

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

Little Rock, Arkansas
January 14, 2004

The House was called to order at 1:32 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, Chesterfield, Childers, Clemons, Cowling, Creekmore, Dangeau, Dees, Dickinson, Dobbins, 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, Ormond, Pace, Parks, Pate, Penix, Petrus, Pickett, L. Prater, S. Prater, Pritchard, 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:
Bright, Oglesby, Rankin.

Total3

A quorum was present.

Unanimous leave was granted for Representative(s) Bright, Oglesby, Rankin.

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

EDUCATION	January 14, 2004
	CALVIN JOHNSON
	CHAIRPERSON
HOUSE BILL NO. 1008	DO PASS
BY REPRESENTATIVE PICKETT	AS AMENDED #2
HOUSE BILL NO. 1109	DO PASS
BY REPRESENTATIVE BOND	
HOUSE BILL NO. 1110	DO PASS
BY REPRESENTATIVE WHITE	
HOUSE BILL NO. 1111	DO PASS
BY REPRESENTATIVE DICKINSON	AS AMENDED #1

COMMITTEE REPORT

REVENUE AND TAXATION	January 14, 2004
	BOYD HICKINBOTHAM
	CHAIRPERSON
SENATE BILL NO. 21	DO PASS
BY SENATOR J. BOOKOUT	
SENATE BILL NO. 24	DO PASS
BY SENATOR T. SMITH	

State of Arkansas
Office of the Governor

Mike Huckabee
Governor

January 13, 2004

TO THE SPEAKER OF THE HOUSE

Dear Mr. Speaker:

This is to inform you that on January 13, 2004, the following measure became law without signature during the Second Extraordinary Session of the Eighty-Fourth General Assembly:

HOUSE BILL NO. 1036 is now Act Number 34

Sincerely,

/s/ Mike Huckabee

MH:sm

Upon motion of Representative Elliott, **HOUSE BILL NO. 1040** was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 4 TO HOUSE BILL NO. 1040

Amend **HOUSE BILL NO. 1040** as engrossed, H1/6/04

(version: 01-06-2004 09:54):

Page 1, delete line 33 and substitute the following:

"(C) "High-priority district" means a district of the state in which"

AND

Page 2, line 4, delete "areas" and substitute "districts"

AND

Page 2, line 7, delete "area" and substitute "district"

AND

Page 2, line 13, delete "area" and substitute "district"

AND

Page 2, line 16, delete "area" and substitute "district"

AND

Page 2, line 18, delete "area" and substitute "district"

AND

Page 2, delete lines 24 through 28 and substitute the following:

"(2)(A) For all teachers and other certified staff not newly signed to work in the district, a two thousand dollar (\$2,000) retention bonus at the beginning of the school year.

(B) If the teacher leaves the district during the school year, the teacher shall pay back the previous year's bonus and the current year's bonus; and"

AND

Page 3, line 29, delete "(4)(A)" and substitute "(3)(A)"

AND

Page 2, line 31, delete "area" and substitute "district"

AND

Page 3, delete lines 2 through 36

AND

Page 4, delete line 1

AND

Page 4, line 2, delete "(g)" and substitute "(d)"

AND

Page 4, line 7, delete "August" and substitute "July"

AND

Page 4, delete line 9 and substitute the following:

"program established by this section.

(e) By August 31, 2008, the House and Senate Interim Committees on Education shall determine whether to recommend the continuation of the incentive program."

/s/ J. Elliott

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

/s/ Ms. Jo Renshaw
Chief Clerk

Upon motion of Representative Matayo, **HOUSE BILL NO. 1093** was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 1 TO HOUSE BILL NO. 1093

Amend **HOUSE BILL NO. 1093** as originally introduced:

Delete Senator Bisbee as a co-sponsor of the bill.

/s/ D. Matayo

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 14, 2004

The following bill(s) reported correctly engrossed:

HOUSE BILL NO. 1040 BY REPRESENTATIVE ELLIOTT, ET AL
 HOUSE BILL NO. 1093 - TITLE - BY REPRESENTATIVE MATAYO, ET AL
 SENATE BILL NO. 41 - TITLE - BY SENATOR WOMACK, ET AL

HOUSE BILL ENGROSSED AS TITLE AMENDED

HOUSE BILL NO. 1093

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

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.

SENATE BILL ENGROSSED AS TITLE AMENDED

SENATE BILL NO. 41

BY: SENATORS WOMACK, BRYLES

BY: REPRESENTATIVE KEY

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO *ASSIST PUBLIC SCHOOL DISTRICTS IN OFFERING* A PERSONAL FINANCE COURSE TO STUDENTS IN GRADES NINE THROUGH TWELVE (9-12); AND FOR OTHER PURPOSES.

Upon motion of Representative Key, **SENATE BILL NO. 41** was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 1 TO SENATE BILL NO. 41

Amend **SENATE BILL NO. 41** as engrossed, S1/7/04

(version: 01-07-2004 13:22):

Page 1, line 27, delete "Education, subject" and substitute "Education, in consultation with the Department of Workforce Education, subject"

/s/ J. Key

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

/s/ Ms. Jo Renshaw

Chief Clerk

Upon motion of Representative Key, **SENATE BILL NO. 41** was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 2 TO SENATE BILL NO. 41

Amend **SENATE BILL NO. 41** as engrossed, S1/7/04

(version: 01-07-2004 13:22):

Page 1, line 10, delete "REQUIRE PUBLIC SCHOOL DISTRICTS TO" and substitute "ASSIST PUBLIC SCHOOL DISTRICTS IN"

AND

Page 1, line 11, delete "OFFER" and substitute "OFFERING"

AND

Delete the subtitle in its entirety and substitute:

"AN ACT TO ASSIST PUBLIC SCHOOL DISTRICTS
IN OFFERING A PERSONAL FINANCE COURSE TO
STUDENTS IN GRADES NINE THROUGH TWELVE
(9-12)."

AND

Page 1, delete line 26, and substitute:

"6-16-135. Personal finance."

/s/ J. Key

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

/s/ Ms. Jo Renshaw

Chief Clerk

Morning Hour Expired.

HOUSE BILL NO. 1077

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, Berry, Bolin, Bond, Boyd, Cowling, Creekmore, Dangeau, Dickinson, Eason, Edwards, L. Evans, Ferguson, Fite, Gillespie, Gipson, Goss, Hathorn, Hickinbotham, House, Jeffrey, C. Johnson, Jones, Judy, King, Lewellen, Mack, Milligan, Nichols, Norton, Ormond, Pate, L. Prater, Roebuck, Scrimshire, Scroggin, Seawel, Stovall, Sullivan, Sumpter, J. Taylor, Thomas, Thomason, Verkamp, Walters, Weaver, White, Mr. Speaker.

Total48

NEGATIVE: Agee, Anderson, Bennett, Blair, Bledsoe, Borhauer, Bradford, Childers, Clemons, Dees, D. Evans, Green, Haak, Hardwick, Harris, Hutchinson, J. Johnson, Kenney, Key, Lamoureux, Ledbetter, Mahony, Martin, Matayo, Mathis, Medley, Moore, Napper, Pace, Parks, Penix, Pickett, S. Prater, Pritchard, Rosenbaum, Schulte, R. Smith, C. Taylor, Thyer, Wood.

Total40

ABSENT OR NOT VOTING: Biggs, P. Bookout, Bright, Chesterfield, Dobbins, Elliott, Jackson, Jacobs, Lendall, Oglesby, Petrus, Rankin.

Total12

VOTING PRESENT:

Total0

Total number of votes cast88

Total number voting in the affirmative48

Necessary to the passage of the bill51

So the Bill failed.

HOUSE BILL NO. 1097

BY: REPRESENTATIVE GILLESPIE

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

AFFIRMATIVE: Adams, Biggs, Bond, Boyd, Bradford, Clemons, Cowling, Creekmore, Dangeau, Dickinson, Eason, L. Evans, Ferguson, Fite, Gillespie, Gipson, Goss, Green, Hathorn, Hickinbotham, Hutchinson, Jeffrey, C. Johnson, Jones, Judy, King, Lendall, Lewellen, Mack, Mahony, Milligan, Moore, Napper, Ormond, Petrus, L. Prater, Roebuck, Scrimshire, Scroggin, Seawel, R. Smith, Stovall, Sumpter, Thomas, Thomason, Thyer, Verkamp, Weaver, White, Mr. Speaker.

Total50

NEGATIVE: Agee, Bennett, Berry, Blair, Bledsoe, P. Bookout, Borhauer, Childers, Dees, D. Evans, Haak, Hardwick, Harris, House, J. Johnson, Kenney, Key, Lamoureux, Ledbetter, Martin, Matayo, Mathis, Medley, Nichols, Norton, Pace, Pate, Penix, Pickett, S. Prater, Pritchard, Rosenbaum, Schulte, Sullivan, C. Taylor, Walters, Wood.

Total37

ABSENT OR NOT VOTING: Anderson, Bolin, Bright, Chesterfield, Dobbins, Edwards, Elliott, Jackson, Jacobs, Oglesby, Parks, Rankin, J. Taylor.

Total13

VOTING PRESENT:

Total0

Total number of votes cast.....87

Total number voting in the affirmative50

Necessary to the passage of the bill51

So the Bill failed.

Motion was made by Representative Parks to pull down **SENATE BILL NO. 46** until a fiscal impact statement is on the desk. On this motion the vote was as follows:

AFFIRMATIVE: Agee, Anderson, Bennett, Berry, Biggs, Bledsoe, P. Bookout, Borhauer, Boyd, Chesterfield, Childers, Dees, Eason, Edwards, D. Evans, Fite, Gillespie, Haak, Harris, House, Hutchinson, Jackson, Jeffrey, J. Johnson, Kenney, Key, Lendall, Lewellen, Mack, Matayo, Napper, Nichols, Norton, Pace, Parks, L. Prater, Pritchard, Rosenbaum, Schulte, Scrimshire, R. Smith, Stovall, C. Taylor, Verkamp, Weaver.

Total45

NEGATIVE: Adams, Blair, Bond, Bradford, Clemons, Cowling, Dangeau, Dickinson, Elliott, Gipson, Goss, C. Johnson, Jones, Judy, King, Ledbetter, Mahony, Martin, Mathis, Medley, Moore, Ormond, Pate, Penix, Petrus, Pickett, S. Prater, Roebuck, Seawel, Sumpter, Thomason, Walters, Wood.

Total33

ABSENT OR NOT VOTING: Bolin, Bright, Creekmore, Dobbins, L. Evans, Ferguson, Green, Hardwick, Hathorn, Hickinbotham, Jacobs, Lamoureux, Milligan, Oglesby, Rankin, Scroggin, Sullivan, J. Taylor, Thomas, Thyer, White, Mr. Speaker.

Total22

VOTING PRESENT:

Total0

Total number of votes cast78

Total number voting in the affirmative45

Necessary to the adoption of the motion51

So the motion failed of adoption.

SENATE BILL NO. 46

BY: SENATOR BISBEE

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, Blair, Bond, Boyd, Bradford, Childers, Clemons, Cowling, Dangeau, Dickinson, Eason, Edwards, Elliott, L. Evans, Goss, Green, Hardwick, Harris, Hathorn, Hutchinson, Jackson, C. Johnson, Jones, Judy, Key, King, Lamoureux, Ledbetter, Lendall, Lewellen, Mack, Mahony, Martin, Matayo, Pate, Penix, S. Prater, Pritchard, Roebuck, Seawel, Stovall, Sullivan, Sumpter, Thomas, Thomason, Thyer, Walters, White, Wood.

Total50

NEGATIVE: Adams, Berry, Biggs, Bolin, P. Bookout, Borhauer, Chesterfield, Creekmore, D. Evans, Gillespie, Haak, Hickinbotham, House, Jeffrey, J. Johnson, Mathis, Medley, Milligan, Moore, Napper, Nichols, Norton, Ormond, Pace, Parks, Schulte, J. Taylor, Verkamp, Weaver.

Total29

ABSENT OR NOT VOTING: Bennett, Bledsoe, Bright, Dees, Dobbins, Ferguson, Fite, Gipson, Jacobs, Kenney, Oglesby, Petrus, Pickett, L. Prater, Rankin, Rosenbaum, Scroggin, R. Smith, C. Taylor, Mr. Speaker.

Total20

VOTING PRESENT: Scrimshire.

Total1

Total number of votes cast.....80

Total number voting in the affirmative50

Necessary to the passage of the bill51

So the Bill failed.

The House stood in recess at 2:23 p.m. until 4:00 p.m. for the reading of the bills.

The House reconvened at 4:12 p.m.

ARKANSAS SENATE
HOUSE BILLS RETURNED FROM THE SENATE AS PASSED

HOUSE BILL NO. 1057 BY REPRESENTATIVE WHITE
AS AMENDED #1
HOUSE BILL NO. 1079 BY REPRESENTATIVE CLEVELAND
AS AMENDED #1
HOUSE BILL NO. 1087 BY REPRESENTATIVE HARRIS

ARKANSAS SENATE
SENATE BILLS RECEIVED FROM SENATE

SENATE BILL NO. 18 BY SENATOR T. SMITH
SENATE BILL NO. 63 BY SENATOR BISBEE

ENROLLED AND DELIVERY TO GOVERNOR REPORTS

Little Rock, Arkansas
January 14, 2004

MR. SPEAKER:

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

HOUSE BILL NO. 1087 BY REPRESENTATIVE HARRIS

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 2:35 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. 1087 BY REPRESENTATIVE HARRIS

TIME: 2:35 p.m.

/s/ Mike Huckabee - Governor

By: Stacy DeJarnett

STATE OF ARKANSAS
HOUSE OF REPRESENTATIVES

MEMORANDUM

TO: Whom It May Concern
FROM: House Committee on the Journal; Engrossed and Enrolled Bills
DATE: January 14, 2004
SUBJECT: Amendment #4 to **HOUSE BILL NO. 1040**

The House Committee on the Journal; Engrossed and Enrolled Bills, by this letter, approves the correction of an error in Amendment #4 to HB1040. In the Amendment, second page, line 3 should read as follows:

"Page 2, line 29, delete "(4) (A)" and substitute "(3) (A)"

The Committee authorizes the Chief Clerk to carry out the intent of the amendment by correctly engrossing HB1040.

/s/ Herschel W. Cleveland
Speaker of the House

/s/ Jodie Mahony

/s/ Mike Creekmore, Chairman
House Rules

/s/ Lenville Evans

/s/ Robert J. White, Chairman
House Management Committee

/s/ Tim Massanelli
Parliamentarian

cc: Jo Renshaw, Chief Clerk

HOUSE BILL NO. 1118

BY: REPRESENTATIVE LEDBETTER

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO AUTHORIZE THE SCHOOL FOR THE BLIND AND THE SCHOOL FOR THE DEAF TO PROVIDE TEACHER SALARY INCREASES FROM TRANSFERS FROM THE MERIT ADJUSTMENT FUND; AND FOR OTHER PURPOSES.

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

HOUSE BILL NO. 1119

BY: REPRESENTATIVE MAHONY

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO CREATE THE OFFICE OF PUBLIC SCHOOL ACCOUNTABILITY AND THE OFFICE OF PUBLIC SCHOOL ACADEMIC FACILITIES; 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. 1120

BY: REPRESENTATIVE D. EVANS

A BILL FOR AN ACT TO BE ENTITLED AN ACT CONCERNING THE ELECTION AND TERM OF BOARD OF DIRECTORS AFTER ANNEXATION OF SCHOOL DISTRICTS; 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. 1121

BY: REPRESENTATIVE J. JOHNSON

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO AMEND THE APPOINTMENT STRUCTURE OF THE LEGISLATIVE HEALTH ADVISORY COMMITTEE; TO COORDINATE EFFORTS TO COMBAT THE EFFECTS OF INADEQUATE HEALTH CARE ON THE EDUCATIONAL PERFORMANCE OF CHILDREN IN ARKANSAS SCHOOL SYSTEMS; AND FOR OTHER PURPOSES.

Was read the first time, rules suspended, read the second time, and referred to the Committee on PUBLIC HEALTH, WELFARE AND LABOR.

SENATE BILL NO. 18

BY: SENATORS T. SMITH, FARIS

BY: REPRESENTATIVES MATHIS, R. SMITH

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO MAKE AN APPROPRIATION FOR PERSONAL SERVICES AND OPERATING EXPENSES FOR THE UNIVERSITY OF ARKANSAS - ARKANSAS SCHOOL FOR MATHEMATICS, SCIENCES, AND THE ARTS 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.

SENATE BILL NO. 63

BY: SENATOR BISBEE

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO MAKE AN APPROPRIATION FOR SALARIES AND EXPENSES OF THE GOVERNOR'S LEAD LEGISLATIVE LIAISON, LEGISLATIVE LIAISON, LEGISLATIVE CLERK, LEGISLATIVE ADMINISTRATIVE ASSISTANT, LEGISLATIVE RECEPTIONIST AND LEGISLATIVE INTERNS DURING THE SECOND EXTRAORDINARY SESSION OF THE EIGHTY FOURTH ARKANSAS GENERAL ASSEMBLY FOR THE OFFICE OF THE GOVERNOR FOR THE FISCAL YEAR ENDING JUNE 30, 2004; AND FOR OTHER PURPOSES.

Was read the first time, rules suspended, read the second time and placed on the Calendar.

HOUSE RESOLUTION NO. 1017

BY: REPRESENTATIVE PICKETT

COMMENDING FIRE CHIEF BART CASTLEBERRY OF THE CONWAY FIRE DEPARTMENT.

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.

HOUSE RESOLUTION NO. 1016

BY: REPRESENTATIVE BRIGHT

COMMENDING LOCAL BOXING HERO JERMAIN TAYLOR AND EXPRESSING SINCERE APPRECIATION FOR HIS CONTRIBUTIONS TO THE CITY OF LITTLE ROCK AND THE STATE OF ARKANSAS.

Was read the first time, rules suspended, read the second time and placed on the Calendar.

HOUSE MEMORIAL RESOLUTION NO. 1010

BY: REPRESENTATIVES D. EVANS, PATE

IN RESPECTFUL MEMORY OF MR. ROGER Q. MILLS AND IN RECOGNITION OF HIS MANY CONTRIBUTIONS TO THE STATE OF ARKANSAS AND HIS LOCAL COMMUNITY.

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 4:14 p.m. until 1:30 p.m. Thursday, January 15, 2004.

ATTEST:

Herschel W. Cleveland
Speaker of the House of Representatives

Jo Renshaw
Chief Clerk