

SECOND REGULAR SESSION

# HOUSE BILL NO. 1870

## 102ND GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE TAYLOR (48).

4500H.011

DANA RADEMAN MILLER, Chief Clerk

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### AN ACT

To repeal section 292.606, RSMo, and to enact in lieu thereof one new section relating to certain fees collected by the Missouri emergency response commission.

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

Section A. Section 292.606, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 292.606, to read as follows:

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

2. (1) Any employer required to report under subsection 1 of section 292.605, except local governments and family-owned farm operations, shall submit an annual fee to the commission of one hundred dollars along with the Tier II form. Owners or operators of petroleum retail facilities shall pay a fee of no more than fifty dollars for each such facility. Any person, firm or corporation selling, delivering or transporting petroleum or petroleum products and whose primary business deals with petroleum products or who is covered by the provisions of chapter 323, if such person, firm or corporation is paying fees under the provisions of the federal hazardous materials transportation registration and fee assessment program, shall deduct such federal fees from those fees owed to the state under the provisions of this subsection. If the federal fees exceed or are equal to what would otherwise be owed under this subsection, such employer shall not be liable for state fees under this subsection. In relation to petroleum products "primary business" shall mean that the person, firm or corporation shall earn more than fifty percent of hazardous chemical revenues from the sale, delivery or transport of petroleum products. For the purpose of calculating fees, all grades of gasoline are considered to be one product, all grades of heating oils, diesel fuels, kerosenes,

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.

18 naphthas, aviation turbine fuel, and all other heavy distillate products except for grades of  
19 gasoline are considered to be one product, and all varieties of motor lubricating oil are  
20 considered to be one product. For the purposes of this section "facility" shall mean all  
21 buildings, equipment, structures and other stationary items that are located on a single site or  
22 on contiguous or adjacent sites and which are owned or operated by the same person. If more  
23 than three hazardous substances or mixtures are reported on the Tier II form, the employer  
24 shall submit an additional twenty-dollar fee for each hazardous substance or mixture. Fees  
25 collected under this subdivision shall be for each hazardous chemical on hand at any one time  
26 in excess of ten thousand pounds or for extremely hazardous substances on hand at any one  
27 time in excess of five hundred pounds or the threshold planning quantity, whichever is less, or  
28 for explosives or blasting agents on hand at any one time in excess of one hundred pounds.  
29 However, no employer shall pay more than ten thousand dollars per year in fees. Moneys  
30 acquired through litigation and any administrative fees paid pursuant to subsection 3 of this  
31 section shall not be applied toward this cap.

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

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

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

44 3. Beginning January 1, 2013, any employer filing its Tier II form pursuant to  
45 subsection 1 of section 292.605 may request that the commission distribute that employer's  
46 Tier II report to the local emergency planning committees and fire departments listed in its  
47 Tier II report. Any employer opting to have the commission distribute its Tier II report shall  
48 pay an additional fee of ten dollars for each facility listed in the report at the time of filing to  
49 recoup the commission's distribution costs. Fees shall be deposited in the chemical  
50 emergency preparedness fund established under section 292.607. An employer who pays the  
51 additional fee and whose Tier II report includes all local emergency planning committees and  
52 fire departments required to be notified under subsection 1 of section 292.605 shall satisfy the  
53 reporting requirements of subsection 1 of section 292.605. The commission shall develop a

54 mechanism for an employer to exercise its option to have the commission distribute its Tier II  
55 report.

56 4. Local emergency planning committees receiving funds under section 292.604 shall  
57 coordinate with the commission and the department in chemical emergency planning,  
58 training, preparedness, and response activities. Local emergency planning committees  
59 receiving funds under this section, section 260.394, sections 292.602, 292.604, 292.605,  
60 292.615 and section 640.235 shall provide to the commission an annual report of  
61 expenditures and activities.

62 5. Fees collected by the department and all funds provided to local emergency  
63 planning committees shall be used for chemical emergency preparedness purposes as outlined  
64 in sections 292.600 to 292.625 and the federal act, including contingency planning for  
65 chemical releases; exercising, evaluating, and distributing plans, providing training related to  
66 chemical emergency preparedness and prevention of chemical accidents; identifying facilities  
67 required to report; processing the information submitted by facilities and making it available  
68 to the public; receiving and handling emergency notifications of chemical releases; operating  
69 a local emergency planning committee; and providing public notice of chemical preparedness  
70 activities. Local emergency planning committees receiving funds under this section may  
71 combine such funds with other local emergency planning committees to further the purposes  
72 of sections 292.600 to 292.625, or the federal act.

73 6. The commission shall establish criteria and guidance on how funds received by  
74 local emergency planning committees may be used.

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