

SECOND REGULAR SESSION

[CORRECTED]

HOUSE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 760

96TH GENERAL ASSEMBLY

5714H.04C

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal sections 34.032, 59.319, 60.510, 60.530, 60.540, 60.560, 60.570, 60.580, 60.590, 60.595, 60.610, 60.620, 67.4505, 252.043, 260.255, 260.330, 260.392, 292.606, 306.127, 393.1000, 393.1003, 571.010, 571.020, 571.030, 571.101, 571.111, 571.117, 577.073, 640.100, and 644.026, RSMo, and to enact in lieu thereof thirty-one new sections relating to outdoor resources, with penalty provisions and an emergency clause for certain sections.

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

Section A. Sections 34.032, 59.319, 60.510, 60.530, 60.540, 60.560, 60.570, 60.580, 2 60.590, 60.595, 60.610, 60.620, 67.4505, 252.043, 260.255, 260.330, 260.392, 292.606, 3 306.127, 393.1000, 393.1003, 571.010, 571.020, 571.030, 571.101, 571.111, 571.117, 577.073, 4 640.100, and 644.026, RSMo, are repealed and thirty-one new sections enacted in lieu thereof, 5 to be known as sections 29.380, 34.032, 59.319, 60.510, 60.530, 60.540, 60.560, 60.570, 60.580, 6 60.590, 60.595, 60.610, 60.620, 67.4505, 252.043, 260.330, 260.373, 260.392, 292.606, 7 306.127, 393.1000, 393.1003, 571.010, 571.020, 571.030, 571.101, 571.111, 571.117, 577.073, 8 640.100, and 644.026, to read as follows:

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

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

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.

34.032. 1. The provisions of section 34.040 to the contrary notwithstanding, each department and agency of the state government, including the general assembly, shall purchase, in the manner provided by law, and use recycled paper when recycled paper can be obtained that is comparable to the quality presently used by the department or agency and if the price is competitive. For the purposes of this section, "competitive" means a price within ten percent of the price of items which are manufactured or produced from virgin materials. Attainment goals for the percentage of paper products to be purchased that utilize post-consumer recovered materials shall be:

- (1) Ten percent in 1991 and 1992;
- (2) Twenty-five percent in 1993 and 1994;
- (3) Forty percent in 1995; and
- (4) Sixty percent by 2000.

2. Each department and agency of state government shall also purchase a minimum of fifteen percent recycled motor oil for use in motor vehicles.

3. Each department and agency of state government shall cause to be recycled:

- (1) A minimum of twenty-five percent of paper products used or fifty percent of the paper disposed of, whichever is greater;
- (2) Seventy-five percent of all used motor oil.

4. Each department and state agency shall, to the maximum extent practicable, separate plastics, paper, metals and other recyclable items by July 1, 1990.

5. By January 1, 1990, each department and state agency shall develop, in cooperation with the office of administration, and implement a policy for recycling and waste reduction. Each department and agency shall collect and recycle waste paper and empty aluminum beverage containers generated by employee activity. The office of the governor and the general assembly shall implement a policy for recycling and waste reduction and shall collect and recycle waste paper and aluminum beverage containers generated within its facilities. Recycling programs for agency offices located outside of the city of Jefferson may be coordinated through the office of administration or operated locally provided that the office of administration reviews and approves such programs. Proceeds from the sale of recycled materials may be used to offset costs of the recycling program. Any moneys found by the office of administration to be in excess of costs incurred shall be transferred to the department of social services to be used by the heating assistance program pursuant to sections 660.100 to 660.135.

6. The department of higher education, in cooperation with the office of administration and state colleges and universities, shall develop and distribute guidelines for waste reduction and the collection of recyclable materials generated in classrooms, administrative offices, dormitories, cafeterias and similar campus locations.

37 7. Bid specifications for solid waste management services issued by any department or
38 agency of state government shall be designed to meet the objectives of sections [260.255]
39 **260.260** to 260.325, encourage small businesses to engage and compete in the delivery of waste
40 management services and to minimize the long run cost of managing solid waste. Bid
41 specifications shall enumerate the minimum components and minimum quantities of waste
42 products which shall be recycled by the successful bidder. Bids for solid waste management
43 services to state departments and agencies located within the seat of government shall be issued
44 in units in order to maximize opportunities for small business to provide solid waste
45 management services to the state. Each department and agency shall designate one person in an
46 existing position to serve as a solid waste management coordinator to ensure that the agency and
47 the office of administration cooperate to meet the requirements of this section.

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

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

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

23 **(1) The amount of one dollar for each fee collected under subsection 1 of this section [to**
24 **an account to be utilized for the purposes of sections 60.500 to 60.610] shall be paid to the state**
25 **treasurer and credited to the "Missouri Land Survey Fund" which is hereby created to be**

26 utilized for the purposes of sections 60.510 to 60.620 and section 60.670. The state
27 treasurer shall be custodian of the fund and shall approve disbursements from the fund
28 in accordance with sections 30.170 and 30.180, RSMo. Any funds previously collected by
29 the state treasurer to be utilized for the purposes of sections 60.510 to 60.610 and section
30 60.670 shall transfer to the Missouri land survey fund. Any portion of the fund not
31 immediately needed for the purposes authorized shall be invested by the state treasurer as
32 provided by the constitution and laws of this state. All income, interest, and moneys
33 earned from such investments shall be deposited in the Missouri land survey fund. Any
34 unexpended balance in the fund at the end of the fiscal year is exempt from the provisions
35 of section 33.080 relating to the transfer of unexpended balances to the general revenue
36 funds;

37 (2) The amount of one dollar for each fee collected under subsection 1 of this section to
38 an account to be utilized by the secretary of state for additional preservation of local records; and
39 (3) The amount of three dollars collected under subsection 2 of this section into the
40 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] **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;

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 surveyor 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 land survey commission shall**
10 **recommend to the department 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 created. All funds received by the department of natural resources from the delivery of services and the sale or resale of maps, plats, reports, studies, records and other publications and documents **and surveying information, on paper or in electronic format** by the department shall be credited to the fund. The director of the department shall administer the fund. The state treasurer is the custodian of the fund and shall approve disbursements from the fund requested by the director of the department. When appropriated, moneys in the fund shall be used to purchase goods [or] , **equipment, hardware and software, maintenance and licenses, software and database development and maintenance, personal services, and other services** that will ultimately be used to **provide copies of information maintained or provided by the land survey program**, reprint maps, publications or other documents requested by governmental agencies or members of the general public; to publish the maps, publications or other documents or to purchase maps, publications or other documents for resale; and to pay shipping charges, laboratory services, core library fees, [workshops] **workshop fees**, [conferences] **conference fees**, interdivisional cooperative agreements, but for no other purpose.

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

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

60.610. Whenever the department of natural resources deems it expedient, and when funds appropriated permit, the department of natural resources may enter into any contract with agencies of the United States, with agencies of other states, or with private persons, registered land surveyors or professional engineers, in order to plan and execute desired land surveys or geodetic surveys, or to plan and execute other projects which are within the scope and purpose 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] **Commission**", within the department of natural resources. The [committee] **commission** shall consist of [five] **seven** members appointed by the [director of the department of natural resources] **governor**. Members of the [committee] **commission** shall hold office for terms of three years, but of the original appointments, two members shall serve for one year, two members shall serve for two years, and [one member] **two members** shall serve for three years. **Members may serve only three consecutive terms on the commission.**

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

10 members shall be registered land surveyors, one of which shall be a county surveyor. One
11 member shall represent the real estate or land title industry. **The director of the department**
12 **of natural resources or his or her designee shall serve as a member of the commission. One**
13 **member shall represent the public and have an interest and knowledge of land surveying.**
14 **The six public members shall be appointed by the governor with advice and consent of the**
15 **senate and each shall serve until his or her successor is duly appointed.**

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

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

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

29 6. **The land survey commission shall recommend to the department of natural**
30 **resources a person to be selected and appointed state land surveyor, who shall be the chief**
31 **administrative officer of the land survey program. The state land surveyor shall be**
32 **selected under the state merit system on the basis of professional experience and**
33 **registration.**

34 [6.] 7. **The land survey commission shall recommend to the department of natural**
35 **resources prioritization and execution of projects which are within the scope and purpose**
36 **of sections 60.510 to 60.620 and section 60.670.**

37 8. **The land survey commission shall recommend to the department of natural**
38 **resources prioritization and selection of public land survey corner monuments to be**
39 **reestablished through the county cooperative contracts in accordance with sections 8.285**
40 **to 8.291.**

41 9. **The land survey commission shall recommend to the department of natural**
42 **resources approval of all other contracts for the planning and execution of projects which**
43 **are within the scope and purpose of sections 60.510 to 60.620 and section 60.670 and in**
44 **accordance with sections 8.285 to 8.291.**

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

48 **11. No later than December 1, 2013, the commission shall produce a report to the**
49 **department and general assembly that recommends the appropriate administrative or**
50 **overhead cost rate that will be charged to the program and includes all indirect services**
51 **provided by the division, department, 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.

252.043. 1. **Except as provided in subsection 2 of this section,** the commission may
2 suspend, revoke or deny a hunting permit or privilege for a maximum of five years when a
3 person, while hunting, inflicts injury by firearm or other weapon to another person who is
4 mistaken for game.

5 **2. The commission may suspend, revoke or deny a hunting permit or privilege for**
6 **a maximum of ten years when a person, while hunting, uses a firearm or other weapon to**
7 **kill or injure another person and as a result is convicted of first degree murder under**
8 **section 565.020, second degree murder under section 565.021, voluntary manslaughter**
9 **under section 565.023, involuntary manslaughter under section 565.024, first degree assault**
10 **under section 565.050, or second degree assault under section 565.060.**

11 **3.** No suspension, revocation or denial shall occur until an opportunity has been afforded
12 for a hearing before the commission. Any person who is determined by the commission to have
13 inflicted injury by firearm or other weapon shall be required to successfully complete a
14 department-approved hunter safety course before his or her hunting permit or privilege shall be
15 restored. The commission's proceeding shall be a contested case pursuant to chapter 536 and any
16 person aggrieved by a final decision shall be entitled to judicial review as provided in chapter
17 536.

 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] **beyond** October 1, 2005, [to October 1, 2014,] except an
13 adjustment amount consistent with the need to fund the operating costs of the department and
14 taking into account any annual percentage increase in the total of the volumetric equivalent of
15 solid waste accepted in the prior year at solid waste sanitary landfills and demolition landfills and
16 solid waste to be transported out of this state for disposal that is accepted at transfer stations. No
17 annual increase [during] **beyond** October 1, 2005, [to October 1, 2014,] shall exceed the
18 percentage increase measured by the Consumer Price Index for All Urban Consumers for the
19 United States, or its successor index, as defined and officially recorded by the United States
20 Department of Labor or its successor agency and calculated on the percentage of revenues
21 dedicated under subdivision (1) of subsection 2 of section 260.335. Any such annual adjustment
22 shall only be made at the discretion of the director, subject to appropriations. Collection costs
23 shall be established by the department and shall not exceed two percent of the amount collected
24 pursuant to this section.

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

27 3. The charges established in this section shall be enumerated separately from the
28 disposal fee charged by the landfill and may be passed through to persons who generated the
29 solid waste. Moneys shall be transmitted to the department shall be no less than the amount

30 collected less collection costs and in a form, manner and frequency as the department shall
31 prescribe. The provisions of section 33.080 to the contrary notwithstanding, moneys in the
32 account shall not lapse to general revenue at the end of each biennium. Failure to collect the
33 charge does not relieve the operator from responsibility for transmitting an amount equal to the
34 charge to the department.

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

40 5. Effective October 1, 1990, any person who operates a transfer station in Missouri shall
41 transmit a fee to the department for deposit in the solid waste management fund which is equal
42 to one dollar and fifty cents per ton or its volumetric equivalent of solid waste accepted. Such
43 fee shall be applicable to all solid waste to be transported out of the state for disposal. On
44 October 1, 1992, and thereafter, the charge imposed herein shall be adjusted annually by the
45 same percentage as the increase in the general price level as measured by the Consumer Price
46 Index for All Urban Consumers for the United States, or its successor index, as defined and
47 officially recorded by the United States Department of Labor or its successor agency. No annual
48 adjustment shall be made to the charge imposed under this subsection [during] **beyond** October
49 1, 2005, [to October 1, 2014,] except an adjustment amount consistent with the need to fund the
50 operating costs of the department and taking into account any annual percentage increase in the
51 total of the volumetric equivalent of solid waste accepted in the prior year at solid waste sanitary
52 landfills and demolition landfills and solid waste to be transported out of this state for disposal
53 that is accepted at transfer stations. No annual increase [during] **beyond** October 1, 2005, [to
54 October 1, 2014,] shall exceed the percentage increase measured by the Consumer Price Index
55 for All Urban Consumers for the United States, or its successor index, as defined and officially
56 recorded by the United States Department of Labor or its successor agency and calculated on the
57 percentage of revenues dedicated under subdivision (1) of subsection 2 of section 260.335. Any
58 such annual adjustment shall only be made at the discretion of the director, subject to
59 appropriations. The department shall prescribe rules and regulations governing the transmittal
60 of fees and verification of waste volumes transported out of state from transfer stations.
61 Collection costs shall also be established by the department and shall not exceed two percent of
62 the amount collected pursuant to this subsection. A transfer station with the sole function of
63 separating materials for recycling or resource recovery activities shall not be subject to the fee
64 imposed in this subsection.

65 6. Each political subdivision which owns an operational solid waste disposal area may
66 designate, pursuant to this section, up to two free disposal days during each calendar year. On
67 any such free disposal day, the political subdivision shall allow residents of the political
68 subdivision to dispose of any solid waste which may be lawfully disposed of at such solid waste
69 disposal area free of any charge, and such waste shall not be subject to any state fee pursuant to
70 this section. Notice of any free disposal day shall be posted at the solid waste disposal area site
71 and in at least one newspaper of general circulation in the political subdivision no later than
72 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 40 CFR 260, 261, 262, 264, 265, 268, and 270,**
5 **as promulgated pursuant to Subtitle C of the Resource Conservation and Recovery Act,**
6 **as amended;**

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

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

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 or reporting periods;**

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

22 **(d) Requirements that hazardous waste generators display hazard labels on**
23 **containers and tanks during the time that hazardous waste is stored onsite;**

24 **(e) Exclusions for hazardous secondary materials used to make zinc fertilizers in 40**
25 **CFR 261.4; and**

26 **(f) Exclusions for hazardous secondary materials that are burned for fuel or that**
27 **are recycled.**

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

31 **3. No later than July 31, 2014, the department shall identify rules in title 10, code**
32 **of state regulations, division 25, chapters 2, 4, 5, or 7 that are inconsistent with the**
33 **provisions of subsection 1 of this section. The department shall thereafter file with the**
34 **secretary of state any amendments necessary to ensure that such rules are not inconsistent**
35 **with the provisions of subsection 1 of this section. On July 31, 2016, any rule contained in**
36 **title 10, code of state regulations, division 25, chapters 3, 4, 5, or 7 that remains inconsistent**
37 **with the provisions of subsection 1 of this section shall be null and void to the extent that**
38 **it is inconsistent.**

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

42 **5. The department is prohibited from selectively excluding any rule or portion of**
43 **a rule promulgated by the commission from any authorization application package, or**
44 **program revision, submitted to the United States Environmental Protection Agency under**
45 **40 CFR 271.1 and 271.5.**

46 **6. Any rule or portion of a rule, as that term is defined in section 536.010, that is**
47 **created under the authority delegated in this section shall become effective only if it**
48 **complies with and is subject to all of the provisions of chapter 536 and, if applicable,**
49 **section 536.028. This section and chapter 536 are nonseverable and if any of the powers**
50 **vested with the general assembly under chapter 536 to review, to delay the effective date,**
51 **or to disapprove and annul a rule are subsequently held unconstitutional, then the grant**
52 **of rulemaking authority and any rule proposed or adopted after August 28, 2012, shall be**
53 **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 through or within the
46 state by truck of high-level radioactive waste, transuranic radioactive waste[,] **or** spent nuclear
47 fuel [or highway route controlled quantity] shipments. All casks of high-level radioactive waste,
48 transuranic radioactive waste[,] **or** spent nuclear fuel[, or highway route controlled quantity]
49 shipments transported by truck are subject to a surcharge of twenty-five dollars per mile for every
50 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] **following**
104 shipment.

105 9. **(1)** Notice of any shipment of high-level radioactive waste, transuranic radioactive
106 waste, highway route controlled quantity shipments, or spent nuclear fuel through or within the
107 state shall be provided by the shipper to the governor's designee for advanced notification, as
108 described in 10 CFR Parts 71 and 73, as amended, prior to such shipment entering the state.
109 Notice of any shipment of low-level radioactive waste through or within the state shall be
110 provided by the shipper to the Missouri department of natural resources before such shipment
111 enters the state.

112 **(2) All vehicles and carriers transporting highway route controlled quantities of**
113 **radioactive material are regulated by the United States Department of Transportation and**
114 **required to pass the North American Standard Level VI Inspection for Transuranic Waste**
115 **and Highway Route Controlled Quantities of Radioactive Material at the point of origin.**

If a highway route controlled quantity shipment of a material has been the subject of a point of origin level VI inspection and has passed the inspection, the shipment shall not otherwise be subject to an additional inspection unless such inspection is determined to be necessary at the discretion of state safety resources. If escort services are provided by state resources, the Missouri state highway patrol shall establish procedures and fees to provide for the reimbursement of escort services only. The fees may include an annual payment not to exceed two thousand dollars and a per trip fee of five hundred dollars. The procedures shall require the payment of the per trip fee only after the escort has been completed. All revenue generated from the fees established in this section shall be deposited into the environmental radiation monitoring fund established in section 260.750 and shall be used by the department of natural resources for purposes related to the shipment of radioactive materials.

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

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

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

13. Under section 23.253 of the Missouri sunset act:

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

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

(3) This section shall terminate on September first of the calendar year immediately 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.

306.127. 1. Beginning January 1, 2005, every person born after January 1, 1984, or as required pursuant to section 306.128, who operates a vessel on the lakes of this state shall possess, on the vessel, a boating safety identification card issued by the Missouri state water patrol or its agent which shows that he or she has:

(1) Successfully completed a boating safety course approved by the National Association of State Boating Law Administrators and certified by the Missouri state water patrol. The boating safety course may include a course sponsored by the United States Coast Guard Auxiliary or the United States Power Squadron. The Missouri state water patrol may appoint agents to administer a boater education course or course equivalency examination and issue boater identification cards under guidelines established by the water patrol. The Missouri state water patrol shall maintain a list of approved courses; or

(2) Successfully passed an equivalency examination prepared by the Missouri state water patrol and administered by the Missouri state water patrol or its agent. The equivalency examination shall have a degree of difficulty equal to, or greater than, that of the examinations given at the conclusion of an approved boating safety course; or

(3) A valid master's, mate's, or operator's license issued by the United States Coast Guard.

2. The Missouri state water patrol or its agent shall issue a permanent boating safety identification card to each person who complies with the requirements of this section which is valid for life unless invalidated pursuant to law.

3. The Missouri state water patrol may charge a fee for such card or any replacement card that does not substantially exceed the costs of administering this section. The Missouri state water patrol or its designated agent shall collect such fees. These funds shall be forwarded to general revenue.

4. The provisions of this section shall not apply to any person who:

(1) Is licensed by the United States Coast Guard to serve as master of a vessel;

(2) Operates a vessel only on a private lake or pond that is not classified as waters of the state;

(3) Until January 1, 2006, is a nonresident who is visiting the state for sixty days or less;

(4) Is participating in an event or regatta approved by the water patrol;

(5) Is a nonresident who has proof of a valid boating certificate or license issued by another state if the boating course is approved by the National Association of State Boating Law Administrators (NASBLA);

(6) Is exempted by rule of the water patrol;

(7) Is currently serving in any branch of the United States armed forces, reserves, or Missouri national guard, or any spouse of a person currently in such service; or

37 (8) Has previously successfully completed a boating safety education course approved
38 by the National Association of State Boating Law Administrators (NASBLA).

39 5. The Missouri state water patrol shall inform other states of the requirements of this
40 section.

41 6. No individual shall be detained or stopped strictly for the purpose of checking whether
42 the individual possesses a boating safety identification card or a temporary boater education
43 permit.

44 7. [Beginning January 1, 2006, any nonresident born after January 1, 1984, desiring to
45 operate a rental vessel on the lakes of this state, may obtain a temporary boater education permit
46 by completing and passing a written examination developed by the Missouri state water patrol,
47 provided the person meets the minimum age requirements for operating a vessel in this state.
48 The Missouri state water patrol is authorized to promulgate rules for developing the examination
49 and any requirements necessary for issuance of the temporary boater education permit. The
50 temporary boater education permit shall expire when the nonresident obtains a permanent
51 identification card pursuant to subsection 2 of this section or thirty days after issuance, whichever
52 occurs first. The Missouri state water patrol may charge a fee not to exceed ten dollars for such
53 temporary permit. Upon successful completion of an examination and prior to renting a vessel,
54 the business entity responsible for giving the examination shall collect such fee and forward all
55 collected fees to the Missouri state water patrol on a monthly basis for deposit in the state general
56 revenue fund. Such business entity shall incur no additional liability in accepting the
57 responsibility for administering the examination. This subsection shall terminate on December
58 31, 2010.] **Any person or company that rents or sells vessels may issue a temporary boating
59 safety identification card to a nonresident of the state to operate a rented vessel or a vessel
60 being considered for sale, for a period of up to seven days, provided that the individual
61 meets the minimum age requirements for operating a vessel in this state. In order to
62 qualify for the temporary boating safety identification card, the applicant shall provide a
63 valid driver's license establishing that the applicant is a nonresident and shall sign an
64 affidavit that he or she has reviewed the Missouri State Highway Patrol Handbook of
65 Missouri Boating Laws and Responsibilities. Any nonresident holding a valid temporary
66 boating safety identification card shall be deemed in compliance with the requirements of
67 this section. The Missouri state highway patrol shall charge a fee of nine dollars for such
68 temporary boating safety identification card. Nonresidents shall not be eligible for more
69 than one temporary boating safety identification card. No person or company may issue
70 a temporary boating safety identification card to a nonresident under the provisions of this
71 subsection unless such person or company is capable of submitting the applicant's
72 temporary boating safety identification card information and payment in an electronic**

73 **format as prescribed by the Missouri state highway patrol. The business entity issuing a**
74 **temporary boating safety identification card to a nonresident under the provisions of this**
75 **subsection shall transmit the applicant's temporary boating safety identification card**
76 **information electronically to the Missouri state highway patrol, in a manner and format**
77 **prescribed by the superintendent, using an electronic online registration process developed**
78 **and provided by the Missouri state highway patrol. The electronic online process**
79 **developed and provided by the Missouri state highway patrol shall allow the applicant to**
80 **pay the temporary boating safety identification card fee by credit card or debit card.**
81 **Notwithstanding any provision in section 306.185 to the contrary, all fees collected under**
82 **the authority of this subsection shall be deposited in the water patrol division fund. The**
83 **Missouri state highway patrol shall promulgate rules for developing the temporary boating**
84 **safety identification card and any requirements necessary to the issuance, processing, and**
85 **payment of the temporary boating safety identification card. The Missouri state highway**
86 **patrol shall, by rule, develop a boating safety checklist for each applicant seeking a**
87 **temporary boating safety identification card. The provisions of this subsection shall expire**
88 **on December 31, 2022.**

393.1000. As used in sections 393.1000 to 393.1006, the following terms mean:

- 2 (1) "Appropriate pretax revenues", the revenues necessary to produce net operating
3 income equal to:
 - 4 (a) The water corporation's weighted cost of capital multiplied by the net original cost
5 of eligible infrastructure system replacements, including recognition of accumulated deferred
6 income taxes and accumulated depreciation associated with eligible infrastructure system
7 replacements which are included in a currently effective ISRS; and
 - 8 (b) Recover state, federal, and local income or excise taxes applicable to such income;
9 and
 - 10 (c) Recover all other ISRS costs;
- 11 (2) "Commission", the Missouri public service commission;
- 12 (3) "Eligible infrastructure system replacements"[,] :
 - 13 (a) Water utility plant projects that:
 - 14 [(a)] a. Replace or extend the useful life of existing infrastructure;
 - 15 [(b)] b. Are in service and used and useful;
 - 16 [(c)] c. Do not increase revenues by directly connecting the infrastructure replacement
17 to new customers; and
 - 18 [(d)] d. Were not included in the water corporation's rate base in its most recent general
19 rate case; and
 - 20 (b) Energy efficiency projects that:

- 21 **a. Are in service and used and useful;**
22 **b. Do not increase revenues by directly connecting the infrastructure replacements**
23 **to new customers; and**
24 **c. Were not included in the water corporation's rate base in its most recent general**
25 **rate case;**
26 (4) "Energy efficiency", measures that reduce the amount of energy required to
27 achieve a given end result;
28 (5) "ISRS", infrastructure system replacement surcharge;
29 [(5)] (6) "ISRS costs", depreciation expenses and property taxes that will be due within
30 twelve months of the ISRS filing;
31 [(6)] (7) "ISRS revenues", revenues produced through an ISRS, exclusive of revenues
32 from all other rates and charges;
33 [(7)] (8) "Water corporation", every corporation, company, association, joint stock
34 company or association, partnership, and person, their lessees, trustees, or receivers appointed
35 by any court whatsoever, owning, operating, controlling, or managing any plant or property, dam
36 or water supply, canal, or power station, distributing or selling for distribution, or selling or
37 supplying for gain any water [to more than ten thousand customers];
38 [(8)] (9) "Water utility plant projects" may consist only of the following:
39 (a) Mains, [and associated] valves [and] , hydrants, **service lines, and meters** installed
40 as replacements for existing facilities that have worn out or are in deteriorated condition **or**
41 **replaced as part of a commission order;**
42 (b) Main cleaning and relining projects; [and]
43 (c) Facilities relocations required due to construction or improvement of a highway,
44 road, street, public way, or other public work by or on behalf of the United States, this state, a
45 political subdivision of this state, or another entity having the power of eminent domain provided
46 that the costs related to such projects have not been reimbursed to the water corporation; **and**
47 **(d) Energy efficiency projects.**

393.1003. 1. Notwithstanding any provisions of chapter 386, RSMo, and this chapter
2 to the contrary, as of August 28, [2003] **2012**, a water corporation [providing water service in
3 a county with a charter form of government and with more than one million inhabitants] may file
4 a petition and proposed rate schedules with the commission to establish or change ISRS rate
5 schedules that will allow for the adjustment of the water corporation's rates and charges to
6 provide for the recovery of costs for eligible infrastructure system replacements [made in such
7 county with a charter form of government and with more than one million inhabitants;] ,
8 provided that an ISRS, on an annualized basis, must produce ISRS revenues of at least one
9 million dollars, **or ten thousand dollars for a small water corporation as defined in section**

10 **393.146**, but not in excess of ten percent of the water corporation's base revenue level approved
11 by the commission in the water corporation's most recent general rate proceeding. An ISRS and
12 any future changes thereto shall be calculated and implemented in accordance with the provisions
13 of sections 393.1000 to 393.1006. ISRS revenues shall be subject to refund based upon a finding
14 and order of the commission, to the extent provided in subsections 5 and 8 of section 393.1006.

15 2. The commission shall not approve an ISRS for a water corporation [in a county with
16 a charter form of government and with more than one million inhabitants] that has not had a
17 general rate proceeding decided or dismissed by issuance of a commission order within the past
18 three years, unless the water corporation has filed for or is the subject of a new general rate
19 proceeding.

20 3. In no event shall a water corporation collect an ISRS for a period exceeding three
21 years unless the water corporation has filed for or is the subject of a new general rate proceeding;
22 provided that the ISRS may be collected until the effective date of new rate schedules established
23 as a result of the new general rate proceeding, or until the subject general rate proceeding is
24 otherwise decided or dismissed by issuance of a commission order without new rates being
25 established.

571.010. As used in this chapter, the following terms shall mean:

2 (1) "Antique, curio or relic firearm", any firearm so defined by the National Gun Control
3 Act, 18 U.S.C. Title 26, Section 5845, and the United States Treasury/Bureau of Alcohol
4 Tobacco and Firearms, 27 CFR section 178.11:

5 (a) "Antique firearm" is any firearm not designed or redesigned for using rim fire or
6 conventional center fire ignition with fixed ammunition and manufactured in or before 1898, said
7 ammunition not being manufactured any longer; this includes any matchlock, wheel lock,
8 flintlock, percussion cap or similar type ignition system, or replica thereof;

9 (b) "Curio or relic firearm" is any firearm deriving value as a collectible weapon due to
10 its unique design, ignition system, operation or at least fifty years old, associated with a historical
11 event, renown personage or major war;

12 (2) "Blackjack", any instrument that is designed or adapted for the purpose of stunning
13 or inflicting physical injury by striking a person, and which is readily capable of lethal use;

14 (3) "Blasting agent", any material or mixture, consisting of fuel and oxidizer that is
15 intended for blasting, but not otherwise defined as an explosive under this section, provided that
16 the finished product, as mixed for use of shipment, cannot be detonated by means of a numbered
17 8 test blasting cap when unconfined;

18 (4) "Concealable firearm", any firearm with a barrel less than sixteen inches in length,
19 measured from the face of the bolt or standing breech;

- 20 (5) "Deface", to alter or destroy the manufacturer's or importer's serial number or any
21 other distinguishing number or identification mark;
- 22 (6) "Detonator", any device containing a detonating charge that is used for initiating
23 detonation in an explosive, including but not limited to, electric blasting caps of instantaneous
24 and delay types, nonelectric blasting caps for use with safety fuse or shock tube and detonating
25 cord delay connectors;
- 26 (7) "Explosive weapon", any explosive, incendiary, or poison gas bomb or similar device
27 designed or adapted for the purpose of inflicting death, serious physical injury, or substantial
28 property damage; or any device designed or adapted for delivering or shooting such a weapon.
29 For the purposes of this subdivision, the term "explosive" shall mean any chemical compound
30 mixture or device, the primary or common purpose of which is to function by explosion,
31 including but not limited to, dynamite and other high explosives, pellet powder, initiating
32 explosives, detonators, safety fuses, squibs, detonating cords, igniter cords, and igniters or
33 blasting agents;
- 34 (8) "Firearm", any weapon that is designed or adapted to expel a projectile by the action
35 of an explosive;
- 36 (9) "Firearm silencer", any instrument, attachment, or appliance that is designed or
37 adapted to muffle the noise made by the firing of any firearm;
- 38 (10) "Gas gun", any gas ejection device, weapon, cartridge, container or contrivance
39 other than a gas bomb that is designed or adapted for the purpose of ejecting any poison gas that
40 will cause death or serious physical injury, but not any device that ejects a repellant or temporary
41 incapacitating substance;
- 42 (11) "Intoxicated", substantially impaired mental or physical capacity resulting from
43 introduction of any substance into the body;
- 44 (12) "Knife", any dagger, dirk, stiletto, or bladed hand instrument that is readily capable
45 of inflicting serious physical injury or death by cutting or stabbing a person. For purposes of this
46 chapter, "knife" does not include any ordinary pocketknife with no blade more than four inches
47 in length **or hunting knife whether fixed blade or folding in nature;**
- 48 (13) "Knuckles", any instrument that consists of finger rings or guards made of a hard
49 substance that is designed or adapted for the purpose of inflicting serious physical injury or death
50 by striking a person with a fist enclosed in the knuckles;
- 51 (14) "Machine gun", any firearm that is capable of firing more than one shot
52 automatically, without manual reloading, by a single function of the trigger;
- 53 (15) "Projectile weapon", any bow, crossbow, pellet gun, slingshot or other weapon that
54 is not a firearm, which is capable of expelling a projectile that could inflict serious physical
55 injury or death by striking or piercing a person;

56 (16) "Rifle", any firearm designed or adapted to be fired from the shoulder and to use
57 the energy of the explosive in a fixed metallic cartridge to fire a projectile through a rifled bore
58 by a single function of the trigger;

59 (17) "Short barrel", a barrel length of less than sixteen inches for a rifle and eighteen
60 inches for a shotgun, both measured from the face of the bolt or standing breech, or an overall
61 rifle or shotgun length of less than twenty-six inches;

62 (18) "Shotgun", any firearm designed or adapted to be fired from the shoulder and to use
63 the energy of the explosive in a fixed shotgun shell to fire a number of shot or a single projectile
64 through a smooth bore barrel by a single function of the trigger;

65 (19) "Spring gun", any fused, timed or nonmanually controlled trap or device designed
66 or adapted to set off an explosion for the purpose of inflicting serious physical injury or death;

67 (20) "Switchblade knife", any knife which has a blade that folds or closes into the handle
68 or sheath, and:

69 (a) That opens automatically by pressure applied to a button or other device located on
70 the handle; or

71 (b) That opens or releases from the handle or sheath by the force of gravity or by the
72 application of centrifugal force.

571.020. 1. A person commits a crime if such person knowingly possesses,
2 manufactures, transports, repairs, or sells:

3 (1) An explosive weapon;

4 (2) An explosive, incendiary or poison substance or material with the purpose to possess,
5 manufacture or sell an explosive weapon;

6 (3) A gas gun;

7 (4) [A switchblade knife;

8 (5)] A bullet or projectile which explodes or detonates upon impact because of an
9 independent explosive charge after having been shot from a firearm; or

10 [(6)] (5) Knuckles; or

11 [(7)] (6) Any of the following in violation of federal law:

12 (a) A machine gun;

13 (b) A short-barreled rifle or shotgun; [or]

14 (c) A firearm silencer; **or**

15 **(d) A switchblade knife.**

16 2. A person does not commit a crime pursuant to this section if his conduct involved any
17 of the items in subdivisions (1) to [(6)] (5) of subsection 1, the item was possessed in conformity
18 with any applicable federal law, and the conduct **was incident to:**

19 (1) [Was incident to the performance of] **Performing an** official duty by the armed
20 forces, national guard, a governmental law enforcement agency, or a penal institution; or

21 (2) [Was incident to] Engaging in a lawful commercial or business transaction with an
22 organization enumerated in subdivision (1) of this section; or

23 (3) [Was incident to] Using an explosive weapon in a manner reasonably related to a
24 lawful industrial or commercial enterprise; or

25 (4) [Was incident to] Displaying the weapon in a public museum or exhibition; or

26 (5) [Was incident to] Using the weapon in a manner reasonably related to a lawful
27 dramatic performance; **or**

28 **(6) Dealing with the weapon solely as a curio, ornament, or keepsake.**

29 3. A crime pursuant to subdivision (1), (2), (3) or [(7)] **(6)** of subsection 1 of this section
30 is a class C felony; a crime pursuant to subdivision (4)[,] **or** (5) [or (6)] of subsection 1 of this
31 section is a class A misdemeanor.

571.030. 1. A person commits the crime of unlawful use of weapons if he or she
2 knowingly:

3 (1) Carries concealed upon or about his or her person a knife, a firearm, a blackjack or
4 any other weapon readily capable of lethal use; or

5 (2) Sets a spring gun; or

6 (3) Discharges or shoots a firearm into a dwelling house, a railroad train, boat, aircraft,
7 or motor vehicle as defined in section 302.010, or any building or structure used for the
8 assembling of people; or

9 (4) Exhibits, in the presence of one or more persons, any weapon readily capable of
10 lethal use in an angry or threatening manner; or

11 (5) Has a firearm or projectile weapon readily capable of lethal use on his or her person,
12 while he or she is intoxicated, and handles or otherwise uses such firearm or projectile weapon
13 in either a negligent or unlawful manner or discharges such firearm or projectile weapon unless
14 acting in self-defense;

15 (6) Discharges a firearm within one hundred yards of any occupied schoolhouse,
16 courthouse, or church building; or

17 (7) Discharges or shoots a firearm at a mark, at any object, or at random, on, along or
18 across a public highway or discharges or shoots a firearm into any outbuilding; or

19 (8) Carries a firearm or any other weapon readily capable of lethal use into any church
20 or place where people have assembled for worship, or into any election precinct on any election
21 day, or into any building owned or occupied by any agency of the federal government, state
22 government, or political subdivision thereof; or

23 (9) Discharges or shoots a firearm at or from a motor vehicle, as defined in section
24 301.010, discharges or shoots a firearm at any person, or at any other motor vehicle, or at any
25 building or habitable structure, unless the person was lawfully acting in self-defense; or

26 (10) Carries a firearm, whether loaded or unloaded, or any other weapon readily capable
27 of lethal use into any school, onto any school bus, or onto the premises of any function or activity
28 sponsored or sanctioned by school officials or the district school board; **or**

29 **(11) Possesses a firearm while also knowingly in possession of controlled substances**
30 **that are sufficient for a felony violation under section 195.202.**

31 2. Subdivisions (1), (8), and (10) of subsection 1 of this section shall not apply to the
32 persons described in this subsection, regardless of whether such uses are reasonably associated
33 with or are necessary to the fulfillment of such person's official duties except as otherwise
34 provided in this subsection. Subdivisions (3), (4), (6), (7), and (9) of subsection 1 of this section
35 shall not apply to or affect any of the following persons, when such uses are reasonably
36 associated with or are necessary to the fulfillment of such person's official duties, except as
37 otherwise provided in this subsection:

38 (1) All state, county and municipal peace officers who have completed the training
39 required by the police officer standards and training commission pursuant to sections 590.030
40 to 590.050 and who possess the duty and power of arrest for violation of the general criminal
41 laws of the state or for violation of ordinances of counties or municipalities of the state, whether
42 such officers are on or off duty, and whether such officers are within or outside of the law
43 enforcement agency's jurisdiction, or all qualified retired peace officers, as defined in subsection
44 11 of this section, and who carry the identification defined in subsection 12 of this section, or
45 any person summoned by such officers to assist in making arrests or preserving the peace while
46 actually engaged in assisting such officer;

47 (2) Wardens, superintendents and keepers of prisons, penitentiaries, jails and other
48 institutions for the detention of persons accused or convicted of crime;

49 (3) Members of the armed forces or national guard while performing their official duty;

50 (4) Those persons vested by article V, section 1 of the Constitution of Missouri with the
51 judicial power of the state and those persons vested by Article III of the Constitution of the
52 United States with the judicial power of the United States, the members of the federal judiciary;

53 (5) Any person whose bona fide duty is to execute process, civil or criminal;

54 (6) Any federal probation officer or federal flight deck officer as defined under the
55 federal flight deck officer program, 49 U.S.C. Section 44921 regardless of whether such officers
56 are on duty, or within the law enforcement agency's jurisdiction;

57 (7) Any state probation or parole officer, including supervisors and members of the
58 board of probation and parole;

59 (8) Any corporate security advisor meeting the definition and fulfilling the requirements
60 of the regulations established by the board of police commissioners under section 84.340;

61 (9) Any coroner, deputy coroner, medical examiner, or assistant medical examiner;

62 (10) Any prosecuting attorney or assistant prosecuting attorney or any circuit attorney
63 or assistant circuit attorney who has completed the firearms safety training course required under
64 subsection 2 of section 571.111; and

65 (11) Any member of a fire department or fire protection district who is employed on a
66 full-time basis as a fire investigator and who has a valid concealed carry endorsement under
67 section 571.111 when such uses are reasonably associated with or are necessary to the fulfillment
68 of such person's official duties.

69 3. Subdivisions (1), (5), (8), and (10) of subsection 1 of this section do not apply when
70 the actor is transporting such weapons in a nonfunctioning state or in an unloaded state when
71 ammunition is not readily accessible or when such weapons are not readily accessible.
72 Subdivision (1) of subsection 1 of this section does not apply to any person twenty-one years of
73 age or older, **or eighteen years of age and a member of the United States Armed Forces,**
74 transporting a concealable firearm in the passenger compartment of a motor vehicle, so long as
75 such concealable firearm is otherwise lawfully possessed, nor when the actor is also in
76 possession of an exposed firearm or projectile weapon for the lawful pursuit of game, or is in his
77 or her dwelling unit or upon premises over which the actor has possession, authority or control,
78 or is traveling in a continuous journey peaceably through this state. Subdivision (10) of
79 subsection 1 of this section does not apply if the firearm is otherwise lawfully possessed by a
80 person while traversing school premises for the purposes of transporting a student to or from
81 school, or possessed by an adult for the purposes of facilitation of a school-sanctioned
82 firearm-related event or club event.

83 4. Subdivisions (1), (8), and (10) of subsection 1 of this section shall not apply to any
84 person who has a valid concealed carry endorsement issued pursuant to sections 571.101 to
85 571.121 or a valid permit or endorsement to carry concealed firearms issued by another state or
86 political subdivision of another state.

87 5. Subdivisions (3), (4), (5), (6), (7), (8), (9), and (10) of subsection 1 of this section shall
88 not apply to persons who are engaged in a lawful act of defense pursuant to section 563.031.

89 6. Nothing in this section shall make it unlawful for a student to actually participate in
90 school-sanctioned gun safety courses, student military or ROTC courses, or other
91 school-sponsored or club-sponsored firearm-related events, provided the student does not carry
92 a firearm or other weapon readily capable of lethal use into any school, onto any school bus, or
93 onto the premises of any other function or activity sponsored or sanctioned by school officials
94 or the district school board.

7. Unlawful use of weapons is a class D felony unless committed pursuant to subdivision (6), (7), or (8) of subsection 1 of this section, in which cases it is a class B misdemeanor, or subdivision (5) or (10) of subsection 1 of this section, in which case it is a class A misdemeanor if the firearm is unloaded and a class D felony if the firearm is loaded, or subdivision (9) of subsection 1 of this section, in which case it is a class B felony, except that if the violation of subdivision (9) of subsection 1 of this section results in injury or death to another person, it is a class A felony.

8. Violations of subdivision (9) of subsection 1 of this section shall be punished as follows:

(1) For the first violation a person shall be sentenced to the maximum authorized term of imprisonment for a class B felony;

(2) For any violation by a prior offender as defined in section 558.016, a person shall be sentenced to the maximum authorized term of imprisonment for a class B felony without the possibility of parole, probation or conditional release for a term of ten years;

(3) For any violation by a persistent offender as defined in section 558.016, a person shall be sentenced to the maximum authorized term of imprisonment for a class B felony without the possibility of parole, probation, or conditional release;

(4) For any violation which results in injury or death to another person, a person shall be sentenced to an authorized disposition for a class A felony.

9. Any person knowingly aiding or abetting any other person in the violation of subdivision (9) of subsection 1 of this section shall be subject to the same penalty as that prescribed by this section for violations by other persons.

10. Notwithstanding any other provision of law, no person who pleads guilty to or is found guilty of a felony violation of subsection 1 of this section shall receive a suspended imposition of sentence if such person has previously received a suspended imposition of sentence for any other firearms- or weapons-related felony offense.

11. As used in this section "qualified retired peace officer" means an individual who:

(1) Retired in good standing from service with a public agency as a peace officer, other than for reasons of mental instability;

(2) Before such retirement, was authorized by law to engage in or supervise the prevention, detection, investigation, or prosecution of, or the incarceration of any person for, any violation of law, and had statutory powers of arrest;

(3) Before such retirement, was regularly employed as a peace officer for an aggregate of fifteen years or more, or retired from service with such agency, after completing any applicable probationary period of such service, due to a service-connected disability, as determined by such agency;

131 (4) Has a nonforfeitable right to benefits under the retirement plan of the agency if such
132 a plan is available;

133 (5) During the most recent twelve-month period, has met, at the expense of the
134 individual, the standards for training and qualification for active peace officers to carry firearms;

135 (6) Is not under the influence of alcohol or another intoxicating or hallucinatory drug or
136 substance; and

137 (7) Is not prohibited by federal law from receiving a firearm.

138 12. The identification required by subdivision (1) of subsection 2 of this section is:

139 (1) A photographic identification issued by the agency from which the individual retired
140 from service as a peace officer that indicates that the individual has, not less recently than one
141 year before the date the individual is carrying the concealed firearm, been tested or otherwise
142 found by the agency to meet the standards established by the agency for training and qualification
143 for active peace officers to carry a firearm of the same type as the concealed firearm; or

144 (2) A photographic identification issued by the agency from which the individual retired
145 from service as a peace officer; and

146 (3) A certification issued by the state in which the individual resides that indicates that
147 the individual has, not less recently than one year before the date the individual is carrying the
148 concealed firearm, been tested or otherwise found by the state to meet the standards established
149 by the state for training and qualification for active peace officers to carry a firearm of the same
150 type as the concealed firearm.

571.101. 1. All applicants for concealed carry endorsements issued pursuant to
2 subsection 7 of this section must satisfy the requirements of sections 571.101 to 571.121. If the
3 said applicant can show qualification as provided by sections 571.101 to 571.121, the county or
4 city sheriff shall issue a certificate of qualification for a concealed carry endorsement. Upon
5 receipt of such certificate, the certificate holder shall apply for a driver's license or nondriver's
6 license with the director of revenue in order to obtain a concealed carry endorsement. Any
7 person who has been issued a concealed carry endorsement on a driver's license or nondriver's
8 license and such endorsement or license has not been suspended, revoked, cancelled, or denied
9 may carry concealed firearms on or about his or her person or within a vehicle. A concealed
10 carry endorsement shall be valid for a period of three years from the date of issuance or renewal.
11 The concealed carry endorsement is valid throughout this state.

12 2. A certificate of qualification for a concealed carry endorsement issued pursuant to
13 subsection 7 of this section shall be issued by the sheriff or his or her designee of the county or
14 city in which the applicant resides, if the applicant:

15 (1) Is at least twenty-one years of age, is a citizen of the United States and either:

16 (a) Has assumed residency in this state; or

17 (b) Is a member of the armed forces stationed in Missouri, or the spouse of such member
18 of the military;

19 (2) **Is at least eighteen years of age and a member of the United States Armed**
20 **Forces, is a citizen of the United States and either:**

21 (a) **Has assumed residency in this state; or**

22 (b) **Is stationed in Missouri;**

23 (3) Has not pled guilty to or entered a plea of nolo contendere or been convicted of a
24 crime punishable by imprisonment for a term exceeding one year under the laws of any state or
25 of the United States other than a crime classified as a misdemeanor under the laws of any state
26 and punishable by a term of imprisonment of one year or less that does not involve an explosive
27 weapon, firearm, firearm silencer or gas gun;

28 [(3)] (4) Has not been convicted of, pled guilty to or entered a plea of nolo contendere
29 to one or more misdemeanor offenses involving crimes of violence within a five-year period
30 immediately preceding application for a certificate of qualification for a concealed carry
31 endorsement or if the applicant has not been convicted of two or more misdemeanor offenses
32 involving driving while under the influence of intoxicating liquor or drugs or the possession or
33 abuse of a controlled substance within a five-year period immediately preceding application for
34 a certificate of qualification for a concealed carry endorsement;

35 [(4)] (5) Is not a fugitive from justice or currently charged in an information or
36 indictment with the commission of a crime punishable by imprisonment for a term exceeding one
37 year under the laws of any state of the United States other than a crime classified as a
38 misdemeanor under the laws of any state and punishable by a term of imprisonment of two years
39 or less that does not involve an explosive weapon, firearm, firearm silencer, or gas gun;

40 [(5)] (6) Has not been discharged under dishonorable conditions from the United States
41 armed forces;

42 [(6)] (7) Has not engaged in a pattern of behavior, documented in public records, that
43 causes the sheriff to have a reasonable belief that the applicant presents a danger to himself or
44 others;

45 [(7)] (8) Is not adjudged mentally incompetent at the time of application or for five years
46 prior to application, or has not been committed to a mental health facility, as defined in section
47 632.005, or a similar institution located in another state following a hearing at which the
48 defendant was represented by counsel or a representative;

49 [(8)] (9) Submits a completed application for a certificate of qualification as described
50 in subsection 3 of this section;

51 [(9)] (10) Submits an affidavit attesting that the applicant complies with the concealed
52 carry safety training requirement pursuant to subsections 1 and 2 of section 571.111;

53 [(10)] **(11)** Is not the respondent of a valid full order of protection which is still in effect.

54 3. The application for a certificate of qualification for a concealed carry endorsement
55 issued by the sheriff of the county of the applicant's residence shall contain only the following
56 information:

57 (1) The applicant's name, address, telephone number, gender, and date and place of birth;

58 (2) An affirmation that the applicant has assumed residency in Missouri or is a member
59 of the armed forces stationed in Missouri or the spouse of such a member of the armed forces
60 and is a citizen of the United States;

61 (3) An affirmation that the applicant is at least twenty-one years of age **or is eighteen**
62 **years of age and a member of the United States Armed Forces;**

63 (4) An affirmation that the applicant has not pled guilty to or been convicted of a crime
64 punishable by imprisonment for a term exceeding one year under the laws of any state or of the
65 United States other than a crime classified as a misdemeanor under the laws of any state and
66 punishable by a term of imprisonment of one year or less that does not involve an explosive
67 weapon, firearm, firearm silencer, or gas gun;

68 (5) An affirmation that the applicant has not been convicted of, pled guilty to, or entered
69 a plea of nolo contendere to one or more misdemeanor offenses involving crimes of violence
70 within a five-year period immediately preceding application for a certificate of qualification to
71 obtain a concealed carry endorsement or if the applicant has not been convicted of two or more
72 misdemeanor offenses involving driving while under the influence of intoxicating liquor or drugs
73 or the possession or abuse of a controlled substance within a five-year period immediately
74 preceding application for a certificate of qualification to obtain a concealed carry endorsement;

75 (6) An affirmation that the applicant is not a fugitive from justice or currently charged
76 in an information or indictment with the commission of a crime punishable by imprisonment for
77 a term exceeding one year under the laws of any state or of the United States other than a crime
78 classified as a misdemeanor under the laws of any state and punishable by a term of
79 imprisonment of two years or less that does not involve an explosive weapon, firearm, firearm
80 silencer or gas gun;

81 (7) An affirmation that the applicant has not been discharged under dishonorable
82 conditions from the United States armed forces;

83 (8) An affirmation that the applicant is not adjudged mentally incompetent at the time
84 of application or for five years prior to application, or has not been committed to a mental health
85 facility, as defined in section 632.005, or a similar institution located in another state, except that
86 a person whose release or discharge from a facility in this state pursuant to chapter 632, or a
87 similar discharge from a facility in another state, occurred more than five years ago without
88 subsequent recommitment may apply;

89 (9) An affirmation that the applicant has received firearms safety training that meets the
90 standards of applicant firearms safety training defined in subsection 1 or 2 of section 571.111;

91 (10) An affirmation that the applicant, to the applicant's best knowledge and belief, is
92 not the respondent of a valid full order of protection which is still in effect; and

93 (11) A conspicuous warning that false statements made by the applicant will result in
94 prosecution for perjury pursuant to the laws of the state of Missouri.

95 4. An application for a certificate of qualification for a concealed carry endorsement shall
96 be made to the sheriff of the county or any city not within a county in which the applicant
97 resides. An application shall be filed in writing, signed under oath and under the penalties of
98 perjury, and shall state whether the applicant complies with each of the requirements specified
99 in subsection 2 of this section. In addition to the completed application, the applicant for a
100 certificate of qualification for a concealed carry endorsement must also submit the following:

101 (1) A photocopy of a firearms safety training certificate of completion or other evidence
102 of completion of a firearms safety training course that meets the standards established in
103 subsection 1 or 2 of section 571.111; and

104 (2) A nonrefundable certificate of qualification fee as provided by subsection 10 or 11
105 of this section.

106 5. Before an application for a certificate of qualification for a concealed carry
107 endorsement is approved, the sheriff shall make only such inquiries as he or she deems necessary
108 into the accuracy of the statements made in the application. The sheriff may require that the
109 applicant display a Missouri driver's license or nondriver's license or military identification and
110 orders showing the person being stationed in Missouri. In order to determine the applicant's
111 suitability for a certificate of qualification for a concealed carry endorsement, the applicant shall
112 be fingerprinted. The sheriff shall request a criminal background check through the appropriate
113 law enforcement agency within three working days after submission of the properly completed
114 application for a certificate of qualification for a concealed carry endorsement. If no
115 disqualifying record is identified by the fingerprint check at the state level, the fingerprints shall
116 be forwarded to the Federal Bureau of Investigation for a national criminal history record check.
117 Upon receipt of the completed background check, the sheriff shall issue a certificate of
118 qualification for a concealed carry endorsement within three working days. The sheriff shall
119 issue the certificate within forty-five calendar days if the criminal background check has not been
120 received, provided that the sheriff shall revoke any such certificate and endorsement within
121 twenty-four hours of receipt of any background check that results in a disqualifying record, and
122 shall notify the department of revenue.

123 6. The sheriff may refuse to approve an application for a certificate of qualification for
124 a concealed carry endorsement if he or she determines that any of the requirements specified in

subsection 2 of this section have not been met, or if he or she has a substantial and demonstrable reason to believe that the applicant has rendered a false statement regarding any of the provisions of sections 571.101 to 571.121. If the applicant is found to be ineligible, the sheriff is required to deny the application, and notify the applicant in writing, stating the grounds for denial and informing the applicant of the right to submit, within thirty days, any additional documentation relating to the grounds of the denial. Upon receiving any additional documentation, the sheriff shall reconsider his or her decision and inform the applicant within thirty days of the result of the reconsideration. The applicant shall further be informed in writing of the right to appeal the denial pursuant to subsections 2, 3, 4, and 5 of section 571.114. After two additional reviews and denials by the sheriff, the person submitting the application shall appeal the denial pursuant to subsections 2, 3, 4, and 5 of section 571.114.

7. If the application is approved, the sheriff shall issue a certificate of qualification for a concealed carry endorsement to the applicant within a period not to exceed three working days after his or her approval of the application. The applicant shall sign the certificate of qualification in the presence of the sheriff or his or her designee and shall within seven days of receipt of the certificate of qualification take the certificate of qualification to the department of revenue. Upon verification of the certificate of qualification and completion of a driver's license or nondriver's license application pursuant to chapter 302, the director of revenue shall issue a new driver's license or nondriver's license with an endorsement which identifies that the applicant has received a certificate of qualification to carry concealed weapons issued pursuant to sections 571.101 to 571.121 if the applicant is otherwise qualified to receive such driver's license or nondriver's license. Notwithstanding any other provision of chapter 302, a nondriver's license with a concealed carry endorsement shall expire three years from the date the certificate of qualification was issued pursuant to this section. The requirements for the director of revenue to issue a concealed carry endorsement pursuant to this subsection shall not be effective until July 1, 2004, and the certificate of qualification issued by a county sheriff pursuant to subsection 1 of this section shall allow the person issued such certificate to carry a concealed weapon pursuant to the requirements of subsection 1 of section 571.107 in lieu of the concealed carry endorsement issued by the director of revenue from October 11, 2003, until the concealed carry endorsement is issued by the director of revenue on or after July 1, 2004, unless such certificate of qualification has been suspended or revoked for cause.

8. The sheriff shall keep a record of all applications for a certificate of qualification for a concealed carry endorsement and his or her action thereon. The sheriff shall report the issuance of a certificate of qualification to the Missouri uniform law enforcement system. All information on any such certificate that is protected information on any driver's or nondriver's license shall have the same personal protection for purposes of sections 571.101 to 571.121. An applicant's

161 status as a holder of a certificate of qualification or a concealed carry endorsement shall not be
162 public information and shall be considered personal protected information. Any person who
163 violates the provisions of this subsection by disclosing protected information shall be guilty of
164 a class A misdemeanor.

165 9. Information regarding any holder of a certificate of qualification or a concealed carry
166 endorsement is a closed record.

167 10. For processing an application for a certificate of qualification for a concealed carry
168 endorsement pursuant to sections 571.101 to 571.121, the sheriff in each county shall charge a
169 nonrefundable fee not to exceed one hundred dollars which shall be paid to the treasury of the
170 county to the credit of the sheriff's revolving fund.

171 11. For processing a renewal for a certificate of qualification for a concealed carry
172 endorsement pursuant to sections 571.101 to 571.121, the sheriff in each county shall charge a
173 nonrefundable fee not to exceed fifty dollars which shall be paid to the treasury of the county to
174 the credit of the sheriff's revolving fund.

175 12. For the purposes of sections 571.101 to 571.121, the term "sheriff" shall include the
176 sheriff of any county or city not within a county or his or her designee and in counties of the first
177 classification the sheriff may designate the chief of police of any city, town, or municipality
178 within such county.

571.111. 1. An applicant for a concealed carry endorsement shall demonstrate
2 knowledge of firearms safety training. This requirement shall be fully satisfied if the applicant
3 for a concealed carry endorsement:

4 (1) Submits a photocopy of a certificate of firearms safety training course completion,
5 as defined in subsection 2 of this section, signed by a qualified firearms safety instructor as
6 defined in subsection 5 of this section; or

7 (2) Submits a photocopy of a certificate that shows the applicant completed a firearms
8 safety course given by or under the supervision of any state, county, municipal, or federal law
9 enforcement agency; or

10 (3) Is a qualified firearms safety instructor as defined in subsection 5 of this section; or

11 (4) Submits proof that the applicant currently holds any type of valid peace officer
12 license issued under the requirements of chapter 590; or

13 (5) Submits proof that the applicant is currently allowed to carry firearms in accordance
14 with the certification requirements of section 217.710; or

15 (6) Submits proof that the applicant is currently certified as any class of corrections
16 officer by the Missouri department of corrections and has passed at least one eight-hour firearms
17 training course, approved by the director of the Missouri department of corrections under the

18 authority granted to him or her by section 217.105, that includes instruction on the justifiable use
19 of force as prescribed in chapter 563; or

20 **(7) Submits a photocopy of a certificate of firearms safety training course**
21 **completion that was issued on August 27, 2011, or earlier so long as the certificate met the**
22 **requirements of subsection 2 of this section that were in effect on the date it was issued.**

23 2. A certificate of firearms safety training course completion may be issued to any
24 applicant by any qualified firearms safety instructor. On the certificate of course completion the
25 qualified firearms safety instructor shall affirm that the individual receiving instruction has taken
26 and passed a firearms safety course of at least eight hours in length taught by the instructor that
27 included:

28 (1) Handgun safety in the classroom, at home, on the firing range and while carrying the
29 firearm;

30 (2) A physical demonstration performed by the applicant that demonstrated his or her
31 ability to safely load and unload a revolver and a semiautomatic pistol and demonstrated his or
32 her marksmanship with both;

33 (3) The basic principles of marksmanship;

34 (4) Care and cleaning of concealable firearms;

35 (5) Safe storage of firearms at home;

36 (6) The requirements of this state for obtaining a certificate of qualification for a
37 concealed carry endorsement from the sheriff of the individual's county of residence and a
38 concealed carry endorsement issued by the department of revenue;

39 (7) The laws relating to firearms as prescribed in this chapter;

40 (8) The laws relating to the justifiable use of force as prescribed in chapter 563;

41 (9) A live firing exercise of sufficient duration for each applicant to fire both a revolver
42 and a semiautomatic pistol, from a standing position or its equivalent, a minimum of fifty rounds
43 from each handgun at a distance of seven yards from a B-27 silhouette target or an equivalent
44 target;

45 (10) A live fire test administered to the applicant while the instructor was present of
46 twenty rounds from each handgun from a standing position or its equivalent at a distance from
47 a B-27 silhouette target, or an equivalent target, of seven yards.

48 3. A qualified firearms safety instructor shall not give a grade of passing to an applicant
49 for a concealed carry endorsement who:

50 (1) Does not follow the orders of the qualified firearms instructor or cognizant range
51 officer; or

52 (2) Handles a firearm in a manner that, in the judgment of the qualified firearm safety
53 instructor, poses a danger to the applicant or to others; or

54 (3) During the live fire testing portion of the course fails to hit the silhouette portion of
55 the targets with at least fifteen rounds, with both handguns.

56 4. Qualified firearms safety instructors who provide firearms safety instruction to any
57 person who applies for a concealed carry endorsement shall:

58 (1) Make the applicant's course records available upon request to the sheriff of the
59 county in which the applicant resides;

60 (2) Maintain all course records on students for a period of no less than four years from
61 course completion date; and

62 (3) Not have more than forty students in the classroom portion of the course or more than
63 five students per range officer engaged in range firing.

64 5. A firearms safety instructor shall be considered to be a qualified firearms safety
65 instructor by any sheriff issuing a certificate of qualification for a concealed carry endorsement
66 pursuant to sections 571.101 to 571.121 if the instructor:

67 (1) Is a valid firearms safety instructor certified by the National Rifle Association
68 holding a rating as a personal protection instructor or pistol marksmanship instructor; or

69 (2) Submits a photocopy of a certificate from a firearms safety instructor's course offered
70 by a local, state, or federal governmental agency; or

71 (3) Submits a photocopy of a certificate from a firearms safety instructor course
72 approved by the department of public safety; or

73 (4) Has successfully completed a firearms safety instructor course given by or under the
74 supervision of any state, county, municipal, or federal law enforcement agency; or

75 (5) Is a certified police officer firearms safety instructor.

76 6. Any firearms safety instructor who knowingly provides any sheriff with any false
77 information concerning an applicant's performance on any portion of the required training and
78 qualification shall be guilty of a class C misdemeanor.

571.117. 1. Any person who has knowledge that another person, who was issued a
2 certificate of qualification for a concealed carry endorsement pursuant to sections 571.101 to
3 571.121, never was or no longer is eligible for such endorsement under the criteria established
4 in sections 571.101 to 571.121 may file a petition with the clerk of the small claims court to
5 revoke that person's certificate of qualification for a concealed carry endorsement and such
6 person's concealed carry endorsement. The petition shall be in a form substantially similar to the
7 petition for revocation of concealed carry endorsement provided in this section. Appeal forms
8 shall be provided by the clerk of the small claims court free of charge to any person:

9 SMALL CLAIMS COURT

10 In the Circuit Court of, Missouri

11, PLAINTIFF

12)
13)
14 vs.) Case Number
15)
16, DEFENDANT,
17 Carry Endorsement Holder
18, DEFENDANT,
19 Sheriff of Issuance

20 PETITION FOR REVOCATION
21 OF CERTIFICATE OF QUALIFICATION
22 OR CONCEALED CARRY ENDORSEMENT

23 Plaintiff states to the court that the defendant,, has a certificate of qualification
24 or a concealed carry endorsement issued pursuant to sections 571.101 to 571.121, RSMo, and
25 that the defendant's certificate of qualification or concealed carry endorsement should now be
26 revoked because the defendant either never was or no longer is eligible for such a certificate or
27 endorsement pursuant to the provisions of sections 571.101 to 571.121, RSMo, specifically
28 plaintiff states that defendant,, never was or no longer is eligible for such certificate or
29 endorsement for one or more of the following reasons:

30 (CHECK BELOW EACH REASON
31 THAT APPLIES TO THIS DEFENDANT)

- 32 ☐ Defendant is not at least twenty-one years of age **or eighteen years of age and a**
33 **member of the United States Armed Forces.**
- 34 ☐ Defendant is not a citizen of the United States.
- 35 ☐ Defendant had not resided in this state prior to issuance of the permit and does not
36 qualify as a military member or spouse of a military member stationed in Missouri.
- 37 ☐ Defendant has pled guilty to or been convicted of a crime punishable by imprisonment
38 for a term exceeding one year under the laws of any state or of the United States other than a
39 crime classified as a misdemeanor under the laws of any state and punishable by a term of
40 imprisonment of one year or less that does not involve an explosive weapon, firearm, firearm
41 silencer, or gas gun.
- 42 ☐ Defendant has been convicted of, pled guilty to or entered a plea of nolo contendere
43 to one or more misdemeanor offenses involving crimes of violence within a five-year period
44 immediately preceding application for a certificate of qualification or concealed carry
45 endorsement issued pursuant to sections 571.101 to 571.121, RSMo, or if the applicant has been
46 convicted of two or more misdemeanor offenses involving driving while under the influence of
47 intoxicating liquor or drugs or the possession or abuse of a controlled substance within a

48 five-year period immediately preceding application for a certificate of qualification or a
49 concealed carry endorsement issued pursuant to sections 571.101 to 571.121, RSMo.

50 ☐ Defendant is a fugitive from justice or currently charged in an information or
51 indictment with the commission of a crime punishable by imprisonment for a term exceeding one
52 year under the laws of any state of the United States other than a crime classified as a
53 misdemeanor under the laws of any state and punishable by a term of imprisonment of one year
54 or less that does not involve an explosive weapon, firearm, firearm silencer, or gas gun.

55 ☐ Defendant has been discharged under dishonorable conditions from the United States
56 armed forces.

57 ☐ Defendant is reasonably believed by the sheriff to be a danger to self or others based
58 on previous, documented pattern.

59 ☐ Defendant is adjudged mentally incompetent at the time of application or for five
60 years prior to application, or has been committed to a mental health facility, as defined in section
61 632.005, RSMo, or a similar institution located in another state, except that a person whose
62 release or discharge from a facility in this state pursuant to chapter 632, RSMo, or a similar
63 discharge from a facility in another state, occurred more than five years ago without subsequent
64 recommitment may apply.

65 ☐ Defendant failed to submit a completed application for a certificate of qualification
66 or concealed carry endorsement issued pursuant to sections 571.101 to 571.121, RSMo.

67 ☐ Defendant failed to submit to or failed to clear the required background check.

68 ☐ Defendant failed to submit an affidavit attesting that the applicant complies with the
69 concealed carry safety training requirement pursuant to subsection 1 of section 571.111, RSMo.

70

71 The plaintiff subject to penalty for perjury states that the information contained in this petition
72 is true and correct to the best of the plaintiff's knowledge, is reasonably based upon the
73 petitioner's personal knowledge and is not primarily intended to harass the defendant/respondent
74 named herein., PLAINTIFF

75 2. If at the hearing the plaintiff shows that the defendant was not eligible for the
76 certificate of qualification or the concealed carry endorsement issued pursuant to sections
77 571.101 to 571.121, at the time of issuance or renewal or is no longer eligible for a certificate
78 of qualification or the concealed carry endorsement issued pursuant to the provisions of sections
79 571.101 to 571.121, the court shall issue an appropriate order to cause the revocation of the
80 certificate of qualification or concealed carry endorsement. Costs shall not be assessed against
81 the sheriff.

82 3. The finder of fact, in any action brought against an endorsement holder pursuant to
83 subsection 1 of this section, shall make findings of fact and the court shall make conclusions of

84 law addressing the issues at dispute. If it is determined that the plaintiff in such an action acted
85 without justification or with malice or primarily with an intent to harass the endorsement holder
86 or that there was no reasonable basis to bring the action, the court shall order the plaintiff to pay
87 the defendant/respondent all reasonable costs incurred in defending the action including, but not
88 limited to, attorney's fees, deposition costs, and lost wages. Once the court determines that the
89 plaintiff is liable to the defendant/respondent for costs and fees, the extent and type of fees and
90 costs to be awarded should be liberally calculated in defendant/respondent's favor.
91 Notwithstanding any other provision of law, reasonable attorney's fees shall be presumed to be
92 at least one hundred fifty dollars per hour.

93 4. Any person aggrieved by any final judgment rendered by a small claims court in a
94 petition for revocation of a certificate of qualification or concealed carry endorsement may have
95 a right to trial de novo as provided in sections 512.180 to 512.320.

96 5. The office of the county sheriff or any employee or agent of the county sheriff shall
97 not be liable for damages in any civil action arising from alleged wrongful or improper granting,
98 renewing, or failure to revoke a certificate of qualification or a concealed carry endorsement
99 issued pursuant to sections 571.101 to 571.121, so long as the sheriff acted in good faith.

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 trails and roads by commercial and**
11 **noncommercial organizations for the purpose of transporting persons, bicycles, or**
12 **watercraft, as defined in section 537.327.**

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.

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**.

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 or 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;

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

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

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

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

[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.

3. Any newspaper publisher who fails to file a statement with or seek a waiver from the department, or who files a statement containing misleading or deceptive information, shall be a violation of this section, punishable by a civil

153 fine of not more than one hundred dollars per day for each day the violation
154 continues. Penalties imposed under this section shall be deposited into the solid
155 waste management fund and shall be used to further the purposes of sections
156 260.200 to 260.345.]
157

Section B. Because of the immediate need to protect tourism in this state and ensure that
2 out-of-state residents are knowledgeable in the safe operation of vessels, the repeal and
3 reenactment of sections 306.127 and 577.073 of this act is deemed necessary for the immediate
4 preservation of the public health, welfare, peace and safety, and is hereby declared to be an
5 emergency act within the meaning of the constitution, and the repeal and reenactment of sections
6 306.127 and 577.073 of this act shall be in full force and effect upon its passage and approval.

✓