

FORTY-SIXTH DAY'S PROCEEDINGS
HALL OF THE HOUSE OF REPRESENTATIVES

Little Rock, Arkansas

January 22, 2004

The House was called to order at 1:34 p.m. by Mr. Cleveland, the Speaker.
The following members answered to the roll call:

Adams, Agee, Anderson, Bennett, Berry, Biggs, Blair, Bledsoe, Bolin, Bond, Bookout, Borhauer, Boyd, Bradford, Bright, Chesterfield, Childers, Clemons, Cowling, Creekmore, Dangeau, Dees, Dickinson, 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, Oglesby, Ormond, Pace, Parks, Pate, Penix, Petrus, Pickett, S. Prater, Pritchard, Roebuck, Rosenbaum, 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:
L. Prater, Rankin, Schulte.

Total3

A quorum was present.

Unanimous leave was granted for Representative(s) L. Prater, Rankin, Schulte.

The House stood and was led in prayer by Representative Johnny Key.

The House stood and gave the Pledge of Allegiance to the Flag.

The reading of the Journal of yesterday's proceedings was dispensed with.

COMMITTEE REPORT

EDUCATION	January 22, 2004
	CALVIN JOHNSON
	CHAIRPERSON
HOUSE BILL NO. 1109	DO PASS, TO CONCUR IN
BY REPRESENTATIVE BOND	SENATE AMENDMENTS
	#1, 2, 3 & 4
HOUSE BILL NO. 1141	DO PASS
BY REPRESENTATIVE MAHONY	AS AMENDED #1

COMMITTEE REPORT

JOINT BUDGET	January 22, 2004
	PAUL WEAVER
	CHAIRPERSON
HOUSE BILL NO. 1135	DO PASS
BY REPRESENTATIVE MAHONY	

Upon motion of Representative Mahony, **HOUSE BILL NO. 1132** was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 1 TO HOUSE BILL NO. 1132

Amend **HOUSE BILL NO. 1132** as originally introduced:

Page 1, line 35, delete "The Department" and substitute "For end-of-course exams, the Department"

AND

Page 2, line 2, delete "test" and substitute "end-of-course exam"

AND

Page 2, line 4, delete "test" and substitute "end-of-course exam"

AND

Page 2, line 15 delete "The department" and substitute "For end-of-course exams, the Department of Education"

AND

Page 2, line 18, delete "test" and substitute "end-of-course exam"

AND

Page 2, line 20, delete "test" and substitute "end-of-course exam"

/s/ Jodie Mahony

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

/s/ Ms. Jo Renshaw

Chief Clerk

Upon motion of Representative Mahony, **HOUSE BILL NO. 1128** was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 4 TO HOUSE BILL NO. 1128

Amend **HOUSE BILL NO. 1128** as engrossed, H1/21/04

(version: 01-21-2004 09:07):

Page 4, line 24, delete "1,800,000" and substitute "800,000"

AND

Page 4, line 25, delete "\$ 4,532,000" and substitute "\$ 3,532,000"

/s/ Jodie Mahony

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

/s/ Ms. Jo Renshaw

Chief Clerk

Upon motion of Representative Gillespie, **HOUSE BILL NO. 1122** was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 1 TO HOUSE BILL NO. 1122

Amend **HOUSE BILL NO. 1122** as originally introduced:

Page 2, line 11 delete "violent or" and substitute "violent, physical, or"

/s/ Jeff Gillespie

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

/s/ Ms. Jo Renshaw

Chief Clerk

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

AMENDMENT NO. 5 TO HOUSE BILL NO. 1040

Amend **HOUSE BILL NO. 1040** as engrossed, H1/14/04

(version: 01-14-2004 08:44):

Page 2, line 10 delete "bonus to" and substitute "bonus to work in any high-priority district to"

AND

Page 2, line 14, delete "Two thousand dollars (\$2,000)" and substitute "Three thousand dollars (\$3,000)"

AND

Page 2, line 15, delete "three (3)" and substitute "two (2)"

AND

Page 2, delete lines 26 and 27 and substitute the following:

"bonus at the beginning of each of the next two (2) subsequent years if the teacher continues to work in a high-priority district.

(B)(i) If a teacher has received bonus pay under subdivision (b)(2)(A) of this section and leaves the high-priority district before the end of the four-year bonus pay period, the teacher shall pay back the amount of the bonus received in the previous year.

(ii) If the teacher leaves the district during the school"

AND

Page 2, line 29, delete "; and" and substitute a period

AND

Page 2, delete lines 30 through 36

AND

Page 3, delete lines 1 and 2

AND

Page 3, line 3, delete "(d)" and substitute "(c)"

AND

Page 3, line 8, delete "July 1, 2008," and substitute "September 30, 2006,"

AND

Page 3, line 11, delete "(e) By August 31, 2008," and substitute "(d) By October 15, 2006,"

/s/ J. Elliott

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

/s/ Ms. Jo Renshaw

Chief Clerk

Upon motion of Representative Harris, **HOUSE BILL NO. 1092** was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 1 TO HOUSE BILL NO. 1092

Amend **HOUSE BILL NO. 1092** as originally introduced:

Page 1, line 22, delete "to school" and substitute "to Arkansas school"

AND

Page 1, line 24, delete "to a school" and substitute "to an Arkansas school"

AND

Page 2, delete lines 3 through 4 and substitute the following:

"(2) An unused credit may be carried over to the next two (2) succeeding tax years or until the credit is exhausted, whichever event occurs first.

(3) A taxpayer shall elect to claim either the credit allowed under subsection (a) of this section or the credit allowed under § 26-51-419."

/s/ Eric Harris

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

/s/ Ms. Jo Renshaw
Chief Clerk

Upon motion of Representative Sumpter, **HOUSE BILL NO. 1066** was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 1 TO HOUSE BILL NO. 1066

Amend **HOUSE BILL NO. 1066** as originally introduced:

Page 1, delete lines 9 through 11 and substitute:

"TO REQUIRE A SCHOOL DISTRICT"

AND

Page 1, delete lines 18 through 22 and substitute:

"REQUIRES A SCHOOL DISTRICT CONTRIBUTION TO THE PUBLIC SCHOOL EMPLOYEE HEALTH INSURANCE PROGRAM."

AND

Delete all sections of the bill after the enacting clause and substitute:

"SECTION 1. Arkansas Code § 6-17-1117(c), concerning the contribution by school districts to the public school employee health insurance program, is amended to read as follows:

(c) Beginning on October 1, 2004, local school districts shall pay the health insurance contribution rate of one hundred thirty-one dollars (\$131) per month for each ~~eligible employee electing to~~ employee eligible to participate in the public school employee health insurance program."

/s/ Denny Sumpter

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 22, 2004

The following bill(s) reported correctly engrossed:

HOUSE BILL NO. 1040	BY REPRESENTATIVE ELLIOTT, ET AL
HOUSE BILL NO. 1061	BY REPRESENTATIVE CHESTERFIELD
HOUSE BILL NO. 1066 - TITLE -	BY REPRESENTATIVE SUMPTER, ET AL
HOUSE BILL NO. 1092	BY REPRESENTATIVE HARRIS
HOUSE BILL NO. 1122	BY REPRESENTATIVE GILLESPIE
HOUSE BILL NO. 1128	BY REPRESENTATIVE MAHONY
HOUSE BILL NO. 1132	BY REPRESENTATIVE MAHONY

HOUSE BILL ENGROSSED AS TITLE AMENDED
HOUSE BILL NO. 1066

BY: REPRESENTATIVES SUMPTER, KING, EDWARDS

A BILL FOR AN ACT TO BE ENTITLED *TO REQUIRE A SCHOOL DISTRICT* CONTRIBUTION TO THE PUBLIC SCHOOL EMPLOYEE HEALTH INSURANCE PROGRAM ADMINISTERED BY THE DEPARTMENT OF FINANCE AND ADMINISTRATION; AND FOR OTHER PURPOSES.

Motion was made by Representative Stovall to resolve into a Committee of the Whole at 2:30 p.m. to hear proceedings from Attorney General Mike Beebe.

Morning Hour Expired.

Representative Jackson moved that the House concur in the following Senate Amendment.

ARKANSAS SENATE

AMENDMENT NO. 1 TO HOUSE BILL NO. 1064

Amend HOUSE BILL NO. 1064 as originally introduced:

Page 1, delete lines 30 through 36 and substitute the following:

“(b)(1) The Department of Education shall promulgate the rules necessary for efficient scheduling of courses offered by public schools through distance learning technologies. The rules shall apply beginning for the 2004-2005 school year.

(2) A public school that offers courses through distance learning technologies shall comply with the rules promulgated pursuant to this section.”

/s/ Brenda B. Gullett

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, Chesterfield, Childers, Clemons, Creekmore, Dangeau, Dees, Dickinson, Dobbins, Eason, Edwards, Elliott, D. Evans, L. Evans, Ferguson, Fite, Gillespie, Gipson, Goss, Green, Haak, Hardwick, Hathorn, Hickinbotham, House, Jackson, Jeffrey, C. Johnson, J. Johnson, Jones, Judy, Kenney, Key, King, Lamoureux, Ledbetter, Lendall, Lewellen, Mahony, Martin, Matayo, Mathis, Medley, Milligan, Moore, Napper, Nichols, Norton, Oglesby, Ormond, Pace, Parks, Pate, Penix, Petrus, Pickett, S. Prater, Pritchard, Roebuck, Rosenbaum, Scrimshire, Scroggin, Seawel, R. Smith, Stovall, Sullivan, Sumpster, C. Taylor, J. Taylor, Thomas, Thomason, Verkamp, Walters, Weaver, White, Wood.

Total89

NEGATIVE:

Total0

ABSENT OR NOT VOTING: Bright, Cowling, Harris, Hutchinson, Jacobs, Mack, L. Prater, Rankin, Schulte, Thyer, Mr. Speaker.

Total11

VOTING PRESENT:

Total0

Total number of votes cast89

Total number voting in the affirmative89

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

So the Amendment was concurred in.

/s/ Ms. Jo Renshaw
Chief Clerk

HOUSE BILL NO. 1091

BY: REPRESENTATIVE JUDY

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: Anderson, Bennett, Biggs, Blair, P. Bookout, Borhauer, Boyd, Bradford, Chesterfield, Childers, Clemons, Creekmore, Dangeau, Dees, Dickinson, Dobbins, Eason, Edwards, Elliott, L. Evans, Ferguson, Fite, Gillespie, Goss, Green, Haak, Hardwick, Hathorn, Hickinbotham, House, Jackson, Jeffrey, C. Johnson, J. Johnson, Jones, Judy, Key, King, Ledbetter, Lendall, Lewellen, Mahony, Martin, Matayo, Mathis, Moore, Napper, Norton, Oglesby, Ormond, Pate, Penix, Petrus, Pickett, S. Prater, Roebuck, Rosenbaum, Seawel, R. Smith, Stovall, Sullivan, Sumpter, C. Taylor, Thomas, Thomason, Thyer, Verkamp, Walters, White.

Total69

NEGATIVE: Agee, Berry, Bledsoe, Bond, D. Evans, Gipson, Kenney, Lamoureux, Nichols, Pace, Scrimshire, Wood.

Total12

ABSENT OR NOT VOTING: Adams, Bolin, Bright, Cowling, Harris, Hutchinson, Jacobs, Mack, Medley, Milligan, Parks, L. Prater, Pritchard, Rankin, Schulte, Scroggin, J. Taylor, Weaver, Mr. Speaker.

Total19

VOTING PRESENT:

Total0

Total number of votes cast.....81

Total number voting in the affirmative69

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. 1091**, the Speaker ordered the clerk to call the roll upon the adoption of the Emergency Clause. The vote was as follows:

EMERGENCY CLAUSE

AFFIRMATIVE: Anderson, Bennett, Biggs, Blair, P. Bookout, Borhauer, Boyd, Bradford, Chesterfield, Childers, Clemons, Creekmere, Dangeau, Dees, Dickinson, Dobbins, Eason, Edwards, Elliott, L. Evans, Ferguson, Fite, Gillespie, Goss, Green, Haak, Hardwick, Hathorn, Hickinbotham, House, Jackson, Jeffrey, C. Johnson, J. Johnson, Jones, Judy, Key, King, Ledbetter, Lendall, Lewellen, Mahony, Martin, Matayo, Mathis, Moore, Napper, Norton, Oglesby, Ormond, Pate, Penix, Petrus, Pickett, S. Prater, Roebuck, Rosenbaum, Seawel, R. Smith, Stovall, Sullivan, Sumpter, C. Taylor, Thomas, Thomason, Thyer, Verkamp, Walters, White.

Total69

NEGATIVE: Agee, Berry, Bledsoe, Bond, D. Evans, Gipson, Kenney, Lamoureux, Nichols, Pace, Scrimshire, Wood.

Total12

ABSENT OR NOT VOTING: Adams, Bolin, Bright, Cowling, Harris, Hutchinson, Jacobs, Mack, Medley, Milligan, Parks, L. Prater, Pritchard, Rankin, Schulte, Scroggin, J. Taylor, Weaver, Mr. Speaker.

Total19

VOTING PRESENT:

Total0

Total number of votes cast81

Total number voting in the affirmative69

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

So the Emergency Clause was adopted.

HOUSE BILL NO. 1127

BY: REPRESENTATIVE MAHONY

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: Agee, Anderson, Biggs, Blair, Bledsoe, Bond, P. Bookout, Boyd, Bradford, Bright, Chesterfield, Childers, Clemons, Dangeau, Dees, Dickinson, Dobbins, Eason, Edwards, Elliott, D. Evans, L. Evans, Ferguson, Fite, Gipson, Goss, Green, Hardwick, Hathorn, Hickinbotham, Hutchinson, Jackson, Jeffrey, C. Johnson, J. Johnson, Jones, Judy, Kenney, Key, King, Ledbetter, Lendall, Lewellen, Mack, Mahony, Martin, Mathis, Moore, Norton, Ormond, Pate, Penix, Petrus, Pickett, S. Prater, Pritchard, Roebuck, Rosenbaum, Seawel, R. Smith, Stovall, Sullivan, Sumpter, J. Taylor, Thomas, Thomason, Thyer, Verkamp, Walters, White, Wood.

Total71

NEGATIVE: Bennett, Berry, Borhauer, Lamoureux.

Total4

ABSENT OR NOT VOTING: Adams, Bolin, Cowling, Creekmore, Gillespie, Haak, Harris, House, Jacobs, Matayo, Medley, Napper, Nichols, Oglesby, Pace, Parks, L. Prater, Rankin, Schulte, Scroggin, C. Taylor, Weaver, Mr. Speaker.

Total23

VOTING PRESENT: Milligan, Scrimshire.

Total2

Total number of votes cast77

Total number voting in the affirmative71

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. 1127**, 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, Boyd, Bradford, Bright, Chesterfield, Childers, Clemons, Dangeau, Dees, Dickinson, Dobbins, Eason, Edwards, Elliott, D. Evans, L. Evans, Ferguson, Fite, Gipson, Goss, Green, Hardwick, Hathorn, Hickinbotham, Hutchinson, Jackson, Jeffrey, C. Johnson, J. Johnson, Jones, Judy, Kenney, Key, King, Ledbetter, Lendall, Lewellen, Mack, Mahony, Martin, Mathis, Moore, Norton, Ormond, Pate, Penix, Petrus, Pickett, S. Prater, Pritchard, Roebuck, Rosenbaum, Seawel, R. Smith, Stovall, Sullivan, Sumpter, J. Taylor, Thomas, Thomason, Thyer, Verkamp, Walters, White, Wood.

Total71

NEGATIVE: Bennett, Berry, Borhauer, Lamoureux.

Total4

ABSENT OR NOT VOTING: Adams, Bolin, Cowling, Creekmore, Gillespie, Haak, Harris, House, Jacobs, Matayo, Medley, Napper, Nichols, Oglesby, Pace, Parks, L. Prater, Rankin, Schulte, Scroggin, C. Taylor, Weaver, Mr. Speaker.

Total23

VOTING PRESENT: Milligan, Scrimshire.

Total2

Total number of votes cast77

Total number voting in the affirmative71

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

So the Emergency Clause was adopted.

Representative Thyer moved to reconsider the vote by which **HOUSE BILL NO. 1088** failed to pass.

On this motion the vote was as follows:

AFFIRMATIVE: Anderson, Berry, Biggs, P. Bookout, Bradford, Chesterfield, Childers, Clemons, Dangeau, Dobbins, Eason, Elliott, D. Evans, L. Evans, Ferguson, Goss, Hardwick, Hathorn, C. Johnson, J. Johnson, Jones, Judy, King, Lamoureux, Ledbetter, Lendall, Lewellen, Mack, Martin, Milligan, Moore, Napper, Nichols, Pate, Petrus, Pickett, S. Prater, Roebuck, Scrimshire, Seawel, Stovall, Sumpter, J. Taylor, Thomas, Thomason, Thyer, Verkamp, Walters, White, Wood, Mr. Speaker.

Total51

NEGATIVE: Adams, Agee, Bennett, Bledsoe, Bolin, Borhauer, Boyd, Dickinson, Fite, Gillespie, Gipson, Green, Haak, Harris, Hickinbotham, House, Jackson, Jacobs, Jeffrey, Kenney, Key, Matayo, Medley, Norton, Oglesby, Ormond, Pace, Parks, Penix, Pritchard, Rosenbaum, Sullivan, C. Taylor, Weaver.

Total34

ABSENT OR NOT VOTING: Blair, Bond, Bright, Cowling, Creekmore, Dees, Hutchinson, Mahony, Mathis, L. Prater, Rankin, Schulte, Scroggin, R. Smith.

Total14

VOTING PRESENT: Edwards.

Total1

Total number of votes cast.....86

Total number voting in the affirmative51

Necessary to the adoption of the motion.....51

So the motion was adopted.

HOUSE BILL NO. 1088

BY: REPRESENTATIVE PICKETT

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

AFFIRMATIVE: Anderson, Berry, P. Bookout, Bradford, Chesterfield, Childers, Clemons, Dobbins, Eason, Elliott, D. Evans, Ferguson, Goss, Hardwick, Hathorn, C. Johnson, J. Johnson, Jones, Judy, King, Ledbetter, Lendall, Lewellen, Mack, Martin, Milligan, Pate, Petrus, Pickett, S. Prater, Roebuck, Seawel, Stovall, Sumpter, Thomas, Thomason, Thyer, Verkamp, Walters, White, Wood, Mr. Speaker.

Total42

NEGATIVE: Adams, Agee, Bennett, Blair, Bledsoe, Bolin, Borhauer, Boyd, Creekmore, Dickinson, Edwards, L. Evans, Fite, Gillespie, Gipson, Green, Haak, Harris, Hickinbotham, House, Jackson, Jacobs, Jeffrey, Kenney, Key, Lamoureux, Matayo, Mathis, Medley, Moore, Napper, Nichols, Norton, Oglesby, Ormond, Pace, Parks, Penix, Pritchard, Rosenbaum, Scrimshire, Scroggin, R. Smith, Sullivan, C. Taylor, Weaver.

Total46

ABSENT OR NOT VOTING: Biggs, Bond, Bright, Cowling, Dangeau, Dees, Hutchinson, Mahony, L. Prater, Rankin, Schulte, J. Taylor.

Total12

VOTING PRESENT:

Total0

Total number of votes cast88

Total number voting in the affirmative42

Necessary to the passage of the bill51

So the Bill failed.

HOUSE BILL NO. 1100

BY: REPRESENTATIVE MATAYO

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: Agee, Anderson, Bennett, Berry, Biggs, Blair, Bledsoe, P. Bookout, Borhauer, Boyd, Bradford, Bright, Chesterfield, Childers, Clemons, Dees, Dickinson, Dobbins, Edwards, Elliott, D. Evans, Ferguson, Fite, Gillespie, Gipson, Goss, Green, Haak, Hardwick, Harris, Hathorn, Hickinbotham, House, Jackson, Jacobs, Jeffrey, C. Johnson, J. Johnson, Jones, Judy, Kenney, Key, King, Lamoureux, Lendall, Mack, Mahony, Martin, Matayo, Mathis, Medley, Milligan, Moore, Napper, Norton, Oglesby, Ormond, Pace, Parks, Penix, Petrus, S. Prater, Pritchard, Roebuck, Rosenbaum, Scrimshire, Seawel, R. Smith, Sullivan, Sumpter, C. Taylor, J. Taylor, Thyer, Verkamp, Walters, Weaver, White, Wood.

Total78

NEGATIVE: Adams, Creekmore, Eason, Ledbetter, Lewellen, Nichols, Pate, Pickett, Scroggin, Thomason.

Total10

ABSENT OR NOT VOTING: Bolin, Bond, Cowling, Dangeau, L. Evans, Hutchinson, L. Prater, Rankin, Schulte, Stovall, Thomas, Mr. Speaker.

Total12

VOTING PRESENT:

Total0

Total number of votes cast.....88

Total number voting in the affirmative78

Necessary to the passage of the bill51

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

Upon motion of Representative Matayo the Clincher motion prevailed.

There being an Emergency Clause attached to **HOUSE BILL NO. 1100**, 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, Bennett, Berry, Biggs, Blair, Bledsoe, P. Bookout, Borhauer, Boyd, Bradford, Bright, Chesterfield, Childers, Clemons, Dees, Dickinson, Dobbins, Edwards, Elliott, D. Evans, Ferguson, Fite, Gillespie, Gipson, Goss, Green, Haak, Hardwick, Harris, Hathorn, Hickinbotham, House, Jackson, Jacobs, Jeffrey, C. Johnson, J. Johnson, Jones, Judy, Kenney, Key, King, Lamoureux, Lendall, Mack, Mahony, Martin, Matayo, Mathis, Medley, Milligan, Moore, Napper, Norton, Oglesby, Ormond, Pace, Parks, Penix, Petrus, S. Prater, Pritchard, Roebuck, Rosenbaum, Scrimshire, Seawel, R. Smith, Sullivan, Sumpter, C. Taylor, J. Taylor, Thyer, Verkamp, Walters, Weaver, White, Wood.

Total78

NEGATIVE: Adams, Creekmore, Eason, Ledbetter, Lewellen, Nichols, Pate, Pickett, Scroggin, Thomason.

Total10

ABSENT OR NOT VOTING: Bolin, Bond, Cowling, Dangeau, L. Evans, Hutchinson, L. Prater, Rankin, Schulte, Stovall, Thomas, Mr. Speaker.

Total12

VOTING PRESENT:

Total0

Total number of votes cast88

Total number voting in the affirmative78

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

So the Emergency Clause was adopted.

Upon motion of Representative Matayo the Clincher motion prevailed.

Representative Elliott moved that the record by which **HOUSE BILL NO. 1063** failed to pass be expunged from the record.

On this motion the vote was as follows:

AFFIRMATIVE: Anderson, Berry, Blair, Bolin, Bond, P. Bookout, Borhauer, Boyd, Bradford, Bright, Chesterfield, Childers, Clemons, Creekmore, Dangeau, Dees, Dickinson, Dobbins, Eason, Edwards, Elliott, Ferguson, Fite, Gipson, Goss, Green, Hardwick, Harris, Hathorn, Hickinbotham, House, Jackson, C. Johnson, J. Johnson, Jones, Judy, Kenney, Key, King, Ledbetter, Lendall, Lewellen, Mack, Mahony, Martin, Matayo, Mathis, Medley, Moore, Norton, Pace, Pate, Penix, Pickett, S. Prater, Pritchard, Roebuck, Rosenbaum, Scrimshire, Seawel, R. Smith, Stovall, Sullivan, Sumpster, C. Taylor, Thomas, Thomason, Thyer, Verkamp, Walters, White, Wood, Mr. Speaker.

Total73

NEGATIVE: Adams, Bennett, Bledsoe, Gillespie, Jeffrey, Lamoureux, Napper, Nichols, Oglesby, Ormond, Parks, J. Taylor.

Total12

ABSENT OR NOT VOTING: Agee, Biggs, Cowling, D. Evans, L. Evans, Haak, Hutchinson, Jacobs, Petrus, L. Prater, Rankin, Schulte, Scroggin, Weaver.

Total14

VOTING PRESENT: Milligan.

Total1

Total number of votes cast.....86

Total number voting in the affirmative73

Necessary to the adoption of the motion.....67

So the motion was adopted.

Motion was made by Representative C. Johnson to refer **HOUSE BILL NO. 1056** back to the Committee on EDUCATION. Motion passed.

Motion was made by Representative C. Johnson to refer **HOUSE BILL NO. 1080** back to the Committee on EDUCATION. Motion passed.

Upon motion of Representative Weaver, **HOUSE BILL NO. 1061** was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 2 TO HOUSE BILL NO. 1061

Amend **HOUSE BILL NO. 1061** as engrossed, H1/13/04

(version: 01-13-2004 08:51):

Page 1, delete line 26 in its entirety and substitute the following:

"be payable from the Department of Education Public School Fund Account, to provide an"

/s/ Paul Weaver

The Amendment was read and the vote was as follows:

AFFIRMATIVE: Berry, Blair, Bolin, Boyd, Bradford, Chesterfield, Clemons, Dangeau, Dees, Dickinson, Dobbins, Eason, Elliott, D. Evans, L. Evans, Ferguson, Fite, Gillespie, Gipson, Goss, Hathorn, Hickinbotham, House, Jacobs, C. Johnson, J. Johnson, Jones, Judy, King, Ledbetter, Lendall, Lewellen, Mack, Mahony, Martin, Milligan, Moore, Napper, Oglesby, Pate, Pickett, Roebuck, Scrimshire, Seawel, Stovall, Sumpter, Thomas, Thomason, Verkamp, Walters, Weaver, White, Mr. Speaker.

Total53

NEGATIVE: Adams, Agee, Bledsoe, Borhauer, Childers, Creekmore, Edwards, Green, Haak, Harris, Jeffrey, Key, Lamoureux, Matayo, Mathis, Nichols, Norton, Pace, Parks, Penix, Petrus, Pritchard, Rosenbaum, R. Smith, Sullivan, C. Taylor, J. Taylor, Thyer, Wood.

Total29

ABSENT OR NOT VOTING: Anderson, Bennett, Biggs, Bond, P. Bookout, Bright, Cowling, Hardwick, Hutchinson, Jackson, Kenney, Medley, Ormond, L. Prater, S. Prater, Rankin, Schulte, Scroggin.

Total18

VOTING PRESENT:

Total0

Total number of votes cast82

Total number voting in the affirmative53

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

So the Amendment was concurred in.

/s/ Ms. Jo Renshaw

Chief Clerk

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. 1130

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, Berry, Blair, Bolin, Boyd, Bradford, Bright, Chesterfield, Clemons, Creekmore, Dangeau, Dees, Dickinson, Dobbins, Eason, Edwards, Elliott, D. Evans, L. Evans, Ferguson, Fite, Gillespie, Gipson, Goss, Haak, Hathorn, Hickenbotham, House, Jackson, Jacobs, Jeffrey, C. Johnson, J. Johnson, Jones, Judy, King, Ledbetter, Lendall, Lewellen, Mack, Mahony, Martin, Mathis, Milligan, Moore, Napper, Oglesby, Parks, Pate, Pickett, S. Prater, Roebuck, Scrimshire, Seawel, R. Smith, Stovall, Sumpter, Thomas, Thomason, Verkamp, Walters, Weaver, White, Wood, Mr. Speaker.

Total65

NEGATIVE: Agee, Borhauer, Childers, Green, Hardwick, Harris, Key, Lamoureux, Matayo, Medley, Nichols, Norton, Pace, Penix, Pritchard.

Total15

ABSENT OR NOT VOTING: Anderson, Bennett, Biggs, Bledsoe, Bond, P. Bookout, Cowling, Hutchinson, Kenney, Petrus, L. Prater, Rankin, Rosenbaum, Schulte, Scroggin, Sullivan, C. Taylor, J. Taylor, Thyer.

Total19

VOTING PRESENT: Ormond.

Total1

Total number of votes cast81

Total number voting in the affirmative65

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. 1130**, 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, Berry, Blair, Bledsoe, P. Bookout, Boyd, Bradford, Bright, Chesterfield, Clemons, Creekmore, Dangeau, Dees, Dickinson, Dobbins, Eason, Elliott, D. Evans, L. Evans, Ferguson, Fite, Gillespie, Gipson, Goss, Haak, Hardwick, Hathorn, Hickinbotham, House, Jackson, Jacobs, Jeffrey, C. Johnson, J. Johnson, Jones, Judy, King, Ledbetter, Lendall, Lewellen, Mahony, Martin, Mathis, Milligan, Moore, Napper, Norton, Oglesby, Ormond, Parks, Pate, Pickett, S. Prater, Roebuck, Rosenbaum, Scrimshire, Seawel, R. Smith, Stovall, Sullivan, Sumpter, Thomason, Thyer, Verkamp, Walters, Weaver, White, Wood, Mr. Speaker.

Total70

NEGATIVE: Agee, Borhauer, Childers, Edwards, Green, Lamoureux, Pace, Penix, Pritchard, C. Taylor.

Total10

ABSENT OR NOT VOTING: Bennett, Biggs, Bolin, Bond, Cowling, Harris, Hutchinson, Kenney, Key, Mack, Matayo, Medley, Nichols, Petrus, L. Prater, Rankin, Schulte, Scroggin, J. Taylor, Thomas.

Total20

VOTING PRESENT:

Total0

Total number of votes cast80

Total number voting in the affirmative70

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

So the Emergency Clause was adopted.

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. 1118

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, P. Bookout, Borhauer, Boyd, Bradford, Bright, Chesterfield, Childers, Clemons, Creekmore, Dangeau, Dees, Dickinson, Dobbins, Eason, Edwards, Elliott, D. Evans, L. Evans, Ferguson, Fite, Gillespie, Gipson, Goss, Green, Haak, Hardwick, Harris, Hathorn, Hickinbotham, House, Jackson, Jacobs, Jeffrey, C. Johnson, J. Johnson, Jones, Judy, Kenney, Key, King, Lamoureux, Ledbetter, Lendall, Mack, Mahony, Martin, Matayo, Mathis, Medley, Milligan, Moore, Napper, Nichols, Norton, Oglesby, Ormond, Pace, Pate, Penix, Petrus, Pickett, S. Prater, Pritchard, Roebuck, Rosenbaum, Scrimshire, Seawel, R. Smith, Stovall, Sullivan, Sumpter, J. Taylor, Thomason, Thyer, Verkamp, Walters, Weaver, White, Wood.

Total88

NEGATIVE:

Total0

ABSENT OR NOT VOTING: Bond, Cowling, Hutchinson, Lewellen, Parks, L. Prater, Rankin, Schulte, Scroggin, C. Taylor, Thomas, Mr. Speaker.

Total12

VOTING PRESENT:

Total0

Total number of votes cast88

Total number voting in the affirmative88

Necessary to the passage of the bill75

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

There being an Emergency Clause attached to **HOUSE BILL NO. 1118**, 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, P. Bookout, Borhauer, Boyd, Bradford, Bright, Chesterfield, Childers, Clemons, Creekmore, Dangeau, Dees, Dickinson, Dobbins, Eason, Edwards, Elliott, D. Evans, L. Evans, Ferguson, Fite, Gillespie, Gipson, Goss, Green, Haak, Hardwick, Harris, Hathorn, Hickenbotham, House, Jackson, Jacobs, Jeffrey, C. Johnson, J. Johnson, Jones, Judy, Kenney, Key, King, Lamoureux, Ledbetter, Lendall, Mack, Mahony, Martin, Matayo, Mathis, Medley, Milligan, Moore, Napper, Nichols, Norton, Oglesby, Ormond, Pace, Pate, Penix, Petrus, Pickett, S. Prater, Pritchard, Roebuck, Rosenbaum, Scrimshire, Seawel, R. Smith, Stovall, Sullivan, Sumpter, J. Taylor, Thomason, Thyer, Verkamp, Walters, Weaver, White, Wood.

Total88

NEGATIVE:

Total0

ABSENT OR NOT VOTING: Bond, Cowling, Hutchinson, Lewellen, Parks, L. Prater, Rankin, Schulte, Scroggin, C. Taylor, Thomas, Mr. Speaker.

Total12

VOTING PRESENT:

Total0

Total number of votes cast88

Total number voting in the affirmative88

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

So the Emergency Clause was adopted.

Motion was made by Representative Mahony to limit debate on **SENATE BILL NO. 7** to 2 minutes on the side. Motion passed.

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. 7

BY: SENATOR BROADWAY

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

AFFIRMATIVE: Anderson, Berry, Blair, Bolin, P. Bookout, Borhauer, Bradford, Bright, Chesterfield, Childers, Clemons, Dangeau, Dees, Dickinson, Dobbins, Eason, Edwards, Elliott, L. Evans, Ferguson, Fite, Goss, Green, Hardwick, Hathorn, House, Hutchinson, Jackson, Jacobs, C. Johnson, J. Johnson, Jones, Judy, King, Ledbetter, Lendall, Lewellen, Mack, Mahony, Martin, Norton, Pace, Parks, Pate, Pickett, S. Prater, Pritchard, Roebuck, Rosenbaum, Seawel, R. Smith, Sullivan, C. Taylor, J. Taylor, Thomas, Thomason, Thyer, Walters, White, Wood, Mr. Speaker.

Total61

NEGATIVE: Adams, Agee, Bennett, Biggs, Bledsoe, Creekmore, D. Evans, Gillespie, Gipson, Haak, Hickinbotham, Jeffrey, Key, Lamoureux, Mathis, Moore, Napper, Nichols, Oglesby, Ormond, Petrus, Scrimshire, Scroggin, Stovall, Sumpter, Verkamp, Weaver.

Total27

ABSENT OR NOT VOTING: Bond, Boyd, Cowling, Harris, Kenney, Matayo, Medley, Milligan, Penix, L. Prater, Rankin, Schulte.

Total12

VOTING PRESENT:

Total0

Total number of votes cast88

Total number voting in the affirmative61

Necessary to the passage of the bill75

So the Bill failed.

The House recessed into a Committee of the Whole for Attorney General Beebe to address the House with regards to the Supreme Court Hearing.

Motion was made by Representative Pace to rise and report progress.

HOUSE BILLS ORDERED TRANSMITTED TO THE SENATE AS PASSED

- HOUSE BILL NO. 1091 BY REPRESENTATIVE JUDY
- HOUSE BILL NO. 1100 BY REPRESENTATIVE MATAYO
- HOUSE BILL NO. 1118 BY REPRESENTATIVE LEDBETTER
- HOUSE BILL NO. 1127 BY REPRESENTATIVE MAHONY
- HOUSE BILL NO. 1130 BY JOINT BUDGET COMMITTEE

ENROLLED AND DELIVERY TO GOVERNOR REPORTS

Little Rock, Arkansas
January 22, 2004

MR. SPEAKER:

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

HOUSE BILL NO. 1064 BY REPRESENTATIVE JACKSON

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 3:25 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. 1064 BY REPRESENTATIVE JACKSON

/s/ Mike Huckabee - Governor

TIME: 3:25 p.m.

By: Stacy DeJarnett

The House reconvened at 3:17 p.m.

The House recessed at 3:22 p.m. until 4:00 p.m. for the reading of the bills.

HOUSE BILL NO. 1142

BY: REPRESENTATIVE LEDBETTER

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO MAKE AN APPROPRIATION FOR GRANTS AND AIDS TO LOCAL SCHOOL DISTRICTS FOR ADMINISTRATIVE CONSOLIDATION ASSISTANCE 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. 1143

BY: REPRESENTATIVE MARTIN

A BILL FOR AN ACT TO BE ENTITLED THE SCHOOL LAW ENFORCEMENT ACT OF 2004; 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. 1144

BY: REPRESENTATIVE BOLIN

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO PROVIDE ADDITIONAL REVENUE TO FUND THE STATE EDUCATION SYSTEM; TO CREATE A NEW TOP TAX BRACKET FOR PERSONAL INCOME TAX OVER ONE HUNDRED THOUSAND DOLLARS (\$100,000); TO APPLY THE NEW TOP TAX BRACKET TO NONRESIDENTS AND FIDUCIARIES; TO INCREASE THE TOP CORPORATE INCOME TAX RATE; 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. 1145

BY: REPRESENTATIVE BOLIN

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO PROVIDE ADDITIONAL REVENUE TO FUND THE STATE EDUCATION SYSTEM; TO INCREASE THE STATE GROSS RECEIPTS AND USE TAX RATE BY SEVEN-EIGHTHS OF ONE PERCENT (7/8 of 1%); TO CREATE THE EDUCATIONAL ADEQUACY TRUST FUND FOR DISTRIBUTION OF SPECIAL REVENUE TO THE PUBLIC SCHOOL FUND; TO IMPOSE A GROSS RECEIPTS TAX ON THE SALE OF ADVERTISING SPACE AND TIME INCLUDING NEWSPAPER ADVERTISING SPACE, TELEVISION AND RADIO ADVERTISING TIME, AND BILLBOARD ADVERTISING; TO REPEAL ARKANSAS CODE § 26-52-401(13) TO ELIMINATE THE GROSS RECEIPTS TAX EXEMPTION FOR ADVERTISING SPACE IN NEWSPAPERS AND ON BILLBOARDS; TO AMEND ARKANSAS CODE §§ 26-52-304 AND 26-53-109 TO PROVIDE THAT GROSS RECEIPTS FROM THE SALE OF SOFTWARE AND LICENSES ARE TAXABLE WITHOUT REGARD TO THE MANNER OF DELIVERY AND IMPOSING SALES TAX ON SOFTWARE-RELATED SERVICES AND COMPUTER CONSULTING SERVICES; 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. 1146

BY: REPRESENTATIVE BOLIN

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO PROVIDE ADDITIONAL REVENUE TO FUND THE STATE EDUCATION SYSTEM BY REDUCING THE EXEMPTION FROM STATE INCOME TAX FOR CAPITAL GAINS TO TWENTY PERCENT (20%); 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 CONCURRENT RESOLUTION NO. 1002

BY: REPRESENTATIVES MAHONY, J. JOHNSON, WOOD

REQUESTING THE JOINT INTERIM COMMITTEE ON EDUCATION CONDUCT A STUDY OF THE SALARY INCREASES TO TEACHERS IN SPECIAL SETTINGS THAT MAY NOT OTHERWISE BE ELIGIBLE TO RECEIVE THE SALARY INCREASES AUTHORIZED FOR OTHER TEACHERS FOR THE BIENNIAL PERIOD ENDING JUNE 30, 2005.

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

HOUSE RESOLUTION NO. 1021

BY: REPRESENTATIVES DANGEAU, COWLING

COMMENDING NATIONAL SCHOOL BOARDS ASSOCIATION PRESIDENT CAROL BROWN OF THE WYNNE SCHOOL BOARD.

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 4:06 p.m. until 10:00 a.m. Friday, January 23, 2004.

ATTEST:

Herschel W. Cleveland
Speaker of the House of Representatives

Jo Renshaw
Chief Clerk