

SECOND REGULAR SESSION

HOUSE BILL NO. 1647

96TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES RIDDLE (Sponsor), TAYLOR, FITZWATER, FUHR, SCHAD, DUGGER, ANDERS, HOLSMAN, HUMMEL, SMITH (71), DAVIS, WEBB, RUZICKA, CONWAY (14), SCHARNHORST, CAUTHORN, KORMAN, McNARY, HOUGH, HINSON AND JOHNSON (Co-sponsors).

5603L.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal section 292.606, RSMo, and to enact in lieu thereof one new section relating to fees for hazardous substances.

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

Section A. Section 292.606, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 292.606, to read as follows:

292.606. 1. Fees shall be collected for a period of [twenty] **thirty** years from August 28, 1992.

2. (1) Any employer required to report under subsection 1 of section 292.605, except local governments and family-owned farm operations, shall submit an annual fee to the commission of one hundred dollars along with the Tier II form. Owners or operators of petroleum retail facilities shall pay a fee of no more than fifty dollars for each such facility. Any person, firm or corporation selling, delivering or transporting petroleum or petroleum products and whose primary business deals with petroleum products or who is covered by the provisions of chapter 323, if such person, firm or corporation is paying fees under the provisions of the federal hazardous materials transportation registration and fee assessment program, shall deduct such federal fees from those fees owed to the state under the provisions of this subsection. If the federal fees exceed or are equal to what would otherwise be owed under this subsection, such employer shall not be liable for state fees under this subsection. In relation to petroleum products "primary business" shall mean that the person, firm or corporation shall earn more than fifty percent of hazardous chemical revenues from the sale, delivery or transport of petroleum

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.

16 products. For the purpose of calculating fees, all grades of gasoline are considered to be one
17 product, all grades of heating oils, diesel fuels, kerosenes, naphthas, aviation turbine fuel, and
18 all other heavy distillate products except for grades of gasoline, are considered to be one product,
19 and all varieties of motor lubricating oil are considered to be one product. For the purposes of
20 this section "facility" shall mean all buildings, equipment, structures and other stationary items
21 that are located on a single site or on contiguous or adjacent sites and which are owned or
22 operated by the same person. If more than three hazardous substances or mixtures are reported
23 on the Tier II form, the employer shall submit an additional twenty-dollar fee for each hazardous
24 substance or mixture. Fees collected under this subdivision shall be for each hazardous chemical
25 on hand at any one time in excess of ten thousand pounds or for extremely hazardous substances
26 on hand at any one time in excess of five hundred pounds or the threshold planning quantity,
27 whichever is less, or for explosives or blasting agents on hand at any one time in excess of one
28 hundred pounds. However, no employer shall pay more than ten thousand dollars per year in
29 fees. Except moneys acquired through litigation shall not apply to this cap;

30 (2) Employers engaged in transporting hazardous materials by pipeline except local gas
31 distribution companies regulated by the Missouri public service commission shall pay to the
32 commission a fee of two hundred fifty dollars for each county in which they operate;

33 (3) Payment of fees is due each year by March first. A late fee of ten percent of the total
34 owed, plus one percent per month of the total, may be assessed by the commission;

35 (4) If, on March first of each year, fees collected under this section and natural resources
36 damages made available pursuant to section 640.235 exceed one million dollars, any excess over
37 one million dollars shall be proportionately credited to fees payable in the succeeding year by
38 each employer who was required to pay a fee and who did pay a fee in the year in which the
39 excess occurred. The limit of one million dollars contained herein shall be reviewed by the
40 commission concurrent with the review of fees as required in subsection 1 of this section.

41 3. Local emergency planning committees receiving funds under section 292.604 shall
42 coordinate with the commission and the department in chemical emergency planning, training,
43 preparedness, and response activities. Local emergency planning committees receiving funds
44 under this section, section 260.394, sections 292.602, 292.604, 292.605, 292.615 and section
45 640.235 shall provide to the commission an annual report of expenditures and activities.

46 4. Fees collected by the department and all funds provided to local emergency planning
47 committees shall be used for chemical emergency preparedness purposes as outlined in sections
48 292.600 to 292.625 and the federal act, including contingency planning for chemical releases;
49 exercising, evaluating, and distributing plans, providing training related to chemical emergency
50 preparedness and prevention of chemical accidents; identifying facilities required to report;
51 processing the information submitted by facilities and making it available to the public; receiving

52 and handling emergency notifications of chemical releases; operating a local emergency planning
53 committee; and providing public notice of chemical preparedness activities. Local emergency
54 planning committees receiving funds under this section may combine such funds with other local
55 emergency planning committees to further the purposes of sections 292.600 to 292.625, or the
56 federal act.

57 5. The commission shall establish criteria and guidance on how funds received by local
58 emergency planning committees may be used.

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