

**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