

Journal of the Senate

FIRST REGULAR SESSION

FIFTY-SECOND DAY—WEDNESDAY, APRIL 15, 2015

The Senate met pursuant to adjournment.

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

“Like good stewards of the manifold grace of God, serve one another with whatever gift each of you has received.” (I Peter 4:10)

Almighty God, make us good stewards of Your varied grace in our daily life. May what we do here, and away from here, help us to witness to others so they may trust in You their God. We ask You to provide us with strength to live for others to Your praise and glory. And, we ask that You comfort Senator Emery and his family at the death of his Mother. Bless them and provide them with the memory of Your mercy and goodness. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

Photographers from AISU-Image Specialists were given permission to take pictures in the Senate Chamber.

The following Senators were present during the day’s proceedings:

Present—Senators

Brown	Chappelle-Nadal	Cunningham	Curls	Dempsey	Dixon	Hegeman	Holsman
Keaveny	Kehoe	Kraus	LeVota	Libla	Munzlinger	Nasheed	Onder
Parson	Pearce	Richard	Riddle	Romine	Sater	Schaaf	Schaefer
Schmitt	Schupp	Sifton	Silvey	Wallingford	Walsh	Wasson	Wieland—32

Absent—Senators—None

Absent with leave—Senators

Emery Schatz—2

Vacancies—None

The Lieutenant Governor was present.

RESOLUTIONS

Senator Parson offered Senate Resolution No. 808, regarding the Fifty-fifth Wedding Anniversary of Mr. and Mrs. Jacob “Jake” Francka, Brighton, which was adopted.

Senator Schaefer offered Senate Resolution No. 809, regarding Mike Alden, which was adopted.

Senator Curls offered Senate Resolution No. 810, regarding Reverend Ivy A. Ganaway, Kansas City, which was adopted.

Senator Riddle offered Senate Resolution No. 811, regarding Myles Strid, Fulton, which was adopted.

Senator Riddle offered Senate Resolution No. 812, regarding the One Hundredth Birthday of Phyllis Dixon, Paris, which was adopted.

SENATE BILLS FOR PERFECTION

At the request of Senator Munzlinger, **SB 339** was placed on the Informal Calendar.

SB 87, with **SCS**, was placed on the Informal Calendar.

At the request of Senator Schaaf, **SB 53** was placed on the Informal Calendar.

At the request of Senator Munzlinger, **SB 55** was placed on the Informal Calendar.

At the request of Senator Riddle, **SB 500** was placed on the Informal Calendar.

At the request of Senator Munzlinger, **SB 469** was placed on the Informal Calendar.

SB 400 was placed on the Informal Calendar.

At the request of Senator Wasson, **SB 416** was placed on the Informal Calendar.

At the request of Senator Sater, **SB 457** was placed on the Informal Calendar.

At the request of Senator Wasson, **SB 517**, with **SCS**, was placed on the Informal Calendar.

At the request of Senator Dixon, **SB 200** was placed on the Informal Calendar.

At the request of Senator Dixon, **SB 91**, with **SCS**, was placed on the Informal Calendar.

At the request of Senator Dixon, **SB 112**, with **SCS**, was placed on the Informal Calendar.

At the request of Senator Hegeman, **SB 321**, with **SCS**, was placed on the Informal Calendar.

At the request of Senator Keaveny, **SB 304**, with **SCS**, was placed on the Informal Calendar.

At the request of Senator Parson, **SB 141** was placed on the Informal Calendar.

SB 352 was placed on the Informal Calendar.

SB 377 was placed on the Informal Calendar.

At the request of Senator Onder, **SB 305** was placed on the Informal Calendar.

At the request of Senator Pearce, **SB 369** was placed on the Informal Calendar.

At the request of Senator Walsh, **SB 435**, with **SCS**, was placed on the Informal Calendar.

At the request of Senator Kehoe, **SB 232**, with **SCS**, was placed on the Informal Calendar.

At the request of Senator Schmitt, **SB 366** was placed on the Informal Calendar.

At the request of Senator Pearce, **SB 299** was placed on the Informal Calendar.

At the request of Senator Curls, **SB 430** was placed on the Informal Calendar.

At the request of Senator Pearce, **SB 268**, with **SCS**, was placed on the Informal Calendar.

At the request of Senator Brown, **SB 539**, with **SCS**, was placed on the Informal Calendar.

At the request of Senator Cunningham, **SB 488** was placed on the Informal Calendar.

SB 69, with **SCS**, was placed on the Informal Calendar.

At the request of Senator Wasson, **SB 561** was placed on the Informal Calendar.

At the request of Senator Onder, **SB 481**, with **SCS**, was placed on the Informal Calendar.

SB 567 was placed on the Informal Calendar.

At the request of Senator Pearce, **SB 145**, with **SCS**, was placed on the Informal Calendar.

At the request of Senator Sater, **SB 354**, with **SCS**, was placed on the Informal Calendar.

At the request of Senator Wallingford, **SB 314** was placed on the Informal Calendar.

At the request of Senator Dixon, **SB 463** was placed on the Informal Calendar.

At the request of Senator Schmitt, **SB 420** was placed on the Informal Calendar.

At the request of Senator Sater, **SB 151** was placed on the Informal Calendar.

At the request of Senator Kehoe, **SB 476** was placed on the Informal Calendar.

At the request of Senator Romine, **SB 225**, with **SCS**, was placed on the Informal Calendar.

At the request of Senator Libla, **SB 373** was placed on the Informal Calendar.

At the request of Senator Munzlinger, **SB 371** was placed on the Informal Calendar.

At the request of Senator Brown, **SB 317** was placed on the Informal Calendar.

At the request of Senator Wallingford, **SB 474** was placed on the Informal Calendar.

Senator Dempsey moved that **SB 475** be taken up for perfection, which motion prevailed.

Senator Dempsey offered **SS** for **SB 475**, entitled:

SENATE SUBSTITUTE FOR
SENATE BILL NO. 475

An Act to repeal section 105.716, RSMo, and to enact in lieu thereof two new sections relating to the intervention of the general assembly in certain civil actions.

Senator Dempsey moved that **SS** for **SB 475** be adopted.

Senator Pearce assumed the Chair.

Senator Keaveny offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Bill No. 475, Page 1, Section 21.415, Line 7, by striking the words “on behalf of the general assembly”; and further amend line 15 by striking the words “general assembly”

and inserting in lieu thereof the following: “**speaker of the house of representatives and the president pro tempore of the senate**”; and further amend line 16 by striking the words “the general assembly” and inserting in lieu thereof the following: “**the speaker of the house of representatives and the president pro tempore of the senate**”; and further amend line 19 by striking the words “by agreement of the”; and further amend said bill and section, page 2, lines 1-2 by striking all of said lines and inserting in lieu thereof the following: “**upon adoption of a concurrent resolution by the general assembly.**”; and further amend lines 4-5 by striking the words “on behalf of the general assembly”; and further amend line 7 by striking the words “general assembly” and inserting in lieu thereof the following: “**speaker of the house of representatives and the president pro tempore of the senate**”; and further amend line 9 by striking the words “general assembly” and inserting in lieu thereof the following: “**speaker of the house of representatives and the president pro tempore of the senate**”; and further amend line 13 by striking the words “general assembly” and inserting in lieu thereof the following: “**speaker of the house of representatives and the president pro tempore of the senate**”; and further amend line 15 by striking the words “general assembly incurs”; and inserting in lieu thereof the following: “**speaker of the house of representatives and the president pro tempore of the senate incur**”; and

Further amend said bill, page 4, section 105.716, line 9 by striking the words “general assembly” and inserting in lieu thereof the following: “**speaker of the house of representatives and the president pro tempore of the senate**”; and further amend line 14 by striking the words “general assembly when the general assembly is a party” and inserting in lieu thereof the following: “**speaker of the house of representatives and the president pro tempore of the senate when they are parties**”.

Senator Keaveny moved that the above amendment be adopted, which motion failed.

At the request of Senator Dempsey, **SB 475**, with **SS** (pending), was placed on the Informal Calendar.

Senator Dixon moved that **SB 200** be called from the Informal Calendar and taken up for perfection, which motion prevailed.

On motion of Senator Dixon, **SB 200** was declared perfected and ordered printed.

Senator Kehoe moved that **SB 476** be called from the Informal Calendar and taken up for perfection, which motion prevailed.

Senator Kehoe offered **SS** for **SB 476**, entitled:

SENATE SUBSTITUTE FOR
SENATE BILL NO. 476

An Act to repeal sections 259.010, 259.020, 259.030, 259.050, 259.070, 259.080, 259.100, 259.190, 259.210, 260.500, 644.011, and 644.016, RSMo, and to enact in lieu thereof thirteen new sections relating to the department of natural resources.

Senator Kehoe moved that **SS** for **SB 476** be adopted.

Senator Kraus assumed the Chair.

Senator Romine offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Bill No. 476, Page 22, Section 259.210, Line 1 of said page, by inserting immediately after said line the following:

“260.235. Any person aggrieved by a forfeiture of any financial assurance instrument, civil or administrative penalty or denial, suspension or revocation of a permit required by section 260.205 or a modification to a permit issued under section 260.205 or any disapproval of the plan required by section 260.220, may appeal such decision as provided in [section] **sections 621.250**[, subject to judicial review as provided by law] **and 640.013 by filing a petition with the administrative hearing commission within thirty days of the decision.** The notice of the department shall be effected by certified mail and shall set forth the reasons for such forfeiture, disapproval, denial, suspension, civil penalty or revocation. The department may seek an injunction in the circuit court in which the facility is located requiring the facility for which the transfer of ownership has been denied, or the permit or modification of the permit has been denied, suspended or revoked, to cease operations from the date ordered by the court until such time as the appeal is resolved or obtain a performance bond in the amount and manner as prescribed by rule. The department’s action seeking an injunction shall be based on the seriousness of the threat to the environment which continued operation of the facility poses. A bond may be required in order to stay the effect of the department’s action until the appeal is resolved, in which case such bond shall remain in place until the appeal is resolved. If the department’s decision is upheld, the bond shall be forfeited and placed in a separate subaccount of the solid waste management fund. **Once the administrative hearing commission has reviewed the appeal, the administrative hearing commission shall make a final decision on the forfeiture of any financial assurance instrument, civil or administrative penalty, denial, suspension, revocation, or modification of a permit or disapproval of the plan required by section 260.220. The administrative hearing commission shall mail copies of its final decision to the parties to the appeal or their counsel of record. The commission’s decision shall be subject to judicial review pursuant to chapter 536, except that the court of appeals district with territorial jurisdiction coextensive with the county where the solid waste processing facility or disposal area is located or is to be located shall have original jurisdiction. No judicial review shall be available until and unless all administrative remedies are exhausted.**

260.395. 1. After six months from the effective date of the standards, rules and regulations adopted by the commission pursuant to section 260.370, it shall be unlawful for any person to transport any hazardous waste in this state without first obtaining a hazardous waste transporter license. Any person transporting hazardous waste in this state shall file an application for a license pursuant to this subsection which shall:

(1) Be submitted on a form provided for this purpose by the department and shall furnish the department with such equipment identification and data as may be necessary to demonstrate to the satisfaction of the department that equipment engaged in such transportation of hazardous waste, and other equipment as designated in rules and regulations pursuant to sections 260.350 to 260.430, is adequate to provide protection of the health of humans and the environment and to comply with the provisions of any federal hazardous waste management act and sections 260.350 to 260.430 and the standards, rules and regulations adopted pursuant to sections 260.350 to 260.430. If approved by the department, this demonstration of protection may be satisfied by providing certification that the equipment so identified meets and will be operated in accordance with the rules and regulations of the Missouri public service commission and the federal Department of Transportation for the transportation of the types of hazardous materials for which it will be used;

(2) Include, as specified by rules and regulations, demonstration of financial responsibility, including, but not limited to, guarantees, liability insurance, posting of bond or any combination thereof which shall be related to the number of units, types and sizes of equipment to be used in the transport of hazardous

waste by the applicant;

(3) Include, as specified in rules and regulations, a fee payable to the state of Missouri which shall consist of an annual application fee, plus an annual use fee based upon tonnage, mileage or a combination of tonnage and mileage. The fees established pursuant to this subdivision shall be set to generate, as nearly as is practicable, six hundred thousand dollars annually. No fee shall be collected pursuant to this subdivision from railroads that pay a fee pursuant to subsection 18 of this section. Fees collected pursuant to this subdivision shall be deposited in the hazardous waste fund created pursuant to section 260.391.

2. If the department determines the application conforms to the provisions of any federal hazardous waste management act and sections 260.350 to 260.430 and the standards, rules and regulations adopted pursuant to sections 260.350 to 260.430, it shall issue the hazardous waste transporter license with such terms and conditions as it deems necessary to protect the health of humans and the environment. The department shall act within ninety days after receipt of the application. If the department denies the license, it shall issue a report to the applicant stating the reason for denial of the license.

3. A license may be suspended or revoked whenever the department determines that the equipment is or has been operated in violation of any provision of sections 260.350 to 260.430 or any standard, rule or regulation, order, or license term or condition adopted or issued pursuant to sections 260.350 to 260.430, poses a threat to the health of humans or the environment, or is creating a public nuisance.

4. Whenever a license is issued, renewed, denied, suspended or revoked by the department, any aggrieved person, by petition filed with the [department] **administrative hearing commission** within thirty days of the decision, may appeal such decision [and shall be entitled to a hearing as provided in section 260.400] **as provided by sections 621.250 and 640.013. Once the administrative hearing commission has reviewed the appeal, the administrative hearing commission shall issue a recommended decision to the commission on license issuance, renewal, denial, suspension, or revocation. The commission shall issue its own decision, based on the appeal, for license issuance, renewal, denial, suspension, or revocation. If the commission changes a finding of fact or conclusion of law made by the administrative hearing commission, or modifies or vacates the decision recommended by the administrative hearing commission, it shall issue its own decision, which shall include findings of fact and conclusions of law. The commission shall mail copies of its final decision to the parties to the appeal or their counsel of record. The commission's decision shall be subject to judicial review pursuant to chapter 536. No judicial review shall be available until and unless all administrative remedies are exhausted.**

5. A license shall be issued for a period of one year and shall be renewed upon proper application by the holder and a determination by the department that the applicant is in compliance with all provisions of sections 260.350 to 260.430 and all standards, rules and regulations, orders and license terms and conditions adopted or issued pursuant to sections 260.350 to 260.430.

6. A license is not required for the transport of any hazardous waste on the premises where it is generated or onto contiguous property owned by the generator thereof, or for those persons exempted in section 260.380. Nothing in this subsection shall be interpreted to preclude the department from inspecting unlicensed hazardous waste transporting equipment and to require that it be adequate to provide protection for the health of humans and the environment.

7. After six months from the effective date of the standards, rules and regulations adopted by the commission pursuant to section 260.370, it shall be unlawful for any person to construct, substantially alter

or operate, including operations specified in the rules and regulations, a hazardous waste facility without first obtaining a hazardous waste facility permit for such construction, alteration or operation from the department. Such person must submit to the department at least ninety days prior to submitting a permit application a letter of intent to construct, substantially alter or operate any hazardous waste disposal facility. The person must file an application within one hundred eighty days of the filing of a letter of intent unless granted an extension by the commission. The department shall publish such letter of intent as specified in section 493.050 within ten days of receipt of such letter. The letter shall be published once each week for four weeks in the county where the hazardous waste disposal facility is proposed. Once such letter is submitted, all conditions for the permit application evaluation purposes in existence as of the date of submission shall be deemed frozen, in that no subsequent action by any person to change such conditions in an attempt to thwart a fair and impartial decision on the application for a permit shall be allowed as grounds for denial of the permit. Any person before constructing, substantially altering or operating a hazardous waste facility in this state shall file an application for a permit which shall:

(1) Be submitted on a form provided for this purpose by the department and shall furnish the department with plans, specifications and such other data as may be necessary to demonstrate to the satisfaction of the department that such facility does or will provide adequate protection of the health of humans and the environment and does or will comply with the provisions of any federal hazardous waste management act and sections 260.350 to 260.430 and the standards, rules and regulations adopted pursuant to sections 260.350 to 260.430;

(2) Include plans, designs, engineering reports and relevant data for construction, alteration or operation of a hazardous waste facility, to be submitted to the department by a registered professional engineer licensed by this state;

(3) Include, as specified by rules and regulations, demonstration of financial responsibility, including, but not limited to, guarantees, liability insurance, posting of bond or any combination thereof, which shall be related to type and size of facility;

(4) Include such environmental and geologic information, assessments and studies as required by the rules and regulations of the commission;

(5) Include a fee payable to the state of Missouri which shall not exceed one thousand dollars, which shall cover the first year of the permit, if issued, but which is not refundable. If the permit is issued for more than one year, a fee equal in amount to the first year's fee shall be paid to the state of Missouri prior to issuance of the permit for each year the permit is to be in effect beyond the first year;

(6) The department shall supervise any field work undertaken to collect geologic and engineering data for submission with the application. The state geologist and departmental engineers shall review the geologic and engineering plans, respectively, and attest to their accuracy and adequacy. The applicant shall pay all reasonable costs, as determined by the commission, incurred by the department pursuant to this subsection.

8. (1) Prior to issuing or renewing a hazardous waste facility permit, the department shall issue public notice by press release or advertisement and shall notify all record owners of adjoining property by mail directed to the last known address, and the village, town or city, if any, and the county in which the hazardous waste facility is located; and, upon request, shall hold a public hearing after public notice as required in this subsection at a location convenient to the area affected by the issuance of the permit.

(2) Prior to issuing or renewing a hazardous waste disposal facility permit the department shall issue public notice by press release and advertisement and shall notify all record owners of property, within one mile of the outer boundaries of the site, by mail directed to the last known address; and shall hold a public hearing after public notice as required in this subsection at a location convenient to the area affected by the issuance of the permit.

9. If the department determines that the application conforms to the provisions of any federal hazardous waste management act and sections 260.350 to 260.430 and the standards, rules and regulations adopted pursuant to sections 260.350 to 260.430, it shall issue the hazardous waste facility permit, with such terms and conditions and require such testing and construction supervision as it deems necessary to protect the health of humans or the environment. The department shall act within one hundred and eighty days after receipt of the application. If the department denies the permit, it shall issue a report to the applicant stating the reason for denial of a permit.

10. A permit may be suspended or revoked whenever the department determines that the hazardous waste facility is, or has been, operated in violation of any provision of sections 260.350 to 260.430 or any standard, rule or regulation, order or permit term or condition adopted or issued pursuant to sections 260.350 to 260.430, poses a threat to the health of humans or the environment or is creating a public nuisance.

11. Whenever a permit is issued, renewed, denied, suspended or revoked by the department, any aggrieved person, by petition filed with the [department] **administrative hearing commission** within thirty days of the decision, may appeal such decision [and shall be entitled to a hearing as provided in section 260.400] **as provided by sections 621.250 and 640.013. Once the administrative hearing commission has reviewed the appeal, the administrative hearing commission shall issue a recommended decision to the commission on permit issuance, renewal, denial, suspension, or revocation. The commission shall issue its own decision, based on the appeal, for permit issuance, renewal, denial, suspension, or revocation. If the commission changes a finding of fact or conclusion of law made by the administrative hearing commission, or modifies or vacates the decision recommended by the administrative hearing commission, it shall issue its own decision, which shall include findings of fact and conclusions of law. The commission shall mail copies of its final decision to the parties to the appeal or their counsel of record. The commission's decision shall be subject to judicial review pursuant to chapter 536, except that the court of appeals district with territorial jurisdiction coextensive with the county where the hazardous waste facility is to be located or is located, shall have original jurisdiction. No judicial review shall be available until and unless all administrative remedies are exhausted.**

12. A permit shall be issued for a fixed term, which shall not exceed ten years in the case of any land disposal facility, storage facility, incinerator, or other treatment facility. Nothing in this subsection shall preclude the department from reviewing and modifying a permit at any time during its term. Review of any application for a permit renewal shall consider improvements in the state of control and measurement technology as well as changes in applicable regulations. Each permit issued pursuant to this section shall contain such terms and conditions as the department determines necessary to protect human health and the environment, and upon proper application by the holder and a determination by the department that the applicant is in compliance with all provisions of sections 260.350 to 260.430 and all standards, rules and regulations, orders and permit terms and conditions adopted or issued pursuant to sections 260.350 to 260.430.

13. A hazardous waste facility permit is not required for:

(1) On-site storage of hazardous wastes where such storage is exempted by the commission by rule or regulation; however, such storage must conform to the provisions of any federal hazardous waste management act and sections 260.350 to 260.430 and the applicable standards, rules and regulations adopted pursuant to sections 260.350 to 260.430 and any other applicable hazardous materials storage and spill-prevention requirements provided by law;

(2) A publicly owned treatment works which has an operating permit pursuant to section 644.051 and is in compliance with that permit;

(3) A resource recovery facility which the department certifies uses hazardous waste as a supplement to, or substitute for, nonwaste material, and that the sole purpose of the facility is manufacture of a product rather than treatment or disposal of hazardous wastes;

(4) That portion of a facility engaged in hazardous waste resource recovery, when the facility is engaged in both resource recovery and hazardous waste treatment or disposal, provided the owner or operator can demonstrate to the department's satisfaction and the department finds that such portion is not intended and is not used for hazardous waste treatment or disposal.

14. Facilities exempted pursuant to subsection 13 of this section must comply with the provisions of subdivisions (3) to (7) of section 260.390 and such other requirements, to be specified by rules and regulations, as are necessary to comply with any federal hazardous waste management act or regulations hereunder. Generators who use such an exempted facility shall keep records of hazardous wastes transported, except by legal flow through sewer lines, to the facility and submit such records to the department in accordance with the provisions of section 260.380 and the standards, rules and regulations adopted pursuant to sections 260.350 to 260.430. Any person, before constructing, altering or operating a resource recovery facility in this state shall file an application for a certification. Such application shall include:

(1) Plans, designs, engineering reports and other relevant information as specified by rule that demonstrate that the facility is designed and will operate in a manner protective of human health and the environment; and

(2) An application fee of not more than five hundred dollars for a facility that recovers waste generated at the same facility or an application fee of not more than one thousand dollars for a facility that recovers waste generated at off-site sources. Such fees shall be deposited in the hazardous waste fund created in section 260.391. The department shall review such application for conformance with applicable laws, rules and standard engineering principles and practices. The applicant shall pay to the department all reasonable costs, as determined by the commission, incurred by the department pursuant to this subsection. All such funds shall be deposited in the hazardous waste fund created in section 260.391.

15. The owner or operator of any hazardous waste facility in existence on September 28, 1977, who has achieved federal interim status pursuant to 42 U.S.C. 6925(e), and who has submitted to the department Part A of the federal facility permit application, may continue to receive and manage hazardous wastes in the manner as specified in the Part A application, and in accordance with federal interim status requirements, until completion of the administrative disposition of a permit application submitted pursuant to sections 260.350 to 260.430. The department may at any time require submission of, or the owner or operator may at any time voluntarily submit, a complete application for a permit pursuant to sections 260.350 to 260.430

and commission regulations. The authority to operate pursuant to this subsection shall cease one hundred eighty days after the department has notified an owner or operator that an application for permit pursuant to sections 260.350 to 260.430 must be submitted, unless within such time the owner or operator submits a completed application therefor. Upon submission of a complete application, the authority to operate pursuant to this subsection shall continue for such reasonable time as is required to complete the administrative disposition of the permit application. If a facility loses its federal interim status, or the Environmental Protection Agency requires the owner or operator to submit Part B of the federal application, the department shall notify the owner or operator that an application for a permit must be submitted pursuant to this subsection. In addition to compliance with the federal interim status requirements, the commission shall have the authority to adopt regulations requiring persons operating pursuant to this subsection to meet additional state interim status requirements.

16. No person, otherwise qualified pursuant to sections 260.350 to 260.430 for a license to transport hazardous wastes or for a permit to construct, substantially alter or operate a hazardous waste facility, shall be denied such license or permit on the basis of a lack of need for such transport service or such facility because of the existence of other services or facilities capable of meeting that need; except that permits for hazardous waste facilities may be denied on determination made by the department that the financial resources of the persons applying are such that the continued operation of the sites in accordance with sections 260.350 to 260.430 cannot be reasonably assured or on determination made by the department that the probable volume of business is insufficient to ensure and maintain the solvency of then existing permitted hazardous waste facilities.

17. All hazardous waste landfills constructed after October 31, 1980, shall have a leachate collection system. The rules and regulations of the commission shall treat and protect all aquifers to the same level of protection. The provisions of this subsection shall not apply to the disposal of tailings and slag resulting from mining, milling and primary smelting operations.

18. Any railroad corporation as defined in section 388.010 that transports any hazardous waste as defined in section 260.360 or any hazardous substance as defined in section 260.500 shall pay an annual fee of three hundred fifty dollars. Fees collected pursuant to this subsection shall be deposited in the hazardous waste fund created in section 260.391.”; and

Further amend said bill, page 25, section 260.500, line 14 of said page, by inserting immediately after said line the following:

“444.600. 1. All applications for a permit shall be filed with the director who shall promptly investigate the application and make a [recommendation to the commission] **decision** within thirty days after the application is received as to whether the permit should be issued or denied. If the director is not satisfied with the information supplied by the applicant, he **or she** shall recommend denial of the permit. The director shall promptly notify the applicant of this action and at the same time publish a notice of the [recommendation] **decision** in any newspaper with general circulation in the counties where the land is located, and shall send notice to those persons registered with the director pursuant to section 444.720. **The director’s decision shall be deemed to be the decision of the director of the department of natural resources and shall be subject to appeal to the administrative hearing commission as provided by sections 621.250 and 640.013.**

2. [If the recommendation of the director is to deny the permit, a hearing as provided in sections 444.500 to 444.755 shall be held by the commission if requested by the applicant within thirty days of the date of

notice of the recommendation of the director.

3. If the recommendation of the director is for issuance of the permit, the commission may issue or deny the permit without a hearing provided the matter is passed upon at a public meeting no sooner than thirty days from the date of notice of the recommendation of the director, except that upon petition of any person aggrieved by the granting of the permit, a hearing shall be held as provided in section 444.680.

4. If the commission denies a permit, the applicant may petition the commission, within thirty days of notice of its action, for a hearing. If no petition is filed within the thirty day period, the decision of the commission is final and the applicant shall have no right of court review.

5. In any hearing held pursuant to this section the burden of proof shall be on the applicant for a permit. Any decision of the commission made pursuant to a hearing held under this section is subject to judicial review as provided in section 444.700.] **Whenever a strip mine operator permit provided under section 444.540 is issued, denied, suspended, or revoked by the department of natural resources, any aggrieved person, by petition filed with the administrative hearing commission within thirty days of the decision, may appeal such decision as provided by sections 621.250 and 640.013. For purposes of an appeal, the administrative hearing commission may consider, based on competent and substantial scientific evidence on the record, whether an interested party's health, safety, or livelihood will be unduly impaired by the issuance, denial, suspension, or revocation of the permit. The administrative hearing commission may also consider, based on competent and substantial scientific evidence on the record, whether the operator has demonstrated, during the five-year period immediately preceding the date of the permit application, a pattern of noncompliance at other locations in Missouri that suggests a reasonable likelihood of future acts of noncompliance. In determining whether a reasonable likelihood of noncompliance will exist in the future, the administrative hearing commission may look to past acts of noncompliance in Missouri, but only to the extent they suggest a reasonable likelihood of future acts of noncompliance. Such past acts of noncompliance in Missouri, in and of themselves, are an insufficient basis to suggest a reasonable likelihood of future acts of noncompliance. In addition, such past acts shall not be used as a basis to suggest a reasonable likelihood of future acts of noncompliance unless the noncompliance has caused or has the potential to cause, a risk to human health or to the environment, or has caused or has potential to cause pollution, or was knowingly committed, or is defined by the United States Environmental Protection Agency as other than minor. If a hearing petitioner demonstrates or the administrative hearing commission finds either present acts of noncompliance or a reasonable likelihood that the permit seeker or the operations of associated persons or corporations in Missouri will be in noncompliance in the future, such a showing will satisfy the noncompliance requirement in this subsection. In addition, such basis must be developed by multiple noncompliances of any environmental law administered by the Missouri department of natural resources at any single facility in Missouri that resulted in harm to the environment or impaired the health, safety, or livelihood of persons outside the facility. For any permit seeker that has not been in business in Missouri for the past five years, the administrative hearing commission may review the record of noncompliance in any state where the applicant has conducted business during the past five years. Once the administrative hearing commission has reviewed the appeal, the administrative hearing commission shall issue a recommended decision to the commission on permit issuance, denial, suspension, or revocation. The commission shall issue its own decision, based on the appeal, for permit issuance, denial, suspension, or revocation. If the commission changes a finding of fact or conclusion of law made by the administrative hearing commission, or modifies or vacates**

the decision recommended by the administrative hearing commission, it shall issue its own decision, which shall include findings of fact and conclusions of law. The commission shall mail copies of its final decision to the parties to the appeal or their counsel of record. The commission's decision shall be subject to judicial review pursuant to chapter 536, except that the court of appeals district with territorial jurisdiction coextensive with the county where the mine is located or is to be located shall have original jurisdiction. No judicial review shall be available until and unless all administrative remedies are exhausted.

444.773. 1. All applications for a permit shall be filed with the director, who shall promptly investigate the application and make a decision within six weeks after completion of the process provided in subsection 10 of section 444.772 to issue or deny the permit. If the director determines that the application has not fully complied with the provisions of section 444.772 or any rule or regulation promulgated pursuant to that section, the director may seek additional information from the applicant before making a decision to issue or deny the permit. The director shall consider any public comments when making the decision to issue or deny the permit. In issuing a permit, the director may impose reasonable conditions consistent with the provisions of sections 444.760 to 444.790.

[2.] The director's decision shall be deemed to be the decision of the director of the department of natural resources and shall be subject to appeal to the administrative hearing commission as provided by sections 640.013 and 621.250.

[3.] **2. Whenever a surface mining operation permit provided under section 444.772 is issued, denied, suspended, or revoked by the department of natural resources, any aggrieved person, by petition filed with the administrative hearing commission within thirty days of the decision, may appeal such decision as provided by sections 621.250 and 640.013.** For purposes of an appeal, the administrative hearing commission may consider, based on competent and substantial scientific evidence on the record, whether an interested party's health, safety or livelihood will be unduly impaired by the issuance, **denial, suspension, or revocation** of the permit. The administrative hearing commission may also consider, based on competent and substantial scientific evidence on the record, whether the operator has demonstrated, during the five-year period immediately preceding the date of the permit application, a pattern of noncompliance at other locations in Missouri that suggests a reasonable likelihood of future acts of noncompliance. In determining whether a reasonable likelihood of noncompliance will exist in the future, the administrative hearing commission may look to past acts of noncompliance in Missouri, but only to the extent they suggest a reasonable likelihood of future acts of noncompliance. Such past acts of noncompliance in Missouri, in and of themselves, are an insufficient basis to suggest a reasonable likelihood of future acts of noncompliance. In addition, such past acts shall not be used as a basis to suggest a reasonable likelihood of future acts of noncompliance unless the noncompliance has caused or has the potential to cause, a risk to human health or to the environment, or has caused or has potential to cause pollution, or was knowingly committed, or is defined by the United States Environmental Protection Agency as other than minor. If a hearing petitioner **demonstrates** or the administrative hearing commission [demonstrates] **finds** either present acts of noncompliance or a reasonable likelihood that the permit seeker or the operations of associated persons or corporations in Missouri will be in noncompliance in the future, such a showing will satisfy the noncompliance requirement in this subsection. In addition, such basis must be developed by multiple noncompliances of any environmental law administered by the Missouri department of natural resources at any single facility in Missouri that resulted in harm to the environment or impaired the health, safety or livelihood of persons outside the facility. For any permit seeker that has

not been in business in Missouri for the past five years, the administrative hearing commission may review the record of noncompliance in any state where the applicant has conducted business during the past five years. [Once] The administrative hearing commission [has reviewed the appeal, the administrative hearing commission] shall [make a recommendation] **issue a recommended decision** to the commission on permit issuance [or], denial, **suspension, or revocation**.

[4.] The commission shall issue its own decision, based on the appeal, for permit issuance [or] denial, **suspension, or revocation**. If the commission changes a finding of fact or conclusion of law made by the administrative hearing commission, or modifies or vacates the decision recommended by the administrative hearing commission, it shall issue its own decision, which shall include findings of fact and conclusions of law. The commission shall mail copies of its final decision to the parties to the appeal or their counsel of record. The commission's decision shall be subject to judicial review pursuant to chapter 536, except that the court of appeals district with territorial jurisdiction coextensive with the county where the mine is **located or** is to be located shall have original jurisdiction. No judicial review shall be available until and unless all administrative remedies are exhausted.

444.980. Whenever a surface coal mining operation permit provided under section 444.815 or a coal exploration operation permit provided under section 444.845 is issued, denied, suspended, or revoked by the department of natural resources, any aggrieved person, by petition filed with the administrative hearing commission within thirty days of the decision, may appeal such decision as provided by sections 621.250 and 640.013. For purposes of an appeal, the administrative hearing commission may consider, based on competent and substantial scientific evidence on the record, whether an interested party's health, safety, or livelihood will be unduly impaired by the issuance, denial, suspension, or revocation of the permit. The administrative hearing commission may also consider, based on competent and substantial scientific evidence on the record, whether the operator has demonstrated, during the five-year period immediately preceding the date of the permit application, a pattern of noncompliance at other locations in Missouri that suggests a reasonable likelihood of future acts of noncompliance. In determining whether a reasonable likelihood of noncompliance will exist in the future, the administrative hearing commission may look to past acts of noncompliance in Missouri, but only to the extent they suggest a reasonable likelihood of future acts of noncompliance. Such past acts of noncompliance in Missouri, in and of themselves, are an insufficient basis to suggest a reasonable likelihood of future acts of noncompliance. In addition, such past acts shall not be used as a basis to suggest a reasonable likelihood of future acts of noncompliance unless the noncompliance has caused or has the potential to cause, a risk to human health or to the environment, or has caused or has potential to cause pollution, or was knowingly committed, or is defined by the United States Environmental Protection Agency as other than minor. If a hearing petitioner demonstrates or the administrative hearing commission finds either present acts of noncompliance or a reasonable likelihood that the permit seeker or the operations of associated persons or corporations in Missouri will be in noncompliance in the future, such a showing will satisfy the noncompliance requirement in this subsection. In addition, such basis must be developed by multiple noncompliances of any environmental law administered by the Missouri department of natural resources at any single facility in Missouri that resulted in harm to the environment or impaired the health, safety, or livelihood of persons outside the facility. For any permit seeker that has not been in business in Missouri for the past five years, the administrative hearing commission may review the record of noncompliance in any state where the applicant has conducted business during the past five years. Once the administrative hearing commission has reviewed the appeal, the

administrative hearing commission shall issue a recommended decision to the commission on permit issuance, denial, suspension, or revocation. The commission shall issue its own decision, based on the appeal, for permit issuance, denial, suspension, or revocation. If the commission changes a finding of fact or conclusion of law made by the administrative hearing commission, or modifies or vacates the decision recommended by the administrative hearing commission, it shall issue its own decision, which shall include findings of fact and conclusions of law. The commission shall mail copies of its final decision to the parties to the appeal or their counsel of record. The commission's decision shall be subject to judicial review pursuant to chapter 536, except that the court of appeals district with territorial jurisdiction coextensive with the county where the mine is located or is to be located shall have original jurisdiction. No judicial review shall be available until and unless all administrative remedies are exhausted.

621.250. 1. All authority to hear contested case administrative appeals granted in chapters 236, 256, 260, 444, 640, 643, and 644, and to the hazardous waste management commission in chapter 260, the [land reclamation] **Missouri mining** commission in chapter 444, the safe drinking water commission in chapter 640, the air conservation commission in chapter 643, and the clean water commission in chapter 644 shall be transferred to the administrative hearing commission under this chapter. The authority to render final decisions after hearing on appeals heard by the administrative hearing commission shall remain with the commissions listed in this subsection. For appeals pursuant to chapter 236, chapter 256, section 260.235, or section 260.249, the administrative hearing commission shall render a final decision rather than a recommended decision. The administrative hearing commission may render its recommended or final decision after hearing or through stipulation, consent order, agreed settlement or by disposition in the nature of default judgment, judgment on the pleadings, or summary determination, consistent with the requirements of this subsection and the rules and procedures of the administrative hearing commission.

2. Except as otherwise provided by law, any person or entity who is a party to, or who is aggrieved or adversely affected by, any finding, order, decision, or assessment for which the authority to hear appeals was transferred to the administrative hearing commission in subsection 1 of this section may file a notice of appeal with the administrative hearing commission within thirty days after any such finding, order, decision, or assessment is placed in the United States mail or within thirty days of any such finding, order, decision, or assessment being delivered, whichever is earlier. Within ninety days after the date on which the notice of appeal is filed the administrative hearing commission may hold hearings, and within one hundred twenty days after the date on which the notice of appeal is filed shall make a recommended decision, or a final decision where applicable, in accordance with the requirements of this section and the rules and procedures of the administrative hearing commission; provided, however, that the dates by which the administrative hearing commission is required to hold hearings and make a recommended decision may be extended at the sole discretion of the permittee as either petitioner or intervenor in the appeal.

3. Any decision by the director of the department of natural resources that may be appealed as provided in subsection 1 of this section shall contain a notice of the right of appeal in substantially the following language: "If you were adversely affected by this decision, you may be entitled to pursue an appeal before the administrative hearing commission. To appeal, you must file a petition with the administrative hearing commission within thirty days after the date this decision was mailed or the date it was delivered, whichever date was earlier. If any such petition is sent by registered mail or certified mail, it will be deemed filed on the date it is mailed; if it is sent by any method other than registered mail or certified mail, it will be deemed filed on the date it is received by the administrative hearing commission." Within fifteen days after the

administrative hearing commission renders a recommended decision, it shall transmit the record and a transcript of the proceedings, together with the administrative hearing commission's recommended decision to the commission having authority to issue a final decision. The final decision of the commission shall be issued within one hundred eighty days of the date the notice of appeal in subsection 2 of this section is filed and shall be based only on the facts and evidence in the hearing record; provided, however, that the date by which the commission is required to issue a final decision may be extended at the sole discretion of the permittee as either petitioner or intervenor in the appeal. The commission may adopt the recommended decision as its final decision. The commission may change a finding of fact or conclusion of law made by the administrative hearing commission, or may vacate or modify the recommended decision issued by the administrative hearing commission, only if the commission states in writing the specific reason for a change made under this subsection.

4. In the event the person filing the appeal prevails in any dispute under this section, interest shall be allowed upon any amount found to have been wrongfully collected or erroneously paid at the rate established by the director of the department of revenue under section 32.065.

5. Appropriations shall be made from the respective funds of the department of natural resources to cover the administrative hearing commission's costs associated with these appeals.

6. In all matters heard by the administrative hearing commission under this section, the burden of proof shall comply with section 640.012. The hearings shall be conducted by the administrative hearing commission in accordance with the provisions of chapter 536 and its regulations promulgated thereunder.

7. No cause of action or appeal arising out of any finding, order, decision, or assessment of any of the commissions listed in subsection 1 of this section shall accrue in any court unless the party seeking to file such cause of action or appeal shall have filed a notice of appeal and received a final decision in accordance with the provisions of this section.

640.115. 1. Every municipal corporation, private corporation, company, partnership, federal establishment, state establishment or individual supplying or authorized to supply drinking water to the public within the state shall file with the department of natural resources a certified copy of the plans and surveys of the waterworks with a description of the methods of purification, treatment technology and source from which the supply of water is derived, and no source of supply shall be used without a written permit of approval issued to the continuing operating authority by the department of natural resources, or water dispensed to the public without first obtaining such written permit of approval. Prior to a change of permittee, the current permittee shall notify the department of the proposed change and the department shall perform a permit review.

2. Construction, extension or alteration of a public water system shall be in accordance with the rules and regulations of the safe drinking water commission.

3. Permit applicants shall show, as part of their application, that a permanent organization exists which will serve as the continuing operating authority for the management, operation, replacement, maintenance and modernization of the facility. Such continuing operating authority for all community water systems and nontransient, noncommunity water systems commencing operation after October 1, 1999, shall be required to have and maintain the managerial, technical and financial capacity, as determined by the department, to comply with sections 640.100 to 640.140.

4. Any community water system or nontransient, noncommunity water system against which an

administrative order has been issued for significant noncompliance with the federal Safe Drinking Water Act, as amended, sections 640.100 to 640.140 or any rule or regulation promulgated thereunder shall be required to show that a permanent organization exists that serves as the continuing operating authority for the facility and that such continuing operating authority has the managerial, technical and financial capacity to comply with sections 640.100 to 640.140 and regulations promulgated thereunder. If the water system cannot show to the department's satisfaction that such continuing operating authority exists, or if the water system is not making substantial progress toward compliance, the water system's permit may be revoked. The continuing operating authority may [reapply for a permit in accordance with rules promulgated by the commission] **appeal such decision to the administrative hearing commission as provided by sections 621.250 and 640.013.**

5. Whenever a permit is issued, denied, suspended, or revoked by the department, any aggrieved person, by petition filed with the administrative hearing commission within thirty days of the decision, may appeal such decision as provided by sections 621.250 and 640.013. Once the administrative hearing commission has reviewed the appeal, the administrative hearing commission shall issue a recommended decision to the commission on permit issuance, denial, suspension, or revocation. The commission shall issue its own decision, based on the appeal, for permit issuance, denial, suspension, or revocation. If the commission changes a finding of fact or conclusion of law made by the administrative hearing commission, or modifies or vacates the decision recommended by the administrative hearing commission, it shall issue its own decision, which shall include findings of fact and conclusions of law. The commission shall mail copies of its final decision to the parties to the appeal or their counsel of record. The commission's decision shall be subject to judicial review pursuant to chapter 536, except that the court of appeals district with territorial jurisdiction coextensive with the county where the waterworks is located, or is to be located, shall have original jurisdiction. No judicial review shall be available until and unless all administrative remedies are exhausted.

643.075. 1. It shall be unlawful for any person to commence construction of any air contaminant source in this state, without a permit [therefor], if such source is of a class fixed by regulation of the commission which requires a permit [therefor].

2. Every source required to obtain a construction permit shall make application [therefor] to the department [and shall submit therewith] **that includes** such plans and specifications as prescribed by rule. The director shall promptly investigate each application, and if he **or she** determines that the source meets and will meet the requirements of sections 643.010 to 643.190 and the rules promulgated pursuant thereto, he **or she** shall issue a construction permit with such conditions as he deems necessary to ensure that the source will meet the requirements of sections 643.010 to 643.190 and the rules. An application submitted for the construction or modification and operation of any regulated air contaminant source shall receive a unified construction and operating permit review process under section 643.078, unless the applicant requests in writing that the construction and operating permits be reviewed separately. If the director determines that the source does not meet or will not meet the requirements of sections 643.010 to 643.190 and the rules promulgated pursuant thereto, he **or she** shall deny the construction permit.

3. Before issuing a construction permit to build or modify an air contaminant source the director shall determine if the ambient air quality standards in the vicinity of the source are being exceeded and shall determine the impact on the ambient air quality standards from the source. The director, in order to effectuate the purposes of sections 643.010 to 643.190, may deny a construction permit if the source will

appreciably affect the air quality or the air quality standards are being substantially exceeded.

4. The director may require the applicant as a condition to the issuance of the construction permit to provide and maintain such facilities or to conduct such tests as are necessary to determine the nature, extent, quantity or degree of air contaminants discharged into the ambient air from the proposed source.

5. The director shall act within thirty days after a request for approval of an application for a construction permit. The director shall render a decision to approve or deny a construction permit within ninety days of receipt of a complete application for a class B source and within one hundred eighty-four days of receipt of a complete application for a class A source. The director shall promptly notify the applicant in writing of his action and if the construction permit is denied state the reasons [therefor] **for such denial.**

6. **As provided by sections 621.250 and 640.013,** any aggrieved person may appeal any permit decision made under this section, including failure to render a decision within the time period established in this section. A notice of appeal shall be filed with the **administrative hearing** commission within thirty days of the director's action or within thirty days from the date by which the decision should have been rendered if the director has failed to act. **Once the administrative hearing commission has reviewed the appeal, the administrative hearing commission shall issue a recommended decision to the commission on permit issuance, renewal, denial, suspension, or revocation, or any condition of the permit. The commission shall issue its own decision, based on the appeal, for permit issuance, renewal, denial, suspension, or revocation, or any condition of the permit. If the commission changes a finding of fact or conclusion of law made by the administrative hearing commission, or modifies or vacates the decision recommended by the administrative hearing commission, it shall issue its own decision, which shall include findings of fact and conclusions of law. The commission shall mail copies of its final decision to the parties to the appeal or their counsel of record. The commission's decision shall be subject to judicial review pursuant to chapter 536, except that the court of appeals district with territorial jurisdiction coextensive with the county where the air contaminant source is located or is to be located, shall have original jurisdiction. No judicial review shall be available until and unless all administrative remedies are exhausted.**

7. (1) There shall be a one hundred-dollar filing fee payable to the state of Missouri with each application before a construction permit shall be issued. No manufacturing or processing plant or operating location or other air contaminant source shall be required to pay more than one filing fee with a construction permit application. The provisions of this section shall not apply nor require the issuance of a permit wherein the proposed construction is that of a private residence.

(2) Upon completion of the department's evaluation of the application, but before receiving a construction permit, the applicant shall reimburse the department for all reasonable costs incurred by the department whether or not a construction permit is issued by the department or withdrawn by the applicant. If the department fails to approve or deny a construction permit within the time period specified in this section, the applicant shall not be required to reimburse the department for the review of the construction permit application. The commission shall, by rule, set the hourly charge, not to exceed the actual cost thereof and not to exceed fifty dollars per hour, for review of each construction permit application. The commission may exempt any person from payment of the hourly fees under this subdivision, or may reduce such fees, upon an appeal filed with the commission by such person stating that the fee will create an unreasonable economic hardship upon such person. The commission may conduct a closed meeting and

have closed records, as defined in section 610.010, for the purpose of gathering information from the person filing an appeal for the exemption. Information obtained in this meeting may be held confidential by the commission upon the request of the person filing the appeal for exemption. If the fees or any portion of the fees imposed by this section are not paid within ninety days from the date of billing there shall be imposed interest upon the unpaid amount at the rate of ten percent per annum from the date of billing until payment is actually made. A construction permit application for a portable facility may include any site at which the portable facility is expected to be used; however, a separate site permit application shall be required when the portable facility is used or expected to be used at any site which is not included in a previously approved construction permit application. Upon receipt of the application, the applicant shall be notified by the department of hourly fees and requirements put forth in this subdivision.

(3) Applicants who withdraw their application before the department completes its evaluation shall reimburse the department for costs incurred in the evaluation.

(4) All moneys received pursuant to this section and section 643.073 and any other moneys so designated shall be placed in the state treasury and credited to the natural resources protection fund air pollution permit fee subaccount, created in section 640.220, and shall be expended for the administration of this section and sections 643.073 and 643.078 and for no other purpose, and shall be used to supplement state general revenue and federal funds appropriated to the department. After appropriation, the moneys received pursuant to this section and in such fund subaccount shall be expended for the administration of this section and for no other purpose. Any unexpended balance in such fund subaccount at the end of any appropriation period shall not be transferred to the general revenue fund of the state treasury and shall be exempt from the provisions of section 33.080. Any interest received on such deposits shall be credited to the fund subaccount.

8. Any person who obtains a valid permit from a city or county pursuant to the authority granted in section 643.140 shall be deemed to have met the requirements of this section and shall not be liable to the department for construction permit fees imposed pursuant to subsection 7 of this section.

643.078. 1. It shall be unlawful for any person to operate any regulated air contaminant source after August 28, 1992, without an operating permit except as otherwise provided in sections 643.010 to 643.190.

2. At the option of the permit applicant, a single operating permit shall be issued for a facility having multiple air contaminant sources located on one or more contiguous tracts of land, excluding public roads, highways and railroads, under the control of or owned by the permit holder and operated as a single enterprise.

3. Any person who wishes to construct or modify and operate any regulated air contaminant source shall submit an application to the department for the unified review of a construction permit application under section 643.075 and an operating permit application under this section, unless the applicant requests in writing that the construction and operating permit applications be reviewed separately. The director shall complete any unified review within one hundred and eighty days of receipt of the request for a class B source. For a class A source, the unified review shall be completed within the time period established in section 502 of the federal Clean Air Act, as amended, 42 U.S.C. 7661.

4. As soon as the review process is completed for the construction and operating permits and, if the applicant complies with all applicable requirements of sections 643.010 to 643.190 and all rules adopted thereunder, the construction permit shall be issued to the applicant. The operating permit shall be retained by the department until validated.

5. Within one hundred and eighty days of commencing operations, the holder of a construction permit shall submit to the director such information as is necessary to demonstrate compliance with the provisions of sections 643.010 to 643.190 and the terms and conditions of the construction permit. The operating permit retained by the department shall be validated and forwarded to the applicant if the applicant is in compliance with the terms and conditions of the construction permit and the terms and conditions of the operating permit. The holder of a construction permit may request a waiver of the one hundred and eighty day time period and the director may grant such request by mutual agreement.

6. If the director determines that an air contaminant source does not meet the terms and conditions of the construction permit and that the operation of the source will result in emissions which exceed the limits established in the construction permit, he shall not validate the operating permit. If the source corrects the deficiency, the director shall then validate the operating permit. If the source is unable to correct the deficiency, then the director and the applicant may, by mutual agreement, add such terms and conditions to the operating permit which are deemed appropriate, so long as the emissions from the air contaminant source do not exceed the limits established in the construction permit, and the director shall validate the operating permit. The director may add terms and conditions to the operating permit which allow the source to exceed the emission limits established in the construction permit. In such a case, the director shall notify the affected public and the commission shall, upon request by any affected person, hold a public hearing upon the revised operating permit application.

7. Except as provided in subsection 8 of this section, an operating permit shall be valid for five years from the date of issuance or validation, whichever is later, unless otherwise revoked or terminated pursuant to sections 643.010 to 643.190.

8. An applicant for a construction permit for an air contaminant source with valid operating permit may request that the air contaminant source be issued a new five-year operating permit. The operating permit would be issued in the manner and under the conditions provided in sections 643.010 to 643.190 and would supersede any existing operating permit for the source.

9. The director shall take action within thirty days after a request for validation of the operating permit and shall render a decision within one hundred twenty days of receipt of a request for issuance of an operating permit for a class B source. The director shall render a decision within the time period established in section 502 of the federal Clean Air Act, as amended, 42 U.S.C. 7661, for a class A source. Any affected person may appeal any permit decision, including failure to render a decision within the time period established in this section, to the **administrative hearing commission as provided by subsection 16 of this section, section 621.250, and section 640.013.**

10. The director may suspend, revoke or modify an operating permit for cause.

11. The director shall not approve an operating permit if he receives an objection to approval of the permit from the United States Environmental Protection Agency within the time period specified under Title V of the Clean Air Act, as amended, 42 U.S.C. 7661, et seq.

12. The director shall enforce all applicable federal rules, standards and requirements issued under the federal Clean Air Act, as amended, 42 U.S.C. 7661, et seq., and shall incorporate such applicable standards and any limitations established pursuant to Title III into operating permits as required under Title V of the federal Clean Air Act, as amended, 42 U.S.C. 7661, et seq.

13. Applicable standards promulgated by the commission by rule shall be incorporated by the director

into the operating permit of any air contaminant source which has, on the effective date of the rule, at least three years remaining before renewal of its operating permit. If less than three years remain before renewal of the source's operating permit, such applicable standards shall be incorporated into the permit unless the permit contains a shield from such new requirements consistent with Title V of the federal Clean Air Act, as amended, 42 U.S.C. 7661, et seq.

14. The holder of a valid operating permit shall have operational flexibility to make changes to any air contaminant source, if the changes will not result in air contaminant emissions in excess of those established in the operating permit or result in the emissions of any air contaminant not previously emitted without obtaining a modification of the operating permit provided such changes are consistent with Section 502(b)(10) of the federal Clean Air Act, as amended, 42 U.S.C. 7661.

15. An air contaminant source with a valid operating permit which submits a complete application for a permit renewal at least six months prior to the expiration of the permit shall be deemed to have a valid operating permit until the director acts upon its permit application. The director shall promptly notify the applicant in writing of his action on the application and if the operating permit is not issued state the reasons therefor.

16. The applicant may appeal to the **administrative hearing** commission if [an] **a construction, modification, or** operating permit is [not] issued, **renewed, denied, suspended, modified, or revoked by the department,** or may appeal any condition[, suspension, modification or revocation] of any permit by filing [notice of appeal] **a petition** with the **administrative hearing** commission within thirty days of the notice of the director's response to the request for issuance of the **construction, modification, or** operating permit **as provided by sections 621.250 and 640.013. Once the administrative hearing commission has reviewed the appeal, the administrative hearing commission shall issue a recommended decision to the commission on the issuance, renewal, denial, suspension, modification, revocation, or any condition of the permit. The commission shall issue its own decision, based on the appeal, for the issuance, renewal, denial, suspension, modification, revocation, or any condition of the permit. If the commission changes a finding of fact or conclusion of law made by the administrative hearing commission, or modifies or vacates the decision recommended by the administrative hearing commission, it shall issue its own decision, which shall include findings of fact and conclusions of law. The commission shall mail copies of its final decision to the parties to the appeal or their counsel of record. The commission's decision shall be subject to judicial review pursuant to chapter 536, except that the court of appeals district with territorial jurisdiction coextensive with the county where the air contaminant source is located or is to be located shall have original jurisdiction. No judicial review shall be available until and unless all administrative remedies are exhausted.**

17. Any person who obtains a valid operating permit from a city or county pursuant to the authority granted in section 643.140 shall be deemed to have met the requirements of this section.”; and

Further amend said bill, page 31, section 644.016, line 8 of said page, by inserting immediately after said line the following:

“644.051. 1. It is unlawful for any person:

(1) To cause pollution of any waters of the state or to place or cause or permit to be placed any water contaminant in a location where it is reasonably certain to cause pollution of any waters of the state;

(2) To discharge any water contaminants into any waters of the state which reduce the quality of such

waters below the water quality standards established by the commission;

(3) To violate any pretreatment and toxic material control regulations, or to discharge any water contaminants into any waters of the state which exceed effluent regulations or permit provisions as established by the commission or required by any federal water pollution control act;

(4) To discharge any radiological, chemical, or biological warfare agent or high-level radioactive waste into the waters of the state.

2. It shall be unlawful for any person to operate, use or maintain any water contaminant or point source in this state that is subject to standards, rules or regulations promulgated pursuant to the provisions of sections 644.006 to 644.141 unless such person holds an operating permit from the commission, subject to such exceptions as the commission may prescribe by rule or regulation. However, no operating permit shall be required of any person for any emission into publicly owned treatment facilities or into publicly owned sewer systems tributary to publicly owned treatment works.

3. It shall be unlawful for any person to construct, build, replace or make major modification to any point source or collection system that is principally designed to convey or discharge human sewage to waters of the state, unless such person obtains a construction permit from the commission, except as provided in this section. The following activities shall be excluded from construction permit requirements:

(1) Facilities greater than one million gallons per day that are authorized through a local supervised program, and are not receiving any department financial assistance;

(2) All sewer extensions or collection projects that are one thousand feet in length or less with fewer than two lift stations;

(3) All sewer collection projects that are authorized through a local supervised program; and

(4) Any other exclusions the commission may promulgate by rule.

A construction permit may be required by the department in the following circumstances:

(a) Substantial deviation from the commission's design standards;

(b) To address noncompliance;

(c) When an unauthorized discharge has occurred or has the potential to occur; or

(d) To correct a violation of water quality standards.

In addition, any point source that proposes to construct an earthen storage structure to hold, convey, contain, store or treat domestic, agricultural, or industrial process wastewater also shall be subject to the construction permit provisions of this subsection. All other construction-related activities at point sources shall be exempt from the construction permit requirements. All activities that are exempted from the construction permit requirement are subject to the following conditions:

a. Any point source system designed to hold, convey, contain, store or treat domestic, agricultural or industrial process wastewater shall be designed by a professional engineer registered in Missouri in accordance with the commission's design rules;

b. Such point source system shall be constructed in accordance with the registered professional engineer's design and plans; and

c. Such point source system may receive a post-construction site inspection by the department prior to

receiving operating permit approval. A site inspection may be performed by the department, upon receipt of a complete operating permit application or submission of an engineer's statement of work complete.

A governmental unit may apply to the department for authorization to operate a local supervised program, and the department may authorize such a program. A local supervised program would recognize the governmental unit's engineering capacity and ability to conduct engineering work, supervise construction and maintain compliance with relevant operating permit requirements.

4. Before issuing any permit required by this section, the director shall issue such notices, conduct such hearings, and consider such factors, comments and recommendations as required by sections 644.006 to 644.141 or any federal water pollution control act. The director shall determine if any state or any provisions of any federal water pollution control act the state is required to enforce, any state or federal effluent limitations or regulations, water quality-related effluent limitations, national standards of performance, toxic and pretreatment standards, or water quality standards which apply to the source, or any such standards in the vicinity of the source, are being exceeded, and shall determine the impact on such water quality standards from the source. The director, in order to effectuate the purposes of sections 644.006 to 644.141, shall deny a permit if the source will violate any such acts, regulations, limitations or standards or will appreciably affect the water quality standards or the water quality standards are being substantially exceeded, unless the permit is issued with such conditions as to make the source comply with such requirements within an acceptable time schedule.

5. The director shall grant or deny the permit within sixty days after all requirements of the Federal Water Pollution Control Act concerning issuance of permits have been satisfied unless the application does not require any permit pursuant to any federal water pollution control act. The director or the commission may require the applicant to provide and maintain such facilities or to conduct such tests and monitor effluents as necessary to determine the nature, extent, quantity or degree of water contaminant discharged or released from the source, establish and maintain records and make reports regarding such determination.

6. The director shall promptly notify the applicant in writing of his or her action and if the permit is denied state the reasons [therefor] **for such denial. As provided by sections 621.250 and 640.013**, the applicant may appeal to the **administrative hearing** commission from the denial of a permit or from any condition in any permit by filing [notice of appeal] **a petition** with the **administrative hearing** commission within thirty days of the notice of denial or issuance of the permit. After a final action is taken on a new or reissued general permit, a potential applicant for the general permit who can demonstrate that he or she is or may be adversely affected by any permit term or condition may appeal the terms and conditions of the general permit within thirty days of the department's issuance of the general permit. In no event shall a permit constitute permission to violate the law or any standard, rule or regulation promulgated pursuant thereto. **Once the administrative hearing commission has reviewed the appeal, the administrative hearing commission shall issue a recommended decision to the commission on permit issuance, denial, or any condition of the permit. The commission shall issue its own decision, based on the appeal, for permit issuance, denial, or any condition of the permit. If the commission changes a finding of fact or conclusion of law made by the administrative hearing commission, or modifies or vacates the decision recommended by the administrative hearing commission, it shall issue its own decision, which shall include findings of fact and conclusions of law. The commission shall mail copies of its final decision to the parties to the appeal or their counsel of record. The commission's decision shall be subject to judicial review pursuant to chapter 536, except that the court of appeals district with territorial jurisdiction coextensive with the county where the point source is to be located, shall have**

original jurisdiction. No judicial review shall be available until and unless all administrative remedies are exhausted.

7. In any hearing held pursuant to this section that involves a permit, license, or registration, the burden of proof is on the party specified in section 640.012. Any decision of the commission made pursuant to a hearing held pursuant to this section is subject to judicial review as provided in section 644.071.

8. In any event, no permit issued pursuant to this section shall be issued if properly objected to by the federal government or any agency authorized to object pursuant to any federal water pollution control act unless the application does not require any permit pursuant to any federal water pollution control act.

9. Permits may be modified, reissued, or terminated at the request of the permittee. All requests shall be in writing and shall contain facts or reasons supporting the request.

10. No manufacturing or processing plant or operating location shall be required to pay more than one operating fee. Operating permits shall be issued for a period not to exceed five years after date of issuance, except that general permits shall be issued for a five-year period, and also except that neither a construction nor an annual permit shall be required for a single residence's waste treatment facilities. Applications for renewal of a site-specific operating permit shall be filed at least one hundred eighty days prior to the expiration of the existing permit. Applications seeking to renew coverage under a general permit shall be submitted at least thirty days prior to the expiration of the general permit, unless the permittee has been notified by the director that an earlier application must be made. General permits may be applied for and issued electronically once made available by the director.

11. Every permit issued to municipal or any publicly owned treatment works or facility shall require the permittee to provide the clean water commission with adequate notice of any substantial new introductions of water contaminants or pollutants into such works or facility from any source for which such notice is required by sections 644.006 to 644.141 or any federal water pollution control act. Such permit shall also require the permittee to notify the clean water commission of any substantial change in volume or character of water contaminants or pollutants being introduced into its treatment works or facility by a source which was introducing water contaminants or pollutants into its works at the time of issuance of the permit. Notice must describe the quality and quantity of effluent being introduced or to be introduced into such works or facility by a source which was introducing water contaminants or pollutants into its works at the time of issuance of the permit. Notice must describe the quality and quantity of effluent being introduced or to be introduced into such works or facility and the anticipated impact of such introduction on the quality or quantity of effluent to be released from such works or facility into waters of the state.

12. The director or the commission may require the filing or posting of a bond as a condition for the issuance of permits for construction of temporary or future water treatment facilities or facilities that utilize innovative technology for wastewater treatment in an amount determined by the commission to be sufficient to ensure compliance with all provisions of sections 644.006 to 644.141, and any rules or regulations of the commission and any condition as to such construction in the permit. For the purposes of this section, "innovative technology for wastewater treatment" shall mean a completely new and generally unproven technology in the type or method of its application that bench testing or theory suggest has environmental, efficiency, and cost benefits beyond the standard technologies. No bond shall be required for designs approved by any federal agency or environmental regulatory agency of another state. The bond shall be signed by the applicant as principal, and by a corporate surety licensed to do business in the state of Missouri and approved by the commission. The bond shall remain in effect until the terms and conditions

of the permit are met and the provisions of sections 644.006 to 644.141 and rules and regulations promulgated pursuant thereto are complied with.

13. (1) The department shall issue or deny applications for construction and site-specific operating permits received after January 1, 2001, within one hundred eighty days of the department's receipt of an application. For general construction and operating permit applications received after January 1, 2001, that do not require a public participation process, the department shall issue or deny the permits within sixty days of the department's receipt of an application. For an application seeking coverage under a renewed general permit that does not require an individual public participation process, the director shall issue or deny the permit within sixty days of the director's receipt of the application, or upon issuance of the general permit, whichever is later. In regard to an application seeking coverage under an initial general permit that does not require an individual public participation process, the director shall issue or deny the permit within sixty days of the department's receipt of the application. For an application seeking coverage under a renewed general permit that requires an individual public participation process, the director shall issue or deny the permit within ninety days of the director's receipt of the application, or upon issuance of the general permit, whichever is later. In regard to an application for an initial general permit that requires an individual public participation process, the director shall issue or deny the permit within ninety days of the director's receipt of the application.

(2) If the department fails to issue or deny with good cause a construction or operating permit application within the time frames established in subdivision (1) of this subsection, the department shall refund the full amount of the initial application fee within forty-five days of failure to meet the established time frame. If the department fails to refund the application fee within forty-five days, the refund amount shall accrue interest at a rate established pursuant to section 32.065.

(3) Permit fee disputes may be appealed to the commission within thirty days of the date established in subdivision (2) of this subsection. If the applicant prevails in a permit fee dispute appealed to the commission, the commission may order the director to refund the applicant's permit fee plus interest and reasonable attorney's fees as provided in sections 536.085 and 536.087. A refund of the initial application or annual fee does not waive the applicant's responsibility to pay any annual fees due each year following issuance of a permit.

(4) No later than December 31, 2001, the commission shall promulgate regulations defining shorter review time periods than the time frames established in subdivision (1) of this subsection, when appropriate, for different classes of construction and operating permits. In no case shall commission regulations adopt permit review times that exceed the time frames established in subdivision (1) of this subsection. The department's failure to comply with the commission's permit review time periods shall result in a refund of said permit fees as set forth in subdivision (2) of this subsection. On a semiannual basis, the department shall submit to the commission a report which describes the different classes of permits and reports on the number of days it took the department to issue each permit from the date of receipt of the application and show averages for each different class of permits.

(5) During the department's technical review of the application, the department may request the applicant submit supplemental or additional information necessary for adequate permit review. The department's technical review letter shall contain a sufficient description of the type of additional information needed to comply with the application requirements.

(6) Nothing in this subsection shall be interpreted to mean that inaction on a permit application shall

be grounds to violate any provisions of sections 644.006 to 644.141 or any rules promulgated pursuant to sections 644.006 to 644.141.

14. The department shall respond to all requests for individual certification under Section 401 of the Federal Clean Water Act within the lesser of sixty days or the allowed response period established pursuant to applicable federal regulations without request for an extension period unless such extension is determined by the commission to be necessary to evaluate significant impacts on water quality standards and the commission establishes a timetable for completion of such evaluation in a period of no more than one hundred eighty days.

15. All permit fees generated pursuant to this chapter shall not be used for the development or expansion of total maximum daily loads studies on either the Missouri or Mississippi rivers.

16. The department shall implement permit shield provisions equivalent to the permit shield provisions implemented by the U.S. Environmental Protection Agency pursuant to the Clean Water Act, Section 402(k), 33 U.S.C. Section 1342(k), and its implementing regulations, for permits issued pursuant to chapter 644.

17. Prior to the development of a new general permit or reissuance of a general permit for aquaculture, land disturbance requiring a storm water permit, or reissuance of a general permit under which fifty or more permits were issued under a general permit during the immediately preceding five-year period for a designated category of water contaminant sources, the director shall implement a public participation process complying with the following minimum requirements:

(1) For a new general permit or reissuance of a general permit, a general permit template shall be developed for which comments shall be sought from permittees and other interested persons prior to issuance of the general permit;

(2) The director shall publish notice of his intent to issue a new general permit or reissue a general permit by posting notice on the department's website at least one hundred eighty days before the proposed effective date of the general permit;

(3) The director shall hold a public informational meeting to provide information on anticipated permit conditions and requirements and to receive informal comments from permittees and other interested persons. The director shall include notice of the public informational meeting with the notice of intent to issue a new general permit or reissue a general permit under subdivision (2) of this subsection. The notice of the public informational meeting, including the date, time and location, shall be posted on the department's website at least thirty days in advance of the public meeting. If the meeting is being held for reissuance of a general permit, notice shall also be made by electronic mail to all permittees holding the current general permit which is expiring. Notice to current permittees shall be made at least twenty days prior to the public meeting;

(4) The director shall hold a thirty-day public comment period to receive comments on the general permit template with the thirty-day comment period expiring at least sixty days prior to the effective date of the general permit. Scanned copies of the comments received during the public comment period shall be posted on the department's website within five business days after close of the public comment period;

(5) A revised draft of a general permit template and the director's response to comments submitted during the public comment period shall be posted on the department's website at least forty-five days prior to issuance of the general permit. At least forty-five days prior to issuance of the general permit the

department shall notify all persons who submitted comments to the department that these documents have been posted to the department's website;

(6) Upon issuance of a new or renewed general permit, the general permit shall be posted to the department's website.

18. Notices required to be made by the department pursuant to subsection 17 of this section may be made by electronic mail. The department shall not be required to make notice to any permittee or other person who has not provided a current electronic mail address to the department. In the event the department chooses to make material modifications to the general permit before its expiration, the department shall follow the public participation process described in subsection 17 of this section.

19. The provisions of subsection 17 of this section shall become effective beginning January 1, 2013.

644.056. 1. The director shall cause investigations to be made upon the request of the commission or upon receipt of information concerning alleged violations of sections 644.006 to 644.141 or any standard, limitation, order, rule or regulation promulgated pursuant thereto, or any term or condition of any permit and may cause to be made any other investigations he or she deems advisable. Violations shall include obtaining a permit by misrepresentation or failure to fully disclose all relevant facts.

2. If, in the opinion of the director, the investigation discloses that a violation does exist, the director may, by conference, conciliation or persuasion, endeavor to eliminate the violation.

3. In case of the failure by conference, conciliation or persuasion to correct or remedy any claimed violation, or as required to immediately and effectively halt or eliminate any imminent or substantial endangerments to the health or welfare of persons resulting from the discharge of pollutants, the director [shall] **may** order abatement [or file an abatement complaint with the commission if no permit has been issued, or in addition may file a complaint to revoke a permit if such permit has been issued] **or request legal action by the attorney general**. When the director files a complaint, the commission shall order a hearing. The director shall cause to have issued and served upon the person complained against a written notice of the order or complaint, together with a copy of the order or complaint, which shall specify the provision of sections 644.006 to 644.141 or the standard, rule, limitation, or regulation adopted pursuant thereto, or the condition of the permit of which the person is alleged to be in violation, and a statement of the manner in which and the extent to which the person is alleged to violate sections 644.006 to 644.141 or the standard, rule, limitation, or regulation, or condition of the permit. In any case involving a complaint, the commission shall require the person complained against to answer the charges of the formal complaint at a hearing before the commission at a time not less than thirty days after the date of notice. Service may be made upon any person within or without the state by registered mail, return receipt requested. Any person against whom the director issues an order may appeal the order to the commission within thirty days and the appeal shall stay the enforcement of the order until final determination by the commission. The commission shall set appeals for a hearing at a time not less than thirty days after the date of the request. The commission may sustain, reverse, or modify the director's order or may make such other orders as the commission deems appropriate under the circumstances. If any order issued by the director is not appealed within the time provided in this section, the order becomes final and may be enforced as provided in section 644.076. **When the commission schedules a matter for hearing, the petitioner on appeal or the respondent to a formal complaint may appear at the hearing in person or by counsel, and may make oral argument, offer testimony and evidence, and cross-examine witnesses. After due consideration of the record, or upon default in appearance of the respondent on the return day specified in the**

notice given as provided in this subsection, the commission shall issue and enter such final order, or make such final determination as it deems appropriate under the circumstances, and it shall immediately notify the petitioner or respondent thereof in writing by certified or registered mail.

4. Permits may be **revoked**, terminated, or modified if obtained in violation of sections 644.006 to 644.141 or by misrepresentation or failing to fully disclose all relevant facts, or when required to prevent violations of any provision of sections 644.006 to 644.141, or to protect the waters of this state, when such action is required by a change in conditions or the existence of a condition which requires either a temporary or permanent reduction or elimination of the authorized discharge, subject to the right of appeal contained in [this section] **sections 621.250 and 640.013.**

5. [When the commission schedules a matter for hearing, the petitioner on appeal or the respondent to a formal complaint may appear at the hearing in person or by counsel, and may make oral argument, offer testimony and evidence, and cross-examine witnesses.

6. After due consideration of the record, or upon default in appearance of the respondent on the return day specified in the notice given as provided in subsection 3, the commission shall issue and enter such final order, or make such final determination as it deems appropriate under the circumstances, and it shall immediately notify the petitioner or respondent thereof in writing by certified or registered mail.] **Whenever a permit under this chapter is revoked, terminated, or modified by the department of natural resources, the applicant, by petition filed with the administrative hearing commission within thirty days of the decision, may appeal such decision as provided by sections 621.250 and 640.013. Once the administrative hearing commission has reviewed the appeal, the administrative hearing commission shall issue a recommended decision to the commission on permit revocation, termination, or modification. The commission shall issue its own decision, based on the appeal, for permit revocation, termination, or modification. If the commission changes a finding of fact or conclusion of law made by the administrative hearing commission, or modifies or vacates the decision recommended by the administrative hearing commission, it shall issue its own decision, which shall include findings of fact and conclusions of law. The commission shall mail copies of its final decision to the parties to the appeal or their counsel of record. The commission's decision shall be subject to judicial review pursuant to chapter 536, except that the court of appeals district with territorial jurisdiction coextensive with the county where the point source is located or is to be located shall have original jurisdiction. No judicial review shall be available until and unless all administrative remedies are exhausted.**"; and

Further amend the title and enacting clause accordingly.

Senator Romine moved that the above amendment be adopted, which motion prevailed.

Senator Kehoe moved that **SS** for **SB 476**, as amended, be adopted, which motion prevailed.

On motion of Senator Kehoe, **SS** for **SB 476**, as amended, was declared perfected and ordered printed.

REFERRALS

President Pro Tem Dempsey referred **SS No. 2** for **SB 386** and **SB 401** to the Committee on Governmental Accountability and Fiscal Oversight.

President Pro Tem Dempsey referred **HCR 38** to the Committee on Rules, Joint Rules, Resolutions and Ethics.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HCR 49**.

HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE CONCURRENT RESOLUTION NO. 49

WHEREAS, humans need a varied diet containing protein in order to be healthy; and

WHEREAS, eggs are an efficient, nutritious, and affordable form of animal protein on which millions of Americans rely; and

WHEREAS, Article I, Section 8, Clause 3 of the United States Constitution, also known as the Commerce Clause, was designed to ensure free trade between the states by preventing any state from imposing a tariff or other restriction on goods from another state; and

WHEREAS, California is one of the nation's largest producers and consumers of eggs for human consumption; and

WHEREAS, conventional chicken enclosures, also known as battery cages, have been proven to better protect egg-laying hens from bone breaks, cannibalism, disease, smothering, and predation than free range operations or operations using so-called "enriched cages"; and

WHEREAS, forcing egg producers to switch to "enriched cages" or nonconfinement operations drove up the cost of eggs in the European Union while also leading to food shortages and the closure of countless farms; and

WHEREAS, forcing egg farmers in America to abandon battery cages in favor of "enriched cages" or nonconfinement operations will lead to the same impacts on the U.S. economy and food supply; and

WHEREAS, the Humane Society of the United States, also known as HSUS, is America's largest animal rights group and has aggressively pursued an agenda intended to decrease and eventually eliminate the public's consumption of animal protein; and

WHEREAS, California voters adopted Proposition 2 to their state constitution in 2008, requiring the state's egg producers to switch to "enriched cages" or nonconfinement operations in a campaign led and funded by the Humane Society of the United States; and

WHEREAS, in 2010, at the behest of HSUS, the California legislature passed AB 1437, which was signed into law by Governor Arnold Schwarzenegger, prohibiting the sale of eggs from other states that do not meet the requirements of Proposition 2 of 2008; and

WHEREAS, together, California's Proposition 2 and AB 1437 violate the Commerce Clause of the U.S. Constitution by preventing free trade among the states; and

WHEREAS, together, California's Proposition 2 and AB 1437 have artificially increased egg prices and restricted the availability of affordable eggs and vital animal protein to Californians, especially low-income citizens:

NOW THEREFORE BE IT RESOLVED that the members of the House of Representatives of the Ninety-eighth General Assembly, First Regular Session, the Senate concurring therein, hereby condemn California's anti-trade actions and call on the California legislature to repeal AB 1437 and urge the voters of California to reconsider and repeal Proposition 2.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCR 39**.

HOUSE CONCURRENT RESOLUTION NO. 39

WHEREAS, the 2015 Dietary Guidelines Advisory Committee (DGAC) submitted its advisory report to the Secretaries of the U.S. Department of Health and Human Services and the U.S. Department of Agriculture in February, 2015; and

WHEREAS, the purpose of the advisory report is to inform the federal government of current scientific evidence on topics related to diet, nutrition, and health; and

WHEREAS, the U.S. Department of Health and Human Services and the U.S. Department of Agriculture use the advisory report to develop national nutrition policies; and

WHEREAS, the advisory report stated that the U.S. population should be encouraged and guided to follow dietary patterns that are lower

in meats; and

WHEREAS, the advisory report stated that diets lower in animal-based foods are more health promoting; and

WHEREAS, the advisory report recommends a reduction in consumption of red meat, but then finds that red meat is an excellent source of iron, of which Americans should be encouraged to consume more in their diets; and

WHEREAS, the advisory report states that meat foods provide heme iron, which is especially important for young children and women who are pregnant, and which is more bioavailable than non-heme, plant-derived iron; and

WHEREAS, the advisory report concurred with the Nutrition Evidence Library (NEL) Dietary Patterns Systematic Review Project that dietary patterns that are lower in meats are associated with favorable outcomes related to healthy body weight and risk of obesity; and

WHEREAS, the DGAC stated that a “dietary pattern higher in plant-based foods, such as vegetables, fruits, whole grains, legumes, nuts and seeds, and lower in animal-based foods is more health promoting and is associated with lesser environmental impact than is the current average U.S. Diet”; and

WHEREAS, the DGAC’s suggestion that reducing animal-based foods in the American diet will improve health and have a positive environmental impact is not supported by scientific evidence; and

WHEREAS, the advisory report included red meat in its definition of “lean meat”, which is defined as any meat with less than 10% fat by weight including 95% lean ground beef; broiled beef steak; baked pork chops; roasted chicken breasts or legs; and smoked or cured ham; and

WHEREAS, the DGAC removes lean meats from the common characteristics of healthy dietary patterns, which is inconsistent with more than three decades of scientific evidence on the benefits of lean meat in healthy diets and is also in direct conflict with all previous editions of the Dietary Guidelines for Americans; and

WHEREAS, inconsistencies in its own recommendations and the astonishing lack of discernment in reviewing scientific evidence call into question the entirety of the DGAC’s recommendations and should not be used to form our nation’s nutritional policies:

NOW THEREFORE BE IT RESOLVED that the members of the House of Representatives of the Ninety-eighth General Assembly, First Regular Session, the Senate concurring therein, hereby urge the Dietary Guidelines Advisory Committee to reevaluate its recommendations, especially regarding the consumption of meat as a component of a healthy diet; and

BE IT FURTHER RESOLVED that the Chief Clerk of the Missouri House of Representatives be instructed to prepare a properly inscribed copy of this resolution for the U.S. Department of Health and Human Services, the U.S. Department of Agriculture, and the 2015 Dietary Guidelines Advisory Committee.

In which the concurrence of the Senate is respectfully requested.

On motion of Senator Richard, the Senate recessed until 3:00 p.m.

RECESS

The time of recess having expired, the Senate was called to order by Senator Romine.

SENATE BILLS FOR PERFECTION

Senator Brown moved that **SB 317** be called from the Informal Calendar and taken up for perfection, which motion prevailed.

On motion of Senator Brown, **SB 317** was declared perfected and ordered printed.

Senator Pearce moved that **SB 369** be called from the Informal Calendar and taken up for perfection, which motion prevailed.

Senator Pearce offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Bill No. 369, Page 1, Section 1, Line 4, by striking the word “Rehabilitation” and inserting in lieu thereof the following: “**Habilitation**”.

Senator Pearce moved that the above amendment be adopted, which motion prevailed.

On motion of Senator Pearce, **SB 369**, as amended, was declared perfected and ordered printed.

Senator Walsh moved that **SB 435**, with **SCS**, be called from the Informal Calendar and taken up for perfection, which motion prevailed.

Senator Walsh moved that **SCS** for **SB 435**, be adopted, which motion prevailed.

On motion of Senator Walsh, **SCS** for **SB 435** was declared perfected and ordered printed.

Senator Hegeman moved that **SB 321**, with **SCS**, be called from the Informal Calendar and taken up for perfection, which motion prevailed.

Senator Hegeman moved that **SCS** for **SB 321** be adopted.

Senator Riddle offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bill No. 321, Page 3, Section 455.010, Line 63, by striking “and repeatedly”; and further amend line 64, by inserting immediately after “person” the following: “, or a person who resides together in the same household with the person seeking the order of protection; and further amend line 67, by inserting at the end of said line the word “**and**”; and further amend line 68, by striking “repeated” and inserting in lieu thereof the following: “**two or more**”; and further amend lines 71-73, by striking the following: “; and

(c) “Repeated” means two or more incidents evidencing a continuity of purpose”.

Senator Riddle moved that the above amendment be adopted, which motion prevailed.

Senator Hegeman moved that **SCS** for **SB 321**, as amended, be adopted, which motion prevailed.

On motion of Senator Hegeman, **SCS** for **SB 321**, as amended, was declared perfected and ordered printed.

Senator Sater moved that **SB 354**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SB 354**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 354

An Act to repeal section 191.331, RSMo, and to enact in lieu thereof one new section relating to amino acid-based elemental formulas.

Was taken up.

Senator Sater moved that **SCS** for **SB 354** be adopted.

Senator Sater offered **SS** for **SCS** for **SB 354**, entitled:

SENATE SUBSTITUTE FOR SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 354

An Act to amend chapter 192, RSMo, by adding thereto one new section relating to amino acid-based elemental formulas.

Senator Sater moved that **SS** for **SCS** for **SB 354** be adopted, which motion prevailed.

On motion of Senator Sater, **SS** for **SCS** for **SB 354** was declared perfected and ordered printed.

Senator Riddle moved that **SB 500** be called from the Informal Calendar and taken up for perfection, which motion prevailed.

On motion of Senator Riddle, **SB 500** was declared perfected and ordered printed.

Senator Wallingford moved that **SB 474** be called from the Informal Calendar and taken up for perfection, which motion prevailed.

On motion of Senator Wallingford, **SB 474** was declared perfected and ordered printed.

Senator Wasson moved that **SB 561** be called from the Informal Calendar and taken up for perfection, which motion prevailed.

On motion of Senator Wasson, **SB 561** was declared perfected ordered printed.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SB 104**, entitled:

An Act to repeal sections 115.342, 115.348, 115.350, 116.190, 162.481, and 162.491, RSMo, and section 162.025 as enacted by house bill no. 63, ninety-eighth general assembly, first regular session, and to enact in lieu thereof six new sections relating to elections, with an emergency clause.

With House Amendment Nos. 1, 2 and 3.

HOUSE AMENDMENT NO. 1

Amend House Committee Substitute for Senate Bill No. 104, Page 5, Section 162.491, Line 17, by inserting immediately after all of said section the following:

“178.820. 1. In the organization election, six trustees shall be elected at large throughout the entire proposed district. The two candidates receiving the greatest number of votes shall be elected for terms of six years each, the two receiving the next greatest number of votes for terms of four years each, the two receiving the next greatest number of votes for terms of two years each, and such terms shall be effective until the first Tuesday in April coinciding with or next following such period of years, or until the successors to such trustees have been duly elected and qualified. Thereafter, the trustees shall be elected for terms of six years each.

2. Following the initial election, the board of trustees may, at any duly called meeting, adopt a resolution calling for the formation of a redistricting committee to consider the formation of subdistricts within the community college district from which trustees are thereafter to be elected. Upon adoption of any such resolution, the secretary of the board of trustees shall forward a certified copy thereof to the coordinating board for higher education with the request that a redistricting committee be appointed in order to divide the community college districts into at least two and not more than six subdistricts for the purpose of electing trustees. The redistricting committee shall consist of three residents within the affected district, appointed by the board of trustees of the affected district, plus three additional persons residents within the affected district, appointed by the coordinating board for higher education. Thereafter, the redistricting

committee shall meet, organize itself with a chairman and secretary, and proceed with the adoption of a redistricting plan specifying at least two but not more than six subdistricts which are to the extent possible so apportioned on the basis of population that the population of any such subdistrict divided by the number of trustees to be selected therefrom substantially equals the population of any other subdistrict divided by the number of trustees to be selected therefrom. The redistricting plan referred to herein, in lieu of requiring all trustees to be elected from subdistricts, may provide for the election of one or more trustees at large and the remainder from subdistricts, or for the election of all the trustees at large with the requirement that each must reside in a certain subdistrict, so long as in any plan adopted, subdistricts are apportioned as provided above. Notwithstanding the above, the board of trustees of any community college district which contains more than four hundred fifty thousand residents shall, at the first duly called meeting following August 13, 1972, and thereafter within ninety days following the publication of the decennial census figures, adopt a resolution calling for the formation of a redistricting committee; and the redistricting committee shall adopt a redistricting plan specifying the establishment of not less than four nor more than six subdistricts compact and contiguous in territory and apportioned as provided above.

3. In any district which shall contain a city not within a county, if four subdistricts are established, then at least one subdistrict shall be within said city, and if five or six subdistricts are established, then at least two subdistricts shall be within said city.

4. Any person running for election as a trustee of a subdistrict shall be domiciled and a resident therein. Any plan proposed to be adopted must receive approval of a majority of the whole redistricting committee. Upon adoption the redistricting committee shall forward a copy of the plan certified by the secretary to the coordinating board for higher education for its approval or disapproval. The coordinating board for higher education shall approve any redistricting plan in which the population of any subdistrict divided by the number of trustees to be selected therefrom substantially equals the population of any other subdistrict divided by the number of trustees to be elected therefrom. Upon approval, the redistricting plan shall become effective and all trustees elected thereafter shall be required to be elected from subdistricts in which they are resident. If the plan is not approved, then it shall be returned to the redistricting committee for revision and resubmission. Until approval of a plan by the coordinating board for higher education, trustees of a district shall continue to run at large. Upon approval of any plan, the board of trustees shall determine by resolution the assignment of trustees to subdistricts. Any such assignment shall not affect the term of office of any such trustee. Once a district has been divided into subdistricts in accordance with the provisions hereof, it shall remain so divided until one year following the publication of the decennial census figures, by which date a new plan shall have been adopted or the trustees shall again be required to run in the district at large; provided, however, that if during the period between publications of decennial census figures the area of a district is increased or decreased, a new plan shall be adopted within one year thereafter or the trustees shall be required to run in the district at large. No member of the redistricting committee shall serve on the board of trustees for a period of six years following his service on the redistricting committee.

5. Candidates for the office of trustee shall be citizens of the United States, at least twenty-one years of age, who have been voters of the district for at least one whole year preceding the election, and if trustees are elected other than at large they shall be voters of the subdistricts for at least one whole year next preceding the election. All candidates for the first board of a district shall file their declaration of candidacy with the coordinating board for higher education.

6. Notwithstanding the provisions of this section or any other law to the contrary, the board of

trustees of the community college district in any district that contains a city not within a county shall be composed of seven members, six of whom shall each be elected to a six-year term, and one at-large member who shall be appointed to a six-year term, beginning with the board election occurring immediately after August 28, 2015. The first appointment shall be made by the mayor of a city not within a county and the second appointment shall be made by the county executive of a county with a charter form of government and with more than nine hundred fifty thousand inhabitants. All subsequent appointments shall be made on an alternating basis between such mayor and such county executive.

(1) The appointed member shall be a citizen of the United States, at least twenty-one years of age, and a registered voter of the district for at least one year preceding the appointment.

(2) No member, elected or appointed, shall be an employee or former employee of such community college district.

(3) Whenever a vacancy occurs in the appointed member's seat due to death, resignation, removal from the district, or by operation of law or otherwise, the appointing executive shall, in a like manner, appoint a competent person to fill such vacancy and shall communicate his or her action to the board secretary of the district. Such appointed member shall hold office for the remainder of the unexpired term.

(4) If a board member is found by unanimous vote of the other board members to have moved his or her residence to a district other than the district from which such board member was appointed or elected, or to have violated a duly promulgated bylaw of the district, then the office of such board member shall be vacant.

(5) The board shall have the power to make such bylaws or ordinances, rules, and regulations as they may judge most expedient for the accomplishment of the trust reposed in them, for the government of their officers and employees, to secure their accountability, and to delegate their authority as they may deem necessary to such officers and employees or to committees appointed by the board.

(6) Except as specifically provided in this section, the appointment or election and term of office for members of the board, and all other duties and responsibilities of the board, shall comply with the provisions of state law regarding trustees of community college districts.”; and

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

HOUSE AMENDMENT NO. 2

Amend House Committee Substitute for Senate Bill No. 104, Page 1, In the title, Line 3, by deleting, “section 162.025” and inserting in lieu thereof the following: “sections 162.025 and 162.491”; and

Further amend said page, Section A, Line 2, by deleting, “section 162.025” and inserting in lieu thereof the following: “sections 162.025 and 162.491”; and

Further amend said bill, Page 5, Section 162.491, Lines 14-15, by deleting all of said lines and inserting in lieu thereof the following:

“4. In any urban school district located in a county of the first classification with more than eighty-

three thousand but fewer than ninety-two thousand inhabitants and with a home rule city with more than seventy-six thousand but fewer than ninety-one thousand inhabitants as the county seat, a candidate for director”; and

Further amend said bill, Page 7, Section 162.025, Line 3, by inserting after all of said line the following:

“[162.491. 1. Directors for urban school districts, other than those districts containing the greater part of a city of over one hundred thirty thousand inhabitants, may be nominated by petition to be filed with the secretary of the board and signed by a number of voters in the district equal to ten percent of the total number of votes cast for the director receiving the highest number of votes cast at the next preceding biennial election, **except as provided in subsection 4 of this section.**

2. This section shall not be construed as providing the sole method of nominating candidates for the office of school director in urban districts which do not contain the greater part of a city of over three hundred thousand inhabitants.

3. A director for any urban school district containing a city of greater than one hundred thirty thousand inhabitants and less than three hundred thousand inhabitants may be nominated as an independent candidate by filing with the secretary of the board a petition signed by five hundred registered voters of such school district.

4. In any urban school district located in a home rule city with more than seventy-one thousand but fewer than seventy-nine thousand inhabitants, a candidate for director shall file a declaration of candidacy with the secretary of the board and shall not be required to submit a petition.]”; and

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

HOUSE AMENDMENT NO. 3

Amend House Committee Substitute for Senate Bill No. 104, Page 1, Section 115.306, Line 4, by inserting after the word, “**state**” the words, “**or an offense committed in another state that would be considered a felony in this state**”;

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

Emergency clause defeated.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SCS** for **SB 152**, entitled:

An Act to repeal sections 29.380, 260.200, 260.225, 260.250, 260.320, 260.325, 260.330, 260.335, and 260.345, RSMo, and to enact in lieu thereof eleven new sections relating to environmental protection.

With House Amendment Nos. 1 and 2.

HOUSE AMENDMENT NO. 1

Amend House Committee Substitute for Senate Committee Substitute for Senate Bill No. 152, Page 21,

Section 620.3150, Line 3, by inserting after all of said section and line the following:

“643.650 1. Any owner of a coal-fired electric generating source in a National Ambient Air Quality Standards nonattainment area currently designated as of April 1, 2015, shall develop an ambient air quality monitoring or modeling network to characterize the sulfur dioxide air quality surrounding the electric generating source. The network shall adequately monitor the ambient air quality for sulfur dioxide surrounding the entire electric generating source and shall operate for not less than twelve consecutive quarters. The owner of such electric generating source shall notify the department of the manner in which it intends to characterize by either modeling or monitoring the air quality around such source. The location of any monitoring network installed by the owner of such electric generating source within a one-hour sulfur dioxide National Ambient Air Quality Standards nonattainment area shall be approved by the department.

2. Affected sources located in undesignated areas that elect to use monitoring to evaluate ambient air quality shall be consulted by the department on the use of existing monitors as well as the location of any new monitors intended to comprise the sulfur dioxide monitoring network. The department shall not submit its recommendation to the Environmental Protection Agency on the manner in which data will be gathered for the designation process that is inconsistent with the elections made by affected sources under this section. Where affected sources have elected to monitor under this section, the department shall submit recommendations for the designation process by the date set by a final, effective, and applicable Environmental Protection Agency requirement relating to state attainment designations and not prior.

3. The department shall consider all ambient air quality monitoring network data collected under subsection 1 of this section and under any agreement authorized under this subsection prior to proposing to the commission any sulfur dioxide limitation, emission reduction requirement, or other requirement for purposes of the one-hour sulfur dioxide National Ambient Air Quality Standard for any electric generating source that has elected to install a monitoring network under this section, except:

(1) The department may propose to the commission any sulfur dioxide limitations or emission reduction requirements specifically agreed to in any voluntary agreement entered into between the department and any owner of an electric generating source that has elected to install a monitoring network under this section; and

(2) The department may propose to the commission any adjustments to the sulfur dioxide limitations or emission reduction requirements applicable to any electric generating source located in a sulfur dioxide nonattainment area and subject to an agreement under subdivision (1) of this subsection, as justified by an ambient air quality analysis relying on no fewer than two quarters of monitored data collected through the monitoring network allowable under subsection 1 of this section and consistent with such agreement.

4. Nothing in this section shall prohibit the department from entering into an agreement with an owner of an electric generating source to limit or reduce sulfur dioxide emissions at such affected source that is below the source's permitted sulfur dioxide emission rate.”; and

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

HOUSE AMENDMENT NO. 2

Amend House Committee Substitute for Senate Committee Substitute for Senate Bill No. 152, Page 20, Section 260.345, Line 36, by inserting after all of said section and line the following:

“306.910. 1. For purposes of this section, the following terms shall mean:

(1) “Outfitter”, any individual, group, corporation, or other business entity which rents or provides the opportunity to the public to use any watercraft on the state’s streams or rivers;

(2) “Water patrol division”, the water patrol division of the state highway patrol;

(3) “Watercraft”, any canoe, kayak, raft, innertube, or other flotation device propelled by the use of paddles, oars, or other nonmotorized means of propulsion.

2. By January 1, 2016, the water patrol division shall develop an informational brochure regarding the laws, regulations, and associated penalties relating to recreational water use as they pertain to individuals participating in the recreational use of the state’s streams or rivers.

3. The water patrol division shall distribute the informational brochures developed under this section to all campgrounds and outfitters that rent or provide watercraft for use on a stream or river.

4. No more than one hundred thousand dollars shall be expended on the development and printing of the informational brochure under this section.”; and

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

In which the concurrence of the Senate is respectfully requested.

President Pro Tem Dempsey assumed the Chair.

REPORTS OF STANDING COMMITTEES

Senator Pearce, Chairman of the Committee on Education, submitted the following report:

Mr. President: Your Committee on Education, to which was referred **HB 41**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

On behalf of Senator Schmitt, Chairman of the Committee on Jobs, Economic Development and Local Government, Senator Richard submitted the following report:

Mr. President: Your Committee on Jobs, Economic Development and Local Government, to which was referred **HB 511**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator Schaaf, Chairman of the Committee on General Laws and Pensions, submitted the following reports:

Mr. President: Your Committee on General Laws and Pensions, to which was referred **HB 88**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on General Laws and Pensions, to which was referred **HB 326**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on General Laws and Pensions, to which was referred **HB 361**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on General Laws and Pensions, to which was referred **HB 400**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on General Laws and Pensions, to which was referred **HB 402**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on General Laws and Pensions, to which was referred **HB 403**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on General Laws and Pensions, to which was referred **HB 404**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on General Laws and Pensions, to which was referred **HB 567**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on General Laws and Pensions, to which was referred **HB 629**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on General Laws and Pensions, to which was referred **HB 778**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on General Laws and Pensions, to which was referred **HB 859**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on General Laws and Pensions, to which was referred **HB 861**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on General Laws and Pensions, to which was referred **HB 874**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on General Laws and Pensions, to which was referred **HB 1116**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on General Laws and Pensions, to which was referred **HB 1119**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator Wasson, Chairman of the Committee on Financial and Governmental Organizations and Elections, submitted the following reports:

Mr. President: Your Committee on Financial and Governmental Organizations and Elections, to which was referred **HB 979**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Financial and Governmental Organizations and Elections, to which was referred **HB 1052**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Financial and Governmental Organizations and Elections, to which was referred **HB 1098**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Senator Parson, Chairman of the Committee on Small Business, Insurance and Industry, submitted the following report:

Mr. President: Your Committee on Small Business, Insurance and Industry, to which was referred

HB 391, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator Sater, Chairman of the Committee on Seniors, Families and Children, submitted the following report:

Mr. President: Your Committee on Seniors, Families and Children, to which was referred **HB 343**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Senator Cunningham, Chairman of the Committee on Governmental Accountability and Fiscal Oversight, submitted the following report:

Mr. President: Your Committee on Governmental Accountability and Fiscal Oversight, to which was referred **HB 947**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Senator Libla, Chairman of the Committee on Transportation, Infrastructure and Public Safety, submitted the following reports:

Mr. President: Your Committee on Transportation, Infrastructure and Public Safety, to which was referred **HB 149**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Transportation, Infrastructure and Public Safety, to which was referred **HB 179**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Transportation, Infrastructure and Public Safety, to which was referred **HB 269**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Transportation, Infrastructure and Public Safety, to which were referred **HB 522**, **HB 34**, **HB 133**, **HB 134**, **HB 810**, **HB 338** and **HB 873**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Transportation, Infrastructure and Public Safety, to which was referred **HB 650**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Transportation, Infrastructure and Public Safety, to which was referred **HB 869**, begs leave to report that it has considered the same and recommends that the bill do pass

and be placed on the Consent Calendar.

Senator Richard, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which were referred **SCS** for **SB 435**, **SB 317** and **SB 200**, begs leave to report that it has examined the same and finds that the bills have been truly perfected and that the printed copies furnished the Senators are correct.

REFERRALS

President Pro Tem Dempsey referred **SB 200** to the Committee on Governmental Accountability and Fiscal Oversight.

REPORTS OF STANDING COMMITTEES

Senator Cunningham, Chairman of the Committee on Governmental Accountability and Fiscal Oversight, submitted the following reports:

Mr. President: Your Committee on Governmental Accountability and Fiscal Oversight, to which were referred **SCS** for **HCS** for **HB 42**, as amended, and **HB 150**, begs leave to report that it has considered the same and recommends that the bills do pass.

Senator Romine assumed the Chair.

HOUSE BILLS ON THIRD READING

Senator Pearce moved that **SCS** for **HCS** for **HB 42**, as amended, be taken up for 3rd reading and final passage, which motion prevailed.

SCS for **HCS** for **HB 42**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cunningham	Curls	Dempsey	Dixon	Hegeman	Holsman
Keaveny	Kehoe	Libla	Munzlinger	Nasheed	Onder	Parson	Pearce
Richard	Riddle	Romine	Sater	Schaaf	Schaefer	Sifton	Wallingford
Wasson	Wieland—26						

NAYS—Senators

Kraus	Schupp	Walsh—3
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Absent—Senators—None

Absent with leave—Senators

Emery	LeVota	Schatz	Schmitt	Silvey—5
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Vacancies—None

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cunningham	Curls	Dempsey	Dixon	Hegeman	Holsman
Keaveny	Kehoe	Libla	Munzlinger	Nasheed	Onder	Parson	Pearce
Richard	Riddle	Romine	Sater	Schaaf	Schaefer	Schupp	Sifton
Wallingford	Walsh	Wasson	Wieland—28				

NAYS—Senator Kraus—1

Absent—Senators—None

Absent with leave—Senators

Emery	LeVota	Schatz	Schmitt	Silvey—5
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Vacancies—None

On motion of Senator Pearce, title to the bill was agreed to.

Senator Pearce moved that the vote by which the bill passed be reconsidered.

Senator Richard moved that motion lay on the table, which motion prevailed.

Senator Kehoe moved that **HB 150** be taken up for 3rd reading and final passage, which motion prevailed.

HB 150 was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Cunningham	Dempsey	Dixon	Hegeman	Kehoe	Kraus	Libla
Munzlinger	Onder	Parson	Pearce	Richard	Riddle	Romine	Sater
Schaaf	Schaefer	Wallingford	Wasson	Wieland—21			

NAYS—Senators

Chappelle-Nadal	Curls	Holsman	Keaveny	Nasheed	Schupp	Sifton	Walsh—8
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Absent—Senators—None

Absent with leave—Senators

Emery	LeVota	Schatz	Schmitt	Silvey—5
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Vacancies—None

The President declared the bill passed.

On motion of Senator Kehoe, title to the bill was agreed to.

Senator Kehoe moved that the vote by which the bill passed be reconsidered.

Senator Richard moved that motion lay on the table, which motion prevailed.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 457**, entitled:

An Act to repeal section 170.310, RSMo, and to enact in lieu thereof one new section relating to cardiopulmonary instruction in schools.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1064**, entitled:

An Act to repeal sections 362.111, 369.159, and 370.073, RSMo, and to enact in lieu thereof three new sections relating to contractual fees charged by certain financial institutions.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

RESOLUTIONS

Senator Riddle offered Senate Resolution No. 813, regarding the Sixtieth Wedding Anniversary of Mr. and Mrs. James Francis Burke, which was adopted.

Senator Libla offered Senate Resolution No. 814, regarding Lester “Bud” Pinner, Poplar Bluff, which was adopted.

Senator LeVota offered Senate Resolution No. 815, regarding the One Hundredth Birthday of Mabel Whaley, Independence, which was adopted.

Senator Hegeman offered Senate Resolution No. 816, regarding the Sixtieth Anniversary of KTTN Radio Station, Trenton, which was adopted.

Senator Dixon offered Senate Resolution No. 817, regarding Aneva Jefferson, Springfield, which was adopted.

Senator Libla offered Senate Resolution No. 818, regarding Sam Giambelluca, which was adopted.

INTRODUCTIONS OF GUESTS

Senator Holsman introduced to the Senate, James and Lisa Bone, Gladstone.

Senator Munzlinger introduced to the Senate, Dean Dr. Margaret Wilson; Richard Thomas, Tyler Nickle, Bruce Wallace, Leslie Wilson, Brett Wilson, Jordan Palmer and students from ATSU-Kirksville College of Osteopathic Medicine.

Senator Wasson introduced to the Senate, Jennifer Murray, and her son, Connor; and Connor was made an honorary page.

Senator Sater introduced to the Senate, nine students from the Missouri Alliance of Boys and Girls

Clubs.

Senator Cunningham introduced to the Senate, David Broeker and Jerry Wilbers, Jefferson City.

Senator Schaaf introduced to the Senate, Lauryn Newhart, Faucett.

On behalf of Senator Pearce, the President introduced to the Senate, Ron Brohammer, Rebecca Hoeflecker, Tonya Willim, Marilyn Odell, Ashlee Willim, Linda Emley, Jim Carter, Keesha Johnson, Natalie Lamar, Valerie Johnson, Bill Purcell, Connie Taylor, Christal Milligan and Chastidy Loftin, Richmond.

Senator Sater introduced to the Senate, Randy Fogle, Branson.

Senator Schupp introduced to the Senate, Patty Sebastian and Hailey Sherman, Creve Coeur; and Hailey was made an honorary page.

On behalf of Senator Pearce, the President introduced to the Senate, Jennifer Poston, Carrollton; Kevin Harris, Trenton; and Duane Thompson, Brookfield.

Senator Kehoe introduced to the Senate, Hakeem Din-Gabisi, Jefferson City.

On behalf of Senator Pearce, the President introduced to the Senate, Duane and Carolyn Harms, Leeton.

Senator Hegeman introduced to the Senate, students from Maysville High School.

Senator Walsh introduced to the Senate, teachers, Debbie Tesson and Terri Watkins; chaperones; and forty-nine fourth and fifth grade students from St. Norbert Catholic School, Florissant; and Paige Bradley, Max Tatoian, Tori King and Theodore J. Heitzler, Jr. were made honorary pages.

Senator Schupp introduced to the Senate, Ellen Alper and Darren Arnstein, National Council of Jewish Women, St. Louis.

Senator Nasheed introduced to the Senate, students from The Bertha Knox Gilkey Pamoja Preparatory School, St. Louis.

Senator Holsman introduced to the Senate, fifth grade students from Academie Lafayette, Kansas City.

Senator Schaaf introduced to the Senate, Phillip and Bernadette Glick, and their daughter, Catherine; and Catherine was made an honorary page.

Senator Holsman introduced to the Senate, former State Senator Jolie Justus, Kansas City.

Senator Dixon introduced to the Senate, his wife, Amanda and Aneva Jefferson, Springfield.

Senator Pearce introduced to the Senate, Bob and Laurie Lawson, Warrensburg.

Senator Pearce introduced to the Senate, Melissa Walker, Jefferson City.

Senator Cunningham introduced to the Senate, the Fire Chief and members of the West Plains Fire Department.

On motion of Senator Richard, the Senate adjourned under the rules.

SENATE CALENDAR

 FIFTY-THIRD DAY-THURSDAY, APRIL 16, 2015

FORMAL CALENDAR

HOUSE BILLS ON SECOND READING

HCS for HB 712	HCS for HB 14
HCS for HBs 35 & 323	HB 523-Burlison
HB 229-McCaherty	HCS for HB 637
HCS for HB 380	HB 982-Rowden
HB 1022-Gosen	HB 336-McGaugh
HB 410-Kelley	HCS for HBs 636 & 645
HCS for HB 882	HCS for HB 926
HCS for HB 319	HB 148-Fitzpatrick
HB 254-Crawford	HCS for HB 268
HCS for HB 1063	HCS for HB 811
HCS for HB 1019	HCS for HB 457
HCS for HB 272	HB 1064-Shull

THIRD READING OF SENATE BILLS

- | | |
|---|---|
| 1. SCS for SBs 1, 22, 49 & 70-Pearce
(In Fiscal Oversight) | 8. SCS for SB 190-Curls |
| 2. SCS for SB 56-Munzlinge
(In Fiscal Oversight) | 9. SS for SB 365-Schmitt |
| 3. SS for SB 201-Dixon
(In Fiscal Oversight) | 10. SS#2 for SB 386-Keaveny
(In Fiscal Oversight) |
| 4. SB 203-Dixon (In Fiscal Oversight) | 11. SB 401-Schmitt and Richard
(In Fiscal Oversight) |
| 5. SB 155-Nasheed (In Fiscal Oversight) | 12. SB 334-Nasheed |
| 6. SB 389-Silvey and Walsh
(In Fiscal Oversight) | 13. SCS for SB 435-Walsh |
| 7. SCS for SB 328-Schupp | 14. SB 317-Brown |
| | 15. SB 200-Dixon (In Fiscal Oversight) |

HOUSE BILLS ON THIRD READING

HB 92-Miller (Kehoe)

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SB 37-Romine, with SCS & SA 1 (pending)	SB 339-Munzlinger
SB 53-Schaaf	SB 352-Schaefer
SB 55-Munzlinger	SB 358-Kehoe
SB 59-Dixon	SB 366-Schmitt
SB 69-LeVota, with SCS	SB 371-Munzlinger
SB 80-Dixon, with SCS	SB 372-Keaveny, with SCS (pending)
SB 87-Emery, with SCS	SB 373-Libla
SB 91-Dixon, with SCS	SB 377-Schatz
SB 112-Dixon, with SCS	SB 400-Onder
SB 141-Parson	SB 416-Wasson
SB 142-Romine, with SCS & SS#2 for SCS (pending)	SB 420-Schmitt
SB 145-Pearce, with SCS	SB 424-Pearce, with SA 1 (pending)
SB 151-Sater	SB 430-Curls
SB 159-Parson	SB 433-Dixon and Dempsey
SB 167-Schaaf, with SCS	SB 452-Schmitt, et al, with SA 1 & point of order (pending)
SB 199-Dixon, et al, with SCS	SB 457-Sater
SB 225-Romine, with SCS	SB 463-Dixon
SB 227-Emery, with SS (pending)	SB 469-Munzlinger
SB 232-Kehoe, with SCS	SB 475-Dempsey, with SS (pending)
SB 233-Kehoe, with SCS & SA 2 (pending)	SB 481-Onder, with SCS
SB 268-Pearce, with SCS	SB 488-Cunningham
SB 299-Pearce	SB 517-Wasson, with SCS
SB 302-Riddle, with SCS (pending)	SB 539-Brown, with SCS
SB 304-Keaveny, with SCS	SB 540-Libla, with SS (pending)
SB 305-Onder	SB 567-Chappelle-Nadal, et al
SB 314-Wallingford	SJR 7-Richard and Wallingford
SBs 331 & 21-Libla, with SCS & SS for SCS (pending)	SJR 12-Onder, with SCS (pending)

CONSENT CALENDAR

House Bills

Reported 4/9

HB 125-Black (Romine)

Reported 4/15

HB 41-Wood, with SCS (Kehoe)	HB 1116-Rehder
HB 511-Mathews	HB 1119-Redmon
HB 88-Walton Gray (Walsh)	HB 979-Dugger (Pearce)
HB 326-Leara (Kehoe)	HB 1052-Miller
HB 361-Spencer (Riddle)	HB 1098-Crawford, with SCS (Kraus)
HB 400-Peters	HB 391-Gosen (Wasson)
HB 402-Phillips (Sater)	HB 343-Lair, with SCS (Wieland)
HB 403-Phillips, with SCS (Sater)	HB 947-Wiemann, with SCS (Wallingford)
HB 404-Phillips (Sater)	HB 149-Fitzpatrick
HB 567-Dunn	HB 179-Chipman (Brown)
HB 629-Leara (Silvey)	HB 269-Miller
HB 778-Ruth	HBs 522, 34, 133, 134, 810, 338 &
HB 859-Dunn	873-Cookson, with SCS (Libla)
HB 861-Fitzwater (49) (Wasson)	HB 650-Cornejo (Schaefer)
HB 874-Remole (Munzlinger)	HB 869-Solon (Schatz)

SENATE BILLS WITH HOUSE AMENDMENTS

SB 104-Kraus, with HCS, as amended	SCS for SB 152-Wallingford, with HCS, as amended
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BILLS IN CONFERENCE AND BILLS
CARRYING REQUEST MESSAGES

In Conference

SS#2 for SCS for SB 11-Richard, with HA 1, HA 2, as amended, HA 3, as amended & HA 4	HCS for HB 6, with SCS (Schaefer)
SS#2 for SCS for SB 24-Sater, with HCS, as amended (Senate adopted CCR and passed CCS)	HCS for HB 7, with SCS (Schaefer)
HCS for HB 2, with SCS (Schaefer)	HCS for HB 8, with SCS (Schaefer)
HCS for HB 3, with SCS (Schaefer)	HCS for HB 9, with SCS (Schaefer)
HCS for HB 4, with SCS (Schaefer)	HCS for HB 10, with SCS (Schaefer)
HCS for HB 5, with SCS (Schaefer)	HCS for HB 11, with SCS, as amended (Schaefer)
	HCS for HB 12, with SS for SCS (Schaefer)
	HCS for HB 13, with SCS (Schaefer)

RESOLUTIONS

Reported from Committee

SCR 13-Curls

SCRs 21, 19 & 23-Dixon, et al, with SCS

To be Referred

HCR 39-Houghton

HCS for HCR 49

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