

**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, 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, 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