

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

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Little Rock, Arkansas  
January 5, 2004

The House was called to order at 1:31 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, 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.

Total .....99

The following member(s) was absent and did not answer to the roll call:  
Dobbins.

Total .....1

A quorum was present.

Unanimous leave was granted for Representative(s) Dobbins.

The House stood and was led in prayer by House Parliamentarian Tim Massanelli.

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 5, 2004
	HARMON SEAWEL
	VICE-CHAIRPERSON
SENATE BILL NO. 28	DO PASS
BY SENATOR ARGUE	AS AMENDED #1 & #3

Upon motion of Representative Thyer, **HOUSE BILL NO. 1085** was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 1 TO HOUSE BILL NO. 1085

Amend **HOUSE BILL NO. 1085** as originally introduced:

Page 3, on line 8, delete "May 30, 2002" and substitute "July 1, 2004"

AND

Page 3, delete lines 19 through 21 and substitute:

"(A) Issued bonds to finance school district projects before July 1, 2004, and for which outstanding bonds exist as of July 1, 2004;"

AND

Page 3, on line 30, insert "and" after "English;"

AND

Page 3, delete line 33 and substitute:

"school year."

AND

Page 3, delete lines 34 through 36

AND

Page 4, delete lines 1 through 10

/s/ Chris Thyer

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

/s/ Ms. Jo Renshaw

Chief Clerk

Upon motion of Representative Pickett, **HOUSE BILL NO. 1009** was placed back on second reading for the purpose of amendment.

**AMENDMENT NO. 3 TO HOUSE BILL NO. 1009**

Amend **HOUSE BILL NO. 1009** as engrossed, H12/26/03

(version: 12-26-2003 09:00):

Page 1, line 10, delete "DEPARTMENT" and substitute "DIVISION"

AND

Page 1, line 11, delete "DEPARTMENT" and substitute "DIVISION"

AND

Page 1, line 16, delete "DEPARTMENT" and substitute "DIVISION"

AND

Page 1, line 18, delete "DEPARTMENT" and substitute "DIVISION"

AND

Page 1, line 24, delete "separate divisions" and substitute "separate operating divisions"

AND

Page 1, line 25, delete "Department" and substitute "Division"

AND

Page 1, line 26 delete "Department" and substitute "Division"

AND

Page 1, line 27, delete "Department" and substitute "Division"

AND

Page 1, line 28, delete "and the State" and substitute "or by the State"

AND

Page 1, line 29, delete "Department" and substitute "Division"

AND

Page 1, line 35, delete "Department" and substitute "Division"

AND

Page 2, line 1, delete "will" and substitute "shall"

AND

Page 2, line 7, delete "Department" and substitute "Division"

AND

Page 2, line 8, delete "Department" and substitute "Division"

AND

Page 2, delete lines 32 through 34 entirely

AND

Page 2, line 35, delete "(e)(1)" and substitute "(d)(1)"

AND

Page 3, line 1, delete "Department" and substitute "Division"

AND

Page 3, line 2, delete "Department" and substitute "Division"

AND

Page 3, line 6, delete "Department" and substitute "Division"

AND

Page 3, delete line 8 and substitute:

(e)(1) The Director of the Division of Accountability shall review"

AND

Page 3, line 9, delete "Department" and substitute "Division"

AND

Page 3, line 12, delete "Department" and substitute "Division"

AND

Page 3, line 13, delete "Department" and substitute "Division"

AND

Page 3, line 18, delete "Director of the Department of Education" and substitute "~~Director of the Department of Education~~ Directors"

AND

Page 3, line 23, delete "Department of Education, who" and substitute "~~Department of Education, who~~ Division of"

AND

Page 3, line 30, delete "the" and substitute "the state"

AND

Page 3, delete line 31, and substitute:

"Division of Curriculum and Instruction and the Division of Accountability"

AND

Page 3, line 32, delete "department's" and substitute "division's"

AND

Page 3, delete line 33, and substitute:

"authorized for both divisions for personal services and operating expenses; and

(D) Shall not employ a person to serve as a director of the Department of Education, as the Department of Education shall not have a director, powers, duties, or functions separate from the Division of Curriculum and Instruction or the Division of Accountability."

AND

Page 4, line 3, delete "Department" and substitute "Division"

AND

Page 4, line 7, delete "Department" and substitute "Division"

AND

Page 4, line 16, delete "Department" and substitute "Division"

AND

Page 4, line 17, delete "Department" and substitute "Division"

AND

Page 4, line 18, delete "must" and substitute "shall"

AND

Page 4, line 20, delete "Department" and substitute "Division"

AND

Page 4, line 24, delete "had" entirely

AND

Page 4, line 24, delete "years" and substitute "years of"

AND

Page 4, line 28, delete "Department" and substitute "Division"

AND

Page 5, line 9, delete "Department" and substitute "Division"

AND

Page 5, line 10, delete "Department" and substitute "Division"

AND

Page 5, line 13, delete "departments" and substitute "divisions"

AND

Page 5, line 15, delete "departments" and substitute "divisions"

AND

Page 5, line 35, delete "Department of ~~Education~~ Curriculum" and substitute "~~Department of Education~~ Division of Curriculum"

AND

Page 5, line 36, delete "Department" and substitute "Division"

AND

Page 6, delete line 4 and substitute:

"Division of Curriculum and Instruction or the Director of the Division of"

AND

Page 6, line 15, delete "~~department~~ departments" and substitute "~~department~~ divisions"

AND

Page 6, line 16, delete "Department of ~~Education~~ " and substitute "~~Department of Education~~ Division of"

AND

Page 6, line 28, delete "Department of" and substitute "~~Department of~~"

AND

Page 6, line 29, delete "Accountability" and substitute "Division of Accountability"

AND

Page 6, line 34 delete "Department of ~~Education Curriculum~~" and substitute "~~Department of Education~~ Division of Curriculum"

AND

Page 7, line 9, delete "Department of Curriculum" and substitute "Division of Curriculum"

/s/ Betty Pickett

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 5, 2004

The following bill(s) reported correctly engrossed:

HOUSE BILL NO. 1009 - TITLE - BY REPRESENTATIVE PICKETT

HOUSE BILL NO. 1085 BY REPRESENTATIVE THYER

HOUSE BILL ENGROSSED AS TITLE AMENDED

HOUSE BILL NO. 1009

BY: REPRESENTATIVE PICKETT

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO DIVIDE THE DEPARTMENT OF EDUCATION INTO THE *DIVISION* OF CURRICULUM AND INSTRUCTION AND THE *DIVISION* OF ACCOUNTABILITY; AND FOR OTHER PURPOSES.

HOUSE RESOLUTION NO. 1010

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BY: REPRESENTATIVE KING

CONGRATULATING THE 2003 SIX-AA CONFERENCE FOOTBALL CHAMPION BARTON BEARS.

THE RESOLUTION WAS READ AND ADOPTED BY MORE THAN 51 VOTES. THE RESOLUTION RECEIVED A UNANIMOUS VOTE.

Morning Hour Expired.

Representative J. Johnson moved that the House concur in the following Senate Amendment.

ARKANSAS SENATE

AMENDMENT NO. 1 TO HOUSE BILL NO. 1048

Amend HOUSE BILL NO. 1048 as originally introduced:

Page 2, line 19, delete "plan" and substitute "plan, including the evaluations and measures as described under subdivision (b)(6) of this section"

AND

Page 2, line 21, delete "Education," and substitute "Education, the House Interim Committee on Education and Senate Interim Committee on Education,"

/s/ Henry "Hank" Wilkins

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, Hardwick, Harris, Hathorn, Hickinbotham, House, Hutchinson, Jackson, Jacobs, Jeffrey, C. Johnson, J. Johnson, Jones, Judy, Key, King, Lamoureux, Ledbetter, Lendall, Mack, Martin, Matayo, Medley, Milligan, Moore, Napper, Nichols, Norton, Oglesby, Ormond, Pace, Parks, Pate, Penix, Petrus, Pickett, L. Prater, S. Prater, Pritchard, Rankin, Rosenbaum, Schulte, Scroggin, Seawel, Sullivan, Sumpter, C. Taylor, J. Taylor, Thomas, Thomason, Thyer, Verkamp, Walters, Weaver, White, Wood, Mr. Speaker.

Total .....90

NEGATIVE:

Total .....0

ABSENT OR NOT VOTING: Bolin, Dobbins, Kenney, Lewellen, Mahony, Mathis, Roebuck, Scrimshire, R. Smith, Stovall.

Total .....10

VOTING PRESENT:

Total .....0

Total number of votes cast .....90

Total number voting in the affirmative .....90

Necessary to concur in the amendment .....51

So the Amendment was concurred in.

/s/ Ms. Jo Renshaw

Chief Clerk

HOUSE BILL NO. 1070

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**BY: REPRESENTATIVE LENDALL**

Was read the third time and placed on final passage, the question being shall the Bill pass. The vote was as follows:

AFFIRMATIVE: Biggs, Blair, Bolin, Bond, Borhauer, Bradford, Chesterfield, Childers, Clemons, Dees, Dickinson, Eason, Edwards, Elliott, D. Evans, L. Evans, Fite, Gillespie, Goss, Green, Haak, House, C. Johnson, J. Johnson, Jones, Judy, Key, King, Ledbetter, Lendall, Martin, Matayo, Napper, Pace, Pate, Penix, Pickett, L. Prater, S. Prater, Pritchard, Roebuck, Seawel, R. Smith, Sullivan, Sumpter, C. Taylor, Thomas, Thomason, Walters, White, Wood.

Total .....51

NEGATIVE: Adams, Agee, Anderson, Bennett, Berry, Bledsoe, P. Bookout, Boyd, Bright, Cowling, Creekmore, Dangeau, Gipson, Hardwick, Harris, Hathorn, Hickinbotham, Hutchinson, Jackson, Jeffrey, Kenney, Lamoureux, Mack, Mahony, Mathis, Medley, Milligan, Moore, Nichols, Norton, Ormond, Parks, Petrus, Rosenbaum, Schulte, Scrimshire, Scroggin, J. Taylor, Thyer, Verkamp, Weaver.

Total .....41

ABSENT OR NOT VOTING: Dobbins, Ferguson, Jacobs, Lewellen, Rankin, Stovall, Mr. Speaker.

Total .....7

VOTING PRESENT: Oglesby.

Total .....1

Total number of votes cast.....93

Total number voting in the affirmative .....51

Necessary to the passage of the bill .....51

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

Upon motion of Representative Lendall the Clincher motion prevailed.

HOUSE BILL NO. 1083

BY: REPRESENTATIVE THYER

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, 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, Hutchinson, Jackson, Jeffrey, C. Johnson, J. Johnson, Jones, Judy, Kenney, Key, King, Lamoureux, Ledbetter, Lendall, Lewellen, Mack, Mahony, Martin, Matayo, Mathis, Medley, Napper, Nichols, Norton, Oglesby, Pace, Parks, Pate, Penix, Petrus, Pickett, L. Prater, S. Prater, Pritchard, Rankin, Roebuck, Rosenbaum, Schulte, Scrimshire, Scroggin, Seawel, R. Smith, Sullivan, Sumpter, C. Taylor, J. Taylor, Thomas, Thomason, Thyer, Walters, Weaver, White, Wood.

Total .....90

NEGATIVE: Ormond, Verkamp.

Total .....2

ABSENT OR NOT VOTING: Dobbins, House, Jacobs, Moore, Stovall, Mr. Speaker.

Total .....6

VOTING PRESENT: Chesterfield, Milligan.

Total .....2

Total number of votes cast.....94

Total number voting in the affirmative .....90

Necessary to the passage of the bill .....51

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

Upon motion of Representative Napper the rules were suspended. Considered in the Committee of the Whole. Returned with the recommendation that it "DO PASS."

**SENATE BILL NO. 44**

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**BY: JOINT BUDGET COMMITTEE**

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, Fite, Gillespie, Gipson, Goss, Green, Haak, Hardwick, 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, S. Prater, Pritchard, Rankin, Rosenbaum, Schulte, Scrimshire, Scroggin, Seawel, R. Smith, Sullivan, Sumpter, C. Taylor, J. Taylor, Thomas, Thomason, Thyer, Verkamp, Walters, Weaver, White, Wood, Mr. Speaker.

Total .....93

NEGATIVE:

Total .....0

ABSENT OR NOT VOTING: Dobbins, Harris, Moore, Pickett, L. Prater, Roebuck, Stovall.

Total .....7

VOTING PRESENT:

Total .....0

Total number of votes cast.....93

Total number voting in the affirmative .....93

Necessary to the passage of the bill .....75

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

There being an Emergency Clause attached to **SENATE BILL NO. 44**, 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, Fite, Gillespie, Gipson, Goss, Green, Haak, Hardwick, 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, S. Prater, Pritchard, Rankin, Rosenbaum, Schulte, Scrimshire, Scroggin, Seawel, R. Smith, Sullivan, Sumpter, C. Taylor, J. Taylor, Thomas, Thomason, Thyer, Verkamp, Walters, Weaver, White, Wood, Mr. Speaker.

Total .....93

NEGATIVE:

Total .....0

ABSENT OR NOT VOTING: Dobbins, Harris, Moore, Pickett, L. Prater, Roebuck, Stovall.

Total .....7

VOTING PRESENT:

Total .....0

Total number of votes cast .....93

Total number voting in the affirmative .....93

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

So the Emergency Clause was adopted.

The House stood in recess at 2:27 p.m. until 4:00 p.m.

The House reconvened at 4:04 p.m.

HOUSE BILLS ORDERED TRANSMITTED TO THE SENATE AS PASSED

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HOUSE BILL NO. 1070 BY REPRESENTATIVE LENDALL

HOUSE BILL NO. 1083 BY REPRESENTATIVE THYER

SENATE BILLS ORDERED RETURNED TO THE SENATE AS PASSED

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SENATE BILL NO. 44 BY SENATOR CRITCHER

ARKANSAS SENATE  
HOUSE BILLS RETURNED FROM THE SENATE AS PASSED

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HOUSE BILL NO. 1010 BY REPRESENTATIVE DICKINSON

HOUSE BILL NO. 1028 BY REPRESENTATIVE BOND

ENROLLED AND DELIVERY TO GOVERNOR REPORTS

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Little Rock, Arkansas

January 5, 2004

MR. SPEAKER:

We, your committee on Enrolled Bills, to whom was referred the following:  
**HOUSE BILL NO. 1048 BY REPRESENTATIVE J. JOHNSON, CLEVELAND**  
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 2:45 p.m. delivered them to the Governor for his approval.

Respectfully submitted,

/s/ Herschel W. Cleveland

Chairman

RECEIPT FROM THE GOVERNOR

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RECEIVED FROM THE HOUSE:

HOUSE BILL NO. 1048 BY REPRESENTATIVES J. JOHNSON, CLEVELAND

/s/ Mike Huckabee - Governor

TIME: 2:45 p.m.

By: Stacy DeJarnett

ENROLLED AND DELIVERY TO GOVERNOR REPORTS

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Little Rock, Arkansas

January 5, 2004

MR. SPEAKER:

We, your committee on Enrolled Bills, to whom was referred the following:

HOUSE BILL NO. 1010 BY REPRESENTATIVE DICKINSON, ET AL

HOUSE BILL NO. 1028 BY REPRESENTATIVE BOND

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 3:42 p.m. delivered them to the Governor for his approval.

Respectfully submitted,

/s/ Herschel W. Cleveland

Chairman

RECEIPT FROM THE GOVERNOR

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RECEIVED FROM THE HOUSE:

HOUSE BILL NO. 1010 BY REPRESENTATIVE DICKINSON, ET AL

HOUSE BILL NO. 1028 BY REPRESENTATIVE BOND

/s/ Mike Huckabee - Governor

TIME: 3:42 p.m.

By: Stacy DeJarnett

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 measure from the Second Extraordinary Session of the Eighty-Fourth General Assembly:

**HOUSE BILL NO. 1011** is now Act Number 29

Sincerely,

/s/ Mike Huckabee

MH:sm

cc: President of the Senate

HOUSE BILL NO. 1088

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BY: REPRESENTATIVES PICKETT, CLEVELAND, ROEBUCK

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO CREATE EDUCATION ASSISTANCE TEAMS FOR SCHOOLS IN SCHOOL IMPROVEMENT; TO ALLOW THE STATE BOARD OF EDUCATION TO INTERVENE WHEN NECESSARY TO RESTORE SAFETY AND AN ORDERLY LEARNING ENVIRONMENT IN A SCHOOL; 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. 1013

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BY: REPRESENTATIVES J. TAYLOR, CLEMONS, BRADFORD

RECOGNIZING SGT. MARQUETTE WHITESIDE FOR HIS EXEMPLARY MILITARY SERVICE.

Was read the first time, rules suspended, read the second time and referred to the Committee on AGING, CHILDREN AND YOUTH, LEGISLATIVE AND MILITARY AFFAIRS.

Upon motion of Representative Gillespie, the House adjourned at 4:05 p.m. until 1:30 p.m. Tuesday, January 6, 2004.

ATTEST:

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Herschel W. Cleveland  
Speaker of the House of Representatives

\_\_\_\_\_  
Jo Renshaw  
Chief Clerk