

**THIRTY-FIRST DAY'S PROCEEDINGS
HALL OF THE HOUSE OF REPRESENTATIVES**

Little Rock, Arkansas
January 7, 2004

The House was called to order at 1:33 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, 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.

Total98

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

Total2

A quorum was present.

Unanimous leave was granted for Representative(s) Dobbins, Jeffrey.

The House stood and was led in prayer by Representative Scott Sullivan.

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

AGING, CHILDREN AND YOUTH, LEGISLATIVE AND MILITARY AFFAIRS HOUSE RESOLUTION NO. 1013 BY REPRESENTATIVE J. TAYLOR	January 7, 2004 JOYCE DEES CHAIRPERSON DO PASS
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COMMITTEE REPORT

EDUCATION	January 7, 2004 HARMON SEAWEL VICE-CHAIRPERSON
HOUSE BILL NO. 1008 BY REPRESENTATIVE PICKETT	DO PASS AS AMENDED #1
HOUSE BILL NO. 1040 BY REPRESENTATIVE ELLIOTT	DO PASS
HOUSE BILL NO. 1071 BY REPRESENTATIVE BIGGS	DO PASS
HOUSE BILL NO. 1080 BY REPRESENTATIVE C. JOHNSON	DO PASS
HOUSE BILL NO. 1085 BY REPRESENTATIVE THYER	DO PASS
HOUSE BILL NO. 1087 BY REPRESENTATIVE HARRIS	DO PASS
HOUSE BILL NO. 1090 BY REPRESENTATIVE CLEVELAND	DO PASS

Upon motion of Representative Anderson, **HOUSE BILL NO. 1075** was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 1 TO HOUSE BILL NO. 1075

Amend **HOUSE BILL NO. 1075** as originally introduced:

Add Representative Penix as a cosponsor of the bill

AND

Page 2, line 21, delete "(d)" and substitute "(d)(1)"

AND

Page 2, delete line 22, and substitute the following:

"(75%) of the contracted salary at the beginning of the 2003-2004 school year, if the superintendent continues to work within the same school district.

(2) For as long as he or she continues to work within the same school district, a superintendent's salary calculated under subdivision (d)(1) of this section shall not be lower than that calculated salary."

AND

Page 4, line 3 delete "Establish" and substitute "In consultation with school superintendents, establish"

/s/ Kevin Anderson

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 7, 2004

The following bill(s) reported correctly engrossed:

HOUSE BILL NO. 1075 - TITLE - BY REPRESENTATIVE ANDERSON, ET AL

SENATE BILL NO. 33 - TITLE - BY SENATOR BRYLES, ET AL

HOUSE BILL ENGROSSED AS TITLE AMENDED
HOUSE BILL NO. 1075

BY: REPRESENTATIVES ANDERSON, ROSENBAUM, MATAYO, *PENIX*
BY: SENATOR BISBEE

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO STANDARDIZE SCHOOL SUPERINTENDENT SALARIES; AND FOR OTHER PURPOSES.

SENATE BILL ENGROSSED AS TITLE AMENDED
SENATE BILL NO. 33

BY: SENATORS BRYLES, ARGUE, BAKER, BISBEE, B. JOHNSON, FARIS, SALMON, TRUSTY, WHITAKER, WOMACK, WOOLDRIDGE, WILKINSON, *ALTES, BROADWAY, GULLETT, HIGGINBOTHOM, HORN, G. JEFFRESS, J. JEFFRESS*
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, *BLAIR, BOLIN, BOND, BRADFORD, CHILDERS, CLEMONS, CREEKMORE, DEES, EASON, EDWARDS, D. EVANS, FERGUSON, FITE, GREEN, HAAK, HATHORN, JACKSON, JACOBS, C. JOHNSON, J. JOHNSON, JUDY, KING, MEDLEY, MOORE, NICHOLS, NORTON, OGLESBY, PENIX, PETRUS, SEAWEL, SULLIVAN, SUMPTER, C. TAYLOR, THOMAS, THYER, WHITE, WOOD*

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; AND FOR OTHER PURPOSES.*

Upon motion of Representative Hardwick, **SENATE BILL NO. 33** was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 1 TO SENATE BILL NO. 33

Amend **SENATE BILL NO. 33** as engrossed, S12/30/03

(version: 12-30-2003 14:29):

Add Representatives Blair, Bolin, Bond, Bradford, Childers, Clemons, Creekmore, Dees, Eason, Edwards, D. Evans, Ferguson, Fite, Green, Haak, Hathorn, Jackson, Jacobs, C. Johnson, J. Johnson, Judy, King, Medley, Moore, Nichols, Norton, Oglesby, Penix, Petrus, Seawel, Sullivan, Sumpter, C. Taylor, Thomas, Thyer, White, Wood as cosponsors of the bill

AND

Add Senators Altes, Broadway, Gullett, Higginbothom, Horn, G. Jeffress, J. Jeffress as cosponsors of the bill

AND

Page 1, delete lines 22 through 25 and substitute:

"FOR ARKANSAS SCHOOL DISTRICTS; AND FOR OTHER PURPOSES."

AND

Page 1, line 30, delete "2003." and substitute "2004."

AND

Page 3, delete lines 33 and 34, and substitute "skills in reading and writing literacy, and mathematics. Science, civics, and government shall be measured on a schedule as determined by the state board."

AND

Page 4, delete line 17, and substitute:

"subject areas where performance is deficient. The academic improvement plan shall describe the parent's role and responsibilities as well as the consequences for the student's failure to participate in the plan."

AND

Page 4, line 19, delete "and" and substitute "which"

AND

Page 5, line 2, delete "end-of-course" and substitute "~~end-of-course~~ End of Course"

AND

Page 5, line 33, delete "benchmark exams, and end" and substitute "Benchmark exams, and End"

AND

Page 5, line 34, delete "of-course" and substitute "of Course"

AND

Page 6, line 29, delete "national, demographically" and substitute "national"

AND

Page 6, line 30, delete "matched" entirely

AND

Page 8, line 24, delete "A norm-referenced test" and substitute "Norm-referenced tests"

AND

Page 8, line 25, delete "a criterion-referenced" and substitute "criterion-referenced"

AND

Page 8, delete line 26, and substitute "tests, as defined in § 6-15-404(g)(1) known as the Benchmark exams, in grades"

AND

Page 8, line 33, delete "end-of-course" and substitute "End of Course"

AND

Page 8, line 36, delete "Science and civics and" and substitute "Science, civics, and"

AND

Page 9, line 4, delete "subsection (b) of this section." and substitute "§ 6-15-404(a)."

AND

Page 9, line 8, delete "national, demographically matched" and substitute "national"

AND

Page 9, line 15, delete "or" and substitute "and"

AND

Page 9, delete line 34 and substitute "statistical models."

AND

Page 9, line 35, delete "(b) of this section." entirely

AND

Page 11, line 16, delete "district board." and substitute "district."

AND

Page 11, line 28, delete "of accountability" and substitute "of improving student achievement, accountability."

AND

Page 12, line 2, delete "calculations." and substitute "calculations:"

AND

Page 14, line 34, delete "end-of-course" and substitute "End of Course"

AND

Page 15, delete line 18, and substitute:

"improvement plan. The district shall notify the student's parent of the parent's role and responsibilities as well as the consequences for the student's failure to

participate in the plan. Beginning with the 2005-2006 school year, students in"

AND

Page 15, line 26, delete "end-of course" and substitute "End of Course"

AND

Page 15, line 28, delete "end-of-course" and substitute "End of Course"

AND

Page 15, line 30, delete "end-of-course" and substitute "End of Course"

AND

Page 17, line 30, delete "benchmark exams, on end-of-course" and substitute "Benchmark exams, on End of Course"

AND

Page 18, delete lines 8 and 9 entirely and substitute:

"(c) This section shall apply to the extent that it is not in violation of applicable state or federal law."

AND

Page 18, delete line 15 entirely and substitute:

"subchapter pursuant to the Arkansas Administrative Procedure Act, § 25-15-201 et seq."

AND

Page 19, line 16, delete "6-15-404(1)(A)." and substitute "6-15-404(g)(1)."

AND

Page 19, line 19, delete "end-of-course" and substitute "End of Course"

AND

Page 19, line 20, delete "6-15-1903 and described in Section 6-15-419(18)." and substitute "6-15-1903."

AND

Page 19, line 21, delete "6-15-404(1)(A)." and substitute "6-15-404(g)(1)."

AND

Page 19, line 23, delete "grade." and substitute "level."

AND

Page 19, line 30, delete "schools of excellence;" and substitute "schools of excellence for improvement;"

AND

Page 19, line 31, insert "improvement" between "exceeding" and "standards."

AND

Page 19, line 32, insert "improvement" between "meeting" and "standards."

AND

Page 19, line 33, delete "and" and substitute "or"

AND

Page 20, line 1, delete "school year." and substitute "school year and each school year thereafter."

AND

Page 20, line 19, delete "benchmark" and substitute "Benchmark"

AND

Page 20, line 25, delete "and" and substitute "or"

AND

Page 20, line 36, delete "by the resident school district"

AND

Page 21, line 9, delete "1909." and substitute "1907."

AND

Page 21, delete lines 14 and 15 and substitute:

"performance of such students."

AND

Page 22, delete lines 12 through 16, and substitute:

"school's assessment program. All schools meeting both criteria shall"

AND

Page 23, delete lines 6 through 9 entirely

AND

Page 23, line 15, delete "2003." and substitute "2004."

AND

Page 24, line 3, delete "any other" and substitute "another"

AND

Page 24, delete lines 17 through 23 entirely and insert the following:

"(2)(A) For the purposes of continuity of educational choice, the transfer shall operate as an irrevocable election for each subsequent entire school year and shall remain in force until the student completes high school or the parent, guardian, or the student, if the student is over eighteen (18) years of age, makes application no later than July 30 for attendance or transfer as provided for by §§6-18-202, 6-18-206, and 6-18-316. Such transfer shall be effective at the beginning of the next academic year.

(B) Application for the Arkansas Opportunity Public School Choice Act of 2004 shall be provided by the Department of Education and shall contain a notice that a transfer under this subsection shall operate as an irrevocable choice for at least one (1) entire school year, and shall remain in force until the student completes high school as provided in this subsection, and except as otherwise provided by law."

AND

Page 25, line 6, delete "higher" and substitute "higher performing"

AND

Page 25, line 22, delete "state." and substitute "state, and the student's transportation and the costs thereof shall be the responsibility of the parents."

AND

Page 27, line 2, delete "benchmark" and substitute "Benchmark"

AND

Page 27, line 17, delete "2003" and substitute "2004"

AND

Page 28, delete lines 21 through 22 and substitute:

"each school is progressing toward implementing and maintaining a system of school improvement."

AND

Page 28, line 23, delete "adequate yearly"

AND

Page 29, line 23, delete "§§ 6-15-1901 et seq., 6-15-403, and 6-15-433;" and substitute "§§ 6-15-404 and 6-15-433;"

AND

Page 30, line 10, delete "(1)"

AND

Page 30, line 13, delete "and" and substitute "and possible"

AND

Page 30, delete line 15, and substitute:

"adopted by the state board and reviewed by the Legislative Council. Revised best financial management practices adopted by the state board shall be used in the next scheduled school district reviews conducted according to this section. The best"

AND

Page 30, line 22, delete "(A)" and substitute "(1)"

AND

Page 30, line 23, delete "(B)" and substitute "(2)"

AND

Page 30, line 24, delete "(C)" and substitute "(3)"

AND

Page 30, line 26, delete "(D)" and substitute "(4)"

AND

Page 30, line 27, delete "(E)" and substitute "(5)"

AND

Page 30, line 28, delete "(F)" and substitute "(6)"

AND

Page 30, line 29, delete "(G)" and substitute "(7)"

AND

Page 30, line 30, delete "(H)" and substitute "(8)"

AND

Page 30, line 31, delete "(I)" and substitute "(9)"

AND

Page 30, line 32, delete "(J)" and substitute "(10)"

AND

Page 30, line 35, delete "(K)" and substitute "(11)"

AND

Page 30, line 36, delete "(L)" and substitute "(12)"

AND

Page 31, delete lines 1 through 7 entirely

AND

Page 31, line 20, delete "biannually" and substitute "biennially"

AND

Page 31, line 29, delete "and" and substitute "or"

AND

Page 31, delete lines 34 and 35, and substitute "website the school and the district financial grades. The report, which shall be part of the overall school and"

AND

Page 32, line 9, delete "conduct or"

AND

Page 34, delete lines 33 and 34 and substitute "Committees."

AND

Page 35, line 10, delete "year." and substitute "year, provided such information is not in conflict with federal or state law."

AND

Page 35, delete lines 22 through 24 and substitute:

"The following definitions shall apply in this subchapter, 6-15-1801 et seq., 6-15-1901 et seq., 6-18-227, 6-15-2001, 5-15-2101, and 6-15-2201, unless the context"

AND

Page 36, delete lines 16 through 36 and substitute:

"~~(2)~~(3) "Adequate yearly progress" means that level of academic improvement required of public schools or school districts on the state-mandated criterion-referenced examinations and other indicators as required in the Arkansas

Comprehensive Testing, Assessment, and Accountability Program, which shall comply with The Elementary and Secondary Education Act as reauthorized in The No Child Left Behind Act of 2001, 20 U.S.C. § 6301, et seq. (2002);

~~(3)~~(4) "Annexation" means the joining of an affected school district or part of the school district with a receiving district under §§ 6-13-1401 et seq.;

(5) "Annual improvement gains" or "student learning gains" means calculating a student's academic progress from one year to the next, based on a same series nationally-normed assessment given in the same time frame from one (1) year to the next, used as a pre-post measure of learning for the content areas tested;

(6) "Annual performance" means that level of academic achievement required of public schools or school districts on the state-mandated criterion-referenced examinations;"

AND

Page 37, line 9, delete "end-of-course" and substitute "End of Course"

AND

Page 38, line 2, delete "End-of-course" and substitute "End of Course"

AND

Page 40, line 4, delete "national, demographically matched" and substitute "national"

/s/ H. A. Hardwick

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

/s/ Ms. Jo Renshaw

Chief Clerk

Morning Hour Expired.

HOUSE BILL NO. 1089

BY: HOUSE MANAGEMENT

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, Elliott, D. Evans, L. Evans, Ferguson, Fite, Gillespie, Gipson, Goss, Green, Haak, Hardwick, Harris, Hathorn, Hickinbotham, House, Hutchinson, Jackson, Jacobs, J. Johnson, Jones, Judy, Kenney, Key, King, Lamoureux, Ledbetter, Lendall, Lewellen, Mack, Mahony, Martin, Matayo, Mathis, Medley, Milligan, Napper, Nichols, Norton, Oglesby, Pace, Parks, Pate, Penix, Petrus, Pickett, L. Prater, S. Prater, Pritchard, Rankin, Roebuck, Schulte, Scrimshire, Scroggin, Seawel, R. Smith, Stovall, Sullivan, Sumpter, C. Taylor, J. Taylor, Thomas, Thomason, Thyer, Verkamp, Walters, Weaver, White, Wood, Mr. Speaker.

Total93

NEGATIVE: Rosenbaum.

Total1

ABSENT OR NOT VOTING: Dobbins, Edwards, Jeffrey, C. Johnson, Moore.

Total5

VOTING PRESENT: Ormond.

Total1

Total number of votes cast95

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.

There being an Emergency Clause attached to **HOUSE BILL NO. 1089**, 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, Elliott, D. Evans, L. Evans, Ferguson, Fite, Gillespie, Gipson, Goss, Green, Haak, Hardwick, Harris, Hathorn, Hickinbotham, House, Hutchinson, Jackson, Jacobs, J. Johnson, Jones, Judy, Kenney, Key, King, Lamoureux, Ledbetter, Lendall, Lewellen, Mack, Mahony, Martin, Matayo, Mathis, Medley, Milligan, Napper, Nichols, Norton, Oglesby, Pace, Parks, Pate, Penix, Petrus, Pickett, L. Prater, S. Prater, Pritchard, Rankin, Roebuck, Schulte, Scrimshire, Scroggin, Seawel, R. Smith, Stovall, Sullivan, Sumpter, C. Taylor, J. Taylor, Thomas, Thomason, Thyer, Verkamp, Walters, Weaver, White, Wood, Mr. Speaker.

Total	93
NEGATIVE: Rosenbaum.	
Total	1
ABSENT OR NOT VOTING: Dobbins, Edwards, Jeffrey, C. Johnson, Moore.	
Total	5
VOTING PRESENT: Ormond.	
Total	1
Total number of votes cast.....	95
Total number voting in the affirmative	93
Necessary to the adoption of the emergency clause.....	67

So the Emergency Clause was adopted.

HOUSE BILL NO. 1027

BY: REPRESENTATIVE PETRUS

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, 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, C. Johnson, J. Johnson, Jones, Judy, Kenney, Key, King, Lamoureux, Ledbetter, Lendall, Lewellen, Mack, Mahony, Martin, Matayo, 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, Sullivan, Sumpter, C. Taylor, J. Taylor, Thomas, Thomason, Thyer, Verkamp, Walters, Weaver, White, Wood.

Total92

NEGATIVE:

Total0

ABSENT OR NOT VOTING: Chesterfield, Childers, Dobbins, Jeffrey, Mathis, Moore, Stovall, Mr. Speaker.

Total8

VOTING PRESENT:

Total0

Total number of votes cast.....92

Total number voting in the affirmative92

Necessary to the passage of the bill51

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

HOUSE BILL NO. 1032

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, Agee, Anderson, Berry, Biggs, Blair, Bledsoe, Bolin, Bond, P. Bookout, Borhauer, Boyd, Bradford, Bright, Chesterfield, Childers, 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, C. Johnson, J. Johnson, Jones, Judy, Key, King, 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, Sullivan, Sumpter, C. Taylor, J. Taylor, Thomas, Thomason, Thyer, Verkamp, Walters, Weaver, White, Wood, Mr. Speaker.

Total93

NEGATIVE:

Total0

ABSENT OR NOT VOTING: Bennett, Clemons, Dobbins, Jeffrey, Kenney, Lamoureux, Stovall.

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.

There being an Emergency Clause attached to **HOUSE BILL NO. 1032**, 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, Berry, Biggs, Blair, Bledsoe, Bolin, Bond, P. Bookout, Borhauer, Boyd, Bradford, Bright, Chesterfield, Childers, 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, C. Johnson, J. Johnson, Jones, Judy, Key, King, 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, Sullivan, Sumpter, C. Taylor, J. Taylor, Thomas, Thomason, Thyer, Verkamp, Walters, Weaver, White, Wood, Mr. Speaker.

Total93

NEGATIVE:

Total0

ABSENT OR NOT VOTING: Bennett, Clemons, Dobbins, Jeffrey, Kenney, Lamoureux, Stovall.

Total7

VOTING PRESENT:

Total0

Total number of votes cast93

Total number voting in the affirmative93

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

So the Emergency Clause was adopted.

HOUSE BILL NO. 1079

BY: REPRESENTATIVE CLEVELAND

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, Haak, Hardwick, Harris, Hathorn, Hickinbotham, House, Hutchinson, Jackson, Jacobs, C. Johnson, J. Johnson, Jones, Judy, 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, Sullivan, Sumpter, C. Taylor, J. Taylor, Thomas, Thomason, Thyer, Verkamp, Walters, Weaver, White, Wood, Mr. Speaker.

Total95

NEGATIVE:

Total0

ABSENT OR NOT VOTING: Dobbins, Gipson, Jeffrey, Kenney, Stovall.

Total5

VOTING PRESENT:

Total0

Total number of votes cast.....95

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.

Motion was made by Representative Ledbetter to refer HOUSE BILL NO. 1077 back to the Committee on EDUCATION. Motion carried.

HOUSE BILL NO. 1035

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: Berry, Blair, Bolin, P. Bookout, Boyd, Bradford, Bright, Chesterfield, Clemons, Cowling, Dangeau, Dickinson, Eason, Edwards, Elliott, Fite, Gillespie, Goss, Hathorn, Hickinbotham, House, Jackson, C. Johnson, J. Johnson, Jones, Judy, King, Ledbetter, Lendall, Lewellen, Mack, Mahony, Martin, Milligan, Moore, Nichols, Oglesby, Pate, Pickett, L. Prater, Rankin, Roebuck, Seawel, Sullivan, Sumpter, Thomas, Thomason, Verkamp, Walters, Weaver, Wood, Mr. Speaker.

Total52

NEGATIVE: Agee, Anderson, Bennett, Bledsoe, Bond, Borhauer, Childers, Dees, D. Evans, Gipson, Green, Haak, Harris, Hutchinson, Key, Lamoureux, Matayo, Mathis, Medley, Napper, Norton, Ormond, Pace, Parks, Penix, Petrus, S. Prater, Pritchard, Rosenbaum, Schulte, R. Smith, C. Taylor, J. Taylor, Thyer.

Total34

ABSENT OR NOT VOTING: Adams, Biggs, Creekmore, Dobbins, L. Evans, Ferguson, Hardwick, Jacobs, Jeffrey, Kenney, Scrimshire, Scroggin, Stovall, White.

Total14

VOTING PRESENT:

Total0

Total number of votes cast86

Total number voting in the affirmative52

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. 1035**, 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, Blair, Bolin, Bond, P. Bookout, Boyd, Bradford, Bright, Chesterfield, Clemons, Cowling, Dangeau, Dickinson, Eason, Edwards, Elliott, L. Evans, Fite, Gillespie, Gipson, Goss, Hathorn, Hickinbotham, House, Jackson, Jacobs, C. Johnson, J. Johnson, Jones, Judy, King, Ledbetter, Lendall, Lewellen, Mack, Mahony, Martin, Milligan, Nichols, Oglesby, Pate, Petrus, L. Prater, S. Prater, Rankin, Roebuck, Schulte, Scrimshire, Scroggin, Seawel, Stovall, Sullivan, Sumpter, J. Taylor, Thomas, Thomason, Thyer, Verkamp, Walters, Weaver, Wood, Mr. Speaker.

Total65

NEGATIVE: Agee, Bledsoe, Borhauer, D. Evans, Green, Harris, Matayo, Medley, Norton, Ormond, Pace, Pritchard, R. Smith, C. Taylor.

Total14

ABSENT OR NOT VOTING: Biggs, Childers, Creekmore, Dees, Dobbins, Ferguson, Haak, Hardwick, Hutchinson, Jeffrey, Kenney, Key, Lamoureux, Mathis, Moore, Napper, Parks, Penix, Pickett, Rosenbaum, White.

Total21

VOTING PRESENT:

Total0

Total number of votes cast.....79

Total number voting in the affirmative65

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

So the Emergency Clause was not adopted.

Representative Pace requested the Sounding of the Ballot on **HOUSE BILL NO. 1035** and the call was sustained. The following members votes were successfully challenged:

AYE: None

Total.....	0
Total number of votes cast	86
Necessary to the passage of the bill	51
Total number voting in the affirmative	52
Total number voting in the negative	34
Total number absent or not voting.....	14
Total number voting present.....	0

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

Upon motion of Representative Chesterfield the Clincher motion prevailed.

HOUSE BILL NO. 1064

BY: REPRESENTATIVE JACKSON

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

AFFIRMATIVE: Adams, Anderson, Bennett, Berry, 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, 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, Moore, Napper, Nichols, Norton, Oglesby, Ormond, Pace, Parks, Pate, Penix, Petrus, 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, Weaver, White, Wood, Mr. Speaker.

Total93

NEGATIVE: Agee.

Total1

ABSENT OR NOT VOTING: Biggs, Dobbins, Jeffrey, Lamoureux, Pickett, Thomas.

Total6

VOTING PRESENT:

Total0

Total number of votes cast.....94

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.

Motion was made by Representative Rosenbaum to take **HOUSE BILL NO. 1061** out of proper order and hold. On this motion the vote was as follows:

AFFIRMATIVE: Agee, Anderson, Bennett, Biggs, Bledsoe, Bond, Borhauer, Bright, Childers, Cowling, Edwards, Green, Haak, Hardwick, Harris, Hutchinson, C. Johnson, Kenney, Key, King, Lamoureux, Lewellen, Mahony, Martin, Matayo, Mathis, Medley, Nichols, Norton, Ormond, Pace, Parks, Penix, S. Prater, Pritchard, Rosenbaum, C. Taylor, Thyer, Verkamp, White, Wood.

Total41

NEGATIVE: Adams, Berry, Blair, P. Bookout, Boyd, Bradford, Chesterfield, Clemons, Creekmore, Dangeau, Dickinson, Eason, Elliott, D. Evans, L. Evans, Ferguson, Gillespie, Gipson, Goss, Hathorn, Hickinbotham, House, Jacobs, J. Johnson, Jones, Judy, Ledbetter, Lendall, Mack, Milligan, Moore, Napper, Oglesby, Pate, Petrus, L. Prater, Rankin, Roebuck, Scrimshire, Scroggin, Seawel, Stovall, Sullivan, J. Taylor, Thomason, Walters, Weaver.

Total47

ABSENT OR NOT VOTING: Bolin, Dees, Dobbins, Fite, Jackson, Jeffrey, Pickett, Schulte, R. Smith, Sumpter, Thomas, Mr. Speaker.

Total12

VOTING PRESENT:

Total0

Total number of votes cast88

Total number voting in the affirmative41

Necessary to the adoption of the motion51

So the motion failed of adoption.

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

HOUSE BILL NO. 1061

BY: REPRESENTATIVE CHESTERFIELD

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

AFFIRMATIVE: Berry, Blair, Bolin, Bond, P. Bookout, Boyd, Bradford, Chesterfield, Clemons, Creekmore, Dangeau, Dees, Dickinson, Eason, Elliott, D. Evans, L. Evans, Ferguson, Gillespie, Gipson, Goss, Hathorn, Hickinbotham, House, Jackson, Jacobs, C. Johnson, J. Johnson, Jones, Judy, King, Ledbetter, Lendall, Lewellen, Mack, Moore, Napper, Oglesby, Pate, L. Prater, S. Prater, Rankin, Roebuck, Seawel, Stovall, Sullivan, Sumpter, Thomas, Thomason, Walters, Weaver, Mr. Speaker.

Total52

NEGATIVE: Adams, Agee, Anderson, Bennett, Bledsoe, Borhauer, Bright, Childers, Cowling, Green, Haak, Hardwick, Harris, Hutchinson, Key, Martin, Matayo, Mathis, Medley, Nichols, Norton, Ormond, Parks, Penix, Petrus, Pritchard, Rosenbaum, C. Taylor, J. Taylor, Thyer, Verkamp, Wood.

Total32

ABSENT OR NOT VOTING: Biggs, Dobbins, Edwards, Fite, Jeffrey, Kenney, Lamoureux, Mahony, Milligan, Pace, Pickett, Schulte, Scrimshire, Scroggin, R. Smith, White.

Total16

VOTING PRESENT:

Total0

Total number of votes cast84

Total number voting in the affirmative52

Necessary to the passage of the bill75

So the Bill failed.

The House stood in recess at 2:13 p.m. until 4:00 p.m.

The House reconvened at 4:01 p.m.

HOUSE BILLS ORDERED TRANSMITTED TO THE SENATE AS PASSED

HOUSE BILL NO. 1027 BY REPRESENTATIVE PETRUS
HOUSE BILL NO. 1032 BY REPRESENTATIVE CLEVELAND
HOUSE BILL NO. 1064 BY REPRESENTATIVE JACKSON
HOUSE BILL NO. 1079 BY REPRESENTATIVE CLEVELAND
HOUSE BILL NO. 1089 BY HOUSE MANAGEMENT

HOUSE BILL ORDERED TRANSMITTED TO THE SENATE AS PASSED
THE EMERGENCY CLAUSE HAVING FAILED OF ADOPTION

HOUSE BILL NO. 1035 BY REPRESENTATIVE CLEVELAND

ARKANSAS SENATE

HOUSE BILLS RETURNED FROM THE SENATE AS PASSED

HOUSE BILL NO. 1036 BY REPRESENTATIVE HOUSE

ENROLLED AND DELIVERY TO GOVERNOR REPORTS

Little Rock, Arkansas

January 7, 2004

MR. SPEAKER:

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

HOUSE BILL NO. 1036 BY REPRESENTATIVE HOUSE, 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 2:31 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. 1036 BY REPRESENTATIVE HOUSE, ET AL

/s/ Mike Huckabee - Governor

TIME: 2:31 p.m.

By: Stacy DeJarnett

HOUSE BILL NO. 1092

BY: REPRESENTATIVE HARRIS

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO ESTABLISH AN INCOME TAX CREDIT FOR DONATIONS TO SCHOOL DISTRICTS; AND FOR OTHER PURPOSES.

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

HOUSE BILL NO. 1093

BY: REPRESENTATIVES MATAYO, ANDERSON, HARRIS, KENNEY, KEY, ROSENBAUM

BY: SENATOR BISBEE

A BILL FOR AN ACT TO BE ENTITLED TO REPEAL THE INCOME TAX SURCHARGE LEVIED UNDER ACT 38 OF THE FIRST EXTRAORDINARY SESSION OF 2003; AND FOR OTHER PURPOSES.

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

HOUSE BILL NO. 1094

BY: REPRESENTATIVE MAHONY

A BILL FOR AN ACT TO BE ENTITLED THE ARKANSAS EDUCATIONAL FINANCIAL ACCOUNTING AND REPORTING ACT OF 2004.

Was read the first time, rules suspended, read the second time, and referred to the Committee on EDUCATION.

Upon motion of Representative Gillespie, the House adjourned at 4:02 p.m. until 1:30 p.m. Thursday, January 8, 2004.

ATTEST:

Herschel W. Cleveland
Speaker of the House of Representatives

Jo Renshaw
Chief Clerk

