

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

Little Rock, Arkansas
January 27, 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, Hathorn, Hickinbotham, House, 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, 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.

Total95

The following member(s) was absent and did not answer to the roll call:
Harris, Hutchinson, Jeffrey, Kenney, L. Prater.

Total5

A quorum was present.

Unanimous leave was granted for Representative(s) Harris, Hutchinson, Jeffrey, Kenney, L. Prater.

The House stood and was led in prayer by Representative Tommy Roebuck.

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 27, 2004
JOINT BUDGET	PAUL WEAVER
	CHAIRPERSON
HOUSE BILL NO. 1031	DO PASS
BY REPRESENTATIVE CLEVELAND	
HOUSE BILL NO. 1061	DO PASS
BY REPRESENTATIVE CHESTERFIELD	
HOUSE BILL NO. 1073	DO PASS
BY REPRESENTATIVE CLEVELAND	AS AMENDED #1
HOUSE BILL NO. 1098	DO PASS
BY REPRESENTATIVE MAHONY	AS AMENDED #1
HOUSE BILL NO. 1099	DO PASS
BY REPRESENTATIVE MAHONY	
HOUSE BILL NO. 1128	DO PASS
BY REPRESENTATIVE MAHONY	AS AMENDED #5

Upon motion of Representative King, **HOUSE BILL NO. 1137** was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 1 TO HOUSE BILL NO. 1137

Amend **HOUSE BILL NO. 1137** as originally introduced:

Page 2, on line 5, delete "effective until contingency" and substitute "effective when contingency"

AND

Page 2, on line 17, delete "effective when contingency" and substitute "effective until contingency"

/s/ Barbara King

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

/s/ Ms. Jo Renshaw
Chief Clerk

Upon motion of Representative King, **HOUSE BILL NO. 1137** was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 2 TO HOUSE BILL NO. 1137

Amend **HOUSE BILL NO. 1137** as originally introduced:

Add Representative Walters as a cosponsor of the bill

AND

Page 1, on line 24, delete "March 1, 2004" and substitute "April 1, 2004"

AND

Page 2, on line 8, delete "March 1, 2004" and substitute "April 1, 2004"

AND

Page 2, on line 20, delete "March 1, 2004" and substitute "April 1, 2004"

AND

Page 2, delete lines 35 and 36 and substitute the following:

"(c)(1) Each month, the Chief Fiscal Officer of the State will determine the amount of funds required from the Educational Adequacy Trust Fund which, when added to other resources available to the Department of Education Public School Fund Account, is needed to fulfill the financial obligation of the state to provide an adequate educational system and shall certify the amount to the Treasurer of State.

(2) At the end of each month, the Treasurer of State shall transfer all monies available from the fund to the Department of Education Public School Fund Account established in § 19-5-305, until the sum of all transfers from the Educational Adequacy Trust Fund equal the amount determined in subdivision (c)(1) of this section, there to be used as determined by law.

(d) If the Chief Fiscal Officer of the State determines that the transfers from the Educational Adequacy Trust Fund, when added to the other resources available to the Department of Education Public School Fund Account, are not sufficient to meet the state's financial obligation to provide an adequate educational system, the additional amount required shall be transferred from the other funds and fund accounts within §§ 19-5-402(a) and 19-5-404(a) based upon the proportion that each allocation to the remaining funds and fund accounts bears to the total allocation to the remaining funds and fund accounts in §§ 19-5-402(a) and 19-5-404(a)."

AND

Page 3, delete lines 1 through 5

AND

Page 3, on line 17, delete "March 1, 2004" and substitute "April 1, 2004"

/s/ Barbara King

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

/s/ Ms. Jo Renshaw

Chief Clerk

Upon motion of Representative C. Johnson, **HOUSE BILL NO. 1138** was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 1 TO HOUSE BILL NO. 1138

Amend **HOUSE BILL NO. 1138** as originally introduced:

Page 2, delete lines 5 through 9 in their entirety and substitute the following:

" (1)	OERZ DIRECTOR	1	GRADE 26
(2)	TECHNICAL ASSISTANCE SPECIALIST	3	GRADE 21
(3)	R009 ADMINISTRATIVE ASSISTANT I	<u>1</u>	GRADE 15
	MAX. NO. OF EMPLOYEES	5"	

And

Page 2, delete lines 20 through 29 in their entirety and substitute the following:

"(01)	REGULAR SALARIES	\$	0	\$	223,070
(02)	PERSONAL SERV MATCHING		0		62,460
(03)	MAINT. & GEN. OPERATION				
	(A) OPER. EXPENSE		0		29,700
	(B) CONF. & TRAVEL		0		8,000
	(C) PROF. FEES		0		1,440,000
	(D) CAP. OUTLAY		0		0
	(E) DATA PROC.		0		0
(04)	EDUCATIONAL RENEWAL ZONE GRANTS		<u>0</u>		<u>234,000</u>
	TOTAL AMOUNT APPROPRIATED	\$	<u>0</u>	\$	<u>1,997,230"</u>

/s/ Calvin Johnson

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

/s/ Ms. Jo Renshaw

Chief Clerk

Upon motion of Representative C. Johnson, **HOUSE BILL NO. 1080** was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 1 TO HOUSE BILL NO. 1080

Amend **HOUSE BILL NO. 1080** as originally introduced:

Page 1, line 27, delete "shall" and substitute "~~shall~~ may"

AND

Page 1, line 29, delete "shall" and substitute "~~shall~~ may"

AND

Page 2, line 30, delete "shall" and substitute "~~shall~~ may"

AND

Page 3, line 4, delete "shall" and substitute "may"

AND

Page 3, line 5, delete "required" and substitute "implemented"

AND

Page 4, line 1, delete "shall" and substitute "may"

/s/ Calvin Johnson

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

/s/ Ms. Jo Renshaw

Chief Clerk

Upon motion of Representative C. Johnson, **HOUSE BILL NO. 1056** was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 2 TO HOUSE BILL NO. 1056

Amend **HOUSE BILL NO. 1056** as engrossed, H12/19/03

(version: 12-19-2003 08:41):

Add Representative House as a cosponsor of the bill

AND

Page 1, line 11, delete "OFFICE" ad substitute "DIVISION"

AND

Page 1, line 15, delete "OFFICE" ad substitute "DIVISION"

AND

Delete everything following the enacting clause and substitute the following:

"SECTION 1. Creation of the Division of Education Renewal Zones.

(a) There is created a Division of Education Renewal Zones.

(b) The division shall be under the supervision of the State Board of Education.

(c)(1) The state board shall select an individual to serve as the Director of the Division of Education Renewal Zones.

(2) The Director of the Division of Education Renewal Zones, with guidance and approval from the board, shall be responsible for hiring all employees of the division.

(3) The Director of the Arkansas Department of Higher Education shall assign one (1) individual from the staff of the Department of Higher Education to serve as a liaison to the division.

(d) The division shall be responsible for developing guidelines for the approval of education renewal zone strategic plans and guidelines for the evaluation and reporting of education renewal zone activities.

(e) The division shall approve any education renewal zone strategic plan prior to the disbursement or annual renewal of funds to participating institutions of higher education.

(f)(1) Effective July 1, 2004, any public school, education service cooperative and institution of higher education is authorized to enter into one (1) or more inter-local agreements through which they collaborate to improve public school performance and academic achievement.

(2) Each inter-local agreement shall establish an education renewal zone.

(3) The purpose of an education renewal zone shall be to:

(A) Identify and implement education and management strategies designed specifically to improve public school performance and student academic achievement throughout the State of Arkansas, with special focus on the state's most academically distressed public schools;

(B) Provide for collaboration among the state's smaller schools and districts in order to achieve some of the advantages of economies of scale in providing educational and related activities;

(C) Maximize benefits and outcomes of public schooling by concentrating and coordinating the resources of Arkansas' higher education institutions, the expertise of the regional education service cooperatives, and the technical assistance of other service providers to improve public school performance and student academic achievement; and

(D) Enable small, rural, and low-wealth schools to make the

best use of the latest cost-effective distance learning technology to enhance curricula and professional development through two-way interactive learning environments.

(g) Each education renewal zone shall consist of the following:

(1)(A) A higher education partner.

(B) The division shall develop, publish and disseminate guidelines for establishing an education renewal zone, including a process for selecting a qualified higher education partner in the service cooperative areas in the state and in Pulaski County.

(C)(i) A qualified higher education partner shall:

(a) Be a school with a department of education or a comprehensive four-year teacher preparation program; and

(b) Be capable of demonstrating a willingness and flexibility to restructure its programs and services to meet the needs of the participating grades kindergarten through twelve (K-12) schools and school districts.

(ii) The division shall give preference to qualified four-year higher education institutions located within the education service cooperative area.

(D) If there is no qualified four-year higher education institution located within the education service cooperative area, the division may select:

(i) A two-year higher education institution that, in collaboration with a qualified four-year educational institution located in another education service cooperative area, provides a comprehensive four-year teacher preparation program; or

(ii) A qualified higher education institution located in another education service cooperative area.

(E) An institution of higher education may serve as the higher education partner for more than one educational service cooperative area;

(2)(A) An Education Service Cooperative.

(B) The education service cooperative shall be a full partner in planning, implementing, and evaluating the education renewal zone in its respective service area and shall provide direct services as called for in the education renewal zone plan;

(3)(A) Public Schools.

(B)(i) Public schools may participate in an education renewal zone the upon successful application by the public school district of which the school is a part.

(ii) Public schools designated by the Department of

Education as a school in school improvement or a school in a school district designated by the department as being in academic distress shall participate in an education renewal zone, if requested to do so by the department and the division working with the department shall establish priorities of establishing education renewal zones for those schools, which shall be contingent on the appropriation a availability of funding for the renewal zones.

(iii) Acceptance or rejection of the application by a school for admittance to an education renewal zone shall be the responsibility of the division, with consultation from the higher education partner.

(iv) The division may include within an education renewal zone any school within the education service cooperative area provided that no more than ten (10) schools may participate in any single education renewal zone.

(v) The division may designate up to a maximum of three (3) education renewal zones within any single education service cooperative area.

(C) In designating education renewal zones and selecting schools for participation in a particular zone, the division shall give priority to schools that meet one or more of the following criteria:

(i) The school is classified as a school in school improvement or alert status for school improvement under the Arkansas state compliance plan under the federal No Child Left Behind Act of 2001, 20 U.S.C. § 6301 et seq.;

(ii) The school lies within a school district designated by the Department of Education as in academic distress or financial distress under the Arkansas Comprehensive Testing, Assessment, and Accountability Program;

(iii) The school demonstrates an inability to hire and retain highly qualified teachers as defined by the state plan for compliance with the federal No Child Left Behind Act of 2001, 20 U.S.C.S. § 6301 et seq.;

(iv) The school demonstrates an inability to provide the minimum number of course offerings as determined by the state through the conventional hiring of qualified teachers;

(v) The school is within a school district with an average daily membership of fewer than one thousand five hundred (1,500) students; or

(vi) The school serves a student population that exceeds the statewide average rate of participation in free or reduced price lunch programs.

(4)(A) A Local Advisory Group.

(B) Each education renewal zone shall form a local advisory group comprised of a representative of the following groups:

(i) The higher education partner

(ii) The education service cooperative which includes the area in which the education renewal zone is located;

(iii) The public school or school district participating in the education renewal zone; and

(iv) Each community in which there is a school participating in the education renewal zone.

(C) The division may designate up to a maximum of three (3) education renewal zones within any single education service cooperative area.

(D) The membership and staff of local advisory groups shall be reflective of the diversity of the population being served by the education renewal zone.

(5)(A) A Technical Assistance Provider.

(B) Any two-year community or technical college, technical support organization, or other entity may participate in the education renewal zone at the discretion of the division and in collaboration with a designated higher education partner and a designated education service cooperative.

(h) The division, the state board, and the local school districts shall exercise due diligence to assure that all schools classified as a school in school improvement under the federal No Child Left Behind Act of 2001, 20 U.S.C. § 6301 et seq., as in existence on December 1, 2003, are included in a designated education renewal zone.

(i) The division may, at its discretion, include any school regardless of its eligibility under the criteria in subdivisions (g)(3)(C)(i) through (vi) of this section, if it determines that on the basis of location, characteristics of its faculty or leadership, needs of the students, or other factors, that the inclusion of such school significantly strengthens the prospect of the education renewal zone in meeting its school improvement goals.

(j) The division may, at its discretion, change participating schools within each education renewal zone.

(k)(1) Each school participating in an education renewal zone shall develop and implement a school improvement plan.

(2) Each school improvement plan shall at a minimum include the following:

(A) Goals for improving student achievement;

(B) Measurable benchmarks for achieving student improvement goals;

(C) A timeline for reaching goals in improving student achievement; and

(D) Requirements for services to be provided by the Education Renewal Zone Partners.

(l) The partners within a specific education renewal zone shall develop a strategic plan that is responsive to the needs of the individual school improvement plans.

(m) The education renewal zone strategic plan shall at a minimum provide for the following:

(A) Collaboration between and among the higher education institution partners, education service cooperatives, schools, and communities participating in the education renewal zone, including within the academic departments within the higher education institution partners;

(B)(1) A comprehensive program of professional development to assure the practical knowledge base of pre-service and in-service teachers with respect to pedagogical practice, content knowledge, and competent use of distance learning technology;

(2) Funds received by school districts for the Department of Education Public School Fund Account for professional development may be used to provide funding for the professional development requirements of the education renewal zone school district partners.

(C) Enhancement and expansion of local school curricula offerings through the use of two-way interactive television to include advanced placement, dual-credit, and advanced high school courses;

(D) The sharing of faculty for core course offerings when schools are unable to hire highly-qualified teachers in core subject areas required for college entrance or teachers necessary to meet state accreditation standards;

(E) A strategy to recruit and retain highly-qualified teachers with particular focus on hard-to-staff schools;

(F) A system for mentoring teachers with three (3) or fewer years of professional service;

(G) Active participation of the community in the work of the school;

(H) Active involvement of parents in the academic work of the student; and

(I) A means of collecting the data necessary to evaluate the progress of each participating public school and the education renewal zone in its entirety.

(n) Each education renewal zone, using guidelines and indicators set by the division, shall prepare an annual report to the division describing the progress

toward accomplishing the goals of the education renewal zone.

(o) The division shall prepare an annual report to the Governor, the General Assembly, and the State Board of Education describing the progress toward accomplishing the goals of the individual education renewal zones and the overall education renewal zone program.

(p) The division shall establish a website, accessible by the public, to provide for broad dissemination of both the education renewal zone plans and strategies and the results of the annual reports on progress toward accomplishing the goals of the individual education renewal zones and the overall education renewal zone program.

(q) The provisions of this section shall be contingent on the appropriation and availability of funding for the program.

SECTION 2. EMERGENCY CLAUSE. It is found and determined by the General Assembly of the State of Arkansas that the Arkansas Supreme Court in Lake View School District No. 25 v. Huckabee, 351 Ark. 31 (2002), declared the current system of education to be unconstitutional because it is both inequitable and inadequate; and the Arkansas Supreme Court set forth the test for a constitutional system to be one in which the state has an "absolute duty" to provide an "equal opportunity to an adequate education"; the Arkansas Supreme Court instructed the General Assembly to undertake actions as necessary to provide an opportunity for an adequate and equitable education for the children of Arkansas; and the provisions of this bill are necessary steps toward accomplishing that goal. Therefore, an emergency is declared to exist and this act being immediately 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/ Calvin Johnson

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 27, 2004

The following bill(s) reported correctly engrossed:

HOUSE BILL NO. 1056 - TITLE - BY REPRESENTATIVE C. JOHNSON, ET AL

HOUSE BILL NO. 1080 BY REPRESENTATIVE C. JOHNSON

HOUSE BILL NO. 1137 - TITLE - BY REPRESENTATIVE KING, ET AL

HOUSE BILL NO. 1138 BY REPRESENTATIVE C. JOHNSON

HOUSE BILL ENGROSSED AS TITLE AMENDED

HOUSE BILL NO. 1056

BY: REPRESENTATIVES C. JOHNSON, *CHESTERFIELD, CLEMONS, DOBBINS, EASON, ELLIOTT, GREEN, JONES, THOMAS, WHITE, HOUSE*
 BY: *SENATORS WILKINS, STEELE*

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO CREATE THE *DIVISION* OF EDUCATION RENEWAL ZONES; AND FOR OTHER PURPOSES.

HOUSE BILL ENGROSSED AS TITLE AMENDED

HOUSE BILL NO. 1137

BY: REPRESENTATIVES KING, *WALTERS*

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO LEVY AN ADDITIONAL GROSS RECEIPTS AND COMPENSATING USE TAX OF ONE PERCENT (1%); TO CREATE THE EDUCATIONAL ADEQUACY TRUST FUND; AND FOR OTHER PURPOSES.

HOUSE RESOLUTION NO.1022

BY: REPRESENTATIVE GOSS

HONORING AND RECOGNIZING MRS. MAGGIE HULETT, OF OSCEOLA,
ARKANSAS, WHO IS 104 YEARS OLD.

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

Morning Hour Expired.

Representative Thomason moved that the record by which **HOUSE BILL NO. 1077** failed to pass be expunged from the record.

On this motion the vote was as follows:

AFFIRMATIVE: Adams, Berry, Blair, Bolin, Bond, Boyd, Chesterfield, Clemons, Cowling, Creekmore, Dangeau, Dickinson, Dobbins, Eason, Edwards, D. Evans, L. Evans, Ferguson, Fite, Gillespie, Goss, Hathorn, Hickenbotham, House, Jackson, Jacobs, C. Johnson, Jones, Judy, King, Mahony, Martin, Milligan, Nichols, Oglesby, Ormond, Pate, Petrus, Pickett, S. Prater, Roebuck, Scrimshire, Scroggin, Seawel, R. Smith, Stovall, Sullivan, Sumpter, J. Taylor, Thomas, Thomason, Verkamp, Walters, Weaver, White, Wood, Mr. Speaker.

Total57

NEGATIVE: Agee, Anderson, Bledsoe, Borhauer, Bradford, Dees, Elliott, Gipson, Green, Haak, Hardwick, J. Johnson, Ledbetter, Lendall, Lewellen, Mathis, Medley, Moore, Napper, Parks, Penix, Pritchard, Rosenbaum, Schulte, C. Taylor.

Total25

ABSENT OR NOT VOTING: Bennett, Biggs, P. Bookout, Bright, Childers, Harris, Hutchinson, Jeffrey, Kenney, Key, Lamoureux, Mack, Matayo, Norton, Pace, L. Prater, Rankin, Thyer.

Total18

VOTING PRESENT:

Total0

Total number of votes cast82

Total number voting in the affirmative57

Necessary to the adoption of the motion67

So the motion failed of adoption.

Representative R. Smith made a motion to reconsider the vote by which **SENATE AMENDMENT NO. 1 TO HOUSE BILL NO. 1009** failed to pass.

On this motion the vote was as follows:

AFFIRMATIVE: Anderson, Biggs, Blair, Bledsoe, Borhauer, Bradford, Chesterfield, Clemons, Creekmore, Dees, Dickinson, Dobbins, Eason, Elliott, Ferguson, Goss, Green, Hardwick, Hathorn, C. Johnson, J. Johnson, Jones, Judy, King, Lamoureux, Ledbetter, Lendall, Lewellen, Mahony, Martin, Medley, Napper, Pace, Parks, Pickett, S. Prater, Roebuck, Schulte, Seawel, R. Smith, C. Taylor, Thomas, Walters, White, Wood.

Total45

NEGATIVE: Adams, Agee, Bennett, Berry, Boyd, Cowling, Dangeau, Edwards, D. Evans, L. Evans, Fite, Gillespie, Gipson, Hickinbotham, House, Jackson, Jacobs, Mathis, Milligan, Moore, Nichols, Norton, Oglesby, Ormond, Pate, Petrus, Pritchard, Scrimshire, Scroggin, Stovall, J. Taylor, Thomason, Verkamp, Weaver.

Total34

ABSENT OR NOT VOTING: Bolin, Bond, P. Bookout, Bright, Childers, Haak, Harris, Hutchinson, Jeffrey, Kenney, Key, Mack, Matayo, Penix, L. Prater, Rankin, Rosenbaum, Sullivan, Sumpter, Thyer, Mr. Speaker.

Total21

VOTING PRESENT:

Total0

Total number of votes cast79

Total number voting in the affirmative45

Necessary to the adoption of the motion40

So the motion was adopted.

***** EXPUNGED***** 2/3/04*****

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

ARKANSAS SENATE

AMENDMENT NO. 1 TO HOUSE BILL NO. 1009

Amend HOUSE BILL NO. 1009 as engrossed, H1/5/04

(version: 01-05-2004 09:45):

The Amendment was read and the vote was as follows:

AFFIRMATIVE: Anderson, Biggs, Blair, Bledsoe, P. Bookout, Borhauer, Bradford, Clemons, Creekmore, Dees, Dobbins, Eason, Elliott, Ferguson, Goss, Green, Hardwick, Hathorn, C. Johnson, Jones, Judy, King, Lamoureux, Ledbetter, Lendall, Mahony, Martin, Medley, Napper, Penix, Pickett, S. Prater, Roebuck, Schulte, Seawel, R. Smith, Sumpter, Thomas, Walters, White, Wood.

Total41

NEGATIVE: Adams, Agee, Bennett, Berry , Boyd, Chesterfield, Cowling, Dangeau, Dickinson, Edwards, D. Evans, L. Evans, Fite, Gillespie, Gipson, Haak, Hickinbotham, House, Jackson, Jacobs, Key, Lewellen, Mack, Matayo, Mathis, Milligan, Moore, Nichols, Norton, Oglesby, Ormond, Parks, Pate, Petrus, Rosenbaum, Scrimshire, Scroggin, Stovall, Sullivan, C. Taylor, J. Taylor, Thomason, Verkamp, Weaver.

Total44

ABSENT OR NOT VOTING: Bolin, Bond, Bright, Childers, Harris, Hutchinson, Jeffrey, J. Johnson, Kenney, Pace, L. Prater, Pritchard, Rankin, Thyer, Mr. Speaker.

Total15

VOTING PRESENT:

Total0

Total number of votes cast85

Total number voting in the affirmative41

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

So the Amendment was not concurred in.

/s/ Ms. Jo Renshaw
Chief Clerk

***** EXPUNGED***** 2/3/04*****

Motion was made by Representative Pickett to refer HOUSE BILL NO. 1009 to a Conference Committee. Motion passed.

HOUSE BILL NO. 1140

BY: REPRESENTATIVE WALTERS

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, Cowling, Creekmore, Dangeau, Dees, Dickinson, Dobbins, Eason, Edwards, Elliott, D. Evans, L. Evans, Ferguson, Fite, Gillespie, Gipson, Goss, Green, Haak, Hardwick, Hathorn, Hickinbotham, House, Jackson, Jacobs, J. Johnson, Jones, Judy, 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, Rankin, Roebuck, Rosenbaum, Schulte, Scrimshire, Scroggin, Seawel, R. Smith, Stovall, Sullivan, Sumpter, C. Taylor, J. Taylor, Thomason, Verkamp, Walters, Weaver, White, Wood.

Total89

NEGATIVE:

Total0

ABSENT OR NOT VOTING: Bond, Harris, Hutchinson, Jeffrey, C. Johnson, Kenney, Mack, L. Prater, Thomas, Thyer, Mr. Speaker.

Total11

VOTING PRESENT:

Total0

Total number of votes cast.....89

Total number voting in the affirmative89

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. 1140**, 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, Cowling, Creekmore, Dangeau, Dees, Dickinson, Dobbins, Eason, Edwards, Elliott, D. Evans, L. Evans, Ferguson, Fite, Gillespie, Gipson, Goss, Green, Haak, Hardwick, Hathorn, Hickinbotham, House, Jackson, Jacobs, J. Johnson, Jones, Judy, 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, Rankin, Roebuck, Rosenbaum, Schulte, Scrimshire, Scroggin, Seawel, R. Smith, Stovall, Sullivan, Sumpter, C. Taylor, J. Taylor, Thomason, Verkamp, Walters, Weaver, White, Wood.

Total89

NEGATIVE:

Total0

ABSENT OR NOT VOTING: Bond, Harris, Hutchinson, Jeffrey, C. Johnson, Kenney, Mack, L. Prater, Thomas, Thyer, Mr. Speaker.

Total11

VOTING PRESENT:

Total0

Total number of votes cast89

Total number voting in the affirmative89

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

So the Emergency Clause was adopted.

SENATE BILL NO. 34

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: Adams, Agee, Anderson, Bennett, Berry, Biggs, Blair, Bledsoe, Bolin, P. 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, Hathorn, Hickinbotham, House, Jackson, Jacobs, C. Johnson, J. Johnson, Jones, Judy, Key, King, Lamoureux, Ledbetter, Lendall, Lewellen, Mack, Mahony, Martin, Matayo, Mathis, Medley, Milligan, Moore, Napper, Norton, Oglesby, Ormond, Pace, Parks, Pate, Penix, Petrus, Pickett, S. Prater, Pritchard, Rankin, Roebuck, Rosenbaum, Schulte, Scrimshire, Seawel, Stovall, Sullivan, Sumpter, C. Taylor, J. Taylor, Thomas, Thomason, Verkamp, Walters, Weaver, White, Wood.

Total89

NEGATIVE:

Total0

ABSENT OR NOT VOTING: Bond, Harris, Hutchinson, Jeffrey, Kenney, Nichols, L. Prater, Scroggin, R. Smith, Thyer, Mr. Speaker.

Total11

VOTING PRESENT:

Total0

Total number of votes cast.....89

Total number voting in the affirmative89

Necessary to the passage of the bill51

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

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, Berry, Biggs, Blair, Bond, P. Bookout, Borhauer, Boyd, Bradford, Bright, Chesterfield, Clemons, Cowling, Creekmore, Dangeau, Dickinson, Eason, Edwards, Elliott, D. Evans, L. Evans, Ferguson, Fite, Gillespie, Goss, Hardwick, Hathorn, Hickinbotham, House, Jackson, Jacobs, C. Johnson, J. Johnson, Jones, Judy, King, Lamoureux, Ledbetter, Lendall, Lewellen, Mack, Mahony, Martin, Moore, Napper, Ormond, Pate, Pickett, S. Prater, Pritchard, Rankin, Roebuck, Scroggin, Seawel, R. Smith, Stovall, Sullivan, Sumpter, C. Taylor, J. Taylor, Thomas, Thomason, Thyer, Walters, White, Wood, Mr. Speaker.

Total67

NEGATIVE: Agee, Bennett, Bledsoe.

Total3

ABSENT OR NOT VOTING: Anderson, Bolin, Childers, Dees, Dobbins, Green, Haak, Harris, Hutchinson, Jeffrey, Kenney, Matayo, Mathis, Medley, Milligan, Nichols, Norton, Oglesby, Pace, Parks, Penix, Petrus, L. Prater, Rosenbaum, Schulte, Scrimshire, Verkamp, Weaver.

Total28

VOTING PRESENT: Gipson, Key.

Total2

Total number of votes cast72

Total number voting in the affirmative67

Necessary to the passage of the bill75

So the Bill failed.

Motion was made by Representative Weaver to refer **HOUSE BILL NO. 1099** back to the Committee on JOINT BUDGET. Motion passed.

State of Arkansas
Office of the Governor

Mike Huckabee
Governor

January 27, 2004

TO THE SPEAKER OF THE HOUSE

Dear Mr. Speaker:

This is to inform you that on January 27, 2004, I approved the following measure from the Second Extraordinary Session of the Eighty-Fourth General Assembly:

HOUSE BILL NO. 1111 is now Act Number 57

Sincerely,

/s/ Mike Huckabee

The House stood in recess at 2:06 p.m. until 4:00 p.m. for the reading of the bills.

The House reconvened at 4:02 p.m.

The House stood in recess until 4:30 p.m. and reconvened at 4:59 p.m.

HOUSE BILLS ORDERED TRANSMITTED TO THE SENATE AS PASSED

HOUSE BILL NO. 1140 BY REPRESENTATIVE WALTERS

SENATE BILLS ORDERED RETURNED TO THE SENATE AS PASSED

SENATE BILL NO. 34 BY SENATOR BROADWAY

ARKANSAS SENATE

HOUSE BILLS RETURNED FROM THE SENATE AS PASSED

HOUSE BILL NO. 1018 BY REPRESENTATIVE BOYD
AS AMENDED #2, 3, 4 & 5

HOUSE BILL NO. 1094 BY REPRESENTATIVE MAHONY
AS AMENDED #2 & 3

HOUSE BILL NO. 1108 BY REPRESENTATIVE DANGEAU

HOUSE BILL NO. 1114 BY REPRESENTATIVE CHESTERFIELD
AS AMENDED #1

HOUSE BILL NO. 1018 was referred back to the Committee on EDUCATION.

ARKANSAS SENATE

SENATE BILLS RECEIVED FROM SENATE

SENATE BILL NO. 51 BY SENATOR BISBEE

SENATE BILL NO. 55 BY SENATOR BROADWAY

STATE OF ARKANSAS
HOUSE OF REPRESENTATIVES

M E M O R A N D U M

TO: Whom It May Concern

FROM: House Committee on the Journal: Engrossed and Enrolled Bills

DATE: January 27, 2004

SUBJECT: Amendment #1 to **HOUSE BILL NO. 1137**

The House Committee on the Journal; Engrossed and Enrolled Bills, by this letter, approves the correction of an error in Amendment #1 to HB1137. The Amendment should read as follows:

Page 2, on line 5, delete "effective until contingency" and substitute "effective when contingency"

AND

Page 2, on line 17, delete "effective when contingency" and substitute "effective until contingency"

The Committee authorizes the Chief Clerk to carry out the intent of the amendment by correctly engrossing HB1137.

/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. 1152

BY: REPRESENTATIVE STOVALL

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO TRANSFER FUNDS FROM THE LANDFILL POST-CLOSURE TRUST FUND AND THE ARKANSAS DEPARTMENT OF ENVIRONMENTAL QUALITY FEE FUND TO BE USED BY THE DEPARTMENT OF EDUCATION FOR DISTANCE LEARNING; TO REDUCE THE MAXIMUM AMOUNT OF FUNDS WHICH MAY BE HELD IN THE LANDFILL POST-CLOSURE TRUST 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. 1153

BY: REPRESENTATIVE CLEVELAND

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO DETERMINE STUDENT DROP-OUT RATES; 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. 1154

BY: REPRESENTATIVE MAHONY

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO REQUIRE THAT EACH SCHOOL DISTRICT PROVIDE HIGH SCHOOL STUDENTS WITH THE OPPORTUNITY TO ENROLL IN AT LEAST ONE (1) ADVANCED PLACEMENT COURSE IN THE FOUR (4) CORE AREAS OF ENGLISH, MATH, SCIENCE, AND SOCIAL STUDIES; 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. 1155

BY: REPRESENTATIVE GILLESPIE

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO AUTHORIZE CRIMINAL BACKGROUND CHECKS FOR EMPLOYMENT AND LICENSURE, INCLUDING EMPLOYMENT AND LICENSURE THROUGH THE STATE BOARD OF EDUCATION BY NON LAW ENFORCEMENT THIRD-PARTY CONTRACTORS; 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. 1156

BY: REPRESENTATIVE HARDWICK

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO AMEND ARKANSAS CODE 19-5-402 TO REDUCE THE FUNDS IN THE REVENUE STABILIZATION LAW BY 10% AND DISTRIBUTE THE SAVINGS TO THE PUBLIC SCHOOL FUND FOR THE FISCAL YEAR 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. 1157

BY: REPRESENTATIVE HATHORN

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO ALLOW ALL CONSOLIDATED, ANNEXED, OR OTHERWISE REORGANIZED SCHOOL DISTRICTS TO ENJOY THE BENEFIT OF FUND BALANCES ACCRUED BY THE AFFECTED SCHOOL DISTRICT PRIOR TO CONSOLIDATION, ANNEXATION, OR REORGANIZATION; 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. 1158

BY: REPRESENTATIVE R. SMITH

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO AMEND AND REORGANIZE THE ARKANSAS PUBLIC SCHOOL INSURANCE AND MOTOR VEHICLE INSURANCE PROGRAMS; AND FOR OTHER PURPOSES.

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

SENATE BILL NO. 51

BY: SENATOR BISBEE

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO MAKE AN APPROPRIATION FOR GRANTS AND AID TO THE ARKANSAS LEADERSHIP ACADEMY FOR THE MASTER SCHOOL PRINCIPAL PROGRAM 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.

SENATE BILL NO. 55

BY: SENATOR BROADWAY

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO MAKE AN APPROPRIATION FOR EXPANSION OF THE ARKANSAS BETTER CHANCE FOR SCHOOL SUCCESS PROGRAM FOR THE DEPARTMENT OF EDUCATION FOR THE FISCAL YEAR ENDING JUNE 30, 2005; AND FOR OTHER PURPOSES.

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 4:59 p.m. until 1:30 p.m. Wednesday, January 28, 2004.

ATTEST:

Herschel W. Cleveland
Speaker of the House of Representatives

Jo Renshaw
Chief Clerk

