

# JOURNAL OF THE HOUSE

First Regular Session, 93rd GENERAL ASSEMBLY

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SEVENTY-SEVENTH DAY, THURSDAY, MAY 26, 2005

The House met pursuant to adjournment.

Speaker Jetton in the Chair.

Prayer by Speaker Jetton.

Dear Lord, guide us as we embark upon our legislative duties.

We ask that You be with the family of Representative Richard Byrd as they grieve the untimely loss of Richard.

God grant us wisdom and patience.

In Jesus' name we pray. Amen.

The Pledge of Allegiance to the flag was recited.

## SIGNING OF HOUSE CONCURRENT RESOLUTION

All other business of the House was suspended while **HCR 20** was read at length and, there being no objection, was signed by the Speaker to the end that the same may become law.

## SIGNING OF HOUSE BILLS

All other business of the House was suspended while **CCS SCS HB 1, CCS SCS HCS HB 2, CCS SCS HCS HB 3, CCS SCS HCS HB 4, CCS SCS HCS HB 5, CCS SCS HCS HB 6, CCS SCS HCS HB 7, CCS SCS HCS HB 8, CCS SCS HCS HB 9, CCS SCS HCS HB 10, CCS SCS HCS HB 11, CCS SCS HB 12, CCS SCS HB 13, HCS HB 15, HCS HB 18, SCS HCS HB 19, HB 33, HB 43, SCS HCS HB 47, HCS HB 56, CCS SS SCS HCS HB 58, SS SCS HCS HB 64, HB 69, HB 114, SS HB 116, HCS HB 119, HB 127, HB 155, HCS HBs 163, 213 & 216, HCS HB 174, SS SCS HCS HB 209, HCS HB 215, HB 219, SCS HB 229, SCS HCS#2 HB 232, HB 236, HB 243, HB 248, HB 258, HB 261, HCS HB 276, HB 280, CCS SCS HCS HB 297, HB 323, HB 342, HB 345, HCS HB 348, CCS SS SCS HCS HB 353, HCS HB 365, HCS HB 379, HCS HB 388, HB 395, HB 402, HB 413, HCS HB 422, HB 431, HCS HB 437, SS SCS HCS HB 441, SS HCS HB 443, HB 445, HB 453, HB 455, HCS HB 461, HCS HBs 462 & 463, HB 479, HB 486, SS SCS HB 487, SS SCS HCS HBs 500 & 533, HCS HB 513, SCS HCS HB 515, HB 524, HCS HB 525, HB 530, HCS HB 531, HCS HB 563, HB 567, CCS SS HCS#2 HB 568, HCS HB 576, HCS HB 577, HB 596, HB 600, SS SCS HB 617, SCS HB 618, HCS HB 630, SCS HB 638, CCS SCS HB 678, HB 681, SCS HB 685, SCS HB 688, HB 700, SCS**

**HB 707, HB 738, HB 743, HCS HB 824, HCS HB 866** and **SS#2 SCS HCS HB 972**, were read at length and, there being no objection, were signed by the Speaker to the end that the same may become law.

Having been duly signed in open session of the Senate, **CCS SCS HB 1, CCS SCS HCS HB 2, CCS SCS HCS HB 3, CCS SCS HCS HB 4, CCS SCS HCS HB 5, CCS SCS HCS HB 6, CCS SCS HCS HB 7, CCS SCS HCS HB 8, CCS SCS HCS HB 9, CCS SCS HCS HB 10, CCS SCS HCS HB 11, CCS SCS HB 12, CCS SCS HB 13, HCS HB 15, HCS HB 18, SCS HCS HB 19, HB 33, HB 43, SCS HCS HB 47, HCS HB 56, CCS SS SCS HCS HB 58, SS SCS HCS HB 64, HB 69, HB 114, SS HB 116, HCS HB 119, HB 127, HB 155, HCS HBs 163, 213 & 216, HCS HB 174, SS SCS HCS HB 186, SS SCS HCS HB 209, HCS HB 215, HB 219, SCS HB 229, SCS HCS#2 HB 232, HB 236, HB 243, HB 248, HB 258, HB 261, HCS HB 276, HB 280, CCS SCS HCS HB 297, HB 323, HB 342, HB 345, HCS HB 348, CCS SS SCS HCS HB 353, HCS HB 365, HCS HB 379, HCS HB 388, HB 395, HB 402, HB 413, HCS HB 422, HB 431, HCS HB 437, SS SCS HCS HB 441, SS HCS HB 443, HB 445, HB 453, HB 455, HCS HB 461, HCS HBs 462 & 463, HB 479, HB 486, SS SCS HB 487, SS SCS HCS HBs 500 & 533, HCS HB 513, SCS HCS HB 515, HB 524, HCS HB 525, HB 530, HCS HB 531, HCS HB 563, HB 567, CCS SS HCS#2 HB 568, HCS HB 576, HCS HB 577, HB 596, HB 600, SS SCS HB 617, SCS HB 618, HCS HB 630, SCS HB 638, CCS SCS HB 678, HB 681, SCS HB 685, SCS HB 688, HB 700, SCS HB 707, HB 738, HB 743, HCS HB 824, HCS HB 866** and **SS#2 SCS HCS HB 972** were delivered to the Governor by the Chief Clerk of the House.

#### **SIGNING OF SENATE JOINT RESOLUTION**

All other business of the House was suspended while **SS SJR 1** was read at length and, there being no objection, was signed by the Speaker to the end that the same may become law.

#### **SIGNING OF SENATE BILLS**

All other business of the House was suspended while **HCS SCS SBs 10 & 27, HCS SB 21, HCS SCS SB 24, HCS SS SCS SBs 37, 322, 78, 351 & 424, HCS SB 38, SCS SB 68, SB 71 CORRECTED, SCS SB 73, HCS SS SCS SBs 74 & 49, HCS SS SB 95, HCS SCS SB 100, HCS SCS SBs 103 & 115, SB 122, SB 131, SCS SB 133, SB 149, CCS HCS SCS#2 SB 155, SB 156, HCS SS SCS SB 168, SCS SB 170, HCS SB 174, CCS HCS SB 177, SB 178, SS SCS SB 179, HCS SCS SB 182, HCS SCS SB 196, CCS HCS SS SCS SB 210, SB 211, HCS SB 216, HCS SS#2 SCS SB 225, CCS#2 HCS SCS SB 233, HCS SCS SB 238, SCS SB 246, SB 254, SCS SB 258, SB 259, SB 261, HCS SCS SB 262, SCS SB 266, SCS SB 267, HCS SCS SB 272, SB 274, SB 279, SB 280, CCS HCS SS SCS SB 287, SB 288, SCS SB 289, SB 298, SB 299, SCS SB 302, SB 306, HCS SB 307, SB 318, HCS SB 320, SB 323, CCS HCS SS SB 343, SS SCS SB 346, SB 347, HCS SCS SB 355, SB 367, HCS SCS SB 372, SB 378, SB 394, SB 396, HCS SB 401, HCS SS SB 402, SCS SB 407, CCS HCS SCS SBs 420 & 344, HCS SB 422, HCS SCS SB 423, SB 431, HCS SCS SB 450, SB 453, HCS SS SCS SB 462, SB 480, SB 488, HCS SB 490, CCS HCS SCS SB 500, SCS SB 501, SB 507, SB 516, SB 518** and **SB 521** were read at length and, there being no objection, were signed by the Speaker to the end that the same may become law.

Representative Burnett offered an objection to **CCS HCS SS SCS SB 237** which was appended to the bill.

### LETTER OF OBJECTION

May 9, 2005

The Honorable Rod Jetton  
Speaker of the Missouri House of Representatives  
State Capitol, Room 308  
Jefferson City, MO 65101

RE: **CCS HCS SS SCS SB 237**

This is to notify you and others that I hereby am filing a constitutional objection to said bill for the following reasons:

1. That **CCS HCS SS SCS SB 237**, by allowing a private cable company to place its lines within the right of way of Missouri's state highways without compensating the owner of the property underlying the right of way, is in violation of Article I, Section 28 of the Bill of Rights of the Missouri Constitution which states that private property shall not be taken for private use without compensation.
2. That **CCS HCS SS SCS SB 237**, by allowing a private cable company to place its lines within the right of way of Missouri's state highways without compensating the owner of the property underlying the right of way, grants to a private company a special privilege in violation of Article 3, Section 40 (28) of the Missouri Constitution and contrary to the decision of the Missouri Supreme Court in *Planned Industrial Expansion Authority of the City of St. Louis v. Southwestern Bell Telephone*, 612 S.W. 2d 772 (Mo 1981).

Sincerely,

/s/ John P. Burnett  
State Representative  
District 40

All other business of the House was suspended while **CCS HCS SS SCS SB 237** was read at length and was signed by the Speaker to the end that the same may become law.

### COMMITTEE CHANGES

The Speaker submitted the following Committee changes:

Representative Deeken is no longer a member of the Ethics Committee.

Representatives Goodman and Bruns have been appointed members of the Ethics Committee.

**MESSAGE FROM THE GOVERNOR**

EXECUTIVE OFFICE

May 24, 2005

TO THE CHIEF CLERK OF THE  
HOUSE OF REPRESENTATIVES  
93RD GENERAL ASSEMBLY  
FIRST REGULAR SESSION  
STATE OF MISSOURI:

Herewith I return to you **Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 186** entitled:

"AN ACT"

To repeal sections 67.459, 67.1003, 67.1062, 67.1067, 67.1069, 67.1070, 67.1775, 67.1922, 67.1934, 67.1956, 67.1959, 67.1968, 67.1979, 94.070, 94.270, 94.660, 94.700, 100.050, 100.059, 135.010, 137.073, 137.100, 137.106, 144.030, 144.044, 144.518, 184.352, 184.353, 184.357, 210.860, 210.861, 313.800, and 313.820, RSMo, and to enact in lieu thereof forty new sections relating to local taxes, with an emergency clause for a certain section.

On May 24, 2005, I approved said **Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 186**.

Respectfully submitted,

/s/ Matt Blunt  
Governor

The following members' presence was noted: Bearden, Johnson (47), Lampe, Silvey, Smith (14), Sutherland and Viebrock.

**ADJOURNMENT**

On motion of Speaker Jetton, the House of Representatives, 93<sup>rd</sup> General Assembly, convened in the First Regular Session on January 5, 2005, adjourned as of midnight, May 30, 2005, in accordance with the Constitution.