

House _____ Amendment NO. _____

Offered By

1 AMEND Senate Substitute for Senate Bill No. 1298, Page 1, Section A, Line 3, by inserting after all
2 of said section and line the following:

3
4 "292.606. 1. Fees shall be collected for a period of six years from August 28, [~~2018~~] 2024.

5 2. (1) Any employer required to report under subsection 1 of section 292.605, except local
6 governments and family-owned farm operations, shall submit an annual fee to the commission of
7 one hundred dollars along with the Tier II form. Owners or operators of petroleum retail facilities
8 shall pay a fee of no more than fifty dollars for each such facility. Any person, firm or corporation
9 selling, delivering or transporting petroleum or petroleum products and whose primary business
10 deals with petroleum products or who is covered by the provisions of chapter 323, if such person,
11 firm or corporation is paying fees under the provisions of the federal hazardous materials
12 transportation registration and fee assessment program, shall deduct such federal fees from those
13 fees owed to the state under the provisions of this subsection. If the federal fees exceed or are equal
14 to what would otherwise be owed under this subsection, such employer shall not be liable for state
15 fees under this subsection. In relation to petroleum products "primary business" shall mean that the
16 person, firm or corporation shall earn more than fifty percent of hazardous chemical revenues from
17 the sale, delivery or transport of petroleum products. For the purpose of calculating fees, all grades
18 of gasoline are considered to be one product, all grades of heating oils, diesel fuels, kerosenes,
19 naphthas, aviation turbine fuel, and all other heavy distillate products except for grades of gasoline
20 are considered to be one product, and all varieties of motor lubricating oil are considered to be one
21 product. For the purposes of this section "facility" shall mean all buildings, equipment, structures
22 and other stationary items that are located on a single site or on contiguous or adjacent sites and
23 which are owned or operated by the same person. If more than three hazardous substances or
24 mixtures are reported on the Tier II form, the employer shall submit an additional twenty-dollar fee
25 for each hazardous substance or mixture. Fees collected under this subdivision shall be for each
26 hazardous chemical on hand at any one time in excess of ten thousand pounds or for extremely
27 hazardous substances on hand at any one time in excess of five hundred pounds or the threshold
28 planning quantity, whichever is less, or for explosives or blasting agents on hand at any one time in
29 excess of one hundred pounds. However, no employer shall pay more than ten thousand dollars per

Action Taken _____ Date _____

1 year in fees. Moneys acquired through litigation and any administrative fees paid pursuant to
2 subsection 3 of this section shall not be applied toward this cap.

3 (2) Employers engaged in transporting hazardous materials by pipeline except local gas
4 distribution companies regulated by the Missouri public service commission shall pay to the
5 commission a fee of two hundred fifty dollars for each county in which they operate.

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

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

14 3. Beginning January 1, 2013, any employer filing its Tier II form pursuant to subsection 1
15 of section 292.605 may request that the commission distribute that employer's Tier II report to the
16 local emergency planning committees and fire departments listed in its Tier II report. Any employer
17 opting to have the commission distribute its Tier II report shall pay an additional fee of ten dollars
18 for each facility listed in the report at the time of filing to recoup the commission's distribution
19 costs. Fees shall be deposited in the chemical emergency preparedness fund established under
20 section 292.607. An employer who pays the additional fee and whose Tier II report includes all
21 local emergency planning committees and fire departments required to be notified under subsection
22 1 of section 292.605 shall satisfy the reporting requirements of subsection 1 of section 292.605. The
23 commission shall develop a mechanism for an employer to exercise its option to have the
24 commission distribute its Tier II report.

25 4. Local emergency planning committees receiving funds under section 292.604 shall
26 coordinate with the commission and the department in chemical emergency planning, training,
27 preparedness, and response activities. Local emergency planning committees receiving funds under
28 this section, section 260.394, sections 292.602, 292.604, 292.605, 292.615 and section 640.235 shall
29 provide to the commission an annual report of expenditures and activities.

30 5. Fees collected by the department and all funds provided to local emergency planning
31 committees shall be used for chemical emergency preparedness purposes as outlined in sections
32 292.600 to 292.625 and the federal act, including contingency planning for chemical releases;
33 exercising, evaluating, and distributing plans, providing training related to chemical emergency
34 preparedness and prevention of chemical accidents; identifying facilities required to report;
35 processing the information submitted by facilities and making it available to the public; receiving
36 and handling emergency notifications of chemical releases; operating a local emergency planning
37 committee; and providing public notice of chemical preparedness activities. Local emergency
38 planning committees receiving funds under this section may combine such funds with other local

1 emergency planning committees to further the purposes of sections 292.600 to 292.625, or the
2 federal act.

3 6. The commission shall establish criteria and guidance on how funds received by local
4 emergency planning committees may be used."; and

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6 Further amend said bill by amending the title, enacting clause, and intersectional references
7 accordingly.