

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

Little Rock, Arkansas
January 21, 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, 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:
Haak.

Total01

A quorum was present.

Unanimous leave was granted for Representative(s) Haak.

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

	January 21, 2003
	MIKE HATHORN
JUDICIARY	CHAIRPERSON
HOUSE BILL NO. 1060	DO PASS
BY REPRESENTATIVE MATHIS	NON-CONTROVERSIAL
HOUSE BILL NO. 1075	DO PASS
BY REPRESENTATIVE VERKAMP	
HOUSE BILL NO. 1077	DO PASS
BY REPRESENTATIVE VERKAMP	
HOUSE BILL NO. 1102	DO PASS
BY REPRESENTATIVE MILLIGAN	NON-CONTROVERSIAL

COMMITTEE REPORT

	January 21, 2003
	CALVIN JOHNSON
EDUCATION	CHAIRPERSON
HOUSE BILL NO. 1007	DO PASS
BY REPRESENTATIVE CREEKMORE	
HOUSE BILL NO. 1040	DO PASS
BY REPRESENTATIVE CHESTERFIELD	AS AMENDED #1
HOUSE BILL NO. 1042	DO PASS
BY REPRESENTATIVE CREEKMORE	
HOUSE BILL NO. 1105	DO PASS
BY REPRESENTATIVE SEAWEL	

COMMITTEE REPORT

	January 21, 2003
	JAY BRADFORD
PUBLIC HEALTH, WELFARE AND LABOR	CHAIRPERSON
HOUSE BILL NO. 1085	DO PASS
BY REPRESENTATIVE DEES	NON-CONTROVERSIAL

COMMITTEE REPORT

REVENUE AND TAXATION	January 21, 2003
	BOYD HICKINBOTHAM
	CHAIRPERSON
HOUSE BILL NO. 1019	DO PASS
BY REPRESENTATIVE STOVALL	

COMMITTEE REPORT

PUBLIC TRANSPORTATION	January 21, 2003
	JOHNNIE BOLIN
	CHAIRPERSON
HOUSE BILL NO. 1080	DO PASS
BY REPRESENTATIVE S. WALTERS	NON-CONTROVERSIAL
HOUSE BILL NO. 1090	DO PASS
BY REPRESENTATIVE COWLING	NON-CONTROVERSIAL

Upon motion of Representative Bennett, **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:
Add Senator Horn as a cosponsor of the bill

/s/ Russ Bennett

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

/s/ Ms. Jo Renshaw
Chief Clerk

The House gave Representative King unanimous leave to withdraw **HOUSE JOINT RESOLUTION NO. 1003**.

The House gave Representative King unanimous leave to withdraw **HOUSE JOINT RESOLUTION NO. 1004**.

ENGROSSED BILL REPORTS

HERSCHEL W. CLEVELAND, CHAIRMAN

January 21, 2003

The following bill(s) reported correctly engrossed:

HOUSE BILL NO. 1091 BY REPRESENTATIVE BENNETT AND
BY SENATOR HORN

HOUSE BILL NO. 1002

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, 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, Hardwick, Harris, Hathorn, Hickinbotham, House, Hutchinson, Jackson, Jacobs, Jeffrey, C. Johnson, J. Johnson, Jones, Judy, Kenney, Key, King, Lamoureux, Ledbetter, Lendall, Lewellen, Mack, 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.

Total98

NEGATIVE:

Total0

ABSENT OR NOT VOTING: Haak, Mahony.

Total2

VOTING PRESENT:

Total0

Total number of votes cast.....98

Total number voting in the affirmative98

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. 1002**, 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, Hardwick, Harris, Hathorn, Hickinbotham, House, Hutchinson, Jackson, Jacobs, Jeffrey, C. Johnson, J. Johnson, Jones, Judy, Kenney, Key, King, Lamoureux, Ledbetter, Lendall, Lewellen, Mack, 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.

Total98

NEGATIVE:

Total0

ABSENT OR NOT VOTING: Haak, Mahony.

Total2

VOTING PRESENT:

Total0

Total number of votes cast98

Total number voting in the affirmative98

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

So the Emergency Clause was adopted.

HOUSE BILL NO. 1041

BY: REPRESENTATIVE RANKIN

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, 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.

Total98

NEGATIVE:

Total0

ABSENT OR NOT VOTING: Haak, Mr. Speaker.

Total2

VOTING PRESENT:

Total0

Total number of votes cast.....98

Total number voting in the affirmative98

Necessary to the passage of the bill51

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

Morning Hour Expired.

ARKANSAS SENATE
SENATE BILLS RECEIVED FROM SENATE

SENATE BILL NO. 20 BY SENATOR FARIS

HOUSE BILL NO. 1111

BY: REPRESENTATIVES WALTERS, BLAIR, PENIX, MEDLEY

BY: SENATORS WILKINSON, ALTES

A BILL FOR AN ACT TO BE ENTITLED AN ACT PROVIDING A CHANGE OF VENUE FROM LOWER COURTS TO DISTRICT COURT; 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. 1112

BY: REPRESENTATIVES AGEE, BIGGS, BLEDSOE, HAAK, C. JOHNSON

BY: SENATORS MADISON, WHITAKER

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO REVISE ARKANSAS CODE § 7-5-418 REGARDING THE STATE ELECTION REQUIREMENTS FOR EARLY VOTING; 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

HOUSE BILL NO. 1113

BY: REPRESENTATIVES SULLIVAN, COWLING, MACK

BY: SENATOR HORN

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO MAKE AN APPROPRIATION TO THE COSSATOT COMMUNITY COLLEGE OF THE UNIVERSITY OF ARKANSAS FOR RENOVATING, MEETING ADA REQUIREMENTS AND IMPLEMENTING SAFETY IN THE STRUCTURE KNOWN AS THE COLLISION REPAIR FACILITY LOCATED ON THE DEQUEEN CAMPUS; 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. 1114

BY: REPRESENTATIVE NAPPER

BY: SENATOR B. JOHNSON

A BILL FOR AN ACT TO BE ENTITLED THE ELECTRIC UTILITY REGULATORY REFORM ACT OF 2003.

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

HOUSE BILL NO. 1115

BY: REPRESENTATIVES C. JOHNSON, SEAWEL, MAHONY

BY: SENATOR ARGUE

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO CREATE THE JOINT COMMITTEE ON EDUCATIONAL ADEQUACY; 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. 1116

BY: REPRESENTATIVES MARTIN, HATHORN, S. PRATER, WALTERS,
CLEMONS

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO PROHIBIT THE SALE AND USE OF URINE WITH THE INTENT TO DEFRAUD A DRUG OR ALCOHOL SCREENING TEST; 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. 1117

BY: JOINT BUDGET COMMITTEE

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO MAKE AN APPROPRIATION FOR PROVIDING PAYMENT OF CLAIMS TO SURVIVING SPOUSES AND/OR DEPENDENT CHILDREN OF POLICEMEN, FIREMEN, CORRECTIONAL OFFICERS AND OTHER SPECIFIED STATE EMPLOYEES KILLED IN THE OFFICIAL LINE OF DUTY, AS PRESCRIBED BY LAW; PROVIDING FOR PAYMENT OF SMALL CONTROVERSIAL AND NON-CONTROVERSIAL CLAIMS WHICH HAVE BEEN APPROVED BY THE ARKANSAS STATE CLAIMS COMMISSION; PROVIDING PERSONAL SERVICES AND OPERATING EXPENSES FOR THE ARKANSAS STATE CLAIMS COMMISSION 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. 1118

BY: JOINT BUDGET COMMITTEE

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO MAKE AN APPROPRIATION FOR PERSONAL SERVICES AND OPERATING EXPENSES FOR THE OIL AND GAS COMMISSION 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. 1119

BY: JOINT BUDGET COMMITTEE

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO MAKE AN APPROPRIATION FOR PERSONAL SERVICES AND OPERATING EXPENSES FOR THE ARKANSAS STATE BOARD OF CHIROPRACTIC EXAMINERS 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. 1120

BY: JOINT BUDGET COMMITTEE

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO MAKE AN APPROPRIATION FOR PERSONAL SERVICES AND OPERATING EXPENSES FOR THE ARKANSAS DEPARTMENT OF EMERGENCY MANAGEMENT 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. 1121

BY: REPRESENTATIVE R. SMITH

BY: SENATOR J. JEFFRESS

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO CHANGE THE ASSUMED ANNUITY OPTION FOR THE ARKANSAS LOCAL POLICE AND FIRE RETIREMENT SYSTEM FROM A STRAIGHT-LIFE ANNUITY TO A SIXTY-MONTH CERTAIN AND LIFE ANNUITY IF A MEMBER ELECTS NO ANNUITY OPTION; 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 BILL NO. 1122

BY: REPRESENTATIVE R. SMITH

BY: SENATOR J. JEFFRESS

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO CLARIFY THE AUTHORITY OF POLICE AND FIRE PENSION AND RELIEF FUNDS TO INCREASE THE BENEFITS FOR SURVIVING SPOUSES AND BENEFICIARIES AFTER THE DEATH OF AN ACTIVE OR RETIRED MEMBER; 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 BILL NO. 1123

BY: REPRESENTATIVE R. SMITH

BY: SENATOR J. JEFFRESS

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO REVISE THE REQUIREMENTS FOR SURVIVOR BENEFICIARY ANNUITY UNDER THE ARKANSAS LOCAL POLICE AND FIRE 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.

HOUSE BILL NO. 1124

BY: REPRESENTATIVE R. SMITH

BY: SENATOR J. JEFFRESS

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO AMEND THE ARKANSAS LOCAL POLICE AND FIRE RETIREMENT SYSTEM TO INCLUDE WORKERS' COMPENSATION BENEFITS IN FINAL AVERAGE PAY FOR THE PURPOSE OF CALCULATING THE AMOUNT OF AN ANNUITY FOR DISABILITY RETIREMENT; 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 BILL NO. 1125

BY: REPRESENTATIVE R. SMITH

BY: SENATOR J. JEFFRESS

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO REVISE THE MILITARY SERVICE CREDIT UNDER THE ARKANSAS LOCAL POLICE AND FIRE RETIREMENT SYSTEM TO MAKE IT COMPLY WITH FEDERAL LAW WHEN MEMBER OF THE SYSTEM IS CALLED TO ACTIVE DUTY IN UNITED STATES ARMED FORCES; AND FOR OTHER PURPOSES.

Was read the first time, rules suspended, read the second time, and referred to the Committee on JOINT COMMITTEE ON PUBLIC RETIREMENT AND SOCIAL SECURITY PROGRAMS.

HOUSE BILL NO. 1126

BY: REPRESENTATIVE R. SMITH

BY: SENATOR J. JEFFRESS

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO CHANGE THE METHOD OF REDETERMINING BENEFITS ANNUALLY FOR THE ARKANSAS LOCAL POLICE AND FIRE RETIREMENT SYSTEM BY INCREASING THE ANNUAL BENEFIT ON THE PRECEDING JULY 1 BY THREE PERCENT (3%) PER YEAR; 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 Gillespie, the House adjourned at 1:54 p.m. until 1:30 p.m. Wednesday, January 22, 2003.

ATTEST:

Herschel W. Cleveland
Speaker of the House of Representatives

Jo Renshaw
Chief Clerk