

FIRST REGULAR SESSION

HOUSE BILL NO. 1164

101ST GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE GRIESHEIMER.

1162H.02I

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To amend chapter 319, RSMo, by adding thereto one new section relating to the underground damage prevention review board, with penalty provisions.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Chapter 319, RSMo, is amended by adding thereto one new section, to be known as section 319.060, to read as follows:

- 319.060. 1. There is hereby established the "Underground Damage Prevention Review Board" to review reports of alleged violations of sections 319.010 to 319.060. The members of the Board shall be appointed by the governor. The board shall consist of nine members who shall be as follows:**
- (1) A city or county official from this state;**
 - (2) An employee or officer of an underground facility owner;**
 - (3) An employee or officer of an underground pipeline facility owner;**
 - (4) An employee or officer of a rural underground facility owner;**
 - (5) An employee or officer of a highway contractor who does not own or operate underground facilities;**
 - (6) An employee or officer of a utility contractor who does not own or operate underground facilities;**
 - (7) An employee or officer of an excavator who does not own or operate underground facilities;**
 - (8) An employee or officer of an underground facility contract locator; and**
 - (9) A surveyor licensed under chapter 327.**

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

17 2. Each member of the board shall be initially appointed for a term of either
18 two or four years. Subsequent appointments shall be for four-year terms. Members of
19 the board may serve no more than two consecutive four year terms. Vacancies in
20 appointments made by the governor occurring prior to the expiration of a term shall be
21 filled by appointment for the unexpired term. The person appointed to a vacancy shall
22 represent the same group as his or her predecessor.

23 3. No member of the board may serve on a case in which the member has a conflict
24 of interest.

25 4. The governor may remove any member at any time for cause.

26 5. The board shall meet within thirty days after the appointment of all its members
27 and thereafter at such other times as may be expedient and necessary for the proper
28 performance of its duties, but the board shall hold at least two regular meetings per year.
29 At the board's first meeting, the members shall elect a chair and vice chair. The chair may
30 serve in such capacity for a one-year term and shall not serve as chair for more than two
31 consecutive terms. A majority of the board shall constitute a quorum for the transaction
32 of business.

33 6. The board shall receive reports of alleged violations of sections 319.010 to
34 319.060. The board shall contact persons against whom reports have been filed to inform
35 them of the alleged violation within ten days of the filing of the report. The board shall
36 maintain all of the following information regarding reports of alleged violations:

37 (1) The name, address, and telephone number of the person making the report;

38 (2) The nature of the violation, including the statute that is alleged to have been
39 violated;

40 (3) Information provided by the person making the report including, but not
41 limited to, written and electronic correspondence, pictures, and videos; and

42 (4) Information provided by the person against whom the report has been filed
43 including, but not limited to, written and electronic correspondence, pictures, and videos.

44 7. The board shall review all reports of alleged violations of sections 319.010 to
45 319.060 and accompanying information. If the board determines that a person has violated
46 any provision of sections 319.010 to 319.060, the board shall determine the appropriate
47 action or penalty to impose for each such violation. Actions and penalties may include, but
48 are not limited to, training, education, and a civil penalty not to exceed two thousand five
49 hundred dollars. The board shall approve training courses and the sponsors of training
50 courses under this subsection. Any fees for training courses approved by the board shall
51 be paid by the person determined to have violated any provision of sections 319.010 to
52 319.060. The board shall notify each person who is determined to have violated any

53 provision of sections 319.010 to 319.060 in writing of the board's determination and the
54 board's recommended action or penalty. A person determined to be in violation of any
55 provision of sections 319.010 to 319.060 may request a hearing before the board, after
56 which the board may reverse or uphold its original finding. If the board recommends a
57 penalty, the board shall notify the public service commission of the recommended penalty
58 and the commission shall issue an order imposing the penalty.

59 8. If the board recommends a penalty, the fee assessed upon an underground
60 facility owner shall be collected payable to the board or, at the discretion of the board, the
61 person making the complaint, in accordance with a schedule and in a manner established
62 by the board. All fees collected by the board shall be deposited with the state treasurer to
63 be credited to the underground damage prevention review board fund. All moneys
64 received by the board under the terms and provisions of this chapter shall be deposited
65 into the underground damage prevention review board fund and shall be spent exclusively
66 in support of board activities to develop and disseminate educational programming
67 designed to improve worker and public safety relating to excavation and underground
68 facilities.

69 9. The board shall maintain a record of reports of alleged violations of sections
70 319.010 to 319.060 received under subsection 6 of this section for at least four years,
71 including responses to such reports.

72 10. The attorney general's office shall assign a legal representative to provide legal
73 counsel to the board, if requested.

74 11. (1) There is hereby created in the state treasury the "Underground Damage
75 Prevention Review Board Fund", which shall consist of moneys collected under subsection
76 8 of this section. The state treasurer shall be custodian of the fund. In accordance with
77 sections 30.170 and 30.180, the state treasurer may approve disbursements. The fund shall
78 be a dedicated fund and, upon appropriation, moneys in the fund shall be used solely for
79 the administration of this section.

80 (2) Notwithstanding the provisions of section 33.080, to the contrary, any moneys
81 remaining in the fund at the end of the biennium shall not revert to the credit of the
82 general revenue fund.

83 (3) The state treasurer shall invest moneys in the fund in the same manner as other
84 funds are invested. Any interest and moneys earned on such investments shall be credited
85 to the fund.

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