

SECOND REGULAR SESSION
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 1251
96TH GENERAL ASSEMBLY

Reported from the Committee on Commerce, Consumer Protection, Energy and the Environment, May 14, 2012, with recommendation that the Senate Committee Substitute do pass.

5116S.02C

TERRY L. SPIELER, Secretary.

AN ACT

To repeal sections 59.319, 60.510, 60.530, 60.540, 60.560, 60.570, 60.580, 60.595, 60.610, 60.620, 67.4505, 259.010, 259.020, 259.030, 259.040, 259.070, 260.255, 260.330, 260.392, 292.606, 301.010, 304.120, 414.530, 414.560, 414.570, 577.073, 640.100, 643.225, 644.016, 644.026, 644.051, 644.145, and 650.230, RSMo, and to enact in lieu thereof thirty-six new sections relating to natural resources, with existing penalty provisions and an emergency clause for a certain section.

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

Section A. Sections 59.319, 60.510, 60.530, 60.540, 60.560, 60.570, 60.580, 2 60.595, 60.610, 60.620, 67.4505, 259.010, 259.020, 259.030, 259.040, 259.070, 3 260.255, 260.330, 260.392, 292.606, 301.010, 304.120, 414.530, 414.560, 414.570, 4 577.073, 640.100, 643.225, 644.016, 644.026, 644.051, 644.145, and 650.230, 5 RSMo, are repealed and thirty-six new sections enacted in lieu thereof, to be 6 known as sections 29.380, 59.319, 60.510, 60.530, 60.540, 60.560, 60.570, 60.580, 7 60.595, 60.610, 60.620, 67.4505, 259.010, 259.020, 259.030, 259.040, 259.070, 8 260.330, 260.373, 260.392, 292.606, 301.010, 304.033, 304.120, 414.530, 414.560, 9 414.570, 537.293, 577.073, 640.100, 643.225, 644.016, 644.026, 644.051, 644.145, 10 and 650.230, to read as follows:

29.380. 1. The state auditor shall have the authority to audit
2 **solid waste management districts created under section 260.305 in the**
3 **same manner as the auditor may audit any agency of the state.**

4 **2. Beginning August 28, 2012, the state auditor shall conduct an**
5 **audit of each solid waste management district created under section**

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

6 **260.305 and thereafter shall conduct audits of each solid waste**
7 **management district created under section 260.305 as he or she deems**
8 **necessary.**

59.319. 1. A user fee of four dollars shall be charged and collected by
2 every recorder in this state, over and above any other fees required by law, as a
3 condition precedent to the recording of any instrument. The state portion of the
4 fee shall be forwarded monthly by each recorder of deeds to the state director of
5 revenue, and the fees so forwarded shall be deposited by the director in the state
6 treasury. Two dollars of such fee shall be retained by the recorder and deposited
7 in a recorder's fund and not in county general revenue for record storage,
8 microfilming, and preservation, including anything necessarily pertaining
9 thereto. The recorder's funds shall be kept in a special fund by the treasurer and
10 shall be budgeted and expended at the direction of the recorder and shall not be
11 used to substitute for or subsidize any allocation of general revenue for the
12 operation of the recorder's office without the express consent of the recorder. The
13 recorder's fund may be audited by the appropriate auditing agency, and any
14 unexpended balance shall be left in the fund to accumulate from year to year with
15 interest.

2. An additional fee of three dollars shall be charged and collected by
17 every recorder in this state, over and above any other fees required by law, as a
18 condition precedent to the recording of any instruments specified in subdivisions
19 (1) and (2) of section 59.330. The fees collected from this additional three dollars
20 per recorded instrument shall be forwarded monthly by each recorder of deeds to
21 the state director of revenue, and the fees so forwarded shall be deposited by the
22 director in the state treasury.

3. The state treasurer and the commissioner of administration shall
24 establish an appropriate account within the state treasury and in accordance with
25 the state's accounting methods. Any receipt required by this section to be
26 deposited in the [general revenue fund] **state treasury** shall be credited as
27 follows:

(1) The amount of one dollar for each fee collected under subsection 1 of
29 this section [to an account to be utilized for the purposes of sections 60.500 to
30 60.610] **shall be paid to the state treasurer and credited to the "Missouri**
31 **Land Survey Fund" which is hereby created to be utilized for the**
32 **purposes of sections 60.510 to 60.620 and section 60.670. The state**
33 **treasurer shall be custodian of the fund and may approve**

34 disbursements from the fund in accordance with sections 30.170 and
35 30.180. The state and the department of natural resources shall use no
36 more than ten percent of all moneys collected under this subdivision to
37 pay for state and department administrative cost allocation. Any funds
38 previously collected by the state treasurer to be utilized for the
39 purposes of sections 60.510 to 60.620 and section 60.670 shall transfer
40 to the Missouri land survey fund. Any portion of the fund not
41 immediately needed for the purposes authorized shall be invested by
42 the state treasurer as provided by the constitution and laws of this
43 state. All income, interest, and moneys earned from such investments
44 shall be deposited in the Missouri land survey fund. Any unexpended
45 balance in the fund at the end of the fiscal year is exempt from the
46 provisions of section 33.080 relating to the transfer of unexpended
47 balances to the general revenue fund;

48 (2) The amount of one dollar for each fee collected under subsection 1 of
49 this section to an account to be utilized by the secretary of state for additional
50 preservation of local records; and

51 (3) The amount of three dollars collected under subsection 2 of this
52 section into the Missouri housing trust fund as designated in section 215.034.

60.510. The functions, duties and responsibilities of the department of
2 natural resources shall be as follows:

3 (1) To restore, maintain, and preserve the land survey monuments, section
4 corners, and quarter section corners established by the United States public land
5 survey within Missouri, together with all pertinent field notes, plats and
6 documents; and also to restore, establish, maintain, and preserve **Missouri state**
7 **and county boundary markers and** other boundary markers considered by
8 the department of natural resources to be of importance, or otherwise established
9 by law;

10 (2) To design and cause to be placed at established public land survey
11 corner sites, where practical, substantial monuments permanently indicating,
12 with words and figures, the exact location involved, but if such monuments
13 cannot be placed at the exact corner point, then witness corners of similar design
14 shall be placed as near by as possible, with words and figures indicating the
15 bearing and distance to the true corner;

16 (3) To establish, maintain, and provide safe storage facilities for a
17 comprehensive system of recordation of information respecting all monuments

18 established by the United States public land survey within this state, and such
19 records as may be pertinent to the department of natural resources'
20 establishment or maintenance of other land corners, Missouri state coordinate
21 system stations and accessories, and **survey** monuments in general;

22 (4) To [extend throughout this state a triangulation and leveling net of
23 precision, whereby] **provide the framework for all geodetic positioning**
24 **activities in the state. The foundational elements include latitude,**
25 **longitude, and elevation which contribute to informed decision making**
26 **and impact on a wide range of important activities including mapping**
27 **and geographic information systems, flood risk determination,**
28 **transportation, land use and ecosystem management and use of the**
29 Missouri state coordinate system, as established by [section 60.400, may be made
30 to cover to the necessary extent those areas of the state which do not now have
31 enough geodetic control stations to permit the general use of the system by land
32 surveyors and others] **sections 60.401 to 60.491;**

33 (5) To collect and preserve information obtained from surveys made by
34 those authorized to establish land monuments or land boundaries, and to assist
35 in the proper recording of the same by the duly constituted county officials, or
36 otherwise;

37 (6) To furnish, upon reasonable request and tender of the required fees
38 therefor, certified copies of records created or maintained by the department of
39 natural resources which, when certified by the state land surveyor or a
40 designated assistant, shall be admissible in evidence in any court in this state,
41 as the original record;

42 (7) To prescribe, and disseminate to those engaged in the business of land
43 surveying, [advisory] regulations designed to assist in uniform and professional
44 surveying methods and standards in this state[; and

45 (8) To select and appoint a state land surveyor, who shall be the chief
46 administrative officer of the authority, and who shall hold office at the pleasure
47 of the authority].

60.530. The state land surveyor shall, under guidance of the department
2 of natural resources **and with the recommendation of the land survey**
3 **commission**, carry out the routine functions and duties of the department of
4 natural resources, as prescribed in sections [60.500 to 60.610] **60.510 to 60.620**
5 **and section 60.670.** He **or she** shall, whenever practical, cause all land
6 surveys, except geodetic surveys, to be executed, under his **or her** direction by

7 the registered county surveyor or a local registered land surveyor when no
8 registered county surveyor exists. He **or she** shall perform such other work and
9 acts as shall, in the judgment of the department of natural resources **and with**
10 **the recommendation of the land survey commission**, be necessary and
11 proper to carry out the objectives of sections [60.500 to 60.610] **60.510 to 60.620**
12 **and section 60.670** and, within the limits of appropriations made therefor and
13 subject to the approval of the department of natural resources **and the state**
14 **merit system**, employ and fix the compensation of such additional employees as
15 may be necessary to carry out the provisions of sections [60.500 to 60.610] **60.510**
16 **to 60.620 and section 60.670**.

60.540. The department of natural resources may acquire, in the name of
2 the state of Missouri, lands or interests therein, where necessary, to establish
3 permanent control stations; and may lease or purchase or acquire by negotiation
4 or condemnation, where necessary, land for the establishment of an office of **the**
5 **land survey program** of the department of natural resources. If condemnation
6 is necessary, the attorney general shall bring the suit in the name of the state in
7 the same manner as authorized by law for the acquisition of lands by the state
8 transportation department.

60.560. Upon **their** request, the state attorney general shall advise the
2 **land survey commission or the** department of natural resources or the state
3 land surveyor with respect to any legal matter, and shall represent the **land**
4 **survey commission or** department of natural resources in any proceeding in
5 any court of the state in which the [authority] **land survey commission or**
6 **land survey program** shall be a party.

60.570. The permanent headquarters of the [state land survey authority]
2 **land survey program** shall be at or near to the principal office of the Missouri
3 state geological survey. Until such time as other headquarters can be obtained
4 by the [authority] **land survey program**, the state geologist shall assign such
5 space in the state geological survey building as may be available. The [authority]
6 **land survey program** may also establish and maintain regional offices in the
7 metropolitan areas of the state for the storage and distribution of local survey
8 record information.

60.580. The state land surveyor or any and all employees of the
2 department of natural resources have the right to enter upon private property for
3 the purpose of making surveys, or for searching for, locating, relocating, or
4 remonumenting land monuments, leveling stations, or section corners. Should

5 any of these persons necessarily damage property of the owner in making the
6 surveys or searches or remonumentations, the department of natural resources
7 may make reasonable payment for the damage from funds available for that
8 purpose. However, department of natural resources employees are personally
9 liable for any damage caused by their wantonness, willfulness or negligence. All
10 department of natural resources employees are immune from arrest for trespass
11 in performing their legal duties as stated in sections [60.500 to 60.610] **60.510**
12 **to 60.620 and section 60.670.**

60.595. 1. The "Department of Natural Resources Revolving Services
2 Fund" is hereby created. All funds received by the department of natural
3 resources from the delivery of services and the sale or resale of maps, plats,
4 reports, studies, records and other publications and documents **and surveying**
5 **information, on paper or in electronic format** by the department shall be
6 credited to the fund. The director of the department shall administer the
7 fund. The state treasurer is the custodian of the fund and shall approve
8 disbursements from the fund requested by the director of the department. When
9 appropriated, moneys in the fund shall be used to purchase goods [or],
10 **equipment, hardware and software, maintenance and licenses, software**
11 **and database development and maintenance, personal services, and**
12 **other** services that will ultimately be used to **provide copies of information**
13 **maintained or provided by the land survey program**, reprint maps,
14 publications or other documents requested by governmental agencies or members
15 of the general public; to publish the maps, publications or other documents or to
16 purchase maps, publications or other documents for resale; and to pay shipping
17 charges, laboratory services, core library fees, [workshops] workshop fees,
18 [conferences] conference fees, interdivisional cooperative agreements, but for no
19 other purpose.

20 2. An unencumbered balance in the fund at the end of the fiscal year not
21 exceeding one million dollars is exempt from the provisions of section 33.080
22 relating to the transfer of unexpended balances to the general revenue fund.

23 3. The department of natural resources shall report all income to and
24 expenditures from such fund on a quarterly basis to the house budget committee
25 and the senate appropriations committee.

60.610. Whenever the department of natural resources deems it expedient,
2 and when funds appropriated permit, the department of natural resources may
3 enter into any contract with agencies of the United States, with agencies of other

4 states, or with private persons, registered land surveyors or professional
5 engineers, in order to plan and execute desired land surveys or geodetic surveys,
6 or to plan and execute other projects which are within the scope and purpose of
7 sections [60.500 to 60.610] **60.510 to 60.620 and section 60.670.**

60.620. 1. There is hereby created the "Land Survey [Advisory
2 Committee] **Commission**", within the department of natural resources. The
3 [committee] **commission** shall consist of [five] **seven** members appointed by the
4 director of the department of natural resources. Members of the [committee]
5 **commission** shall hold office for terms of three years, but of the original
6 appointments, [two] **three** members shall serve for one year, two members shall
7 serve for two years, and [one member] **two members** shall serve for three
8 years. **Members may serve only three consecutive terms on the**
9 **commission.**

10 2. The [advisory committee] **land survey commission** shall consist of
11 persons who reside in this state and are not employed by the department of
12 natural resources. [Three] **Four** members shall be registered land surveyors, one
13 of which shall be a county surveyor. One member shall represent the real estate
14 or land title industry. **Two members shall be public members.**

15 3. The [advisory committee] **land survey commission** shall elect a
16 chairman annually. The [committee] **commission** shall meet semiannually and
17 at other such times as called by the chairman of the [committee] **commission**
18 and shall have a quorum when at least [three] **four** members are present.

19 4. The [advisory committee] **land survey commission** members shall
20 serve without compensation but shall be reimbursed for actual and necessary
21 expenses incurred in the performance of their official duties.

22 5. The [advisory committee] **land survey commission** shall provide the
23 director of the department of natural resources [with advice and counsel on] **and**
24 **the state land surveyor with recommendations on the operation and** the
25 planning and prioritization of the **land survey** program and the design of
26 regulations needed to carry out the functions, duties, and responsibilities of the
27 department of natural resources **in sections 60.510 to 60.620 and section**
28 **60.670.**

29 6. **The land survey commission shall recommend to the**
30 **department of natural resources a person to be selected and appointed**
31 **state land surveyor, who shall be the chief administrative officer of the**
32 **land survey program, and who shall hold office at the pleasure of the**

33 **director of the department of natural resources. The state land**
34 **surveyor shall be selected under the state merit system on the basis of**
35 **professional experience and registration.**

36 7. The [committee] **commission** shall, at least annually, prepare a
37 report, which shall be available to the general public, of the review by the
38 [committee] **commission** of the land survey program, stating its findings,
39 conclusions, and recommendations to the director.

67.4505. 1. There is hereby created within any county of the third
2 classification with a township form of government and with more than seven
3 thousand two hundred but fewer than seven thousand three hundred inhabitants,
4 **and within any county of the second classification with more than**
5 **seventy-five thousand but fewer than one hundred thousand**
6 **inhabitants,** a county drinking water supply lake authority, which shall be a
7 body corporate and politic and a political subdivision of this state.

8 2. The authority may exercise the powers provided to it under section
9 67.4520 over the reservoir area encompassing any drinking water supply lake of
10 one thousand five hundred acres or more, as measured at its conservation storage
11 level, and within the lake's watershed.

12 3. It shall be the purpose of each authority to promote the general welfare
13 and a safe drinking water supply through the construction, operation, and
14 maintenance of a drinking water supply lake.

15 4. The income of the authority and all property at any time owned by the
16 authority shall be exempt from all taxation or any assessments whatsoever to the
17 state or of any political subdivision, municipality, or other governmental agency
18 thereof.

19 5. No county in which an authority is organized shall be held liable in
20 connection with the construction, operation, or maintenance of any project or
21 program undertaken pursuant to sections 67.4500 to 67.4520, including any
22 actions taken by the authority in connection with such project or program.

259.010. There shall be a "State Oil and Gas Council" composed of the
2 following [state agencies and two other persons as provided in] **members in**
3 **accordance with the provisions of** section 259.020:

4 (1) **One member from the** division of [geological survey and water
5 resources] **geology and land survey;**

6 (2) **One member from the** division of commerce and industrial
7 development;

- 8 (3) **One member from the** Missouri public service commission;
- 9 (4) **One member from the** clean water commission;
- 10 (5) **One member from the** University of Missouri **Petroleum**
11 **Engineering Department;**
- 12 (6) **One member from the Missouri Independent Oil and Gas**
13 **Association; and**
- 14 (7) **One member from the public.**

259.020. The member [agencies] **entities in section 259.010** shall be
2 represented on the council by the executive head of [the agency] **each**
3 **respective entity**, except that:

4 (1) The University of Missouri shall be represented by a professor of
5 petroleum engineering employed at the University of Missouri;

6 (2) **The Missouri Independent Oil and Gas Association shall be**
7 **represented by a designated member of the association; and**

8 (3) **The public member shall be appointed to the council by the**
9 **governor, with the advice and consent of the senate, and shall be a**
10 **resident of Missouri and shall have an interest in and knowledge of the**
11 **oil and gas industry.**

12 The executive head of any member state agency, **the professor of petroleum**
13 **engineering at the University of Missouri and the member from the**
14 **Missouri Independent Oil and Gas Association** may from time to time
15 authorize any member of the state agency's staff, **another professor of**
16 **petroleum engineering at the University of Missouri or another member**
17 **of the Missouri Independent Oil and Gas Association, respectively, to**
18 represent it on the council and to fully exercise any of the powers and duties of
19 [an agency] **the member** representative. [Two other persons shall be appointed
20 to the council by the governor, with the advice and consent of the senate, who are
21 residents of Missouri and who shall have an interest in and knowledge of the oil
22 and gas industry.]

259.030. 1. The council shall elect a chairman and vice chairman from the
2 members of the council other than the representative of the division of [geological
3 survey and water resources] **geology and land survey**. A chairman **and vice**
4 **chairman** may serve more than [one] **a one-year** term, **if so elected by the**
5 **members of the council.**

6 2. The state geologist shall act as administrator for the council and shall
7 be responsible for enforcing the provisions of this chapter.

259.040. Representatives of the member **state** agencies shall not receive
2 any additional compensation for their services as representatives on the council
3 and all expenses of **the state** agency representatives shall be paid by their
4 respective agency. [Members appointed because of their interest in and
5 knowledge of the oil and gas industry] **The professor of petroleum**
6 **engineering at the University of Missouri, the member from the**
7 **Missouri Independent Oil and Gas Association and the public member**
8 shall not receive any compensation for their services as **representatives on the**
9 **council and all expenses of such representatives shall be paid by their**
10 **respective entities.**

259.070. 1. The council has the duty of administering the provisions of
2 this chapter. **The council shall meet at least once each calendar quarter**
3 **of the year and upon the call of the chairperson.**

4 2. **The council shall conduct a biannual review of the statutes**
5 **and rules and regulations under this chapter. Based on such review,**
6 **the council, if necessary, shall recommend changes to the statutes**
7 **under this chapter and shall amend rules and regulations accordingly.**

8 3. (1) **The council shall have the power and duty to form an**
9 **advisory committee to the council for the purpose of reviewing the**
10 **statutes and rules and regulations under subsection 2 of this**
11 **section. The advisory committee shall make recommendations to the**
12 **council when necessary to amend current statutes and rules and**
13 **regulations under this chapter and shall review any proposed new or**
14 **amended statute or regulation before such proposed statute or**
15 **regulation is considered by the council.**

16 (2) **The advisory committee shall be made up of representatives**
17 **from the division of geology and land survey, the oil and gas industry**
18 **and any council member desiring to be on such advisory**
19 **committee. The advisory committee shall meet prior to each calendar**
20 **quarter meeting of the council, if necessary for the purposes set forth**
21 **under this subsection, and present any recommendations to the council**
22 **at such calendar quarter meeting. The council shall designate one of**
23 **its members to serve as the chairperson of the advisory committee.**

24 4. The council has the duty and authority to make such investigations as
25 it deems proper to determine whether waste exists or is imminent or whether
26 other facts exist which justify action.

27 5. The council acting through the office of the state geologist has the

28 authority:

29 (1) To require:

30 (a) Identification of ownership of oil or gas wells, producing leases, tanks,
31 plants, structures, and facilities for the refining or intrastate transportation of
32 oil and gas;

33 (b) The making and filing of all mechanical well logs and the filing of
34 directional surveys if taken, and the filing of reports on well location, drilling and
35 production, and the filing free of charge of samples and core chips and of complete
36 cores less tested sections, when requested in the office of the state geologist
37 within six months after the completion or abandonment of the well;

38 (c) The drilling, casing, operation, and plugging of wells in such manner
39 as to prevent the escape of oil or gas out of one stratum into another; the
40 intrusion of water into oil or gas stratum; the pollution of fresh water supplies
41 by oil, gas, or highly mineralized water; to prevent blowouts, cavings, seepages,
42 and fires; and to prevent the escape of oil, gas, or water into workable coal or
43 other mineral deposits;

44 (d) The furnishing of a reasonable bond with good and sufficient surety,
45 conditioned upon the full compliance with the provisions of this chapter, and the
46 rules and regulations of the council prescribed to govern the production of oil and
47 gas on state and private lands within the state of Missouri; provided that, in lieu
48 of a bond with a surety, an applicant may furnish to the council his own personal
49 bond, on conditions as described in this paragraph , secured by a certificate of
50 deposit or an irrevocable letter of credit in an amount equal to that of the
51 required surety bond or secured by some other financial instrument on conditions
52 as above described or as provided by council regulations;

53 (e) That the production from wells be separated into gaseous and liquid
54 hydrocarbons, and that each be accurately measured by such means and upon
55 such standards as may be prescribed by the council;

56 (f) The operation of wells with efficient gas-oil and water-oil ratios, and
57 to fix these ratios;

58 (g) Certificates of clearance in connection with the transportation or
59 delivery of any native and indigenous Missouri produced crude oil, gas, or any
60 product;

61 (h) Metering or other measuring of any native and indigenous
62 Missouri-produced crude oil, gas, or product in pipelines, gathering systems,
63 barge terminals, loading racks, refineries, or other places; and

64 (i) That every person who produces, sells, purchases, acquires, stores,
65 transports, refines, or processes native and indigenous Missouri-produced crude
66 oil or gas in this state shall keep and maintain within this state complete and
67 accurate records of the quantities thereof, which records shall be available for
68 examination by the council or its agents at all reasonable times and that every
69 such person file with the council such reports as it may prescribe with respect to
70 such oil or gas or the products thereof;

71 (2) To regulate pursuant to rules adopted by the council:

72 (a) The drilling, producing, and plugging of wells, and all other operations
73 for the production of oil or gas;

74 (b) The shooting and chemical treatment of wells;

75 (c) The spacing of wells;

76 (d) Operations to increase ultimate recovery such as cycling of gas, the
77 maintenance of pressure, and the introduction of gas, water, or other substances
78 into producing formations; and

79 (e) Disposal of highly mineralized water and oil field wastes;

80 (3) To limit and to allocate the production of oil and gas from any field,
81 pool, or area;

82 (4) To classify wells as oil or gas wells for purposes material to the
83 interpretation or enforcement of this chapter;

84 (5) To promulgate and to enforce rules, regulations, and orders to
85 effectuate the purposes and the intent of this chapter;

86 (6) To make rules, regulations, or orders for the classification of wells as
87 oil wells or dry natural gas wells; or wells drilled, or to be drilled, for geological
88 information; or as wells for secondary recovery projects; or wells for the disposal
89 of highly mineralized water, brine, or other oil field wastes; or wells for the
90 storage of dry natural gas, or casinghead gas; or wells for the development of
91 reservoirs for the storage of liquid petroleum gas;

92 (7) To detail such personnel and equipment or enter into such contracts
93 as it may deem necessary for carrying out the plugging of or other remedial
94 measures on wells which have been abandoned and not plugged according to the
95 standards for plugging set out in the rules and regulations promulgated by the
96 council pursuant to this chapter. Members of the council or authorized
97 representatives may, with the consent of the owner or person in possession, enter
98 any property for the purpose of investigating, plugging, or performing remedial
99 measures on any well, or to supervise the investigation, plugging, or performance

100 of remedial measures on any well. A reasonable effort to contact the owner or the
101 person in possession of the property to seek his permission shall be made before
102 members of the council or authorized representatives enter the property for the
103 purposes described in this paragraph. If the owner or person in possession of the
104 property cannot be found or refuses entry or access to any member of the council
105 or to any authorized representative presenting appropriate credentials, the
106 council may request the attorney general to initiate in any court of competent
107 jurisdiction an action for injunctive relief to restrain any interference with the
108 exercise of powers and duties described in this subdivision. Any entry authorized
109 under this subdivision shall be construed as an exercise of the police power for
110 the protection of public health, safety and general welfare and shall not be
111 construed as an act of condemnation of property nor of trespass
112 thereon. Members of the council and authorized representatives shall not be
113 liable for any damages necessarily resulting from the entry upon land for
114 purposes of investigating, plugging, or performing remedial measures or the
115 supervision of such activity. However, if growing crops are present, arrangements
116 for timing of such remedial work may be agreed upon between the state and
117 landowner in order to minimize damages;

118 (8) To develop such facts and make such investigations or inspections as
119 are consistent with the purposes of this chapter. Members of the council or
120 authorized representatives may, with the consent of the owner or person in
121 possession, enter upon any property for the purposes of inspecting or
122 investigating any condition which the council shall have probable cause to believe
123 is subject to regulation under this chapter, the rules and regulations promulgated
124 pursuant thereto or any permit issued by the council. If the owner or person in
125 possession of the property refuses entry or access for purposes of the inspections
126 or investigations described, the council or authorized representatives shall make
127 application for a search warrant. Upon a showing of probable cause in writing
128 and under oath, a suitable restricted search warrant shall be issued by any judge
129 having jurisdiction for purposes of enabling inspections authorized under this
130 subdivision. The results of any inspection or investigation pursuant to this
131 subdivision shall be reduced to writing with a copy furnished to the owner, person
132 in possession, or operator;

133 (9) To cooperate with landowners with respect to the conversion of wells
134 drilled for oil and gas to alternative use as water wells as follows: The state
135 geologist shall determine the feasibility of the conversion of a well drilled under

136 a permit for oil and gas for use as a water well and shall advise the landowner
137 of modifications required for conversion of the well in a manner that is consistent
138 with the requirements of this chapter. If such conversion is carried out, release
139 of the operator from legal liability or other responsibility shall be required and
140 the expense of the conversion shall be borne by the landowner.

141 [2.] 6. No rule or portion of a rule promulgated under the authority of
142 this chapter shall become effective unless it has been promulgated pursuant to
143 the provisions of section 536.024.

260.330. 1. Except as otherwise provided in subsection 6 of this section,
2 effective October 1, 1990, each operator of a solid waste sanitary landfill shall
3 collect a charge equal to one dollar and fifty cents per ton or its volumetric
4 equivalent of solid waste accepted and each operator of the solid waste demolition
5 landfill shall collect a charge equal to one dollar per ton or its volumetric
6 equivalent of solid waste accepted. Each operator shall submit the charge, less
7 collection costs, to the department of natural resources for deposit in the "Solid
8 Waste Management Fund" which is hereby created. On October 1, 1992, and
9 thereafter, the charge imposed herein shall be adjusted annually by the same
10 percentage as the increase in the general price level as measured by the
11 Consumer Price Index for All Urban Consumers for the United States, or its
12 successor index, as defined and officially recorded by the United States
13 Department of Labor or its successor agency. No annual adjustment shall be
14 made to the charge imposed under this subsection [during] **beyond** October 1,
15 2005, [to October 1, 2014,] except an adjustment amount consistent with the need
16 to fund the operating costs of the department and taking into account any annual
17 percentage increase in the total of the volumetric equivalent of solid waste
18 accepted in the prior year at solid waste sanitary landfills and demolition
19 landfills and solid waste to be transported out of this state for disposal that is
20 accepted at transfer stations. No annual increase [during] **beyond** October 1,
21 2005, [to October 1, 2014,] shall exceed the percentage increase measured by the
22 Consumer Price Index for All Urban Consumers for the United States, or its
23 successor index, as defined and officially recorded by the United States
24 Department of Labor or its successor agency and calculated on the percentage of
25 revenues dedicated under subdivision (1) of subsection 2 of section 260.335. Any
26 such annual adjustment shall only be made at the discretion of the director,
27 subject to appropriations. Collection costs shall be established by the department
28 and shall not exceed two percent of the amount collected pursuant to this section.

29 2. The department shall, by rule and regulation, provide for the method
30 and manner of collection.

31 3. The charges established in this section shall be enumerated separately
32 from the disposal fee charged by the landfill and may be passed through to
33 persons who generated the solid waste. Moneys shall be transmitted to the
34 department shall be no less than the amount collected less collection costs and
35 in a form, manner and frequency as the department shall prescribe. The
36 provisions of section 33.080 to the contrary notwithstanding, moneys in the
37 account shall not lapse to general revenue at the end of each biennium. Failure
38 to collect the charge does not relieve the operator from responsibility for
39 transmitting an amount equal to the charge to the department.

40 4. The department may examine or audit financial records and landfill
41 activity records and measure landfill usage to verify the collection and
42 transmittal of the charges established in this section. The department may
43 promulgate by rule and regulation procedures to ensure and to verify that the
44 charges imposed herein are properly collected and transmitted to the department.

45 5. Effective October 1, 1990, any person who operates a transfer station
46 in Missouri shall transmit a fee to the department for deposit in the solid waste
47 management fund which is equal to one dollar and fifty cents per ton or its
48 volumetric equivalent of solid waste accepted. Such fee shall be applicable to all
49 solid waste to be transported out of the state for disposal. On October 1, 1992,
50 and thereafter, the charge imposed herein shall be adjusted annually by the same
51 percentage as the increase in the general price level as measured by the
52 Consumer Price Index for All Urban Consumers for the United States, or its
53 successor index, as defined and officially recorded by the United States
54 Department of Labor or its successor agency. No annual adjustment shall be
55 made to the charge imposed under this subsection **[during] beyond** October 1,
56 2005, **[to October 1, 2014,]** except an adjustment amount consistent with the need
57 to fund the operating costs of the department and taking into account any annual
58 percentage increase in the total of the volumetric equivalent of solid waste
59 accepted in the prior year at solid waste sanitary landfills and demolition
60 landfills and solid waste to be transported out of this state for disposal that is
61 accepted at transfer stations. No annual increase **[during] beyond** October 1,
62 2005, **[to October 1, 2014,]** shall exceed the percentage increase measured by the
63 Consumer Price Index for All Urban Consumers for the United States, or its
64 successor index, as defined and officially recorded by the United States

65 Department of Labor or its successor agency and calculated on the percentage of
66 revenues dedicated under subdivision (1) of subsection 2 of section 260.335. Any
67 such annual adjustment shall only be made at the discretion of the director,
68 subject to appropriations. The department shall prescribe rules and regulations
69 governing the transmittal of fees and verification of waste volumes transported
70 out of state from transfer stations. Collection costs shall also be established by
71 the department and shall not exceed two percent of the amount collected
72 pursuant to this subsection. A transfer station with the sole function of
73 separating materials for recycling or resource recovery activities shall not be
74 subject to the fee imposed in this subsection.

75 6. Each political subdivision which owns an operational solid waste
76 disposal area may designate, pursuant to this section, up to two free disposal
77 days during each calendar year. On any such free disposal day, the political
78 subdivision shall allow residents of the political subdivision to dispose of any
79 solid waste which may be lawfully disposed of at such solid waste disposal area
80 free of any charge, and such waste shall not be subject to any state fee pursuant
81 to this section. Notice of any free disposal day shall be posted at the solid waste
82 disposal area site and in at least one newspaper of general circulation in the
83 political subdivision no later than fourteen days prior to the free disposal day.

**260.373. 1. After August 28, 2012, the authority of the commission
2 to promulgate rules under sections 260.350 to 260.391 and 260.393 to
3 260.433 is subject to the following:**

4 **(1) The commission shall not promulgate rules that are stricter
5 than or implement requirements prior to the requirements of Title 40,
6 U.S. Code of Federal Regulations, Parts 260, 261, 262, 264, 265, 268, and
7 270, as promulgated pursuant to Subtitle C of the Resource
8 Conservation and Recovery Act, as amended;**

9 **(2) Notwithstanding the limitations of subdivision (1) of this
10 subsection, where state statutes expressly prescribe standards or
11 requirements that are stricter than or implement requirements prior
12 to any federal requirements, or where state statutes allow the
13 establishment or collection of fees, costs, or taxes, the commission may
14 promulgate rules as necessary to implement such statutes;**

15 **(3) Notwithstanding the limitations of subdivision (1) of this
16 subsection, the commission may retain, modify, or repeal any current
17 rules pertaining to the following:**

18 (a) Thresholds for determining whether a hazardous waste
19 generator is a large quantity generator, small quantity generator, or
20 conditionally-exempt small quantity generator;

21 (b) Descriptions of applicable registration requirements;

22 (c) The reporting of hazardous waste activities to the
23 department; provided, however, that the commission shall promulgate
24 rules, effective beginning with the reporting period July 1, 2015 - June
25 30, 2016, that allow for the submittal of reporting data in an electronic
26 format on an annual basis by large quantity generators and treatment
27 storage and disposal facilities; and

28 (d) Rules requiring hazardous waste generators to display
29 hazard labels (e.g., Department of Transportation (DOT) labels) prior
30 to shipping.

31 2. Nothing in this section shall be construed to repeal any other
32 provision of law, and the commission and the department shall
33 continue to have the authority to implement and enforce other statutes,
34 and the rules promulgated pursuant to their authority.

35 3. No later than December 31, 2013, the department shall identify
36 rules in Title 10, Missouri Code of State Regulations, Division 25,
37 Chapters 3, 4, 5, 7, or 8 that are inconsistent with the provisions of
38 subsection 1 of this section. The department shall thereafter file with
39 the Missouri secretary of state any amendments necessary to ensure
40 that such rules are not inconsistent with the provisions of subsection
41 1 of this section. On December 31, 2015, any rule contained in Title 10,
42 Missouri Code of State Regulations, Division 25, Chapters 3, 4, 5, 7, or
43 8 that remains inconsistent with the provisions of subsection 1 above
44 shall be null and void to the extent that it is inconsistent.

45 4. Nothing in this section shall be construed to effectuate a
46 modification of any permit. Upon request, the department shall modify
47 as appropriate any permit containing requirements no longer in effect
48 due to this section.

49 5. The department is prohibited from selectively excluding any
50 rule or portion of a rule promulgated by the commission from any
51 authorization application package, or program revision, submitted to
52 the U.S. Environmental Protection Agency under Title 40, U.S. Code of
53 Federal Regulations, sections 271.5 or 271.21.

54 6. Any rule or portion of a rule, as that term is defined in section

55 **536.010, that is created under the authority delegated in this section**
56 **shall become effective only if it complies with and is subject to all of**
57 **the provisions of chapter 536 and, if applicable, section 536.028. This**
58 **section and chapter 536 are non-severable and if any of the powers**
59 **vested with the general assembly under chapter 536 to review, to delay**
60 **the effective date, or to disapprove and annul a rule are subsequently**
61 **held unconstitutional, then the grant of rulemaking authority and any**
62 **rule proposed or adopted after August 28, 2012, shall be invalid and**
63 **void.**

260.392. 1. As used in sections 260.392 to 260.399, the following terms
2 mean:

3 (1) "Cask", all the components and systems associated with the container
4 in which spent fuel, high-level radioactive waste, highway route controlled
5 quantity, or transuranic radioactive waste are stored;

6 (2) "High-level radioactive waste", the highly radioactive material
7 resulting from the reprocessing of spent nuclear fuel including liquid waste
8 produced directly in reprocessing and any solid material derived from such liquid
9 waste that contains fission products in sufficient concentrations, and other highly
10 radioactive material that the United States Nuclear Regulatory Commission has
11 determined to be high-level radioactive waste requiring permanent isolation;

12 (3) "Highway route controlled quantity", as defined in 49 CFR Part
13 173.403, as amended, a quantity of radioactive material within a single
14 package. Highway route controlled quantity shipments [of thirty miles or less
15 within the state] are exempt from the provisions of this section;

16 (4) "Low-level radioactive waste", any radioactive waste not classified as
17 high-level radioactive waste, transuranic radioactive waste, or spent nuclear fuel
18 by the United States Nuclear Regulatory Commission, consistent with existing
19 law. Shipment of all sealed sources meeting the definition of low-level radioactive
20 waste, shipments of low-level radioactive waste that are within a radius of no
21 more than fifty miles from the point of origin, and all naturally occurring
22 radioactive material given written approval for landfill disposal by the Missouri
23 department of natural resources under 10 CSR 80-3.010 are exempt from the
24 provisions of this section. Any low-level radioactive waste that has a radioactive
25 half-life equal to or less than one hundred twenty days is exempt from the
26 provisions of this section;

27 (5) "Shipper", the generator, owner, or company contracting for

28 transportation by truck or rail of the spent fuel, high-level radioactive waste,
29 highway route controlled quantity shipments, transuranic radioactive waste, or
30 low-level radioactive waste;

31 (6) "Spent nuclear fuel", fuel that has been withdrawn from a nuclear
32 reactor following irradiation, the constituent elements of which have not been
33 separated by reprocessing;

34 (7) "State-funded institutions of higher education", any campus of any
35 university within the state of Missouri that receives state funding and has a
36 nuclear research reactor;

37 (8) "Transuranic radioactive waste", defined in 40 CFR Part 191.02, as
38 amended, as waste containing more than one hundred nanocuries of
39 alpha-emitting transuranic isotopes with half-lives greater than twenty years, per
40 gram of waste. For the purposes of this section, transuranic waste shall not
41 include:

42 (a) High-level radioactive wastes;

43 (b) Any waste determined by the Environmental Protection Agency with
44 the concurrence of the Environmental Protection Agency administrator that does
45 not need the degree of isolation required by this section; or

46 (c) Any waste that the United States Nuclear Regulatory Commission has
47 approved for disposal on a case-by-case basis in accordance with 10 CFR Part 61,
48 as amended.

49 2. Any shipper that ships high-level radioactive waste, transuranic
50 radioactive waste, [highway route controlled quantity shipments,] spent nuclear
51 fuel, or low-level radioactive waste through or within the state shall be subject
52 to the fees established in this subsection, provided that no state-funded
53 institution of higher education that ships nuclear waste shall pay any such
54 fee. These higher education institutions shall reimburse the Missouri state
55 highway patrol directly for all costs related to shipment escorts. The fees for all
56 other shipments shall be:

57 (1) One thousand eight hundred dollars for each cask transported through
58 or within the state by truck of high-level radioactive waste, transuranic
59 radioactive waste[,] **or** spent nuclear fuel [or highway route controlled quantity]
60 shipments. All casks of high-level radioactive waste, transuranic radioactive
61 waste[,] **or** spent nuclear fuel[, or highway route controlled quantity] shipments
62 transported by truck are subject to a surcharge of twenty-five dollars per mile for
63 every mile over two hundred miles traveled within the state;

64 (2) One thousand three hundred dollars for the first cask and one hundred
65 twenty-five dollars for each additional cask for each rail shipment through or
66 within the state of high-level radioactive waste, transuranic radioactive waste,
67 or spent nuclear fuel;

68 (3) One hundred twenty-five dollars for each truck or train transporting
69 low-level radioactive waste through or within the state. The department of
70 natural resources may accept an annual shipment fee as negotiated with a
71 shipper or accept payment per shipment.

72 3. All revenue generated from the fees established in subsection 2 of this
73 section shall be deposited into the environmental radiation monitoring fund
74 established in section 260.750 and shall be used by the department of natural
75 resources to achieve the following objectives and for purposes related to the
76 shipment of high-level radioactive waste, transuranic radioactive waste, highway
77 route controlled quantity shipments, spent nuclear fuel, or low-level radioactive
78 waste, including, but not limited to:

79 (1) Inspections, escorts, and security for waste shipment and planning;

80 (2) Coordination of emergency response capability;

81 (3) Education and training of state, county, and local emergency
82 responders;

83 (4) Purchase and maintenance of necessary equipment and supplies for
84 state, county, and local emergency responders through grants or other funding
85 mechanisms;

86 (5) Emergency responses to any transportation incident involving the
87 high-level radioactive waste, transuranic radioactive waste, highway route
88 controlled quantity shipments, spent nuclear fuel, or low-level radioactive waste;

89 (6) Oversight of any environmental remediation necessary resulting from
90 an incident involving a shipment of high-level radioactive waste, transuranic
91 radioactive waste, highway route controlled quantity shipments, spent nuclear
92 fuel, or low-level radioactive waste. Reimbursement for oversight of any such
93 incident shall not reduce or eliminate the liability of any party responsible for the
94 incident; such party may be liable for full reimbursement to the state or payment
95 of any other costs associated with the cleanup of contamination related to a
96 transportation incident;

97 (7) Administrative costs attributable to the state agencies which are
98 incurred through their involvement as it relates to the shipment of high-level
99 radioactive waste, transuranic radioactive waste, highway route controlled

100 quantity shipments, spent nuclear fuel, or low-level radioactive waste through or
101 within the state.

102 4. Nothing in this section shall preclude any other state agency from
103 receiving reimbursement from the department of natural resources and the
104 environmental radiation monitoring fund for services rendered that achieve the
105 objectives and comply with the provisions of this section.

106 5. Any unencumbered balance in the environmental radiation monitoring
107 fund that exceeds three hundred thousand dollars in any given fiscal year shall
108 be returned to shippers on a pro rata basis, based on the shipper's contribution
109 into the environmental radiation monitoring fund for that fiscal year.

110 6. The department of natural resources, in coordination with the
111 department of health and senior services and the department of public safety,
112 may promulgate rules necessary to carry out the provisions of this section. Any
113 rule or portion of a rule, as that term is defined in section 536.010, that is created
114 under the authority delegated in this section shall become effective only if it
115 complies with and is subject to all of the provisions of chapter 536 and, if
116 applicable, section 536.028. This section and chapter 536 are nonseverable and
117 if any of the powers vested with the general assembly pursuant to chapter 536 to
118 review, to delay the effective date, or to disapprove and annul a rule are
119 subsequently held unconstitutional, then the grant of rulemaking authority and
120 any rule proposed or adopted after August 28, 2009, shall be invalid and void.

121 7. All funds deposited in the environmental radiation monitoring fund
122 through fees established in subsection 2 of this section shall be utilized, subject
123 to appropriation by the general assembly, for the administration and enforcement
124 of this section by the department of natural resources. All interest earned by the
125 moneys in the fund shall accrue to the fund.

126 8. All fees shall be paid to the department of natural resources [prior to]
127 **following** shipment.

128 9. (1) Notice of any shipment of high-level radioactive waste, transuranic
129 radioactive waste, highway route controlled quantity shipments, or spent nuclear
130 fuel through or within the state shall be provided by the shipper to the governor's
131 designee for advanced notification, as described in 10 CFR Parts 71 and 73, as
132 amended, prior to such shipment entering the state. Notice of any shipment of
133 low-level radioactive waste through or within the state shall be provided by the
134 shipper to the Missouri department of natural resources before such shipment
135 enters the state.

136 **(2) All vehicles and carriers transporting highway route**
137 **controlled quantities of radioactive material are regulated by the**
138 **United States Department of Transportation and required to pass the**
139 **North American Standard Level VI Inspection for Transuranic Waste**
140 **and Highway Route Controlled Quantities of Radioactive Material at**
141 **the point of origin. If a highway route controlled quantity shipment of**
142 **a material has been the subject of a point of origin level VI inspection**
143 **and has passed the inspection, the shipment shall not otherwise be**
144 **subject to an additional inspection unless such inspection is**
145 **determined to be necessary at the discretion of state safety resources.**
146 **If escort services are provided by state resources, the Missouri state**
147 **highway patrol shall establish procedures and fees to provide for the**
148 **reimbursement of escort services only. The fees may include an annual**
149 **payment not exceeding two thousand dollars, and per trip fee of five**
150 **hundred dollars. The procedures shall require the payment of the per**
151 **trip fee only after the escort has been completed. All revenue**
152 **generated from the fees established in this section shall be deposited**
153 **into the environmental radiation monitoring fund established in**
154 **section 260.750 and shall be used by the department of natural**
155 **resources for purposes related to the shipment of radioactive materials.**

156 10. Any shipper who fails to pay a fee assessed under this section, or fails
157 to provide notice of a shipment, shall be liable in a civil action for an amount not
158 to exceed ten times the amount assessed and not paid. The action shall be
159 brought by the attorney general at the request of the department of natural
160 resources. If the action involves a facility domiciled in the state, the action shall
161 be brought in the circuit court of the county in which the facility is located. If the
162 action does not involve a facility domiciled in the state, the action shall be
163 brought in the circuit court of Cole County.

164 11. Beginning on December 31, 2009, and every two years thereafter, the
165 department of natural resources shall prepare and submit a report on activities
166 of the environmental radiation monitoring fund to the general assembly. This
167 report shall include information on fee income received and expenditures made
168 by the state to enforce and administer the provisions of this section.

169 12. The provisions of this section shall not apply to high-level radioactive
170 waste, transuranic radioactive waste, highway route controlled quantity
171 shipments, spent nuclear fuel, or low-level radioactive waste shipped by or for the

172 federal government for military or national defense purposes.

173 13. Under section 23.253 of the Missouri sunset act:

174 (1) The provisions of the new program authorized under this section shall
175 automatically sunset six years after August 28, 2009, unless reauthorized by an
176 act of the general assembly; and

177 (2) If such program is reauthorized, the program authorized under this
178 section shall automatically sunset twelve years after the effective date of the
179 reauthorization of this section; and

180 (3) This section shall terminate on September first of the calendar year
181 immediately following the calendar year in which the program authorized under
182 this section is sunset.

292.606. 1. Fees shall be collected for a period of [twenty] **six** years from
2 August 28, [1992] **2012**.

3 2. (1) Any employer required to report under subsection 1 of section
4 292.605, except local governments and family-owned farm operations, shall
5 submit an annual fee to the commission of one hundred dollars along with the
6 Tier II form. Owners or operators of petroleum retail facilities shall pay a fee of
7 no more than fifty dollars for each such facility. Any person, firm or corporation
8 selling, delivering or transporting petroleum or petroleum products and whose
9 primary business deals with petroleum products or who is covered by the
10 provisions of chapter 323, if such person, firm or corporation is paying fees under
11 the provisions of the federal hazardous materials transportation registration and
12 fee assessment program, shall deduct such federal fees from those fees owed to
13 the state under the provisions of this subsection. If the federal fees exceed or are
14 equal to what would otherwise be owed under this subsection, such employer
15 shall not be liable for state fees under this subsection. In relation to petroleum
16 products "primary business" shall mean that the person, firm or corporation shall
17 earn more than fifty percent of hazardous chemical revenues from the sale,
18 delivery or transport of petroleum products. For the purpose of calculating fees,
19 all grades of gasoline are considered to be one product, all grades of heating oils,
20 diesel fuels, kerosenes, naphthas, aviation turbine fuel, and all other heavy
21 distillate products except for grades of gasoline, are considered to be one product,
22 and all varieties of motor lubricating oil are considered to be one product. For
23 the purposes of this section "facility" shall mean all buildings, equipment,
24 structures and other stationary items that are located on a single site or on
25 contiguous or adjacent sites and which are owned or operated by the same person.

26 If more than three hazardous substances or mixtures are reported on the Tier II
27 form, the employer shall submit an additional twenty-dollar fee for each
28 hazardous substance or mixture. Fees collected under this subdivision shall be
29 for each hazardous chemical on hand at any one time in excess of ten thousand
30 pounds or for extremely hazardous substances on hand at any one time in excess
31 of five hundred pounds or the threshold planning quantity, whichever is less, or
32 for explosives or blasting agents on hand at any one time in excess of one
33 hundred pounds. However, no employer shall pay more than ten thousand dollars
34 per year in fees. [Except] Moneys acquired through litigation **and any**
35 **administrative fees paid pursuant to subsection 3 of this section** shall
36 not [apply to] **be applied toward** this cap;

37 (2) Employers engaged in transporting hazardous materials by pipeline
38 except local gas distribution companies regulated by the Missouri Public Service
39 Commission shall pay to the commission a fee of two hundred fifty dollars for
40 each county in which they operate;

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

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

52 **3. Beginning January 1, 2013, any employer filing its Tier II form**
53 **pursuant to subsection 1 of section 292.605 may request that the**
54 **commission distribute that employer's Tier II report to the local**
55 **emergency planning committees and fire departments listed in its Tier**
56 **II report. Any employer opting to have the commission distribute its**
57 **Tier II report shall pay an additional fee of ten dollars for each facility**
58 **listed in the report at the time of filing to recoup the commission's**
59 **distribution costs. Fees shall be deposited in the chemical emergency**
60 **preparedness fund established under section 292.607. An employer who**
61 **pays the additional fee and whose Tier II report includes all local**

62 **emergency planning committees and fire departments required to be**
63 **notified under subsection 1 of section 292.605 shall satisfy the reporting**
64 **requirements of subsection 1 of section 292.605. The commission shall**
65 **develop a mechanism for an employer to exercise its option to have the**
66 **commission distribute its Tier II report.**

67 4. Local emergency planning committees receiving funds under section
68 292.604 shall coordinate with the commission and the department in chemical
69 emergency planning, training, preparedness, and response activities. Local
70 emergency planning committees receiving funds under this section, section
71 260.394, sections 292.602, 292.604, 292.605, 292.615 and section 640.235 shall
72 provide to the commission an annual report of expenditures and activities.

73 [4.] 5. Fees collected by the department and all funds provided to local
74 emergency planning committees shall be used for chemical emergency
75 preparedness purposes as outlined in sections 292.600 to 292.625 and the federal
76 act, including contingency planning for chemical releases; exercising, evaluating,
77 and distributing plans, providing training related to chemical emergency
78 preparedness and prevention of chemical accidents; identifying facilities required
79 to report; processing the information submitted by facilities and making it
80 available to the public; receiving and handling emergency notifications of
81 chemical releases; operating a local emergency planning committee; and providing
82 public notice of chemical preparedness activities. Local emergency planning
83 committees receiving funds under this section may combine such funds with other
84 local emergency planning committees to further the purposes of sections 292.600
85 to 292.625, or the federal act.

86 [5.] 6. The commission shall establish criteria and guidance on how funds
87 received by local emergency planning committees may be used.

301.010. As used in this chapter and sections 304.010 to 304.040, 304.120
2 to 304.260, and sections 307.010 to 307.175, the following terms mean:

3 (1) "All-terrain vehicle", any motorized vehicle manufactured and used
4 exclusively for off-highway use which is fifty inches or less in width, with an
5 unladen dry weight of one thousand five hundred pounds or less, traveling on
6 three, four or more nonhighway tires, with a seat designed to be straddled by the
7 operator, or with a seat designed to carry more than one person, and handlebars
8 for steering control;

9 (2) "Automobile transporter", any vehicle combination designed and used
10 specifically for the transport of assembled motor vehicles;

11 (3) "Axle load", the total load transmitted to the road by all wheels whose
12 centers are included between two parallel transverse vertical planes forty inches
13 apart, extending across the full width of the vehicle;

14 (4) "Boat transporter", any vehicle combination designed and used
15 specifically to transport assembled boats and boat hulls;

16 (5) "Body shop", a business that repairs physical damage on motor
17 vehicles that are not owned by the shop or its officers or employees by mending,
18 straightening, replacing body parts, or painting;

19 (6) "Bus", a motor vehicle primarily for the transportation of a driver and
20 eight or more passengers but not including shuttle buses;

21 (7) "Commercial motor vehicle", a motor vehicle designed or regularly used
22 for carrying freight and merchandise, or more than eight passengers but not
23 including vanpools or shuttle buses;

24 (8) "Cotton trailer", a trailer designed and used exclusively for
25 transporting cotton at speeds less than forty miles per hour from field to field or
26 from field to market and return;

27 (9) "Dealer", any person, firm, corporation, association, agent or subagent
28 engaged in the sale or exchange of new, used or reconstructed motor vehicles or
29 trailers;

30 (10) "Director" or "director of revenue", the director of the department of
31 revenue;

32 (11) "Driveaway operation":

33 (a) The movement of a motor vehicle or trailer by any person or motor
34 carrier other than a dealer over any public highway, under its own power singly,
35 or in a fixed combination of two or more vehicles, for the purpose of delivery for
36 sale or for delivery either before or after sale;

37 (b) The movement of any vehicle or vehicles, not owned by the transporter,
38 constituting the commodity being transported, by a person engaged in the
39 business of furnishing drivers and operators for the purpose of transporting
40 vehicles in transit from one place to another by the driveaway or towaway
41 methods; or

42 (c) The movement of a motor vehicle by any person who is lawfully
43 engaged in the business of transporting or delivering vehicles that are not the
44 person's own and vehicles of a type otherwise required to be registered, by the
45 driveaway or towaway methods, from a point of manufacture, assembly or
46 distribution or from the owner of the vehicles to a dealer or sales agent of a

- 47 manufacturer or to any consignee designated by the shipper or consignor;
- 48 (12) "Dromedary", a box, deck, or plate mounted behind the cab and
49 forward of the fifth wheel on the frame of the power unit of a truck
50 tractor-semitrailer combination. A truck tractor equipped with a dromedary may
51 carry part of a load when operating independently or in a combination with a
52 semitrailer;
- 53 (13) "Farm tractor", a tractor used exclusively for agricultural purposes;
- 54 (14) "Fleet", any group of ten or more motor vehicles owned by the same
55 owner;
- 56 (15) "Fleet vehicle", a motor vehicle which is included as part of a fleet;
- 57 (16) "Fullmount", a vehicle mounted completely on the frame of either the
58 first or last vehicle in a saddlemount combination;
- 59 (17) "Gross weight", the weight of vehicle and/or vehicle combination
60 without load, plus the weight of any load thereon;
- 61 (18) "Hail-damaged vehicle", any vehicle, the body of which has become
62 dented as the result of the impact of hail;
- 63 (19) "Highway", any public thoroughfare for vehicles, including state
64 roads, county roads and public streets, avenues, boulevards, parkways or alleys
65 in any municipality;
- 66 (20) "Improved highway", a highway which has been paved with gravel,
67 macadam, concrete, brick or asphalt, or surfaced in such a manner that it shall
68 have a hard, smooth surface;
- 69 (21) "Intersecting highway", any highway which joins another, whether
70 or not it crosses the same;
- 71 (22) "Junk vehicle", a vehicle which is incapable of operation or use upon
72 the highways and has no resale value except as a source of parts or scrap, and
73 shall not be titled or registered;
- 74 (23) "Kit vehicle", a motor vehicle assembled by a person other than a
75 generally recognized manufacturer of motor vehicles by the use of a glider kit or
76 replica purchased from an authorized manufacturer and accompanied by a
77 manufacturer's statement of origin;
- 78 (24) "Land improvement contractors' commercial motor vehicle", any
79 not-for-hire commercial motor vehicle the operation of which is confined to:
- 80 (a) An area that extends not more than a radius of one hundred miles
81 from its home base of operations when transporting its owner's machinery,
82 equipment, or auxiliary supplies to or from projects involving soil and water

83 conservation, or to and from equipment dealers' maintenance facilities for
84 maintenance purposes; or

85 (b) An area that extends not more than a radius of fifty miles from its
86 home base of operations when transporting its owner's machinery, equipment, or
87 auxiliary supplies to or from projects not involving soil and water
88 conservation. Nothing in this subdivision shall be construed to prevent any motor
89 vehicle from being registered as a commercial motor vehicle or local commercial
90 motor vehicle;

91 (25) "Local commercial motor vehicle", a commercial motor vehicle whose
92 operations are confined solely to a municipality and that area extending not more
93 than fifty miles therefrom, or a commercial motor vehicle whose property-carrying
94 operations are confined solely to the transportation of property owned by any
95 person who is the owner or operator of such vehicle to or from a farm owned by
96 such person or under the person's control by virtue of a landlord and tenant lease;
97 provided that any such property transported to any such farm is for use in the
98 operation of such farm;

99 (26) "Local log truck", a commercial motor vehicle which is registered
100 pursuant to this chapter to operate as a motor vehicle on the public highways of
101 this state, used exclusively in this state, used to transport harvested forest
102 products, operated solely at a forested site and in an area extending not more
103 than a one hundred-mile radius from such site, carries a load with dimensions not
104 in excess of twenty-five cubic yards per two axles with dual wheels, and when
105 operated on the national system of interstate and defense highways described in
106 Title 23, Section 103(e) of the United States Code, such vehicle shall not exceed
107 the weight limits of section 304.180, does not have more than four axles, and does
108 not pull a trailer which has more than two axles. Harvesting equipment which
109 is used specifically for cutting, felling, trimming, delimiting, debarking, chipping,
110 skidding, loading, unloading, and stacking may be transported on a local log
111 truck. A local log truck may not exceed the limits required by law, however, if
112 the truck does exceed such limits as determined by the inspecting officer, then
113 notwithstanding any other provisions of law to the contrary, such truck shall be
114 subject to the weight limits required by such sections as licensed for eighty
115 thousand pounds;

116 (27) "Local log truck tractor", a commercial motor vehicle which is
117 registered under this chapter to operate as a motor vehicle on the public
118 highways of this state, used exclusively in this state, used to transport harvested

119 forest products, operated solely at a forested site and in an area extending not
120 more than a one hundred-mile radius from such site, operates with a weight not
121 exceeding twenty-two thousand four hundred pounds on one axle or with a weight
122 not exceeding forty-four thousand eight hundred pounds on any tandem axle, and
123 when operated on the national system of interstate and defense highways
124 described in Title 23, Section 103(e) of the United States Code, such vehicle does
125 not exceed the weight limits contained in section 304.180, and does not have more
126 than three axles and does not pull a trailer which has more than two
127 axles. Violations of axle weight limitations shall be subject to the load limit
128 penalty as described for in sections 304.180 to 304.220;

129 (28) "Local transit bus", a bus whose operations are confined wholly
130 within a municipal corporation, or wholly within a municipal corporation and a
131 commercial zone, as defined in section 390.020, adjacent thereto, forming a part
132 of a public transportation system within such municipal corporation and such
133 municipal corporation and adjacent commercial zone;

134 (29) "Log truck", a vehicle which is not a local log truck or local log truck
135 tractor and is used exclusively to transport harvested forest products to and from
136 forested sites which is registered pursuant to this chapter to operate as a motor
137 vehicle on the public highways of this state for the transportation of harvested
138 forest products;

139 (30) "Major component parts", the rear clip, cowl, frame, body, cab,
140 front-end assembly, and front clip, as those terms are defined by the director of
141 revenue pursuant to rules and regulations or by illustrations;

142 (31) "Manufacturer", any person, firm, corporation or association engaged
143 in the business of manufacturing or assembling motor vehicles, trailers or vessels
144 for sale;

145 (32) "Mobile scrap processor", a business located in Missouri or any other
146 state that comes onto a salvage site and crushes motor vehicles and parts for
147 transportation to a shredder or scrap metal operator for recycling;

148 (33) "Motor change vehicle", a vehicle manufactured prior to August, 1957,
149 which receives a new, rebuilt or used engine, and which used the number
150 stamped on the original engine as the vehicle identification number;

151 (34) "Motor vehicle", any self-propelled vehicle not operated exclusively
152 upon tracks, except farm tractors;

153 (35) "Motor vehicle primarily for business use", any vehicle other than a
154 recreational motor vehicle, motorcycle, motortricycle, or any commercial motor

155 vehicle licensed for over twelve thousand pounds:

156 (a) Offered for hire or lease; or

157 (b) The owner of which also owns ten or more such motor vehicles;

158 (36) "Motorcycle", a motor vehicle operated on two wheels;

159 (37) "Motorized bicycle", any two-wheeled or three-wheeled device having
160 an automatic transmission and a motor with a cylinder capacity of not more than
161 fifty cubic centimeters, which produces less than three gross brake horsepower,
162 and is capable of propelling the device at a maximum speed of not more than
163 thirty miles per hour on level ground;

164 (38) "Motortricycle", a motor vehicle operated on three wheels, including
165 a motorcycle while operated with any conveyance, temporary or otherwise,
166 requiring the use of a third wheel. A motortricycle shall not be included in the
167 definition of all-terrain vehicle;

168 (39) "Municipality", any city, town or village, whether incorporated or not;

169 (40) "Nonresident", a resident of a state or country other than the state
170 of Missouri;

171 (41) "Non-USA-std motor vehicle", a motor vehicle not originally
172 manufactured in compliance with United States emissions or safety standards;

173 (42) "Operator", any person who operates or drives a motor vehicle;

174 (43) "Owner", any person, firm, corporation or association, who holds the
175 legal title to a vehicle or in the event a vehicle is the subject of an agreement for
176 the conditional sale or lease thereof with the right of purchase upon performance
177 of the conditions stated in the agreement and with an immediate right of
178 possession vested in the conditional vendee or lessee, or in the event a mortgagor
179 of a vehicle is entitled to possession, then such conditional vendee or lessee or
180 mortgagor shall be deemed the owner for the purpose of this law;

181 (44) "Public garage", a place of business where motor vehicles are housed,
182 stored, repaired, reconstructed or repainted for persons other than the owners or
183 operators of such place of business;

184 (45) "Rebuilder", a business that repairs or rebuilds motor vehicles owned
185 by the rebuilder, but does not include certificated common or contract carriers of
186 persons or property;

187 (46) "Reconstructed motor vehicle", a vehicle that is altered from its
188 original construction by the addition or substitution of two or more new or used
189 major component parts, excluding motor vehicles made from all new parts, and
190 new multistage manufactured vehicles;

191 (47) "Recreational motor vehicle", any motor vehicle designed, constructed
192 or substantially modified so that it may be used and is used for the purposes of
193 temporary housing quarters, including therein sleeping and eating facilities
194 which are either permanently attached to the motor vehicle or attached to a unit
195 which is securely attached to the motor vehicle. Nothing herein shall prevent any
196 motor vehicle from being registered as a commercial motor vehicle if the motor
197 vehicle could otherwise be so registered;

198 (48) "Recreational off-highway vehicle", any motorized vehicle
199 manufactured and used exclusively for off-highway use which is [sixty] **sixty-**
200 **four** inches or less in width, with an unladen dry weight of [one] **two** thousand
201 [eight hundred fifty] pounds or less, traveling on four or more nonhighway tires,
202 with a nonstraddle seat, and steering wheel, which may have access to ATV
203 trails;

204 (49) "Rollback or car carrier", any vehicle specifically designed to
205 transport wrecked, disabled or otherwise inoperable vehicles, when the
206 transportation is directly connected to a wrecker or towing service;

207 (50) "Saddlemount combination", a combination of vehicles in which a
208 truck or truck tractor tows one or more trucks or truck tractors, each connected
209 by a saddle to the frame or fifth wheel of the vehicle in front of it. The "saddle"
210 is a mechanism that connects the front axle of the towed vehicle to the frame or
211 fifth wheel of the vehicle in front and functions like a fifth wheel kingpin
212 connection. When two vehicles are towed in this manner the combination is
213 called a "double saddlemount combination". When three vehicles are towed in
214 this manner, the combination is called a "triple saddlemount combination";

215 (51) "Salvage dealer and dismantler", a business that dismantles used
216 motor vehicles for the sale of the parts thereof, and buys and sells used motor
217 vehicle parts and accessories;

218 (52) "Salvage vehicle", a motor vehicle, semitrailer, or house trailer which:

219 (a) Was damaged during a year that is no more than six years after the
220 manufacturer's model year designation for such vehicle to the extent that the
221 total cost of repairs to rebuild or reconstruct the vehicle to its condition
222 immediately before it was damaged for legal operation on the roads or highways
223 exceeds eighty percent of the fair market value of the vehicle immediately
224 preceding the time it was damaged;

225 (b) By reason of condition or circumstance, has been declared salvage,
226 either by its owner, or by a person, firm, corporation, or other legal entity

227 exercising the right of security interest in it;

228 (c) Has been declared salvage by an insurance company as a result of
229 settlement of a claim;

230 (d) Ownership of which is evidenced by a salvage title; or

231 (e) Is abandoned property which is titled pursuant to section 304.155 or
232 section 304.157 and designated with the words "salvage/abandoned
233 property". The total cost of repairs to rebuild or reconstruct the vehicle shall not
234 include the cost of repairing, replacing, or reinstalling inflatable safety restraints,
235 tires, sound systems, or damage as a result of hail, or any sales tax on parts or
236 materials to rebuild or reconstruct the vehicle. For purposes of this definition,
237 "fair market value" means the retail value of a motor vehicle as:

238 a. Set forth in a current edition of any nationally recognized compilation
239 of retail values, including automated databases, or from publications commonly
240 used by the automotive and insurance industries to establish the values of motor
241 vehicles;

242 b. Determined pursuant to a market survey of comparable vehicles with
243 regard to condition and equipment; and

244 c. Determined by an insurance company using any other procedure
245 recognized by the insurance industry, including market surveys, that is applied
246 by the company in a uniform manner;

247 (53) "School bus", any motor vehicle used solely to transport students to
248 or from school or to transport students to or from any place for educational
249 purposes;

250 (54) "Shuttle bus", a motor vehicle used or maintained by any person,
251 firm, or corporation as an incidental service to transport patrons or customers of
252 the regular business of such person, firm, or corporation to and from the place of
253 business of the person, firm, or corporation providing the service at no fee or
254 charge. Shuttle buses shall not be registered as buses or as commercial motor
255 vehicles;

256 (55) "Special mobile equipment", every self-propelled vehicle not designed
257 or used primarily for the transportation of persons or property and incidentally
258 operated or moved over the highways, including farm equipment, implements of
259 husbandry, road construction or maintenance machinery, ditch-digging apparatus,
260 stone crushers, air compressors, power shovels, cranes, graders, rollers,
261 well-drillers and wood-sawing equipment used for hire, asphalt spreaders,
262 bituminous mixers, bucket loaders, ditchers, leveling graders, finished machines,

263 motor graders, road rollers, scarifiers, earth-moving carryalls, scrapers, drag
264 lines, concrete pump trucks, rock-drilling and earth-moving equipment. This
265 enumeration shall be deemed partial and shall not operate to exclude other such
266 vehicles which are within the general terms of this section;

267 (56) "Specially constructed motor vehicle", a motor vehicle which shall not
268 have been originally constructed under a distinctive name, make, model or type
269 by a manufacturer of motor vehicles. The term specially constructed motor
270 vehicle includes kit vehicles;

271 (57) "Stinger-steered combination", a truck tractor-semitrailer wherein the
272 fifth wheel is located on a drop frame located behind and below the rearmost axle
273 of the power unit;

274 (58) "Tandem axle", a group of two or more axles, arranged one behind
275 another, the distance between the extremes of which is more than forty inches
276 and not more than ninety-six inches apart;

277 (59) "Tractor", "truck tractor" or "truck-tractor", a self-propelled motor
278 vehicle designed for drawing other vehicles, but not for the carriage of any load
279 when operating independently. When attached to a semitrailer, it supports a part
280 of the weight thereof;

281 (60) "Trailer", any vehicle without motive power designed for carrying
282 property or passengers on its own structure and for being drawn by a
283 self-propelled vehicle, except those running exclusively on tracks, including a
284 semitrailer or vehicle of the trailer type so designed and used in conjunction with
285 a self-propelled vehicle that a considerable part of its own weight rests upon and
286 is carried by the towing vehicle. The term "trailer" shall not include cotton
287 trailers as defined in subdivision (8) of this section and shall not include
288 manufactured homes as defined in section 700.010;

289 (61) "Truck", a motor vehicle designed, used, or maintained for the
290 transportation of property;

291 (62) "Truck-tractor semitrailer-semitrailer", a combination vehicle in
292 which the two trailing units are connected with a B-train assembly which is a
293 rigid frame extension attached to the rear frame of a first semitrailer which
294 allows for a fifth-wheel connection point for the second semitrailer and has one
295 less articulation point than the conventional A-dolly connected truck-tractor
296 semitrailer-trailer combination;

297 (63) "Truck-trailer boat transporter combination", a boat transporter
298 combination consisting of a straight truck towing a trailer using typically a ball

299 and socket connection with the trailer axle located substantially at the trailer
300 center of gravity rather than the rear of the trailer but so as to maintain a
301 downward force on the trailer tongue;

302 (64) "Used parts dealer", a business that buys and sells used motor vehicle
303 parts or accessories, but not including a business that sells only new,
304 remanufactured or rebuilt parts. "Business" does not include isolated sales at a
305 swap meet of less than three days;

306 (65) "Utility vehicle", any motorized vehicle manufactured and used
307 exclusively for off-highway use which is sixty-three inches or less in width, with
308 an unladen dry weight of one thousand eight hundred fifty pounds or less,
309 traveling on four or six wheels, to be used primarily for landscaping, lawn care,
310 or maintenance purposes;

311 (66) "Vanpool", any van or other motor vehicle used or maintained by any
312 person, group, firm, corporation, association, city, county or state agency, or any
313 member thereof, for the transportation of not less than eight nor more than
314 forty-eight employees, per motor vehicle, to and from their place of employment;
315 however, a vanpool shall not be included in the definition of the term bus or
316 commercial motor vehicle as defined by subdivisions (6) and (7) of this section,
317 nor shall a vanpool driver be deemed a chauffeur as that term is defined by
318 section 302.010; nor shall use of a vanpool vehicle for ride-sharing arrangements,
319 recreational, personal, or maintenance uses constitute an unlicensed use of the
320 motor vehicle, unless used for monetary profit other than for use in a ride-sharing
321 arrangement;

322 (67) "Vehicle", any mechanical device on wheels, designed primarily for
323 use, or used, on highways, except motorized bicycles, vehicles propelled or drawn
324 by horses or human power, or vehicles used exclusively on fixed rails or tracks,
325 or cotton trailers or motorized wheelchairs operated by handicapped persons;

326 (68) "Wrecker" or "tow truck", any emergency commercial vehicle
327 equipped, designed and used to assist or render aid and transport or tow disabled
328 or wrecked vehicles from a highway, road, street or highway rights-of-way to a
329 point of storage or repair, including towing a replacement vehicle to replace a
330 disabled or wrecked vehicle;

331 (69) "Wrecker or towing service", the act of transporting, towing or
332 recovering with a wrecker, tow truck, rollback or car carrier any vehicle not
333 owned by the operator of the wrecker, tow truck, rollback or car carrier for which
334 the operator directly or indirectly receives compensation or other personal gain.

304.033. 1. No person shall operate a recreational off-highway
2 vehicle, as defined in section 301.010, upon the highways of this state,
3 except as follows:

4 (1) Recreational off-highway vehicles owned and operated by a
5 governmental entity for official use;

6 (2) Recreational off-highway vehicles operated for agricultural
7 purposes or industrial on-premises purposes;

8 (3) Recreational off-highway vehicles operated within three miles
9 of the operator's primary residence. The provisions of this subdivision
10 shall not authorize the operation of a recreational off-highway vehicle
11 in a municipality unless such operation is authorized by such
12 municipality as provided for in subdivision (5) of this subsection;

13 (4) Recreational off-highway vehicles operated by handicapped
14 persons for short distances occasionally only on the state's secondary
15 roads;

16 (5) Governing bodies of cities may issue special permits to
17 licensed drivers for special uses of recreational off-highway vehicles on
18 highways within the city limits. Fees of fifteen dollars may be collected
19 and retained by cities for such permits;

20 (6) Governing bodies of counties may issue special permits to
21 licensed drivers for special uses of recreational off-highway vehicles on
22 county roads within the county. Fees of fifteen dollars may be collected
23 and retained by the counties for such permits.

24 2. No person shall operate a recreational off-highway vehicle
25 within any stream or river in this state, except that recreational
26 off-highway vehicles may be operated within waterways which flow
27 within the boundaries of land which a recreational off-highway vehicle
28 operator owns, or for agricultural purposes within the boundaries of
29 land which a recreational off-highway vehicle operator owns or has
30 permission to be upon, or for the purpose of fording such stream or
31 river of this state at such road crossings as are customary or part of the
32 highway system. All law enforcement officials or peace officers of this
33 state and its political subdivisions or department of conservation
34 agents or department of natural resources park rangers shall enforce
35 the provisions of this subsection within the geographic area of their
36 jurisdiction.

37 3. A person operating a recreational off-highway vehicle on a

38 **highway pursuant to an exception covered in this section shall have a**
39 **valid operator's or chauffeur's license, except that a handicapped**
40 **person operating such vehicle pursuant to subdivision (4) of subsection**
41 **1 of this section, but shall not be required to have passed an**
42 **examination for the operation of a motorcycle. An individual shall not**
43 **operate a recreational off-highway vehicle upon a highway in this state**
44 **without displaying a lighted headlamp and a lighted tail lamp. A**
45 **person may not operate a recreational off-highway vehicle upon a**
46 **highway of this state unless such person wears a seat belt. When**
47 **operated on a highway, a recreational off-highway vehicle shall be**
48 **equipped with a roll bar or roll cage construction to reduce the risk of**
49 **injury to an occupant of the vehicle in case of the vehicle's rollover.**

304.120. 1. Municipalities, by ordinance, may establish reasonable speed
2 regulations for motor vehicles within the limits of such municipalities. No person
3 who is not a resident of such municipality and who has not been within the limits
4 thereof for a continuous period of more than forty-eight hours, shall be convicted
5 of a violation of such ordinances, unless it is shown by competent evidence that
6 there was posted at the place where the boundary of such municipality joins or
7 crosses any highway a sign displaying in black letters not less than four inches
8 high and one inch wide on a white background the speed fixed by such
9 municipality so that such sign may be clearly seen by operators and drivers from
10 their vehicles upon entering such municipality.

11 2. Municipalities, by ordinance, may:

12 (1) Make additional rules of the road or traffic regulations to meet their
13 needs and traffic conditions;

14 (2) Establish one-way streets and provide for the regulation of vehicles
15 thereon;

16 (3) Require vehicles to stop before crossing certain designated streets and
17 boulevards;

18 (4) Limit the use of certain designated streets and boulevards to
19 passenger vehicles, **except that each municipality shall allow at least one**
20 **route, with lawful traffic movement and access from both directions, to**
21 **be available for use by commercial vehicles to access any roads in the**
22 **state highway system. Under no circumstances shall the provisions of**
23 **this subdivision be construed to authorize a municipality to limit the**
24 **use of all routes in the municipality;**

25 (5) Prohibit the use of certain designated streets to vehicles with metal
26 tires, or solid rubber tires;

27 (6) Regulate the parking of vehicles on streets by the installation of
28 parking meters for limiting the time of parking and exacting a fee therefor or by
29 the adoption of any other regulatory method that is reasonable and practical, and
30 prohibit or control left-hand turns of vehicles;

31 (7) Require the use of signaling devices on all motor vehicles; and

32 (8) Prohibit sound producing warning devices, except horns directed
33 forward.

34 3. No ordinance shall be valid which contains provisions contrary to or in
35 conflict with this chapter, except as herein provided.

36 4. No ordinance shall impose liability on the owner-lessor of a motor
37 vehicle when the vehicle is being permissively used by a lessee and is illegally
38 parked or operated if the registered owner-lessor of such vehicle furnishes the
39 name, address and operator's license number of the person renting or leasing the
40 vehicle at the time the violation occurred to the proper municipal authority
41 within three working days from the time of receipt of written request for such
42 information. Any registered owner-lessor who fails or refuses to provide such
43 information within the period required by this subsection shall be liable for the
44 imposition of any fine established by municipal ordinance for the
45 violation. Provided, however, if a leased motor vehicle is illegally parked due to
46 a defect in such vehicle, which renders it inoperable, not caused by the fault or
47 neglect of the lessee, then the lessor shall be liable on any violation for illegal
48 parking of such vehicle.

49 **5. No ordinance shall deny the use of commercial vehicles on all**
50 **routes within the municipality. For purposes of this section, the term**
51 **"route" shall mean any state road, county road, or public street, avenue,**
52 **boulevard, or parkway.**

414.530. 1. The director shall conduct a referendum as soon as possible
2 among producers and Missouri retail marketers of propane to authorize the
3 creation of the "Missouri Propane Education and Research Council" and the
4 levying of an assessment on odorized propane. Upon approval of those persons
5 representing two-thirds of the total gallonage of odorized propane voted in the
6 retail marketer class and two-thirds of all propane voted in the producer class,
7 meaning propane sold or produced in the previous calendar year or other
8 representative period, the director shall issue an order establishing the council

9 and call for nominations to the council from qualified industry organizations. All
10 persons voting in the referendum shall certify to the director the number of
11 gallons represented by their vote.

12 2. [On the director's own initiative,] Upon petition of the council or of
13 producers and marketers representing thirty-five percent of the gallons in each
14 class, the director shall hold a referendum to determine whether the industry
15 favors termination or suspension of the order. The termination or suspension
16 shall not take effect unless it is approved by those persons representing more
17 than one-half of the total gallonage of odorized propane in the marketer class and
18 one-half of all propane in the producer class.

19 3. The director may require such reports or documentation as is necessary
20 to document the referendum process [and the nomination process for members of
21 the council] and shall protect the confidentiality of all such documentation
22 provided by industry members. Information regarding propane produced or
23 marketed by persons voting shall be a closed record.

414.560. 1. Upon issuance of an order by the director establishing the
2 Missouri propane education and research council, the director shall select all
3 members of the council from a list of nominees submitted by qualified industry
4 organizations. **Subsequent appointments shall be selected by the council**
5 **following a public nomination process.** Vacancies in unfinished terms of
6 council members may be filled by the council[, subject to approval of the director].

7 2. In making nominations and appointments to the council, the qualified
8 industry organizations [and the director] shall give due regard to selecting a
9 council that is representative of the industry, and the geographic regions of the
10 state.

11 3. The council shall consist of fifteen members, with nine members
12 representing retail marketers of propane; three members representing
13 wholesalers or resellers of propane; two members representing manufacturers and
14 distributors of gas use equipment, wholesalers or resellers, or transporters; and
15 one public member. Other than the public member, council members shall be
16 full-time employees or owners of businesses in the industry.

17 4. Council members shall receive no compensation for their services, but
18 shall be reimbursed for reasonable expenses incurred in the performance of their
19 duties.

20 5. Council members shall serve terms of three years; except that of the
21 initial members appointed, five shall be appointed for terms of one year, five shall

22 be appointed for terms of two years and five shall be appointed for terms of three
23 years. Members may be appointed to a maximum of two consecutive full
24 terms. Members filling unexpired terms will not have any partial term of service
25 count against the two-term limitation. Former members of the council may be
26 reappointed to the council if they have not been members for a period of one year.

27 6. The council shall select from among its members a chairman and other
28 officers as necessary, establish committees and subcommittees of the council, and
29 adopt rules and bylaws for the conduct of business. The council may establish
30 advisory committees of persons other than council members.

31 7. The council may employ a president to serve as chief executive officer
32 and such other employees as it deems necessary. The council may enter into
33 contracts with, use facilities and equipment of, or employ personnel of a qualified
34 industry organization in carrying out its responsibilities under sections 414.500
35 to 414.590. It shall determine the compensation and duties of each, and protect
36 the handling of council funds through fidelity bonds.

37 8. At **least thirty days prior to** the beginning of each fiscal period, the
38 council shall prepare and submit [to the director] **for public comment** a budget
39 plan including the probable costs of all programs, projects and contracts and a
40 recommended rate of assessment sufficient to cover such costs. [The director
41 shall approve or recommend changes to the budget after an opportunity for public
42 comment.] **The council shall approve or modify the budget following the**
43 **public comment period.**

44 9. The council shall develop programs and projects and enter into
45 contracts or agreements for implementing the policy of sections 414.500 to
46 414.590, including programs of research, development, education, and marketing,
47 and for the payment of the costs thereof with funds collected pursuant to sections
48 414.500 to 414.590. The council shall coordinate its activities with industry trade
49 associations to provide efficient delivery of services and to avoid unnecessary
50 duplication of activities.

51 10. The council shall keep minutes, books, **and** records that clearly reflect
52 all of the acts and transactions of the council and regularly report such
53 information to the director[, along with such other information as the director
54 may require]. The books of the council shall be audited by a certified public
55 accountant at least once each fiscal year and at such other times as the council
56 may designate. Copies of such audit shall be provided to the director, all
57 members of the council, all qualified industry organizations, and to other

58 members of the industry upon request. [The director shall receive notice of
59 meetings and may require reports on the activities of the council, as well as
60 reports on compliance, violations and complaints regarding the implementation
61 of sections 414.500 to 414.590.]

62 11. From assessments collected, the council shall annually reimburse the
63 director for costs incurred in holding the referendum establishing the council[,
64 making appointments to the council,] and other expenses directly related to the
65 council.

414.570. 1. The council shall set the initial assessment at no greater than
2 one-tenth of one cent per gallon. Thereafter, annual assessments shall be
3 sufficient to cover the costs of the plans and programs developed by the council
4 and approved [by the director] **following public comment**. The assessment
5 shall not be greater than one-half cent per gallon of odorized propane. The
6 assessment may not be raised by more than one-tenth of one cent per gallon
7 annually.

8 2. The owner of propane immediately prior to odorization in this state or
9 the owner at the time of import into this state of odorized propane shall be
10 responsible for the payment of the assessment on the volume of propane at the
11 time of import or odorization, whichever is later. Assessments shall be remitted
12 to the council on a monthly basis by the twenty-fifth of the month following the
13 month of collection. Nonodorized propane shall not be subject to assessment until
14 odorized.

15 3. The [director] **council** may [by regulation, with the concurrence of the
16 council,] establish an alternative means [for the council] to collect the assessment
17 if another means is found to be more efficient and effective. The [director]
18 **council** may [by regulation] establish a late payment charge and rate of interest
19 **not to exceed the legal rate for judgments** to be imposed on any person who
20 fails to remit to the council any amount due under sections 414.500 to 414.590.

21 4. Pending disbursement pursuant to a program, plan or project, the
22 council may invest funds collected through assessments and any other funds
23 received by the council only in obligations of the United States or any agency
24 thereof, in general obligations of any state or any political subdivision thereof, in
25 any interest-bearing account or certificate of deposit of a bank that is a member
26 of the Federal Reserve System, or in obligations fully guaranteed as to principal
27 and interest by the United States.

28 [5. The National Propane Education and Research Council, in conjunction

29 with the United States Secretary of Energy may, by regulation, establish a
30 program coordinating the operation of its council with the council established in
31 section 414.530. This may include an assessment rebate, if adopted, of an amount
32 up to twenty-five percent of the National Propane Education and Research
33 Council assessment collected on Missouri distributed odorized propane as
34 presented and described in section nine of the federal Propane Education and
35 Research Act of 1992. Should the National Propane Education and Research
36 Council, as part of the federal Propane Education and Research Act of 1992,
37 establish such an assessment rebate on fees collected by such council, then all
38 funds from such federal assessment rebate shall be the property of the Missouri
39 council as established by section 414.530, and the use of such funds shall be
40 determined by the Missouri council for the purposes as intended and presented
41 in sections 414.500 to 414.590.]

**537.293. 1. Notwithstanding any other provision of law, the use
2 of vehicles on a public street or highway in a manner which is legal
3 under state and local law shall not constitute a public or private
4 nuisance, and shall not be the basis of a civil action for public or
5 private nuisance.**

**6 2. No individual or business entity shall be subject to any civil
7 action in law or equity for a public or private nuisance on the basis of
8 such individual or business entity legally using vehicles on a public
9 street or highway. Any actions by a court in this state to enjoin the use
10 of a public street or highway in violation of this section and any
11 damages awarded or imposed by a court, or assessed by a jury, against
12 an individual or business entity for public or private nuisance in
13 violation of this section shall be null and void.**

**14 3. Notwithstanding any other provision of law, nothing in this
15 section shall be construed to limit civil liability for compensatory
16 damages arising from physical injury to another human being.**

**577.073. 1. It is unlawful for any person to throw waste paper, tin cans,
2 bottles, rubbish of any kind, or contaminate in any manner, any spring, pool or
3 stream within a state park, nor shall any person other than authorized personnel
4 of the department of natural resources cut, prune, pick or deface or injure in any
5 manner the flowers, trees, shrub or any other flora growing on the land or in the
6 water of any state park.**

7 2. [No person shall be permitted to offer or advertise merchandise or other

8 goods for sale or hire, or to maintain any concession, or use any park facilities,
9 buildings, trails, roads or other state park property for commercial use except by
10 written permission or concession contract with the department of natural
11 resources.

12 3.] No object of archaeological or historical value or interest within a state
13 park may be removed, injured, disfigured, defaced or destroyed except by
14 authorized personnel.

15 [4.] 3. Any person violating any of the provisions of this section shall be
16 deemed guilty of a misdemeanor.

640.100. 1. The safe drinking water commission created in section
2 640.105 shall promulgate rules necessary for the implementation, administration
3 and enforcement of sections 640.100 to 640.140 and the federal Safe Drinking
4 Water Act as amended.

5 2. No standard, rule or regulation or any amendment or repeal thereof
6 shall be adopted except after a public hearing to be held by the commission after
7 at least thirty days' prior notice in the manner prescribed by the rulemaking
8 provisions of chapter 536 and an opportunity given to the public to be heard; the
9 commission may solicit the views, in writing, of persons who may be affected by,
10 knowledgeable about, or interested in proposed rules and regulations, or
11 standards. Any person heard or registered at the hearing, or making written
12 request for notice, shall be given written notice of the action of the commission
13 with respect to the subject thereof. Any rule or portion of a rule, as that term is
14 defined in section 536.010, that is promulgated to administer and enforce sections
15 640.100 to 640.140 shall become effective only if the agency has fully complied
16 with all of the requirements of chapter 536, including but not limited to section
17 536.028, if applicable, after June 9, 1998. All rulemaking authority delegated
18 prior to June 9, 1998, is of no force and effect and repealed as of June 9, 1998,
19 however, nothing in this section shall be interpreted to repeal or affect the
20 validity of any rule adopted or promulgated prior to June 9, 1998. If the
21 provisions of section 536.028 apply, the provisions of this section are nonseverable
22 and if any of the powers vested with the general assembly pursuant to section
23 536.028 to review, to delay the effective date, or to disapprove and annul a rule
24 or portion of a rule are held unconstitutional or invalid, the purported grant of
25 rulemaking authority and any rule so proposed and contained in the order of
26 rulemaking shall be invalid and void, except that nothing in this chapter or
27 chapter 644 shall affect the validity of any rule adopted and promulgated prior

28 to June 9, 1998.

29 3. The commission shall promulgate rules and regulations for the
30 certification of public water system operators, backflow prevention assembly
31 testers and laboratories conducting tests pursuant to sections 640.100 to
32 640.140. Any person seeking to be a certified backflow prevention assembly
33 tester shall satisfactorily complete standard, nationally recognized written and
34 performance examinations designed to ensure that the person is competent to
35 determine if the assembly is functioning within its design specifications. Any
36 such state certification shall satisfy any need for local certification as a backflow
37 prevention assembly tester. However, political subdivisions may set additional
38 testing standards for individuals who are seeking to be certified as backflow
39 prevention assembly testers. Notwithstanding any other provision of law to the
40 contrary, agencies of the state or its political subdivisions shall only require
41 carbonated beverage dispensers to conform to the backflow protection
42 requirements established in the National Sanitation Foundation standard
43 eighteen, and the dispensers shall be so listed by an independent testing
44 laboratory. The commission shall promulgate rules and regulations for collection
45 of samples and analysis of water furnished by municipalities, corporations,
46 companies, state establishments, federal establishments or individuals to the
47 public. The department of natural resources or the department of health and
48 senior services shall, at the request of any supplier, make any analyses or tests
49 required pursuant to the terms of section 192.320 and sections 640.100 to
50 640.140. The department shall collect fees to cover the reasonable cost of
51 laboratory services, both within the department of natural resources and the
52 department of health and senior services, laboratory certification and program
53 administration as required by sections 640.100 to 640.140. The laboratory
54 services and program administration fees pursuant to this subsection shall not
55 exceed two hundred dollars for a supplier supplying less than four thousand one
56 hundred service connections, three hundred dollars for supplying less than seven
57 thousand six hundred service connections, five hundred dollars for supplying
58 seven thousand six hundred or more service connections, and five hundred dollars
59 for testing surface water. Such fees shall be deposited in the safe drinking water
60 fund as specified in section 640.110. The analysis of all drinking water required
61 by section 192.320 and sections 640.100 to 640.140 shall be made by the
62 department of natural resources laboratories, department of health and senior
63 services laboratories or laboratories certified by the department of natural

64 resources.

65 4. The department of natural resources shall establish and maintain an
66 inventory of public water supplies and conduct sanitary surveys of public water
67 systems. Such records shall be available for public inspection during regular
68 business hours.

69 5. (1) For the purpose of complying with federal requirements for
70 maintaining the primacy of state enforcement of the federal Safe Drinking Water
71 Act, the department is hereby directed to request appropriations from the general
72 revenue fund and all other appropriate sources to fund the activities of the public
73 drinking water program and in addition to the fees authorized pursuant to
74 subsection 3 of this section, an annual fee for each customer service connection
75 with a public water system is hereby authorized to be imposed upon all customers
76 of public water systems in this state. The fees collected shall not exceed the
77 amounts specified in this subsection and the commission may set the fees, by
78 rule, in a lower amount by proportionally reducing all fees charged pursuant to
79 this subsection from the specified maximum amounts. Reductions shall be
80 roughly proportional but in each case shall be divisible by twelve. Each customer
81 of a public water system shall pay an annual fee for each customer service
82 connection.

83 (2) The annual fee per customer service connection for unmetered
84 customers and customers with meters not greater than one inch in size shall be
85 based upon the number of service connections in the water system serving that
86 customer, and shall not exceed:

87	1 to 1,000 connections.	\$ 3.24
88	1,001 to 4,000 connections	3.00
89	4,001 to 7,000 connections	2.76
90	7,001 to 10,000 connections	2.40
91	10,001 to 20,000 connections	2.16
92	20,001 to 35,000 connections	1.92
93	35,001 to 50,000 connections	1.56
94	50,001 to 100,000 connections.	1.32
95	More than 100,000 connections.1.08.

96 (3) The annual user fee for customers having meters greater than one inch
97 but less than or equal to two inches in size shall not exceed seven dollars and
98 forty-four cents; for customers with meters greater than two inches but less than
99 or equal to four inches in size shall not exceed forty-one dollars and sixteen cents;

100 and for customers with meters greater than four inches in size shall not exceed
101 eighty-two dollars and forty-four cents.

102 (4) Customers served by multiple connections shall pay an annual user
103 fee based on the above rates for each connection, except that no single facility
104 served by multiple connections shall pay a total of more than five hundred dollars
105 per year.

106 6. Fees imposed pursuant to subsection 5 of this section shall become
107 effective on August 28, 2006, and shall be collected by the public water system
108 serving the customer beginning September 1, 2006, and continuing until such
109 time that the safe drinking water commission, at its discretion, specifies a lower
110 amount under subdivision (1) of subsection 5 of this section. The commission
111 shall promulgate rules and regulations on the procedures for billing, collection
112 and delinquent payment. Fees collected by a public water system pursuant to
113 subsection 5 of this section are state fees. The annual fee shall be enumerated
114 separately from all other charges, and shall be collected in monthly, quarterly or
115 annual increments. Such fees shall be transferred to the director of the
116 department of revenue at frequencies not less than quarterly. Two percent of the
117 revenue arising from the fees shall be retained by the public water system for the
118 purpose of reimbursing its expenses for billing and collection of such fees.

119 7. Imposition and collection of the fees authorized in subsection 5 of this
120 section shall be suspended on the first day of a calendar quarter if, during the
121 preceding calendar quarter, the federally delegated authority granted to the safe
122 drinking water program within the department of natural resources to administer
123 the Safe Drinking Water Act, 42 U.S.C. 300g-2, is withdrawn. The fee shall not
124 be reinstated until the first day of the calendar quarter following the quarter
125 during which such delegated authority is reinstated.

126 8. Fees imposed pursuant to subsection 5 of this section shall expire on
127 September 1, [2012] **2017**.

643.225. 1. The provisions of sections 643.225 to 643.250 shall apply to
2 all projects subject to 40 CFR Part 61, Subpart M as adopted by 10 CSR
3 10-6.080. The commission shall promulgate rules and regulations it deems
4 necessary to implement and administer the provisions of sections 643.225 to
5 643.250, including requirements, procedures and standards relating to asbestos
6 projects, as well as the authority to require corrective measures to be taken in
7 asbestos abatement, renovation, or demolition projects as are deemed necessary
8 to protect public health and the environment. The director shall establish any

9 examinations for certification required by this section and shall hold such
10 examinations at times and places as determined by the director.

11 2. Except as otherwise provided in sections 643.225 to 643.250, no
12 individual shall engage in an asbestos abatement project, inspection, management
13 plan, abatement project design or asbestos air sampling unless the person has
14 been issued a certificate by the director, or by the commission after appeal, for
15 that purpose.

16 3. In any application made to the director to obtain such certification as
17 an inspector, management planner, abatement project designer, supervisor,
18 contractor or worker from the department, the applicant shall include his diploma
19 providing proof of successful completion of either a state accredited or United
20 States Environmental Protection Agency (EPA) accredited training course as
21 described in section 643.228. In addition, an applicant for certification as a
22 management planner shall first be certified as an inspector. All applicants for
23 certification as an inspector, management planner, abatement project designer,
24 supervisor, contractor or worker shall successfully pass a state examination on
25 Missouri state asbestos statutes and rules relating to asbestos. Certification
26 issued hereunder shall expire one year from its effective date. Individuals
27 applying for state certification as an asbestos air sampling professional shall have
28 the following credentials:

29 (1) A bachelor of science degree in industrial hygiene plus one year of
30 experience in the field; or

31 (2) A master of science degree in industrial hygiene; or

32 (3) Certification as an industrial hygienist as designated by the American
33 Board of Industrial Hygiene; or

34 (4) Three years of practical experience in the field of industrial hygiene,
35 including significant asbestos air monitoring experience and the completion of a
36 forty-hour asbestos course which includes air monitoring instruction (National
37 Institute of Occupational Safety and Health 582 course on air sampling or
38 equivalent). In addition to these qualifications, the individual must also pass the
39 state of Missouri asbestos examination. All asbestos air sampling technicians
40 shall be trained and overseen by an asbestos air sampling professional and shall
41 meet the requirements of training found in OSHA's 29 CFR
42 1926.1101. Certification under this section as an abatement project designer does
43 not qualify an individual as an architect, engineer or land surveyor, as defined
44 in chapter 327.

45 4. An application fee of seventy-five dollars shall be assessed for each
46 category, except asbestos abatement worker, to cover administrative costs
47 incurred. An application fee of twenty-five dollars shall be assessed for each
48 asbestos abatement worker to cover administrative costs incurred. A fee of
49 twenty-five dollars shall be assessed per state examination.

50 5. In order to qualify for renewal of a certificate, an individual shall have
51 successfully completed an annual refresher course from a state of Missouri
52 accredited training program. For each discipline, the refresher course shall
53 review and discuss current federal and state statute and rule developments,
54 state-of-the-art procedures and key aspects of the initial training course, as
55 determined by the state of Missouri. For all categories except inspectors,
56 individuals shall complete a one-day annual refresher training course for
57 recertification. Refresher courses for inspectors shall be at least a half-day in
58 length. Management planners shall attend the inspector refresher course, plus
59 an additional half-day on management planning. All refresher courses shall
60 require an individual to successfully pass an examination upon completion of the
61 course. In the case of significant changes in Missouri state asbestos statutes or
62 rules, an individual shall also be required to take and successfully pass an
63 updated Missouri state asbestos examination. An individual who has failed the
64 Missouri state asbestos examination may retake it on the next scheduled
65 examination date. If an individual has not successfully completed the annual
66 refresher course within twelve months of the expiration of his or her certification,
67 the individual shall be required to retake the course in his or her specialty area
68 as described in this section. Failure to comply with the requirements for renewal
69 of certification in this section will result in decertification. In no event shall
70 certification or recertification constitute permission to violate sections 643.225 to
71 643.250 or any standard or rule promulgated under sections 643.225 to 643.250.

72 6. A fee of five dollars shall be paid to the state for renewal of certificates
73 to cover administrative costs.

74 **7. The provisions of subsections 2 to 6 of this section, section**
75 **643.228, subdivision (4) of subsection 1 of section 643.230, sections**
76 **643.232 and 643.235, subdivisions (1) to (3) of subsection 1 of section**
77 **643.237, and subsection 2 of section 643.237 shall not apply to a person**
78 **that is subject to requirements and applicable standards of the United**
79 **States Environmental Protection Agency (EPA) and the United States**
80 **Occupational Safety and Health Administration's (OSHA) 29 Code of**

81 **Federal Regulations 1926.58 and which engages in asbestos abatement**
82 **projects as part of normal operations in the facility solely at its own**
83 **place or places of business. A person shall receive an exemption upon**
84 **submitting to the director, on a form provided by the department,**
85 **documentation of the training provided to its employees to meet the**
86 **requirements of applicable OSHA and EPA rules and regulations and**
87 **the type of asbestos abatement projects which constitute normal**
88 **operations performed by the applicant. If the application does not**
89 **meet the requirements of this subsection and the rules and regulations**
90 **promulgated by the department, the applicant shall be notified, within**
91 **one hundred eighty days of the receipt of the application, that the**
92 **exemption has been denied. An applicant may appeal the denial of an**
93 **exemption to the commission within thirty days of the notice of**
94 **denial. This exemption shall not apply to asbestos abatement**
95 **contractors, to those persons who the commission by rule determines**
96 **provide a service to the public in its place or places of business as the**
97 **economic foundation of the facility, or to those persons subject to the**
98 **requirements of the federal Asbestos Hazard Emergency Response Act**
99 **of 1986 (P.L. 99-519). A representative of the department shall be**
100 **permitted to attend, monitor, and evaluate any training program**
101 **provided by the exempted person. Such evaluations may be conducted**
102 **without prior notice. Refusal to allow such an evaluation is sufficient**
103 **grounds for loss of exemption status.**

104 **8. A fee of two hundred fifty dollars shall be submitted with the**
105 **application for exemption under subsection 7 of this section. This shall**
106 **be a one-time fee. An exempted person shall submit to the director**
107 **changes in curricula or other significant revisions to its training**
108 **program under this section as they occur.**

109 **9. All applications for exemption under this section that are**
110 **received and approved by the department prior to August 28, 2012,**
111 **shall be considered valid. An exempted person under this subsection**
112 **shall not be subject to the fee under subsection 8 of this section but**
113 **shall submit to the director changes in curricula or other significant**
114 **revisions to its training program as they occur.**

644.016. When used in sections 644.006 to 644.141 and in standards, rules
2 and regulations promulgated pursuant to sections 644.006 to 644.141, the
3 following words and phrases mean:

4 (1) "Aquaculture facility", a hatchery, fish farm, or other facility used for
5 the production of aquatic animals that is required to have a permit pursuant to
6 the federal Clean Water Act, as amended, 33 U.S.C. 1251, et seq.;

7 (2) "Commission", the clean water commission of the state of Missouri
8 created in section 644.021;

9 (3) "Conference, conciliation and persuasion", a process of verbal or
10 written communications consisting of meetings, reports, correspondence or
11 telephone conferences between authorized representatives of the department and
12 the alleged violator. The process shall, at a minimum, consist of one offer to meet
13 with the alleged violator tendered by the department. During any such meeting,
14 the department and the alleged violator shall negotiate in good faith to eliminate
15 the alleged violation and shall attempt to agree upon a plan to achieve
16 compliance;

17 (4) "Department", the department of natural resources;

18 (5) "Director", the director of the department of natural resources;

19 (6) "Discharge", the causing or permitting of one or more water
20 contaminants to enter the waters of the state;

21 (7) "Effluent control regulations", limitations on the discharge of water
22 contaminants;

23 (8) "General permit", a permit written with a standard group of conditions
24 and with applicability intended for a designated category of water contaminant
25 sources that have the same or similar operations, discharges and geographical
26 locations, and that require the same or similar monitoring, and that would be
27 more appropriately controlled pursuant to a general permit rather than pursuant
28 to a site-specific permit;

29 (9) **"General permit template", a draft general permit that is being**
30 **developed through a public participation process;**

31 (10) "Human sewage", human excreta and wastewater, including bath and
32 toilet waste, residential laundry waste, residential kitchen waste, and other
33 similar waste from household or establishment appurtenances;

34 [(10)] (11) "Income" includes retirement benefits, consultant fees, and
35 stock dividends;

36 [(11)] (12) "Minor violation", a violation which possesses a small
37 potential to harm the environment or human health or cause pollution, was not
38 knowingly committed, and is not defined by the United States Environmental
39 Protection Agency as other than minor;

40 [(12)] (13) "Permit by rule", a permit granted by rule, not by a paper
41 certificate, and conditioned by the permit holder's compliance with commission
42 rules;

43 [(13)] (14) "Permit holders or applicants for a permit" shall not include
44 officials or employees who work full time for any department or agency of the
45 state of Missouri;

46 [(14)] (15) "Person", any individual, partnership, copartnership, firm,
47 company, public or private corporation, association, joint stock company, trust,
48 estate, political subdivision, or any agency, board, department, or bureau of the
49 state or federal government, or any other legal entity whatever which is
50 recognized by law as the subject of rights and duties;

51 [(15)] (16) "Point source", any discernible, confined and discrete
52 conveyance, including but not limited to any pipe, ditch, channel, tunnel, conduit,
53 well, discrete fissure, container, rolling stock, concentrated animal feeding
54 operation, or vessel or other floating craft, from which pollutants are or may be
55 discharged. Point source does not include agricultural storm water discharges
56 and return flows from irrigated agriculture;

57 [(16)] (17) "Pollution", such contamination or other alteration of the
58 physical, chemical or biological properties of any waters of the state, including
59 change in temperature, taste, color, turbidity, or odor of the waters, or such
60 discharge of any liquid, gaseous, solid, radioactive, or other substance into any
61 waters of the state as will or is reasonably certain to create a nuisance or render
62 such waters harmful, detrimental or injurious to public health, safety or welfare,
63 or to domestic, industrial, agricultural, recreational, or other legitimate beneficial
64 uses, or to wild animals, birds, fish or other aquatic life;

65 [(17)] (18) "Pretreatment regulations", limitations on the introduction of
66 pollutants or water contaminants into publicly owned treatment works or
67 facilities which the commission determines are not susceptible to treatment by
68 such works or facilities or which would interfere with their operation, except that
69 wastes as determined compatible for treatment pursuant to any federal water
70 pollution control act or guidelines shall be limited or treated pursuant to this
71 chapter only as required by such act or guidelines;

72 [(18)] (19) "Residential housing development", any land which is divided
73 or proposed to be divided into three or more lots, whether contiguous or not, for
74 the purpose of sale or lease as part of a common promotional plan for residential
75 housing;

76 [(19)] **(20)** "Sewer system", pipelines or conduits, pumping stations, and
77 force mains, and all other structures, devices, appurtenances and facilities used
78 for collecting or conducting wastes to an ultimate point for treatment or handling;

79 [(20)] **(21)** "Significant portion of his or her income" shall mean ten
80 percent of gross personal income for a calendar year, except that it shall mean
81 fifty percent of gross personal income for a calendar year if the recipient is over
82 sixty years of age, and is receiving such portion pursuant to retirement, pension,
83 or similar arrangement;

84 [(21)] **(22)** "Site-specific permit", a permit written for discharges emitted
85 from a single water contaminant source and containing specific conditions,
86 monitoring requirements and effluent limits to control such discharges;

87 [(22)] **(23)** "Treatment facilities", any method, process, or equipment
88 which removes, reduces, or renders less obnoxious water contaminants released
89 from any source;

90 [(23)] **(24)** "Water contaminant", any particulate matter or solid matter
91 or liquid or any gas or vapor or any combination thereof, or any temperature
92 change which is in or enters any waters of the state either directly or indirectly
93 by surface runoff, by sewer, by subsurface seepage or otherwise, which causes or
94 would cause pollution upon entering waters of the state, or which violates or
95 exceeds any of the standards, regulations or limitations set forth in sections
96 644.006 to 644.141 or any federal water pollution control act, or is included in the
97 definition of pollutant in such federal act;

98 [(24)] **(25)** "Water contaminant source", the point or points of discharge
99 from a single tract of property on which is located any installation, operation or
100 condition which includes any point source defined in sections 644.006 to 644.141
101 and nonpoint source pursuant to any federal water pollution control act, which
102 causes or permits a water contaminant therefrom to enter waters of the state
103 either directly or indirectly;

104 [(25)] **(26)** "Water quality standards", specified concentrations and
105 durations of water contaminants which reflect the relationship of the intensity
106 and composition of water contaminants to potential undesirable effects;

107 [(26)] **(27)** "Waters of the state", all rivers, streams, lakes and other
108 bodies of surface and subsurface water lying within or forming a part of the
109 boundaries of the state which are not entirely confined and located completely
110 upon lands owned, leased or otherwise controlled by a single person or by two or
111 more persons jointly or as tenants in common and includes waters of the United

112 States lying within the state.

644.026. 1. The commission shall:

2 (1) Exercise general supervision of the administration and enforcement
3 of sections 644.006 to 644.141 and all rules and regulations and orders
4 promulgated thereunder;

5 (2) Develop comprehensive plans and programs for the prevention, control
6 and abatement of new or existing pollution of the waters of the state;

7 (3) Advise, consult, and cooperate with other agencies of the state, the
8 federal government, other states and interstate agencies, and with affected
9 groups, political subdivisions and industries in furtherance of the purposes of
10 sections 644.006 to 644.141;

11 (4) Accept gifts, contributions, donations, loans and grants from the
12 federal government and from other sources, public or private, for carrying out any
13 of its functions, which funds shall not be expended for other than the purposes
14 for which provided;

15 (5) Encourage, participate in, or conduct studies, investigations, and
16 research and demonstrations relating to water pollution and causes, prevention,
17 control and abatement thereof as it may deem advisable and necessary for the
18 discharge of its duties pursuant to sections 644.006 to 644.141;

19 (6) Collect and disseminate information relating to water pollution and
20 the prevention, control and abatement thereof;

21 (7) After holding public hearings, identify waters of the state and
22 prescribe water quality standards for them, giving due recognition to variations,
23 if any, and the characteristics of different waters of the state which may be
24 deemed by the commission to be relevant insofar as possible pursuant to any
25 federal water pollution control act. These shall be reevaluated and modified as
26 required by any federal water pollution control act;

27 (8) Adopt, amend, promulgate, or repeal after due notice and hearing,
28 rules and regulations to enforce, implement, and effectuate the powers and duties
29 of sections 644.006 to 644.141 and any required of this state by any federal water
30 pollution control act, and as the commission may deem necessary to prevent,
31 control and abate existing or potential pollution. **In addition to opportunities**
32 **to submit written statements or provide testimony at public hearings**
33 **in support of or in opposition to proposed rulemakings as required by**
34 **section 536.021, any person who submits written comments or oral**
35 **testimony on a proposed rule shall, at any public meeting to vote on an**

36 **order or rulemaking or other commission policy, have the opportunity**
37 **to respond to the proposed order of rulemaking or department of**
38 **natural resources' response to comments to the extent that such**
39 **response is limited to issues raised in oral or written comments made**
40 **during the public notice comment period or public hearing on the**
41 **proposed rule;**

42 (9) Issue, modify or revoke orders prohibiting or abating discharges of
43 water contaminants into the waters of the state or adopting other remedial
44 measures to prevent, control or abate pollution;

45 (10) Administer state and federal grants and loans to municipalities and
46 political subdivisions for the planning and construction of sewage treatment
47 works;

48 (11) Hold such hearings, issue such notices of hearings and subpoenas
49 requiring the attendance of such witnesses and the production of such evidence,
50 administer such oaths, and take such testimony as the commission deems
51 necessary or as required by any federal water pollution control act. Any of these
52 powers may be exercised on behalf of the commission by any members thereof or
53 a hearing officer designated by it;

54 (12) Require the prior submission of plans and specifications, or other
55 data including the quantity and types of water contaminants, and inspect the
56 construction of treatment facilities and sewer systems or any part thereof in
57 connection with the issuance of such permits or approval as are required by
58 sections 644.006 to 644.141, except that manholes and polyvinyl chloride (PVC)
59 pipe used for gravity sewers and with a diameter no greater than twenty-seven
60 inches shall not be required to be tested for leakage;

61 (13) Issue, continue in effect, revoke, modify or deny, under such
62 conditions as it may prescribe, to prevent, control or abate pollution or any
63 violations of sections 644.006 to 644.141 or any federal water pollution control
64 act, permits for the discharge of water contaminants into the waters of this state,
65 and for the installation, modification or operation of treatment facilities, sewer
66 systems or any parts thereof. Such permit conditions, in addition to all other
67 requirements of this subdivision, shall ensure compliance with all effluent
68 regulations or limitations, water quality related effluent limitations, national
69 standards of performance and toxic and pretreatment effluent standards, and all
70 requirements and time schedules thereunder as established by sections 644.006
71 to 644.141 and any federal water pollution control act; however, no permit shall

72 be required of any person for any emission into publicly owned treatment
73 facilities or into publicly owned sewer systems tributary to publicly owned
74 treatment works;

75 (14) Establish permits by rule. Such permits shall only be available for
76 those facilities or classes of facilities that control potential water contaminants
77 that pose a reduced threat to public health or the environment and that are in
78 compliance with commission water quality standards rules, effluent rules or rules
79 establishing permits by rule. Such permits by rule shall have the same legal
80 standing as other permits issued pursuant to this chapter. Nothing in this
81 section shall prohibit the commission from requiring a site-specific permit or a
82 general permit for individual facilities;

83 (15) Require proper maintenance and operation of treatment facilities and
84 sewer systems and proper disposal of residual waste from all such facilities and
85 systems;

86 (16) Exercise all incidental powers necessary to carry out the purposes of
87 sections 644.006 to 644.141, assure that the state of Missouri complies with any
88 federal water pollution control act, retains maximum control thereunder and
89 receives all desired federal grants, aid and benefits;

90 (17) Establish effluent and pretreatment and toxic material control
91 regulations to further the purposes of sections 644.006 to 644.141 and as required
92 to ensure compliance with all effluent limitations, water quality-related effluent
93 limitations, national standards of performance and toxic and pretreatment
94 effluent standards, and all requirements and any time schedules thereunder, as
95 established by any federal water pollution control act for point sources in this
96 state, and where necessary to prevent violation of water quality standards of this
97 state;

98 (18) Prohibit all discharges of radiological, chemical, or biological warfare
99 agent or high-level radioactive waste into waters of this state;

100 (19) Require that all publicly owned treatment works or facilities which
101 receive or have received grants or loans from the state or the federal government
102 for construction or improvement make all charges required by sections 644.006
103 to 644.141 or any federal water pollution control act for use and recovery of
104 capital costs, and the operating authority for such works or facility is hereby
105 authorized to make any such charges;

106 (20) Represent the state of Missouri in all matters pertaining to interstate
107 water pollution including the negotiation of interstate compacts or agreements;

108 (21) Develop such facts and make such investigations as are consistent
109 with the purposes of sections 644.006 to 644.141, and, in connection therewith,
110 to enter or authorize any representative of the commission to enter at all
111 reasonable times and upon reasonable notice in or upon any private or public
112 property for any purpose required by any federal water pollution control act or
113 sections 644.006 to 644.141 for the purpose of developing rules, regulations,
114 limitations, standards, or permit conditions, or inspecting or investigating any
115 records required to be kept by sections 644.006 to 644.141 or any permit issued
116 pursuant to sections 644.006 to 644.141, any condition which the commission or
117 director has probable cause to believe to be a water contaminant source or the
118 site of any suspected violation of sections 644.006 to 644.141, regulations,
119 standards, or limitations, or permits issued pursuant to sections 644.006 to
120 644.141. The results of any such investigation shall be reduced to writing, and
121 shall be furnished to the owner or operator of the property. No person shall
122 refuse entry or access, requested for the purposes of inspection pursuant to this
123 subdivision, to an authorized representative in carrying out the inspection. A
124 suitably restricted search warrant, upon a showing of probable cause in writing
125 and upon oath, shall be issued by any judge or associate circuit judge having
126 jurisdiction to any representative for the purpose of enabling him or her to make
127 such inspection. Information obtained pursuant to this section shall be available
128 to the public unless it constitutes trade secrets or confidential information, other
129 than effluent data, of the person from whom it is obtained, except when disclosure
130 is required pursuant to any federal water pollution control act;

131 (22) Retain, employ, provide for, and compensate, within appropriations
132 available therefor, such consultants, assistants, deputies, clerks and other
133 employees on a full- or part-time basis as may be necessary to carry out the
134 provisions of sections 644.006 to 644.141 and prescribe the times at which they
135 shall be appointed and their powers and duties;

136 (23) Secure necessary scientific, technical, administrative and operation
137 services, including laboratory facilities, by contract or otherwise, with any
138 educational institution, experiment station, or any board, department, or other
139 agency of any political subdivision of the state or the federal government;

140 (24) Require persons owning or engaged in operations which do or could
141 discharge water contaminants, or introduce water contaminants or pollutants of
142 a quality and quantity to be established by the commission, into any publicly
143 owned treatment works or facility, to provide and maintain any facilities and

144 conduct any tests and monitoring necessary to establish and maintain records
145 and to file reports containing information relating to measures to prevent, lessen
146 or render any discharge less harmful or relating to rate, period, composition,
147 temperature, and quality and quantity of the effluent, and any other information
148 required by any federal water pollution control act or the director, and to make
149 them public, except as provided in subdivision (21) of this section. The
150 commission shall develop and adopt such procedures for inspection, investigation,
151 testing, sampling, monitoring and entry respecting water contaminant and point
152 sources as may be required for approval of such a program pursuant to any
153 federal water pollution control act;

154 (25) Take any action necessary to implement continuing planning
155 processes and areawide waste treatment management as established pursuant to
156 any federal water pollution control act or sections 644.006 to 644.141.

157 2. No rule or portion of a rule promulgated pursuant to this chapter shall
158 become effective unless it has been promulgated pursuant to chapter 536.

644.051. 1. It is unlawful for any person:

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

5 (2) To discharge any water contaminants into any waters of the state
6 which reduce the quality of such waters below the water quality standards
7 established by the commission;

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

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

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

22 3. Every proposed water contaminant or point source which, when
23 constructed or installed or established, will be subject to any federal water
24 pollution control act or sections 644.006 to 644.141 or regulations promulgated
25 pursuant to the provisions of such act shall make application to the director for
26 a permit at least thirty days prior to the initiation of construction or installation
27 or establishment. Every water contaminant or point source in existence when
28 regulations or sections 644.006 to 644.141 become effective shall make application
29 to the director for a permit within sixty days after the regulations or sections
30 644.006 to 644.141 become effective, whichever shall be earlier. The director
31 shall promptly investigate each application, which investigation shall include
32 such hearings and notice, and consideration of such comments and
33 recommendations as required by sections 644.006 to 644.141 and any federal
34 water pollution control act. If the director determines that the source meets or
35 will meet the requirements of sections 644.006 to 644.141 and the regulations
36 promulgated pursuant thereto, the director shall issue a permit with such
37 conditions as he or she deems necessary to ensure that the source will meet the
38 requirements of sections 644.006 to 644.141 and any federal water pollution
39 control act as it applies to sources in this state. If the director determines that
40 the source does not meet or will not meet the requirements of either act and the
41 regulations pursuant thereto, the director shall deny the permit pursuant to the
42 applicable act and issue any notices required by sections 644.006 to 644.141 and
43 any federal water pollution control act.

44 4. Before issuing a permit to build or enlarge a water contaminant or
45 point source or reissuing any permit, the director shall issue such notices, conduct
46 such hearings, and consider such factors, comments and recommendations as
47 required by sections 644.006 to 644.141 or any federal water pollution control
48 act. The director shall determine if any state or any provisions of any federal
49 water pollution control act the state is required to enforce, any state or federal
50 effluent limitations or regulations, water quality-related effluent limitations,
51 national standards of performance, toxic and pretreatment standards, or water
52 quality standards which apply to the source, or any such standards in the vicinity
53 of the source, are being exceeded, and shall determine the impact on such water
54 quality standards from the source. The director, in order to effectuate the
55 purposes of sections 644.006 to 644.141, shall deny a permit if the source will
56 violate any such acts, regulations, limitations or standards or will appreciably
57 affect the water quality standards or the water quality standards are being

58 substantially exceeded, unless the permit is issued with such conditions as to
59 make the source comply with such requirements within an acceptable time
60 schedule. [Prior to the development or renewal of a general permit or permit by
61 rule, for aquaculture, the director shall convene a meeting or meetings of permit
62 holders and applicants to evaluate the impacts of permits and to discuss any
63 terms and conditions that may be necessary to protect waters of the
64 state. Following the discussions, the director shall finalize a draft permit that
65 considers the comments of the meeting participants and post the draft permit on
66 notice for public comment. The director shall concurrently post with the draft
67 permit an explanation of the draft permit and shall identify types of facilities
68 which are subject to the permit conditions. Affected public or applicants for new
69 general permits, renewed general permits or permits by rule may request a
70 hearing with respect to the new requirements in accordance with this section. If
71 a request for a hearing is received, the commission shall hold a hearing to receive
72 comments on issues of significant technical merit and concerns related to the
73 responsibilities of the Missouri clean water law. The commission shall conduct
74 such hearings in accordance with this section. After consideration of such
75 comments, a final action on the permit shall be rendered. The time between the
76 date of the hearing request and the hearing itself shall not be counted as time
77 elapsed pursuant to subdivision (1) of subsection 14 of this section.]

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

87 6. The director shall promptly notify the applicant in writing of his or her
88 action and if the permit is denied state the reasons therefor. The applicant may
89 appeal to the commission from the denial of a permit or from any condition in any
90 permit by filing notice of appeal with the commission within thirty days of the
91 notice of denial or issuance of the permit. After a final action is taken on a new
92 or reissued general permit [template], a potential applicant for the general
93 permit who can demonstrate that he or she is or may be adversely affected by any

94 permit term or condition may appeal the terms and conditions of the general
95 permit [template] within thirty days of the department's issuance of the general
96 permit [template. The commission shall set the matter for hearing not less than
97 thirty days after the notice of appeal is filed]. In no event shall a permit
98 constitute permission to violate the law or any standard, rule or regulation
99 promulgated pursuant thereto.

100 7. In any hearing held pursuant to this section that involves a permit,
101 license, or registration, the burden of proof is on the party specified in section
102 640.012. Any decision of the commission made pursuant to a hearing held
103 pursuant to this section is subject to judicial review as provided in section
104 644.071.

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

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

112 10. [Unless a site-specific permit is requested by the applicant,
113 aquaculture facilities shall be governed by a general permit issued pursuant to
114 this section with a fee not to exceed two hundred fifty dollars pursuant to
115 subdivision (5) of subsection 6 of section 644.052. However, any aquaculture
116 facility which materially violates the conditions and requirements of such permit
117 may be required to obtain a site-specific permit.

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

130 **available by the director.**

131 [12.] 11. Every permit issued to municipal or any publicly owned
132 treatment works or facility shall require the permittee to provide the clean water
133 commission with adequate notice of any substantial new introductions of water
134 contaminants or pollutants into such works or facility from any source for which
135 such notice is required by sections 644.006 to 644.141 or any federal water
136 pollution control act. Such permit shall also require the permittee to notify the
137 clean water commission of any substantial change in volume or character of water
138 contaminants or pollutants being introduced into its treatment works or facility
139 by a source which was introducing water contaminants or pollutants into its
140 works at the time of issuance of the permit. Notice must describe the quality and
141 quantity of effluent being introduced or to be introduced into such works or
142 facility by a source which was introducing water contaminants or pollutants into
143 its works at the time of issuance of the permit. Notice must describe the quality
144 and quantity of effluent being introduced or to be introduced into such works or
145 facility and the anticipated impact of such introduction on the quality or quantity
146 of effluent to be released from such works or facility into waters of the state.

147 [13.] 12. The director or the commission may require the filing or posting
148 of a bond as a condition for the issuance of permits for construction of temporary
149 or future water treatment facilities or facilities that utilize innovative technology
150 for wastewater treatment in an amount determined by the commission to be
151 sufficient to ensure compliance with all provisions of sections 644.006 to 644.141,
152 and any rules or regulations of the commission and any condition as to such
153 construction in the permit. For the purposes of this section, "innovative
154 technology for wastewater treatment" shall mean a completely new and generally
155 unproven technology in the type or method of its application that bench testing
156 or theory suggest has environmental, efficiency, and cost benefits beyond the
157 standard technologies. No bond shall be required for designs approved by any
158 federal agency or environmental regulatory agency of another state. The bond
159 shall be signed by the applicant as principal, and by a corporate surety licensed
160 to do business in the state of Missouri and approved by the commission. The
161 bond shall remain in effect until the terms and conditions of the permit are met
162 and the provisions of sections 644.006 to 644.141 and rules and regulations
163 promulgated pursuant thereto are complied with.

164 [14.] 13. (1) The department shall issue or deny applications for
165 construction and site-specific operating permits received after January 1, 2001,

166 within one hundred eighty days of the department's receipt of an application. For
167 general construction and operating permit applications received after January 1,
168 2001, that do not require a public participation process, the department shall
169 issue or deny the [requested] permits within sixty days of the department's
170 receipt of an application. **For an application seeking coverage under a
171 renewed general permit that does not require an individual public
172 participation process, the director shall issue or deny the permit within
173 sixty days of the director's receipt of the application, or upon issuance
174 of the general permit, whichever is later. In regard to an application
175 seeking coverage under an initial general permit that does not require
176 an individual public participation process, the director shall issue or
177 deny the permit within sixty days of the department's receipt of the
178 application. For an application seeking coverage under a renewed
179 general permit that requires an individual public participation process,
180 the director shall issue or deny the permit within ninety days of the
181 director's receipt of the application, or upon issuance of the general
182 permit, whichever is later. In regard to an application for an initial
183 general permit that requires an individual public participation process,
184 the director shall issue or deny the permit within ninety days of the
185 director's receipt of the application.**

186 (2) If the department fails to issue or deny with good cause a construction
187 or operating permit application within the time frames established in subdivision
188 (1) of this subsection, the department shall refund the full amount of the initial
189 application fee within forty-five days of failure to meet the established time
190 frame. If the department fails to refund the application fee within forty-five days,
191 the refund amount shall accrue interest at a rate established pursuant to section
192 32.065.

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

201 (4) No later than December 31, 2001, the commission shall promulgate

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

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

218 (6) Nothing in this subsection shall be interpreted to mean that inaction
219 on a permit application shall be grounds to violate any provisions of sections
220 644.006 to 644.141 or any rules promulgated pursuant to sections 644.006 to
221 644.141.

222 [15.] 14. The department shall respond to all requests for individual
223 certification under Section 401 of the Federal Clean Water Act within the lesser
224 of sixty days or the allowed response period established pursuant to applicable
225 federal regulations without request for an extension period unless such extension
226 is determined by the commission to be necessary to evaluate significant impacts
227 on water quality standards and the commission establishes a timetable for
228 completion of such evaluation in a period of no more than one hundred eighty
229 days.

230 [16.] 15. All permit fees generated pursuant to this chapter shall not be
231 used for the development or expansion of total maximum daily loads studies on
232 either the Missouri or Mississippi rivers.

233 [17.] 16. The department shall implement permit shield provisions
234 equivalent to the permit shield provisions implemented by the U.S.
235 Environmental Protection Agency pursuant to the Clean Water Act Section
236 402(k), 33 U.S.C. 1342(k), and its implementing regulations, for permits issued
237 pursuant to chapter 644.

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

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

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

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

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

273 (5) A revised draft of a general permit template and the
274 director's response to comments submitted during the public comment

275 **period shall be posted on the department's website at least forty-five**
276 **days prior to issuance of the general permit. At least forty-five days**
277 **prior to issuance of the general permit the department shall notify all**
278 **persons who submitted comments to the department that these**
279 **documents have been posted to the department's website;**

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

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

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

644.145. 1. When issuing permits under this chapter **that incorporate**
2 **a new requirement** for discharges from **publicly owned** combined or separate
3 sanitary **or storm** sewer systems or [publicly owned] treatment works, or when
4 enforcing provisions of this chapter or the Federal Water Pollution Control Act,
5 33 U.S.C. 1251 et seq., pertaining to any portion of a **publicly owned** combined
6 or separate sanitary **or storm** sewer system or [publicly owned] treatment works,
7 the department of natural resources shall make a finding of affordability upon
8 which to base such permits and decisions, to the extent allowable under this
9 chapter and the Federal Water Pollution Control Act.

10 **2. The department of natural resources shall not be required**
11 **under this section to make a finding of affordability when:**

12 **(1) Issuing collection system extension permits;**

13 **(2) Issuing National Pollution Discharge Elimination System**
14 **operating permit renewals which include no new environmental**
15 **requirements; or**

16 **(3) The permit applicant certifies that the applicable**
17 **requirements are affordable to implement, or otherwise waives the**
18 **requirement for an affordability finding.**

19 **3. When used in this chapter and in standards, rules and regulations**
20 **promulgated pursuant to this chapter, the following words and phrases mean:**

21 (1) "Affordability", with respect to payment of a utility bill, a measure of
22 whether an individual customer or household can pay the bill without undue
23 hardship or unreasonable sacrifice in the essential lifestyle or spending patterns
24 of the individual or household, taking into consideration the criteria described in
25 subsection [3] 4 of this section;

26 (2) "Financial capability", the financial capability of a community to make
27 investments necessary to make water quality-related improvements.

28 [3.] 4. The department of natural resources shall adopt procedures by
29 which it will [determine whether a] **make affordability findings that**
30 **evaluate the affordability of permit [or decision is affordable] requirements**
31 **and enforcement actions described in subsection 1 of this section, and**
32 **may begin implementing such procedures prior to promulgating**
33 **implementing regulations. The commission shall have the authority to**
34 **promulgate rules to implement this section pursuant to chapters 536**
35 **and 644, and shall promulgate such rules as soon as practicable. [Such**
36 **determination] Affordability findings** shall be based upon reasonably
37 [available empirical] **verifiable** data and shall include an assessment of [the]
38 affordability [of the permit or decision to any private or public person] **with**
39 **respect to persons** or [entity] **entities** affected [by such permit]. **The**
40 **department shall offer the permittee an opportunity to review a draft**
41 **affordability finding, and the permittee may suggest changes and**
42 **provide additional supporting information, subject to subsection 6 of**
43 **this section.** The [determination] **finding** shall be based upon the following
44 criteria:

45 (1) A community's financial capability and ability to raise or secure
46 necessary funding;

47 (2) Affordability of pollution control options for the individuals or
48 households of the community;

49 (3) An evaluation of the overall costs and environmental benefits of the
50 control technologies;

51 (4) An inclusion of ways to reduce economic impacts on distressed
52 populations in the community, including but not limited to low- and fixed-income
53 populations. This requirement includes but is not limited to:

54 (a) Allowing adequate time in implementation schedules to mitigate
55 potential adverse impacts on distressed populations resulting from the costs of
56 the improvements and taking into consideration local community economic

57 considerations; and

58 (b) Allowing for reasonable accommodations for regulated entities when
59 inflexible standards and fines would impose a disproportionate financial hardship
60 in light of the environmental benefits to be gained;

61 (5) An assessment of other community investments relating to
62 environmental improvements;

63 (6) An assessment of factors set forth in the United States Environmental
64 Protection Agency's guidance, including but not limited to the "Combined Sewer
65 Overflow Guidance for Financial Capability Assessment and Schedule
66 Development" that may ease the cost burdens of implementing wet weather
67 control plans, including but not limited to small system considerations, the
68 attainability of water quality standards, and the development of wet weather
69 standards; and

70 (7) An assessment of any other relevant local community economic
71 condition.

72 [4.] 5. Prescriptive formulas and measures used in determining financial
73 capability, affordability, and thresholds for expenditure, such as median
74 household income, should not be considered to be the only indicator of a
75 community's ability to implement control technology and shall be viewed in the
76 context of other economic conditions rather than as a threshold to be achieved.

77 [5.] 6. **Reasonable time spent preparing draft affordability**
78 **findings, allowing permittees to review draft affordability findings or**
79 **draft permits, or revising draft affordability findings, shall be allowed**
80 **in addition to the department's deadlines for making permitting**
81 **decisions pursuant to section 644.051.**

82 7. If the department of natural resources fails to make a finding of
83 affordability [as indicated in] **where required by** this section, **then** the
84 [proposed] **resulting** permit or decision shall be null, void and unenforceable.

85 [6.] 8. The department of natural resources' findings under this section
86 may be appealed to the commission pursuant to subsection 6 of section 644.051.

650.230. 1. Sections 650.200 to 650.290 shall not apply to the following
2 boilers and pressure vessels:

3 (1) Boilers and pressure vessels under federal control or subject to
4 inspection or regulation by a federal or state agency;

5 (2) Pressure vessels used for the transportation and storage of compressed
6 gases or liquefied petroleum gases which comply with the standards promulgated

7 by the National Fire Protection Association as adopted pursuant to chapter 323
8 or the United States Department of Transportation regulations, as appropriate
9 to the use of the vessel;

10 (3) Pressure vessels located on vehicles operating under the rule of other
11 state authorities and used for carrying passengers or freight;

12 (4) Pressure vessels installed on the right-of-way of railroads and used
13 directly in the operation of trains;

14 (5) Pressure vessels that do not exceed:

15 (a) Fifteen cubic feet in volume and two hundred fifty psig when not
16 located in a place of public assembly;

17 (b) ~~Five~~ **Ten** cubic feet in volume and two hundred fifty psig when
18 located in a place of public assembly; or

19 (c) One and one-half cubic feet in volume or an inside diameter of six
20 inches with no limitation on pressure;

21 (6) Pressure vessels designed for and operating at a working pressure not
22 exceeding fifteen psig;

23 (7) Vessels with a nominal water containing capacity of one hundred
24 twenty gallons or less for containing water under pressure, including those
25 containing air, the compression of which serves only as a cushion;

26 (8) Boilers and pressure vessels located on farms and used solely for
27 agricultural purposes;

28 (9) Any boiler constructed, reconstructed or maintained as a personal
29 hobby or for other recreation purposes; and

30 (10) Vessels containing water and operating as water softeners, water
31 filters, dealkalizers, demineralizers and cold water storage tanks when:

32 (a) The temperature of the water in the vessel does not exceed one
33 hundred twenty degrees Fahrenheit; and

34 (b) Heat is not applied to the water prior to entering the vessel or to the
35 vessel itself; and

36 (c) The pressure of the water in the vessel does not exceed one hundred
37 fifty psig; and

38 (d) The vessel does not contain any hazardous, toxic or explosive material.

39 2. The following boilers and pressure vessels shall be exempt from the
40 requirements of sections 650.260 to 650.275:

41 (1) Boilers or pressure vessels located in canneries and used solely for
42 canning purposes;

43 (2) Steam boilers used for heating purposes carrying a pressure of not
44 more than fifteen psig, and which are located in private residences or in
45 apartment houses of less than six families and steam boilers used for heating
46 purposes carrying a pressure of not more than ten psig and having a rating of not
47 to exceed one thousand two hundred square feet of radiation;

48 (3) Hot water heating boilers carrying pressure of not more than thirty
49 psig, and which are located in private residences or in apartment houses of less
50 than six families, and hot water heating boilers carrying pressure of not more
51 than twenty psig, and having a rating of not to exceed two thousand square feet
52 of radiation;

53 (4) Steam boilers of a miniature model locomotive or boat or tractor or
54 stationary engine constructed and maintained as a hobby and not for commercial
55 use, having an inside diameter not to exceed twelve inches and a grate area not
56 to exceed one and one-half feet and that is equipped with a safety valve of
57 adequate capacity, a water level indicator and a pressure gauge;

58 (5) Hot water supply boilers operated at pressures not exceeding one
59 hundred sixty psig, or temperatures not exceeding two hundred fifty degrees
60 Fahrenheit which are located in private residences or in apartment houses of less
61 than six family units;

62 (6) Service water heaters or domestic type water heaters having a nominal
63 water containing capacity not in excess of one hundred twenty gallons, a heat
64 input not in excess of two hundred thousand British thermal units per hour and
65 used exclusively for heating service water to a temperature not in excess of two
66 hundred ten degrees Fahrenheit;

67 (7) Pressure vessels containing only water under pressure for domestic
68 supply purposes, including those containing air, the compression of which serves
69 only as a cushion or airlift pumping system, when located in private residences
70 or in apartment houses of less than six family units.

[260.255. 1. After January 1, 1994, each newspaper
2 publisher in this state with an average daily distribution on days
3 published of more than fifteen thousand copies shall file a
4 statement with the department of natural resources certifying the
5 total number of tons of newsprint used during the past calendar
6 year, and the average recycled content of such newsprint. The
7 statement shall declare whether the following target percentages
8 have been met for the past year, and if not met, shall contain a

9 statement explaining why the newspaper publisher failed to meet
10 the target percentages.

11 2. The target recycled content usage for each newspaper
12 publisher for each year shall be:

13 (1) 1993, ten percent;

14 (2) 1994, twenty percent;

15 (3) 1995, thirty percent;

16 (4) 1996, forty percent;

17 (5) 2000, and subsequent years, fifty percent.

18 3. Any newspaper publisher who fails to file a statement
19 with or seek a waiver from the department, or who files a
20 statement containing misleading or deceptive information, shall be
21 a violation of this section, punishable by a civil fine of not more
22 than one hundred dollars per day for each day the violation
23 continues. Penalties imposed under this section shall be deposited
24 into the solid waste management fund and shall be used to further
25 the purposes of sections 260.200 to 260.345.]

Section B. Because of the immediate need to protect tourism in this state,
2 the repeal and reenactment of section 577.073 of this act is deemed necessary for
3 the immediate preservation of the public health, welfare, peace and safety, and
4 is hereby declared to be an emergency act within the meaning of the constitution,
5 and the repeal and reenactment of section 577.073 of this act shall be in full force
6 and effect upon its passage and approval.

✓