

SECOND REGULAR SESSION
[TRULY AGREED TO AND FINALLY PASSED]
SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 1251
96TH GENERAL ASSEMBLY

5116S.04T

2012

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-one new sections relating to natural resources, with penalty provisions and an emergency clause for a certain section.

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

Section A. Sections 59.319, 60.510, 60.530, 60.540, 60.560, 60.570, 60.580, 60.590, 2 60.595, 60.610, 60.620, 67.4505, 259.010, 259.020, 259.030, 259.040, 259.070, 260.255, 3 260.330, 260.392, 292.606, 301.010, 304.120, 414.530, 414.560, 414.570, 577.073, 621.250, 4 640.018, 640.100, 643.130, 643.225, 644.016, 644.026, 644.051, 644.071, 644.145, and 650.230, 5 RSMo, are repealed and forty-one new sections enacted in lieu thereof, to be known as sections 6 29.380, 59.319, 60.510, 60.530, 60.540, 60.560, 60.570, 60.580, 60.590, 60.595, 60.610, 60.620, 7 67.4505, 259.010, 259.020, 259.030, 259.040, 259.070, 260.330, 260.373, 260.392, 292.606, 8 301.010, 304.033, 304.120, 414.530, 414.560, 414.570, 577.073, 621.250, 640.018, 640.100, 9 643.130, 643.225, 644.016, 644.026, 644.051, 644.071, 644.145, 650.230, and 701.550, to read 10 as follows:

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

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

2. Beginning August 28, 2012, the state auditor shall conduct an audit of each solid waste management district created under section 260.305 and thereafter shall conduct audits of each solid waste management district as he or she deems necessary. The state auditor may request reimbursement from the district for the costs of conducting the audit.

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

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

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

(1) The amount of one dollar for each fee collected under subsection 1 of this section [to an account to be utilized for the purposes of sections 60.500 to 60.610] shall be paid to the state treasurer and credited to the "Missouri Land Survey Fund" which is hereby created to be utilized for the purposes of sections 60.510 to 60.620 and section 60.670. The state treasurer shall be custodian of the fund and may approve disbursements from the fund in accordance with sections 30.170 and 30.180. Any funds previously collected by the state treasurer to be utilized for the purposes of sections 60.510 to 60.620 and section 60.670

30 **shall transfer to the Missouri land survey fund. Any portion of the fund not immediately**
31 **needed for the purposes authorized shall be invested by the state treasurer as provided by**
32 **the constitution and laws of this state. All income, interest, and moneys earned from such**
33 **investments shall be deposited in the Missouri land survey fund. Any unexpended balance**
34 **in the fund at the end of the fiscal year is exempt from the provisions of section 33.080**
35 **relating to the transfer of unexpended balances to the general revenue fund;**

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

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

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

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

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

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

19 (4) To [extend throughout this state a triangulation and leveling net of precision,
20 whereby] **provide the framework for all geodetic positioning activities in the state. The**
21 **foundational elements include latitude, longitude, and elevation which contribute to**
22 **informed decision-making and impact on a wide range of important activities including**
23 **mapping and geographic information systems, flood risk determination, transportation,**
24 **land use and ecosystem management and use of the Missouri state coordinate system, as**
25 established by [section 60.400, may be made to cover to the necessary extent those areas of the

26 state which do not now have enough geodetic control stations to permit the general use of the
27 system by land surveyors and others] **sections 60.401 to 60.491;**

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

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

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

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

60.530. The state land surveyor shall, under guidance of the department of natural
2 resources **and with the recommendation of the land survey commission**, carry out the routine
3 functions and duties of the department of natural resources, as prescribed in sections [60.500 to
4 60.610] **60.510 to 60.620 and section 60.670**. He **or she** shall, whenever practical, cause all
5 land surveys, except geodetic surveys, to be executed, under his **or her** direction by the
6 registered county surveyor or a local registered land surveyor when no registered county surveyor
7 exists. He **or she** shall perform such other work and acts as shall, in the judgment of the
8 department of natural resources **and with the recommendation of the land survey**
9 **commission**, be necessary and proper to carry out the objectives of sections [60.500 to 60.610]
10 **60.510 to 60.620 and section 60.670** and, within the limits of appropriations made therefor and
11 subject to the approval of the department of natural resources **and the state merit system**,
12 employ and fix the compensation of such additional employees as may be necessary to carry out
13 the provisions of sections [60.500 to 60.610] **60.510 to 60.620 and section 60.670**.

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

60.560. Upon **their** request, the state attorney general shall advise the **land survey**
2 **commission or the** department of natural resources or the state land surveyor with respect to any

3 legal matter, and shall represent the **land survey commission or** department of natural resources
4 in any proceeding in any court of the state in which the [authority] **land survey commission or**
5 **land survey program** shall be a party.

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

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

60.590. 1. On request of the department of natural resources or the state land surveyor,
2 all city and county recorders of deeds, together with all departments, boards or agencies of state
3 government, county, or city government, shall furnish to the department of natural resources or
4 the state land surveyor certified copies of desired records which are in their custody. This service
5 shall be free of cost when possible; otherwise, it shall be at actual cost of reproduction of the
6 records. On the same basis of cost, the department of natural resources shall furnish records
7 within its custody to other agencies or departments of state, county or city, certifying them.

2. The department of natural resources may produce, reproduce and sell maps, plats,
9 reports, studies, and records, and [shall fix the charge] **the commission shall recommend to the**
10 **department of natural resources the charges** therefor. All income received shall be promptly
11 deposited in the state treasury to the credit of the department of natural resources document
12 services fund.

60.595. 1. The "Department of Natural Resources Revolving Services Fund" is hereby
2 created. All funds received by the department of natural resources from the delivery of services
3 and the sale or resale of maps, plats, reports, studies, records and other publications and
4 documents **and surveying information, on paper or in electronic format**, by the department
5 shall be credited to the fund. The director of the department shall administer the fund. The state

6 treasurer is the custodian of the fund and shall approve disbursements from the fund requested
7 by the director of the department. When appropriated, moneys in the fund shall be used to
8 purchase goods [or] , **equipment, hardware and software, maintenance and licenses,**
9 **software and database development and maintenance, personal services, and other** services
10 that will ultimately be used to **provide copies of information maintained or provided by the**
11 **land survey program**, reprint maps, publications or other documents requested by governmental
12 agencies or members of the general public; to publish the maps, publications or other documents
13 or to purchase maps, publications or other documents for resale; and to pay shipping charges,
14 laboratory services, core library fees, [workshops] **workshop fees**, [conferences] **conference**
15 **fees**, interdivisional cooperative agreements, but for no other purpose.

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

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

60.610. Whenever the department of natural resources deems it expedient, and when
2 funds appropriated permit, the department of natural resources may enter into any contract with
3 agencies of the United States, with agencies of other states, or with private persons, registered
4 land surveyors or professional engineers, in order to plan and execute desired land surveys or
5 geodetic surveys, or to plan and execute other projects which are within the scope and purpose
6 of sections [60.500 to 60.610] **60.510 to 60.620 and section 60.670**.

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

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

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

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

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

17 **(4) The director of the department of natural resources or his or her designee.**

18

19 **The members in subdivisions (1) to (3) of this subsection shall be appointed by the**
20 **governor with advice and consent of the senate and each shall serve until his or her**
21 **successor is duly appointed.**

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

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

29 5. The [advisory committee] **land survey commission** shall provide the director of the
30 department of natural resources [with advice and counsel on] **and the state land surveyor with**
31 **recommendations on the operation and** the planning and prioritization of the **land survey**
32 program and the design of regulations needed to carry out the functions, duties, and
33 responsibilities of the department of natural resources **in sections 60.510 to 60.620 and section**
34 **60.670.**

35 6. **The land survey commission shall recommend to the department of natural**
36 **resources:**

37 **(1) A person to be selected and appointed state land surveyor, who shall be the chief**
38 **administrative officer of the land survey program. The state land surveyor shall be**
39 **selected under the state merit system on the basis of professional experience and**
40 **registration;**

41 **(2) Prioritization and execution of projects which are within the scope and purpose**
42 **of sections 60.510 to 60.620 and section 60.670;**

43 **(3) Prioritization and selection of public land survey corner monuments to be**
44 **reestablished through the county cooperative contracts in accordance with sections 8.285**
45 **to 8.291; and**

46 **(4) Approval of all other contracts for the planning and execution of projects which**
47 **are within the scope and purpose of sections 60.510 to 60.620 and section 60.670 and in**
48 **accordance with sections 8.285 to 8.291.**

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

52 **8. By December 1, 2013, the commission shall provide a report to the department**
53 **of natural resources and general assembly that recommends the appropriate**
54 **administrative or overhead cost rate that will be charged to the program, where such cost**
55 **rate shall include all indirect services provided by the division of geology and land survey,**
56 **department of natural resources, and office of administration.**

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

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

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

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

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

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

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

6 (2) [Division of commerce and industrial] **One member from the department of**
7 **economic** development;

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

9 (4) **One member from the** clean water commission;

10 (5) [University of] **One member from the Missouri University of Science and**
11 **Technology Petroleum Engineering Program;**

12 (6) **One member from the Missouri Independent Oil and Gas Association; and**

13 (7) **Two members from the public.**

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

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

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

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

11

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

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

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

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

6 **public members shall not receive any compensation for their services as representatives on the**
7 **council and all expenses of such representatives shall be paid by their respective entities.**

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

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

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

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

21 **(3) The advisory committee may make recommendations to the council on**
22 **appropriate fees or other funding mechanisms to support the oil and gas program efforts**
23 **of the division of geology and land survey.**

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

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

28 **(1) To require:**

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

31 **(b) The making and filing of all mechanical well logs and the filing of directional**
32 **surveys if taken, and the filing of reports on well location, drilling and production, and the filing**
33 **free of charge of samples and core chips and of complete cores less tested sections, when**

34 requested in the office of the state geologist within six months after the completion or
35 abandonment of the well;

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

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

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

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

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

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

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

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

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

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

69 (c) The spacing of wells;

- 70 (d) Operations to increase ultimate recovery such as cycling of gas, the maintenance of
71 pressure, and the introduction of gas, water, or other substances into producing formations; and
72 (e) Disposal of highly mineralized water and oil field wastes;
- 73 (3) To limit and to allocate the production of oil and gas from any field, pool, or area;
74 (4) To classify wells as oil or gas wells for purposes material to the interpretation or
75 enforcement of this chapter;
- 76 (5) To promulgate and to enforce rules, regulations, and orders to effectuate the purposes
77 and the intent of this chapter;
- 78 (6) To make rules, regulations, or orders for the classification of wells as oil wells or dry
79 natural gas wells; or wells drilled, or to be drilled, for geological information; or as wells for
80 secondary recovery projects; or wells for the disposal of highly mineralized water, brine, or other
81 oil field wastes; or wells for the storage of dry natural gas, or casinghead gas; or wells for the
82 development of reservoirs for the storage of liquid petroleum gas;
- 83 (7) To detail such personnel and equipment or enter into such contracts as it may deem
84 necessary for carrying out the plugging of or other remedial measures on wells which have been
85 abandoned and not plugged according to the standards for plugging set out in the rules and
86 regulations promulgated by the council pursuant to this chapter. Members of the council or
87 authorized representatives may, with the consent of the owner or person in possession, enter any
88 property for the purpose of investigating, plugging, or performing remedial measures on any
89 well, or to supervise the investigation, plugging, or performance of remedial measures on any
90 well. A reasonable effort to contact the owner or the person in possession of the property to seek
91 his permission shall be made before members of the council or authorized representatives enter
92 the property for the purposes described in this paragraph . If the owner or person in possession
93 of the property cannot be found or refuses entry or access to any member of the council or to any
94 authorized representative presenting appropriate credentials, the council may request the attorney
95 general to initiate in any court of competent jurisdiction an action for injunctive relief to restrain
96 any interference with the exercise of powers and duties described in this subdivision. Any entry
97 authorized under this subdivision shall be construed as an exercise of the police power for the
98 protection of public health, safety and general welfare and shall not be construed as an act of
99 condemnation of property nor of trespass thereon. Members of the council and authorized
100 representatives shall not be liable for any damages necessarily resulting from the entry upon land
101 for purposes of investigating, plugging, or performing remedial measures or the supervision of
102 such activity. However, if growing crops are present, arrangements for timing of such remedial
103 work may be agreed upon between the state and landowner in order to minimize damages;
- 104 (8) To develop such facts and make such investigations or inspections as are consistent
105 with the purposes of this chapter. Members of the council or authorized representatives may,

106 with the consent of the owner or person in possession, enter upon any property for the purposes
107 of inspecting or investigating any condition which the council shall have probable cause to
108 believe is subject to regulation under this chapter, the rules and regulations promulgated pursuant
109 thereto or any permit issued by the council. If the owner or person in possession of the property
110 refuses entry or access for purposes of the inspections or investigations described, the council
111 or authorized representatives shall make application for a search warrant. Upon a showing of
112 probable cause in writing and under oath, a suitable restricted search warrant shall be issued by
113 any judge having jurisdiction for purposes of enabling inspections authorized under this
114 subdivision. The results of any inspection or investigation pursuant to this subdivision shall be
115 reduced to writing with a copy furnished to the owner, person in possession, or operator;

116 (9) To cooperate with landowners with respect to the conversion of wells drilled for oil
117 and gas to alternative use as water wells as follows: The state geologist shall determine the
118 feasibility of the conversion of a well drilled under a permit for oil and gas for use as a water
119 well and shall advise the landowner of modifications required for conversion of the well in a
120 manner that is consistent with the requirements of this chapter. If such conversion is carried out,
121 release of the operator from legal liability or other responsibility shall be required and the
122 expense of the conversion shall be borne by the landowner.

123 [2.] 6. No rule or portion of a rule promulgated under the authority of this chapter shall
124 become effective unless it has been promulgated pursuant to the provisions of section 536.024.

260.330. 1. Except as otherwise provided in subsection 6 of this section, effective
2 October 1, 1990, each operator of a solid waste sanitary landfill shall collect a charge equal to
3 one dollar and fifty cents per ton or its volumetric equivalent of solid waste accepted and each
4 operator of the solid waste demolition landfill shall collect a charge equal to one dollar per ton
5 or its volumetric equivalent of solid waste accepted. Each operator shall submit the charge, less
6 collection costs, to the department of natural resources for deposit in the "Solid Waste
7 Management Fund" which is hereby created. On October 1, 1992, and thereafter, the charge
8 imposed herein shall be adjusted annually by the same percentage as the increase in the general
9 price level as measured by the Consumer Price Index for All Urban Consumers for the United
10 States, or its successor index, as defined and officially recorded by the United States Department
11 of Labor or its successor agency. No annual adjustment shall be made to the charge imposed
12 under this subsection during October 1, 2005, to October 1, [2014] **2017**, except an adjustment
13 amount consistent with the need to fund the operating costs of the department and taking into
14 account any annual percentage increase in the total of the volumetric equivalent of solid waste
15 accepted in the prior year at solid waste sanitary landfills and demolition landfills and solid waste
16 to be transported out of this state for disposal that is accepted at transfer stations. No annual
17 increase during October 1, 2005, to October 1, [2014] **2017**, shall exceed the percentage increase

18 measured by the Consumer Price Index for All Urban Consumers for the United States, or its
19 successor index, as defined and officially recorded by the United States Department of Labor or
20 its successor agency and calculated on the percentage of revenues dedicated under subdivision
21 (1) of subsection 2 of section 260.335. Any such annual adjustment shall only be made at the
22 discretion of the director, subject to appropriations. Collection costs shall be established by the
23 department and shall not exceed two percent of the amount collected pursuant to this section.

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

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

34 4. The department may examine or audit financial records and landfill activity records
35 and measure landfill usage to verify the collection and transmittal of the charges established in
36 this section. The department may promulgate by rule and regulation procedures to ensure and
37 to verify that the charges imposed herein are properly collected and transmitted to the
38 department.

39 5. Effective October 1, 1990, any person who operates a transfer station in Missouri shall
40 transmit a fee to the department for deposit in the solid waste management fund which is equal
41 to one dollar and fifty cents per ton or its volumetric equivalent of solid waste accepted. Such
42 fee shall be applicable to all solid waste to be transported out of the state for disposal. On
43 October 1, 1992, and thereafter, the charge imposed herein shall be adjusted annually by the
44 same percentage as the increase in the general price level as measured by the Consumer Price
45 Index for All Urban Consumers for the United States, or its successor index, as defined and
46 officially recorded by the United States Department of Labor or its successor agency. No annual
47 adjustment shall be made to the charge imposed under this subsection during October 1, 2005,
48 to October 1, [2014] **2017**, except an adjustment amount consistent with the need to fund the
49 operating costs of the department and taking into account any annual percentage increase in the
50 total of the volumetric equivalent of solid waste accepted in the prior year at solid waste sanitary
51 landfills and demolition landfills and solid waste to be transported out of this state for disposal
52 that is accepted at transfer stations. No annual increase during October 1, 2005, to October 1,
53 [2014] **2017**, shall exceed the percentage increase measured by the Consumer Price Index for All

54 Urban Consumers for the United States, or its successor index, as defined and officially recorded
55 by the United States Department of Labor or its successor agency and calculated on the
56 percentage of revenues dedicated under subdivision (1) of subsection 2 of section 260.335. Any
57 such annual adjustment shall only be made at the discretion of the director, subject to
58 appropriations. The department shall prescribe rules and regulations governing the transmittal
59 of fees and verification of waste volumes transported out of state from transfer stations.
60 Collection costs shall also be established by the department and shall not exceed two percent of
61 the amount collected pursuant to this subsection. A transfer station with the sole function of
62 separating materials for recycling or resource recovery activities shall not be subject to the fee
63 imposed in this subsection.

64 6. Each political subdivision which owns an operational solid waste disposal area may
65 designate, pursuant to this section, up to two free disposal days during each calendar year. On
66 any such free disposal day, the political subdivision shall allow residents of the political
67 subdivision to dispose of any solid waste which may be lawfully disposed of at such solid waste
68 disposal area free of any charge, and such waste shall not be subject to any state fee pursuant to
69 this section. Notice of any free disposal day shall be posted at the solid waste disposal area site
70 and in at least one newspaper of general circulation in the political subdivision no later than
71 fourteen days prior to the free disposal day.

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

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

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

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

14 **(a) Thresholds for determining whether a hazardous waste generator is a large**
15 **quantity generator, small quantity generator, or conditionally-exempt small quantity**
16 **generator;**

17 **(b) Descriptions of applicable registration requirements;**

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

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

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

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

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

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

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

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

48 6. Any rule or portion of a rule, as that term is defined in section 536.010, that is
49 created under the authority delegated in this section shall become effective only if it
50 complies with and is subject to all of the provisions of chapter 536 and, if applicable,
51 section 536.028. This section and chapter 536 are non-severable and if any of the powers
52 vested with the general assembly under chapter 536 to review, to delay the effective date,
53 or to disapprove and annul a rule are subsequently held unconstitutional, then the grant

54 **of rulemaking authority and any rule proposed or adopted after August 28, 2012, shall be**
55 **invalid and void.**

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

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

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

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

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

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

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

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

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

33 (a) High-level radioactive wastes;

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

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

39 2. Any shipper that ships high-level radioactive waste, transuranic radioactive waste,
40 highway route controlled quantity shipments, spent nuclear fuel, or low-level radioactive waste
41 through or within the state shall be subject to the fees established in this subsection, provided
42 that no state-funded institution of higher education that ships nuclear waste shall pay any such
43 fee. These higher education institutions shall reimburse the Missouri state highway patrol
44 directly for all costs related to shipment escorts. The fees for all other shipments shall be:

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

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

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

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

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

64 (2) Coordination of emergency response capability;

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

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

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

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

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

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

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

90 6. The department of natural resources, in coordination with the department of health and
91 senior services and the department of public safety, may promulgate rules necessary to carry out
92 the provisions of this section. Any rule or portion of a rule, as that term is defined in section
93 536.010, that is created under the authority delegated in this section shall become effective only
94 if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section
95 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the
96 general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove
97 and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority
98 and any rule proposed or adopted after August 28, 2009, shall be invalid and void.

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

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

104 9. Notice of any shipment of high-level radioactive waste, transuranic radioactive waste,
105 highway route controlled quantity shipments, or spent nuclear fuel through or within the state
106 shall be provided by the shipper to the governor's designee for advanced notification, as
107 described in 10 CFR Parts 71 and 73, as amended, prior to such shipment entering the state.
108 Notice of any shipment of low-level radioactive waste through or within the state shall be
109 provided by the shipper to the Missouri department of natural resources before such shipment
110 enters the state.

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

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

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

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

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

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

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

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

3 2. (1) Any employer required to report under subsection 1 of section 292.605, except
4 local governments and family-owned farm operations, shall submit an annual fee to the
5 commission of one hundred dollars along with the Tier II form. Owners or operators of

6 petroleum retail facilities shall pay a fee of no more than fifty dollars for each such facility. Any
7 person, firm or corporation selling, delivering or transporting petroleum or petroleum products
8 and whose primary business deals with petroleum products or who is covered by the provisions
9 of chapter 323, if such person, firm or corporation is paying fees under the provisions of the
10 federal hazardous materials transportation registration and fee assessment program, shall deduct
11 such federal fees from those fees owed to the state under the provisions of this subsection. If the
12 federal fees exceed or are equal to what would otherwise be owed under this subsection, such
13 employer shall not be liable for state fees under this subsection. In relation to petroleum
14 products "primary business" shall mean that the person, firm or corporation shall earn more than
15 fifty percent of hazardous chemical revenues from the sale, delivery or transport of petroleum
16 products. For the purpose of calculating fees, all grades of gasoline are considered to be one
17 product, all grades of heating oils, diesel fuels, kerosenes, naphthas, aviation turbine fuel, and
18 all other heavy distillate products except for grades of gasoline, are considered to be one product,
19 and all varieties of motor lubricating oil are considered to be one product. For the purposes of
20 this section "facility" shall mean all buildings, equipment, structures and other stationary items
21 that are located on a single site or on contiguous or adjacent sites and which are owned or
22 operated by the same person. If more than three hazardous substances or mixtures are reported
23 on the Tier II form, the employer shall submit an additional twenty-dollar fee for each hazardous
24 substance or mixture. Fees collected under this subdivision shall be for each hazardous chemical
25 on hand at any one time in excess of ten thousand pounds or for extremely hazardous substances
26 on hand at any one time in excess of five hundred pounds or the threshold planning quantity,
27 whichever is less, or for explosives or blasting agents on hand at any one time in excess of one
28 hundred pounds. However, no employer shall pay more than ten thousand dollars per year in
29 fees. [Except] Moneys acquired through litigation **and any administrative fees paid pursuant**
30 **to subsection 3 of this section** shall not [apply to] **be applied toward** this cap;

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

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

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

42 **3. Beginning January 1, 2013, any employer filing its Tier II form pursuant to**
43 **subsection 1 of section 292.605 may request that the commission distribute that employer's**
44 **Tier II report to the local emergency planning committees and fire departments listed in**
45 **its Tier II report. Any employer opting to have the commission distribute its Tier II report**
46 **shall pay an additional fee of ten dollars for each facility listed in the report at the time of**
47 **filing to recoup the commission's distribution costs. Fees shall be deposited in the chemical**
48 **emergency preparedness fund established under section 292.607. An employer who pays**
49 **the additional fee and whose Tier II report includes all local emergency planning**
50 **committees and fire departments required to be notified under subsection 1 of section**
51 **292.605 shall satisfy the reporting requirements of subsection 1 of section 292.605. The**
52 **commission shall develop a mechanism for an employer to exercise its option to have the**
53 **commission distribute its Tier II report.**

54 **4.** Local emergency planning committees receiving funds under section 292.604 shall
55 coordinate with the commission and the department in chemical emergency planning, training,
56 preparedness, and response activities. Local emergency planning committees receiving funds
57 under this section, section 260.394, sections 292.602, 292.604, 292.605, 292.615 and section
58 640.235 shall provide to the commission an annual report of expenditures and activities.

59 **[4.] 5.** Fees collected by the department and all funds provided to local emergency
60 planning committees shall be used for chemical emergency preparedness purposes as outlined
61 in sections 292.600 to 292.625 and the federal act, including contingency planning for chemical
62 releases; exercising, evaluating, and distributing plans, providing training related to chemical
63 emergency preparedness and prevention of chemical accidents; identifying facilities required to
64 report; processing the information submitted by facilities and making it available to the public;
65 receiving and handling emergency notifications of chemical releases; operating a local
66 emergency planning committee; and providing public notice of chemical preparedness activities.
67 Local emergency planning committees receiving funds under this section may combine such
68 funds with other local emergency planning committees to further the purposes of sections
69 292.600 to 292.625, or the federal act.

70 **[5.] 6.** The commission shall establish criteria and guidance on how funds received by
71 local emergency planning committees may be used.

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

3 (1) "All-terrain vehicle", any motorized vehicle manufactured and used exclusively for
4 off-highway use which is 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 more nonhighway tires, with

- 6 a seat designed to be straddled by the operator, or with a seat designed to carry more than one
7 person, and handlebars for steering control;
- 8 (2) "Automobile transporter", any vehicle combination designed and used specifically
9 for the transport of assembled motor vehicles;
- 10 (3) "Axle load", the total load transmitted to the road by all wheels whose centers are
11 included between two parallel transverse vertical planes forty inches apart, extending across the
12 full width of the vehicle;
- 13 (4) "Boat transporter", any vehicle combination designed and used specifically to
14 transport assembled boats and boat hulls;
- 15 (5) "Body shop", a business that repairs physical damage on motor vehicles that are not
16 owned by the shop or its officers or employees by mending, straightening, replacing body parts,
17 or painting;
- 18 (6) "Bus", a motor vehicle primarily for the transportation of a driver and eight or more
19 passengers but not including shuttle buses;
- 20 (7) "Commercial motor vehicle", a motor vehicle designed or regularly used for carrying
21 freight and merchandise, or more than eight passengers but not including vanpools or shuttle
22 buses;
- 23 (8) "Cotton trailer", a trailer designed and used exclusively for transporting cotton at
24 speeds less than forty miles per hour from field to field or from field to market and return;
- 25 (9) "Dealer", any person, firm, corporation, association, agent or subagent engaged in
26 the sale or exchange of new, used or reconstructed motor vehicles or trailers;
- 27 (10) "Director" or "director of revenue", the director of the department of revenue;
- 28 (11) "Driveaway operation":
- 29 (a) The movement of a motor vehicle or trailer by any person or motor carrier other than
30 a dealer over any public highway, under its own power singly, or in a fixed combination of two
31 or more vehicles, for the purpose of delivery for sale or for delivery either before or after sale;
- 32 (b) The movement of any vehicle or vehicles, not owned by the transporter, constituting
33 the commodity being transported, by a person engaged in the business of furnishing drivers and
34 operators for the purpose of transporting vehicles in transit from one place to another by the
35 driveaway or towaway methods; or
- 36 (c) The movement of a motor vehicle by any person who is lawfully engaged in the
37 business of transporting or delivering vehicles that are not the person's own and vehicles of a
38 type otherwise required to be registered, by the driveaway or towaway methods, from a point of
39 manufacture, assembly or distribution or from the owner of the vehicles to a dealer or sales agent
40 of a manufacturer or to any consignee designated by the shipper or consignor;

- 41 (12) "Dromedary", a box, deck, or plate mounted behind the cab and forward of the fifth
42 wheel on the frame of the power unit of a truck tractor-semitrailer combination. A truck tractor
43 equipped with a dromedary may carry part of a load when operating independently or in a
44 combination with a semitrailer;
- 45 (13) "Farm tractor", a tractor used exclusively for agricultural purposes;
- 46 (14) "Fleet", any group of ten or more motor vehicles owned by the same owner;
- 47 (15) "Fleet vehicle", a motor vehicle which is included as part of a fleet;
- 48 (16) "Fullmount", a vehicle mounted completely on the frame of either the first or last
49 vehicle in a saddlemount combination;
- 50 (17) "Gross weight", the weight of vehicle and/or vehicle combination without load, plus
51 the weight of any load thereon;
- 52 (18) "Hail-damaged vehicle", any vehicle, the body of which has become dented as the
53 result of the impact of hail;
- 54 (19) "Highway", any public thoroughfare for vehicles, including state roads, county roads
55 and public streets, avenues, boulevards, parkways or alleys in any municipality;
- 56 (20) "Improved highway", a highway which has been paved with gravel, macadam,
57 concrete, brick or asphalt, or surfaced in such a manner that it shall have a hard, smooth surface;
- 58 (21) "Intersecting highway", any highway which joins another, whether or not it crosses
59 the same;
- 60 (22) "Junk vehicle", a vehicle which is incapable of operation or use upon the highways
61 and has no resale value except as a source of parts or scrap, and shall not be titled or registered;
- 62 (23) "Kit vehicle", a motor vehicle assembled by a person other than a generally
63 recognized manufacturer of motor vehicles by the use of a glider kit or replica purchased from
64 an authorized manufacturer and accompanied by a manufacturer's statement of origin;
- 65 (24) "Land improvement contractors' commercial motor vehicle", any not-for-hire
66 commercial motor vehicle the operation of which is confined to:
- 67 (a) An area that extends not more than a radius of one hundred miles from its home base
68 of operations when transporting its owner's machinery, equipment, or auxiliary supplies to or
69 from projects involving soil and water conservation, or to and from equipment dealers'
70 maintenance facilities for maintenance purposes; or
- 71 (b) An area that extends not more than a radius of fifty miles from its home base of
72 operations when transporting its owner's machinery, equipment, or auxiliary supplies to or from
73 projects not involving soil and water conservation. Nothing in this subdivision shall be
74 construed to prevent any motor vehicle from being registered as a commercial motor vehicle or
75 local commercial motor vehicle;

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

83 (26) "Local log truck", a commercial motor vehicle which is registered pursuant to this
84 chapter to operate as a motor vehicle on the public highways of this state, used exclusively in this
85 state, used to transport harvested forest products, operated solely at a forested site and in an area
86 extending not more than a one hundred-mile radius from such site, carries a load with
87 dimensions not in excess of twenty-five cubic yards per two axles with dual wheels, and when
88 operated on the national system of interstate and defense highways described in Title 23, Section
89 103(e) of the United States Code, such vehicle shall not exceed the weight limits of section
90 304.180, does not have more than four axles, and does not pull a trailer which has more than two
91 axles. Harvesting equipment which is used specifically for cutting, felling, trimming, delimiting,
92 debarking, chipping, skidding, loading, unloading, and stacking may be transported on a local
93 log truck. A local log truck may not exceed the limits required by law, however, if the truck does
94 exceed such limits as determined by the inspecting officer, then notwithstanding any other
95 provisions of law to the contrary, such truck shall be subject to the weight limits required by such
96 sections as licensed for eighty thousand pounds;

97 (27) "Local log truck tractor", a commercial motor vehicle which is registered under this
98 chapter to operate as a motor vehicle on the public highways of this state, used exclusively in this
99 state, used to transport harvested forest products, operated solely at a forested site and in an area
100 extending not more than a one hundred-mile radius from such site, operates with a weight not
101 exceeding twenty-two thousand four hundred pounds on one axle or with a weight not exceeding
102 forty-four thousand eight hundred pounds on any tandem axle, and when operated on the national
103 system of interstate and defense highways described in Title 23, Section 103(e) of the United
104 States Code, such vehicle does not exceed the weight limits contained in section 304.180, and
105 does not have more than three axles and does not pull a trailer which has more than two axles.
106 Violations of axle weight limitations shall be subject to the load limit penalty as described for
107 in sections 304.180 to 304.220;

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

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

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

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

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

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

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

129 (35) "Motor vehicle primarily for business use", any vehicle other than a recreational
130 motor vehicle, motorcycle, motortricycle, or any commercial motor vehicle licensed for over
131 twelve thousand pounds:

132 (a) Offered for hire or lease; or

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

175 (50) "Saddlemount combination", a combination of vehicles in which a truck or truck
176 tractor tows one or more trucks or truck tractors, each connected by a saddle to the frame or fifth
177 wheel of the vehicle in front of it. The "saddle" is a mechanism that connects the front axle of
178 the towed vehicle to the frame or fifth wheel of the vehicle in front and functions like a fifth
179 wheel kingpin connection. When two vehicles are towed in this manner the combination is
180 called a "double saddlemount combination". When three vehicles are towed in this manner, the
181 combination is called a "triple saddlemount combination";

- 182 (51) "Salvage dealer and dismantler", a business that dismantles used motor vehicles for
183 the sale of the parts thereof, and buys and sells used motor vehicle parts and accessories;
- 184 (52) "Salvage vehicle", a motor vehicle, semitrailer, or house trailer which:
- 185 (a) Was damaged during a year that is no more than six years after the manufacturer's
186 model year designation for such vehicle to the extent that the total cost of repairs to rebuild or
187 reconstruct the vehicle to its condition immediately before it was damaged for legal operation
188 on the roads or highways exceeds eighty percent of the fair market value of the vehicle
189 immediately preceding the time it was damaged;
- 190 (b) By reason of condition or circumstance, has been declared salvage, either by its
191 owner, or by a person, firm, corporation, or other legal entity exercising the right of security
192 interest in it;
- 193 (c) Has been declared salvage by an insurance company as a result of settlement of a
194 claim;
- 195 (d) Ownership of which is evidenced by a salvage title; or
- 196 (e) Is abandoned property which is titled pursuant to section 304.155 or section 304.157
197 and designated with the words "salvage/abandoned property". The total cost of repairs to rebuild
198 or reconstruct the vehicle shall not include the cost of repairing, replacing, or reinstalling
199 inflatable safety restraints, tires, sound systems, or damage as a result of hail, or any sales tax on
200 parts or materials to rebuild or reconstruct the vehicle. For purposes of this definition, "fair
201 market value" means the retail value of a motor vehicle as:
- 202 a. Set forth in a current edition of any nationally recognized compilation of retail values,
203 including automated databases, or from publications commonly used by the automotive and
204 insurance industries to establish the values of motor vehicles;
- 205 b. Determined pursuant to a market survey of comparable vehicles with regard to
206 condition and equipment; and
- 207 c. Determined by an insurance company using any other procedure recognized by the
208 insurance industry, including market surveys, that is applied by the company in a uniform
209 manner;
- 210 (53) "School bus", any motor vehicle used solely to transport students to or from school
211 or to transport students to or from any place for educational purposes;
- 212 (54) "Shuttle bus", a motor vehicle used or maintained by any person, firm, or
213 corporation as an incidental service to transport patrons or customers of the regular business of
214 such person, firm, or corporation to and from the place of business of the person, firm, or
215 corporation providing the service at no fee or charge. Shuttle buses shall not be registered as
216 buses or as commercial motor vehicles;

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

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

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

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

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

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

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

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

252 (63) "Truck-trailer boat transporter combination", a boat transporter combination
253 consisting of a straight truck towing a trailer using typically a ball and socket connection with
254 the trailer axle located substantially at the trailer center of gravity rather than the rear of the
255 trailer but so as to maintain a downward force on the trailer tongue;

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

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

263 (66) "Vanpool", any van or other motor vehicle used or maintained by any person, group,
264 firm, corporation, association, city, county or state agency, or any member thereof, for the
265 transportation of not less than eight nor more than forty-eight employees, per motor vehicle, to
266 and from their place of employment; however, a vanpool shall not be included in the definition
267 of the term bus or commercial motor vehicle as defined by subdivisions (6) and (7) of this
268 section, nor shall a vanpool driver be deemed a chauffeur as that term is defined by section
269 302.010; nor shall use of a vanpool vehicle for ride-sharing arrangements, recreational, personal,
270 or maintenance uses constitute an unlicensed use of the motor vehicle, unless used for monetary
271 profit other than for use in a ride-sharing arrangement;

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

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

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

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

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

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

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

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

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

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

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

29 **3. A person operating a recreational off-highway vehicle on a highway pursuant**
30 **to an exception covered in this section shall have a valid operator's or chauffeur's license,**
31 **except that a handicapped person operating such vehicle pursuant to subdivision (4) of**
32 **subsection 1 of this section, but shall not be required to have passed an examination for the**
33 **operation of a motorcycle. An individual shall not operate a recreational off-highway**
34 **vehicle upon a highway in this state without displaying a lighted headlamp and a lighted**
35 **tail lamp. A person may not operate a recreational off-highway vehicle upon a highway**
36 **of this state unless such person wears a seat belt. When operated on a highway, a**
37 **recreational off-highway vehicle shall be equipped with a roll bar or roll cage construction**
38 **to reduce the risk of injury to an occupant of the vehicle in case of the vehicle's rollover.**

304.120. 1. Municipalities, by ordinance, may establish reasonable speed regulations
2 for motor vehicles within the limits of such municipalities. No person who is not a resident of

3 such municipality and who has not been within the limits thereof for a continuous period of more
4 than forty-eight hours, shall be convicted of a violation of such ordinances, unless it is shown
5 by competent evidence that there was posted at the place where the boundary of such
6 municipality joins or crosses any highway a sign displaying in black letters not less than four
7 inches high and one inch wide on a white background the speed fixed by such municipality so
8 that such sign may be clearly seen by operators and drivers from their vehicles upon entering
9 such municipality.

10 2. Municipalities, by ordinance, may:

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

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

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

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

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

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

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

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

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

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

39 by the fault or neglect of the lessee, then the lessor shall be liable on any violation for illegal
40 parking of such vehicle.

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

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

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

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

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

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

10 3. The council shall consist of fifteen members, with nine members representing retail
11 marketers of propane; three members representing wholesalers or resellers of propane; two
12 members representing manufacturers and distributors of gas use equipment, wholesalers or

13 resellers, or transporters; and one public member. Other than the public member, council
14 members shall be full-time employees or owners of businesses in the industry.

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

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

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

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

32 8. At **least thirty days prior** to the beginning of each fiscal period, the council shall
33 prepare and submit [to the director] **for public comment** a budget plan including the probable
34 costs of all programs, projects and contracts and a recommended rate of assessment sufficient
35 to cover such costs. [The director shall approve or recommend changes to the budget after an
36 opportunity for public comment.] **The council shall approve or modify the budget following**
37 **the public comment period. The director may reject the budget plan or modifications.**

38 9. The council shall develop programs and projects and enter into contracts or
39 agreements for implementing the policy of sections 414.500 to 414.590, including programs of
40 research, development, education, and marketing, and for the payment of the costs thereof with
41 funds collected pursuant to sections 414.500 to 414.590. The council shall coordinate its
42 activities with industry trade associations to provide efficient delivery of services and to avoid
43 unnecessary duplication of activities.

44 10. The council shall keep minutes, books, **and** records that clearly reflect all of the acts
45 and transactions of the council and regularly report such information to the director[, along with
46 such other information as the director may require]. The books of the council shall be audited
47 by a certified public accountant at least once each fiscal year and at such other times as the
48 council may designate. Copies of such audit shall be provided to the director, all members of

49 the council, all qualified industry organizations, and to other members of the industry upon
50 request. [The director shall receive notice of meetings and may require reports on the activities
51 of the council, as well as reports on compliance, violations and complaints regarding the
52 implementation of sections 414.500 to 414.590.]

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

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

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

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

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

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

30 as presented and described in section nine of the federal Propane Education and Research Act
31 of 1992. Should the National Propane Education and Research Council, as part of the federal
32 Propane Education and Research Act of 1992, establish such an assessment rebate on fees
33 collected by such council, then all funds from such federal assessment rebate shall be the
34 property of the Missouri council as established by section 414.530, and the use of such funds
35 shall be determined by the Missouri council for the purposes as intended and presented in
36 sections 414.500 to 414.590.] **Any rule or portion of a rule, as that term is defined in section**
37 **536.010 that is created under the authority delegated in this section shall become effective**
38 **only if it complies with and is subject to all of the provisions of chapter 536, and, if**
39 **applicable, section 536.028. This section and chapter 536 are nonseverable and if any of**
40 **the powers vested with the general assembly pursuant to chapter 536, to review, to delay**
41 **the effective date, or to disapprove and annul a rule are subsequently held**
42 **unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted**
43 **after August 28, 2012, shall be invalid and void.**

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

6 2. No person shall be permitted to offer or advertise merchandise or other goods for sale
7 or hire, or to maintain any concession, or use any park facilities, buildings, trails, roads or other
8 state park property for commercial use except by written permission or concession contract with
9 the department of natural resources; **except that, the provisions of this subsection shall not**
10 **apply to the normal and customary use of public roads by commercial and noncommercial**
11 **organizations for the purpose of transporting persons or vehicles, including, but not**
12 **limited to, canoes.**

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

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

621.250. 1. All authority to hear appeals granted in chapters 260, 444, 640, 643, and
2 644, and to the hazardous waste management commission in chapter 260, the land reclamation
3 commission in chapter 444, the safe drinking water commission in chapter 640, the air
4 conservation commission in chapter 643, and the clean water commission in chapter 644 shall
5 be transferred to the administrative hearing commission under this chapter. The authority to
6 render final decisions after hearing on appeals heard by the administrative hearing commission

7 shall remain with the commissions listed in this subsection. The administrative hearing
8 commission may render a recommended final decision after hearing or through stipulation,
9 consent order, agreed settlement or by disposition in the nature of default judgment, judgment
10 on the pleadings, or summary determination, consistent with the requirements of this subsection
11 and the rules and procedures of the administrative hearing commission.

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

28 3. Any decision by the director of the department of natural resources that may be
29 appealed as provided in subsection 1 of this section shall contain a notice of the right of appeal
30 in substantially the following language: "If you were adversely affected by this decision, you
31 may appeal to have the matter heard by the administrative hearing commission. To appeal, you
32 must file a petition with the administrative hearing commission within thirty days after the date
33 this decision was mailed or the date it was delivered, whichever date was earlier. If any such
34 petition is sent by registered mail or certified mail, it will be deemed filed on the date it is
35 mailed; if it is sent by any method other than registered mail or certified mail, it will be deemed
36 filed on the date it is received by the administrative hearing commission.". Within fifteen days
37 after the administrative hearing commission renders its recommended decision, it shall transmit
38 the record and a transcript of the proceedings, together with the administrative hearing
39 commission's recommended decision to the commission having authority to issue a final
40 decision. The final decision of the commission shall be issued within [ninety] **one hundred**
41 **eighty** days of the date the notice of appeal **in subsection 2 of this section** is filed and shall be
42 based only on the facts and evidence in the hearing record; **provided, however, that the date**

43 **by which the commission is required to issue a final decision may be extended at the sole**
44 **discretion of the permittee as either petitioner or intervenor in the appeal.** The commission
45 may adopt the recommended decision as its final decision. The commission may change a
46 finding of fact or conclusion of law made by the administrative hearing commission, or may
47 vacate or modify the recommended decision issued by the administrative hearing commission,
48 only if the commission states in writing the specific reason for a change made under this
49 subsection.

50 4. In the event the person filing the appeal prevails in any dispute under this section,
51 interest shall be allowed upon any amount found to have been wrongfully collected or
52 erroneously paid at the rate established by the director of the department of revenue under section
53 32.065.

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

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

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

640.018. 1. In any case where the department has not issued a permit or rendered a
2 permit decision by the expiration of a statutorily required time frame for any application for a
3 permit under this chapter or chapters 260, 278, 319, 444, 643, or 644, **upon request of the**
4 **permit applicant, the department shall issue the permit** [shall be issued as of] the first day
5 following the expiration of the required time frame, provided all necessary information has been
6 submitted for the application and the department has been in possession of all such information
7 for the duration of the required time frame. This subsection shall be considered in addition to,
8 and not in lieu thereof, any other provision of law regarding consequences of failure by the
9 department to issue a permit or permit decision by the expiration of a required time frame.

10 2. If engineering plans, specifications, and designs prepared by a registered professional
11 engineer are submitted to the department of natural resources as a part of a permit application
12 or permit modification, the permit application or permit modification shall include a statement
13 that the plans, specifications, and designs were prepared in accordance with the applicable
14 requirements and shall be sealed by the registered professional engineer in accordance with
15 section 327.411, as applicable. The department shall use the complete, sealed engineering plans,

16 specifications, and designs as submitted in addition to permit applications and other relevant
17 information, documents, and materials in developing comments on the engineering submittals
18 and in determining whether to issue or deny permits. The review of documents, plans,
19 specifications, and designs sealed by a registered professional engineer for an applicant shall be
20 conducted by a registered professional engineer or an engineering intern on behalf of the
21 department.

22 3. The department shall designate supervisory registered professional engineers for
23 permitting purposes under this chapter and chapters 260, 278, 319, 444, 643, and 644. Any
24 permit applicant receiving written comments on an engineering submittal may request a
25 determination from the department's supervisory registered professional engineer as to a final
26 disposition of the department's comments regarding engineering submittals in determining a
27 decision on the permit. The department's supervisory engineer shall inform the permit applicant
28 of a preliminary decision within fifteen days after the permit applicant's request for a
29 determination and shall make a final determination within thirty days of such request.

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

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

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

19 536.028 to review, to delay the effective date, or to disapprove and annul a rule or portion of a
20 rule are held unconstitutional or invalid, the purported grant of rulemaking authority and any rule
21 so proposed and contained in the order of rulemaking shall be invalid and void, except that
22 nothing in this chapter or chapter 644 shall affect the validity of any rule adopted and
23 promulgated prior to June 9, 1998.

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

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

56 5. (1) For the purpose of complying with federal requirements for maintaining the
57 primacy of state enforcement of the federal Safe Drinking Water Act, the department is hereby
58 directed to request appropriations from the general revenue fund and all other appropriate
59 sources to fund the activities of the public drinking water program and in addition to the fees
60 authorized pursuant to subsection 3 of this section, an annual fee for each customer service
61 connection with a public water system is hereby authorized to be imposed upon all customers
62 of public water systems in this state. The fees collected shall not exceed the amounts specified
63 in this subsection and the commission may set the fees, by rule, in a lower amount by
64 proportionally reducing all fees charged pursuant to this subsection from the specified maximum
65 amounts. Reductions shall be roughly proportional but in each case shall be divisible by twelve.
66 Each customer of a public water system shall pay an annual fee for each customer service
67 connection.

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

71 1 to 1,000 connections.	\$ 3.24
72 1,001 to 4,000 connections.	3.00
73 4,001 to 7,000 connections.	2.76
74 7,001 to 10,000 connections.	2.40
75 10,001 to 20,000 connections.	2.16
76 20,001 to 35,000 connections.	1.92
77 35,001 to 50,000 connections.	1.56
78 50,001 to 100,000 connections.	1.32
79 More than 100,000 connections.	1.08.

80 (3) The annual user fee for customers having meters greater than one inch but less than
81 or equal to two inches in size shall not exceed seven dollars and forty-four cents; for customers
82 with meters greater than two inches but less than or equal to four inches in size shall not exceed
83 forty-one dollars and sixteen cents; and for customers with meters greater than four inches in size
84 shall not exceed eighty-two dollars and forty-four cents.

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

88 6. Fees imposed pursuant to subsection 5 of this section shall become effective on
89 August 28, 2006, and shall be collected by the public water system serving the customer
90 beginning September 1, 2006, and continuing until such time that the safe drinking water
91 commission, at its discretion, specifies a lower amount under subdivision (1) of subsection 5 of
92 this section. The commission shall promulgate rules and regulations on the procedures for
93 billing, collection and delinquent payment. Fees collected by a public water system pursuant to
94 subsection 5 of this section are state fees. The annual fee shall be enumerated separately from
95 all other charges, and shall be collected in monthly, quarterly or annual increments. Such fees
96 shall be transferred to the director of the department of revenue at frequencies not less than
97 quarterly. Two percent of the revenue arising from the fees shall be retained by the public water
98 system for the purpose of reimbursing its expenses for billing and collection of such fees.

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

105 8. Fees imposed pursuant to subsection 5 of this section shall expire on September 1,
106 [2012] **2017**.

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

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

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

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

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

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

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

29 (4) Three years of practical experience in the field of industrial hygiene, including
30 significant asbestos air monitoring experience and the completion of a forty-hour asbestos course
31 which includes air monitoring instruction (National Institute of Occupational Safety and Health
32 582 course on air sampling or equivalent). In addition to these qualifications, the individual
33 must also pass the state of Missouri asbestos examination. All asbestos air sampling technicians
34 shall be trained and overseen by an asbestos air sampling professional and shall meet the
35 requirements of training found in OSHA's 29 CFR 1926.1101. Certification under this section
36 as an abatement project designer does not qualify an individual as an architect, engineer or land
37 surveyor, as defined in chapter 327.

38 4. An application fee of seventy-five dollars shall be assessed for each category, except
39 asbestos abatement worker, to cover administrative costs incurred. An application fee of
40 twenty-five dollars shall be assessed for each asbestos abatement worker to cover administrative
41 costs incurred. A fee of twenty-five dollars shall be assessed per state examination.

42 5. In order to qualify for renewal of a certificate, an individual shall have successfully
43 completed an annual refresher course from a state of Missouri accredited training program. For
44 each discipline, the refresher course shall review and discuss current federal and state statute and

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

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

63 **7. The provisions of subsections 2 to 6 of this section, section 643.228, subdivision**
64 **(4) of subsection 1 of section 643.230, sections 643.232 and 643.235, subdivisions (1) to (3)**
65 **of subsection 1 of section 643.237, and subsection 2 of section 643.237 shall not apply to a**
66 **person that is subject to requirements and applicable standards of the United States**
67 **Environmental Protection Agency (EPA) and the United States Occupational Safety and**
68 **Health Administration's (OSHA) 29 Code of Federal Regulations 1926.58 and which**
69 **engages in asbestos abatement projects as part of normal operations in the facility solely**
70 **at its own place or places of business. A person shall receive an exemption upon submitting**
71 **to the director, on a form provided by the department, documentation of the training**
72 **provided to its employees to meet the requirements of applicable OSHA and EPA rules and**
73 **regulations and the type of asbestos abatement projects which constitute normal operations**
74 **performed by the applicant. If the application does not meet the requirements of this**
75 **subsection and the rules and regulations promulgated by the department, the applicant**
76 **shall be notified, within one hundred eighty days of the receipt of the application, that the**
77 **exemption has been denied. An applicant may appeal the denial of an exemption to the**
78 **commission within thirty days of the notice of denial. This exemption shall not apply to**
79 **asbestos abatement contractors, to those persons who the commission by rule determines**
80 **provide a service to the public in its place or places of business as the economic foundation**

81 of the facility, or to those persons subject to the requirements of the federal Asbestos
82 Hazard Emergency Response Act of 1986 (P.L. 99-519). A representative of the
83 department shall be permitted to attend, monitor, and evaluate any training program
84 provided by the exempted person. Such evaluations may be conducted without prior
85 notice. Refusal to allow such an evaluation is sufficient grounds for loss of exemption
86 status.

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

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

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

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

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

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

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

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

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

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

20 (8) "General permit", a permit written with a standard group of conditions and with
21 applicability intended for a designated category of water contaminant sources that have the same

22 or similar operations, discharges and geographical locations, and that require the same or similar
23 monitoring, and that would be more appropriately controlled pursuant to a general permit rather
24 than pursuant to a site-specific permit;

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

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

30 [(10)] (11) "Income" includes retirement benefits, consultant fees, and stock dividends;

31 [(11)] (12) "Minor violation", a violation which possesses a small potential to harm the
32 environment or human health or cause pollution, was not knowingly committed, and is not
33 defined by the United States Environmental Protection Agency as other than minor;

34 [(12)] (13) "Permit by rule", a permit granted by rule, not by a paper certificate, and
35 conditioned by the permit holder's compliance with commission rules;

36 [(13)] (14) "Permit holders or applicants for a permit" shall not include officials or
37 employees who work full time for any department or agency of the state of Missouri;

38 [(14)] (15) "Person", any individual, partnership, copartnership, firm, company, public
39 or private corporation, association, joint stock company, trust, estate, political subdivision, or any
40 agency, board, department, or bureau of the state or federal government, or any other legal entity
41 whatever which is recognized by law as the subject of rights and duties;

42 [(15)] (16) "Point source", any discernible, confined and discrete conveyance, including
43 but not limited to any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container,
44 rolling stock, concentrated animal feeding operation, or vessel or other floating craft, from which
45 pollutants are or may be discharged. Point source does not include agricultural storm water
46 discharges and return flows from irrigated agriculture;

47 [(16)] (17) "Pollution", such contamination or other alteration of the physical, chemical
48 or biological properties of any waters of the state, including change in temperature, taste, color,
49 turbidity, or odor of the waters, or such discharge of any liquid, gaseous, solid, radioactive, or
50 other substance into any waters of the state as will or is reasonably certain to create a nuisance
51 or render such waters harmful, detrimental or injurious to public health, safety or welfare, or to
52 domestic, industrial, agricultural, recreational, or other legitimate beneficial uses, or to wild
53 animals, birds, fish or other aquatic life;

54 [(17)] (18) "Pretreatment regulations", limitations on the introduction of pollutants or
55 water contaminants into publicly owned treatment works or facilities which the commission
56 determines are not susceptible to treatment by such works or facilities or which would interfere
57 with their operation, except that wastes as determined compatible for treatment pursuant to any

58 federal water pollution control act or guidelines shall be limited or treated pursuant to this
59 chapter only as required by such act or guidelines;

60 [(18)] (19) "Residential housing development", any land which is divided or proposed
61 to be divided into three or more lots, whether contiguous or not, for the purpose of sale or lease
62 as part of a common promotional plan for residential housing;

63 [(19)] (20) "Sewer system", pipelines or conduits, pumping stations, and force mains,
64 and all other structures, devices, appurtenances and facilities used for collecting or conducting
65 wastes to an ultimate point for treatment or handling;

66 [(20)] (21) "Significant portion of his or her income" shall mean ten percent of gross
67 personal income for a calendar year, except that it shall mean fifty percent of gross personal
68 income for a calendar year if the recipient is over sixty years of age, and is receiving such portion
69 pursuant to retirement, pension, or similar arrangement;

70 [(21)] (22) "Site-specific permit", a permit written for discharges emitted from a single
71 water contaminant source and containing specific conditions, monitoring requirements and
72 effluent limits to control such discharges;

73 [(22)] (23) "Treatment facilities", any method, process, or equipment which removes,
74 reduces, or renders less obnoxious water contaminants released from any source;

75 [(23)] (24) "Water contaminant", any particulate matter or solid matter or liquid or any
76 gas or vapor or any combination thereof, or any temperature change which is in or enters any
77 waters of the state either directly or indirectly by surface runoff, by sewer, by subsurface seepage
78 or otherwise, which causes or would cause pollution upon entering waters of the state, or which
79 violates or exceeds any of the standards, regulations or limitations set forth in sections 644.006
80 to 644.141 or any federal water pollution control act, or is included in the definition of pollutant
81 in such federal act;

82 [(24)] (25) "Water contaminant source", the point or points of discharge from a single
83 tract of property on which is located any installation, operation or condition which includes any
84 point source defined in sections 644.006 to 644.141 and nonpoint source pursuant to any federal
85 water pollution control act, which causes or permits a water contaminant therefrom to enter
86 waters of the state either directly or indirectly;

87 [(25)] (26) "Water quality standards", specified concentrations and durations of water
88 contaminants which reflect the relationship of the intensity and composition of water
89 contaminants to potential undesirable effects;

90 [(26)] (27) "Waters of the state", all rivers, streams, lakes and other bodies of surface and
91 subsurface water lying within or forming a part of the boundaries of the state which are not
92 entirely confined and located completely upon lands owned, leased or otherwise controlled by

93 a single person or by two or more persons jointly or as tenants in common and includes waters
94 of the United States lying within the state.

644.026. 1. The commission shall:

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

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

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

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

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

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

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

23 (8) Adopt, amend, promulgate, or repeal after due notice and hearing, rules and
24 regulations to enforce, implement, and effectuate the powers and duties of sections 644.006 to
25 644.141 and any required of this state by any federal water pollution control act, and as the
26 commission may deem necessary to prevent, control and abate existing or potential pollution.

27 **In addition to opportunities to submit written statements or provide testimony at public**
28 **hearings in support of or in opposition to proposed rulemakings as required by section**
29 **536.021, any person who submits written comments or oral testimony on a proposed rule**
30 **shall, at any public meeting to vote on an order of rulemaking or other commission policy,**
31 **have the opportunity to respond to the proposed order of rulemaking or department of**
32 **natural resources' response to comments to the extent that such response is limited to issues**
33 **raised in oral or written comments made during the public notice comment period or**
34 **public hearing on the proposed rule;**

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

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

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

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

51 (13) Issue, continue in effect, revoke, modify or deny, under such conditions as it may
52 prescribe, to prevent, control or abate pollution or any violations of sections 644.006 to 644.141
53 or any federal water pollution control act, permits for the discharge of water contaminants into
54 the waters of this state, and for the installation, modification or operation of treatment facilities,
55 sewer systems or any parts thereof. Such permit conditions, in addition to all other requirements
56 of this subdivision, shall ensure compliance with all effluent regulations or limitations, water
57 quality related effluent limitations, national standards of performance and toxic and pretreatment
58 effluent standards, and all requirements and time schedules thereunder as established by sections
59 644.006 to 644.141 and any federal water pollution control act; however, no permit shall be
60 required of any person for any emission into publicly owned treatment facilities or into publicly
61 owned sewer systems tributary to publicly owned treatment works;

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

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

71 (16) Exercise all incidental powers necessary to carry out the purposes of sections
72 644.006 to 644.141, assure that the state of Missouri complies with any federal water pollution
73 control act, retains maximum control thereunder and receives all desired federal grants, aid and
74 benefits;

75 (17) Establish effluent and pretreatment and toxic material control regulations to further
76 the purposes of sections 644.006 to 644.141 and as required to ensure compliance with all
77 effluent limitations, water quality-related effluent limitations, national standards of performance
78 and toxic and pretreatment effluent standards, and all requirements and any time schedules
79 thereunder, as established by any federal water pollution control act for point sources in this
80 state, and where necessary to prevent violation of water quality standards of this state;

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

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

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

90 (21) Develop such facts and make such investigations as are consistent with the purposes
91 of sections 644.006 to 644.141, and, in connection therewith, to enter or authorize any
92 representative of the commission to enter at all reasonable times and upon reasonable notice in
93 or upon any private or public property for any purpose required by any federal water pollution
94 control act or sections 644.006 to 644.141 for the purpose of developing rules, regulations,
95 limitations, standards, or permit conditions, or inspecting or investigating any records required
96 to be kept by sections 644.006 to 644.141 or any permit issued pursuant to sections 644.006 to
97 644.141, any condition which the commission or director has probable cause to believe to be a
98 water contaminant source or the site of any suspected violation of sections 644.006 to 644.141,
99 regulations, standards, or limitations, or permits issued pursuant to sections 644.006 to 644.141.
100 The results of any such investigation shall be reduced to writing, and shall be furnished to the
101 owner or operator of the property. No person shall refuse entry or access, requested for the
102 purposes of inspection pursuant to this subdivision, to an authorized representative in carrying
103 out the inspection. A suitably restricted search warrant, upon a showing of probable cause in
104 writing and upon oath, shall be issued by any judge or associate circuit judge having jurisdiction
105 to any representative for the purpose of enabling him or her to make such inspection.
106 Information obtained pursuant to this section shall be available to the public unless it constitutes

107 trade secrets or confidential information, other than effluent data, of the person from whom it
108 is obtained, except when disclosure is required pursuant to any federal water pollution control
109 act;

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

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

118 (24) Require persons owning or engaged in operations which do or could discharge water
119 contaminants, or introduce water contaminants or pollutants of a quality and quantity to be
120 established by the commission, into any publicly owned treatment works or facility, to provide
121 and maintain any facilities and conduct any tests and monitoring necessary to establish and
122 maintain records and to file reports containing information relating to measures to prevent, lessen
123 or render any discharge less harmful or relating to rate, period, composition, temperature, and
124 quality and quantity of the effluent, and any other information required by any federal water
125 pollution control act or the director, and to make them public, except as provided in subdivision
126 (21) of this section. The commission shall develop and adopt such procedures for inspection,
127 investigation, testing, sampling, monitoring and entry respecting water contaminant and point
128 sources as may be required for approval of such a program pursuant to any federal water
129 pollution control act;

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

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

644.051. 1. It is unlawful for any person:

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

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

7 (3) To violate any pretreatment and toxic material control regulations, or to discharge
8 any water contaminants into any waters of the state which exceed effluent regulations or permit

9 provisions as established by the commission or required by any federal water pollution control
10 act;

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

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

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

38 4. Before issuing a permit to build or enlarge a water contaminant or point source or
39 reissuing any permit, the director shall issue such notices, conduct such hearings, and consider
40 such factors, comments and recommendations as required by sections 644.006 to 644.141 or any
41 federal water pollution control act. The director shall determine if any state or any provisions
42 of any federal water pollution control act the state is required to enforce, any state or federal
43 effluent limitations or regulations, water quality-related effluent limitations, national standards
44 of performance, toxic and pretreatment standards, or water quality standards which apply to the

45 source, or any such standards in the vicinity of the source, are being exceeded, and shall
46 determine the impact on such water quality standards from the source. The director, in order to
47 effectuate the purposes of sections 644.006 to 644.141, shall deny a permit if the source will
48 violate any such acts, regulations, limitations or standards or will appreciably affect the water
49 quality standards or the water quality standards are being substantially exceeded, unless the
50 permit is issued with such conditions as to make the source comply with such requirements
51 within an acceptable time schedule. [Prior to the development or renewal of a general permit or
52 permit by rule, for aquaculture, the director shall convene a meeting or meetings of permit
53 holders and applicants to evaluate the impacts of permits and to discuss any terms and conditions
54 that may be necessary to protect waters of the state. Following the discussions, the director shall
55 finalize a draft permit that considers the comments of the meeting participants and post the draft
56 permit on notice for public comment. The director shall concurrently post with the draft permit
57 an explanation of the draft permit and shall identify types of facilities which are subject to the
58 permit conditions. Affected public or applicants for new general permits, renewed general
59 permits or permits by rule may request a hearing with respect to the new requirements in
60 accordance with this section. If a request for a hearing is received, the commission shall hold
61 a hearing to receive comments on issues of significant technical merit and concerns related to
62 the responsibilities of the Missouri clean water law. The commission shall conduct such
63 hearings in accordance with this section. After consideration of such comments, a final action
64 on the permit shall be rendered. The time between the date of the hearing request and the
65 hearing itself shall not be counted as time elapsed pursuant to subdivision (1) of subsection 14
66 of this section.]

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

74 6. The director shall promptly notify the applicant in writing of his or her action and if
75 the permit is denied state the reasons therefor. The applicant may appeal to the commission from
76 the denial of a permit or from any condition in any permit by filing notice of appeal with the
77 commission within thirty days of the notice of denial or issuance of the permit. After a final
78 action is taken on a new or reissued general permit [template], a potential applicant for the
79 general permit who can demonstrate that he or she is or may be adversely affected by any permit
80 term or condition may appeal the terms and conditions of the general permit [template] within

81 thirty days of the department's issuance of the general permit [template. The commission shall
82 set the matter for hearing not less than thirty days after the notice of appeal is filed]. In no event
83 shall a permit constitute permission to violate the law or any standard, rule or regulation
84 promulgated pursuant thereto.

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

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

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

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

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

110 [12.] 11. Every permit issued to municipal or any publicly owned treatment works or
111 facility shall require the permittee to provide the clean water commission with adequate notice
112 of any substantial new introductions of water contaminants or pollutants into such works or
113 facility from any source for which such notice is required by sections 644.006 to 644.141 or any
114 federal water pollution control act. Such permit shall also require the permittee to notify the
115 clean water commission of any substantial change in volume or character of water contaminants
116 or pollutants being introduced into its treatment works or facility by a source which was

117 introducing water contaminants or pollutants into its works at the time of issuance of the permit.
118 Notice must describe the quality and quantity of effluent being introduced or to be introduced
119 into such works or facility by a source which was introducing water contaminants or pollutants
120 into its works at the time of issuance of the permit. Notice must describe the quality and quantity
121 of effluent being introduced or to be introduced into such works or facility and the anticipated
122 impact of such introduction on the quality or quantity of effluent to be released from such works
123 or facility into waters of the state.

124 [13.] 12. The director or the commission may require the filing or posting of a bond as
125 a condition for the issuance of permits for construction of temporary or future water treatment
126 facilities or facilities that utilize innovative technology for wastewater treatment in an amount
127 determined by the commission to be sufficient to ensure compliance with all provisions of
128 sections 644.006 to 644.141, and any rules or regulations of the commission and any condition
129 as to such construction in the permit. For the purposes of this section, "innovative technology
130 for wastewater treatment" shall mean a completely new and generally unproven technology in
131 the type or method of its application that bench testing or theory suggest has environmental,
132 efficiency, and cost benefits beyond the standard technologies. No bond shall be required for
133 designs approved by any federal agency or environmental regulatory agency of another state.
134 The bond shall be signed by the applicant as principal, and by a corporate surety licensed to do
135 business in the state of Missouri and approved by the commission. The bond shall remain in
136 effect until the terms and conditions of the permit are met and the provisions of sections 644.006
137 to 644.141 and rules and regulations promulgated pursuant thereto are complied with.

138 [14.] 13. (1) The department shall issue or deny applications for construction and
139 site-specific operating permits received after January 1, 2001, within one hundred eighty days
140 of the department's receipt of an application. For general construction and operating permit
141 applications received after January 1, 2001, that do not require a public participation process, the
142 department shall issue or deny the [requested] permits within sixty days of the department's
143 receipt of an application. **For an application seeking coverage under a renewed general
144 permit that does not require an individual public participation process, the director shall
145 issue or deny the permit within sixty days of the director's receipt of the application, or
146 upon issuance of the general permit, whichever is later. In regard to an application seeking
147 coverage under an initial general permit that does not require an individual public
148 participation process, the director shall issue or deny the permit within sixty days of the
149 department's receipt of the application. For an application seeking coverage under a
150 renewed general permit that requires an individual public participation process, the
151 director shall issue or deny the permit within ninety days of the director's receipt of the
152 application, or upon issuance of the general permit, whichever is later. In regard to an**

153 **application for an initial general permit that requires an individual public participation**
154 **process, the director shall issue or deny the permit within ninety days of the director's**
155 **receipt of the application.**

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

162 (3) Permit fee disputes may be appealed to the commission within thirty days of the date
163 established in subdivision (2) of this subsection. If the applicant prevails in a permit fee dispute
164 appealed to the commission, the commission may order the director to refund the applicant's
165 permit fee plus interest and reasonable attorney's fees as provided in sections 536.085 and
166 536.087. A refund of the initial application or annual fee does not waive the applicant's
167 responsibility to pay any annual fees due each year following issuance of a permit.

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

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

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

185 [15.] 14. The department shall respond to all requests for individual certification under
186 Section 401 of the Federal Clean Water Act within the lesser of sixty days or the allowed
187 response period established pursuant to applicable federal regulations without request for an
188 extension period unless such extension is determined by the commission to be necessary to

189 evaluate significant impacts on water quality standards and the commission establishes a
190 timetable for completion of such evaluation in a period of no more than one hundred eighty days.

191 [16.] **15.** All permit fees generated pursuant to this chapter shall not be used for the
192 development or expansion of total maximum daily loads studies on either the Missouri or
193 Mississippi rivers.

194 [17.] **16.** The department shall implement permit shield provisions equivalent to the
195 permit shield provisions implemented by the U.S. Environmental Protection Agency pursuant
196 to the Clean Water Act Section 402(k), 33 U.S.C. 1342(k), and its implementing regulations, for
197 permits issued pursuant to chapter 644.

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

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

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

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

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

225 **(5) A revised draft of a general permit template and the director's response to**
226 **comments submitted during the public comment period shall be posted on the**
227 **department's website at least forty-five days prior to issuance of the general permit. At**
228 **least forty-five days prior to issuance of the general permit the department shall notify all**
229 **persons who submitted comments to the department that these documents have been**
230 **posted to the department's website;**

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

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

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

644.071. 1. All final orders or determinations of the commission or the director made
2 pursuant to the provisions of sections 644.006 to 644.141 are subject to judicial review pursuant
3 to the provisions of chapter 536, except that, the provisions of section 536.110 notwithstanding,
4 all actions seeking judicial review of any final order or determination of the commission or the
5 director **that relates to permits affecting a utility** shall be filed in the court of appeals instead
6 of in the circuit court. No judicial review shall be available, however, unless and until all
7 administrative remedies are exhausted.

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

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

11 (a) **Issuing collection system extension permits;**

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

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

19 (2) **The exceptions provided under paragraph (c) of subdivision (1) of this**
20 **subsection do not apply when the community being served has less than three thousand**
21 **three hundred residents.**

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

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

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

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

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

44 (2) Affordability of pollution control options for the individuals or households of the
45 community;

46 (3) An evaluation of the overall costs and environmental benefits of the control
47 technologies;

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

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

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

57 (5) An assessment of other community investments relating to environmental
58 improvements;

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

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

66 [4.] 5. Prescriptive formulas and measures used in determining financial capability,
67 affordability, and thresholds for expenditure, such as median household income, should not be
68 considered to be the only indicator of a community's ability to implement control technology and
69 shall be viewed in the context of other economic conditions rather than as a threshold to be
70 achieved.

71 [5.] 6. **Reasonable time spent preparing draft affordability findings, allowing**
72 **permittees to review draft affordability findings or draft permits, or revising draft**
73 **affordability findings, shall be allowed in addition to the department's deadlines for**
74 **making permitting decisions pursuant to section 644.051.**

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

78 [6.] 8. The department of natural resources' findings under this section may be appealed
79 to the commission pursuant to subsection 6 of section 644.051.

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

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

5 (2) Pressure vessels used for the transportation and storage of compressed gases or
6 liquefied petroleum gases which comply with the standards promulgated by the National Fire
7 Protection Association as adopted pursuant to chapter 323 or the United States Department of
8 Transportation regulations, as appropriate to the use of the vessel;

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

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

13 (5) Pressure vessels that do not exceed:

14 (a) [Fifteen cubic feet in volume and two hundred fifty psig when not located in a place
15 of public assembly] **An operating pressure of fifteen psig;**

16 (b) [Five] **One and one-half** cubic feet in volume [and two hundred fifty psig when
17 located in a place of public assembly; or] **with no limitation on pressure;**

18 (c) [One and one-half cubic feet in volume or] An inside diameter of six inches with no
19 limitation on pressure; **or**

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

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

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

26 [(8)] **(7)** Boilers and pressure vessels located on farms and used solely for agricultural
27 purposes;

28 [(9)] **(8)** Any boiler constructed, reconstructed or maintained as a personal hobby or for
29 other recreation purposes; and

30 [(10)] **(9)** Vessels containing water and operating as water softeners, water filters,
31 dealkalizers, demineralizers and cold water storage tanks when:

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

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

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

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

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

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

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

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

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

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

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

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

701.550. 1. As used in this section the following terms mean:

2 (1) "Anemometer", an instrument for measuring and recording the speed of the
3 wind;

4 (2) "Anemometer tower", a structure, including all guy wires and accessory
5 facilities, that has been constructed solely for the purpose of mounting an anemometer to
6 document whether a site has wind resources sufficient for the operation of a wind turbine
7 generator;

8 (3) "Area surrounding the anchor point", an area not less than sixty-four square
9 feet whose outer boundary is at least four feet from the anchor point.

10 **2. Any anemometer tower that is fifty feet in height above the ground or higher that**
11 **is located outside the exterior boundaries of any municipality, and whose appearance is not**
12 **otherwise mandated by state or federal law, shall be marked, painted, flagged, or otherwise**
13 **constructed to be recognizable in clear air during daylight hours. Any anemometer tower**
14 **that was erected before August 28, 2012, shall be marked as required in this section by**
15 **January 1, 2014. Any anemometer tower that is erected on or after August 28, 2012, shall**
16 **be marked as required in this section at the time it is erected. Marking required under this**
17 **section includes marking the anemometer tower, guy wires, and accessory facilities as**
18 **follows:**

19 **(1) The top one-third of the anemometer tower shall be painted in equal,**
20 **alternating bands of aviation orange and white, beginning with orange at the top of the**
21 **tower and ending with orange at the bottom of the marked portion of the tower;**

22 **(2) Two marker balls shall be attached to and evenly spaced on each of the outside**
23 **guy wires;**

24 **(3) The area surrounding each point where a guy wire is anchored to the ground**
25 **shall have a contrasting appearance with any surrounding vegetation. If the adjacent land**
26 **is grazed, the area surrounding the anchor point shall be fenced; and**

27 **(4) One or more seven-foot safety sleeves shall be placed at each anchor point and**
28 **shall extend from the anchor point along each guy wire attached to the anchor point.**

29 **3. A violation of this section is a class B misdemeanor.**

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

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

(1) 1993, ten percent;

(2) 1994, twenty percent;

(3) 1995, thirty percent;

(4) 1996, forty percent;

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

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

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

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