

# JOURNAL OF THE HOUSE

Second Regular Session, 92nd GENERAL ASSEMBLY

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TENTH DAY, MONDAY, JANUARY 26, 2004

The House met pursuant to adjournment.

Speaker Hanaway in the Chair.

Prayer by Reverend James Earl Jackson.

Heavenly Father, Creator of all things, it is written, "In times of difficulty, may the Lord respond to your cry, may the Lord keep you safe from harm." You Lord, indeed, are a very present help in times of difficulty.

May You grant our heart's desire and fulfill our plans. May You send help from Your heavenly abode and strengthen us in this hour. May we know Your great peace.

O Lord, we are all too aware of our own human weaknesses when our own doings, callings, efforts, or sincere goals are called into question. Help us to overcome these weaknesses.

Now may Your grace rest and abide with us all.

In Your Son's name we pray. Amen.

The Pledge of Allegiance to the flag was recited.

Representative Crowell suggested the absence of a quorum.

The following roll call indicated a quorum present:

AYES: 157

Abel	Angst	Baker	Barnitz	Bean
Bearden	Behnen	Bishop	Bivins	Black
Bland	Bough	Boykins	Bringer	Brooks
Brown	Bruns	Burnett	Byrd	Campbell
Cooper 120	Cooper 155	Corcoran	Crawford	Crowell
Cunningham 145	Cunningham 86	Curls	Darrough	Daus
Davis 122	Davis 19	Deeken	Dempsey	Dethrow
Dixon	Donnelly	Dougherty	Dusenberg	El-Amin
Emery	Engler	Ervin	Fares	Fraser
George	Goodman	Graham	Green	Guest
Hampton	Harris 110	Harris 23	Haywood	Henke
Hilgemann	Hobbs	Holand	Hoskins	Hubbard
Hunter	Ice	Jackson	Jetton	Johnson 47
Johnson 61	Johnson 90	Jolly	Kelly 144	Kelly 36
King	Kingery	Kratky	Kuessner	Lager
Lawson	Lembke	LeVota	Liese	Lipke

Lowe	Luetkemeyer	Marsh	May	Mayer
McKenna	Meiners	Miller	Moore	Morris
Muckler	Munzlinger	Myers	Nieves	Page
Parker	Pearce	Phillips	Portwood	Pratt
Quinn	Ransdall	Rector	Reinhart	Richard
Roark	Ruestman	Rupp	Sager	Salva
Sander	Schaaf	Schlottach	Schneider	Schoemehl
Seigfreid	Selby	Self	Shoemaker	Shoemyer
Skaggs	Smith 118	Smith 14	Spreng	St. Onge
Stefanick	Stevenson	Sutherland	Swinger	Taylor
Thompson	Threlkeld	Viebrock	Villa	Vogt
Wagner	Walker	Wallace	Walsh	Walton
Ward	Wasson	Whorton	Wildberger	Willoughby
Wilson 119	Wilson 130	Wilson 25	Wilson 42	Witte
Wood	Wright	Yaeger	Yates	Young
Zweifel	Madam Speaker			

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 005

Avery	Carnahan	Jones	Purgason	Townley
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VACANCIES: 001

The Journal of the ninth day was approved as printed.

### HOUSE RESOLUTION

Representative Morris offered House Resolution No. 196.

### HOUSE COURTESY RESOLUTIONS OFFERED AND ISSUED

- House Resolution No. 191 - Representative Shoemaker
- House Resolution No. 192 - Representatives Fraser, Donnelly and Fares
- House Resolution No. 193 - Representative Walton
- House Resolution No. 194 - Representative Hubbard
- House Resolution No. 195 - Representative Bough
- House Resolution No. 197 - Representative Pratt
- House Resolution No. 198  
and
- House Resolution No. 199 - Representative Pearce
- House Resolution No. 200 - Representative Bland
- House Resolution No. 201  
and
- House Resolution No. 202 - Representative Johnson (61)
- House Resolution No. 203 - Representative Riback Wilson (25)

House Resolution No. 204  
and

House Resolution No. 205 - Representative Cunningham (145)  
House Resolution No. 206 - Representatives Jolly, Meiners and Sager  
House Resolution No. 207 - Representative Vogt

### INTRODUCTION OF HOUSE BILLS

The following House Bills were read the first time and copies ordered printed:

**HB 1244**, introduced by Representatives Dempsey, Spreng, Zweifel, Hanaway, Smith (14) and Corcoran, relating to the Missouri-St. Louis metropolitan airport authority.

**HB 1245**, introduced by Representatives Schlottach and Kelly (36), relating to licensing of peace officers.

**HB 1246**, introduced by Representatives Portwood and Stefanick, relating to chiropractors and their keeping of medical records.

**HB 1247**, introduced by Representatives Cunningham (86) and Stefanick, relating to the telemarketing no-call list.

**HB 1248**, introduced by Representatives Cunningham (86), Sander, Dusenberg, Dixon and Bivins, relating to personal records with unique identifiers.

**HB 1249**, introduced by Representatives Cunningham (86), Jetton and Bivins, relating to campaign finance reports and complaints.

**HB 1250**, introduced by Representatives Cunningham (86) and Phillips, relating to workers' compensation insurance.

**HB 1251**, introduced by Representatives Jolly, Willoughby, LeVota, Page, Bringer, Harris (110), Selby, Engler, Wood, Meiners, Kelly (36) and Walker, relating to the crime of driving while intoxicated.

**HB 1252**, introduced by Representative Lawson, relating to a fee on nonparticipating manufacturer cigarettes.

**HB 1253**, introduced by Representative Luetkemeyer, relating to insurance.

**HB 1254**, introduced by Representative Bland, relating to used motor vehicle dealer practices.

**HB 1255**, introduced by Representative Bland, relating to the emancipation day commission.

**HB 1256**, introduced by Representative Jetton, relating to the state library.

**HB 1257**, introduced by Representative Campbell, relating to gaming.

**HB 1258**, introduced by Representative Cooper (155), relating to portable chemical tests.

**HB 1259**, introduced by Representative Threlkeld, relating to the licensure of motor vehicle dealers and manufacturers.

**HB 1260**, introduced by Representative Sander, relating to the courts of record of Randolph County.

**HB 1261**, introduced by Representatives Smith (14), Vogt, Smith (118), Lowe, Johnson (47), Yates, Jones and Villa, relating to Sunday alcohol sales.

**HB 1262**, introduced by Representatives Wildberger, Shoemyer, Kratky, Spreng, Darrough, Corcoran, Selby, Ward, Dougherty, Wilson (42), Bland, Muckler, Kelly (36) and Meiners, relating to publicly-financed projects.

**HB 1263**, introduced by Representatives Wildberger, Ward, Kelly (36), Burnett, Sanders Brooks, Harris (110), Bland, Whorton, Jones and Meiners, relating to contributions to child advocacy centers.

**HB 1264**, introduced by Representatives Wildberger, Selby, Ward, Kelly (36), Dougherty, Burnett, Sanders Brooks, Sager, Bland, Bruns, Jones, Darrough, Walker, Wilson (42), Daus, Whorton and Meiners, relating to the statute of limitation for certain crimes.

**HB 1265**, introduced by Representatives Wildberger, Bough, Ward, Dougherty, Walker, Donnelly and Meiners, relating to restrictions and limitations on campaign contributions.

**HB 1266**, introduced by Representatives Wildberger, Selby, Jolly, Ward, Kelly (36), Boykins, Bruns, Dougherty, Burnett, Sanders Brooks, Jones, Darrough, Wilson (42), Sager, Bland, Daus, Whorton, Bishop, Donnelly, Muckler, Meiners and Carnahan, relating to retirement benefits for firefighters.

**HB 1267**, introduced by Representatives Cooper (120), Dempsey and Pratt, relating to tobacco product manufacturers.

**HB 1268**, introduced by Representatives Smith (118), Yates, Smith (14), Roark, Lembke, Deeken, Luetkemeyer, Dethrow, Johnson (47), Pearce, Hunter, Bough, Wilson (119), Angst, Dempsey, Ervin, Wilson (130), Baker, Crowell, Hobbs, Wood, Dixon, Morris, Munzlinger, Stevenson, Schaaf, Engler, Ruestman, Mayer, King, Stefanick, Myers, Portwood, Black and Sutherland, relating to employees.

**HB 1269**, introduced by Representatives Smith (118), Bough, Ruestman, Dixon, Hobbs, Reinhart, Sutherland, Dusenberg, Holand and Smith (14), relating to statutory revision.

**HB 1270**, introduced by Representatives Smith (118), Pearce, Schaaf, Yates, Harris (23) and Sander, relating to state purchases.

## SECOND READING OF HOUSE BILLS

**HB 1213** through **HB 1243** were read the second time.

## SECOND READING OF SENATE BILL

**SCS SB 1003** was read the second time.

## REFERRAL OF HOUSE BILLS

The following House Bills were referred to the Committee indicated:

- HB 762** - Local Government
- HB 764** - Crime Prevention and Public Safety
- HB 770** - Transportation and Motor Vehicles
- HB 772** - Tax Policy
- HB 773** - Education
- HB 779** - Communications, Energy and Technology
- HB 780** - Tax Policy
- HB 782** - Workforce Development and Workplace Safety
- HB 788** - Crime Prevention and Public Safety
- HB 789** - Transportation and Motor Vehicles
- HB 792** - Professional Registration and Licensing
- HB 793** - Crime Prevention and Public Safety
- HB 794** - Crime Prevention and Public Safety
- HB 796** - Tax Policy
- HB 807** - Tax Policy
- HB 811** - Job Creation and Economic Development
- HB 814** - Transportation and Motor Vehicles
- HB 822** - Communications, Energy and Technology
- HB 823** - Tax Policy
- HB 833** - Tourism and Cultural Affairs
- HB 1174** - Health Care Policy
- HB 1177** - Agriculture
- HB 1207** - Job Creation and Economic Development
- HB 1211** - Workforce Development and Workplace Safety
- HB 1216** - Education

## SPECIAL RECOGNITION

Upon the request of Representative Walt Bivins, the following resolution was read in honor of his father, Walter R. Bivins.

RESOLUTION OF PEARL RIVER BASIN DEVELOPMENT DISTRICT  
BOARD OF DIRECTORS COMMENDING  
THE LIFE AND PUBLIC SERVICE OF WALTER R. BIVINS

WHEREAS, Walter R. Bivins was appointed a Director of Pearl River Basin Development District by the Board of Supervisors of Hinds County, Mississippi, on November 3, 1973, and continuously served as a Director of the District until his death on January 20, 2004; and

WHEREAS, he served as President of the Board of Directors from 1989 through 1999 and served as Chairman of the Budget and Finance Committee for over ten years; and

WHEREAS, during his thirty-year tenure as Director, his dedication, zeal, compassion and integrity served as a standard for his fellow directors; and

WHEREAS, his long-time experience, insight, and sage wisdom provided not only a historical context for the work of the District, but visionary guidance which continues after his death; and

WHEREAS, his public service extended not only to the work of the Pearl River Basin Development District, but to the work of the Mississippi Employment Security Commission, Hinds Community College, the City of Jackson, and beyond; and

WHEREAS, his unparalleled commitment to public service, the State of Mississippi, and the Pearl River Basin stands as a beacon for all who knew him;

NOW, THEREFORE, BE IT RESOLVED that the Board of Directors of the Pearl River Basin Development District does hereby commend the life and public service of Walter R. Bivins and expresses its deep and heartfelt appreciation for his commitment to the Pearl River Basin Development District, the State of Mississippi and its natural resources.

BE IT FURTHER RESOLVED that a copy of this resolution be presented to the family of Walter R. Bivins to memorialize the deep respect, admiration, and appreciation expressed by the entire Board.

**LETTER OF OBJECTION**

January 26, 2004

Steven Davis, Chief Clerk  
State Capitol Building, Room 306B  
Jefferson City, MO 65101

Dear Mr. Clerk:

We the undersigned members of the House of Representatives pursuant to House Rule 44 (b) would like to have **House Committee Substitute for House Bill Nos. 950 & 948** discharged from the House Consent Calendar for Perfection due to its controversial nature.

Thank you.

Sincerely,

/s/ Jason Crowell (158)

/s/ Rick Johnson (90)

/s/ Chuck Purgason (151)

/s/ Jeff Harris (23)

/s/ Robert Thane Johnson (47)

The following member's presence was noted: Purgason.

### **ADJOURNMENT**

On motion of Representative Crowell, the House adjourned until 10:00 a.m., Tuesday, January 27, 2004.

### **COMMITTEE MEETINGS**

#### **AGRICULTURE**

Tuesday, January 27, 2004, 12:00 p.m. Hearing Room 1.  
Possible Executive Session.  
Public hearings to be held on: HB 981, HB 1182

#### **AGRICULTURE**

Wednesday, January 28, 2004, 8:00 a.m. Hearing Room 7.  
Executive Session may follow.  
Public hearings to be held on: HB 1177

#### **APPROPRIATIONS - AGRICULTURE AND NATURAL RESOURCES**

Wednesday, January 28, 2004, 2:30 p.m. Hearing Room 5.  
Testimony from the Department of Natural Resources. AMENDED

#### **APPROPRIATIONS - EDUCATION**

Tuesday, January 27, 2004, 8:00 a.m. Hearing Room 1.  
Testimony provided by the Department of Elementary and Secondary Education.  
Will possibly reconvene at 2:30 p.m.

#### **APPROPRIATIONS - EDUCATION**

Wednesday, January 28, 2004, 8:00 a.m. Hearing Room 1.  
Testimony provided by the Department of Elementary and Secondary Education.  
Will possibly reconvene at 2:30 p.m.

#### **APPROPRIATIONS - GENERAL ADMINISTRATION**

Tuesday, January 27, 2004, 2:30 p.m. Hearing Room 7.  
Public testimony from the Office of Administration and Statewide Leasing. AMENDED

#### **APPROPRIATIONS - GENERAL ADMINISTRATION**

Wednesday, January 28, 2004, 2:30 p.m. Hearing Room 7.  
Office of the State Auditor, Office of Administration and Statewide Leasing.

#### **APPROPRIATIONS - HEALTH, MENTAL HEALTH AND SOCIAL SERVICES**

Wednesday, January 28, 2004, 8:00 a.m. Hearing Room 3.  
Departments of Mental Health, Health, and Social Services.  
Review of the Governor's recommendations.

APPROPRIATIONS - HEALTH, MENTAL HEALTH AND SOCIAL SERVICES

Thursday, January 29, 2004, 8:00 a.m. Hearing Room 3.  
Departments of Mental Health, Health, and Social Services.  
Review of the Governor's recommendations.

APPROPRIATIONS - TRANSPORTATION AND ECONOMIC DEVELOPMENT

Tuesday, January 27, 2004, 8:15 a.m. Hearing Room 5.  
Testimony from the Departments of Insurance, Labor, Transportation,  
and Economic Development.

APPROPRIATIONS - TRANSPORTATION AND ECONOMIC DEVELOPMENT

Wednesday, January 28, 2004, 8:15 a.m. Hearing Room 5.  
Testimony from the Departments of Insurance, Labor, Transportation,  
and Economic Development.

APPROPRIATIONS - TRANSPORTATION AND ECONOMIC DEVELOPMENT

Thursday, January 29, 2004, 8:15 a.m. Hearing Room 5.  
Testimony from the Departments of Insurance, Labor, Transportation,  
and Economic Development.

CHILDREN AND FAMILIES

Tuesday, January 27, 2004, 5:00 p.m. Hearing Room 1.  
Executive Session may follow.  
Public hearings to be held on: HJR 39, HJR 38, HJR 42, HJR 47

COMMUNICATIONS, ENERGY AND TECHNOLOGY

Tuesday, January 27, 2004, Hearing Room 3 upon morning adjournment.  
Executive Session may follow.  
Public hearings to be held on: HB 1100, HB 1083

CONSERVATION AND NATURAL RESOURCES

Wednesday, January 28, 2004, 12:00 p.m. Hearing Room 5.  
Possible Executive Session.  
Public hearings to be held on: HB 1085

CRIME PREVENTION AND PUBLIC SAFETY

Tuesday, January 27, 2004, 5:00 p.m. Hearing Room 3.  
Executive Session may follow. AMENDED  
Public hearings to be held on: HB 1055, HB 979, HB 1060, HB 1052

EDUCATION

Wednesday, January 28, 2004, 5:00 p.m. Hearing Room 3.  
Continue Hearing on HB 1040. Possible Executive Session on HB 1040.  
Executive Session will be held on: HB 1041



ELECTIONS

Tuesday, January 27, 2004, 5:00 p.m. Hearing Room 7.  
Public hearings to be held on: HB 1098, HB 949, HB 1087

ETHICS

Tuesday, January 27, 2004, 5:00 p.m. Hearing Room 4.  
109 Caucus. Executive Session may follow.

FINANCIAL SERVICES

Tuesday, January 27, 2004, 12:00 p.m. Hearing Room 6.  
Executive Session may follow.  
Public hearings to be held on: HB 904, HB 959

HEALTH CARE POLICY

Wednesday, January 28, 2004, 5:00 p.m. Hearing Room 6.  
Public hearings to be held on: HB 855  
Executive Session may be held on: HB 923

JOB CREATION AND ECONOMIC DEVELOPMENT

Wednesday, January 28, 2004, 12:00 p.m. Hearing Room 6.  
Public hearings to be held on: HB 1207

LOCAL GOVERNMENT

Thursday, January 29, 2004, 8:30 a.m. Hearing Room 6.  
Executive Session may follow.  
Public hearings to be held on: HB 801, HB 802, HB 841, HB 895, HB 989

PROFESSIONAL REGISTRATION AND LICENSING

Tuesday, January 27, 2004, 12:00 p.m. Hearing Room 4.  
Public hearings to be held on: HB 869, HB 955

SENIOR SECURITY

Tuesday, January 27, 2004, 5:00 p.m. Hearing Room 6.  
Executive Session will be held on: HB 898

SMALL BUSINESS

Wednesday, January 28, 2004, Hearing Room 3, 1:00 p.m. or upon adjournment.  
Office of Administration and Department of Transportation will be present  
to answer questions regarding MBE/WBE/DBE Certification.

SPECIAL COMMITTEE ON URBAN ISSUES

Tuesday, January 27, 2004, 6:00 p.m. Hearing Room 2.  
Executive Session may follow. AMENDED  
Public hearings to be held on: HB 1129, HB 1074, HCR 8

**TAX POLICY**

Tuesday, January 27, 2004, 12:00 p.m. Hearing Room 7.

Executive Session may follow.

Public hearings to be held on: HB 973, HB 971, HB 958, HB 774

**TRANSPORTATION AND MOTOR VEHICLES**

Wednesday, January 28, 2004, 12:00 p.m. Hearing Room 7.

Public hearings to be held on: HB 921 and HB 960.

**HOUSE CALENDAR**

ELEVENTH DAY, TUESDAY, JANUARY 27, 2004

**HOUSE BILLS FOR SECOND READING**

HB 1244 through HB 1270

**HOUSE JOINT RESOLUTION FOR PERFECTION**

HCS HJR 28 - Roark (139)

**HOUSE BILLS FOR PERFECTION**

- 1 HB 969 - Cooper (120)
- 2 HCS HB 946, 1106 & 952 - Crawford (117)
- 3 HCS HB 1105, 1062, 1111, 1113 & 1119 - Crawford (117)
- 4 HCS HB 950 & 948 - Mayer (159)

**HOUSE RESOLUTIONS**

- 1 HR 4, (1-22-04, Page 124) - Lembke (85)
- 2 HR 120, (1-22-04, Pages 124-128) - Crowell (158)