

SECOND REGULAR SESSION

# HOUSE BILL NO. 1724

92ND GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE PRATT.

Read 1<sup>st</sup> time April 4, 2004, and copies ordered printed.

STEPHEN S. DAVIS, Chief Clerk

4343L.03I

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## AN ACT

To repeal section 414.022, RSMo, and to enact in lieu thereof one new section relating to fuel storage, with an emergency clause.

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

Section A. Section 414.022, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 414.022, to read as follows:

414.022. 1. The state of Missouri hereby preempts the field of regulating the inspection of and providing specifications for any substance regulated by sections 414.012 to 414.152 and it shall be unlawful for any political subdivision to impose by ordinance, order, or regulation any restriction on the use or sale of any substance regulated by this chapter.

2. **The preemption in this section shall not apply to the installation or placement of any storage tank with a capacity of forty-eight thousand gallons or more used for storing fuels regulated by this chapter located in any county with a charter form of government and with more than six hundred thousand but less than seven hundred thousand inhabitants. Such tanks may be regulated by order or ordinance of any political subdivision in which the tank is located.**

Section B. Because immediate action is necessary to allow political subdivisions to regulate fuel storage tanks, section A of this act is deemed necessary for the immediate preservation of the public health, welfare, peace, and safety, and is hereby declared to be an emergency act within the meaning of the constitution, and section A of this act shall be in full force and effect upon its passage and approval.