

HCS HB 1286 -- EXPLOSIVES

SPONSOR: Engler

COMMITTEE ACTION: Voted "Do Pass with HCS" by the Standing Committee on General Laws by a vote of 10 to 3. Voted "Do Pass" by the Rules- Legislative Oversight Committee by a vote of 8 to 0.

Currently, the authorized fee for explosives use cannot exceed \$2 per ton. This bill increases the limit to \$7.50 per ton. However, the fee established by rule cannot exceed the cost of administering the Missouri Blasting Safety Act. The bill clarifies that the fee does not apply to any person, company, or entity regulated by the Department of Natural Resources under the Surface Coal Mining Law and 10 CSR 40-3.160 (Section 319.318, RSMo).

This bill is similar to HB 571 (2017).

PROPONENTS: Supporters say that this increase is necessary and supported by those in the industry that would be required to pay it.

Testifying for the bill were Representative Engler; Missouri Limestone Producers Association; Continental Coal; Edward Twehous, Twehous Excavating Company; and Missouri Limestone Producers Association.

OPPONENTS: Those who oppose the bill only testified in opposition of Section 537.535 which prohibits actions for private nuisance in certain situations. This prohibition leaves affected parties without any means of stopping otherwise impermissible behavior by permittees.

Testifying against the bill were Missouri Association of Trial Lawyers and the Missouri Rural Crisis Center.

OTHERS: Others testifying on the bill say that the fees for explosives are used to provide important public services. Without the increase allowed under this bill these services will have to be discontinued by the end of the year.

Testifying on the bill was Greg Carrell, Missouri Division of Fire Safety.