

SENATE SUBSTITUTE  
FOR  
SENATE COMMITTEE SUBSTITUTE  
FOR  
HOUSE BILL NO. 1251

AN ACT

To repeal sections 59.319, 60.510, 60.530, 60.540, 60.560, 60.570, 60.580, 60.590, 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, 621.250, 640.018, 640.100, 643.130, 643.225, 644.016, 644.026, 644.051, 644.071, 644.145, and 650.230, RSMo, and to enact in lieu thereof forty new sections relating to natural resources, with existing penalty provisions and an emergency clause for a certain section.

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BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF MISSOURI,  
AS FOLLOWS:

1           Section A. Sections 59.319, 60.510, 60.530, 60.540, 60.560,  
2   60.570, 60.580, 60.590, 60.595, 60.610, 60.620, 67.4505, 259.010,  
3   259.020, 259.030, 259.040, 259.070, 260.255, 260.330, 260.392,  
4   292.606, 301.010, 304.120, 414.530, 414.560, 414.570, 577.073,  
5   621.250, 640.018, 640.100, 643.130, 643.225, 644.016, 644.026,  
6   644.051, 644.071, 644.145, and 650.230, RSMo, are repealed and  
7   forty new sections enacted in lieu thereof, to be known as  
8   sections 29.380, 59.319, 60.510, 60.530, 60.540, 60.560, 60.570,  
9   60.580, 60.590, 60.595, 60.610, 60.620, 67.4505, 259.010,  
10   259.020, 259.030, 259.040, 259.070, 260.330, 260.373, 260.392,  
11   292.606, 301.010, 304.033, 304.120, 414.530, 414.560, 414.570,  
12   577.073, 621.250, 640.018, 640.100, 643.130, 643.225, 644.016,

1 644.026, 644.051, 644.071, 644.145, and 650.230, to read as  
2 follows:

3 29.380. 1. The state auditor shall have the authority to  
4 audit solid waste management districts created under section  
5 260.305 in the same manner as the auditor may audit any agency of  
6 the state.

7 2. Beginning August 28, 2012, the state auditor shall  
8 conduct an audit of each solid waste management district created  
9 under section 260.305 and thereafter shall conduct audits of each  
10 solid waste management district as he or she deems necessary.

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

1 interest.

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

11 3. The state treasurer and the commissioner of  
12 administration shall establish an appropriate account within the  
13 state treasury and in accordance with the state's accounting  
14 methods. Any receipt required by this section to be deposited in  
15 the [general revenue fund] state treasury shall be credited as  
16 follows:

17 (1) The amount of one dollar for each fee collected under  
18 subsection 1 of this section [to an account to be utilized for  
19 the purposes of sections 60.500 to 60.610] shall be paid to the  
20 state treasurer and credited to the "Missouri Land Survey Fund"  
21 which is hereby created to be utilized for the purposes of  
22 sections 60.510 to 60.620 and section 60.670. The state  
23 treasurer shall be custodian of the fund and may approve  
24 disbursements from the fund in accordance with sections 30.170  
25 and 30.180. Any funds previously collected by the state  
26 treasurer to be utilized for the purposes of sections 60.510 to  
27 60.620 and section 60.670 shall transfer to the Missouri land  
28 survey fund. Any portion of the fund not immediately needed for

1 the purposes authorized shall be invested by the state treasurer  
2 as provided by the constitution and laws of this state. All  
3 income, interest, and moneys earned from such investments shall  
4 be deposited in the Missouri land survey fund. Any unexpended  
5 balance in the fund at the end of the fiscal year is exempt from  
6 the provisions of section 33.080 relating to the transfer of  
7 unexpended balances to the general revenue fund;

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

12 (3) The amount of three dollars collected under subsection  
13 2 of this section into the Missouri housing trust fund as  
14 designated in section 215.034.

15 60.510. The functions, duties and responsibilities of the  
16 department of natural resources shall be as follows:

17 (1) To restore, maintain, and preserve the land survey  
18 monuments, section corners, and quarter section corners  
19 established by the United States public land survey within  
20 Missouri, together with all pertinent field notes, plats and  
21 documents; and also to restore, establish, maintain, and preserve  
22 Missouri state and county boundary markers and other boundary  
23 markers considered by the department of natural resources to be  
24 of importance, or otherwise established by law;

25 (2) To design and cause to be placed at established public  
26 land survey corner sites, where practical, substantial monuments  
27 permanently indicating, with words and figures, the exact  
28 location involved, but if such monuments cannot be placed at the

1 exact corner point, then witness corners of similar design shall  
2 be placed as near by as possible, with words and figures  
3 indicating the bearing and distance to the true corner;

4 (3) To establish, maintain, and provide safe storage  
5 facilities for a comprehensive system of recordation of  
6 information respecting all monuments established by the United  
7 States public land survey within this state, and such records as  
8 may be pertinent to the department of natural resources'  
9 establishment or maintenance of other land corners, Missouri  
10 state coordinate system stations and accessories, and survey  
11 monuments in general;

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

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

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

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

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

14 60.530. The state land surveyor shall, under guidance of  
15 the department of natural resources and with the recommendation  
16 of the land survey commission, carry out the routine functions  
17 and duties of the department of natural resources, as prescribed  
18 in sections [60.500 to 60.610] 60.510 to 60.620 and section  
19 60.670. He or she shall, whenever practical, cause all land  
20 surveys, except geodetic surveys, to be executed, under his or  
21 her direction by the registered county surveyor or a local  
22 registered land surveyor when no registered county surveyor  
23 exists. He or she shall perform such other work and acts as  
24 shall, in the judgment of the department of natural resources and  
25 with the recommendation of the land survey commission, be  
26 necessary and proper to carry out the objectives of sections  
27 [60.500 to 60.610] 60.510 to 60.620 and section 60.670 and,  
28 within the limits of appropriations made therefor and subject to

1 the approval of the department of natural resources and the state  
2 merit system, employ and fix the compensation of such additional  
3 employees as may be necessary to carry out the provisions of  
4 sections [60.500 to 60.610] 60.510 to 60.620 and section 60.670.

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

15 60.560. Upon their request, the state attorney general  
16 shall advise the land survey commission or the department of  
17 natural resources or the state land surveyor with respect to any  
18 legal matter, and shall represent the land survey commission or  
19 department of natural resources in any proceeding in any court of  
20 the state in which the [authority] land survey commission or land  
21 survey program shall be a party.

22 60.570. The permanent headquarters of the [state land  
23 survey authority] land survey program shall be at or near to the  
24 principal office of the Missouri state geological survey. Until  
25 such time as other headquarters can be obtained by the  
26 [authority] land survey program, the state geologist shall assign  
27 such space in the state geological survey building as may be  
28 available. The [authority] land survey program may also

1 establish and maintain regional offices in the metropolitan areas  
2 of the state for the storage and distribution of local survey  
3 record information.

4 60.580. The state land surveyor or any and all employees of  
5 the department of natural resources have the right to enter upon  
6 private property for the purpose of making surveys, or for  
7 searching for, locating, relocating, or remonumenting land  
8 monuments, leveling stations, or section corners. Should any of  
9 these persons necessarily damage property of the owner in making  
10 the surveys or searches or remonumentations, the department of  
11 natural resources may make reasonable payment for the damage from  
12 funds available for that purpose. However, department of natural  
13 resources employees are personally liable for any damage caused  
14 by their wantonness, willfulness or negligence. All department  
15 of natural resources employees are immune from arrest for  
16 trespass in performing their legal duties as stated in sections  
17 [60.500 to 60.610] 60.510 to 60.620 and section 60.670.

18 60.590. 1. On request of the department of natural  
19 resources or the state land surveyor, all city and county  
20 recorders of deeds, together with all departments, boards or  
21 agencies of state government, county, or city government, shall  
22 furnish to the department of natural resources or the state land  
23 surveyor certified copies of desired records which are in their  
24 custody. This service shall be free of cost when possible;  
25 otherwise, it shall be at actual cost of reproduction of the  
26 records. On the same basis of cost, the department of natural  
27 resources shall furnish records within its custody to other  
28 agencies or departments of state, county or city, certifying



1 them.

2 2. The department of natural resources may produce,  
3 reproduce and sell maps, plats, reports, studies, and records,  
4 and [shall fix the charge] the commission shall recommend to the  
5 department of natural resources the charges therefor. All income  
6 received shall be promptly deposited in the state treasury to the  
7 credit of the department of natural resources document services  
8 fund.

9 60.595. 1. The "Department of Natural Resources Revolving  
10 Services Fund" is hereby created. All funds received by the  
11 department of natural resources from the delivery of services and  
12 the sale or resale of maps, plats, reports, studies, records and  
13 other publications and documents and surveying information, on  
14 paper or in electronic format, by the department shall be  
15 credited to the fund. The director of the department shall  
16 administer the fund. The state treasurer is the custodian of the  
17 fund and shall approve disbursements from the fund requested by  
18 the director of the department. When appropriated, moneys in the  
19 fund shall be used to purchase goods [or], equipment, hardware  
20 and software, maintenance and licenses, software and database  
21 development and maintenance, personal services, and other  
22 services that will ultimately be used to provide copies of  
23 information maintained or provided by the land survey program,  
24 reprint maps, publications or other documents requested by  
25 governmental agencies or members of the general public; to  
26 publish the maps, publications or other documents or to purchase  
27 maps, publications or other documents for resale; and to pay  
28 shipping charges, laboratory services, core library fees,

1 [workshops] workshop fees, [conferences] conference fees,  
2 interdivisional cooperative agreements, but for no other purpose.

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

7 3. The department of natural resources shall report all  
8 income to and expenditures from such fund on a quarterly basis to  
9 the house budget committee and the senate appropriations  
10 committee.

11 60.610. Whenever the department of natural resources deems  
12 it expedient, and when funds appropriated permit, the department  
13 of natural resources may enter into any contract with agencies of  
14 the United States, with agencies of other states, or with private  
15 persons, registered land surveyors or professional engineers, in  
16 order to plan and execute desired land surveys or geodetic  
17 surveys, or to plan and execute other projects which are within  
18 the scope and purpose of sections [60.500 to 60.610] 60.510 to  
19 60.620 and section 60.670.

20 60.620. 1. There is hereby created the "Land Survey  
21 [Advisory Committee] Commission", within the department of  
22 natural resources. The [committee] commission shall consist of  
23 [five] seven members, six of whom shall be appointed by the  
24 [director of the department of natural resources] governor.  
25 Members shall reside in this state. Members of the [committee]  
26 commission shall hold office for terms of three years, but of the  
27 original appointments, two members shall serve for one year, two  
28 members shall serve for two years, and [one member] two members

1 shall serve for three years. Members may serve only three  
2 consecutive terms on the commission.

3 2. The [advisory committee] land survey commission shall  
4 consist of the following persons [who reside in this state and  
5 are not employed by the department of natural resources. Three]:

6 (1) Four members who shall be registered land surveyors,  
7 one of which shall be a county surveyor[.];

8 (2) One member who shall represent the real estate or land  
9 title industry;

10 (3) One member who shall represent the public and have an  
11 interest in and knowledge of land surveying; and

12 (4) The director of the department of natural resources or  
13 his or her designee.

14  
15 The members in subdivisions (1) to (3) of this subsection shall  
16 be appointed by the governor with advice and consent of the  
17 senate and each shall serve until his or her successor is duly  
18 appointed.

19 3. The [advisory committee] land survey commission shall  
20 elect a chairman annually. The [committee] commission shall meet  
21 semiannually and at other such times as called by the chairman of  
22 the [committee] commission and shall have a quorum when at least  
23 [three] four members are present.

24 4. The [advisory committee] land survey commission members  
25 shall serve without compensation but shall be reimbursed for  
26 actual and necessary expenses incurred in the performance of  
27 their official duties.

28 5. The [advisory committee] land survey commission shall

1 provide the director of the department of natural resources [with  
2 advice and counsel on] and the state land surveyor with  
3 recommendations on the operation and the planning and  
4 prioritization of the land survey program and the design of  
5 regulations needed to carry out the functions, duties, and  
6 responsibilities of the department of natural resources in  
7 sections 60.510 to 60.620 and section 60.670.

8 6. The land survey commission shall recommend to the  
9 department of natural resources:

10 (1) A person to be selected and appointed state land  
11 surveyor, who shall be the chief administrative officer of the  
12 land survey program. The state land surveyor shall be selected  
13 under the state merit system on the basis of professional  
14 experience and registration;

15 (2) Prioritization and execution of projects which are  
16 within the scope and purpose of sections 60.510 to 60.620 and  
17 section 60.670;

18 (3) Prioritization and selection of public land survey  
19 corner monuments to be reestablished through the county  
20 cooperative contracts in accordance with sections 8.285 to 8.291;  
21 and

22 (4) Approval of all other contracts for the planning and  
23 execution of projects which are within the scope and purpose of  
24 sections 60.510 to 60.620 and section 60.670 and in accordance  
25 with sections 8.285 to 8.291.

26 7. The [committee] commission shall, at least annually,  
27 prepare a report, which shall be available to the general public,  
28 of the review by the [committee] commission of the land survey

1 program, stating its findings, conclusions, and recommendations  
2 to the director.

3 8. By December 1, 2013, the commission shall provide a  
4 report to the department of natural resources and general  
5 assembly that recommends the appropriate administrative or  
6 overhead cost rate that will be charged to the program, where  
7 such cost rate shall include all indirect services provided by  
8 the division of geology and land survey, department of natural  
9 resources, and office of administration.

10 67.4505. 1. There is hereby created within any county of  
11 the third classification with a township form of government and  
12 with more than seven thousand two hundred but fewer than seven  
13 thousand three hundred inhabitants, and within any county of the  
14 second classification with more than seventy-five thousand but  
15 fewer than one hundred thousand inhabitants, a county drinking  
16 water supply lake authority, which shall be a body corporate and  
17 politic and a political subdivision of this state.

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

23 3. It shall be the purpose of each authority to promote the  
24 general welfare and a safe drinking water supply through the  
25 construction, operation, and maintenance of a drinking water  
26 supply lake.

27 4. The income of the authority and all property at any time  
28 owned by the authority shall be exempt from all taxation or any

1 assessments whatsoever to the state or of any political  
2 subdivision, municipality, or other governmental agency thereof.

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

8 259.010. There shall be a "State Oil and Gas Council"  
9 composed of the following [state agencies and two other persons  
10 as provided in] members in accordance with the provisions of  
11 section 259.020:

12 (1) One member from the division of [geological survey and  
13 water resources] geology and land survey;

14 (2) [Division of commerce and industrial] One member from  
15 the department of economic development;

16 (3) One member from the Missouri public service commission;

17 (4) One member from the clean water commission;

18 (5) [University of] One member from the Missouri University  
19 of Science and Technology Petroleum Engineering Program;

20 (6) One member from the Missouri Independent Oil and Gas  
21 Association; and

22 (7) Two members from the public.

23 259.020. The member [agencies] entities in section 259.010  
24 shall be represented on the council by the executive head of [the  
25 agency] each respective entity, except that:

26 (1) The [University of] Missouri University of Science and  
27 Technology shall be represented by a professor of petroleum  
28 engineering employed at the university [of Missouri];

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

3       (3) The public members shall be appointed to the council by  
4 the governor, with the advice and consent of the senate. Both  
5 public members shall have an interest in and knowledge of the oil  
6 and gas industry, both shall be residents of Missouri, and at  
7 least one shall also be a resident of a county of the third or  
8 fourth classification.

9  
10 The executive head of any member state agency, the professor of  
11 petroleum engineering at the Missouri University of Science and  
12 Technology and the member from the Missouri Independent Oil and  
13 Gas Association may from time to time authorize any member of the  
14 state agency's staff, another professor of petroleum engineering  
15 at the Missouri University of Science and Technology or another  
16 member of the Missouri Independent Oil and Gas Association,  
17 respectively, to represent it on the council and to fully  
18 exercise any of the powers and duties of [an agency] the member  
19 representative. [Two other persons shall be appointed to the  
20 council by the governor, with the advice and consent of the  
21 senate, who are residents of Missouri and who shall have an  
22 interest in and knowledge of the oil and gas industry.]

23       259.030. 1. The council shall elect a chairman and vice  
24 chairman from the members of the council other than the  
25 representative of the division of [geological survey and water  
26 resources] geology and land survey. A chairman and vice chairman  
27 may serve more than [one] a one-year term, if so elected by the  
28 members of the council.

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

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

15           259.070. 1. The council has the duty of administering the  
16 provisions of this chapter. The council shall meet at least once  
17 each calendar quarter of the year and upon the call of the  
18 chairperson.

19           2. The council shall conduct a review of the statutes and  
20 rules and regulations under this chapter on a biennial basis.  
21 Based on such review, the council, if necessary, shall recommend  
22 changes to the statutes under this chapter and shall amend rules  
23 and regulations accordingly.

24           3. (1) The council shall have the power and duty to form  
25 an advisory committee to the council for the purpose of reviewing  
26 the statutes and rules and regulations under subsection 2 of this  
27 section. The advisory committee shall make recommendations to  
28 the council when necessary to amend current statutes and rules



1 and regulations under this chapter and shall review any proposed  
2 new or amended statute or regulation before such proposed statute  
3 or regulation is considered by the council.

4 (2) The advisory committee shall be made up of  
5 representatives from the division of geology and land survey, the  
6 oil and gas industry and any council member desiring to be on  
7 such advisory committee. The advisory committee shall meet prior  
8 to each calendar quarter meeting of the council, if necessary for  
9 the purposes set forth under this subsection, and present any  
10 recommendations to the council at such calendar quarter meeting.  
11 The council shall designate one of its members to serve as the  
12 chairperson of the advisory committee.

13 (3) The advisory committee may make recommendations to the  
14 council on appropriate fees or other funding mechanisms to  
15 support the oil and gas program efforts of the division of  
16 geology and land survey.

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

21 5. The council acting through the office of the state  
22 geologist has the authority:

23 (1) To require:

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

27 (b) The making and filing of all mechanical well logs and  
28 the filing of directional surveys if taken, and the filing of

1 reports on well location, drilling and production, and the filing  
2 free of charge of samples and core chips and of complete cores  
3 less tested sections, when requested in the office of the state  
4 geologist within six months after the completion or abandonment  
5 of the well;

6 (c) The drilling, casing, operation, and plugging of wells  
7 in such manner as to prevent the escape of oil or gas out of one  
8 stratum into another; the intrusion of water into oil or gas  
9 stratum; the pollution of fresh water supplies by oil, gas, or  
10 highly mineralized water; to prevent blowouts, cavings, seepages,  
11 and fires; and to prevent the escape of oil, gas, or water into  
12 workable coal or other mineral deposits;

13 (d) The furnishing of a reasonable bond with good and  
14 sufficient surety, conditioned upon the full compliance with the  
15 provisions of this chapter, and the rules and regulations of the  
16 council prescribed to govern the production of oil and gas on  
17 state and private lands within the state of Missouri; provided  
18 that, in lieu of a bond with a surety, an applicant may furnish  
19 to the council his own personal bond, on conditions as described  
20 in this paragraph , secured by a certificate of deposit or an  
21 irrevocable letter of credit in an amount equal to that of the  
22 required surety bond or secured by some other financial  
23 instrument on conditions as above described or as provided by  
24 council regulations;

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

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

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

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

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

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

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

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

23 (c) The spacing of wells;

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

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

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

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

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

7           (6) To make rules, regulations, or orders for the  
8 classification of wells as oil wells or dry natural gas wells; or  
9 wells drilled, or to be drilled, for geological information; or  
10 as wells for secondary recovery projects; or wells for the  
11 disposal of highly mineralized water, brine, or other oil field  
12 wastes; or wells for the storage of dry natural gas, or  
13 casinghead gas; or wells for the development of reservoirs for  
14 the storage of liquid petroleum gas;

15           (7) To detail such personnel and equipment or enter into  
16 such contracts as it may deem necessary for carrying out the  
17 plugging of or other remedial measures on wells which have been  
18 abandoned and not plugged according to the standards for plugging  
19 set out in the rules and regulations promulgated by the council  
20 pursuant to this chapter. Members of the council or authorized  
21 representatives may, with the consent of the owner or person in  
22 possession, enter any property for the purpose of investigating,  
23 plugging, or performing remedial measures on any well, or to  
24 supervise the investigation, plugging, or performance of remedial  
25 measures on any well. A reasonable effort to contact the owner  
26 or the person in possession of the property to seek his  
27 permission shall be made before members of the council or  
28 authorized representatives enter the property for the purposes

1 described in this paragraph . If the owner or person in  
2 possession of the property cannot be found or refuses entry or  
3 access to any member of the council or to any authorized  
4 representative presenting appropriate credentials, the council  
5 may request the attorney general to initiate in any court of  
6 competent jurisdiction an action for injunctive relief to  
7 restrain any interference with the exercise of powers and duties  
8 described in this subdivision. Any entry authorized under this  
9 subdivision shall be construed as an exercise of the police power  
10 for the protection of public health, safety and general welfare  
11 and shall not be construed as an act of condemnation of property  
12 nor of trespass thereon. Members of the council and authorized  
13 representatives shall not be liable for any damages necessarily  
14 resulting from the entry upon land for purposes of investigating,  
15 plugging, or performing remedial measures or the supervision of  
16 such activity. However, if growing crops are present,  
17 arrangements for timing of such remedial work may be agreed upon  
18 between the state and landowner in order to minimize damages;

19 (8) To develop such facts and make such investigations or  
20 inspections as are consistent with the purposes of this chapter.  
21 Members of the council or authorized representatives may, with  
22 the consent of the owner or person in possession, enter upon any  
23 property for the purposes of inspecting or investigating any  
24 condition which the council shall have probable cause to believe  
25 is subject to regulation under this chapter, the rules and  
26 regulations promulgated pursuant thereto or any permit issued by  
27 the council. If the owner or person in possession of the  
28 property refuses entry or access for purposes of the inspections

1 or investigations described, the council or authorized  
2 representatives shall make application for a search warrant.  
3 Upon a showing of probable cause in writing and under oath, a  
4 suitable restricted search warrant shall be issued by any judge  
5 having jurisdiction for purposes of enabling inspections  
6 authorized under this subdivision. The results of any inspection  
7 or investigation pursuant to this subdivision shall be reduced to  
8 writing with a copy furnished to the owner, person in possession,  
9 or operator;

10 (9) To cooperate with landowners with respect to the  
11 conversion of wells drilled for oil and gas to alternative use as  
12 water wells as follows: The state geologist shall determine the  
13 feasibility of the conversion of a well drilled under a permit  
14 for oil and gas for use as a water well and shall advise the  
15 landowner of modifications required for conversion of the well in  
16 a manner that is consistent with the requirements of this  
17 chapter. If such conversion is carried out, release of the  
18 operator from legal liability or other responsibility shall be  
19 required and the expense of the conversion shall be borne by the  
20 landowner.

21 [2.] 6. No rule or portion of a rule promulgated under the  
22 authority of this chapter shall become effective unless it has  
23 been promulgated pursuant to the provisions of section 536.024.

24 260.330. 1. Except as otherwise provided in subsection 6  
25 of this section, effective October 1, 1990, each operator of a  
26 solid waste sanitary landfill shall collect a charge equal to one  
27 dollar and fifty cents per ton or its volumetric equivalent of  
28 solid waste accepted and each operator of the solid waste

1 demolition landfill shall collect a charge equal to one dollar  
2 per ton or its volumetric equivalent of solid waste accepted.  
3 Each operator shall submit the charge, less collection costs, to  
4 the department of natural resources for deposit in the "Solid  
5 Waste Management Fund" which is hereby created. On October 1,  
6 1992, and thereafter, the charge imposed herein shall be adjusted  
7 annually by the same percentage as the increase in the general  
8 price level as measured by the Consumer Price Index for All Urban  
9 Consumers for the United States, or its successor index, as  
10 defined and officially recorded by the United States Department  
11 of Labor or its successor agency. No annual adjustment shall be  
12 made to the charge imposed under this subsection during October  
13 1, 2005, to October 1, ~~[2014]~~ 2015, except an adjustment amount  
14 consistent with the need to fund the operating costs of the  
15 department and taking into account any annual percentage increase  
16 in the total of the volumetric equivalent of solid waste accepted  
17 in the prior year at solid waste sanitary landfills and  
18 demolition landfills and solid waste to be transported out of  
19 this state for disposal that is accepted at transfer stations.  
20 No annual increase during October 1, 2005, to October 1, ~~[2014]~~  
21 2015, shall exceed the percentage increase measured by the  
22 Consumer Price Index for All Urban Consumers for the United  
23 States, or its successor index, as defined and officially  
24 recorded by the United States Department of Labor or its  
25 successor agency and calculated on the percentage of revenues  
26 dedicated under subdivision (1) of subsection 2 of section  
27 260.335. Any such annual adjustment shall only be made at the  
28 discretion of the director, subject to appropriations.

1 Collection costs shall be established by the department and shall  
2 not exceed two percent of the amount collected pursuant to this  
3 section.

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

6 3. The charges established in this section shall be  
7 enumerated separately from the disposal fee charged by the  
8 landfill and may be passed through to persons who generated the  
9 solid waste. Moneys shall be transmitted to the department shall  
10 be no less than the amount collected less collection costs and in  
11 a form, manner and frequency as the department shall prescribe.  
12 The provisions of section 33.080 to the contrary notwithstanding,  
13 moneys in the account shall not lapse to general revenue at the  
14 end of each biennium. Failure to collect the charge does not  
15 relieve the operator from responsibility for transmitting an  
16 amount equal to the charge to the department.

17 4. The department may examine or audit financial records  
18 and landfill activity records and measure landfill usage to  
19 verify the collection and transmittal of the charges established  
20 in this section. The department may promulgate by rule and  
21 regulation procedures to ensure and to verify that the charges  
22 imposed herein are properly collected and transmitted to the  
23 department.

24 5. Effective October 1, 1990, any person who operates a  
25 transfer station in Missouri shall transmit a fee to the  
26 department for deposit in the solid waste management fund which  
27 is equal to one dollar and fifty cents per ton or its volumetric  
28 equivalent of solid waste accepted. Such fee shall be applicable



1 to all solid waste to be transported out of the state for  
2 disposal. On October 1, 1992, and thereafter, the charge imposed  
3 herein shall be adjusted annually by the same percentage as the  
4 increase in the general price level as measured by the Consumer  
5 Price Index for All Urban Consumers for the United States, or its  
6 successor index, as defined and officially recorded by the United  
7 States Department of Labor or its successor agency. No annual  
8 adjustment shall be made to the charge imposed under this  
9 subsection during October 1, 2005, to October 1, [2014] 2015,  
10 except an adjustment amount consistent with the need to fund the  
11 operating costs of the department and taking into account any  
12 annual percentage increase in the total of the volumetric  
13 equivalent of solid waste accepted in the prior year at solid  
14 waste sanitary landfills and demolition landfills and solid waste  
15 to be transported out of this state for disposal that is accepted  
16 at transfer stations. No annual increase during October 1, 2005,  
17 to October 1, [2014] 2015, shall exceed the percentage increase  
18 measured by the Consumer Price Index for All Urban Consumers for  
19 the United States, or its successor index, as defined and  
20 officially recorded by the United States Department of Labor or  
21 its successor agency and calculated on the percentage of revenues  
22 dedicated under subdivision (1) of subsection 2 of section  
23 260.335. Any such annual adjustment shall only be made at the  
24 discretion of the director, subject to appropriations. The  
25 department shall prescribe rules and regulations governing the  
26 transmittal of fees and verification of waste volumes transported  
27 out of state from transfer stations. Collection costs shall also  
28 be established by the department and shall not exceed two percent

1 of the amount collected pursuant to this subsection. A transfer  
2 station with the sole function of separating materials for  
3 recycling or resource recovery activities shall not be subject to  
4 the fee imposed in this subsection.

5 6. Each political subdivision which owns an operational  
6 solid waste disposal area may designate, pursuant to this  
7 section, up to two free disposal days during each calendar year.  
8 On any such free disposal day, the political subdivision shall  
9 allow residents of the political subdivision to dispose of any  
10 solid waste which may be lawfully disposed of at such solid waste  
11 disposal area free of any charge, and such waste shall not be  
12 subject to any state fee pursuant to this section. Notice of any  
13 free disposal day shall be posted at the solid waste disposal  
14 area site and in at least one newspaper of general circulation in  
15 the political subdivision no later than fourteen days prior to  
16 the free disposal day.

17 260.373. 1. After August 28, 2012, the authority of the  
18 commission to promulgate rules under sections 260.350 to 260.391  
19 and 260.393 to 260.433 is subject to the following:

20 (1) The commission shall not promulgate rules that are  
21 stricter than or implement requirements prior to the requirements  
22 of Title 40, U.S. Code of Federal Regulations, Parts 260, 261,  
23 262, 264, 265, 268, and 270, as promulgated pursuant to Subtitle  
24 C of the Resource Conservation and Recovery Act, as amended;

25 (2) Notwithstanding the limitations of subdivision (1) of  
26 this subsection, where state statutes expressly prescribe  
27 standards or requirements that are stricter than or implement  
28 requirements prior to any federal requirements, or where state

1 statutes allow the establishment or collection of fees, costs, or  
2 taxes, the commission may promulgate rules as necessary to  
3 implement such statutes;

4 (3) Notwithstanding the limitations of subdivision (1) of  
5 this subsection, the commission may retain, modify, or repeal any  
6 current rules pertaining to the following:

7 (a) Thresholds for determining whether a hazardous waste  
8 generator is a large quantity generator, small quantity  
9 generator, or conditionally-exempt small quantity generator;

10 (b) Descriptions of applicable registration requirements;

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

18 (d) Rules requiring hazardous waste generators to display  
19 hazard labels (e.g., Department of Transportation (DOT) labels)  
20 on containers and tanks during the time hazardous waste is stored  
21 onsite;

22 (e) The exclusion for hazardous secondary materials used to  
23 make zinc fertilizers in 40 CFR 261.4; and

24 (f) The exclusions for hazardous secondary materials that  
25 are burned for fuel or that are recycled.

26 2. Nothing in this section shall be construed to repeal any  
27 other provision of law, and the commission and the department  
28 shall continue to have the authority to implement and enforce

1 other statutes, and the rules promulgated pursuant to their  
2 authority.

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

15 4. Nothing in this section shall be construed to effectuate  
16 a modification of any permit. Upon request, the department shall  
17 modify as appropriate any permit containing requirements no  
18 longer in effect due to this section.

19 5. The department is prohibited from selectively excluding  
20 any rule or portion of a rule promulgated by the commission from  
21 any authorization application package, or program revision,  
22 submitted to the U.S. Environmental Protection Agency under Title  
23 40, U.S. Code of Federal Regulations, sections 271.5 or 271.21.

24 6. Any rule or portion of a rule, as that term is defined  
25 in section 536.010, that is created under the authority delegated  
26 in this section shall become effective only if it complies with  
27 and is subject to all of the provisions of chapter 536 and, if  
28 applicable, section 536.028. This section and chapter 536 are

1 non-severable and if any of the powers vested with the general  
2 assembly under chapter 536 to review, to delay the effective  
3 date, or to disapprove and annul a rule are subsequently held  
4 unconstitutional, then the grant of rulemaking authority and any  
5 rule proposed or adopted after August 28, 2012, shall be invalid  
6 and void.

7 260.392. 1. As used in sections 260.392 to 260.399, the  
8 following terms mean:

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

13 (2) "High-level radioactive waste", the highly radioactive  
14 material resulting from the reprocessing of spent nuclear fuel  
15 including liquid waste produced directly in reprocessing and any  
16 solid material derived from such liquid waste that contains  
17 fission products in sufficient concentrations, and other highly  
18 radioactive material that the United States Nuclear Regulatory  
19 Commission has determined to be high-level radioactive waste  
20 requiring permanent isolation;

21 (3) "Highway route controlled quantity", as defined in 49  
22 CFR Part 173.403, as amended, a quantity of radioactive material  
23 within a single package. Highway route controlled quantity  
24 shipments of thirty miles or less within the state are exempt  
25 from the provisions of this section;

26 (4) "Low-level radioactive waste", any radioactive waste  
27 not classified as high-level radioactive waste, transuranic  
28 radioactive waste, or spent nuclear fuel by the United States

1 Nuclear Regulatory Commission, consistent with existing law.  
2 Shipment of all sealed sources meeting the definition of  
3 low-level radioactive waste, shipments of low-level radioactive  
4 waste that are within a radius of no more than fifty miles from  
5 the point of origin, and all naturally occurring radioactive  
6 material given written approval for landfill disposal by the  
7 Missouri department of natural resources under 10 CSR 80-3.010  
8 are exempt from the provisions of this section. Any low-level  
9 radioactive waste that has a radioactive half-life equal to or  
10 less than one hundred twenty days is exempt from the provisions  
11 of this section;

12 (5) "Shipper", the generator, owner, or company contracting  
13 for transportation by truck or rail of the spent fuel, high-level  
14 radioactive waste, highway route controlled quantity shipments,  
15 transuranic radioactive waste, or low-level radioactive waste;

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

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

22 (8) "Transuranic radioactive waste", defined in 40 CFR Part  
23 191.02, as amended, as waste containing more than one hundred  
24 nanocuries of alpha-emitting transuranic isotopes with half-lives  
25 greater than twenty years, per gram of waste. For the purposes  
26 of this section, transuranic waste shall not include:

27 (a) High-level radioactive wastes;

28 (b) Any waste determined by the Environmental Protection

1 Agency with the concurrence of the Environmental Protection  
2 Agency administrator that does not need the degree of isolation  
3 required by this section; or

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

7 2. Any shipper that ships high-level radioactive waste,  
8 transuranic radioactive waste, highway route controlled quantity  
9 shipments, spent nuclear fuel, or low-level radioactive waste  
10 through or within the state shall be subject to the fees  
11 established in this subsection, provided that no state-funded  
12 institution of higher education that ships nuclear waste shall  
13 pay any such fee. These higher education institutions shall  
14 reimburse the Missouri state highway patrol directly for all  
15 costs related to shipment escorts. The fees for all other  
16 shipments shall be:

17 (1) One thousand eight hundred dollars for each [cask  
18 transported] truck transporting through or within the state [by  
19 truck of] high-level radioactive waste, transuranic radioactive  
20 waste, spent nuclear fuel or highway route controlled quantity  
21 shipments. All [casks] truck shipments of high-level radioactive  
22 waste, transuranic radioactive waste, spent nuclear fuel, or  
23 highway route controlled quantity shipments [transported by  
24 truck] are subject to a surcharge of twenty-five dollars per mile  
25 for every mile over two hundred miles traveled within the state;

26 (2) One thousand three hundred dollars for the first cask  
27 and one hundred twenty-five dollars for each additional cask for  
28 each rail shipment through or within the state of high-level

1 radioactive waste, transuranic radioactive waste, or spent  
2 nuclear fuel;

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

8 3. All revenue generated from the fees established in  
9 subsection 2 of this section shall be deposited into the  
10 environmental radiation monitoring fund established in section  
11 260.750 and shall be used by the department of natural resources  
12 to achieve the following objectives and for purposes related to  
13 the shipment of high-level radioactive waste, transuranic  
14 radioactive waste, highway route controlled quantity shipments,  
15 spent nuclear fuel, or low-level radioactive waste, including,  
16 but not limited to:

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

19 (2) Coordination of emergency response capability;

20 (3) Education and training of state, county, and local  
21 emergency responders;

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

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



1           (6) Oversight of any environmental remediation necessary  
2 resulting from an incident involving a shipment of high-level  
3 radioactive waste, transuranic radioactive waste, highway route  
4 controlled quantity shipments, spent nuclear fuel, or low-level  
5 radioactive waste. Reimbursement for oversight of any such  
6 incident shall not reduce or eliminate the liability of any party  
7 responsible for the incident; such party may be liable for full  
8 reimbursement to the state or payment of any other costs  
9 associated with the cleanup of contamination related to a  
10 transportation incident;

11           (7) Administrative costs attributable to the state agencies  
12 which are incurred through their involvement as it relates to the  
13 shipment of high-level radioactive waste, transuranic radioactive  
14 waste, highway route controlled quantity shipments, spent nuclear  
15 fuel, or low-level radioactive waste through or within the state.

16           4. Nothing in this section shall preclude any other state  
17 agency from receiving reimbursement from the department of  
18 natural resources and the environmental radiation monitoring fund  
19 for services rendered that achieve the objectives and comply with  
20 the provisions of this section.

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

26           6. The department of natural resources, in coordination  
27 with the department of health and senior services and the  
28 department of public safety, may promulgate rules necessary to

1 carry out the provisions of this section. Any rule or portion of  
2 a rule, as that term is defined in section 536.010, that is  
3 created under the authority delegated in this section shall  
4 become effective only if it complies with and is subject to all  
5 of the provisions of chapter 536 and, if applicable, section  
6 536.028. This section and chapter 536 are nonseverable and if  
7 any of the powers vested with the general assembly pursuant to  
8 chapter 536 to review, to delay the effective date, or to  
9 disapprove and annul a rule are subsequently held  
10 unconstitutional, then the grant of rulemaking authority and any  
11 rule proposed or adopted after August 28, 2009, shall be invalid  
12 and void.

13 7. All funds deposited in the environmental radiation  
14 monitoring fund through fees established in subsection 2 of this  
15 section shall be utilized, subject to appropriation by the  
16 general assembly, for the administration and enforcement of this  
17 section by the department of natural resources. All interest  
18 earned by the moneys in the fund shall accrue to the fund.

19 8. All fees shall be paid to the department of natural  
20 resources prior to shipment.

21 9. Notice of any shipment of high-level radioactive waste,  
22 transuranic radioactive waste, highway route controlled quantity  
23 shipments, or spent nuclear fuel through or within the state  
24 shall be provided by the shipper to the governor's designee for  
25 advanced notification, as described in 10 CFR Parts 71 and 73, as  
26 amended, prior to such shipment entering the state. Notice of  
27 any shipment of low-level radioactive waste through or within the  
28 state shall be provided by the shipper to the Missouri department

1 of natural resources before such shipment enters the state.

2 10. Any shipper who fails to pay a fee assessed under this  
3 section, or fails to provide notice of a shipment, shall be  
4 liable in a civil action for an amount not to exceed ten times  
5 the amount assessed and not paid. The action shall be brought by  
6 the attorney general at the request of the department of natural  
7 resources. If the action involves a facility domiciled in the  
8 state, the action shall be brought in the circuit court of the  
9 county in which the facility is located. If the action does not  
10 involve a facility domiciled in the state, the action shall be  
11 brought in the circuit court of Cole County.

12 11. Beginning on December 31, 2009, and every two years  
13 thereafter, the department of natural resources shall prepare and  
14 submit a report on activities of the environmental radiation  
15 monitoring fund to the general assembly. This report shall  
16 include information on fee income received and expenditures made  
17 by the state to enforce and administer the provisions of this  
18 section.

19 12. The provisions of this section shall not apply to  
20 high-level radioactive waste, transuranic radioactive waste,  
21 highway route controlled quantity shipments, spent nuclear fuel,  
22 or low-level radioactive waste shipped by or for the federal  
23 government for military or national defense purposes.

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

25 (1) The provisions of the new program authorized under this  
26 section shall automatically sunset six years after August 28,  
27 2009, unless reauthorized by an act of the general assembly; and

28 (2) If such program is reauthorized, the program authorized

1 under this section shall automatically sunset twelve years after  
2 the effective date of the reauthorization of this section; and

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

6 292.606. 1. Fees shall be collected for a period of  
7 [~~twenty~~] six years from August 28, [~~1992~~] 2012.

8 2. (1) Any employer required to report under subsection 1  
9 of section 292.605, except local governments and family-owned  
10 farm operations, shall submit an annual fee to the commission of  
11 one hundred dollars along with the Tier II form. Owners or  
12 operators of petroleum retail facilities shall pay a fee of no  
13 more than fifty dollars for each such facility. Any person, firm  
14 or corporation selling, delivering or transporting petroleum or  
15 petroleum products and whose primary business deals with  
16 petroleum products or who is covered by the provisions of chapter  
17 323, if such person, firm or corporation is paying fees under the  
18 provisions of the federal hazardous materials transportation  
19 registration and fee assessment program, shall deduct such  
20 federal fees from those fees owed to the state under the  
21 provisions of this subsection. If the federal fees exceed or are  
22 equal to what would otherwise be owed under this subsection, such  
23 employer shall not be liable for state fees under this  
24 subsection. In relation to petroleum products "primary business"  
25 shall mean that the person, firm or corporation shall earn more  
26 than fifty percent of hazardous chemical revenues from the sale,  
27 delivery or transport of petroleum products. For the purpose of  
28 calculating fees, all grades of gasoline are considered to be one

1 product, all grades of heating oils, diesel fuels, kerosenes,  
2 naphthas, aviation turbine fuel, and all other heavy distillate  
3 products except for grades of gasoline, are considered to be one  
4 product, and all varieties of motor lubricating oil are  
5 considered to be one product. For the purposes of this section  
6 "facility" shall mean all buildings, equipment, structures and  
7 other stationary items that are located on a single site or on  
8 contiguous or adjacent sites and which are owned or operated by  
9 the same person. If more than three hazardous substances or  
10 mixtures are reported on the Tier II form, the employer shall  
11 submit an additional twenty-dollar fee for each hazardous  
12 substance or mixture. Fees collected under this subdivision  
13 shall be for each hazardous chemical on hand at any one time in  
14 excess of ten thousand pounds or for extremely hazardous  
15 substances on hand at any one time in excess of five hundred  
16 pounds or the threshold planning quantity, whichever is less, or  
17 for explosives or blasting agents on hand at any one time in  
18 excess of one hundred pounds. However, no employer shall pay  
19 more than ten thousand dollars per year in fees. [Except] Moneys  
20 acquired through litigation and any administrative fees paid  
21 pursuant to subsection 3 of this section shall not [apply to] be  
22 applied toward this cap;

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

28 (3) Payment of fees is due each year by March first. A

1 late fee of ten percent of the total owed, plus one percent per  
2 month of the total, may be assessed by the commission;

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

12 3. Beginning January 1, 2013, any employer filing its Tier  
13 II form pursuant to subsection 1 of section 292.605 may request  
14 that the commission distribute that employer's Tier II report to  
15 the local emergency planning committees and fire departments  
16 listed in its Tier II report. Any employer opting to have the  
17 commission distribute its Tier II report shall pay an additional  
18 fee of ten dollars for each facility listed in the report at the  
19 time of filing to recoup the commission's distribution costs.  
20 Fees shall be deposited in the chemical emergency preparedness  
21 fund established under section 292.607. An employer who pays the  
22 additional fee and whose Tier II report includes all local  
23 emergency planning committees and fire departments required to be  
24 notified under subsection 1 of section 292.605 shall satisfy the  
25 reporting requirements of subsection 1 of section 292.605. The  
26 commission shall develop a mechanism for an employer to exercise  
27 its option to have the commission distribute its Tier II report.

28 4. Local emergency planning committees receiving funds

1 under section 292.604 shall coordinate with the commission and  
2 the department in chemical emergency planning, training,  
3 preparedness, and response activities. Local emergency planning  
4 committees receiving funds under this section, section 260.394,  
5 sections 292.602, 292.604, 292.605, 292.615 and section 640.235  
6 shall provide to the commission an annual report of expenditures  
7 and activities.

8 [4.] 5. Fees collected by the department and all funds  
9 provided to local emergency planning committees shall be used for  
10 chemical emergency preparedness purposes as outlined in sections  
11 292.600 to 292.625 and the federal act, including contingency  
12 planning for chemical releases; exercising, evaluating, and  
13 distributing plans, providing training related to chemical  
14 emergency preparedness and prevention of chemical accidents;  
15 identifying facilities required to report; processing the  
16 information submitted by facilities and making it available to  
17 the public; receiving and handling emergency notifications of  
18 chemical releases; operating a local emergency planning  
19 committee; and providing public notice of chemical preparedness  
20 activities. Local emergency planning committees receiving funds  
21 under this section may combine such funds with other local  
22 emergency planning committees to further the purposes of sections  
23 292.600 to 292.625, or the federal act.

24 [5.] 6. The commission shall establish criteria and  
25 guidance on how funds received by local emergency planning  
26 committees may be used.

27 301.010. As used in this chapter and sections 304.010 to  
28 304.040, 304.120 to 304.260, and sections 307.010 to 307.175, the

1 following terms mean:

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

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

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

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

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

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

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



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

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

8           (10) "Director" or "director of revenue", the director of  
9 the department of revenue;

10          (11) "Driveaway operation":

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

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

21           (c) The movement of a motor vehicle by any person who is  
22 lawfully engaged in the business of transporting or delivering  
23 vehicles that are not the person's own and vehicles of a type  
24 otherwise required to be registered, by the driveaway or towaway  
25 methods, from a point of manufacture, assembly or distribution or  
26 from the owner of the vehicles to a dealer or sales agent of a  
27 manufacturer or to any consignee designated by the shipper or  
28 consignor;

1           (12) "Dromedary", a box, deck, or plate mounted behind the  
2 cab and forward of the fifth wheel on the frame of the power unit  
3 of a truck tractor-semitrailer combination. A truck tractor  
4 equipped with a dromedary may carry part of a load when operating  
5 independently or in a combination with a semitrailer;

6           (13) "Farm tractor", a tractor used exclusively for  
7 agricultural purposes;

8           (14) "Fleet", any group of ten or more motor vehicles owned  
9 by the same owner;

10          (15) "Fleet vehicle", a motor vehicle which is included as  
11 part of a fleet;

12          (16) "Fullmount", a vehicle mounted completely on the frame  
13 of either the first or last vehicle in a saddlemount combination;

14          (17) "Gross weight", the weight of vehicle and/or vehicle  
15 combination without load, plus the weight of any load thereon;

16          (18) "Hail-damaged vehicle", any vehicle, the body of which  
17 has become dented as the result of the impact of hail;

18          (19) "Highway", any public thoroughfare for vehicles,  
19 including state roads, county roads and public streets, avenues,  
20 boulevards, parkways or alleys in any municipality;

21          (20) "Improved highway", a highway which has been paved  
22 with gravel, macadam, concrete, brick or asphalt, or surfaced in  
23 such a manner that it shall have a hard, smooth surface;

24          (21) "Intersecting highway", any highway which joins  
25 another, whether or not it crosses the same;

26          (22) "Junk vehicle", a vehicle which is incapable of  
27 operation or use upon the highways and has no resale value except  
28 as a source of parts or scrap, and shall not be titled or

1 registered;

2 (23) "Kit vehicle", a motor vehicle assembled by a person  
3 other than a generally recognized manufacturer of motor vehicles  
4 by the use of a glider kit or replica purchased from an  
5 authorized manufacturer and accompanied by a manufacturer's  
6 statement of origin;

7 (24) "Land improvement contractors' commercial motor  
8 vehicle", any not-for-hire commercial motor vehicle the operation  
9 of which is confined to:

10 (a) An area that extends not more than a radius of one  
11 hundred miles from its home base of operations when transporting  
12 its owner's machinery, equipment, or auxiliary supplies to or  
13 from projects involving soil and water conservation, or to and  
14 from equipment dealers' maintenance facilities for maintenance  
15 purposes; or

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

23 (25) "Local commercial motor vehicle", a commercial motor  
24 vehicle whose operations are confined solely to a municipality  
25 and that area extending not more than fifty miles therefrom, or a  
26 commercial motor vehicle whose property-carrying operations are  
27 confined solely to the transportation of property owned by any  
28 person who is the owner or operator of such vehicle to or from a

1 farm owned by such person or under the person's control by virtue  
2 of a landlord and tenant lease; provided that any such property  
3 transported to any such farm is for use in the operation of such  
4 farm;

5 (26) "Local log truck", a commercial motor vehicle which is  
6 registered pursuant to this chapter to operate as a motor vehicle  
7 on the public highways of this state, used exclusively in this  
8 state, used to transport harvested forest products, operated  
9 solely at a forested site and in an area extending not more than  
10 a one hundred-mile radius from such site, carries a load with  
11 dimensions not in excess of twenty-five cubic yards per two axles  
12 with dual wheels, and when operated on the national system of  
13 interstate and defense highways described in Title 23, Section  
14 103(e) of the United States Code, such vehicle shall not exceed  
15 the weight limits of section 304.180, does not have more than  
16 four axles, and does not pull a trailer which has more than two  
17 axles. Harvesting equipment which is used specifically for  
18 cutting, felling, trimming, delimiting, debarking, chipping,  
19 skidding, loading, unloading, and stacking may be transported on  
20 a local log truck. A local log truck may not exceed the limits  
21 required by law, however, if the truck does exceed such limits as  
22 determined by the inspecting officer, then notwithstanding any  
23 other provisions of law to the contrary, such truck shall be  
24 subject to the weight limits required by such sections as  
25 licensed for eighty thousand pounds;

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

1 this state, used to transport harvested forest products, operated  
2 solely at a forested site and in an area extending not more than  
3 a one hundred-mile radius from such site, operates with a weight  
4 not exceeding twenty-two thousand four hundred pounds on one axle  
5 or with a weight not exceeding forty-four thousand eight hundred  
6 pounds on any tandem axle, and when operated on the national  
7 system of interstate and defense highways described in Title 23,  
8 Section 103(e) of the United States Code, such vehicle does not  
9 exceed the weight limits contained in section 304.180, and does  
10 not have more than three axles and does not pull a trailer which  
11 has more than two axles. Violations of axle weight limitations  
12 shall be subject to the load limit penalty as described for in  
13 sections 304.180 to 304.220;

14 (28) "Local transit bus", a bus whose operations are  
15 confined wholly within a municipal corporation, or wholly within  
16 a municipal corporation and a commercial zone, as defined in  
17 section 390.020, adjacent thereto, forming a part of a public  
18 transportation system within such municipal corporation and such  
19 municipal corporation and adjacent commercial zone;

20 (29) "Log truck", a vehicle which is not a local log truck  
21 or local log truck tractor and is used exclusively to transport  
22 harvested forest products to and from forested sites which is  
23 registered pursuant to this chapter to operate as a motor vehicle  
24 on the public highways of this state for the transportation of  
25 harvested forest products;

26 (30) "Major component parts", the rear clip, cowl, frame,  
27 body, cab, front-end assembly, and front clip, as those terms are  
28 defined by the director of revenue pursuant to rules and

1 regulations or by illustrations;

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

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

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

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

15 (35) "Motor vehicle primarily for business use", any  
16 vehicle other than a recreational motor vehicle, motorcycle,  
17 motortricycle, or any commercial motor vehicle licensed for over  
18 twelve thousand pounds:

19 (a) Offered for hire or lease; or

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

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

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

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

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

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

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

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

15          (43) "Owner", any person, firm, corporation or association,  
16 who holds the legal title to a vehicle or in the event a vehicle  
17 is the subject of an agreement for the conditional sale or lease  
18 thereof with the right of purchase upon performance of the  
19 conditions stated in the agreement and with an immediate right of  
20 possession vested in the conditional vendee or lessee, or in the  
21 event a mortgagor of a vehicle is entitled to possession, then  
22 such conditional vendee or lessee or mortgagor shall be deemed  
23 the owner for the purpose of this law;

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

28          (45) "Rebuilder", a business that repairs or rebuilds motor

1 vehicles owned by the rebuilder, but does not include  
2 certificated common or contract carriers of persons or property;

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

8 (47) "Recreational motor vehicle", any motor vehicle  
9 designed, constructed or substantially modified so that it may be  
10 used and is used for the purposes of temporary housing quarters,  
11 including therein sleeping and eating facilities which are either  
12 permanently attached to the motor vehicle or attached to a unit  
13 which is securely attached to the motor vehicle. Nothing herein  
14 shall prevent any motor vehicle from being registered as a  
15 commercial motor vehicle if the motor vehicle could otherwise be  
16 so registered;

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

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

28 (50) "Saddlemount combination", a combination of vehicles



1 in which a truck or truck tractor tows one or more trucks or  
2 truck tractors, each connected by a saddle to the frame or fifth  
3 wheel of the vehicle in front of it. The "saddle" is a mechanism  
4 that connects the front axle of the towed vehicle to the frame or  
5 fifth wheel of the vehicle in front and functions like a fifth  
6 wheel kingpin connection. When two vehicles are towed in this  
7 manner the combination is called a "double saddlemount  
8 combination". When three vehicles are towed in this manner, the  
9 combination is called a "triple saddlemount combination";

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

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

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

22 (b) By reason of condition or circumstance, has been  
23 declared salvage, either by its owner, or by a person, firm,  
24 corporation, or other legal entity exercising the right of  
25 security interest in it;

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

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

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

10 a. Set forth in a current edition of any nationally  
11 recognized compilation of retail values, including automated  
12 databases, or from publications commonly used by the automotive  
13 and insurance industries to establish the values of motor  
14 vehicles;

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

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

20 (53) "School bus", any motor vehicle used solely to  
21 transport students to or from school or to transport students to  
22 or from any place for educational purposes;

23 (54) "Shuttle bus", a motor vehicle used or maintained by  
24 any person, firm, or corporation as an incidental service to  
25 transport patrons or customers of the regular business of such  
26 person, firm, or corporation to and from the place of business of  
27 the person, firm, or corporation providing the service at no fee  
28 or charge. Shuttle buses shall not be registered as buses or as

1 commercial motor vehicles;

2 (55) "Special mobile equipment", every self-propelled  
3 vehicle not designed or used primarily for the transportation of  
4 persons or property and incidentally operated or moved over the  
5 highways, including farm equipment, implements of husbandry, road  
6 construction or maintenance machinery, ditch-digging apparatus,  
7 stone crushers, air compressors, power shovels, cranes, graders,  
8 rollers, well-drillers and wood-sawing equipment used for hire,  
9 asphalt spreaders, bituminous mixers, bucket loaders, ditchers,  
10 leveling graders, finished machines, motor graders, road rollers,  
11 scarifiers, earth-moving carryalls, scrapers, drag lines,  
12 concrete pump trucks, rock-drilling and earth-moving equipment.  
13 This enumeration shall be deemed partial and shall not operate to  
14 exclude other such vehicles which are within the general terms of  
15 this section;

16 (56) "Specially constructed motor vehicle", a motor vehicle  
17 which shall not have been originally constructed under a  
18 distinctive name, make, model or type by a manufacturer of motor  
19 vehicles. The term specially constructed motor vehicle includes  
20 kit vehicles;

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

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

28 (59) "Tractor", "truck tractor" or "truck-tractor", a

1 self-propelled motor vehicle designed for drawing other vehicles,  
2 but not for the carriage of any load when operating  
3 independently. When attached to a semitrailer, it supports a  
4 part of the weight thereof;

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

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

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

24 (63) "Truck-trailer boat transporter combination", a boat  
25 transporter combination consisting of a straight truck towing a  
26 trailer using typically a ball and socket connection with the  
27 trailer axle located substantially at the trailer center of  
28 gravity rather than the rear of the trailer but so as to maintain

1 a downward force on the trailer tongue;

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

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

13 (66) "Vanpool", any van or other motor vehicle used or  
14 maintained by any person, group, firm, corporation, association,  
15 city, county or state agency, or any member thereof, for the  
16 transportation of not less than eight nor more than forty-eight  
17 employees, per motor vehicle, to and from their place of  
18 employment; however, a vanpool shall not be included in the  
19 definition of the term bus or commercial motor vehicle as defined  
20 by subdivisions (6) and (7) of this section, nor shall a vanpool  
21 driver be deemed a chauffeur as that term is defined by section  
22 302.010; nor shall use of a vanpool vehicle for ride-sharing  
23 arrangements, recreational, personal, or maintenance uses  
24 constitute an unlicensed use of the motor vehicle, unless used  
25 for monetary profit other than for use in a ride-sharing  
26 arrangement;

27 (67) "Vehicle", any mechanical device on wheels, designed  
28 primarily for use, or used, on highways, except motorized

1 bicycles, vehicles propelled or drawn by horses or human power,  
2 or vehicles used exclusively on fixed rails or tracks, or cotton  
3 trailers or motorized wheelchairs operated by handicapped  
4 persons;

5 (68) "Wrecker" or "tow truck", any emergency commercial  
6 vehicle equipped, designed and used to assist or render aid and  
7 transport or tow disabled or wrecked vehicles from a highway,  
8 road, street or highway rights-of-way to a point of storage or  
9 repair, including towing a replacement vehicle to replace a  
10 disabled or wrecked vehicle;

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

16 304.033. 1. No person shall operate a recreational  
17 off-highway vehicle, as defined in section 301.010, upon the  
18 highways of this state, except as follows:

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

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

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

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

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

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

13 2. No person shall operate a recreational off-highway  
14 vehicle within any stream or river in this state, except that  
15 recreational off-highway vehicles may be operated within  
16 waterways which flow within the boundaries of land which a  
17 recreational off-highway vehicle operator owns, or for  
18 agricultural purposes within the boundaries of land which a  
19 recreational off-highway vehicle operator owns or has permission  
20 to be upon, or for the purpose of fording such stream or river of  
21 this state at such road crossings as are customary or part of the  
22 highway system. All law enforcement officials or peace officers  
23 of this state and its political subdivisions or department of  
24 conservation agents or department of natural resources park  
25 rangers shall enforce the provisions of this subsection within  
26 the geographic area of their jurisdiction.

27 3. A person operating a recreational off-highway vehicle on  
28 a highway pursuant to an exception covered in this section shall

1 have a valid operator's or chauffeur's license, except that a  
2 handicapped person operating such vehicle pursuant to subdivision  
3 (4) of subsection 1 of this section, but shall not be required to  
4 have passed an examination for the operation of a motorcycle. An  
5 individual shall not operate a recreational off-highway vehicle  
6 upon a highway in this state without displaying a lighted  
7 headlamp and a lighted tail lamp. A person may not operate a  
8 recreational off-highway vehicle upon a highway of this state  
9 unless such person wears a seat belt. When operated on a  
10 highway, a recreational off-highway vehicle shall be equipped  
11 with a roll bar or roll cage construction to reduce the risk of  
12 injury to an occupant of the vehicle in case of the vehicle's  
13 rollover.

14       304.120. 1. Municipalities, by ordinance, may establish  
15 reasonable speed regulations for motor vehicles within the limits  
16 of such municipalities. No person who is not a resident of such  
17 municipality and who has not been within the limits thereof for a  
18 continuous period of more than forty-eight hours, shall be  
19 convicted of a violation of such ordinances, unless it is shown  
20 by competent evidence that there was posted at the place where  
21 the boundary of such municipality joins or crosses any highway a  
22 sign displaying in black letters not less than four inches high  
23 and one inch wide on a white background the speed fixed by such  
24 municipality so that such sign may be clearly seen by operators  
25 and drivers from their vehicles upon entering such municipality.

26       2. Municipalities, by ordinance, may:

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



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

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

5 (4) Limit the use of certain designated streets and  
6 boulevards to passenger vehicles, except that each municipality  
7 shall allow at least one route, with lawful traffic movement and  
8 access from both directions, to be available for use by  
9 commercial vehicles to access any roads in the state highway  
10 system. Under no circumstances shall the provisions of this  
11 subdivision be construed to authorize a municipality to limit the  
12 use of all routes in the municipality;

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

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

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

22 (8) Prohibit sound producing warning devices, except horns  
23 directed forward.

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

27 4. No ordinance shall impose liability on the owner-lessor  
28 of a motor vehicle when the vehicle is being permissively used by

1 a lessee and is illegally parked or operated if the registered  
2 owner-lessor of such vehicle furnishes the name, address and  
3 operator's license number of the person renting or leasing the  
4 vehicle at the time the violation occurred to the proper  
5 municipal authority within three working days from the time of  
6 receipt of written request for such information. Any registered  
7 owner-lessor who fails or refuses to provide such information  
8 within the period required by this subsection shall be liable for  
9 the imposition of any fine established by municipal ordinance for  
10 the violation. Provided, however, if a leased motor vehicle is  
11 illegally parked due to a defect in such vehicle, which renders  
12 it inoperable, not caused by the fault or neglect of the lessee,  
13 then the lessor shall be liable on any violation for illegal  
14 parking of such vehicle.

15 5. No ordinance shall deny the use of commercial vehicles  
16 on all routes within the municipality. For purposes of this  
17 section, the term "route" shall mean any state road, county road,  
18 or public street, avenue, boulevard, or parkway.

19 414.530. 1. The director shall conduct a referendum as  
20 soon as possible among producers and Missouri retail marketers of  
21 propane to authorize the creation of the "Missouri Propane  
22 Education and Research Council" and the levying of an assessment  
23 on odorized propane. Upon approval of those persons representing  
24 two-thirds of the total gallonage of odorized propane voted in  
25 the retail marketer class and two-thirds of all propane voted in  
26 the producer class, meaning propane sold or produced in the  
27 previous calendar year or other representative period, the  
28 director shall issue an order establishing the council and call

1 for nominations to the council from qualified industry  
2 organizations. All persons voting in the referendum shall  
3 certify to the director the number of gallons represented by  
4 their vote.

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

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

20 414.560. 1. Upon issuance of an order by the director  
21 establishing the Missouri propane education and research council,  
22 the director shall select all members of the council from a list  
23 of nominees submitted by qualified industry organizations.

24 [Vacancies in unfinished terms of council members may be filled  
25 by the council, subject to approval of the director] The council  
26 shall make subsequent appointments and fill vacancies in  
27 unfinished terms following a public nomination process. The  
28 director may reject council appointments.

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

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

12           4. Council members shall receive no compensation for their  
13 services, but shall be reimbursed for reasonable expenses  
14 incurred in the performance of their duties.

15           5. Council members shall serve terms of three years; except  
16 that of the initial members appointed, five shall be appointed  
17 for terms of one year, five shall be appointed for terms of two  
18 years and five shall be appointed for terms of three years.  
19 Members may be appointed to a maximum of two consecutive full  
20 terms. Members filling unexpired terms will not have any partial  
21 term of service count against the two-term limitation. Former  
22 members of the council may be reappointed to the council if they  
23 have not been members for a period of one year.

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

1           7. The council may employ a president to serve as chief  
2 executive officer and such other employees as it deems necessary.  
3 The council may enter into contracts with, use facilities and  
4 equipment of, or employ personnel of a qualified industry  
5 organization in carrying out its responsibilities under sections  
6 414.500 to 414.590. It shall determine the compensation and  
7 duties of each, and protect the handling of council funds through  
8 fidelity bonds.

9           8. At least thirty days prior to the beginning of each  
10 fiscal period, the council shall prepare and submit [to the  
11 director] for public comment a budget plan including the probable  
12 costs of all programs, projects and contracts and a recommended  
13 rate of assessment sufficient to cover such costs. [The director  
14 shall approve or recommend changes to the budget after an  
15 opportunity for public comment.] The council shall approve or  
16 modify the budget following the public comment period. The  
17 director may reject the budget plan or modifications.

18           9. The council shall develop programs and projects and  
19 enter into contracts or agreements for implementing the policy of  
20 sections 414.500 to 414.590, including programs of research,  
21 development, education, and marketing, and for the payment of the  
22 costs thereof with funds collected pursuant to sections 414.500  
23 to 414.590. The council shall coordinate its activities with  
24 industry trade associations to provide efficient delivery of  
25 services and to avoid unnecessary duplication of activities.

26           10. The council shall keep minutes, books, and records that  
27 clearly reflect all of the acts and transactions of the council  
28 and regularly report such information to the director[, along

1 with such other information as the director may require]. The  
2 books of the council shall be audited by a certified public  
3 accountant at least once each fiscal year and at such other times  
4 as the council may designate. Copies of such audit shall be  
5 provided to the director, all members of the council, all  
6 qualified industry organizations, and to other members of the  
7 industry upon request. [The director shall receive notice of  
8 meetings and may require reports on the activities of the  
9 council, as well as reports on compliance, violations and  
10 complaints regarding the implementation of sections 414.500 to  
11 414.590.]

12 11. From assessments collected, the council shall annually  
13 reimburse the director for costs incurred in holding the  
14 referendum establishing the council[, making appointments to the  
15 council,] and other expenses directly related to the council.

16 414.570. 1. The council shall set the initial assessment  
17 at no greater than one-tenth of one cent per gallon. Thereafter,  
18 annual assessments shall be sufficient to cover the costs of the  
19 plans and programs developed by the council and approved [by the  
20 director] following public comment. The assessment shall not be  
21 greater than one-half cent per gallon of odorized propane. The  
22 assessment may not be raised by more than one-tenth of one cent  
23 per gallon annually.

24 2. The owner of propane immediately prior to odorization in  
25 this state or the owner at the time of import into this state of  
26 odorized propane shall be responsible for the payment of the  
27 assessment on the volume of propane at the time of import or  
28 odorization, whichever is later. Assessments shall be remitted

1 to the council on a monthly basis by the twenty-fifth of the  
2 month following the month of collection. Nonodorized propane  
3 shall not be subject to assessment until odorized.

4 3. The [director] council may by regulation[, with the  
5 concurrence of the council,] establish an alternative means [for  
6 the council] to collect the assessment if another means is found  
7 to be more efficient and effective. The [director] council may  
8 by regulation establish a late payment charge and rate of  
9 interest not to exceed the legal rate for judgments to be imposed  
10 on any person who fails to remit to the council any amount due  
11 under sections 414.500 to 414.590.

12 4. Pending disbursement pursuant to a program, plan or  
13 project, the council may invest funds collected through  
14 assessments and any other funds received by the council only in  
15 obligations of the United States or any agency thereof, in  
16 general obligations of any state or any political subdivision  
17 thereof, in any interest-bearing account or certificate of  
18 deposit of a bank that is a member of the Federal Reserve System,  
19 or in obligations fully guaranteed as to principal and interest  
20 by the United States.

21 5. [The National Propane Education and Research Council, in  
22 conjunction with the United States Secretary of Energy may, by  
23 regulation, establish a program coordinating the operation of its  
24 council with the council established in section 414.530. This  
25 may include an assessment rebate, if adopted, of an amount up to  
26 twenty-five percent of the National Propane Education and  
27 Research Council assessment collected on Missouri distributed  
28 odorized propane as presented and described in section nine of

1 the federal Propane Education and Research Act of 1992. Should  
2 the National Propane Education and Research Council, as part of  
3 the federal Propane Education and Research Act of 1992, establish  
4 such an assessment rebate on fees collected by such council, then  
5 all funds from such federal assessment rebate shall be the  
6 property of the Missouri council as established by section  
7 414.530, and the use of such funds shall be determined by the  
8 Missouri council for the purposes as intended and presented in  
9 sections 414.500 to 414.590.] Any rule or portion of a rule, as  
10 that term is defined in section 536.010 that is created under the  
11 authority delegated in this section shall become effective only  
12 if it complies with and is subject to all of the provisions of  
13 chapter 536, and, if applicable, section 536.028. This section  
14 and chapter 536 are nonseverable and if any of the powers vested  
15 with the general assembly pursuant to chapter 536, to review, to  
16 delay the effective date, or to disapprove and annul a rule are  
17 subsequently held unconstitutional, then the grant of rulemaking  
18 authority and any rule proposed or adopted after August 28, 2012,  
19 shall be invalid and void.

20 577.073. 1. It is unlawful for any person to throw waste  
21 paper, tin cans, bottles, rubbish of any kind, or contaminate in  
22 any manner, any spring, pool or stream within a state park, nor  
23 shall any person other than authorized personnel of the  
24 department of natural resources cut, prune, pick or deface or  
25 injure in any manner the flowers, trees, shrub or any other flora  
26 growing on the land or in the water of any state park.

27 2. No person shall be permitted to offer or advertise  
28 merchandise or other goods for sale or hire, or to maintain any



1 concession, or use any park facilities, buildings, trails, roads  
2 or other state park property for commercial use except by written  
3 permission or concession contract with the department of natural  
4 resources; except that, the provisions of this subsection shall  
5 not apply to the normal and customary use of public roads by  
6 commercial and noncommercial organizations for the purpose of  
7 transporting persons or vehicles, including, but not limited to,  
8 canoes.

9 3. No object of archaeological or historical value or  
10 interest within a state park may be removed, injured, disfigured,  
11 defaced or destroyed except by authorized personnel.

12 4. Any person violating any of the provisions of this  
13 section shall be deemed guilty of a misdemeanor.

14 621.250. 1. All authority to hear appeals granted in  
15 chapters 260, 444, 640, 643, and 644, and to the hazardous waste  
16 management commission in chapter 260, the land reclamation  
17 commission in chapter 444, the safe drinking water commission in  
18 chapter 640, the air conservation commission in chapter 643, and  
19 the clean water commission in chapter 644 shall be transferred to  
20 the administrative hearing commission under this chapter. The  
21 authority to render final decisions after hearing on appeals  
22 heard by the administrative hearing commission shall remain with  
23 the commissions listed in this subsection. The administrative  
24 hearing commission may render a recommended final decision after  
25 hearing or through stipulation, consent order, agreed settlement  
26 or by disposition in the nature of default judgment, judgment on  
27 the pleadings, or summary determination, consistent with the  
28 requirements of this subsection and the rules and procedures of

1 the administrative hearing commission.

2 2. Except as otherwise provided by law, any person or  
3 entity who is a party to, or who is aggrieved or adversely  
4 affected by, any finding, order, decision, or assessment for  
5 which the authority to hear appeals was transferred to the  
6 administrative hearing commission in subsection 1 of this section  
7 may file a notice of appeal with the administrative hearing  
8 commission within thirty days after any such finding, order,  
9 decision, or assessment is placed in the United States mail or  
10 within thirty days of any such finding, order, decision, or  
11 assessment being delivered, whichever is earlier. Within ~~[sixty]~~  
12 ninety days after the date on which the notice of appeal is filed  
13 the administrative hearing commission ~~[shall]~~ may hold hearings  
14 and within one hundred twenty days after the date on which the  
15 notice of appeal is filed shall make a recommended decision based  
16 on those hearings or shall make a recommended decision based on  
17 stipulation of the parties, consent order, agreed settlement or  
18 by disposition in the nature of default judgment, judgment on the  
19 pleadings, or summary determination, in accordance with the  
20 requirements of this subsection and the rules and procedures of  
21 the administrative hearing commission; provided, however, that  
22 the dates by which the administrative hearing commission is  
23 required to hold hearings and make a recommended decision may be  
24 extended at the sole discretion of the permittee as either  
25 petitioner or intervenor in the appeal.

26 3. Any decision by the director of the department of  
27 natural resources that may be appealed as provided in subsection  
28 1 of this section shall contain a notice of the right of appeal

1 in substantially the following language: "If you were adversely  
2 affected by this decision, you may appeal to have the matter  
3 heard by the administrative hearing commission. To appeal, you  
4 must file a petition with the administrative hearing commission  
5 within thirty days after the date this decision was mailed or the  
6 date it was delivered, whichever date was earlier. If any such  
7 petition is sent by registered mail or certified mail, it will be  
8 deemed filed on the date it is mailed; if it is sent by any  
9 method other than registered mail or certified mail, it will be  
10 deemed filed on the date it is received by the administrative  
11 hearing commission.". Within fifteen days after the  
12 administrative hearing commission renders its recommended  
13 decision, it shall transmit the record and a transcript of the  
14 proceedings, together with the administrative hearing  
15 commission's recommended decision to the commission having  
16 authority to issue a final decision. The final decision of the  
17 commission shall be issued within [ninety] one hundred eighty  
18 days of the date the notice of appeal in subsection 2 of this  
19 section is filed and shall be based only on the facts and  
20 evidence in the hearing record; provided, however, that the date  
21 by which the commission is required to issue a final decision may  
22 be extended at the sole discretion of the permittee as either  
23 petitioner or intervenor in the appeal. The commission may adopt  
24 the recommended decision as its final decision. The commission  
25 may change a finding of fact or conclusion of law made by the  
26 administrative hearing commission, or may vacate or modify the  
27 recommended decision issued by the administrative hearing  
28 commission, only if the commission states in writing the specific

1 reason for a change made under this subsection.

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

7 5. Appropriations shall be made from the respective funds  
8 of the various commissions to cover the administrative hearing  
9 commission's costs associated with these appeals.

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

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

22 640.018. 1. In any case where the department has not  
23 issued a permit or rendered a permit decision by the expiration  
24 of a statutorily required time frame for any application for a  
25 permit under this chapter or chapters 260, 278, 319, 444, 643, or  
26 644, upon request of the permit applicant, the department shall  
27 issue the permit [shall be issued as of] the first day following  
28 the expiration of the required time frame, provided all necessary

1 information has been submitted for the application and the  
2 department has been in possession of all such information for the  
3 duration of the required time frame. This subsection shall be  
4 considered in addition to, and not in lieu thereof, any other  
5 provision of law regarding consequences of failure by the  
6 department to issue a permit or permit decision by the expiration  
7 of a required time frame.

8 2. If engineering plans, specifications, and designs  
9 prepared by a registered professional engineer are submitted to  
10 the department of natural resources as a part of a permit  
11 application or permit modification, the permit application or  
12 permit modification shall include a statement that the plans,  
13 specifications, and designs were prepared in accordance with the  
14 applicable requirements and shall be sealed by the registered  
15 professional engineer in accordance with section 327.411, as  
16 applicable. The department shall use the complete, sealed  
17 engineering plans, specifications, and designs as submitted in  
18 addition to permit applications and other relevant information,  
19 documents, and materials in developing comments on the  
20 engineering submittals and in determining whether to issue or  
21 deny permits. The review of documents, plans, specifications,  
22 and designs sealed by a registered professional engineer for an  
23 applicant shall be conducted by a registered professional  
24 engineer or an engineering intern on behalf of the department.

25 3. The department shall designate supervisory registered  
26 professional engineers for permitting purposes under this chapter  
27 and chapters 260, 278, 319, 444, 643, and 644. Any permit  
28 applicant receiving written comments on an engineering submittal

1 may request a determination from the department's supervisory  
2 registered professional engineer as to a final disposition of the  
3 department's comments regarding engineering submittals in  
4 determining a decision on the permit. The department's  
5 supervisory engineer shall inform the permit applicant of a  
6 preliminary decision within fifteen days after the permit  
7 applicant's request for a determination and shall make a final  
8 determination within thirty days of such request.

9 4. Nothing in this section shall be construed to require  
10 plans or other submittals to the department pursuant to an  
11 application to come under a general permit or an application for  
12 a site-specific permit to be prepared by a registered  
13 professional engineer, unless otherwise required under state or  
14 federal law.

15 640.100. 1. The safe drinking water commission created in  
16 section 640.105 shall promulgate rules necessary for the  
17 implementation, administration and enforcement of sections  
18 640.100 to 640.140 and the federal Safe Drinking Water Act as  
19 amended.

20 2. No standard, rule or regulation or any amendment or  
21 repeal thereof shall be adopted except after a public hearing to  
22 be held by the commission after at least thirty days' prior  
23 notice in the manner prescribed by the rulemaking provisions of  
24 chapter 536 and an opportunity given to the public to be heard;  
25 the commission may solicit the views, in writing, of persons who  
26 may be affected by, knowledgeable about, or interested in  
27 proposed rules and regulations, or standards. Any person heard  
28 or registered at the hearing, or making written request for

1 notice, shall be given written notice of the action of the  
2 commission with respect to the subject thereof. Any rule or  
3 portion of a rule, as that term is defined in section 536.010,  
4 that is promulgated to administer and enforce sections 640.100 to  
5 640.140 shall become effective only if the agency has fully  
6 complied with all of the requirements of chapter 536, including  
7 but not limited to section 536.028, if applicable, after June 9,  
8 1998. All rulemaking authority delegated prior to June 9, 1998,  
9 is of no force and effect and repealed as of June 9, 1998,  
10 however, nothing in this section shall be interpreted to repeal  
11 or affect the validity of any rule adopted or promulgated prior  
12 to June 9, 1998. If the provisions of section 536.028 apply, the  
13 provisions of this section are nonseverable and if any of the  
14 powers vested with the general assembly pursuant to section  
15 536.028 to review, to delay the effective date, or to disapprove  
16 and annul a rule or portion of a rule are held unconstitutional  
17 or invalid, the purported grant of rulemaking authority and any  
18 rule so proposed and contained in the order of rulemaking shall  
19 be invalid and void, except that nothing in this chapter or  
20 chapter 644 shall affect the validity of any rule adopted and  
21 promulgated prior to June 9, 1998.

22 3. The commission shall promulgate rules and regulations  
23 for the certification of public water system operators, backflow  
24 prevention assembly testers and laboratories conducting tests  
25 pursuant to sections 640.100 to 640.140. Any person seeking to  
26 be a certified backflow prevention assembly tester shall  
27 satisfactorily complete standard, nationally recognized written  
28 and performance examinations designed to ensure that the person

1 is competent to determine if the assembly is functioning within  
2 its design specifications. Any such state certification shall  
3 satisfy any need for local certification as a backflow prevention  
4 assembly tester. However, political subdivisions may set  
5 additional testing standards for individuals who are seeking to  
6 be certified as backflow prevention assembly testers.  
7 Notwithstanding any other provision of law to the contrary,  
8 agencies of the state or its political subdivisions shall only  
9 require carbonated beverage dispensers to conform to the backflow  
10 protection requirements established in the National Sanitation  
11 Foundation standard eighteen, and the dispensers shall be so  
12 listed by an independent testing laboratory. The commission  
13 shall promulgate rules and regulations for collection of samples  
14 and analysis of water furnished by municipalities, corporations,  
15 companies, state establishments, federal establishments or  
16 individuals to the public. The department of natural resources  
17 or the department of health and senior services shall, at the  
18 request of any supplier, make any analyses or tests required  
19 pursuant to the terms of section 192.320 and sections 640.100 to  
20 640.140. The department shall collect fees to cover the  
21 reasonable cost of laboratory services, both within the  
22 department of natural resources and the department of health and  
23 senior services, laboratory certification and program  
24 administration as required by sections 640.100 to 640.140. The  
25 laboratory services and program administration fees pursuant to  
26 this subsection shall not exceed two hundred dollars for a  
27 supplier supplying less than four thousand one hundred service  
28 connections, three hundred dollars for supplying less than seven



1 thousand six hundred service connections, five hundred dollars  
2 for supplying seven thousand six hundred or more service  
3 connections, and five hundred dollars for testing surface water.  
4 Such fees shall be deposited in the safe drinking water fund as  
5 specified in section 640.110. The analysis of all drinking water  
6 required by section 192.320 and sections 640.100 to 640.140 shall  
7 be made by the department of natural resources laboratories,  
8 department of health and senior services laboratories or  
9 laboratories certified by the department of natural resources.

10 4. The department of natural resources shall establish and  
11 maintain an inventory of public water supplies and conduct  
12 sanitary surveys of public water systems. Such records shall be  
13 available for public inspection during regular business hours.

14 5. (1) For the purpose of complying with federal  
15 requirements for maintaining the primacy of state enforcement of  
16 the federal Safe Drinking Water Act, the department is hereby  
17 directed to request appropriations from the general revenue fund  
18 and all other appropriate sources to fund the activities of the  
19 public drinking water program and in addition to the fees  
20 authorized pursuant to subsection 3 of this section, an annual  
21 fee for each customer service connection with a public water  
22 system is hereby authorized to be imposed upon all customers of  
23 public water systems in this state. The fees collected shall not  
24 exceed the amounts specified in this subsection and the  
25 commission may set the fees, by rule, in a lower amount by  
26 proportionally reducing all fees charged pursuant to this  
27 subsection from the specified maximum amounts. Reductions shall  
28 be roughly proportional but in each case shall be divisible by

1 twelve. Each customer of a public water system shall pay an  
2 annual fee for each customer service connection.

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

8	1 to 1,000 connections. . . . .	\$ 3.24
9	1,001 to 4,000 connections . . . . .	3.00
10	4,001 to 7,000 connections . . . . .	2.76
11	7,001 to 10,000 connections . . . . .	2.40
12	10,001 to 20,000 connections . . . . .	2.16
13	20,001 to 35,000 connections . . . . .	1.92
14	35,001 to 50,000 connections . . . . .	1.56
15	50,001 to 100,000 connections. . . . .	1.32
16	More than 100,000 connections. . . . .	.1.08.

17 (3) The annual user fee for customers having meters greater  
18 than one inch but less than or equal to two inches in size shall  
19 not exceed seven dollars and forty-four cents; for customers with  
20 meters greater than two inches but less than or equal to four  
21 inches in size shall not exceed forty-one dollars and sixteen  
22 cents; and for customers with meters greater than four inches in  
23 size shall not exceed eighty-two dollars and forty-four cents.

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

28 6. Fees imposed pursuant to subsection 5 of this section

1 shall become effective on August 28, 2006, and shall be collected  
2 by the public water system serving the customer beginning  
3 September 1, 2006, and continuing until such time that the safe  
4 drinking water commission, at its discretion, specifies a lower  
5 amount under subdivision (1) of subsection 5 of this section.  
6 The commission shall promulgate rules and regulations on the  
7 procedures for billing, collection and delinquent payment. Fees  
8 collected by a public water system pursuant to subsection 5 of  
9 this section are state fees. The annual fee shall be enumerated  
10 separately from all other charges, and shall be collected in  
11 monthly, quarterly or annual increments. Such fees shall be  
12 transferred to the director of the department of revenue at  
13 frequencies not less than quarterly. Two percent of the revenue  
14 arising from the fees shall be retained by the public water  
15 system for the purpose of reimbursing its expenses for billing  
16 and collection of such fees.

17 7. Imposition and collection of the fees authorized in  
18 subsection 5 of this section shall be suspended on the first day  
19 of a calendar quarter if, during the preceding calendar quarter,  
20 the federally delegated authority granted to the safe drinking  
21 water program within the department of natural resources to  
22 administer the Safe Drinking Water Act, 42 U.S.C. 300g-2, is  
23 withdrawn. The fee shall not be reinstated until the first day  
24 of the calendar quarter following the quarter during which such  
25 delegated authority is reinstated.

26 8. Fees imposed pursuant to subsection 5 of this section  
27 shall expire on September 1, ~~2012~~ 2017.

28 643.130. All final orders or determinations of the

1 commission or the director hereunder shall be subject to judicial  
2 review pursuant to the provisions of sections 536.100 to 536.140,  
3 except that, the provisions of section 536.110 notwithstanding,  
4 all actions seeking judicial review of any final determination of  
5 the commission or the director relating to part 70 operating  
6 permits and construction permits or permit applications filed  
7 under or related to the prevention of significant deterioration,  
8 major nonattainment area source, or major new source review  
9 programs shall be filed in the court of appeals instead of in the  
10 circuit court. No judicial review shall be available hereunder,  
11 however, unless and until all administrative remedies are  
12 exhausted.

13 643.225. 1. The provisions of sections 643.225 to 643.250  
14 shall apply to all projects subject to 40 CFR Part 61, Subpart M  
15 as adopted by 10 CSR 10-6.080. The commission shall promulgate  
16 rules and regulations it deems necessary to implement and  
17 administer the provisions of sections 643.225 to 643.250,  
18 including requirements, procedures and standards relating to  
19 asbestos projects, as well as the authority to require corrective  
20 measures to be taken in asbestos abatement, renovation, or  
21 demolition projects as are deemed necessary to protect public  
22 health and the environment. The director shall establish any  
23 examinations for certification required by this section and shall  
24 hold such examinations at times and places as determined by the  
25 director.

26 2. Except as otherwise provided in sections 643.225 to  
27 643.250, no individual shall engage in an asbestos abatement  
28 project, inspection, management plan, abatement project design or

1 asbestos air sampling unless the person has been issued a  
2 certificate by the director, or by the commission after appeal,  
3 for that purpose.

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

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

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

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

25 (4) Three years of practical experience in the field of  
26 industrial hygiene, including significant asbestos air monitoring  
27 experience and the completion of a forty-hour asbestos course  
28 which includes air monitoring instruction (National Institute of

1 Occupational Safety and Health 582 course on air sampling or  
2 equivalent). In addition to these qualifications, the individual  
3 must also pass the state of Missouri asbestos examination. All  
4 asbestos air sampling technicians shall be trained and overseen  
5 by an asbestos air sampling professional and shall meet the  
6 requirements of training found in OSHA's 29 CFR 1926.1101.  
7 Certification under this section as an abatement project designer  
8 does not qualify an individual as an architect, engineer or land  
9 surveyor, as defined in chapter 327.

10 4. An application fee of seventy-five dollars shall be  
11 assessed for each category, except asbestos abatement worker, to  
12 cover administrative costs incurred. An application fee of  
13 twenty-five dollars shall be assessed for each asbestos abatement  
14 worker to cover administrative costs incurred. A fee of  
15 twenty-five dollars shall be assessed per state examination.

16 5. In order to qualify for renewal of a certificate, an  
17 individual shall have successfully completed an annual refresher  
18 course from a state of Missouri accredited training program. For  
19 each discipline, the refresher course shall review and discuss  
20 current federal and state statute and rule developments,  
21 state-of-the-art procedures and key aspects of the initial  
22 training course, as determined by the state of Missouri. For all  
23 categories except inspectors, individuals shall complete a  
24 one-day annual refresher training course for recertification.  
25 Refresher courses for inspectors shall be at least a half-day in  
26 length. Management planners shall attend the inspector refresher  
27 course, plus an additional half-day on management planning. All  
28 refresher courses shall require an individual to successfully

1 pass an examination upon completion of the course. In the case  
2 of significant changes in Missouri state asbestos statutes or  
3 rules, an individual shall also be required to take and  
4 successfully pass an updated Missouri state asbestos examination.  
5 An individual who has failed the Missouri state asbestos  
6 examination may retake it on the next scheduled examination date.  
7 If an individual has not successfully completed the annual  
8 refresher course within twelve months of the expiration of his or  
9 her certification, the individual shall be required to retake the  
10 course in his or her specialty area as described in this section.  
11 Failure to comply with the requirements for renewal of  
12 certification in this section will result in decertification. In  
13 no event shall certification or recertification constitute  
14 permission to violate sections 643.225 to 643.250 or any standard  
15 or rule promulgated under sections 643.225 to 643.250.

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

18 7. The provisions of subsections 2 to 6 of this section,  
19 section 643.228, subdivision (4) of subsection 1 of section  
20 643.230, sections 643.232 and 643.235, subdivisions (1) to (3) of  
21 subsection 1 of section 643.237, and subsection 2 of section  
22 643.237 shall not apply to a person that is subject to  
23 requirements and applicable standards of the United States  
24 Environmental Protection Agency (EPA) and the United States  
25 Occupational Safety and Health Administration's (OSHA) 29 Code of  
26 Federal Regulations 1926.58 and which engages in asbestos  
27 abatement projects as part of normal operations in the facility  
28 solely at its own place or places of business. A person shall

1 receive an exemption upon submitting to the director, on a form  
2 provided by the department, documentation of the training  
3 provided to its employees to meet the requirements of applicable  
4 OSHA and EPA rules and regulations and the type of asbestos  
5 abatement projects which constitute normal operations performed  
6 by the applicant. If the application does not meet the  
7 requirements of this subsection and the rules and regulations  
8 promulgated by the department, the applicant shall be notified,  
9 within one hundred eighty days of the receipt of the application,  
10 that the exemption has been denied. An applicant may appeal the  
11 denial of an exemption to the commission within thirty days of  
12 the notice of denial. This exemption shall not apply to asbestos  
13 abatement contractors, to those persons who the commission by  
14 rule determines provide a service to the public in its place or  
15 places of business as the economic foundation of the facility, or  
16 to those persons subject to the requirements of the federal  
17 Asbestos Hazard Emergency Response Act of 1986 (P.L. 99-519). A  
18 representative of the department shall be permitted to attend,  
19 monitor, and evaluate any training program provided by the  
20 exempted person. Such evaluations may be conducted without prior  
21 notice. Refusal to allow such an evaluation is sufficient  
22 grounds for loss of exemption status.

23 8. A fee of two hundred fifty dollars shall be submitted  
24 with the application for exemption under subsection 7 of this  
25 section. This shall be a one-time fee. An exempted person shall  
26 submit to the director changes in curricula or other significant  
27 revisions to its training program under this section as they  
28 occur.



1       9. All applications for exemption under subsection 7 of  
2 this section that are received and approved by the department  
3 prior to August 28, 2012, shall be considered valid. An exempted  
4 person under this subsection shall not be subject to the fee  
5 under subsection 8 of this section but shall submit to the  
6 director changes in curricula or other significant revisions to  
7 its training program as they occur.

8           644.016. When used in sections 644.006 to 644.141 and in  
9 standards, rules and regulations promulgated pursuant to sections  
10 644.006 to 644.141, the following words and phrases mean:

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

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

17           (3) "Conference, conciliation and persuasion", a process of  
18 verbal or written communications consisting of meetings, reports,  
19 correspondence or telephone conferences between authorized  
20 representatives of the department and the alleged violator. The  
21 process shall, at a minimum, consist of one offer to meet with  
22 the alleged violator tendered by the department. During any such  
23 meeting, the department and the alleged violator shall negotiate  
24 in good faith to eliminate the alleged violation and shall  
25 attempt to agree upon a plan to achieve compliance;

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

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

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

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

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

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

14 (10) "Human sewage", human excreta and wastewater,  
15 including bath and toilet waste, residential laundry waste,  
16 residential kitchen waste, and other similar waste from household  
17 or establishment appurtenances;

18 [(10)] (11) "Income" includes retirement benefits,  
19 consultant fees, and stock dividends;

20 [(11)] (12) "Minor violation", a violation which possesses  
21 a small potential to harm the environment or human health or  
22 cause pollution, was not knowingly committed, and is not defined  
23 by the United States Environmental Protection Agency as other  
24 than minor;

25 [(12)] (13) "Permit by rule", a permit granted by rule, not  
26 by a paper certificate, and conditioned by the permit holder's  
27 compliance with commission rules;

28 [(13)] (14) "Permit holders or applicants for a permit"

1 shall not include officials or employees who work full time for  
2 any department or agency of the state of Missouri;

3 [(14)] (15) "Person", any individual, partnership,  
4 copartnership, firm, company, public or private corporation,  
5 association, joint stock company, trust, estate, political  
6 subdivision, or any agency, board, department, or bureau of the  
7 state or federal government, or any other legal entity whatever  
8 which is recognized by law as the subject of rights and duties;

9 [(15)] (16) "Point source", any discernible, confined and  
10 discrete conveyance, including but not limited to any pipe,  
11 ditch, channel, tunnel, conduit, well, discrete fissure,  
12 container, rolling stock, concentrated animal feeding operation,  
13 or vessel or other floating craft, from which pollutants are or  
14 may be discharged. Point source does not include agricultural  
15 storm water discharges and return flows from irrigated  
16 agriculture;

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

27 [(17)] (18) "Pretreatment regulations", limitations on the  
28 introduction of pollutants or water contaminants into publicly

1 owned treatment works or facilities which the commission  
2 determines are not susceptible to treatment by such works or  
3 facilities or which would interfere with their operation, except  
4 that wastes as determined compatible for treatment pursuant to  
5 any federal water pollution control act or guidelines shall be  
6 limited or treated pursuant to this chapter only as required by  
7 such act or guidelines;

8 [(18)] (19) "Residential housing development", any land  
9 which is divided or proposed to be divided into three or more  
10 lots, whether contiguous or not, for the purpose of sale or lease  
11 as part of a common promotional plan for residential housing;

12 [(19)] (20) "Sewer system", pipelines or conduits, pumping  
13 stations, and force mains, and all other structures, devices,  
14 appurtenances and facilities used for collecting or conducting  
15 wastes to an ultimate point for treatment or handling;

16 [(20)] (21) "Significant portion of his or her income"  
17 shall mean ten percent of gross personal income for a calendar  
18 year, except that it shall mean fifty percent of gross personal  
19 income for a calendar year if the recipient is over sixty years  
20 of age, and is receiving such portion pursuant to retirement,  
21 pension, or similar arrangement;

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

26 [(22)] (23) "Treatment facilities", any method, process, or  
27 equipment which removes, reduces, or renders less obnoxious water  
28 contaminants released from any source;

1            [(23)] (24) "Water contaminant", any particulate matter or  
2 solid matter or liquid or any gas or vapor or any combination  
3 thereof, or any temperature change which is in or enters any  
4 waters of the state either directly or indirectly by surface  
5 runoff, by sewer, by subsurface seepage or otherwise, which  
6 causes or would cause pollution upon entering waters of the  
7 state, or which violates or exceeds any of the standards,  
8 regulations or limitations set forth in sections 644.006 to  
9 644.141 or any federal water pollution control act, or is  
10 included in the definition of pollutant in such federal act;

11           [(24)] (25) "Water contaminant source", the point or points  
12 of discharge from a single tract of property on which is located  
13 any installation, operation or condition which includes any point  
14 source defined in sections 644.006 to 644.141 and nonpoint source  
15 pursuant to any federal water pollution control act, which causes  
16 or permits a water contaminant therefrom to enter waters of the  
17 state either directly or indirectly;

18           [(25)] (26) "Water quality standards", specified  
19 concentrations and durations of water contaminants which reflect  
20 the relationship of the intensity and composition of water  
21 contaminants to potential undesirable effects;

22           [(26)] (27) "Waters of the state", all rivers, streams,  
23 lakes and other bodies of surface and subsurface water lying  
24 within or forming a part of the boundaries of the state which are  
25 not entirely confined and located completely upon lands owned,  
26 leased or otherwise controlled by a single person or by two or  
27 more persons jointly or as tenants in common and includes waters  
28 of the United States lying within the state.

1           644.026. 1. The commission shall:

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

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

8           (3) Advise, consult, and cooperate with other agencies of  
9 the state, the federal government, other states and interstate  
10 agencies, and with affected groups, political subdivisions and  
11 industries in furtherance of the purposes of sections 644.006 to  
12 644.141;

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

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

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

25           (7) After holding public hearings, identify waters of the  
26 state and prescribe water quality standards for them, giving due  
27 recognition to variations, if any, and the characteristics of  
28 different waters of the state which may be deemed by the

1 commission to be relevant insofar as possible pursuant to any  
2 federal water pollution control act. These shall be reevaluated  
3 and modified as required by any federal water pollution control  
4 act;

5 (8) Adopt, amend, promulgate, or repeal after due notice  
6 and hearing, rules and regulations to enforce, implement, and  
7 effectuate the powers and duties of sections 644.006 to 644.141  
8 and any required of this state by any federal water pollution  
9 control act, and as the commission may deem necessary to prevent,  
10 control and abate existing or potential pollution. In addition  
11 to opportunities to submit written statements or provide  
12 testimony at public hearings in support of or in opposition to  
13 proposed rulemakings as required by section 536.021, any person  
14 who submits written comments or oral testimony on a proposed rule  
15 shall, at any public meeting to vote on an order of rulemaking or  
16 other commission policy, have the opportunity to respond to the  
17 proposed order of rulemaking or department of natural resources'  
18 response to comments to the extent that such response is limited  
19 to issues raised in oral or written comments made during the  
20 public notice comment period or public hearing on the proposed  
21 rule;

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

26 (10) Administer state and federal grants and loans to  
27 municipalities and political subdivisions for the planning and  
28 construction of sewage treatment works;

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

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

17           (13) Issue, continue in effect, revoke, modify or deny,  
18 under such conditions as it may prescribe, to prevent, control or  
19 abate pollution or any violations of sections 644.006 to 644.141  
20 or any federal water pollution control act, permits for the  
21 discharge of water contaminants into the waters of this state,  
22 and for the installation, modification or operation of treatment  
23 facilities, sewer systems or any parts thereof. Such permit  
24 conditions, in addition to all other requirements of this  
25 subdivision, shall ensure compliance with all effluent  
26 regulations or limitations, water quality related effluent  
27 limitations, national standards of performance and toxic and  
28 pretreatment effluent standards, and all requirements and time



1 schedules thereunder as established by sections 644.006 to  
2 644.141 and any federal water pollution control act; however, no  
3 permit shall be required of any person for any emission into  
4 publicly owned treatment facilities or into publicly owned sewer  
5 systems tributary to publicly owned treatment works;

6 (14) Establish permits by rule. Such permits shall only be  
7 available for those facilities or classes of facilities that  
8 control potential water contaminants that pose a reduced threat  
9 to public health or the environment and that are in compliance  
10 with commission water quality standards rules, effluent rules or  
11 rules establishing permits by rule. Such permits by rule shall  
12 have the same legal standing as other permits issued pursuant to  
13 this chapter. Nothing in this section shall prohibit the  
14 commission from requiring a site-specific permit or a general  
15 permit for individual facilities;

16 (15) Require proper maintenance and operation of treatment  
17 facilities and sewer systems and proper disposal of residual  
18 waste from all such facilities and systems;

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

24 (17) Establish effluent and pretreatment and toxic material  
25 control regulations to further the purposes of sections 644.006  
26 to 644.141 and as required to ensure compliance with all effluent  
27 limitations, water quality-related effluent limitations, national  
28 standards of performance and toxic and pretreatment effluent

1 standards, and all requirements and any time schedules  
2 thereunder, as established by any federal water pollution control  
3 act for point sources in this state, and where necessary to  
4 prevent violation of water quality standards of this state;

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

8 (19) Require that all publicly owned treatment works or  
9 facilities which receive or have received grants or loans from  
10 the state or the federal government for construction or  
11 improvement make all charges required by sections 644.006 to  
12 644.141 or any federal water pollution control act for use and  
13 recovery of capital costs, and the operating authority for such  
14 works or facility is hereby authorized to make any such charges;

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

18 (21) Develop such facts and make such investigations as are  
19 consistent with the purposes of sections 644.006 to 644.141, and,  
20 in connection therewith, to enter or authorize any representative  
21 of the commission to enter at all reasonable times and upon  
22 reasonable notice in or upon any private or public property for  
23 any purpose required by any federal water pollution control act  
24 or sections 644.006 to 644.141 for the purpose of developing  
25 rules, regulations, limitations, standards, or permit conditions,  
26 or inspecting or investigating any records required to be kept by  
27 sections 644.006 to 644.141 or any permit issued pursuant to  
28 sections 644.006 to 644.141, any condition which the commission

1 or director has probable cause to believe to be a water  
2 contaminant source or the site of any suspected violation of  
3 sections 644.006 to 644.141, regulations, standards, or  
4 limitations, or permits issued pursuant to sections 644.006 to  
5 644.141. The results of any such investigation shall be reduced  
6 to writing, and shall be furnished to the owner or operator of  
7 the property. No person shall refuse entry or access, requested  
8 for the purposes of inspection pursuant to this subdivision, to  
9 an authorized representative in carrying out the inspection. A  
10 suitably restricted search warrant, upon a showing of probable  
11 cause in writing and upon oath, shall be issued by any judge or  
12 associate circuit judge having jurisdiction to any representative  
13 for the purpose of enabling him or her to make such inspection.  
14 Information obtained pursuant to this section shall be available  
15 to the public unless it constitutes trade secrets or confidential  
16 information, other than effluent data, of the person from whom it  
17 is obtained, except when disclosure is required pursuant to any  
18 federal water pollution control act;

19 (22) Retain, employ, provide for, and compensate, within  
20 appropriations available therefor, such consultants, assistants,  
21 deputies, clerks and other employees on a full- or part-time  
22 basis as may be necessary to carry out the provisions of sections  
23 644.006 to 644.141 and prescribe the times at which they shall be  
24 appointed and their powers and duties;

25 (23) Secure necessary scientific, technical, administrative  
26 and operation services, including laboratory facilities, by  
27 contract or otherwise, with any educational institution,  
28 experiment station, or any board, department, or other agency of

1 any political subdivision of the state or the federal government;

2 (24) Require persons owning or engaged in operations which  
3 do or could discharge water contaminants, or introduce water  
4 contaminants or pollutants of a quality and quantity to be  
5 established by the commission, into any publicly owned treatment  
6 works or facility, to provide and maintain any facilities and  
7 conduct any tests and monitoring necessary to establish and  
8 maintain records and to file reports containing information  
9 relating to measures to prevent, lessen or render any discharge  
10 less harmful or relating to rate, period, composition,  
11 temperature, and quality and quantity of the effluent, and any  
12 other information required by any federal water pollution control  
13 act or the director, and to make them public, except as provided  
14 in subdivision (21) of this section. The commission shall  
15 develop and adopt such procedures for inspection, investigation,  
16 testing, sampling, monitoring and entry respecting water  
17 contaminant and point sources as may be required for approval of  
18 such a program pursuant to any federal water pollution control  
19 act;

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

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

27 644.051. 1. It is unlawful for any person:

28 (1) To cause pollution of any waters of the state or to

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

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

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

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

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

25 3. Every proposed water contaminant or point source which,  
26 when constructed or installed or established, will be subject to  
27 any federal water pollution control act or sections 644.006 to  
28 644.141 or regulations promulgated pursuant to the provisions of

1 such act shall make application to the director for a permit at  
2 least thirty days prior to the initiation of construction or  
3 installation or establishment. Every water contaminant or point  
4 source in existence when regulations or sections 644.006 to  
5 644.141 become effective shall make application to the director  
6 for a permit within sixty days after the regulations or sections  
7 644.006 to 644.141 become effective, whichever shall be earlier.  
8 The director shall promptly investigate each application, which  
9 investigation shall include such hearings and notice, and  
10 consideration of such comments and recommendations as required by  
11 sections 644.006 to 644.141 and any federal water pollution  
12 control act. If the director determines that the source meets or  
13 will meet the requirements of sections 644.006 to 644.141 and the  
14 regulations promulgated pursuant thereto, the director shall  
15 issue a permit with such conditions as he or she deems necessary  
16 to ensure that the source will meet the requirements of sections  
17 644.006 to 644.141 and any federal water pollution control act as  
18 it applies to sources in this state. If the director determines  
19 that the source does not meet or will not meet the requirements  
20 of either act and the regulations pursuant thereto, the director  
21 shall deny the permit pursuant to the applicable act and issue  
22 any notices required by sections 644.006 to 644.141 and any  
23 federal water pollution control act.

24 4. Before issuing a permit to build or enlarge a water  
25 contaminant or point source or reissuing any permit, the director  
26 shall issue such notices, conduct such hearings, and consider  
27 such factors, comments and recommendations as required by  
28 sections 644.006 to 644.141 or any federal water pollution

1 control act. The director shall determine if any state or any  
2 provisions of any federal water pollution control act the state  
3 is required to enforce, any state or federal effluent limitations  
4 or regulations, water quality-related effluent limitations,  
5 national standards of performance, toxic and pretreatment  
6 standards, or water quality standards which apply to the source,  
7 or any such standards in the vicinity of the source, are being  
8 exceeded, and shall determine the impact on such water quality  
9 standards from the source. The director, in order to effectuate  
10 the purposes of sections 644.006 to 644.141, shall deny a permit  
11 if the source will violate any such acts, regulations,  
12 limitations or standards or will appreciably affect the water  
13 quality standards or the water quality standards are being  
14 substantially exceeded, unless the permit is issued with such  
15 conditions as to make the source comply with such requirements  
16 within an acceptable time schedule. [Prior to the development or  
17 renewal of a general permit or permit by rule, for aquaculture,  
18 the director shall convene a meeting or meetings of permit  
19 holders and applicants to evaluate the impacts of permits and to  
20 discuss any terms and conditions that may be necessary to protect  
21 waters of the state. Following the discussions, the director  
22 shall finalize a draft permit that considers the comments of the  
23 meeting participants and post the draft permit on notice for  
24 public comment. The director shall concurrently post with the  
25 draft permit an explanation of the draft permit and shall  
26 identify types of facilities which are subject to the permit  
27 conditions. Affected public or applicants for new general  
28 permits, renewed general permits or permits by rule may request a

1 hearing with respect to the new requirements in accordance with  
2 this section. If a request for a hearing is received, the  
3 commission shall hold a hearing to receive comments on issues of  
4 significant technical merit and concerns related to the  
5 responsibilities of the Missouri clean water law. The commission  
6 shall conduct such hearings in accordance with this section.  
7 After consideration of such comments, a final action on the  
8 permit shall be rendered. The time between the date of the  
9 hearing request and the hearing itself shall not be counted as  
10 time elapsed pursuant to subdivision (1) of subsection 14 of this  
11 section.]

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

23 6. The director shall promptly notify the applicant in  
24 writing of his or her action and if the permit is denied state  
25 the reasons therefor. The applicant may appeal to the commission  
26 from the denial of a permit or from any condition in any permit  
27 by filing notice of appeal with the commission within thirty days  
28 of the notice of denial or issuance of the permit. After a final



1 action is taken on a new or reissued general permit [template], a  
2 potential applicant for the general permit who can demonstrate  
3 that he or she is or may be adversely affected by any permit term  
4 or condition may appeal the terms and conditions of the general  
5 permit [template] within thirty days of the department's issuance  
6 of the general permit [template]. The commission shall set the  
7 matter for hearing not less than thirty days after the notice of  
8 appeal is filed]. In no event shall a permit constitute  
9 permission to violate the law or any standard, rule or regulation  
10 promulgated pursuant thereto.

11 7. In any hearing held pursuant to this section that  
12 involves a permit, license, or registration, the burden of proof  
13 is on the party specified in section 640.012. Any decision of  
14 the commission made pursuant to a hearing held pursuant to this  
15 section is subject to judicial review as provided in section  
16 644.071.

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

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

25 10. [Unless a site-specific permit is requested by the  
26 applicant, aquaculture facilities shall be governed by a general  
27 permit issued pursuant to this section with a fee not to exceed  
28 two hundred fifty dollars pursuant to subdivision (5) of

1 subsection 6 of section 644.052. However, any aquaculture  
2 facility which materially violates the conditions and  
3 requirements of such permit may be required to obtain a  
4 site-specific permit.

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

20 [12.] 11. Every permit issued to municipal or any publicly  
21 owned treatment works or facility shall require the permittee to  
22 provide the clean water commission with adequate notice of any  
23 substantial new introductions of water contaminants or pollutants  
24 into such works or facility from any source for which such notice  
25 is required by sections 644.006 to 644.141 or any federal water  
26 pollution control act. Such permit shall also require the  
27 permittee to notify the clean water commission of any substantial  
28 change in volume or character of water contaminants or pollutants

1 being introduced into its treatment works or facility by a source  
2 which was introducing water contaminants or pollutants into its  
3 works at the time of issuance of the permit. Notice must  
4 describe the quality and quantity of effluent being introduced or  
5 to be introduced into such works or facility by a source which  
6 was introducing water contaminants or pollutants into its works  
7 at the time of issuance of the permit. Notice must describe the  
8 quality and quantity of effluent being introduced or to be  
9 introduced into such works or facility and the anticipated impact  
10 of such introduction on the quality or quantity of effluent to be  
11 released from such works or facility into waters of the state.

12 [13.] 12. The director or the commission may require the  
13 filing or posting of a bond as a condition for the issuance of  
14 permits for construction of temporary or future water treatment  
15 facilities or facilities that utilize innovative technology for  
16 wastewater treatment in an amount determined by the commission to  
17 be sufficient to ensure compliance with all provisions of  
18 sections 644.006 to 644.141, and any rules or regulations of the  
19 commission and any condition as to such construction in the  
20 permit. For the purposes of this section, "innovative technology  
21 for wastewater treatment" shall mean a completely new and  
22 generally unproven technology in the type or method of its  
23 application that bench testing or theory suggest has  
24 environmental, efficiency, and cost benefits beyond the standard  
25 technologies. No bond shall be required for designs approved by  
26 any federal agency or environmental regulatory agency of another  
27 state. The bond shall be signed by the applicant as principal,  
28 and by a corporate surety licensed to do business in the state of

1 Missouri and approved by the commission. The bond shall remain  
2 in effect until the terms and conditions of the permit are met  
3 and the provisions of sections 644.006 to 644.141 and rules and  
4 regulations promulgated pursuant thereto are complied with.

5 [14.] 13. (1) The department shall issue or deny  
6 applications for construction and site-specific operating permits  
7 received after January 1, 2001, within one hundred eighty days of  
8 the department's receipt of an application. For general  
9 construction and operating permit applications received after  
10 January 1, 2001, that do not require a public participation  
11 process, the department shall issue or deny the [requested]  
12 permits within sixty days of the department's receipt of an  
13 application. For an application seeking coverage under a renewed  
14 general permit that does not require an individual public  
15 participation process, the director shall issue or deny the  
16 permit within sixty days of the director's receipt of the  
17 application, or upon issuance of the general permit, whichever is  
18 later. In regard to an application seeking coverage under an  
19 initial general permit that does not require an individual public  
20 participation process, the director shall issue or deny the  
21 permit within sixty days of the department's receipt of the  
22 application. For an application seeking coverage under a renewed  
23 general permit that requires an individual public participation  
24 process, the director shall issue or deny the permit within  
25 ninety days of the director's receipt of the application, or upon  
26 issuance of the general permit, whichever is later. In regard to  
27 an application for an initial general permit that requires an  
28 individual public participation process, the director shall issue

1 or deny the permit within ninety days of the director's receipt  
2 of the application.

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

11 (3) Permit fee disputes may be appealed to the commission  
12 within thirty days of the date established in subdivision (2) of  
13 this subsection. If the applicant prevails in a permit fee  
14 dispute appealed to the commission, the commission may order the  
15 director to refund the applicant's permit fee plus interest and  
16 reasonable attorney's fees as provided in sections 536.085 and  
17 536.087. A refund of the initial application or annual fee does  
18 not waive the applicant's responsibility to pay any annual fees  
19 due each year following issuance of a permit.

20 (4) No later than December 31, 2001, the commission shall  
21 promulgate regulations defining shorter review time periods than  
22 the time frames established in subdivision (1) of this  
23 subsection, when appropriate, for different classes of  
24 construction and operating permits. In no case shall commission  
25 regulations adopt permit review times that exceed the time frames  
26 established in subdivision (1) of this subsection. The  
27 department's failure to comply with the commission's permit  
28 review time periods shall result in a refund of said permit fees

1 as set forth in subdivision (2) of this subsection. On a  
2 semiannual basis, the department shall submit to the commission a  
3 report which describes the different classes of permits and  
4 reports on the number of days it took the department to issue  
5 each permit from the date of receipt of the application and show  
6 averages for each different class of permits.

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

13 (6) Nothing in this subsection shall be interpreted to mean  
14 that inaction on a permit application shall be grounds to violate  
15 any provisions of sections 644.006 to 644.141 or any rules  
16 promulgated pursuant to sections 644.006 to 644.141.

17 [15.] 14. The department shall respond to all requests for  
18 individual certification under Section 401 of the Federal Clean  
19 Water Act within the lesser of sixty days or the allowed response  
20 period established pursuant to applicable federal regulations  
21 without request for an extension period unless such extension is  
22 determined by the commission to be necessary to evaluate  
23 significant impacts on water quality standards and the commission  
24 establishes a timetable for completion of such evaluation in a  
25 period of no more than one hundred eighty days.

26 [16.] 15. All permit fees generated pursuant to this  
27 chapter shall not be used for the development or expansion of  
28 total maximum daily loads studies on either the Missouri or

1 Mississippi rivers.

2 [17.] 16. The department shall implement permit shield  
3 provisions equivalent to the permit shield provisions implemented  
4 by the U.S. Environmental Protection Agency pursuant to the Clean  
5 Water Act Section 402(k), 33 U.S.C. 1342(k), and its implementing  
6 regulations, for permits issued pursuant to chapter 644.

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

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

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

23 (3) The director shall hold a public informational meeting  
24 to provide information on anticipated permit conditions and  
25 requirements and to receive informal comments from permittees and  
26 other interested persons. The director shall include notice of  
27 the public informational meeting with the notice of intent to  
28 issue a new general permit or reissue a general permit under

1 subdivision (2) of this subsection. The notice of the public  
2 informational meeting, including the date, time and location,  
3 shall be posted on the department's website at least thirty days  
4 in advance of the public meeting. If the meeting is being held  
5 for reissuance of a general permit, notice shall also be made by  
6 electronic mail to all permittees holding the current general  
7 permit which is expiring. Notice to current permittees shall be  
8 made at least twenty days prior to the public meeting;

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

16 (5) A revised draft of a general permit template and the  
17 director's response to comments submitted during the public  
18 comment period shall be posted on the department's website at  
19 least forty-five days prior to issuance of the general permit.  
20 At least forty-five days prior to issuance of the general permit  
21 the department shall notify all persons who submitted comments to  
22 the department that these documents have been posted to the  
23 department's website;

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

26 18. Notices required to be made by the department pursuant  
27 to subsection 17 of this section may be made by electronic mail.  
28 The department shall not be required to make notice to any



1 permittee or other person who has not provided a current  
2 electronic mail address to the department. In the event the  
3 department chooses to make material modifications to the general  
4 permit before its expiration, the department shall follow the  
5 public participation process described in subsection 17 of this  
6 section.

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

9 644.071. 1. All final orders or determinations of the  
10 commission or the director made pursuant to the provisions of  
11 sections 644.006 to 644.141 are subject to judicial review  
12 pursuant to the provisions of chapter 536, except that, the  
13 provisions of section 536.110 notwithstanding, all actions  
14 seeking judicial review of any final order or determination of  
15 the commission or the director that relates to permits affecting  
16 a utility shall be filed in the court of appeals instead of in  
17 the circuit court. No judicial review shall be available,  
18 however, unless and until all administrative remedies are  
19 exhausted.

20 2. In any suit filed pursuant to section 536.050 concerning  
21 the validity of the commission's standards, rules and  
22 regulations, the court shall review the record made before the  
23 commission to determine the validity and reasonableness of such  
24 standards, rules, limitations, and regulations and may hear such  
25 additional evidence as it deems necessary.

26 644.145. 1. When issuing permits under this chapter that  
27 incorporate a new requirement for discharges from publicly owned  
28 combined or separate sanitary or storm sewer systems or **[publicly**

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

9 2. (1) The department of natural resources shall not be  
10 required under this section to make a finding of affordability  
11 when:

12 (a) Issuing collection system extension permits;

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

16 (c) The permit applicant certifies that the applicable  
17 requirements are affordable to implement or otherwise waives the  
18 requirement for an affordability finding; however, at no time  
19 shall the department require that any applicant certify, as a  
20 condition to approving any permit, administrative or civil  
21 action, that a requirement, condition, or penalty is affordable;

22 (2) The exceptions provided under paragraph (c) of  
23 subdivision (1) of this subsection do not apply when the  
24 community being served has less than three thousand three hundred  
25 residents.

26 3. When used in this chapter and in standards, rules and  
27 regulations promulgated pursuant to this chapter, the following  
28 words and phrases mean:

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

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

10 [3.] 4. The department of natural resources shall adopt  
11 procedures by which it will [determine whether a] make  
12 affordability findings that evaluate the affordability of permit  
13 [or decision is affordable] requirements and enforcement actions  
14 described in subsection 1 of this section, and may begin  
15 implementing such procedures prior to promulgating implementing  
16 regulations. The commission shall have the authority to  
17 promulgate rules to implement this section pursuant to chapters  
18 536 and 644, and shall promulgate such rules as soon as  
19 practicable. [Such determination] Affordability findings shall  
20 be based upon reasonably [available empirical] verifiable data  
21 and shall include an assessment of [the] affordability [of the  
22 permit or decision to any private or public person] with respect  
23 to persons or [entity] entities affected [by such permit]. The  
24 department shall offer the permittee an opportunity to review a  
25 draft affordability finding, and the permittee may suggest  
26 changes and provide additional supporting information, subject to  
27 subsection 6 of this section. The [determination] finding shall  
28 be based upon the following criteria:

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

3           (2) Affordability of pollution control options for the  
4 individuals or households of the community;

5           (3) An evaluation of the overall costs and environmental  
6 benefits of the control technologies;

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

11           (a) Allowing adequate time in implementation schedules to  
12 mitigate potential adverse impacts on distressed populations  
13 resulting from the costs of the improvements and taking into  
14 consideration local community economic considerations; and

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

19           (5) An assessment of other community investments relating  
20 to environmental improvements;

21           (6) An assessment of factors set forth in the United States  
22 Environmental Protection Agency's guidance, including but not  
23 limited to the "Combined Sewer Overflow Guidance for Financial  
24 Capability Assessment and Schedule Development" that may ease the  
25 cost burdens of implementing wet weather control plans, including  
26 but not limited to small system considerations, the attainability  
27 of water quality standards, and the development of wet weather  
28 standards; and

1 (7) An assessment of any other relevant local community  
2 economic condition.

3 [4.] 5. Prescriptive formulas and measures used in  
4 determining financial capability, affordability, and thresholds  
5 for expenditure, such as median household income, should not be  
6 considered to be the only indicator of a community's ability to  
7 implement control technology and shall be viewed in the context  
8 of other economic conditions rather than as a threshold to be  
9 achieved.

10 [5.] 6. Reasonable time spent preparing draft affordability  
11 findings, allowing permittees to review draft affordability  
12 findings or draft permits, or revising draft affordability  
13 findings, shall be allowed in addition to the department's  
14 deadlines for making permitting decisions pursuant to section  
15 644.051.

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

20 [6.] 8. The department of natural resources' findings under  
21 this section may be appealed to the commission pursuant to  
22 subsection 6 of section 644.051.

23 650.230. 1. Sections 650.200 to 650.290 shall not apply to  
24 the following boilers and pressure vessels:

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

27 (2) Pressure vessels used for the transportation and  
28 storage of compressed gases or liquefied petroleum gases which

1 comply with the standards promulgated by the National Fire  
2 Protection Association as adopted pursuant to chapter 323 or the  
3 United States Department of Transportation regulations, as  
4 appropriate to the use of the vessel;

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

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

10 (5) Pressure vessels that do not exceed:

11 (a) ~~【Fifteen cubic feet in volume and two hundred fifty~~  
12 ~~psig when not located in a place of public assembly】~~ An operating  
13 pressure of fifteen psig;

14 (b) ~~【Five】~~ One and one-half cubic feet in volume ~~【and two~~  
15 ~~hundred fifty psig when located in a place of public assembly;~~  
16 ~~or】~~ with no limitation on pressure;

17 (c) ~~【One and one-half cubic feet in volume or】~~ An inside  
18 diameter of six inches with no limitation on pressure; or

19 (d) An operating pressure of two hundred psig or ten cubic  
20 feet in volume;

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

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

27 ~~【(8)】~~ (7) Boilers and pressure vessels located on farms and  
28 used solely for agricultural purposes;

1            [(9)] (8) Any boiler constructed, reconstructed or  
2 maintained as a personal hobby or for other recreation purposes;  
3 and

4            [(10)] (9) Vessels containing water and operating as water  
5 softeners, water filters, dealkalizers, demineralizers and cold  
6 water storage tanks when:

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

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

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

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

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

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

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

25           (3) Hot water heating boilers carrying pressure of not more  
26 than thirty psig, and which are located in private residences or  
27 in apartment houses of less than six families, and hot water  
28 heating boilers carrying pressure of not more than twenty psig,

1 and having a rating of not to exceed two thousand square feet of  
2 radiation;

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

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

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

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

24 [260.255. 1. After January 1, 1994, each  
25 newspaper publisher in this state with an average daily  
26 distribution on days published of more than fifteen  
27 thousand copies shall file a statement with the  
28 department of natural resources certifying the total  
29 number of tons of newsprint used during the past  
30 calendar year, and the average recycled content of such  
31 newsprint. The statement shall declare whether the  
32 following target percentages have been met for the past



1 year, and if not met, shall contain a statement  
2 explaining why the newspaper publisher failed to meet  
3 the target percentages.

4 2. The target recycled content usage for each  
5 newspaper publisher for each year shall be:

- 6 (1) 1993, ten percent;
- 7 (2) 1994, twenty percent;
- 8 (3) 1995, thirty percent;
- 9 (4) 1996, forty percent;
- 10 (5) 2000, and subsequent years, fifty percent.

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

21  
22 Section B. Because of the immediate need to protect tourism  
23 in this state, the repeal and reenactment of section 577.073 of  
24 this act is deemed necessary for the immediate preservation of  
25 the public health, welfare, peace and safety, and is hereby  
26 declared to be an emergency act within the meaning of the  
27 constitution, and the repeal and reenactment of section 577.073  
28 of this act shall be in full force and effect upon its passage  
29 and approval.