JOURNAL OF THE HOUSE

First Regular Session, 93rd GENERAL ASSEMBLY

FIFTY-FIRST DAY, FRIDAY, APRIL 8, 2005

The House met pursuant to adjournment.

Representative Moore in the Chair.

Prayer by Robbin Kimbell, Legislator Assistant to Representative Danie Moore.

Lord God, we come before You to give You thanks for being with this body of leaders this past week. You know they have worked long and hard making difficult decisions that affect not only the citizens of Missouri, but will touch their own families and friends as well.

Please Lord, grant them wisdom for one more day of decisiveness. Help each of them to be the leaders of integrity You've called them to be. As the book of James 1:5 states: "If any of you lacks wisdom, he should ask God, who gives generously to all without finding fault, and it will be given to him".

Bless them indeed Lord. May they be aware of Your Spirit upon them and inside these Chamber walls. I also ask that You deliver them home safely, give them the physical, mental and emotional rest they will need to return here to complete the task You have set before them. Thank You Lord Jesus.

In Your powerful name we pray. Amen.

The Pledge of Allegiance to the flag was recited.

HOUSE COURTESY RESOLUTIONS OFFERED AND ISSUED

House Resolution No. 1988

and

House Resolution No. 1989 - Representative Cooper (120)

House Resolution No. 1990 - Representative Lampe

SECOND READING OF SENATE BILLS

SCS SBs 23 & 51, SB 274, SCS SB 319, SS SB 343, SS SCS SB 346 and SCS SB 468 were read the second time.

COMMITTEE REPORTS

Committee on Budget, Chairman Lager reporting:

- Mr. Speaker: Your Committee on Budget, to which was referred **HB 1**, begs leave to report it has examined the same and recommends that it **Do Pass**, and pursuant to Rule 25(26)(f) be referred to the Committee on Rules.
- Mr. Speaker: Your Committee on Budget, to which was referred **HB 2**, begs leave to report it has examined the same and recommends that the **House Committee Substitute Do Pass**, and pursuant to Rule 25(26)(f) be referred to the Committee on Rules.
- Mr. Speaker: Your Committee on Budget, to which was referred **HB 3**, begs leave to report it has examined the same and recommends that the **House Committee Substitute Do Pass**, and pursuant to Rule 25(26)(f) be referred to the Committee on Rules.
- Mr. Speaker: Your Committee on Budget, to which was referred **HB 4**, begs leave to report it has examined the same and recommends that the **House Committee Substitute Do Pass**, and pursuant to Rule 25(26)(f) be referred to the Committee on Rules.
- Mr. Speaker: Your Committee on Budget, to which was referred **HB 5**, begs leave to report it has examined the same and recommends that the **House Committee Substitute Do Pass**, and pursuant to Rule 25(26)(f) be referred to the Committee on Rules.
- Mr. Speaker: Your Committee on Budget, to which was referred **HB** 6, begs leave to report it has examined the same and recommends that the **House Committee Substitute Do Pass**, and pursuant to Rule 25(26)(f) be referred to the Committee on Rules.
- Mr. Speaker: Your Committee on Budget, to which was referred **HB 7**, begs leave to report it has examined the same and recommends that the **House Committee Substitute Do Pass**, and pursuant to Rule 25(26)(f) be referred to the Committee on Rules.
- Mr. Speaker: Your Committee on Budget, to which was referred **HB 8**, begs leave to report it has examined the same and recommends that the **House Committee Substitute Do Pass**, and pursuant to Rule 25(26)(f) be referred to the Committee on Rules.
- Mr. Speaker: Your Committee on Budget, to which was referred **HB 9**, begs leave to report it has examined the same and recommends that the **House Committee Substitute Do Pass**, and pursuant to Rule 25(26)(f) be referred to the Committee on Rules.
- Mr. Speaker: Your Committee on Budget, to which was referred **HB 10**, begs leave to report it has examined the same and recommends that the **House Committee Substitute Do Pass**, and pursuant to Rule 25(26)(f) be referred to the Committee on Rules.

Mr. Speaker: Your Committee on Budget, to which was referred **HB 11**, begs leave to report it has examined the same and recommends that the **House Committee Substitute Do Pass**, and pursuant to Rule 25(26)(f) be referred to the Committee on Rules.

Mr. Speaker: Your Committee on Budget, to which was referred **HB 12**, begs leave to report it has examined the same and recommends that it **Do Pass**, and pursuant to Rule 25(26)(f) be referred to the Committee on Rules.

Mr. Speaker: Your Committee on Budget, to which was referred **HB 13**, begs leave to report it has examined the same and recommends that it **Do Pass**, and pursuant to Rule 25(26)(f) be referred to the Committee on Rules.

Committee on Conservation and Natural Resources, Chairman Hobbs reporting:

Mr. Speaker: Your Committee on Conservation and Natural Resources, to which was referred **HB 617**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Amendment No. 1**, and pursuant to Rule 25(26)(f) be referred to the Committee on Rules.

House Committee Amendment No. 1

AMEND House Bill No. 617, Page 2, Section 249.1150, Line 26, by inserting immediately after said line the following:

"2. If any county of the third classification without a township form of government and with more than thirteen thousand seventy-five but fewer than thirteen thousand one hundred seventy-five inhabitants, any county of the third classification without a township form of government and with more than nine thousand four hundred fifty but fewer than nine thousand five hundred fifty inhabitants, or any county of the third classification without a township form of government and with more than seventeen thousand nine hundred but fewer than eighteen thousand inhabitants located in the watershed improvement district created in this section on August 27, 2005, is subsequently removed from the district, such county shall not be included again in the watershed improvement district under this section without a majority vote of the qualified voters of such county."; and

Further amend said Section, Page 4, Line 122, by inserting after said line the following:

"12. For a watershed improvement district located in any county of the third classification without a township form of government and with more than thirteen thousand seventy-five but fewer than thirteen thousand one hundred seventy-five inhabitants, any county of the third classification without a township form of government and with more than nine thousand four hundred fifty but fewer than nine thousand five hundred fifty inhabitants, or any county of the third classification without a township form of government and with more than seventeen thousand nine hundred but fewer than eighteen thousand inhabitants, upon the filing of a petition signed by at least twenty percent of the qualified voters of the county requesting removal of the county from a watershed improvement district, the governing body of such county shall at the next general or primary election submit the question to the qualified voters of the county. The ballot submission shall be in substantially the following form:

Shall County be removed	from the watersh	ed improvement district?
□ Ves	П,	No

If you are in favor of the question, place an "X" in the box opposite "YES". If you are opposed to the question, place an "X" in the box opposite "NO".

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If a majority of the votes cast in the county favor the proposal submitted under this subsection, the county shall be removed from the district. If a majority of the votes cast in the county oppose the proposal submitted under this subsection."; and

Further amend Section 249.1152, Page 4, Line 1 of said section, by inserting an open bracket "[" immediately before section number 249.1152; and

Further amend said section, Page 9, Line 175 of said section, by inserting a closed bracket "]" immediately following the period; and

Further amend said line of said section, by inserting immediately following said line the following:

"[249.1154. The governing body of any county, by order or ordinance or upon the filing of a petition signed by at least twenty percent of the property owners in an area proposed for designation under this section, may designate groundwater depletion areas within a watershed improvement district created under section 249.1150 or 249.1152 and may require well volume monitoring.

249.1155. After August 28, 2004, any county within a watershed improvement district may require that all septic systems be maintained or pumped every five years by a licensed provider. In the event a county requires that all septic systems be so maintained or pumped the owner of any septic system shall submit proof of maintenance or pumping to the county department of health or the state department of health and senior services if appropriate which shall determine what shall constitute proof of compliance with the requirement. In addition, the county department of health or the state department of health and senior services if appropriate may charge septic tank owners a reasonable fee for monitoring compliance with the requirement.

640.635. Any person or laboratory performing an analysis of wastewater shall be licensed to perform the analysis by the department of natural resources. The department shall determine by rule or regulation the licensing criteria. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly under chapter 536, RSMo, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2004, shall be invalid and void. The department may require the person or laboratory obtaining a license under this section to pay a fee to the department for licensure. The fee shall be set at a level not to exceed the cost and expense of administrating this section.]

644.076. 1. It is unlawful for any person to cause or permit any discharge of water contaminants from any water contaminant or point source located in Missouri in violation of sections 644.006 to 644.141, or any standard, rule or regulation promulgated by the commission. In the event the commission or the director determines that any provision of sections 644.006 to 644.141 or standard, rules, limitations or regulations promulgated pursuant thereto, or permits issued by, or any final abatement order, other order, or determination made by the commission or the director, or any filing requirement pursuant to sections 644.006 to 644.141 or any other provision which this state is required to enforce pursuant to any federal water pollution control act, is being, was, or is in imminent danger of being violated, the commission or director may cause to have instituted a civil action in any court of competent jurisdiction for the injunctive relief to prevent any such violation or further violation or for the assessment of a penalty not to exceed ten thousand dollars per day for each day, or part thereof, the violation occurred and continues to occur, or both, as the court deems proper. A civil monetary penalty pursuant to this section shall not be assessed for a violation where an administrative penalty was assessed pursuant to section 644.079. The commission, the chair of a watershed district's board of trustees created under section 249.1150 [or 249.1152], or the director may request either the attorney general or a prosecuting attorney to bring any action authorized in this section in the name of the people of the state of Missouri. Suit may be brought in any county where the defendant's principal place of business is located or where the water contaminant or point source is located or was located at the time the violation occurred. Any offer of settlement to resolve a civil penalty pursuant to this section shall be in writing, shall state that an action for imposition of a civil penalty may be initiated by the attorney general or a prosecuting attorney representing the department pursuant to this section, and shall identify any dollar amount as an offer of settlement which shall be negotiated in good faith through conference, conciliation and persuasion.

- 2. Any person who knowingly makes any false statement, representation or certification in any application, record, report, plan, or other document filed or required to be maintained pursuant to sections 644.006 to 644.141 or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required to be maintained pursuant to sections 644.006 to 644.141 shall, upon conviction, be punished by a fine of not more than ten thousand dollars, or by imprisonment for not more than six months, or by both.
- 3. Any person who willfully or negligently commits any violation set forth pursuant to subsection 1 of this section shall, upon conviction, be punished by a fine of not less than two thousand five hundred dollars nor more than twenty-five thousand dollars per day of violation, or by imprisonment for not more than one year, or both. Second and successive convictions for violation of the same provision of this section by any person shall be punished by a fine of not more than fifty thousand dollars per day of violation, or by imprisonment for not more than two years, or both.
- 4. The liabilities which shall be imposed pursuant to any provision of sections 644.006 to 644.141 upon persons violating the provisions of sections 644.006 to 644.141 or any standard, rule, limitation, or regulation adopted pursuant thereto shall not be imposed due to any violation caused by an act of God, war, strike, riot, or other catastrophe.
- 701.031. Property owners of all buildings where people live, work or assemble shall provide for the sanitary disposal of all domestic sewage. Except as provided in this section, sewage and waste from such buildings shall be disposed of by discharging into a sewer system regulated pursuant to chapter 644, RSMo, or shall be disposed of by discharging into an on-site sewage disposal system operated as defined by rules promulgated pursuant to sections 701.025 to 701.059. [Any person installing on-site sewage disposal systems shall be registered to do so by the department of health and senior services.] The owner of a single-family residence lot consisting of three acres or more, or the owner of a residential lot consisting of ten acres or more with no single-family residence on-site sewage disposal system located within three hundred sixty feet of any other on-site sewage disposal system and no more than one single-family residence per each ten acres in the aggregate, except lots adjacent to lakes operated by the Corps of Engineers or by a public utility, shall be excluded from the provisions of sections 701.025 to 701.059 and the rules promulgated pursuant to sections 701.025 to 701.059, including provisions relating to the construction, operation, major modification and major repair of on-site disposal systems, when all points of the system are located in excess of ten feet from any adjoining property line and no effluent enters an adjoining property, contaminates surface waters or groundwater or creates a nuisance as determined by a readily available scientific method. Except as provided in this section, any construction, operation, major modification or major repair of an on-site sewage disposal system shall be in accordance with rules promulgated pursuant to sections 701.025 to 701.059, regardless of when the system was originally constructed. The provisions of subdivision (2) of subsection 1 of section 701.043 shall not apply to lots located in subdivisions under the jurisdiction of the department of natural resources which are required by a consent decree, in effect on or before May 15, 1984, to have class 1, National Sanitation Federation (NSF) aerated sewage disposal systems.
- 701.038. 1. The department of health and senior services or any of its agents may not investigate a sewage complaint except when necessary as part of a communicable disease investigation unless the complaint is received from an aggrieved party **or**, an adjacent landowner, [or any two residents of the county]. The department of health and senior services or any of its agents may enter any adjoining property if necessary when they are making an inspection pursuant to this section. The necessity for entering such adjoining property shall be stated in writing and the owner of such property shall be notified before the department or any of its agents may enter, except that, if an imminent health hazard exists, such notification shall be attempted but is not required.
- 2. If the department or its agents make an investigation pursuant to a complaint as described in subsection 1 of this section and find that a nuisance does exist, the property owner shall comply with state and local standards when repairing or replacing the on-site sewage disposal system."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

Mr. Speaker: Your Committee on Conservation and Natural Resources, to which was referred **HB 824**, begs leave to report it has examined the same and recommends that the **House Committee Substitute Do Pass**, and pursuant to Rule 25(26)(f) be referred to the Committee on Rules.

Committee on Elections, Chairman May reporting:

Mr. Speaker: Your Committee on Elections, to which was referred **HB 948**, begs leave to report it has examined the same and recommends that the **House Committee Substitute Do Pass**, and pursuant to Rule 25(26)(f) be referred to the Committee on Rules.

Committee on Insurance Policy, Chairman Yates reporting:

Mr. Speaker: Your Committee on Insurance Policy, to which was referred **HB 866**, begs leave to report it has examined the same and recommends that the **House Committee Substitute Do Pass**, and pursuant to Rule 25(26)(f) be referred to the Committee on Rules.

Committee on Job Creation and Economic Development, Chairman Richard reporting:

Mr. Speaker: Your Committee on Job Creation and Economic Development, to which was referred **HB 854**, begs leave to report it has examined the same and recommends that the **House Committee Substitute Do Pass**, and pursuant to Rule 25(26)(f) be referred to the Committee on Rules.

The following members' presence was noted: Deeken, Fares, Rucker, Shoemyer and Whorton.

ADJOURNMENT

On motion of Representative Moore, the House adjourned until 2:00 p.m., Monday, April 11, 2005.

COMMITTEE MEETINGS

CHILDREN AND FAMILIES

Tuesday, April 12, 2005, 8:00 a.m. Hearing Room 1.

Executive session may follow.

Public hearings to be held on: SCR 2, SCS#2 SB 155, SB 42

CORRECTIONS AND PUBLIC INSTITUTIONS

Wednesday, April 13, 2005, 8:00 a.m. Hearing Room 4.

Executive session may follow.

Public hearings to be held on: SB 174, SB 288, SB 364, SCS SB 450, SCS SB 502

HEALTH CARE POLICY

Tuesday, April 12, 2005, 8:00 a.m. House Lounge.

Executive session.

HIGHER EDUCATION

Tuesday, April 12, 2005, 12:00 p.m. Hearing Room 4.

Executive session may follow.

Public hearings to be held on: SB 526, SB 286

JUDICIARY

Tuesday, April 12, 2005, 8:00 a.m. Hearing Room 7.

Executive session may follow.

Public hearings to be held on: SB 534, SB 422, SCS SBs 420 & 344,

SCS SB 407, SB 405, SB 404, SB 342, SB 320, SB 308, SCS SB 289,

SB 216, SB 123

JUDICIARY

Tuesday, April 12, 2005, Hearing Room 7upon morning recess.

Executive session may follow.

Public hearings to be held on: HB 794, HB 826

LOCAL GOVERNMENT

Monday, April 11, 2005, Hearing Room 6 upon afternoon adjournment.

Executive session will follow.

Public hearings to be held on: SB 257, SCS SB 258, SB 259,

SCS SB 260, SB 490, SB 361, SB 431, SB 453, SB 507

PROFESSIONAL REGISTRATION AND LICENSING

Tuesday, April 12, 2005, 8:00 a.m. Hearing Room 4.

Public hearings to be held on: SCS SB 100, SB 280, SB 347

Executive session may be held on: SCS SB 28, SCS SB 100,

SB 178, SB 280, SB 347, SB 482, HB 652, HB 702, HB 665

PROFESSIONAL REGISTRATION AND LICENSING

Wednesday, April 13, 2005, 12:00 p.m. Hearing Room 1.

Public hearings to be held on: HB 729, HB 785

Executive session may be held on: HB 729, SB 177

RULES

Monday, April 11, 2005, 1:45 p.m. Hearing Room 5.

Executive session may follow. AMENDED

Public hearings to be held on: HCS HB 671, HCS#2 HB 568, HB 196, HCS HB 272,

HCS HB 489, HCS HB 498, HCS HB 863, HB 291, HCS HB 697, HCS HB 827,

HCS HB 552, HB 721, HCS HB 804, HB 708, HCS SB 21, SCS SB 501, SB 149,

SB 211, HCS SCS SB 161, SCS SB 302, SCS SB 266, SB 299, SB 298, SB 306,

SB 261, SB 131, SCS SB 133, HB 1, HCS HB 2, HCS HB 3, HCS HB 4,

HCS HB 5, HCS HB 6, HCS HB 7, HCS HB 8, HCS HB 9, HCS HB 10,

HCS HB 11, HB 12, HB 13, HCS SCS SB 24, SB 516, SB 99, SB 156

SPECIAL COMMITTEE ON EDUCATION FUNDING

Monday, April 11, 2005, 6:00 p.m. Hearing Room 5.

Committee will meet at 6:00 p.m. or adjournment, whichever is later.

Executive session will be held on: HB 771

SPECIAL COMMITTEE ON GENERAL LAWS

Tuesday, April 12, 2005, 8:30 a.m. Hearing Room 5.

Executive session may follow.

Public hearings to be held on: HR 1176, HB 841, SB 521, SB 71

SPECIAL COMMITTEE ON URBAN ISSUES

Monday, April 11, 2005, 1:00 p.m. House Chamber north side gallery.

Executive session to follow. AMENDED

Public hearings to be held on: HB 813, SCS SB 246, SS SCS SB 269

TOURISM

Tuesday, April 12, 2005, 12:00 p.m. Hearing Room 5.

Executive session may follow.

Public hearings to be held on: HB 754, SB 180, SB 358

VETERANS

Wednesday, April 13, 2005, 8:00 a.m. Hearing Room 5.

Executive session may follow.

Public hearings to be held on: HB 784, HB 786, HJR 22, SCS SB 252

WAYS AND MEANS

Monday, April 11, 2005, Hearing Room 4 upon evening adjournment.

Executive session.

HOUSE CALENDAR

FIFTY-SECOND DAY, MONDAY, APRIL 11, 2005

HOUSE BILLS FOR PERFECTION

- 1 HB 344 Baker (123)
- 2 HB 376 Guest
- 3 HCS HB 576 Flook
- 4 HCS HB 286 Bland
- 5 HCS HB 519, as amended Roark (3 hours debate on Perfection)
- 6 HB 539 Icet
- 7 HCS HB 474 Yates
- 8 HCS HB 628 Byrd
- 9 HCS HB 639 Hoskins
- 10 HB 410 Flook

(2 hours debate on Perfection)

- HCS HB 532 Spreng
- 12 HCS HB 255 Cunningham (86)
- 13 HCS HB 387 Byrd
- 14 HCS HB 525 May
- 15 HB 530 Moore
- 16 HCS HB 353 Lipke
- 17 HB 205 Salva
- 18 HCS HB 49 & 50 Jolly
- 19 HCS HB 209 Cooper (120)
- 20 HCS HB 461 Sutherland
- 21 HCS HB 36 Davis
- HCS HB 400 Yates
- HB 320 Muschany
- 24 HB 417 Yates
- 25 HCS HB 440 Pratt
- 26 HCS HB 649 Fares

HOUSE BILL FOR PERFECTION - FEDERAL MANDATE

HCS HB 276 - Cunningham (86)

HOUSE BILL FOR THIRD READING

HB 375 - Nance

HOUSE BILL FOR THIRD READING - CONSENT

HCS HB 508, E.C. - Pratt

SENATE BILL FOR THIRD READING - CONSENT

(4/08/05)

SCS SB 69, E.C. - Pratt

HOUSE CONCURRENT RESOLUTIONS

- 1 HCR 9, (2-17-05, Page 351) Bivins
- 2 HCR 15, (3-03-05, Pages 487-488) Baker (123)
- 3 HCR 20, (3-09-05, Page 553) Rupp
- 4 HCS HCR 24, (3-30-05, Pages 777-778) Bowman

HOUSE RESOLUTION

HR 1117, (3-10-05, Page 587) - Wright (137)