

**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 cast.....76

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