

**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