Hathorn, Hickinbotham, House, Jeffrey, C. Johnson, Jones, Judy, King, Lewellen, Mack, Milligan, Nichols, Norton, Ormond, Pate, L. Prater, Roebuck, Scrimshire, Scroggin, Seawel, Stovall, Sullivan, Sumpter, J. Taylor, Thomas, Thomason, Verkamp, Walters, Weaver, White, Mr. Speaker.

Total48

NEGATIVE: Agee, Anderson, Bennett, Blair, Bledsoe, Borhauer, Bradford, Childers, Clemons, Dees, D. Evans, Green, Haak, Hardwick, Harris, Hutchinson, J. Johnson, Kenney, Key, Lamoureux, Ledbetter, Mahony, Martin, Matayo, Mathis, Medley, Moore, Napper, Pace, Parks, Penix, Pickett, S. Prater, Pritchard, Rosenbaum, Schulte, R. Smith, C. Taylor, Thyer, Wood.

Total40

ABSENT OR NOT VOTING: Biggs, P. Bookout, Bright, Chesterfield, Dobbins, Elliott, Jackson, Jacobs, Lendall, Oglesby, Petrus, Rankin.

Total12

VOTING PRESENT:

Total0

Total number of votes cast88

Total number voting in the affirmative48

Necessary to the passage of the bill51

So the Bill failed.

HOUSE BILL NO. 1097

BY: REPRESENTATIVE GILLESPIE

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

AFFIRMATIVE: Adams, Biggs, Bond, Boyd, Bradford, Clemons, Cowling, Creekmore, Dangeau, Dickinson, Eason, L. Evans, Ferguson, Fite, Gillespie, Gipson, Goss, Green, Hathorn, Hickinbotham, Hutchinson, Jeffrey, C. Johnson, Jones, Judy, King, Lendall, Lewellen, Mack, Mahony, Milligan, Moore, Napper, Ormond, Petrus, L. Prater, Roebuck, Scrimshire, Scroggin, Seawel, R. Smith, Stovall, Sumpter, Thomas, Thomason, Thyer, Verkamp, Weaver, White, Mr. Speaker.

Total50

NEGATIVE: Agee, Bennett, Berry, Blair, Bledsoe, P. Bookout, Borhauer, Childers, Dees, D. Evans, Haak, Hardwick, Harris, House, J. Johnson, Kenney, Key, Lamoureux, Ledbetter, Martin, Matayo, Mathis, Medley, Nichols, Norton, Pace, Pate, Penix, Pickett, S. Prater, Pritchard, Rosenbaum, Schulte, Sullivan, C. Taylor, Walters, Wood.

Total37

ABSENT OR NOT VOTING: Anderson, Bolin, Bright, Chesterfield, Dobbins, Edwards, Elliott, Jackson, Jacobs, Oglesby, Parks, Rankin, J. Taylor.

Total13

VOTING PRESENT:

Total0

Total number of votes cast.....87

Total number voting in the affirmative50

Necessary to the passage of the bill51

So the Bill failed.

Motion was made by Representative Parks to pull down **SENATE BILL NO. 46** until a fiscal impact statement is on the desk. On this motion the vote was as follows:

AFFIRMATIVE: Agee, Anderson, Bennett, Berry, Biggs, Bledsoe, P. Bookout, Borhauer, Boyd, Chesterfield, Childers, Dees, Eason, Edwards, D. Evans, Fite, Gillespie, Haak, Harris, House, Hutchinson, Jackson, Jeffrey, J. Johnson, Kenney, Key, Lendall, Lewellen, Mack, Matayo, Napper, Nichols, Norton, Pace, Parks, L. Prater, Pritchard, Rosenbaum, Schulte, Scrimshire, R. Smith, Stovall, C. Taylor, Verkamp, Weaver.

Total45

NEGATIVE: Adams, Blair, Bond, Bradford, Clemons, Cowling, Dangeau, Dickinson, Elliott, Gipson, Goss, C. Johnson, Jones, Judy, King, Ledbetter, Mahony, Martin, Mathis, Medley, Moore, Ormond, Pate, Penix, Petrus, Pickett, S. Prater, Roebuck, Seawel, Sumpter, Thomason, Walters, Wood.

Total33

ABSENT OR NOT VOTING: Bolin, Bright, Creekmore, Dobbins, L. Evans, Ferguson, Green, Hardwick, Hathorn, Hickinbotham, Jacobs, Lamoureux, Milligan, Oglesby, Rankin, Scroggin, Sullivan, J. Taylor, Thomas, Thyer, White, Mr. Speaker.

Total22

VOTING PRESENT:

Total0

Total number of votes cast78

Total number voting in the affirmative45

Necessary to the adoption of the motion51

So the motion failed of adoption.

SENATE BILL NO. 46

BY: SENATOR BISBEE

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

AFFIRMATIVE: Agee, Anderson, Blair, Bond, Boyd, Bradford, Childers, Clemons, Cowling, Dangeau, Dickinson, Eason, Edwards, Elliott, L. Evans, Goss, Green, Hardwick, Harris, Hathorn, Hutchinson, Jackson, C. Johnson, Jones, Judy, Key, King, Lamoureux, Ledbetter, Lendall, Lewellen, Mack, Mahony, Martin, Matayo, Pate, Penix, S. Prater, Pritchard, Roebuck, Seawel, Stovall, Sullivan, Sumpter, Thomas, Thomason, Thyer, Walters, White, Wood.

Total50

NEGATIVE: Adams, Berry, Biggs, Bolin, P. Bookout, Borhauer, Chesterfield, Creekmore, D. Evans, Gillespie, Haak, Hickinbotham, House, Jeffrey, J. Johnson, Mathis, Medley, Milligan, Moore, Napper, Nichols, Norton, Ormond, Pace, Parks, Schulte, J. Taylor, Verkamp, Weaver.

Total29

ABSENT OR NOT VOTING: Bennett, Bledsoe, Bright, Dees, Dobbins, Ferguson, Fite, Gipson, Jacobs, Kenney, Oglesby, Petrus, Pickett, L. Prater, Rankin, Rosenbaum, Scroggin, R. Smith, C. Taylor, Mr. Speaker.

Total20

VOTING PRESENT: Scrimshire.

Total1

Total number of votes cast80

Total number voting in the affirmative50

Necessary to the passage of the bill51

So the Bill failed.

The House stood in recess at 2:23 p.m. until 4:00 p.m. for the reading of the bills.

The House reconvened at 4:12 p.m.

ARKANSAS SENATE
HOUSE BILLS RETURNED FROM THE SENATE AS PASSED

- HOUSE BILL NO. 1057 BY REPRESENTATIVE WHITE
AS AMENDED #1
- HOUSE BILL NO. 1079 BY REPRESENTATIVE CLEVELAND
AS AMENDED #1
- HOUSE BILL NO. 1087 BY REPRESENTATIVE HARRIS

ARKANSAS SENATE
SENATE BILLS RECEIVED FROM SENATE

- SENATE BILL NO. 18 BY SENATOR T. SMITH
- SENATE BILL NO. 63 BY SENATOR BISBEE

ENROLLED AND DELIVERY TO GOVERNOR REPORTS

Little Rock, Arkansas
January 14, 2004

MR. SPEAKER:

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

HOUSE BILL NO. 1087 BY REPRESENTATIVE HARRIS

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 2:35 p.m. delivered them to the Governor for his approval.

Respectfully submitted,

/s/ Herschel W. Cleveland

Chairman

RECEIPT FROM THE GOVERNOR

RECEIVED FROM THE HOUSE:

HOUSE BILL NO. 1087 BY REPRESENTATIVE HARRIS

TIME: 2:35 p.m.

/s/ Mike Huckabee - Governor

By: Stacy DeJarnett

STATE OF ARKANSAS
HOUSE OF REPRESENTATIVES

MEMORANDUM

TO: Whom It May Concern
FROM: House Committee on the Journal; Engrossed and Enrolled Bills
DATE: January 14, 2004
SUBJECT: Amendment #4 to **HOUSE BILL NO. 1040**

The House Committee on the Journal; Engrossed and Enrolled Bills, by this letter, approves the correction of an error in Amendment #4 to HB1040. In the Amendment, second page, line 3 should read as follows:

"Page 2, line 29, delete "(4) (A)" and substitute "(3) (A)"

The Committee authorizes the Chief Clerk to carry out the intent of the amendment by correctly engrossing HB1040.

/s/ Herschel W. Cleveland
Speaker of the House

/s/ Jodie Mahony

/s/ Mike Creekmore, Chairman
House Rules

/s/ Lenville Evans

/s/ Robert J. White, Chairman
House Management Committee

/s/ Tim Massanelli
Parliamentarian

cc: Jo Renshaw, Chief Clerk

HOUSE BILL NO. 1118

BY: REPRESENTATIVE LEDBETTER

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.

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

HOUSE BILL NO. 1119

BY: REPRESENTATIVE MAHONY

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO CREATE THE OFFICE OF PUBLIC SCHOOL ACCOUNTABILITY AND THE OFFICE OF PUBLIC SCHOOL ACADEMIC FACILITIES; AND FOR OTHER PURPOSES.

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

HOUSE BILL NO. 1120

BY: REPRESENTATIVE D. EVANS

A BILL FOR AN ACT TO BE ENTITLED AN ACT CONCERNING THE ELECTION AND TERM OF BOARD OF DIRECTORS AFTER ANNEXATION OF SCHOOL DISTRICTS; AND FOR OTHER PURPOSES.

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

HOUSE BILL NO. 1121

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.

Was read the first time, rules suspended, read the second time, and referred to the Committee on PUBLIC HEALTH, WELFARE AND LABOR.

SENATE BILL NO. 18

BY: SENATORS T. 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.

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

SENATE BILL NO. 63

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.

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

HOUSE RESOLUTION NO. 1017

BY: REPRESENTATIVE PICKETT

COMMENDING FIRE CHIEF BART CASTLEBERRY OF THE CONWAY FIRE DEPARTMENT.

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

HOUSE RESOLUTION NO. 1016

BY: REPRESENTATIVE BRIGHT

COMMENDING LOCAL BOXING HERO JERMAIN TAYLOR AND EXPRESSING SINCERE APPRECIATION FOR HIS CONTRIBUTIONS TO THE CITY OF LITTLE ROCK AND THE STATE OF ARKANSAS.

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

HOUSE MEMORIAL RESOLUTION NO. 1010

BY: REPRESENTATIVES D. EVANS, PATE

IN RESPECTFUL MEMORY OF MR. ROGER Q. MILLS AND IN RECOGNITION OF HIS MANY CONTRIBUTIONS TO THE STATE OF ARKANSAS AND HIS LOCAL COMMUNITY.

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

Upon motion of Representative Gillespie, the House adjourned at 4:14 p.m. until 1:30 p.m. Thursday, January 15, 2004.

ATTEST:

Herschel W. Cleveland
Speaker of the House of Representatives

Jo Renshaw
Chief Clerk

**THIRTY-NINTH DAY'S PROCEEDINGS
HALL OF THE HOUSE OF REPRESENTATIVES**

Little Rock, Arkansas
January 15, 2004

The House was called to order at 1:37 p.m. by Mr. Cleveland, the Speaker.
The following members answered to the roll call:

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

Total94

The following member(s) was absent and did not answer to the roll call:
Bolin, Bright, Dobbins, Jeffrey, Moore, Rankin.

Total6

A quorum was present.

Unanimous leave was granted for Representative(s) Bolin, Bright, Dobbins, Jeffrey, Moore, Rankin.

The House stood and was led in prayer by Representative Eric Harris.

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

EDUCATION	January 15, 2004
	CALVIN JOHNSON
	CHAIRPERSON
HOUSE BILL NO. 1040	DO PASS
BY REPRESENTATIVE ELLIOTT	
HOUSE BILL NO. 1057	DO PASS, TO CONCUR IN
BY REPRESENTATIVE WHITE	SENATE AMENDMENT #1
HOUSE BILL NO. 1070	DO PASS, TO CONCUR IN
BY REPRESENTATIVE LENDALL	SENATE AMENDMENT #1
HOUSE BILL NO. 1079	DO PASS, TO CONCUR IN
BY REPRESENTATIVE CLEVELAND	SENATE AMENDMENT #1
HOUSE BILL NO. 1101	DO PASS
BY REPRESENTATIVE WHITE	
SENATE BILL NO. 42	DO PASS
BY SENATOR BISBEE	AS AMENDED #2, 3 & 4

COMMITTEE REPORT

PUBLIC HEALTH, WELFARE AND LABOR	January 15, 2004
	JAY BRADFORD
	CHAIRPERSON
HOUSE BILL NO. 1121	DO PASS
BY REPRESENTATIVE J. JOHNSON	
HOUSE RESOLUTION NO. 1015	DO PASS
BY REPRESENTATIVE BRADFORD	

COMMITTEE REPORT

JOINT COMMITTEE ON PUBLIC RETIREMENT AND SOCIAL SECURITY PROGRAMS	January 15, 2004
	ROGER SMITH
	CHAIRPERSON
HOUSE BILL NO. 1117	DO PASS
BY REPRESENTATIVE R. SMITH	

Upon motion of Representative Dickinson, **HOUSE BILL NO. 1111** was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 1 TO HOUSE BILL NO. 1111

Amend **HOUSE BILL NO. 1111** as originally introduced:
Add Representative Medley as a cosponsor of the bill

/s/ Tommy Dickinson

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

/s/ Ms. Jo Renshaw
Chief Clerk

Upon motion of Representative Pickett, **HOUSE BILL NO. 1008** was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 2 TO HOUSE BILL NO. 1008

Amend **HOUSE BILL NO. 1008** as engrossed, H1/8/04
(version: 01-09-2004 10:35):

Page 1, delete line 11, and substitute:

"AND INTERSCHOOL SCHOLASTIC ACTIVITIES IN PUBLIC SCHOOLS; AND FOR OTHER PURPOSES."

AND

Delete the subtitle in its entirety and substitute:

"TO TRACK THE AMOUNT OF STATE FUNDS THAT ARE USED TO SUPPORT ATHLETIC PROGRAMS AND INTERSCHOOL SCHOLASTIC ACTIVITIES IN PUBLIC SCHOOLS."

AND

Delete everything following the enacting clause and substitute the following:

"SECTION 1. Arkansas Code Title 6, Chapter 20, is amended to add an additional subchapter to read as follows:

6-20-2001. Purpose.

The purpose of this subchapter is to track and account for the amount of state funds that is used to support interschool athletic programs in public schools.

6-20-2002. Definitions.As used in this subchapter:

(1) "Athletic expenditures" means all direct and indirect expenses related to interschool athletic programs, prorated if necessary, including but not limited to:

(A) Salaries or supplemental pay for staff for interschool athletic programs, excluding salaries received for duties as a classroom teacher;

(B) All fringe benefits, including, but not limited to, medical and dental insurance, workers' compensation, pension plans, and any other costs associated with employment of staff for interschool athletic programs;

(C) Travel, including bus-related operation and maintenance;

(D) Equipment;

(E) Meals;

(F) Supplies;

(G) Property and medical insurance;

(H) Medical expenses;

(I) Utilities; and

(J) Maintenance of facilities related to interschool athletic teams and spirit groups, excluding bands;

(2) "Classroom teacher" means an individual who is required to hold a teaching license from the Department of Education 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;

(3) "Interschool athletic program" means:

(A) Any athletic program which is organized primarily for the purpose of competing with other schools, public or private; or

(B) Any athletic program which is subject to regulation by the Arkansas Activities Association; and

(4) "State funds" means all money derived from state revenues, specifically including but not limited to, distributions from the Department of Education Public School Fund Account and ad valorem property taxes distributed to a public school or school district.

6-20-2003. Certification by local district school board.

(a) Annually by September 15 of each year, the local school board of each school district shall:

(1) In a written report, certify to the State Board of Education:

(A) For the previous school year, the amount of the district's total athletic expenditures for interschool athletic programs that were paid from state

funds; and

(B) For the upcoming school year, the district's total athletic expenditures budgeted for interschool athletic programs that are to be paid from state funds;

(2) Provide the state board with a report of the school district's total athletic expenditures paid from state funds in a format approved by the state board or the Department of Education for the previous school year;

(3) Provide the state board with a budget for the athletic expenditures to be paid from state funds as set forth under subdivision (a)(1)(B) of this section for the upcoming year; and

(4) Provide the state board and the department with any additional information or documentation requested.

(b)(1) Any school district failing to comply with the provisions of this subchapter and the rules adopted by the state board for the implementation of this subchapter shall be identified by the department to be a school in fiscal distress in accordance with the Arkansas Fiscal Assessment and Accountability Program, § 6-20-1901 et seq.

(2) Any report required by this subchapter shall be subject to a yearly audit which shall be filed as set forth under §§ 6-20-1801 – 6-20-1804.

6-20-2004. Regulations.

(a) By May 1, 2004, the State Board of Education shall promulgate any rules necessary for the implementation of this subchapter.

(b) The rules shall include a procedure to be developed by the Department of Education to ensure uniform reporting of athletic expenditures.

SECTION 2. Arkansas Code Title 6, Chapter 20, is amended to add an additional subchapter to read as follows:

6-20-2101. Purpose.

The purpose of this subchapter is to track and account for the amount of state funds that is used to support interschool scholastic activities in public schools.

6-20-2102. Definitions.

As used in this subchapter:

(1) "Interschool scholastic activity expenditures" means all direct and indirect expenses related to interschool scholastic activities, prorated if necessary, including but not limited to:

(A) Salaries or supplemental pay for staff for interschool scholastic activities, excluding salaries received for duties as a classroom teacher;

(B) All fringe benefits, including, but not limited to, medical and

dental insurance, workers' compensation, pension plans, and any other costs associated with employment of staff for interschool scholastic activities;

(C) Travel, including bus-related operation and maintenance;

(D) Equipment;

(E) Meals;

(F) Supplies;

(G) Property and medical insurance;

(H) Medical expenses;

(I) Utilities; and

(J) Maintenance of facilities related to interschool scholastic activities;

(2) "Classroom teacher" means an individual who is required to hold a teaching license from the Department of Education 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;

(3)(A) "Interschool scholastic activities " means any interschool activity program that is outside the regular curriculum, excluding interschool athletic programs as defined by § 6-20-2002(3), which is organized primarily for the purpose of competing with other schools, public or private; or

(B) Any program or activity, excluding interschool athletic programs as defined by § 6-20-2002(3), which is subject to regulation by the Arkansas Activities Association; and

(4) "State funds" means all money derived from state revenues, specifically including but not limited to, distributions from the Department of Education Public School Fund Account and ad valorem property taxes distributed to a public school or school district.

6-20-2103. Certification by local district school board.

(a) Annually by September 15 of each year, the local school board of each school district shall:

(1) In a written report, certify to the State Board of Education:

(A) For the previous school year, the amount of the district's total interschool scholastic activity expenditures that were paid from state funds; and

(B) For the upcoming school year, the district's total budgeted interschool scholastic activity expenditures to be paid from state funds;

(2) Provide the state board with a report of the school district's total interschool scholastic activity expenditures paid from state funds in a format approved by the state board or the Department of Education for the previous school

year:

(3) Provide the state board with a budget for the interschool scholastic activity expenditures to be paid from state funds as set forth under subdivision (a)(1)(B) of this section for the upcoming year; and

(4) Provide the state board and the department with any additional information or documentation requested.

(b)(1) Any school district failing to comply with the provisions of this subchapter and the rules adopted by the state board for the implementation of this subchapter shall be identified by the department to be a school in fiscal distress in accordance with the Arkansas Fiscal Assessment and Accountability Program, § 6-20-1901 et seq.

(2) Any report required by this subchapter shall be subject to a yearly audit which shall be filed as set forth under §§ 6-20-1801 – 6-20-1804.

6-20-2104. Regulations.

(a) By May 1, 2004, the State Board of Education shall promulgate any rules necessary for the implementation of this subchapter.

(b) The rules shall include a procedure to be developed by the Department of Education to ensure uniform reporting of interschool scholastic activity expenditures."

/s/ Betty Pickett

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

/s/ Ms. Jo Renshaw
Chief Clerk

ENGROSSED BILL REPORTS

HERSCHEL W. CLEVELAND, CHAIRMAN

January 15, 2004

The following bill(s) reported correctly engrossed:

HOUSE BILL NO. 1008 - TITLE - BY REPRESENTATIVE PICKETT

HOUSE BILL NO. 1111 - TITLE - BY REPRESENTATIVE DICKINSON

HOUSE BILL ENGROSSED AS TITLE AMENDED
HOUSE BILL NO. 1008

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 ENGROSSED AS TITLE AMENDED
HOUSE BILL NO. 1111

BY: REPRESENTATIVES DICKINSON, BENNETT, BERRY, BOLIN, P. BOOKOUT, CHESTERFIELD, COWLING, DEES, D. EVANS, L. EVANS, FITE, GREEN, HARDWICK, JACOBS, C. JOHNSON, J. JOHNSON, MACK, MATHIS, MOORE, PENIX, SCROGGIN, SEAWEL, THYER, WEAVER, WHITE, WOOD, *MEDLEY*

A BILL FOR AN ACT TO BE ENTITLED THE CONTINUING ADEQUACY EVALUATION ACT OF 2004.

State of Arkansas
Office of the Governor

Mike Huckabee
Governor

January 14, 2004

TO THE SPEAKER OF THE HOUSE

Dear Mr. Speaker:

This is to inform you that on January 14, 2004, I approved the following measures during the Second Extraordinary Session of the Eighty-Fourth General Assembly:

HOUSE BILL NO. 1053 is now Act Number 37

HOUSE BILL NO. 1089 is now Act Number 38

Sincerely,

/s/ Mike Huckabee

HOUSE MEMORIAL RESOLUTION NO. 1007

BY: REPRESENTATIVE KENNEY

HONORING THE MEMORY AND ACHIEVEMENTS OF JERROLD "JERRY"
ELDON HINSHAW.

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

Morning Hour Expired.

Motion was made by Representative Parks to reconsider the vote by which **SENATE BILL NO. 46** failed to pass. Motion carried

SENATE BILL NO. 46

BY: SENATOR BISBEE

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

AFFIRMATIVE: Adams, Agee, Anderson, Berry, Blair, Bond, P. Bookout, Borhauer, Boyd, Bradford, Clemons, Cowling, Dangeau, Dickinson, Eason, Edwards, Elliott, L. Evans, Ferguson, Fite, Gipson, Goss, Hardwick, Harris, Hathorn, House, Jackson, Jones, Judy, Kenney, Key, King, Lamoureux, Ledbetter, Lendall, Lewellen, Mack, Mahony, Martin, Matayo, Pace, Pate, Penix, Petrus, L. Prater, S. Prater, Pritchard, Roebuck, Rosenbaum, Scrimshire, Scroggin, Seawel, R. Smith, Stovall, Sullivan, Sumpter, C. Taylor, J. Taylor, Thomas, Thomason, Thyer, Walters, White, Wood, Mr. Speaker.

Total65

NEGATIVE: Bennett, Biggs, Childers, Creekmore, D. Evans, Gillespie, Green, Haak, Hickinbotham, J. Johnson, Mathis, Medley, Milligan, Napper, Nichols, Norton, Ormond, Schulte, Verkamp, Weaver.

Total20

ABSENT OR NOT VOTING: Bledsoe, Bolin, Bright, Chesterfield, Dees, Dobbins, Hutchinson, Jacobs, Jeffrey, C. Johnson, Moore, Oglesby, Parks, Pickett, Rankin.

Total15

VOTING PRESENT:

Total0

Total number of votes cast85

Total number voting in the affirmative65

Necessary to the passage of the bill51

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

SENATE BILL NO. 41

BY: SENATOR WOMACK

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

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

Total88

NEGATIVE: Ormond.

Total1

ABSENT OR NOT VOTING: Bolin, Bright, Chesterfield, Dobbins, Gipson, Hutchinson, Jeffrey, Mahony, Moore, Rankin, Mr. Speaker.

Total11

VOTING PRESENT:

Total0

Total number of votes cast89

Total number voting in the affirmative88

Necessary to the passage of the bill51

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

SENATE BILL NO. 54

BY: SENATOR HENDREN

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

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

Total91

NEGATIVE:

Total0

ABSENT OR NOT VOTING: Bolin, Bright, Chesterfield, Dobbins, Hutchinson, Jeffrey, Moore, Rankin, Mr. Speaker.

Total9

VOTING PRESENT:

Total0

Total number of votes cast.....91

Total number voting in the affirmative91

Necessary to the passage of the bill51

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

SENATE BILL NO. 21

BY: SENATOR J. BOOKOUT

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

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

Total91

NEGATIVE:

Total0

ABSENT OR NOT VOTING: Bolin, Bright, Dobbins, Jeffrey, Mahony, Moore, Pickett, Rankin, Mr. Speaker.

Total9

VOTING PRESENT:

Total0

Total number of votes cast91

Total number voting in the affirmative91

Necessary to the passage of the bill51

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

Motion was made by Representative Bond to take a 10 minute recess at 2:01 p.m. until 2:11 p.m.

The House reconvened at 2:15 p.m.

HOUSE BILL NO. 1109

BY: REPRESENTATIVE BOND

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

AFFIRMATIVE: Agee, Anderson, Biggs, Blair, Bledsoe, Bond, P. Bookout, Borhauer, Bradford, Chesterfield, Childers, Clemons, Cowling, Creekmore, Dangeau, Dees, [Dobbins], Eason, Edwards, Elliott, [D. Evans], L. Evans, Ferguson, Gipson, Goss, Green, Hardwick, Harris, Hathorn, Jackson, Jacobs, C. Johnson, J. Johnson, Jones, Judy, Kenney, Key, King, Lamoureux, Ledbetter, Lendall, Lewellen, Mahony, Martin, Matayo, Mathis, Medley, Nichols, Pace, Parks, Penix, S. Prater, Pritchard, Roebuck, Rosenbaum, Scroggin, R. Smith, Sullivan, Sumpter, C. Taylor, Thomas, Thyer, Walters, White, Wood.

Total65

NEGATIVE: Adams, Bennett, Berry, Boyd, Dickinson, Fite, Gillespie, Haak, Hickinbotham, House, [Jeffrey], Mack, Milligan, Napper, Norton, Oglesby, Ormond, [Pate], Petrus, L. Prater, Schulte, Scrimshire, Seawel, Stovall, J. Taylor, Thomason, Verkamp, Weaver.

Total28

ABSENT OR NOT VOTING: Bolin, Bright, Hutchinson, Moore, Pickett, Rankin, Mr. Speaker.

Total7

VOTING PRESENT:

Total0

Total number of votes cast.....93

Total number voting in the affirmative65

Necessary to the passage of the bill51

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

Upon motion of Representative Bond the Clincher motion prevailed.

There being an Emergency Clause attached to **HOUSE BILL NO. 1109**, the Speaker ordered the clerk to call the roll upon the adoption of the Emergency Clause. The vote was as follows:

EMERGENCY CLAUSE

AFFIRMATIVE: Agee, Anderson, Biggs, Blair, Bledsoe, Bond, P. Bookout, Borhauer, Boyd, Bradford, Chesterfield, Childers, Clemons, Cowling, Creekmore, Dangeau, Dees, Dickinson, Eason, Edwards, Elliott, D. Evans, L. Evans, Ferguson, Gillespie, Gipson, Goss, Green, Haak, Hardwick, Harris, Hathorn, House, Hutchinson, Jackson, Jacobs, C. Johnson, J. Johnson, Jones, Judy, Kenney, Key, King, Lamoureux, Ledbetter, Lendall, Lewellen, Mack, Mahony, Martin, Matayo, Mathis, Medley, Napper, Nichols, Pace, Parks, Penix, Petrus, Pickett, S. Prater, Pritchard, Roebuck, Rosenbaum, Schulte, Scrimshire, Scroggin, Seawel, R. Smith, Sullivan, Sumpter, C. Taylor, Thomas, Thomason, Thyer, Walters, White, Wood.

Total78

NEGATIVE: Adams, Berry, Fite, Hickinbotham, Milligan, Norton, Oglesby, Ormond, Stovall, Verkamp, Weaver.

Total11

ABSENT OR NOT VOTING: Bennett, Bolin, Bright, Dobbins, Jeffrey, Moore, Pate, L. Prater, Rankin, J. Taylor, Mr. Speaker.

Total11

VOTING PRESENT:

Total0

Total number of votes cast89

Total number voting in the affirmative78

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

So the Emergency Clause was adopted.

Upon motion of Representative Bond the Clincher motion prevailed.

PAIR VOTE
ON
HOUSE BILL NO. 1109

AYE: **REPRESENTATIVE DAVID EVANS**
NAY: **REPRESENTATIVE ROBERT JEFFREY**
WITNESS: **REPRESENTATIVE JERRY TAYLOR**

This pair form was signed by Representative David Evans and Representative Robert Jeffrey in the presence of each other and witnessed by Representative Jerry Taylor.

Total number of votes cast.....	93
Necessary to the passage of the bill	51
Total number voting in the affirmative	65
Total number voting in the negative	28
Total number absent or not voting.....	7
Total number voting present	0

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

PAIR VOTE
ON
HOUSE BILL NO. 1109

AYE: REPRESENTATIVE R. DWAYNE DOBBINS
NAY: REPRESENTATIVE MARK PATE
WITNESS: REPRESENTATIVE CHRIS THOMASON

This pair form was signed by Representative R. Dwayne Dobbins and Representative Mark Pate in the presence of each other and witnessed by Representative Chris Thomason.

Total number of votes cast..... 93

Necessary to the passage of the bill 51

Total number voting in the affirmative 65

Total number voting in the negative 28

Total number absent or not voting..... 7

Total number voting present..... 0

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

The House recessed at 2:43 p.m. until 4:00 p.m.

The House reconvened at 4:04 p.m.

HOUSE BILLS ORDERED TRANSMITTED TO THE SENATE AS PASSED

HOUSE BILL NO. 1109 BY REPRESENTATIVE BOND

SENATE BILLS ORDERED RETURNED TO THE SENATE AS PASSED

SENATE BILL NO. 21 BY SENATOR J. BOOKOUT

SENATE BILL NO. 41 BY SENATOR WOMACK
AS AMENDED #1 & #2

SENATE BILL NO. 46 BY SENATOR BISBEE

SENATE BILL NO. 54 BY SENATOR HENDREN

HOUSE BILL NO. 1122

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.

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

HOUSE BILL NO. 1123

BY: REPRESENTATIVES HATHORN, SULLIVAN, MEDLEY, THYER, SCROGGIN

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO CREATE COUNTY SCHOOL DISTRICTS FOR ADMINISTRATIVE PURPOSES; TO PRESERVE LOCAL SCHOOL DISTRICTS AS SUBDISTRICTS; TO PROVIDE FOR THE CREATION OF A COUNTY SCHOOL DISTRICT BOARD OF DIRECTORS; AND FOR OTHER PURPOSES.

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

HOUSE BILL NO. 1124

BY: REPRESENTATIVE HICKINBOTHAM

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO REPEAL THE DISCOUNT FOR PROMPT PAYMENT OF SALES TAXES; 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. 1125

BY: REPRESENTATIVE HICKINBOTHAM

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO REDUCE THE DISCOUNT FOR PROMPT PAYMENT OF GROSS RECEIPTS TAX TO A MAXIMUM OF ONE HUNDRED DOLLARS (\$100) PER MONTH; AND FOR OTHER PURPOSES.

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

Upon motion of Representative Gillespie, the House adjourned at 4:09 p.m. until 1:30 p.m. Friday, January 16, 2004.

ATTEST:

Herschel W. Cleveland
Speaker of the House of Representatives

Jo Renshaw
Chief Clerk

**FORTIETH DAY'S PROCEEDINGS
HALL OF THE HOUSE OF REPRESENTATIVES**

Little Rock, Arkansas
January 16, 2004

The House was called to order at 1:37 p.m. by Mr. Cleveland, the Speaker.
The following members answered to the roll call:

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

Total 99

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

Total 1

A quorum was present.

Unanimous leave was granted for Representative(s) Rankin.

The House stood and was led in prayer by Representative Mike P. Kenney.

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

EDUCATION	January 16, 2004
	CALVIN JOHNSON
	CHAIRPERSON
HOUSE BILL NO. 1088	DO PASS
BY REPRESENTATIVE PICKETT	AS AMENDED #1
HOUSE BILL NO. 1091	DO PASS
BY REPRESENTATIVE JUDY	AS AMENDED #2
HOUSE BILL NO. 1106	DO PASS
BY REPRESENTATIVE C. JOHNSON	
HOUSE BILL NO. 1108	DO PASS
BY REPRESENTATIVE DANGEAU	
HOUSE BILL NO. 1123	DO PASS
BY REPRESENTATIVE HATHORN	AS AMENDED #1 & #2

COMMITTEE REPORT

AGING, CHILDREN AND YOUTH, LEGISLATIVE AND MILITARY AFFAIRS	January 16, 2004
	JOYCE DEES
	CHAIRPERSON
HOUSE RESOLUTION NO. 1017	DO PASS
BY REPRESENTATIVE PICKETT	

COMMITTEE REPORT

JOINT BUDGET	January 16, 2004
	PAUL WEAVER
	CHAIRPERSON
SENATE BILL NO. 7	DO PASS
BY SENATOR BROADWAY AND	
BY REPRESENTATIVE ELLIOTT	

Upon motion of Representative Matayo, **HOUSE BILL NO. 1100** was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 1 TO HOUSE BILL NO. 1100

Amend **HOUSE BILL NO. 1100** as originally introduced:

Page 3, line 4, delete "Trust"

AND

Page 3, line 7, delete "Trust"

AND

Page 3, delete lines 8 through 11 and substitute the following:

"(b)(1) All monies collected under this act shall be deposited as follows:

(A) Funds designated in Arkansas Code § 19-6-201 as general revenues shall be deposited into the State Treasury to the credit of the fund as special revenues.

(B) Funds designated in Arkansas Code § 19-6-301 as special revenues shall be deposited into the State Treasury as special revenues to be distributed as provided by law.

(2) The distribution of municipal and county taxes collected under this tax amnesty program is not affected by this section.

(3) The fund shall also consist of any other revenues as may be authorized by law."

/s/ D. Matayo

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

/s/ Ms. Jo Renshaw

Chief Clerk

Upon motion of Representative Mahony, **HOUSE BILL NO. 1116** was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 1 TO HOUSE BILL NO. 1116

Amend **HOUSE BILL NO. 1116** as originally introduced:

Add a new section immediately after Section 3 of the bill to read as follows:

"SECTION 4. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. EXPENDITURE APPROVAL. The funds and appropriation authorized in Section 2 of this Act for Teachers in Special Settings shall not be spent until the Department of Education, working in conjunction with the Department of Human Services and the Department of Correction, has submitted a list of proposed payments to the Chief Fiscal Officer of the State for approval. Such information shall be submitted in such form and content as may be required by the Chief Fiscal Officer of the State. "

AND

Renumber the subsequent sections of the bill.

/s/ Jodie Mahony

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

/s/ Ms. Jo Renshaw
Chief Clerk

Upon motion of Representative Mahony, **HOUSE BILL NO. 1116** was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 2 TO HOUSE BILL NO. 1116

Amend **HOUSE BILL NO. 1116** as originally introduced:

Page 3, line 3, delete the underscores " _____ "

AND

Page 3, line 4, delete in its entirety and substitute therefore:

"(08) DHS - DIVISION OF YOUTH SERVICES - RESIDENTIAL -

PERSONAL SERVICES/ARKANSAS NATIONAL

GUARD YOUTH CHALLENGE PROGRAM -

PERSONAL SERVICES

0

210,000

TOTAL AMOUNT APPROPRIATED

\$ 0

\$ 6,675,146".

/s/ Jodie Mahony

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. 1104** was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 1 TO HOUSE BILL NO. 1104

Amend **HOUSE BILL NO. 1104** as originally introduced:

Page 2, delete line 3 and substituting "Arkansas; or"

AND

Page 2, delete line 28 and substituting "Arkansas; or"

/s/ Phillip E. Jackson

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. 1103** was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 1 TO HOUSE BILL NO. 1103

Amend **HOUSE BILL NO. 1103** as originally introduced:

Page 1, line 35, delete "corporation" and substitute "business entity"

AND

Page 2, delete line 1 and substitute the following:

"(A) A corporation treated as a Subchapter S corporation under § 26-51."

AND

Page 2, line 5, delete "and"

AND

Page 2, line 10, delete "and" and substitute "or"

/s/ Phillip E. Jackson

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

/s/ Ms. Jo Renshaw
Chief Clerk

ENGROSSED BILL REPORTS

HERSCHEL W. CLEVELAND, CHAIRMAN

January 16, 2004

The following bill(s) reported correctly engrossed:

HOUSE BILL NO. 1100	BY REPRESENTATIVE MATAYO, ET AL
HOUSE BILL NO. 1103	BY REPRESENTATIVE JACKSON
HOUSE BILL NO. 1104	BY REPRESENTATIVE JACKSON
HOUSE BILL NO. 1116	BY REPRESENTATIVE MAHONY
SENATE BILL NO. 42 - TITLE -	BY SENATOR BISBEE, ET AL

SENATE BILL ENGROSSED AS TITLE AMENDED
SENATE BILL NO. 42

BY: SENATORS BISBEE, BROADWAY

BY: 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.

Upon motion of Representative King, **SENATE BILL NO. 42** was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 2 TO SENATE BILL NO. 42

Amend **SENATE BILL NO. 42** as engrossed, S1/6/04

(version: 01-06-2004 13:21):

Add Representative King as the House cosponsor

/s/ Barbara King

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

/s/ Ms. Jo Renshaw

Chief Clerk

Upon motion of Representative King, **SENATE BILL NO. 42** was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 3 TO SENATE BILL NO. 42

Amend **SENATE BILL NO. 42** as engrossed, S1/6/04

(version: 01-06-2004 13:21):

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."

/s/ Barbara King

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

/s/ Ms. Jo Renshaw

Chief Clerk

Upon motion of Representative King, **SENATE BILL NO. 42** was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 4 TO SENATE BILL NO. 42

Amend **SENATE BILL NO. 42** as engrossed, S1/6/04

(version: 01-06-2004 13:21):

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

/s/ Barbara King

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

/s/ Ms. Jo Renshaw
Chief Clerk

State of Arkansas
Office of the Governor

Mike Huckabee
Governor

January 15, 2004

TO THE SPEAKER OF THE HOUSE

Dear Mr. Speaker:

This is to inform you that on January 15, 2004, I approved the following measures during the Second Extraordinary Session of the Eighty-Fourth General Assembly:

HOUSE BILL NO. 1060 is now Act Number 39

HOUSE BILL NO. 1087 is now Act Number 40

Sincerely,

/s/ Mike Huckabee

State of Arkansas
Office of the Governor

Mike Huckabee
Governor

January 15, 2004

TO THE ARKANSAS HOUSE OF REPRESENTATIVES

Dear Mr. Speaker:

This is to provide notice that pursuant to Article 6, Section 15 of the Arkansas Constitution, on this date I vetoed **HOUSE BILL NO. 1034**, a measure from the Second Special Session of the Eighty-Fourth General Assembly. Also in accordance with Article 6, Section 15, the bill is being returned to this body, the originating house for the bill, and accompanies this letter.

At a time when our limited state resources are desperately needed for essential services, this bill creates a duplicative bureaucracy, which will result in unwarranted expenses. Moreover, the bill will add without reasonable justification to the duties of the state Department of Higher Education. Due to the current inability to create a more efficient public education system in Arkansas, it is imperative that every resource be dedicated to providing an adequate, equitable education to each child. The expenditure of our resources on an unneeded commission fails to meet that test.

Sincerely,

/s/ Mike Huckabee

MH:omf:eh

Enclosure

cc: Honorable Jim Hill
President Pro Tem
Arkansas Senate (w/encl)

RECEIPT FROM THE CHIEF CLERK

RECEIVED FROM THE GOVERNOR'S OFFICE:
HOUSE BILL NO. 1034 BY REPRESENTATIVE CLEVELAND
GOVERNOR'S LETTER

/s/ Ms. Jo Renshaw
Chief Clerk

TIME: 4:48 p.m.

HOUSE RESOLUTION NO.1015

BY: REPRESENTATIVE BRADFORD

COMMEMORATING THE FORTIETH ANNIVERSARY OF THE SURGEON
GENERAL'S REPORT ON SMOKING AND HEALTH.

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

HOUSE MEMORIAL RESOLUTION NO. 1010

BY: REPRESENTATIVE D. EVANS

IN RESPECTFUL MEMORY OF MR. ROGER Q. MILLS AND IN
RECOGNITION OF HIS MANY CONTRIBUTIONS TO THE STATE OF ARKANSAS
AND HIS LOCAL COMMUNITY.

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

HOUSE RESOLUTION NO.1016

BY: REPRESENTATIVE BRIGHT

COMMENDING LOCAL BOXING HERO JERMAIN TAYLOR AND EXPRESSING SINCERE APPRECIATION FOR HIS CONTRIBUTIONS TO THE CITY OF LITTLE ROCK AND THE STATE OF ARKANSAS.

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

Morning Hour Expired.

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

ARKANSAS SENATE

AMENDMENT NO. 1 TO HOUSE BILL NO. 1070

Amend HOUSE BILL NO. 1070 as engrossed, H12/31/03

(version: 12-31-2003 08:38):

Page 1, delete lines 30 through 34

/s/ Shawn Womack

The Amendment was read and the vote was as follows:

AFFIRMATIVE: Adams, Agee, Anderson, Bennett, Berry, Blair, Bledsoe, Bolin, Bond, P. Bookout, Borhauer, Boyd, Bradford, Bright, Chesterfield, Childers, Clemons, Cowling, Creekmore, Dees, Dickinson, Eason, Edwards, Elliott, D. Evans, Ferguson, Fite, Gillespie, Gipson, Goss, Green, Haak, Hardwick, Harris, Hathorn, Hickinbotham, House, 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, Ormond, Pace, Parks, Pate, Pickett, L. Prater, S. Prater, Pritchard, Roebuck, Rosenbaum, Schulte, Scroggin, Seawel, R. Smith, Sullivan, Sumpter, C. Taylor, Thomas, Thomason, Thyer, Verkamp, Walters, Weaver, White, Wood.

Total87

NEGATIVE: Penix.

Total1

ABSENT OR NOT VOTING: Biggs, Dangeau, Dobbins, L. Evans, Hutchinson, Oglesby, Petrus, Rankin, Scrimshire, Stovall, J. Taylor, Mr. Speaker.

Total12

VOTING PRESENT:

Total0

Total number of votes cast88

Total number voting in the affirmative87

Necessary to concur in the amendment51

So the Amendment was concurred in.

/s/ Ms. Jo Renshaw

Chief Clerk

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

ARKANSAS SENATE

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)"

/s/ J. Argue

The Amendment was read and the vote was as follows:

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

Total95

NEGATIVE:

Total0

ABSENT OR NOT VOTING: Dangeau, Dobbins, Oglesby, Rankin, Scroggin.

Total5

VOTING PRESENT:

Total0

Total number of votes cast.....95

Total number voting in the affirmative95

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

So the Amendment was concurred in.

/s/ Ms. Jo Renshaw

Chief Clerk

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

ARKANSAS SENATE

AMENDMENT NO. 1 TO HOUSE BILL NO. 1057

Amend **HOUSE BILL NO. 1057** as engrossed, H12/19/03

(version: 12-19-2003 10:18):

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."

/s/ Henry "Hank" Wilkins

The Amendment was read and the vote was as follows:

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

Total89

NEGATIVE:

Total0

ABSENT OR NOT VOTING: Bolin, Boyd, Dangeau, Dobbins, Hickinbotham, Medley, Moore, Parks, Rankin, Stovall, Verkamp.

Total11

VOTING PRESENT:

Total0

Total number of votes cast89

Total number voting in the affirmative89

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

So the Amendment was concurred in.

/s/ Ms. Jo Renshaw

Chief Clerk

Representative C. Johnson moved that the record by which **HOUSE BILL NO. 1056** failed to pass be expunged from the record. On this motion the vote was as follows:

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

Total87

NEGATIVE:

Total0

ABSENT OR NOT VOTING: Bennett, Biggs, Bolin, Dangeau, Dobbins, Jacobs, Moore, Oglesby, Petrus, L. Prater, Rankin, C. Taylor, Weaver.

Total13

VOTING PRESENT:

Total0

Total number of votes cast.....87

Total number voting in the affirmative87

Necessary to the adoption of the motion.....67

So the motion was adopted.

Representative C. Johnson moved that the record by which **HOUSE BILL NO. 1080** failed to pass be expunged from the record. On this motion the vote was as follows:

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

Total87

NEGATIVE:

Total0

ABSENT OR NOT VOTING: Bennett, Bolin, Dangeau, Dobbins, Jacobs, Moore, Oglesby, Parks, Petrus, L. Prater, Rankin, C. Taylor, Weaver.

Total13

VOTING PRESENT:

Total0

Total number of votes cast87

Total number voting in the affirmative87

Necessary to the adoption of the motion67

So the motion was adopted.

HOUSE BILL NO. 1111

BY: REPRESENTATIVE DICKINSON

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

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

Total87

NEGATIVE:

Total0

ABSENT OR NOT VOTING: Bolin, Dangeau, Dobbins, Ferguson, Hutchinson, J. Johnson, Lewellen, Mathis, Pace, Parks, Rankin, Thomas, Mr. Speaker.

Total13

VOTING PRESENT:

Total0

Total number of votes cast.....87

Total number voting in the affirmative87

Necessary to the passage of the bill51

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

HOUSE BILL NO. 1008

BY: REPRESENTATIVE PICKETT

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

AFFIRMATIVE: Adams, Agee, Anderson, Berry, Blair, Bledsoe, Bolin, Bond, P. Bookout, Borhauer, Bradford, Chesterfield, Childers, Clemons, Cowling, Creekmore, Dees, Dickinson, Eason, Edwards, Elliott, D. Evans, L. Evans, Ferguson, Fite, Gillespie, Gipson, Goss, Green, Haak, Hardwick, Harris, Hathorn, Hickinbotham, Jackson, Jacobs, Jeffrey, C. Johnson, J. Johnson, Jones, Judy, Kenney, Key, King, Lamoureux, Ledbetter, Lendall, Lewellen, Mahony, Martin, Matayo, Mathis, Medley, Milligan, Moore, Napper, Nichols, Norton, Oglesby, Ormond, Pace, Parks, Pate, Penix, Petrus, Pickett, L. Prater, S. Prater, Pritchard, Roebuck, Rosenbaum, Schulte, Scroggin, Seawel, R. Smith, Sullivan, Sumpter, C. Taylor, Thomas, Thomason, Verkamp, Walters, Weaver, White, Wood.

Total85

NEGATIVE: Scrimshire.

Total1

ABSENT OR NOT VOTING: Bennett, Biggs, Boyd, Bright, Dangeau, Dobbins, House, Hutchinson, Mack, Rankin, Stovall, J. Taylor, Thyer, Mr. Speaker.

Total14

VOTING PRESENT:

Total0

Total number of votes cast86

Total number voting in the affirmative85

Necessary to the passage of the bill51

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

Upon motion of Representative Pickett the Clincher motion prevailed.

HOUSE BILL NO. 1117

BY: REPRESENTATIVE R. SMITH

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

AFFIRMATIVE: Adams, Agee, Anderson, Bennett, Berry, Biggs, Blair, Bledsoe, Bolin, P. Bookout, Borhauer, Boyd, Bradford, Bright, Childers, Clemons, Cowling, Creekmore, Dangeau, Dees, Dickinson, Eason, Edwards, Elliott, L. Evans, Ferguson, Fite, Gillespie, Gipson, Goss, 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, Roebuck, Rosenbaum, Schulte, Scrimshire, Scroggin, Seawel, R. Smith, Stovall, Sullivan, Sumpter, C. Taylor, J. Taylor, Thomas, Thomason, Thyer, Verkamp, Walters, Weaver, White, Wood.

Total93

NEGATIVE:

Total0

ABSENT OR NOT VOTING: Bond, Chesterfield, Dobbins, D. Evans, Green, Rankin, Mr. Speaker.

Total7

VOTING PRESENT:

Total0

Total number of votes cast.....93

Total number voting in the affirmative93

Necessary to the passage of the bill51

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

HOUSE BILL NO. 1121

BY: REPRESENTATIVE J. JOHNSON

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

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

Total90

NEGATIVE: Penix.

Total1

ABSENT OR NOT VOTING: Bond, Dobbins, D. Evans, Jones, Key, Rankin, Scroggin, Mr. Speaker.

Total8

VOTING PRESENT: Matayo.

Total1

Total number of votes cast92

Total number voting in the affirmative90

Necessary to the passage of the bill51

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

Upon motion of Representative J. Johnson the Clincher motion prevailed.

HOUSE BILL NO. 1101

BY: REPRESENTATIVE WHITE

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

AFFIRMATIVE: Biggs, Blair, P. Bookout, Chesterfield, Clemons, Eason, Edwards, Elliott, Gillespie, Goss, Green, House, C. Johnson, J. Johnson, Jones, Judy, King, Lendall, Lewellen, Martin, Mathis, Penix, Pickett, S. Prater, Seawel, R. Smith, Sullivan, Thomas, White, Wood.

Total30

NEGATIVE: Adams, Agee, Anderson, Bennett, Berry, Bledsoe, Bolin, Bond, Borhauer, Bradford, Bright, Childers, Cowling, Creekmore, Dickinson, L. Evans, Fite, Haak, Harris, Hathorn, Hickinbotham, Jackson, Jacobs, Jeffrey, Kenney, Key, Lamoureux, Ledbetter, Mack, Mahony, Matayo, Medley, Moore, Napper, Nichols, Norton, Ormond, Pace, Pate, Petrus, Pritchard, Roebuck, Rosenbaum, Schulte, Scroggin, Stovall, Sumpter, C. Taylor, J. Taylor, Thomason, Thyer, Verkamp, Walters.

Total53

ABSENT OR NOT VOTING: Boyd, Dangeau, Dees, Dobbins, D. Evans, Ferguson, Hardwick, Hutchinson, Oglesby, Parks, L. Prater, Rankin, Scrimshire, Weaver, Mr. Speaker.

Total15

VOTING PRESENT: Gipson, Milligan.

Total2

Total number of votes cast.....85

Total number voting in the affirmative30

Necessary to the passage of the bill51

So the Bill failed.

SENATE BILL NO. 24

BY: SENATOR T. SMITH

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

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

Total88

NEGATIVE:

Total0

ABSENT OR NOT VOTING: Bond, Bradford, Dobbins, D. Evans, Ledbetter, Oglesby, Rankin, Stovall, J. Taylor, Mr. Speaker.

Total10

VOTING PRESENT: Milligan, Scrimshire.

Total2

Total number of votes cast90

Total number voting in the affirmative88

Necessary to the passage of the bill51

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

The House stood in recess at 2:32 p.m. for 15 minutes.

The House reconvened at 2:48 p.m.

Motion was made by Representative Wood to recess at 3:00 p.m. for 15 minutes. Motion passed.

The House reconvened at 3:18 p.m.

Motion was made by Representative King to suspend the rules and vote on **SENATE BILL NO. 42**, to be read for the third time and final passage.

On this motion the vote was as follows:

AFFIRMATIVE: Adams, Agee, Anderson, Bennett, Biggs, Blair, Bledsoe, P. Bookout, Borhauer, Bright, Chesterfield, Childers, Clemons, Creekmore, Dees, Edwards, D. Evans, L. Evans, Ferguson, Fite, Gillespie, Haak, Hardwick, Harris, Hathorn, House, Hutchinson, C. Johnson, J. Johnson, Jones, Judy, Kenney, King, Lamoureux, Lendall, Mack, Mahony, Martin, Matayo, Medley, Moore, Napper, Norton, Oglesby, Ormond, Pace, Parks, Penix, Petrus, L. Prater, S. Prater, Pritchard, Roebuck, Rosenbaum, Schulte, Scrimshire, Scroggin, Seawel, R. Smith, C. Taylor, J. Taylor, Walters, Wood.

Total63

NEGATIVE: Berry, Bolin, Bond, Boyd, Bradford, Cowling, Dangeau, Eason, Elliott, Goss, Green, Hickinbotham, Jackson, Jacobs, Jeffrey, Key, Ledbetter, Lewellen, Mathis, Milligan, Nichols, Pate, Pickett, Stovall, Sullivan, Sumpter, Thomason, Thyer, Verkamp, Weaver, White.

Total31

ABSENT OR NOT VOTING: Dickinson, Dobbins, Gipson, Rankin, Thomas, Mr. Speaker.

Total6

VOTING PRESENT:

Total0

Total number of votes cast94

Total number voting in the affirmative63

Necessary to adopt the motion.....51

So the motion was adopted.

Motion was made by Representative King to pull down **SENATE BILL NO. 42**.
Motion passed.

The House recessed at 3:30 p.m. until 4:00 p.m.

The House reconvened at 4:38 p.m.

HOUSE BILLS ORDERED TRANSMITTED TO THE SENATE AS PASSED

HOUSE BILL NO. 1008 BY REPRESENTATIVE PICKETT
HOUSE BILL NO. 1111 BY REPRESENTATIVE DICKINSON
HOUSE BILL NO. 1117 BY REPRESENTATIVE R. SMITH
HOUSE BILL NO. 1121 BY REPRESENTATIVE J. JOHNSON

SENATE BILLS ORDERED RETURNED TO THE SENATE AS PASSED

SENATE BILL NO. 24 BY SENATOR T. SMITH

**ARKANSAS SENATE
HOUSE BILLS RETURNED FROM THE SENATE AS PASSED**

HOUSE BILL NO. 1095 BY REPRESENTATIVE J. JOHNSON

**ARKANSAS SENATE
SENATE BILLS RECEIVED FROM SENATE**

SENATE BILL NO. 7 BY SENATOR BROADWAY

ENROLLED AND DELIVERY TO GOVERNOR REPORTS

Little Rock, Arkansas

January 16, 2004

MR. SPEAKER:

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

HOUSE BILL NO. 1057 BY REPRESENTATIVE WHITE

HOUSE BILL NO. 1070 BY REPRESENTATIVES LENDALL, BORHAUER

HOUSE BILL NO. 1079 BY REPRESENTATIVE CLEVELAND

HOUSE BILL NO. 1095 BY REPRESENTATIVE J. JOHNSON

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 3:02 p.m. delivered them to the Governor for his approval.

Respectfully submitted,

/s/ Herschel W. Cleveland

Chairman

RECEIPT FROM THE GOVERNOR

RECEIVED FROM THE HOUSE:

HOUSE BILL NO. 1057 BY REPRESENTATIVE WHITE

HOUSE BILL NO. 1070 BY REPRESENTATIVES LENDALL, BORHAUER

HOUSE BILL NO. 1079 BY REPRESENTATIVE CLEVELAND

HOUSE BILL NO. 1095 BY REPRESENTATIVE J. JOHNSON

/s/ Mike Huckabee - Governor

TIME: 3:02 p.m.

By: Stacy DeJarnett

STATE OF ARKANSAS
HOUSE OF REPRESENTATIVES

M E M O R A N D U M

TO: Whom It May Concern
 FROM: House Committee on the Journal; Engrossed and Enrolled Bills
 DATE: January 16, 2004
 SUBJECT: Amendment #3 to **SENATE BILL NO. 42**

The House Committee on the Journal; Engrossed and Enrolled Bills, by this letter, approves the correction of an error in Amendment #3 to SB42. In the Amendment, second page, item (C) in the first paragraph should read as follows:

"(C) Funding for students in secondary vocational area centers shall be distributed based on rules promulgated by the State Board of Workforce Education and Career Opportunities."

The Committee authorizes the Chief Clerk to carry out the intent of the amendment by correctly engrossing SB42.

/s/ Herschel W. Cleveland
 Speaker of the House

/s/ Jodie Mahony

/s/ Mike Creekmore, Chairman
 House Rules

/s/ Lenville Evans

/s/ Robert J. White, Chairman
 House Management Committee

/s/ Tim Massanelli
 Parliamentarian

cc: Jo Renshaw, Chief Clerk

HOUSE BILL NO. 1126

BY: REPRESENTATIVES FITE, HOUSE, SEAWEL, ADAMS, DICKINSON, MILLIGAN, NORTON, OGLESBY, ROSENBAUM, WEAVER

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO IMPROVE PUBLIC SCHOOL EDUCATION IN ARKANSAS; TO CREATE EDUCATION EFFICIENCY AND ADEQUACY UNITS; AND FOR OTHER PURPOSES.

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

HOUSE BILL NO. 1127

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.

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

HOUSE BILL NO. 1128

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.

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

HOUSE RESOLUTION NO. 1018

BY: REPRESENTATIVE FITE

COMMENDING AND EXPRESSING SINCERE APPRECIATION TO SERGEANT CHARLES DAVID DONHAM FOR HIS YEARS OF SERVICE TO THE STATE OF ARKANSAS.

Was read the first time, rules suspended, read the second time and referred to the Calendar.

SENATE BILL NO. 7

BY: SENATOR BROADWAY

BY: 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.

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

Upon motion of Representative Gillespie, the House adjourned at 4:40 p.m. until 10:00 a.m. Saturday, January 17, 2004.

ATTEST:

Herschel W. Cleveland
Speaker of the House of Representatives

Jo Renshaw
Chief Clerk

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

Little Rock, Arkansas
January 17, 2004

The House was called to order at 10:02 a.m. by Mr. Cleveland, the Speaker.
The following members answered to the roll call:

Adams, Agee, Anderson, Bennett, Berry, Biggs, Blair, Bledsoe, Bolin, Bond, Bookout, Borhauer, Boyd, Bradford, Bright, Childers, Clemons, Cowling, Creekmore, Dangeau, Dees, Dobbins, Eason, Edwards, Elliott, D.Evans, L. Evans, Ferguson, Fite, Gillespie, 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, Roebuck, Rosenbaum, Schulte, Scrimshire, Scroggin, Seawel, Smith, Stovall, Sullivan, Sumpter, C.Taylor, J.Taylor, Thomas, Thomason, Thyer, Verkamp, Walters, White, Wood, Mr. Speaker.

Total 95

The following member(s) was absent and did not answer to the roll call:
Chesterfield, Dickinson, Gipson, Rankin, Weaver.

Total 5

A quorum was present.

Unanimous leave was granted for Representative(s) Chesterfield, Dickinson, Gipson, Rankin, Weaver.

The House stood and was led in prayer by Representative Jay Martin.

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

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

Upon motion of Representative Jackson, **HOUSE BILL NO. 1105** was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 1 TO HOUSE BILL NO. 1105

Amend **HOUSE BILL NO. 1105** as originally introduced:

Page 2, delete line 4 and substitute the following:

"the water's edge combined reporting method in § 26-51-817."

AND

Page 2, delete line 22

AND

Page 2, delete lines 23 through 26, and substitute the following:

"(3) 'Water's edge combined reporting method' means a combined reporting method where the income and apportionment factors of the reporting corporations, its United States affiliates, and its foreign affiliates listed in subsection (e) of this section are included in the apportionable base, provided that the corporations are all members of the same unitary business group."

AND

Page 3, delete line 18 and substitute the following:

"income tax return, the income to be included in the combined report is the net"

AND

Page 3, delete lines 21 and 22 and substitute the following:

"corporation that is prepared for filing with the United States Securities and Exchange Commission."

AND

Page 3, delete line 31 and substitute the following:

"the federal Internal Revenue Code, subject to the appropriate adjustments under the provisions of the Income Tax Act of 1929, § 26-51-101, et seq."

AND

Page 4, line 5, add the word "or" after the semicolon.

AND

Page 4, line 9, delete "country:" and substitute "country."

AND

Page 4, delete lines 10 through 12.

AND

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

"(4) The determination of the factors in (e)(2)(A)(i) and (ii) of this section shall be computed by equally weighting each factor."

/s/ P. E. Jackson

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

/s/ Ms. Jo Renshaw
Chief Clerk

Upon motion of Representative Ledbetter, **HOUSE BILL NO. 1118** was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 1 TO HOUSE BILL NO. 1118

Amend **HOUSE BILL NO. 1118** as originally introduced:

Add Senator Brown as the Senate cosponsor of the bill

/s/ Sam Ledbetter

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

/s/ Ms. Jo Renshaw
Chief Clerk

Upon motion of Representative Judy, **HOUSE BILL NO. 1091** was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 2 TO HOUSE BILL NO. 1091

Amend **HOUSE BILL NO. 1091** as engrossed, H1/12/04

(version: 01-12-2004 08:44):

Add Representatives C. Johnson, S. Borhauer, L. Chesterfield, J. Elliott, and B. King as cosponsors of the bill

AND

Page 1, immediately before the enacting clause on line 16, add the following:

“WHEREAS, the State Child Abuse and Neglect Prevention Board has a proven record as an advocate for the children of the State of Arkansas; and

WHEREAS, the legislature has determined that, rather than create a new board, commission, or agency to carry out the duties of the Family Resource Centers Act and because of the State Child Abuse and Neglect Prevention Board's proven record as an advocate for the children of the State of Arkansas, the State Child Abuse and Neglect Prevention Board shall be given the duties under this act, NOW THEREFORE,”

AND

Delete everything after the enacting clause and substitute the following:

“SECTION 1. Arkansas Code Title 6, Chapter 18, is amended to add an additional subchapter to read as follows:

6-18-1401. Title.

This subchapter shall be known and may be cited as the “Family Resource Centers Act”.

6-18-1402. Definitions.

For the purpose of this subchapter:

(1) “Board” means the State Child Abuse and Neglect Prevention Board;

(2) “Core component” means one (1) of the activities or services for children and their families provided by a family resource center pursuant to the school district’s grant application;

(3) “Family resource center” means a center in or near a priority elementary school;

(4) “National school lunch students” mean those students from low socioeconomic backgrounds as indicated by eligibility for free or reduced-priced meals under the National School Lunch Act as calculated on October 1 of each year

and submitted to the Department of Education;

(5) "Optional component" means one (1) of the activities or services for children or their families provided by a family resource center to satisfy unique community needs;

(6) "Parent" means a parent, legal guardian, or person standing in loco parentis; and

(7) "Priority elementary school" means a public school that meets the following requirements:

(A) Has one (1) or more of grades kindergarten through six (K-6); and

(B)(i) Has fifty percent (50%) or more of the enrolled students that are national school lunch students based on data from the 2002-2003 school year; or

(ii) Has fifty percent (50%) or more of the students that are performing below proficient on any or all benchmark examinations based on examination results from the 2002-2003 school year.

6-18-1403. Administration.

This subchapter shall be administered by the State Child Abuse and Neglect Prevention Board as created under § 9-30-104.

6-18-1404. Duties.

(a) The State Child Abuse and Neglect Prevention Board shall have the following duties:

(1) To determine which schools are priority elementary schools under this subchapter;

(2) To review grant applications and to award grants to school districts for family resource centers;

(3)(A) To formulate and assist with the implementation of an implementation plan to establish a goal of ten (10) family resource centers, subject to funding.

(B) The family resource centers shall be designed to meet the following goals:

(i) To remove nonacademic barriers to student success in school;

(ii) To enhance the abilities of students to succeed in school; and

(iii) To meet the needs of children and their families;

(4) To monitor the family resource centers;

(5) To modify the implementation plans as necessary;

(6) To promulgate rules and forms for the administration of this subchapter;

(7) To employ administrative or training staff as needed;

(8) To create local advisory groups;

(9)(A) To provide additional resources to assist school districts in the development of methods and strategies to effectively use poverty funding that they receive more effectively.

(B) The resources may include the following:

(i) Technical assistance;

(ii) Organizational assistance;

(iii) Program assistance;

(iv) Professional assistance; or

(v) Any other assistance that is determined to be needed to help school districts overcome nonacademic barriers; and

(10) Other duties as determined by the board.

(b)(1) This subchapter is the framework for schools to address student poverty issues and to remove nonacademic barriers that hinder student performance.

(2) A school district may fund programs or services under this subchapter with moneys received from the Department of Education Public School Fund, or its successor fund, for poverty index funding, National School Lunch Act student funding, national school lunch students funding, or other funding for students eligible for the free or reduced-price lunch program.

(3) The programs under this subchapter shall be included in any list of approved programs and purposes established by rule of the Department of Education, any successor agency of the Department of Education, or the State Board of Education regarding the use of poverty index funding, National School Lunch Act student funding, national school lunch students funding, or other funding for students eligible for the free or reduced-price lunch program.

(4) School districts may use any available funding resources to establish and administer family resource centers under this subchapter, including, but not limited to, federal or state Medicaid moneys or reimbursements.

(c) On or before October 1 of each year, the chairperson of the board or his or her designee shall report to the House Interim Committee on Aging, Children and Youth, Legislative and Military Affairs and Senate Interim Committee on Children and Youth regarding the status of the development of the family resource centers and the outcomes achieved at each operational family resource center.

6-18-1405. Purposes.

(a) Family resource centers shall be designed to remove nonacademic barriers to success and to enhance the abilities of the students to succeed in school.

(b) Students and families who are the most economically disadvantaged shall have priority status for receiving services at the family resource centers.

(c) Family resource centers shall work in conjunction with the parent facilitator at the school to avoid duplication of services and to maximize personnel and resources.

6-18-1406. Implementation plans.

(a) The implementation plan developed by the State Child Abuse and Neglect Prevention Board with input from the local advisory groups, the local school district, and the priority elementary school shall include an effort to implement a network of family resource centers across the state.

(b) The family resource centers shall be located in or near each priority elementary school.

(c) The implementation plan shall promote identification and coordination of existing resources including any program that currently exists at the school under a parental involvement plan under §§ 6-15-1701 through 6-15-1705.

(d) The implementation plan may include the following components for each site:

(1)(A) Information and referral activities for off-site services to assist participants in having their basic needs met.

(B) Information and referral activities provide participants with a point of entry to available support networks.

(C) Examples of off-site service referrals include, but are not limited to, the following:

(i) Child care centers;

(ii) Health care providers;

(iii) Counseling services;

(iv) Legal aid;

(v) Food banks;

(vi) Housing and domestic violence shelters;

and

(vii) Federal agencies, state agencies, or other entities that provide benefits or services that the participants may need;

(2)(A) Parenting education services to promote the sharing of information, strategies, and tools to help parents with the difficult job of being parents.

(B) Examples of parenting activities include, but are not limited

to, the following:

- (i) Group-based parent education classes;
- (ii) Providing credentialed guest speakers; or
- (iii) Making materials on parenting issues available to

parents through lending libraries or take home materials;

(3)(A) Child development activities to strengthen the parent and child bond and promote optimal development of a child by assisting parents in the utilization, understanding, and application of early child development activities.

(B) Child development activities shall emphasize child development during the earliest years, specifically age zero to three (0-3).

(C) Child development activities shall address the following:

- (i) Healthy physical development;
- (ii) Cognitive development;
- (iii) Social development; or
- (iv) Emotional development.

(D) Specific strategies to promote child development within family resource centers may include the following:

(i) Referring or establishing quality childcare or after-school care programs;

(ii) Providing developmental screenings;

(iii) Educating parents about developmental milestones;

(iv) Providing literacy and pre-literacy activities such as story time;

(v) Providing play groups or "make and take" activities for young children; or

(iv) Establishing toy, book, computer, or technology sharing or lending libraries.

(E) Child development activities may be conducted at the family resource centers, through home visiting programs such as Home Instruction for Parents of Preschool Youngsters (HIPPY), or as part of Head Start;

(4) Life skills education to provide an opportunity for participants to strengthen skills and competencies that will help them succeed in everyday tasks to include, but not be limited to, the following:

- (A) Developing and maintaining a household budget;
- (B) Shopping for and preparing nutritious meals;
- (C) Securing and maintaining employment;
- (D) Conflict resolution skills;
- (E) Goal setting;

(F) Time management;

(G) Decision making; or

(H) Stress management;

(5)(A) Family literacy to connect education for children with literacy instruction for their parents.

(B) Family literacy activities may include the following:

(i) Adult literacy instruction for parents;

(ii) General education diploma instruction for parents;

(iii) Referral to a vocational educational institution or an institution of higher education in the state;

(iv) Providing information on scholarships that might be available to the parent if the parent decides to proceed with higher education;

(v) Child literacy programs; or

(vi) Parent and child literacy activities; and

(6)(A) Informal network building to assist families in developing a network of mutual support to include caring, resource sharing, emotional support, and social support.

(B) The informal network building program shall be designed to promote activities to help parents get to know one another, raise their social capital, and reduce their isolation.

(C) Examples of informal network building programs include the following:

(i) Support groups;

(ii) Social activities;

(iii) Family celebrations;

(iv) Recreational activities;

(v) Holiday gatherings; or

(vi) Newsletters.

(e) The board and the local advisory group shall agree which of the components in subsection (d) of this section are core components or optional components based on the individual implementation plan for each priority elementary school's family resource center.

(f)(1) The board shall determine which schools meet the definition of priority elementary schools under this subchapter by July 1, 2004.

(2) The Department of Education and the State Board of Education shall provide all information necessary in the format necessary for the board to meet the deadline under this subsection (f).

(g)(1) The board shall select a minimum of ten (10) eligible priority

elementary schools for which an implementation plan shall be completed, subject to funding.

(2) The board shall complete its implementation plan for a minimum of ten (10) priority elementary schools on or before December 1, 2004, subject to funding.

(h) On or before August 1, 2005, family resource centers shall be established in or adjacent to a minimum of ten (10) priority elementary schools, subject to funding.

6-18-1407. Grant program.

(a) A grant program is established to provide financial assistance to school districts with priority elementary schools that establish family resource centers.

(b) Local school districts shall submit to the State Child Abuse and Neglect Prevention Board the grant applications and plans for their family resource centers by March 1, 2005.

(c) Beginning July 1, 2005, the board shall award grants to school districts that establish family resource centers at priority elementary schools in their districts.

(d)(1) The board or its designee shall develop a grant application process that includes the following:

(A) An application for a grant under this subchapter;

(B) Instructions about the grant process; and

(C) Scoring procedures to determine the award of the grants.

(2)(A) The grant application process shall include the preparation of a grant application package that is distributed to each priority elementary school and the superintendent of the school district containing each priority elementary school.

(B) The board shall distribute the grant application package no later than December 15, 2004.

(3) The grant application process shall be straightforward and require a minimum amount of paperwork.

(e) In the award of grants under this subchapter, special consideration shall be given to the most impoverished and the lowest performing schools.

6-18-1408. Local advisory councils.

(a) Each family resource center shall have a local advisory council that has a central role in designing and delivering services.

(b) Members of the local advisory council shall be representative of the diversity of the students in the priority elementary school that is served.

(c)(1) Except for the initial chairperson, the members shall determine annually and by majority vote who shall serve as chairperson.

(2) The superintendent of the priority elementary school shall appoint

the initial chairperson for the purpose of calling the first organizational meeting.

(3) The initial chairperson shall call an organizational meeting no fewer than thirty (30) days after all of the members are appointed.

(d)(1) The council shall meet at such times and places that the chairperson deems necessary but no meetings shall be held outside of the county where the priority elementary school is located.

(2) A quorum is not required for the council to transact business.

(3) All actions of the council shall be by a majority vote of all members who are present.

(e) The local school district shall provide meeting facilities for the council.

6-18-1409. Family resource centers.

(a) Each family resource center shall have the following:

(1) A full-time coordinator;

(2) At least fifteen (15) hours a week of social work services; and

(3) Sufficient staff to implement the plan submitted with the grant application.

(b) The services provided at the family resource centers shall take into consideration the schedule of the student and the student's family to provide discreet after-hour services where appropriate.

(c) The family resource centers shall work with the local advisory council to give the members notice of all activities and needs of the family resource centers.

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 District No. 25 v. Huckabee, 351 Ark. 31 (2002) declared our current public education system 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 an "equal opportunity to an adequate education"; that the Arkansas Supreme Court has instructed the General Assembly to correct these constitutional infirmities with our public education system; and that this act is immediately necessary to provide additional resources to the poorest and most disadvantaged students in the state that face countless nonacademic barriers in their quest for academic success. Therefore, an emergency is declared to exist and this act being immediately necessary for the preservation of the public peace, health, and safety shall become effective on:

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

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

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

/s/ Jan Judy

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

/s/ Ms. Jo Renshaw
Chief Clerk

Upon motion of Representative Pickett, **HOUSE BILL NO. 1088** was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 1 TO HOUSE BILL NO. 1088

Amend **HOUSE BILL NO. 1088** as originally introduced:

Delete everything following the enacting clause and substitute the following:

"SECTION 1. Arkansas Code Title 6, Chapter 15, Subchapter 4 is amended to add an additional section to read as follows:

6-15-433. Education assistance teams.

In accordance with §§ 6-15-1901 through 6-15-1915, the school improvement section of the Department of Education, or its successor, shall create education assistance teams to provide public schools in school improvement status under § 6-15-425 with additional resources to evaluate the school and to provide services that will improve the education of children in the school.

SECTION 2. Arkansas Code Title 6, Chapter 15, is amended to add an additional subchapter to read as follows:

6-15-1801. Education assistance teams — Creation.

(a)(1) The school improvement section of the Department of Education, or its successor, shall create education assistance teams to provide public schools in school improvement status under § 6-15-425 with additional resources to evaluate the school and to provide services that will improve the education of children in the school.

(2) The Department of Education may contract with other entities to provide the services of education assistance teams as set forth under this subchapter.

(b) The education assistance teams shall consist of the following members:

(1) Currently practicing teachers and staff;

(2) Representatives of higher education;

(3) School administrators; and

(4) Others that the school improvement section of the Department of Education, or its successor, considers to be appropriate.

(c) The school improvement section of the Department of Education, or its successor, shall select team members who possess a high degree of knowledge and skill in the following areas:

(1) School leadership;

(2) Curriculum and instruction;

(3) Classroom management and discipline;

(4) Academic assessment;

(5) Home and school relations; and

(6) Evaluation and research.

(d)(1) Education assistance team members shall have the following qualifications:

(A) Either:

(i) Be certified in elementary or middle school education to serve on an education assistance team at the grades kindergarten through eight (K-8) level; or

(ii) Have teaching experience in either English, mathematics, social studies, science, or grades kindergarten through twelve (K-12) reading to serve on an education assistance team at the high school level; and

(B) At least four (4) years of successful experience in classroom instruction in reading, writing, and mathematics, or in the appropriate content area for high school.

(2) Preference is given to applicants whose performance has been recognized as exemplary.

6-15-1802. Duties.

Education assistance teams shall:

(1) Conduct a comprehensive needs assessment of all facets of the school;

(2)(A) Evaluate teachers and administrators.

(B)(i) When evaluating teachers and administrators, the education assistance team may make recommendations of methods and strategies for teachers and administrators to improve classroom instruction or school administration to include, but not be limited to, recommending specific professional development objectives.

(ii) Specific professional development objectives may include requiring the teacher or administrator to obtain additional course work in subjects taught or administration duties;

(3) Collaborate with the school's faculty and staff to revise and assist with the implementation of the school improvement plan, as necessary;

(4) Be mentors to the teachers and administrators of the school by providing hands-on instructional leadership in the classrooms and in the administration of the school;

(5) Make recommendations for continuous improvement as the plan is implemented;

(6) Review the school's progress; and

(7) Make appropriate progress reports to the following:

(A) The superintendent;

(B) The local school board;

(C) The State Board of Education; and

(D) The school improvement section of the Department of Education, or its successor.

(b) An education assistance team placed in a public school that is in school improvement status shall remain in the school on a continuous basis for a minimum of one (1) year or until the school is no longer in need of the type of assistance that is being provided by the education assistance team.

6-15-1803. Comprehensive needs assessment.

(a) The education assistance teams shall:

(1) Review and investigate all facets of the school improvement plan and school operations; and

(2) Assist in developing recommendations for improving student performance.

(b) Information about the school may be gathered by using any of the following:

(1) Surveys;

(2) Classroom observations;

(3) Questionnaires;

(4) Focus group interviews with students, parents, staff, or community members;

(5) Historical student achievement data and goal summaries;

(6) Previous school improvement plans;

(7) Student promotion data;

(8) Attendance, discipline, and school violence reports;

(9) Dropout data; or

(10) Other data as may be available and relevant.

(c) A comprehensive review shall include, but is not limited to, the following:

(1) Curricula and program offerings;

(2) Instruction and scheduling;

(3) Student services;

(4) School and community relations;

(5) School climates;

(6) Achievement results;

(7) Staff development opportunities;

(8) School improvement planning process;

(9) School-based management practices; and

(10) Human and fiscal resources.

(d) Once the education assistance team and the school improvement team have carefully reviewed all available data, the education assistance team shall recommend specific actions to improve student achievement at the school.

6-15-1804. Recommendations for improvement — Review progress — Report progress.

(a)(1) The education assistance team shall make recommendations as the school develops and implements the school improvement plan.

(2) The team and the school staff may accept the school's original plan or develop a new, more focused plan.

(3) Continuous assessment of the school improvement plan and the progress of the school improvement plan is required.

(4) The team and the school staff shall identify areas of the plan for adjustment.

(5) The plan may be modified as necessary to serve as a working guide for the school improvement process.

(b)(1) The education assistance team shall review the school's progress under the school improvement plan.

(2) The review should include an analysis of student achievement.

(3) The review should be conducted monthly.

(c)(1) The education assistance team shall report, as appropriate, to the local school board of each community and the State Board of Education on the school's progress.

(2) Monthly reports shall be submitted by education assistance team leaders to the school improvement section of the Department of Education, or its successor.

(3) The progress reports shall be provided to the principal and the staff of the school, the superintendent, and the local school board chairperson.

(4) The progress reports to the state board shall include the following information:

(A) The identified challenges and needs;

(B) Recommendations; and

(C) The level of cooperation exhibited by the principal, school staff, and the superintendent.

(d)(1) The education assistance team shall provide feedback to the low-performing school at least monthly.

(2) The monthly report shall include a status report on benchmarks, findings, and recommendations.

6-15-1806. Schools showing lack of progress.

(a) If a school fails to improve student performance after assistance is provided under this subchapter, the education assistance team may recommend that assistance continue as consistent with the Quality Education Act of 2003 and State Board of Education rules and regulations.

6-15-1807. Compensation and composition.

(a)(1) The members of the education assistance teams who are teachers and administrators shall be compensated and shall receive employment benefits for twelve (12) months.

(2) The compensated education assistance team members shall serve a minimum of one (1) full school year.

(b) The compensated members shall assist designated public schools in school improvement status.

(c) Typical education assistance teams may have up to five (5) members, but the number of team members may vary depending on the needs of the school or school district, and shall, whenever possible, include educators from the same geographic area of the school that is in school improvement status.

6-15-1808. Training.

(a) Training for education assistance team members shall include the following:

(1) Effective intrapersonal, interpersonal, and communication skills;

(2) School leadership;

(3) Curriculum and instruction;

(4) Classroom management and discipline;

(5) Academic assessment;

(6) Home-school relations; and

(7) Evaluation and research.

(b)(1) The training required under this section shall be provided through the Department of Education.

(2) To the extent possible, the Department of Higher Education and state institutions of higher education shall provide assistance in developing, locating, or providing appropriate training programs for education assistance team members as requested by the Department of Education.

SECTION 3. Arkansas Code Title 6, Chapter 15, is amended to add an additional subchapter to read as follows:

6-15-1901. Safe and orderly schools.

(a)(1)(A) A local school board may request the State Board of Education to help restore safety and an orderly learning environment of a persistently dangerous school.

(B) A "persistently dangerous school" shall be as defined by the state board in keeping with the requirements of the federal No Child Left Behind Act of 2001, 20 U.S.C. § 6301 et seq., as in existence on December 1, 2003.

(2) The local school board shall file a copy of the request with the state board.

(b) The state board may provide an education assistance team as provided under this subchapter to a persistently dangerous school if the local school board or the superintendent requests that the state board provide an education assistance team to the school and the state board determines that the school needs assistance.

(c)(1) If an education assistance team is assigned to a school under this section, the team shall spend a sufficient amount of time at the school to:

(A) Assess the problems at the school;

(B) Assist school personnel with resolving those problems; and

(C) Work with school personnel and others to develop a long-term plan for restoring and maintaining safety and an orderly learning environment at the school.

(2)(A) The education assistance team shall also make recommendations to the local school board and the superintendent on the actions or steps that the local school board and the superintendent shall consider taking to resolve problems at the school.

(B) The recommendations shall be in writing and are public record.

(d) If an education assistance team is assigned to a school under this subchapter, the powers given to the state board and the powers given under this subchapter shall apply as if the school had been identified as a school in school

improvement status, except in cases in which the Department of Education and the school agree that the request is a preemptive intervention to address emerging disciplinary concerns.

/s/ Betty Pickett

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

/s/ Ms. Jo Renshaw
Chief Clerk

Upon motion of Representative Hathorn, **HOUSE BILL NO. 1123** was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 1 TO HOUSE BILL NO. 1123

Amend **HOUSE BILL NO. 1123** as originally introduced:

Page 3, line 9, delete "(a)(2)(B)" and substitute "(a)(2)"

AND

Page 6, line 24, delete "county" and substitute "county and school district"

AND

Page 6, delete lines 28 through 34 entirely

AND

Page 7, line 1, delete "of" and substitute "within"

AND

Page 7, delete lines 5 through 7 entirely

/s/ Mike Hathorn

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

/s/ Ms. Jo Renshaw
Chief Clerk

Upon motion of Representative Hathorn, **HOUSE BILL NO. 1123** was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 2 TO HOUSE BILL NO. 1123

Amend **HOUSE BILL NO. 1123** as originally introduced:

Page 5, delete line 29, and substitute:

"members of the county board of directors of each affected school district.

(d) In no event may a county board of directors reorganize subdistricts if there is fifteen (15) miles or more of hard-surfaced highway between the high school facilities in the affected subdistricts, unless the reorganization is approved by a majority of the electors in each of the affected subdistricts."

AND

Page 5, line 30, delete "(d)" substitute "(e)"

/s/ Mike Hathorn

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

/s/ Ms. Jo Renshaw

Chief Clerk

ENGROSSED BILL REPORTS

HERSCHEL W. CLEVELAND, CHAIRMAN

January 17, 2004

The following bill(s) reported correctly engrossed:

HOUSE BILL NO. 1088 BY REPRESENTATIVE PICKETT, ET AL

HOUSE BILL NO. 1091 - TITLE - BY REPRESENTATIVE JUDY, ET AL

HOUSE BILL NO. 1105 BY REPRESENTATIVE JACKSON

HOUSE BILL NO. 1118 - TITLE - BY REPRESENTATIVE LEDBETTER, ET AL

HOUSE BILL NO. 1123 BY REPRESENTATIVE HATHORN, ET AL

HOUSE BILL ENGROSSED AS TITLE AMENDED
HOUSE BILL NO. 1091

BY: REPRESENTATIVES JUDY, C. JOHNSON, BORHAUER, CHESTERFIELD,
ELLIOTT, KING

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 ENGROSSED AS TITLE AMENDED
HOUSE BILL NO. 1118

BY: REPRESENTATIVE LEDBETTER
BY: 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.

Morning Hour Expired.

HOUSE BILL NO. 1108

BY: REPRESENTATIVE DANGEAU

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

AFFIRMATIVE: Adams, Agee, Anderson, Bennett, Berry, Biggs, Blair, Bolin, Bond, P. Bookout, Borhauer, Boyd, Bradford, Bright, Childers, Clemons, Cowling, Creekmore, Dangeau, Dees, Dobbins, Eason, Edwards, Elliott, D. Evans, L. Evans, Ferguson, Fite, Gillespie, Goss, Green, Hardwick, Harris, Hathorn, Hickinbotham, House, Hutchinson, Jacobs, Jeffrey, C. Johnson, J. Johnson, Jones, Judy, Kenney, Key, Lamoureux, Ledbetter, Lendall, Mack, Mahony, Martin, Matayo, Mathis, Milligan, Moore, Nichols, Norton, Oglesby, Pace, Pate, Penix, Petrus, Pickett, L. Prater, S. Prater, Pritchard, Roebuck, Rosenbaum, Schulte, Scrimshire, Scroggin, Seawel, R. Smith, Stovall, Sullivan, Sumpter, C. Taylor, J. Taylor, Thomason, Thyer, Verkamp, Walters, White, Wood.

Total84

NEGATIVE:

Total0

ABSENT OR NOT VOTING: Bledsoe, Chesterfield, Dickinson, Gipson, Haak, Jackson, King, Lewellen, Medley, Napper, Ormond, Parks, Rankin, Thomas, Weaver, Mr. Speaker.

Total16

VOTING PRESENT:

Total0

Total number of votes cast84

Total number voting in the affirmative84

Necessary to the passage of the bill51

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

There being an Emergency Clause attached to **HOUSE BILL NO. 1108**, the Speaker ordered the clerk to call the roll upon the adoption of the Emergency Clause. The vote was as follows:

EMERGENCY CLAUSE

AFFIRMATIVE: Adams, Agee, Anderson, Bennett, Berry, Biggs, Blair, Bolin, Bond, P. Bookout, Borhauer, Boyd, Bradford, Bright, Childers, Clemons, Cowling, Creekmore, Dangeau, Dees, Dobbins, Eason, Edwards, Elliott, D. Evans, L. Evans, Ferguson, Fite, Gillespie, Goss, Green, Hardwick, Harris, Hathorn, Hickinbotham, House, Hutchinson, Jacobs, Jeffrey, C. Johnson, J. Johnson, Jones, Judy, Kenney, Key, Lamoureux, Ledbetter, Lendall, Mack, Mahony, Martin, Matayo, Mathis, Milligan, Moore, Nichols, Norton, Oglesby, Pace, Pate, Penix, Petrus, Pickett, L. Prater, S. Prater, Pritchard, Roebuck, Rosenbaum, Schulte, Scrimshire, Scroggin, Seawel, R. Smith, Stovall, Sullivan, Sumpter, C. Taylor, J. Taylor, Thomason, Thyer, Verkamp, Walters, White, Wood.

Total84

NEGATIVE:

Total0

ABSENT OR NOT VOTING: Bledsoe, Chesterfield, Dickinson, Gipson, Haak, Jackson, King, Lewellen, Medley, Napper, Ormond, Parks, Rankin, Thomas, Weaver, Mr. Speaker.

Total16

VOTING PRESENT:

Total0

Total number of votes cast.....84

Total number voting in the affirmative84

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

So the Emergency Clause was adopted.

Motion was made by Representative R. Smith to recess for 15 minutes at 10:16 a.m. until 10:30 a.m. On this motion the vote was as follows:

AFFIRMATIVE: Adams, Agee, Biggs, Blair, Bond, Borhauer, Bradford, Bright, Childers, Creekmore, Dees, Dobbins, Eason, Edwards, D. Evans, L. Evans, Ferguson, Fite, Green, Hardwick, Harris, Hathorn, House, Hutchinson, Jackson, Jacobs, J. Johnson, Jones, Judy, Kenney, Key, Lamoureux, Ledbetter, Lendall, Mack, Mahony, Martin, Matayo, Mathis, Medley, Moore, Napper, Oglesby, Ormond, Pace, Penix, Petrus, S. Prater, Pritchard, Roebuck, Rosenbaum, Schulte, Seawel, Sullivan, Sumpter, C. Taylor, J. Taylor, Thomas Thyer, Walters, Wood.

Total61

NEGATIVE: Bennett, Berry, Bolin, P. Bookout, Boyd, Cowling, Dangeau, Elliott, Gillespie, Goss, Hickinbotham, Jeffrey, Milligan, Nichols, Pate, Pickett, L. Prater, Scrimshire, Scroggin, Stovall, Thomason, Verkamp, White.

Total23

ABSENT OR NOT VOTING: Anderson, Bledsoe, Chesterfield, Clemons, Dickinson, Gipson, Haak, C. Johnson, King, Lewellen, Norton, Parks, Rankin, R. Smith, Weaver, Mr. Speaker.

Total16

VOTING PRESENT:

Total0

Total number of votes cast84

Total number voting in the affirmative61

Necessary to the adoption of the motion51

So the motion was adopted.

The House reconvened at 10:31 a.m.

SENATE BILL NO. 42

BY: SENATOR BISBEE

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

AFFIRMATIVE: Adams, Agee, Anderson, Berry, Biggs, Blair, Bledsoe, Bond, P. Bookout, Borhauer, Boyd, Bradford, Bright, Childers, Clemons, Cowling, Creekmore, Dees, Dobbins, Eason, Edwards, Elliott, D. Evans, L. Evans, Ferguson, Fite, Gillespie, Goss, Green, Haak, Hardwick, Harris, Hickinbotham, House, Hutchinson, Jacobs, Jeffrey, C. Johnson, J. Johnson, Jones, Judy, Kenney, Key, King, Lamoureux, Ledbetter, Lendall, Lewellen, Mack, Mahony, Martin, Matayo, Mathis, Medley, Moore, Napper, Norton, Oglesby, Pace, Pate, Penix, Pickett, L. Prater, S. Prater, Pritchard, Roebuck, Schulte, Seawel, R. Smith, Sullivan, Sumpter, C. Taylor, Thomas, Thomason, Thyer, Walters, White, Wood.

Total78

NEGATIVE: Bolin, Dangeau, Hathorn, Jackson, Milligan, Nichols, Ormond, Parks, Petrus, Rosenbaum, Scrimshire, Scroggin, Stovall, Verkamp.

Total14

ABSENT OR NOT VOTING: Chesterfield, Dickinson, Gipson, Rankin, Weaver, Mr. Speaker.

Total6

VOTING PRESENT: Bennett, J. Taylor.

Total2

Total number of votes cast.....94

Total number voting in the affirmative78

Necessary to the passage of the bill51

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

Upon motion of Representative King the Clincher motion prevailed.

Motion was made by Representative King to take **SENATE BILL NO. 42** out of proper order. **SENATE BILL NO. 42** is to be held in the House for 3 working days. Motion passed.

HOUSE BILLS ORDERED TRANSMITTED TO THE SENATE AS PASSED

HOUSE BILL NO. 1108 BY REPRESENTATIVE DANGEAU

ARKANSAS SENATE

HOUSE BILLS RETURNED FROM THE SENATE AS PASSED

HOUSE BILL NO. 1064 BY REPRESENTATIVE JACKSON
AS AMENDED #1

HOUSE BILL NO. 1117 BY REPRESENTATIVE R. SMITH

ARKANSAS SENATE

SENATE BILLS RECEIVED FROM SENATE

SENATE BILL NO. 70 BY JOINT BUDGET COMMITTEE

HOUSE BILL NO. 1129

BY: REPRESENTATIVES LEDBETTER, MAHONY, THYER

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO EXTEND CERTAIN LIMITATIONS ON A LOCAL SCHOOL BOARD'S AUTHORITY TO ENTER INTO CONTRACTS; AND FOR OTHER PURPOSES.

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

Upon motion of Representative Gillespie, the House adjourned at 10:56 a.m. until 1:30 p.m. Tuesday, January 20, 2004.

ATTEST:

Herschel W. Cleveland
Speaker of the House of Representatives

Jo Renshaw
Chief Clerk

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

Little Rock, Arkansas
January 20, 2004

The House was called to order at 1:30 p.m. by Mr. Cleveland, the Speaker.
The following members answered to the roll call:

Adams, Agee, Anderson, Bennett, Berry, Biggs, Blair, Bledsoe, Bolin, Bond, Bookout, Borhauer, Boyd, Bradford, Bright, Chesterfield, Childers, Clemons, Cowling, Creekmore, Dangeau, Dees, Dickinson, Dobbins, Eason, Edwards, Elliott, D.Evans, L. Evans, Ferguson, Fite, Gillespie, Gipson, Goss, Green, Haak, Hardwick, Harris, Hathorn, Hickinbotham, House, 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, Petrus, Pickett, L. Prater, S. Prater, Pritchard, Roebuck, Rosenbaum, Schulte, Scrimshire, Scroggin, Smith, Stovall, Sullivan, Sumpter, C.Taylor, J.Taylor, Thomas, Thomason, Thyer, Verkamp, Walters, Weaver, White, Wood, Mr. Speaker.

Total96

The following member(s) was absent and did not answer to the roll call:
Hutchinson, Penix, Rankin, Seawel.

Total4

A quorum was present.

Unanimous leave was granted for Representative(s) Hutchinson, Penix, Rankin, Seawel.

The House stood and was led in prayer by Representative Jay Martin.

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

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

COMMITTEE REPORT

EDUCATION	January 20, 2004
	CALVIN JOHNSON
	CHAIRPERSON
HOUSE BILL NO. 1041	DO PASS
BY REPRESENTATIVE MEDLEY	
HOUSE BILL NO. 1043	DO PASS
BY REPRESENTATIVE MEDLEY	
HOUSE BILL NO. 1114	DO PASS
BY REPRESENTATIVE CHESTERFIELD	AS AMENDED #1
HOUSE BILL NO. 1119	DO PASS
BY REPRESENTATIVE MAHONY	
HOUSE BILL NO. 1127	DO PASS
BY REPRESENTATIVE MAHONY	AS AMENDED #1

COMMITTEE REPORT

JOINT BUDGET	January 20, 2004
	PAUL WEAVER
	CHAIRPERSON
SENATE BILL NO. 70	DO PASS
BY JOINT BUDGET COMMITTEE	

Upon motion of Representative Mahony, **HOUSE BILL NO. 1128** was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 1 TO HOUSE BILL NO. 1128

Amend **HOUSE BILL NO. 1128** as originally introduced:

Page 5, line 3, delete "16,371,000" and substitute "14,871,000"

AND

Page 5, line 6, delete "\$ 17,352,000" and substitute "\$ 15,852,000".

/s/ Jodie Mahony

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

/s/ Ms. Jo Renshaw

Chief Clerk

ENGROSSED BILL REPORTS

HERSCHEL W. CLEVELAND, CHAIRMAN

January 20, 2004

The following bill(s) reported correctly engrossed:

HOUSE BILL NO. 1128 BY REPRESENTATIVE MAHONY

HOUSE RESOLUTION NO.1017

BY: REPRESENTATIVE PICKETT

COMMENDING FIRE CHIEF BART CASTLEBERRY OF THE CONWAY FIRE DEPARTMENT.

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

HOUSE RESOLUTION NO.1018

BY: REPRESENTATIVE FITE

COMMENDING AND EXPRESSING SINCERE APPRECIATION TO SERGEANT CHARLES DAVID DONHAM FOR HIS YEARS OF SERVICE TO THE STATE OF ARKANSAS.

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

HOUSE RESOLUTION NO.1011

BY: REPRESENTATIVE LEWELLEN

CONGRATULATING THE 2003 STATE HIGH SCHOOL AAAAA FOOTBALL CHAMPION LITTLE ROCK CENTRAL TIGERS.

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

Morning Hour Expired.

HOUSE BILL NO. 1110

BY: REPRESENTATIVE WHITE

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

AFFIRMATIVE: Agee, Biggs, Blair, Bledsoe, P. Bookout, Borhauer, Bradford, Chesterfield, Clemons, Eason, Edwards, Elliott, Goss, Green, C. Johnson, Jones, Judy, Key, Ledbetter, Lendall, Lewellen, Mahony, Ormond, Pickett, Roebuck, R. Smith, Stovall, Sullivan, Thomas, White, Mr. Speaker.

Total31

NEGATIVE: Adams, Anderson, Bennett, Berry, Bolin, Bond, Boyd, Bright, Childers, Cowling, Creekmore, Dangeau, Dickinson, D. Evans, L. Evans, Ferguson, Fite, Gillespie, Gipson, Haak, Harris, Hathorn, Hickinbotham, House, Jackson, Jacobs, Jeffrey, J. Johnson, Kenney, Lamoureux, Mack, Martin, Matayo, Mathis, Moore, Napper, Nichols, Norton, Oglesby, Pace, Parks, Pate, Petrus, L. Prater, S. Prater, Pritchard, Rosenbaum, Scrimshire, Scroggin, Sumpter, C. Taylor, J. Taylor, Thomason, Thyer, Verkamp, Walters, Weaver, Wood.

Total58

ABSENT OR NOT VOTING: Dees, Dobbins, Hardwick, Hutchinson, King, Medley, Penix, Rankin, Seawel.

Total9

VOTING PRESENT: Milligan, Schulte.

Total2

Total number of votes cast.....91

Total number voting in the affirmative31

Necessary to the passage of the bill51

So the Bill failed.

Representative Elliott was recognized for a motion to refer HOUSE BILL NO. 1040 back to the Committee on EDUCATION.

Motion was made by Representative Green to limit debate to 5 minutes on the side on **HOUSE BILL NO. 1106**. Motion failed.

HOUSE BILL NO. 1106

BY: REPRESENTATIVE C. JOHNSON

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

AFFIRMATIVE: Agee, Anderson, Biggs, Bledsoe, P. Bookout, Borhauer, Bright, Childers, Creekmore, Dees, Eason, Edwards, Elliott, D. Evans, Gipson, Green, Haak, Hardwick, Harris, [Hutchinson], C. Johnson, J. Johnson, Judy, Kenney, King, Lamoureux, Ledbetter, Lendall, Lewellen, Martin, Matayo, Mathis, Medley, Moore, Napper, Pace, Parks, [Penix], Pickett, S. Prater, Pritchard, Rosenbaum, R. Smith, Thyer, White, Wood.

Total46

NEGATIVE: Adams, Bennett, Berry, Blair, Bolin, Bond, Boyd, Bradford, Chesterfield, Clemons, Cowling, Dangeau, Dickinson, L. Evans, Ferguson, Fite, Gillespie, Hathorn, Hickinbotham, House, Jackson, [Jacobs], Jeffrey, Jones, Key, Mack, Mahony, Milligan, Nichols, Norton, Oglesby, Ormond, Pate, Petrus, L. Prater, Roebuck, Schulte, [Scrimshire], Scroggin, Stovall, Sullivan, Sumpter, J. Taylor, Thomas, Thomason, Verkamp, Walters, Weaver.

Total48

ABSENT OR NOT VOTING: Dobbins, Rankin, Seawel, Mr. Speaker.

Total4

VOTING PRESENT: Goss, C. Taylor.

Total2

Total number of votes cast96

Total number voting in the affirmative46

Necessary to the passage of the bill51

So the Bill failed.

Upon motion of Representative House the Clincher motion prevailed.

PAIR VOTE
ON
HOUSE BILL NO. 1106

AYE: REPRESENTATIVE JEREMY HUTCHINSON

NAY: REPRESENTATIVE PHILLIP JACOBS

WITNESS: REPRESENTATIVE MARVIN PARKS

This pair form was signed by Representative Jeremy Hutchinson and Representative Phillip Jacobs in the presence of each other and witnessed by Representative Marvin Parks.

Total number of votes cast.....96

Necessary to the passage of the bill51

Total number voting in the affirmative46

Total number voting in the negative48

Total number absent or not voting.....4

Total number voting present2

So the Bill failed to pass.

PAIR VOTE
ON
HOUSE BILL NO. 1106

AYE: **REPRESENTATIVE KEVIN PENIX**
NAY: **REPRESENTATIVE BILL SCRIMSHIRE**
WITNESS: **REPRESENTATIVE MARY BETH GREEN**

This pair form was signed by Representative Kevin Penix and Representative Bill Scrimshire in the presence of each other and witnessed by Representative Mary B. Green.

Total number of votes cast..... 96

Necessary to the passage of the bill 51

Total number voting in the affirmative 46

Total number voting in the negative 48

Total number absent or not voting..... 4

Total number voting present..... 2

So the Bill failed to pass.

Upon motion of Representative Weaver, **HOUSE BILL NO. 1061** was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 2 TO HOUSE BILL NO. 1061

Amend **HOUSE BILL NO. 1061** as engrossed, H1/13/04

(version: 01-13-204 08:51):

Page 1, delete line 26 in its entirety and substitute the following:

"be payable from the Department of Education Public School Fund Account, to provide an"

/s/ Paul Weaver

The Amendment failed of adoption.

/s/ Ms. Jo Renshaw

Chief Clerk

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

SENATE BILL NO. 18

BY: SENATOR T. SMITH

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

AFFIRMATIVE: Adams, Agee, Anderson, Bennett, Berry, Biggs, Bledsoe, Bond, P. Bookout, Borhauer, Boyd, Bradford, Bright, Childers, Clemons, Cowling, Creekmore, Dees, Dickinson, Eason, Edwards, Elliott, D. Evans, L. Evans, Ferguson, Gillespie, Gipson, Green, Haak, Hardwick, Harris, Hathorn, Hickinbotham, House, Jackson, Jacobs, Jeffrey, C. Johnson, J. Johnson, Jones, Judy, Key, King, Ledbetter, Lendall, Lewellen, Mack, Mahony, Martin, Matayo, Mathis, Medley, Napper, Nichols, Norton, Oglesby, Ormond, Pace, Parks, Pate, Petrus, Pickett, S. Prater, Pritchard, Rosenbaum, Schulte, Scrimshire, Scroggin, R. Smith, Sullivan, C. Taylor, J. Taylor, Thomason, Thyer, Verkamp, Walters, Weaver, White, Wood, Mr. Speaker.

Total80

NEGATIVE:

Total0

ABSENT OR NOT VOTING: Blair, Bolin, Chesterfield, Dangeau, Dobbins, Fite, Goss, Hutchinson, Kenney, Lamoureux, Milligan, Moore, Penix, L. Prater, Rankin, Roebuck, Seawel, Stovall, Sumpter, Thomas.

Total20

VOTING PRESENT:

Total0

Total number of votes cast80

Total number voting in the affirmative80

Necessary to the passage of the bill51

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

There being an Emergency Clause attached to **SENATE BILL NO. 18**, the Speaker ordered the clerk to call the roll upon the adoption of the Emergency Clause. The vote was as follows:

EMERGENCY CLAUSE

AFFIRMATIVE: Adams, Agee, Anderson, Bennett, Berry, Biggs, Bledsoe, Bond, P. Bookout, Borhauer, Boyd, Bradford, Bright, Childers, Clemons, Cowling, Creekmore, Dees, Dickinson, Eason, Edwards, Elliott, D. Evans, L. Evans, Ferguson, Gillespie, Gipson, Green, Haak, Hardwick, Harris, Hathorn, Hickinbotham, House, Jackson, Jacobs, Jeffrey, C. Johnson, J. Johnson, Jones, Judy, Key, King, Ledbetter, Lendall, Lewellen, Mack, Mahony, Martin, Matayo, Mathis, Medley, Napper, Nichols, Norton, Oglesby, Ormond, Pace, Parks, Pate, Petrus, Pickett, S. Prater, Pritchard, Rosenbaum, Schulte, Scrimshire, Scroggin, R. Smith, Sullivan, C. Taylor, J. Taylor, Thomason, Thyer, Verkamp, Walters, Weaver, White, Wood, Mr. Speaker.

Total80

NEGATIVE:

Total0

ABSENT OR NOT VOTING: Blair, Bolin, Chesterfield, Dangeau, Dobbins, Fite, Goss, Hutchinson, Kenney, Lamoureux, Milligan, Moore, Penix, L. Prater, Rankin, Roebuck, Seawel, Stovall, Sumpter, Thomas.

Total20

VOTING PRESENT:

Total0

Total number of votes cast.....80

Total number voting in the affirmative80

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

So the Emergency Clause was adopted.

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

SENATE BILL NO. 63

BY: SENATOR BISBEE

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

AFFIRMATIVE: Adams, Agee, Anderson, Bennett, Berry, Biggs, Blair, Bledsoe, Bond, P. Bookout, Borhauer, Boyd, Bradford, Bright, Chesterfield, Clemons, Cowling, Creekmore, Dangeau, Dees, Dickinson, Eason, Edwards, Elliott, D. Evans, L. Evans, Ferguson, Gillespie, Gipson, Goss, Green, Haak, Harris, Hathorn, Hickinbotham, Jackson, Jacobs, C. Johnson, J. Johnson, Jones, Judy, Key, King, Ledbetter, Lendall, Lewellen, Mack, Mahony, Martin, Matayo, Mathis, Medley, Napper, Nichols, Norton, Ormond, Pace, Parks, Pate, Pickett, L. Prater, S. Prater, Pritchard, Rosenbaum, Schulte, Scrimshire, Sullivan, C. Taylor, J. Taylor, Thomason, Thyer, Verkamp, Walters, White, Wood, Mr. Speaker.

Total76

NEGATIVE:

Total0

ABSENT OR NOT VOTING: Bolin, Childers, Dobbins, Fite, Hardwick, House, Hutchinson, Jeffrey, Kenney, Lamoureux, Milligan, Moore, Oglesby, Penix, Petrus, Rankin, Roebuck, Scroggin, Seawel, R. Smith, Stovall, Sumpter, Thomas, Weaver.

Total24

VOTING PRESENT:

Total0

Total number of votes cast76

Total number voting in the affirmative76

Necessary to the passage of the bill75

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

There being an Emergency Clause attached to **SENATE BILL NO. 63**, the Speaker ordered the clerk to call the roll upon the adoption of the Emergency Clause. The vote was as follows:

EMERGENCY CLAUSE

AFFIRMATIVE: Adams, Agee, Anderson, Bennett, Berry, Biggs, Blair, Bledsoe, Bond, P. Bookout, Borhauer, Boyd, Bradford, Bright, Chesterfield, Clemons, Cowling, Creekmore, Dangeau, Dees, Dickinson, Eason, Edwards, Elliott, D. Evans, L. Evans, Ferguson, Gillespie, Gipson, Goss, Green, Haak, Harris, Hathorn, Hickinbotham, Jackson, Jacobs, C. Johnson, J. Johnson, Jones, Judy, Key, King, Ledbetter, Lendall, Lewellen, Mack, Mahony, Martin, Matayo, Mathis, Medley, Napper, Nichols, Norton, Ormond, Pace, Parks, Pate, Pickett, L. Prater, S. Prater, Pritchard, Rosenbaum, Schulte, Scrimshire, Sullivan, C. Taylor, J. Taylor, Thomason, Thyer, Verkamp, Walters, White, Wood, Mr. Speaker.

Total76

NEGATIVE:

Total0

ABSENT OR NOT VOTING: Bolin, Childers, Dobbins, Fite, Hardwick, House, Hutchinson, Jeffrey, Kenney, Lamoureux, Milligan, Moore, Oglesby, Penix, Petrus, Rankin, Roebuck, Scroggin, Seawel, R. Smith, Stovall, Sumpter, Thomas, Weaver.

Total24

VOTING PRESENT:

Total0

Total number of votes cast76

Total number voting in the affirmative76

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

So the Emergency Clause was adopted.

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

SENATE BILL NO. 7

BY: SENATOR BROADWAY

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

AFFIRMATIVE: Agee, Anderson, Berry, Biggs, Blair, Bledsoe, P. Bookout, Borhauer, Boyd, Bradford, Chesterfield, Clemons, Dangeau, Dees, Eason, Edwards, Elliott, Gipson, Green, Hardwick, Hickinbotham, Jackson, Jacobs, C. Johnson, J. Johnson, Jones, Judy, King, Ledbetter, Lendall, Mahony, Martin, Matayo, Oglesby, Pace, Pickett, L. Prater, S. Prater, Pritchard, Roebuck, Schulte, Thyer, Walters, White, Wood.

Total45

NEGATIVE: Bolin, Cowling, Creekmore, Dickinson, D. Evans, Gillespie, Haak, Harris, Key, Mathis, Napper, Nichols, Norton, Ormond, Parks, Pate, Petrus, Rosenbaum, Scrimshire, Scroggin, Stovall, Sumpter, J. Taylor, Thomason, Verkamp.

Total25

ABSENT OR NOT VOTING: Adams, Bennett, Bond, Bright, Childers, Dobbins, L. Evans, Ferguson, Fite, Goss, Hathorn, House, Hutchinson, Jeffrey, Kenney, Lamoureux, Lewellen, Mack, Medley, Milligan, Moore, Penix, Rankin, Seawel, R. Smith, Sullivan, C. Taylor, Thomas, Weaver, Mr. Speaker.

Total30

VOTING PRESENT:

Total0

Total number of votes cast70

Total number voting in the affirmative45

Necessary to the passage of the bill75

So the Bill failed to pass.

The House recessed at 3:14 p.m. until 4:00 p.m.

The House reconvened at 4:28 p.m. for the reading of the bills.

SENATE BILLS ORDERED RETURNED TO THE SENATE AS PASSED

SENATE BILL NO. 18 BY SENATOR T. SMITH
 SENATE BILL NO. 63 BY SENATOR BISBEE
 SENATE BILL NO. 65 BY SENATOR BROADWAY

ARKANSAS SENATE
 HOUSE BILLS RETURNED FROM THE SENATE AS PASSED

HOUSE BILL NO. 1009 BY REPRESENTATIVE PICKETT
 AS AMENDED #1

ENROLLED AND DELIVERY TO GOVERNOR REPORTS

Little Rock, Arkansas
 January 20, 2004

MR. SPEAKER:

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

HOUSE BILL NO. 1117 BY REPRESENTATIVE R. SMITH

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 9:09 a.m. delivered them to the Governor for his approval.

Respectfully submitted,

/s/ Herschel W. Cleveland
 Chairman

RECEIPT FROM THE GOVERNOR

RECEIVED FROM THE HOUSE:

HOUSE BILL NO. 1117 BY REPRESENTATIVE R. SMITH

/s/ Mike Huckabee - Governor

TIME: 9:09 a.m.

By: Stacy DeJarnett

HOUSE BILL NO. 1130

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.

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

HOUSE BILL NO. 1131

BY: REPRESENTATIVE C. JOHNSON

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO INCREASE THE TIME AVAILABLE TO TEACHERS FOR PROFESSIONAL DEVELOPMENT; TO REQUIRE SIXTY (60) HOURS OF STAFF DEVELOPMENT FOR TEACHERS AND ADMINISTRATORS; TO ALLOW FOR ADDITIONAL PROFESSIONAL DEVELOPMENT OF HIGH-PRIORITY SCHOOLS AND DISTRICTS; AND FOR OTHER PURPOSES.

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

HOUSE BILL NO. 1132

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.

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

HOUSE BILL NO. 1133

BY: REPRESENTATIVE MAHONY

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO CHANGE THE DEPARTMENT OF EDUCATION'S AUTHORITY WITH RESPECT TO ESTABLISHING AN OFFICE FOR THE PURPOSE OF TEACHER RECRUITMENT; AND FOR OTHER PURPOSES.

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

SENATE BILL NO. 65

BY: SENATORS BROADWAY, BISBEE

A BILL FOR AN ACT TO BE ENTITLED THE CONTINUING ADEQUACY EVALUATION ACT OF 2004.

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

SENATE BILL NO. 70

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.

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

Upon motion of Representative Gillespie, the House adjourned at 4:28 p.m. until 1:30 p.m. Wednesday, January 21, 2004.

ATTEST:

Herschel W. Cleveland
Speaker of the House of Representatives

Jo Renshaw
Chief Clerk

FORTY-FIFTH DAY'S PROCEEDINGS
HALL OF THE HOUSE OF REPRESENTATIVES

Little Rock, Arkansas

January 21, 2004

The House was called to order at 1:33 p.m. by Mr. Cleveland, the Speaker.
The following members answered to the roll call:

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

Total95

The following member(s) was absent and did not answer to the roll call:
Dobbins, Hutchinson, Moore, Rankin, Schulte.

Total5

A quorum was present.

Unanimous leave was granted for Representative(s) Dobbins, Hutchinson, Moore, Rankin, Schulte.

The House stood and was led in prayer by Representative Gary Biggs.

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

EDUCATION	January 21, 2004
	CALVIN JOHNSON
	CHAIRPERSON
HOUSE BILL NO. 1009	DO PASS, TO CONCUR IN
BY REPRESENTATIVE PICKETT	SENATE AMENDMENT #1
HOUSE BILL NO. 1040	DO PASS
BY REPRESENTATIVE ELLIOTT	AS AMENDED #5
HOUSE BILL NO. 1064	DO PASS, TO CONCUR IN
BY REPRESENTATIVE JACKSON	SENATE AMENDMENT #1
HOUSE BILL NO. 1102	DO PASS
BY REPRESENTATIVE PICKETT	

COMMITTEE REPORT

JOINT BUDGET	January 21, 2004
	PAUL WEAVER
	CHAIRPERSON
HOUSE BILL NO. 1118	DO PASS
BY REPRESENTATIVE LEDBETTER	
HOUSE BILL NO. 1130	DO PASS
BY JOINT BUDGET COMMITTEE	

COMMITTEE REPORT

REVENUE AND TAXATION	January 21, 2004
	BOYD HICKINBOTHAM
	CHAIRPERSON
HOUSE BILL NO. 1100	DO PASS
BY REPRESENTATIVE MATAYO	

COMMITTEE REPORT

INSURANCE AND COMMERCE	January 21, 2004
	PAUL BOOKOUT
	CHAIRPERSON
HOUSE BILL NO 1066	DO PASS
BY REPRESENTATIVE SUMPTER	AS AMENDED #1

Upon motion of Representative Chesterfield, **HOUSE BILL NO. 1114** was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 1 TO HOUSE BILL NO. 1114

Amend **HOUSE BILL NO. 1114** as originally introduced:

Page 1, delete lines 9 through 13 and substitute:

"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."

AND

Delete the subtitle in its entirety and substitute:

"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."

Page 1, line 30, delete "on or before each December 31" and substitute "within nine (9) months"

AND

Page 1, line 31, delete "immediately" entirely

AND

Page 1, line 35, delete "on or before each" and substitute "within nine (9) months"

AND

Page 1, line 36, delete "December 31 immediately" entirely

AND

Page 2, line 8, delete "~~within the eighteen-month time period~~" and substitute "within the ~~eighteen-month~~ nine-month time period"

AND

Page 2, line 28, delete "~~within the~~" and substitute "within the ~~eighteen-month~~ nine-month time period"

AND

Page 2, line 29, delete "~~eighteen-month time period~~" entirely.

/s/ Linda Chesterfield

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

/s/ Ms. Jo Renshaw

Chief Clerk

Upon motion of Representative Hickinbotham, **HOUSE BILL NO. 1125** was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 1 TO HOUSE BILL NO. 1125

Amend **HOUSE BILL NO. 1125** as originally introduced:

Immediately following SECTION 1, add an additional section to read as follows:

"SECTION 2. Arkansas Code § 26-52-512(b), concerning tax payments by retailers, is amended to read as follows:

(b)(1) Every taxpayer who timely remits the prepayments required by subsection (a) of this section and who timely files and pays his monthly gross receipts tax report shall be entitled to a discount. The discount shall be the lesser of two percent (2%) of the reported monthly gross tax, or ~~one thousand dollars (\$1,000)~~ one hundred dollars (\$100).

(2)(A) Failure to pay tax prepayments when due shall result in the assessment of a penalty equal to five percent (5%) of the amount of each required tax prepayment.

(B) If a taxpayer elects to prepay according to subdivision (a)(2) of this section and fails to pay eighty percent (80%) of the tax liability by the twenty-fourth of the current month, no penalty shall be assessed if the taxpayer proves that more than twenty percent (20%) of its tax liability arose from sales occurring after the twenty-fourth of the current month but before the last day of the current month.

(3)(A) The aggregate discount available to a taxpayer who operates more than one (1) permitted business location within this state and who does not file a consolidated monthly gross receipts tax report for all locations shall not exceed ~~one thousand dollars (\$1,000)~~ one hundred dollars (\$100) per month.

(B) In the case of a corporate taxpayer (parent corporation) that holds fifty percent (50%) or more of the outstanding shares of one (1) or more corporations (subsidiaries) which are subject to the tax imposed by § 26-52-101 et seq., the aggregate discount available to the parent corporation and all subsidiaries shall not exceed ~~one thousand dollars (\$1,000)~~ one hundred dollars (\$100) per month."

AND

Appropriately renumber the sections of the bill.

/s/ Boyd Hickinbotham

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

/s/ Ms. Jo Renshaw

Chief Clerk

Upon motion of Representative Hickinbotham, **HOUSE BILL NO. 1124** was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 1 TO HOUSE BILL NO. 1124

Amend **HOUSE BILL NO. 1124** as originally introduced:

Immediately following SECTION 1, add an additional section to read as follows:

"SECTION 2. Arkansas Code § 26-52-512(b), concerning tax payments by retailers, is amended to read as follows:

~~(b)(1) Every taxpayer who timely remits the prepayments required by subsection (a) of this section and who timely files and pays his monthly gross receipts tax report shall be entitled to a discount. The discount shall be the lesser of two percent (2%) of the reported monthly gross tax, or one thousand dollars (\$1,000).~~

~~(2)(A) (b)(1)~~ Failure to pay tax prepayments when due shall result in the assessment of a penalty equal to five percent (5%) of the amount of each required tax prepayment.

~~(B) (2)~~ If a taxpayer elects to prepay according to subdivision (a)(2) of this section and fails to pay eighty percent (80%) of the tax liability by the twenty-fourth of the current month, no penalty shall be assessed if the taxpayer proves that more than twenty percent (20%) of its tax liability arose from sales occurring after the twenty-fourth of the current month but before the last day of the current month.

~~(3)(A) The aggregate discount available to a taxpayer who operates more than one (1) permitted business location within this state and who does not file a consolidated monthly gross receipts tax report for all locations shall not exceed one thousand dollars (\$1,000) per month.~~

~~(B) In the case of a corporate taxpayer (parent corporation) that holds fifty percent (50%) or more of the outstanding shares of one (1) or more corporations (subsidiaries) which are subject to the tax imposed by § 26-52-101 et seq., the aggregate discount available to the parent corporation and all subsidiaries shall not exceed one thousand dollars (\$1,000) per month."~~

AND

Appropriately renumber the sections of the bill.

/s/ Boyd Hickinbotham

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

/s/ Ms. Jo Renshaw

Chief Clerk

Upon motion of Representative Mahony, HOUSE BILL NO. 1127 was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 1 TO HOUSE BILL NO. 1127

Amend HOUSE BILL NO. 1127 as originally introduced:

Page 2, line 9, delete "thirteen (13)" and substitute "sixteen (16)"

AND

Page 2, line 26, delete "an ex officio" and substitute "a nonvoting ex officio"

AND

Page 3, line 1, delete "Seven (7)" and substitute "Eight (8)"

/s/ Jodie Mahony

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

/s/ Ms. Jo Renshaw

Chief Clerk

Upon motion of Representative Mahony, HOUSE BILL NO. 1128 was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 2 TO HOUSE BILL NO. 1128

Amend HOUSE BILL NO. 1128 as engrossed, H1/20/04

(version: 01-20-2004 08:44):

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

AND

Page 5, line 6, delete in its entirety and substitute therefor:

"(05) SMART START/SMART STEP	<u>0</u>	<u>770,000</u>
TOTAL AMOUNT APPROPRIATED	<u>\$ 0</u>	<u>\$16,622,000</u> ".

/s/ Jodie Mahony

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

/s/ Ms. Jo Renshaw

Chief Clerk

Upon motion of Representative Mahony, **HOUSE BILL NO. 1128** was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 3 TO HOUSE BILL NO. 1128

Amend **HOUSE BILL NO. 1128** as engrossed, H1/20/04

(version: 01-20-2004 08:44):

Page 5, line 3, delete "14,871,000" and substitute "16,371,000"

AND

Page 5, line 6, delete "\$ 15,852,000" and substitute "\$ 17,352,000".

/s/ Jodie Mahony

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

/s/ Ms. Jo Renshaw

Chief Clerk

ENGROSSED BILL REPORTS

HERSCHEL W. CLEVELAND, CHAIRMAN

January 21, 2004

The following bill(s) reported correctly engrossed:

HOUSE BILL NO. 1114 - TITLE - BY REPRESENTATIVE CHESTERFIELD, ET AL
HOUSE BILL NO. 1124 BY REPRESENTATIVE HICKINBOTHAM
HOUSE BILL NO. 1125 BY REPRESENTATIVE HICKINBOTHAM
HOUSE BILL NO. 1127 BY REPRESENTATIVE MAHONY
HOUSE BILL NO. 1128 BY REPRESENTATIVE MAHONY
SENATE BILL NO. 27 - TITLE - BY SENATOR BISBEE

HOUSE BILL ENGROSSED AS TITLE AMENDED
HOUSE BILL NO. 1114

BY: REPRESENTATIVES CHESTERFIELD, BOND, CHILDERS, HARDWICK,
JACKSON, J. JOHNSON, MACK

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.*

SENATE BILL ENGROSSED AS TITLE AMENDED
SENATE BILL NO. 27

BY: SENATOR BISBEE

BY: REPRESENTATIVE ANDERSON

A BILL FOR AN ACT TO BE ENTITLED *AN ACT TO CREATE A UNIFORM
METHOD OF CALCULATING A STUDENT'S GRADE POINT AVERAGE FOR
CERTAIN PURPOSES; AND FOR OTHER PURPOSES.*

State of Arkansas
Office of the Governor

Mike Huckabee
Governor

January 20, 2004

TO THE SPEAKER OF THE HOUSE

Dear Mr. Speaker:

This is to inform you that on January 20, 2004, I approved the following measures during the Second Extraordinary Session of the Eighty-Fourth General Assembly:

HOUSE BILL NO. 1070 is now Act Number 41

HOUSE BILL NO. 1117 is now Act Number 47

HOUSE BILL NO. 1079 is now Act Number 48

HOUSE BILL NO. 1057 is now Act Number 49

HOUSE BILL NO. 1095 is now Act Number 50

Sincerely,

/s/ Mike Huckabee

MH:sm

Upon motion of Representative Anderson, **SENATE BILL NO. 27** was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 2 TO SENATE BILL NO. 27

Amend **SENATE BILL NO. 27** as engrossed, H1/12/04

(version: 01-12-2004 13:45):

Delete lines 10 through 12 and substitute:

"AN ACT TO CREATE A UNIFORM METHOD OF CALCULATING A STUDENT'S GRADE POINT AVERAGE FOR CERTAIN PURPOSES; AND FOR OTHER PURPOSES."

AND

Delete the subtitle in its entirety and substitute:

"AN ACT TO CREATE A UNIFORM METHOD OF CALCULATING A STUDENT'S GRADE POINT AVERAGE FOR CERTAIN PURPOSES."

AND

Delete everything following the enacting clause and substitute the following:

"SECTION 1. Arkansas Code Title 6, Chapter 15, Subchapter 9 is amended to add an additional section to read as follows:

6-15-903. Class rank and grade point average.

(a) School districts shall calculate the class rank and grade point average based on the grades that a student receives in the following courses:

(1) Courses identified as core courses under § 6-61-217, known as the minimum core curriculum;

(2) Courses completed under the student's individual education plan or other appropriate measures, if the student is not enrolled in common core, because a medical doctor and the parent or custodian of the student certifies that a medical condition exists that impairs cognitive functioning and that the student should not pursue the minimum core; or

(3) Courses completed under a Smart Core curriculum as set forth by the Department of Education, if the student elects to use his or her grades received on Smart Core courses rather than under the minimum core curriculum.

(b) A student may elect to include in the calculation of his or her class rank and grade point average any grade received in an advanced placement course, an honor course, or a Department of Education approved concurrent enrollment college course.

SECTION 2. Arkansas Code § 6-61-217 is amended to read as follows:

6-61-217. Minimum core courses for college prep.

(a) In order to promote a coordinated system of higher education in Arkansas and to assure an orderly and effective development of each of the publicly supported institutions of higher education, the Arkansas Higher Education Coordinating Board, after consultation with the State Board of Education, shall identify a minimum core of high school courses recommended for preparation for college.

(b) The board shall communicate this information at least annually to public school superintendents, who shall make copies available each year to public school students enrolled in grades seven through twelve (7-12).

(c) The board may revise the list of high school courses from time to time, as needed.

(d) The Department of Higher Education shall use a student's grade point average calculated as set forth under § 6-15-903 when making scholarship awards for the Academic Challenge Scholarship Program and for the Arkansas Governor's Scholars Program.

SECTION 3. Arkansas Code § 6-18-101 is amended to read as follows:

6-18-101. Qualifications for valedictorian and salutatorian.

(a)(1) Only a student who has successfully completed a minimum core of high school courses shall be eligible for the honor of serving as a valedictorian or salutatorian of his or her graduating class based on class ranking as set forth under § 6-15-903.

(2) Only a student who has successfully completed the minimum core of high school courses with a minimum grade point, calculated as set forth under § 6-15-903, established by the school district or its equivalent shall be eligible for distinction as an honor graduate of a senior class in a high school in this state.

(b) For the purpose of meeting the requirements of subsection (a) of this section, the student must complete the minimum core of courses recommended by the State Board of Higher Education and the State Board of Education pursuant to § 6-61-217 enlisted during the period of his enrollment in high school.

(c) Only a student who is enrolled in a course of study containing the minimum core of high school courses recommended by the coordinating board and the state board pursuant to § 6-61-217 shall be eligible for membership in the National Honor Society or any equivalent academic honor society.

(d) A student who is a member of any academic honor society on August 13, 1993, shall be exempt from the provisions of subsection (c) of this section.

SECTION 4. Arkansas Code § 6-82-1005(b)(6)(A), concerning eligibility for the Arkansas Academic Challenge Scholarship Program, is amended to read as follows:

(6)(A) The applicant who graduates from an Arkansas high school

after December 31, 2001, must have achieved the following:

(i) A grade point average of 3.0 on a 4.0 scale ~~in the set of core curriculum courses~~ calculated as set forth under § 6-15-903, if enrolling at an approved four-year institution; or

(ii) A grade point average of 2.75 on a 4.0 scale ~~in the set of core curriculum courses~~ calculated as set forth under § 6-15-903, if enrolling at an approved two-year institution.

(iii)(a) These revised grade point average requirements may be reduced to no lower than a 2.5 on a 4.0 scale by a rules change by the Department of Higher Education if it is determined by the department, based on the most recent evaluation of the program's operation, that the change to a 3.0 or 2.75 grade point average on a 4.0 scale would unduly reduce the number of low-income or disadvantaged students who would otherwise be eligible for the program."

(b) At the Department of Higher Education's discretion, the Department of Higher Education may make such a reduction for admissions to institutions with a high percentage of students receiving full Pell grants upon petition to the Department of Higher Education by the institution.

/s/ Keven L. Anderson

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

/s/ Ms. Jo Renshaw

Chief Clerk

Morning Hour Expired.

Leave was granted for Representative Judy to pull down **HOUSE BILL NO. 1091**.

HOUSE BILL NO. 1088

BY: REPRESENTATIVE PICKETT

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

AFFIRMATIVE: Anderson, Blair, Bolin, Bond, Borhauer, Bradford, Clemons, Edwards, Elliott, D. Evans, Ferguson, Goss, Hardwick, Hathorn, Jeffrey, C. Johnson, Jones, Judy, King, Ledbetter, Lendall, Lewellen, Mack, Martin, Milligan, Pate, Pickett, S. Prater, Roebuck, Seawel, Stovall, Thomas, Thomason, Verkamp, Walters, White, Wood, Mr. Speaker.

Total38

NEGATIVE: Adams, Agee, Bennett, Berry, Biggs, Bledsoe, P. Bookout, Childers, Cowling, Creekmore, Dickinson, Eason, L. Evans, Fite, Gillespie, Gipson, Haak, Harris, Hickinbotham, House, Kenney, Key, Lamoureux, Matayo, Mathis, Napper, Nichols, Oglesby, Ormond, Parks, Penix, Petrus, Pritchard, Rosenbaum, Scroggin, Sullivan, C. Taylor, J. Taylor, Thyer.

Total39

ABSENT OR NOT VOTING: Boyd, Bright, Dangeau, Dees, Dobbins, Green, Hutchinson, Jackson, Jacobs, Mahony, Medley, Moore, Norton, Pace, L. Prater, Rankin, Schulte, R. Smith, Sumpter, Weaver.

Total20

VOTING PRESENT: Chesterfield, J. Johnson, Scrimshire.

Total3

Total number of votes cast.....80

Total number voting in the affirmative38

Necessary to the passage of the bill51

So the Bill failed.

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

SENATE BILL NO. 70

BY: JOINT BUDGET COMMITTEE

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

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

Total87

NEGATIVE:

Total0

ABSENT OR NOT VOTING: Bright, Dangeau, Dobbins, Fite, Hutchinson, Moore, Nichols, L. Prater, Rankin, Schulte, Scroggin, Thomas, Mr. Speaker.

Total13

VOTING PRESENT:

Total0

Total number of votes cast87

Total number voting in the affirmative87

Necessary to the passage of the bill51

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

There being an Emergency Clause attached to **SENATE BILL NO. 70**, the Speaker ordered the clerk to call the roll upon the adoption of the Emergency Clause. The vote was as follows:

EMERGENCY CLAUSE

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

Total87

NEGATIVE:

Total0

ABSENT OR NOT VOTING: Bright, Dangeau, Dobbins, Fite, Hutchinson, Moore, Nichols, L. Prater, Rankin, Schulte, Scroggin, Thomas, Mr. Speaker.

Total13

VOTING PRESENT:

Total0

Total number of votes cast87

Total number voting in the affirmative87

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

So the Emergency Clause was adopted.

The House stood in recess at 2:20 p.m. until 4:00 p.m.

SENATE BILLS ORDERED RETURNED TO THE SENATE AS PASSED

SENATE BILL NO. 42 BY SENATOR BISBEE
AS AMENDED #2, 3 & 4
SENATE BILL NO. 70 BY JOINT BUDGET COMMITTEE

ARKANSAS SENATE
SENATE BILLS RECEIVED FROM SENATE

SENATE BILL NO. 34 BY SENATOR BROADWAY
SENATE BILL NO. 73 BY SENATOR ARGUE

ARKANSAS SENATE
HOUSE BILLS RETURNED FROM THE SENATE AS PASSED

HOUSE BILL NO. 1008 BY REPRESENTATIVE PICKETT
HOUSE BILL NO. 1109 BY REPRESENTATIVE BOND
AS AMENDED #1, 2, 3 & 4
HOUSE BILL NO. 1121 BY REPRESENTATIVE J. JOHNSON

ENROLLED AND DELIVERY TO GOVERNOR REPORTS

Little Rock, Arkansas

January 21, 2004

MR. SPEAKER:

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

HOUSE BILL NO. 1008 BY REPRESENTATIVE PICKETT

HOUSE BILL NO. 1121 BY REPRESENTATIVE J. JOHNSON

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 3:00 p.m. delivered them to the Governor for his approval.

Respectfully submitted,

/s/ Herschel W. Cleveland

Chairman

RECEIPT FROM THE GOVERNOR

RECEIVED FROM THE HOUSE:

HOUSE BILL NO. 1008 BY REPRESENTATIVE PICKETT

HOUSE BILL NO. 1121 BY REPRESENTATIVE J. JOHNSON

/s/ Mike Huckabee - Governor

TIME: 3:00 p.m.

By: Stacy DeJarnett

The House reconvened at 4:05 p.m. for the reading of the bills.

HOUSE BILL NO. 1134

BY: REPRESENTATIVE MATHIS

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO ABOLISH COUNTY EDUCATION SUPERINTENDENTS; AND FOR OTHER PURPOSES.

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

HOUSE BILL NO. 1135

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.

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

HOUSE BILL NO. 1136

BY: REPRESENTATIVE ELLIOTT

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO MAKE AN APPROPRIATION FOR GRANTS AND AIDS TO LOCAL SCHOOL DISTRICTS TO PROVIDE EXTRAORDINARY INCENTIVES FOR TEACHER RECRUITMENT AND RETENTION IN HIGH PRIORITY DISTRICTS FOR THE DEPARTMENT OF EDUCATION FOR THE BIENNIAL PERIOD ENDING JUNE 30, 2005; 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. 1137

BY: REPRESENTATIVE KING

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO LEVY AN ADDITIONAL GROSS RECEIPTS AND COMPENSATING USE TAX OF ONE PERCENT (1%); TO CREATE THE EDUCATIONAL ADEQUACY TRUST 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. 1138

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.

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

HOUSE BILL NO. 1139

BY: REPRESENTATIVES HATHORN, MILLIGAN, BENNETT**BY: SENATORS LAVERTY, MILLER**

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO ALLOW CERTAIN SCHOOLS TO REMAIN AS A SEPARATE DISTRICT; AND FOR OTHER PURPOSES.

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

HOUSE BILL NO. 1140

BY: REPRESENTATIVES WALTERS, HARRIS, MEDLEY, JEFFREY, NORTON, BLAIR

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.

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

HOUSE BILL NO. 1141

BY: REPRESENTATIVE MAHONY

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.

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

HOUSE RESOLUTION NO. 1019

BY: REPRESENTATIVES LEWELLEN, BLAIR, BOND, BOYD, CHESTERFIELD, CLEVELAND, DOBBINS, EASON, EDWARDS, ELLIOTT, J. JOHNSON, JUDY, KING, LAMOUREUX, LEDBETTER, MAHONY, MARTIN, ORMOND, PENIX, ROEBUCK, SCRIMSHIRE, R. SMITH, SUMPTER, THOMAS, THYER, WALTERS, WHITE, WOOD

PROMOTING EQUAL PAY FOR EQUAL WORK AND CONDEMNING WAGE DISCRIMINATION PRACTICES.

Was read the first time, rules suspended, read the second time and referred to the Committee on PUBLIC HEALTH, WELFARE AND LABOR.

HOUSE RESOLUTION NO. 1020

BY: REPRESENTATIVES JUDY, AGEE, ANDERSON, BENNETT, BLEDSOE, BOLIN, BOND, P. BOOKOUT, BORHAUER, BOYD, BRADFORD, DEES, EDWARDS, ELLIOTT, GOSS, GREEN, HARDWICK, HARRIS, HATHORN, HOUSE, JACOBS, JEFFREY, C. JOHNSON, J. JOHNSON, KENNEY, KEY, KING, LEDBETTER, LEWELLEN, MARTIN, MATAYO, NICHOLS, NORTON, ORMOND, PACE, PENIX, PETRUS, PICKETT, L. PRATER, PRITCHARD, ROEBUCK, R. SMITH, SULLIVAN, SUMPTER, C. TAYLOR, VERKAMP, WALTERS, WEAVER

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.

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

SENATE BILL NO. 34

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.

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

SENATE BILL NO. 73

BY: SENATOR ARGUE

BY: 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.

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

Upon motion of Representative Gillespie, the House adjourned at 4:10 p.m. until 1:30 p.m. Thursday, January 22, 2004.

ATTEST:

Herschel W. Cleveland
Speaker of the House of Representatives

Jo Renshaw
Chief Clerk

FORTY-SIXTH DAY'S PROCEEDINGS
HALL OF THE HOUSE OF REPRESENTATIVES

Little Rock, Arkansas

January 22, 2004

The House was called to order at 1:34 p.m. by Mr. Cleveland, the Speaker.
The following members answered to the roll call:

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

Total97

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

Total3

A quorum was present.

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

The House stood and was led in prayer by Representative Johnny Key.

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

EDUCATION	January 22, 2004
	CALVIN JOHNSON
	CHAIRPERSON
HOUSE BILL NO. 1109	DO PASS, TO CONCUR IN
BY REPRESENTATIVE BOND	SENATE AMENDMENTS
	#1, 2, 3 & 4
HOUSE BILL NO. 1141	DO PASS
BY REPRESENTATIVE MAHONY	AS AMENDED #1

COMMITTEE REPORT

JOINT BUDGET	January 22, 2004
	PAUL WEAVER
	CHAIRPERSON
HOUSE BILL NO. 1135	DO PASS
BY REPRESENTATIVE MAHONY	

Upon motion of Representative Mahony, **HOUSE BILL NO. 1132** was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 1 TO HOUSE BILL NO. 1132

Amend **HOUSE BILL NO. 1132** as originally introduced:

Page 1, line 35, delete "The Department" and substitute "For end-of-course exams, the Department"

AND

Page 2, line 2, delete "test" and substitute "end-of-course exam"

AND

Page 2, line 4, delete "test" and substitute "end-of-course exam"

AND

Page 2, line 15 delete "The department" and substitute "For end-of-course exams, the Department of Education"

AND

Page 2, line 18, delete "test" and substitute "end-of-course exam"

AND

Page 2, line 20, delete "test" and substitute "end-of-course exam"

/s/ Jodie Mahony

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

/s/ Ms. Jo Renshaw

Chief Clerk

Upon motion of Representative Mahony, **HOUSE BILL NO. 1128** was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 4 TO HOUSE BILL NO. 1128

Amend **HOUSE BILL NO. 1128** as engrossed, H1/21/04

(version: 01-21-2004 09:07):

Page 4, line 24, delete "1,800,000" and substitute "800,000"

AND

Page 4, line 25, delete "\$ 4,532,000" and substitute "\$ 3,532,000"

/s/ Jodie Mahony

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

/s/ Ms. Jo Renshaw

Chief Clerk

Upon motion of Representative Gillespie, **HOUSE BILL NO. 1122** was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 1 TO HOUSE BILL NO. 1122

Amend **HOUSE BILL NO. 1122** as originally introduced:

Page 2, line 11 delete "violent or" and substitute "violent, physical, or"

/s/ Jeff Gillespie

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

/s/ Ms. Jo Renshaw

Chief Clerk

Upon motion of Representative Elliott, **HOUSE BILL NO. 1040** was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 5 TO HOUSE BILL NO. 1040

Amend **HOUSE BILL NO. 1040** as engrossed, H1/14/04

(version: 01-14-2004 08:44):

Page 2, line 10 delete "bonus to" and substitute "bonus to work in any high-priority district to"

AND

Page 2, line 14, delete "Two thousand dollars (\$2,000)" and substitute "Three thousand dollars (\$3,000)"

AND

Page 2, line 15, delete "three (3)" and substitute "two (2)"

AND

Page 2, delete lines 26 and 27 and substitute the following:

"bonus at the beginning of each of the next two (2) subsequent years if the teacher continues to work in a high-priority district.

(B)(i) If a teacher has received bonus pay under subdivision (b)(2)(A) of this section and leaves the high-priority district before the end of the four-year bonus pay period, the teacher shall pay back the amount of the bonus received in the previous year.

(ii) If the teacher leaves the district during the school"

AND

Page 2, line 29, delete "; and" and substitute a period

AND

Page 2, delete lines 30 through 36

AND

Page 3, delete lines 1 and 2

AND

Page 3, line 3, delete "(d)" and substitute "(c)"

AND

Page 3, line 8, delete "July 1, 2008," and substitute "September 30, 2006,"

AND

Page 3, line 11, delete "(e) By August 31, 2008," and substitute "(d) By October 15, 2006,"

/s/ J. Elliott

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

/s/ Ms. Jo Renshaw

Chief Clerk

Upon motion of Representative Harris, **HOUSE BILL NO. 1092** was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 1 TO HOUSE BILL NO. 1092

Amend **HOUSE BILL NO. 1092** as originally introduced:

Page 1, line 22, delete "to school" and substitute "to Arkansas school"

AND

Page 1, line 24, delete "to a school" and substitute "to an Arkansas school"

AND

Page 2, delete lines 3 through 4 and substitute the following:

"(2) An unused credit may be carried over to the next two (2) succeeding tax years or until the credit is exhausted, whichever event occurs first.

(3) A taxpayer shall elect to claim either the credit allowed under subsection (a) of this section or the credit allowed under § 26-51-419."

/s/ Eric Harris

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

/s/ Ms. Jo Renshaw

Chief Clerk

Upon motion of Representative Sumpter, **HOUSE BILL NO. 1066** was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 1 TO HOUSE BILL NO. 1066

Amend **HOUSE BILL NO. 1066** as originally introduced:

Page 1, delete lines 9 through 11 and substitute:

"TO REQUIRE A SCHOOL DISTRICT"

AND

Page 1, delete lines 18 through 22 and substitute:

"REQUIRES A SCHOOL DISTRICT CONTRIBUTION TO THE PUBLIC SCHOOL EMPLOYEE HEALTH INSURANCE PROGRAM."

AND

Delete all sections of the bill after the enacting clause and substitute:

"SECTION 1. Arkansas Code § 6-17-1117(c), concerning the contribution by school districts to the public school employee health insurance program, is amended to read as follows:

(c) Beginning on October 1, 2004, local school districts shall pay the health insurance contribution rate of one hundred thirty-one dollars (\$131) per month for each ~~eligible employee electing to~~ employee eligible to participate in the public school employee health insurance program."

/s/ Denny Sumpter

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

/s/ Ms. Jo Renshaw
Chief Clerk

ENGROSSED BILL REPORTS

HERSCHEL W. CLEVELAND, CHAIRMAN

January 22, 2004

The following bill(s) reported correctly engrossed:

HOUSE BILL NO. 1040	BY REPRESENTATIVE ELLIOTT, ET AL
HOUSE BILL NO. 1061	BY REPRESENTATIVE CHESTERFIELD
HOUSE BILL NO. 1066 - TITLE -	BY REPRESENTATIVE SUMPTER, ET AL
HOUSE BILL NO. 1092	BY REPRESENTATIVE HARRIS
HOUSE BILL NO. 1122	BY REPRESENTATIVE GILLESPIE
HOUSE BILL NO. 1128	BY REPRESENTATIVE MAHONY
HOUSE BILL NO. 1132	BY REPRESENTATIVE MAHONY

HOUSE BILL ENGROSSED AS TITLE AMENDED
HOUSE BILL NO. 1066

BY: REPRESENTATIVES SUMPTER, KING, EDWARDS

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.

Motion was made by Representative Stovall to resolve into a Committee of the Whole at 2:30 p.m. to hear proceedings from Attorney General Mike Beebe.

Morning Hour Expired.

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

ARKANSAS SENATE

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.”

/s/ Brenda B. Gullett

The Amendment was read and the vote was as follows:

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

Total89

NEGATIVE:

Total0

ABSENT OR NOT VOTING: Bright, Cowling, Harris, Hutchinson, Jacobs, Mack, L. Prater, Rankin, Schulte, Thyer, Mr. Speaker.

Total11

VOTING PRESENT:

Total0

Total number of votes cast89

Total number voting in the affirmative89

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

So the Amendment was concurred in.

/s/ Ms. Jo Renshaw
Chief Clerk

HOUSE BILL NO. 1091

BY: REPRESENTATIVE JUDY

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: Anderson, Bennett, Biggs, Blair, P. Bookout, Borhauer, Boyd, Bradford, Chesterfield, Childers, Clemons, Creekmore, Dangeau, Dees, Dickinson, Dobbins, Eason, Edwards, Elliott, L. Evans, Ferguson, Fite, Gillespie, Goss, Green, Haak, Hardwick, Hathorn, Hickinbotham, House, Jackson, Jeffrey, C. Johnson, J. Johnson, Jones, Judy, Key, King, Ledbetter, Lendall, Lewellen, Mahony, Martin, Matayo, Mathis, Moore, Napper, Norton, Oglesby, Ormond, Pate, Penix, Petrus, Pickett, S. Prater, Roebuck, Rosenbaum, Seawel, R. Smith, Stovall, Sullivan, Sumpter, C. Taylor, Thomas, Thomason, Thyer, Verkamp, Walters, White.

Total69

NEGATIVE: Agee, Berry, Bledsoe, Bond, D. Evans, Gipson, Kenney, Lamoureux, Nichols, Pace, Scrimshire, Wood.

Total12

ABSENT OR NOT VOTING: Adams, Bolin, Bright, Cowling, Harris, Hutchinson, Jacobs, Mack, Medley, Milligan, Parks, L. Prater, Pritchard, Rankin, Schulte, Scroggin, J. Taylor, Weaver, Mr. Speaker.

Total19

VOTING PRESENT:

Total0

Total number of votes cast.....81

Total number voting in the affirmative69

Necessary to the passage of the bill51

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

There being an Emergency Clause attached to **HOUSE BILL NO. 1091**, the Speaker ordered the clerk to call the roll upon the adoption of the Emergency Clause. The vote was as follows:

EMERGENCY CLAUSE

AFFIRMATIVE: Anderson, Bennett, Biggs, Blair, P. Bookout, Borhauer, Boyd, Bradford, Chesterfield, Childers, Clemons, Creekmore, Dangeau, Dees, Dickinson, Dobbins, Eason, Edwards, Elliott, L. Evans, Ferguson, Fite, Gillespie, Goss, Green, Haak, Hardwick, Hathorn, Hickinbotham, House, Jackson, Jeffrey, C. Johnson, J. Johnson, Jones, Judy, Key, King, Ledbetter, Lendall, Lewellen, Mahony, Martin, Matayo, Mathis, Moore, Napper, Norton, Oglesby, Ormond, Pate, Penix, Petrus, Pickett, S. Prater, Roebuck, Rosenbaum, Seawel, R. Smith, Stovall, Sullivan, Sumpter, C. Taylor, Thomas, Thomason, Thyer, Verkamp, Walters, White.

Total69

NEGATIVE: Agee, Berry, Bledsoe, Bond, D. Evans, Gipson, Kenney, Lamoureux, Nichols, Pace, Scrimshire, Wood.

Total12

ABSENT OR NOT VOTING: Adams, Bolin, Bright, Cowling, Harris, Hutchinson, Jacobs, Mack, Medley, Milligan, Parks, L. Prater, Pritchard, Rankin, Schulte, Scroggin, J. Taylor, Weaver, Mr. Speaker.

Total19

VOTING PRESENT:

Total0

Total number of votes cast81

Total number voting in the affirmative69

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

So the Emergency Clause was adopted.

HOUSE BILL NO. 1127

BY: REPRESENTATIVE MAHONY

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

AFFIRMATIVE: Agee, Anderson, Biggs, Blair, Bledsoe, Bond, P. Bookout, Boyd, Bradford, Bright, Chesterfield, Childers, Clemons, Dangeau, Dees, Dickinson, Dobbins, Eason, Edwards, Elliott, D. Evans, L. Evans, Ferguson, Fite, Gipson, Goss, Green, Hardwick, Hathorn, Hickinbotham, Hutchinson, Jackson, Jeffrey, C. Johnson, J. Johnson, Jones, Judy, Kenney, Key, King, Ledbetter, Lendall, Lewellen, Mack, Mahony, Martin, Mathis, Moore, Norton, Ormond, Pate, Penix, Petrus, Pickett, S. Prater, Pritchard, Roebuck, Rosenbaum, Seawel, R. Smith, Stovall, Sullivan, Sumpter, J. Taylor, Thomas, Thomason, Thyer, Verkamp, Walters, White, Wood.

Total71

NEGATIVE: Bennett, Berry, Borhauer, Lamoureux.

Total4

ABSENT OR NOT VOTING: Adams, Bolin, Cowling, Creekmore, Gillespie, Haak, Harris, House, Jacobs, Matayo, Medley, Napper, Nichols, Oglesby, Pace, Parks, L. Prater, Rankin, Schulte, Scroggin, C. Taylor, Weaver, Mr. Speaker.

Total23

VOTING PRESENT: Milligan, Scrimshire.

Total2

Total number of votes cast77

Total number voting in the affirmative71

Necessary to the passage of the bill51

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

There being an Emergency Clause attached to **HOUSE BILL NO. 1127**, the Speaker ordered the clerk to call the roll upon the adoption of the Emergency Clause. The vote was as follows:

EMERGENCY CLAUSE

AFFIRMATIVE: Agee, Anderson, Biggs, Blair, Bledsoe, Bond, P. Bookout, Boyd, Bradford, Bright, Chesterfield, Childers, Clemons, Dangeau, Dees, Dickinson, Dobbins, Eason, Edwards, Elliott, D. Evans, L. Evans, Ferguson, Fite, Gipson, Goss, Green, Hardwick, Hathorn, Hickinbotham, Hutchinson, Jackson, Jeffrey, C. Johnson, J. Johnson, Jones, Judy, Kenney, Key, King, Ledbetter, Lendall, Lewellen, Mack, Mahony, Martin, Mathis, Moore, Norton, Ormond, Pate, Penix, Petrus, Pickett, S. Prater, Pritchard, Roebuck, Rosenbaum, Seawel, R. Smith, Stovall, Sullivan, Sumpter, J. Taylor, Thomas, Thomason, Thyer, Verkamp, Walters, White, Wood.

Total71

NEGATIVE: Bennett, Berry, Borhauer, Lamoureux.

Total4

ABSENT OR NOT VOTING: Adams, Bolin, Cowling, Creekmore, Gillespie, Haak, Harris, House, Jacobs, Matayo, Medley, Napper, Nichols, Oglesby, Pace, Parks, L. Prater, Rankin, Schulte, Scroggin, C. Taylor, Weaver, Mr. Speaker.

Total23

VOTING PRESENT: Milligan, Scrimshire.

Total2

Total number of votes cast77

Total number voting in the affirmative71

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

So the Emergency Clause was adopted.

Representative Thyer moved to reconsider the vote by which **HOUSE BILL NO. 1088** failed to pass.

On this motion the vote was as follows:

AFFIRMATIVE: Anderson, Berry, Biggs, P. Bookout, Bradford, Chesterfield, Childers, Clemons, Dangeau, Dobbins, Eason, Elliott, D. Evans, L. Evans, Ferguson, Goss, Hardwick, Hathorn, C. Johnson, J. Johnson, Jones, Judy, King, Lamoureux, Ledbetter, Lendall, Lewellen, Mack, Martin, Milligan, Moore, Napper, Nichols, Pate, Petrus, Pickett, S. Prater, Roebuck, Scrimshire, Seawel, Stovall, Sumpter, J. Taylor, Thomas, Thomason, Thyer, Verkamp, Walters, White, Wood, Mr. Speaker.

Total51

NEGATIVE: Adams, Agee, Bennett, Bledsoe, Bolin, Borhauer, Boyd, Dickinson, Fite, Gillespie, Gipson, Green, Haak, Harris, Hickinbotham, House, Jackson, Jacobs, Jeffrey, Kenney, Key, Matayo, Medley, Norton, Oglesby, Ormond, Pace, Parks, Penix, Pritchard, Rosenbaum, Sullivan, C. Taylor, Weaver.

Total34

ABSENT OR NOT VOTING: Blair, Bond, Bright, Cowling, Creekmore, Dees, Hutchinson, Mahony, Mathis, L. Prater, Rankin, Schulte, Scroggin, R. Smith.

Total14

VOTING PRESENT: Edwards.

Total1

Total number of votes cast.....86

Total number voting in the affirmative51

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

So the motion was adopted.

HOUSE BILL NO. 1088

BY: REPRESENTATIVE PICKETT

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

AFFIRMATIVE: Anderson, Berry, P. Bookout, Bradford, Chesterfield, Childers, Clemons, Dobbins, Eason, Elliott, D. Evans, Ferguson, Goss, Hardwick, Hathorn, C. Johnson, J. Johnson, Jones, Judy, King, Ledbetter, Lendall, Lewellen, Mack, Martin, Milligan, Pate, Petrus, Pickett, S. Prater, Roebuck, Seawel, Stovall, Sumpter, Thomas, Thomason, Thyer, Verkamp, Walters, White, Wood, Mr. Speaker.

Total42

NEGATIVE: Adams, Agee, Bennett, Blair, Bledsoe, Bolin, Borhauer, Boyd, Creekmore, Dickinson, Edwards, L. Evans, Fite, Gillespie, Gipson, Green, Haak, Harris, Hickinbotham, House, Jackson, Jacobs, Jeffrey, Kenney, Key, Lamoureux, Matayo, Mathis, Medley, Moore, Napper, Nichols, Norton, Oglesby, Ormond, Pace, Parks, Penix, Pritchard, Rosenbaum, Scrimshire, Scroggin, R. Smith, Sullivan, C. Taylor, Weaver.

Total46

ABSENT OR NOT VOTING: Biggs, Bond, Bright, Cowling, Dangeau, Dees, Hutchinson, Mahony, L. Prater, Rankin, Schulte, J. Taylor.

Total12

VOTING PRESENT:

Total0

Total number of votes cast88

Total number voting in the affirmative42

Necessary to the passage of the bill51

So the Bill failed.

HOUSE BILL NO. 1100

BY: REPRESENTATIVE MATAYO

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

AFFIRMATIVE: Agee, Anderson, Bennett, Berry, Biggs, Blair, Bledsoe, P. Bookout, Borhauer, Boyd, Bradford, Bright, Chesterfield, Childers, Clemons, Dees, Dickinson, Dobbins, Edwards, Elliott, D. Evans, Ferguson, Fite, Gillespie, Gipson, Goss, Green, Haak, Hardwick, Harris, Hathorn, Hickinbotham, House, Jackson, Jacobs, Jeffrey, C. Johnson, J. Johnson, Jones, Judy, Kenney, Key, King, Lamoureux, Lendall, Mack, Mahony, Martin, Matayo, Mathis, Medley, Milligan, Moore, Napper, Norton, Oglesby, Ormond, Pace, Parks, Penix, Petrus, S. Prater, Pritchard, Roebuck, Rosenbaum, Scrimshire, Seawel, R. Smith, Sullivan, Sumpter, C. Taylor, J. Taylor, Thyer, Verkamp, Walters, Weaver, White, Wood.

Total78

NEGATIVE: Adams, Creekmore, Eason, Ledbetter, Lewellen, Nichols, Pate, Pickett, Scroggin, Thomason.

Total10

ABSENT OR NOT VOTING: Bolin, Bond, Cowling, Dangeau, L. Evans, Hutchinson, L. Prater, Rankin, Schulte, Stovall, Thomas, Mr. Speaker.

Total12

VOTING PRESENT:

Total0

Total number of votes cast.....88

Total number voting in the affirmative78

Necessary to the passage of the bill51

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

Upon motion of Representative Matayo the Clincher motion prevailed.

There being an Emergency Clause attached to **HOUSE BILL NO. 1100**, the Speaker ordered the clerk to call the roll upon the adoption of the Emergency Clause. The vote was as follows:

EMERGENCY CLAUSE

AFFIRMATIVE: Agee, Anderson, Bennett, Berry, Biggs, Blair, Bledsoe, P. Bookout, Borhauer, Boyd, Bradford, Bright, Chesterfield, Childers, Clemons, Dees, Dickinson, Dobbins, Edwards, Elliott, D. Evans, Ferguson, Fite, Gillespie, Gipson, Goss, Green, Haak, Hardwick, Harris, Hathorn, Hickinbotham, House, Jackson, Jacobs, Jeffrey, C. Johnson, J. Johnson, Jones, Judy, Kenney, Key, King, Lamoureux, Lendall, Mack, Mahony, Martin, Matayo, Mathis, Medley, Milligan, Moore, Napper, Norton, Oglesby, Ormond, Pace, Parks, Penix, Petrus, S. Prater, Pritchard, Roebuck, Rosenbaum, Scrimshire, Seawel, R. Smith, Sullivan, Sumpter, C. Taylor, J. Taylor, Thyer, Verkamp, Walters, Weaver, White, Wood.

Total78

NEGATIVE: Adams, Creekmore, Eason, Ledbetter, Lewellen, Nichols, Pate, Pickett, Scroggin, Thomason.

Total10

ABSENT OR NOT VOTING: Bolin, Bond, Cowling, Dangeau, L. Evans, Hutchinson, L. Prater, Rankin, Schulte, Stovall, Thomas, Mr. Speaker.

Total12

VOTING PRESENT:

Total0

Total number of votes cast88

Total number voting in the affirmative78

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

So the Emergency Clause was adopted.

Upon motion of Representative Matayo the Clincher motion prevailed.

Representative Elliott moved that the record by which **HOUSE BILL NO. 1063** failed to pass be expunged from the record.

On this motion the vote was as follows:

AFFIRMATIVE: Anderson, Berry, Blair, Bolin, Bond, P. Bookout, Borhauer, Boyd, Bradford, Bright, Chesterfield, Childers, Clemons, Creekmore, Dangeau, Dees, Dickinson, Dobbins, Eason, Edwards, Elliott, Ferguson, Fite, Gipson, Goss, Green, Hardwick, Harris, Hathorn, Hickinbotham, House, Jackson, C. Johnson, J. Johnson, Jones, Judy, Kenney, Key, King, Ledbetter, Lendall, Lewellen, Mack, Mahony, Martin, Matayo, Mathis, Medley, Moore, Norton, Pace, Pate, Penix, Pickett, S. Prater, Pritchard, Roebuck, Rosenbaum, Scrimshire, Seawel, R. Smith, Stovall, Sullivan, Sumpster, C. Taylor, Thomas, Thomason, Thyer, Verkamp, Walters, White, Wood, Mr. Speaker.

Total73

NEGATIVE: Adams, Bennett, Bledsoe, Gillespie, Jeffrey, Lamoureux, Napper, Nichols, Oglesby, Ormond, Parks, J. Taylor.

Total12

ABSENT OR NOT VOTING: Agee, Biggs, Cowling, D. Evans, L. Evans, Haak, Hutchinson, Jacobs, Petrus, L. Prater, Rankin, Schulte, Scroggin, Weaver.

Total14

VOTING PRESENT: Milligan.

Total1

Total number of votes cast86

Total number voting in the affirmative73

Necessary to the adoption of the motion67

So the motion was adopted.

Motion was made by Representative C. Johnson to refer **HOUSE BILL NO. 1056** back to the Committee on EDUCATION. Motion passed.

Motion was made by Representative C. Johnson to refer **HOUSE BILL NO. 1080** back to the Committee on EDUCATION. Motion passed.

Upon motion of Representative Weaver, **HOUSE BILL NO. 1061** was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 2 TO HOUSE BILL NO. 1061

Amend **HOUSE BILL NO. 1061** as engrossed, H1/13/04

(version: 01-13-2004 08:51):

Page 1, delete line 26 in its entirety and substitute the following:

"be payable from the Department of Education Public School Fund Account, to provide an"

/s/ Paul Weaver

The Amendment was read and the vote was as follows:

AFFIRMATIVE: Berry, Blair, Bolin, Boyd, Bradford, Chesterfield, Clemons, Dangeau, Dees, Dickinson, Dobbins, Eason, Elliott, D. Evans, L. Evans, Ferguson, Fite, Gillespie, Gipson, Goss, Hathorn, Hickinbotham, House, Jacobs, C. Johnson, J. Johnson, Jones, Judy, King, Ledbetter, Lendall, Lewellen, Mack, Mahony, Martin, Milligan, Moore, Napper, Oglesby, Pate, Pickett, Roebuck, Scrimshire, Seawel, Stovall, Sumpter, Thomas, Thomason, Verkamp, Walters, Weaver, White, Mr. Speaker.

Total53

NEGATIVE: Adams, Agee, Bledsoe, Borhauer, Childers, Creekmore, Edwards, Green, Haak, Harris, Jeffrey, Key, Lamoureux, Matayo, Mathis, Nichols, Norton, Pace, Parks, Penix, Petrus, Pritchard, Rosenbaum, R. Smith, Sullivan, C. Taylor, J. Taylor, Thyer, Wood.

Total29

ABSENT OR NOT VOTING: Anderson, Bennett, Biggs, Bond, P. Bookout, Bright, Cowling, Hardwick, Hutchinson, Jackson, Kenney, Medley, Ormond, L. Prater, S. Prater, Rankin, Schulte, Scroggin.

Total18

VOTING PRESENT:

Total0

Total number of votes cast82

Total number voting in the affirmative53

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

So the Amendment was concurred in.

/s/ Ms. Jo Renshaw

Chief Clerk

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

HOUSE BILL NO. 1130

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, Berry, Blair, Bolin, Boyd, Bradford, Bright, Chesterfield, Clemons, Creekmore, Dangeau, Dees, Dickinson, Dobbins, Eason, Edwards, Elliott, D. Evans, L. Evans, Ferguson, Fite, Gillespie, Gipson, Goss, Haak, Hathorn, Hickenbotham, House, Jackson, Jacobs, Jeffrey, C. Johnson, J. Johnson, Jones, Judy, King, Ledbetter, Lendall, Lewellen, Mack, Mahony, Martin, Mathis, Milligan, Moore, Napper, Oglesby, Parks, Pate, Pickett, S. Prater, Roebuck, Scrimshire, Seawel, R. Smith, Stovall, Sumpter, Thomas, Thomason, Verkamp, Walters, Weaver, White, Wood, Mr. Speaker.

Total65

NEGATIVE: Agee, Borhauer, Childers, Green, Hardwick, Harris, Key, Lamoureux, Matayo, Medley, Nichols, Norton, Pace, Penix, Pritchard.

Total15

ABSENT OR NOT VOTING: Anderson, Bennett, Biggs, Bledsoe, Bond, P. Bookout, Cowling, Hutchinson, Kenney, Petrus, L. Prater, Rankin, Rosenbaum, Schulte, Scroggin, Sullivan, C. Taylor, J. Taylor, Thyer.

Total19

VOTING PRESENT: Ormond.

Total1

Total number of votes cast81

Total number voting in the affirmative65

Necessary to the passage of the bill51

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

There being an Emergency Clause attached to **HOUSE BILL NO. 1130**, 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, Anderson, Berry, Blair, Bledsoe, P. Bookout, Boyd, Bradford, Bright, Chesterfield, Clemons, Creekmore, Dangeau, Dees, Dickinson, Dobbins, Eason, Elliott, D. Evans, L. Evans, Ferguson, Fite, Gillespie, Gipson, Goss, Haak, Hardwick, Hathorn, Hickinbotham, House, Jackson, Jacobs, Jeffrey, C. Johnson, J. Johnson, Jones, Judy, King, Ledbetter, Lendall, Lewellen, Mahony, Martin, Mathis, Milligan, Moore, Napper, Norton, Oglesby, Ormond, Parks, Pate, Pickett, S. Prater, Roebuck, Rosenbaum, Scrimshire, Seawel, R. Smith, Stovall, Sullivan, Sumpter, Thomason, Thyer, Verkamp, Walters, Weaver, White, Wood, Mr. Speaker.

Total70

NEGATIVE: Agee, Borhauer, Childers, Edwards, Green, Lamoureux, Pace, Penix, Pritchard, C. Taylor.

Total10

ABSENT OR NOT VOTING: Bennett, Biggs, Bolin, Bond, Cowling, Harris, Hutchinson, Kenney, Key, Mack, Matayo, Medley, Nichols, Petrus, L. Prater, Rankin, Schulte, Scroggin, J. Taylor, Thomas.

Total20

VOTING PRESENT:

Total0

Total number of votes cast80

Total number voting in the affirmative70

Necessary to the adoption of the emergency clause67

So the Emergency Clause was adopted.

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

HOUSE BILL NO. 1118

BY: JOINT BUDGET COMMITTEE

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

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

Total88

NEGATIVE:

Total0

ABSENT OR NOT VOTING: Bond, Cowling, Hutchinson, Lewellen, Parks, L. Prater, Rankin, Schulte, Scroggin, C. Taylor, Thomas, Mr. Speaker.

Total12

VOTING PRESENT:

Total0

Total number of votes cast88

Total number voting in the affirmative88

Necessary to the passage of the bill75

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

There being an Emergency Clause attached to **HOUSE BILL NO. 1118**, the Speaker ordered the clerk to call the roll upon the adoption of the Emergency Clause. The vote was as follows:

EMERGENCY CLAUSE

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

Total88

NEGATIVE:

Total0

ABSENT OR NOT VOTING: Bond, Cowling, Hutchinson, Lewellen, Parks, L. Prater, Rankin, Schulte, Scroggin, C. Taylor, Thomas, Mr. Speaker.

Total12

VOTING PRESENT:

Total0

Total number of votes cast88

Total number voting in the affirmative88

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

So the Emergency Clause was adopted.

Motion was made by Representative Mahony to limit debate on **SENATE BILL NO. 7** to 2 minutes on the side. Motion passed.

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

SENATE BILL NO. 7

BY: SENATOR BROADWAY

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

AFFIRMATIVE: Anderson, Berry, Blair, Bolin, P. Bookout, Borhauer, Bradford, Bright, Chesterfield, Childers, Clemons, Dangeau, Dees, Dickinson, Dobbins, Eason, Edwards, Elliott, L. Evans, Ferguson, Fite, Goss, Green, Hardwick, Hathorn, House, Hutchinson, Jackson, Jacobs, C. Johnson, J. Johnson, Jones, Judy, King, Ledbetter, Lendall, Lewellen, Mack, Mahony, Martin, Norton, Pace, Parks, Pate, Pickett, S. Prater, Pritchard, Roebuck, Rosenbaum, Seawel, R. Smith, Sullivan, C. Taylor, J. Taylor, Thomas, Thomason, Thyer, Walters, White, Wood, Mr. Speaker.

Total61

NEGATIVE: Adams, Agee, Bennett, Biggs, Bledsoe, Creekmore, D. Evans, Gillespie, Gipson, Haak, Hickinbotham, Jeffrey, Key, Lamoureux, Mathis, Moore, Napper, Nichols, Oglesby, Ormond, Petrus, Scrimshire, Scroggin, Stovall, Sumpter, Verkamp, Weaver.

Total27

ABSENT OR NOT VOTING: Bond, Boyd, Cowling, Harris, Kenney, Matayo, Medley, Milligan, Penix, L. Prater, Rankin, Schulte.

Total12

VOTING PRESENT:

Total0

Total number of votes cast88

Total number voting in the affirmative61

Necessary to the passage of the bill75

So the Bill failed.

The House recessed into a Committee of the Whole for Attorney General Beebe to address the House with regards to the Supreme Court Hearing.

Motion was made by Representative Pace to rise and report progress.

HOUSE BILLS ORDERED TRANSMITTED TO THE SENATE AS PASSED

HOUSE BILL NO. 1091 BY REPRESENTATIVE JUDY
 HOUSE BILL NO. 1100 BY REPRESENTATIVE MATAYO
 HOUSE BILL NO. 1118 BY REPRESENTATIVE LEDBETTER
 HOUSE BILL NO. 1127 BY REPRESENTATIVE MAHONY
 HOUSE BILL NO. 1130 BY JOINT BUDGET COMMITTEE

ENROLLED AND DELIVERY TO GOVERNOR REPORTS

Little Rock, Arkansas
 January 22, 2004

MR. SPEAKER:

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

HOUSE BILL NO. 1064 BY REPRESENTATIVE JACKSON

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 3:25 p.m. delivered them to the Governor for his approval.

Respectfully submitted,

/s/ Herschel W. Cleveland
 Chairman

RECEIPT FROM THE GOVERNOR

RECEIVED FROM THE HOUSE:

HOUSE BILL NO. 1064 BY REPRESENTATIVE JACKSON

/s/ Mike Huckabee - Governor

TIME: 3:25 p.m.

By: Stacy DeJarnett

The House reconvened at 3:17 p.m.

The House recessed at 3:22 p.m. until 4:00 p.m. for the reading of the bills.

HOUSE BILL NO. 1142

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.

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

HOUSE BILL NO. 1143

BY: REPRESENTATIVE MARTIN

A BILL FOR AN ACT TO BE ENTITLED THE SCHOOL LAW ENFORCEMENT ACT OF 2004; AND FOR OTHER PURPOSES.

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

HOUSE BILL NO. 1144

BY: REPRESENTATIVE BOLIN

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO PROVIDE ADDITIONAL REVENUE TO FUND THE STATE EDUCATION SYSTEM; TO CREATE A NEW TOP TAX BRACKET FOR PERSONAL INCOME TAX OVER ONE HUNDRED THOUSAND DOLLARS (\$100,000); TO APPLY THE NEW TOP TAX BRACKET TO NONRESIDENTS AND FIDUCIARIES; TO INCREASE THE TOP CORPORATE INCOME TAX RATE; 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. 1145

BY: REPRESENTATIVE BOLIN

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO PROVIDE ADDITIONAL REVENUE TO FUND THE STATE EDUCATION SYSTEM; TO INCREASE THE STATE GROSS RECEIPTS AND USE TAX RATE BY SEVEN-EIGHTHS OF ONE PERCENT (7/8 of 1%); TO CREATE THE EDUCATIONAL ADEQUACY TRUST FUND FOR DISTRIBUTION OF SPECIAL REVENUE TO THE PUBLIC SCHOOL FUND; TO IMPOSE A GROSS RECEIPTS TAX ON THE SALE OF ADVERTISING SPACE AND TIME INCLUDING NEWSPAPER ADVERTISING SPACE, TELEVISION AND RADIO ADVERTISING TIME, AND BILLBOARD ADVERTISING; TO REPEAL ARKANSAS CODE § 26-52-401(13) TO ELIMINATE THE GROSS RECEIPTS TAX EXEMPTION FOR ADVERTISING SPACE IN NEWSPAPERS AND ON BILLBOARDS; TO AMEND ARKANSAS CODE §§ 26-52-304 AND 26-53-109 TO PROVIDE THAT GROSS RECEIPTS FROM THE SALE OF SOFTWARE AND LICENSES ARE TAXABLE WITHOUT REGARD TO THE MANNER OF DELIVERY AND IMPOSING SALES TAX ON SOFTWARE-RELATED SERVICES AND COMPUTER CONSULTING SERVICES; 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. 1146

BY: REPRESENTATIVE BOLIN

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO PROVIDE ADDITIONAL REVENUE TO FUND THE STATE EDUCATION SYSTEM BY REDUCING THE EXEMPTION FROM STATE INCOME TAX FOR CAPITAL GAINS TO TWENTY PERCENT (20%); AND FOR OTHER PURPOSES.

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

HOUSE CONCURRENT RESOLUTION NO. 1002

BY: REPRESENTATIVES MAHONY, J. JOHNSON, WOOD

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.

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

HOUSE RESOLUTION NO. 1021

BY: REPRESENTATIVES DANGEAU, COWLING

COMMENDING NATIONAL SCHOOL BOARDS ASSOCIATION PRESIDENT CAROL BROWN OF THE WYNNE SCHOOL BOARD.

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

Upon motion of Representative Gillespie, the House adjourned at 4:06 p.m. until 10:00 a.m. Friday, January 23, 2004.

ATTEST:

Herschel W. Cleveland
Speaker of the House of Representatives

Jo Renshaw
Chief Clerk

**FORTY-SEVENTH DAY'S PROCEEDINGS
HALL OF THE HOUSE OF REPRESENTATIVES**

Little Rock, Arkansas
January 23, 2004

The House was called to order at 10:12 a.m. by Mr. Cleveland, the Speaker.
The following members answered to the roll call:

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

Total95

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

Total5

A quorum was present.

Unanimous leave was granted for Representative(s) Cowling, King, L. Prater, Roebuck, Schulte.

The House stood and was led in prayer by Representative Russ Bennett.

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

	January 23, 2004
EDUCATION	CALVIN JOHNSON
	CHAIRPERSON
HOUSE RESOLUTION NO. 1021	DO PASS
BY REPRESENTATIVE DANGEAU	
HOUSE CONCURRENT RESOLUTION NO. 1002	DO PASS
BY REPRESENTATIVE MAHONY	
HOUSE BILL NO. 1122	DO PASS
BY REPRESENTATIVE GILLESPIE	
HOUSE BILL NO. 1132	DO PASS
BY REPRESENTATIVE MAHONY	
HOUSE BILL NO. 1140	DO PASS
BY REPRESENTATIVE WALTERS	AS AMENDED #1
SENATE BILL NO. 49	DO PASS
BY SENATOR WILKINS	

COMMITTEE REPORT

	January 23, 2004
JOINT BUDGET	PAUL WEAVER
	CHAIRPERSON
HOUSE BILL NO. 1078	DO PASS
BY REPRESENTATIVE CLEVELAND	
HOUSE BILL NO. 1142	DO PASS
BY REPRESENTATIVE LEDBETTER	

COMMITTEE REPORT

	January 23, 2004
PUBLIC HEALTH, WELFARE AND LABOR	JAY BRADFORD
	CHAIRPERSON
HOUSE RESOLUTION NO. 1019	DO PASS
BY REPRESENTATIVE LEWELLEN	

COMMITTEE REPORT

AGING, CHILDREN AND YOUTH,
 LEGISLATIVE AND MILITARY AFFAIRS
 HOUSE RESOLUTION NO. 1020
 BY REPRESENTATIVE JUDY

January 23, 2004
 JOYCE DEES
 CHAIRPERSON
 DO PASS

Upon motion of Representative Matayo, **HOUSE BILL NO. 1093** was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 2 TO HOUSE BILL NO. 1093

Amend **HOUSE BILL NO. 1093** as engrossed, H1/14/04

(version: 01-14-2004 08:35):

Immediately following SECTION 2 add an additional section to read as follows:

"SECTION 3. EMERGENCY CLAUSE. It is found and determined by the General Assembly of the State of Arkansas that as a result of the Arkansas Supreme Court decision, Lake View Sch. Dist. No. 25 v. Huckabee, 351 Ark. 31, 91 S.W.3d 472 (2002), additional revenue is necessary for the improvement of public schools, to provide all Arkansas children an adequate education, and to equalize funding for schools and teachers; that without additional revenue, the state will be unable to fulfill its constitutional duty to provide an adequate and equitable education to Arkansas children; and that this act is immediately necessary as it will provide needed revenue for the support and improvement of public schools. Therefore, an emergency is declared to exist and this act being necessary for the preservation of the public peace, health, and safety shall become effective on:

- (1) The date of its approval by the Governor;
- (2) If the bill is neither approved nor vetoed by the Governor, the expiration of the period of time during which the Governor may veto the bill; or
- (3) If the bill is vetoed by the Governor and the veto is overridden, the date the last house overrides the veto."

/s/ Doug Matayo

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

/s/ Ms. Jo Renshaw
 Chief Clerk

Upon motion of Representative Hickinbotham, **HOUSE BILL NO. 1124** was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 2 TO HOUSE BILL NO. 1124

Amend **HOUSE BILL NO. 1124** as engrossed, H1/21/04

(version: 01-21-2004 08:58):

Immediately following SECTION 2, add an additional section to read as follows:

"SECTION 3. Arkansas Code § 26-52-501(g), concerning the due date for payment of gross receipts tax, is amended to read as follows:

(g) If not paid on or before the twentieth of that month the tax shall be delinquent from that date. ~~However, no penalty for delinquency shall be assessed if payment is made on or before the first day of the month next following.~~ and shall be subject to the penalties for failure to pay a state tax on or before the date prescribed for payment under the Arkansas Tax Procedure Act, § 26-18-101 et seq."

AND

Appropriately renumber the sections of the bill.

/s/ Boyd Hickinbotham

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

/s/ Ms. Jo Renshaw

Chief Clerk

Upon motion of Representative Mahony, **HOUSE BILL NO. 1116** was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 3 TO HOUSE BILL NO. 1116

Amend **HOUSE BILL NO. 1116** as engrossed, H1/16/04

(version: 01-16-2004 08:47):

Page 2, lines 17 and 18, delete "additional personal services for salary increases" and substitute "a one-time \$2,500 bonus"

AND

PAGE 2, lines 24 through 36, delete in their entirety and substitute the following:

"(01) EDUCATION SERVICE COOPERATIVE TEACHERS - PRE-SCHOOL TEACHERS, LITERACY SPECIALISTS, MATH SPECIALISTS, TECHNOLOGY SPECIALISTS, TEACHER CENTER COORDINATORS, WORKFORCE COORDINATORS	\$ 0	\$ 755,000
(02) HUMAN DEVELOPMENT CENTERS	\$ 0	25,000
(03) SCHOOL FOR MATHEMATICS, SCIENCES & THE ARTS	\$ 0	102,500
(04) INTERMEDIATE CARE FACILITIES FOR THE MENTALLY RETARDED FOR CHILDREN	\$ 0	37,500
(05) DHS - DIVISION OF YOUTH SERVICES - RESIDENTIAL	\$ 0	225,500
(06) ARKANSAS NATIONAL GUARD - YOUTH CHALLENGE PROGRAM/CIVILIAN STUDENT TRAINING PROGRAM	\$ 0	25,000
(07) WORKFORCE ADULT EDUCATION	\$ <u>0</u>	<u>257,500</u>
TOTAL AMOUNT APPROPRIATED	\$ <u>0</u>	<u>\$ 1,428,000</u>

AND

Page 3, lines 1 through 8, delete in their entirety

AND

Page 3, lines 27 and 28, delete "Department of Human Services and the Department of Correction" and substitute "agencies listed in Section 2 of this Act"

AND

Add a new section immediately following Section 4 of the bill to read as follows:

"SECTION 5. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. CERTIFIED TEACHERS IN SPECIAL SETTINGS BONUS FUNDING PROVISION. During the 2004-05 fiscal year each school district

that contracts with or otherwise receives teaching services for its students shall pay to the applicable provider of service a one-time bonus in an amount equal to \$2,500 for each full time equivalent certified teacher employed by the provider that is providing the services to school district students. Immediately upon receiving the monies from the school district 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 school district students. Further, the school district shall provide the one-time bonus in an amount equal to \$2,500 per full time equivalent certified teacher to those teachers providing Adult Education services to students of the school district. "

AND

By renumbering the subsequent sections of the bill.

/s/ Jodie Mahony

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

/s/ Ms. Jo Renshaw
Chief Clerk

The House gave Representative L. Prater unanimous leave to withdraw **HOUSE BILL NO. 1014.**

The House gave Representative L. Prater unanimous leave to withdraw **HOUSE BILL NO. 1015.**

The House gave Representative L. Prater unanimous leave to withdraw **HOUSE BILL NO. 1016.**

ENGROSSED BILL REPORTS

HERSCHEL W. CLEVELAND, CHAIRMAN

January 23, 2004

The following bill(s) reported correctly engrossed:

HOUSE BILL NO. 1093	BY REPRESENTATIVE MATAYO, ET AL
HOUSE BILL NO. 1116	BY REPRESENTATIVE MAHONY
HOUSE BILL NO. 1124	BY REPRESENTATIVE HICKINBOTHAM
HOUSE BILL NO. 1141 - TITLE - BY REPRESENTATIVE MAHONY, ET AL	

HOUSE BILL ENGROSSED AS TITLE AMENDED

HOUSE BILL NO. 1141

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.

Upon motion of Representative Mahony, **HOUSE BILL NO. 1141** was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 1 TO HOUSE BILL NO. 1141

Amend **HOUSE BILL NO. 1141** as originally introduced:

Add Representative Lendall as a cosponsor of the bill

AND

Page 3, delete line 4, and substitute:

"this state except with the prior approval of the local school board.

(d) In districts having a high concentration of children with disabling conditions as determined by the State Board of Education, the ratio of school nurses to students should be one (1) to four hundred (400) in those schools so designated.

(e) In a district which provides a center for profoundly disabled students, the ratio should be one (1) school nurse per one hundred twenty-five (125) students at that center."

AND

Page 3, line 5, delete "(d)" and substitute "(f)"

AND

Page 3, line 7, delete "(e)" and substitute "(g)"

/s/ Jim Lendall

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

/s/ Ms. Jo Renshaw
Chief Clerk

Morning Hour Expired.

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

ARKANSAS SENATE

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"

/s/ Jim Argue

The Amendment was read and the vote was as follows:

AFFIRMATIVE: Agee, Anderson, Biggs, Blair, Bledsoe, Bond, P. Bookout, Borhauer, Bradford, Bright, Chesterfield, Childers, Clemons, [Cowling], Dangeau, Dees, Dickinson, Dobbins, Eason, Edwards, Elliott, D. Evans, L. Evans, Ferguson, Gipson, Goss, Green, Haak, Hardwick, Harris, Jackson, Jeffrey, C. Johnson, J. Johnson, Jones, Judy, Kenney, Key, [King], Lamoureux, Ledbetter, Lendall, Lewellen, Mahony, Martin, Matayo, Mathis, Medley, Moore, Napper, Nichols, Pace, S. Prater, Pritchard, [Roebuck], Rosenbaum, R. Smith, Sullivan, Sumpter, C. Taylor, Thomas, Thyer, Walters, White, Wood.

Total65

NEGATIVE: Adams, Bennett, Berry, Bolin, Boyd, Creekmore, [Fite], Gillespie, Hathorn, Hickinbotham, House, Mack, Milligan, [Norton], Oglesby, Ormond, Parks, Pate, Penix, [Petrus], Rankin, Scrimshire, Scroggin, Seawel, Stovall, J. Taylor, Thomason, Verkamp, Weaver.

Total29

ABSENT OR NOT VOTING: Hutchinson, Jacobs, L. Prater, Schulte, Mr. Speaker.

Total5

VOTING PRESENT: Pickett.

Total1

Total number of votes cast95

Total number voting in the affirmative65

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

So the Amendment was concurred in.

/s/ Ms. Jo Renshaw
Chief Clerk

Upon motion of Representative Bond the Clincher motion prevailed.

PAIR VOTE
ON
HOUSE BILL NO. 1109
AMENDMENT NO. 1

AYE: REPRESENTATIVE TOMMY ROEBUCK
NAY: REPRESENTATIVE JAMES NORTON
WITNESS: REPRESENTATIVE SANDRA PRATER

This pair form was signed by Representative Tommy Roebuck and Representative James Norton in the presence of each other and witnessed by Representative Sandra Prater.

Total number of votes cast.....95
Necessary to concur in the amendment.....51
Total number voting in the affirmative65
Total number voting in the negative29
Total number absent or not voting.....5
Total number voting present1

So the Amendment was concurred in.

PAIR VOTE
ON
HOUSE BILL NO. 1109
AMENDMENT NO. 1

AYE: REPRESENTATIVE KEN COWLING
NAY: REPRESENTATIVE BENNY C. PETRUS
WITNESS: REPRESENTATIVE JEFF WOOD

This pair form was signed by Representative Ken Cowling and Representative Benny C. Petrus in the presence of each other and witnessed by Representative Jeff Wood.

Total number of votes cast 95

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

Total number voting in the affirmative 65

Total number voting in the negative 29

Total number absent or not voting..... 5

Total number voting present..... 1

So the Amendment was concurred in.

PAIR VOTE
ON
HOUSE BILL NO. 1109
AMENDMENT NO. 1

AYE: REPRESENTATIVE BARBARA KING
NAY: REPRESENTATIVE DWIGHT FITE
WITNESS: REPRESENTATIVE SCOTT SULLIVAN

This pair form was signed by Representative Barbara King and Representative Dwight Fite in the presence of each other and witnessed by Representative Scott Sullivan.

Total number of votes cast.....95

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

Total number voting in the affirmative65

Total number voting in the negative29

Total number absent or not voting.....5

Total number voting present1

So the Amendment was concurred in.

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

ARKANSAS SENATE

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"

/s/ Steve Bryles

The Amendment was read and the vote was as follows:

AFFIRMATIVE: Agee, Anderson, Biggs, Blair, Bledsoe, Bond, P. Bookout, Borhauer, Boyd, Bradford, Bright, Chesterfield, Childers, Clemons, [Cowling], Creekmore, Dangeau, Dees, Dickinson, Dobbins, Eason, Edwards, Elliott, D. Evans, L. Evans, Ferguson, Gillespie, Gipson, Goss, Green, Haak, Hardwick, Harris, Hickinbotham, 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, Pace, Parks, Pate, S. Prater, Pritchard, Rosenbaum, Seawel, R. Smith, Sullivan, Sumpter, C. Taylor, Thomas, Thomason, Thyer, Walters, Weaver, White, Wood.

Total77

NEGATIVE: Berry, [Fite], Hathorn, Norton, Oglesby, Ormond, Penix, [Petrus], Rankin, Scrimshire, Stovall, J. Taylor, Verkamp.

Total13

ABSENT OR NOT VOTING: Bolin, House, L. Prater, Roebuck, Schulte, Scroggin, Mr. Speaker.

Total7

VOTING PRESENT: Adams, Bennett, Pickett.

Total3

Total number of votes cast93

Total number voting in the affirmative77

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

So the Amendment was concurred in.

/s/ Ms. Jo Renshaw

Chief Clerk

PAIR VOTE
ON
HOUSE BILL NO. 1109
AMENDMENT NO. 2

AYE: REPRESENTATIVE KEN COWLING
NAY: REPRESENTATIVE BENNY C. PETRUS
WITNESS: REPRESENTATIVE JEFF WOOD

This pair form was signed by Representative Ken Cowling and Representative Benny C. Petrus in the presence of each other and witnessed by Representative Jeff Wood.

Total number of votes cast.....	93
Necessary to concur in the amendment.....	51
Total number voting in the affirmative	77
Total number voting in the negative	13
Total number absent or not voting.....	7
Total number voting present	3

So the Amendment was concurred in.

PAIR VOTE
ON
HOUSE BILL NO. 1109
AMENDMENT NO. 2

AYE: REPRESENTATIVE BARBARA KING
NAY: REPRESENTATIVE DWIGHT FITE
WITNESS: REPRESENTATIVE SCOTT SULLIVAN

This pair form was signed by Representative Barbara King and Representative Dwight Fite in the presence of each other and witnessed by Representative Scott Sullivan.

Total number of votes cast 93

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

Total number voting in the affirmative 77

Total number voting in the negative 13

Total number absent or not voting..... 7

Total number voting present..... 3

So the Amendment was concurred in.

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

ARKANSAS SENATE

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."

/s/ Steve Bryles

The Amendment was read and the vote was as follows:

AFFIRMATIVE: Agee, Anderson, Biggs, Blair, Bond, P. Bookout, Borhauer, Bradford, Bright, Chesterfield, Childers, Clemons, [Cowling], Creekmore, Dangeau, Dees, Dobbins, Eason, Edwards, Elliott, D. Evans, L. Evans, Ferguson, Gillespie, Gipson, Goss, Green, Hardwick, Harris, House, Hutchinson, Jacobs, C. Johnson, J. Johnson, Jones, Judy, Kenney, Key, [King], Lamoureux, Ledbetter, Lendall, Lewellen, Mack, Mahony, Martin, Matayo, Mathis, Medley, Milligan, Moore, Napper, Nichols, Ormond, Pace, Parks, S. Prater, Pritchard, Rosenbaum, Seawel, R. Smith, Sullivan, C. Taylor, Thomas, Thyer, Walters, White, Wood.

Total68

NEGATIVE: Adams, Berry, Bledsoe, Bolin, Boyd, Dickinson, [Fite], Haak, Hathorn, Hickinbotham, Jackson, Jeffrey, Norton, Oglesby, Pate, Penix, [Petrus], Rankin, Scrimshire, Scroggin, Stovall, Sumpter, J. Taylor, Thomason, Verkamp.

Total25

ABSENT OR NOT VOTING: L. Prater, Roebuck, Schulte, Mr. Speaker.

Total4

VOTING PRESENT: Bennett, Pickett, Weaver.

Total3

Total number of votes cast.....96

Total number voting in the affirmative68

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

So the Amendment was concurred in.

/s/ Ms. Jo Renshaw

Chief Clerk

PAIR VOTE
ON
HOUSE BILL NO. 1109
AMENDMENT NO. 3

AYE: **REPRESENTATIVE BARBARA KING**
NAY: **REPRESENTATIVE DWIGHT FITE**
WITNESS: **REPRESENTATIVE SCOTT SULLIVAN**

This pair form was signed by Representative Barbara King and Representative Dwight Fite in the presence of each other and witnessed by Representative Scott Sullivan.

Total number of votes cast 96

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

Total number voting in the affirmative 68

Total number voting in the negative 25

Total number absent or not voting..... 4

Total number voting present..... 3

So the Amendment was concurred in.

PAIR VOTE
ON
HOUSE BILL NO. 1109
AMENDMENT NO. 3

AYE: REPRESENTATIVE KEN COWLING
NAY: REPRESENTATIVE BENNY C. PETRUS
WITNESS: REPRESENTATIVE JEFF WOOD

This pair form was signed by Representative Ken Cowling and Representative Benny C. Petrus in the presence of each other and witnessed by Representative Jeff Wood.

Total number of votes cast.....96

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

Total number voting in the affirmative68

Total number voting in the negative25

Total number absent or not voting.....4

Total number voting present3

So the Amendment was concurred in.

Representative Bond moved that the House concur in the following Senate Amendment.

ARKANSAS SENATE

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."

/s/ Steve Bryles

The Amendment was read and the vote was as follows:

AFFIRMATIVE: Agee, Anderson, Bennett, Biggs, Blair, Bledsoe, Bond, P. Bookout, Borhauer, Boyd, Bradford, Bright, Chesterfield, Childers, Clemons, [Cowling], Creekmore, Dangeau, Dees, Dobbins, Eason, Edwards, Elliott, D. Evans, L. Evans, Ferguson, Gillespie, Gipson, Goss, Green, Haak, Hardwick, Harris, House, Hutchinson, Jackson, Jacobs, C. Johnson, J. Johnson, Jones, Judy, Kenney, Key, [King], Lamoureux, Ledbetter, Lendall, Mahony, Martin, Matayo, Mathis, Medley, Milligan, Moore, Napper, Nichols, Pace, Pate, Penix, S. Prater, Pritchard, Rosenbaum, Seawel, R. Smith, Sullivan, Sumpter, C. Taylor, Thomas, Thomason, Thyer, Walters, White, Wood.

Total73

NEGATIVE: Adams, Berry, Bolin, Dickinson, [Fite], Hathorn, Hickinbotham, Jeffrey, Lewellen, Mack, Norton, Oglesby, Ormond, [Petrus], Rankin, Scrimshire, Scroggin, Stovall, J. Taylor, Verkamp.

Total20

ABSENT OR NOT VOTING: Parks, L. Prater, Roebuck, Schulte, Mr. Speaker.

Total5

VOTING PRESENT: Pickett, Weaver.

Total2

Total number of votes cast.....95

Total number voting in the affirmative73

Necessary to concur in the amendment.....51

So the Amendment was concurred in.

/s/ Ms. Jo Renshaw
Chief Clerk

PAIR VOTE
ON
HOUSE BILL NO. 1109
AMENDMENT NO. 4

AYE: REPRESENTATIVE KEN COWLING
NAY: REPRESENTATIVE BENNY C. PETRUS
WITNESS: REPRESENTATIVE JEFF WOOD

This pair form was signed by Representative Ken Cowling and Representative Benny C. Petrus in the presence of each other and witnessed by Representative Jeff Wood.

Total number of votes cast..... 95

Necessary to concur in the amendment..... 51

Total number voting in the affirmative 73

Total number voting in the negative 20

Total number absent or not voting..... 5

Total number voting present..... 2

So the Amendment was concurred in.

PAIR VOTE
ON
HOUSE BILL NO. 1109
AMENDMENT NO. 4

AYE: REPRESENTATIVE BARBARA KING
NAY: REPRESENTATIVE DWIGHT FITE
WITNESS: REPRESENTATIVE SCOTT SULLIVAN

This pair form was signed by Representative Barbara King and Representative Dwight Fite in the presence of each other and witnessed by Representative Scott Sullivan.

Total number of votes cast.....95
Necessary to concur in the amendment.....51
Total number voting in the affirmative73
Total number voting in the negative20
Total number absent or not voting.....5
Total number voting present2

So the Amendment was concurred in.

The House recessed for 5 minutes at 10:45 a.m.

The House reconvened at 10:51 a.m.

HOUSE BILL NO. 1114

BY: REPRESENTATIVE CHESTERFIELD

Was read the third time and placed on final passage, the question being shall the Bill pass. The vote was as follows:

AFFIRMATIVE: Adams, Agee, Anderson, Bennett, Berry, Biggs, Blair, Bledsoe, Bolin, Bond, P. Bookout, Borhauer, Boyd, Bradford, Bright, Chesterfield, Clemons, Creekmore, Dangeau, Dees, Dickinson, Dobbins, Eason, Edwards, Elliott, D. Evans, L. Evans, Ferguson, Fite, Gillespie, Gipson, Goss, Green, Haak, Hardwick, Harris, Hathorn, Hickinbotham, House, Hutchinson, Jackson, Jacobs, Jeffrey, C. Johnson, J. Johnson, Jones, Judy, Kenney, Key, Lamoureux, Ledbetter, Lendall, Mack, Mahony, Martin, Matayo, Mathis, Medley, Milligan, Moore, Napper, Nichols, Norton, Oglesby, Ormond, Pate, Pickett, S. Prater, Pritchard, Rankin, Rosenbaum, Scrimshire, Scroggin, Seawel, R. Smith, Stovall, Sullivan, Sumpter, C. Taylor, J. Taylor, Thomas, Thomason, Verkamp, Walters, Weaver, White, Wood, Mr. Speaker.

Total88

NEGATIVE: Pace, Penix.

Total2

ABSENT OR NOT VOTING: Childers, Cowling, King, Lewellen, Parks, Petrus, L. Prater, Roebuck, Schulte, Thyer.

Total10

VOTING PRESENT:

Total0

Total number of votes cast.....90

Total number voting in the affirmative88

Necessary to the passage of the bill51

So the Bill passed and the title as read was agreed to.

HOUSE BILL NO. 1040

BY: REPRESENTATIVE ELLIOTT

Was read the third time and placed on final passage, the question being shall the Bill pass. The vote was as follows:

AFFIRMATIVE: Biggs, Blair, Bolin, Bond, P. Bookout, Borhauer, Boyd, Bradford, Chesterfield, Clemons, Dangeau, Dees, Dickinson, Dobbins, Eason, Edwards, Elliott, D. Evans, L. Evans, Fite, Goss, Green, Hathorn, House, Jackson, Jacobs, C. Johnson, J. Johnson, Jones, Judy, Ledbetter, Lendall, Lewellen, Mahony, Martin, Mathis, Medley, Moore, Oglesby, Penix, Pickett, S. Prater, Seawel, Sumpster, Thomas, Walters, White, Wood.

Total48

NEGATIVE: Adams, Agee, Anderson, Bennett, Berry, Bledsoe, Childers, Creekmore, Gillespie, Gipson, Hardwick, Harris, Hickinbotham, Jeffrey, Kenney, Mack, Nichols, Norton, Ormond, Pace, Parks, Pate, Petrus, Pritchard, Rosenbaum, Scrimshire, Scroggin, Stovall, Sullivan, C. Taylor, J. Taylor, Thomason, Verkamp.

Total33

ABSENT OR NOT VOTING: Cowling, Ferguson, Haak, Hutchinson, King, Lamoureux, Napper, L. Prater, Rankin, Roebuck, Schulte, R. Smith, Thyer, Weaver, Mr. Speaker.

Total15

VOTING PRESENT: Bright, Key, Matayo, Milligan.

Total4

Total number of votes cast85

Total number voting in the affirmative48

Necessary to the passage of the bill51

So the Bill failed.

HOUSE BILL NO. 1066

BY: REPRESENTATIVE SUMPTER

Was read the third time and placed on final passage, the question being shall the Bill pass. The vote was as follows:

AFFIRMATIVE: Anderson, Blair, Bledsoe, Bolin, Bond, P. Bookout, Borhauer, Boyd, Bradford, Bright, Chesterfield, Childers, Clemons, Creekmore, Dangeau, Dees, Dickinson, Dobbins, Eason, Edwards, Elliott, D. Evans, L. Evans, Ferguson, Fite, Gillespie, Gipson, Goss, Green, Haak, Hardwick, Harris, Hathorn, House, Hutchinson, Jackson, Jacobs, Jeffrey, C. Johnson, J. Johnson, Jones, Judy, Key, Ledbetter, Lendall, Lewellen, Mack, Mahony, Martin, Matayo, Mathis, Moore, Napper, Norton, Oglesby, Pate, Penix, Petrus, Pickett, S. Prater, Pritchard, Rankin, Rosenbaum, Seawel, R. Smith, Stovall, Sullivan, Sumpter, J. Taylor, Thomas, Thomason, Thyer, Verkamp, Walters, White, Wood.

Total76

NEGATIVE: Adams, Agee, Bennett, Berry, Hickinbotham, Lamoureux, Medley, Pace, Scrimshire, C. Taylor, Weaver.

Total11

ABSENT OR NOT VOTING: Biggs, Cowling, King, Nichols, Ormond, Parks, L. Prater, Roebuck, Schulte, Scroggin, Mr. Speaker.

Total11

VOTING PRESENT: Kenney, Milligan.

Total2

Total number of votes cast89

Total number voting in the affirmative76

Necessary to the passage of the bill51

So the Bill passed and the title as read was agreed to.

Upon motion of Representative Sumpter the Clincher motion prevailed.

Upon motion of Representative Weaver the rules were suspended. Considered in the Committee of the Whole. Returned with the recommendation that it "DO PASS".

HOUSE BILL NO. 1135

BY: JOINT BUDGET COMMITTEE

Was read the third time and placed on final passage, the question being shall the Bill pass. The vote was as follows:

AFFIRMATIVE: Adams, Bennett, Berry, Biggs, Blair, Bledsoe, Bolin, P. Bookout, Boyd, Bradford, Bright, Chesterfield, Clemons, Dangeau, Dees, Dickinson, Dobbins, Eason, Edwards, Elliott, D. Evans, L. Evans, Ferguson, Fite, Gillespie, Gipson, Goss, Haak, Hathorn, Hickinbotham, Hutchinson, Jackson, Jacobs, Jeffrey, C. Johnson, J. Johnson, Jones, Judy, Ledbetter, Lendall, Lewellen, Mack, Mahony, Martin, Mathis, Milligan, Moore, Napper, Oglesby, Ormond, Pace, Pate, Petrus, S. Prater, Pritchard, Rankin, Scrimshire, Seawel, R. Smith, Stovall, Sullivan, Sumpter, C. Taylor, J. Taylor, Thomas, Thomason, Verkamp, Walters, Weaver, Wood, Mr. Speaker.

Total71

NEGATIVE: Agee, Borhauer, Green, Key, Lamoureux, Medley, Parks, Penix.

Total8

ABSENT OR NOT VOTING: Anderson, Bond, Childers, Cowling, Creekmore, Hardwick, Harris, House, Kenney, King, Nichols, Pickett, L. Prater, Roebuck, Rosenbaum, Schulte, Scroggin, Thyer, White.

Total19

VOTING PRESENT: Matayo, Norton.

Total2

Total number of votes cast81

Total number voting in the affirmative71

Necessary to the passage of the bill75

So the Bill failed.

The House stood in recess at 11:24 a.m. until 2:00 p.m.

HOUSE BILLS ORDERED TRANSMITTED TO THE SENATE AS PASSED

HOUSE BILL NO. 1066 BY REPRESENTATIVE SUMPTER
HOUSE BILL NO. 1114 BY REPRESENTATIVE CHESTERFIELD

ENROLLED AND DELIVERY TO GOVERNOR REPORTS

Little Rock, Arkansas
January 23, 2004

MR. SPEAKER:

We, your committee on Enrolled Bills, to whom was referred the following:

HOUSE BILL NO. 1109 BY REPRESENTATIVE BOND, ET AL

beg leave to report that we have carefully compared the enrolled copies with the original and we find the same correctly enrolled and have at 11:15 a.m. delivered them to the Governor for his approval.

Respectfully submitted,

/s/ Herschel W. Cleveland
Chairman

RECEIPT FROM THE GOVERNOR

RECEIVED FROM THE HOUSE:

HOUSE BILL NO. 1109 BY REPRESENTATIVE BOND, ET AL

/s/ Mike Huckabee - Governor

TIME: 11:15 a.m.

By: Stacy DeJarnett

The House reconvened at 2:11 p.m.

HOUSE BILL NO. 1147

BY: REPRESENTATIVE ROSENBAUM

A BILL FOR AN ACT TO BE ENTITLED THE SAFE SCHOOLS ACT OF 2004; AN ACT CONCERNING SUSPENSION OR EXPULSION OF A STUDENT FOR MISCONDUCT; AND FOR OTHER PURPOSES.

Was read the first time, rules suspended, read the second time, and referred to the Committee on EDUCATION.

HOUSE BILL NO. 1148

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.

Was read the first time, rules suspended, read the second time, and referred to the Committee on JOINT BUDGET.

Upon motion of Representative Gillespie, the House adjourned at 2:12 p.m. until 1:30 p.m. Monday, January 26, 2004.

ATTEST:

 Herschel W. Cleveland
 Speaker of the House of Representatives

 Jo Renshaw
 Chief Clerk

FIFTIETH DAY'S PROCEEDINGS
HALL OF THE HOUSE OF REPRESENTATIVES

Little Rock, Arkansas

January 26, 2004

The House was called to order at 1:33 p.m. by Mr. Cleveland, the Speaker.
The following members answered to the roll call:

Adams, Agee, Berry, Biggs, Blair, Bledsoe, Bolin, Bond, Bookout, Borhauer, Boyd, Bradford, Bright, Chesterfield, Childers, Clemons, Cowling, Creekmore, Dangeau, Dees, Dickinson, Dobbins, Eason, Edwards, Elliott, D.Evans, L. Evans, Ferguson, Fite, Gillespie, Gipson, Goss, Green, Haak, Hardwick, Harris, Hathorn, Hickinbotham, House, Hutchinson, Jackson, Jacobs, Jeffrey, C.Johnson, J. Johnson, Jones, Judy, Key, King, Lamoureux, Ledbetter, Lendall, Lewellen, Mack, Mahony, Martin, Matayo, Mathis, Medley, Milligan, Moore, Napper, Nichols, Norton, Oglesby, Ormond, Pace, Parks, Pate, Penix, Petrus, Pickett, S. Prater, Pritchard, Rankin, Roebuck, Rosenbaum, Schulte, Scrimshire, Scroggin, Seawel, Smith, Stovall, Sullivan, Sumpter, C.Taylor, J.Taylor, Thomas, Thomason, Thyer, Verkamp, Walters, Weaver, White, Wood, Mr. Speaker.

Total96

The following member(s) was absent and did not answer to the roll call:
Anderson, Bennett, Kenney, L. Prater.

Total4

A quorum was present.

Unanimous leave was granted for Representative(s) Anderson, Bennett, Kenney, L. Prater.

The House stood and was led in prayer by Representative Ken Cowling.

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

EDUCATION	January 26, 2004
	CALVIN JOHNSON
	CHAIRPERSON
HOUSE BILL NO. 1056	DO PASS
BY REPRESENTATIVE C. JOHNSON	AS AMENDED #2
HOUSE BILL NO. 1080	DO PASS
BY REPRESENTATIVE C. JOHNSON	AS AMENDED #1
SENATE BILL NO. 34	DO PASS
BY SENATOR BROADWAY	

Upon motion of Representative Walters, **HOUSE BILL NO. 1140** was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 1 TO HOUSE BILL NO. 1140

Amend **HOUSE BILL NO. 1140** as originally introduced:

Page 2, delete line 34, and substitute:

"of a fraudulent act, only after an opportunity for a hearing before the state board upon reasonable notice in writing."

AND

Page 3, delete line 17, and substitute the following:

"the school district, but only after an opportunity for a hearing before the state board upon reasonable notice in writing."

(g)(1) The State Board of Education shall be entitled to consider:

(A) The age of the fiscal officer at the time the criminal act occurred;

(B) The length of time since the conviction;

(C) Whether the fiscal officer has pleaded guilty, nolo contendere, or has been found guilty of to any other criminal violation since the original conviction;

(D) Whether the original conviction was expunged or pardoned;

and

(E) Any other relevant facts.

(2) The state board after conducting a hearing and issuing a decision in writing, may determine not to prevent the employment or not to require the termination of employment of the fiscal officer as required in subsection (c) and (f) of this section."

/s/ Shirley Walters

The Amendment was read and adopted by more than 51 votes.

/s/ Ms. Jo Renshaw

Chief Clerk

ENGROSSED BILL REPORTS

HERSCHEL W. CLEVELAND, CHAIRMAN

January 26, 2004

The following bill(s) reported correctly engrossed:

HOUSE BILL NO. 1140 BY REPRESENTATIVE WALTERS, ET AL

HOUSE RESOLUTION NO.1020

BY: REPRESENTATIVE JUDY

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.

THE RESOLUTION WAS READ AND ADOPTED BY MORE THAN 51 VOTES. RECEIVED UNANIMOUS SUPPORT.

HOUSE RESOLUTION NO.1019

BY: REPRESENTATIVE LEWELLEN

PROMOTING EQUAL PAY FOR EQUAL WORK AND CONDEMNING WAGE DISCRIMINATION PRACTICES.

THE RESOLUTION WAS READ AND ADOPTED BY MORE THAN 51 VOTES. RECEIVED UNANIMOUS SUPPORT.

HOUSE CONCURRENT RESOLUTION NO.1002

BY: REPRESENTATIVE MAHONY

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.

THE RESOLUTION WAS READ AND ADOPTED BY MORE THAN 51 VOTES. RECEIVED UNANIMOUS SUPPORT.

Morning Hour Expired.

Representative Pickett moved that the House concur in the following Senate Amendment.

ARKANSAS SENATE

AMENDMENT NO. 1 TO HOUSE BILL NO. 1009

Amend HOUSE BILL NO. 1009 as engrossed, H1/5/04

(version: 01-05-2004 09:45):

Page 1, delete lines 9 through 12 and substitute:

"AN ACT TO CREATE THE DIVISION OF PUBLIC SCHOOL ACCOUNTABILITY AND THE DIVISION OF PUBLIC SCHOOL ACADEMIC FACILITIES; TO REQUIRE THE REALIGNMENT OF THE DEPARTMENT OF EDUCATION; TO CHANGE THE TERM OF OFFICE OF MEMBERS OF THE STATE BOARD OF EDUCATION; AND FOR OTHER PURPOSES."

AND

Delete the subtitle in its entirety and substitute:

"AN ACT TO CREATE THE DIVISION OF PUBLIC SCHOOL ACCOUNTABILITY AND THE DIVISION OF PUBLIC SCHOOL ACADEMIC FACILITIES; TO REQUIRE THE REALIGNMENT OF THE DEPARTMENT OF EDUCATION."

AND

Delete everything following the enacting clause and substitute:

"SECTION 1. Creation of the Division of Public School Accountability.

(a)(1) To enhance the public's access to public school performance indicators and to better measure the benefits of the increasing public investment in

Arkansas' schools, the General Assembly finds that a Division of Public School Accountability shall be established under the direct operational control of the State Board of Education.

(2) The foremost obligation of the division shall be to administer all monitoring and compliance activities dealing with academic and fiscal accountability for each school or school district and report academic progress.

(b) There is created a Division of Public School Accountability, which shall begin operation within one hundred twenty (120) calendar days following the effective date of this act.

(c) The division shall be under the supervision of the state board.

(d)(1) The state board shall select an individual to serve as the Director of the Division of Public School Accountability and the director shall serve at the pleasure of the state board.

(2) The person selected as the director shall:

(A) Be a person of good moral character and qualified technically and by experience to direct the work of the Division of Accountability;

(B) Hold a master's degree or a higher level degree from an accredited institution; and

(C) Have ten (10) years of experience in an administrative, supervisory, or management position.

(3) No person who is related within the fourth degree of consanguinity or affinity to any member of the board shall be eligible to serve as the director.

(e) The director, with guidance and approval from the state board, shall be responsible for hiring all employees of the division.

(f) The division shall have the following responsibilities:

(1) Monitor schools for compliance with state and federal regulations;

(2) Monitor schools for compliance with legislative acts and court-ordered mandates;

(3) Monitor schools for compliance with all standards of learning and accreditation as established by the state board;

(4) Monitor schools for compliance with all rules and regulations as established by the state board;

(5) Coordinate the analysis, dissemination, and reporting of all criterion and norm-referenced testing information;

(6) Coordinate the implementation and administration of longitudinal tracking and trend data collection as established by the state board for the purposes of improving student and school performance, ensuring mastery of the curriculum, and providing comparisons between students within Arkansas and with students in

other states;

(7) Coordinate the implementation and administration of value-added assessments as established by the state board;

(8) Coordinate the implementation and administration of the annual school performance reports as established by the state board;

(9) Administer all monitoring and compliance activities dealing with academic and fiscal accountability as established by the state board; and

(10) Work with program approval and certification sections of the Department of Education, the Department of Higher Education, the Department of Workforce Education, and the individual colleges to provide information that will contribute to reasonable, equitable, and excellent preparation of certified personnel in the institutions, both public and private, of higher education.

(g)(1) The division shall provide annual reports of school performance or compliance to the Joint Interim Oversight Committee on Education Reform, the House Interim Committee on Education, and the Senate Interim Committee on Education.

(2) A preliminary report shall be provided by January 1 of each year and a follow-up report that includes information regarding on-site visits shall be filed by June 1 of each year.

(h)(1) There is created the Arkansas Public Schools Accountability Advisory Council that shall begin operation within one hundred twenty (120) calendar days following the effective date of this act. The membership of the council shall include:

(A) One (1) member designated as chair to be selected by the Governor, who shall be a representative of Arkansas businesses;

(B) One (1) member selected by the Governor, who shall be a representative of an educator's union in the State of Arkansas;

(C) One (1) member selected by the Governor, who shall be a parent or guardian of at least one (1) student currently enrolled in grades kindergarten through twelve (K-12) in a public school in the State of Arkansas;

(D) One (1) member selected by the Speaker of the House of Representatives who shall be a representative of higher education;

(E) One (1) member appointed by the President Pro Tempore of the Senate who shall be a representative of Arkansas businesses;

(F) One (1) member appointed by the Chair of the Senate Committee on Education who is currently employed as a teacher in the grades kindergarten through twelve (K-12) public school system in the State of Arkansas; and

(G) One (1) member appointed by the Chair of the House

Committee on Education who shall be a representative of the administration of a public school in the State of Arkansas.

(2) The council shall provide advice and consultation services for the director.

(3) The council may be convened by the chair of the council, by the chair of the state board, or by the director.

(4) Members shall not receive compensation for service on the council but may receive expense reimbursement as provided in Arkansas Code § 25-16-902.

SECTION 2. Creation of the Division of Public School Academic Facilities.

(a) In order to ensure that substantially equal access to adequate educational facilities and educational equipment is provided for all public school students in Arkansas, the General Assembly finds that a Division of Public School Academic Facilities should be established under the direct supervision of the State Board of Education.

(b) There is created a Division of Public School Academic Facilities which shall begin operation within one hundred twenty (120) calendar days following the effective date of this act.

(c) The Division of Public School Academic Facilities shall be under the supervision of the state board.

(d)(1) The state board shall select an individual to serve as the Director of the Division of Public School Academic Facilities and the Director of the Division of Public School Academic Facilities shall serve at the pleasure of the state board.

(2) The Director of the Division of Public School Academic Facilities shall be an architect that is licensed by the State of Arkansas.

(3) No person who is related within the fourth degree of consanguinity or affinity to any member of the board shall be eligible to serve as the director.

(e) The Director of the Division of Public School Academic Facilities, with guidance and approval from the state board, shall be responsible for hiring all employees of the division.

(f) The Executive Chief Information Officer shall assign one (1) individual from the staff of the Office of Information Technology to serve as a technology liaison to the Division of Public School Academic Facilities.

(g) The Director of the Arkansas Building Authority shall assign one (1) individual from the staff of the Arkansas Building Authority to serve as a physical plant liaison to the Director of the Public School Academic Facilities.

(h) The Division of Public School Academic Facilities shall:

(1) Provide information or assistance to the Joint Committee on

Educational Facilities created by Act 1181 of 2003 as requested by the joint committee;

(2) Use any recommendation or assessments of the joint committee or the General Assembly as a basis for establishing the policies and procedures of the Division of Public School Academic Facilities; and

(3) Provide assistance, as requested, to the Joint Committee on Educational Facilities in conducting an assessment of all school facilities in the state and continue to update and maintain current assessments of all school facilities after the expiration of the joint committee on December 31, 2004.

(i)(1) The Director of the Division of Public School Academic Facilities shall create and implement a standardized reporting format and select the method to be utilized by school districts in the preparation and submission of the list to the Division of Public School Academic Facilities.

(2) The data gathered from the reports generated by the school districts shall be presented to the state board for compilation into an annual report to the Governor and the House Interim Committee on Education and the Senate Interim Committee on Education on the facility needs in the state.

(3) The Division of Public School Academic Facilities shall conduct any reviews, site visits, and other research during the year to assist in preparation of the annual report.

(j)(1) The Director of the Division of Public School Academic Facilities shall provide to the Governor and the House Interim Committee on Education and the Senate Interim Committee on Education reports on the status of public school academic facilities including the facility and technology needs and priorities for each category.

(2) A preliminary report shall be provided by January 1 each year and a follow-up report that includes information regarding on-site visits shall be filed by June 1 each year.

(k)(1)(A) No later than September 30 of each even-numbered year of the biennium, the Division of Public School Academic Facilities shall present to the state board the list of public school facility repairs, improvements, and construction along with technology improvements that the Division of Public School Academic Facilities recommends for the next biennium.

(B) Copies of the list shall be provided to the Governor and the House Interim Committee on Education and the Senate Interim Committee on Education.

(2) The state board shall prioritize funding for public school facility repairs, improvements, and construction along with technology improvements based

on the recommendations of the Division of Public School Academic Facilities.

(l) The state board and the Division of Public School Academic Facilities shall develop, by rule and regulation, the process for developing the list of public school facility repairs, improvements, and construction along with technology improvements necessary under this act.

SECTION 3. REALIGNMENT OF THE DEPARTMENT OF EDUCATION. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL, AND TEMPORARY LAW.

(a)(1) Following the implementation of this act, the Department of Education shall realign.

(2) The purpose of the realignment shall be for the department and the Division of Public School Accountability and the Division of Public School Academic Facilities to maximize their role as the active senior partners with the schools and to prepare to intervene immediately rather than after the school or school district fails.

(3)(A) To realign, the department shall form a taskforce consisting of the Director of the Division of Public School Accountability, the Director of the Division of Public School Academic Facilities, key department personnel, school district personnel, teachers, and other stakeholders to conduct a study of the department's and the divisions' delivery system and to make recommendations for the department's realignment.

(B) As part of the study, the taskforce shall:

(i) Review the functions, and responsibilities of the department, the Division of Public School Accountability, and the Division of Public School Academic Facilities to align the personnel according to these functions and responsibilities to ensure each employee is qualified and capable of performing his or her duties according to the functions and responsibilities as defined by the taskforce; and

(ii)(a) Conduct a comprehensive review of the salaries of individuals necessary to fulfill the department's functions as defined by the taskforce, responsibilities, and constitutional mission of the state.

(b) This study shall include a review of equity adjustments necessary to recognize differences in responsibility, performance, or seniority.

(C) Qualifications and salary levels of the department's staff shall be comparable to those of similar employees in school districts or in other state education agencies.

(b) Following the work of the taskforce under this section, the department shall present proposed changes in staff grades and salaries to the Joint Budget

Committee at the earliest opportunity for the purpose of preparing suggested legislation to be approved by the General Assembly.

(c) The Director of the Department of Education may transfer any unclassified position to the Division of Public School Accountability or the Division of Public School Academic Facilities if the director of the division agrees that the position is an appropriate position to be in the division and approves the transfer.

(d) The restructuring of the department shall be conducted in a manner that will provide sufficient personnel within the department to provide administrative and technological support to the Division of Public School Accountability and the Division of Public School Academic Facilities at a level that is sufficient for the divisions to carry out the duties set forth in this act.

(e) In the restructuring of the department the director may require the department, the Division of Public School Academic Facilities, and the Division of Public School Accountability to coordinate and share certain administrative, custodial, legal, internal finance, and other necessary personnel to effectuate the daily operations of those divisions and the department.

SECTION 4. Arkansas Code § 6-11-101(b), concerning the term of office of State Board of Education members, is amended as follows:

(b)(1) The term of office of a member of the board, appointed prior to the effective date of subdivision (b)(2) 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."

/s/ Jim Argue

The Amendment was read and the vote was as follows:

AFFIRMATIVE: Agee, Biggs, Bledsoe, Bond, P. Bookout, Borhauer, Bradford, Bright, Childers, Clemons, Dees, Eason, Elliott, Gipson, Green, Hardwick, C. Johnson, J. Johnson, Jones, Judy, King, Lamoureux, Ledbetter, Lendall, Mack, Mahony, Martin, Mathis, Medley, Moore, Napper, Ormond, Pace, Penix, Pickett, Pritchard, Roebuck, Rosenbaum, Schulte, Seawel, C. Taylor, Thomas, Walters, White, Wood.

Total45

NEGATIVE: Adams, Berry, Blair, Bolin, Boyd, Cowling, Dangeau, Dickinson, Dobbins, D. Evans, L. Evans, Fite, Gillespie, Haak, Hathorn, Hickinbotham, House, Jackson, Jacobs, Jeffrey, Key, Milligan, Norton, Oglesby, Parks, Pate, Petrus, Scrimshire, Scroggin, R. Smith, Stovall, Sullivan, Sumpster, J. Taylor, Thomason, Thyer, Verkamp, Weaver.

Total38

ABSENT OR NOT VOTING: Anderson, Bennett, Creekmore, Edwards, Ferguson, Goss, Harris, Hutchinson, Kenney, Matayo, Nichols, L. Prater, S. Prater, Rankin, Mr. Speaker.

Total15

VOTING PRESENT: Chesterfield, Lewellen.

Total2

Total number of votes cast.....85

Total number voting in the affirmative45

Necessary to concur in the amendment.....51

So the Amendment was not concurred in.

/s/ Ms. Jo Renshaw

Chief Clerk

HOUSE BILL NO. 1141

BY: REPRESENTATIVE MAHONY

Was read the third time and placed on final passage, the question being shall the Bill pass. The vote was as follows:

AFFIRMATIVE: Adams, Agee, Berry, Biggs, Blair, Bledsoe, Bolin, Bond, P. Bookout, Borhauer, Boyd, Bradford, Bright, Chesterfield, Childers, Clemons, Dangeau, Dees, Dickinson, Dobbins, Eason, Edwards, Elliott, D. Evans, L. Evans, Ferguson, Fite, Gillespie, Gipson, Goss, Green, Haak, Hathorn, Hickinbotham, House, Jackson, Jacobs, C. Johnson, J. Johnson, Jones, Judy, Key, King, Lamoureux, Ledbetter, Lendall, Lewellen, Mack, Mahony, Martin, Matayo, Mathis, Medley, Milligan, Napper, Nichols, Norton, Oglesby, Pace, Pate, Pickett, S. Prater, Pritchard, Roebuck, Schulte, Scrimshire, Seawel, R. Smith, Sullivan, Sumpter, C. Taylor, Thomason, Thyer, Walters, Weaver, White, Wood.

Total77

NEGATIVE: Creekmore, Harris, Jeffrey, Ormond, Penix, Stovall, Verkamp.

Total7

ABSENT OR NOT VOTING: Anderson, Bennett, Cowling, Hardwick, Hutchinson, Kenney, Moore, Parks, Petrus, L. Prater, Rankin, Rosenbaum, Scroggin, J. Taylor, Thomas, Mr. Speaker.

Total16

VOTING PRESENT:

Total0

Total number of votes cast.....84

Total number voting in the affirmative77

Necessary to the passage of the bill51

So the Bill passed and the title as read was agreed to.

HOUSE BILL NO. 1122

BY: REPRESENTATIVE GILLESPIE

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, Berry, Biggs, Blair, Bledsoe, Bolin, Bond, P. Bookout, Boyd, Bradford, Bright, Chesterfield, Childers, Clemons, Cowling, Dangeau, Dickinson, Dobbins, Eason, Edwards, Elliott, D. Evans, L. Evans, Ferguson, Fite, Gillespie, Gipson, Goss, Green, Haak, Hardwick, Hathorn, Hickinbotham, House, Jackson, Jacobs, Jeffrey, C. Johnson, J. Johnson, Jones, Judy, Key, King, Ledbetter, Lendall, Lewellen, Mack, Mahony, Martin, Matayo, Mathis, Milligan, Moore, Napper, Nichols, Norton, Oglesby, Ormond, Parks, Pate, Penix, Petrus, Pickett, S. Prater, Pritchard, Rankin, Roebuck, Rosenbaum, Schulte, Scrimshire, Scroggin, Seawel, R. Smith, Stovall, Sullivan, Sumpter, C. Taylor, J. Taylor, Thomason, Thyer, Verkamp, Walters, Weaver, White, Wood.

Total86

NEGATIVE: Borhauer, Pace.

Total2

ABSENT OR NOT VOTING: Anderson, Bennett, Creekmore, Dees, Harris, Hutchinson, Kenney, Lamoureux, Medley, L. Prater, Thomas, Mr. Speaker.

Total12

VOTING PRESENT:

Total0

Total number of votes cast88

Total number voting in the affirmative86

Necessary to the passage of the bill51

So the Bill passed and the title as read was agreed to.

There being an Emergency Clause attached to **HOUSE BILL NO. 1122**, 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, Berry, Biggs, Blair, Bledsoe, Bolin, Bond, P. Bookout, Boyd, Bradford, Bright, Chesterfield, Childers, Clemons, Cowling, Dangeau, Dickinson, Dobbins, Eason, Edwards, Elliott, D. Evans, L. Evans, Ferguson, Fite, Gillespie, Gipson, Goss, Green, Haak, Hardwick, Hathorn, Hickinbotham, House, Jackson, Jacobs, Jeffrey, C. Johnson, J. Johnson, Jones, Judy, Key, King, Ledbetter, Lendall, Lewellen, Mack, Mahony, Martin, Matayo, Mathis, Milligan, Moore, Napper, Nichols, Norton, Oglesby, Ormond, Parks, Pate, Penix, Petrus, Pickett, S. Prater, Pritchard, Rankin, Roebuck, Rosenbaum, Schulte, Scrimshire, Scroggin, Seawel, R. Smith, Stovall, Sullivan, Sumpster, C. Taylor, J. Taylor, Thomason, Thyer, Verkamp, Walters, Weaver, White, Wood.

Total86

NEGATIVE: Borhauer, Pace.

Total2

ABSENT OR NOT VOTING: Anderson, Bennett, Creekmore, Dees, Harris, Hutchinson, Kenney, Lamoureux, Medley, L. Prater, Thomas, Mr. Speaker.

Total12

VOTING PRESENT:

Total0

Total number of votes cast88

Total number voting in the affirmative86

Necessary to the adoption of the emergency clause.....67

So the Emergency Clause was adopted.

HOUSE BILL NO. 1132

BY: REPRESENTATIVE MAHONY

Was read the third time and placed on final passage, the question being shall the Bill pass. The vote was as follows:

AFFIRMATIVE: Adams, Agee, Berry, Biggs, Blair, Bledsoe, Bond, P. Bookout, Borhauer, Boyd, Bradford, Bright, Chesterfield, Childers, Clemons, Cowling, Creekmore, Dangeau, Dees, Dickinson, Dobbins, Eason, Edwards, Elliott, D. Evans, L. Evans, Fite, Gillespie, Gipson, Goss, Green, Haak, Hardwick, Hathorn, Hickinbotham, House, Jackson, Jacobs, Jeffrey, C. Johnson, J. Johnson, Jones, Judy, Key, King, Lamoureux, Ledbetter, Lendall, Lewellen, Mack, Mahony, Martin, Matayo, Mathis, Milligan, Moore, Napper, Nichols, Norton, Oglesby, Ormond, Parks, Pate, Penix, Petrus, Pickett, S. Prater, Pritchard, Rankin, Roebuck, Rosenbaum, Schulte, Scrimshire, Seawel, R. Smith, Stovall, Sullivan, Sumpter, C. Taylor, J. Taylor, Thomason, Thyer, Verkamp, Walters, Weaver, White, Wood.

Total87

NEGATIVE: Bolin.

Total1

ABSENT OR NOT VOTING: Anderson, Bennett, Ferguson, Harris, Hutchinson, Kenney, Medley, Pace, L. Prater, Scroggin, Thomas, Mr. Speaker.

Total12

VOTING PRESENT:

Total0

Total number of votes cast88

Total number voting in the affirmative87

Necessary to the passage of the bill51

So the Bill passed and the title as read was agreed to.

Upon motion of Representative Weaver the rules were suspended. Considered in the Committee of the Whole. Returned with the recommendation that it "DO PASS".

HOUSE BILL NO. 1078

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, Berry, Biggs, Blair, Bledsoe, Bolin, Bond, P. Bookout, Borhauer, Boyd, Bradford, Chesterfield, Childers, Clemons, Cowling, Creekmore, Dangeau, Dees, Dickinson, Eason, Edwards, Elliott, D. Evans, L. Evans, Fite, Gillespie, Gipson, Goss, Green, Haak, Hathorn, Hickinbotham, House, Jackson, Jacobs, Jeffrey, C. Johnson, J. Johnson, Jones, Judy, Key, King, Lamoureux, Ledbetter, Lendall, Lewellen, Mahony, Martin, Medley, Milligan, Napper, Norton, Oglesby, Ormond, Parks, Pate, Penix, Petrus, S. Prater, Pritchard, Rankin, Roebuck, Rosenbaum, Schulte, Seawel, R. Smith, Stovall, Sullivan, Sumpter, C. Taylor, J. Taylor, Thomas, Thomason, Thyer, Verkamp, Walters, Weaver, White, Wood, Mr. Speaker.

Total81

NEGATIVE:

Total0

ABSENT OR NOT VOTING: Anderson, Bennett, Bright, Dobbins, Ferguson, Hardwick, Harris, Hutchinson, Kenney, Mack, Matayo, Mathis, Moore, Nichols, Pace, Pickett, L. Prater, Scrimshire, Scroggin.

Total19

VOTING PRESENT:

Total0

Total number of votes cast81

Total number voting in the affirmative81

Necessary to the passage of the bill75

So the Bill passed and the title as read was agreed to.

There being an Emergency Clause attached to **HOUSE BILL NO. 1078**, 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, Berry, Biggs, Blair, Bledsoe, Bolin, Bond, P. Bookout, Borhauer, Boyd, Bradford, Chesterfield, Childers, Clemons, Cowling, Creekmore, Dangeau, Dees, Dickinson, Eason, Edwards, Elliott, D. Evans, L. Evans, Fite, Gillespie, Gipson, Goss, Green, Haak, Hathorn, Hickinbotham, House, Jackson, Jacobs, Jeffrey, C. Johnson, J. Johnson, Jones, Judy, Key, King, Lamoureux, Ledbetter, Lendall, Lewellen, Mahony, Martin, Medley, Milligan, Napper, Norton, Oglesby, Ormond, Parks, Pate, Penix, Petrus, S. Prater, Pritchard, Rankin, Roebuck, Rosenbaum, Schulte, Seawel, R. Smith, Stovall, Sullivan, Sumpter, C. Taylor, J. Taylor, Thomas, Thomason, Thyer, Verkamp, Walters, Weaver, White, Wood, Mr. Speaker.

Total81

NEGATIVE:

Total0

ABSENT OR NOT VOTING: Anderson, Bennett, Bright, Dobbins, Ferguson, Hardwick, Harris, Hutchinson, Kenney, Mack, Matayo, Mathis, Moore, Nichols, Pace, Pickett, L. Prater, Scrimshire, Scroggin.

Total19

VOTING PRESENT:

Total0

Total number of votes cast81

Total number voting in the affirmative81

Necessary to the adoption of the emergency clause67

So the Emergency Clause was adopted.

Upon motion of Representative Weaver the rules were suspended. Considered in the Committee of the Whole. Returned with the recommendation that it "DO PASS".

HOUSE BILL NO. 1135

BY: JOINT BUDGET COMMITTEE

Was read the third time and placed on final passage, the question being shall the Bill pass. The vote was as follows:

AFFIRMATIVE: Adams, Agee, Berry, Biggs, Blair, Bledsoe, Bolin, Bond, P. Bookout, Borhauer, Boyd, Bradford, Chesterfield, Childers, Clemons, Cowling, Dangeau, Dees, Dobbins, Eason, Edwards, Elliott, D. Evans, L. Evans, Fite, Gillespie, Gipson, Goss, Green, Hardwick, Hickinbotham, House, Jacobs, Jeffrey, C. Johnson, J. Johnson, Jones, Judy, King, Lamoureux, Ledbetter, Lendall, Lewellen, Mahony, Martin, Milligan, Moore, Napper, Oglesby, Ormond, Pate, Pickett, S. Prater, Pritchard, Roebuck, Seawel, R. Smith, Stovall, Sullivan, Sumpter, J. Taylor, Thomason, Thyer, Verkamp, Walters, Weaver, White, Wood, Mr. Speaker.

Total69

NEGATIVE: Harris, Jackson, Mathis, Medley, Penix, Rankin, Schulte, C. Taylor.

Total8

ABSENT OR NOT VOTING: Anderson, Bennett, Bright, Creekmore, Dickinson, Ferguson, Haak, Hathorn, Hutchinson, Kenney, Key, Mack, Matayo, Nichols, Norton, Pace, Parks, Petrus, L. Prater, Rosenbaum, Scroggin, Thomas.

Total22

VOTING PRESENT: Scrimshire.

Total1

Total number of votes cast78

Total number voting in the affirmative69

Necessary to the passage of the bill75

So the Bill failed.

Upon motion of Representative Weaver the rules were suspended. Considered in the Committee of the Whole. Returned with the recommendation that it "DO PASS".

HOUSE BILL NO. 1142

BY: JOINT BUDGET COMMITTEE

Was read the third time and placed on final passage, the question being shall the Bill pass and shall the Emergency Clause be adopted. The vote was as follows:

AFFIRMATIVE: Agee, Biggs, Blair, Bolin, Bond, P. Bookout, Borhauer, Boyd, Bradford, Chesterfield, Childers, Clemons, Cowling, Creekmore, Dangeau, Dees, Dickinson, Dobbins, Eason, Edwards, Elliott, D. Evans, L. Evans, Gillespie, Gipson, Goss, Green, Hardwick, Hathorn, Hickinbotham, House, Jackson, Jacobs, Jeffrey, C. Johnson, J. Johnson, Jones, Judy, Key, King, Lamoureux, Ledbetter, Lendall, Lewellen, Mahony, Martin, Medley, Milligan, Moore, Napper, Norton, Oglesby, Pate, Penix, Petrus, S. Prater, Pritchard, Rankin, Roebuck, Scroggin, Seawel, R. Smith, Stovall, Sullivan, Sumpter, C. Taylor, J. Taylor, Thomas, Thomason, Thyer, Verkamp, Walters, Weaver, White, Wood, Mr. Speaker.

Total76

NEGATIVE: Adams, Berry, Fite, Ormond, Schulte.

Total5

ABSENT OR NOT VOTING: Anderson, Bennett, Bledsoe, Bright, Ferguson, Haak, Harris, Hutchinson, Kenney, Mack, Matayo, Mathis, Nichols, Pace, Parks, Pickett, L. Prater, Rosenbaum, Scrimshire.

Total19

VOTING PRESENT:

Total0

Total number of votes cast81

Total number voting in the affirmative76

Necessary to the passage of the bill75

So the Bill passed and the title as read was agreed to.

There being an Emergency Clause attached to **HOUSE BILL NO. 1142**, the Speaker ordered the clerk to call the roll upon the adoption of the Emergency Clause. The vote was as follows:

EMERGENCY CLAUSE

AFFIRMATIVE: Agee, Biggs, Blair, Bolin, Bond, P. Bookout, Borhauer, Boyd, Bradford, Chesterfield, Childers, Clemons, Cowling, Creekmore, Dangeau, Dees, Dickinson, Dobbins, Eason, Edwards, Elliott, D. Evans, L. Evans, Gillespie, Gipson, Goss, Green, Hardwick, Hathorn, Hickinbotham, House, Jackson, Jacobs, Jeffrey, C. Johnson, J. Johnson, Jones, Judy, Key, King, Lamoureux, Ledbetter, Lendall, Lewellen, Mahony, Martin, Medley, Milligan, Moore, Napper, Norton, Oglesby, Pate, Penix, Petrus, S. Prater, Pritchard, Rankin, Roebuck, Scroggin, Seawel, R. Smith, Stovall, Sullivan, Sumpter, C. Taylor, J. Taylor, Thomas, Thomason, Thyer, Verkamp, Walters, Weaver, White, Wood, Mr. Speaker.

Total76

NEGATIVE: Adams, Berry, Fite, Ormond, Schulte.

Total5

ABSENT OR NOT VOTING: Anderson, Bennett, Bledsoe, Bright, Ferguson, Haak, Harris, Hutchinson, Kenney, Mack, Matayo, Mathis, Nichols, Pace, Parks, Pickett, L. Prater, Rosenbaum, Scrimshire.

Total19

VOTING PRESENT:

Total0

Total number of votes cast81

Total number voting in the affirmative76

Necessary to the adoption of the emergency clause.....67

So the Emergency Clause was adopted.

Upon motion of Representative Weaver the rules were suspended. Considered in the Committee of the Whole. Returned with the recommendation that it "DO PASS."

SENATE BILL NO. 7

BY: JOINT BUDGET COMMITTEE

Was read the third time and placed on final passage, the question being shall the Bill pass. The vote was as follows:

AFFIRMATIVE: Berry, Blair, Bolin, Bond, P. Bookout, Borhauer, Bradford, Chesterfield, Clemons, Cowling, Dangeau, Dees, Dickinson, Dobbins, Eason, Edwards, Elliott, Ferguson, Fite, Gipson, Goss, Green, Hathorn, Jacobs, C. Johnson, J. Johnson, Jones, Judy, King, Ledbetter, Lendall, Lewellen, Mahony, Martin, Medley, Moore, Oglesby, Pate, Pickett, S. Prater, Pritchard, Rankin, Roebuck, Seawel, Sullivan, J. Taylor, Thomas, Thomason, Thyer, White, Wood.

Total51

NEGATIVE: Adams, Agee, Biggs, Bledsoe, Creekmore, L. Evans, Gillespie, Haak, Hardwick, Harris, Hickinbotham, House, Key, Lamoureux, Matayo, Mathis, Milligan, Napper, Nichols, Norton, Ormond, Penix, Petrus, Scrimshire, Scroggin, Stovall, Verkamp, Walters, Weaver.

Total29

ABSENT OR NOT VOTING: Anderson, Bennett, Boyd, Bright, Childers, D. Evans, Hutchinson, Jackson, Kenney, Mack, Pace, Parks, L. Prater, Rosenbaum, Schulte, R. Smith, Sumpter, C. Taylor, Mr. Speaker.

Total19

VOTING PRESENT: Jeffrey.

Total1

Total number of votes cast81

Total number voting in the affirmative51

Necessary to the passage of the bill75

So the Bill failed.

The House stood in recess at 2:24 p.m. until 4:00 p.m. for the reading of the bills.

HOUSE BILLS ORDERED TRANSMITTED TO THE SENATE AS PASSED

HOUSE BILL NO. 1078 BY REPRESENTATIVE CLEVELAND
HOUSE BILL NO. 1122 BY REPRESENTATIVE GILLESPIE
HOUSE BILL NO. 1132 BY REPRESENTATIVE MAHONY
HOUSE BILL NO. 1141 BY REPRESENTATIVE MAHONY
HOUSE BILL NO. 1142 BY REPRESENTATIVE LEDBETTER

HOUSE CONCURRENT RESOLUTIONS ADOPTED AND
ORDERED TRANSMITTED TO THE SENATE

HOUSE CONCURRENT RESOLUTION NO. 1002
BY REPRESENTATIVE MAHONY

ARKANSAS SENATE
HOUSE BILLS RETURNED FROM THE SENATE AS PASSED

HOUSE BILL NO. 1111 BY REPRESENTATIVE DICKINSON

ARKANSAS SENATE
SENATE BILLS RECEIVED FROM SENATE

SENATE BILL NO. 71 BY SENATOR MADISON

ENROLLED AND DELIVERY TO GOVERNOR REPORTS

Little Rock, Arkansas
January 26, 2004

MR. SPEAKER:

We, your committee on Enrolled Bills, to whom was referred the following:

HOUSE BILL NO. 1111 BY REPRESENTATIVE DICKINSON, ET AL

beg leave to report that we have carefully compared the enrolled copies with the original and we find the same correctly enrolled and have at 2:35 p.m. delivered them to the Governor for his approval.

Respectfully submitted,

/s/ Herschel W. Cleveland
Chairman

RECEIPT FROM THE GOVERNOR

RECEIVED FROM THE HOUSE:

HOUSE BILL NO. 1111 BY REPRESENTATIVE DICKINSON, ET AL

/s/ Mike Huckabee - Governor

TIME: 2:35 p.m.

By: Stacy DeJarnett

The House reconvened at 4:00 p.m.

State of Arkansas
Office of the Governor

Mike Huckabee
Governor

January 26, 2004

TO THE SPEAKER OF THE HOUSE

Dear Mr. Speaker:

This is to inform you that on January 26, 2004, I approved the following measures from the Second Extraordinary Session of the Eighty-Fourth General Assembly:

HOUSE BILL NO. 1121 is now Act Number 51

HOUSE BILL NO. 1008 is now Act Number 52

HOUSE BILL NO. 1064 is now Act Number 53

Sincerely,

/s/ Mike Huckabee

HOUSE BILL NO. 1149

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 SCHOOL NURSES FOR THE DEPARTMENT OF EDUCATION FOR THE BIENNIAL PERIOD ENDING JUNE 30, 2005; 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. 1150

BY: REPRESENTATIVES CHILDERS, FERGUSON

BY: SENATOR SALMON

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO PROVIDE FOR THE TRANSMISSION BY CERTIFICATION OF DELINQUENT PERSONAL PROPERTY TAXES TO THE DIRECTOR OF THE DEPARTMENT OF FINANCE AND ADMINISTRATION, FOR COLLECTION; AND FOR OTHER PURPOSES.

Was read the first time, rules suspended, read the second time, and referred to the Committee on REVENUE AND TAXATION.

HOUSE BILL NO. 1151

BY: REPRESENTATIVE HATHORN

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.

Was read the first time, rules suspended, read the second time, and referred to the Committee on EDUCATION.

HOUSE RESOLUTION NO. 1022

BY: REPRESENTATIVE GOSS

HONORING AND RECOGNIZING MRS. MAGGIE HULETT, OF OSCEOLA, ARKANSAS, WHO IS 104 YEARS OLD.

Was read the first time, rules suspended, read the second time and placed on the Calendar.

SENATE BILL NO. 71

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.

Was read the first time, rules suspended, read the second time and referred to the Committee on EDUCATION.

Upon motion of Representative Gillespie, the House adjourned at 4:02 p.m. until 1:30 p.m. Tuesday, January 27, 2004.

ATTEST:

Herschel W. Cleveland
Speaker of the House of Representatives

Jo Renshaw
Chief Clerk

**FIFTY-FIRST DAY'S PROCEEDINGS
HALL OF THE HOUSE OF REPRESENTATIVES**

Little Rock, Arkansas

January 27, 2004

The House was called to order at 1:34 p.m. by Mr. Cleveland, the Speaker.
The following members answered to the roll call:

Adams, Agee, Anderson, Bennett, Berry, Biggs, Blair, Bledsoe, Bolin, Bond, Bookout, Borhauer, Boyd, Bradford, Bright, Chesterfield, Childers, Clemons, Cowling, Creekmore, Dangeau, Dees, Dickinson, Dobbins, Eason, Edwards, Elliott, D.Evans, L. Evans, Ferguson, Fite, Gillespie, Gipson, Goss, Green, Haak, Hardwick, Hathorn, Hickinbotham, House, Jackson, Jacobs, C.Johnson, J. Johnson, Jones, Judy, Key, King, Lamoureux, Ledbetter, Lendall, Lewellen, Mack, Mahony, Martin, Matayo, Mathis, Medley, Milligan, Moore, Napper, Nichols, Norton, Oglesby, Ormond, Pace, Parks, Pate, Penix, Petrus, Pickett, S. Prater, Pritchard, Rankin, Roebuck, Rosenbaum, Schulte, Scrimshire, Scroggin, Seawel, Smith, Stovall, Sullivan, Sumpter, C.Taylor, J.Taylor, Thomas, Thomason, Thyer, Verkamp, Walters, Weaver, White, Wood, Mr. Speaker.

Total95

The following member(s) was absent and did not answer to the roll call:
Harris, Hutchinson, Jeffrey, Kenney, L. Prater.

Total5

A quorum was present.

Unanimous leave was granted for Representative(s) Harris, Hutchinson, Jeffrey, Kenney, L. Prater.

The House stood and was led in prayer by Representative Tommy Roebuck.

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

	January 27, 2004
JOINT BUDGET	PAUL WEAVER
	CHAIRPERSON
HOUSE BILL NO. 1031	DO PASS
BY REPRESENTATIVE CLEVELAND	
HOUSE BILL NO. 1061	DO PASS
BY REPRESENTATIVE CHESTERFIELD	
HOUSE BILL NO. 1073	DO PASS
BY REPRESENTATIVE CLEVELAND	AS AMENDED #1
HOUSE BILL NO. 1098	DO PASS
BY REPRESENTATIVE MAHONY	AS AMENDED #1
HOUSE BILL NO. 1099	DO PASS
BY REPRESENTATIVE MAHONY	
HOUSE BILL NO. 1128	DO PASS
BY REPRESENTATIVE MAHONY	AS AMENDED #5

Upon motion of Representative King, **HOUSE BILL NO. 1137** was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 1 TO HOUSE BILL NO. 1137

Amend **HOUSE BILL NO. 1137** as originally introduced:

Page 2, on line 5, delete "effective until contingency" and substitute "effective when contingency"

AND

Page 2, on line 17, delete "effective when contingency" and substitute "effective until contingency"

/s/ Barbara King

The Amendment was read and adopted by more than 51 votes.

/s/ Ms. Jo Renshaw
Chief Clerk

Upon motion of Representative King, **HOUSE BILL NO. 1137** was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 2 TO HOUSE BILL NO. 1137

Amend **HOUSE BILL NO. 1137** as originally introduced:

Add Representative Walters as a cosponsor of the bill

AND

Page 1, on line 24, delete "March 1, 2004" and substitute "April 1, 2004"

AND

Page 2, on line 8, delete "March 1, 2004" and substitute "April 1, 2004"

AND

Page 2, on line 20, delete "March 1, 2004" and substitute "April 1, 2004"

AND

Page 2, delete lines 35 and 36 and substitute the following:

"(c)(1) Each month, the Chief Fiscal Officer of the State will determine the amount of funds required from the Educational Adequacy Trust 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 § 19-5-305, until the sum of all transfers from the Educational Adequacy Trust Fund equal the amount determined in subdivision (c)(1) of this section, there to be used as determined by law.

(d) If the Chief Fiscal Officer of the State determines that the transfers from the Educational Adequacy Trust 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 §§ 19-5-402(a) and 19-5-404(a) based upon the proportion that each allocation to the remaining funds and fund accounts bears to the total allocation to the remaining funds and fund accounts in §§ 19-5-402(a) and 19-5-404(a)."

AND

Page 3, delete lines 1 through 5

AND

Page 3, on line 17, delete "March 1, 2004" and substitute "April 1, 2004"

/s/ Barbara King

The Amendment was read and adopted by more than 51 votes.

/s/ Ms. Jo Renshaw

Chief Clerk

Upon motion of Representative C. Johnson, **HOUSE BILL NO. 1138** was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 1 TO HOUSE BILL NO. 1138

Amend **HOUSE BILL NO. 1138** as originally introduced:

Page 2, delete lines 5 through 9 in their entirety and substitute the following:

" (1)	OERZ DIRECTOR	1	GRADE 26
(2)	TECHNICAL ASSISTANCE SPECIALIST	3	GRADE 21
(3)	R009 ADMINISTRATIVE ASSISTANT I	<u>1</u>	GRADE 15
	MAX. NO. OF EMPLOYEES	5"	

And

Page 2, delete lines 20 through 29 in their entirety and substitute the following:

"(01)	REGULAR SALARIES	\$	0	\$	223,070
(02)	PERSONAL SERV MATCHING		0		62,460
(03)	MAINT. & GEN. OPERATION				
	(A) OPER. EXPENSE		0		29,700
	(B) CONF. & TRAVEL		0		8,000
	(C) PROF. FEES		0		1,440,000
	(D) CAP. OUTLAY		0		0
	(E) DATA PROC.		0		0
(04)	EDUCATIONAL RENEWAL ZONE GRANTS		<u>0</u>		<u>234,000</u>
	TOTAL AMOUNT APPROPRIATED	\$	<u>0</u>	\$	<u>1,997,230"</u>

/s/ Calvin Johnson

The Amendment was read and adopted by more than 51 votes.

/s/ Ms. Jo Renshaw

Chief Clerk

Upon motion of Representative C. Johnson, **HOUSE BILL NO. 1080** was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 1 TO HOUSE BILL NO. 1080

Amend **HOUSE BILL NO. 1080** as originally introduced:

Page 1, line 27, delete "shall" and substitute "~~shall~~ may"

AND

Page 1, line 29, delete "shall" and substitute "~~shall~~ may"

AND

Page 2, line 30, delete "shall" and substitute "~~shall~~ may"

AND

Page 3, line 4, delete "shall" and substitute "may"

AND

Page 3, line 5, delete "required" and substitute "implemented"

AND

Page 4, line 1, delete "shall" and substitute "may"

/s/ Calvin Johnson

The Amendment was read and adopted by more than 51 votes.

/s/ Ms. Jo Renshaw

Chief Clerk

Upon motion of Representative C. Johnson, **HOUSE BILL NO. 1056** was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 2 TO HOUSE BILL NO. 1056

Amend **HOUSE BILL NO. 1056** as engrossed, H12/19/03

(version: 12-19-2003 08:41):

Add Representative House as a cosponsor of the bill

AND

Page 1, line 11, delete "OFFICE" ad substitute "DIVISION"

AND

Page 1, line 15, delete "OFFICE" ad substitute "DIVISION"

AND

Delete everything following the enacting clause and substitute the following:

"SECTION 1. Creation of the Division of Education Renewal Zones.

(a) There is created a Division of Education Renewal Zones.

(b) The division shall be under the supervision of the State Board of Education.

(c)(1) The state board shall select an individual to serve as the Director of the Division of Education Renewal Zones.

(2) The Director of the Division of Education Renewal Zones, with guidance and approval from the board, shall be responsible for hiring all employees of the division.

(3) The Director of the Arkansas Department of Higher Education shall assign one (1) individual from the staff of the Department of Higher Education to serve as a liaison to the division.

(d) The division shall be responsible for developing guidelines for the approval of education renewal zone strategic plans and guidelines for the evaluation and reporting of education renewal zone activities.

(e) The division shall approve any education renewal zone strategic plan prior to the disbursement or annual renewal of funds to participating institutions of higher education.

(f)(1) Effective July 1, 2004, any public school, education service cooperative and institution of higher education is authorized to enter into one (1) or more inter-local agreements through which they collaborate to improve public school performance and academic achievement.

(2) Each inter-local agreement shall establish an education renewal zone.

(3) The purpose of an education renewal zone shall be to:

(A) Identify and implement education and management strategies designed specifically to improve public school performance and student academic achievement throughout the State of Arkansas, with special focus on the state's most academically distressed public schools;

(B) Provide for collaboration among the state's smaller schools and districts in order to achieve some of the advantages of economies of scale in providing educational and related activities;

(C) Maximize benefits and outcomes of public schooling by concentrating and coordinating the resources of Arkansas' higher education institutions, the expertise of the regional education service cooperatives, and the technical assistance of other service providers to improve public school performance and student academic achievement; and

(D) Enable small, rural, and low-wealth schools to make the

best use of the latest cost-effective distance learning technology to enhance curricula and professional development through two-way interactive learning environments.

(g) Each education renewal zone shall consist of the following:

(1)(A) A higher education partner.

(B) The division shall develop, publish and disseminate guidelines for establishing an education renewal zone, including a process for selecting a qualified higher education partner in the service cooperative areas in the state and in Pulaski County.

(C)(i) A qualified higher education partner shall:

(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 flexibility to restructure its programs and services to meet the needs of the participating grades kindergarten through twelve (K-12) schools and school districts.

(ii) The division shall give preference to qualified four-year higher education institutions located within the education service cooperative area.

(D) If there is no qualified four-year higher education institution located within the education service cooperative area, the division may select:

(i) A two-year higher education institution that, in collaboration with a qualified four-year educational institution located in another education service cooperative area, provides a comprehensive four-year teacher preparation program; or

(ii) A qualified higher education institution located in another education service cooperative area.

(E) An institution of higher education may serve as the higher education partner for more than one educational service cooperative area;

(2)(A) An Education Service Cooperative.

(B) The education service cooperative shall be a full partner in planning, implementing, and evaluating the education renewal zone in its respective service area and shall provide direct services as called for in the education renewal zone plan;

(3)(A) Public Schools.

(B)(i) Public schools may participate in an education renewal zone the upon successful application by the public school district of which the school is a part.

(ii) Public schools designated by the Department of

Education as a school in school improvement or a school in a school district designated by the department as being in academic distress shall participate in an education renewal zone, if requested to do so by the department and the division working with the department shall establish priorities of establishing education renewal zones for those schools, which shall be contingent on the appropriation a availability of funding for the renewal zones.

(iii) Acceptance or rejection of the application by a school for admittance to an education renewal zone shall be the responsibility of the division, with consultation from the higher education partner.

(iv) The division may include within an education renewal zone any school within the education service cooperative area provided that no more than ten (10) schools may participate in any single education renewal zone.

(v) The division may designate up to a maximum of three (3) education renewal zones within any single education service cooperative area.

(C) In designating education renewal zones and selecting schools for participation in a particular zone, the division shall give priority to schools that meet one or more of the following criteria:

(i) The school is classified as a school in school improvement or alert status for school improvement under the Arkansas state compliance plan under the federal No Child Left Behind Act of 2001, 20 U.S.C. § 6301 et seq.;

(ii) The school lies within a school district designated by the Department of Education as in academic distress or financial distress under the Arkansas Comprehensive Testing, Assessment, and Accountability Program;

(iii) The school demonstrates an inability to hire and retain highly qualified teachers as defined by the state plan for compliance with the federal No Child Left Behind Act of 2001, 20 U.S.C.S. § 6301 et seq.;

(iv) The school demonstrates an inability to provide the minimum number of course offerings as determined by the state through the conventional hiring of qualified teachers;

(v) The school is within a school district with an average daily membership of fewer than one thousand five hundred (1,500) students; or

(vi) The school serves a student population that exceeds the statewide average rate of participation in free or reduced price lunch programs.

(4)(A) A Local Advisory Group.

(B) Each education renewal zone shall form a local advisory group comprised of a representative of the following groups:

(i) The higher education partner

(ii) The education service cooperative which includes the area in which the education renewal zone is located;

(iii) The public school or school district participating in the education renewal zone; and

(iv) Each community in which there is a school participating in the education renewal zone.

(C) The division may designate up to a maximum of three (3) education renewal zones within any single education service cooperative area.

(D) The membership and staff of local advisory groups shall be reflective of the diversity of the population being served by the education renewal zone.

(5)(A) A Technical Assistance Provider.

(B) Any two-year community or technical college, technical support organization, or other entity may participate in the education renewal zone at the discretion of the division and in collaboration with a designated higher education partner and a designated education service cooperative.

(h) The division, the state board, and the local school districts shall exercise due diligence to assure that all schools classified as a school in school improvement under the federal No Child Left Behind Act of 2001, 20 U.S.C. § 6301 et seq., as in existence on December 1, 2003, are included in a designated education renewal zone.

(i) The division may, at its discretion, include any school regardless of its eligibility under the criteria in subdivisions (g)(3)(C)(i) through (vi) of this section, if it determines that on the basis of location, characteristics of its faculty or leadership, needs of the students, or other factors, that the inclusion of such school significantly strengthens the prospect of the education renewal zone in meeting its school improvement goals.

(j) The division may, at its discretion, change participating schools within each education renewal zone.

(k)(1) Each school participating in an education renewal zone shall develop and implement a school improvement plan.

(2) Each school improvement plan shall at a minimum include the following:

(A) Goals for improving student achievement;

(B) Measurable benchmarks for achieving student improvement goals;

(C) A timeline for reaching goals in improving student achievement; and

(D) Requirements for services to be provided by the Education Renewal Zone Partners.

(l) The partners within a specific education renewal zone shall develop a strategic plan that is responsive to the needs of the individual school improvement plans.

(m) The education renewal zone strategic plan shall at a minimum provide for the following:

(A) Collaboration between and among the higher education institution partners, education service cooperatives, schools, and communities participating in the education renewal zone, including within the academic departments within the higher education institution partners;

(B)(1) A comprehensive program of professional development to assure the practical knowledge base of pre-service and in-service teachers with respect to pedagogical practice, content knowledge, and competent use of distance learning technology;

(2) Funds received by school districts for the Department of Education Public School Fund Account for professional development may be used to provide funding for the professional development requirements of the education renewal zone school district partners.

(C) Enhancement and expansion of local school curricula offerings through the use of two-way interactive television to include advanced placement, dual-credit, and advanced high school courses;

(D) The sharing of faculty for core course offerings when schools are unable to hire highly-qualified teachers in core subject areas required for college entrance or teachers necessary to meet state accreditation standards;

(E) A strategy to recruit and retain highly-qualified teachers with particular focus on hard-to-staff schools;

(F) A system for mentoring teachers with three (3) or fewer years of professional service;

(G) Active participation of the community in the work of the school;

(H) Active involvement of parents in the academic work of the student; and

(I) A means of collecting the data necessary to evaluate the progress of each participating public school and the education renewal zone in its entirety.

(n) Each education renewal zone, using guidelines and indicators set by the division, shall prepare an annual report to the division describing the progress

toward accomplishing the goals of the education renewal zone.

(o) The division shall prepare an annual report to the Governor, the General Assembly, and the State Board of Education describing the progress toward accomplishing the goals of the individual education renewal zones and the overall education renewal zone program.

(p) The division shall establish a website, accessible by the public, to provide for broad dissemination of both the education renewal zone plans and strategies and the results of the annual reports on progress toward accomplishing the goals of the individual education renewal zones and the overall education renewal zone program.

(q) The provisions of this section shall be contingent on the appropriation and availability of funding for the program.

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; 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."

/s/ Calvin Johnson

The Amendment was read and adopted by more than 51 votes.

/s/ Ms. Jo Renshaw

Chief Clerk

ENGROSSED BILL REPORTS

HERSCHEL W. CLEVELAND, CHAIRMAN

January 27, 2004

The following bill(s) reported correctly engrossed:

HOUSE BILL NO. 1056 - TITLE - BY REPRESENTATIVE C. JOHNSON, ET AL

HOUSE BILL NO. 1080 BY REPRESENTATIVE C. JOHNSON

HOUSE BILL NO. 1137 - TITLE - BY REPRESENTATIVE KING, ET AL

HOUSE BILL NO. 1138 BY REPRESENTATIVE C. JOHNSON

HOUSE BILL ENGROSSED AS TITLE AMENDED

HOUSE BILL NO. 1056

BY: REPRESENTATIVES C. JOHNSON, *CHESTERFIELD, CLEMONS, DOBBINS, EASON, ELLIOTT, GREEN, JONES, THOMAS, WHITE, HOUSE*
 BY: *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 ENGROSSED AS TITLE AMENDED

HOUSE BILL NO. 1137

BY: REPRESENTATIVES KING, *WALTERS*

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO LEVY AN ADDITIONAL GROSS RECEIPTS AND COMPENSATING USE TAX OF ONE PERCENT (1%); TO CREATE THE EDUCATIONAL ADEQUACY TRUST FUND; AND FOR OTHER PURPOSES.

HOUSE RESOLUTION NO.1022

BY: REPRESENTATIVE GOSS

HONORING AND RECOGNIZING MRS. MAGGIE HULETT, OF OSCEOLA,
ARKANSAS, WHO IS 104 YEARS OLD.

THE RESOLUTION WAS READ AND ADOPTED BY MORE THAN 51
VOTES. RECEIVED UNANIMOUS SUPPORT.

Morning Hour Expired.

Representative Thomason moved that the record by which HOUSE BILL NO. 1077 failed to pass be expunged from the record.

On this motion the vote was as follows:

AFFIRMATIVE: Adams, Berry, Blair, Bolin, Bond, Boyd, Chesterfield, Clemons, Cowling, Creekmore, Dangeau, Dickinson, Dobbins, Eason, Edwards, D. Evans, L. Evans, Ferguson, Fite, Gillespie, Goss, Hathorn, Hickinbotham, House, Jackson, Jacobs, C. Johnson, Jones, Judy, King, Mahony, Martin, Milligan, Nichols, Oglesby, Ormond, Pate, Petrus, Pickett, S. Prater, Roebuck, Scrimshire, Scroggin, Seawel, R. Smith, Stovall, Sullivan, Sumpter, J. Taylor, Thomas, Thomason, Verkamp, Walters, Weaver, White, Wood, Mr. Speaker.

Total57

NEGATIVE: Agee, Anderson, Bledsoe, Borhauer, Bradford, Dees, Elliott, Gipson, Green, Haak, Hardwick, J. Johnson, Ledbetter, Lendall, Lewellen, Mathis, Medley, Moore, Napper, Parks, Penix, Pritchard, Rosenbaum, Schulte, C. Taylor.

Total25

ABSENT OR NOT VOTING: Bennett, Biggs, P. Bookout, Bright, Childers, Harris, Hutchinson, Jeffrey, Kenney, Key, Lamoureux, Mack, Matayo, Norton, Pace, L. Prater, Rankin, Thyer.

Total18

VOTING PRESENT:

Total0

Total number of votes cast82

Total number voting in the affirmative57

Necessary to the adoption of the motion67

So the motion failed of adoption.

Representative R. Smith made a motion to reconsider the vote by which **SENATE AMENDMENT NO. 1 TO HOUSE BILL NO. 1009** failed to pass.

On this motion the vote was as follows:

AFFIRMATIVE: Anderson, Biggs, Blair, Bledsoe, Borhauer, Bradford, Chesterfield, Clemons, Creekmore, Dees, Dickinson, Dobbins, Eason, Elliott, Ferguson, Goss, Green, Hardwick, Hathorn, C. Johnson, J. Johnson, Jones, Judy, King, Lamoureux, Ledbetter, Lendall, Lewellen, Mahony, Martin, Medley, Napper, Pace, Parks, Pickett, S. Prater, Roebuck, Schulte, Seawel, R. Smith, C. Taylor, Thomas, Walters, White, Wood.

Total45

NEGATIVE: Adams, Agee, Bennett, Berry, Boyd, Cowling, Dangeau, Edwards, D. Evans, L. Evans, Fite, Gillespie, Gipson, Hickinbotham, House, Jackson, Jacobs, Mathis, Milligan, Moore, Nichols, Norton, Oglesby, Ormond, Pate, Petrus, Pritchard, Scrimshire, Scroggin, Stovall, J. Taylor, Thomason, Verkamp, Weaver.

Total34

ABSENT OR NOT VOTING: Bolin, Bond, P. Bookout, Bright, Childers, Haak, Harris, Hutchinson, Jeffrey, Kenney, Key, Mack, Matayo, Penix, L. Prater, Rankin, Rosenbaum, Sullivan, Sumpter, Thyer, Mr. Speaker.

Total21

VOTING PRESENT:

Total0

Total number of votes cast79

Total number voting in the affirmative45

Necessary to the adoption of the motion40

So the motion was adopted.

***** EXPUNGED***** 2/3/04*****

Representative Pickett moved that the House concur in the following Senate Amendment.

ARKANSAS SENATE

AMENDMENT NO. 1 TO HOUSE BILL NO. 1009

Amend HOUSE BILL NO. 1009 as engrossed, H1/5/04

(version: 01-05-2004 09:45):

The Amendment was read and the vote was as follows:

AFFIRMATIVE: Anderson, Biggs, Blair, Bledsoe, P. Bookout, Borhauer, Bradford, Clemons, Creekmore, Dees, Dobbins, Eason, Elliott, Ferguson, Goss, Green, Hardwick, Hathorn, C. Johnson, Jones, Judy, King, Lamoureux, Ledbetter, Lendall, Mahony, Martin, Medley, Napper, Penix, Pickett, S. Prater, Roebuck, Schulte, Seawel, R. Smith, Sumpter, Thomas, Walters, White, Wood.

Total41

NEGATIVE: Adams, Agee, Bennett, Berry , Boyd, Chesterfield, Cowling, Dangeau, Dickinson, Edwards, D. Evans, L. Evans, Fite, Gillespie, Gipson, Haak, Hickinbotham, House, Jackson, Jacobs, Key, Lewellen, Mack, Matayo, Mathis, Milligan, Moore, Nichols, Norton, Oglesby, Ormond, Parks, Pate, Petrus, Rosenbaum, Scrimshire, Scroggin, Stovall, Sullivan, C. Taylor, J. Taylor, Thomason, Verkamp, Weaver.

Total44

ABSENT OR NOT VOTING: Bolin, Bond, Bright, Childers, Harris, Hutchinson, Jeffrey, J. Johnson, Kenney, Pace, L. Prater, Pritchard, Rankin, Thyer, Mr. Speaker.

Total15

VOTING PRESENT:

Total0

Total number of votes cast85

Total number voting in the affirmative41

Necessary to concur in the amendment.....51

So the Amendment was not concurred in.

/s/ Ms. Jo Renshaw
Chief Clerk

***** EXPUNGED***** 2/3/04*****

Motion was made by Representative Pickett to refer HOUSE BILL NO. 1009 to a Conference Committee. Motion passed.

HOUSE BILL NO. 1140

BY: REPRESENTATIVE WALTERS

Was read the third time and placed on final passage, the question being shall the Bill pass and shall the Emergency Clause be adopted. The vote was as follows:

AFFIRMATIVE: Adams, Agee, Anderson, Bennett, Berry, Biggs, Blair, Bledsoe, Bolin, P. Bookout, Borhauer, Boyd, Bradford, Bright, Chesterfield, Childers, Clemons, Cowling, Creekmore, Dangeau, Dees, Dickinson, Dobbins, Eason, Edwards, Elliott, D. Evans, L. Evans, Ferguson, Fite, Gillespie, Gipson, Goss, Green, Haak, Hardwick, Hathorn, Hickinbotham, House, Jackson, Jacobs, J. Johnson, Jones, Judy, Key, King, Lamoureux, Ledbetter, Lendall, Lewellen, Mahony, Martin, Matayo, Mathis, Medley, Milligan, Moore, Napper, Nichols, Norton, Oglesby, Ormond, Pace, Parks, Pate, Penix, Petrus, Pickett, S. Prater, Pritchard, Rankin, Roebuck, Rosenbaum, Schulte, Scrimshire, Scroggin, Seawel, R. Smith, Stovall, Sullivan, Sumpter, C. Taylor, J. Taylor, Thomason, Verkamp, Walters, Weaver, White, Wood.

Total89

NEGATIVE:

Total0

ABSENT OR NOT VOTING: Bond, Harris, Hutchinson, Jeffrey, C. Johnson, Kenney, Mack, L. Prater, Thomas, Thyer, Mr. Speaker.

Total11

VOTING PRESENT:

Total0

Total number of votes cast.....89

Total number voting in the affirmative89

Necessary to the passage of the bill51

So the Bill passed and the title as read was agreed to.

There being an Emergency Clause attached to **HOUSE BILL NO. 1140**, the Speaker ordered the clerk to call the roll upon the adoption of the Emergency Clause. The vote was as follows:

EMERGENCY CLAUSE

AFFIRMATIVE: Adams, Agee, Anderson, Bennett, Berry, Biggs, Blair, Bledsoe, Bolin, P. Bookout, Borhauer, Boyd, Bradford, Bright, Chesterfield, Childers, Clemons, Cowling, Creekmore, Dangeau, Dees, Dickinson, Dobbins, Eason, Edwards, Elliott, D. Evans, L. Evans, Ferguson, Fite, Gillespie, Gipson, Goss, Green, Haak, Hardwick, Hathorn, Hickinbotham, House, Jackson, Jacobs, J. Johnson, Jones, Judy, Key, King, Lamoureux, Ledbetter, Lendall, Lewellen, Mahony, Martin, Matayo, Mathis, Medley, Milligan, Moore, Napper, Nichols, Norton, Oglesby, Ormond, Pace, Parks, Pate, Penix, Petrus, Pickett, S. Prater, Pritchard, Rankin, Roebuck, Rosenbaum, Schulte, Scrimshire, Scroggin, Seawel, R. Smith, Stovall, Sullivan, Sumpter, C. Taylor, J. Taylor, Thomason, Verkamp, Walters, Weaver, White, Wood.

Total89

NEGATIVE:

Total0

ABSENT OR NOT VOTING: Bond, Harris, Hutchinson, Jeffrey, C. Johnson, Kenney, Mack, L. Prater, Thomas, Thyer, Mr. Speaker.

Total11

VOTING PRESENT:

Total0

Total number of votes cast89

Total number voting in the affirmative89

Necessary to the adoption of the emergency clause.....67

So the Emergency Clause was adopted.

SENATE BILL NO. 34

BY: SENATOR BROADWAY

Was read the third time and placed on final passage, the question being shall the Bill pass. The vote was as follows:

AFFIRMATIVE: Adams, Agee, Anderson, Bennett, Berry, Biggs, Blair, Bledsoe, Bolin, P. Bookout, Borhauer, Boyd, Bradford, Bright, Chesterfield, Childers, Clemons, Cowling, Creekmore, Dangeau, Dees, Dickinson, Dobbins, Eason, Edwards, Elliott, D. Evans, L. Evans, Ferguson, Fite, Gillespie, Gipson, Goss, Green, Haak, Hardwick, Hathorn, Hickinbotham, House, Jackson, Jacobs, C. Johnson, J. Johnson, Jones, Judy, Key, King, Lamoureux, Ledbetter, Lendall, Lewellen, Mack, Mahony, Martin, Matayo, Mathis, Medley, Milligan, Moore, Napper, Norton, Oglesby, Ormond, Pace, Parks, Pate, Penix, Petrus, Pickett, S. Prater, Pritchard, Rankin, Roebuck, Rosenbaum, Schulte, Scrimshire, Seawel, Stovall, Sullivan, Sumpter, C. Taylor, J. Taylor, Thomas, Thomason, Verkamp, Walters, Weaver, White, Wood.

Total89

NEGATIVE:

Total0

ABSENT OR NOT VOTING: Bond, Harris, Hutchinson, Jeffrey, Kenney, Nichols, L. Prater, Scroggin, R. Smith, Thyer, Mr. Speaker.

Total11

VOTING PRESENT:

Total0

Total number of votes cast.....89

Total number voting in the affirmative89

Necessary to the passage of the bill51

So the Bill passed and the title as read was agreed to.

Upon motion of Representative Weaver the rules were suspended. Considered in the Committee of the Whole. Returned with the recommendation that it "DO PASS".

HOUSE BILL NO. 1135

BY: JOINT BUDGET COMMITTEE

Was read the third time and placed on final passage, the question being shall the Bill pass. The vote was as follows:

AFFIRMATIVE: Adams, Berry, Biggs, Blair, Bond, P. Bookout, Borhauer, Boyd, Bradford, Bright, Chesterfield, Clemons, Cowling, Creekmore, Dangeau, Dickinson, Eason, Edwards, Elliott, D. Evans, L. Evans, Ferguson, Fite, Gillespie, Goss, Hardwick, Hathorn, Hickinbotham, House, Jackson, Jacobs, C. Johnson, J. Johnson, Jones, Judy, King, Lamoureux, Ledbetter, Lendall, Lewellen, Mack, Mahony, Martin, Moore, Napper, Ormond, Pate, Pickett, S. Prater, Pritchard, Rankin, Roebuck, Scroggin, Seawel, R. Smith, Stovall, Sullivan, Sumpter, C. Taylor, J. Taylor, Thomas, Thomason, Thyer, Walters, White, Wood, Mr. Speaker.

Total67

NEGATIVE: Agee, Bennett, Bledsoe.

Total3

ABSENT OR NOT VOTING: Anderson, Bolin, Childers, Dees, Dobbins, Green, Haak, Harris, Hutchinson, Jeffrey, Kenney, Matayo, Mathis, Medley, Milligan, Nichols, Norton, Oglesby, Pace, Parks, Penix, Petrus, L. Prater, Rosenbaum, Schulte, Scrimshire, Verkamp, Weaver.

Total28

VOTING PRESENT: Gipson, Key.

Total2

Total number of votes cast72

Total number voting in the affirmative67

Necessary to the passage of the bill75

So the Bill failed.

Motion was made by Representative Weaver to refer HOUSE BILL NO. 1099 back to the Committee on JOINT BUDGET. Motion passed.

State of Arkansas
Office of the Governor

Mike Huckabee
Governor

January 27, 2004

TO THE SPEAKER OF THE HOUSE

Dear Mr. Speaker:

This is to inform you that on January 27, 2004, I approved the following measure from the Second Extraordinary Session of the Eighty-Fourth General Assembly:

HOUSE BILL NO. 1111 is now Act Number 57

Sincerely,

/s/ Mike Huckabee

The House stood in recess at 2:06 p.m. until 4:00 p.m. for the reading of the bills.

The House reconvened at 4:02 p.m.

The House stood in recess until 4:30 p.m. and reconvened at 4:59 p.m.

HOUSE BILLS ORDERED TRANSMITTED TO THE SENATE AS PASSED

HOUSE BILL NO. 1140 BY REPRESENTATIVE WALTERS

SENATE BILLS ORDERED RETURNED TO THE SENATE AS PASSED

SENATE BILL NO. 34 BY SENATOR BROADWAY

ARKANSAS SENATE

HOUSE BILLS RETURNED FROM THE SENATE AS PASSED

HOUSE BILL NO. 1018 BY REPRESENTATIVE BOYD
AS AMENDED #2, 3, 4 & 5

HOUSE BILL NO. 1094 BY REPRESENTATIVE MAHONY
AS AMENDED #2 & 3

HOUSE BILL NO. 1108 BY REPRESENTATIVE DANGEAU

HOUSE BILL NO. 1114 BY REPRESENTATIVE CHESTERFIELD
AS AMENDED #1

HOUSE BILL NO. 1018 was referred back to the Committee on EDUCATION.

ARKANSAS SENATE

SENATE BILLS RECEIVED FROM SENATE

SENATE BILL NO. 51 BY SENATOR BISBEE

SENATE BILL NO. 55 BY SENATOR BROADWAY

STATE OF ARKANSAS
HOUSE OF REPRESENTATIVES

M E M O R A N D U M

TO: Whom It May Concern

FROM: House Committee on the Journal: Engrossed and Enrolled Bills

DATE: January 27, 2004

SUBJECT: Amendment #1 to **HOUSE BILL NO. 1137**

The House Committee on the Journal; Engrossed and Enrolled Bills, by this letter, approves the correction of an error in Amendment #1 to HB1137. The Amendment should read as follows:

Page 2, on line 5, delete "effective until contingency" and substitute "effective when contingency"

AND

Page 2, on line 17, delete "effective when contingency" and substitute "effective until contingency"

The Committee authorizes the Chief Clerk to carry out the intent of the amendment by correctly engrossing HB1137.

/s/ Herschel W. Cleveland
Speaker of the House

/s/ Jodie Mahony

/s/ Mike Creekmore, Chairman
House Rules

/s/ Lenville Evans

/s/ Robert J. White, Chairman
House Management Committee

/s/ Tim Massanelli, Parliamentarian

cc: Jo Renshaw, Chief Clerk

HOUSE BILL NO. 1152

BY: REPRESENTATIVE STOVALL

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO TRANSFER FUNDS FROM THE LANDFILL POST-CLOSURE TRUST FUND AND THE ARKANSAS DEPARTMENT OF ENVIRONMENTAL QUALITY FEE FUND TO BE USED BY THE DEPARTMENT OF EDUCATION FOR DISTANCE LEARNING; TO REDUCE THE MAXIMUM AMOUNT OF FUNDS WHICH MAY BE HELD IN THE LANDFILL POST-CLOSURE TRUST 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. 1153

BY: REPRESENTATIVE CLEVELAND

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO DETERMINE STUDENT DROP-OUT RATES; AND FOR OTHER PURPOSES.

Was read the first time, rules suspended, read the second time, and referred to the Committee on EDUCATION.

HOUSE BILL NO. 1154

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.

Was read the first time, rules suspended, read the second time, and referred to the Committee on EDUCATION.

HOUSE BILL NO. 1155

BY: REPRESENTATIVE GILLESPIE

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO AUTHORIZE CRIMINAL BACKGROUND CHECKS FOR EMPLOYMENT AND LICENSURE, INCLUDING EMPLOYMENT AND LICENSURE THROUGH THE STATE BOARD OF EDUCATION BY NON LAW ENFORCEMENT THIRD-PARTY CONTRACTORS; AND FOR OTHER PURPOSES.

Was read the first time, rules suspended, read the second time, and referred to the Committee on EDUCATION.

HOUSE BILL NO. 1156

BY: REPRESENTATIVE HARDWICK

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO AMEND ARKANSAS CODE 19-5-402 TO REDUCE THE FUNDS IN THE REVENUE STABILIZATION LAW BY 10% AND DISTRIBUTE THE SAVINGS TO THE PUBLIC SCHOOL FUND FOR THE FISCAL YEAR ENDING JUNE 30, 2005; 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. 1157

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.

Was read the first time, rules suspended, read the second time, and referred to the Committee on EDUCATION.

HOUSE BILL NO. 1158

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.

Was read the first time, rules suspended, read the second time, and referred to the Committee on INSURANCE AND COMMERCE.

SENATE BILL NO. 51

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.

Was read the first time, rules suspended, read the second time and referred to the Committee on JOINT BUDGET.

SENATE BILL NO. 55

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.

Was read the first time, rules suspended, read the second time and placed on the Calendar.

Upon motion of Representative Gillespie, the House adjourned at 4:59 p.m. until 1:30 p.m. Wednesday, January 28, 2004.

ATTEST:

Herschel W. Cleveland
Speaker of the House of Representatives

Jo Renshaw
Chief Clerk

**FIFTY-SECOND DAY'S PROCEEDINGS
HALL OF THE HOUSE OF REPRESENTATIVES**

Little Rock, Arkansas
January 28, 2004

The House was called to order at 1:34 p.m. by Mr. Cleveland, the Speaker.
The following members answered to the roll call:

Adams, Agee, Anderson, Bennett, Berry, Biggs, Blair, Bledsoe, Bolin, Bond, Bookout, Borhauer, Boyd, Bradford, Bright, Chesterfield, Childers, Clemons, Cowling, Creekmore, Dangeau, Dees, Dickinson, Dobbins, Eason, Edwards, Elliott, D.Evans, L. Evans, Ferguson, Fite, Gillespie, Gipson, Goss, Green, Haak, Hardwick, Harris, Hathorn, Hickinbotham, House, Hutchinson, Jackson, Jacobs, Jeffrey, C.Johnson, J. Johnson, Jones, Judy, Key, King, Lamoureux, Ledbetter, Lendall, Lewellen, Mack, Mahony, Martin, Matayo, Mathis, Medley, Milligan, Moore, Napper, Nichols, Norton, 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.

Total98

The following member(s) was absent and did not answer to the roll call:
Kenney, Oglesby.

Total2

A quorum was present.

Unanimous leave was granted for Representative(s) Kenney, Oglesby.

The House stood and was led in prayer by Representative Shirley Borhauer.

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

	January 28, 2004
EDUCATION	CALVIN JOHNSON
	CHAIRPERSON
HOUSE BILL NO. 1018	DO PASS, TO CONCUR IN
BY REPRESENTATIVE BOYD	SENATE AMENDMENTS
	#2, 3, 4 & 5
HOUSE BILL NO. 1094	DO PASS, TO CONCUR IN
BY REPRESENTATIVE MAHONY	SENATE AMENDMENTS
	#2 & 3
HOUSE BILL NO. 1114	DO PASS, TO CONCUR IN
BY REPRESENTATIVE CHESTERFIELD	SENATE AMENDMENT #1
HOUSE BILL NO. 1153	DO PASS
BY REPRESENTATIVE CLEVELAND	
HOUSE BILL NO. 1154	DO PASS
BY REPRESENTATIVE MAHONY	
HOUSE BILL NO. 1157	DO PASS
BY REPRESENTATIVE HATHORN	

COMMITTEE REPORT

	January 28, 2004
JOINT BUDGET	PAUL WEAVER
	CHAIRPERSON
HOUSE BILL NO. 1138	DO PASS
BY REPRESENTATIVE C. JOHNSON	
SENATE BILL NO. 51	DO PASS
BY SENATOR BISBEE	

COMMITTEE REPORT

	January 28, 2004
INSURANCE AND COMMERCE	PAUL BOOKOUT
	CHAIRPERSON
HOUSE BILL NO. 1158	DO PASS
BY REPRESENTATIVE R. SMITH	

Upon motion of Representative Stovall, **HOUSE BILL NO. 1148** was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 1 TO HOUSE BILL NO. 1148

Amend **HOUSE BILL NO. 1148** as originally introduced:
Immediately following SECTION 1 add a new section to read as follows:
" SECTION 2. Section 1 of Act 51 of the First Extraordinary Session of 2003 is amended to add a new Item to read as follows:

<u>(13) POVERTY INDEX</u>	<u>8,500,000</u>	<u>8,500,000</u> "
---------------------------	------------------	--------------------

And appropriately renumber Sections of the bill

/s/ Bill H. Stovall

The Amendment was read and adopted by more than 51 votes.

/s/ Ms. Jo Renshaw
Chief Clerk

ENGROSSED BILL REPORTS

HERSCHEL W. CLEVELAND, CHAIRMAN

January 28, 2004

The following bill(s) reported correctly engrossed:

HOUSE BILL NO. 1128 BY REPRESENTATIVE MAHONY

HOUSE BILL NO. 1148 BY REPRESENTATIVE STOVALL

STATE OF ARKANSAS
HOUSE OF REPRESENTATIVES

January 27, 2004

The Honorable Winthrop Paul Rockefeller
President of the Senate
Room 320, State Capitol Building
Little Rock, AR 72201

Re: **HOUSE BILL NO. 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 HB1009, 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,

/s/ 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

Morning Hour Expired.

HOUSE BILL NO. 1080

BY: REPRESENTATIVE C. JOHNSON

Was read the third time and placed on final passage, the question being shall the Bill pass. The vote was as follows:

AFFIRMATIVE: Agee, Anderson, Biggs, Blair, Bond, P. Bookout, Borhauer, Boyd, Bradford, Chesterfield, Childers, Clemons, Cowling, Dangeau, Dees, Dickinson, Dobbins, Eason, Edwards, Elliott, D. Evans, Ferguson, Fite, Goss, Green, Hardwick, Harris, Hathorn, House, Jackson, Jeffrey, C. Johnson, J. Johnson, Jones, Judy, King, Ledbetter, Lendall, Lewellen, Mack, Mahony, Martin, Matayo, Mathis, Medley, Moore, Napper, Pate, Pickett, S. Prater, Roebuck, Seawel, R. Smith, Sullivan, Sumpter, C. Taylor, Thomas, Thomason, Thyer, Verkamp, Walters, White, Wood, Mr. Speaker.

Total64

NEGATIVE: Adams, Berry, Bright, Creekmore, Hutchinson, Nichols, Norton, Ormond, Petrus, Rosenbaum, Scroggin.

Total11

ABSENT OR NOT VOTING: Bennett, Bledsoe, Bolin, L. Evans, Gillespie, Gipson, Haak, Hickinbotham, Jacobs, Kenney, Key, Lamoureux, Milligan, Oglesby, Pace, Parks, Penix, Pritchard, Rankin, Schulte, Scrimshire, Stovall, J. Taylor, Weaver.

Total24

VOTING PRESENT: L. Prater.

Total1

Total number of votes cast.....76

Total number voting in the affirmative64

Necessary to the passage of the bill51

So the Bill passed and the title as read was agreed to.

HOUSE BILL NO. 1056

BY: REPRESENTATIVE C. JOHNSON

Was read the third time and placed on final passage, the question being shall the Bill pass and shall the Emergency Clause be adopted. The vote was as follows:

AFFIRMATIVE: Agee, Biggs, Blair, Bolin, Bond, P. Bookout, Borhauer, Bradford, Bright, Chesterfield, Clemons, Dees, Dobbins, Eason, Edwards, Elliott, D. Evans, Ferguson, Fite, Gipson, Goss, Green, Hardwick, Hathorn, House, Hutchinson, C. Johnson, J. Johnson, Jones, Judy, Key, King, Lamoureux, Ledbetter, Lendall, Lewellen, Mahony, Martin, Mathis, Medley, Moore, Pate, Pickett, L. Prater, S. Prater, Roebuck, Seawel, R. Smith, Sullivan, C. Taylor, Thomas, Thomason, Walters, White, Wood, Mr. Speaker.

Total56

NEGATIVE: Adams, Anderson, Bennett, Berry, Bledsoe, Childers, Cowling, Creekmore, Dickinson, L. Evans, Gillespie, Haak, Harris, Hickinbotham, Jackson, Jeffrey, Mack, Napper, Nichols, Norton, Ormond, Pace, Parks, Petrus, Pritchard, Rosenbaum, Scroggin, Thyer, Verkamp, Weaver.

Total30

ABSENT OR NOT VOTING: Boyd, Dangeau, Jacobs, Kenney, Oglesby, Penix, Rankin, Scrimshire, Stovall, Sumpter, J. Taylor.

Total11

VOTING PRESENT: Matayo, Milligan, Schulte.

Total3

Total number of votes cast89

Total number voting in the affirmative56

Necessary to the passage of the bill51

So the Bill passed and the title as read was agreed to.

There being an Emergency Clause attached to **HOUSE BILL NO. 1056**, the Speaker ordered the clerk to call the roll upon the adoption of the Emergency Clause. The vote was as follows:

EMERGENCY CLAUSE

AFFIRMATIVE: Agee, Anderson, Biggs, Blair, Bolin, Bond, P. Bookout, Borhauer, Bradford, Bright, Chesterfield, Clemons, Cowling, Dangeau, Dees, Dobbins, Eason, Edwards, Elliott, D. Evans, L. Evans, Ferguson, Fite, Gipson, Goss, Green, Hardwick, Hathorn, House, Hutchinson, Jackson, C. Johnson, J. Johnson, Jones, Judy, Key, King, Lamoureux, Ledbetter, Lendall, Lewellen, Mack, Mahony, Martin, Matayo, Mathis, Medley, Moore, Norton, Pate, Pickett, L. Prater, S. Prater, Rankin, Roebuck, Rosenbaum, Seawel, R. Smith, Sullivan, Thomas, Thomason, Thyer, Walters, White, Wood, Mr. Speaker.

Total66

NEGATIVE: Adams, Berry, Creekmore, Dickinson, Gillespie, Haak, Harris, Jeffrey, Napper, Ormond, C. Taylor, Verkamp.

Total12

ABSENT OR NOT VOTING: Bennett, Bledsoe, Boyd, Childers, Hickinbotham, Jacobs, Kenney, Nichols, Oglesby, Pace, Parks, Penix, Petrus, Pritchard, Scrimshire, Scroggin, Stovall, Sumpter, J. Taylor, Weaver.

Total20

VOTING PRESENT: Milligan, Schulte.

Total2

Total number of votes cast80

Total number voting in the affirmative66

Necessary to the adoption of the emergency clause.....67

So the Emergency Clause was not adopted.

Upon motion of Representative Weaver, **HOUSE BILL NO. 1128** was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 5 TO HOUSE BILL NO. 1128

Amend **HOUSE BILL NO. 1128** as engrossed, H1/22/04

(version: 01-22-2004 08:44):

Page 2, delete lines 7 through 15 in their entirety and substitute the following:

"(1) 9287 ED ASST DIR ACADEMIC FACILITIES	1	84,307	86,308
(2) R063 EDUCATION CURRICULUM SUPERVISOR	1	GRADE	23
(3) E032 ED ACCOUNTABILITY PROGRAM COORD	1	GRADE	23
(4) 055Z DATA PROCESSING MANAGER	1	GRADE	23
(5) A047 GENERAL FINANCE COORDINATOR	1	GRADE	22
(6) R290 PUBLIC SCHOOL PROGRAM ADVISOR	18	GRADE	21
(7) E035 ADE FINANCIAL ANALYST	4	GRADE	20
(8) R266 MANAGEMENT PROJECT ANALYST	<u>3</u>	GRADE	20
MAX. NO. OF EMPLOYEES		30"	

And

Page 2, line 26 delete "\$ 1,767,000" and substitute "\$ 1,919,308"

And

Page 2, line 27 delete "486,412" and substitute "527,944"

And

Page 2, line 29 delete "1,219,748" and substitute "1,256,988"

And

Page 2, line 30 delete "97,630" and substitute "100,630"

And

Page 2, line 31 delete "182,000" and substitute "207,000"

And

Page 2, line 34 delete "\$ 5,267,790" and substitute "\$ 5,526,870"

And

Page 4, delete line 2 in its entirety and substitute the following:

"(1) E114 STAFF DEVELOPMENT COORDINATOR 2 GRADE 20"

And

Page 5, line 5 delete " 0 320,000" and substitute " 0 320,000"

And

Page 5, delete line 6 in its entirety

And

Add a new section immediately following Section 6 to read as follows:

"SECTION 7. Section 9 of Act 51 of the First Extraordinary Session of 2003 is amended to read as follows:

SECTION 9. SPECIAL LANGUAGE. PULASKI COUNTY DESEGREGATION. (A) For the fiscal year ending June 30, 2004 and for each fiscal year thereafter, the Department of Education shall from time to time as needed, certify to the State Treasurer and the Chief Fiscal Officer of the State, the amount of funds disbursed or approved to be disbursed by the Department of Education for desegregation expenses under the "Pulaski County School Desegregation Settlement Agreement." Upon the receipt of such certification, the State Treasurer, after making those deductions as set out in Arkansas Code 19-5-202(b)(2)(B), shall also deduct ~~up to, but not to exceed in total for fiscal year 2001-2002~~ 2003-04 the sum of ~~\$32,800,000~~ from the net general revenues the amount certified and transfer this amount to the Department of Education Public School Fund Account there to be used exclusively for payment of or reimbursement for expenses incurred from the Department of Education Public School Fund Account under the "Pulaski County School Desegregation Settlement Agreement."

~~(B) For the fiscal year ending June 30, 2003~~ June 30, 2005, the Department of Education shall from time to time as needed, certify to the State Treasurer and the Chief Fiscal Officer of the State, the amount of funds disbursed for desegregation expenses under the "Pulaski County School Desegregation Settlement Agreement." Upon the receipt of such certification, the State Treasurer, after making those deductions as set out in Arkansas Code 19-5-202(b)(2)(B), shall also deduct up to, but not to exceed in total for fiscal year ~~2002-2003~~ 2004-05 the sum of \$32,800,000 from the net general revenues and transfer this amount to the Department of Education Public School Fund Account.

~~The provisions of this section shall be in effect only from July 1, 2001~~ July 1, 2003 through June 30, 2003 ~~June 30, 2005.~~"

And

Appropriately renumber the sections of the bill.

/s/ Paul Weaver

The Amendment was read and adopted by more than 51 votes.

/s/ Ms. Jo Renshaw
Chief Clerk

Upon motion of Representative Weaver the rules were suspended. Considered in the Committee of the Whole. Returned with the recommendation that it "DO PASS".

HOUSE BILL NO. 1135

BY: JOINT BUDGET COMMITTEE

Was read the third time and placed on final passage, the question being shall the Bill pass. The vote was as follows:

AFFIRMATIVE: Adams, Agee, Biggs, Blair, Bolin, Bond, P. Bookout, Borhauer, Boyd, Bradford, Chesterfield, Childers, Clemons, Cowling, Creekmore, Dangeau, Dees, Dickinson, Eason, Edwards, Elliott, D. Evans, L. Evans, Ferguson, Fite, Gillespie, Gipson, Goss, Green, Hathorn, Hickinbotham, House, Jeffrey, C. Johnson, Jones, Judy, King, Lamoureux, Ledbetter, Lendall, Lewellen, Mack, Mahony, Martin, Milligan, Moore, Napper, Ormond, Pate, Pickett, L. Prater, S. Prater, Pritchard, Roebuck, Scrimshire, Scroggin, Seawel, R. Smith, Sullivan, Sumpter, C. Taylor, J. Taylor, Thomas, Thomason, Thyer, Walters, White, Wood, Mr. Speaker.

Total69

NEGATIVE: Berry, Bright, Hutchinson, Jackson, Verkamp.

Total5

ABSENT OR NOT VOTING: Anderson, Bennett, Bledsoe, Dobbins, Haak, Hardwick, Harris, Jacobs, J. Johnson, Kenney, Key, Matayo, Mathis, Medley, Nichols, Norton, Oglesby, Pace, Parks, Penix, Petrus, Rankin, Rosenbaum, Schulte, Stovall, Weaver.

Total26

VOTING PRESENT:

Total0

Total number of votes cast74

Total number voting in the affirmative69

Necessary to the passage of the bill75

So the Bill failed.

The House stood in recess at 2:04 p.m. until 4:00 p.m.

The House reconvened at 4:31 p.m.

HOUSE BILLS ORDERED TRANSMITTED TO THE SENATE AS PASSED

HOUSE BILL NO. 1056 BY REPRESENTATIVE C. JOHNSON
EMERGENCY CLAUSE
HAVING FAILED OF ADOPTION
HOUSE BILL NO. 1080 BY REPRESENTATIVE C. JOHNSON

ARKANSAS SENATE

HOUSE BILLS RETURNED FROM THE SENATE AS PASSED

HOUSE BILL NO. 1071 BY REPRESENTATIVE BIGGS
AS AMENDED #1, 2 & 3
HOUSE BILL NO. 1078 BY REPRESENTATIVE CLEVELAND
HOUSE BILL NO. 1090 BY REPRESENTATIVE CLEVELAND
AS AMENDED #1, 2 & 3
HOUSE BILL NO. 1091 BY REPRESENTATIVE JUDY
AS AMENDED #1
HOUSE BILL NO. 1130 BY JOINT BUDGET COMMITTEE
AS AMENDED #1
HOUSE BILL NO. 1141 BY REPRESENTATIVE MAHONY

ARKANSAS SENATE

SENATE BILLS RECEIVED FROM SENATE

SENATE BILL NO. 53 BY SENATOR BROADWAY
SENATE BILL NO. 78 BY SENATOR HILL

ENROLLED AND DELIVERY TO GOVERNOR REPORTS

Little Rock, Arkansas

January 28, 2004

MR. SPEAKER:

We, your committee on Enrolled Bills, to whom was referred the following:

HOUSE BILL NO. 1108 BY REPRESENTATIVE DANGEAU, ET AL

beg leave to report that we have carefully compared the enrolled copies with the original and we find the same correctly enrolled and have at 9:38 a.m. delivered them to the Governor for his approval.

Respectfully submitted,

/s/ Herschel W. Cleveland

Chairman

RECEIPT FROM THE GOVERNOR

RECEIVED FROM THE HOUSE:

HOUSE BILL NO. 1108 BY REPRESENTATIVE DANGEAU, ET AL

/s/ Mike Huckabee - Governor

TIME: 9:38 a.m.

By: Chad Gallagher

HOUSE BILL NO. 1159

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.

Was read the first time, rules suspended, read the second time, and referred to the Committee on EDUCATION.

HOUSE BILL NO. 1160

BY: REPRESENTATIVES DEES, GREEN, BORHAUER, AGEE, WALTERS
BY: SENATORS GULLETT, MILLER

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO REQUIRE THE RESTRUCTURING OF ANY SCHOOL DISTRICT NOT MEETING STANDARDS; AND FOR OTHER PURPOSES.

Was read the first time, rules suspended, read the second time, and referred to the Committee on EDUCATION.

HOUSE BILL NO. 1161

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.

Was read the first time, rules suspended, read the second time, and referred to the Committee on EDUCATION.

HOUSE BILL NO. 1162

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.

Was read the first time, rules suspended, read the second time, and referred to the Committee on REVENUE AND TAXATION.

HOUSE BILL NO. 1163

BY: REPRESENTATIVE R. SMITH

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO INCREASE LOCAL REVENUES FOR SCHOOL DISTRICTS AND COUNTIES BY REQUIRING PROPERTY SELLERS TO PAY A RECOUPMENT OF TAX TO THE COUNTY FOR SALES OF REAL PROPERTY IN WHICH THE PER ACRE PRICE EQUALS OR EXCEEDS FIVE THOUSAND DOLLARS (\$5,000); 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. 1164

BY: REPRESENTATIVES D. EVANS, JACKSON, MAHONY

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO PROVIDE ADDITIONAL REVENUE TO FUND THE STATE EDUCATION SYSTEM; TO LEVY AN ADDITIONAL FIVE-EIGHTHS OF ONE PERCENT (0.625%) SALES AND USE TAX; TO REDUCE THE DISCOUNT FOR PROMPT PAYMENT OF SALES TAX; TO CREATE THE EDUCATIONAL ADEQUACY TRUST 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. 1165

BY: REPRESENTATIVE R. SMITH

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO IMPROVE THE VALUATION PROCESS FOR AGRICULTURAL, PASTURE, AND TIMBER LAND IN ORDER TO MORE ACCURATELY REFLECT PROPERTY VALUE AND TO PRODUCE ADDITIONAL LOCAL REVENUES FOR PUBLIC SCHOOL DISTRICTS AND COUNTIES; 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. 1166

BY: REPRESENTATIVES HICKINBOTHAM, JACKSON

A BILL FOR AN ACT TO BE ENTITLED 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.

Was read the first time, rules suspended, read the second time, and referred to the Committee on REVENUE AND TAXATION.

HOUSE RESOLUTION NO. 1023

BY: REPRESENTATIVES KEY, BORHAUER, BRADFORD, BRIGHT, COWLING, DICKINSON, EDWARDS, GREEN, HARDWICK, J. JOHNSON, LAMOUREUX, MATAYO, PETRUS, VERKAMP, WALTERS

URGING THE ARKANSAS CONGRESSIONAL DELEGATION TO TAKE ALL APPROPRIATE ACTIONS TO ASSURE THAT FEDERAL FUNDS FOR THE INDIVIDUALS WITH DISABILITIES EDUCATION ACT ARE FULLY FUNDED, APPROPRIATED, AND MADE AVAILABLE TO SCHOOLS TO ENABLE THEM TO IMPLEMENT THE PROGRAMS THAT CONGRESS HAS REQUIRED OF SCHOOLS.

Was read the first time, rules suspended, read the second time and referred to the Committee on EDUCATION.

SENATE BILL NO. 53

BY: SENATOR BROADWAY

BY: 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.

Was read the first time, rules suspended, read the second time and referred to the Committee on EDUCATION.

SENATE BILL NO. 78

BY: SENATORS HILL, MALONE, B. JOHNSON, FARIS, HIGGINBOTHOM,
BROADWAY

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.

Was read the first time, rules suspended, read the second time and referred to the Committee on REVENUE AND TAXATION.

Upon motion of Representative Gillespie, the House adjourned at 4:33 p.m. until 1:30 p.m. Thursday, January 29, 2004.

ATTEST:

Herschel W. Cleveland
Speaker of the House of Representatives

Jo Renshaw
Chief Clerk

FIFTY-THIRD DAY'S PROCEEDINGS
HALL OF THE HOUSE OF REPRESENTATIVES

Little Rock, Arkansas
January 29, 2004

The House was called to order at 1:31 p.m. by Mr. Cleveland, the Speaker.
The following members answered to the roll call:

Adams, Agee, Anderson, Bennett, Berry, Biggs, Blair, Bledsoe, Bolin, Bond, Bookout, Borhauer, Boyd, Bradford, Bright, Chesterfield, Childers, Clemons, Cowling, Creekmore, Dangeau, Dees, Dickinson, Dobbins, Eason, Edwards, Elliott, D. Evans, L. Evans, Ferguson, Fite, Gillespie, Gipson, Goss, Green, Haak, Harris, Hathorn, Hickinbotham, House, Hutchinson, Jackson, Jacobs, Jeffrey, C.Johnson, J. Johnson, Jones, Judy, Kenney, Key, King, Lamoureux, Ledbetter, Lendall, Lewellen, Mack, Mahony, Martin, Matayo, Mathis, Medley, Milligan, Moore, Napper, Nichols, Norton, Oglesby, Ormond, Pace, Parks, Pate, Penix, Petrus, Pickett, 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.

Total99

The following member(s) was absent and did not answer to the roll call:
Hardwick.

Total1

A quorum was present.

Unanimous leave was granted for Representative(s) Hardwick.

The House stood and was led in prayer by Representative Scott Sullivan.

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

EDUCATION	January 29, 2004
	CALVIN JOHNSON
	CHAIRPERSON
HOUSE BILL NO. 1071	DO PASS, TO CONCUR IN
BY REPRESENTATIVE BIGGS	SENATE AMENDMENTS
	#1, 2 & 3
HOUSE BILL NO. 1091	DO PASS, TO CONCUR IN
BY REPRESENTATIVE JUDY	SENATE AMENDMENT #1
HOUSE BILL NO. 1141	DO PASS, TO CONCUR IN
BY REPRESENTATIVE MAHONY	SENATE AMENDMENT #1
HOUSE BILL NO. 1161	DO PASS
BY REPRESENTATIVE HATHORN	
HOUSE RESOLUTION NO. 1023	DO PASS
BY REPRESENTATIVE KEY	

COMMITTEE REPORT

JOINT BUDGET	January 28, 2004
	PAUL WEAVER
	CHAIRPERSON
HOUSE BILL NO. 1130	DO PASS, TO CONCUR IN
BY JOINT BUDGET COMMITTEE	SENATE AMENDMENT #1
HOUSE BILL NO. 1142	DO PASS, TO CONCUR IN
BY REPRESENTATIVE LEDBETTER	SENATE AMENDMENT #1
HOUSE BILL NO. 1148	DO PASS
BY REPRESENTATIVE STOVALL	

COMMITTEE REPORT

REVENUE AND TAXATION	January 29, 2004
	BOYD HICKINBOTHAM
	CHAIRPERSON
HOUSE BILL NO. 1164	DO PASS
BY REPRESENTATIVE D. EVANS	AS AMENDED #1 & 2

STATE OF ARKANSAS
ARKANSAS SENATE

January 28, 2004

The Honorable Herschel W. Cleveland
Speaker
House of Representatives
State Capitol, Room 350
Little Rock, AR 72201

Re: **HOUSE BILL NO. 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,

/s/ 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

State of Arkansas
Office of the Governor

Mike Huckabee
Governor

January 29, 2004

TO THE SPEAKER OF THE HOUSE

Dear Mr. Speaker:

This is to inform you that on January 29, 2004, the following measure became law without signature during the Second Extraordinary Session of the Eighty-Fourth General Assembly:

HOUSE BILL NO. 1109 is now Act Number 60

Sincerely,

/s/ Mike Huckabee

HOUSE RESOLUTION NO. 1021

BY: REPRESENTATIVE DANGEAU

COMMENDING NATIONAL SCHOOL BOARDS ASSOCIATION PRESIDENT CAROL BROWN OF THE WYNNE SCHOOL BOARD.

THE RESOLUTION WAS READ AND ADOPTED BY MORE THAN 51 VOTES. RECEIVED UNANIMOUS SUPPORT.

Morning Hour Expired.

Representative Boyd moved that the House concur in the following Senate Amendment.

ARKANSAS SENATE

AMENDMENT NO. 2 TO HOUSE BILL NO. 1018

Amend HOUSE BILL NO. 1018 as engrossed, H12/19/03

(version: 12-19-2003 08:46):

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"

/s/ Jimmy Jeffress

The Amendment was read and the vote was as follows:

AFFIRMATIVE: Adams, Agee, Anderson, Bennett, Berry, Biggs, Blair, Bledsoe, Bolin, Bond, P. Bookout, Borhauer, Boyd, Bradford, Bright, Chesterfield, Childers, Clemons, Cowling, Creekmore, Dangeau, Dees, Dickinson, Dobbins, Eason, Edwards, Elliott, D. Evans, L. Evans, Ferguson, Fite, Gillespie, Gipson, Goss, Green, Harris, Hathorn, Hickinbotham, Hutchinson, Jackson, Jacobs, Jeffrey, C. Johnson, J. Johnson, Jones, Judy, Kenney, Key, King, Lendall, Mack, Mahony, Martin, Matayo, Medley, Milligan, Moore, Napper, Nichols, Norton, Oglesby, Pate, Penix, Petrus, Pickett, L. Prater, S. Prater, Pritchard, Rankin, Roebuck, Rosenbaum, Schulte, Scrimshire, Scroggin, Seawel, R. Smith, Sullivan, Sumpter, C. Taylor, J. Taylor, Thomas, Thomason, Thyer, Verkamp, Walters, Weaver, White, Wood.

Total88

NEGATIVE:

Total0

ABSENT OR NOT VOTING: Haak, Hardwick, House, Lamoureux, Ledbetter, Mathis, Ormond, Pace, Parks, Stovall, Mr. Speaker.

Total11

VOTING PRESENT: Lewellen.

Total1

Total number of votes cast89

Total number voting in the affirmative88

Necessary to concur in the amendment.....51

So the Amendment was concurred in.

/s/ Ms. Jo Renshaw

Chief Clerk

Representative Boyd moved that the House concur in the following Senate Amendment.

ARKANSAS SENATE

AMENDMENT NO. 3 TO HOUSE BILL NO. 1018

Amend **HOUSE BILL NO. 1018** as engrossed, S1/5/04

(version: 01-05-2004 13:45):

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.”

/s/ Jack Critcher

The Amendment was read and the vote was as follows:

AFFIRMATIVE: Adams, Agee, Anderson, Bennett, Berry, Biggs, Blair, Bledsoe, Bolin, Bond, P. Bookout, Borhauer, Boyd, Bright, Chesterfield, Childers, Clemons, Cowling, Creekmore, Dangeau, Dees, Dickinson, Dobbins, Eason, Edwards, Elliott, D. Evans, L. Evans, Ferguson, Fite, Gillespie, Goss, Green, Harris, Hathorn, Hickinbotham, Hutchinson, Jackson, Jacobs, Jeffrey, C. Johnson, J. Johnson, Jones, Judy, Kenney, Key, King, Lamoureux, Lendall, Mack, Mahony, Martin, Matayo, Mathis, Medley, Milligan, Moore, Napper, Nichols, Norton, Oglesby, Ormond, Pate, Penix, Petrus, L. Prater, S. Prater, Pritchard, Rankin, Roebuck, Rosenbaum, Schulte, Scrimshire, Scroggin, Seawel, Sullivan, Sumpter, C. Taylor, J. Taylor, Thomas, Thomason, Thyer, Verkamp, Walters, Weaver, White, Wood.

Total87

NEGATIVE:

Total0

ABSENT OR NOT VOTING: Bradford, Gipson, Haak, Hardwick, House, Ledbetter, Pace, Parks, Pickett, R. Smith, Stovall, Mr. Speaker.

Total12

VOTING PRESENT: Lewellen.

Total1

Total number of votes cast.....88

Total number voting in the affirmative87

Necessary to concur in the amendment.....51

So the Amendment was concurred in.

/s/ Ms. Jo Renshaw

Chief Clerk

Representative Boyd moved that the House concur in the following Senate Amendment.

ARKANSAS SENATE

AMENDMENT NO. 4 TO HOUSE BILL NO. 1018

Amend **HOUSE BILL NO. 1018** as engrossed, S1/7/04

(version: 01-07-2004 13:30):

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."

/s/ J. Bookout

The Amendment was read and the vote was as follows:

AFFIRMATIVE: Adams, Agee, Anderson, Bennett, Berry, Biggs, Blair, Bledsoe, Bolin, Bond, P. Bookout, Borhauer, Boyd, Bright, Childers, Clemons, Cowling, Creekmore, Dangeau, Dees, Dickinson, Eason, Edwards, Elliott, D. Evans, L. Evans, Ferguson, Fite, Gillespie, Gipson, Goss, Green, Harris, Hathorn, Hickinbotham, Hutchinson, Jackson, Jacobs, Jeffrey, C. Johnson, J. Johnson, Judy, Kenney, Key, King, Lamoureux, Lendall, Mack, Mahony, Martin, Matayo, Mathis, Medley, Milligan, Moore, Napper, Nichols, Norton, Oglesby, Ormond, Parks, Penix, Petrus, L. Prater, S. Prater, Pritchard, Rankin, Roebuck, Rosenbaum, Schulte, Scrimshire, Scroggin, Seawel, Sullivan, Sumpter, C. Taylor, J. Taylor, Thomas, Thomason, Thyer, Verkamp, Walters, Weaver, White, Wood.

Total85

NEGATIVE:

Total0

ABSENT OR NOT VOTING: Bradford, Chesterfield, Dobbins, Haak, Hardwick, House, Jones, Ledbetter, Lewellen, Pace, Pate, Pickett, R. Smith, Stovall, Mr. Speaker.

Total15

VOTING PRESENT:

Total0

Total number of votes cast85

Total number voting in the affirmative85

Necessary to concur in the amendment51

So the Amendment was concurred in.

/s/ Ms. Jo Renshaw

Chief Clerk

Representative Boyd moved that the House concur in the following Senate Amendment.

ARKANSAS SENATE

AMENDMENT NO. 5 TO HOUSE BILL NO. 1018

Amend **HOUSE BILL NO. 1018** as engrossed, S1/13/04

(version: 01-13-2004 13:21):

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>School District</u>	<u>Per Student Isolated Funding Amount</u>
<u>Column A</u>	<u>Column B</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."

/s/ Shane Broadway

The Amendment was read and the vote was as follows:

AFFIRMATIVE: Adams, Anderson, Bennett, Berry, Biggs, Blair, Bolin, Bond, P. Bookout, Borhauer, Boyd, Bradford, Bright, Chesterfield, Childers, Clemons, Cowling, Creekmore, Dangeau, Dees, Dickinson, Dobbins, Eason, Edwards, Elliott, D. Evans, L. Evans, Ferguson, Gillespie, Gipson, Goss, Green, Harris, Hathorn, Hickinbotham, House, Hutchinson, Jackson, Jacobs, Jeffrey, C. Johnson, J. Johnson, Jones, Judy, Kenney, Key, King, Lamoureux, Lendall, Mack, Mahony, Martin, Matayo, Mathis, Medley, Milligan, Moore, Napper, Nichols, Norton, Oglesby, Ormond, Pace, Penix, Petrus, L. Prater, Pritchard, Rankin, Roebuck, Rosenbaum, Schulte, Scrimshire, Scroggin, Seawel, Sullivan, Sumpter, C. Taylor, J. Taylor, Thomas, Thomason, Verkamp, Weaver, White, Mr. Speaker.

Total84

NEGATIVE: Agee, Haak, Ledbetter, Lewellen, Walters.

Total5

ABSENT OR NOT VOTING: Bledsoe, Fite, Hardwick, Parks, Pate, Pickett, S. Prater, R. Smith, Stovall, Thyer, Wood.

Total11

VOTING PRESENT:

Total0

Total number of votes cast89

Total number voting in the affirmative84

Necessary to concur in the amendment.....51

So the Amendment was concurred in.

/s/ Ms. Jo Renshaw
Chief Clerk

Upon motion of Representative Boyd the Clincher motion prevailed.

Representative Mahony moved that the House concur in the following Senate Amendment.

ARKANSAS SENATE

AMENDMENT NO. 2 TO HOUSE BILL NO. 1094

Amend HOUSE BILL NO. 1094 as engrossed, S1/16/04

(version: 01-16-2004 15:22):

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."

/s/ Steve Bryles

The Amendment was read and the vote was as follows:

AFFIRMATIVE: Adams, Agee, Anderson, Bennett, Berry, Biggs, Blair, Bledsoe, Bolin, Bond, P. Bookout, Borhauer, Boyd, Bradford, Bright, Chesterfield, Childers, Clemons, Cowling, Creekmore, Dangeau, Dees, Dobbins, Eason, Edwards, Elliott, D. Evans, L. Evans, Ferguson, Fite, Gillespie, Gipson, Goss, Green, Haak, Harris, Hathorn, Hickinbotham, House, Hutchinson, Jackson, Jacobs, 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, Pace, Parks, Pate, Penix, Petrus, Pickett, L. Prater, S. Prater, Pritchard, Rankin, Roebuck, Rosenbaum, Schulte, Scrimshire, Scroggin, Seawel, R. Smith, Sullivan, Sumpter, C. Taylor, J. Taylor, Thomason, Thyer, Verkamp, Walters, Weaver, White.

Total92

NEGATIVE: Dickinson, Jeffrey.

Total2

ABSENT OR NOT VOTING: Hardwick, Ormond, Stovall, Thomas, Wood, Mr. Speaker.

Total6

VOTING PRESENT:

Total0

Total number of votes cast.....94

Total number voting in the affirmative92

Necessary to concur in the amendment.....51

So the Amendment was concurred in.

/s/ Ms. Jo Renshaw

Chief Clerk

Representative Mahony moved that the House concur in the following Senate Amendment.

ARKANSAS SENATE

AMENDMENT NO. 3 TO HOUSE BILL NO. 1094

Amend HOUSE BILL NO. 1094 as engrossed, S1/17/04

(version: 01-17-2004 11:34):

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)."

/s/ Steve Bryles

The Amendment was read and the vote was as follows:

AFFIRMATIVE: Adams, Agee, Anderson, Bennett, Berry, Biggs, Blair, Bledsoe, Bolin, Bond, P. Bookout, Borhauer, Boyd, Bradford, Bright, Chesterfield, Childers, Clemons, Cowling, Creekmore, Dangeau, Dees, Dickinson, Dobbins, Eason, Edwards, Elliott, D. Evans, L. Evans, Ferguson, Fite, Gillespie, Gipson, Goss, Green, Haak, Harris, Hathorn, Hickinbotham, House, Hutchinson, Jackson, Jacobs, 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, Petrus, L. Prater, S. Prater, Pritchard, Rankin, Roebuck, Rosenbaum, Schulte, Scrimshire, Seawel, R. Smith, Sullivan, Sumpter, C. Taylor, J. Taylor, Thomason, Thyer, Verkamp, Walters, Weaver, White, Wood.

Total92

NEGATIVE:

Total0

ABSENT OR NOT VOTING: Hardwick, Jeffrey, Penix, Pickett, Scroggin, Stovall, Thomas, Mr. Speaker.

Total8

VOTING PRESENT:

Total0

Total number of votes cast.....92

Total number voting in the affirmative92

Necessary to concur in the amendment.....51

So the Amendment was concurred in.

/s/ Ms. Jo Renshaw
Chief Clerk

Representative Chesterfield moved that the House concur in the following Senate Amendment.

ARKANSAS SENATE

AMENDMENT NO. 1 TO HOUSE BILL NO. 1114

Amend HOUSE BILL NO. 1114 as engrossed, H1/21/04

(version: 01-21-2004 09:19):

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"

/s/ Jim Argue

The Amendment was read and the vote was as follows:

AFFIRMATIVE: Adams, Agee, Anderson, Bennett, Berry, Biggs, Blair, Bledsoe, Bolin, Bond, P. Bookout, Borhauer, Boyd, Bradford, Bright, Chesterfield, Childers, Clemons, Cowling, Creekmore, Dangeau, Dees, Dickinson, Dobbins, Eason, Edwards, Elliott, D. Evans, L. Evans, Ferguson, Fite, Gillespie, Gipson, Goss, Green, Haak, Harris, Hathorn, Hickinbotham, House, Hutchinson, Jackson, Jacobs, 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, Pate, Penix, Pickett, L. Prater, S. Prater, Pritchard, Rankin, Roebuck, Rosenbaum, Schulte, Scrimshire, Seawel, Sullivan, Sumpter, C. Taylor, J. Taylor, Thomas, Thomason, Thyer, Verkamp, Walters, Weaver, White, Wood.

Total91

NEGATIVE:

Total0

ABSENT OR NOT VOTING: Hardwick, Jeffrey, Pace, Parks, Petrus, Scroggin, R. Smith, Stovall, Mr. Speaker.

Total9

VOTING PRESENT:

Total0

Total number of votes cast.....91

Total number voting in the affirmative91

Necessary to concur in the amendment.....51

So the Amendment was concurred in.

HOUSE BILL NO. 1153

BY: REPRESENTATIVE CLEVELAND

Was read the third time and placed on final passage, the question being shall the Bill pass. The vote was as follows:

AFFIRMATIVE: Adams, Agee, Anderson, Bennett, Berry, Biggs, Blair, Bledsoe, Bolin, Bond, P. Bookout, Borhauer, Boyd, Bradford, Bright, Chesterfield, Childers, Clemons, Cowling, Creekmore, Dangeau, Dees, Dickinson, Dobbins, Eason, Edwards, Elliott, D. Evans, L. Evans, Ferguson, Fite, Gillespie, Gipson, Goss, Green, Haak, Harris, Hathorn, Hickinbotham, House, Hutchinson, Jackson, Jacobs, C. Johnson, J. Johnson, Jones, Judy, Kenney, Key, King, Lamoureux, Ledbetter, Lendall, Lewellen, Mack, Mahony, Martin, Matayo, Mathis, Medley, Milligan, Moore, Napper, Nichols, Norton, Oglesby, Ormond, Pace, Parks, Pate, Penix, Petrus, Pickett, L. Prater, S. Prater, Pritchard, Rankin, Roebuck, Rosenbaum, Schulte, Scrimshire, Seawel, Sullivan, C. Taylor, J. Taylor, Thomason, Thyer, Verkamp, Walters, Weaver, White, Wood, Mr. Speaker.

Total93

NEGATIVE:

Total0

ABSENT OR NOT VOTING: Hardwick, Jeffrey, Scroggin, R. Smith, Stovall, Sumpter, Thomas.

Total7

VOTING PRESENT:

Total0

Total number of votes cast.....93

Total number voting in the affirmative93

Necessary to the passage of the bill51

So the Bill passed and the title as read was agreed to.

HOUSE BILL NO. 1154

BY: REPRESENTATIVE MAHONY

Was read the third time and placed on final passage, the question being shall the Bill pass. The vote was as follows:

AFFIRMATIVE: Anderson, Blair, Bledsoe, Bond, P. Bookout, Borhauer, Boyd, Bradford, Chesterfield, Clemons, Cowling, Dangeau, Dobbins, Eason, Edwards, Elliott, D. Evans, Goss, Harris, J. Johnson, Jones, Judy, Kenney, Key, King, Lamoureux, Ledbetter, Lendall, Lewellen, Mahony, Martin, Matayo, Mathis, Medley, Moore, Penix, Pickett, S. Prater, Rankin, Roebuck, Seawel, C. Taylor, Thomas, White, Wood.

Total45

NEGATIVE: Adams, Agee, Bennett, Berry, Biggs, Bright, Childers, Creekmore, Dickinson, Gillespie, Green, Haak, Hathorn, House, Hutchinson, Jackson, Jeffrey, Mack, Milligan, Napper, Nichols, Oglesby, Ormond, Pace, Parks, Pate, Petrus, Pritchard, Rosenbaum, Schulte, Scroggin, Stovall, Sumpter, J. Taylor, Thomason, Thyer, Verkamp, Walters, Weaver.

Total39

ABSENT OR NOT VOTING: Bolin, Dees, L. Evans, Ferguson, Fite, Gipson, Hardwick, Hickinbotham, Jacobs, C. Johnson, Norton, L. Prater, R. Smith, Sullivan, Mr. Speaker.

Total15

VOTING PRESENT: Scrimshire.

Total1

Total number of votes cast.....85

Total number voting in the affirmative45

Necessary to the passage of the bill51

So the Bill failed.

HOUSE BILL NO. 1157

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, Anderson, Bennett, Berry, Biggs, Blair, Bledsoe, Bolin, Bond, P. Bookout, Borhauer, Boyd, Bradford, Bright, Chesterfield, Childers, Clemons, Cowling, Creekmore, Dees, Dickinson, Dobbins, Eason, Edwards, Elliott, D. Evans, L. Evans, Ferguson, Fite, Gillespie, Gipson, Goss, Haak, Harris, Hathorn, Hickinbotham, House, Hutchinson, Jackson, Jacobs, Jeffrey, J. Johnson, Judy, Kenney, King, Lamoureux, Ledbetter, Lendall, Mack, Martin, Mathis, Milligan, Moore, Napper, Nichols, Norton, Oglesby, Ormond, Pace, Parks, Pate, Petrus, L. Prater, S. Prater, Pritchard, Roebuck, Rosenbaum, Schulte, Scrimshire, Scroggin, Seawel, R. Smith, Stovall, Sullivan, Sumpter, C. Taylor, J. Taylor, Thomas, Thomason, Thyer, Verkamp, Walters, Weaver, Wood.

Total84

NEGATIVE: Agee, Key, Lewellen, Penix, White.

Total5

ABSENT OR NOT VOTING: Dangeau, Green, Hardwick, C. Johnson, Mahony, Medley, Pickett, Rankin, Mr. Speaker.

Total9

VOTING PRESENT: Jones, Matayo.

Total2

Total number of votes cast91

Total number voting in the affirmative84

Necessary to the passage of the bill51

So the Bill passed and the title as read was agreed to.

Upon motion of Representative Hathorn the Clincher motion prevailed.

Representative Agee moved that the record by which **HOUSE BILL NO. 1040** failed to pass be expunged from the record, which motion prevailed by more than 67 votes.

On this motion the vote was as follows:

AFFIRMATIVE: Agee, Berry, Biggs, Blair, Bledsoe, Bolin, Bond, P. Bookout, Borhauer, Boyd, Bradford, Chesterfield, Childers, Clemons, Dangeau, Dees, Dickinson, Dobbins, Eason, Edwards, Elliott, D. Evans, Ferguson, Goss, Green, Harris, Hathorn, House, Hutchinson, Jackson, C. Johnson, J. Johnson, Jones, Judy, Kenney, King, Lamoureux, Ledbetter, Lendall, Lewellen, Mack, Mahony, Martin, Medley, Moore, Norton, Penix, Pickett, S. Prater, Pritchard, Rankin, Roebuck, Scroggin, Seawel, R. Smith, Sumpter, Thomas, Thyer, Walters, White, Wood.

Total61

NEGATIVE: Adams, Bennett, Bright, L. Evans, Gillespie, Gipson, Haak, Hickinbotham, Jacobs, Jeffrey, Milligan, Napper, Nichols, Oglesby, Ormond, Schulte, Scrimshire, Sullivan, C. Taylor, J. Taylor, Verkamp, Weaver.

Total22

ABSENT OR NOT VOTING: Anderson, Cowling, Creekmore, Fite, Hardwick, Key, Matayo, Mathis, Pace, Parks, Pate, Petrus, L. Prater, Rosenbaum, Stovall, Thomason, Mr. Speaker.

Total17

VOTING PRESENT:

Total0

Total number of votes cast83

Total number voting in the affirmative61

Necessary to the adoption of the motion67

So the motion failed of adoption.

/s/ Ms. Jo Renshaw

Chief Clerk

HOUSE BILL NO. 1063

BY: REPRESENTATIVE ELLIOTT

Was read the third time and placed on final passage, the question being shall the Bill pass. The vote was as follows:

AFFIRMATIVE: Biggs, Blair, Bond, P. Bookout, Borhauer, Boyd, Bradford, Chesterfield, Clemons, Cowling, Dangeau, Dees, Dobbins, Eason, Elliott, D. Evans, Goss, Green, Hathorn, House, Jackson, C. Johnson, Jones, Judy, King, Ledbetter, Lendall, Lewellen, Mack, Martin, Mathis, Moore, Pate, Penix, Pickett, S. Prater, Roebuck, Seawel, R. Smith, Sullivan, Sumpter, Thomas, Thomason, Thyer, Verkamp, White, Wood, Mr. Speaker.

Total48

NEGATIVE: Adams, Agee, Bennett, Berry, Bright, Creekmore, Gillespie, Gipson, Haak, Harris, Hutchinson, Jeffrey, Lamoureux, Mahony, Napper, Nichols, Norton, Ormond, Pritchard, Rankin, Rosenbaum, Schulte, C. Taylor, J. Taylor, Walters.

Total25

ABSENT OR NOT VOTING: Anderson, Bledsoe, Bolin, Childers, Dickinson, Edwards, L. Evans, Ferguson, Fite, Hardwick, Hickinbotham, Jacobs, J. Johnson, Kenney, Medley, Oglesby, Pace, Parks, Petrus, Scroggin, Stovall, Weaver.

Total22

VOTING PRESENT: Key, Matayo, Milligan, L. Prater, Scrimshire.

Total5

Total number of votes cast78

Total number voting in the affirmative48

Necessary to the passage of the bill51

So the Bill failed.

HOUSE BILL NO. 1158

BY: REPRESENTATIVE R. SMITH

Was read the third time and placed on final passage, the question being shall the Bill pass and shall the Emergency Clause be adopted. The vote was as follows:

AFFIRMATIVE: Agee, Anderson, Bennett, Biggs, Bledsoe, Bolin, Bond, P. Bookout, Borhauer, Boyd, Bradford, Bright, Chesterfield, Childers, Clemons, Cowling, Creekmore, Dees, Dobbins, Eason, Edwards, D. Evans, L. Evans, Ferguson, Gillespie, Goss, Green, Haak, Harris, Hathorn, Hickinbotham, House, Hutchinson, Jacobs, C. Johnson, Jones, Judy, Kenney, Key, King, Lendall, Lewellen, Mack, Martin, Matayo, Medley, Moore, Napper, Nichols, Norton, Oglesby, Ormond, Pace, Parks, Penix, L. Prater, S. Prater, Pritchard, Rankin, Roebuck, Rosenbaum, Schulte, Seawel, R. Smith, Sullivan, Sumpter, C. Taylor, Thomas, Walters, White, Wood.

Total71

NEGATIVE: Adams, Berry, Dangeau, Dickinson, Elliott, Jeffrey, Ledbetter, Mathis, Pate, Scroggin, Stovall, J. Taylor, Thomason, Thyer, Weaver.

Total15

ABSENT OR NOT VOTING: Blair, Fite, Hardwick, Jackson, J. Johnson, Lamoureux, Mahony, Petrus, Pickett, Scrimshire, Verkamp, Mr. Speaker.

Total12

VOTING PRESENT: Gipson, Milligan.

Total2

Total number of votes cast.....88

Total number voting in the affirmative71

Necessary to the passage of the bill51

So the Bill passed and the title as read was agreed to.

There being an Emergency Clause attached to **HOUSE BILL NO. 1158**, the Speaker ordered the clerk to call the roll upon the adoption of the Emergency Clause. The vote was as follows:

EMERGENCY CLAUSE

AFFIRMATIVE: Agee, Anderson, Bennett, Biggs, Bledsoe, Bolin, Bond, P. Bookout, Borhauer, Boyd, Bradford, Bright, Chesterfield, Childers, Clemons, Cowling, Creekmore, Dees, Dobbins, Eason, Edwards, D. Evans, L. Evans, Ferguson, Gillespie, Goss, Green, Haak, Harris, Hathorn, Hickinbotham, House, Hutchinson, Jacobs, C. Johnson, Jones, Judy, Kenney, Key, King, Lendall, Lewellen, Mack, Martin, Matayo, Medley, Moore, Napper, Nichols, Norton, Oglesby, Ormond, Pace, Parks, Penix, L. Prater, S. Prater, Pritchard, Rankin, Roebuck, Rosenbaum, Schulte, Seawel, R. Smith, Sullivan, Sumpter, C. Taylor, Thomas, Walters, White, Wood.

Total71

NEGATIVE: Adams, Berry, Dangeau, Dickinson, Elliott, Jeffrey, Ledbetter, Mathis, Pate, Scroggin, Stovall, J. Taylor, Thomason, Thyer, Weaver.

Total15

ABSENT OR NOT VOTING: Blair, Fite, Hardwick, Jackson, J. Johnson, Lamoureux, Mahony, Petrus, Pickett, Scrimshire, Verkamp, Mr. Speaker.

Total12

VOTING PRESENT: Gipson, Milligan.

Total2

Total number of votes cast88

Total number voting in the affirmative71

Necessary to the adoption of the emergency clause.....67

So the Emergency Clause was adopted.

Upon motion of Representative Weaver the rules were suspended. Considered in the Committee of the Whole. Returned with the recommendation that it "DO PASS".

HOUSE BILL NO. 1135

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, Berry, Biggs, Blair, Bolin, Bond, P. Bookout, Borhauer, Boyd, Bradford, Chesterfield, Childers, Clemons, Cowling, Creekmore, Dangeau, Dees, Dickinson, Dobbins, Eason, Edwards, Elliott, D. Evans, L. Evans, Ferguson, Gillespie, Gipson, Goss, Green, Haak, Hathorn, Hickinbotham, House, Hutchinson, Jackson, Jacobs, Jeffrey, C. Johnson, J. Johnson, Jones, Judy, Kenney, King, Ledbetter, Lendall, Lewellen, Mack, Mahony, Martin, Mathis, Milligan, Moore, Napper, Nichols, Oglesby, Ormond, Pace, Pate, Petrus, Pickett, L. Prater, S. Prater, Pritchard, Rankin, Roebuck, Scrimshire, Scroggin, Seawel, Stovall, Sullivan, Sumpter, C. Taylor, J. Taylor, Thomas, Thomason, Thyer, Verkamp, Walters, Weaver, Wood, Mr. Speaker.

Total82

NEGATIVE: Bennett, Bright, Norton, Penix, Schulte.

Total5

ABSENT OR NOT VOTING: Anderson, Bledsoe, Fite, Hardwick, Harris, Lamoureux, Matayo, Medley, Parks, Rosenbaum, R. Smith, White.

Total12

VOTING PRESENT: Key.

Total1

Total number of votes cast88

Total number voting in the affirmative82

Necessary to the passage of the bill75

So the Bill passed and the title as read was agreed to.

There being an Emergency Clause attached to **HOUSE BILL NO. 1135**, 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, Berry, Biggs, Blair, Bolin, Bond, P. Bookout, Borhauer, Boyd, Bradford, Chesterfield, Childers, Clemons, Cowling, Creekmore, Dangeau, Dees, Dickinson, Dobbins, Eason, Edwards, Elliott, D. Evans, L. Evans, Ferguson, Gillespie, Gipson, Goss, Green, Haak, Hathorn, Hickinbotham, House, Hutchinson, Jackson, Jacobs, Jeffrey, C. Johnson, J. Johnson, Jones, Judy, Kenney, King, Ledbetter, Lendall, Lewellen, Mack, Mahony, Martin, Mathis, Milligan, Moore, Napper, Nichols, Oglesby, Ormond, Pace, Pate, Petrus, Pickett, L. Prater, S. Prater, Pritchard, Rankin, Roebuck, Scrimshire, Scroggin, Seawel, Stovall, Sullivan, Sumpter, C. Taylor, J. Taylor, Thomas, Thomason, Thyer, Verkamp, Walters, Weaver, Wood, Mr. Speaker.

Total82

NEGATIVE: Bennett, Bright, Norton, Penix, Schulte.

Total5

ABSENT OR NOT VOTING: Anderson, Bledsoe, Fite, Hardwick, Harris, Lamoureux, Matayo, Medley, Parks, Rosenbaum, R. Smith, White.

Total12

VOTING PRESENT: Key.

Total1

Total number of votes cast88

Total number voting in the affirmative82

Necessary to the adoption of the emergency clause.....67

So the Emergency Clause was adopted.

The House recessed at 2:52 p.m. until 4:00 p.m. for the reading of the bills.

The House reconvened at 4:19 p.m.

HOUSE BILLS ORDERED TRANSMITTED TO THE SENATE AS PASSED

HOUSE BILL NO. 1135 BY REPRESENTATIVE MAHONY
 HOUSE BILL NO. 1153 BY REPRESENTATIVE CLEVELAND
 HOUSE BILL NO. 1157 BY REPRESENTATIVE HATHORN
 HOUSE BILL NO. 1158 BY REPRESENTATIVE R. SMITH

ARKANSAS SENATE
 HOUSE BILLS RETURNED FROM THE SENATE AS PASSED

HOUSE BILL NO. 1027 BY REPRESENTATIVE PETRUS
 HOUSE BILL NO. 1047 BY REPRESENTATIVE J. JOHNSON
 AS AMENDED #1, 2 & 3
 HOUSE BILL NO. 1142 BY REPRESENTATIVE LEDBETTER
 AS AMENDED #1

ARKANSAS SENATE
 HOUSE CONCURRENT RESOLUTIONS CONCURRED IN
 AND RETURNED TO THE HOUSE

HOUSE CONCURRENT RESOLUTION NO. 1002
 BY REPRESENTATIVE MAHONY

ENROLLED AND DELIVERY TO GOVERNOR REPORTS

Little Rock, Arkansas
January 29, 2004

MR. SPEAKER:

We, your committee on Enrolled Bills, to whom was referred the following:

HOUSE BILL NO. 1078 BY REPRESENTATIVE CLEVELAND

beg leave to report that we have carefully compared the enrolled copies with the original and we find the same correctly enrolled and have at 8:56 a.m. delivered them to the Governor for his approval.

Respectfully submitted,

/s/ Herschel W. Cleveland
Chairman

RECEIPT FROM THE GOVERNOR

RECEIVED FROM THE HOUSE:

HOUSE BILL NO. 1078 BY REPRESENTATIVE CLEVELAND

/s/ Mike Huckabee - Governor
By: Stacy DeJarnett

TIME: 8:56 a.m.

ENROLLED AND DELIVERY TO GOVERNOR REPORTS

Little Rock, Arkansas

January 29, 2004

MR. SPEAKER:

We, your committee on Enrolled Bills, to whom was referred the following:

HOUSE CONCURRENT RESOLUTION NO. 1002

BY REPRESENTATIVE MAHONY, ET AL

HOUSE BILL NO. 1018 BY REPRESENTATIVE BOYD, ET AL

HOUSE BILL NO. 1027 BY REPRESENTATIVE PETRUS

HOUSE BILL NO. 1094 BY REPRESENTATIVE MAHONY, ET AL

HOUSE BILL NO. 1114 BY REPRESENTATIVE CHESTERFIELD, ET AL

beg leave to report that we have carefully compared the enrolled copies with the original and we find the same correctly enrolled and have at 3:20 p.m. delivered them to the Governor for his approval.

Respectfully submitted,

/s/ Herschel W. Cleveland

Chairman

RECEIPT FROM THE GOVERNOR

RECEIVED FROM THE HOUSE:

HOUSE CONCURRENT RESOLUTION NO. 1002

BY REPRESENTATIVE MAHONY, ET AL

HOUSE BILL NO. 1018 BY REPRESENTATIVE BOYD, ET AL

HOUSE BILL NO. 1027 BY REPRESENTATIVE PETRUS

HOUSE BILL NO. 1094 BY REPRESENTATIVE MAHONY, ET AL

HOUSE BILL NO. 1114 BY REPRESENTATIVE CHESTERFIELD, ET AL

/s/ Mike Huckabee - Governor

TIME: 3:20 p.m.

By: Stacy DeJarnett

HOUSE BILL NO. 1167

BY: REPRESENTATIVE SUMPTER

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO PROVIDE ADDITIONAL LOCAL REVENUE TO PUBLIC SCHOOLS BY REQUIRING STATE FUNDING TO SCHOOL DISTRICTS FOR TEACHER INSURANCE COSTS; TO REDUCE THE STATE FOUNDATION FUNDING AMOUNT FOR SCHOOL YEAR 2004-2005 IN ORDER TO PROVIDE SUFFICIENT FUNDS FOR TEACHER INSURANCE; AND FOR OTHER PURPOSES.

Was read the first time, rules suspended, read the second time, and referred to the Committee on INSURANCE AND COMMERCE.

HOUSE BILL NO. 1168

BY: REPRESENTATIVES THYER, ANDERSON, BOND, P. BOOKOUT, CHILDERS, FERGUSON, JEFFREY, LAMOUREUX, LEDBETTER, NICHOLS, PETRUS, SULLIVAN

BY: SENATOR WOMACK

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO PROHIBIT SCHOOL DISTRICTS FROM USING PUBLIC FUNDS TO PAY LEGAL FEES ASSOCIATED WITH LITIGATION CHALLENGING ANY ACTS OF THE GENERAL ASSEMBLY MEETING IN THE SECOND EXTRAORDINARY SESSION OF 2003; TO PROVIDE THAT MONEY APPROPRIATED IN THE SECOND EXTRAORDINARY SESSION OF 2003 BE SPENT IN THE CLASSROOM AND NOT IN THE COURTROOM; AND FOR OTHER PURPOSES.

Was read the first time, rules suspended, read the second time, and referred to the Committee on EDUCATION.

HOUSE BILL NO. 1169

BY: REPRESENTATIVE R. SMITH

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO IMPROVE THE VALUATION PROCESS FOR AGRICULTURAL, PASTURE, AND TIMBER LAND IN ORDER TO MORE ACCURATELY REFLECT PROPERTY VALUE AND TO PRODUCE ADDITIONAL LOCAL REVENUES FOR PUBLIC SCHOOL DISTRICTS AND COUNTIES; 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. 1024

BY: REPRESENTATIVES MATHIS, D. EVANS, LAMOUREUX, LEDBETTER, PICKETT

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.

Was read the first time, rules suspended, read the second time and referred to the Committee on EDUCATION.

HOUSE RESOLUTION NO. 1025

BY: REPRESENTATIVE GILLESPIE

RECOGNIZING MR. KERN TREAT, DIRECTOR OF THE BUREAU OF LEGISLATIVE RESEARCH, UPON COMPLETING FIFTY YEARS OF SERVICE TO THE ARKANSAS GENERAL ASSEMBLY.

Was read the first time, rules suspended, read the second time and placed on the Calendar.

Upon motion of Representative Gillespie, the House adjourned at 4:21 p.m. until 10:00 a.m. Friday, January 30, 2004.

ATTEST:

Herschel W. Cleveland
Speaker of the House of Representatives

Jo Renshaw
Chief Clerk

**FIFTY-FOURTH DAY'S PROCEEDINGS
HALL OF THE HOUSE OF REPRESENTATIVES**

Little Rock, Arkansas
January 30, 2004

The House was called to order at 10:05 a.m. by Mr. Cleveland, the Speaker.
The following members answered to the roll call:

Adams, Agee, Anderson, Bennett, Berry, Biggs, Blair, Bledsoe, Bolin, Bond, Bookout, Borhauer, Boyd, Bradford, Bright, Chesterfield, Childers, Clemons, Cowling, Creekmore, Dangeau, Dees, Dickinson, Dobbins, Eason, Edwards, Elliott, D.Evans, L. Evans, Ferguson, Fite, Gillespie, Gipson, Goss, Green, Haak, Harris, Hathorn, Hickinbotham, House, Hutchinson, Jackson, Jacobs, Jeffrey, C.Johnson, J. Johnson, Jones, Judy, Kenney, Key, King, Lamoureux, Ledbetter, Lendall, Lewellen, Mack, Mahony, Martin, Matayo, Mathis, Medley, Milligan, Moore, Napper, Nichols, Norton, Oglesby, Ormond, Pace, Parks, Pate, Penix, Petrus, Pickett, S. Prater, Pritchard, Rankin, Roebuck, Rosenbaum, Schulte, Scrimshire, Scroggin, Seawel, Smith, Stovall, Sullivan, Sumpter, C.Taylor, J.Taylor, Thomas, Thomason, Thyer, Verkamp, Walters, Weaver, White, Wood, Mr. Speaker.

Total98

The following member(s) was absent and did not answer to the roll call:
Hardwick, L. Prater

Total2

A quorum was present.

Unanimous leave was granted for Representative(s) Hardwick, L. Prater.

The House stood and was led in prayer by Representative Tommy Dickinson.

The House stood and gave the Pledge of Allegiance to the Flag.

The reading of the Journal of yesterday's proceedings was dispensed with.

COMMITTEE REPORT

JOINT BUDGET	January 30, 2004
	PAUL WEAVER
	CHAIRPERSON
HOUSE BILL NO. 1084	DO PASS
BY REPRESENTATIVE LENDALL	

COMMITTEE REPORT

REVENUE AND TAXATION	January 30, 2004
	BOYD HICKINBOTHAM
	CHAIRPERSON
HOUSE BILL NO. 1030	DO PASS
BY REPRESENTATIVE BOYD	AS AMENDED #3
SENATE BILL NO. 73	DO PASS
BY SENATOR ARGUE	AS AMENDED #1

State of Arkansas
Office of the Governor

Mike Huckabee
Governor

January 29, 2004

TO THE SPEAKER OF THE HOUSE

Dear Mr. Speaker:

This is to inform you that on January 29, 2004, I approved the following measures from the Second Extraordinary Session of the Eighty-Fourth General Assembly:

HOUSE BILL NO. 1094 is now Act Number 61
HOUSE BILL NO. 1027 is now Act Number 62
HOUSE BILL NO. 1114 is now Act Number 63
HOUSE BILL NO. 1108 is now Act Number 64
HOUSE BILL NO. 1018 is now Act Number 65
HOUSE BILL NO. 1078 is now Act Number 66
HOUSE CONCURRENT RESOLUTION NO. 1002

Sincerely,

/s/ Mike Huckabee

Upon motion of Representative Gillespie, **HOUSE BILL NO. 1155** was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 1 TO HOUSE BILL NO. 1155

Amend **HOUSE BILL NO. 1155** as originally introduced:

Page 2 delete line 27 and substitute the following:

“method of obtaining the required criminal background check information.

(c) Within thirty (30) days after receipt of the criminal background check, the employer shall report the results of the criminal background check to the appropriate state agency, if any, for final determination of employment or licensure eligibility.”

/s/ Jeff Gillespie

The Amendment was read and adopted by more than 51 votes.

/s/ Ms. Jo Renshaw
Chief Clerk

Upon motion of Representative Childers, **HOUSE BILL NO. 1150** was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 1 TO HOUSE BILL NO. 1150

Amend **HOUSE BILL NO. 1150** as originally introduced:

Add Representatives Agee, Anderson, Bledsoe, Borhauer, Dees, Elliott, Goss, Green, Hardwick, King, Matayo, Mathis, Nichols, Petrus, Pickett, Rosenbaum, Schulte, and Walters as House sponsors.

AND

Add Senators Gullett and Whitaker as Senate sponsors.

AND

Page 3, delete lines 26 through 36 and substitute the following:

"SECTION 4. Arkansas Code Title 26, Chapter 26, Subchapter 2 is amended to add a new section to read as follows:

26-26-213. Certification of delinquent taxes to the Department of Finance and Administration.

(a)(1) No later than December 1 of each year, all personal property taxes that have been delinquent for over one (1) year following the date the taxes were due shall be transmitted by certification to the Director of the Department of Finance and Administration for collection.

(2) No delinquent personal property taxes shall be collected at the county level after transmittal to the director for collection.

(b) Upon receipt of the certification, the sole authority to collect the delinquent personal property taxes shall be vested in the State of Arkansas by and through the director.

(c)(1) The director may select, contract with, and oversee an independent contractor under a professional services contract to collect delinquent personal property taxes. The independent contractor shall:

(A) Be selected subject to the laws governing professional services contracts under § 19-11-801, et seq.;

(B) Not be an officer or employee of an Arkansas county;

(C) Be ineligible to provide collection services if the independent contractor or any partner or employee of the contractor has plead guilty to, nolo contendere to, or has been found guilty of a felony; and

(D) Be subject to audit whenever requested by the director.

(2) For the purpose of collecting the taxes, penalties and fees for the director, the independent contractor shall have all powers vested in county collectors or sheriff collectors, except for the seizure of goods provided for under § 26-36-206, for the purpose of collecting delinquent personal property taxes.

(3)(A) As compensation, the independent contractor shall be paid a fee based upon the amount of the delinquent account certified to the director, but not to exceed twenty-five percent (25%) of the total amount of the delinquent account collected.

(B) The director shall be paid a fee by the taxpayer equal to five percent (5%) of the total amount of the delinquent account collected in order to reimburse the department for collection expenses.

(C) The total fees paid by the taxpayer under this subdivision (c)(3) shall not exceed an amount equal to thirty percent (30%) of the total amount of the delinquent account collected under the professional services contract described in subdivision (c)(1) of this section.

(D) The fees specified under this subdivision (c)(3) shall be collected in the same manner as the delinquent personal property taxes from the taxpayer.

(D) The independent contractor shall instruct taxpayers that all payments from taxpayers must be made directly to the director.

(E)(i) In the event that a taxpayer makes payments to the independent contractor instead of the director, all amounts collected by the independent contractor under the personal services contract shall be remitted in full to the director within thirty (30) days of receipt.

(ii) With respect to any amounts collected from the taxpayer and remitted to the director, the independent contractor must identify the taxpayer from whom the taxes were collected, the applicable personal property account number, and the applicable county code.

(iii) The independent contractor shall not retain any funds collected from taxpayers, including any fees for compensation under the personal services contract.

(d)(1) An independent contractor selected to collect personal property taxes shall register with the Secretary of State and shall file with the Secretary of State a surety bond or certificate of deposit guaranteeing compliance with the terms of the contract and all applicable laws.

(2) The amount of the surety bond or certificate of deposit shall be fifty thousand dollars (\$50,000).

(3)(i) Any person suffering damage by reason of the acts or omissions

of the independent contractor may bring a cause of action on the bond for damages.

(ii) If damages are awarded to any person, within fourteen (14) days of payment of the award from the bond or certificate of deposit, the independent contractor must renew the surety bond or certificate of deposit so that the amount of fifty thousand dollars (\$50,000) will be available to cover any additional claims for damages.

(e)(1)(A) No fewer than thirty (30) days before the director turns the delinquent account collection over to the independent contractor, notice shall be given to each taxpayer.

(B) All notices required to be given to a taxpayer shall be either served by personal service or sent by regular mail to the taxpayer's last address on record with the applicable county collector.

(C) Service of the notice by mail is presumptively complete upon mailing.

(D) The notice shall include that:

(i) The account is being referred for independent collection; and

(ii) An amount not to exceed thirty percent (30%) of the delinquent account will be added as a cost of collection if the account is not paid in full to the director within thirty (30) days from the date the notice was postmarked.

(2)(A) Upon expiration of the thirty (30) days provided for in the notice, the accounts remaining delinquent shall be turned over to the independent contractor for collection.

(B) The director shall provide all available documentation necessary for the independent contractor to perform all of his or her obligations under the personal services contract.

(C)(i) All payments by a taxpayer shall be made to the director.

(ii) Once notice has been provided and the thirty-day time period has expired, the director shall collect the independent contractor fee from the taxpayer.

(iii) Notice of the payment shall be provided to the independent contractor as soon as practicable and the fee shall be remitted to the independent contractor in full within thirty (30) days of receipt.

(iv) The director shall retain the fee collected for its expenses and remit the taxes and penalties to the appropriate county treasurer.

(f)(1) The independent contractor may agree to partial payments of delinquent accounts under an installment payment plan.

(2) An installment payment plan may be prorated over a period of time

not to exceed one (1) year.

(3) Delinquent taxpayers paying under an installment payment plan shall continue to be assessed penalties on the remaining delinquent taxes due until all delinquent accounts are paid in full.

(4)(A) Each partial payment to the director of a delinquent account shall be applied as follows:

(i) Five percent (5%) of the partial payment shall be retained by the director as collection expenses of the department;

(ii) The director shall pay the independent contractor a portion of its collection fee equal to the percentage of its collection fee times the amount of the partial payment; and,

(iii) The amount remaining shall be paid to the county collector.

(g)(1)(A) As soon as administratively feasible after receipt by the department of amounts collected under subsections (c) or (e) of this section, the director shall notify the applicable county that the taxes have been paid.

(B) After notification of payment, the county shall update its system to reflect payment of the applicable account in order to permit vehicle registration by the taxpayer.

(2)(A) As soon as administratively feasible after receipt by the director of the final installment payment of amounts collected under subsection (f) of this section, the director shall notify the applicable county that the taxes have been paid.

(B) After notification of payment of a final installment payment, the county shall update its system to reflect payment of the applicable account in order to permit vehicle registration by the taxpayer.

(3)(A) On the fifteenth (15th) day of the month following receipt by the department of amounts collected under subsections (c), (e), or (f) of this section, the director shall remit the amounts collected to the appropriate county collector.

(B) If the fifteenth (15th) day of the month falls on a weekend or holiday, the director shall remit the amounts collected to the appropriate county collector on the next business day.

(h) This section shall apply to both current and future delinquent personal property taxes only."

AND

Page 4, delete lines 1 through 36

AND

Page 5, delete lines 1 through 36

AND

Page 6, delete lines 1 through 36

AND

Page 7, delete lines 1 through 21

/s/ Marvin Childers

The Amendment was read and adopted by more than 51 votes.

/s/ Ms. Jo Renshaw

Chief Clerk

Upon motion of Representative D. Evans, **HOUSE BILL NO. 1164** was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 1 TO HOUSE BILL NO. 1164

Amend **HOUSE BILL NO. 1164** as originally introduced:

Page 2, on line 31, delete "July 1, 2003" and substitute "July 1, 2004"

/s/ David Evans

The Amendment was read and adopted by more than 51 votes.

/s/ Ms. Jo Renshaw

Chief Clerk

Upon motion of Representative D. Evans, **HOUSE BILL NO. 1164** was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 2 TO HOUSE BILL NO. 1164

Amend **HOUSE BILL NO. 1164** as originally introduced:

Page 1, lines 12 and 13 delete "TO REDUCE THE DISCOUNT FOR PROMPT PAYMENT OF SALES TAX;"

AND

Delete the Subtitle and substitute the following:

"PROVIDES ADDITIONAL REVENUE TO FUND THE EDUCATIONAL SYSTEM BY INCREASING SALES AND USE TAX."

AND

Delete Sections 5 and 6 of the bill in their entirety

AND

Appropriately renumber the subsequent Sections of the bill

/s/ David Evans

The Amendment was read and adopted by more than 51 votes.

/s/ Ms. Jo Renshaw

Chief Clerk

ENGROSSED BILL REPORTS

HERSCHEL W. CLEVELAND, CHAIRMAN

January 30, 2004

The following bill(s) reported correctly engrossed:

HOUSE BILL NO. 1150 - TITLE - BY REPRESENTATIVE CHILDERS, ET AL

HOUSE BILL NO. 1155 BY REPRESENTATIVE GILLESPIE

HOUSE BILL NO. 1164 - TITLE - BY REPRESENTATIVE D. EVANS, ET AL

HOUSE BILL ENGROSSED AS TITLE AMENDED
HOUSE BILL NO. 1150

BY: REPRESENTATIVES CHILDERS, FERGUSON, AGEE, ANDERSON,
BLEDSOE, BORHAUER, DEES, ELLIOTT, GOSS, GREEN, HARDWICK, KING,
MATAYO, MATHIS, NICHOLS, PETRUS, PICKETT, ROSENBAUM, SCHULTE,
WALTERS

BY: SENATORS SALMON, GULLETT, WHITAKER

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO PROVIDE FOR THE TRANSMISSION BY CERTIFICATION OF DELINQUENT PERSONAL PROPERTY TAXES TO THE DIRECTOR OF THE DEPARTMENT OF FINANCE AND ADMINISTRATION, FOR COLLECTION; AND FOR OTHER PURPOSES.

HOUSE BILL ENGROSSED AS TITLE AMENDED
HOUSE BILL NO. 1164

BY: REPRESENTATIVES D. EVANS, JACKSON, MAHONY

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO PROVIDE ADDITIONAL REVENUE TO FUND THE STATE EDUCATION SYSTEM; TO LEVY AN ADDITIONAL FIVE-EIGHTHS OF ONE PERCENT (0.625%) SALES AND USE TAX; TO CREATE THE EDUCATIONAL ADEQUACY TRUST FUND; AND FOR OTHER PURPOSES.

HOUSE RESOLUTION NO.1023

BY: REPRESENTATIVE KEY

URGING THE ARKANSAS CONGRESSIONAL DELEGATION TO TAKE ALL APPROPRIATE ACTIONS TO ASSURE THAT FEDERAL FUNDS FOR THE INDIVIDUALS WITH DISABILITIES EDUCATION ACT ARE FULLY FUNDED, APPROPRIATED, AND MADE AVAILABLE TO SCHOOLS TO ENABLE THEM TO IMPLEMENT THE PROGRAMS THAT CONGRESS HAS REQUIRED OF SCHOOLS.

THE RESOLUTION WAS READ AND ADOPTED BY MORE THAN 51 VOTES. RECEIVED UNANIMOUS SUPPORT.

Morning Hour Expired.

Representative Biggs moved that the House concur in the following Senate Amendment.

ARKANSAS SENATE

AMENDMENT NO. 1 TO HOUSE BILL NO. 1071

Amend **HOUSE BILL NO. 1071** as originally introduced:

Add Senator Bryles as a Senate cosponsor of the bill

AND

Add Representatives Boyd and Thyer as House cosponsors of the bill

AND

Page 1, delete lines 9 through 18 and substitute:

"AN ACT TO CONTINUE THE PAYMENT OF A DEBT SERVICE FUNDING SUPPLEMENT TO ELECTING SCHOOL DISTRICTS; TO CONTINUE THE PAYMENT OF GENERAL FACILITIES FUNDING TO ELECTING SCHOOL DISTRICTS; TO PROVIDE FOR PAYMENT OF A SUPPLEMENTAL MILLAGE INCENTIVE FUNDING FOR SCHOOL DISTRICTS THAT INCREASE SCHOOL DISTRICT MILLAGE IN EXCESS OF TWENTY-FIVE (25) MILLS; AND FOR OTHER PURPOSES."

AND

Page 1, delete lines 21 through 25 and substitute:

"CONTINUES THE PAYMENT OF A DEBT SERVICE FUNDING SUPPLEMENT AND GENERAL FACILITIES FUNDING TO SCHOOL DISTRICTS AND CREATES ALTERNATIVE SUPPLEMENTAL MILLAGE INCENTIVE FUNDING."

AND

Page 1, beginning on line 30, delete the remainder of the bill and substitute:

"SECTION 1. Arkansas Code Title 6, Chapter 20, is amended to add a new subchapter as follows:

6-20-2001. Title.

This act shall be known and may be cited as the "Supplemental School District Funding Act of 2003".

6-20-2002. Purpose.

(a) The General Assembly finds that:

(1) The debt service funding supplement and general facilities funding have been an integral part of school financing for a number of school districts;

(2) Elimination of these sources of funds could adversely affect the ability of those districts to continue to operate in a fiscally prudent manner; and

(3) School districts that voluntarily raise school district millage beyond the twenty-five (25) mills required by Amendment 74 to the Arkansas Constitution should receive incentive funding to encourage local financial support of schools.

(b) The purpose of this subchapter is to allow eligible school districts to elect to either continue receiving debt service funding supplement and general facilities funding, or to receive supplemental millage incentive funding.

6-20-2003. Definitions.

As used in this subchapter:

(1) "Average daily membership" means the total number of days attended plus the total number of days absent by students in grades kindergarten through twelve (K-12) during the first three (3) quarters of each school year divided by the number of school days actually taught in the district during that period of time rounded up to the nearest hundredth. Students who may be counted for average daily membership are:

(A) Students who reside within the boundaries of the school district and who are enrolled in a public school operated by the district or a private school for special education students, with their attendance resulting from a written tuition agreement approved by the Department of Education;

(B) Legally transferred students living outside the district but attending a public school in the district; and

(C) Students who reside within the boundaries of the school district and who are enrolled in the Arkansas National Guard Youth Challenge Program, so long as the students are participants in the program;

(2) "Debt service funding supplement" means the state financial aid provided to qualifying local school districts for the purpose of reducing existing debt service burdens and increasing the amount of local revenue available for maintenance and operations expenditures;

(3) "Eligible debt service millage required" means the debt service millage required for bonds issued before July 1, 2004, that is computed by dividing the scheduled debt payment by the total property assessment in the school district and then adding the result to the millage for mandatory callable bonds;

(4) "General facilities funding" means the state financial aid provided to each school district from line item funds made available for that purpose;

(5) "Local revenue" means in each school year ninety-eight percent (98%) of the amount of revenue available, whether or not collected, in a local school district solely from the levy of the uniform rate of tax plus seventy-five percent (75%)

of the average miscellaneous funds collected in the previous five (5) years or the previous year, whichever is less;

(6) "Mandatory callable bonds" means a bond issue in which all net proceeds from debt service millage used to secure the issuance of that bond must be applied to payment of the issue and cannot be used for any other purpose;

(7) "Miscellaneous funds" mean those funds received by a local school district from federal forest reserves, federal grazing rights, federal mineral rights, federal impact aid, federal flood control, wildlife refuge funds, severance taxes, funds received by the district in lieu of taxes, and local sales and use taxes dedicated to education pursuant to §§ 26-74-201 et seq., 26-74-301 et seq., 26-75-301 et seq., and 14-164-301 et seq.;

(8) "Qualified school district" means a school district that:

(A) Issued bonds to finance school district projects before May 30, 2004, and for which outstanding bonds exist as of May 30, 2004;

(B) Was approved by the Department of Education to issue bonds on or before December 31, 2003; and

(C) Received debt service funding supplements pursuant to §§ 6-20-303 and 6-20-308 during school year 2003-2004 in accordance with regulations promulgated by the Department of Education;

(9) "Scheduled debt payment" means the scheduled debt payment on bonded debt issued on or before May 30, 2004, for the following calendar year, not including mandatory callable bonds on file with the Department of Education as of May 30 of the previous year. The scheduled debt payment shall be adjusted by the department as follows:

(A) In the case of a nonvoted refunding bond issue, the payment schedule of the issue being refunded will be compared to the payment schedule of the refunding issue. The schedule with the higher annual debt payment will be used for the purposes of calculating eligible debt service mills required if the district has provided to the department a signed certificate concerning the use of the debt service savings in conformity with § 6-20-2004;

(B) If a voted refunding issue is combined with additional debt or extends the term of the original debt, the new payment schedule will be used for the purposes of calculating eligible debt service mills required; and

(C) A payment that a school district makes to a third party for the eventual purpose of retiring indebtedness, that payment is deposited into an escrow account pending payment to bond holders, and is included as a scheduled debt payment if the school district is unable to recover the deposited funds;

(10) "School district assessment per student" means the total

assessed valuation of property within a school district divided by the school district's average daily membership;

(11) "State assessment per student" means the total assessed valuation of property within the state divided by the statewide average daily membership;

(12) "State wealth index" means the result of one (1) minus the ratio of local revenue for a school year divided by the amount of state funds allocated to the school district from the Public School Fund for unrestricted general support of the school district;

(13) "Statewide average daily membership" means the total number of days attended plus the total number of days absent by all students in grades kindergarten through twelve (K-12) in all school districts during the first three (3) quarters of each school year divided by the total state average daily membership and rounded up to the nearest hundredth. Students who may be counted for average daily membership are:

(A) Students who reside in Arkansas and who are enrolled in a public school operated by a school district or a private school for special education students, with their attendance resulting from a written tuition agreement approved by the Department of Education; and

(B) Students who reside in Arkansas and who are enrolled in the Arkansas National Guard Youth Challenge Program, so long as the students are participants in the program;

(14) "Supplemental millage incentive funding" means state funding paid to school districts who levy ad valorem taxes in excess of twenty-five (25) mills dedicated to maintenance and operations in accordance with Amendment 74 to the Arkansas Constitution; and

(15) "Supplemental millage incentive funding base" means the state assessment per student less the school district assessment per student multiplied by one one-thousandth (.001).

6-20-2004. Debt service funding supplement.

(a)(1) Beginning with school year 2004-2005, the state shall provide to qualified school districts from available line item funds a debt service funding supplement for the purpose of reducing bonded indebtedness if the qualified school district elects to receive the funds in accordance with § 6-20-2007.

(2)(A) A school district's debt service funding supplement is calculated by multiplying the district's eligible debt service millage required times an amount established annually by the State Board of Education per average daily membership times the state wealth index.

(B) Debt service funding supplement shall be distributed quarterly.

(b) A school district qualifying for debt service funding supplement under this section shall not lose any debt service funding supplement as a result of debt service savings produced by refunding outstanding bonds if:

(1) The yearly savings produced by the refunding is deposited into a refunding savings building fund and is used by the district for the building and equipping of school buildings, for major adaptations to a facility, or for purchasing facility sites; and

(2) Before the date that the refunding bonds are sold at public sale, the district submits a certificate to the Director of the Department of Education certifying that the yearly debt service savings will be used for the purposes described in this subsection (b).

(c) If the Department of Education determines that an overpayment has been made to a local school district in any appropriation authorized by this subchapter, the department shall withhold the overpayment from state funding and shall transfer the amount withheld for the overpayment to the line item appropriation from which the overpayment was initially made.

6-20-2005. General facilities funding.

(a)(1) Beginning with school year 2004-2005, the state shall provide from available line item funds general facilities funding to school districts that elect to receive the funds in accordance with § 6-20-2007.

(2) A school district's general facilities funding for a school year is calculated by multiplying the school district's average daily membership for the previous school year by the state wealth index times a rate established annually by the State Board of Education.

(3) General facilities funding payments shall be distributed quarterly.

(b)(1) General facilities funding shall only be used for:

(A) The purchase of school buses, furniture, equipment, and computer software; and

(B) The renovation or repair of existing facilities.

(2) Unused funds may be carried forward and shall be used exclusively for the purposes stated in subdivision (b)(1) of this section.

6-20-2006. Supplemental millage incentive funding.

(a) The purpose of this section is to provide supplemental state funds to school districts that increase school district millage in excess of twenty-five (25) mills dedicated for maintenance and operations in accordance with Amendment 74 to the Arkansas Constitution and that elect to receive the funds in lieu of funds

available under §§ 6-20-2004 and 6-20-2005.

(b) For each school year beginning with school year 2004-2005, the Department of Education shall determine by March 31 immediately preceding the school year:

(1) The rate of ad valorem tax levied in each school district as of December 31 immediately preceding the school year; and

(2) The number of mills, if any, by which the rate exceeds twenty-five (25) mills dedicated for maintenance and operations required by Amendment 74 to the Arkansas Constitution.

(c)(1) A school district's supplemental millage incentive funding shall be equal to the result of multiplying the lesser of the number ten (10) or the result of subdivision (b)(2) of this section by the school district's supplemental millage incentive funding base multiplied by the school district's average daily membership.

(2) The supplemental millage incentive funding base shall be computed based upon property values as of December 31 immediately preceding the school year and the average daily membership for the previous school year.

(3) If a school district is eligible to receive supplemental millage incentive funding and is also eligible to receive debt service funding supplement, general facilities funding, or both, then the school district shall make its funding election in accordance with § 6-20-2007.

(4) A school district shall not receive supplemental millage incentive funding along with debt service funding supplement, general facilities funding, or both.

(d) Supplemental millage incentive funding shall be distributed quarterly. 6-20-2007. Funding election.

(a) By May 15 immediately preceding the school year, a school district that is eligible for supplemental millage incentive funding shall provide the Department of Education with a written election indicating whether for the school year the school district:

(1) Elects to receive only supplemental millage incentive funding in lieu of debt service funding supplement, general facilities funding, or both; or

(2) Elects to receive debt service funding supplement, general facilities funding, or both, in lieu of supplemental millage incentive funding.

(b) The election of a school district under this section shall be effective for one (1) school year.

(c) The department shall provide necessary data to each school district prior to May 15 to enable each school district to make its funding election.

SECTION 2. EMERGENCY CLAUSE. It is found and determined by the

General Assembly of the State of Arkansas that the Arkansas Supreme Court in Lake View School District No. 25 v. Huckabee, 351 Ark. 31 (2002) declared the current system of education to be unconstitutional because it is both inequitable and inadequate; that the Arkansas Supreme Court determined that the state has an absolute duty to provide an equal opportunity to an adequate education; and that providing school districts with additional funding options will enhance learning opportunities for students. Therefore, an emergency is declared to exist and this act being immediately necessary for the preservation of the public peace, health, and safety shall become effective on:

(1) The date of its approval by the Governor;

(2) If the bill is neither approved nor vetoed by the Governor, the expiration of the period of time during which the Governor may veto the bill; or

(3) If the bill is vetoed by the Governor and the veto is overridden, the date the last house overrides the veto."

/s/ Steve Bryles

The Amendment was read and the vote was as follows:

AFFIRMATIVE: Adams, Agee, Anderson, Bennett, Berry, Biggs, Blair, Bledsoe, Bolin, Bond, P. Bookout, Borhauer, Boyd, Bradford, Bright, Chesterfield, Childers, Clemons, Cowling, Creekmore, Dangeau, Dees, Dickinson, Dobbins, Eason, Edwards, Elliott, D. Evans, L. Evans, Ferguson, Fite, Gillespie, Gipson, Goss, Green, Haak, Harris, Hathorn, Hickinbotham, House, Jackson, Jacobs, Jeffrey, C. Johnson, J. Johnson, Jones, Judy, Kenney, Key, King, Ledbetter, Lendall, Lewellen, Mack, Mahony, Martin, Matayo, Mathis, Medley, Milligan, Napper, Nichols, Norton, Oglesby, Ormond, Pace, Pate, Penix, Petrus, Pickett, S. Prater, Pritchard, Rankin, Roebuck, Rosenbaum, Schulte, Scrimshire, Scroggin, Seawel, R. Smith, Sullivan, Sumpter, C. Taylor, J. Taylor, Thomason, Thyer, Walters, Weaver, White, Wood, Mr. Speaker.

Total91

NEGATIVE:

Total0

ABSENT OR NOT VOTING: Hardwick, Hutchinson, Lamoureux, Moore, Parks, L. Prater, Stovall, Thomas, Verkamp.

Total9

VOTING PRESENT:

Total0

Total number of votes cast.....91

Total number voting in the affirmative91

Necessary to concur in the amendment.....51

So the Amendment was concurred in.

/s/ Ms. Jo Renshaw

Chief Clerk

There being an Emergency Clause attached to **SENATE AMENDMENT 1 TO HOUSE BILL NO. 1071**, the Speaker ordered the clerk to call the roll upon the adoption of the Emergency Clause. The vote was as follows:

EMERGENCY CLAUSE

AFFIRMATIVE: Adams, Agee, Anderson, Bennett, Berry, Biggs, Blair, Bledsoe, Bolin, Bond, P. Bookout, Borhauer, Boyd, Bradford, Bright, Chesterfield, Childers, Clemons, Cowling, Creekmore, Dangeau, Dees, Dickinson, Dobbins, Eason, Edwards, Elliott, D. Evans, L. Evans, Ferguson, Fite, Gillespie, Gipson, Goss, Green, Haak, Harris, Hathorn, Hickenbotham, House, Jackson, Jacobs, Jeffrey, C. Johnson, J. Johnson, Jones, Judy, Kenney, Key, King, Ledbetter, Lendall, Lewellen, Mack, Mahony, Martin, Matayo, Mathis, Medley, Milligan, Napper, Nichols, Norton, Oglesby, Ormond, Pace, Pate, Penix, Petrus, Pickett, S. Prater, Pritchard, Rankin, Roebuck, Rosenbaum, Schulte, Scrimshire, Scroggin, Seawel, R. Smith, Sullivan, Sumpter, C. Taylor, J. Taylor, Thomason, Thyer, Walters, Weaver, White, Wood, Mr. Speaker.

Total91

NEGATIVE:

Total0

ABSENT OR NOT VOTING: Hardwick, Hutchinson, Lamoureux, Moore, Parks, L. Prater, Stovall, Thomas, Verkamp.

Total9

VOTING PRESENT:

Total0

Total number of votes cast91

Total number voting in the affirmative91

Necessary to the adoption of the emergency clause.....67

So the Emergency Clause was adopted.

Representative Biggs moved that the House concur in the following Senate Amendment.

ARKANSAS SENATE

AMENDMENT NO. 2 TO HOUSE BILL NO. 1071

Amend HOUSE BILL NO. 1071 as engrossed, S1/13/04

(version: 01-13-2004 13:38):

Page 3, on line 3, delete "July 1, 2004" and substitute "May 30, 2004"

AND

Page 5, on line 7, delete "in excess of" and substitute "in excess of the"

AND

Page 5, delete line 8 and substitute:

"twenty-five (25) mills"

AND

Page 5, on line 9, delete "with Amendment 74" and substitute "required by Amendment 74"

AND

Page 5, delete lines 22 and 23 and substitute:

"required times an amount established annually by the State Board of Education, but no less than twelve dollars (\$12.00) per average daily membership times the state wealth index."

AND

Page 6, delete line 25 and substitute:

"(a) Beginning with school year 2004-2005, the state shall provide from available line item funds supplemental state funds"

AND

Page 6, delete line 26 and substitute:

"to qualified school districts that increase total school district millage in excess of the"

AND

Page 6, delete line 27 and substitute:

"twenty-five (25) mills in accordance"

AND

Page 6, on line 31, delete "March 31" and substitute "July 31"

AND

Page 6, on line 33, delete "The rate of ad valorem" and substitute "The total millage rate of ad valorem"

AND

Page 6, on line 35, delete "the rate exceeds" and substitute "the total millage rate exceeds the"

AND

Page 6, delete line 36 and substitute:

"twenty-five (25) mills required by"

AND

Page 7, on line 35, delete "May 15" and substitute "July 15"

/s/ Steve Bryles

The Amendment was read and the vote was as follows:

AFFIRMATIVE: Adams, Agee, Anderson, Bennett, Berry, Biggs, Blair, Bledsoe, Bolin, Bond, P. Bookout, Borhauer, Boyd, Bradford, Bright, Chesterfield, Childers, Clemons, Cowling, Creekmore, Dangeau, Dees, Dickinson, Eason, Edwards, Elliott, D. Evans, L. Evans, Ferguson, Fite, Gillespie, Gipson, Goss, Green, Haak, Harris, Hathorn, Hickinbotham, House, Hutchinson, Jackson, Jacobs, Jeffrey, C. Johnson, J. Johnson, Jones, Judy, Kenney, Key, King, Ledbetter, Lendall, Lewellen, Mack, Mahony, Martin, Matayo, Mathis, Medley, Milligan, Napper, Nichols, Norton, Oglesby, Ormond, Pace, Parks, Pate, Penix, Petrus, Pickett, S. Prater, Pritchard, Rankin, Roebuck, Rosenbaum, Schulte, Scrimshire, Scroggin, Seawel, R. Smith, Sullivan, Sumpter, C. Taylor, J. Taylor, Thomason, Thyer, Weaver, White, Wood, Mr. Speaker.

Total91

NEGATIVE:

Total0

ABSENT OR NOT VOTING: Dobbins, Hardwick, Lamoureux, Moore, L. Prater, Stovall, Thomas, Verkamp, Walters.

Total9

VOTING PRESENT:

Total0

Total number of votes cast91

Total number voting in the affirmative91

Necessary to concur in the amendment51

So the Amendment was concurred in.

/s/ Ms. Jo Renshaw

Chief Clerk

Representative Biggs moved that the House concur in the following Senate Amendment.

ARKANSAS SENATE

AMENDMENT NO. 3 TO HOUSE BILL NO. 1071

Amend HOUSE BILL NO. 1071 as engrossed, S1/26/04

(version: 01-26-2004 13:35):

Page 7, delete line 8 and substitute:

"district's average daily membership times a funding factor to be determined by the department."

AND

Page 7, on line 24, delete "May 15" and substitute "July 31"

/s/ Steve Bryles

The Amendment was read and the vote was as follows:

AFFIRMATIVE: Adams, Agee, Anderson, Bennett, Berry, Biggs, Blair, Bledsoe, Bolin, Bond, P. Bookout, Borhauer, Boyd, Bradford, Bright, Chesterfield, Childers, Clemons, Cowling, Creekmore, Dangeau, Dees, Dickinson, Dobbins, Eason, Edwards, Elliott, D. Evans, L. Evans, Ferguson, Fite, Gillespie, Gipson, Goss, Green, Haak, Harris, Hathorn, Hickinbotham, House, Hutchinson, Jackson, Jacobs, Jeffrey, C. Johnson, J. Johnson, Jones, Judy, Kenney, Key, King, Lamoureux, Ledbetter, Lendall, Lewellen, Mack, Mahony, Martin, Matayo, Mathis, Medley, Milligan, Napper, Nichols, Norton, Oglesby, Ormond, Pace, Parks, Pate, Penix, Petrus, Pickett, S. Prater, Pritchard, Rankin, Roebuck, Rosenbaum, Schulte, Scrimshire, Scroggin, Seawel, R. Smith, Sullivan, Sumpter, C. Taylor, J. Taylor, Thomas, Thomason, Thyer, Walters, Weaver, White, Wood, Mr. Speaker.

Total95

NEGATIVE:

Total0

ABSENT OR NOT VOTING: Hardwick, Moore, L. Prater, Stovall, Verkamp.

Total5

VOTING PRESENT:

Total0

Total number of votes cast95

Total number voting in the affirmative95

Necessary to concur in the amendment.....51

So the Amendment was concurred in.

/s/ Ms. Jo Renshaw

Chief Clerk

Representative Judy moved that the House concur in the following Senate Amendment.

ARKANSAS SENATE

AMENDMENT NO. 1 TO HOUSE BILL NO. 1091

Amend HOUSE BILL NO. 1091 as engrossed, H1/17/04

(version: 01-17-2004 09:19):

Page 2, line 35, delete "duties:" and substitute "duties, subject to funding:"

AND

Page 3, line 30, delete "and"

AND

Page 3, delete line 31 and substitute the following:

"(10) To find alternative funding sources for the board and the programs under this subchapter, including, but not limited to, grants or donations; and

(11) Other duties as determined by the board."

AND

Page 5, line 9, remove the extra blank line entirely

AND

Page 5, line 14, delete "activities" and substitute "activities that"

AND

Page 8, delete line 17 and substitute the following:

"resource centers.

(b) The implementation of the grant program under this section is subject to funding."

AND

Page 8, line 18, delete "(b)" and substitute "(c)"

AND

Page 8, line 21, delete "(c)" and substitute "(d)"

AND

Page 8, line 24, delete "(d)" and substitute "(e)"

AND

Page 9, line 2, delete "(e)" and substitute "(f)"

AND

Page 9, line 30, delete "following:" and substitute "following, subject to funding:"

/s/ Jimmy Jeffress

The Amendment was read and the vote was as follows:

AFFIRMATIVE: Adams, Agee, Anderson, Biggs, Blair, Bledsoe, Bolin, Bond, P. Bookout, Borhauer, Boyd, Bradford, Bright, Chesterfield, Childers, Clemons, Cowling, Creekmore, Dangeau, Dees, Dickinson, Dobbins, Eason, Edwards, Elliott, D. Evans, L. Evans, Ferguson, Fite, Gillespie, Gipson, Goss, Green, Haak, Harris, Hathorn, Hickinbotham, Hutchinson, Jackson, Jacobs, Jeffrey, C. Johnson, J. Johnson, Jones, Judy, Kenney, Key, King, Lamoureux, Ledbetter, Lendall, Lewellen, Mack, Mahony, Martin, Matayo, Mathis, Milligan, Napper, Nichols, Norton, Oglesby, Ormond, Pate, Penix, Petrus, Pickett, S. Prater, Pritchard, Rankin, Roebuck, Rosenbaum, Schulte, Scrimshire, Scroggin, Seawel, Sullivan, Sumpter, C. Taylor, J. Taylor, Thomas, Thomason, Thyer, Walters, Weaver, White.

Total86

NEGATIVE: Berry, Pace.

Total2

ABSENT OR NOT VOTING: Bennett, Hardwick, House, Medley, Moore, Parks, L. Prater, R. Smith, Stovall, Verkamp, Wood, Mr. Speaker.

Total12

VOTING PRESENT:

Total0

Total number of votes cast88

Total number voting in the affirmative86

Necessary to concur in the amendment.....51

So the Amendment was concurred in.

/s/ Ms. Jo Renshaw
Chief Clerk

Representative Mahony moved that the House concur in the following Senate Amendment.

ARKANSAS SENATE

AMENDMENT NO. 1 TO HOUSE BILL NO. 1141

Amend HOUSE BILL NO. 1141 as engrossed, H1/23/04

(version: 01-23-2004 10:26):

Add Representative Borhauer as a cosponsor of the bill.

AND

Add Senator Broadway as a cosponsor of the bill.

/s/ Shane Broadway

The Amendment was read and the vote was as follows:

AFFIRMATIVE: Adams, Agee, Anderson, Bennett, Berry, Biggs, Blair, Bledsoe, Bolin, Bond, P. Bookout, Borhauer, Boyd, Bradford, Bright, Chesterfield, Childers, Clemons, Cowling, Creekmore, Dangeau, Dees, Dickinson, Dobbins, Eason, Edwards, Elliott, D. Evans, L. Evans, Ferguson, Fite, Gillespie, Gipson, Goss, Green, Haak, Harris, Hathorn, Hickinbotham, House, Hutchinson, Jackson, Jacobs, Jeffrey, C. Johnson, J. Johnson, Jones, Judy, Kenney, Key, King, Lamoureux, Ledbetter, Lendall, Lewellen, Mack, Mahony, Martin, Matayo, Mathis, Medley, Milligan, Napper, Nichols, Norton, Oglesby, Ormond, Pace, Pate, Penix, Petrus, Pickett, S. Prater, Pritchard, Rankin, Roebuck, Rosenbaum, Schulte, Scrimshire, Scroggin, Seawel, R. Smith, Sullivan, Sumpter, C. Taylor, J. Taylor, Thomas, Thomason, Thyer, Walters, Weaver, White, Wood.

Total93

NEGATIVE:

Total0

ABSENT OR NOT VOTING: Hardwick, Moore, Parks, L. Prater, Stovall, Verkamp, Mr. Speaker.

Total7

VOTING PRESENT:

Total0

Total number of votes cast.....93

Total number voting in the affirmative93

Necessary to concur in the amendment.....51

So the Amendment was concurred in.

/s/ Ms. Jo Renshaw

Chief Clerk

HOUSE BILL NO. 1119

BY: REPRESENTATIVE MAHONY

Was read the third time and placed on final passage, the question being shall the Bill pass. The vote was as follows:

AFFIRMATIVE: Anderson, Blair, Bledsoe, Borhauer, Bradford, Bright, Childers, Clemons, Creekmore, Dees, Eason, Edwards, Gipson, Green, Haak, [Hardwick], Harris, Hutchinson, C. Johnson, Jones, Judy, Kenney, Key, Lamoureux, Lendall, Lewellen, Mahony, Martin, Matayo, Mathis, Medley, Napper, Pace, Penix, S. Prater, Pritchard, Rankin, Schulte, R. Smith, C. Taylor, Verkamp, White, Wood.

Total43

NEGATIVE: Adams, Agee, Bennett, Berry, [Bolin], Bond, P. Bookout, Boyd, Chesterfield, Cowling, Dangeau, Dickinson, Dobbins, Elliott, L. Evans, Fite, Gillespie, Hathorn, Hickinbotham, House, Jeffrey, J. Johnson, Ledbetter, Mack, Milligan, Nichols, Norton, Oglesby, Ormond, Pate, Petrus, Pickett, Roebuck, Rosenbaum, Scrimshire, Scroggin, Seawel, Stovall, J. Taylor, Thomason, Thyer, Walters, Weaver.

Total43

ABSENT OR NOT VOTING: Biggs, D. Evans, Ferguson, Jackson, Jacobs, King, Moore, Parks, L. Prater, Sullivan, Sumpter, Thomas, Mr. Speaker.

Total13

VOTING PRESENT: Goss.

Total1

Total number of votes cast.....87

Total number voting in the affirmative43

Necessary to the passage of the bill51

So the Bill failed.

PAIR VOTE
ON
HOUSE BILL NO. 1119

AYE: **REPRESENTATIVE HORACE HARDWICK**
NAY: **REPRESENTATIVE JOHNNIE BOLIN**
WITNESS: **REPRESENTATIVE KEVEN ANDERSON**

This pair form was signed by Representative Horace Hardwick and Representative Johnnie Bolin in the presence of each other and witnessed by Representative Keven Anderson.

Total number of votes cast 87

Necessary to the passage of the bill 51

Total number voting in the affirmative 43

Total number voting in the negative 43

Total number absent or not voting..... 13

Total number voting present..... 1

So the Bill failed.

Representative Childers made a motion for reconsideration of **HOUSE BILL NO. 1154**.

On this motion the vote was as follows:

AFFIRMATIVE: Agee, Anderson, Biggs, Blair, Bledsoe, Bolin, Bond, P. Bookout, Borhauer, Bradford, Chesterfield, Childers, Clemons, Cowling, Creekmore, Dees, Eason, Edwards, Elliott, Ferguson, Fite, Gipson, Goss, Haak, Harris, House, Jackson, C. Johnson, J. Johnson, Jones, Judy, Kenney, Key, King, Lamoureux, Ledbetter, Lendall, Lewellen, Mack, Mahony, Martin, Matayo, Mathis, Medley, Pace, Pickett, S. Prater, Pritchard, Rankin, Roebuck, Seawel, Thomas, Thyer, Walters, White, Wood.

Total56

NEGATIVE: Adams, Bennett, Berry, Bright, Dickinson, D. Evans, L. Evans, Gillespie, Hathorn, Hickinbotham, Jacobs, Jeffrey, Milligan, Napper, Nichols, Norton, Oglesby, Ormond, Pate, Petrus, Schulte, Scrimshire, Scroggin, Sullivan, C. Taylor, J. Taylor, Thomason, Verkamp, Weaver.

Total29

ABSENT OR NOT VOTING: Boyd, Dangeau, Dobbins, Green, Hardwick, Hutchinson, Moore, Parks, Penix, L. Prater, Rosenbaum, R. Smith, Stovall, Sumpter, Mr. Speaker.

Total 15

VOTING PRESENT:

Total0

Total number of votes cast85

Total number voting in the affirmative56

Necessary to the adoption of the motion51

So the motion was adopted.

HOUSE BILL NO. 1154

BY: REPRESENTATIVE MAHONY

Was read the third time and placed on final passage, the question being shall the Bill pass. The vote was as follows:

AFFIRMATIVE: Anderson, Biggs, Blair, Bledsoe, Bond, P. Bookout, Borhauer, Bradford, Chesterfield, Childers, Clemons, Cowling, Dangeau, Dees, Dobbins, Eason, Elliott, Ferguson, Fite, Gipson, Goss, Haak, , Harris, C. Johnson, J. Johnson, Jones, Judy, Kenney, Key, King, Lamoureux, Ledbetter, Lendall, Lewellen, Mahony, Martin, Matayo, Mathis, Medley, Parks, Pickett, S. Prater, Rankin, Roebuck, Rosenbaum, Seawel, C. Taylor, Thomas, Thyer, Walters, White, Wood.

Total52

NEGATIVE: Adams, Agee, Bennett, Berry, Bolin, Boyd, Bright, Creekmore, Dickinson, Edwards, D. Evans, L. Evans, Gillespie, Hathorn, Hickinbotham, Jacobs, Mack, Milligan, Napper, Nichols, Norton, Ormond, Pate, Petrus, Pritchard, Schulte, Scrimshire, Scroggin, Sullivan, J. Taylor, Thomason, Verkamp, Weaver.

Total33

ABSENT OR NOT VOTING: Green, Hardwick, House, Hutchinson, Moore, Oglesby, Pace, Penix, L. Prater, R. Smith, Stovall, Sumpter, Wood, Mr. Speaker.

Total13

VOTING PRESENT: Jackson, Jeffrey.

Total2

Total number of votes cast.....87

Total number voting in the affirmative52

Necessary to the passage of the bill51

So the Bill passed and the title as read was agreed to.

The Sounding of the Ballot was requested on **HOUSE BILL NO. 1154** and the call was sustained. The following members votes were successfully challenged:

AYE: Parks, Wood.

Total	2
Total number of votes cast.....	87
Necessary to the passage of the bill	51
Total number voting in the affirmative	51
Total number voting in the negative	34
Total number absent or not voting.....	13
Total number voting present	2

So the Bill passed and the title as read was agreed to.

HOUSE BILL NO. 1154

BY: REPRESENTATIVE MAHONY

Was read the third time and placed on final passage, the question being shall the Bill pass. The vote was as follows:

AFFIRMATIVE: Anderson, Biggs, Blair, Bledsoe, Bond, P. Bookout, Borhauer, Bradford, Chesterfield, Childers, Clemons, Cowling, Dangeau, Dees, Dobbins, Eason, Elliott, Ferguson, Fite, Gipson, Goss, Haak, [Hardwick], Harris, C. Johnson, J. Johnson, Jones, Judy, Kenney, Key, King, Lamoureux, Ledbetter, Lendall, Lewellen, Mahony, Martin, Matayo, Mathis, Medley, Pickett, S. Prater, Rankin, Roebuck, Rosenbaum, Seawel, C. Taylor, Thomas, Thyer, Walters, White.

Total51

NEGATIVE: Adams, Agee, Bennett, Berry, Bolin, Boyd, Bright, Creekmore, Dickinson, Edwards, D. Evans, L. Evans, Gillespie, Hathorn, Hickinbotham, Jacobs, Mack, Milligan, Napper, Nichols, Norton, [Oglesby], Ormond, Pate, Petrus, Pritchard, Schulte, Scrimshire, Scroggin, Sullivan, J. Taylor, Thomason, Verkamp, Weaver.

Total34

ABSENT OR NOT VOTING: Green, House, Hutchinson, Moore, Pace, Parks, Penix, L. Prater, R. Smith, Stovall, Sumpter, Wood, Mr. Speaker.

Total13

VOTING PRESENT: Jackson, Jeffrey.

Total2

Total number of votes cast87

Total number voting in the affirmative51

Necessary to the passage of the bill51

So the Bill passed and the title as read was agreed to.

PAIR VOTE
ON
HOUSE BILL NO. 1154

AYE: REPRESENTATIVE HORACE HARDWICK

NAY: REPRESENTATIVE STEVE OGLESBY

WITNESS: REPRESENTATIVE KEVEN ANDERSON

This pair form was signed by Representative Horace Hardwick and Representative Steve Oglesby in the presence of each other and witnessed by Representative Keven Anderson.

Total number of votes cast.....	87
Necessary to the passage of the bill	51
Total number voting in the affirmative	51
Total number voting in the negative	34
Total number absent or not voting.....	13
Total number voting present	2

So the Bill passed and the title as read was agreed to.

HOUSE BILL NO. 1161

BY: REPRESENTATIVE HATHORN

Was read the third time and placed on final passage, the question being shall the Bill pass. The vote was as follows:

AFFIRMATIVE: Adams, Agee, Anderson, Bennett, Berry, Blair, Bledsoe, Bolin, Bond, P. Bookout, Borhauer, Boyd, Bradford, Chesterfield, Childers, Clemons, Cowling, Creekmore, Dangeau, Dees, Dickinson, Dobbins, Eason, Edwards, Elliott, D. Evans, L. Evans, Ferguson, Fite, Gillespie, Gipson, Goss, Green, Haak, Harris, Hathorn, Hickinbotham, House, Jackson, Jacobs, Jeffrey, J. Johnson, Jones, Judy, King, Ledbetter, Lendall, Lewellen, Mack, Mahony, Martin, Matayo, Mathis, Milligan, Napper, Nichols, Norton, Oglesby, Ormond, Parks, Pate, Petrus, S. Prater, Pritchard, Rankin, Roebuck, Rosenbaum, Schulte, Scrimshire, Scroggin, Seawel, R. Smith, Stovall, Sullivan, Sumpter, C. Taylor, J. Taylor, Thomason, Thyer, Verkamp, Walters, Weaver, Wood.

Total83

NEGATIVE: C. Johnson, Penix, White.

Total3

ABSENT OR NOT VOTING: Biggs, Bright, Hardwick, Hutchinson, Kenney, Key, Lamoureux, Medley, Moore, Pace, Pickett, L. Prater, Thomas, Mr. Speaker.

Total14

VOTING PRESENT:

Total0

Total number of votes cast86

Total number voting in the affirmative83

Necessary to the passage of the bill51

So the Bill passed and the title as read was agreed to.

Upon motion of Representative Hathorn the Clincher motion prevailed.

Representative Napper moved that the House concur in the following Senate Amendment.

ARKANSAS SENATE

AMENDMENT NO. 1 TO HOUSE BILL NO. 1130

Amend **HOUSE BILL NO. 1130** as originally introduced:

Page 2, delete lines 5 and 6 in their entirety and substitute:

" (3) (A) An amount of not to exceed twenty five million dollars (\$25,000,000)".

/s/ David A. Bisbee

The Amendment was read and the vote was as follows:

AFFIRMATIVE: Adams, Agee, Anderson, Bennett, Berry, Biggs, Blair, Bledsoe, Bolin, Bond, P. Bookout, Borhauer, Boyd, Bradford, Bright, Chesterfield, Childers, Clemons, Cowling, Creekmore, Dangeau, Dees, Dickinson, Dobbins, Eason, Edwards, Elliott, D. Evans, L. Evans, Ferguson, Fite, Gillespie, Gipson, Goss, Green, Haak, Harris, Hathorn, Hickinbotham, House, Hutchinson, Jackson, Jacobs, Jeffrey, C. Johnson, J. Johnson, Jones, Judy, Kenney, Key, King, Lamoureux, Ledbetter, Lendall, Lewellen, Mack, Mahony, Martin, Matayo, Mathis, Medley, Milligan, Napper, Nichols, Norton, Oglesby, Ormond, Pace, Pate, Penix, Petrus, Pickett, S. Prater, Pritchard, Rankin, Roebuck, Rosenbaum, Schulte, Scrimshire, Seawel, R. Smith, Stovall, Sullivan, Sumpter, C. Taylor, J. Taylor, Thomas, Thomason, Thyer, Verkamp, Walters, Weaver, White, Wood.

Total94

NEGATIVE:

Total0

ABSENT OR NOT VOTING: Hardwick, Moore, Parks, L. Prater, Scroggin, Mr. Speaker.

Total6

VOTING PRESENT:

Total0

Total number of votes cast.....94

Total number voting in the affirmative94

Necessary to concur in the amendment.....51

So the Amendment was concurred in.

/s/ Ms. Jo Renshaw
Chief Clerk

Upon motion of Representative Napper the rules were suspended. Considered in the Committee of the Whole. Returned with the recommendation that it "DO PASS".

HOUSE BILL NO. 1148

BY: JOINT BUDGET COMMITTEE

Was read the third time and placed on final passage, the question being shall the Bill pass and shall the Emergency Clause be adopted. The vote was as follows:

AFFIRMATIVE: Adams, Agee, Anderson, Bennett, Berry, Biggs, Blair, Bledsoe, Bolin, P. Bookout, Borhauer, Boyd, Bradford, Bright, Chesterfield, Clemons, Cowling, Creekmore, Dangeau, Dees, Dickinson, Dobbins, Eason, Edwards, Elliott, D. Evans, L. Evans, Ferguson, Gillespie, Gipson, Goss, Green, Haak, Harris, Hathorn, Hickinbotham, House, Hutchinson, Jackson, Jacobs, Jeffrey, C. Johnson, J. Johnson, Jones, Judy, Kenney, Key, King, Lamoureux, Ledbetter, Lendall, Lewellen, Mack, Mahony, Martin, Matayo, Mathis, Medley, Milligan, Napper, Nichols, Norton, Oglesby, Ormond, Pace, Parks, Pate, Penix, Petrus, Pickett, Pritchard, Rankin, Roebuck, Rosenbaum, Schulte, Scrimshire, Seawel, R. Smith, Stovall, Sullivan, C. Taylor, J. Taylor, Thomas, Thomason, Thyer, Verkamp, Walters, Weaver, White.

Total89

NEGATIVE: Bond.

Total1

ABSENT OR NOT VOTING: Childers, Fite, Hardwick, Moore, L. Prater, S. Prater, Scroggin, Sumpter, Wood, Mr. Speaker.

Total10

VOTING PRESENT:

Total0

Total number of votes cast90

Total number voting in the affirmative89

Necessary to the passage of the bill75

So the Bill passed and the title as read was agreed to.

There being an Emergency Clause attached to **HOUSE BILL NO. 1148**, the Speaker ordered the clerk to call the roll upon the adoption of the Emergency Clause. The vote was as follows:

EMERGENCY CLAUSE

AFFIRMATIVE: Adams, Agee, Anderson, Bennett, Berry, Biggs, Blair, Bledsoe, Bolin, P. Bookout, Borhauer, Boyd, Bradford, Bright, Chesterfield, Clemons, Cowling, Creekmore, Dangeau, Dees, Dickinson, Dobbins, Eason, Edwards, Elliott, D. Evans, L. Evans, Ferguson, Gillespie, Gipson, Goss, Green, Haak, Harris, Hathorn, Hickinbotham, House, Hutchinson, Jackson, Jacobs, Jeffrey, C. Johnson, J. Johnson, Jones, Judy, Kenney, Key, King, Lamoureux, Ledbetter, Lendall, Lewellen, Mack, Mahony, Martin, Matayo, Mathis, Medley, Milligan, Napper, Nichols, Norton, Oglesby, Ormond, Pace, Parks, Pate, Penix, Petrus, Pickett, Pritchard, Rankin, Roebuck, Rosenbaum, Schulte, Scrimshire, Seawel, R. Smith, Stovall, Sullivan, C. Taylor, J. Taylor, Thomas, Thomason, Thyer, Verkamp, Walters, Weaver, White.

Total89

NEGATIVE: Bond.

Total1

ABSENT OR NOT VOTING: Childers, Fite, Hardwick, Moore, L. Prater, S. Prater, Scroggin, Sumpter, Wood, Mr. Speaker.

Total10

VOTING PRESENT:

Total0

Total number of votes cast.....90

Total number voting in the affirmative89

Necessary to the adoption of the emergency clause.....67

So the Emergency Clause was adopted.

The House stood in recess at 10:52 a.m. until 2:00 p.m.

The House reconvened at 2:02 p.m. for the reading of the bills.

HOUSE BILLS ORDERED TRANSMITTED TO THE SENATE AS PASSED

HOUSE BILL NO. 1148 BY REPRESENTATIVE STOVALL
HOUSE BILL NO. 1154 BY REPRESENTATIVE MAHONY
HOUSE BILL NO. 1161 BY REPRESENTATIVE HATHORN

ARKANSAS SENATE

HOUSE BILLS RETURNED FROM THE SENATE AS PASSED

HOUSE BILL NO. 1100 BY REPRESENTATIVE MATAYO

ARKANSAS SENATE

SENATE BILLS RECEIVED FROM SENATE

SENATE BILL NO. 80 BY SENATOR SALMON
SENATE BILL NO. 82 BY SENATOR GLOVER

ENROLLED AND DELIVERY TO GOVERNOR REPORTS

Little Rock, Arkansas

January 30, 2004

MR. SPEAKER:

We, your committee on Enrolled Bills, to whom was referred the following:

HOUSE BILL NO. 1071 BY REPRESENTATIVE BIGGS, ET AL

HOUSE BILL NO. 1091 BY REPRESENTATIVE JUDY, ET AL

HOUSE BILL NO. 1130 BY JOINT BUDGET COMMITTEE

HOUSE BILL NO. 1141 BY REPRESENTATIVE MAHONY, ET AL

beg leave to report that we have carefully compared the enrolled copies with the original and we find the same correctly enrolled and have at 1:20 p.m. delivered them to the Governor for his approval.

Respectfully submitted,

/s/ Herschel W. Cleveland

Chairman

RECEIPT FROM THE GOVERNOR

RECEIVED FROM THE HOUSE:

HOUSE BILL NO. 1071 BY REPRESENTATIVE BIGGS, ET AL

HOUSE BILL NO. 1091 BY REPRESENTATIVE JUDY, ET AL

HOUSE BILL NO. 1130 BY JOINT BUDGET COMMITTEE

HOUSE BILL NO. 1141 BY REPRESENTATIVE MAHONY, ET AL

/s/ Mike Huckabee - Governor

TIME: 1:20 p.m.

By: Stacy DeJarnett

ENROLLED AND DELIVERY TO GOVERNOR REPORTS

Little Rock, Arkansas
January 30, 2004

MR. SPEAKER:

We, your committee on Enrolled Bills, to whom was referred the following:

HOUSE BILL NO. 1100 BY REPRESENTATIVES MATAYO, KEY

beg leave to report that we have carefully compared the enrolled copies with the original and we find the same correctly enrolled and have at 2:15 p.m. delivered them to the Governor for his approval.

Respectfully submitted,

/s/ Herschel W. Cleveland
Chairman

RECEIPT FROM THE GOVERNOR

RECEIVED FROM THE HOUSE:

HOUSE BILL NO. 1100 BY REPRESENTATIVES MATAYO, KEY

/s/ Mike Huckabee - Governor

TIME: 2:15 p.m.

By: Stacy DeJarnett

HOUSE BILL NO. 1170

BY: REPRESENTATIVES P. BOOKOUT, ELLIOTT, CHESTERFIELD, J. JOHNSON, GREEN, C. JOHNSON

BY: SENATORS J. BOOKOUT, G. JEFFRESS, ARGUE, J. JEFFRESS, WILKINS, GULLETT

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO PROVIDE TEACHERS WITH QUALITY PROFESSIONAL DEVELOPMENT THAT WILL PROMOTE AND ENHANCE LEARNING OPPORTUNITIES FOR STUDENTS; AND FOR OTHER PURPOSES.

Was read the first time, rules suspended, read the second time, and referred to the Committee on EDUCATION.

HOUSE BILL NO. 1171

BY: REPRESENTATIVE WHITE

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO ENSURE THE CONTINUATION OF EFFORTS TO CLOSE THE ACHIEVEMENT GAP IN DISTRICTS SUBJECT TO REORGANIZATION OR RECLASSIFICATION; AND FOR OTHER PURPOSES.

Was read the first time, rules suspended, read the second time, and referred to the Committee on EDUCATION.

HOUSE BILL NO. 1172

BY: REPRESENTATIVES PACE, KENNEY

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO REDUCE THE STATE SALES AND USE TAX RATE ON FOOD TO TWO AND SEVEN-EIGHTHS PERCENT (2.875%); AND FOR OTHER PURPOSES.

Was read the first time, rules suspended, read the second time, and referred to the Committee on REVENUE AND TAXATION.

HOUSE CONCURRENT RESOLUTION NO. 1003

BY: REPRESENTATIVE STOVALL

ENCOURAGING SUPPORT FOR AN AMENDMENT TO THE ARKANSAS CONSTITUTION CONCERNING PROPERTY TAX LAWS.

Was read the first time, rules suspended, read the second time and referred to the Committee on REVENUE AND TAXATION.

SENATE BILL NO. 80

BY: SENATORS SALMON, HIGGINBOTHOM

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO INCREASE THE CORPORATE FRANCHISE TAX; AND FOR OTHER PURPOSES.

Was read the first time, rules suspended, read the second time and referred to the Committee on REVENUE AND TAXATION.

SENATE BILL NO. 82

BY: SENATOR GLOVER

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO CORRECT THE TOWNSHIPS IN THE BOUNDARY OF THE LONOKE COUNTY DISTRICT COURT, SOUTHERN DISTRICT; AND FOR OTHER PURPOSES.

Was read the first time, rules suspended, read the second time and referred to the Committee on CITY, COUNTY AND LOCAL AFFAIRS.

Upon motion of Representative Gillespie, the House adjourned at 2:15 p.m. until 1:30 p.m. Monday, February 2, 2004.

ATTEST:

Herschel W. Cleveland
Speaker of the House of Representatives

Jo Renshaw
Chief Clerk

FIFTY-SEVENTH DAY'S PROCEEDINGS
HALL OF THE HOUSE OF REPRESENTATIVES

Little Rock, Arkansas
February 2, 2004

The House was called to order at 1:38 p.m. by Mr. Cleveland, the Speaker.
The following members answered to the roll call:

Adams, Agee, Bennett, Berry, Biggs, Blair, Bledsoe, Bolin, Bond, Bookout, Borhauer, Boyd, Bradford, Bright, Chesterfield, Childers, Clemons, Cowling, Creekmore, Dangeau, Dees, Dickinson, Dobbins, Eason, Edwards, Elliott, D.Evans, L. Evans, Ferguson, Fite, Gillespie, Gipson, Goss, Green, Haak, Hardwick, Hathorn, Hickinbotham, House, Hutchinson, Jackson, Jacobs, Jeffrey, C.Johnson, J. Johnson, Jones, Judy, Kenney, Key, King, Lamoureux, Ledbetter, Lendall, Lewellen, Mack, Mahony, Martin, Mathis, Medley, Milligan, Moore, Napper, Nichols, Norton, Oglesby, Ormond, Pace, Parks, Pate, 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.

Total96

The following member(s) was absent and did not answer to the roll call:
Anderson, Harris, Matayo, Penix.

Total4

A quorum was present.

Unanimous leave was granted for Representative(s) Anderson, Harris, Matayo, Penix.

The House stood and was led in prayer by Representative Russ Bennett.

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

EDUCATION	February 2, 2004
	CALVIN JOHNSON
	CHAIRPERSON
HOUSE BILL NO. 1047	DO PASS, TO CONCUR IN
BY REPRESENTATIVE J. JOHNSON	SENATE AMENDMENTS
	#1, 2 & 3
HOUSE BILL NO. 1155	DO PASS
BY REPRESENTATIVE GILLESPIE	
HOUSE BILL NO. 1170	DO PASS
BY REPRESENTATIVE P. BOOKOUT	
HOUSE RESOLUTION NO. 1024	DO PASS
BY REPRESENTATIVE MATHIS	
SENATE BILL NO. 53	DO PASS
BY SENATOR BROADWAY	

COMMITTEE REPORT

REVENUE AND TAXATION	February 2, 2004
	BOYD HICKINBOTHAM
	CHAIRPERSON
HOUSE BILL NO. 1162	DO PASS
BY REPRESENTATIVE STOVALL	AS AMENDED #1 & 2
SENATE BILL NO. 80	DO PASS
BY SENATOR SALMON	

COMMITTEE REPORT

CITY, COUNTY AND LOCAL AFFAIRS	February 2, 2004
	PHILLIP JACOBS
	CHAIRPERSON
SENATE BILL NO. 82	DO PASS
BY SENATOR GLOVER	

Upon motion of Representative Hickinbotham, **HOUSE BILL NO. 1166** was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 1 TO HOUSE BILL NO. 1166

Amend **HOUSE BILL NO. 1166** as originally introduced:

Page 3, delete line 4, and substitute the following:

"(C) (i) For the fiscal year beginning July 1, 2004, the"

AND

Page 3, delete line 21, and substitute the following:

"(D) (i) For the fiscal year beginning July 1, 2005, the"

AND

Page 5, delete lines 20 and 21 and substitute the following:

~~"hundredths of one percent (0.27%)~~ three-tenths of one percent (0.3%) of that proportion of the par value of its outstanding capital stock"

AND

Page 5, delete line 32 and substitute the following:

~~"(0.27%)~~ three-tenths of one percent (0.3%) of the value of its real"

AND

Page 6, delete line 17, and substitute the following:

"SECTION 6. The increased rate of franchise tax provided in Section 5"

AND

Page 6, delete lines 29 through 31, and substitute the following:

"(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 6, delete line 33, and substitute the following:

"SECTION 8. Effective July 1, 2004, Arkansas Code § 26-54-113 is"

/s/ Boyd Hickinbotham

The Amendment was read and adopted by more than 51 votes.

/s/ Ms. Jo Renshaw

Chief Clerk

ENGROSSED BILL REPORTS

HERSCHEL W. CLEVELAND, CHAIRMAN

February 2, 2004

The following bill(s) reported correctly engrossed:

HOUSE BILL NO. 1030 - TITLE -	BY REPRESENTATIVE HICKINBOTHAM
HOUSE BILL NO. 1099	BY REPRESENTATIVE MAHONY
HOUSE BILL NO. 1162	BY REPRESENTATIVE STOVALL, ET AL
HOUSE BILL NO. 1166	BY REPRESENTATIVE HICKINBOTHAM, ET AL
SENATE BILL NO. 73	BY SENATOR ARGUE

HOUSE BILL ENGROSSED AS TITLE AMENDED
HOUSE BILL NO. 1030

BY: REPRESENTATIVE HICKINBOTHAM

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.

Upon motion of Representative Boyd, **HOUSE BILL NO. 1030** was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 3 TO HOUSE BILL NO. 1030

Amend **HOUSE BILL NO. 1030** as engrossed, H12/26/03

(version: 12-26-2003 10:56):

Add Representative Hickenbotham as a House sponsor

AND

Delete Representative Boyd as a House sponsor

AND

Page 1, delete lines 9 through 12 and substitute the following:

"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.

AND

Page 1, delete lines 15 through 18 and substitute the following:

"TO PROVIDE ADDITIONAL REVENUE TO FUND THE EDUCATIONAL SYSTEM, TO INCREASE SALES AND WHOLESALE VENDING TAX, AND TO IMPOSE SALES TAX ON CERTAIN SERVICES."

AND

Delete all sections of the bill after the enacting clause and substitute:

"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 seven-eighths of one percent (0.875%) 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. Effective March 1, 2004, 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 seven-eighths of one percent (0.875%) 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. 1273, § 88 is met, is amended to read as follows:

(d)(1) Beginning March 1, 2004, there is levied an additional excise tax of seven-eighths of one percent (0.875%) 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. Effective July 1, 2004, 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 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.

SECTION 6. Effective July 1, 2004, 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) 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.

SECTION 7. Effective July 1, 2004, 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.

(a) 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) Locksmith services; and

(13) Pet grooming and kennel services.

(b)(1) For purposes of this section "locksmith services" means repairing, servicing, or installing locks and locking devices, whether the locks and locking devices are:

(A) Incorporated into real property;

(B) Incorporated into tangible personal property; or

(C) Locks separate and apart from other property.

(2) "Locksmith services" also includes unlocking locks or locking devices for another person; and

(3) "Locksmith services" shall not include the initial installation of locks by a contractor in new construction.

SECTION 8. Effective July 1, 2004, Arkansas Code § 26-57-1002(d)(1), concerning the rate of wholesale vending tax, is amended to read as follows:

(d)(1)(A)(i) A tax of four and one-half percent (4.5%) 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.

(ii)(a) An additional tax of one and one-half percent (1.5%) is 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) The additional tax levied under subdivision (d)(1)(A)(ii)(a) of this section shall be special revenue and credited to the Educational Adequacy Trust Fund.

(B) ~~This tax~~ The taxes levied in subdivision (d)(1)(A) of this section 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.

SECTION 9. Effective July 1, 2004, Arkansas Code § 26-57-1206(a)(1), concerning vending device decals, is amended to read as follows:

(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)~~ ninety-three dollars (\$93);

(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) 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);

(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) 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).

SECTION 10. Effective July 1, 2004, Arkansas Code § 26-57-1208(b) is amended to read as follows:

(b) The vending device decal fees imposed by § 26-57-1206, or any proportionate amount thereof, shall be divided ~~as follows~~:

(1) ~~With eighty~~ Eighty percent (80%) of ~~such amount being the fees collected under § 26-57-1206(a)(1)(B) through (E) and sixty percent (60%) of the fees collected under §26-57-1206(a)(1)(A) shall be~~ deposited to the credit of the General Revenue Fund Account of the State Apportionment Fund provided by § 19-5-202; and

(2) ~~With twenty~~ Twenty percent (20%) of ~~such amount being the fees collected under § 26-57-1206(a)(1)(B) through (E) and fifteen percent (15%) of the fees collected under § 26-57-1206(a)(1)(A) shall be~~ 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); and

(3) Twenty-five percent (25%) of the fees collected under § 26-57-

1206(a)(1)(A) shall be special revenues deposited by the Treasurer of the State to the credit of the Educational Adequacy Trust Fund."

SECTION 11. 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 generated by Arkansas Code §§ 26-52-302(d), 26-53-107(d), 26-52-316, 26-57-1002(d)(1)(A)(ii), 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 beginning July 1, 2004, 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 0.0125.

(2) 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 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 of the amount certified in subdivision (d)(2) of this section from general revenues after making the deductions required from the net general revenues under Arkansas Code § 19-5-202(b)(2)(B)(i).

SECTION 12. 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."

/s/ Boyd Hickinbotham

The Amendment was read and the vote was as follows:

AFFIRMATIVE: Berry, Biggs, Blair, Bond, P. Bookout, Boyd, Bradford, Chesterfield, Cowling, Dangeau, Eason, Edwards, Elliott, D. Evans, L. Evans, Ferguson, Gillespie, Goss, Green, Hathorn, Hickinbotham, House, Jackson, C. Johnson, Jones, Judy, King, Ledbetter, Lendall, Mack, Mahony, Medley, Napper, Pate, Petrus, Pickett, Rankin, Roebuck, Scroggin, Seawel, R. Smith, Stovall, Sullivan, Sumpter, Thomas, Thomason, Thyer, Walters, Weaver, White, Mr. Speaker.

Total51

NEGATIVE: Agee, Bledsoe, Bolin, Borhauer, Bright, Childers, Clemons, Creekmore, Dees, Dickinson, Dobbins, Fite, Haak, Hardwick, Jeffrey, J. Johnson, Kenney, Key, Lamoureux, Lewellen, Martin, Mathis, Milligan, Moore, Nichols, Norton, Ormond, Pace, L. Prater, Pritchard, Rosenbaum, Schulte, Scrimshire, C. Taylor, J. Taylor.

Total35

ABSENT OR NOT VOTING: Adams, Anderson, Bennett, Gipson, Harris, Hutchinson, Jacobs, Matayo, Oglesby, Parks, Penix, S. Prater, Verkamp, Wood.

Total14

VOTING PRESENT:

Total0

Total number of votes cast.....86

Total number voting in the affirmative51

Necessary to the adoption of the amendment.....51

The Amendment was adopted by more than 51 votes.

/s/ Ms. Jo Renshaw
Chief Clerk

Upon motion of Representative Stovall, **SENATE BILL NO. 73** was placed back on second reading for the purpose of amendment.

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.”~~

/s/ Bill H. Stovall

The Amendment was read and the vote was as follows:

AFFIRMATIVE: Adams, Agee, Bennett, Berry, Biggs, Blair, Bolin, Bond, P. Bookout, Borhauer, Boyd, Bradford, Bright, Chesterfield, Childers, Clemons, Cowling, Creekmore, Dangeau, Dees, Dickinson, Dobbins, Eason, Edwards, Elliott, D. Evans, L. Evans, Ferguson, Fite, Gillespie, Gipson, Goss, Green, Haak, Hardwick, Hathorn, Hickinbotham, House, Jackson, Jacobs, Jeffrey, C. Johnson, J. Johnson, Jones, Judy, Kenney, Key, King, Lamoureux, Ledbetter, Lendall, Mack, Mahony, Martin, Mathis, Medley, Milligan, Moore, Napper, Nichols, Norton, Oglesby, Ormond, Pace, Pate, Petrus, Pickett, L. Prater, S. Prater, Pritchard, Rankin, Roebuck, Rosenbaum, Scrimshire, Scroggin, Seawel, R. Smith, Stovall, Sullivan, Sumpter, C. Taylor, J. Taylor, Thomason, Thyer, Verkamp, Walters, Weaver, White, Wood, Mr. Speaker.

Total90

NEGATIVE:

Total0

ABSENT OR NOT VOTING: Anderson, Bledsoe, Harris, Hutchinson, Matayo, Parks, Penix, Schulte, Thomas.

Total9

VOTING PRESENT: Lewellen.

Total1

Total number of votes cast91

Total number voting in the affirmative90

Necessary to the adoption of the amendment.....51

The Amendment was read and adopted by more than 51 votes.

/s/ Ms. Jo Renshaw

Chief Clerk

HOUSE RESOLUTION NO.1025

BY: REPRESENTATIVE GILLESPIE

RECOGNIZING MR. KERN TREAT, DIRECTOR OF THE BUREAU OF LEGISLATIVE RESEARCH, UPON COMPLETING FIFTY YEARS OF SERVICE TO THE ARKANSAS GENERAL ASSEMBLY.

THE RESOLUTION WAS READ AND ADOPTED BY MORE THAN 51 VOTES. RECEIVED UNANIMOUS SUPPORT.

Morning Hour Expired.

Representative Biggs addressed the House on the Conference Committee recent meetings on **HOUSE BILL NO. 1009**. **HOUSE BILL NO. 1009** was placed on the calendar to expunge the vote on **SENATE AMENDMENT NO. 1**.

Representative Biggs reported that the committee agreed upon an amendment to be placed on **HOUSE BILL NO. 1009**.

Representative Johnson requested that **SENATE BILL NO. 49** be pulled down and left on the calendar.

Upon motion of Representative Weaver, **HOUSE BILL NO. 1099** was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 1 TO HOUSE BILL NO. 1099

Amend **HOUSE BILL NO. 1099** as originally introduced:

Page 1, line 34 delete "\$ 2,200,000 \$ 4,200,000" and substitute "\$ 1,487,860 \$ 3,440,706"

and

Delete Section 2 in its entirety

And appropriately renumber the sections of the bill

/s/ Paul Weaver

The Amendment was read and the vote was as follows:

AFFIRMATIVE: Adams, Agee, Bennett, Berry, Biggs, Blair, Bolin, Bond, P. Bookout, Borhauer, Boyd, Bradford, Bright, Childers, Clemons, Cowling, Dangeau, Eason, Edwards, Elliott, D. Evans, L. Evans, Ferguson, Fite, Gipson, Goss, Hardwick, Hathorn, Hickinbotham, House, Hutchinson, Jackson, Jeffrey, C. Johnson, J. Johnson, Jones, Judy, Key, King, Ledbetter, Lewellen, Mack, Mahony, Martin, Medley, Moore, Norton, Ormond, Pace, Pate, Pickett, L. Prater, S. Prater, Pritchard, Roebuck, Seawel, Sullivan, Sumpter, C. Taylor, Thomas, Thomason, Thyer, Verkamp, Walters, White, Wood, Mr. Speaker.

Total67

NEGATIVE: Bledsoe, Chesterfield, Dobbins, Gillespie, Haak, Napper, Schulte.

Total7

ABSENT OR NOT VOTING: Anderson, Creekmore, Dees, Dickinson, Green, Harris, Jacobs, Kenney, Lamoureux, Lendall, Matayo, Mathis, Nichols, Oglesby, Parks, Penix, Petrus, Rankin, Rosenbaum, Scrimshire, Scroggin, R. Smith, Stovall, J. Taylor, Weaver.

Total25

VOTING PRESENT: Milligan.

Total1

Total number of votes cast75

Total number voting in the affirmative67

Necessary to the adoption of the amendment.....51

The Amendment was read and adopted by more than 51 votes.

/s/ Ms. Jo Renshaw

Chief Clerk

Representative Weaver moved that the House concur in the following Senate Amendment.

ARKANSAS SENATE

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 SEPARATELY 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.

/s/ Shane Broadway

The Amendment was read and the vote was as follows:

AFFIRMATIVE: Adams, Agee, Bennett, Berry, Biggs, Blair, Bledsoe, Bolin, Bond, P. Bookout, Borhauer, Boyd, Bradford, Chesterfield, Childers, Clemons, Cowling, Dangeau, Dees, Dickinson, Dobbins, Eason, Edwards, Elliott, D. Evans, L. Evans, Ferguson, Gillespie, Gipson, Goss, Green, Haak, Hardwick, Hathorn, Hickinbotham, House, Jackson, Jacobs, Jeffrey, C. Johnson, J. Johnson, Jones, Judy, Key, King, Ledbetter, Lendall, Lewellen, Mack, Mahony, Martin, Medley, Milligan, Moore, Napper, Nichols, Norton, Oglesby, Ormond, Pace, Pate, Petrus, Pickett, L. Prater, S. Prater, Pritchard, Roebuck, Scroggin, Seawel, Stovall, Sullivan, Sumpter, C. Taylor, J. Taylor, Thomas, Thomason, Thyer, Verkamp, Walters, Weaver, White, Wood, Mr. Speaker.

Total83

NEGATIVE: Bright, Fite, Hutchinson, Schulte.

Total4

ABSENT OR NOT VOTING: Anderson, Creekmore, Harris, Kenney, Lamoureux, Matayo, Mathis, Parks, Penix, Rankin, Rosenbaum, Scrimshire, R. Smith.

Total13

VOTING PRESENT:

Total0

Total number of votes cast87

Total number voting in the affirmative83

Necessary to concur in the amendment.....51

So the Amendment was concurred in.

/s/ Ms. Jo Renshaw
Chief Clerk

Motion was made to refer **SENATE BILL NO. 7** back to the Committee on JOINT BUDGET. RECEIVED MORE THAN 51 VOTES.

Upon motion of Representative Weaver the rules were suspended. Considered in the Committee of the Whole. Returned with the recommendation that it "DO PASS."

SENATE BILL NO. 51

BY: JOINT BUDGET COMMITTEE

Was read the third time and placed on final passage, the question being shall the Bill pass. The vote was as follows:

AFFIRMATIVE: Agee, Berry, Blair, Bond, P. Bookout, Bradford, Cowling, Dangeau, Eason, Edwards, Elliott, Goss, Hardwick, House, Jackson, C. Johnson, Jones, Judy, King, Ledbetter, Mahony, Pace, Roebuck, Seawel, Stovall, Sumpter, White.

Total27

NEGATIVE: Adams, Bennett, Biggs, Bledsoe, Borhauer, Bright, Chesterfield, Childers, Creekmore, Dees, Dickinson, Dobbins, D. Evans, L. Evans, Fite, Gillespie, Green, Haak, Hathorn, Jacobs, Jeffrey, J. Johnson, Lendall, Lewellen, Mack, Martin, Mathis, Medley, Moore, Napper, Nichols, Norton, Oglesby, Pate, Pickett, S. Prater, Pritchard, Rankin, Rosenbaum, Schulte, C. Taylor, Thomas, Thomason, Thyer, Verkamp, Walters, Wood.

Total47

ABSENT OR NOT VOTING: Anderson, Bolin, Boyd, Clemons, Ferguson, Harris, Hickinbotham, Hutchinson, Kenney, Key, Lamoureux, Matayo, Ormond, Parks, Penix, Petrus, Scroggin, R. Smith, Sullivan, J. Taylor, Weaver, Mr. Speaker.

Total22

VOTING PRESENT: Gipson, Milligan, L. Prater, Scrimshire.

Total4

Total number of votes cast78

Total number voting in the affirmative27

Necessary to the passage of the bill75

So the Bill failed.

Upon motion of Representative Stovall the rules were suspended on HOUSE BILL NO. 1162 and it was placed back on second reading for the purpose of Amendment #1.

AMENDMENT NO. 1 TO HOUSE BILL NO. 1162

Amend HOUSE BILL NO. 1162 as originally introduced:

Page 2, line 19, delete "(1)"

AND

Page 2, line 28, delete "26-80-207." and substitute 26-80-208."

AND

Page 2, line 29, delete "(a)" and substitute "(a)(1)"

AND

Page 2, delete line 32, and substitute the following:

"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."

Page 3, delete lines 1 through 9, and substitute the following:

"tax to twenty-eight (28) mills."

/s/ Bill H. Stovall

The Amendment was read and the vote was as follows:

AFFIRMATIVE: Bennett, Berry, Biggs, Blair, Bledsoe, Bolin, Bond, P. Bookout, Borhauer, Boyd, Bradford, Bright, Chesterfield, Childers, Clemons, Cowling, Creekmore, Dangeau, Dickinson, Dobbins, Eason, Edwards, Elliott, D. Evans, L. Evans, Ferguson, Fite, Gillespie, Green, Haak, Hardwick, Hathorn, Hickinbotham, Jackson, Jacobs, Jeffrey, C. Johnson, J. Johnson, Jones, Judy, Kenney, King, Ledbetter, Lendall, Lewellen, Mack, Mahony, Martin, Mathis, Medley, Milligan, Moore, Napper, Nichols, Norton, Oglesby, Ormond, Pace, Parks, Pate, Petrus, Pickett, L. Prater, S. Prater, Pritchard, Rankin, Roebuck, Rosenbaum, Scroggin, Seawel, R. Smith, Stovall, Sullivan, Sumpter, C. Taylor, J. Taylor, Thomason, Thyer, Verkamp, Walters, Weaver, White, Wood, Mr. Speaker.	
Total	84
NEGATIVE: Adams, Agee, Scrimshire.	
Total	3
ABSENT OR NOT VOTING: Anderson, Dees, Goss, Harris, House, Hutchinson, Key, Lamoureux, Matayo, Penix, Schulte, Thomas.	
Total	12
VOTING PRESENT: Gipson.	
Total	1
Total number of votes cast	88
Total number voting in the affirmative	84
Necessary to the adoption of the amendment.....	51

The Amendment was adopted by more than 51 votes.

/s/ Ms. Jo Renshaw
Chief Clerk

Upon motion of Representative Stovall the rules were suspended on **HOUSE BILL NO. 1162** and it was placed back on second reading for the purpose of Amendment #2.

AMENDMENT NO. 2 TO HOUSE BILL NO. 1162

Amend **HOUSE BILL NO. 1162** as originally introduced:

Page 2, line 34, delete "January 1, 2005." and substitute "January 1, 2004."

AND

Page 3, line 9, delete "January 1, 2005." and substitute "January 1, 2004."

/s/ Bill H. Stovall

The Amendment was read and the vote was as follows:

AFFIRMATIVE: Bennett, Berry, Biggs, Blair, Bond, P. Bookout, Borhauer, Boyd, Bradford, Bright, Chesterfield, Childers, Clemons, Cowling, Creekmore, Dangeau, Dickinson, Dobbins, Eason, Edwards, Elliott, D. Evans, L. Evans, Ferguson, Fite, Gillespie, Goss, Green, Haak, Hardwick, Hathorn, Hickinbotham, House, Jackson, Jacobs, Jeffrey, C. Johnson, J. Johnson, Jones, Judy, King, Ledbetter, Lendall, Lewellen, Mack, Mahony, Martin, Mathis, Medley, Milligan, Moore, Napper, Nichols, Norton, Oglesby, Pate, Petrus, Pickett, L. Prater, S. Prater, Pritchard, Roebuck, Rosenbaum, Seawel, R. Smith, Stovall, Sullivan, Sumpter, C. Taylor, Thomason, Thyer, Verkamp, Walters, Weaver, White, Wood.

Total76

NEGATIVE: Adams, Agee, Dees, Kenney, Pace, Scrimshire.

Total6

ABSENT OR NOT VOTING: Anderson, Bledsoe, Bolin, Gipson, Harris, Hutchinson, Key, Lamoureux, Matayo, Parks, Penix, Rankin, Scroggin, J. Taylor, Thomas, Mr. Speaker.

Total16

VOTING PRESENT: Ormond, Schulte.

Total2

Total number of votes cast84

Total number voting in the affirmative76

Necessary to the adoption of the amendment.....51

The Amendment was adopted by more than 51 votes.

/s/ Ms. Jo Renshaw

Chief Clerk

The House stood in recess at 2:20 p.m. until 4:00 p.m. for the reading of the bills.

The House reconvened at 4:03 p.m.

ARKANSAS SENATE
HOUSE BILLS RETURNED FROM THE SENATE AS PASSED

HOUSE BILL NO. 1140 BY REPRESENTATIVE WALTERS
AS AMENDED #1 & 2
HOUSE BILL NO. 1157 BY REPRESENTATIVE HATHORN

ENROLLED AND DELIVERY TO GOVERNOR REPORTS

Little Rock, Arkansas
February 2, 2004

MR. SPEAKER:

We, your committee on Enrolled Bills, to whom was referred the following:

HOUSE BILL NO. 1142 BY REPRESENTATIVE LEDBETTER
HOUSE BILL NO. 1157 BY REPRESENTATIVE HATHORN

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 2:53 p.m. delivered them to the Governor for his approval.

Respectfully submitted,

/s/ Herschel W. Cleveland
Chairman

RECEIPT FROM THE GOVERNOR

RECEIVED FROM THE HOUSE:

HOUSE BILL NO. 1142 BY REPRESENTATIVE LEDBETTER

HOUSE BILL NO. 1157 BY REPRESENTATIVE HATHORN

/s/ Mike Huckabee - Governor

TIME: 2:53 p.m.

By: Stacy DeJarnett

HOUSE BILL NO. 1173

BY: REPRESENTATIVE CHESTERFIELD

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO REQUIRE A SCHOOL DISTRICT THAT FAILS TO PROVIDE FIFTY PERCENT (50%) OR MORE OF STUDENT TRANSPORTATION SERVICES FOR ANY THREE (3) DAYS OR MORE THAT THE SCHOOL DISTRICT IS OPEN FOR STUDENT INSTRUCTION IN A SCHOOL YEAR TO RETURN THE MONEYS EQUAL TO THE SCHOOL DISTRICT'S TOTAL BUDGETED AMOUNT FOR STUDENT TRANSPORTATION TO THE DEPARTMENT OF EDUCATION PUBLIC SCHOOL FUND ACCOUNT; AND FOR OTHER PURPOSES.

Was read the first time, rules suspended, read the second time, and referred to the Committee on EDUCATON.

HOUSE BILL NO. 1174

BY: REPRESENTATIVES DOBBINS, CHESTERFIELD

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO ENSURE THE SAFETY OF SCHOOL CHILDREN WHO ARE TRANSPORTED ON SCHOOL BUSES; TO PROHIBIT SCHOOL DISTRICTS AND SCHOOL DISTRICT BOARDS OF DIRECTORS FROM HIRING TEMPORARY, SUBSTITUTE, OR PERMANENT SCHOOL BUS DRIVERS THAT DO NOT HAVE THE REQUIRED CRIMINAL RECORDS CHECK, DRIVING RECORD BACKGROUND CHECK, OR CERTIFICATION; AND FOR OTHER PURPOSES.

Was read the first time, rules suspended, read the second time, and referred to the Committee on EDUCATION.

HOUSE BILL NO. 1175

BY: REPRESENTATIVES CHESTERFIELD, BRIGHT, DOBBINS, LENDALL

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO CREATE TWO (2) DISTRICTS IN PULASKI COUNTY; TO ADMINISTRATIVELY ANNEX PART OF THE PULASKI COUNTY SPECIAL SCHOOL DISTRICT WITH THE NORTH LITTLE ROCK SCHOOL DISTRICT; TO ANNEX PART OF THE PULASKI COUNTY SPECIAL SCHOOL DISTRICT WITH THE LITTLE ROCK SCHOOL DISTRICT; AND FOR OTHER PURPOSES.

Was read the first time, rules suspended, read the second time, and referred to the Committee on EDUCATION.

HOUSE BILL NO. 1176

BY: REPRESENTATIVES GREEN, CHESTERFIELD, DEES, C. JOHNSON, LEDBETTER, LENDALL, MATHIS, PENIX, WHITE

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO ENSURE THAT SCHOOL DISTRICTS HAVE ADMINISTRATORS PRESENT IN THE DISTRICT TO PROVIDE FOR THE PROPER ADMINISTRATION OF THE SCHOOLS; TO AMEND THE REQUIREMENTS OF PUBLIC EMPLOYEES WHO ARE REQUIRED TO REGISTER AS LOBBYISTS; AND FOR OTHER PURPOSES.

Was read the first time, rules suspended, read the second time, and referred to the Committee on EDUCATION.

HOUSE BILL NO. 1177

BY: REPRESENTATIVES PETRUS, ADAMS, BENNETT, BOLIN, BOND, BOYD, CHILDERS, DANGEAU, DICKINSON, ELLIOTT, L. EVANS, FITE, JEFFREY, PATE, SCROGGIN, SULLIVAN, SUMPTER, J. TAYLOR, C. TAYLOR, THOMASON, THYER, VERKAMP

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.

Was read the first time, rules suspended, read the second time, and referred to the Committee on EDUCATION.

HOUSE RESOLUTION NO. 1026

BY: REPRESENTATIVES ROEBUCK, CHESTERFIELD, DICKINSON, ELLIOTT, FITE, C. JOHNSON, J. JOHNSON, MAHONY

COMMENDING AND EXPRESSING SINCERE APPRECIATION TO THE FACULTY MEMBERS IN THE COLLEGES OF EDUCATION AT ALL ARKANSAS HIGHER EDUCATION INSTITUTIONS.

Was read the first time, rules suspended, read the second time and referred to the Committee on EDUCATION.

HOUSE MEMORIAL RESOLUTION NO. 1011

BY: REPRESENTATIVES AGEE, THYER, BOND, BRADFORD, CHILDERS, CLEVELAND, DANGEAU, EDWARDS, HATHORN, JUDY, LEDBETTER, MAHONY, PATE, PRITCHARD, THOMASON

IN RESPECTFUL MEMORY OF MR. E.J. BALL AND IN RECOGNITION OF HIS MANY CONTRIBUTIONS TO THE STATE OF ARKANSAS AND HIS LOCAL COMMUNITY.

Was read the first time, rules suspended, read the second time and placed on the Calendar.

Upon motion of Representative Gillespie, the House adjourned at 4:05 p.m. until 1:30 p.m. Tuesday, February 3, 2004.

ATTEST:

Herschel W. Cleveland
Speaker of the House of Representatives

Jo Renshaw
Chief Clerk

**FIFTY-EIGHTH DAY'S PROCEEDINGS
HALL OF THE HOUSE OF REPRESENTATIVES**

Little Rock, Arkansas
February 3, 2004

The House was called to order at 1:35 p.m. by Mr. Cleveland, the Speaker.
The following members answered to the roll call:

Adams, Agee, Bennett, Berry, Biggs, Blair, Bledsoe, Bolin, Bond, Bookout, Borhauer, Boyd, Bradford, Bright, Chesterfield, Childers, Clemons, Cowling, Creekmore, Dangeau, Dees, Dickinson, Dobbins, Eason, Edwards, Elliott, D.Evans, L. Evans, Ferguson, Fite, Gillespie, Gipson, Goss, Green, Haak, Hardwick, Harris, Hathorn, Hickinbotham, House, Hutchinson, Jackson, 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.

Total97

The following member(s) was absent and did not answer to the roll call:
Anderson, Jacobs, Jeffrey.

Total3

A quorum was present.

Unanimous leave was granted for Representative(s) Anderson, Jacobs, Jeffrey.

The House stood and was led in prayer by Reverend James Freeman, Westover Hills Presbyterian Church, Little Rock, 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.

COMMITTEE REPORT

EDUCATION	February 3, 2004
	CALVIN JOHNSON
	CHAIRPERSON
HOUSE BILL NO. 1140	DO PASS, TO CONCUR IN
BY REPRESENTATIVE WALTERS	SENATE AMENDMENTS
	#1 & 2
HOUSE BILL NO. 1174	DO PASS
BY REPRESENTATIVE DOBBINS	
HOUSE BILL NO. 1175	DO PASS
BY REPRESENTATIVE CHESTERFIELD	
HOUSE RESOLUTION NO. 1026	DO PASS
BY REPRESENTATIVE ROEBUCK	AS AMENDED #1

COMMITTEE REPORT

REVENUE AND TAXATION	February 3, 2004
	BOYD HICKINBOTHAM
	CHAIRPERSON
HOUSE CONCURRENT RESOLUTION NO. 1003	DO PASS
BY REPRESENTATIVE STOVALL	

Upon motion of Representative Sumpter, **HOUSE BILL NO. 1039** was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 2 TO HOUSE BILL NO. 1039

Amend **HOUSE BILL NO. 1039** as engrossed, H12/19/03

(version: 12-19-2003 08:34):

Page 1, lines 28 and 29, delete in their entirety and substitute "monthly payments to school districts for active participants in the Public School Employees Health Insurance Program sponsored by the State and Public School Life and Health Insurance Board, for the fiscal year ending June 30, 2005, the sum of
 \$80,000,000."

AND

Delete Section 3 of the bill in its entirety

AND

Renumber the subsequent sections of the bill.

/s/ Denny Sumpter

The Amendment was read and adopted by more than 51 votes.

/s/ Ms. Jo Renshaw

Chief Clerk

The House gave Representative Mahony unanimous leave to withdraw **HOUSE BILL NO. 1068**. Recommended for study in the interim by JOINT INTERIM COMMITTEE on EDUCATION.

The House gave Representative Mahony unanimous leave to withdraw **HOUSE BILL NO. 1096**. Recommended for study in the interim by JOINT INTERIM COMMITTEE on EDUCATION.

ENGROSSED BILL REPORTS

HERSCHEL W. CLEVELAND, CHAIRMAN

February 3, 2004

The following bill(s) reported correctly engrossed:

HOUSE BILL NO. 1039 BY REPRESENTATIVE SUMPTER, ET AL

State of Arkansas
Office of the Governor

Mike Huckabee
Governor

February 2, 2004

TO THE SPEAKER OF THE HOUSE

Dear Mr. Speaker:

This is to inform you that on February 2, 2004, I approved the following measures from the Second Extraordinary Session of the Eighty-Fourth General Assembly:

HOUSE BILL NO. 1141 is now Act Number 67

HOUSE BILL NO. 1091 is now Act Number 68

HOUSE BILL NO. 1071 is now Act Number 69

HOUSE BILL NO. 1100 is now Act Number 70

Sincerely,

/s/ Mike Huckabee

State of Arkansas
Office of the Governor

Mike Huckabee
Governor

February 3, 2004

TO THE SPEAKER OF THE HOUSE

Dear Mr. Speaker:

This is to inform you that on February 3, 2004, I approved the following measures from the Second Extraordinary Session of the Eighty-Fourth General Assembly:

HOUSE BILL NO. 1130 is now Act Number 72

HOUSE BILL NO. 1157 is now Act Number 71

HOUSE BILL NO. 1142 is now Act Number 73

Sincerely,

/s/ Mike Huckabee

HOUSE RESOLUTION NO.1024

BY: REPRESENTATIVE MATHIS

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.

THE RESOLUTION WAS READ AND ADOPTED BY MORE THAN 51 VOTES.

HOUSE MEMORIAL RESOLUTION NO. 1011

BY: REPRESENTATIVE AGEE

IN RESPECTFUL MEMORY OF MR. E.J. BALL AND IN RECOGNITION OF HIS MANY CONTRIBUTIONS TO THE STATE OF ARKANSAS AND HIS LOCAL COMMUNITY.

THE RESOLUTION WAS READ AND ADOPTED BY MORE THAN 51 VOTES. RECEIVED UNANIMOUS SUPPORT.

Representative J. Johnson moved that the House concur in the following Senate Amendment.

ARKANSAS SENATE

AMENDMENT NO. 1 TO HOUSE BILL NO. 1047

Amend **HOUSE BILL NO. 1047** as engrossed, H12/17/03

(version: 12-17-2003 08:45):

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>
<u>15</u>	<u>34,250</u>	<u>39,125</u>

(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)-(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.~~

~~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."

/s/ B. Gullett

The Amendment was read and the vote was as follows:

AFFIRMATIVE: Adams, Agee, Bennett, Berry, Biggs, Blair, Bledsoe, Bolin, Bond, P. Bookout, Borhauer, Boyd, Bradford, Bright, Chesterfield, Childers, Clemons, Cowling, Creekmore, Dangeau, Dees, Dickinson, Dobbins, Eason, Edwards, Elliott, D. Evans, L. Evans, Ferguson, Gillespie, Gipson, Goss, Green, Haak, Hardwick, Harris, Hathorn, Hickinbotham, House, Hutchinson, Jackson, C. Johnson, J. Johnson, Jones, Judy, King, Lamoureux, Ledbetter, Lendall, Lewellen, Mack, Mahony, Martin, Matayo, Mathis, Medley, Milligan, Moore, Napper, Norton, Oglesby, Parks, Pickett, L. Prater, S. Prater, Pritchard, Rankin, Roebuck, Rosenbaum, Schulte, Scrimshire, Seawel, R. Smith, Sullivan, Sumpter, C. Taylor, J. Taylor, Thomas, Thomason, Thyer, Walters, Weaver, White, Wood.

Total84

NEGATIVE: Kenney, Key, Nichols, Ormond, Pace, Pate, Petrus, Scroggin, Stovall, Verkamp.

Total10

ABSENT OR NOT VOTING: Anderson, Fite, Jacobs, Jeffrey, Penix, Mr. Speaker.

Total6

VOTING PRESENT:

Total0

Total number of votes cast94

Total number voting in the affirmative84

Necessary to concur in the amendment.....51

So the Amendment was concurred in.

/s/ Ms. Jo Renshaw

Chief Clerk

There being an Emergency Clause attached to **AMENDMENT NO. 1 TO HOUSE BILL NO. 1047**, 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, Bennett, Berry, Biggs, Blair, Bledsoe, Bolin, Bond, P. Bookout, Borhauer, Boyd, Bradford, Bright, Chesterfield, Childers, Clemons, Cowling, Creekmore, Dangeau, Dees, Dickinson, Dobbins, Eason, Edwards, Elliott, D. Evans, L. Evans, Ferguson, Gillespie, Gipson, Goss, Green, Haak, Hardwick, Harris, Hathorn, Hickinbotham, House, Hutchinson, Jackson, C. Johnson, J. Johnson, Jones, Judy, King, Lamoureux, Ledbetter, Lendall, Lewellen, Mack, Mahony, Martin, Matayo, Mathis, Medley, Milligan, Moore, Napper, Norton, Oglesby, Parks, Pickett, L. Prater, S. Prater, Pritchard, Rankin, Roebuck, Rosenbaum, Schulte, Scrimshire, Seawel, R. Smith, Sullivan, Sumpter, C. Taylor, J. Taylor, Thomas, Thomason, Thyer, Walters, Weaver, White, Wood.

Total84

NEGATIVE: Kenney, Key, Nichols, Ormond, Pace, Pate, Petrus, Scroggin, Stovall, Verkamp.

Total10

ABSENT OR NOT VOTING: Anderson, Fite, Jacobs, Jeffrey, Penix, Mr. Speaker.

Total6

VOTING PRESENT:

Total0

Total number of votes cast.....94

Total number voting in the affirmative84

Necessary to the adoption of the emergency clause.....67

So the Emergency Clause was adopted.

Representative J. Johnson moved that the House concur in the following Senate Amendment.

ARKANSAS SENATE

AMENDMENT NO. 2 TO HOUSE BILL NO. 1047

Amend HOUSE BILL NO. 1047 as engrossed, H12/17/03

(version: 12-17-2003 08:45):

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."

/s/ B. Gullett

The Amendment was read and the vote was as follows:

AFFIRMATIVE: Adams, Agee, Bennett, Berry, Biggs, Blair, Bledsoe, Bolin, Bond, P. Bookout, Borhauer, Boyd, Bradford, Bright, Chesterfield, Childers, Clemons, Cowling, Creekmore, Dangeau, Dees, Dickinson, Dobbins, Eason, Edwards, Elliott, D. Evans, L. Evans, Ferguson, Gillespie, Gipson, Goss, Green, Haak, Hardwick, Harris, Hathorn, Hickinbotham, House, Hutchinson, 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, Parks, Penix, Pickett, L. Prater, S. Prater, Pritchard, Rankin, Roebuck, Rosenbaum, Schulte, Scrimshire, Seawel, R. Smith, Sullivan, Sumpter, C. Taylor, J. Taylor, Thomas, Thomason, Thyer, Verkamp, Walters, Weaver, White, Wood.

Total88

NEGATIVE: Ormond, Pate, Petrus, Scroggin, Stovall.

Total5

ABSENT OR NOT VOTING: Anderson, Fite, Jackson, Jacobs, Jeffrey, Pace, Mr. Speaker.

Total7

VOTING PRESENT:

Total0

Total number of votes cast93

Total number voting in the affirmative88

Necessary to concur in the amendment.....51

So the Amendment was concurred in.

/s/ Ms. Jo Renshaw

Chief Clerk

Representative J. Johnson moved that the House concur in the following Senate Amendment.

ARKANSAS SENATE

AMENDMENT NO. 3 TO HOUSE BILL NO. 1047

Amend HOUSE BILL NO. 1047 as engrossed, S1/27/04

(version: 01-27-2004 15:40):

Page 2, delete line 27 and substitute the following:

"compensation for a basic contract:"

/s/ B. Gullett

The Amendment was read and the vote was as follows:

AFFIRMATIVE: Adams, Agee, Bennett, Berry, Biggs, Blair, Bledsoe, Bolin, Bond, P. Bookout, Borhauer, Boyd, Bradford, Bright, Chesterfield, Childers, Clemons, Cowling, Creekmore, Dangeau, Dees, Dickinson, Eason, Edwards, Elliott, D. Evans, L. Evans, Ferguson, Gillespie, Gipson, Goss, Green, Haak, Hardwick, Harris, Hathorn, Hickinbotham, House, Hutchinson, Jackson, C. Johnson, J. Johnson, Jones, Judy, Kenney, Key, King, Lamoureux, Ledbetter, Lendall, Lewellen, Mack, Mahony, Martin, Matayo, Mathis, Medley, Milligan, Moore, Napper, Norton, Oglesby, Parks, Penix, Pickett, L. Prater, S. Prater, Pritchard, Rankin, Roebuck, Rosenbaum, Schulte, Scrimshire, Seawel, R. Smith, Sullivan, Sumpter, C. Taylor, J. Taylor, Thomas, Thomason, Thyer, Verkamp, Walters, Weaver, White, Wood.

Total87

NEGATIVE: Ormond, Pace.

Total2

ABSENT OR NOT VOTING: Anderson, Dobbins, Fite, Jacobs, Jeffrey, Nichols, Pate, Petrus, Scroggin, Stovall, Mr. Speaker.

Total11

VOTING PRESENT:

Total0

Total number of votes cast.....89

Total number voting in the affirmative87

Necessary to concur in the amendment.....51

So the Amendment was concurred in.

/s/ Ms. Jo Renshaw

Chief Clerk

Morning Hour Expired.

HOUSE BILL NO. 1162

BY: REPRESENTATIVE STOVALL

Was read the third time and placed on final passage, the question being shall the Bill pass. The vote was as follows:

AFFIRMATIVE: Berry, Blair, Bledsoe, Bolin, Bond, Borhauer, Boyd, Bradford, Bright, Chesterfield, Childers, Clemons, Cowling, Creekmore, Dangeau, Dees, Dickinson, Dobbins, Edwards, Elliott, D. Evans, L. Evans, Ferguson, Fite, Gillespie, Gipson, Goss, Green, Haak, Hardwick, Hathorn, Hickinbotham, House, Jackson, C. Johnson, J. Johnson, Jones, Judy, Key, King, Ledbetter, Lendall, Lewellen, Mack, Mahony, Martin, Mathis, Medley, Milligan, Moore, Napper, Nichols, Oglesby, Parks, Pate, Petrus, Pickett, L. Prater, S. Prater, Pritchard, Rankin, Roebuck, Rosenbaum, Scrimshire, Seawel, R. Smith, Stovall, Sullivan, Sumpter, C. Taylor, Thomason, Thyer, Verkamp, Walters, Weaver, White.

Total76

NEGATIVE: Adams, Agee, Biggs, P. Bookout, Harris, Hutchinson, Kenney, Lamoureux, Norton, Ormond, Pace, Schulte, Thomas.

Total13

ABSENT OR NOT VOTING: Anderson, Bennett, Eason, Jacobs, Jeffrey, Penix, Scroggin, J. Taylor, Wood, Mr. Speaker.

Total10

VOTING PRESENT: Matayo.

Total1

Total number of votes cast90

Total number voting in the affirmative76

Necessary to the passage of the bill51

So the Bill passed and the title as read was agreed to.

HOUSE BILL NO. 1170

BY: REPRESENTATIVE P. BOOKOUT

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, Bennett, Berry, Biggs, Blair, Bolin, Bond, P. Bookout, Borhauer, Boyd, Bradford, Bright, Chesterfield, Childers, Clemons, Cowling, Creekmore, Dangeau, Dees, Dickinson, Dobbins, Eason, Edwards, Elliott, D. Evans, L. Evans, Ferguson, Fite, Gillespie, Gipson, Goss, Green, Haak, Hardwick, Harris, Hathorn, Hickinbotham, House, Hutchinson, Jackson, C. Johnson, J. Johnson, Jones, Judy, Kenney, Key, Lamoureux, Ledbetter, Lendall, Lewellen, Mack, Mahony, Martin, Matayo, Mathis, Medley, Milligan, Moore, Napper, Nichols, Norton, Oglesby, Ormond, Pace, Parks, Pate, Penix, Petrus, Pickett, L. Prater, S. Prater, Pritchard, Rankin, Roebuck, Rosenbaum, Schulte, Scrimshire, Scroggin, Seawel, R. Smith, Stovall, Sullivan, Sumpter, C. Taylor, J. Taylor, Thomas, Thomason, Thyer, Verkamp, Walters, Weaver, White, Wood.

Total94

NEGATIVE:

Total0

ABSENT OR NOT VOTING: Anderson, Bledsoe, Jacobs, Jeffrey, King, Mr. Speaker.

Total6

VOTING PRESENT:

Total0

Total number of votes cast.....94

Total number voting in the affirmative94

Necessary to the passage of the bill51

So the Bill passed and the title as read was agreed to.

There being an Emergency Clause attached to **HOUSE BILL NO. 1170**, 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, Bennett, Berry, Biggs, Blair, Bolin, Bond, P. Bookout, Borhauer, Boyd, Bradford, Bright, Chesterfield, Childers, Clemons, Cowling, Creekmore, Dangeau, Dees, Dickinson, Dobbins, Eason, Edwards, Elliott, D. Evans, L. Evans, Ferguson, Fite, Gillespie, Gipson, Goss, Green, Haak, Hardwick, Harris, Hathorn, Hickinbotham, House, Hutchinson, Jackson, C. Johnson, J. Johnson, Jones, Judy, Kenney, Key, Lamoureux, Ledbetter, Lendall, Lewellen, Mack, Mahony, Martin, Matayo, Mathis, Medley, Milligan, Moore, Napper, Nichols, Norton, Oglesby, Ormond, Pace, Parks, Pate, Penix, Petrus, Pickett, L. Prater, S. Prater, Pritchard, Rankin, Roebuck, Rosenbaum, Schulte, Scrimshire, Scroggin, Seawel, R. Smith, Stovall, Sullivan, Sumpter, C. Taylor, J. Taylor, Thomas, Thomason, Thyer, Verkamp, Walters, Weaver, White, Wood.

Total94

NEGATIVE:

Total0

ABSENT OR NOT VOTING: Anderson, Bledsoe, Jacobs, Jeffrey, King, Mr. Speaker.

Total6

VOTING PRESENT:

Total0

Total number of votes cast.....94

Total number voting in the affirmative94

Necessary to the adoption of the emergency clause.....67

So the Emergency Clause was adopted.

Representative Pickett moved that the record by which concurrence in **SENATE AMENDMENT NO. 1 TO HOUSE BILL 1009** failed to pass be expunged from the record.

On this motion the vote was as follows:

AFFIRMATIVE: Agee, Berry, Biggs, Blair, Bledsoe, Bolin, Bond, P. Bookout, Borhauer, Boyd, Bradford, Bright, Chesterfield, Childers, Clemons, Cowling, Creekmore, Dangeau, Dees, Dickinson, Dobbins, Eason, Edwards, Elliott, D. Evans, L. Evans, Ferguson, Gillespie, Gipson, Goss, Green, Hardwick, Harris, Hathorn, Hickinbotham, Hutchinson, Jackson, C. Johnson, J. Johnson, Jones, Judy, Kenney, King, Lamoureux, Ledbetter, Lendall, Lewellen, Mack, Mahony, Martin, Mathis, Medley, Milligan, Moore, Napper, Nichols, Ormond, Pace, Penix, Pickett, L. Prater, S. Prater, Pritchard, Rankin, Roebuck, Scrimshire, Scroggin, Seawel, Stovall, Sullivan, Sumpter, C. Taylor, Thomas, Thomason, Thyer, Verkamp, Walters, White, Wood, Mr. Speaker.

Total80

NEGATIVE: Adams, Bennett, Key, Oglesby, Pate, J. Taylor, Weaver.

Total7

ABSENT OR NOT VOTING: Anderson, Fite, Haak, House, Jacobs, Jeffrey, Norton, Parks, Petrus, Rosenbaum, Schulte, R. Smith.

Total12

VOTING PRESENT: Matayo.

Total1

Total number of votes cast88

Total number voting in the affirmative80

Necessary to the adoption of the motion67

So the motion was adopted.

Motion was made by Representative Pickett to transmit **HOUSE BILL NO. 1009** to the Senate. Motion received more than 51 votes.

SENATE BILL NO. 82

BY: SENATOR GLOVER

Was read the third time and placed on final passage, the question being shall the Bill pass. The vote was as follows:

AFFIRMATIVE: Adams, Agee, Bennett, Berry, Biggs, Blair, Bledsoe, Bolin, Bond, P. Bookout, Borhauer, Boyd, Bradford, Bright, Chesterfield, Childers, Clemons, Cowling, Creekmore, Dangeau, Dees, Dickinson, Dobbins, Eason, Edwards, Elliott, D. Evans, L. Evans, Ferguson, Fite, Gillespie, Gipson, Goss, Green, Haak, Hardwick, Harris, Hathorn, Hickinbotham, House, Hutchinson, Jackson, C. Johnson, J. Johnson, Jones, Judy, Kenney, Key, King, Lamoureux, Ledbetter, Lewellen, Mack, Mahony, Martin, Matayo, Mathis, Medley, Milligan, Moore, Napper, Nichols, Norton, Oglesby, Ormond, Pace, Parks, Penix, Pickett, L. Prater, S. Prater, Pritchard, Rankin, Roebuck, Rosenbaum, Schulte, Scrimshire, Scroggin, Seawel, R. Smith, Stovall, Sullivan, Sumpter, C. Taylor, J. Taylor, Thomas, Thomason, Thyer, Verkamp, Walters, Weaver, White, Wood.

Total93

NEGATIVE: Lendall, Pate.

Total2

ABSENT OR NOT VOTING: Anderson, Jacobs, Jeffrey, Petrus, Mr. Speaker.

Total5

VOTING PRESENT:

Total0

Total number of votes cast95

Total number voting in the affirmative93

Necessary to the passage of the bill51

So the Bill passed and the title as read was agreed to.

Motion was made by Representative Kenney to place **SENATE BILL NO. 80** back on second reading for the purpose of amendment.

On this motion the vote was as follows:

AFFIRMATIVE: Adams, Agee, Bennett, Berry, Bledsoe, Borhauer, Chesterfield, Clemons, Dickinson, Dobbins, Edwards, Fite, Gillespie, Green, Haak, Hardwick, Harris, Hutchinson, J. Johnson, Judy, Kenney, Key, King, Lamoureux, Matayo, Mathis, Moore, Napper, Nichols, Norton, Ormond, Pace, Parks, Penix, Petrus, S. Prater, Rosenbaum, Schulte, Scrimshire, Scroggin, C. Taylor, J. Taylor, Thyer, Verkamp, Wood.

Total45

NEGATIVE: Biggs, Blair, Bolin, Bond, P. Bookout, Boyd, Bradford, Childers, Cowling, Creekmore, Dangeau, Dees, Eason, Elliott, D. Evans, L. Evans, Ferguson, Gipson, Goss, Hathorn, Hickenbotham, House, Jackson, C. Johnson, Jones, Ledbetter, Lewellen, Mack, Mahony, Medley, Milligan, Oglesby, Pate, Pickett, L. Prater, Pritchard, Rankin, Roebuck, Seawel, R. Smith, Stovall, Sullivan, Sumpter, Thomas, Thomason, Walters, White.

Total47

ABSENT OR NOT VOTING: Anderson, Bright, Jacobs, Jeffrey, Lendall, Martin, Weaver, Mr. Speaker.

Total8

VOTING PRESENT:

Total0

Total number of votes cast92

Total number voting in the affirmative45

Necessary to the adoption of the motion51

So the motion failed of adoption.

***** EXPUNGED*****2/3/04*****

SENATE BILL NO. 80

BY: SENATOR SALMON

Was read the third time and placed on final passage, the question being shall the Bill pass. The vote was as follows:

AFFIRMATIVE: Berry, Biggs, Blair, Bolin, Bond, P. Bookout, Borhauer, Boyd, Bradford, Chesterfield, Childers, Clemons, Cowling, Dangeau, Dees, Dickinson, Dobbins, Eason, Edwards, Elliott, D. Evans, L. Evans, Ferguson, Fite, Gipson, Goss, Hardwick, Hathorn, Hickinbotham, House, Jackson, C. Johnson, J. Johnson, Jones, Judy, King, Lamoureux, Ledbetter, Lendall, Lewellen, Mack, Mahony, Martin, Medley, Milligan, Nichols, Oglesby, Pate, Pickett, L. Prater, S. Prater, Pritchard, Rankin, Roebuck, Scrimshire, Seawel, R. Smith, Stovall, Sullivan, Sumpter, Thomas, Thomason, Thyer, Verkamp, Walters, White, Mr. Speaker.

Total67

NEGATIVE: Adams, Agee, Bennett, Bledsoe, Creekmore, Gillespie, Green, Haak, Harris, Hutchinson, Kenney, Key, Matayo, Mathis, Moore, Napper, Norton, Ormond, Pace, Parks, Penix, Petrus, Rosenbaum, Schulte, Scroggin, C. Taylor, J. Taylor, Weaver, Wood.

Total29

ABSENT OR NOT VOTING: Anderson, Bright, Jacobs, Jeffrey.

Total4

VOTING PRESENT:

Total0

Total number of votes cast96

Total number voting in the affirmative67

Necessary to the passage of the bill75

So the Bill failed.

***** EXPUNGED*****2/3/04*****

The House stood in recess at 2:17 p.m. until 4:00 p.m.

The House reconvened at 4:24 p.m.

HOUSE BILLS ORDERED TRANSMITTED TO THE SENATE AS PASSED

HOUSE BILL NO. 1162 BY REPRESENTATIVE STOVALL

HOUSE BILL NO. 1170 BY REPRESENTATIVE P. BOOKOUT

NOTICE OF TRANSMITTAL OF HOUSE BILL

HOUSE BILL NO. 1009 BY REPRESENTATIVE PICKETT

SENATE BILLS ORDERED RETURNED TO THE SENATE AS PASSED

SENATE BILL NO. 82 BY SENATOR GLOVER

ARKANSAS SENATE

HOUSE BILLS RETURNED FROM THE SENATE AS PASSED

HOUSE BILL NO. 1132 BY REPRESENTATIVE MAHONY

HOUSE BILL NO. 1158 BY REPRESENTATIVE R. SMITH

AS AMENDED #1

ARKANSAS SENATE

SENATE BILLS RECEIVED FROM SENATE

SENATE BILL NO. 79 BY JOINT BUDGET COMMITTEE

SENATE BILL NO. 83 BY SENATOR WILKINS

SENATE BILL NO. 84 BY SENATOR BROADWAY

ENROLLED AND DELIVERY TO GOVERNOR REPORTS

Little Rock, Arkansas
February 3, 2004

MR. SPEAKER:

We, your committee on Enrolled Bills, to whom was referred the following:

HOUSE BILL NO. 1047 BY REPRESENTATIVE J. JOHNSON, ET AL
HOUSE BILL NO. 1132 BY REPRESENTATIVE MAHONY

beg leave to report that we have carefully compared the enrolled copies with the original and we find the same correctly enrolled and have at 2:40 p.m. delivered them to the Governor for his approval.

Respectfully submitted,

/s/ Herschel W. Cleveland
Chairman

RECEIPT FROM THE GOVERNOR

RECEIVED FROM THE HOUSE:

HOUSE BILL NO. 1047 BY REPRESENTATIVE J. JOHNSON, ET AL
HOUSE BILL NO. 1132 BY REPRESENTATIVE MAHONY

/s/ Mike Huckabee - Governor
By: Stacy DeJarnett

TIME: 2:40 p.m.

HOUSE BILL NO. 1178

BY: REPRESENTATIVES CHILDERS, AGEE, ANDERSON, BENNETT, BLEDSOE, BORHAUER, DEES, GREEN, HARRIS, JEFFREY, KENNEY, MACK, MATAYO, MATHIS, NICHOLS, PARKS, PRITCHARD, ROSENBAUM, J. TAYLOR, C. TAYLOR

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO PROVIDE FOR THE DISTRIBUTION OF FUNDS FROM THE GENERAL IMPROVEMENT FUND TO THE PUBLIC SCHOOL 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. 1179

BY: REPRESENTATIVES CHESTERFIELD, P. BOOKOUT, ELLIOTT, GREEN, J. JOHNSON, C. JOHNSON, SEAWEL, THOMAS, WHITE, WOOD
BY: 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.

Was read the first time, rules suspended, read the second time, and referred to the Committee on PUBLIC HEALTH, WELFARE AND LABOR.

HOUSE BILL NO. 1180

BY: REPRESENTATIVE JONES

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO AUTHORIZE HORSE RACING AND GREYHOUND RACING FRANCHISEES TO CONDUCT WAGERING ON ELECTRONIC GAMES OF SKILL; 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. 1181

BY: REPRESENTATIVE JONES

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO AUTHORIZE HORSE RACING AND GREYHOUND RACING FRANCHISEES TO CONDUCT WAGERING ON ELECTRONIC GAMES OF SKILL; 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. 1182

BY: REPRESENTATIVES GILLESPIE, STOVALL

A BILL FOR AN ACT TO BE ENTITLED AN ACT PROVIDING EDUCATION REFORM IN ARKANSAS; TO PROVIDE FOR EDUCATION FUNDING; TO ESTABLISH EDUCATIONAL ADEQUACY ACCOUNTING; TO CREATE A SUPPLEMENTAL TEACHER SALARY PLAN FOR DISTRICTS UNABLE TO MEET TEACHER SALARY INCREASE REQUIREMENTS; AND FOR OTHER PURPOSES.

Was read the first time, rules suspended, read the second time, and referred to the Committee on EDUCATION.

HOUSE BILL NO. 1183

BY: REPRESENTATIVE JUDY

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO PROVIDE THE ADDITIONAL REVENUES NEEDED TO PROVIDE AN EQUAL OPPORTUNITY FOR AN ADEQUATE EDUCATION TO ALL THE CITIZENS OF THE STATE BY REDUCING THE MAXIMUM DISCOUNT FOR PROMPT PAYMENT OF SALES TAX; AND FOR OTHER PURPOSES.

Was read the first time, rules suspended, read the second time, and referred to the Committee on REVENUE AND TAXATION.

HOUSE RESOLUTION NO. 1027

BY: REPRESENTATIVE BOLIN

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.

Was read the first time, rules suspended, read the second time and placed on the Calendar.

HOUSE RESOLUTION NO. 1028

BY: REPRESENTATIVE C. JOHNSON

URGING THE EIGHTY-FIFTH GENERAL ASSEMBLY TO ADOPT A RULE OR LEGISLATION TO MAKE PUBLIC EDUCATION THE FIRST PRIORITY FOR FUNDING AFTER PASSAGE OF THE GENERAL APPROPRIATIONS BILL DURING EACH REGULAR SESSION.

Was read the first time, rules suspended, read the second time and referred to the Committee on RULES.

SENATE BILL NO. 79

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.

Was read the first time, rules suspended, read the second time and referred to the Committee on JOINT BUDGET.

SENATE BILL NO. 83

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.

Was read the first time, rules suspended, read the second time and referred to the Committee on EDUCATION.

SENATE BILL NO. 84

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.

Was read the first time, rules suspended, read the second time and placed on the Calendar.

Upon motion of Representative Gillespie, the House adjourned at 4:27 p.m. until 1:30 p.m. Wednesday, February 4, 2004.

ATTEST:

Herschel W. Cleveland
Speaker of the House of Representatives

Jo Renshaw
Chief Clerk

FIFTY-NINTH DAY'S PROCEEDINGS
HALL OF THE HOUSE OF REPRESENTATIVES

Little Rock, Arkansas
February 4, 2004

The House was called to order at 1:34 p.m. by Mr. Cleveland, the Speaker.
The following members answered to the roll call:

Adams, Agee, Anderson, Bennett, Berry, Biggs, Blair, Bledsoe, Bolin, Bond, Bookout, Borhauer, Boyd, Bradford, Bright, Chesterfield, Childers, Clemons, Cowling, Creekmore, Dangeau, Dees, Dickinson, Dobbins, Eason, Edwards, Elliott, D.Evans, L. Evans, Ferguson, Fite, Gillespie, Gipson, Goss, Green, Haak, Hardwick, Harris, Hathorn, Hickinbotham, House, Hutchinson, Jackson, Jacobs, Jeffrey, C.Johnson, J. Johnson, Jones, Judy, Kenney, Key, King, Lamoureux, Ledbetter, Lendall, Lewellen, Mack, Mahony, Martin, Matayo, Mathis, Medley, Milligan, Moore, Napper, Nichols, Norton, Oglesby, Ormond, Pace, Parks, Pate, Penix, Petrus, Pickett, L. Prater, S. Prater, Pritchard, Rankin, Roebuck, Rosenbaum, Schulte, Scrimshire, Scroggin, Seawel, Smith, Stovall, Sullivan, Sumpter, C.Taylor, J.Taylor, Thomas, Thomason, Thyer, Verkamp, Walters, Weaver, White, Wood, Mr. Speaker.

Total100

The following member(s) was absent and did not answer to the roll call:

Total0

A quorum was present.

The House stood and was led in prayer by Representative Don House.

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

EDUCATION	February 4, 2004
HOUSE BILL NO. 1090	CALVIN JOHNSON
BY REPRESENTATIVE CLEVELAND	DO PASS, TO CONCUR IN
	SENATE AMENDMENT
	#1, 2 & 3
HOUSE BILL NO. 1177	DO PASS
BY REPRESENTATIVE PETRUS	

COMMITTEE REPORT

JOINT BUDGET	February 4, 2004
	PAUL WEAVER
	CHAIRPERSON
HOUSE BILL NO. 1052	DO PASS
BY REPRESENTATIVE HOUSE	AS AMENDED #2
SENATE BILL NO. 79	DO PASS
BY JOINT BUDGET COMMITTEE	

COMMITTEE REPORT

REVENUE AND TAXATION	February 4, 2004
	BOYD HICKINBOTHAM
	CHAIRPERSON
SENATE BILL NO. 80	DO PASS
BY SENATOR SALMON	

COMMITTEE REPORT

INSURANCE AND COMMERCE	February 4, 2004
	PAUL BOOKOUT
	CHAIRPERSON
HOUSE BILL NO. 1158	DO PASS, TO CONCUR IN
BY REPRESENTATIVE R. SMITH	SENATE AMENDMENT #1

ENGROSSED BILL REPORTS

HERSCHEL W. CLEVELAND, CHAIRMAN

February 4, 2004

The following bill(s) reported correctly engrossed:

HOUSE RESOLUTION NO. 1026 BY REPRESENTATIVE ROEBUCK, ET AL
 SENATE BILL NO. 7 BY SENATOR BROADWAY
 SENATE BILL NO. 80 - TITLE - BY SENATOR SALMON, ET AL

SENATE BILL ENGROSSED AS TITLE AMENDED
 SENATE BILL NO. 80

BY: SENATORS SALMON, HIGGINBOTHOM

BY: *REPRESENTATIVE JONES*

AN ACT TO INCREASE THE CORPORATE FRANCHISE TAX; AND FOR
 OTHER PURPOSES.

Upon motion of Representative Roebuck the rules were suspended to
 consider **HOUSE RESOLUTION NO. 1026**.

HOUSE RESOLUTION NO.1026

BY: **REPRESENTATIVE ROEBUCK**

COMMENDING AND EXPRESSING SINCERE APPRECIATION TO THE
 FACULTY MEMBERS IN THE COLLEGES OF EDUCATION AT ALL ARKANSAS
 HIGHER EDUCATION INSTITUTIONS.

THE RESOLUTION WAS READ AND ADOPTED BY MORE THAN 51
 VOTES. RECEIVED UNANIMOUS SUPPORT.

Upon motion of Representative Roebuck, **HOUSE RESOLUTION NO. 1026** was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 1 TO HOUSE RESOLUTION NO. 1026

Amend **HOUSE RESOLUTION NO. 1026** as originally introduced:
Page 2, line 5, delete "Proxis" and substitute "Praxis"

/s/ Tommy Roebuck

The Amendment was read and adopted by more than 51 votes.

/s/ Ms. Jo Renshaw
Chief Clerk

HOUSE RESOLUTION NO.1027

BY: REPRESENTATIVE BOLIN

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.

THE RESOLUTION WAS READ AND ADOPTED BY MORE THAN 51 VOTES. RECEIVED UNANIMOUS SUPPORT.

Morning Hour Expired.

Upon motion of Representative Mahony the rules were suspended to move **SENATE BILL NO. 80** out of proper order.

Representative Pace moved that the record by which **SENATE BILL NO. 80** failed to pass be expunged from the record. On this motion the vote was as follows:

AFFIRMATIVE: Adams, Agee, Anderson, Bennett, Berry, Biggs, Blair, Bledsoe, Bolin, Bond, P. Bookout, Borhauer, Boyd, Bradford, Chesterfield, Childers, Cowling, Creekmore, Dangeau, Dees, Dickinson, Dobbins, Eason, Edwards, Elliott, D. Evans, L. Evans, Ferguson, Fite, Gipson, Goss, Green, Hardwick, Harris, Hathorn, Hickenbotham, House, Jackson, Jacobs, Jeffrey, C. Johnson, J. Johnson, Jones, Judy, Kenney, Key, King, Lamoureux, Ledbetter, Lendall, Lewellen, Mack, Mahony, Martin, Matayo, Mathis, Medley, Milligan, Moore, Nichols, Norton, Oglesby, Pace, Pate, Petrus, Pickett, L. Prater, S. Prater, Pritchard, Rankin, Roebuck, Rosenbaum, Scroggin, Seawel, R. Smith, Stovall, Sullivan, Sumpter, C. Taylor, J. Taylor, Thomas, Thomason, Thyer, Verkamp, Walters, Weaver, White, Wood, Mr. Speaker.

Total	89
NEGATIVE: Gillespie, Haak, Napper.	
Total	3
ABSENT OR NOT VOTING: Bright, Clemons, Hutchinson, Parks, Scrimshire.	
Total	5
VOTING PRESENT: Ormond, Penix, Schulte.	
Total	3
Total number of votes cast	95
Total number voting in the affirmative	89
Necessary to the adoption of the motion	67

So the motion was adopted.

Upon motion of Representative Kenney, **SENATE BILL NO. 80** was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 2 TO SENATE BILL NO. 80

Amend **SENATE BILL NO. 80** as engrossed, S1/30/04

(version: 01-30-2004 11:06):

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)"

/s/ Mike Kenney

The Amendment was read and the vote was as follows:

AFFIRMATIVE: Adams, Agee, Anderson, Bennett, Berry, Biggs, Blair, Bledsoe, Bolin, Bond, P. Bookout, Borhauer, Boyd, Bradford, Chesterfield, Childers, Clemons, Cowling, Creekmore, Dangeau, Dees, Dickinson, Dobbins, Eason, Edwards, Elliott, D. Evans, L. Evans, Ferguson, Fite, Gillespie, Gipson, Goss, Green, Haak, Hardwick, Harris, Hathorn, Hickinbotham, House, Hutchinson, Jackson, Jacobs, Jeffrey, C. Johnson, J. Johnson, Jones, Judy, Kenney, Key, King, Lamoureux, Ledbetter, Lewellen, Mack, Mahony, Martin, Matayo, Mathis, Medley, Milligan, Moore, Nichols, Norton, Oglesby, Pace, Pate, Penix, Petrus, L. Prater, S. Prater, Pritchard, Rankin, Roebuck, Rosenbaum, Schulte, Scrimshire, Scroggin, Seawel, R. Smith, Stovall, Sullivan, Sumpter, C. Taylor, J. Taylor, Thomas, Thomason, Thyer, Verkamp, Walters, White, Wood, Mr. Speaker.

Total	93
NEGATIVE: Lendall, Napper.	
Total	2
ABSENT OR NOT VOTING: Bright, Parks, Pickett, Weaver.	
Total	4
VOTING PRESENT: Ormond.	
Total	1
Total number of votes cast	96
Total number voting in the affirmative	93
Necessary to the adoption of the amendment.....	51

The Amendment was adopted by more than 51 votes.

/s/ Ms. Jo Renshaw
Chief Clerk

Representative Walters moved that the House concur in the following Senate Amendment.

ARKANSAS SENATE

AMENDMENT NO. 1 TO HOUSE BILL NO. 1140

Amend HOUSE BILL NO. 1140 as engrossed, H1/26/04

(version: 01-26-2004 08:50):

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."

/s/ B. Gullett

The Amendment was read and the vote was as follows:

AFFIRMATIVE: Adams, Agee, Anderson, Bennett, Berry, Biggs, Blair, Bledsoe, Bond, P. Bookout, Borhauer, Boyd, Bradford, Chesterfield, Childers, Clemons, Cowling, Creekmore, Dangeau, Dees, Dickinson, Dobbins, Eason, Edwards, Elliott, D. Evans, L. Evans, Ferguson, Fite, Gillespie, Gipson, Goss, Green, Haak, Hardwick, Harris, Hathorn, Hickinbotham, House, 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, Pate, Penix, Petrus, Pickett, S. Prater, Pritchard, Rankin, Roebuck, Rosenbaum, Scrimshire, Scroggin, Seawel, R. Smith, Stovall, Sullivan, Sumpter, C. Taylor, J. Taylor, Thomas, Thomason, Thyer, Verkamp, Walters, Weaver, White, Wood.

Total93

NEGATIVE: L. Prater.

Total1

ABSENT OR NOT VOTING: Bolin, Bright, Hutchinson, Mr. Speaker.

Total4

VOTING PRESENT: Parks, Schulte.

Total2

Total number of votes cast96

Total number voting in the affirmative93

Necessary to concur in the amendment.....51

So the Amendment was concurred in.

/s/ Ms. Jo Renshaw
Chief Clerk

Representative Walters moved that the House concur in the following Senate Amendment.

ARKANSAS SENATE

AMENDMENT NO. 2 TO HOUSE BILL NO. 1140

Amend HOUSE BILL NO. 1140 as engrossed, S1/29/04

(version: 01-29-2004 13:25):

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

/s/ B. Gullett

The Amendment was read and the vote was as follows:

AFFIRMATIVE: Adams, Agee, Bennett, Berry, Biggs, Blair, Bledsoe, Bolin, Bond, P. Bookout, Borhauer, Boyd, Bradford, Chesterfield, Childers, Clemons, Cowling, Creekmore, Dangeau, Dees, Dickinson, Dobbins, Eason, Edwards, Elliott, D. Evans, L. Evans, Ferguson, Fite, Gillespie, Gipson, Goss, Green, Haak, Hardwick, Harris, Hathorn, Hickinbotham, House, Hutchinson, Jackson, Jacobs, Jeffrey, C. Johnson, J. Johnson, Jones, Judy, Kenney, Key, King, Lamoureux, Ledbetter, Lendall, Lewellen, Mack, Mahony, Martin, Matayo, Mathis, Medley, Milligan, Moore, Napper, Nichols, Norton, Oglesby, Ormond, Pace, Parks, Pate, Penix, Petrus, Pickett, L. Prater, S. Prater, Pritchard, Rankin, Roebuck, Rosenbaum, Schulte, Scrimshire, Scroggin, Seawel, R. Smith, Stovall, Sullivan, Sumpter, C. Taylor, J. Taylor, Thomas, Thomason, Thyer, Verkamp, Walters, Weaver, White, Wood.

Total	97
NEGATIVE:	
Total	0
ABSENT OR NOT VOTING: Anderson, Bright, Mr. Speaker.	
Total	3
VOTING PRESENT:	
Total	0
Total number of votes cast.....	97
Total number voting in the affirmative	97
Necessary to concur in the amendment.....	51

So the Amendment was concurred in.

/s/ Ms. Jo Renshaw
Chief Clerk

HOUSE BILL NO. 1174

BY: REPRESENTATIVE DOBBINS

Was read the third time and placed on final passage, the question being shall the Bill pass. The vote was as follows:

AFFIRMATIVE: Adams, Blair, Bolin, Bond, P. Bookout, Borhauer, Boyd, Bradford, Chesterfield, Clemons, Dangeau, Dobbins, Eason, Elliott, Gillespie, Goss, Green, Hickinbotham, House, Hutchinson, Jeffrey, C. Johnson, J. Johnson, Jones, Judy, Kenney, King, Lamoureux, Ledbetter, Lendall, Lewellen, Mack, Martin, Moore, Pace, Pate, Petrus, Pickett, L. Prater, S. Prater, Roebuck, Stovall, Sullivan, Sumpter, J. Taylor, Thomas, Thomason, Verkamp, White, Wood, Mr. Speaker.

Total51

NEGATIVE: Agee, Anderson, Bennett, Berry, Biggs, Bledsoe, Childers, Cowling, Creekmore, Dickinson, Edwards, D. Evans, Fite, Gipson, Haak, Hardwick, Harris, Key, Mahony, Matayo, Nichols, Norton, Ormond, Pritchard, Rankin, Rosenbaum, Schulte, Scrimshire, Seawel, R. Smith, C. Taylor, Thyer, Walters, Weaver.

Total34

ABSENT OR NOT VOTING: Bright, Dees, L. Evans, Ferguson, Hathorn, Jackson, Jacobs, Mathis, Medley, Napper, Oglesby, Parks, Penix, Scroggin.

Total14

VOTING PRESENT: Milligan.

Total1

Total number of votes cast86

Total number voting in the affirmative51

Necessary to the passage of the bill51

So the Bill passed and the title as read was agreed to.

The Chair requested the Sounding of the Ballot on **HOUSE BILL NO. 1174** and the call was sustained. The following members votes were successfully challenged:

AYE: HUTCHINSON

Total	1
Total number of votes cast	85
Necessary to the passage of the bill	51
Total number voting in the affirmative	50
Total number voting in the negative	34
Total number absent or not voting.....	15
Total number voting present	1

So the Bill failed to pass.

HOUSE BILL NO. 1174

BY: REPRESENTATIVE DOBBINS

Was read the third time and placed on final passage, the question being shall the Bill pass. The vote was as follows:

AFFIRMATIVE: Adams, Blair, Bolin, Bond, P. Bookout, Borhauer, Boyd, Bradford, Chesterfield, Clemons, Dangeau, Dobbins, Eason, Elliott, Gillespie, Goss, Green, Hickinbotham, House, Jeffrey, C. Johnson, J. Johnson, Jones, Judy, Kenney, King, Lamoureux, Ledbetter, Lendall, Lewellen, Mack, Martin, Moore, Pace, Pate, Petrus, Pickett, L. Prater, S. Prater, Roebuck, Stovall, Sullivan, Sumpter, J. Taylor, Thomas, Thomason, Verkamp, White, Wood, Mr. Speaker.

Total50

NEGATIVE: Agee, Anderson, Bennett, Berry, Biggs, Bledsoe, Childers, Cowling, Creekmore, Dickinson, Edwards, D. Evans, Fite, Gipson, Haak, Hardwick, Harris, Key, Mahony, Matayo, Nichols, Norton, Ormond, Pritchard, Rankin, Rosenbaum, Schulte, Scrimshire, Seawel, R. Smith, C. Taylor, Thyer, Walters, Weaver.

Total34

ABSENT OR NOT VOTING: Bright, Dees, L. Evans, Ferguson, Hathorn, Hutchinson, Jackson, Jacobs, Mathis, Medley, Napper, Oglesby, Parks, Penix, Scroggin.

Total15

VOTING PRESENT: Milligan.

Total1

Total number of votes cast.....85

Total number voting in the affirmative50

Necessary to the passage of the bill51

So the Bill failed.

Motion was made by Representative Wood to refer **HOUSE BILL NO. 1175** back to the Committee on EDUCATION.

On this motion the vote was as follows:

AFFIRMATIVE: Agee, Anderson, Biggs, Blair, Bledsoe, Bond, Edwards, Elliott, Fite, Green, Hardwick, Harris, Jeffrey, J. Johnson, Key, Lewellen, Mahony, Matayo, Mathis, Nichols, Norton, Pace, Parks, Pickett, S. Prater, Pritchard, Roebuck, Rosenbaum, Scroggin, Seawel, R. Smith, Thyer, Verkamp, Wood.

Total34

NEGATIVE: Adams, Bennett, Berry, Bolin, Borhauer, Boyd, Bradford, Chesterfield, Clemons, Cowling, Creekmore, Dees, Dickinson, Dobbins, Eason, D. Evans, Ferguson, Gillespie, Goss, Haak, Hathorn, Hickinbotham, House, Jackson, Jones, Judy, Kenney, Lamoureux, Ledbetter, Lendall, Mack, Medley, Milligan, Moore, Napper, Oglesby, Ormond, Pate, Penix, Petrus, L. Prater, Rankin, Scrimshire, Stovall, Sumpter, C. Taylor, J. Taylor, Thomas, Thomason, Walters, Weaver.

Total51

ABSENT OR NOT VOTING: P. Bookout, Bright, Childers, Dangeau, L. Evans, Hutchinson, Jacobs, C. Johnson, Martin, Sullivan, White, Mr. Speaker.

Total12

VOTING PRESENT: Gipson, King, Schulte.

Total3

Total number of votes cast88

Total number voting in the affirmative34

Necessary to the adoption of the motion51

So the motion failed of adoption.

Motion was made by Representative Prater that action be delayed on **HOUSE BILL NO. 1175** for a fiscal impact statement.

On this motion the vote was as follows:

AFFIRMATIVE: Agee, Anderson, Berry, Biggs, Blair, Bledsoe, Bond, Borhauer, Bradford, Creekmore, Dangeau, Dees, Edwards, Elliott, D. Evans, Ferguson, Green, Haak, Hardwick, Harris, Hathorn, J. Johnson, Kenney, Key, King, Ledbetter, Lewellen, Mack, Mahony, Matayo, Mathis, Moore, Nichols, Norton, Ormond, Pace, Pate, Pickett, S. Prater, Roebuck, Rosenbaum, Schulte, Scroggin, Stovall, Sullivan, C. Taylor, Thomason, Thyer, Verkamp, Wood.

Total50

NEGATIVE: Adams, Bennett, Bolin, Chesterfield, Clemons, Cowling, Dickinson, Dobbins, Eason, Fite, Gillespie, Gipson, Goss, Hickinbotham, House, Jackson, Jeffrey, Judy, Lamoureux, Medley, Milligan, Napper, Oglesby, Penix, Petrus, Pritchard, Rankin, Scrimshire, Seawel, J. Taylor, Walters, Weaver, White.

Total33

ABSENT OR NOT VOTING: P. Bookout, Boyd, Bright, Childers, L. Evans, Hutchinson, Jacobs, C. Johnson, Jones, Lendall, Martin, Parks, L. Prater, R. Smith, Sumpter, Thomas, Mr. Speaker.

Total17

VOTING PRESENT:

Total0

Total number of votes cast83

Total number voting in the affirmative50

Necessary to the adoption of the motion51

So the motion failed of adoption.

Motion was made by Representative Mahony for immediate consideration of **HOUSE BILL NO. 1175**. Motion carried.

HOUSE BILL NO. 1175

BY: REPRESENTATIVE CHESTERFIELD

Was read the third time and placed on final passage, the question being shall the Bill pass. The vote was as follows:

AFFIRMATIVE: Adams, Bennett, Bolin, Boyd, Bright, Chesterfield, Dobbins, Eason, Gillespie, Hickinbotham, House, Lendall, Milligan, Napper, Oglesby, Petrus, L. Prater, Rosenbaum, Scrimshire, Stovall, Walters, Weaver.

Total22

NEGATIVE: Agee, Anderson, Berry, Biggs, Blair, Bledsoe, Bond, Borhauer, Bradford, Childers, Clemons, Cowling, Creekmore, Dangeau, Dees, Edwards, Elliott, L. Evans, Ferguson, Gipson, Green, Haak, Hardwick, Jackson, Jeffrey, C. Johnson, Jones, Kenney, Key, King, Lamoureux, Ledbetter, Lewellen, Mack, Mahony, Matayo, Mathis, Medley, Moore, Nichols, Norton, Ormond, Pace, Pate, Penix, Pickett, S. Prater, Pritchard, Roebuck, Schulte, R. Smith, Sullivan, C. Taylor, Thomas, Thomason, Thyer, Verkamp, White, Wood.

Total59

ABSENT OR NOT VOTING: P. Bookout, D. Evans, Harris, Jacobs, Martin, Parks, Rankin, Scroggin, Seawel, Mr. Speaker.

Total10

VOTING PRESENT: Dickinson, Fite, Goss, Hathorn, Hutchinson, J. Johnson, Judy, Sumpter, J. Taylor.

Total9

Total number of votes cast.....90

Total number voting in the affirmative22

Necessary to the passage of the bill51

So the Bill failed.

Upon motion of Representative Jones the rules were suspended to allow the Committee on REVENUE AND TAXATION to meet.

The House recessed at 2:27 p.m. until 3:00 p.m.

The House reconvened at 3:06 p.m.

Upon motion of Representative Jones the rules were suspended for immediate consideration of **SENATE BILL NO. 80**.

SENATE BILL NO. 80

BY: SENATOR SALMON

Was read the third time and placed on final passage, the question being shall the Bill pass and shall the Emergency Clause be adopted. The vote was as follows:

AFFIRMATIVE: Adams, Agee, Anderson, Berry, Biggs, Blair, Bolin, Bond, P. Bookout, Borhauer, Boyd, Bradford, Chesterfield, Clemons, Cowling, Creekmore, Dangeau, Dees, Dickinson, Dobbins, Eason, Edwards, Elliott, D. Evans, L. Evans, Ferguson, Fite, Gipson, Goss, Hardwick, Hathorn, Hickinbotham, House, Jackson, Jacobs, Jeffrey, C. Johnson, J. Johnson, Jones, Judy, Kenney, King, Lamoureux, Ledbetter, Lendall, Lewellen, Mack, Mahony, Martin, Mathis, Medley, Moore, Nichols, Oglesby, Pace, Pate, Petrus, Pickett, L. Prater, S. Prater, Pritchard, Rankin, Roebuck, Scrimshire, Scroggin, Seawel, R. Smith, Stovall, Sullivan, Sumpter, Thomas, Thomason, Thyer, Verkamp, Walters, White, Mr. Speaker.

Total77

NEGATIVE: Bennett, Bledsoe, Bright, Childers, Gillespie, Haak, Harris, Hutchinson, Key, Matayo, Napper, Norton, Ormond, Parks, Penix, Rosenbaum, C. Taylor, Weaver, Wood.

Total19

ABSENT OR NOT VOTING: Green, Schulte, J. Taylor.

Total3

VOTING PRESENT: Milligan.

Total1

Total number of votes cast.....97

Total number voting in the affirmative77

Necessary to the passage of the bill75

So the Bill passed and the title as read was agreed to.

Upon motion of Representative Jones the Clincher motion prevailed.

There being an Emergency Clause attached to **SENATE BILL NO. 80**, the Speaker ordered the clerk to call the roll upon the adoption of the Emergency Clause. The vote was as follows:

EMERGENCY CLAUSE

AFFIRMATIVE: Adams, Agee, Anderson, Berry, Biggs, Blair, Bolin, Bond, P. Bookout, Borhauer, Boyd, Bradford, Chesterfield, Clemons, Cowling, Creekmore, Dangeau, Dees, Dickinson, Dobbins, Eason, Edwards, Elliott, D. Evans, L. Evans, Ferguson, Fite, Gipson, Goss, Hardwick, Hathorn, Hickinbotham, House, Jackson, Jacobs, Jeffrey, C. Johnson, J. Johnson, Jones, Judy, Kenney, King, Lamoureux, Ledbetter, Lendall, Lewellen, Mack, Mahony, Martin, Mathis, Medley, Moore, Nichols, Oglesby, Pace, Pate, Petrus, Pickett, L. Prater, S. Prater, Pritchard, Rankin, Roebuck, Scrimshire, Scroggin, Seawel, R. Smith, Stovall, Sullivan, Sumpter, Thomas, Thomason, Thyer, Verkamp, Walters, White, Mr. Speaker.

Total77

NEGATIVE: Bennett, Bledsoe, Bright, Childers, Gillespie, Haak, Harris, Hutchinson, Key, Matayo, Napper, Norton, Ormond, Parks, Penix, Rosenbaum, C. Taylor, Weaver, Wood.

Total19

ABSENT OR NOT VOTING: Green, Schulte, J. Taylor.

Total3

VOTING PRESENT: Milligan.

Total1

Total number of votes cast97

Total number voting in the affirmative77

Necessary to the adoption of the emergency clause.....67

So the Emergency Clause was adopted.

Upon motion of Representative Jones the Clincher motion prevailed.

The Chair requested the Sounding of the Ballot on **SENATE BILL NO. 80** and the call was sustained. The following members votes were successfully challenged:

AYE: NONE

Total	0
Total number of votes cast	97
Necessary to the passage of the bill	75
Total number voting in the affirmative	77
Total number voting in the negative	19
Total number absent or not voting.....	3
Total number voting present	1

So the Bill passed and the title as read was agreed to.

SENATE BILL NO. 53

BY: SENATOR BROADWAY

Was read the third time and placed on final passage, the question being shall the Bill pass. The vote was as follows:

AFFIRMATIVE: Adams, Agee, Anderson, Bennett, Berry, Biggs, Blair, Bledsoe, Bolin, P. Bookout, Borhauer, Boyd, Bradford, Bright, Chesterfield, Clemons, Cowling, Creekmore, Dangeau, Dees, Dickinson, Dobbins, Eason, Edwards, Elliott, D. Evans, L. Evans, Ferguson, Fite, Gillespie, Gipson, Goss, Green, Haak, Hardwick, Harris, Hathorn, Hickinbotham, House, Hutchinson, Jacobs, Jeffrey, C. Johnson, J. Johnson, Jones, Judy, Kenney, Key, King, Lamoureux, Ledbetter, Lendall, Lewellen, Mack, Mahony, Martin, Matayo, Mathis, Medley, Moore, Napper, Norton, Oglesby, Pace, Parks, Pate, Penix, Petrus, Pickett, L. Prater, S. Prater, Roebuck, Rosenbaum, Seawel, R. Smith, Sullivan, Sumpter, C. Taylor, J. Taylor, Thomas, Thomason, Thyer, Verkamp, Walters, White, Wood.

Total86

NEGATIVE:

Total0

ABSENT OR NOT VOTING: Bond, Childers, Jackson, Nichols, Ormond, Pritchard, Rankin, Stovall, Mr. Speaker.

Total9

VOTING PRESENT: Milligan, Schulte, Scrimshire, Scroggin, Weaver.

Total5

Total number of votes cast91

Total number voting in the affirmative86

Necessary to the passage of the bill51

So the Bill passed and the title as read was agreed to.

Motion was made by Representative Mack for immediate consideration of HOUSE BILL NO. 1030. Motion passed.

HOUSE BILL NO. 1030

BY: REPRESENTATIVE HICKINBOTHAM

Was read the third time and placed on final passage, the question being shall the Bill pass. The vote was as follows:

AFFIRMATIVE: Berry, Biggs, Bond, P. Bookout, Borhauer, Boyd, Bradford, Chesterfield, Cowling, Dangeau, Dobbins, Edwards, D. Evans, L. Evans, Ferguson, Gipson, Goss, Hardwick, Hathorn, Hickinbotham, House, Jackson, Judy, Kenney, King, Lamoureux, Ledbetter, Lewellen, Mack, Mahony, Medley, Pate, L. Prater, Pritchard, Rankin, Roebuck, Seawel, R. Smith, Stovall, Sullivan, Thomason, Thyer, Verkamp, Mr. Speaker.

Total44

NEGATIVE: Adams, Agee, Anderson, Bennett, Blair, Bledsoe, Bolin, Bright, Childers, Clemons, Creekmore, Dees, Dickinson, Eason, Elliott, Fite, Gillespie, Green, Haak, Harris, Hutchinson, Jacobs, Jeffrey, C. Johnson, J. Johnson, Jones, Key, Lendall, Martin, Matayo, Mathis, Milligan, Moore, Napper, Nichols, Norton, Oglesby, Ormond, Pace, Parks, Penix, Petrus, Pickett, S. Prater, Rosenbaum, Scroggin, Sumpter, C. Taylor, J. Taylor, Thomas, Walters, Weaver, White, Wood.

Total54

ABSENT OR NOT VOTING: Scrimshire.

Total1

VOTING PRESENT: Schulte.

Total1

Total number of votes cast.....99

Total number voting in the affirmative44

Necessary to the passage of the bill51

So the Bill failed.

Upon motion of Representative Napper, **SENATE BILL NO. 7** was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 1 TO SENATE BILL NO. 7

Amend **SENATE BILL NO. 7** as engrossed, S1/15/04

(version: 01-15-2004 13:37):

Delete Section 2 of the bill in its entirety

AND

Renumber the subsequent sections of the bill.

/s/ Paul Weaver

The Amendment was read and the vote was as follows:

AFFIRMATIVE: Adams, Anderson, Bennett, Berry, Biggs, Blair, Bledsoe, Bolin, Bond, P. Bookout, Borhauer, Boyd, Bradford, Chesterfield, Clemons, Cowling, Creekmore, Dees, Dickinson, Dobbins, Eason, Edwards, Elliott, D. Evans, L. Evans, Ferguson, Gillespie, Gipson, Green, Haak, Hardwick, Harris, Hathorn, Hickinbotham, House, Jacobs, Jeffrey, C. Johnson, J. Johnson, Jones, Judy, Kenney, King, Ledbetter, Lendall, Lewellen, Mack, Mahony, Martin, Matayo, Mathis, Medley, Milligan, Moore, Napper, Norton, Oglesby, Pace, Parks, Pate, Penix, Petrus, Pickett, L. Prater, S. Prater, Rankin, Roebuck, Scrimshire, Scroggin, R. Smith, Stovall, Sullivan, Sumpter, C. Taylor, J. Taylor, Thomason, Thyer, Verkamp, Walters, Weaver, Wood.

Total81

NEGATIVE: Lamoureux, Ormond.

Total2

ABSENT OR NOT VOTING: Agee, Bright, Childers, Dangeau, Fite, Goss, Hutchinson, Jackson, Nichols, Pritchard, Rosenbaum, Seawel, Thomas, White, Mr. Speaker.

Total15

VOTING PRESENT: Key, Schulte.

Total2

Total number of votes cast85

Total number voting in the affirmative81

Necessary to the adoption of the amendment.....51

The Amendment was adopted by more than 51 votes.

/s/ Ms. Jo Renshaw

Chief Clerk

Upon motion of Representative Napper the rules were suspended. Considered in the Committee of the Whole. Returned with the recommendation that it "DO PASS".

HOUSE BILL NO. 1031

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: Bennett, Biggs, Blair, Bolin, Bond, Borhauer, Boyd, Bradford, Chesterfield, Clemons, Cowling, Dickinson, Dobbins, Eason, Edwards, Elliott, D. Evans, L. Evans, Ferguson, Fite, Gillespie, Gipson, Goss, Hathorn, Hickinbotham, House, Jacobs, Jeffrey, C. Johnson, J. Johnson, Judy, Kenney, King, Ledbetter, Lendall, Lewellen, Mack, Mahony, Martin, Matayo, Medley, Milligan, Moore, Napper, Oglesby, Pickett, L. Prater, Roebuck, R. Smith, Stovall, Sullivan, Sumpter, Thomason, Thyer, Verkamp, Walters, Weaver, Mr. Speaker.

Total58

NEGATIVE: Adams, Berry, Bledsoe, Dees, Haak, Key, Lamoureux, Norton, Parks, Penix, Pritchard, J. Taylor, Wood.

Total13

ABSENT OR NOT VOTING: Agee, Anderson, P. Bookout, Bright, Childers, Creekmore, Dangeau, Green, Hardwick, Hutchinson, Jackson, Jones, Mathis, Nichols, Pace, Pate, Petrus, S. Prater, Rankin, Rosenbaum, Scrimshire, Scroggin, Seawel, C. Taylor, Thomas, White.

Total26

VOTING PRESENT: Harris, Ormond, Schulte.

Total3

Total number of votes cast74

Total number voting in the affirmative58

Necessary to the passage of the bill51

So the Bill passed and the title as read was agreed to.

There being an Emergency Clause attached to **HOUSE BILL NO. 1031**, the Speaker ordered the clerk to call the roll upon the adoption of the Emergency Clause. The vote was as follows:

EMERGENCY CLAUSE

AFFIRMATIVE: Anderson, Bennett, Berry, Biggs, Blair, Bolin, Bond, P. Bookout, Borhauer, Boyd, Bradford, Chesterfield, Childers, Clemons, Cowling, Dangeau, Dees, Dickinson, Dobbins, Eason, Edwards, Elliott, D. Evans, L. Evans, Ferguson, Fite, Gillespie, Gipson, Goss, Hardwick, Harris, Hathorn, Hickinbotham, House, Jackson, Jacobs, Jeffrey, C. Johnson, J. Johnson, Judy, Kenney, King, Lamoureux, Ledbetter, Lendall, Mack, Mahony, Martin, Matayo, Mathis, Medley, Milligan, Moore, Napper, Norton, Oglesby, Pate, Petrus, Pickett, L. Prater, S. Prater, Pritchard, Rankin, Roebuck, Rosenbaum, Scrimshire, R. Smith, Stovall, Sullivan, Sumpter, J. Taylor, Thomason, Thyer, Verkamp, Walters, Weaver, White, Wood, Mr. Speaker.

Total79

NEGATIVE: Adams, Bledsoe, Haak, Parks, Penix.

Total5

ABSENT OR NOT VOTING: Agee, Bright, Creekmore, Green, Hutchinson, Jones, Lewellen, Nichols, Pace, Schulte, Scroggin, Seawel, C. Taylor, Thomas.

Total14

VOTING PRESENT: Key, Ormond.

Total2

Total number of votes cast86

Total number voting in the affirmative79

Necessary to the adoption of the emergency clause.....67

So the Emergency Clause was adopted.

Upon motion of Representative Napper the rules were suspended. Considered in the Committee of the Whole. Returned with the recommendation that it "DO PASS".

HOUSE BILL NO. 1061

BY: JOINT BUDGET COMMITTEE

Was read the third time and placed on final passage, the question being shall the Bill pass. The vote was as follows:

AFFIRMATIVE: Blair, Bolin, Bond, P. Bookout, Boyd, Bradford, Chesterfield, Clemons, Cowling, Creekmore, Dangeau, Dobbins, Eason, Elliott, D. Evans, L. Evans, Ferguson, Fite, Gillespie, Gipson, Goss, Hathorn, House, Jacobs, C. Johnson, J. Johnson, Judy, King, Ledbetter, Lendall, Lewellen, Mack, Mahony, Martin, Milligan, Moore, Napper, Oglesby, Pickett, L. Prater, Roebuck, Scrimshire, Seawel, Stovall, Thomason, Walters, Weaver, Wood, Mr. Speaker.

Total49

NEGATIVE: Adams, Anderson, Bennett, Berry, Bledsoe, Borhauer, Childers, Green, Haak, Hardwick, Harris, Jackson, Jeffrey, Key, Lamoureux, Medley, Nichols, Norton, Ormond, Pace, Parks, Penix, Pritchard, Rankin, Rosenbaum, C. Taylor, J. Taylor, Thyer, Verkamp, White.

Total30

ABSENT OR NOT VOTING: Agee, Biggs, Bright, Dees, Dickinson, Edwards, Hickinbotham, Hutchinson, Jones, Kenney, Mathis, Pate, Petrus, S. Prater, Scroggin, R. Smith, Sullivan, Sumpter.

Total18

VOTING PRESENT: Matayo, Schulte, Thomas.

Total3

Total number of votes cast82

Total number voting in the affirmative49

Necessary to the passage of the bill51

So the Bill failed.

Upon motion of Representative Napper the rules were suspended. Considered in the Committee of the Whole. Returned with the recommendation that it "DO PASS".

HOUSE BILL NO. 1084

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: Bolin, Bond, P. Bookout, Borhauer, Boyd, Bradford, Chesterfield, Clemons, Dees, Dobbins, Eason, Edwards, Elliott, D. Evans, L. Evans, Ferguson, Fite, Gillespie, Gipson, Goss, Green, Haak, Harris, Hathorn, Hickinbotham, House, Jacobs, C. Johnson, Judy, Key, King, Ledbetter, Lendall, Lewellen, Mack, Mahony, Martin, Matayo, Mathis, Milligan, Moore, Napper, Pickett, L. Prater, S. Prater, Roebuck, Scrimshire, Seawel, R. Smith, Sumpter, Thomason, Weaver, White, Mr. Speaker.

Total54

NEGATIVE: Adams, Anderson, Bennett, Berry, Cowling, Creekmore, Hardwick, Jackson, Jeffrey, Lamoureux, Medley, Nichols, Norton, Oglesby, Ormond, Parks, Penix, Petrus, Rankin, Rosenbaum, Scroggin, C. Taylor, J. Taylor, Thyer, Verkamp, Walters, Wood.

Total27

ABSENT OR NOT VOTING: Agee, Biggs, Blair, Bledsoe, Bright, Childers, Dangeau, Dickinson, Hutchinson, J. Johnson, Jones, Kenney, Pace, Pate, Stovall, Sullivan.

Total16

VOTING PRESENT: Pritchard, Schulte, Thomas.

Total3

Total number of votes cast84

Total number voting in the affirmative54

Necessary to the passage of the bill51

So the Bill passed and the title as read was agreed to.

There being an Emergency Clause attached to **HOUSE BILL NO. 1084**, the Speaker ordered the clerk to call the roll upon the adoption of the Emergency Clause. The vote was as follows:

EMERGENCY CLAUSE

AFFIRMATIVE: Blair, Bolin, Bond, P. Bookout, Borhauer, Boyd, Bradford, Chesterfield, Clemons, Dees, Dobbins, Eason, Edwards, Elliott, D. Evans, L. Evans, Ferguson, Fite, Gillespie, Gipson, Goss, Green, Haak, Harris, Hathorn, House, Jacobs, C. Johnson, J. Johnson, Judy, Key, King, Lamoureux, Ledbetter, Lendall, Mack, Mahony, Martin, Matayo, Mathis, Milligan, Moore, Napper, Norton, Oglesby, Pickett, L. Prater, S. Prater, Roebuck, Scrimshire, Seawel, R. Smith, Stovall, Sullivan, Sumpter, Thomason, Thyer, Walters, Weaver, White, Wood, Mr. Speaker.

Total62

NEGATIVE: Adams, Bennett, Berry, Hardwick, Jeffrey, Medley, Ormond, Parks, Penix, C. Taylor, Verkamp.

Total11

ABSENT OR NOT VOTING: Agee, Anderson, Biggs, Bledsoe, Bright, Childers, Cowling, Creekmore, Dangeau, Dickinson, Hickenbotham, Hutchinson, Jackson, Jones, Kenney, Lewellen, Nichols, Pace, Pate, Petrus, Pritchard, Rankin, Rosenbaum, Schulte, Scroggin, J. Taylor, Thomas.

Total27

VOTING PRESENT:

Total0

Total number of votes cast73

Total number voting in the affirmative62

Necessary to the adoption of the emergency clause.....67

So the Emergency Clause was not adopted.

Upon motion of Representative Napper the rules were suspended. Considered in the Committee of the Whole. Returned with the recommendation that it "DO PASS".

HOUSE BILL NO. 1128

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: Anderson, Bennett, Berry, Biggs, Blair, Bledsoe, Bolin, Bond, P. Bookout, Borhauer, Boyd, Bradford, Chesterfield, Childers, Clemons, Cowling, Creekmore, Dangeau, Dees, Dickinson, Dobbins, Eason, Edwards, Elliott, D. Evans, L. Evans, Ferguson, Fite, Gillespie, Gipson, Goss, Green, Haak, Hardwick, Harris, Hathorn, House, Jackson, Jacobs, Jeffrey, C. Johnson, J. Johnson, Judy, Kenney, Key, King, Ledbetter, Lendall, Lewellen, Mack, Mahony, Martin, Matayo, Mathis, Medley, Milligan, Moore, Napper, Nichols, Norton, Parks, Penix, Pickett, L. Prater, S. Prater, Pritchard, Rankin, Roebuck, Rosenbaum, Scrimshire, Seawel, R. Smith, Sullivan, Sumpter, C. Taylor, Thomason, Thyer, Walters, Weaver, White, Wood.

Total81

NEGATIVE: Adams, Lamoureux, Ormond.

Total3

ABSENT OR NOT VOTING: Agee, Bright, Hickinbotham, Hutchinson, Jones, Oglesby, Pace, Pate, Petrus, Schulte, Scroggin, Stovall, J. Taylor, Thomas, Verkamp, Mr. Speaker.

Total16

VOTING PRESENT:

Total0

Total number of votes cast84

Total number voting in the affirmative81

Necessary to the passage of the bill75

So the Bill passed and the title as read was agreed to.

There being an Emergency Clause attached to **HOUSE BILL NO. 1128**, the Speaker ordered the clerk to call the roll upon the adoption of the Emergency Clause. The vote was as follows:

EMERGENCY CLAUSE

AFFIRMATIVE: Anderson, Bennett, Berry, Biggs, Blair, Bledsoe, Bolin, Bond, P. Bookout, Borhauer, Boyd, Bradford, Chesterfield, Childers, Clemons, Cowling, Creekmore, Dangeau, Dees, Dickinson, Dobbins, Eason, Edwards, Elliott, D. Evans, L. Evans, Ferguson, Fite, Gillespie, Gipson, Goss, Green, Haak, Hardwick, Harris, Hathorn, House, Jackson, Jacobs, Jeffrey, C. Johnson, J. Johnson, Judy, Kenney, Key, King, Ledbetter, Lendall, Lewellen, Mack, Mahony, Martin, Matayo, Mathis, Medley, Milligan, Moore, Napper, Nichols, Norton, Parks, Penix, Pickett, L. Prater, S. Prater, Pritchard, Rankin, Roebuck, Rosenbaum, Scrimshire, Seawel, R. Smith, Sullivan, Sumpter, C. Taylor, Thomason, Thyer, Walters, Weaver, White, Wood.

Total81

NEGATIVE: Adams, Lamoureux, Ormond.

Total3

ABSENT OR NOT VOTING: Agee, Bright, Hickinbotham, Hutchinson, Jones, Oglesby, Pace, Pate, Petrus, Schulte, Scroggin, Stovall, J. Taylor, Thomas, Verkamp, Mr. Speaker.

Total 16

VOTING PRESENT:

Total0

Total number of votes cast84

Total number voting in the affirmative81

Necessary to the adoption of the emergency clause.....67

So the Emergency Clause was adopted.

Upon motion of Representative Napper the rules were suspended. Considered in the Committee of the Whole. Returned with the recommendation that it "DO PASS".

HOUSE BILL NO. 1138

BY: JOINT BUDGET COMMITTEE

Was read the third time and placed on final passage, the question being shall the Bill pass. The vote was as follows:

AFFIRMATIVE: Agee, Blair, Bolin, P. Bookout, Borhauer, Chesterfield, Clemons, Cowling, Dees, Eason, Edwards, Elliott, L. Evans, Fite, Gipson, Goss, Green, Hickinbotham, House, C. Johnson, J. Johnson, Jones, Judy, Key, Lendall, Lewellen, Mack, Mahony, Martin, Matayo, Medley, Moore, Napper, Penix, Pickett, Roebuck, Scrimshire, Seawel, R. Smith, Walters, White, Mr. Speaker.

Total42

NEGATIVE: Adams, Bennett, Berry, Bledsoe, Childers, Creekmore, Dangeau, Dickinson, Gillespie, Haak, Harris, Jackson, Jeffrey, Lamoureux, Nichols, Norton, Oglesby, Ormond, Parks, Petrus, Pritchard, Rankin, Scroggin, C. Taylor, J. Taylor, Thyer, Weaver, Wood.

Total28

ABSENT OR NOT VOTING: Anderson, Biggs, Bond, Boyd, Bradford, Bright, Dobbins, D. Evans, Ferguson, Hardwick, Hathorn, Hutchinson, Jacobs, Kenney, King, Ledbetter, Mathis, Milligan, Pace, Pate, L. Prater, S. Prater, Rosenbaum, Schulte, Stovall, Sullivan, Sumpter, Thomas, Thomason, Verkamp.

Total30

VOTING PRESENT:

Total0

Total number of votes cast70

Total number voting in the affirmative42

Necessary to the passage of the bill75

So the Bill failed.

Motion was made by Representative Napper to refer SENATE BILL NO. 55 back to the Committee on JOINT BUDGET. Motion passed.

Upon motion of Representative Napper the rules were suspended. Considered in the Committee of the Whole. Returned with the recommendation that it "DO PASS."

SENATE BILL NO. 84

BY: JOINT BUDGET COMMITTEE

Was read the third time and placed on final passage, the question being shall the Bill pass and shall the Emergency Clause be adopted. The vote was as follows:

AFFIRMATIVE: Agee, Biggs, Blair, Bolin, Bond, P. Bookout, Borhauer, Boyd, Bradford, Chesterfield, Clemons, Cowling, Creekmore, Dangeau, Dees, Dickinson, Dobbins, Eason, Edwards, Elliott, D. Evans, L. Evans, Ferguson, Fite, Gipson, Goss, Green, Hathorn, Hickinbotham, Jacobs, Jeffrey, C. Johnson, J. Johnson, Jones, Judy, Kenney, King, Ledbetter, Lendall, Lewellen, Mack, Mahony, Martin, Medley, Milligan, Moore, Norton, Oglesby, Petrus, Pickett, L. Prater, S. Prater, Roebuck, Scroggin, Seawel, R. Smith, Sullivan, Sumpter, J. Taylor, Thomas, Thomason, Walters, Wood, Mr. Speaker.

Total64

NEGATIVE: Bennett, Berry, Bledsoe, Childers, Gillespie, Haak, Hardwick, Harris, Key, Lamoureux, Napper, Nichols, Ormond, Parks, Pritchard, Rosenbaum, C. Taylor, Thyer, Verkamp.

Total19

ABSENT OR NOT VOTING: Adams, Anderson, Bright, House, Hutchinson, Jackson, Matayo, Mathis, Pace, Pate, Penix, Rankin, Schulte, Scrimshire, Stovall, Weaver, White.

Total17

VOTING PRESENT:

Total0

Total number of votes cast83

Total number voting in the affirmative64

Necessary to the passage of the bill51

So the Bill passed and the title as read was agreed to.

There being an Emergency Clause attached to **SENATE BILL NO. 84**, the Speaker ordered the clerk to call the roll upon the adoption of the Emergency Clause. The vote was as follows:

EMERGENCY CLAUSE

AFFIRMATIVE: Anderson, Biggs, Blair, Bolin, Bond, P. Bookout, Borhauer, Boyd, Bradford, Chesterfield, Clemons, Cowling, Creekmore, Dangeau, Dees, Dickinson, Dobbins, Eason, Edwards, Elliott, D. Evans, L. Evans, Ferguson, Fite, Gipson, Goss, Hathorn, Hickinbotham, Jacobs, Jeffrey, C. Johnson, J. Johnson, Jones, Judy, Kenney, King, Ledbetter, Lendall, Lewellen, Mack, Mahony, Martin, Matayo, Medley, Milligan, Moore, Oglesby, Ormond, Pace, Petrus, Pickett, L. Prater, S. Prater, Pritchard, Roebuck, Scrimshire, Scroggin, Seawel, R. Smith, Sullivan, Sumpter, J. Taylor, Thomas, Thomason, Thyer, Verkamp, Walters, White, Wood, Mr. Speaker.

Total70

NEGATIVE: Bennett, Bledsoe, Gillespie, Haak, Hardwick, Harris, Key, Lamoureux, Napper, Nichols, Parks, Rosenbaum, C. Taylor.

Total13

ABSENT OR NOT VOTING: Adams, Agee, Berry, Bright, Childers, Green, House, Hutchinson, Jackson, Mathis, Norton, Pate, Penix, Rankin, Schulte, Stovall, Weaver.

Total17

VOTING PRESENT:

Total0

Total number of votes cast83

Total number voting in the affirmative70

Necessary to the adoption of the emergency clause67

So the Emergency Clause was adopted.

HOUSE BILLS ORDERED TRANSMITTED TO THE SENATE AS PASSED

HOUSE BILL NO. 1031 BY REPRESENTATIVE CLEVELAND
 HOUSE BILL NO. 1084 BY REPRESENTATIVE LENDALL
 EMERGENCY CLAUSE FAILED OF ADOPTION
 HOUSE BILL NO. 1128 BY REPRESENTATIVE MAHONY

SENATE BILLS ORDERED RETURNED TO THE SENATE AS PASSED

SENATE BILL NO. 53 BY SENATOR BROADWAY
 SENATE BILL NO. 80 BY SENATOR SALMON
 AS AMENDED #2
 SENATE BILL NO. 84 BY SENATOR BROADWAY

ARKANSAS SENATE

HOUSE BILLS RETURNED FROM THE SENATE AS PASSED

HOUSE BILL NO. 1009 BY REPRESENTATIVE PICKETT
 AS AMENDED #3
 HOUSE BILL NO. 1135 BY REPRESENTATIVE MAHONY
 HOUSE BILL NO. 1148 BY REPRESENTATIVE STOVALL
 HOUSE BILL NO. 1161 BY REPRESENTATIVE HATHORN

ARKANSAS SENATE

SENATE BILLS RECEIVED FROM SENATE

SENATE BILL NO. 85 BY SENATOR HIGGINBOTHOM
 SENATE BILL NO. 89 BY SENATOR STEELE
 SENATE BILL NO. 93 BY SENATOR BROADWAY
 SENATE BILL NO. 94 BY SENATOR BROADWAY

ENROLLED AND DELIVERY TO GOVERNOR REPORTS

Little Rock, Arkansas

February 4, 2004

MR. SPEAKER:

We, your committee on Enrolled Bills, to whom was referred the following:

HOUSE BILL NO. 1140 BY REPRESENTATIVE WALTERS, ET AL

beg leave to report that we have carefully compared the enrolled copies with the original and we find the same correctly enrolled and have at 2:30 p.m. delivered them to the Governor for his approval.

Respectfully submitted,

/s/ Herschel W. Cleveland

Chairman

RECEIPT FROM THE GOVERNOR

RECEIVED FROM THE HOUSE:

HOUSE BILL NO. 1140 BY REPRESENTATIVE WALTERS, ET AL

/s/ Mike Huckabee - Governor

TIME: 2:30 p.m.

By: Stacy DeJarnett

The House recessed at 4:18 p.m. until 4:40 p.m. for the reading of the bills.

HOUSE BILL NO. 1184

BY: REPRESENTATIVES STOVALL, MATHIS, ADAMS, AGEE, BIGGS, BLAIR, P. BOOKOUT, BOYD, BRADFORD, CHILDERS, CLEMONS, COWLING, DEES, DICKINSON, EASON, EDWARDS, L. EVANS, GILLESPIE, GIPSON, GOSS, GREEN, HARRIS, HICKINBOTHAM, JACKSON, JEFFREY, J. JOHNSON, JONES, KING, LEWELLEN, MILLIGAN, NICHOLS, NORTON, OGLESBY, ORMOND, PARKS, PENIX, PETRUS, S. PRATER, ROEBUCK, ROSENBAUM, SCRIMSHIRE, SCROGGIN, R. SMITH, SULLIVAN, C. TAYLOR, THYER, VERKAMP, WEAVER

BY: SENATORS T. SMITH, ALTES, CRITCHER, J. JEFFRESS, WHITAKER, WILKINSON

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO PROVIDE ADDITIONAL REVENUE TO FUND PUBLIC SCHOOLS AND TO CREATE THE EDUCATIONAL ADEQUACY TRUST FUND; AND FOR OTHER PURPOSES.

Was read the first time, rules suspended, read the second time, and referred to the Committee on INSURANCE AND COMMERCE.

HOUSE MEMORIAL RESOLUTION NO. 1012

BY: REPRESENTATIVE SULLIVAN, THOMASON

IN RESPECTFUL MEMORY OF MS. LUCILLE WESTBROOK AND IN RECOGNITION OF HER MANY CONTRIBUTIONS TO THE STATE OF ARKANSAS AND HER LOCAL COMMUNITY.

Was read the first time, rules suspended, read the second time and placed on the Calendar.

SENATE BILL NO. 85

BY: SENATOR HIGGINBOTHOM

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.

Was read the first time, rules suspended, read the second time and placed on the Calendar.

SENATE BILL NO. 89

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.

Was read the first time, rules suspended, read the second time and referred to the Committee on EDUCATION.

SENATE BILL NO. 93

BY: SENATOR BROADWAY

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO CREATE THE EDUCATIONAL ADEQUACY FUND; AND FOR OTHER PURPOSES.

Was read the first time, rules suspended, read the second time and placed on the Calendar.

SENATE BILL NO. 94

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.

Was read the first time, rules suspended, read the second time and placed on the Calendar.

Upon motion of Representative Gillespie, the House adjourned at 4:45 p.m. until 1:30 p.m. Thursday, February 5, 2004.

ATTEST:

Herschel W. Cleveland
Speaker of the House of Representatives

Jo Renshaw
Chief Clerk

**SIXTIETH DAY'S PROCEEDINGS
HALL OF THE HOUSE OF REPRESENTATIVES**

Little Rock, Arkansas
February 5, 2004

The House was called to order at 1:37 p.m. by Mr. Cleveland, the Speaker.
The following members answered to the roll call:

Adams, Agee, Anderson, Bennett, Berry, Biggs, Blair, Bledsoe, Bolin, Bond, Bookout, Borhauer, Boyd, Bradford, Bright, Chesterfield, Childers, Clemons, Cowling, Creekmore, Dangeau, Dees, Dickinson, Dobbins, Eason, Edwards, Elliott, D.Evans, L. Evans, Ferguson, Fite, Gillespie, Gipson, Goss, Green, Haak, Hardwick, Harris, Hathorn, Hickinbotham, House, Hutchinson, Jackson, Jacobs, Jeffrey, C.Johnson, J. Johnson, Jones, Judy, Kenney, Key, King, Lamoureux, Ledbetter, Lendall, Lewellen, Mack, Mahony, Martin, Matayo, Mathis, Medley, Milligan, Moore, Napper, Nichols, Norton, Oglesby, Ormond, Pace, Parks, Pate, 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.

Total99

The following member(s) was absent and did not answer to the roll call:
Penix.

Total1

A quorum was present.

Unanimous leave was granted for Representative(s) Penix.

The House stood and was led in prayer by Representative Harmon Seawel.

The House stood and gave the Pledge of Allegiance to the Flag.

The reading of the Journal of yesterday's proceedings was dispensed with.

COMMITTEE REPORT

	February 5, 2004
EDUCATION	CALVIN JOHNSON
	CHAIRPERSON
HOUSE BILL NO. 1009	DO PASS, TO CONCUR IN
BY REPRESENTATIVE PICKETT	SENATE AMENDMENT #3
HOUSE BILL NO. 1159	DO PASS
BY REPRESENTATIVE MATAYO	
SENATE BILL NO. 89	DO PASS
BY SENATOR STEELE	

COMMITTEE REPORT

	February 5, 2004
JOINT BUDGET	PAUL WEAVER
	CHAIRPERSON
HOUSE BILL NO. 1052	DO PASS
BY REPRESENTATIVE HOUSE	
HOUSE BILL NO. 1073	DO PASS
BY REPRESENTATIVE CLEVELAND	AS AMENDED #2
HOUSE BILL NO. 1098	DO PASS
BY REPRESENTATIVE MAHONY	
SENATE BILL NO. 55	DO PASS
BY SENATOR BROADWAY	
SENATE BILL NO. 93	DO PASS
BY SENATOR BROADWAY	AS AMENDED #1

COMMITTEE REPORT

	February 5, 2004
RULES	MIKE CREEKMORE
	CHAIRPERSON
HOUSE BILL NO. 1181	DO PASS
BY REPRESENTATIVE JONES	AS AMENDED #1

COMMITTEE REPORT

	February 5, 2004
PUBLIC HEALTH, WELFARE	JAY BRADFORD
AND LABOR	CHAIRPERSON
HOUSE BILL NO. 1179	DO PASS
BY REPRESENTATIVE CHESTERFIELD	AS AMENDED #1

ENGROSSED BILL REPORTS

HERSCHEL W. CLEVELAND, CHAIRMAN	February 5, 2004
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The following bill(s) reported correctly engrossed:

HOUSE BILL NO. 1052	BY REPRESENTATIVE HOUSE, ET AL
HOUSE BILL NO. 1073	BY REPRESENTATIVE CLEVELAND
HOUSE BILL NO. 1098	BY REPRESENTATIVE MAHONY
SENATE BILL NO. 93	BY SENATOR BROADWAY

State of Arkansas
Office of the Governor

Mike Huckabee
Governor

February 4, 2004

TO THE SPEAKER OF THE HOUSE

Dear Mr. Speaker:

This is to inform you that on February 4, 2004, I approved the following measures from the Second Extraordinary Session of the Eighty-Fourth General Assembly:

HOUSE BILL NO. 1047 is now Act Number 74

HOUSE BILL NO. 1132 is now Act Number 75

Sincerely,

/s/ Mike Huckabee

HOUSE CONCURRENT RESOLUTION NO. 1003

BY: REPRESENTATIVE STOVALL

ENCOURAGING SUPPORT FOR AN AMENDMENT TO THE ARKANSAS CONSTITUTION CONCERNING PROPERTY TAX LAWS.

THE RESOLUTION WAS READ AND ADOPTED BY MORE THAN 51 VOTES.

HOUSE MEMORIAL RESOLUTION NO.1012

BY: REPRESENTATIVE SULLIVAN

IN RESPECTFUL MEMORY OF MS. LUCILLE WESTBROOK AND IN RECOGNITION OF HER MANY CONTRIBUTIONS TO THE STATE OF ARKANSAS AND HER LOCAL COMMUNITY.

THE RESOLUTION WAS READ AND ADOPTED BY MORE THAN 51 VOTES. RECEIVED UNANIMOUS VOTE.

Morning Hour Expired.

Representative R. Smith moved that the House concur in the following Senate Amendment.

ARKANSAS SENATE

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.

~~(j)~~(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.

~~(k)~~(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."

/s/ Jimmy Jeffress

The Amendment was read and the vote was as follows:

AFFIRMATIVE: Adams, Agee, Anderson, Bennett, Biggs, Blair, Bledsoe, Bond, P. Bookout, Borhauer, Boyd, Bradford, Bright, Chesterfield, Childers, Clemons, Cowling, Creekmore, Dangeau, Dees, Dickinson, Dobbins, Eason, Edwards, Elliott, D. Evans, L. Evans, Ferguson, Fite, Gillespie, Gipson, Goss, Green, Haak, 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, Napper, Nichols, Norton, Oglesby, Ormond, Pace, Parks, Pate, Petrus, Pickett, L. Prater, S. Prater, Pritchard, Rankin, Roebuck, Rosenbaum, Scrimshire, Seawel, R. Smith, Sullivan, C. Taylor, J. Taylor, Thomas, Thomason, Thyer, Verkamp, Walters, Weaver, White, Wood.

Total91

NEGATIVE:

Total0

ABSENT OR NOT VOTING: Berry, Bolin, Moore, Penix, Schulte, Scroggin, Stovall, Sumpter, Mr. Speaker.

Total9

VOTING PRESENT:

Total0

Total number of votes cast91

Total number voting in the affirmative91

Necessary to concur in the amendment.....51

So the Amendment was concurred in.

/s/ Ms. Jo Renshaw

Chief Clerk

Motion was made by Representative Elliott for reconsideration of **HOUSE BILL NO. 1030**.

On this motion the vote was as follows:

AFFIRMATIVE: Adams, Anderson, Berry, Biggs, Blair, Bolin, Bond, P. Bookout, Borhauer, Boyd, Bradford, Chesterfield, Childers, Clemons, Cowling, Dangeau, Dees, Dickinson, Dobbins, Edwards, D. Evans, L. Evans, Ferguson, Gipson, Goss, Green, Hardwick, Harris, Hathorn, Hickinbotham, House, Jackson, Jacobs, Jeffrey, C. Johnson, Jones, Judy, Kenney, Key, King, Lamoureux, Ledbetter, Lendall, Lewellen, Mack, Martin, Matayo, Medley, Napper, Norton, Oglesby, Pate, Petrus, L. Prater, S. Prater, Pritchard, Rankin, Roebuck, Scroggin, R. Smith, Stovall, Sumpter, J. Taylor, Thomas, Thomason, Thyer, Verkamp, Walters, White, Wood, Mr. Speaker.

Total71

NEGATIVE: Agee, Bennett, Bledsoe, Bright, Creekmore, Eason, Fite, Gillespie, Haak, Hutchinson, J. Johnson, Nichols, Ormond, Pace, Parks, Rosenbaum, C. Taylor.

Total17

ABSENT OR NOT VOTING: Elliott, Mahony, Mathis, Milligan, Moore, Penix, Pickett, Schulte, Scrimshire, Seawel, Sullivan, Weaver.

Total12

VOTING PRESENT:

Total0

Total number of votes cast.....88

Total number voting in the affirmative71

Necessary to the adoption of the motion.....51

So the motion was adopted.

HOUSE BILL NO. 1030

BY: REPRESENTATIVE HICKINBOTHAM

Was read the third time and placed on final passage, the question being shall the Bill pass. The vote was as follows:

AFFIRMATIVE: Berry, Biggs, Bolin, Bond, P. Bookout, Borhauer, Boyd, Bradford, Chesterfield, Cowling, Dangeau, Dickinson, Dobbins, Edwards, Elliott, D. Evans, L. Evans, Ferguson, Gipson, Goss, Hardwick, Hathorn, Hickinbotham, House, Jackson, Jeffrey, C. Johnson, Jones, Judy, King, Lamoureux, Ledbetter, Lendall, Lewellen, Mack, Mahony, Medley, Pate, L. Prater, Pritchard, Rankin, Roebuck, Seawel, R. Smith, Stovall, Sullivan, Thomas, Thomason, Thyer, Verkamp, Walters, White, Mr. Speaker.

Total53

NEGATIVE: Adams, Agee, Anderson, Bennett, Blair, Bledsoe, Bright, Childers, Clemons, Creekmore, Dees, Eason, Fite, Gillespie, Green, Haak, Harris, Hutchinson, Jacobs, J. Johnson, Key, Martin, Matayo, Mathis, Milligan, Moore, Napper, Nichols, Norton, Oglesby, Ormond, Pace, Parks, Petrus, Pickett, Rosenbaum, Schulte, Scroggin, Sumpter, C. Taylor, J. Taylor, Weaver, Wood.

Total43

ABSENT OR NOT VOTING: Kenney, Penix, S. Prater, Scrimshire.

Total4

VOTING PRESENT:

Total0

Total number of votes cast96

Total number voting in the affirmative53

Necessary to the passage of the bill51

So the Bill passed and the title as read was agreed to.

The Chair requested the Sounding of the Ballot on **HOUSE BILL NO. 1030** and the call was sustained. The following members votes were successfully challenged:

NOT VOTING: Kenney, Penix.

Total	02
Total number of votes cast	98
Necessary to the passage of the bill	51
Total number voting in the affirmative	54
Total number voting in the negative	44
Total number absent or not voting.....	02
Total number voting present	0

So the Bill passed and the title as read was agreed to.

HOUSE BILL NO. 1030

BY: REPRESENTATIVE HICKINBOTHAM

Was read the third time and placed on final passage, the question being shall the Bill pass. The vote was as follows:

AFFIRMATIVE: Berry, Biggs, Bolin, Bond, P. Bookout, Borhauer, Boyd, Bradford, Chesterfield, Cowling, Dangeau, Dickinson, Dobbins, Edwards, Elliott, D. Evans, L. Evans, Ferguson, Gipson, Goss, Hardwick, Hathorn, Hickinbotham, House, Jackson, Jeffrey, C. Johnson, Jones, Judy, [Kenney], King, Lamoureux, Ledbetter, Lendall, Lewellen, Mack, Mahony, Medley, Pate, L. Prater, Pritchard, Rankin, Roebuck, Seawel, R. Smith, Stovall, Sullivan, Thomas, Thomason, Thyer, Verkamp, Walters, White, Mr. Speaker.

Total54

NEGATIVE: Adams, Agee, Anderson, Bennett, Blair, Bledsoe, Bright, Childers, Clemons, Creekmore, Dees, Eason, Fite, Gillespie, Green, Haak, Harris, Hutchinson, Jacobs, J. Johnson, Key, Martin, Matayo, Mathis, Milligan, Moore, Napper, Nichols, Norton, Oglesby, Ormond, Pace, Parks, [Penix], Petrus, Pickett, Rosenbaum, Schulte, Scroggin, Sumpter, C. Taylor, J. Taylor, Weaver, Wood.

Total44

ABSENT OR NOT VOTING: S. Prater, Scrimshire.

Total2

VOTING PRESENT:

Total0

Total number of votes cast98

Total number voting in the affirmative54

Necessary to the passage of the bill51

So the Bill passed and the title as read was agreed to.

Upon motion of Representative Hardwick the Clincher motion prevailed.

There being an Emergency Clause attached to **HOUSE BILL NO. 1030**, the Speaker ordered the clerk to call the roll upon the adoption of the Emergency Clause. The vote was as follows:

EMERGENCY CLAUSE

AFFIRMATIVE: Adams, Agee, Anderson, Bennett, Berry, Biggs, Blair, Bolin, Bond, P. Bookout, Borhauer, Boyd, Bradford, Bright, Chesterfield, Childers, Clemons, Cowling, Dangeau, Dees, Dickinson, Dobbins, Edwards, Elliott, D. Evans, L. Evans, Ferguson, Fite, Gipson, Goss, Green, Hardwick, Harris, Hathorn, Hickinbotham, House, Hutchinson, Jackson, Jacobs, Jeffrey, C. Johnson, J. Johnson, Jones, Judy, Kenney, King, Lamoureux, Ledbetter, Lendall, Lewellen, Mack, Mahony, Martin, Mathis, Medley, Milligan, Moore, Norton, Oglesby, Pate, Petrus, Pickett, L. Prater, S. Prater, Pritchard, Rankin, Roebuck, Schulte, Scrimshire, Scroggin, R. Smith, Stovall, Sullivan, Sumpter, C. Taylor, J. Taylor, Thomas, Thomason, Thyer, Verkamp, Walters, Weaver, White, Wood, Mr. Speaker.

Total85

NEGATIVE: Bledsoe, Eason, Gillespie, Haak, Key, Napper, Nichols, Ormond, Pace, Parks, Rosenbaum.

Total11

ABSENT OR NOT VOTING: Creekmore, Penix, Seawel.

Total3

VOTING PRESENT: Matayo.

Total1

Total number of votes cast97

Total number voting in the affirmative85

Necessary to the adoption of the emergency clause.....67

So the Emergency Clause was adopted.

Upon motion of Representative Petrus the Clincher motion prevailed.

PAIR VOTE
ON
HOUSE BILL NO. 1030

AYE: REPRESENTATIVE MIKE KENNEY

NAY: REPRESENTATIVE KEVIN PENIX

WITNESS: REPRESENTATIVE SCOTT SULLIVAN

This pair form was signed by Representative Mike Kenney and Representative Kevin Penix in the presence of each other and witnessed by Representative Scott Sullivan.

Total number of votes cast..... 98

Necessary to the passage of the bill 51

Total number voting in the affirmative 54

Total number voting in the negative 44

Total number absent or not voting 2

Total number voting present 0

So the Bill passed and the title as read was agreed to.

Motion was made by Representative Pace to validate as a body the Pair Vote. Motion carried.

Motion was made by Representative Weaver to send **HOUSE BILL NO. 1073** back to JOINT BUDGET for the purpose of amendment. Motion passed.

Motion by Representative Weaver to send **SENATE BILL NO. 93** back to the Committee on JOINT BUDGET. Motion passed.

Upon motion of Representative Weaver, **HOUSE BILL NO. 1052** was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 2 TO HOUSE BILL NO. 1052

Amend **HOUSE BILL NO. 1052** as engrossed, H12/19/03

(version: 12-19-2003 08:37):

Page 2, insert an additional section immediately following section 3 to read as follows:

" SECTION 4. 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 or her books and those of the Treasurer of State and the Auditor of the State the sum of ten million dollars (\$10,000,000) from the Federal Fiscal Relief Fund to the Department of Education Public School Fund Account for partial funding for Distance Learning Capital Equipment Grants and Distance Learning Operating Grants."

And appropriately renumber the subsequent sections of the bill.

/s/ Paul Weaver

The Amendment was read and adopted by more than 51 votes.

/s/ Ms. Jo Renshaw

Chief Clerk

Upon motion of Representative Weaver, **HOUSE BILL NO. 1098** was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 1 TO HOUSE BILL NO. 1098

Amend **HOUSE BILL NO. 1098** as originally introduced:

Add a new section immediately after Section 1 of the bill to read as follows:

"SECTION 2. (a) If the total amount of funds appropriated by the 84th General Assembly meeting in Second Extraordinary Session for a fiscal year for debt service funding supplement, general facilities funding, and supplemental millage incentive funding is less than the total amount of funds needed for distribution to school districts under §§ 6-20-2004 - 2006, then the distribution to each school district under §§ 6-20-2004 - 2006 shall reduced as provided in subsection (b) of this section.

(b) The amount of the funds calculated for distribution under §§ 6-20-2004 - 2006 shall be multiplied by the percentage equal to the total amount of funds appropriated by the 84th General Assembly meeting in Second Extraordinary Session for a fiscal year for debt service funding supplement, general facilities funding and supplemental millage incentive funding divided by the total amount of funds calculated for distribution under § 6-20-2004 - 2006 during a fiscal year."

AND

Renumber the subsequent sections of the bill.

/s/ Paul Weaver

The Amendment was read and adopted by more than 51 votes.

/s/ Ms. Jo Renshaw

Chief Clerk

Upon motion of Representative Weaver the rules were suspended. Considered in the Committee of the Whole. Returned with the recommendation that it "DO PASS".

HOUSE BILL NO. 1061

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: Blair, Bolin, Bond, P. Bookout, Boyd, Bradford, Chesterfield, Clemons, Cowling, Dangeau, Dickinson, Dobbins, Eason, Elliott, D. Evans, L. Evans, Ferguson, Fite, Gillespie, Goss, Hathorn, Hickinbotham, House, Jackson, Jacobs, C. Johnson, J. Johnson, Jones, Judy, Key, King, Ledbetter, Lendall, Lewellen, Mack, Martin, Matayo, Mathis, Milligan, Moore, Napper, Oglesby, Pate, Petrus, Pickett, L. Prater, S. Prater, Rankin, Roebuck, Scrimshire, Seawel, Sullivan, Sumpter, Thomas, Thomason, Walters, Weaver, White, Wood, Mr. Speaker.

Total60

NEGATIVE: Adams, Agee, Bennett, Berry, Bledsoe, Borhauer, Childers, Creekmore, Hardwick, Harris, Hutchinson, Jeffrey, Lamoureux, Nichols, Ormond, Pace, Pritchard, C. Taylor, J. Taylor, Thyer, Verkamp.

Total21

ABSENT OR NOT VOTING: Anderson, Biggs, Bright, Dees, Edwards, Gipson, Green, Haak, Kenney, Mahony, Medley, Norton, Parks, Penix, Rosenbaum, Schulte, Scroggin, R. Smith, Stovall.

Total19

VOTING PRESENT:

Total0

Total number of votes cast81

Total number voting in the affirmative60

Necessary to the passage of the bill51

So the Bill passed and the title as read was agreed to.

There being an Emergency Clause attached to **HOUSE BILL NO. 1061**, the Speaker ordered the clerk to call the roll upon the adoption of the Emergency Clause. The vote was as follows:

EMERGENCY CLAUSE

AFFIRMATIVE: Blair, Bolin, Bond, P. Bookout, Bradford, Chesterfield, Clemons, Cowling, Dangeau, Dobbins, Eason, Elliott, D. Evans, Ferguson, Fite, Gillespie, Goss, Green, Hathorn, House, Hutchinson, Jackson, Jacobs, C. Johnson, J. Johnson, Jones, Judy, Key, King, Ledbetter, Lendall, Mack, Mahony, Martin, Matayo, Mathis, Medley, Milligan, Moore, Napper, Oglesby, Pate, Pickett, S. Prater, Rankin, Roebuck, Scrimshire, Seawel, Sumpter, Thomas, Thomason, Verkamp, Walters, Weaver, White, Wood, Mr. Speaker.

Total57

NEGATIVE: Adams, Agee, Bennett, Berry, Bledsoe, Borhauer, Bright, Childers, Gipson, Harris, Jeffrey, Lamoureux, Nichols, Norton, Ormond, Pace, Parks, Pritchard, C. Taylor, Thyer.

Total20

ABSENT OR NOT VOTING: Anderson, Biggs, Boyd, Creekmore, Dees, Dickinson, Edwards, L. Evans, Haak, Hardwick, Hickinbotham, Kenney, Lewellen, Penix, Petrus, L. Prater, Rosenbaum, Schulte, Scroggin, R. Smith, Stovall, Sullivan, J. Taylor.

Total23

VOTING PRESENT:

Total0

Total number of votes cast.....77

Total number voting in the affirmative57

Necessary to the adoption of the emergency clause.....67

So the Emergency Clause was not adopted.

Upon motion of Representative Weaver the rules were suspended. Considered in the Committee of the Whole. Returned with the recommendation that it "DO PASS".

HOUSE BILL NO. 1138

BY: JOINT BUDGET COMMITTEE

Was read the third time and placed on final passage, the question being shall the Bill pass and shall the Emergency Clause be adopted. The vote was as follows:

AFFIRMATIVE: Agee, Anderson, Biggs, Blair, Bledsoe, Bolin, Bond, P. Bookout, Borhauer, Bradford, Bright, Chesterfield, Clemons, Cowling, Dangeau, Dees, Dobbins, Eason, Edwards, Elliott, D. Evans, Ferguson, Fite, Gillespie, Gipson, Goss, Green, Haak, Hardwick, Harris, Hathorn, House, Hutchinson, Jackson, Jacobs, Jeffrey, C. Johnson, J. Johnson, Jones, Judy, Kenney, Key, King, Ledbetter, Lendall, Lewellen, Mack, Mahony, Martin, Matayo, Mathis, Medley, Milligan, Moore, Napper, Parks, Pate, Pickett, S. Prater, Rankin, Roebuck, Rosenbaum, Schulte, Scrimshire, Seawel, Stovall, Thomas, Thomason, White, Wood, Mr. Speaker.

Total71

NEGATIVE: Adams, Bennett, Berry, Creekmore, Lamoureux, Norton, Oglesby, Ormond, C. Taylor, J. Taylor, Thyer, Verkamp.

Total12

ABSENT OR NOT VOTING: Boyd, Childers, Dickinson, L. Evans, Hickinbotham, Nichols, Pace, Penix, Petrus, L. Prater, Pritchard, Scroggin, R. Smith, Sullivan, Sumpter, Walters, Weaver.

Total17

VOTING PRESENT:

Total0

Total number of votes cast83

Total number voting in the affirmative71

Necessary to the passage of the bill51

So the Bill passed and the title as read was agreed to.

There being an Emergency Clause attached to **HOUSE BILL NO. 1138**, the Speaker ordered the clerk to call the roll upon the adoption of the Emergency Clause. The vote was as follows:

EMERGENCY CLAUSE

AFFIRMATIVE: Agee, Anderson, Biggs, Blair, Bledsoe, Bolin, Bond, P. Bookout, Borhauer, Bradford, Bright, Chesterfield, Clemons, Cowling, Dangeau, Dees, Dobbins, Eason, Edwards, Elliott, D. Evans, Ferguson, Fite, Gillespie, Gipson, Goss, Green, Haak, Hardwick, Harris, Hathorn, House, Hutchinson, Jackson, Jacobs, Jeffrey, C. Johnson, J. Johnson, Jones, Judy, Kenney, Key, King, Ledbetter, Lendall, Lewellen, Mack, Mahony, Martin, Matayo, Mathis, Medley, Milligan, Moore, Napper, Parks, Pate, Pickett, S. Prater, Rankin, Roebuck, Rosenbaum, Schulte, Scrimshire, Seawel, Stovall, Thomas, Thomason, White, Wood, Mr. Speaker.

Total71

NEGATIVE: Adams, Bennett, Berry, Creekmore, Lamoureux, Norton, Oglesby, Ormond, C. Taylor, J. Taylor, Thyer, Verkamp.

Total12

ABSENT OR NOT VOTING: Boyd, Childers, Dickinson, L. Evans, Hickinbotham, Nichols, Pace, Penix, Petrus, L. Prater, Pritchard, Scroggin, R. Smith, Sullivan, Sumpter, Walters, Weaver.

Total17

VOTING PRESENT:

Total0

Total number of votes cast83

Total number voting in the affirmative71

Necessary to the adoption of the emergency clause.....67

So the Emergency Clause was adopted.

HOUSE BILL NO. 1043

BY: REPRESENTATIVE MEDLEY

Was read the third time and placed on final passage, the question being shall the Bill pass. The vote was as follows:

AFFIRMATIVE: Blair, Bolin, P. Bookout, Borhauer, Boyd, Bradford, Chesterfield, Clemons, Cowling, Creekmore, Dangeau, Dickinson, Dobbins, Eason, Elliott, D. Evans, L. Evans, Ferguson, Goss, Green, Hathorn, Hickinbotham, Jackson, Jeffrey, C. Johnson, J. Johnson, Jones, Judy, King, Ledbetter, Lendall, Lewellen, Mack, Martin, Medley, Pickett, Rankin, Roebuck, R. Smith, Stovall, Sullivan, C. Taylor, Thomas, Thyer, Verkamp, White, Wood.

Total47

NEGATIVE: Agee, Anderson, Bennett, Berry, Biggs, Bledsoe, Bond, Childers, Dees, Edwards, Fite, Gillespie, Gipson, Haak, Hardwick, Harris, Hutchinson, Kenney, Key, Lamoureux, Mahony, Matayo, Milligan, Napper, Nichols, Norton, Oglesby, Ormond, Pace, Pate, Petrus, Pritchard, Rosenbaum, Schulte, Scrimshire, Scroggin, Seawel, Sumpter, Thomason, Walters, Weaver.

Total41

ABSENT OR NOT VOTING: Adams, Bright, Mathis, Moore, Parks, Penix, L. Prater, S. Prater, J. Taylor, Mr. Speaker.

Total10

VOTING PRESENT: House, Jacobs.

Total2

Total number of votes cast.....90

Total number voting in the affirmative47

Necessary to the passage of the bill51

So the Bill failed.

Motion was made by Representative Mahony to recess at 2:19 p.m. for 20 minutes for the JOINT BUDGET COMMITTEE to meet. Motion carried.

The House reconvened at 3:05 p.m.

HOUSE BILL NO. 1041

BY: REPRESENTATIVE MEDLEY

Was read the third time and placed on final passage, the question being shall the Bill pass. The vote was as follows:

AFFIRMATIVE: Adams, Blair, Borhauer, Boyd, Bradford, Bright, Chesterfield, Clemons, Cowling, Creekmore, Dangeau, Dees, Dickinson, Dobbins, Eason, Edwards, Elliott, D. Evans, L. Evans, Ferguson, Goss, Green, Hathorn, Hickinbotham, House, Jackson, Jeffrey, C. Johnson, J. Johnson, Jones, Judy, King, Ledbetter, Lendall, Lewellen, Mack, Mahony, Martin, Mathis, Medley, Moore, Pate, Pickett, L. Prater, S. Prater, Rankin, Roebuck, Schulte, Seawel, R. Smith, Stovall, Sullivan, C. Taylor, Thomas, Thomason, Thyer, Verkamp, Walters, White, Wood.

Total60

NEGATIVE: Agee, Anderson, Bennett, Berry, Biggs, Bledsoe, Bond, Childers, Fite, Gillespie, Gipson, Haak, Hardwick, Harris, Hutchinson, Kenney, Key, Lamoureux, Matayo, Napper, Nichols, Norton, Oglesby, Ormond, Pace, Parks, Pritchard, Rosenbaum, Scrimshire, Scroggin, Weaver.

Total31

ABSENT OR NOT VOTING: Bolin, P. Bookout, Penix, Petrus, Sumpter, J. Taylor, Mr. Speaker.

Total7

VOTING PRESENT: Jacobs, Milligan.

Total2

Total number of votes cast93

Total number voting in the affirmative60

Necessary to the passage of the bill51

So the Bill passed and the title as read was agreed to.

Upon motion of Representative Chesterfield the Clincher motion prevailed.

HOUSE BILL NO. 1177

BY: REPRESENTATIVE PETRUS

Was read the third time and placed on final passage, the question being shall the Bill pass. The vote was as follows:

AFFIRMATIVE: Adams, Agee, Anderson, Bennett, Berry, Blair, Bledsoe, Bond, P. Bookout, Borhauer, Boyd, Bradford, Bright, Chesterfield, Childers, Clemons, Cowling, Dangeau, Dees, Dickinson, Dobbins, Eason, Edwards, Elliott, D. Evans, L. Evans, Ferguson, Fite, Gillespie, Gipson, Goss, Green, Haak, Hardwick, Harris, Hickinbotham, House, Hutchinson, Jackson, Jacobs, Jeffrey, C. 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, Petrus, Pickett, L. Prater, Pritchard, Rankin, Roebuck, Rosenbaum, Schulte, Scrimshire, Scroggin, Seawel, R. Smith, Stovall, Sullivan, Sumpter, C. Taylor, J. Taylor, Thomas, Thomason, Thyer, Verkamp, Walters, Weaver, White, Wood.

Total92

NEGATIVE: S. Prater.

Total1

ABSENT OR NOT VOTING: Biggs, Bolin, Creekmore, Hathorn, J. Johnson, Penix, Mr. Speaker.

Total7

VOTING PRESENT:

Total0

Total number of votes cast.....93

Total number voting in the affirmative92

Necessary to the passage of the bill51

So the Bill passed and the title as read was agreed to.

SENATE BILL NO. 73

BY: SENATOR ARGUE

Was read the third time and placed on final passage, the question being shall the Bill pass and shall the Emergency Clause be adopted. The vote was as follows:

AFFIRMATIVE: Adams, Agee, Anderson, Bennett, Berry, Biggs, Bledsoe, Bond, P. Bookout, Borhauer, Boyd, Bradford, Bright, Chesterfield, Childers, Clemons, Cowling, Creekmore, Dangeau, Dees, Dickinson, Dobbins, Eason, Edwards, Elliott, D. Evans, L. Evans, Ferguson, Gillespie, Gipson, Goss, Green, Haak, Hardwick, Harris, Hathorn, Hickinbotham, House, Hutchinson, Jackson, Jacobs, Jeffrey, C. Johnson, Jones, Judy, Kenney, Key, King, Lamoureux, Ledbetter, Lendall, Lewellen, Mack, Mahony, Martin, Matayo, Mathis, Medley, Milligan, Moore, Napper, Nichols, Norton, Oglesby, Ormond, Pace, Parks, Pate, Petrus, Pickett, S. Prater, Pritchard, Rankin, Roebuck, Rosenbaum, Scrimshire, Scroggin, Seawel, R. Smith, Stovall, Sullivan, Sumpter, C. Taylor, J. Taylor, Thomas, Thomason, Thyer, Verkamp, Walters, Weaver, White, Wood.

Total92

NEGATIVE: Blair.

Total1

ABSENT OR NOT VOTING: Bolin, J. Johnson, Penix, Schulte, Mr. Speaker.

Total5

VOTING PRESENT: Fite, L. Prater.

Total2

Total number of votes cast95

Total number voting in the affirmative92

Necessary to the passage of the bill51

So the Bill passed and the title as read was agreed to.

There being an Emergency Clause attached to **SENATE BILL NO. 73**, the Speaker ordered the clerk to call the roll upon the adoption of the Emergency Clause. The vote was as follows:

EMERGENCY CLAUSE

AFFIRMATIVE: Adams, Agee, Anderson, Bennett, Berry, Biggs, Bledsoe, Bond, P. Bookout, Borhauer, Boyd, Bradford, Bright, Chesterfield, Childers, Clemons, Cowling, Creekmore, Dangeau, Dees, Dickinson, Dobbins, Eason, Edwards, Elliott, D. Evans, L. Evans, Ferguson, Gillespie, Gipson, Goss, Green, Haak, Hardwick, Harris, Hathorn, Hickinbotham, House, Hutchinson, Jackson, Jacobs, Jeffrey, C. Johnson, Jones, Judy, Kenney, Key, King, Lamoureux, Ledbetter, Lendall, Lewellen, Mack, Mahony, Martin, Matayo, Mathis, Medley, Milligan, Moore, Napper, Nichols, Norton, Oglesby, Ormond, Pace, Parks, Pate, Petrus, Pickett, S. Prater, Pritchard, Rankin, Roebuck, Rosenbaum, Scrimshire, Scroggin, Seawel, R. Smith, Stovall, Sullivan, Sumpter, C. Taylor, J. Taylor, Thomas, Thomason, Thyer, Verkamp, Walters, Weaver, White, Wood.

Total	92
NEGATIVE: Blair.	
Total	1
ABSENT OR NOT VOTING: Bolin, J. Johnson, Penix, Schulte, Mr. Speaker.	
Total	5
VOTING PRESENT: Fite, L. Prater.	
Total	2
Total number of votes cast	95
Total number voting in the affirmative	92
Necessary to the adoption of the emergency clause.....	67

So the Emergency Clause was adopted.

Upon motion of Representative Weaver the rules were suspended. Considered in the Committee of the Whole. Returned with the recommendation that it "DO PASS".

HOUSE BILL NO. 1098

BY: JOINT BUDGET COMMITTEE

Was read the third time and placed on final passage, the question being shall the Bill pass and shall the Emergency Clause be adopted. The vote was as follows:

AFFIRMATIVE: Adams, Agee, Anderson, Bennett, Berry, Biggs, Blair, Bledsoe, Bolin, Bond, P. Bookout, Borhauer, Boyd, Bradford, Bright, Chesterfield, Childers, Clemons, Cowling, Creekmore, Dangeau, Dees, Dickinson, Dobbins, Eason, Edwards, Elliott, D. Evans, L. Evans, Ferguson, Fite, Gillespie, Gipson, Goss, Green, Haak, Hardwick, Harris, Hathorn, Hickinbotham, House, Hutchinson, Jackson, Jeffrey, C. Johnson, J. Johnson, Jones, Judy, Kenney, Key, King, Lamoureux, Ledbetter, Lendall, Lewellen, Mack, Mahony, Martin, Matayo, Mathis, Medley, Milligan, Moore, Napper, Norton, Oglesby, Pace, Parks, Pate, Petrus, Pickett, L. Prater, S. Prater, Pritchard, Rankin, Roebuck, Rosenbaum, Schulte, Scrimshire, Seawel, R. Smith, Sullivan, Sumpter, C. Taylor, J. Taylor, Thomas, Thomason, Thyer, Verkamp, Walters, Weaver, White, Wood, Mr. Speaker.

Total94

NEGATIVE:

Total0

ABSENT OR NOT VOTING: Jacobs, Nichols, Ormond, Penix, Scroggin, Stovall.

Total6

VOTING PRESENT:

Total0

Total number of votes cast94

Total number voting in the affirmative94

Necessary to the passage of the bill51

So the Bill passed and the title as read was agreed to.

There being an Emergency Clause attached to **HOUSE BILL NO. 1098**, the Speaker ordered the clerk to call the roll upon the adoption of the Emergency Clause. The vote was as follows:

EMERGENCY CLAUSE

AFFIRMATIVE: Adams, Agee, Anderson, Bennett, Berry, Biggs, Blair, Bledsoe, Bolin, Bond, P. Bookout, Borhauer, Boyd, Bradford, Bright, Chesterfield, Childers, Clemons, Cowling, Creekmore, Dangeau, Dees, Dickinson, Dobbins, Eason, Edwards, Elliott, D. Evans, L. Evans, Ferguson, Fite, Gillespie, Gipson, Goss, Green, Haak, Hardwick, Harris, Hathorn, Hickinbotham, House, Hutchinson, Jackson, Jeffrey, C. Johnson, J. Johnson, Jones, Judy, Kenney, Key, King, Lamoureux, Ledbetter, Lendall, Lewellen, Mack, Mahony, Martin, Matayo, Mathis, Medley, Milligan, Moore, Napper, Norton, Oglesby, Pace, Parks, Pate, Petrus, Pickett, L. Prater, S. Prater, Pritchard, Rankin, Roebuck, Rosenbaum, Schulte, Scrimshire, Seawel, R. Smith, Sullivan, Sumpter, C. Taylor, J. Taylor, Thomas, Thomason, Thyer, Verkamp, Walters, Weaver, White, Wood, Mr. Speaker.

Total94

NEGATIVE:

Total0

ABSENT OR NOT VOTING: Jacobs, Nichols, Ormond, Penix, Scroggin, Stovall.

Total6

VOTING PRESENT:

Total0

Total number of votes cast.....94

Total number voting in the affirmative94

Necessary to the adoption of the emergency clause.....67

So the Emergency Clause was adopted.

Upon motion of Representative Weaver the rules were suspended. Considered in the Committee of the Whole. Returned with the recommendation that it "DO PASS."

SENATE BILL NO. 7

BY: JOINT BUDGET COMMITTEE

Was read the third time and placed on final passage, the question being shall the Bill pass and shall the Emergency Clause be adopted. The vote was as follows:

AFFIRMATIVE: Agee, Anderson, Biggs, Blair, Bledsoe, Bolin, Bond, P. Bookout, Borhauer, Boyd, Bradford, Chesterfield, Childers, Clemons, Cowling, Creekmore, Dangeau, Dees, Dickinson, Dobbins, Eason, Edwards, Elliott, D. Evans, L. Evans, Ferguson, Fite, Gillespie, Gipson, Goss, Green, Haak, Hardwick, Hathorn, Hickinbotham, Jackson, Jacobs, Jeffrey, C. Johnson, J. Johnson, Jones, Judy, Kenney, Key, King, Ledbetter, Lendall, Lewellen, Mack, Martin, Matayo, Milligan, Moore, Napper, Norton, Oglesby, Pace, Parks, Pate, Petrus, Pickett, S. Prater, Pritchard, Rankin, Roebuck, Rosenbaum, Schulte, Scrimshire, Seawel, R. Smith, Sullivan, Sumpter, C. Taylor, J. Taylor, Thomas, Thomason, Thyer, Verkamp, Walters, Weaver, White, Wood.

Total82

NEGATIVE: Adams, Bennett, Hutchinson, Nichols, Ormond, L. Prater.

Total6

ABSENT OR NOT VOTING: Berry, Harris, House, Lamoureux, Mahony, Mathis, Medley, Penix, Scroggin, Stovall, Mr. Speaker.

Total11

VOTING PRESENT: Bright.

Total1

Total number of votes cast89

Total number voting in the affirmative82

Necessary to the passage of the bill75

So the Bill passed and the title as read was agreed to.

There being an Emergency Clause attached to **SENATE BILL NO. 7**, the Speaker ordered the clerk to call the roll upon the adoption of the Emergency Clause. The vote was as follows:

EMERGENCY CLAUSE

AFFIRMATIVE: Agee, Anderson, Biggs, Blair, Bledsoe, Bolin, Bond, P. Bookout, Borhauer, Boyd, Bradford, Chesterfield, Childers, Clemons, Cowling, Creekmore, Dangeau, Dees, Dickinson, Dobbins, Eason, Edwards, Elliott, D. Evans, L. Evans, Ferguson, Fite, Gillespie, Gipson, Goss, Green, Haak, Hardwick, Hathorn, Hickinbotham, Jackson, Jacobs, Jeffrey, C. Johnson, J. Johnson, Jones, Judy, Kenney, Key, King, Ledbetter, Lendall, Lewellen, Mack, Martin, Matayo, Milligan, Moore, Napper, Norton, Oglesby, Pace, Parks, Pate, Petrus, Pickett, S. Prater, Pritchard, Rankin, Roebuck, Rosenbaum, Schulte, Scrimshire, Seawel, R. Smith, Sullivan, Sumpter, C. Taylor, J. Taylor, Thomas, Thomason, Thyer, Verkamp, Walters, Weaver, White, Wood.

Total82

NEGATIVE: Adams, Bennett, Hutchinson, Nichols, Ormond, L. Prater.

Total6

ABSENT OR NOT VOTING: Berry, Harris, House, Lamoureux, Mahony, Mathis, Medley, Penix, Scroggin, Stovall, Mr. Speaker.

Total11

VOTING PRESENT: Bright.

Total1

Total number of votes cast89

Total number voting in the affirmative82

Necessary to the adoption of the emergency clause.....67

So the Emergency Clause was adopted.

Upon motion of Representative Weaver the rules were suspended. Considered in the Committee of the Whole. Returned with the recommendation that it "DO PASS."

SENATE BILL NO. 51

BY: JOINT BUDGET COMMITTEE

Was read the third time and placed on final passage, the question being shall the Bill pass and shall the Emergency Clause be adopted. The vote was as follows:

AFFIRMATIVE: Adams, Agee, Anderson, Blair, Bledsoe, Bolin, Bond, Borhauer, Boyd, Clemons, Cowling, Dangeau, Eason, Edwards, Elliott, L. Evans, Ferguson, Fite, Gillespie, Gipson, Goss, Green, Haak, Hardwick, Harris, Hathorn, House, Jackson, C. Johnson, Jones, Judy, Kenney, Key, King, Lamoureux, Ledbetter, Lendall, Lewellen, Mack, Mahony, Martin, Matayo, Medley, Norton, Pace, S. Prater, Roebuck, Rosenbaum, Schulte, Scrimshire, Seawel, R. Smith, J. Taylor, Thomas, Thomason, Weaver, White, Wood.

Total58

NEGATIVE: Bennett, P. Bookout, Bright, Chesterfield, Childers, Creekmore, Dees, Dickinson, Dobbins, D. Evans, Hutchinson, Jacobs, Jeffrey, J. Johnson, Mathis, Moore, Napper, Nichols, Oglesby, Ormond, Parks, Pate, Pickett, L. Prater, Pritchard, Sumpter, C. Taylor, Thyer, Verkamp, Walters.

Total30

ABSENT OR NOT VOTING: Berry, Biggs, Bradford, Hickinbotham, Milligan, Penix, Petrus, Rankin, Scroggin, Stovall, Sullivan, Mr. Speaker.

Total12

VOTING PRESENT:

Total0

Total number of votes cast88

Total number voting in the affirmative58

Necessary to the passage of the bill51

So the Bill passed and the title as read was agreed to.

There being an Emergency Clause attached to **SENATE BILL NO. 51**, the Speaker ordered the clerk to call the roll upon the adoption of the Emergency Clause. The vote was as follows:

EMERGENCY CLAUSE

AFFIRMATIVE: Adams, Agee, Anderson, Biggs, Bledsoe, Bond, P. Bookout, Borhauer, Boyd, Bradford, Clemons, Cowling, Dangeau, Dees, Dobbins, Eason, Edwards, Elliott, Ferguson, Fite, Gillespie, Goss, Green, Haak, Hardwick, Hathorn, Hickinbotham, House, Jackson, Jacobs, Jeffrey, C. Johnson, Jones, Judy, Kenney, Key, King, Lamoureux, Ledbetter, Lendall, Lewellen, Mack, Mahony, Martin, Matayo, Medley, Norton, Pace, Petrus, S. Prater, Pritchard, Roebuck, Rosenbaum, Schulte, Scrimshire, Seawel, R. Smith, J. Taylor, Thomas, Thomason, Thyer, Weaver, White, Wood.

Total64

NEGATIVE: Bennett, Bolin, Bright, Chesterfield, D. Evans, L. Evans, Hutchinson, J. Johnson, Moore, Napper, Nichols, Oglesby, Ormond, Pate, Pickett, Sumpter, C. Taylor, Verkamp, Walters.

Total19

ABSENT OR NOT VOTING: Berry, Blair, Childers, Creekmore, Dickinson, Gipson, Harris, Mathis, Milligan, Parks, Penix, L. Prater, Rankin, Scroggin, Stovall, Sullivan, Mr. Speaker.

Total17

VOTING PRESENT:

Total0

Total number of votes cast.....83

Total number voting in the affirmative64

Necessary to the adoption of the emergency clause.....67

So the Emergency Clause was not adopted.

Motion was made by Representative Rosenbaum to place **SENATE BILL NO. 79** back on second reading for the purpose of amendment. On this motion the vote was as follows:

Motion was made by Representative Oglesby for immediate consideration of **SENATE BILL NO. 79**. Motion carried.

AFFIRMATIVE: Adams, Berry, Biggs, Blair, Bolin, P. Bookout, Borhauer, Boyd, Bradford, Chesterfield, Clemons, Cowling, Creekmore, Dangeau, Dees, Dickinson, Dobbins, Eason, Edwards, Elliott, D. Evans, L. Evans, Ferguson, Gillespie, Gipson, Goss, Haak, Hathorn, Hickinbotham, House, Jacobs, Jeffrey, J. Johnson, Jones, Judy, Ledbetter, Lewellen, Mahony, Martin, Mathis, Medley, Milligan, Moore, Napper, Oglesby, Pate, Petrus, Pickett, L. Prater, S. Prater, Roebuck, Scrimshire, Scroggin, Seawel, Sullivan, Sumpter, J. Taylor, Thomas, Thomason, Thyer, Walters, Weaver, Wood.

Total63

NEGATIVE: Agee, Anderson, Bennett, Bledsoe, Bond, Bright, Childers, Fite, Green, Hardwick, Harris, Hutchinson, Jackson, C. Johnson, Kenney, Key, King, Lamoureux, Lendall, Mack, Matayo, Norton, Ormond, Pace, Parks, Pritchard, Rosenbaum, Schulte, R. Smith, C. Taylor, Verkamp, White.

Total32

ABSENT OR NOT VOTING: Nichols, Penix, Rankin, Stovall, Mr. Speaker.

Total5

VOTING PRESENT:

Total0

Total number of votes cast.....95

Total number voting in the affirmative63

Necessary to the adoption of the motion.....51

So the motion was adopted.

Upon motion of Representative Rosenbaum, **SENATE BILL NO. 79** was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 1 TO SENATE BILL NO. 79

Amend **SENATE BILL NO. 79** as engrossed, S2/3/04

(version: 02-03-2004 13:17):

Delete Section 8 in its entirety and substitute the following:

" SECTION 8. SPECIAL LANGUAGE. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. ENROLLMENT AND FUNDING PROVISION. The Arkansas Virtual Academy will be limited to an enrollment not to exceed 650 students for the 2004-05 school year. During the 2004-05 fiscal year, the Department of Education shall allocate and expend and/or shall commit for expenditure at least three million two hundred thousand (\$3,200,000) for the Arkansas Virtual Charter School from the appropriation authorized for State Foundation Funding Aid."

/s/ Sid Rosenbaum

The Amendment was read and the vote was as follows:

AFFIRMATIVE: Agee, Anderson, Bennett, Berry, Bledsoe, Bolin, Bond, Bright, Childers, Clemons, Creekmore, Dees, Dickinson, D. Evans, Fite, Green, Haak, Hardwick, Harris, House, Hutchinson, Jackson, Jeffrey, C. Johnson, Jones, Kenney, Key, King, Lamoureux, Mack, Martin, Matayo, Medley, Norton, Oglesby, Ormond, Pace, Parks, Pate, Pritchard, Rosenbaum, Schulte, Scroggin, R. Smith, C. Taylor, J. Taylor, Verkamp, Walters, Wood.

Total49

NEGATIVE: Biggs, Blair, P. Bookout, Borhauer, Boyd, Bradford, Chesterfield, Cowling, Dangeau, Dobbins, Edwards, Elliott, L. Evans, Gillespie, Gipson, Goss, Hathorn, Jacobs, J. Johnson, Judy, Ledbetter, Lendall, Lewellen, Mahony, Mathis, Milligan, Moore, Napper, Petrus, Pickett, Roebuck, Scrimshire, Seawel, Sullivan, Sumpter, Thomas, Thomason, Thyer, Weaver, White.

Total40

ABSENT OR NOT VOTING: Adams, Eason, Ferguson, Hickinbotham, Nichols, Penix, S. Prater, Rankin, Stovall, Mr. Speaker.

Total10

VOTING PRESENT: L. Prater.

Total1

Total number of votes cast90

Total number voting in the affirmative49

Necessary to the adoption of the amendment.....51

The Amendment failed of adoption.

/s/ Ms. Jo Renshaw
Chief Clerk

Upon motion of Representative Ledbetter for a Clincher, the motion failed of adoption.

Upon motion of Representative Weaver the rules were suspended. Considered in the Committee of the Whole. Returned with the recommendation that it "DO PASS."

SENATE BILL NO. 79

BY: JOINT BUDGET COMMITTEE

Was read the third time and placed on final passage, the question being shall the Bill pass and shall the Emergency Clause be adopted. The vote was as follows:

AFFIRMATIVE: Agee, Berry, Biggs, Blair, Bolin, Bond, P. Bookout, Boyd, Bradford, Bright, Chesterfield, Childers, Clemons, Cowling, Creekmore, Dangeau, Dees, Dickinson, Dobbins, Eason, Edwards, Elliott, D. Evans, L. Evans, Ferguson, Fite, Gillespie, Gipson, Goss, Haak, Hathorn, Hickinbotham, House, Hutchinson, Jackson, Jacobs, Jeffrey, C. Johnson, J. Johnson, Jones, Judy, King, Ledbetter, Lendall, Lewellen, Mack, Mahony, Martin, Mathis, Medley, Milligan, Moore, Napper, Nichols, Oglesby, Pate, Petrus, Pickett, L. Prater, S. Prater, Rankin, Roebuck, Scrimshire, Seawel, R. Smith, Stovall, Sullivan, Sumpster, J. Taylor, Thomas, Thomason, Thyer, Verkamp, Walters, Weaver, White, Wood, Mr. Speaker.

Total78

NEGATIVE: Bennett, Borhauer, Harris, Key, Lamoureux, Matayo, C. Taylor.

Total7

ABSENT OR NOT VOTING: Adams, Anderson, Bledsoe, Green, Hardwick, Kenney, Norton, Pace, Parks, Penix, Pritchard, Rosenbaum, Schulte, Scroggin.

Total14

VOTING PRESENT: Ormond.

Total1

Total number of votes cast.....86

Total number voting in the affirmative78

Necessary to the passage of the bill75

So the Bill passed and the title as read was agreed to.

There being an Emergency Clause attached to **SENATE BILL NO. 79**, the Speaker ordered the clerk to call the roll upon the adoption of the Emergency Clause. The vote was as follows:

EMERGENCY CLAUSE

AFFIRMATIVE: Agee, Berry, Biggs, Blair, Bolin, Bond, P. Bookout, Boyd, Bradford, Bright, Chesterfield, Childers, Clemons, Cowling, Creekmore, Dangeau, Dees, Dickinson, Dobbins, Eason, Edwards, Elliott, D. Evans, L. Evans, Ferguson, Fite, Gillespie, Gipson, Goss, Haak, Hathorn, Hickinbotham, House, Hutchinson, Jackson, Jacobs, Jeffrey, C. Johnson, J. Johnson, Jones, Judy, King, Ledbetter, Lendall, Lewellen, Mack, Mahony, Martin, Mathis, Medley, Milligan, Moore, Napper, Nichols, Oglesby, Pate, Petrus, Pickett, L. Prater, S. Prater, Rankin, Roebuck, Scrimshire, Seawel, R. Smith, Stovall, Sullivan, Sumpter, J. Taylor, Thomas, Thomason, Thyer, Verkamp, Walters, Weaver, White, Wood, Mr. Speaker.

Total78

NEGATIVE: Bennett, Borhauer, Harris, Key, Lamoureux, Matayo, C. Taylor.

Total7

ABSENT OR NOT VOTING: Adams, Anderson, Bledsoe, Green, Hardwick, Kenney, Norton, Pace, Parks, Penix, Pritchard, Rosenbaum, Schulte, Scroggin.

Total14

VOTING PRESENT: Ormond.

Total1

Total number of votes cast86

Total number voting in the affirmative78

Necessary to the adoption of the emergency clause.....67

So the Emergency Clause was adopted.

Upon motion of Representative Weaver the rules were suspended. Considered in the Committee of the Whole. Returned with the recommendation that it "DO PASS."

SENATE BILL NO. 85

BY: JOINT BUDGET COMMITTEE

Was read the third time and placed on final passage, the question being shall the Bill pass and shall the Emergency Clause be adopted. The vote was as follows:

AFFIRMATIVE: Agee, Berry, Biggs, Blair, Bolin, Bond, P. Bookout, Borhauer, Boyd, Bradford, Chesterfield, Childers, Cowling, Creekmore, Dangeau, Dees, Dickinson, Dobbins, Eason, Edwards, Elliott, D. Evans, L. Evans, Ferguson, Fite, Gillespie, Gipson, Goss, Green, Haak, Hathorn, Hickinbotham, House, Jackson, Jacobs, Jeffrey, C. Johnson, J. Johnson, Jones, Judy, Kenney, King, Ledbetter, Lendall, Lewellen, Mack, Mahony, Mathis, Milligan, Moore, Napper, Nichols, Norton, Oglesby, Pate, Petrus, Pickett, L. Prater, Pritchard, Rankin, Roebuck, Scrimshire, Seawel, R. Smith, Stovall, Sullivan, Sumpter, C. Taylor, J. Taylor, Thomas, Thomason, Thyer, Verkamp, Walters, Weaver, White, Mr. Speaker.

Total77

NEGATIVE: Anderson, Bright, Hardwick, Harris, Hutchinson, Key, Matayo, Ormond, Pace, Rosenbaum, Schulte, Wood.

Total12

ABSENT OR NOT VOTING: Adams, Bennett, Bledsoe, Clemons, Lamoureux, Medley, Parks, Penix, S. Prater, Scroggin.

Total10

VOTING PRESENT: Martin.

Total1

Total number of votes cast90

Total number voting in the affirmative77

Necessary to the passage of the bill75

So the Bill passed and the title as read was agreed to.

There being an Emergency Clause attached to **SENATE BILL NO. 85**, the Speaker ordered the clerk to call the roll upon the adoption of the Emergency Clause. The vote was as follows:

EMERGENCY CLAUSE

AFFIRMATIVE: Agee, Berry, Biggs, Blair, Bolin, Bond, P. Bookout, Borhauer, Boyd, Bradford, Chesterfield, Childers, Cowling, Creekmore, Dangeau, Dees, Dickinson, Dobbins, Eason, Edwards, Elliott, D. Evans, L. Evans, Ferguson, Fite, Gillespie, Gipson, Goss, Green, Haak, Hathorn, Hickinbotham, House, Jackson, Jacobs, Jeffrey, C. Johnson, J. Johnson, Jones, Judy, Kenney, King, Ledbetter, Lendall, Lewellen, Mack, Mahony, Mathis, Milligan, Moore, Napper, Nichols, Norton, Oglesby, Pate, Petrus, Pickett, L. Prater, Pritchard, Rankin, Roebuck, Scrimshire, Seawel, R. Smith, Stovall, Sullivan, Sumpter, C. Taylor, J. Taylor, Thomas, Thomason, Thyer, Verkamp, Walters, Weaver, White, Mr. Speaker.

Total77

NEGATIVE: Anderson, Bright, Hardwick, Harris, Hutchinson, Key, Matayo, Ormond, Pace, Rosenbaum, Schulte, Wood.

Total12

ABSENT OR NOT VOTING: Adams, Bennett, Bledsoe, Clemons, Lamoureux, Medley, Parks, Penix, S. Prater, Scroggin.

Total10

VOTING PRESENT: Martin.

Total1

Total number of votes cast90

Total number voting in the affirmative77

Necessary to the adoption of the emergency clause.....67

So the Emergency Clause was adopted.

Upon motion of Representative Weaver, **HOUSE BILL NO. 1073** was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 2 TO HOUSE BILL NO. 1073

Amend **HOUSE BILL NO. 1073** as originally introduced:

Page 1, line 29, delete "thirty two (32)" and substitute "sixteen (16)"

AND

Page 1, line 34, delete "\$2,120,000" and substitute "\$1,160,000".

/s/ Herschel Cleveland

The Amendment was read and the vote was as follows:

AFFIRMATIVE: Agee, Anderson, Bennett, Berry, Biggs, Blair, Bledsoe, Bolin, Bond, P. Bookout, Boyd, Bradford, Bright, Chesterfield, Childers, Clemons, Cowling, Dangeau, Dees, Dickinson, Dobbins, Eason, Edwards, Elliott, D. Evans, L. Evans, Ferguson, Fite, Gillespie, Gipson, Goss, Green, Haak, Hardwick, Hathorn, Hickinbotham, House, Hutchinson, Jackson, Jacobs, Jeffrey, J. Johnson, Jones, Judy, King, Ledbetter, Lewellen, Mack, Mahony, Martin, Mathis, Medley, Milligan, Moore, Napper, Norton, Oglesby, Ormond, Parks, Pate, Pickett, L. Prater, S. Prater, Pritchard, Rankin, Roebuck, Rosenbaum, Schulte, Scrimshire, Seawel, R. Smith, Sullivan, Sumpter, C. Taylor, J. Taylor, Thomas, Thomason, Thyer, Verkamp, Walters, Weaver, White, Wood, Mr. Speaker.

Total84

NEGATIVE:

Total0

ABSENT OR NOT VOTING: Adams, Borhauer, Creekmore, Harris, C. Johnson, Kenney, Key, Lamoureux, Lendall, Matayo, Nichols, Pace, Penix, Petrus, Scroggin, Stovall.

Total16

VOTING PRESENT:

Total0

Total number of votes cast84

Total number voting in the affirmative84

Necessary to the adoption of the amendment.....51

The Amendment was read and adopted by more than 51 votes.

/s/ Ms. Jo Renshaw

Chief Clerk

Upon motion of Representative Weaver the rules were suspended. Considered in the Committee of the Whole. Returned with the recommendation that it "DO PASS".

HOUSE BILL NO. 1052

BY: JOINT BUDGET COMMITTEE

Was read the third time and placed on final passage, the question being shall the Bill pass and shall the Emergency Clause be adopted. The vote was as follows:

AFFIRMATIVE: Agee, Anderson, Bennett, Berry, Biggs, Blair, Bledsoe, Bolin, Bond, P. Bookout, Borhauer, Boyd, Bradford, Bright, Chesterfield, Childers, Cowling, Creekmore, Dangeau, Dees, Dickinson, Dobbins, Eason, Edwards, Elliott, D. Evans, L. Evans, Ferguson, Fite, Gillespie, Gipson, Goss, Green, Haak, Hardwick, Harris, Hathorn, Hickinbotham, House, Hutchinson, Jackson, Jacobs, Jeffrey, C. Johnson, J. Johnson, Jones, Judy, Kenney, Key, King, Ledbetter, Lendall, Lewellen, Mack, Mahony, Martin, Matayo, Mathis, Medley, Milligan, Napper, Nichols, Norton, Oglesby, Ormond, Pace, Parks, Pate, Petrus, Pickett, L. Prater, S. Prater, Pritchard, Rankin, Roebuck, Rosenbaum, Schulte, Scrimshire, Scroggin, Seawel, R. Smith, Stovall, Sullivan, Sumpter, C. Taylor, J. Taylor, Thomas, Thomason, Thyer, Verkamp, Walters, Weaver, White, Wood, Mr. Speaker.

Total95

NEGATIVE:

Total0

ABSENT OR NOT VOTING: Adams, Clemons, Lamoureux, Moore, Penix.

Total5

VOTING PRESENT:

Total0

Total number of votes cast95

Total number voting in the affirmative95

Necessary to the passage of the bill51

So the Bill passed and the title as read was agreed to.

There being an Emergency Clause attached to **HOUSE BILL NO. 1052**, the Speaker ordered the clerk to call the roll upon the adoption of the Emergency Clause. The vote was as follows:

EMERGENCY CLAUSE

AFFIRMATIVE: Agee, Anderson, Bennett, Berry, Biggs, Blair, Bledsoe, Bolin, Bond, P. Bookout, Borhauer, Boyd, Bradford, Bright, Chesterfield, Childers, Cowling, Creekmore, Dangeau, Dees, Dickinson, Dobbins, Eason, Edwards, Elliott, D. Evans, L. Evans, Ferguson, Fite, Gillespie, Gipson, Goss, Green, Haak, Hardwick, Harris, Hathorn, Hickenbotham, House, Hutchinson, Jackson, Jacobs, Jeffrey, C. Johnson, J. Johnson, Jones, Judy, Kenney, Key, King, Ledbetter, Lendall, Lewellen, Mack, Mahony, Martin, Matayo, Mathis, Medley, Milligan, Napper, Nichols, Norton, Oglesby, Ormond, Pace, Parks, Pate, Petrus, Pickett, L. Prater, S. Prater, Pritchard, Rankin, Roebuck, Rosenbaum, Schulte, Scrimshire, Scroggin, Seawel, R. Smith, Stovall, Sullivan, Sumpter, C. Taylor, J. Taylor, Thomas, Thomason, Thyer, Verkamp, Walters, Weaver, White, Wood, Mr. Speaker.

Total95

NEGATIVE:

Total0

ABSENT OR NOT VOTING: Adams, Clemons, Lamoureux, Moore, Penix.

Total5

VOTING PRESENT:

Total0

Total number of votes cast95

Total number voting in the affirmative95

Necessary to the adoption of the emergency clause.....67

So the Emergency Clause was adopted.

Motion was made by Representative Weaver to recess for 15 minutes at 4:15 p.m.

The House reconvened at 4:50 p.m.

Upon motion of Representative Weaver the rules were suspended to consider an amendment to **SENATE BILL NO. 93**.

Upon motion of Representative Weaver, **SENATE BILL NO. 93** was placed back on second reading for the purpose of amendment.

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.

/s/ Paul Weaver

The Amendment was read and the vote was as follows:

AFFIRMATIVE: Agee, Anderson, Bennett, Berry, Biggs, Bledsoe, Bolin, Bond, P. Bookout, Borhauer, Boyd, Bradford, Bright, Chesterfield, Childers, Clemons, Cowling, Creekmore, Dangeau, Dees, Dickinson, Dobbins, Eason, Edwards, Elliott, D. Evans, L. Evans, Ferguson, Fite, Gillespie, Gipson, Goss, Green, Haak, Hardwick, Harris, Hathorn, Hickenbotham, House, Hutchinson, Jackson, Jacobs, Jeffrey, C. Johnson, J. Johnson, Jones, Judy, Kenney, Key, King, Ledbetter, Lendall, Lewellen, Mack, Mahony, Martin, Matayo, Mathis, Moore, Napper, Nichols, Norton, Oglesby, Ormond, Pace, Parks, Pate, Pickett, L. Prater, S. Prater, Pritchard, Rankin, Roebuck, Scrimshire, Seawel, R. Smith, Sullivan, Sumpter, C. Taylor, J. Taylor, Thomas, Thomason, Thyer, Verkamp, Walters, Weaver, White, Wood, Mr. Speaker.

Total89

NEGATIVE: Stovall.

Total1

ABSENT OR NOT VOTING: Adams, Blair, Lamoureux, Penix, Petrus, Rosenbaum, Schulte.

Total7

VOTING PRESENT: Medley, Milligan, Scroggin.

Total3

Total number of votes cast.....93

Total number voting in the affirmative89

Necessary to the adoption of the amendment.....51

The Amendment was read and adopted by more than 51 votes.

/s/ Ms. Jo Renshaw

Chief Clerk

Upon motion of Representative Weaver the rules were suspended. Considered in the Committee of the Whole. Returned with the recommendation that it "DO PASS."

SENATE BILL NO. 93

BY: JOINT BUDGET COMMITTEE

Was read the third time and placed on final passage, the question being shall the Bill pass and shall the Emergency Clause be adopted. The vote was as follows:

AFFIRMATIVE: Agee, Anderson, Bennett, Berry, Blair, Bledsoe, Bolin, Bond, Borhauer, Boyd, Bradford, Bright, Chesterfield, Childers, Clemons, Cowling, Creekmore, Dangeau, Dees, Dickinson, Dobbins, Eason, Edwards, Elliott, D. Evans, L. Evans, Ferguson, Fite, Gillespie, Gipson, Goss, Green, Haak, Hardwick, Harris, Hathorn, Hickinbotham, House, Jackson, Jacobs, Jeffrey, J. Johnson, Jones, Judy, Kenney, Key, King, Ledbetter, Lendall, Lewellen, Mack, Martin, Matayo, Mathis, Medley, Milligan, Moore, Napper, Nichols, Norton, Oglesby, Ormond, Pace, Parks, Pate, Petrus, L. Prater, S. Prater, Pritchard, Rankin, Roebuck, Rosenbaum, Schulte, Scrimshire, Seawel, R. Smith, Sullivan, Sumpter, C. Taylor, J. Taylor, Thomas, Thomason, Thyer, Verkamp, Walters, Weaver, White, Wood, Mr. Speaker.

Total89

NEGATIVE: Stovall.

Total1

ABSENT OR NOT VOTING: Adams, Biggs, P. Bookout, Hutchinson, C. Johnson, Lamoureux, Mahony, Penix, Pickett, Scroggin.

Total10

VOTING PRESENT:

Total0

Total number of votes cast90

Total number voting in the affirmative89

Necessary to the passage of the bill75

So the Bill passed and the title as read was agreed to.

There being an Emergency Clause attached to **SENATE BILL NO. 93**, the Speaker ordered the clerk to call the roll upon the adoption of the Emergency Clause. The vote was as follows:

EMERGENCY CLAUSE

AFFIRMATIVE: Agee, Anderson, Bennett, Berry, Blair, Bledsoe, Bolin, Bond, Borhauer, Boyd, Bradford, Bright, Chesterfield, Childers, Clemons, Cowling, Creekmore, Dangeau, Dees, Dickinson, Dobbins, Eason, Edwards, Elliott, D. Evans, L. Evans, Ferguson, Fite, Gillespie, Gipson, Goss, Green, Haak, Hardwick, Harris, Hathorn, Hickinbotham, House, Jackson, Jacobs, Jeffrey, J. Johnson, Jones, Judy, Kenney, Key, King, Ledbetter, Lendall, Lewellen, Mack, Martin, Matayo, Mathis, Medley, Milligan, Moore, Napper, Nichols, Norton, Oglesby, Ormond, Pace, Parks, Pate, Petrus, L. Prater, S. Prater, Pritchard, Rankin, Roebuck, Rosenbaum, Schulte, Scrimshire, Seawel, R. Smith, Sullivan, Sumpter, C. Taylor, J. Taylor, Thomas, Thomason, Thyer, Verkamp, Walters, Weaver, White, Wood, Mr. Speaker.

Total89

NEGATIVE: Stovall.

Total1

ABSENT OR NOT VOTING: Adams, Biggs, P. Bookout, Hutchinson, C. Johnson, Lamoureux, Mahony, Penix, Pickett, Scroggin.

Total10

VOTING PRESENT:

Total0

Total number of votes cast90

Total number voting in the affirmative89

Necessary to the adoption of the emergency clause.....67

So the Emergency Clause was adopted.

Upon motion of Representative Weaver the rules were suspended. Considered in the Committee of the Whole. Returned with the recommendation that it "DO PASS".

HOUSE BILL NO. 1073

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: Berry, Biggs, Blair, Bolin, Bond, P. Bookout, Boyd, Bradford, Chesterfield, Clemons, Cowling, Dangeau, Dees, Dickinson, Dobbins, Eason, Edwards, Elliott, D. Evans, L. Evans, Ferguson, Gillespie, Gipson, Goss, Green, Haak, Hardwick, Hathorn, Hickinbotham, House, Jackson, Jacobs, Jeffrey, C. Johnson, J. Johnson, Jones, Judy, King, Ledbetter, Lendall, Lewellen, Mahony, Martin, Mathis, Medley, Milligan, Moore, Napper, Nichols, Norton, Oglesby, Pate, Pickett, L. Prater, S. Prater, Roebuck, Scrimshire, Seawel, R. Smith, Stovall, Sullivan, Sumpter, Thomas, Thomason, Verkamp, Walters, Weaver, White, Wood, Mr. Speaker.

Total70

NEGATIVE: Agee, Anderson, Bledsoe, Borhauer, Bright, Childers, Harris, Hutchinson, Kenney, Key, Matayo, Ormond, Parks, Pritchard, Rankin, Schulte, J. Taylor, Thyer.

Total18

ABSENT OR NOT VOTING: Adams, Bennett, Creekmore, Fite, Lamoureux, Mack, Pace, Penix, Petrus, Rosenbaum, Scroggin, C. Taylor.

Total12

VOTING PRESENT:

Total0

Total number of votes cast88

Total number voting in the affirmative70

Necessary to the passage of the bill51

So the Bill passed and the title as read was agreed to.

There being an Emergency Clause attached to **HOUSE BILL NO. 1073**, the Speaker ordered the clerk to call the roll upon the adoption of the Emergency Clause. The vote was as follows:

EMERGENCY CLAUSE

AFFIRMATIVE: Berry, Biggs, Blair, Bolin, Bond, P. Bookout, Boyd, Bradford, Chesterfield, Clemons, Cowling, Dangeau, Dees, Dickinson, Dobbins, Eason, Edwards, Elliott, D. Evans, L. Evans, Ferguson, Gillespie, Gipson, Goss, Green, Haak, Hardwick, Hathorn, Hickinbotham, House, Jackson, Jacobs, Jeffrey, C. Johnson, J. Johnson, Jones, Judy, King, Ledbetter, Lendall, Lewellen, Mahony, Martin, Mathis, Medley, Milligan, Moore, Napper, Nichols, Norton, Oglesby, Pate, Pickett, L. Prater, S. Prater, Roebuck, Scrimshire, Seawel, R. Smith, Stovall, Sullivan, Sumpter, Thomas, Thomason, Verkamp, Walters, Weaver, White, Wood, Mr. Speaker.

Total70

NEGATIVE: Agee, Anderson, Bledsoe, Borhauer, Bright, Childers, Harris, Hutchinson, Kenney, Key, Matayo, Ormond, Parks, Pritchard, Rankin, Schulte, J. Taylor, Thyer.

Total18

ABSENT OR NOT VOTING: Adams, Bennett, Creekmore, Fite, Lamoureux, Mack, Pace, Penix, Petrus, Rosenbaum, Scroggin, C. Taylor.

Total12

VOTING PRESENT:

Total0

Total number of votes cast.....88

Total number voting in the affirmative70

Necessary to the adoption of the emergency clause.....67

So the Emergency Clause was adopted.

The House recessed at 5:08 p.m. and reconvened at 6:13 p.m.

The House recessed at 6:15 p.m.

Motion was made by Representative Mahony to refer **SENATE BILL NO. 91** to the Committee on JOINT BUDGET. Motion passed.

ENROLLED AND DELIVERY TO GOVERNOR REPORTS

Little Rock, Arkansas

February 5, 2004

MR. SPEAKER:

We, your committee on Enrolled Bills, to whom was referred the following:

HOUSE BILL NO. 1135 BY REPRESENTATIVE MAHONY

HOUSE BILL NO. 1148 BY REPRESENTATIVE STOVALL

HOUSE BILL NO. 1161 BY REPRESENTATIVES HATHORN, STOVALL

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 11:04 a.m. delivered them to the Governor for his approval.

Respectfully submitted,

/s/ Herschel W. Cleveland
Chairman

RECEIPT FROM THE GOVERNOR

RECEIVED FROM THE HOUSE:

HOUSE BILL NO. 1135 BY REPRESENTATIVE MAHONY

HOUSE BILL NO. 1148 BY REPRESENTATIVE STOVALL

HOUSE BILL NO. 1161 BY REPRESENTATIVES HATHORN, STOVALL

/s/ Mike Huckabee - Governor

TIME: 11:04 a.m.

By: Stacy DeJarnett

ENROLLED AND DELIVERY TO GOVERNOR REPORTS

Little Rock, Arkansas

February 5, 2004

MR. SPEAKER:

We, your committee on Enrolled Bills, to whom was referred the following:

HOUSE BILL NO. 1158 BY REPRESENTATIVE R. SMITH

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 3:09 p.m. delivered them to the Governor for his approval.

Respectfully submitted,

/s/ Herschel W. Cleveland

Chairman

RECEIPT FROM THE GOVERNOR

RECEIVED FROM THE HOUSE:

HOUSE BILL NO. 1158 BY REPRESENTATIVE R. SMITH

/s/ Mike Huckabee - Governor

TIME: 3:09 p.m.

By: Stacy DeJarnett

HOUSE BILLS ORDERED TRANSMITTED TO THE SENATE AS PASSED

HOUSE BILL NO. 1030 BY REPRESENTATIVE HICKINBOTHAM
 HOUSE BILL NO. 1041 BY REPRESENTATIVE MEDLEY
 HOUSE BILL NO. 1052 BY REPRESENTATIVE HOUSE
 HOUSE BILL NO. 1061 BY REPRESENTATIVE CHESTERFIELD
 EMERGENCY CLAUSE FAILED OF ADOPTION
 HOUSE BILL NO. 1073 BY REPRESENTATIVE CLEVELAND
 HOUSE BILL NO. 1098 BY REPRESENTATIVE MAHONY
 HOUSE BILL NO. 1138 BY REPRESENTATIVE C. JOHNSON
 HOUSE BILL NO. 1177 BY REPRESENTATIVE PETRUS

HOUSE CONCURRENT RESOLUTIONS ADOPTED AND
 ORDERED TRANSMITTED TO THE SENATE

HOUSE CONCURRENT RESOLUTION NO. 1003
 BY REPRESENTATIVE STOVALL

SENATE BILLS ORDERED RETURNED TO THE SENATE AS PASSED

SENATE BILL NO. 7 BY SENATOR BROADWAY
 AS AMENDED #1
 SENATE BILL NO. 49 BY SENATOR WILKINS
 SENATE BILL NO. 51 BY SENATOR BISBEE
 EMERGENCY CLAUSE FAILED OF ADOPTION
 SENATE BILL NO. 73 BY SENATOR ARGUE
 AS AMENDED #1
 SENATE BILL NO. 79 BY JOINT BUDGET COMMITTEE
 SENATE BILL NO. 85 BY SENATOR HIGGINBOTHOM
 SENATE BILL NO. 93 BY SENATOR BROADWAY
 AS AMENDED #1
 SENATE BILL NO. 94 BY SENATOR BROADWAY

ARKANSAS SENATE
HOUSE BILLS RETURNED FROM THE SENATE AS PASSED

HOUSE BILL NO. 1056 BY REPRESENTATIVE C. JOHNSON
AS AMENDED #1

HOUSE BILL NO. 1080 BY REPRESENTATIVE C. JOHNSON

HOUSE BILL NO. 1138 BY REPRESENTATIVE C. JOHNSON

HOUSE BILL NO. 1154 BY REPRESENTATIVE MAHONY
AS AMENDED #1

HOUSE BILL NO. 1162 BY REPRESENTATIVE STOVALL
AS AMENDED #1 & 2

HOUSE BILL NO. 1170 BY REPRESENTATIVE P. BOOKOUT

ARKANSAS SENATE
NOTICE OF RETURN OF HOUSE BILLS
HAVING FAILED TO PASS

HOUSE BILL NO. 1072 BY REPRESENTATIVE CLEVELAND

ARKANSAS SENATE
SENATE BILLS RECEIVED FROM SENATE

SENATE BILL NO. 91 BY SENATOR BISBEE

HOUSE BILL NO. 1185

BY: REPRESENTATIVES MILLIGAN, OGLESBY, ADAMS, J. TAYLOR
BY: SENATOR G. JEFFRESS

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO PROVIDE THAT ADVERTISING IS SUBJECT TO ARKANSAS SALES TAX; AND FOR OTHER PURPOSES.

Was read the first time, rules suspended, read the second time, and referred to the Committee on REVENUE AND TAXATION.

HOUSE BILL NO. 1186

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.

Was read the first time, rules suspended, read the second time, and referred to the Committee on REVENUE AND TAXATION.

HOUSE RESOLUTION NO. 1029

BY: REPRESENTATIVES MATAYO, ADAMS, BENNETT, BERRY, BLEDSOE, BOLIN, DICKINSON, D. EVANS, L. EVANS, FITE, HARDWICK, HOUSE, JEFFREY, KEY, MACK, MARTIN, MEDLEY, NORTON, PARKS, PETRUS, L. PRATER, PRITCHARD, ROEBUCK, ROSENBAUM, SCHULTE, SCROGGIN, SULLIVAN, SUMPTER, C. TAYLOR, J. TAYLOR, VERKAMP, WALTERS

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.

Was read the first time, rules suspended, read the second time and referred to the Committee on AGING, CHILDREN AND YOUTH, LEGISLATIVE AND MILITARY AFFAIRS.

HOUSE RESOLUTION NO. 1030

BY: REPRESENTATIVE BRADFORD

COMMEMORATING SIXTY YEARS OF EASTER SEALS ARKANSAS HELPING CHILDREN AND ADULTS WITH DISABILITIES GAIN THEIR GREATEST LEVEL OF INDEPENDENCE.

Was read the first time, rules suspended, read the second time and referred to the Committee on PUBLIC HEALTH, WELFARE AND LABOR.

HOUSE RESOLUTION NO. 1031

BY: REPRESENTATIVES MATHIS, MOORE

COMMENDING JUANITA C. WILLIAMS OF HOT SPRINGS ON HER COMMITMENT TO EDUCATION.

Was read the first time, rules suspended, read the second time and referred to the Committee on EDUCATION.

HOUSE RESOLUTION NO. 1032

BY: REPRESENTATIVES MOORE, MATHIS

RECOGNIZING AND COMMENDING PARK INTERNATIONAL BACCALAUREATE MAGNET SCHOOL.

Was read the first time, rules suspended, read the second time and referred to the Committee on EDUCATION.

HOUSE CONCURRENT RESOLUTION NO. 1004

BY: REPRESENTATIVE FITE

BY: SENATOR BROADWAY

ENCOURAGING SCHOOL DISTRICTS TO VOLUNTARILY UNDERTAKE MEASURES TO PROMOTE EFFICIENCY IN THE OPERATION OF THE SCHOOL DISTRICT.

Was read the first time, rules suspended, read the second time and referred to the Committee on EDUCATION.

SENATE BILL NO. 91

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.

Was read the first time, rules suspended, read the second time and referred to the Committee on JOINT BUDGET.

Upon motion of Representative Gillespie, the House adjourned at 6:26 p.m. until 10:00 a.m. Friday, February 6, 2004.

ATTEST:

Herschel W. Cleveland
Speaker of the House of Representatives

Jo Renshaw
Chief Clerk

**SIXTY-FIRST DAY'S PROCEEDINGS
HALL OF THE HOUSE OF REPRESENTATIVES**

Little Rock, Arkansas
February 6, 2004

The House was called to order at 10:07 a.m. by Mr. Cleveland, the Speaker.
The following members answered to the roll call:

Adams, Agee, Anderson, Bennett, Berry, Biggs, Blair, Bledsoe, Bolin, Bond, Bookout, Borhauer, Boyd, Bradford, Bright, Chesterfield, Childers, Clemons, Cowling, Creekmore, Dangeau, Dees, Dickinson, Dobbins, Eason, Edwards, Elliott, D.Evans, L. Evans, Ferguson, Fite, Gillespie, Gipson, Goss, Green, Haak, Hardwick, Harris, Hathorn, Hickinbotham, House, Hutchinson, Jackson, Jacobs, Jeffrey, C.Johnson, J. Johnson, Jones, Judy, Kenney, Key, King, Lamoureux, Ledbetter, Lendall, Lewellen, Mack, Mahony, Martin, Matayo, Mathis, Medley, Milligan, Moore, Napper, Nichols, Norton, Oglesby, Ormond, Pace, Parks, Pate, Penix, Petrus, Pickett, L. Prater, S. Prater, Pritchard, Rankin, Roebuck, Rosenbaum, Schulte, Scrimshire, Scroggin, Seawel, Smith, Stovall, Sullivan, Sumpter, C.Taylor, J.Taylor, Thomas, Thomason, Thyer, Verkamp, Walters, Weaver, White, Wood, Mr. Speaker.

Total100

The following member(s) was absent and did not answer to the roll call:

Total0

A quorum was present.

The House stood and was led in prayer by Representative Jay Martin.

The House stood and gave the Pledge of Allegiance to the Flag.

The reading of the Journal of yesterday's proceedings was dispensed with.

COMMITTEE REPORT

	February 6, 2004
EDUCATION	CALVIN JOHNSON
	CHAIRPERSON
HOUSE BILL NO. 1056	DO PASS, TO CONCUR IN
BY REPRESENTATIVE C. JOHNSON	SENATE AMENDMENT #1
HOUSE BILL NO. 1154	DO PASS, TO CONCUR IN
BY REPRESENTATIVE MAHONY	SENATE AMENDMENT #1
HOUSE BILL NO. 1177	DO PASS, TO CONCUR IN
BY REPRESENTATIVE PETRUS	SENATE AMENDMENTS
	#1 & 2
HOUSE BILL NO. 1182	DO PASS
BY REPRESENTATIVE GILLESPIE	AS AMENDED #1
HOUSE RESOLUTION NO. 1031	DO PASS
BY REPRESENTATIVE MATHIS	
HOUSE RESOLUTION NO. 1032	DO PASS
BY REPRESENTATIVE MOORE	
HOUSE CONCURRENT RESOLUTION NO. 1004	DO PASS
BY REPRESENTATIVE FITE	
SENATE BILL NO. 49	DO PASS
BY SENATOR WILKINS	AS AMENDED #1
SENATE BILL NO. 83	DO PASS
BY SENATOR WILKINS	

COMMITTEE REPORT

	February 6, 2004
JOINT BUDGET	PAUL WEAVER
	CHAIRPERSON
SENATE BILL NO. 91	DO PASS
BY SENATOR BISBEE	AS AMENDED #1

COMMITTEE REPORT

PUBLIC HEALTH, WELFARE AND LABOR	February 6, 2004 JAY BRADFORD CHAIRPERSON
HOUSE RESOLUTION NO. 1030 BY REPRESENTATIVE BRADFORD	DO PASS

COMMITTEE REPORT

REVENUE AND TAXATION	February 6, 2004 BOYD HICKINBOTHAM CHAIRPERSON
HOUSE BILL NO. 1162 BY REPRESENTATIVE STOVALL	DO PASS, TO CONCUR IN SENATE AMENDMENTS #1 & 2
HOUSE BILL NO. 1185 BY REPRESENTATIVE MILLIGAN	DO PASS
HOUSE BILL NO. 1186 BY REPRESENTATIVE JACKSON	DO PASS

Upon motion of Representative Chesterfield, **HOUSE BILL NO. 1179** was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 1 TO HOUSE BILL NO. 1179

Amend **HOUSE BILL NO. 1179** as originally introduced:

Page 1, line 30, delete "employee's" and substitute "employee's educational professional"

/s/ L. Chesterfield

The Amendment was read and adopted by more than 51 votes.

/s/ Ms. Jo Renshaw
Chief Clerk

Upon motion of Representative Jones, **HOUSE BILL NO. 1181** was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 1 TO HOUSE BILL NO. 1181

Amend **HOUSE BILL NO. 1181** as originally introduced:

Page 11, delete lines 20 through 36

AND

Page 12, delete lines 1 through 12

/s/ Steven Jones

The Amendment was read and adopted by more than 51 votes.

/s/ Ms. Jo Renshaw
Chief Clerk

The House gave Representative Fite unanimous leave to withdraw **HOUSE BILL NO. 1126**. Recommended committee study by EDUCATION - HOUSE.

The House gave Representative Hathorn unanimous leave to withdraw **HOUSE BILL NO. 1123**. Recommended committee study by EDUCATION - HOUSE.

The House gave Representative Bolin unanimous leave to withdraw **HOUSE BILL NO. 1144**. Recommended committee study by REVENUE AND TAXATION - HOUSE.

The House gave Representative Bolin unanimous leave to withdraw **HOUSE BILL NO. 1145**. Recommended committee study by REVENUE AND TAXATION - HOUSE.

The House gave Representative Bolin unanimous leave to withdraw **HOUSE BILL NO. 1146**. Recommended committee study by REVENUE AND TAXATION - HOUSE.

ENGROSSED BILL REPORTS

HERSCHEL W. CLEVELAND, CHAIRMAN

February 6, 2004

The following bill(s) reported correctly engrossed:

HOUSE BILL NO. 1172 - TITLE - BY REPRESENTATIVE PACE, ET AL

HOUSE BILL NO. 1179 BY REPRESENTATIVE CHESTERFIELD, ET AL

HOUSE BILL NO. 1181 BY REPRESENTATIVE JONES

HOUSE BILL NO. 1182 - TITLE - BY REPRESENTATIVE GILLESPIE, ET AL

SENATE BILL NO. 49 BY SENATOR WILKINS

SENATE BILL NO. 91 BY SENATOR BISBEE

HOUSE BILL ENGROSSED AS TITLE AMENDED

HOUSE BILL NO. 1172

BY: REPRESENTATIVES PACE, KENNEY, *KEY*, *MATAYO*

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO REDUCE THE STATE SALES AND USE TAX RATE ON FOOD TO TWO AND SEVEN-EIGHTHS PERCENT (2.875%); AND FOR OTHER PURPOSES.

HOUSE BILL ENGROSSED AS TITLE AMENDED

HOUSE BILL NO. 1182

BY: REPRESENTATIVES GILLESPIE, *STOVALL*

A BILL FOR AN ACT TO BE ENTITLED AN ACT PROVIDING EDUCATION REFORM IN ARKANSAS; TO PROVIDE FOR EDUCATION FUNDING; TO ESTABLISH *THE EDUCATIONAL FACILITIES FUND ACCOUNT*; TO CREATE A SUPPLEMENTAL TEACHER SALARY PLAN FOR DISTRICTS UNABLE TO MEET TEACHER SALARY INCREASE REQUIREMENTS; AND FOR OTHER PURPOSES.

Upon motion of Representative Kenney, **HOUSE BILL NO. 1172** was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 1 TO HOUSE BILL NO. 1172

Amend **HOUSE BILL NO. 1172** as originally introduced:

Add Representatives Key and Matayo as cosponsors of the bill.

/s/ Mike Kenney

/s/ Daryl Pace

The Amendment was read and adopted by more than 51 votes.

/s/ Ms. Jo Renshaw

Chief Clerk

Representative Pickett moved that the House concur in the following Senate Amendment.

ARKANSAS SENATE

AMENDMENT NO. 3 TO HOUSE BILL NO. 1009

Amend **HOUSE BILL NO. 1009** as engrossed, S2/4/04

(version: 02-04-2004 13:08):

Page 1, delete lines 9 through 12 and substitute:

"AN ACT TO CREATE THE DIVISION OF PUBLIC SCHOOL ACCOUNTABILITY AND THE DIVISION OF PUBLIC SCHOOL ACADEMIC FACILITIES; TO REQUIRE THE REALIGNMENT OF THE DEPARTMENT OF EDUCATION; TO CHANGE THE TERM OF OFFICE OF MEMBERS OF THE STATE BOARD OF EDUCATION; AND FOR OTHER PURPOSES."

AND

Delete the subtitle in its entirety and substitute:

"AN ACT TO CREATE THE DIVISION OF PUBLIC SCHOOL ACCOUNTABILITY AND THE DIVISION OF PUBLIC SCHOOL ACADEMIC FACILITIES; TO REQUIRE THE REALIGNMENT OF THE DEPARTMENT OF EDUCATION."

AND

Delete everything following the enacting clause and substitute:

"SECTION 1. Creation of the Division of Public School Accountability.

(a)(1) To enhance the public's access to public school performance indicators and to better measure the benefits of the increasing public investment in Arkansas' schools, the General Assembly finds that a Division of Public School Accountability shall be established under the direct operational control of the State Board of Education.

(2) The foremost obligation of the division shall be to administer all monitoring and compliance activities dealing with academic and fiscal accountability for each school or school district and report academic progress.

(b) There is created a Division of Public School Accountability, which shall begin operation within one hundred twenty (120) calendar days following the effective date of this act.

(c) The division shall be under the supervision of the state board.

(d)(1) The state board shall select an individual to serve as the Director of the Division of Public School Accountability and the director shall serve at the pleasure of the state board.

(2) The person selected as the director shall:

(A) Be a person of good moral character and qualified technically and by experience to direct the work of the Division of Accountability;

(B) Hold a master's degree or a higher level degree from an accredited institution; and

(C) Have ten (10) years of experience in an administrative, supervisory, or management position.

(3) No person who is related within the fourth degree of consanguinity or affinity to any member of the board shall be eligible to serve as the director.

(e) The director, with guidance and approval from the state board, shall be responsible for hiring all employees of the division.

(f) The division shall have the following responsibilities:

(1) Monitor schools for compliance with state and federal regulations;

(2) Monitor schools for compliance with legislative acts and court-ordered mandates;

(3) Monitor schools for compliance with all standards of learning and accreditation as established by the state board;

(4) Monitor schools for compliance with all rules and regulations as established by the state board;

(5) Coordinate the analysis, dissemination, and reporting of all criterion and norm-referenced testing information;

(6) Coordinate the implementation and administration of longitudinal tracking and trend data collection as established by the state board for the purposes of improving student and school performance, ensuring mastery of the curriculum, and providing comparisons between students within Arkansas and with students in other states;

(7) Coordinate the implementation and administration of value-added assessments as established by the state board;

(8) Coordinate the implementation and administration of the annual school performance reports as established by the state board;

(9) Administer all monitoring and compliance activities dealing with academic and fiscal accountability as established by the state board; and

(10) Work with program approval and certification sections of the Department of Education, the Department of Higher Education, the Department of Workforce Education, and the individual colleges to provide information that will contribute to reasonable, equitable, and excellent preparation of certified personnel in the institutions, both public and private, of higher education.

(g)(1) The division shall provide annual reports of school performance or compliance to the Joint Interim Oversight Committee on Education Reform, the

House Interim Committee on Education, and the Senate Interim Committee on Education.

(2) A preliminary report shall be provided by January 1 of each year and a follow-up report that includes information regarding on-site visits shall be filed by June 1 of each year.

(h)(1) There is created the Arkansas Public Schools Accountability Advisory Council that shall begin operation within one hundred twenty (120) calendar days following the effective date of this act. The membership of the council shall include:

(A) One (1) member designated as chair to be selected by the Governor, who shall be a representative of Arkansas businesses;

(B) One (1) member selected by the Governor, who shall be a representative of an educator's union in the State of Arkansas;

(C) One (1) member selected by the Governor, who shall be a parent or guardian of at least one (1) student currently enrolled in grades kindergarten through twelve (K-12) in a public school in the State of Arkansas;

(D) One (1) member selected by the Speaker of the House of Representatives who shall be a representative of higher education;

(E) One (1) member appointed by the President Pro Tempore of the Senate who shall be a representative of Arkansas businesses;

(F) One (1) member appointed by the Chair of the Senate Committee on Education who is currently employed as a teacher in the grades kindergarten through twelve (K-12) public school system in the State of Arkansas;
and

(G) One (1) member appointed by the Chair of the House Committee on Education who shall be a representative of the administration of a public school in the State of Arkansas.

(2) The council shall provide advice and consultation services for the director.

(3) The council may be convened by the chair of the council, by the chair of the state board, or by the director.

(4) Members shall not receive compensation for service on the council but may receive expense reimbursement as provided in Arkansas Code § 25-16-902.

SECTION 2. Creation of the Division of Public School Academic Facilities.

(a) In order to ensure that substantially equal access to adequate educational facilities and educational equipment is provided for all public school students in Arkansas, the General Assembly finds that a Division of Public School Academic Facilities should be established under the direct supervision of the State Board of

Education.

(b) There is created a Division of Public School Academic Facilities which shall begin operation within one hundred twenty (120) calendar days following the effective date of this act.

(c) The Division of Public School Academic Facilities shall be under the supervision of the state board.

(d)(1) The state board shall select an individual to serve as the Director of the Division of Public School Academic Facilities and the Director of the Division of Public School Academic Facilities shall serve at the pleasure of the state board.

(2) The Director of the Division of Public School Academic Facilities shall be an architect that is licensed by the State of Arkansas.

(3) No person who is related within the fourth degree of consanguinity or affinity to any member of the board shall be eligible to serve as the director.

(e) The Director of the Division of Public School Academic Facilities, with guidance and approval from the state board, shall be responsible for hiring all employees of the division.

(f) The Executive Chief Information Officer shall assign one (1) individual from the staff of the Office of Information Technology to serve as a technology liaison to the Division of Public School Academic Facilities.

(g) The Director of the Arkansas Building Authority shall assign one (1) individual from the staff of the Arkansas Building Authority to serve as a physical plant liaison to the Director of the Public School Academic Facilities.

(h) The Division of Public School Academic Facilities shall:

(1) Provide information or assistance to the Joint Committee on Educational Facilities created by Act 1181 of 2003 as requested by the joint committee;

(2) Use any recommendation or assessments of the joint committee or the General Assembly as a basis for establishing the policies and procedures of the Division of Public School Academic Facilities; and

(3) Provide assistance, as requested, to the Joint Committee on Educational Facilities in conducting an assessment of all school facilities in the state and continue to update and maintain current assessments of all school facilities after the expiration of the joint committee on December 31, 2004.

(i)(1) The Director of the Division of Public School Academic Facilities shall create and implement a standardized reporting format and select the method to be utilized by school districts in the preparation and submission of the list to the Division of Public School Academic Facilities.

(2) The data gathered from the reports generated by the school

districts shall be presented to the state board for compilation into an annual report to the Governor and the House Interim Committee on Education and the Senate Interim Committee on Education on the facility needs in the state.

(3) The Division of Public School Academic Facilities shall conduct any reviews, site visits, and other research during the year to assist in preparation of the annual report.

(j)(1) The Director of the Division of Public School Academic Facilities shall provide to the Governor and the House Interim Committee on Education and the Senate Interim Committee on Education reports on the status of public school academic facilities including the facility and technology needs and priorities for each category.

(2) A preliminary report shall be provided by January 1 each year and a follow-up report that includes information regarding on-site visits shall be filed by June 1 each year.

(k)(1)(A) No later than September 30 of each even-numbered year of the biennium, the Division of Public School Academic Facilities shall present to the state board the list of public school facility repairs, improvements, and construction along with technology improvements that the Division of Public School Academic Facilities recommends for the next biennium.

(B) Copies of the list shall be provided to the Governor and the House Interim Committee on Education and the Senate Interim Committee on Education.

(2) The state board shall prioritize funding for public school facility repairs, improvements, and construction along with technology improvements based on the recommendations of the Division of Public School Academic Facilities.

(l) The state board and the Division of Public School Academic Facilities shall develop, by rule and regulation, the process for developing the list of public school facility repairs, improvements, and construction along with technology improvements necessary under this act.

SECTION 3. REALIGNMENT OF THE DEPARTMENT OF EDUCATION. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL, AND TEMPORARY LAW.

(a)(1) Following the implementation of this act, the Department of Education shall realign.

(2) The purpose of the realignment shall be for the department and the Division of Public School Accountability and the Division of Public School Academic Facilities to maximize their role as the active senior partners with the schools and to prepare to intervene immediately rather than after the school or school district fails.

(3)(A) To realign, the department shall form a taskforce consisting of the Director of the Division of Public School Accountability, the Director of the Division of Public School Academic Facilities, key department personnel, school district personnel, teachers, and other stakeholders to conduct a study of the department's and the divisions' delivery system and to make recommendations for the department's realignment.

(B) As part of the study, the taskforce shall:

(i) Review the functions, and responsibilities of the department, the Division of Public School Accountability, and the Division of Public School Academic Facilities to align the personnel according to these functions and responsibilities to ensure each employee is qualified and capable of performing his or her duties according to the functions and responsibilities as defined by the taskforce; and

(ii)(a) Conduct a comprehensive review of the salaries of individuals necessary to fulfill the department's functions as defined by the taskforce, responsibilities, and constitutional mission of the state.

(b) This study shall include a review of equity adjustments necessary to recognize differences in responsibility, performance, or seniority.

(C) Qualifications and salary levels of the department's staff shall be comparable to those of similar employees in school districts or in other state education agencies.

(b) Following the work of the taskforce under this section, the department shall present proposed changes in staff grades and salaries to the Joint Budget Committee at the earliest opportunity for the purpose of preparing suggested legislation to be approved by the General Assembly.

(c) The Director of the Department of Education may transfer any unclassified position to the Division of Public School Accountability or the Division of Public School Academic Facilities if the director of the division agrees that the position is an appropriate position to be in the division and approves the transfer.

(d) The restructuring of the department shall be conducted in a manner that will provide sufficient personnel within the department to provide administrative and technological support to the Division of Public School Accountability and the Division of Public School Academic Facilities at a level that is sufficient for the divisions to carry out the duties set forth in this act.

(e) In the restructuring of the department the director may require the department, the Division of Public School Academic Facilities, and the Division of Public School Accountability to coordinate and share certain administrative,

custodial, legal, internal finance, and other necessary personnel to effectuate the daily operations of those divisions and the department.

SECTION 4. Arkansas Code § 6-11-101(b), concerning the term of office of State Board of Education members, is amended as follows:

(b)(1) The term of office of a member of the board, appointed prior to the effective date of subdivision (b)(2)(A) of this section, shall be six (6) years.

(2)(A) The term of office of the first member appointed after the effective date of this subdivision (b)(2)(A) shall be a single term of six (6) years and all other appointments after the effective date of this subdivision (b)(2)(A) shall be for a single term of seven (7) years.

(B)(i) Any member appointed to the state board to fill a vacancy for an uncompleted term with fewer than three (3) years remaining on the original term may be reappointed to an additional term of seven (7) years.

(ii) No member serving three (3) or more years on the state board may be reappointed.

(3) No current or new member shall be allowed to resign in order to be appointed to a new term on the board.

(4) Nothing in this section shall be construed to change the terms of any member of the state board that was appointed prior to the effective date of this subdivision (b)(2)(A) of this section.

SECTION 5. EMERGENCY CLAUSE. It is found and determined by the General Assembly of the State of Arkansas that the Arkansas Supreme Court in Lake View School District No. 25 v. Huckabee, 351 Ark. 31 (2002), declared the now existing system of education to be unconstitutional because it is both inequitable and inadequate; the Arkansas Supreme Court set forth the test for a constitutional system to be a system in which the state has an "absolute duty" to provide an "equal opportunity to an adequate education"; and that this act is immediately necessary because the Arkansas Supreme Court instructed the General Assembly to define and provide what is necessary to provide an adequate and equitable education for the children of Arkansas. Therefore, an emergency is declared to exist and this act being immediately necessary for the preservation of the public peace, health, and safety shall become effective on:

(1) The date of its approval by the Governor;

(2) If the bill is neither approved nor vetoed by the Governor, the expiration of the period of time during which the Governor may veto the bill; or

(3) If the bill is vetoed by the Governor and the veto is overridden, the date the last house overrides the veto."

/s/ Jim Argue

The Amendment was read and the vote was as follows:

AFFIRMATIVE: Anderson, Biggs, Blair, Bolin, Bond, P. Bookout, Borhauer, Bradford, Clemons, Cowling, Creekmore, Dees, Eason, Elliott, L. Evans, Ferguson, Fite, Gillespie, Gipson, Goss, Green, Haak, Hardwick, Hathorn, House, Hutchinson, Jacobs, C. Johnson, J. Johnson, Jones, Judy, King, Lamoureux, Ledbetter, Lendall, Lewellen, Martin, Matayo, Mathis, Medley, Milligan, Moore, Norton, Oglesby, Ormond, Penix, Pickett, L. Prater, S. Prater, Pritchard, Rankin, Roebuck, Rosenbaum, Seawel, R. Smith, Sullivan, Sumpter, C. Taylor, Thomas, Verkamp, White, Wood.

Total62

NEGATIVE: Adams, Agee, Bennett, Berry, Bright, Dickinson, Edwards, Hickinbotham, Jackson, Jeffrey, Kenney, Mack, Nichols, Pate, J. Taylor, Thomason, Walters.

Total17

ABSENT OR NOT VOTING: Bledsoe, Boyd, Chesterfield, Childers, Dangeau, Dobbins, D. Evans, Harris, Key, Mahony, Napper, Pace, Parks, Petrus, Schulte, Scrimshire, Scroggin, Stovall, Thyer, Weaver, Mr. Speaker.

Total21

VOTING PRESENT:

Total0

Total number of votes cast79

Total number voting in the affirmative62

Necessary to concur in the amendment.....51

So the Amendment was concurred in.

/s/ Ms. Jo Renshaw
Chief Clerk

There being an Emergency Clause attached to **SENATE AMENDMENT NO. 3 TO HOUSE BILL NO. 1009**, the Speaker ordered the clerk to call the roll upon the adoption of the Emergency Clause. The vote was as follows:

EMERGENCY CLAUSE

AFFIRMATIVE: Anderson, Biggs, Blair, Bolin, Bond, P. Bookout, Borhauer, Bradford, Childers, Clemons, Cowling, Creekmore, Dees, Eason, Elliott, D. Evans, L. Evans, Ferguson, Fite, Gillespie, Green, Haak, Hardwick, Hathorn, House, Hutchinson, Jacobs, C. Johnson, J. Johnson, Jones, Judy, King, Lamoureux, Ledbetter, Lendall, Lewellen, Martin, Matayo, Mathis, Medley, Milligan, Moore, Napper, Oglesby, Ormond, Penix, Petrus, L. Prater, S. Prater, Pritchard, Rankin, Roebuck, Rosenbaum, R. Smith, Sullivan, Sumpter, Thomas, Thyer, Verkamp, Walters, White, Wood.

Total62

NEGATIVE: Adams, Agee, Berry, Bright, Dickinson, Edwards, Jackson, Jeffrey, Kenney, Mack, Nichols, Pate, C. Taylor, J. Taylor, Thomason.

Total15

ABSENT OR NOT VOTING: Bennett, Bledsoe, Boyd, Chesterfield, Dangeau, Dobbins, Gipson, Goss, Harris, Hickinbotham, Key, Mahony, Norton, Pace, Parks, Pickett, Schulte, Scrimshire, Scroggin, Seawel, Stovall, Weaver, Mr. Speaker.

Total23

VOTING PRESENT:

Total0

Total number of votes cast.....77

Total number voting in the affirmative62

Necessary to the adoption of the emergency clause.....67

So the Emergency Clause was not adopted.

HOUSE BILL NO. 1159

BY: REPRESENTATIVE MATAYO

Was read the third time and placed on final passage, the question being shall the Bill pass. The vote was as follows:

AFFIRMATIVE: Adams, Agee, Anderson, Bennett, Berry, Biggs, Blair, Bledsoe, Bolin, Bond, P. Bookout, Borhauer, Boyd, Bradford, Bright, Childers, Clemons, Cowling, Creekmore, Dangeau, Dees, Dickinson, Eason, Edwards, Elliott, L. Evans, Ferguson, Fite, Gillespie, Gipson, Goss, Green, Haak, Hardwick, Hathorn, Hickinbotham, House, Hutchinson, Jackson, Jacobs, Jeffrey, C. Johnson, J. Johnson, Jones, Judy, Kenney, Key, King, Lamoureux, Lendall, Lewellen, Mack, Mahony, Martin, Matayo, Mathis, Medley, Milligan, Moore, Napper, Nichols, Norton, Oglesby, Ormond, Pace, Parks, Penix, Petrus, Pickett, L. Prater, S. Prater, Rankin, Roebuck, Rosenbaum, Schulte, Scrimshire, Seawel, R. Smith, Sullivan, Sumpter, C. Taylor, J. Taylor, Thomas, Thomason, Thyer, Verkamp, Walters, Weaver, White, Wood.

Total90

NEGATIVE: D. Evans, Pritchard.

Total2

ABSENT OR NOT VOTING: Chesterfield, Dobbins, Harris, Ledbetter, Pate, Scroggin, Stovall, Mr. Speaker.

Total8

VOTING PRESENT:

Total0

Total number of votes cast.....92

Total number voting in the affirmative90

Necessary to the passage of the bill51

So the Bill passed and the title as read was agreed to.

Motion was made by Representative Berry to reconsider **HOUSE BILL NO. 1043**.

On this motion the vote was as follows:

AFFIRMATIVE: Anderson, Berry, Blair, Bond, Borhauer, Boyd, Bradford, Bright, Chesterfield, Childers, Clemons, Creekmore, Dangeau, Dickinson, Dobbins, Eason, Elliott, D. Evans, Ferguson, Fite, Goss, Green, Haak, Hathorn, Hickinbotham, House, Hutchinson, Jacobs, Jeffrey, C. Johnson, J. Johnson, King, Ledbetter, Lendall, Lewellen, Mack, Mahony, Martin, Matayo, Mathis, Medley, Moore, Norton, Pace, Penix, Petrus, Pickett, L. Prater, S. Prater, Pritchard, Roebuck, Rosenbaum, Schulte, Seawel, R. Smith, Sullivan, Sumpter, C. Taylor, Thomas, Thyer, Verkamp, Walters, White, Wood.

Total64

NEGATIVE: Agee, Bennett, Biggs, Edwards, Gillespie, Gipson, Hardwick, Jones, Lamoureux, Napper, Nichols, Oglesby, Ormond, Pate, Rankin, Thomason, Weaver.

Total17

ABSENT OR NOT VOTING: Adams, Bledsoe, Bolin, P. Bookout, Cowling, Dees, L. Evans, Harris, Jackson, Judy, Kenney, Key, Milligan, Parks, Scrimshire, Scroggin, Stovall, J. Taylor, Mr. Speaker.

Total19

VOTING PRESENT:

Total0

Total number of votes cast.....81

Total number voting in the affirmative64

Necessary to the adoption of the motion.....51

So the motion was adopted.

HOUSE BILL NO. 1043

BY: REPRESENTATIVE MEDLEY

Was read the third time and placed on final passage, the question being shall the Bill pass. The vote was as follows:

AFFIRMATIVE: Blair, Bolin, P. Bookout, Borhauer, Boyd, Bradford, Bright, Chesterfield, Clemons, Cowling, Creekmore, Dangeau, Dees, Dickinson, Dobbins, Eason, Elliott, D. Evans, Ferguson, Goss, Green, Haak, Hathorn, Hickinbotham, House, Jackson, Jeffrey, C. Johnson, J. Johnson, Jones, Judy, King, Ledbetter, Lendall, Lewellen, Mack, Mahony, Martin, Mathis, Medley, Moore, Penix, Pickett, S. Prater, Roebuck, R. Smith, Sullivan, C. Taylor, Thomas, Thyer, Verkamp, Walters, White, Wood.

Total54

NEGATIVE: Adams, Agee, Anderson, Bennett, Berry, Biggs, Bledsoe, Bond, Childers, Edwards, Fite, Gillespie, Gipson, Hardwick, Hutchinson, Kenney, Lamoureux, Matayo, Nichols, Norton, Oglesby, Ormond, Pace, Pate, L. Prater, Pritchard, Rankin, Rosenbaum, Schulte, Seawel, Sumpter, J. Taylor, Thomason, Weaver.

Total34

ABSENT OR NOT VOTING: Harris, Key, Milligan, Napper, Parks, Petrus, Scrimshire, Scroggin, Stovall, Mr. Speaker.

Total10

VOTING PRESENT: L. Evans, Jacobs.

Total2

Total number of votes cast.....90

Total number voting in the affirmative54

Necessary to the passage of the bill51

So the Bill passed and the title as read was agreed to.

The Chair requested the Sounding of the Ballot on **HOUSE BILL NO. 1043** and the call was sustained. The following members votes were successfully challenged:

AYE: DOBBINS, HOUSE, JEFFREY, LEDBETTER

Total	4
Total number of votes cast	86
Necessary to the passage of the bill	51
Total number voting in the affirmative	50
Total number voting in the negative	34
Total number absent or not voting.....	14
Total number voting present	2

So the Bill failed to pass.

HOUSE BILL NO. 1043

BY: REPRESENTATIVE MEDLEY

Was read the third time and placed on final passage, the question being shall the Bill pass. The vote was as follows:

AFFIRMATIVE: Blair, Bolin, P. Bookout, Borhauer, Boyd, Bradford, Bright, Chesterfield, Clemons, Cowling, Creekmore, Dangeau, Dees, Dickinson, Eason, Elliott, D. Evans, Ferguson, Goss, Green, Haak, Hathorn, Hickinbotham, Jackson, C. Johnson, J. Johnson, Jones, Judy, King, Lendall, Lewellen, Mack, Mahony, Martin, Mathis, Medley, Moore, Penix, Pickett, S. Prater, Roebuck, R. Smith, Sullivan, C. Taylor, Thomas, Thyer, Verkamp, Walters, White, Wood.

Total50

NEGATIVE: Adams, Agee, Anderson, Bennett, Berry, Biggs, Bledsoe, Bond, Childers, Edwards, Fite, Gillespie, Gipson, Hardwick, Hutchinson, Kenney, Lamoureux, Matayo, Nichols, Norton, Oglesby, Ormond, Pace, Pate, L. Prater, Pritchard, Rankin, Rosenbaum, Schulte, Seawel, Sumpter, J. Taylor, Thomason, Weaver.

Total34

ABSENT OR NOT VOTING: Dobbins, Harris, House, Jeffrey, Key, Ledbetter, Milligan, Napper, Parks, Petrus, Scrimshire, Scroggin, Stovall, Mr. Speaker.

Total14

VOTING PRESENT: L. Evans, Jacobs.

Total2

Total number of votes cast86

Total number voting in the affirmative50

Necessary to the passage of the bill51

So the Bill failed.

SENATE BILL NO. 89

BY: SENATOR STEELE

Was read the third time and placed on final passage, the question being shall the Bill pass. The vote was as follows:

AFFIRMATIVE: Adams, Agee, Anderson, Berry, Biggs, Blair, Bolin, Bond, P. Bookout, Borhauer, Boyd, Bradford, Bright, Chesterfield, Childers, Clemons, Creekmore, Dangeau, Dees, Dickinson, Dobbins, Eason, Edwards, Elliott, D. Evans, L. Evans, Ferguson, Fite, Gillespie, Goss, Green, Hardwick, Hathorn, Hickinbotham, House, Jackson, Jacobs, Jeffrey, C. Johnson, J. Johnson, Jones, Judy, Kenney, King, Lamoureux, Ledbetter, Lendall, Lewellen, Mack, Mahony, Martin, Medley, Milligan, Moore, Napper, Oglesby, Pace, Pate, Penix, Petrus, Pickett, L. Prater, S. Prater, Pritchard, Rankin, Roebuck, Scrimshire, Seawel, R. Smith, Stovall, Sullivan, Sumpter, J. Taylor, Thomas, Thomason, Thyer, Verkamp, Weaver, White, Wood.

Total80

NEGATIVE: Bennett, Bledsoe, Cowling, Gipson, Haak, Hutchinson, Matayo, Nichols, C. Taylor.

Total9

ABSENT OR NOT VOTING: Harris, Key, Mathis, Norton, Ormond, Parks, Rosenbaum, Schulte, Scroggin, Walters, Mr. Speaker.

Total11

VOTING PRESENT:

Total0

Total number of votes cast.....89

Total number voting in the affirmative80

Necessary to the passage of the bill51

So the Bill passed and the title as read was agreed to.

Upon motion of Representative Bolin the Clincher motion prevailed.

Motion was made by Representative Anderson to place **SENATE BILL NO. 55** back on second reading for the purpose of amendment.

On this motion the vote was as follows:

AFFIRMATIVE: Adams, Agee, Anderson, Bennett, Berry, Bledsoe, P. Bookout, Bright, Childers, Dickinson, D. Evans, Haak, Hardwick, Hutchinson, Kenney, Key, King, Lamoureux, Martin, Matayo, Moore, Norton, Oglesby, Ormond, Pace, Parks, Petrus, Pickett, Rankin, Rosenbaum, Schulte, R. Smith, C. Taylor, J. Taylor, Verkamp, Walters, Wood.

Total37

NEGATIVE: Blair, Bolin, Bond, Borhauer, Boyd, Bradford, Chesterfield, Clemons, Cowling, Creekmore, Dangeau, Dees, Eason, Elliott, L. Evans, Ferguson, Goss, Green, Jacobs, Jeffrey, J. Johnson, Jones, Judy, Ledbetter, Lendall, Lewellen, Mack, Mahony, Mathis, Nichols, Pate, L. Prater, S. Prater, Roebuck, Scroggin, Seawel, Sullivan, Sumpter, Thomas, Thomason, Thyer, White.

Total42

ABSENT OR NOT VOTING: Biggs, Dobbins, Edwards, Fite, Gillespie, Gipson, Harris, Hathorn, Hickinbotham, House, Jackson, C. Johnson, Medley, Milligan, Napper, Penix, Pritchard, Scrimshire, Stovall, Weaver, Mr. Speaker.

Total21

VOTING PRESENT:

Total0

Total number of votes cast79

Total number voting in the affirmative37

Necessary to the adoption of the motion51

So the motion failed of adoption.

Motion was made by Representative Jacobs for immediate consideration of **SENATE BILL NO. 55**. Motion carried.

Upon motion of Representative Weaver the rules were suspended. Considered in the Committee of the Whole. Returned with the recommendation that it "DO PASS."

SENATE BILL NO. 55

BY: SENATOR BROADWAY

Was read the third time and placed on final passage, the question being shall the Bill pass and shall the Emergency Clause be adopted. The vote was as follows:

AFFIRMATIVE: Adams, Berry, Biggs, Blair, Bolin, Bond, P. Bookout, Borhauer, Boyd, Bradford, Chesterfield, Childers, Clemons, Cowling, Creekmore, Dangeau, Dees, Dickinson, Dobbins, Eason, Edwards, Elliott, D. Evans, L. Evans, Ferguson, Fite, Gillespie, Gipson, Goss, Green, Hathorn, Hickinbotham, House, Jackson, Jacobs, Jeffrey, C. Johnson, J. Johnson, Jones, Judy, Key, King, Ledbetter, Lendall, Lewellen, Mack, Mahony, Martin, Mathis, Medley, Milligan, Moore, Napper, Nichols, Oglesby, Pate, Penix, Pickett, L. Prater, S. Prater, Rankin, Roebuck, Seawel, Stovall, Sullivan, Sumpter, Thomas, Thomason, Thyer, Weaver, White, Wood.

Total72

NEGATIVE: Agee, Anderson, Bennett, Bledsoe, Hutchinson, Kenney, Lamoureux, Matayo, Norton, Pace, Parks, Petrus, Pritchard, Rosenbaum, Schulte, Scroggin, C. Taylor, Verkamp, Walters.

Total19

ABSENT OR NOT VOTING: Bright, Haak, Hardwick, Harris, Ormond, Scrimshire, R. Smith, J. Taylor, Mr. Speaker.

Total9

VOTING PRESENT:

Total0

Total number of votes cast.....91

Total number voting in the affirmative72

Necessary to the passage of the bill51

So the Bill passed and the title as read was agreed to.

There being an Emergency Clause attached to **SENATE BILL NO. 55**, the Speaker ordered the clerk to call the roll upon the adoption of the Emergency Clause. The vote was as follows:

EMERGENCY CLAUSE

AFFIRMATIVE: Adams, Berry, Biggs, Blair, Bolin, Bond, P. Bookout, Borhauer, Boyd, Bradford, Chesterfield, Childers, Clemons, Cowling, Creekmore, Dangeau, Dees, Dickinson, Dobbins, Eason, Edwards, Elliott, D. Evans, L. Evans, Ferguson, Fite, Gillespie, Gipson, Goss, Green, Hathorn, Hickinbotham, House, Jackson, Jacobs, Jeffrey, C. Johnson, J. Johnson, Jones, Judy, Key, King, Ledbetter, Lendall, Lewellen, Mack, Mahony, Martin, Mathis, Medley, Milligan, Moore, Napper, Nichols, Oglesby, Pate, Penix, Pickett, L. Prater, S. Prater, Rankin, Roebuck, Seawel, Stovall, Sullivan, Sumpter, Thomas, Thomason, Thyer, Weaver, White, Wood.

Total72

NEGATIVE: Agee, Anderson, Bennett, Bledsoe, Hutchinson, Kenney, Lamoureux, Matayo, Norton, Pace, Parks, Petrus, Pritchard, Rosenbaum, Schulte, Scroggin, C. Taylor, Verkamp, Walters.

Total19

ABSENT OR NOT VOTING: Bright, Haak, Hardwick, Harris, Ormond, Scrimshire, R. Smith, J. Taylor, Mr. Speaker.

Total9

VOTING PRESENT:

Total0

Total number of votes cast.....91

Total number voting in the affirmative72

Necessary to the adoption of the emergency clause.....67

So the Emergency Clause was adopted.

Upon motion of Representative Weaver, **SENATE BILL NO. 91** was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 1 TO SENATE BILL NO. 91

Amend **SENATE BILL NO. 91** as originally introduced:

Page 5, line 4, delete the underscores " _____ "

AND

Page 5, line 5, delete in its entirety and substitute the following:

"(05) HIGH PRIORITY DISTRICT TEACHER

RECRUITMENT/RETENTION INCENTIVES	<u>0</u>	<u>2,100,000</u>
TOTAL AMOUNT APPROPRIATED	<u>\$ 0</u>	<u>\$ 19,452,000"</u>

/s/ Paul Weaver

The Amendment was read and adopted by more than 51 votes.

/s/ Ms. Jo Renshaw
Chief Clerk

Parliamentarian Tim Massanelli addressed the House on the upcoming calendar.

The House recessed at 10:59 a.m. for 5 minutes.

The House reconvened at 11:18 a.m.

HOUSE RESOLUTION NO.1031

BY: REPRESENTATIVE MATHIS

COMMENDING JUANITA C. WILLIAMS OF HOT SPRINGS ON HER COMMITMENT TO EDUCATION.

THE RESOLUTION WAS READ AND ADOPTED BY MORE THAN 51 VOTES.

HOUSE RESOLUTION NO.1032

BY: REPRESENTATIVE MOORE

RECOGNIZING AND COMMENDING PARK INTERNATIONAL
BACCALAUREATE MAGNET SCHOOL.

THE RESOLUTION WAS READ AND ADOPTED BY MORE THAN 51
VOTES.

HOUSE CONCURRENT RESOLUTION NO. 1004

BY: REPRESENTATIVE FITE

ENCOURAGING SCHOOL DISTRICTS TO VOLUNTARILY UNDERTAKE
MEASURES TO PROMOTE EFFICIENCY IN THE OPERATION OF THE SCHOOL
DISTRICT.

THE RESOLUTION WAS READ AND ADOPTED BY MORE THAN 51
VOTES.

Morning Hour Expired.

Representative C. Johnson moved that the House concur in the following Senate Amendment.

ARKANSAS SENATE

AMENDMENT NO. 1 TO HOUSE BILL NO. 1056

Amend HOUSE BILL NO. 1056 as engrossed, H1/27/04

(version: 01-27-2004 08:39):

Page 5, delete lines 5 and 6, and substitute:

"participating in the education renewal zone;

(iv) Two (2) parents who have children attending a public school participating in the education renewal zone; and

(v) Each community in which there is a school"

/s/Henry "Hank" Wilkins

The Amendment was read and the vote was as follows:

AFFIRMATIVE: Adams, Agee, Anderson, Berry, Biggs, Blair, Bledsoe, Bolin, Bond, P. Bookout, Borhauer, Bradford, Bright, Chesterfield, Childers, Clemons, Cowling, Dangeau, Dees, Dickinson, Eason, Edwards, Elliott, D. Evans, L. Evans, Fite, Gillespie, Gipson, Goss, Green, Haak, Hardwick, Harris, Hathorn, Hickinbotham, House, Hutchinson, Jackson, Jacobs, Jeffrey, C. Johnson, Jones, Judy, Kenney, Key, King, Lamoureux, Ledbetter, Lendall, Lewellen, Mack, Martin, Matayo, Mathis, Medley, Moore, Napper, Norton, Ormond, Pace, Parks, Pate, Penix, Pickett, L. Prater, S. Prater, Pritchard, Rankin, Roebuck, Rosenbaum, Schulte, Scrimshire, Seawel, R. Smith, Sullivan, Sumpter, C. Taylor, J. Taylor, Thomas, Thyer, White, Wood.

Total82

NEGATIVE:

Total0

ABSENT OR NOT VOTING: Bennett, Boyd, Creekmore, Dobbins, Ferguson, J. Johnson, Mahony, Milligan, Nichols, Oglesby, Petrus, Scroggin, Stovall, Thomason, Verkamp, Walters, Weaver, Mr. Speaker.

Total18

VOTING PRESENT:

Total0

Total number of votes cast.....82

Total number voting in the affirmative82

Necessary to concur in the amendment.....51

So the Amendment was concurred in.

/s/ Ms. Jo Renshaw

Chief Clerk

Representative Stovall moved that the House concur in the following Senate Amendment.

ARKANSAS SENATE

AMENDMENT NO. 1 TO HOUSE BILL NO. 1162

Amend **HOUSE BILL NO. 1162** as engrossed, H2/2/04

(version: 02-02-2004 14:24):

Delete section 4 of the bill in its entirety and substitute the following:

“SECTION 4. Election.

(a) Findings. The uniform rate of ad valorem property tax established by Arkansas Constitution, Amendment 74(b)(1) may only be increased by a majority of the electors of the state voting on the issue at the next general election and voting "For" the proposed increase in the uniform rate of tax.

(b) Certification of measure. The Secretary of State shall certify to the county board of election commissioners of each county the measure provided in subsection (d) of this section to appear on the ballot at the next general election.

(c) Publication. The measure provided in subsection (d) of this section shall be published in the same manner as provided in Arkansas Code §§ 7-9-113 and 7-5-206.

(d) Ballot title.

(1) The ballot title shall be in the following form:

"TO INCREASE THE ESTABLISHED UNIFORM RATE OF AD VALOREM PROPERTY TAX UNDER AMENDMENT 74(b)(1) OF THE ARKANSAS CONSTITUTION BY THREE (3) MILLS FROM TWENTY-FIVE (25) MILLS TO A TOTAL OF TWENTY-EIGHT (28) MILLS BY AMENDING ARKANSAS CODE TITLE 26, CHAPTER 80, SUBCHAPTER 2 TO ADD A NEW SECTION TO READ AS FOLLOWS:

26-80-208. Uniform rate of ad valorem property tax.

(a)(1) There is established a uniform rate of ad valorem property tax of twenty-eight (28) mills to be levied on the assessed value of all taxable real, personal, and utility property in the state to be used solely for maintenance and operation of the schools.

(2) The established uniform rate of ad valorem property tax of twenty-eight (28) mills is equal to the twenty-five (25) mills levied under Arkansas Constitution, Amendment 74, and an additional three (3) mills levied under this section.

(3)(A) Except as provided in this subdivision (a)(3) the additional three (3) mills levied under this section shall not be an additional levy for maintenance and

operation of the schools but shall replace a portion of the existing rate of tax levied by each school district available for maintenance and operation of schools in the school district. The rate of tax available for maintenance and operation levied by each school district on the effective date of this section shall be reduced to reflect the levy of the uniform rate of tax.

(B)(i) If the rate of tax available for maintenance and operation levied by a school district on the effective date of this section exceeds twenty-eight (28) mills, the excess rate of tax shall continue to be levied by the school district until changed pursuant to Amendment 74 of the Arkansas Constitution.

(ii) If the rate of tax available for maintenance and operation levied by a school district on the effective date of this section is less than twenty-eight (28) mills, the uniform rate of tax of twenty-eight (28) mills shall nevertheless be levied in the district.

(b)(1) This section shall be effective January 1, 2005.

(2) The uniform rate of ad valorem property tax of twenty-eight (28) mills shall apply beginning with the assessment of property in 2004 for which taxes are collected in 2005."

(2) The ballot title shall be followed by these words:

"[] FOR increasing the established uniform rate of ad valorem property tax by three (3) mills from twenty-five (25) mills to a total of twenty-eight (28) mills.

[] AGAINST increasing the established uniform rate of ad valorem property tax by three (3) mills from twenty-five (25) mills to a total of twenty-eight (28) mills.'"

/s/ Tim Wooldridge

The Amendment was read and the vote was as follows:

AFFIRMATIVE: Agee, Berry, Blair, Bolin, Bond, Borhauer, Boyd, Chesterfield, Childers, Clemons, Cowling, Creekmore, Dangeau, Dickinson, Eason, Edwards, Elliott, D. Evans, L. Evans, Ferguson, Fite, Gillespie, Gipson, Goss, Green, Haak, Hardwick, Harris, Hathorn, Hickinbotham, Hutchinson, Jackson, Jeffrey, C. Johnson, J. Johnson, Jones, Judy, King, Lamoureux, Ledbetter, Lendall, Lewellen, Mack, Mahony, Martin, Matayo, Mathis, Medley, Milligan, Moore, Napper, Nichols, Norton, Oglesby, Ormond, Pate, Pickett, L. Prater, S. Prater, Pritchard, Rankin, Roebuck, Rosenbaum, Scrimshire, Seawel, R. Smith, Sullivan, Sumpter, C. Taylor, J. Taylor, Thomas, Thomason, Verkamp, Weaver, White.

Total75

NEGATIVE: Anderson, Bledsoe, Bright, Kenney, Key, Pace, Penix, Schulte, Wood.

Total9

ABSENT OR NOT VOTING: Adams, Bennett, Biggs, P. Bookout, Bradford, Dees, Dobbins, House, Jacobs, Parks, Petrus, Scroggin, Stovall, Thyer, Walters, Mr. Speaker.

Total16

VOTING PRESENT:

Total0

Total number of votes cast84

Total number voting in the affirmative75

Necessary to concur in the amendment.....51

So the Amendment was concurred in.

/s/ Ms. Jo Renshaw
Chief Clerk

Representative Stovall moved that the House concur in the following Senate Amendment.

ARKANSAS SENATE

AMENDMENT NO. 2 TO HOUSE BILL NO. 1162

Amend **HOUSE BILL NO. 1162** as engrossed, S2/4/04

(version: 02-04-2004 12:54):

Immediately following Section 4 of the bill add an additional Section to read as follows:

“SECTION 5. If approved by the voters at the 2004 general election, Arkansas Code Title 26, Chapter 80, Subchapter 2 is amended to add an additional section to read as follows:

26-80-208. Uniform rate of ad valorem property tax.

(a)(1) There is established a uniform rate of ad valorem property tax of twenty-eight (28) mills to be levied on the assessed value of all taxable real, personal, and utility property in the state to be used solely for maintenance and operation of the schools.

(2) The established uniform rate of ad valorem property tax of twenty-eight (28) mills is equal to the twenty-five (25) mills levied under Arkansas Constitution, Amendment 74, and an additional three (3) mills levied under this section.

(3)(A) Except as provided in this subdivision (a)(3) the additional three (3) mills levied under this section shall not be an additional levy for maintenance and operation of the schools but shall replace a portion of the existing rate of tax levied by each school district available for maintenance and operation of schools in the school district. The rate of tax available for maintenance and operation levied by each school district on the effective date of this section shall be reduced to reflect the levy of the uniform rate of tax.

(B)(i) If the rate of tax available for maintenance and operation levied by a school district on the effective date of this section exceeds twenty-eight (28) mills, the excess rate of tax shall continue to be levied by the school district until changed pursuant to Amendment 74 of the Arkansas Constitution.

(ii) If the rate of tax available for maintenance and operation levied by a school district on the effective date of this section is less than twenty-eight (28) mills, the uniform rate of tax of twenty-eight (28) mills shall nevertheless be levied in the district.

(b)(1) This section shall be effective January 1, 2005.

(2) The uniform rate of ad valorem property tax of twenty-eight (28)

mills shall apply beginning with the assessment of property in 2004 for which taxes are collected in 2005."

/s/ Tim Wooldridge

The Amendment was read and the vote was as follows:

AFFIRMATIVE: Agee, Berry, Blair, Bolin, Bond, P. Bookout, Borhauer, Boyd, Bradford, Chesterfield, Childers, Clemons, Cowling, Creekmore, Dangeau, Dickinson, Eason, Edwards, Elliott, D. Evans, L. Evans, Ferguson, Fite, Gillespie, Gipson, Goss, Green, Haak, Hathorn, Hickinbotham, House, Jackson, Jeffrey, C. Johnson, J. Johnson, Judy, King, Ledbetter, Lendall, Lewellen, Mack, Mahony, Martin, Mathis, Medley, Milligan, Moore, Napper, Nichols, Oglesby, Ormond, Pate, Petrus, Pickett, L. Prater, S. Prater, Pritchard, Rankin, Roebuck, Scrimshire, Seawel, R. Smith, Stovall, Sullivan, Sumpter, C. Taylor, J. Taylor, Thomas, Thomason, Verkamp, Walters, Weaver, White.

Total73

NEGATIVE: Anderson, Bledsoe, Bright, Hardwick, Harris, Hutchinson, Kenney, Key, Lamoureux, Norton, Pace, Penix, Schulte, Wood.

Total14

ABSENT OR NOT VOTING: Adams, Bennett, Biggs, Dees, Dobbins, Jacobs, Jones, Parks, Rosenbaum, Scroggin, Thyer, Mr. Speaker.

Total12

VOTING PRESENT: Matayo.

Total1

Total number of votes cast88

Total number voting in the affirmative73

Necessary to concur in the amendment.....51

So the Amendment was concurred in.

/s/ Ms. Jo Renshaw

Chief Clerk

HOUSE BILL NO. 1179

BY: REPRESENTATIVE CHESTERFIELD

Was read the third time and placed on final passage, the question being shall the Bill pass and shall the Emergency Clause be adopted. The vote was as follows:

AFFIRMATIVE: Adams, Biggs, Blair, Bond, P. Bookout, Borhauer, Boyd, Bradford, Bright, Chesterfield, Clemons, Cowling, Creekmore, Dangeau, Dees, Dickinson, Eason, Edwards, Elliott, Fite, Gillespie, Goss, Green, Hathorn, Hickinbotham, House, Hutchinson, Jackson, Jeffrey, C. Johnson, J. Johnson, Jones, Judy, Key, King, Ledbetter, Lendall, Lewellen, Mack, Mahony, Martin, Matayo, Mathis, Medley, Milligan, Moore, Napper, Oglesby, Pace, Parks, Pate, Penix, Petrus, Pickett, L. Prater, S. Prater, Pritchard, Rankin, Roebuck, Rosenbaum, Scrimshire, Seawel, R. Smith, Stovall, Sumpter, Thomas, Walters, Weaver, White, Wood.

Total70

NEGATIVE: Agee, Anderson, Bennett, Berry, Bledsoe, Haak, Hardwick, Harris, Lamoureux, Nichols, Norton, Ormond, Schulte, C. Taylor, J. Taylor, Verkamp.

Total16

ABSENT OR NOT VOTING: Bolin, Childers, Dobbins, D. Evans, L. Evans, Ferguson, Gipson, Jacobs, Kenney, Scroggin, Sullivan, Thomason, Thyer, Mr. Speaker.

Total14

VOTING PRESENT:

Total0

Total number of votes cast.....86

Total number voting in the affirmative70

Necessary to the passage of the bill51

So the Bill passed and the title as read was agreed to.

There being an Emergency Clause attached to **HOUSE BILL NO. 1179**, the Speaker ordered the clerk to call the roll upon the adoption of the Emergency Clause. The vote was as follows:

EMERGENCY CLAUSE

AFFIRMATIVE: Adams, Biggs, Blair, Bond, P. Bookout, Borhauer, Boyd, Bradford, Bright, Chesterfield, Clemons, Cowling, Creekmore, Dangeau, Dees, Dickinson, Eason, Edwards, Elliott, Fite, Gillespie, Goss, Green, Hathorn, Hickinbotham, House, Hutchinson, Jackson, Jeffrey, C. Johnson, J. Johnson, Jones, Judy, Key, King, Ledbetter, Lendall, Lewellen, Mack, Mahony, Martin, Matayo, Mathis, Medley, Milligan, Moore, Napper, Oglesby, Pace, Parks, Pate, Penix, Petrus, Pickett, L. Prater, S. Prater, Pritchard, Rankin, Roebuck, Rosenbaum, Scrimshire, Seawel, R. Smith, Stovall, Sumpter, Thomas, Walters, Weaver, White, Wood.

Total70

NEGATIVE: Agee, Anderson, Bennett, Berry, Bledsoe, Haak, Hardwick, Harris, Lamoureux, Nichols, Norton, Ormond, Schulte, C. Taylor, J. Taylor, Verkamp.

Total16

ABSENT OR NOT VOTING: Bolin, Childers, Dobbins, D. Evans, L. Evans, Ferguson, Gipson, Jacobs, Kenney, Scroggin, Sullivan, Thomason, Thyer, Mr. Speaker.

Total14

VOTING PRESENT:

Total0

Total number of votes cast86

Total number voting in the affirmative70

Necessary to the adoption of the emergency clause67

So the Emergency Clause was adopted.

HOUSE BILL NO. 1185

BY: REPRESENTATIVE MILLIGAN

Was read the third time and placed on final passage, the question being shall the Bill pass. The vote was as follows:

AFFIRMATIVE: Adams, Blair, Bolin, Borhauer, Boyd, Bradford, Clemons, Cowling, Dickinson, Eason, Elliott, D. Evans, L. Evans, Fite, Gillespie, Gipson, Goss, Green, Hickinbotham, House, Jacobs, Jeffrey, C. Johnson, Judy, Ledbetter, Lendall, Lewellen, Mahony, Milligan, Nichols, Oglesby, Ormond, Pate, Petrus, L. Prater, Scrimshire, Scroggin, Seawel, Stovall, Sullivan, J. Taylor, Thomas, Thomason, Walters, Weaver, White.

Total46

NEGATIVE: Agee, Anderson, Berry, Biggs, Bledsoe, Bond, P. Bookout, Bright, Childers, Creekmore, Edwards, Hardwick, Harris, Hutchinson, J. Johnson, Jones, Kenney, Key, King, Lamoureux, Martin, Matayo, Mathis, Moore, Norton, Pace, Parks, Penix, S. Prater, Pritchard, Roebuck, Rosenbaum, Schulte, C. Taylor, Thyer, Verkamp, Wood.

Total37

ABSENT OR NOT VOTING: Bennett, Chesterfield, Dangeau, Dees, Dobbins, Ferguson, Haak, Hathorn, Jackson, Mack, Medley, Napper, Pickett, Rankin, R. Smith, Sumpter, Mr. Speaker.

Total17

VOTING PRESENT:

Total0

Total number of votes cast.....83

Total number voting in the affirmative46

Necessary to the passage of the bill51

So the Bill failed.

HOUSE BILL NO. 1186

BY: REPRESENTATIVE JACKSON

Was read the third time and placed on final passage, the question being shall the Bill pass. The vote was as follows:

AFFIRMATIVE: Adams, Agee, Anderson, Bennett, Berry, Biggs, Blair, Bolin, Bond, P. Bookout, Borhauer, Boyd, Bradford, Bright, Chesterfield, Childers, Clemons, Cowling, Creekmore, Dees, Dickinson, Dobbins, Eason, Edwards, Elliott, D. Evans, L. Evans, Ferguson, Fite, Gillespie, Gipson, Goss, Green, Haak, Hardwick, Hathorn, Hickinbotham, House, Hutchinson, Jackson, Jacobs, Jeffrey, C. Johnson, J. Johnson, Jones, Judy, Kenney, King, Lamoureux, Ledbetter, Lendall, Lewellen, Mack, Mahony, Martin, Mathis, Medley, Milligan, Moore, Nichols, Norton, Oglesby, Ormond, Pace, Pate, Penix, Petrus, Pickett, L. Prater, S. Prater, Pritchard, Rankin, Roebuck, Rosenbaum, Scrimshire, Scroggin, Seawel, R. Smith, Sullivan, Sumpter, J. Taylor, Thomas, Thomason, Thyer, Verkamp, Walters, Weaver, White, Wood.

Total89

NEGATIVE: Harris, Key, Matayo.

Total3

ABSENT OR NOT VOTING: Bledsoe, Dangeau, Napper, Parks, Schulte, Stovall, C. Taylor, Mr. Speaker.

Total8

VOTING PRESENT:

Total0

Total number of votes cast.....92

Total number voting in the affirmative89

Necessary to the passage of the bill51

So the Bill passed and the title as read was agreed to.

Motion was made by Representative C. Johnson to refer **SENATE BILL NO. 49** back to the Committee on EDUCATION. Motion carried.

Representative Mahony moved that the House concur in the following Senate Amendment.

ARKANSAS SENATE

AMENDMENT NO. 1 TO HOUSE BILL NO. 1154

Amend **HOUSE BILL NO. 1154** as originally introduced:

Page 2, delete line 3, and substitute:

"Testing Service.

(2) "Concurrent enrollment course" means a college level course or courses offered by an institution of higher education which upon completion would qualify for academic credit in both the institution of higher education and a public high school."

AND

Page 2, line 4, delete "(2)" and substitute "(3)"

AND

Page 2, line 7, delete "(3)" and substitute "(4)"

AND

Page 3, delete line 5, and substitute:

"available to high school students.

6-16-1205. Concurrent Enrollment Course Approval Panel.

(a) There is established a panel to be known as the "Concurrent Enrollment Course Approval Panel".

(b) The panel shall consist of six (6) members as follows:

(1) Three (3) persons appointed by the Director of the Department of Education; and

(2) Three (3) persons appointed by the Director of the Department of Higher Education.

(c) The appointed panel members shall be:

(1) Knowledgeable regarding advanced placement coursework or concurrent enrollment coursework; and

(2) Residents of the State of Arkansas at the time of appointment and throughout his or her term.

(d) Members shall serve at the pleasure of the director making his or her appointment.

(e) If a vacancy occurs in an appointed position, for any reason, the vacancy shall be filled by appointment by the director of the department that made the original appointment.

(f)(1) A member of the panel appointed by the Director of the Department of

Education and the Department of Higher Education shall alternate serving as chairperson of the panel each year.

(2) The Director of the Department of Education and the Department of Higher Education shall alternate each year naming a person to serve as chairperson of the panel.

(3) The Director of the Department of Education and the Department of Higher Education shall draw lots to determine which director shall first appoint a chairperson.

(g)(1) The panel shall meet at times and places the chairperson deems necessary, but no meetings shall be held outside of the State of Arkansas.

(2) A majority of the members of the panel shall constitute a quorum for the purpose of transacting business.

(3) All action of the panel shall be by a majority vote of the full membership of the panel.

(h) For the purpose of access and equity, the panel shall make recommendations to the Department of Education and the Department of Higher Education regarding the rules for offering of Advance Placement courses or concurrent enrollment courses, or both.

(i) The Department of Higher Education and the Department of Education may jointly promulgate rules for offering of Advance Placement courses or concurrent enrollment courses, or both based upon the recommendations of the panel.

(j)(1) The Department of Higher Education shall provide staff and office space to the panel.

(2)(A) Members of the panel shall serve without pay.

(B) Members of the panel may receive expense reimbursement in accordance with Arkansas Code § 25-16-902, to be paid by the Department of Higher Education to the extent money is available.

6-16-1206. Exemption.

Any high school offering the International Baccalaureate Diploma Program shall be exempt from the provisions of this subchapter."

/s/ Shane Broadway

The Amendment was read and the vote was as follows:

AFFIRMATIVE: Adams, Blair, Bledsoe, Bolin, Bond, P. Bookout, Borhauer, Boyd, Bradford, Bright, Chesterfield, Childers, Clemons, Cowling, Creekmore, Dees, Dickinson, Dobbins, Eason, Edwards, Elliott, L. Evans, Ferguson, Fite, Gipson, Goss, Green, Haak, Hardwick, Harris, Hathorn, House, Hutchinson, Jackson, Jacobs, Jeffrey, C. Johnson, J. Johnson, Judy, Kenney, Key, King, Lamoureux, Ledbetter, Lendall, Lewellen, Mack, Mahony, Martin, Matayo, Mathis, Medley, Moore, Nichols, Ormond, Penix, Pickett, L. Prater, S. Prater, Pritchard, Roebuck, Seawel, R. Smith, C. Taylor, Thomas, Verkamp, Walters, White, Wood.

Total69

NEGATIVE: Pate.

Total1

ABSENT OR NOT VOTING: Agee, Anderson, Bennett, Berry, Biggs, Dangeau, D. Evans, Gillespie, Hickenbotham, Jones, Milligan, Napper, Norton, Oglesby, Pace, Parks, Petrus, Rankin, Rosenbaum, Schulte, Scrimshire, Scroggin, Stovall, Sullivan, Sumpter, J. Taylor, Thomason, Thyer, Weaver, Mr. Speaker.

Total30

VOTING PRESENT:

Total0

Total number of votes cast.....70

Total number voting in the affirmative69

Necessary to concur in the amendment.....51

So the Amendment was concurred in.

/s/ Ms. Jo Renshaw

Chief Clerk

Upon motion of Representative Weaver the rules were suspended. Considered in the Committee of the Whole. Returned with the recommendation that it "DO PASS."

SENATE BILL NO. 91

BY: JOINT BUDGET COMMITTEE

Was read the third time and placed on final passage, the question being shall the Bill pass and shall the Emergency Clause be adopted. The vote was as follows:

AFFIRMATIVE: Agee, Anderson, Berry, Biggs, Blair, Bledsoe, Bolin, Bond, P. Bookout, Borhauer, Boyd, Bradford, Chesterfield, Childers, Clemons, Cowling, Creekmore, Dangeau, Dees, Dickinson, Dobbins, Eason, Edwards, Elliott, D. Evans, L. Evans, Ferguson, Fite, Gillespie, Gipson, Goss, Green, Haak, Hardwick, Harris, Hathorn, Hickinbotham, House, Hutchinson, Jackson, Jacobs, Jeffrey, C. Johnson, J. Johnson, Jones, Judy, Kenney, Key, King, Lamoureux, Ledbetter, Lendall, Lewellen, Mack, Mahony, Martin, Matayo, Mathis, Medley, Milligan, Moore, Napper, Nichols, Norton, Oglesby, Ormond, Pace, Parks, Pate, Penix, Petrus, Pickett, L. Prater, S. Prater, Pritchard, Rankin, Roebuck, Rosenbaum, Schulte, Scrimshire, Seawel, R. Smith, Sullivan, Sumpter, J. Taylor, Thomas, Thomason, Thyer, Verkamp, Walters, Weaver, White, Wood.

Total93

NEGATIVE:

Total0

ABSENT OR NOT VOTING: Adams, Bennett, Bright, Scroggin, Stovall, C. Taylor, Mr. Speaker.

Total7

VOTING PRESENT:

Total0

Total number of votes cast93

Total number voting in the affirmative93

Necessary to the passage of the bill75

So the Bill passed and the title as read was agreed to.

There being an Emergency Clause attached to **SENATE BILL NO. 91**, the Speaker ordered the clerk to call the roll upon the adoption of the Emergency Clause. The vote was as follows:

EMERGENCY CLAUSE

AFFIRMATIVE: Agee, Anderson, Berry, Biggs, Blair, Bledsoe, Bolin, Bond, P. Bookout, Borhauer, Boyd, Bradford, Chesterfield, Childers, Clemons, Cowling, Creekmore, Dangeau, Dees, Dickinson, Dobbins, Eason, Edwards, Elliott, D. Evans, L. Evans, Ferguson, Fite, Gillespie, Gipson, Goss, Green, Haak, Hardwick, Harris, Hathorn, Hickenbotham, House, Hutchinson, Jackson, Jacobs, Jeffrey, C. Johnson, J. Johnson, Jones, Judy, Kenney, Key, King, Lamoureux, Ledbetter, Lendall, Lewellen, Mack, Mahony, Martin, Matayo, Mathis, Medley, Milligan, Moore, Napper, Nichols, Norton, Oglesby, Ormond, Pace, Parks, Pate, Penix, Petrus, Pickett, L. Prater, S. Prater, Pritchard, Rankin, Roebuck, Rosenbaum, Schulte, Scrimshire, Seawel, R. Smith, Sullivan, Sumpter, J. Taylor, Thomas, Thomason, Thyer, Verkamp, Walters, Weaver, White, Wood.

Total93

NEGATIVE:

Total0

ABSENT OR NOT VOTING: Adams, Bennett, Bright, Scroggin, Stovall, C. Taylor, Mr. Speaker.

Total7

VOTING PRESENT:

Total0

Total number of votes cast.....93

Total number voting in the affirmative93

Necessary to the adoption of the emergency clause.....67

So the Emergency Clause was adopted.

State of Arkansas
Office of the Governor

Mike Huckabee
Governor

February 6, 2004

TO THE SPEAKER OF THE HOUSE

Dear Mr. Speaker:

This is to inform you that on February 6, 2004, I approved the following measures from the Second Extraordinary Session of the Eighty-Fourth General Assembly:

HOUSE BILL NO. 1158 is now Act Number 78

HOUSE BILL NO. 1148 is now Act Number 79

HOUSE BILL NO. 1161 is now Act Number 80

HOUSE BILL NO. 1140 is now Act Number 82

HOUSE BILL NO. 1170 is now Act Number 83

Sincerely,

/s/ Mike Huckabee

Motion was made by Representative Gillespie to suspend the rules and place **HOUSE BILL NO. 1182** back on second reading for the purpose of amendment.

On this motion the vote was as follows:

AFFIRMATIVE: Adams, Bolin, Bond, P. Bookout, Boyd, Bradford, Bright, Chesterfield, Childers, Cowling, Creekmore, Dangeau, Dees, Dickinson, Eason, D. Evans, L. Evans, Ferguson, Fite, Gillespie, Gipson, Goss, Hathorn, Hickinbotham, Hutchinson, Jackson, Jacobs, Jeffrey, Jones, Ledbetter, Lewellen, Mack, Mahony, Martin, Mathis, Milligan, Moore, Napper, Nichols, Oglesby, Ormond, Parks, Pate, Petrus, Pickett, L. Prater, S. Prater, Rankin, Roebuck, Scrimshire, Scroggin, Seawel, Stovall, Sullivan, Sumpter, J. Taylor, Thomason, Thyer, Verkamp, Walters, Weaver, Wood.

Total62

NEGATIVE: Agee, Anderson, Bennett, Berry, Blair, Bledsoe, Borhauer, Dobbins, Edwards, Elliott, Green, Haak, Hardwick, Harris, C. Johnson, J. Johnson, Judy, Kenney, Key, King, Lamoureux, Matayo, Pace, Penix, Pritchard, Rosenbaum, Schulte, C. Taylor, Thomas, White.

Total30

ABSENT OR NOT VOTING: Biggs, Clemons, House, Lendall, Medley, Norton, R. Smith, Mr. Speaker.

Total8

VOTING PRESENT:

Total0

Total number of votes cast.....92

Total number voting in the affirmative62

Necessary to the adoption of the motion.....51

So the motion was adopted.

Upon motion of Representative Gillespie, **HOUSE BILL NO. 1182** was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 1 TO HOUSE BILL NO. 1182

Amend **HOUSE BILL NO. 1182** as originally introduced:

Page 1, line 11 delete "EDUCATIONAL ADEQUACY ACCOUNTING" and substitute "THE EDUCATIONAL FACILITIES FUND ACCOUNT"

AND

Delete the Subtitle in its entirety and substitute the following:

"AN ACT PROVIDING EDUCATION REFORM; TO PROVIDE FOR EDUCATION FUNDING; TO ESTABLISH THE EDUCATIONAL FACILITIES FUND ACCOUNT; AND TO CREATE A SUPPLEMENTAL TEACHER SALARY PLAN."

AND

Delete everything after the enacting clause and substitute the following:

"SECTION 1. Arkansas Code § 6-20-2003(22), as added by Act 59 of the Second Extraordinary Session 2003, concerning the definitions used under the Public School Funding Act of 2003, is amended to read as follows:

(22)(A) "Student growth funding" means the amount of state financial aid provided to each school district from the funds made available for that purpose.

(B) For school year 2004-2005, student growth funding is calculated as ~~five thousand four hundred dollars (\$5,400)~~ five thousand two hundred fifty dollars (\$5,250) multiplied by the increase, if any, in the school district's two-quarter average of the average daily membership of the current school year over the local school district's average daily membership for the previous school year, excluding any increase resulting solely from consolidation or annexation with another school district;

SECTION 2. Arkansas Code § 6-20-2005(a)(2), as added by Act 59 of the Second Extraordinary Session 2003, concerning school funding, is amended to read as follows:

(2) For the 2004-2005 school year, the foundation funding amount is equal to ~~five thousand four hundred dollars (\$5,400)~~ five thousand two hundred fifty dollars (\$5,250) times the average daily membership of the previous school year.

SECTION 3. Teacher salary supplement.

(a) As used in this section:

(1) "Average daily membership" has the same meaning as defined under § 6-20-2003 as added by Act 59 of the Second Extraordinary Session 2003;

(2) "District entry salary" means the salary for a teacher with a bachelor's degree and no experience based upon the school district's salary

schedule for the 2002-2003 school year; and

(3) "State entry salary" means the salary for a classroom teacher with a bachelor's degree and no experience required by state law for the current school year.

(b)(1) Beginning with school year 2004-2005, any school district with a district entry salary for the previous school year that is less than the state entry salary required by state law shall be entitled to receive a salary supplement calculated as follows:

(A) The district's average daily membership for the previous school year shall be divided by twelve (12);

(B) The quotient of subdivision (b)(1)(A) shall be multiplied by the positive result of the state entry salary minus the district entry salary;

(C) The product of subdivision (b)(1)(B) shall be multiplied by one hundred and twenty-five percent (125%); and

(D) The product of subdivision (b)(1)(C) shall be the amount of the district's salary supplement.

(2) The following is an example of the formula set forth under subsection (b) of this section:

$[(ADM \div 12) \times (\text{State entry salary} - \text{District entry salary})] \times 1.25 = \text{District's Salary Supplement}$

(c)(1) Any district with a district entry salary that meets or exceeds the state entry salary shall not receive a salary supplement under this section.

(2) Nothing in this section shall be construed to cause a reduction in any funding received by a school district, even if the district's entry salary meets or exceeds the state entry salary.

SECTION 4. Arkansas Code § 19-5-305(a), concerning accounts within the Public School Fund, is amended to add a new subdivision to read as follows:

(4)(A) Educational Facilities Fund Account. The Educational Facilities Fund Account shall be used for the improvement and construction of public school facilities and other purposes as determined by the General Assembly.

(B) For each fiscal year beginning July 1, 2004, the Treasurer of State shall transfer monthly from the Department of Education Public School Fund Account to the Educational Facilities Fund Account one-twelfth (1/12) of an amount equal to one hundred fifty dollars (\$150) multiplied times the statewide average daily membership less the amount of funds distributed to school districts during the fiscal year as teacher salary supplements under Section 3 of the act that was introduced as House Bill 1182 of the Second Extraordinary Session 2003.

(C) For purposes of this subdivision (4):

(i) "Statewide average daily membership" means the sum of the average daily membership of all school districts for the school year preceding the fiscal year in which the transfer under subsection (b) is made; and

(ii) "Average daily membership" has the same meaning as defined under § 6-20-2003 as added by Act 59 of the Second Extraordinary Session 2003.

SECTION 5. Effective date.

This act shall become effective on July 1, 2004."

/s/ Jeff Gillespie

The Amendment was read and the vote was as follows:

AFFIRMATIVE: Adams, Berry, Bolin, Bond, P. Bookout, Boyd, Bradford, Bright, Chesterfield, Childers, Clemons, Cowling, Dangeau, Dickinson, Eason, D. Evans, L. Evans, Ferguson, Gillespie, Gipson, Goss, Haak, Hathorn, Hickinbotham, House, Hutchinson, Jackson, Jacobs, Jeffrey, Judy, King, Ledbetter, Mack, Martin, Mathis, Milligan, Moore, Napper, Nichols, Norton, Oglesby, Ormond, Pate, Petrus, Pickett, L. Prater, S. Prater, Pritchard, Rankin, Roebuck, Scrimshire, Scroggin, Seawel, R. Smith, Stovall, Sullivan, Sumpter, C. Taylor, J. Taylor, Thomason, Thyer, Verkamp, Walters, Weaver, Wood, Mr. Speaker.

Total66

NEGATIVE: Agee, Anderson, Bennett, Blair, Bledsoe, Borhauer, Dees, Edwards, Elliott, Fite, Green, Hardwick, Harris, C. Johnson, J. Johnson, Kenney, Key, Lamoureux, Lewellen, Mahony, Penix, Rosenbaum, Schulte, Thomas, White.

Total25

ABSENT OR NOT VOTING: Biggs, Creekmore, Dobbins, Jones, Lendall, Matayo, Medley, Pace, Parks.

Total9

VOTING PRESENT:

Total0

Total number of votes cast91

Total number voting in the affirmative66

Necessary to the adoption of the amendment.....51

The Amendment was read and adopted by more than 51 votes.

/s/ Ms. Jo Renshaw

Chief Clerk

The House stood in recess at 12:13 p.m. until 1:30 p.m.

The House reconvened at 1:41 p.m.

Upon motion by Representative Calvin Johnson the House recessed at 1:46 p.m. for 15 minutes.

The House reconvened at 2:37 p.m.

Motion by Representative Jacobs to suspend Rule No. 106 until December 8, 2004. Motion carried.

REPRESENTATIVE GILLESPIE: MR. SPEAKER, PRIVILEGED MATTER.

CHAIR: WHAT IS YHOUR PRIVILEGED MATTER, MR. GILLESPIE?

REPRESENTATIVE GILLESPIE: WILL THE HOUSE ON RECONSIDERATION AGREE TO PASS **SENATE BILL NO. 79**, SPECIFICALLY SECTION 8, THE OBJECTIONS OF THE GOVERNOR TO THE CONTRARY NOTWITHSTANDING?

CHAIR: THAT IS A PRIVILEGED MATTER. MR. CLERK, READ THE VETO MESSAGE FROM THE GOVERNOR, TO THE PRESIDENT AND MEMBERS OF THE SENATE.

MR. CLERK, READ THE NOTICE OF PASSAGE OF THE VETO OVERRIDE OF SB79 BY THE SENATE.

REPRESENTATIVE GILLESPIE, YOU ARE RECOGNIZED TO SPEAK FOR THE OVERRIDE OF SB79.

Motion was made by Representative Anderson for immediate consideration of **SENATE BILL NO. 79** and to override the line item veto of the Governor.

On this motion the vote was as follows:

AFFIRMATIVE: Biggs, Blair, Bolin, Bond, P. Bookout, Borhauer, Boyd, Bradford, Chesterfield, Clemons, Cowling, Creekmore, Dangeau, Eason, Edwards, Elliott, D. Evans, L. Evans, Ferguson, Fite, Gillespie, Gipson, Goss, Hathorn, Hickinbotham, Jacobs, Jeffrey, C. Johnson, J. Johnson, Jones, [Judy], Ledbetter, Lendall, Lewellen, Mack, Mahony, Martin, Mathis, Milligan, Moore, Napper, Nichols, Oglesby, Pate, Petrus, Pickett, L. Prater, Rankin, Roebuck, Scrimshire, Seawel, Stovall, Sullivan, Sumpter, Thomas, Thomason, Thyer, Weaver, White, Wood.

Total60

NEGATIVE: Adams, Agee, Anderson, Bennett, Bledsoe, Bright, Childers, Dickinson, Green, Haak, Hardwick, Harris, House, Hutchinson, Kenney, Key, King, Lamoureux, Matayo, Norton, Ormond, Pace, Parks, Penix, Pritchard, Rosenbaum, Schulte, R. Smith, C. Taylor, J. Taylor, [Verkamp].

Total31

ABSENT OR NOT VOTING: Berry, Dees, Dobbins, Jackson, Medley, S. Prater, Scroggin, Walters, Mr. Speaker.

Total9

VOTING PRESENT:

Total0

Total number of votes cast91

Total number voting in the affirmative60

Necessary to the adoption of the motion51

So the motion was adopted.

PAIR VOTE
ON
SENATE BILL NO. 79

AYE: REPRESENTATIVE JANICE JUDY
NAY: REPRESENTATIVE JOHN PAUL VERKAMP
WITNESS: REPRESENTATIVE KEN COWLING

This pair form was signed by Representative Janice Judy and Representative John Paul Verkamp in the presence of each other and witnessed by Representative Ken Cowling.

Total number of votes cast.....91
Necessary to the passage of the bill51
Total number voting in the affirmative60
Total number voting in the negative31
Total number absent or not voting.....9
Total number voting present0

So the Bill passed and the title as read was agreed to.

REPRESENTATIVE DANGEAU: MR. SPEAKER, PRIVILEGED MATTER.

CHAIR: WHAT IS YOUR PRIVILEGED MATTER, MR. DANGEAU?

REPRESENTATIVE DANGEAU: WILL THE HOUSE ON RECONSIDERATION AGREE TO PASS **HOUSE BILL NO. 1034**, THE OBJECTIONS OF THE GOVERNOR TO THE CONTRARY NOTWITHSTANDING?

CHAIR: THAT IS A PRIVILEGED MATTER. MR. CLERK, READ THE VETO MESSAGE FROM THE GOVERNOR TO THE SPEAKER AND MEMBERS OF THE HOUSE.

REPRESENTATIVE DANGEAU, YOU ARE RECOGNIZED TO SPEAK FOR THE OVERRIDE OF HB1034.

Motion was made by Representative Dangeau for reconsideration of **HOUSE BILL NO. 1034** and to override the veto of the Governor.

On this motion the vote was as follows:

AFFIRMATIVE: Adams, Blair, Bolin, Bond, P. Bookout, Borhauer, Boyd, Bradford, Chesterfield, Clemons, Cowling, Creekmore, Dangeau, Dickinson, Eason, Elliott, D. Evans, L. Evans, Ferguson, Fite, Gillespie, Gipson, Goss, Hathorn, Hickinbotham, House, Jacobs, Jeffrey, C. Johnson, J. Johnson, Jones, Ledbetter, Lendall, Lewellen, Mack, Mahony, Mathis, Milligan, Moore, Nichols, Oglesby, Ormond, Pate, Petrus, Pickett, L. Prater, Roebuck, Scrimshire, Scroggin, Seawel, Stovall, Sullivan, Sumpter, J. Taylor, Thomas, Thomason, Thyer, Verkamp, Walters, Weaver, White, Wood, Mr. Speaker.

Total63

NEGATIVE: Agee, Anderson, Bennett, Berry, Biggs, Bledsoe, Bright, Childers, Edwards, Green, Haak, Hardwick, Harris, Hutchinson, Jackson, Kenney, Key, King, Lamoureux, Martin, Matayo, Napper, Norton, Pace, Parks, Penix, Pritchard, Rankin, Rosenbaum, Schulte, R. Smith, C. Taylor.

Total32

ABSENT OR NOT VOTING: Dees, Dobbins, Judy, Medley, S. Prater.

Total5

VOTING PRESENT:

Total0

Total number of votes cast95

Total number voting in the affirmative63

Necessary to the adoption of the motion51

So the motion was adopted.

Upon motion of Representative C. Johnson, **SENATE BILL NO. 49** was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 1 TO SENATE BILL NO. 49

Amend **SENATE BILL NO. 49** as originally introduced:

Page 5, delete lines 23 through 27 entirely

/s/ Calvin Johnson

The Amendment was read and adopted by more than 51 votes.

/s/ Ms. Jo Renshaw

Chief Clerk

HOUSE RESOLUTION NO.1030

BY: REPRESENTATIVE BRADFORD

COMMEMORATING SIXTY YEARS OF EASTER SEALS ARKANSAS HELPING CHILDREN AND ADULTS WITH DISABILITIES GAIN THEIR GREATEST LEVEL OF INDEPENDENCE.

THE RESOLUTION WAS READ AND ADOPTED BY MORE THAN 51 VOTES. RECEIVED UNANIMOUS SUPPORT.

Representative Petrus moved that the House concur in the following Senate Amendment.

ARKANSAS SENATE

AMENDMENT NO. 1 TO HOUSE BILL NO. 1177

Amend **HOUSE BILL NO. 1177** as originally introduced:

Page 1, line 31, delete "resides" and substitute "is enrolled in a public school"

AND

Page 1, line 32, delete "consolidated, shall" and substitute "consolidated by Act 60 of the Second Extraordinary Session of 2003 may, at the discretion of the local school board of directors,"

AND

Page 1, line 34, delete "the school" and substitute the "the public school"

/s/ Steve Bryles

The Amendment was read and the vote was as follows:

AFFIRMATIVE: Adams, Agee, Anderson, Bennett, Berry, Biggs, Blair, Bledsoe, Bolin, Bond, P. Bookout, Borhauer, Boyd, Bradford, Bright, Childers, Clemons, Cowling, Creekmore, Dangeau, Dees, Dickinson, Eason, Edwards, Elliott, D. Evans, L. Evans, Ferguson, Fite, Gillespie, Gipson, Goss, Green, Haak, Hardwick, Harris, Hathorn, Hickenbotham, House, Hutchinson, Jackson, Jacobs, Jeffrey, C. Johnson, Jones, Kenney, Key, King, Lamoureux, Ledbetter, Lendall, Lewellen, Mack, Mahony, Martin, Matayo, Mathis, Medley, Milligan, Moore, Napper, Nichols, Norton, Oglesby, Ormond, Pace, Parks, Pate, Penix, Petrus, Pickett, L. Prater, S. Prater, Pritchard, Roebuck, Rosenbaum, Scrimshire, Scroggin, Seawel, R. Smith, Stovall, Sullivan, Sumpter, C. Taylor, J. Taylor, Thomas, Thomason, Thyer, Verkamp, Walters, Weaver, White, Wood.

Total93

NEGATIVE: Schulte.

Total1

ABSENT OR NOT VOTING: Chesterfield, Dobbins, J. Johnson, Judy, Rankin, Mr. Speaker.

Total6

VOTING PRESENT:

Total0

Total number of votes cast.....94

Total number voting in the affirmative93

Necessary to concur in the amendment.....51

So the Amendment was concurred in.

/s/ Ms. Jo Renshaw
Chief Clerk

Representative Petrus moved that the House concur in the following Senate Amendment.

ARKANSAS SENATE

AMENDMENT NO. 2 TO HOUSE BILL NO. 1177

Amend HOUSE BILL NO. 1177 as originally introduced:

Add Senators Gullett and Laverty as cosponsors of the bill

/s/ B. Gullett

The Amendment was read and the vote was as follows:

AFFIRMATIVE: Adams, Agee, Anderson, Bennett, Berry, Biggs, Blair, Bledsoe, Bolin, Bond, P. Bookout, Borhauer, Boyd, Bradford, Bright, Chesterfield, Childers, Clemons, Cowling, Creekmore, Dangeau, Dees, Dickinson, Eason, Edwards, Elliott, D. Evans, L. Evans, Ferguson, Fite, Gillespie, Gipson, Goss, Green, Haak, Hardwick, Harris, Hathorn, Hickinbotham, House, Hutchinson, Jackson, Jacobs, Jeffrey, C. Johnson, J. Johnson, Jones, Kenney, Key, King, Lamoureux, Ledbetter, Lendall, Lewellen, Mack, Mahony, Martin, Matayo, Mathis, Medley, Milligan, Moore, Napper, Nichols, Norton, Oglesby, Ormond, Pace, Parks, Pate, Penix, Petrus, Pickett, L. Prater, S. Prater, Pritchard, Rankin, Roebuck, Rosenbaum, Schulte, Scrimshire, Scroggin, Seawel, R. Smith, Stovall, Sullivan, Sumpter, C. Taylor, J. Taylor, Thomas, Thomason, Thyer, Verkamp, Walters, Weaver, Wood.

Total96

NEGATIVE:

Total0

ABSENT OR NOT VOTING: Dobbins, Judy, White, Mr. Speaker.

Total4

VOTING PRESENT:

Total0

Total number of votes cast96

Total number voting in the affirmative96

Necessary to concur in the amendment.....51

So the Amendment was concurred in.

/s/ Ms. Jo Renshaw

Chief Clerk

Representative Medley moved that the record by which HOUSE BILL NO. 1043 failed to pass be expunged from the record.

On this motion the vote was as follows:

AFFIRMATIVE: Adams, Blair, Bledsoe, Bolin, Bond, Borhauer, Boyd, Bradford, Bright, Chesterfield, Clemons, Creekmore, Dangeau, Dees, Dickinson, Dobbins, Eason, Elliott, D. Evans, Ferguson, Fite, Goss, Green, Haak, Harris, Hathorn, Hickinbotham, House, Jackson, Jacobs, Jeffrey, C. Johnson, J. Johnson, Jones, King, Ledbetter, Lendall, Lewellen, Mack, Martin, Mathis, Medley, Moore, Norton, Parks, Petrus, Pickett, Roebuck, Rosenbaum, Seawel, R. Smith, Stovall, Sullivan, Sumpter, C. Taylor, J. Taylor, Thomas, Thomason, Verkamp, Walters, White, Wood.

Total62

NEGATIVE: Agee, Bennett, Berry, Cowling, Edwards, Gipson, Hardwick, Hutchinson, Kenney, Key, Lamoureux, Mahony, Matayo, Milligan, Nichols, Oglesby, Ormond, Pritchard, Rankin, Schulte, Scroggin, Weaver.

Total22

ABSENT OR NOT VOTING: Anderson, Biggs, P. Bookout, Childers, L. Evans, Gillespie, Judy, Napper, Pace, Pate, Penix, L. Prater, S. Prater, Scrimshire, Thyer, Mr. Speaker.

Total16

VOTING PRESENT:

Total0

Total number of votes cast84

Total number voting in the affirmative62

Necessary to the adoption of the motion67

So the motion failed of adoption.

Motion was made by Representative Scrimshire for immediate consideration of **SENATE BILL NO. 83**. Motion carried.

SENATE BILL NO. 83

BY: SENATOR WILKINS

Was read the third time and placed on final passage, the question being shall the Bill pass. The vote was as follows:

AFFIRMATIVE: Adams, Blair, P. Bookout, Borhauer, Bradford, Chesterfield, Clemons, Creekmore, Dees, Eason, Elliott, Fite, Goss, Green, House, C. Johnson, J. Johnson, Jones, Ledbetter, Lendall, Lewellen, Martin, Medley, Moore, Napper, Penix, Pickett, S. Prater, Scrimshire, Seawel, Thomas, Walters, White, Wood.

Total34

NEGATIVE: Agee, Anderson, Bennett, Berry, Biggs, Bond, Boyd, Bright, Childers, Cowling, Dangeau, Dickinson, Edwards, D. Evans, L. Evans, Ferguson, Gillespie, Haak, Hardwick, Hathorn, Hickinbotham, Hutchinson, Jackson, Jacobs, Jeffrey, Kenney, Key, Lamoureux, Mack, Mahony, Matayo, Mathis, Milligan, Nichols, Norton, Oglesby, Ormond, Pace, Parks, Pate, Petrus, L. Prater, Pritchard, Roebuck, Rosenbaum, Schulte, Scroggin, R. Smith, Stovall, Sullivan, Sumpter, C. Taylor, J. Taylor, Thomason, Thyer, Verkamp, Weaver.

Total57

ABSENT OR NOT VOTING: Bledsoe, Bolin, Dobbins, Gipson, Harris, Judy, King, Rankin, Mr. Speaker.

Total9

VOTING PRESENT:

Total0

Total number of votes cast91

Total number voting in the affirmative34

Necessary to the passage of the bill51

So the Bill failed.

Upon motion of Representative C. Johnson the rules were suspended to consider **SENATE BILL NO. 49.**

SENATE BILL NO. 49

BY: SENATOR WILKINS

Was read the third time and placed on final passage, the question being shall the Bill pass. The vote was as follows:

AFFIRMATIVE: Agee, Bennett, Biggs, Blair, Bledsoe, Bond, P. Bookout, Borhauer, Boyd, Bradford, Bright, Childers, Clemons, Creekmore, Dangeau, Dees, Dickinson, Eason, Edwards, Elliott, L. Evans, Ferguson, Fite, Gillespie, Goss, Green, Haak, Hardwick, Harris, Hathorn, House, Hutchinson, Jackson, Jacobs, C. Johnson, J. Johnson, Jones, Key, Lamoureux, Ledbetter, Lendall, Lewellen, Mack, Mahony, Martin, Matayo, Medley, Moore, Nichols, Oglesby, Ormond, Parks, Pate, Penix, Petrus, Pickett, L. Prater, S. Prater, Pritchard, Roebuck, Rosenbaum, Schulte, Seawel, R. Smith, Sullivan, Sumpter, C. Taylor, Thomas, Thomason, Thyer, Verkamp, Walters, White, Wood.

Total74

NEGATIVE: Adams, Berry, D. Evans, Jeffrey, Milligan, Norton, Scrimshire, Stovall, Weaver.

Total9

ABSENT OR NOT VOTING: Anderson, Bolin, Chesterfield, Cowling, Dobbins, Gipson, Hickinbotham, Judy, Kenney, King, Mathis, Napper, Pace, Rankin, Scroggin, J. Taylor, Mr. Speaker.

Total17

VOTING PRESENT:

Total0

Total number of votes cast83

Total number voting in the affirmative74

Necessary to the passage of the bill51

So the Bill passed and the title as read was agreed to.

SENATE CONCURRENT MEMORIAL RESOLUTION NO. 5

BY: SENATOR HILL

TO PROVIDE THAT THE SECOND EXTRAORDINARY SESSION OF THE EIGHTY-FOURTH GENERAL ASSEMBLY SHALL ENTER INTO RECESS AT THE CLOSE OF BUSINESS IN EACH HOUSE ON FEBRUARY 6, 2004, TO RECONVENE AT 12:00 NOON ON THURSDAY, MARCH 4, 2004, FOR THE PURPOSE OF CONSIDERING VETOES, CORRECTING ERRORS, OVERSIGHTS AND OMISSIONS, AND TO CONSIDER OTHER MATTERS INCLUDED IN THE EXECUTIVE PROCLAMATION WHICH CALLED THE SECOND EXTRAORDINARY SESSION OF THE EIGHTY-FOURTH GENERAL ASSEMBLY.

THE RESOLUTION WAS READ AND ADOPTED BY MORE THAN 51 VOTES.

HOUSE BILLS ORDERED TRANSMITTED TO THE SENATE AS PASSED

HOUSE BILL NO. 1159 BY REPRESENTATIVE MATAYO

HOUSE BILL NO. 1179 BY REPRESENTATIVE CHESTERFIELD

HOUSE BILL NO. 1186 BY REPRESENTATIVE JACKSON

NOTICE OF TRANSMITTAL OF HOUSE BILL NO. 1034
HAVING OVERRIDDEN THE VETO OF THE GOVERNOR

HOUSE BILL NO. 1034 BY REPRESENTATIVE CLEVELAND

HOUSE CONCURRENT RESOLUTIONS ADOPTED AND
ORDERED TRANSMITTED TO THE SENATE

HOUSE CONCURRENT RESOLUTION NO. 1004 BY REPRESENTATIVE FITE

SENATE CONCURRENT RESOLUTIONS CONCURRED IN
AND ORDERED RETURNED TO THE SENATE

SENATE CONCURRENT RESOLUTION NO. 5 BY SENATOR HILL

ARKANSAS SENATE
HOUSE BILLS RETURNED FROM THE SENATE AS PASSED

HOUSE BILL NO. 1030 BY REPRESENTATIVE HICKINBOTHAM
HOUSE BILL NO. 1052 BY REPRESENTATIVE HOUSE
HOUSE BILL NO. 1061 BY REPRESENTATIVE CHESTERFIELD
HOUSE BILL NO. 1098 BY REPRESENTATIVE MAHONY
HOUSE BILL NO. 1122 BY REPRESENTATIVE GILLESPIE
HOUSE BILL NO. 1153 BY REPRESENTATIVE CLEVELAND
HOUSE BILL NO. 1177 BY REPRESENTATIVE PETRUS
AS AMENDED #1 & 2

SENATE BILLS ORDERED RETURNED TO THE SENATE AS PASSED

SENATE BILL NO. 49 BY SENATOR WILKINS
AS AMENDED #1
SENATE BILL NO. 89 BY SENATOR STEELE
SENATE BILL NO. 91 BY SENATOR BISBEE
AS AMENDED #1

ARKANSAS SENATE
NOTICE OF TRANSMITTAL OF SENATE BILL NO. 79
HAVING OVERRIDDEN THE LINE ITEM VETO OF THE GOVERNOR

SENATE BILL NO. 79 BY JOINT BUDGET COMMITTEE

ARKANSAS SENATE
HOUSE BILLS RETURNED FROM THE SENATE
HAVING FAILED TO PASS

HOUSE BILL NO. 1007 BY REPRESENTATIVE PICKETT
HOUSE BILL NO. 1084 BY REPRESENTATIVE LENDALL

ARKANSAS SENATE
SENATE CONCURRENT RESOLUTIONS ADOPTED AND
TRANSMITTED TO THE HOUSE

SENATE CONCURRENT RESOLUTION NO. 5 BY SENATOR HILL

ENROLLED AND DELIVERY TO GOVERNOR REPORTS

Little Rock, Arkansas
February 6, 2004

MR. SPEAKER:

We, your committee on Enrolled Bills, to whom was referred the following:

HOUSE BILL NO. 1080 BY REPRESENTATIVE C. JOHNSON

HOUSE BILL NO. 1170 BY REPRESENTATIVE P. BOOKOUT, ET AL

beg leave to report that we have carefully compared the enrolled copies with the original and we find the same correctly enrolled and have at 9:05 a.m. delivered them to the Governor for his approval.

Respectfully submitted,

/s/ Herschel W. Cleveland
Chairman

RECEIPT FROM THE GOVERNOR

RECEIVED FROM THE HOUSE:

HOUSE BILL NO. 1080 BY REPRESENTATIVE C. JOHNSON

HOUSE BILL NO. 1170 BY REPRESENTATIVE P. BOOKOUT, ET AL

/s/ Mike Huckabee - Governor

TIME: 9:05 a.m.

By: Stacy DeJarnett

ENROLLED AND DELIVERY TO GOVERNOR REPORTS

Little Rock, Arkansas

February 6, 2004

MR. SPEAKER:

We, your committee on Enrolled Bills, to whom was referred the following:

HOUSE CONCURRENT RESOLUTION NO. 1003

BY REPRESENTATIVE STOVALL

HOUSE BILL NO. 1030 BY REPRESENTATIVE HICKINBOTHAM

HOUSE BILL NO. 1056 BY REPRESENTATIVE C. JOHNSON, ET AL

HOUSE BILL NO. 1138 BY REPRESENTATIVE C. JOHNSON

HOUSE BILL NO. 1154 BY REPRESENTATIVE MAHONY

HOUSE BILL NO. 1162 BY REPRESENTATIVE STOVALL, ET AL

beg leave to report that we have carefully compared the enrolled copies with the original and we find the same correctly enrolled and have at 2:00 p.m. delivered them to the Governor for his approval.

Respectfully submitted,

/s/ Herschel W. Cleveland

Chairman

RECEIPT FROM THE GOVERNOR

RECEIVED FROM THE HOUSE:

HOUSE CONCURRENT RESOLUTION NO. 1003

BY REPRESENTATIVE STOVALL

HOUSE BILL NO. 1030 BY REPRESENTATIVE HICKINBOTHAM

HOUSE BILL NO. 1056 BY REPRESENTATIVE C. JOHNSON, ET AL

HOUSE BILL NO. 1138 BY REPRESENTATIVE C. JOHNSON

HOUSE BILL NO. 1154 BY REPRESENTATIVE MAHONY

HOUSE BILL NO. 1162 BY REPRESENTATIVE STOVALL, ET AL

/s/ Mike Huckabee - Governor

TIME: 2:00 p.m.

By: Stacy DeJarnett

ENROLLED AND DELIVERY TO GOVERNOR REPORTS

Little Rock, Arkansas

February 6, 2004

MR. SPEAKER:

We, your committee on Enrolled Bills, to whom was referred the following:

HOUSE BILL NO. 1052 BY REPRESENTATIVES HOUSE, BOLIN

HOUSE BILL NO. 1122 BY REPRESENTATIVE GILLESPIE

HOUSE BILL NO. 1153 BY REPRESENTATIVE CLEVELAND

beg leave to report that we have carefully compared the enrolled copies with the original and we find the same correctly enrolled and have at 2:20 p.m. delivered them to the Governor for his approval.

Respectfully submitted,

/s/ Herschel W. Cleveland

Chairman

RECEIPT FROM THE GOVERNOR

RECEIVED FROM THE HOUSE:

HOUSE BILL NO. 1153 BY REPRESENTATIVE CLEVELAND

HOUSE BILL NO. 1122 BY REPRESENTATIVE GILLESPIE

HOUSE BILL NO. 1052 BY REPRESENTATIVES HOUSE, BOLIN

/s/ Mike Huckabee - Governor

TIME: 2:20 p.m.

By: Stacy DeJarnett

ENROLLED AND DELIVERY TO GOVERNOR REPORTS

Little Rock, Arkansas

February 6, 2004

MR. SPEAKER:

We, your committee on Enrolled Bills, to whom was referred the following:

HOUSE BILL NO. 1061 BY REPRESENTATIVE CHESTERFIELD

HOUSE BILL NO. 1098 BY REPRESENTATIVE MAHONY

beg leave to report that we have carefully compared the enrolled copies with the original and we find the same correctly enrolled and have at 3:05 p.m. delivered them to the Governor for his approval.

Respectfully submitted,

/s/ Herschel W. Cleveland

Chairman

RECEIPT FROM THE GOVERNOR

RECEIVED FROM THE HOUSE:

HOUSE BILL NO. 1061 BY REPRESENTATIVE CHESTERFIELD

HOUSE BILL NO. 1098 BY REPRESENTATIVE MAHONY

/s/ Mike Huckabee - Governor

TIME: 3:05 p.m.

By: Lauren Brown

ENROLLED AND DELIVERY TO GOVERNOR REPORTS

Little Rock, Arkansas

February 6, 2004

MR. SPEAKER:

We, your committee on Enrolled Bills, to whom was referred the following:

HOUSE BILL NO. 1177 BY REPRESENTATIVE PETRUS, ET AL

beg leave to report that we have carefully compared the enrolled copies with the original and we find the same correctly enrolled and have at 3:35 p.m. delivered them to the Governor for his approval.

Respectfully submitted,

/s/ Herschel W. Cleveland

Chairman

RECEIPT FROM THE GOVERNOR

RECEIVED FROM THE HOUSE:

HOUSE BILL NO. 1177 BY REPRESENTATIVE PETRUS, ET AL

TIME: 3:35 p.m.

/s/ Mike Huckabee - Governor

By: Chad Gallagher

ENROLLED AND DELIVERY TO GOVERNOR REPORTS

Little Rock, Arkansas

February 6, 2004

MR. SPEAKER:

We, your committee on Enrolled Bills, to whom was referred the following:

HOUSE BILL NO. 1009 BY REPRESENTATIVE PICKETT

beg leave to report that we have carefully compared the enrolled copies with the original and we find the same correctly enrolled and have at 4:26 p.m. delivered them to the Governor for his approval.

Respectfully submitted,

/s/ Herschel W. Cleveland

Chairman

RECEIPT FROM THE GOVERNOR

RECEIVED FROM THE HOUSE:

HOUSE BILL NO. 1009 BY REPRESENTATIVE PICKETT

TIME: 4:26 p.m.

/s/ Mike Huckabee - Governor

By: Lauren Brown

HOUSE CONCURRENT RESOLUTION NO. 1005

BY: REPRESENTATIVE CREEKMORE

TO PROVIDE THAT THE SECOND EXTRAORDINARY SESSION OF THE EIGHTY-FOURTH GENERAL ASSEMBLY SHALL ENTER INTO RECESS AT THE CLOSE OF BUSINESS IN EACH HOUSE ON FEBRUARY 6, 2004, TO RECONVENE AT 12:00 NOON ON THURSDAY, MARCH 4, 2004, FOR THE PURPOSE OF CONSIDERING VETOES, CORRECTING ERRORS, OVERSIGHTS AND OMISSIONS, AND TO CONSIDER OTHER MATTERS INCLUDED IN THE EXECUTIVE PROCLAMATION WHICH CALLED THE SECOND EXTRAORDINARY SESSION OF THE EIGHTY-FOURTH GENERAL ASSEMBLY; TO PROVIDE THAT THE SPEAKER OF THE HOUSE OF REPRESENTATIVES AND THE PRESIDENT PRO TEMPORE OF THE SENATE MAY BY JOINT PROCLAMATION ISSUED AT ANY TIME PRIOR TO MARCH 4 DECLARE THAT IT IS NOT NECESSARY FOR THE SENATE AND HOUSE OF REPRESENTATIVES TO RECONVENE AND MAY ADJOURN THE SECOND EXTRAORDINARY SESSION OF THE EIGHTY-FOURTH GENERAL ASSEMBLY SINE DIE.

Was read the first time, rules suspended, read the second time and placed on the Calendar.

SENATE CONCURRENT RESOLUTION NO. 5

BY: SENATOR HILL

TO PROVIDE THAT THE SECOND EXTRAORDINARY SESSION OF THE EIGHTY-FOURTH GENERAL ASSEMBLY SHALL ENTER INTO RECESS AT THE CLOSE OF BUSINESS IN EACH HOUSE ON FEBRUARY 6, 2004, TO RECONVENE AT 12:00 NOON ON THURSDAY, MARCH 4, 2004, FOR THE PURPOSE OF CONSIDERING VETOES, CORRECTING ERRORS, OVERSIGHTS AND OMISSIONS, AND TO CONSIDER OTHER MATTERS INCLUDED IN THE EXECUTIVE PROCLAMATION WHICH CALLED THE SECOND EXTRAORDINARY SESSION OF THE EIGHTY-FOURTH GENERAL ASSEMBLY.

Was read the first time, rules suspended, read the second time and placed on the Calendar.

Upon motion of Representative Cleveland, the House recessed at 3:47 p.m. until Noon on March 4, 2004.

ATTEST:

Herschel W. Cleveland
Speaker of the House of Representatives

Jo Renshaw
Chief Clerk

**EIGHTY-EIGHTH DAY'S PROCEEDINGS
HALL OF THE HOUSE OF REPRESENTATIVES**

Little Rock, Arkansas
March 4, 2004

The House was called to order at 12:06 p.m. by Mr. Cleveland, the Speaker.
The following members answered to the roll call:

Adams, Agee, Anderson, Bennett, Berry, Biggs, Blair, Bledsoe, Bolin, Bond, Bookout, Boyd, Bradford, Bright, Chesterfield, Childers, Clemons, Cowling, Creekmore, Dangeau, Dees, Dickinson, Dobbins, Eason, Edwards, Elliott, D.Evans, L. Evans, Ferguson, Fite, Gillespie, Gipson, Goss, Green, Haak, Hathorn, Hickinbotham, House, Hutchinson, Jackson, Jacobs, Jeffrey, C.Johnson, J. Johnson, Jones, Judy, Kenney, Lamoureux, Ledbetter, Lendall, Lewellen, Mack, Mahony, Martin, Matayo, Mathis, Medley, Milligan, Moore, Napper, Nichols, Norton, Oglesby, Ormond, Pace, Parks, Pate, Petrus, Pickett, L. Prater, S. Prater, Roebuck, Schulte, Scrimshire, Scroggin, Seawel, Smith, Stovall, Sullivan, C.Taylor, J.Taylor, Thomas, Thomason, Thyer, Verkamp, Walters, Weaver, White, Wood, Mr. Speaker.

Total90

The following member(s) was absent and did not answer to the roll call:
Borhauer, Hardwick, Harris, Key, King, Penix, Pritchard, Rankin, Rosenbaum, Sumpter.

Total10

A quorum was present.
Unanimous leave was granted for Representative(s) Borhauer, Hardwick, Harris, Key, King, Pritchard, Rankin, Rosenbaum, Sumpter.
The House stood and was led in prayer by Representative Harmon Seawel.
The House stood and gave the Pledge of Allegiance to the Flag.
The reading of the Journal of yesterday's proceedings was dispensed with.

March 4, 2004

I state that I was present when the roll call was taken, but did not get punched in as present.

Representative Kevin Penix

HOUSE CONCURRENT RESOLUTION NO. 1006

BY: REPRESENTATIVE DANGEAU

A BILL FOR AN ACT TO BE ENTITLED 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.

Was read the first time, rules suspended, read the second time, rules suspended, read the third time, adopted and ordered transmitted to the Senate.

The vote was as follows:

HOUSE CONCURRENT RESOLUTION NO. 1006

BY: REPRESENTATIVE DANGEAU

AFFIRMATIVE: Adams, Agee, Bennett, Berry, Biggs, Blair, Bolin, Bond, P. Bookout, Boyd, Bradford, Chesterfield, Childers, Clemons, Cowling, Creekmore, Dangeau, Dees, Dickinson, Dobbins, Eason, Edwards, Elliott, D. Evans, L. Evans, Ferguson, Fite, Gillespie, Gipson, Goss, Green, Hathorn, Hickinbotham, House, Hutchinson, Jackson, Jacobs, Jeffrey, C. Johnson, J. Johnson, Jones, Judy, Lamoureux, Ledbetter, Lendall, Lewellen, Mack, Mahony, Martin, Mathis, Medley, Milligan, Moore, Napper, Nichols, Oglesby, Pace, Pate, Petrus, Pickett, L. Prater, S. Prater, Roebuck, Schulte, Scrimshire, Scroggin, Seawel, Stovall, Sullivan, C. Taylor, J. Taylor, Thomason, Thyer, Verkamp, Walters, Weaver, White, Mr. Speaker.

Total78

NEGATIVE: Anderson, Bledsoe, Bright, Haak, Kenney, Norton, Ormond, Parks, R. Smith, Thomas, Wood.

Total11

ABSENT OR NOT VOTING: Borhauer, Hardwick, Harris, Key, King, Penix, Pritchard, Rankin, Rosenbaum, Sumpster.

Total10

VOTING PRESENT: Matayo.

Total1

Total number of votes cast.....90

Total number voting in the affirmative78

Necessary to the adoption of the resolution51

So the Resolution was adopted.

The House stood in recess at 12:15 p.m. until 12:50 p.m.

HOUSE CONCURRENT RESOLUTIONS ADOPTED AND
ORDERED TRANSMITTED TO THE SENATE

HOUSE CONCURRENT RESOLUTION NO. 1006
BY REPRESENTATIVE DANGEAU

ARKANSAS SENATE
HOUSE BILLS RETURNED FROM THE SENATE AS PASSED

HOUSE BILL NO. 1179 BY REPRESENTATIVE CHESTERFIELD

ARKANSAS SENATE
HOUSE CONCURRENT RESOLUTIONS CONCURRED IN
AND RETURNED TO THE HOUSE

HOUSE CONCURRENT RESOLUTION NO. 1006
BY REPRESENTATIVE DANGEAU

ARKANSAS SENATE
NOTICE OF RETURN OF HOUSE BILL 1034
HAVING OVERRIDDEN THE GOVERNOR'S VETO

HOUSE BILL NO. 1034 BY REPRESENTATIVE CLEVELAND

ENROLLED AND DELIVERY TO GOVERNOR REPORTS

Little Rock, Arkansas

March 4, 2004

MR. SPEAKER:

We, your committee on Enrolled Bills, to whom was referred the following:

HOUSE BILL NO. 1179 BY REPRESENTATIVE CHESTERFIELD

beg leave to report that we have carefully compared the enrolled copies with the original and we find the same correctly enrolled and have at 1:00 p.m. delivered them to the Governor for his approval.

Respectfully submitted,

/s/ Herschel W. Cleveland

Chairman

RECEIPT FROM THE GOVERNOR

RECEIVED FROM THE HOUSE:

HOUSE BILL NO. 1179 BY REPRESENTATIVE CHESTERFIELD

/s/ Mike Huckabee - Governor

TIME: 1:00 p.m.

By: Stacy DeJarnett

ENROLLED AND DELIVERY TO GOVERNOR REPORTS

Little Rock, Arkansas

March 4, 2004

MR. SPEAKER:

We, your committee on Enrolled Bills, to whom was referred the following:

HOUSE CONCURRENT RESOLUTION NO. 1006

BY REPRESENTATIVE DANGEAU

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 2:31 p.m. delivered them to the Governor for his approval.

Respectfully submitted,

/s/ Herschel W. Cleveland
Chairman

RECEIPT FROM THE GOVERNOR

RECEIVED FROM THE HOUSE:

HOUSE CONCURRENT RESOLUTION NO. 1006

BY REPRESENTATIVE DANGEAU

/s/ Mike Huckabee - Governor

TIME: 2:31 p.m.

By: Stacy DeJarnett

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 a law this 4th day of March.

Herschel W. Cleveland
Speaker of the House of Representatives

Winthrop P. Rockefeller
President of the Senate

RECEIPT FROM THE GOVERNOR

HOUSE BILL NO. 1034

TIME: 1:20 p.m.

By: Stacy DeJarnett

Upon motion of Representative Cleveland, the House stands in recess at 12:50 p.m. in accordance with **HOUSE CONCURRENT RESOLUTION NO. 1006**.

ATTEST:

Herschel W. Cleveland
Speaker of the House of Representatives

Jo Renshaw
Chief Clerk

ADDENDUM

STATE OF ARKANSAS
OFFICE OF THE GOVERNOR

Mike Huckabee
Governor

February 10, 2004

TO THE SPEAKER OF THE HOUSE

Dear Mr. Speaker:

This is to inform you that on February 10, 2004, I approved the following measures from the Second Extraordinary Session of the Eighty-fourth General Assembly:

HOUSE BILL NO. 1135 is now Act Number 88
HOUSE BILL NO. 1162 is now Act Number 89
HOUSE BILL NO. 1009 is now Act Number 90
HOUSE BILL NO. 1177 is now Act Number 91
HOUSE BILL NO. 1061 is now Act Number 92
HOUSE BILL NO. 1098 is now Act Number 95
HOUSE BILL NO. 1052 is now Act Number 96
HOUSE BILL NO. 1138 is now Act Number 97
HOUSE BILL NO. 1080 is now Act Number 100
HOUSE BILL NO. 1154 is now Act Number 102
HOUSE BILL NO. 1122 is now Act Number 103
HOUSE BILL NO. 1153 is now Act Number 104
HOUSE BILL NO. 1056 is now Act Number 106

Sincerely,

/s/ Mike Huckabee

STATE OF ARKANSAS
OFFICE OF THE GOVERNOR

Mike Huckabee
Governor

February 12, 2004

TO THE SPEAKER OF THE HOUSE

Dear Mr. Speaker:

This is to inform you that on February 12, 2004, the following measure became law without signature during the Second Extraordinary session of the Eighty-fourth General Assembly:

HOUSE BILL NO. 1030 is now Act Number 107

Sincerely,

/s/ Mike Huckabee

STATE OF ARKANSAS
OFFICE OF THE GOVERNOR

Mike Huckabee
Governor

March 9, 2004

TO THE SPEAKER OF THE HOUSE

Dear Mr. Speaker:

This is to inform you that on March 9, 2004, I approved the following measure from the Second Extraordinary Session of the Eighty-fourth General Assembly:

HOUSE BILL NO. 1179 is now Act Number 111

Sincerely,

/s/ Mike Huckabee

March 10, 2004

Representative Herschel Cleveland
Speaker of the House
House of Representatives
Arkansas State Capitol
Little Rock, AR 72201

RE: **House Bill 1034**
Second Extraordinary Session, 2003

Dear Sir:

House Bill 1034 has become Act 109 Second Extraordinary Session, 2003, on the 4th day of March 2004.

Sincerely,

Charlie Daniels
Arkansas Secretary of State

Speaker Cleveland called the House to order at 12:00 noon on June 9, 2004. Under the House Rules the Speaker and three members can adjourn sine die. Representatives Milligan, Ledbetter, and Napper, and others were present.

The Speaker declared: In accordance with the provisions of **HCR 1006**, the House of Representatives of the Second Extraordinary Session of the 84th General Assembly is hereby adjourned sine die.