

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

Little Rock, Arkansas
February 3, 2004

The House was called to order at 1:35 p.m. by Mr. Cleveland, the Speaker.
The following members answered to the roll call:

Adams, Agee, 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, C.Johnson, J. Johnson, Jones, Judy, Kenney, Key, King, Lamoureux, Ledbetter, Lendall, Lewellen, Mack, Mahony, Martin, Matayo, Mathis, Medley, Milligan, Moore, Napper, Nichols, Norton, Oglesby, Ormond, Pace, Parks, Pate, Penix, Petrus, Pickett, L. Prater, S. Prater, Pritchard, Rankin, Roebuck, Rosenbaum, Schulte, Scrimshire, Scroggin, Seawel, Smith, Stovall, Sullivan, Sumpter, C.Taylor, J.Taylor, Thomas, Thomason, Thyer, Verkamp, Walters, Weaver, White, Wood, Mr. Speaker.

Total97

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

Total3

A quorum was present.

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

The House stood and was led in prayer by Reverend James Freeman, Westover Hills Presbyterian Church, Little Rock, Arkansas.

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	February 3, 2004
	CALVIN JOHNSON
	CHAIRPERSON
HOUSE BILL NO. 1140	DO PASS, TO CONCUR IN
BY REPRESENTATIVE WALTERS	SENATE AMENDMENTS
	#1 & 2
HOUSE BILL NO. 1174	DO PASS
BY REPRESENTATIVE DOBBINS	
HOUSE BILL NO. 1175	DO PASS
BY REPRESENTATIVE CHESTERFIELD	
HOUSE RESOLUTION NO. 1026	DO PASS
BY REPRESENTATIVE ROEBUCK	AS AMENDED #1

COMMITTEE REPORT

REVENUE AND TAXATION	February 3, 2004
	BOYD HICKINBOTHAM
	CHAIRPERSON
HOUSE CONCURRENT RESOLUTION NO. 1003	DO PASS
BY REPRESENTATIVE STOVALL	

Upon motion of Representative Sumpter, **HOUSE BILL NO. 1039** was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 2 TO HOUSE BILL NO. 1039

Amend **HOUSE BILL NO. 1039** as engrossed, H12/19/03

(version: 12-19-2003 08:34):

Page 1, lines 28 and 29, delete in their entirety and substitute "monthly payments to school districts for active participants in the Public School Employees Health Insurance Program sponsored by the State and Public School Life and Health Insurance Board, for the fiscal year ending June 30, 2005, the sum of
 \$80,000,000."

AND

Delete Section 3 of the bill in its entirety

AND

Renumber the subsequent sections of the bill.

/s/ Denny Sumpter

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

/s/ Ms. Jo Renshaw
 Chief Clerk

The House gave Representative Mahony unanimous leave to withdraw **HOUSE BILL NO. 1068**. Recommended for study in the interim by JOINT INTERIM COMMITTEE on EDUCATION.

The House gave Representative Mahony unanimous leave to withdraw **HOUSE BILL NO. 1096**. Recommended for study in the interim by JOINT INTERIM COMMITTEE on EDUCATION.

ENGROSSED BILL REPORTS

HERSCHEL W. CLEVELAND, CHAIRMAN

February 3, 2004

The following bill(s) reported correctly engrossed:

HOUSE BILL NO. 1039 BY REPRESENTATIVE SUMPTER, ET AL

State of Arkansas
Office of the Governor

Mike Huckabee
Governor

February 2, 2004

TO THE SPEAKER OF THE HOUSE

Dear Mr. Speaker:

This is to inform you that on February 2, 2004, I approved the following measures from the Second Extraordinary Session of the Eighty-Fourth General Assembly:

HOUSE BILL NO. 1141 is now Act Number 67

HOUSE BILL NO. 1091 is now Act Number 68

HOUSE BILL NO. 1071 is now Act Number 69

HOUSE BILL NO. 1100 is now Act Number 70

Sincerely,

/s/ Mike Huckabee

State of Arkansas
Office of the Governor

Mike Huckabee
Governor

February 3, 2004

TO THE SPEAKER OF THE HOUSE

Dear Mr. Speaker:

This is to inform you that on February 3, 2004, I approved the following measures from the Second Extraordinary Session of the Eighty-Fourth General Assembly:

HOUSE BILL NO. 1130 is now Act Number 72

HOUSE BILL NO. 1157 is now Act Number 71

HOUSE BILL NO. 1142 is now Act Number 73

Sincerely,

/s/ Mike Huckabee

HOUSE RESOLUTION NO.1024

BY: REPRESENTATIVE MATHIS

COMMENDING ARKANSAS SCHOOL FOR MATHEMATICS SCIENCES AND THE ARTS STUDENTS AUDREY MORRIS, KATHERINE HERRING, JOHNSON WONG, AND ALEX WONG FOR THEIR DESIGNATION AS A NATIONAL OUTSTANDING TEAM IN THE SIXTH ANNUAL HIGH SCHOOL MATHEMATICAL CONTEST IN MODELING.

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

HOUSE MEMORIAL RESOLUTION NO. 1011

BY: REPRESENTATIVE AGEE

IN RESPECTFUL MEMORY OF MR. E.J. BALL AND IN RECOGNITION OF HIS MANY CONTRIBUTIONS TO THE STATE OF ARKANSAS AND HIS LOCAL COMMUNITY.

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

Representative J. Johnson moved that the House concur in the following Senate Amendment.

ARKANSAS SENATE

AMENDMENT NO. 1 TO HOUSE BILL NO. 1047

Amend **HOUSE BILL NO. 1047** as engrossed, H12/17/03

(version: 12-17-2003 08:45):

Page 1, delete all the sections following the enacting clause and substitute the following:

“SECTION 1. Arkansas Code § 6-17-2402, as added by the act that was introduced as Senate Bill 42 of the Second Extraordinary Session of 2003, is amended to read as follows:

6-17-2402. Definitions.

As used in this subchapter:

(1) "Basic contract" means a teacher employment contract for one hundred and ninety (190) days that includes ten (10) days of professional development. ~~The provisions of § 6-17-807 shall apply to require a school district to increase teacher pay proportionately if the school district's normal base contract period exceeds one hundred and ninety (190) days.~~

(2) "Teacher" means:

(A) An individual who is required to hold a teaching license from the department and who is engaged directly in instruction with students in a classroom setting for more than seventy percent (70%) of the individual's contracted time;

(B) A guidance counselor; or

(C) A librarian.

SECTION 2. Arkansas Code § 6-17-2403, as added by the act that was introduced as Senate Bill 42 of the Second Extraordinary Session of 2003, is amended to read as follows:

6-17-2403. Minimum teacher compensation schedule for 2004-2005.

(a) The board of directors in each school district in the state shall pay classroom teachers upon a minimum salary schedule that provides:

(1) Annual increments for education and experience;

(2) A base salary; and

(3) A minimum salary for a teacher with a master's degree and at least fifteen (15) years of experience.

(b) ~~In school year 2004-2005, each school district in the state shall have in place a salary schedule that includes the following:~~

~~(1) A base salary of at least twenty-seven thousand five hundred dollars (\$27,500) for teachers with a bachelor's degree and no experience;~~

~~(2) A base salary of at least thirty-one thousand six hundred twenty-five dollars (\$31,625) for teachers with a master's degree and no experience; and~~

~~(3) Unless the school district's present salary schedule exceeds the minimum requirements of this subsection (b), provision for at least fifteen (15) annual increments for experience of:~~

~~(A) Four hundred fifty dollars (\$450) for a bachelor's degree;~~

and

~~(B) Five hundred dollars (\$500) for a master's degree.~~ In school year 2004-2005, each school district in the state shall have in place a salary schedule with at least the following minimum levels of compensation:

<u>Years of Experience</u>	<u>BA Degree Select</u>	<u>MA Degree Salary</u>
<u>0</u>	<u>\$27,500</u>	<u>\$31,625</u>
<u>1</u>	<u>27,950</u>	<u>32,125</u>
<u>2</u>	<u>28,400</u>	<u>32,625</u>
<u>3</u>	<u>28,850</u>	<u>33,125</u>
<u>4</u>	<u>29,300</u>	<u>33,625</u>
<u>5</u>	<u>29,750</u>	<u>34,125</u>
<u>6</u>	<u>30,200</u>	<u>34,625</u>
<u>7</u>	<u>30,650</u>	<u>35,125</u>
<u>8</u>	<u>31,100</u>	<u>35,625</u>
<u>9</u>	<u>31,550</u>	<u>36,125</u>
<u>10</u>	<u>32,000</u>	<u>36,625</u>
<u>11</u>	<u>32,450</u>	<u>37,125</u>
<u>12</u>	<u>32,900</u>	<u>37,625</u>
<u>13</u>	<u>33,350</u>	<u>38,125</u>
<u>14</u>	<u>33,800</u>	<u>38,625</u>
<u>15</u>	<u>34,250</u>	<u>39,125</u>

(c) For purposes of the salary schedules described in this section, the teacher's experience shall be his or her total years in any school district in the state and shall not be based only upon the years in the school district in which he or she is currently employed.

(d)(1) A teacher shall be entitled to additional pay if the number of days in the teacher's contract for the 2004-2005 school year exceeds the number of days in the teacher's contract for the 2003-2004 school year.

(2) The additional pay shall be at least equal to the number of additional contract days under subdivision (d)(1) of this section times the daily rate calculated using the teacher's 2003-2004 salary.

(e)(1) A teacher shall not be entitled to additional pay under subsection (d) of this section if the teacher's salary to which he or she would have been entitled for school year 2003-2004 if the salary schedule in subsection (b) of this section had been effective for the 2003-2004 school year less the teacher's actual salary for the 2003-2004 school year exceeds the result of multiplying the number of additional contract days under subdivision (d)(1) of this section times the daily rate as calculated using the teacher's actual salary for the 2003-2004 school year.

(2) If the provisions of subdivision (e)(1) of this section apply:

(A) The teacher shall receive a minimum salary for school year 2004-2005 based upon the salary schedule in subsection (b) of this section; and

(B) The requirements of § 6-17-807 shall not apply.

(f) For purposes of this section, "daily rate" means the teacher contract salary divided by the number of days in the teacher contract.

SECTION 3. Arkansas Code Title 6, Chapter 17, Subchapter 10 is repealed.

~~6-17-1001. Minimum base salary -- Master's degree.~~

~~(a)(1) The board of directors in each school district in the state shall pay its teachers upon a salary schedule which has annual increments for education and experience and which provides for a base salary, a minimum salary for a teacher with a master's degree, and at least fifteen (15) years of experience as described in this section.~~

~~(2) Beginning with the 2003-2004 school year, the teacher's experience for purposes of salary and benefits shall be his or her total years in any school district in the state and shall not be based on only the years in the district in which he or she is currently employed.~~

~~(b) In school year 2000-2001 and in each school year thereafter, no school district shall pay its teachers with a bachelor's degree and no experience less than twenty-one thousand eight hundred sixty dollars (\$21,860).~~

~~(c) In school year 2000-2001 and in each school year thereafter, school districts shall pay teachers with a master's degree and no experience at least one hundred fifteen percent (115%) of the minimum base salary prescribed in subsection (b) of this section.~~

~~(d) In school year 2001-2002 and in each school year thereafter, school districts shall pay a teacher with a master's degree and at least fifteen (15) years of experience one hundred fifty percent (150%) of the state minimum base salary.~~

~~(e)(1) In school year 1995-1996 and in each school year thereafter, each~~

~~school district in the state shall have in place a salary schedule which provides at least fourteen (14) annual increments for experience.~~

~~(2) In school year 2001-2002 and in each school year thereafter, each school district in the state shall have in place a salary schedule which provides at least fifteen (15) annual increments for experience.~~

~~(3) In school year 2001-2002 and in each school year thereafter, each school district in the state shall have in place a salary schedule with at least the following minimum levels of compensation:~~

Years Experience	BA Degree Salary	MA Degree Salary
0	\$21,860	\$25,139
1	22,304	25,649
2	22,748	26,159
3	23,192	26,669
4	23,636	27,179
5	24,080	27,689
6	24,524	28,199
7	24,968	28,709
8	25,412	29,219
9	25,856	29,729
10	26,300	30,239
11	26,744	30,749
12	27,188	31,259
13	27,632	31,769
14	28,076	32,279
15 or more	28,520	32,789

~~(f) For the 1997-98 school year and for each year thereafter, each school district shall provide no less than four-hundred-dollar increments for experience for teachers with one (1) and two (2) years of experience.~~

~~(g) For the 1998-1999 school year and for each year thereafter, each school district shall provide no less than four-hundred-dollar increments for experience for teachers with three (3) and four (4) years of experience.~~

~~(h) For the 1999-2000 school year and for each year thereafter, each school district shall provide no less than four-hundred-dollar increments for experience for teachers with five (5) and six (6) years of experience.~~

~~(i) For the 2000-2001 school year and for each year thereafter, each school district shall provide no less than four-hundred-dollar increments for experience for teachers with seven (7) and eight (8) years of experience.~~

~~(j) For the 2001-2002 school year and for each year thereafter, each school~~

~~district shall provide no less than four-hundred-dollar increments for experience for teachers with nine (9) and ten (10) years of experience.~~

~~(k) For the 2002-2003 school year and for each year thereafter, each school district shall provide no less than four-hundred-dollar increments for experience for teachers with eleven (11) and twelve (12) years of experience.~~

~~(l)(1) For the 2003-2004 school year and for each year thereafter, each school district shall provide no less than four-hundred-dollar increments for experience for teachers with thirteen (13) years of experience.~~

~~(2) For the 2004-2005 school year and for each year thereafter, each school district shall provide no less than four-hundred-dollar increments for experience for teachers with fourteen (14) years of experience.~~

~~(3) For the 2005-2006 school year and for each year thereafter, each school district shall provide no less than four-hundred-dollar increments for experience for teachers with fifteen (15) years of experience.~~

~~(m) Subsections (f)-(l) of this section shall not apply to any local school district whose minimum salary for teachers exceeds twenty-one thousand eight hundred sixty dollars (\$21,860) and whose average salary exceeds the state average salary for teachers for the previous year.~~

~~(n) As used in this section, "teacher" shall include any full-time employee of a local public school district:~~

~~(1) Who is compelled by law to secure a license from the State Board of Education as a condition precedent to employment in a position in or related to grades prekindergarten through twelve (preK-12) of the public schools of this state; and~~

~~(2) Who is:~~

~~(A) Engaged directly in instruction with students in a classroom setting for more than seventy percent (70%) of the individual's contracted time;~~

~~(B) A guidance counselor; or~~

~~(C) A librarian.~~

~~(o) All minimum salaries set forth in this section shall be for a contract number of days that is not more than the number of days in the school year required by the State Board of Education's regulations for accreditation for the school year in which the contract is effective.~~

~~(p)(1) A district that determines that it cannot meet the minimum salary requirements of this section from funds available may petition the Department of Education for a waiver of the requirements of this section for up to three (3) school years based on regulations promulgated by the State Board of Education.~~

~~(2) The department shall not grant a waiver to any district that is not in~~

~~compliance with the uniform rate of tax requirements under Arkansas Constitution, Amendment 74.~~

~~6-17-1002. Salary amount - Annual review.~~

~~(a) The salaries fixed herein shall be regarded as minimum salaries only, and each district may supplement such salaries. No teacher shall receive a reduced salary as a result of this subchapter's requirements.~~

~~(b) Base salary shall not be raised until all teachers within a district are paid equal to or greater than the minimum requirements established herein. Each school district shall develop its own salary schedule with salaries equal to or greater than the required minimums set forth herein.~~

~~(c) The Arkansas Teachers' Salaries Study Commission shall annually review the minimum base salary and make recommendations to the Department of Education, the Governor, and the General Assembly for such modifications as the commission shall deem appropriate.~~

~~6-17-1003. Enforcement - Appeal - Rules and regulations.~~

~~(a) The State Board of Education is empowered to enforce the provisions of this subchapter and is specifically authorized to order the dissolution and merger of any school district which fails to comply with the minimum salary requirements established by this subchapter. Any appeal from a decision of the board ordering the dissolution and merger of a school district for failure to comply with the provisions of this subchapter shall be filed in the Circuit Court of Pulaski County and must be filed within thirty (30) days of the decision of the board.~~

~~(b) The board shall issue rules and regulations to implement this subchapter.~~

~~6-17-1004. Salary goals.~~

~~(a) The personnel policies committees and negotiating teams established and maintained in Arkansas public schools are encouraged to set and meet five-year goals to substantially increase teacher salaries. In setting realistic yet meaningful salary goals, the committees and teams shall consider exceeding the state, regional Southern Regional Education Board states, border states, or national average salaries for teachers.~~

~~(b) Within two (2), four (4), and five (5) years following the adoption of this section, school districts shall report to the Arkansas Teachers' Salaries Study Commission and the Department of Education the goals developed, adopted, and met.~~

SECTION 4. 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/ B. Gullett

The Amendment was read and the vote was as follows:

AFFIRMATIVE: Adams, Agee, Bennett, Berry, Biggs, Blair, Bledsoe, Bolin, 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, Hathorn, Hickinbotham, House, Hutchinson, Jackson, C. Johnson, J. Johnson, Jones, Judy, King, Lamoureux, Ledbetter, Lendall, Lewellen, Mack, Mahony, Martin, Matayo, Mathis, Medley, Milligan, Moore, Napper, Norton, Oglesby, Parks, Pickett, L. Prater, S. Prater, Pritchard, Rankin, Roebuck, Rosenbaum, Schulte, Scrimshire, Seawel, R. Smith, Sullivan, Sumpter, C. Taylor, J. Taylor, Thomas, Thomason, Thyer, Walters, Weaver, White, Wood.

Total84

NEGATIVE: Kenney, Key, Nichols, Ormond, Pace, Pate, Petrus, Scroggin, Stovall, Verkamp.

Total10

ABSENT OR NOT VOTING: Anderson, Fite, Jacobs, Jeffrey, Penix, Mr. Speaker.

Total6

VOTING PRESENT:

Total0

Total number of votes cast94

Total number voting in the affirmative84

Necessary to concur in the amendment51

So the Amendment was concurred in.

/s/ Ms. Jo Renshaw

Chief Clerk

There being an Emergency Clause attached to **AMENDMENT NO. 1 TO HOUSE BILL NO. 1047**, 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, Bennett, Berry, Biggs, Blair, Bledsoe, Bolin, 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, Hathorn, Hickinbotham, House, Hutchinson, Jackson, C. Johnson, J. Johnson, Jones, Judy, King, Lamoureux, Ledbetter, Lendall, Lewellen, Mack, Mahony, Martin, Matayo, Mathis, Medley, Milligan, Moore, Napper, Norton, Oglesby, Parks, Pickett, L. Prater, S. Prater, Pritchard, Rankin, Roebuck, Rosenbaum, Schulte, Scrimshire, Seawel, R. Smith, Sullivan, Sumpter, C. Taylor, J. Taylor, Thomas, Thomason, Thyer, Walters, Weaver, White, Wood.

Total84

NEGATIVE: Kenney, Key, Nichols, Ormond, Pace, Pate, Petrus, Scroggin, Stovall, Verkamp.

Total10

ABSENT OR NOT VOTING: Anderson, Fite, Jacobs, Jeffrey, Penix, Mr. Speaker.

Total6

VOTING PRESENT:

Total0

Total number of votes cast.....94

Total number voting in the affirmative84

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

So the Emergency Clause was adopted.

Representative J. Johnson moved that the House concur in the following Senate Amendment.

ARKANSAS SENATE

AMENDMENT NO. 2 TO HOUSE BILL NO. 1047

Amend HOUSE BILL NO. 1047 as engrossed, H12/17/03

(version: 12-17-2003 08:45):

Page 1, delete line 10 and substitute:

"AN ACT TO PROVIDE FOR MINIMUM TEACHER SALARIES; AND"

AND

Page 1, delete lines 14 and 15 and substitute:

"AN ACT TO PROVIDE FOR MINIMUM TEACHER SALARIES."

/s/ B. Gullett

The Amendment was read and the vote was as follows:

AFFIRMATIVE: Adams, Agee, Bennett, Berry, Biggs, Blair, Bledsoe, Bolin, 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, Hathorn, Hickinbotham, House, Hutchinson, 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, Parks, Penix, Pickett, L. Prater, S. Prater, Pritchard, Rankin, Roebuck, Rosenbaum, Schulte, Scrimshire, Seawel, R. Smith, Sullivan, Sumpter, C. Taylor, J. Taylor, Thomas, Thomason, Thyer, Verkamp, Walters, Weaver, White, Wood.

Total88

NEGATIVE: Ormond, Pate, Petrus, Scroggin, Stovall.

Total5

ABSENT OR NOT VOTING: Anderson, Fite, Jackson, Jacobs, Jeffrey, Pace, Mr. Speaker.

Total7

VOTING PRESENT:

Total0

Total number of votes cast93

Total number voting in the affirmative88

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

So the Amendment was concurred in.

/s/ Ms. Jo Renshaw

Chief Clerk

Representative J. Johnson moved that the House concur in the following Senate Amendment.

ARKANSAS SENATE

AMENDMENT NO. 3 TO HOUSE BILL NO. 1047

Amend **HOUSE BILL NO. 1047** as engrossed, S1/27/04

(version: 01-27-2004 15:40):

Page 2, delete line 27 and substitute the following:

"compensation for a basic contract:"

/s/ B. Gullett

The Amendment was read and the vote was as follows:

AFFIRMATIVE: Adams, Agee, Bennett, Berry, Biggs, Blair, Bledsoe, Bolin, Bond, P. Bookout, Borhauer, Boyd, Bradford, Bright, Chesterfield, Childers, Clemons, Cowling, Creekmore, Dangeau, Dees, Dickinson, Eason, Edwards, Elliott, D. Evans, L. Evans, Ferguson, Gillespie, Gipson, Goss, Green, Haak, Hardwick, Harris, Hathorn, Hickinbotham, House, Hutchinson, Jackson, C. Johnson, J. Johnson, Jones, Judy, Kenney, Key, King, Lamoureux, Ledbetter, Lendall, Lewellen, Mack, Mahony, Martin, Matayo, Mathis, Medley, Milligan, Moore, Napper, Norton, Oglesby, Parks, Penix, Pickett, L. Prater, S. Prater, Pritchard, Rankin, Roebuck, Rosenbaum, Schulte, Scrimshire, Seawel, R. Smith, Sullivan, Sumpter, C. Taylor, J. Taylor, Thomas, Thomason, Thyer, Verkamp, Walters, Weaver, White, Wood.

Total87

NEGATIVE: Ormond, Pace.

Total2

ABSENT OR NOT VOTING: Anderson, Dobbins, Fite, Jacobs, Jeffrey, Nichols, Pate, Petrus, Scroggin, Stovall, Mr. Speaker.

Total11

VOTING PRESENT:

Total0

Total number of votes cast.....89

Total number voting in the affirmative87

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

So the Amendment was concurred in.

/s/ Ms. Jo Renshaw
Chief Clerk

Morning Hour Expired.

HOUSE BILL NO. 1162

BY: REPRESENTATIVE STOVALL

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

AFFIRMATIVE: Berry, Blair, Bledsoe, Bolin, Bond, Borhauer, Boyd, Bradford, Bright, Chesterfield, Childers, Clemons, Cowling, Creekmore, Dangeau, Dees, Dickinson, Dobbins, Edwards, Elliott, D. Evans, L. Evans, Ferguson, Fite, Gillespie, Gipson, Goss, Green, Haak, Hardwick, Hathorn, Hickinbotham, House, Jackson, C. Johnson, J. Johnson, Jones, Judy, Key, King, Ledbetter, Lendall, Lewellen, Mack, Mahony, Martin, Mathis, Medley, Milligan, Moore, Napper, Nichols, Oglesby, Parks, Pate, Petrus, Pickett, L. Prater, S. Prater, Pritchard, Rankin, Roebuck, Rosenbaum, Scrimshire, Seawel, R. Smith, Stovall, Sullivan, Sumpter, C. Taylor, Thomason, Thyer, Verkamp, Walters, Weaver, White.

Total76

NEGATIVE: Adams, Agee, Biggs, P. Bookout, Harris, Hutchinson, Kenney, Lamoureux, Norton, Ormond, Pace, Schulte, Thomas.

Total13

ABSENT OR NOT VOTING: Anderson, Bennett, Eason, Jacobs, Jeffrey, Penix, Scroggin, J. Taylor, Wood, Mr. Speaker.

Total10

VOTING PRESENT: Matayo.

Total1

Total number of votes cast90

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.

HOUSE BILL NO. 1170

BY: REPRESENTATIVE P. BOOKOUT

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, Bennett, Berry, Biggs, Blair, Bolin, Bond, 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, Harris, Hathorn, Hickinbotham, House, Hutchinson, Jackson, 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, L. Prater, S. Prater, Pritchard, Rankin, Roebuck, Rosenbaum, Schulte, Scrimshire, Scroggin, Seawel, R. Smith, Stovall, Sullivan, Sumpter, C. Taylor, J. Taylor, Thomas, Thomason, Thyer, Verkamp, Walters, Weaver, White, Wood.

Total94

NEGATIVE:

Total0

ABSENT OR NOT VOTING: Anderson, Bledsoe, Jacobs, Jeffrey, King, Mr. Speaker.

Total6

VOTING PRESENT:

Total0

Total number of votes cast.....94

Total number voting in the affirmative94

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. 1170**, 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, Bennett, Berry, Biggs, Blair, Bolin, Bond, 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, Harris, Hathorn, Hickinbotham, House, Hutchinson, Jackson, 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, L. Prater, S. Prater, Pritchard, Rankin, Roebuck, Rosenbaum, Schulte, Scrimshire, Scroggin, Seawel, R. Smith, Stovall, Sullivan, Sumpter, C. Taylor, J. Taylor, Thomas, Thomason, Thyer, Verkamp, Walters, Weaver, White, Wood.

Total94

NEGATIVE:

Total0

ABSENT OR NOT VOTING: Anderson, Bledsoe, Jacobs, Jeffrey, King, Mr. Speaker.

Total6

VOTING PRESENT:

Total0

Total number of votes cast.....94

Total number voting in the affirmative94

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

So the Emergency Clause was adopted.

Representative Pickett moved that the record by which concurrence in **SENATE AMENDMENT NO. 1 TO HOUSE BILL 1009** failed to pass be expunged from the record.

On this motion the vote was as follows:

AFFIRMATIVE: Agee, Berry, Biggs, Blair, Bledsoe, Bolin, 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, Hardwick, Harris, Hathorn, Hickinbotham, Hutchinson, Jackson, C. Johnson, J. Johnson, Jones, Judy, Kenney, King, Lamoureux, Ledbetter, Lendall, Lewellen, Mack, Mahony, Martin, Mathis, Medley, Milligan, Moore, Napper, Nichols, Ormond, Pace, Penix, Pickett, L. Prater, S. Prater, Pritchard, Rankin, Roebuck, Scrimshire, Scroggin, Seawel, Stovall, Sullivan, Sumpster, C. Taylor, Thomas, Thomason, Thyer, Verkamp, Walters, White, Wood, Mr. Speaker.

Total80

NEGATIVE: Adams, Bennett, Key, Oglesby, Pate, J. Taylor, Weaver.

Total7

ABSENT OR NOT VOTING: Anderson, Fite, Haak, House, Jacobs, Jeffrey, Norton, Parks, Petrus, Rosenbaum, Schulte, R. Smith.

Total12

VOTING PRESENT: Matayo.

Total1

Total number of votes cast88

Total number voting in the affirmative80

Necessary to the adoption of the motion67

So the motion was adopted.

Motion was made by Representative Pickett to transmit **HOUSE BILL NO. 1009** to the Senate. Motion received more than 51 votes.

SENATE BILL NO. 82

BY: SENATOR GLOVER

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, Bennett, Berry, Biggs, Blair, Bledsoe, Bolin, Bond, 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, Harris, Hathorn, Hickinbotham, House, Hutchinson, Jackson, C. Johnson, J. Johnson, Jones, Judy, Kenney, Key, King, Lamoureux, Ledbetter, Lewellen, Mack, Mahony, Martin, Matayo, Mathis, Medley, Milligan, Moore, Napper, Nichols, Norton, Oglesby, Ormond, Pace, Parks, Penix, Pickett, L. Prater, S. Prater, Pritchard, Rankin, Roebuck, Rosenbaum, Schulte, Scrimshire, Scroggin, Seawel, R. Smith, Stovall, Sullivan, Sumpter, C. Taylor, J. Taylor, Thomas, Thomason, Thyer, Verkamp, Walters, Weaver, White, Wood.

Total93

NEGATIVE: Lendall, Pate.

Total2

ABSENT OR NOT VOTING: Anderson, Jacobs, Jeffrey, Petrus, Mr. Speaker.

Total5

VOTING PRESENT:

Total0

Total number of votes cast95

Total number voting in the affirmative93

Necessary to the passage of the bill51

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

Motion was made by Representative Kenney to place **SENATE BILL NO. 80** back on second reading for the purpose of amendment.

On this motion the vote was as follows:

AFFIRMATIVE: Adams, Agee, Bennett, Berry, Bledsoe, Borhauer, Chesterfield, Clemons, Dickinson, Dobbins, Edwards, Fite, Gillespie, Green, Haak, Hardwick, Harris, Hutchinson, J. Johnson, Judy, Kenney, Key, King, Lamoureux, Matayo, Mathis, Moore, Napper, Nichols, Norton, Ormond, Pace, Parks, Penix, Petrus, S. Prater, Rosenbaum, Schulte, Scrimshire, Scroggin, C. Taylor, J. Taylor, Thyer, Verkamp, Wood.

Total45

NEGATIVE: Biggs, Blair, Bolin, Bond, P. Bookout, Boyd, Bradford, Childers, Cowling, Creekmore, Dangeau, Dees, Eason, Elliott, D. Evans, L. Evans, Ferguson, Gipson, Goss, Hathorn, Hickenbotham, House, Jackson, C. Johnson, Jones, Ledbetter, Lewellen, Mack, Mahony, Medley, Milligan, Oglesby, Pate, Pickett, L. Prater, Pritchard, Rankin, Roebuck, Seawel, R. Smith, Stovall, Sullivan, Sumpter, Thomas, Thomason, Walters, White.

Total47

ABSENT OR NOT VOTING: Anderson, Bright, Jacobs, Jeffrey, Lendall, Martin, Weaver, Mr. Speaker.

Total8

VOTING PRESENT:

Total0

Total number of votes cast.....92

Total number voting in the affirmative45

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

So the motion failed of adoption.

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

SENATE BILL NO. 80

BY: SENATOR SALMON

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

AFFIRMATIVE: Berry, Biggs, Blair, Bolin, Bond, P. Bookout, Borhauer, Boyd, Bradford, Chesterfield, Childers, Clemons, Cowling, Dangeau, Dees, Dickinson, Dobbins, Eason, Edwards, Elliott, D. Evans, L. Evans, Ferguson, Fite, Gipson, Goss, Hardwick, Hathorn, Hickinbotham, House, Jackson, C. Johnson, J. Johnson, Jones, Judy, King, Lamoureux, Ledbetter, Lendall, Lewellen, Mack, Mahony, Martin, Medley, Milligan, Nichols, Oglesby, Pate, Pickett, L. Prater, S. Prater, Pritchard, Rankin, Roebuck, Scrimshire, Seawel, R. Smith, Stovall, Sullivan, Sumpter, Thomas, Thomason, Thyer, Verkamp, Walters, White, Mr. Speaker.

Total67

NEGATIVE: Adams, Agee, Bennett, Bledsoe, Creekmore, Gillespie, Green, Haak, Harris, Hutchinson, Kenney, Key, Matayo, Mathis, Moore, Napper, Norton, Ormond, Pace, Parks, Penix, Petrus, Rosenbaum, Schulte, Scroggin, C. Taylor, J. Taylor, Weaver, Wood.

Total29

ABSENT OR NOT VOTING: Anderson, Bright, Jacobs, Jeffrey.

Total4

VOTING PRESENT:

Total0

Total number of votes cast96

Total number voting in the affirmative67

Necessary to the passage of the bill75

So the Bill failed.

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

The House stood in recess at 2:17 p.m. until 4:00 p.m.

The House reconvened at 4:24 p.m.

HOUSE BILLS ORDERED TRANSMITTED TO THE SENATE AS PASSED

HOUSE BILL NO. 1162 BY REPRESENTATIVE STOVALL

HOUSE BILL NO. 1170 BY REPRESENTATIVE P. BOOKOUT

NOTICE OF TRANSMITTAL OF HOUSE BILL

HOUSE BILL NO. 1009 BY REPRESENTATIVE PICKETT

SENATE BILLS ORDERED RETURNED TO THE SENATE AS PASSED

SENATE BILL NO. 82 BY SENATOR GLOVER

ARKANSAS SENATE

HOUSE BILLS RETURNED FROM THE SENATE AS PASSED

HOUSE BILL NO. 1132 BY REPRESENTATIVE MAHONY

HOUSE BILL NO. 1158 BY REPRESENTATIVE R. SMITH

AS AMENDED #1

ARKANSAS SENATE

SENATE BILLS RECEIVED FROM SENATE

SENATE BILL NO. 79 BY JOINT BUDGET COMMITTEE

SENATE BILL NO. 83 BY SENATOR WILKINS

SENATE BILL NO. 84 BY SENATOR BROADWAY

ENROLLED AND DELIVERY TO GOVERNOR REPORTS

Little Rock, Arkansas

February 3, 2004

MR. SPEAKER:

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

HOUSE BILL NO. 1047 BY REPRESENTATIVE J. JOHNSON, ET AL

HOUSE BILL NO. 1132 BY REPRESENTATIVE MAHONY

beg leave to report that we have carefully compared the enrolled copies with the original and we find the same correctly enrolled and have at 2:40 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. 1047 BY REPRESENTATIVE J. JOHNSON, ET AL

HOUSE BILL NO. 1132 BY REPRESENTATIVE MAHONY

/s/ Mike Huckabee - Governor

TIME: 2:40 p.m.

By: Stacy DeJarnett

HOUSE BILL NO. 1178

BY: REPRESENTATIVES CHILDERS, AGEE, ANDERSON, BENNETT, BLEDSOE, BORHAUER, DEES, GREEN, HARRIS, JEFFREY, KENNEY, MACK, MATAYO, MATHIS, NICHOLS, PARKS, PRITCHARD, ROSENBAUM, J. TAYLOR, C. TAYLOR

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO PROVIDE FOR THE DISTRIBUTION OF FUNDS FROM THE GENERAL IMPROVEMENT FUND TO THE PUBLIC SCHOOL 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. 1179

BY: REPRESENTATIVES CHESTERFIELD, P. BOOKOUT, ELLIOTT, GREEN, J. JOHNSON, C. JOHNSON, SEAWEL, THOMAS, WHITE, WOOD
BY: SENATORS GULLETT, ARGUE, J. JEFFRESS, STEELE

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO PROVIDE FOR THE PAYROLL DEDUCTION OF MEMBERSHIP DUES FOR CLASSIFIED PUBLIC SCHOOL EMPLOYEES; AND FOR OTHER PURPOSES.

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

HOUSE BILL NO. 1180

BY: REPRESENTATIVE JONES

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO AUTHORIZE HORSE RACING AND GREYHOUND RACING FRANCHISEES TO CONDUCT WAGERING ON ELECTRONIC GAMES OF SKILL; AND FOR OTHER PURPOSES.

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

HOUSE BILL NO. 1181

BY: REPRESENTATIVE JONES

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO AUTHORIZE HORSE RACING AND GREYHOUND RACING FRANCHISEES TO CONDUCT WAGERING ON ELECTRONIC GAMES OF SKILL; AND FOR OTHER PURPOSES.

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

HOUSE BILL NO. 1182

BY: REPRESENTATIVES GILLESPIE, STOVALL

A BILL FOR AN ACT TO BE ENTITLED AN ACT PROVIDING EDUCATION REFORM IN ARKANSAS; TO PROVIDE FOR EDUCATION FUNDING; TO ESTABLISH EDUCATIONAL ADEQUACY ACCOUNTING; TO CREATE A SUPPLEMENTAL TEACHER SALARY PLAN FOR DISTRICTS UNABLE TO MEET TEACHER SALARY INCREASE REQUIREMENTS; 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. 1183

BY: REPRESENTATIVE JUDY

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO PROVIDE THE ADDITIONAL REVENUES NEEDED TO PROVIDE AN EQUAL OPPORTUNITY FOR AN ADEQUATE EDUCATION TO ALL THE CITIZENS OF THE STATE BY REDUCING THE MAXIMUM DISCOUNT FOR PROMPT PAYMENT OF SALES TAX; 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 RESOLUTION NO. 1027

BY: REPRESENTATIVE BOLIN

RECOGNIZING MR. FREDRICK D. PORTER, ADMINISTRATOR OF THE OFFICE OF MOTOR VEHICLE OF THE REVENUE DIVISION OF THE DEPARTMENT OF FINANCE AND ADMINISTRATION, FOR COMPLETING OVER THIRTY-ONE (31) YEARS OF SERVICE TO THE CITIZENS OF ARKANSAS AND THE ARKANSAS GENERAL ASSEMBLY.

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

HOUSE RESOLUTION NO. 1028

BY: REPRESENTATIVE C. JOHNSON

URGING THE EIGHTY-FIFTH GENERAL ASSEMBLY TO ADOPT A RULE OR LEGISLATION TO MAKE PUBLIC EDUCATION THE FIRST PRIORITY FOR FUNDING AFTER PASSAGE OF THE GENERAL APPROPRIATIONS BILL DURING EACH REGULAR SESSION.

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

SENATE BILL NO. 79

BY: JOINT BUDGET COMMITTEE

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO MAKE AN APPROPRIATION FOR GRANTS AND AIDS TO LOCAL SCHOOL DISTRICTS AND SPECIAL PROGRAMS, AND TO PROVIDE A BONUS TO TEACHERS IN SPECIAL SETTINGS 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. 83

BY: SENATOR WILKINS

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO CREATE A REDUCTION IN FORCE POLICY FOR TEACHERS AND CLASSIFIED EMPLOYEES; AND FOR OTHER PURPOSES.

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

SENATE BILL NO. 84

BY: SENATORS BROADWAY, BISBEE

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO TRANSFER FUNDS TO PROVIDE CERTIFIED FULL TIME EQUIVALENT TEACHERS IN SPECIAL SETTINGS A ONE-TIME BONUS; TO TRANSFER FUNDS FOR THE ASSESSMENT OF PUBLIC SCHOOL FACILITIES; 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 4:27 p.m. until 1:30 p.m. Wednesday, February 4, 2004.

ATTEST:

Herschel W. Cleveland
Speaker of the House of Representatives

Jo Renshaw
Chief Clerk