

CCS HCS SB 109 -- NATURAL RESOURCES

This bill modifies the provisions of law relating to natural resources.

REVENUE FROM MINERAL MINING (Sections 12.070 and 163.024)

The bill specifies that moneys received by the state under provisions of the federal law for all mineral products extracted from national forest reserves are to be distributed for the benefit of public schools and roads.

The revenue allocated to each county shall be equally divided between the public schools and roads of such county. The bill requires that 85% of the total revenue of such mineral products be distributed to counties where mining occurs, in proportion to the minerals extracted per year in each county where mining occurs, and 15% of the total revenue of such mineral products shall be distributed equally between the counties where mining does not occur. The revenue allocated to each county shall be equally divided between the public schools and roads of such county.

In addition, under the provisions of this bill, no money received by the Iron County School Fund from the specified administrative order issued by the Department of Natural Resources shall be included as part of the school district's local effort calculation. The Department of Elementary and Secondary Education shall reimburse the Iron County School District for the amount of any such moneys that are or have been included in such school district's local effort.

MINING (Sections 256.710 and 293.030)

Currently, the Industrial Minerals Advisory Council has three members representing limestone quarry operators and one member each representing the clay mining, sandstone mining, sand and gravel mining, barite mining, and granite mining industries. The bill modifies the council make up so that the eight representatives can come from any of the specified industries including limestone quarry operators, granite mining, clay mining, sandstone mining, barite mining, sand and gravel mining, or other nonmetallic surface mining, but no industry may have more than four representatives.

The bill also requires every operator engaged in the mining or production of minerals for commercial purposes, to pay mine inspection fees to the Missouri Department of Revenue, for certain minerals at the applicable tonnage fees specified in the bill. If a new mineral is mined, the Director of the Division of Mine Inspection within the Department of Labor, is required to publish a

notice and the additional mineral fee takes effect 60 days after publication of such notice. The bill also requires the Director to either promulgate or adjust the rules relating to the mineral listing and fees.

If the fees are not paid within the time period specified in the bill, the Director may bring a civil action to collect unpaid fees, late fee, interest or attorney's fees and costs relating to the collection efforts.

FLOOD RESILIENCY (Section 256.800)

The bill establishes the "Flood Resiliency Act", which creates the "Flood Resiliency Program" administered by the Department of Natural Resources to increase flood resiliency along the Missouri and Mississippi Rivers and their tributaries and to improve statewide flood forecasting and monitoring ability. The state may participate in flood resiliency projects as set forth in the bill. A plan, which is defined as a preliminary report describing the need for, and implementation of, flood resiliency measures, must include certain information. The Director of the Department of Natural Resources can only approve a plan if it is determined that long-term flood mitigation is needed in that area of the state, and that such a plan proposes flood resiliency measures that will provide long-term flood resiliency.

Flood resiliency projects may be funded by moneys in the "Flood Resiliency Fund" created in the bill and such projects can be eligible to receive other contributions and grants.

CONSTRUCTION OF EARTHEN BASINS (Sections 640.099 and 644.051)

The bill adds any earthen basin constructed to retain and settle nontoxic, nonmetallic earthen materials to the activities excluded from construction permits.

DEPARTMENT OF NATURAL RESOURCES FEES(Sections 256.700, 259.080, 260.262, 260.273, 260.380, 260.475, 260.392, 444.768, 444.772, 640.100, 643.079, and 644.057)

The bill modifies provisions relating to Department of Natural Resources fees. In its main provisions, the bill:

- (1) Extends fees relating to geologic resources and the sale of tires until December 31, 2031. Currently, these fees expire on December 31, 2025 (Sections 256.700 and 260.273, RSMo);
- (2) Extends the authority of the State Oil and Gas Council to revise its fee structure until August 28, 2031, and specifies that

if authority expires, then the fee structure in place at the time of expiration will remain in effect. Currently, this authority expires on August 28, 2025(Section 259.080);

(3) Extends the fee on the sale of lead-acid batteries from December 31, 2023, to December 31, 2029 (Section 260.262);

(4) Extends the authority of the Hazardous Waste Commission to revise the fee structure for hazardous waste generators from August 28, 2024, to August 28, 2030, and specifies that if the authority to revise the fee structure expires, then the existing fee structure at the time of the expiration will remain in place (Sections 260.380 and 260.475);

(5) Extends fees for the transportation of radioactive waste from August 28, 2024, to August 28, 2030 (Section 260.392);

(6) Extends the authority of the Missouri Mining Commission to revise the fee structure under the Land Reclamation Act from August 28, 2024, to August 28, 2030, and specifies that if the authority to revise the fee structure expires, then the existing fee structure at the time of the expiration will remain in place (Section 444.768);

(7) Extends the expiration date of fees for surface mining from December 31, 2024, to December 31, 2030 (Section 444.772);

(8) Extends the authority of the Safe Drinking Water Commission to revise the fee structure for customer service connections to a public water system from August 28, 2024, to August 28, 2030, and specifies that if the authority expires, the existing fee structure at the time of the expiration will remain in place (Section 640.100);

(9) Extends the authority of the Air Conservation Commission to revise the fee structure for certain air contaminants from August 28, 2024, to August 28, 2030, and specifies that if the authority expires, the existing fee structure at the time of the expiration will remain in place (Section 643.079); and

(10) Extends the authority of the Clean Water Commission to revise the clean water fee structure from August 28, 2024 to August 28, 2030, and specifies that if the authority expires, the existing fee structure at the time of the expiration will remain in place (Section 644.057).

PERMITTING AND REGULATORY ACTIONS (Section 640.023)

The bill specifies that the Department of Natural Resources can not take any permitting or regulatory action based solely on guidance that has not been promulgated into rule without the consent of the person subject to the action.