

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

Little Rock, Arkansas

January 23, 2004

The House was called to order at 10:12 a.m. by Mr. Cleveland, the Speaker.
The following members answered to the roll call:

Adams, Agee, Anderson, Bennett, Berry, Biggs, Blair, Bledsoe, Bolin, Bond, Bookout, Borhauer, Boyd, Bradford, Bright, Chesterfield, Childers, Clemons, 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, 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, Rankin, Rosenbaum, Scrimshire, Scroggin, Seawel, Smith, Stovall, Sullivan, Sumpter, C.Taylor, J.Taylor, Thomas, Thomason, Thyer, Verkamp, Walters, Weaver, White, Wood, Mr. Speaker.

Total95

The following member(s) was absent and did not answer to the roll call:
Cowling, King, L. Prater, Roebuck, Schulte.

Total5

A quorum was present.

Unanimous leave was granted for Representative(s) Cowling, King, L. Prater, Roebuck, Schulte.

The House stood and was led in prayer by Representative Russ Bennett.

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

	January 23, 2004
EDUCATION	CALVIN JOHNSON
	CHAIRPERSON
HOUSE RESOLUTION NO. 1021	DO PASS
BY REPRESENTATIVE DANGEAU	
HOUSE CONCURRENT RESOLUTION NO. 1002	DO PASS
BY REPRESENTATIVE MAHONY	
HOUSE BILL NO. 1122	DO PASS
BY REPRESENTATIVE GILLESPIE	
HOUSE BILL NO. 1132	DO PASS
BY REPRESENTATIVE MAHONY	
HOUSE BILL NO. 1140	DO PASS
BY REPRESENTATIVE WALTERS	AS AMENDED #1
SENATE BILL NO. 49	DO PASS
BY SENATOR WILKINS	

COMMITTEE REPORT

	January 23, 2004
JOINT BUDGET	PAUL WEAVER
	CHAIRPERSON
HOUSE BILL NO. 1078	DO PASS
BY REPRESENTATIVE CLEVELAND	
HOUSE BILL NO. 1142	DO PASS
BY REPRESENTATIVE LEDBETTER	

COMMITTEE REPORT

	January 23, 2004
PUBLIC HEALTH, WELFARE	JAY BRADFORD
AND LABOR	CHAIRPERSON
HOUSE RESOLUTION NO. 1019	DO PASS
BY REPRESENTATIVE LEWELLEN	

COMMITTEE REPORT

AGING, CHILDREN AND YOUTH, LEGISLATIVE AND MILITARY AFFAIRS HOUSE RESOLUTION NO. 1020 BY REPRESENTATIVE JUDY	January 23, 2004 JOYCE DEES CHAIRPERSON DO PASS
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Upon motion of Representative Matayo, **HOUSE BILL NO. 1093** was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 2 TO HOUSE BILL NO. 1093

Amend **HOUSE BILL NO. 1093** as engrossed, H1/14/04

(version: 01-14-2004 08:35):

Immediately following SECTION 2 add an additional section to read as follows:

"SECTION 3. EMERGENCY CLAUSE. It is found and determined by the General Assembly of the State of Arkansas that as a result of the Arkansas Supreme Court decision, Lake View Sch. Dist. No. 25 v. Huckabee, 351 Ark. 31, 91 S.W.3d 472 (2002), additional revenue is necessary for the improvement of public schools, to provide all Arkansas children an adequate education, and to equalize funding for schools and teachers; that without additional revenue, the state will be unable to fulfill its constitutional duty to provide an adequate and equitable education to Arkansas children; and that this act is immediately necessary as it will provide needed revenue for the support and improvement of public schools. Therefore, an emergency is declared to exist and this act being necessary for the preservation of the public peace, health, and safety shall become effective on:

- (1) The date of its approval by the Governor;
- (2) If the bill is neither approved nor vetoed by the Governor, the expiration of the period of time during which the Governor may veto the bill; or
- (3) If the bill is vetoed by the Governor and the veto is overridden, the date the last house overrides the veto."

/s/ Doug Matayo

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

/s/ Ms. Jo Renshaw
Chief Clerk

Upon motion of Representative Hickinbotham, **HOUSE BILL NO. 1124** was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 2 TO HOUSE BILL NO. 1124

Amend **HOUSE BILL NO. 1124** as engrossed, H1/21/04

(version: 01-21-2004 08:58):

Immediately following SECTION 2, add an additional section to read as follows:

"SECTION 3. Arkansas Code § 26-52-501(g), concerning the due date for payment of gross receipts tax, is amended to read as follows:

(g) If not paid on or before the twentieth of that month the tax shall be delinquent from that date. ~~However, no penalty for delinquency shall be assessed if payment is made on or before the first day of the month next following.~~ and shall be subject to the penalties for failure to pay a state tax on or before the date prescribed for payment under the Arkansas Tax Procedure Act, § 26-18-101 et seq."

AND

Appropriately renumber the sections of the bill.

/s/ Boyd Hickinbotham

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. 1116** was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 3 TO HOUSE BILL NO. 1116

Amend **HOUSE BILL NO. 1116** as engrossed, H1/16/04

(version: 01-16-2004 08:47):

Page 2, lines 17 and 18, delete "additional personal services for salary increases" and substitute "a one-time \$2,500 bonus"

AND

PAGE 2, lines 24 through 36, delete in their entirety and substitute the following:

"(01) EDUCATION SERVICE COOPERATIVE TEACHERS - PRE-SCHOOL TEACHERS, LITERACY SPECIALISTS, MATH SPECIALISTS, TECHNOLOGY SPECIALISTS, TEACHER CENTER COORDINATORS, WORKFORCE COORDINATORS	\$ 0	\$ 755,000
(02) HUMAN DEVELOPMENT CENTERS	\$ 0	25,000
(03) SCHOOL FOR MATHEMATICS, SCIENCES & THE ARTS	\$ 0	102,500
(04) INTERMEDIATE CARE FACILITIES FOR THE MENTALLY RETARDED FOR CHILDREN	\$ 0	37,500
(05) DHS - DIVISION OF YOUTH SERVICES - RESIDENTIAL	\$ 0	225,500
(06) ARKANSAS NATIONAL GUARD - YOUTH CHALLENGE PROGRAM/CIVILIAN STUDENT TRAINING PROGRAM	\$ 0	25,000
(07) WORKFORCE ADULT EDUCATION	\$ 0	257,500
TOTAL AMOUNT APPROPRIATED	\$ 0	\$ 1,428,000"

AND

Page 3, lines 1 through 8, delete in their entirety

AND

Page 3, lines 27 and 28, delete "Department of Human Services and the Department of Correction" and substitute "agencies listed in Section 2 of this Act"

AND

Add a new section immediately following Section 4 of the bill to read as follows:

"SECTION 5. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. CERTIFIED TEACHERS IN SPECIAL SETTINGS BONUS FUNDING PROVISION. During the 2004-05 fiscal year each school district

that contracts with or otherwise receives teaching services for its students shall pay to the applicable provider of service a one-time bonus in an amount equal to \$2,500 for each full time equivalent certified teacher employed by the provider that is providing the services to school district students. Immediately upon receiving the monies from the school district the provider of service shall make available the \$2,500 one-time bonus to each of its full time equivalent certified teachers that are providing the services to school district students. Further, the school district shall provide the one-time bonus in an amount equal to \$2,500 per full time equivalent certified teacher to those teachers providing Adult Education services to students of the school district. "

AND

By renumbering the subsequent sections of the bill.

/s/ Jodie Mahony

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

/s/ Ms. Jo Renshaw
Chief Clerk

The House gave Representative L. Prater unanimous leave to withdraw **HOUSE BILL NO. 1014.**

The House gave Representative L. Prater unanimous leave to withdraw **HOUSE BILL NO. 1015.**

The House gave Representative L. Prater unanimous leave to withdraw **HOUSE BILL NO. 1016.**

ENGROSSED BILL REPORTS

HERSCHEL W. CLEVELAND, CHAIRMAN

January 23, 2004

The following bill(s) reported correctly engrossed:

HOUSE BILL NO. 1093 BY REPRESENTATIVE MATAYO, ET AL
HOUSE BILL NO. 1116 BY REPRESENTATIVE MAHONY
HOUSE BILL NO. 1124 BY REPRESENTATIVE HICKINBOTHAM
HOUSE BILL NO. 1141 - TITLE - BY REPRESENTATIVE MAHONY, ET AL

HOUSE BILL ENGROSSED AS TITLE AMENDED
HOUSE BILL NO. 1141

BY: REPRESENTATIVES MAHONY, *LENDALL*

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO AMEND THE PROVISIONS OF THE ARKANSAS CODE RELATING TO SCHOOL NURSES; AND FOR OTHER PURPOSES.

Upon motion of Representative Mahony, **HOUSE BILL NO. 1141** was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 1 TO HOUSE BILL NO. 1141

Amend **HOUSE BILL NO. 1141** as originally introduced:

Add Representative Lendall as a cosponsor of the bill

AND

Page 3, delete line 4, and substitute:

"this state except with the prior approval of the local school board.

(d) In districts having a high concentration of children with disabling conditions as determined by the State Board of Education, the ratio of school nurses to students should be one (1) to four hundred (400) in those schools so designated.

(e) In a district which provides a center for profoundly disabled students, the ratio should be one (1) school nurse per one hundred twenty-five (125) students at that center."

AND

Page 3, line 5, delete "(d)" and substitute "(f)"

AND

Page 3, line 7, delete "(e)" and substitute "(g)"

/s/ Jim Lendall

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

/s/ Ms. Jo Renshaw
Chief Clerk

Morning Hour Expired.

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

ARKANSAS SENATE

AMENDMENT NO. 1 TO HOUSE BILL NO. 1109

Amend **HOUSE BILL NO. 1109** as originally introduced:

Page 4, line 14, delete "July 1" and substitute "April 1"

AND

Page 4, line 18, delete "June 1 of" and substitute "June 1,"

AND

Page 4, delete line 19, and substitute:

"to be effective the July 1 immediately following the publication of the list required under § 6-13-1602."

AND

Page 4, line 24, delete "June 1 of the" and substitute "June 1,"

AND

Page 4, delete line 25, and substitute "to be effective the July 1 immediately following the publication of the list required under § 6-13-1602."

AND

Page 4, delete line 30, and substitute "annexation by July 1 immediately following the publication of the list required under § 6-13-1602."

AND

Page 6, line 15, delete "2005" and substitute "2004"

/s/ Jim Argue

The Amendment was read and the vote was as follows:

AFFIRMATIVE: Agee, Anderson, Biggs, Blair, Bledsoe, Bond, P. Bookout, Borhauer, Bradford, Bright, Chesterfield, Childers, Clemons, [Cowling], Dangeau, Dees, Dickinson, Dobbins, Eason, Edwards, Elliott, D. Evans, L. Evans, Ferguson, Gipson, Goss, Green, Haak, Hardwick, Harris, Jackson, Jeffrey, C. Johnson, J. Johnson, Jones, Judy, Kenney, Key, [King], Lamoureux, Ledbetter, Lendall, Lewellen, Mahony, Martin, Matayo, Mathis, Medley, Moore, Napper, Nichols, Pace, S. Prater, Pritchard, [Roebuck], Rosenbaum, R. Smith, Sullivan, Sumpter, C. Taylor, Thomas, Thyer, Walters, White, Wood.

Total65

NEGATIVE: Adams, Bennett, Berry, Bolin, Boyd, Creekmore, [Fite], Gillespie, Hathorn, Hickinbotham, House, Mack, Milligan, [Norton], Oglesby, Ormond, Parks, Pate, Penix, [Petrus], Rankin, Scrimshire, Scroggin, Seawel, Stovall, J. Taylor, Thomason, Verkamp, Weaver.

Total29

ABSENT OR NOT VOTING: Hutchinson, Jacobs, L. Prater, Schulte, Mr. Speaker.

Total5

VOTING PRESENT: Pickett.

Total1

Total number of votes cast95

Total number voting in the affirmative65

Necessary to concur in the amendment51

So the Amendment was concurred in.

/s/ Ms. Jo Renshaw
Chief Clerk

Upon motion of Representative Bond the Clincher motion prevailed.

PAIR VOTE
ON
HOUSE BILL NO. 1109
AMENDMENT NO. 1

AYE: REPRESENTATIVE TOMMY ROEBUCK

NAY: REPRESENTATIVE JAMES NORTON

WITNESS: REPRESENTATIVE SANDRA PRATER

This pair form was signed by Representative Tommy Roebuck and Representative James Norton in the presence of each other and witnessed by Representative Sandra Prater.

Total number of votes cast95

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

Total number voting in the affirmative65

Total number voting in the negative29

Total number absent or not voting.....5

Total number voting present1

So the Amendment was concurred in.

PAIR VOTE
ON
HOUSE BILL NO. 1109
AMENDMENT NO. 1

AYE: **REPRESENTATIVE KEN COWLING**
NAY: **REPRESENTATIVE BENNY C. PETRUS**
WITNESS: **REPRESENTATIVE JEFF WOOD**

This pair form was signed by Representative Ken Cowling and Representative Benny C. Petrus in the presence of each other and witnessed by Representative Jeff Wood.

Total number of votes cast 95

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

Total number voting in the affirmative 65

Total number voting in the negative 29

Total number absent or not voting..... 5

Total number voting present..... 1

So the Amendment was concurred in.

PAIR VOTE
ON
HOUSE BILL NO. 1109
AMENDMENT NO. 1

AYE: REPRESENTATIVE BARBARA KING
NAY: REPRESENTATIVE DWIGHT FITE
WITNESS: REPRESENTATIVE SCOTT SULLIVAN

This pair form was signed by Representative Barbara King and Representative Dwight Fite in the presence of each other and witnessed by Representative Scott Sullivan.

Total number of votes cast95

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

Total number voting in the affirmative65

Total number voting in the negative29

Total number absent or not voting.....5

Total number voting present1

So the Amendment was concurred in.

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

ARKANSAS SENATE

AMENDMENT NO. 2 TO HOUSE BILL NO. 1109

Amend HOUSE BILL NO. 1109 as originally introduced:

Page 6, delete line 30 and substitute:

"6-13-1605. Charter schools.

The provisions of § 6-13-1601 - 1604 shall not apply to charter schools in existence on the effective date of this act or to schools achieving charter status by June 1, 2005."

SECTION 4. Immediately upon the effective date of this act, the Chief"

/s/ Steve Bryles

The Amendment was read and the vote was as follows:

AFFIRMATIVE: Agee, Anderson, Biggs, Blair, Bledsoe, Bond, P. Bookout, Borhauer, Boyd, Bradford, Bright, Chesterfield, Childers, Clemons, [Cowling], Creekmore, Dangeau, Dees, Dickinson, Dobbins, Eason, Edwards, Elliott, D. Evans, L. Evans, Ferguson, Gillespie, Gipson, Goss, Green, Haak, Hardwick, Harris, Hickinbotham, 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, Pace, Parks, Pate, S. Prater, Pritchard, Rosenbaum, Seawel, R. Smith, Sullivan, Sumpter, C. Taylor, Thomas, Thomason, Thyer, Walters, Weaver, White, Wood.

Total77

NEGATIVE: Berry, [Fite], Hathorn, Norton, Oglesby, Ormond, Penix, [Petrus], Rankin, Scrimshire, Stovall, J. Taylor, Verkamp.

Total13

ABSENT OR NOT VOTING: Bolin, House, L. Prater, Roebuck, Schulte, Scroggin, Mr. Speaker.

Total7

VOTING PRESENT: Adams, Bennett, Pickett.

Total3

Total number of votes cast93

Total number voting in the affirmative77

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

So the Amendment was concurred in.

/s/ Ms. Jo Renshaw

Chief Clerk

PAIR VOTE
ON
HOUSE BILL NO. 1109
AMENDMENT NO. 2

AYE: REPRESENTATIVE KEN COWLING
NAY: REPRESENTATIVE BENNY C. PETRUS
WITNESS: REPRESENTATIVE JEFF WOOD

This pair form was signed by Representative Ken Cowling and Representative Benny C. Petrus in the presence of each other and witnessed by Representative Jeff Wood.

Total number of votes cast93

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

Total number voting in the affirmative77

Total number voting in the negative13

Total number absent or not voting.....7

Total number voting present3

So the Amendment was concurred in.

PAIR VOTE
ON
HOUSE BILL NO. 1109
AMENDMENT NO. 2

AYE: REPRESENTATIVE BARBARA KING

NAY: REPRESENTATIVE DWIGHT FITE

WITNESS: REPRESENTATIVE SCOTT SULLIVAN

This pair form was signed by Representative Barbara King and Representative Dwight Fite in the presence of each other and witnessed by Representative Scott Sullivan.

Total number of votes cast 93

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

Total number voting in the affirmative 77

Total number voting in the negative 13

Total number absent or not voting..... 7

Total number voting present..... 3

So the Amendment was concurred in.

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

ARKANSAS SENATE
AMENDMENT NO. 3 TO HOUSE BILL NO. 1109

Amend **HOUSE BILL NO. 1109** as originally introduced:

Page 5, delete lines 14 through 18, and substitute:

"(f) No school shall be closed by the state board or a local school board until after completion of an assessment of public school facilities by the Joint Committee on Educational Facilities as required by Act 1181 of 2003, but in no event shall any be closed prior to June 1, 2005."

/s/ Steve Bryles

The Amendment was read and the vote was as follows:

AFFIRMATIVE: Agee, Anderson, Biggs, Blair, Bond, P. Bookout, Borhauer, Bradford, Bright, Chesterfield, Childers, Clemons, [Cowling], Creekmore, Dangeau, Dees, Dobbins, Eason, Edwards, Elliott, D. Evans, L. Evans, Ferguson, Gillespie, Gipson, Goss, Green, Hardwick, Harris, House, Hutchinson, Jacobs, C. Johnson, J. Johnson, Jones, Judy, Kenney, Key, [King], Lamoureux, Ledbetter, Lendall, Lewellen, Mack, Mahony, Martin, Matayo, Mathis, Medley, Milligan, Moore, Napper, Nichols, Ormond, Pace, Parks, S. Prater, Pritchard, Rosenbaum, Seawel, R. Smith, Sullivan, C. Taylor, Thomas, Thyer, Walters, White, Wood.

Total68

NEGATIVE: Adams, Berry, Bledsoe, Bolin, Boyd, Dickinson, [Fite], Haak, Hathorn, Hickinbotham, Jackson, Jeffrey, Norton, Oglesby, Pate, Penix, [Petrus], Rankin, Scrimshire, Scroggin, Stovall, Sumpter, J. Taylor, Thomason, Verkamp.

Total25

ABSENT OR NOT VOTING: L. Prater, Roebuck, Schulte, Mr. Speaker.

Total4

VOTING PRESENT: Bennett, Pickett, Weaver.

Total3

Total number of votes cast.....96

Total number voting in the affirmative68

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

So the Amendment was concurred in.

/s/ Ms. Jo Renshaw
Chief Clerk

PAIR VOTE
ON
HOUSE BILL NO. 1109
AMENDMENT NO. 3

AYE: REPRESENTATIVE BARBARA KING
NAY: REPRESENTATIVE DWIGHT FITE
WITNESS: REPRESENTATIVE SCOTT SULLIVAN

This pair form was signed by Representative Barbara King and Representative Dwight Fite in the presence of each other and witnessed by Representative Scott Sullivan.

Total number of votes cast 96

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

Total number voting in the affirmative 68

Total number voting in the negative 25

Total number absent or not voting..... 4

Total number voting present..... 3

So the Amendment was concurred in.

PAIR VOTE
ON
HOUSE BILL NO. 1109
AMENDMENT NO. 3

AYE: REPRESENTATIVE KEN COWLING
NAY: REPRESENTATIVE BENNY C. PETRUS
WITNESS: REPRESENTATIVE JEFF WOOD

This pair form was signed by Representative Ken Cowling and Representative Benny C. Petrus in the presence of each other and witnessed by Representative Jeff Wood.

Total number of votes cast.....	96
Necessary to concur in the amendment.....	51
Total number voting in the affirmative	68
Total number voting in the negative	25
Total number absent or not voting.....	4
Total number voting present	3

So the Amendment was concurred in.

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

ARKANSAS SENATE

AMENDMENT NO. 4 TO HOUSE BILL NO. 1109

Amend **HOUSE BILL NO. 1109** as originally introduced:

Add Representatives Clemons and Sullivan as sponsors.

AND

Page 2, delete lines 15 and 16 and substitute the following:

"population in the resulting school district that came from each affected school district."

AND

Page 2, delete lines 25 and 26 and substitute the following:

"or more school districts to create a new single school district with one (1) administrative unit and one (1) board of directors that is not required to close school facilities."

AND

Page 3, on line 20, delete "and"

AND

Page 3, delete line 27 and substitute the following:

"result of administrative annexation; and"

AND

Page 4, on line 22 delete "state board of" and substitute "state board for"

AND

Page 4, on line 23, delete "or annexed"

AND

Page 4, on line 27, delete "or annex"

AND

Page 4, on line 32, delete "consolidation" and substitute "consolidation or annexation"

AND

Page 4, on line 34, delete "consolidation" and substitute "consolidation or annexation"

AND

Page 4, on line 35, delete "consolidation" and substitute "consolidation or annexation"

AND

Page 5, delete line 2 and substitute:

"under this subchapter shall be administratively consolidated"

AND

Page 5, on line 3, delete "annexed"

AND

Page 5, on line 11, delete "§ 26-80-111" and substitute "§ 6-13-1409"

AND

Page 5, delete line 14 and substitute:

"(f) No school facility in a school district included in the consolidation list required by § 6-13-1602 shall be closed by the state board or a local"

AND

Page 5, delete lines 30 through 33 and substitute:

"(i) Noncontiguous school districts may voluntarily consolidate if:

(1)(A) The facilities and physical plant of each school district are within the same county; and

(B) The state board approves the administrative consolidation;

or

(2)(A) The facilities and physical plant of each school district are not within the same county; and

(B) The state board approves the administrative consolidation or annexation and finds that:

(i) The consolidation or annexation will result in the overall improvement in the educational benefit to students in all of the school districts involved; or

(ii) The consolidation or annexation will provide a significant advantage in transportation costs or service to all of the school districts involved."

AND

Page 6, on line 9, delete "§ 6-13-1603;" and substitute "§ 6-13-1603 by July 1, 2005;"

AND

Page 6, on line 21, delete "national lunch" and substitute "national school lunch"

AND

Page 6, on line 28, delete "consolidated" and substitute "consolidated or annexed"

AND

Page 6, delete lines 32 through 34 and substitute:

"State Treasurer and the Auditor of the State the sum of thirty-seven million ninety-seven thousand five hundred sixty dollars (\$37,097,560) from funds received from the Jobs and Growth Tax Relief"

AND

Page 7, delete lines 6 through 12 and substitute:

"(a) "Isolated school" means a school within a school district that:

(1) Prior to administrative consolidation or annexation under this act qualified as an isolated school district under § 6-20-601; and

(2) Is subject to administrative consolidation or annexation under this act.

(b) Any isolated school within a resulting or receiving district shall remain open.

(c) Funding for isolated school districts shall be expended by the resulting or receiving district only on the operation, maintenance, and other expenses of the isolated schools within the resulting or receiving district."

/s/ Steve Bryles

The Amendment was read and the vote was as follows:

AFFIRMATIVE: Agee, Anderson, Bennett, Biggs, Blair, Bledsoe, Bond, P. Bookout, Borhauer, Boyd, Bradford, Bright, Chesterfield, Childers, Clemons, [Cowling], Creekmore, Dangeau, Dees, Dobbins, Eason, Edwards, Elliott, D. Evans, L. Evans, Ferguson, Gillespie, Gipson, Goss, Green, Haak, Hardwick, Harris, House, Hutchinson, Jackson, Jacobs, C. Johnson, J. Johnson, Jones, Judy, Kenney, Key, [King], Lamoureux, Ledbetter, Lendall, Mahony, Martin, Matayo, Mathis, Medley, Milligan, Moore, Napper, Nichols, Pace, Pate, Penix, S. Prater, Pritchard, Rosenbaum, Seawel, R. Smith, Sullivan, Sumpter, C. Taylor, Thomas, Thomason, Thyer, Walters, White, Wood.

Total73

NEGATIVE: Adams, Berry, Bolin, Dickinson, [Fite], Hathorn, Hickinbotham, Jeffrey, Lewellen, Mack, Norton, Oglesby, Ormond, [Petrus], Rankin, Scrimshire, Scroggin, Stovall, J. Taylor, Verkamp.

Total20

ABSENT OR NOT VOTING: Parks, L. Prater, Roebuck, Schulte, Mr. Speaker.

Total5

VOTING PRESENT: Pickett, Weaver.

Total2

Total number of votes cast.....95

Total number voting in the affirmative73

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

So the Amendment was concurred in.

/s/ Ms. Jo Renshaw
Chief Clerk

PAIR VOTE
ON
HOUSE BILL NO. 1109
AMENDMENT NO. 4

AYE: REPRESENTATIVE KEN COWLING
NAY: REPRESENTATIVE BENNY C. PETRUS
WITNESS: REPRESENTATIVE JEFF WOOD

This pair form was signed by Representative Ken Cowling and Representative Benny C. Petrus in the presence of each other and witnessed by Representative Jeff Wood.

Total number of votes cast..... 95

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

Total number voting in the affirmative 73

Total number voting in the negative 20

Total number absent or not voting..... 5

Total number voting present..... 2

So the Amendment was concurred in.

PAIR VOTE
ON
HOUSE BILL NO. 1109
AMENDMENT NO. 4

AYE: **REPRESENTATIVE BARBARA KING**
 NAY: **REPRESENTATIVE DWIGHT FITE**
 WITNESS: **REPRESENTATIVE SCOTT SULLIVAN**

This pair form was signed by Representative Barbara King and Representative Dwight Fite in the presence of each other and witnessed by Representative Scott Sullivan.

Total number of votes cast	95
Necessary to concur in the amendment.....	51
Total number voting in the affirmative	73
Total number voting in the negative	20
Total number absent or not voting.....	5
Total number voting present	2

So the Amendment was concurred in.

The House recessed for 5 minutes at 10:45 a.m.

The House reconvened at 10:51 a.m.

HOUSE BILL NO. 1114

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: Adams, Agee, Anderson, Bennett, Berry, Biggs, Blair, Bledsoe, Bolin, Bond, P. Bookout, Borhauer, Boyd, Bradford, Bright, Chesterfield, 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, Hutchinson, Jackson, Jacobs, Jeffrey, C. Johnson, J. Johnson, Jones, Judy, Kenney, Key, Lamoureux, Ledbetter, Lendall, Mack, Mahony, Martin, Matayo, Mathis, Medley, Milligan, Moore, Napper, Nichols, Norton, Oglesby, Ormond, Pate, Pickett, S. Prater, Pritchard, Rankin, Rosenbaum, Scrimshire, Scroggin, Seawel, R. Smith, Stovall, Sullivan, Sumpter, C. Taylor, J. Taylor, Thomas, Thomason, Verkamp, Walters, Weaver, White, Wood, Mr. Speaker.

Total88

NEGATIVE: Pace, Penix.

Total2

ABSENT OR NOT VOTING: Childers, Cowling, King, Lewellen, Parks, Petrus, L. Prater, Roebuck, Schulte, Thyer.

Total10

VOTING PRESENT:

Total0

Total number of votes cast.....90

Total number voting in the affirmative88

Necessary to the passage of the bill51

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

HOUSE BILL NO. 1040

BY: REPRESENTATIVE ELLIOTT

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, P. Bookout, Borhauer, Boyd, Bradford, Chesterfield, Clemons, Dangeau, Dees, Dickinson, Dobbins, Eason, Edwards, Elliott, D. Evans, L. Evans, Fite, Goss, Green, Hathorn, House, Jackson, Jacobs, C. Johnson, J. Johnson, Jones, Judy, Ledbetter, Lendall, Lewellen, Mahony, Martin, Mathis, Medley, Moore, Oglesby, Penix, Pickett, S. Prater, Seawel, Sumpter, Thomas, Walters, White, Wood.

Total48

NEGATIVE: Adams, Agee, Anderson, Bennett, Berry, Bledsoe, Childers, Creekmore, Gillespie, Gipson, Hardwick, Harris, Hickinbotham, Jeffrey, Kenney, Mack, Nichols, Norton, Ormond, Pace, Parks, Pate, Petrus, Pritchard, Rosenbaum, Scrimshire, Scroggin, Stovall, Sullivan, C. Taylor, J. Taylor, Thomason, Verkamp.

Total33

ABSENT OR NOT VOTING: Cowling, Ferguson, Haak, Hutchinson, King, Lamoureux, Napper, L. Prater, Rankin, Roebuck, Schulte, R. Smith, Thyer, Weaver, Mr. Speaker.

Total15

VOTING PRESENT: Bright, Key, Matayo, Milligan.

Total4

Total number of votes cast.....85

Total number voting in the affirmative48

Necessary to the passage of the bill51

So the Bill failed.

HOUSE BILL NO. 1066

BY: REPRESENTATIVE SUMPTER

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

AFFIRMATIVE: Anderson, Blair, Bledsoe, Bolin, Bond, 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, House, Hutchinson, Jackson, Jacobs, Jeffrey, C. Johnson, J. Johnson, Jones, Judy, Key, Ledbetter, Lendall, Lewellen, Mack, Mahony, Martin, Matayo, Mathis, Moore, Napper, Norton, Oglesby, Pate, Penix, Petrus, Pickett, S. Prater, Pritchard, Rankin, Rosenbaum, Seawel, R. Smith, Stovall, Sullivan, Sumpter, J. Taylor, Thomas, Thomason, Thyer, Verkamp, Walters, White, Wood.

Total76

NEGATIVE: Adams, Agee, Bennett, Berry, Hickinbotham, Lamoureux, Medley, Pace, Scrimshire, C. Taylor, Weaver.

Total11

ABSENT OR NOT VOTING: Biggs, Cowling, King, Nichols, Ormond, Parks, L. Prater, Roebuck, Schulte, Scroggin, Mr. Speaker.

Total11

VOTING PRESENT: Kenney, Milligan.

Total2

Total number of votes cast89

Total number voting in the affirmative76

Necessary to the passage of the bill51

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

Upon motion of Representative Sumpter the Clincher motion prevailed.

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. 1135

BY: JOINT BUDGET COMMITTEE

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

AFFIRMATIVE: Adams, Bennett, Berry, Biggs, Blair, Bledsoe, Bolin, P. Bookout, Boyd, Bradford, Bright, Chesterfield, Clemons, Dangeau, Dees, Dickinson, Dobbins, Eason, Edwards, Elliott, D. Evans, L. Evans, Ferguson, Fite, Gillespie, Gipson, Goss, Haak, Hathorn, Hickinbotham, Hutchinson, Jackson, Jacobs, Jeffrey, C. Johnson, J. Johnson, Jones, Judy, Ledbetter, Lendall, Lewellen, Mack, Mahony, Martin, Mathis, Milligan, Moore, Napper, Oglesby, Ormond, Pace, Pate, Petrus, S. Prater, Pritchard, Rankin, Scrimshire, Seawel, R. Smith, Stovall, Sullivan, Sumpter, C. Taylor, J. Taylor, Thomas, Thomason, Verkamp, Walters, Weaver, Wood, Mr. Speaker.

Total71

NEGATIVE: Agee, Borhauer, Green, Key, Lamoureux, Medley, Parks, Penix.

Total8

ABSENT OR NOT VOTING: Anderson, Bond, Childers, Cowling, Creekmore, Hardwick, Harris, House, Kenney, King, Nichols, Pickett, L. Prater, Roebuck, Rosenbaum, Schulte, Scroggin, Thyer, White.

Total19

VOTING PRESENT: Matayo, Norton.

Total2

Total number of votes cast81

Total number voting in the affirmative71

Necessary to the passage of the bill75

So the Bill failed.

The House stood in recess at 11:24 a.m. until 2:00 p.m.

HOUSE BILLS ORDERED TRANSMITTED TO THE SENATE AS PASSED

HOUSE BILL NO. 1066 BY REPRESENTATIVE SUMPTER

HOUSE BILL NO. 1114 BY REPRESENTATIVE CHESTERFIELD

ENROLLED AND DELIVERY TO GOVERNOR REPORTS

Little Rock, Arkansas

January 23, 2004

MR. SPEAKER:

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

HOUSE BILL NO. 1109 BY REPRESENTATIVE BOND, 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 11:15 a.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. 1109 BY REPRESENTATIVE BOND, ET AL

/s/ Mike Huckabee - Governor

TIME: 11:15 a.m.

By: Stacy DeJarnett

The House reconvened at 2:11 p.m.

HOUSE BILL NO. 1147

BY: REPRESENTATIVE ROSENBAUM

A BILL FOR AN ACT TO BE ENTITLED THE SAFE SCHOOLS ACT OF 2004; AN ACT CONCERNING SUSPENSION OR EXPULSION OF A STUDENT FOR MISCONDUCT; 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. 1148

BY: REPRESENTATIVE STOVALL

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO REPEAL ACT 27 OF THE SECOND EXTRAORDINARY SESSION OF THE EIGHTY FOURTH GENERAL ASSEMBLY; AND FOR OTHER PURPOSES.

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

Upon motion of Representative Gillespie, the House adjourned at 2:12 p.m. until 1:30 p.m. Monday, January 26, 2004.

ATTEST:

Herschel W. Cleveland
Speaker of the House of Representatives

Jo Renshaw
Chief Clerk

