FIRST REGULAR SESSION

[PERFECTED]

HOUSE BILL NO. 200

103RD GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE FALKNER.

1164H.01P JOSEPH ENGLER, Chief Clerk

AN ACT

To repeal sections 67.1754, 249.422, 260.558, 292.606, 701.040, and 701.046, RSMo, and to enact in lieu thereof seven new sections relating to environmental protection.

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

Section A. Sections 67.1754, 249.422, 260.558, 292.606, 701.040, and 701.046, RSMo, are repealed and seven new sections enacted in lieu thereof, to be known as sections 67.1754, 249.422, 260.558, 292.606, 393.2600, 701.040, and 701.046, to read as follows:

67.1754. 1. The sales tax authorized in sections 67.1712 to 67.1721 shall be collected and allocated as follows:

(1) Fifty percent of the sales taxes collected from each county shall be deposited in the metropolitan park and recreational fund to be administered by the board of directors of the district to pay costs associated with the establishment, administration, operation and maintenance of public recreational facilities, parks, and public recreational grounds associated with the district. Costs for office administration beginning in the second fiscal year of district operations may be up to but shall not exceed fifteen percent of the amount deposited pursuant to this subdivision;

(2) Fifty percent of the sales taxes collected from each county shall be returned to the source county for park purposes, **which may include storm water management projects in such county that are confined to acquiring land for the sole purpose of building a park or greenway or for the deployment and augmentation of natural infrastructure or features that would otherwise add to or not take away from the benefits of the park to the community,** except that forty percent of such fifty percent amount shall be reserved for

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.

distribution to municipalities within the county in the form of grant revenue-sharing funds. Each county in the district shall establish its own process for awarding the grant proceeds to its municipalities for park purposes provided the purposes of such grants are consistent with the purpose of the district. In the case of a county of the first classification with a charter form of government having a population of at least nine hundred thousand inhabitants, such grant proceeds shall be awarded to municipalities by a municipal grant commission as described in section 67.1757; in such county, notwithstanding other provisions to the contrary, the grant proceeds may be used to fund any recreation program or park improvement serving municipal residents and for such other purposes as set forth in section 67.1757.

2. The sales tax authorized under subsection 2 of section 67.1712 shall be collected and allocated as follows:

(1) Sixty percent of the sales taxes collected from all counties shall be deposited in a separate metropolitan park and recreational fund to be administered by the board of directors of the metropolitan district to pay costs associated with the administration, operation, and maintenance of public recreational facilities, parks, and public recreational grounds associated with the metropolitan district. Of this amount:

(a) For a period ending twenty years after the issuance of any bonds issued for the purpose of improving and maintaining the Gateway Arch grounds, but no later than twenty-three years after the effective date of the incremental sales tax as approved by voter initiative under subsection 2 of section 67.1715:

a. Fifty percent shall be apportioned to accessibility, safety, improvement, and maintenance of the Gateway Arch grounds; and

b. Fifty percent shall be apportioned to accessibility, safety, improvement, and maintenance of park projects other than the Gateway Arch grounds;

(b) After the period described in paragraph (a) of this subdivision:

a. Twenty percent shall be apportioned to accessibility, safety, improvement, and maintenance of the Gateway Arch grounds; and

b. Eighty percent shall be apportioned to accessibility, safety, improvement, and maintenance of park projects other than the Gateway Arch grounds;

(c) Costs for office administration beginning in the second fiscal year of collection and allocation may be up to but shall not exceed fifteen percent of the amount deposited under this subdivision;

(2) Forty percent of the sales taxes collected from each county shall be returned to the source county for park purposes, except that forty percent of the amount allocated to each source county shall be reserved for distribution to municipalities within the county in the form of grant-sharing funds. Each county in the metropolitan district shall establish its own process for awarding the grant proceeds to its municipalities for park purposes, provided the

purposes of such grants are consistent with the purpose of the metropolitan district. In the case of any county with a charter form of government and with more than nine hundred fifty thousand inhabitants, such grant proceeds shall be awarded to municipalities by a municipal grant commission as described in section 67.1757, and in such county, notwithstanding any other provision of law to the contrary, such grant proceeds may be used to fund any recreation program or park improvement serving municipal residents and for such other purposes as set forth in section 67.1757.

3. At a general election occurring not less than six months before the expiration of twenty years after issuance of any bonds issued for the purpose of improving and maintaining the Gateway Arch grounds, but no later than twenty-three years after the effective date of the incremental sales tax as approved by voter initiative under subsection 2 of section 67.1715, the governing body of any county within the metropolitan district whose voters approved such incremental tax shall submit to its voters a proposal to reauthorize such tax after the expiration of such period. The form of the question shall be determined by the metropolitan district. Such reauthorization shall become effective only after a majority of the voters of each such county who vote on such reauthorization approve the reauthorization.

249.422. 1. If approved by a majority of the voters voting on the proposal, any city, town, village or county on behalf of the unincorporated area, located either within the boundaries of a sewer district established pursuant to Article VI, Section 30(a) of the Missouri Constitution or within any county of the first classification having a charter form of government with a population of more than two hundred ten thousand inhabitants but less than three hundred thousand inhabitants, may by city, town, village or county ordinance levy and impose annually for the repair of lateral sewer service lines on or connecting residential property having six or less dwelling units a fee not to exceed **[**~~fifty~~**] one hundred** dollars per year. Any city, town, village, or county that establishes or increases the fee used to repair any portion of the lateral sewer service line shall include all defective portions of the lateral sewer service line from the residential structure to its connection with the public sewer system line. Notwithstanding any provision of chapter 448, the fee imposed pursuant to this chapter shall be imposed upon condominiums that have six or less condominium units per building and each condominium unit shall be responsible for its proportionate share of any fee charged pursuant to this chapter, and in addition, any condominium unit shall, if determined to be responsible for and served by its own individual lateral sewer line, be treated as an individual residence regardless of the number of units in the development. It shall be the responsibility of the condominium owner or condominium association who are of the opinion that they are not properly classified as provided in this section to notify the county office administering the program. Where an existing sewer lateral program was in effect prior to August 28, 2003,

condominium and apartment units not previously enrolled may be ineligible for enrollment if it is determined that the sewer lateral serving the unit is defective.

2. The question shall be submitted in substantially the following form:

Shall a maximum charge not to exceed **[**~~fifty~~**] one hundred** dollars be assessed annually on residential property for each lateral sewer service line serving six or less dwelling units on that property and condominiums that have six or less condominium units per building and any condominium responsible for its own individual lateral sewer line to provide funds to pay the cost of certain repairs of those lateral sewer service lines which may be billed quarterly or annually?

☐ YES ☐ NO

3. If a majority of the voters voting thereon approve the proposal provided for in subsection 2 of this section, the governing body of the city, town, village or county may enact an ordinance for the collection and administration of such fee in order to protect the public health, welfare, peace and safety. The funds collected pursuant to such ordinance shall be deposited in a special account to be used solely for the purpose of paying for all or a portion of the costs reasonably associated with and necessary to administer and carry out the defective lateral sewer service line repairs. All interest generated on deposited funds shall be accrued to the special account established for the repair of lateral sewer service lines.

260.558. 1. There is hereby created in the state treasury the "Radioactive Waste Investigation Fund". The state treasurer shall be custodian of the fund. In accordance with sections 30.170 and 30.180, the state treasurer may approve disbursements. The fund shall be a dedicated fund and, upon appropriation, moneys in the fund shall be used solely by the department of natural resources to investigate concerns of exposure to radioactive waste. **[**~~Upon written request by a local governing body expressing concerns of radioactive waste contamination in a specified area within its jurisdiction,~~**] The fund shall not be used for any costs associated with clean up efforts. The fund may also accept, without limitation, funds from gifts, bequests, and devises.**

2. The department of natural resources shall use moneys in the radioactive waste investigation fund to develop and conduct an investigation, using sound scientific methods, for the specified area of concern. **[**~~The request by a local governing body~~**] Requests for investigation may be submitted in writing to the department by local governing bodies, local community groups, or individuals located within the jurisdiction of a specified area of concern. Requests** shall include a specified area of concern and any supporting documentation related to the concern. The department shall prioritize requests in the order in which they are received, except that the department may give priority to requests that are in

close proximity to federally designated sites where radioactive contaminants are known or reasonably expected to exist.

3. The investigation shall be performed by applicable federal or state agencies or by a qualified contractor selected by the department through a competitive bidding process. In conducting an investigation under this section, the department shall work with the applicable government agency or approved contractor, as well as local officials, to develop a sampling and analysis plan to determine if radioactive contaminants in the area of concern exceed federal standards **set by the United States Environmental Protection Agency** for remedial action due to contamination. **The investigation may include the collection of soil, dust, and water samples from the specified area.** Within a residential area, this plan may include **[**~~dust~~**]** samples collected **[**~~inside residential homes~~**] on private property** only after obtaining permission from the homeowners. The samples shall be analyzed for the isotopes necessary to correlate the samples with the suspected contamination, as described in the sampling and analysis plan.

4. If the department has evidence or reasonably suspects that radioactive contaminants are located on property owned by a governmental agency, regardless of whether the property is accessible to the public that will not grant access to collect samples, the department may seek a warrant to access the property to collect any samples authorized under this section.

5. Within forty-five days of receiving the final sampling results, the department shall report the results to the attorney general **[**~~and the local governing body that requested the investigation~~**]** and make the finalized report and testing results publicly available on the department's website.

[~~2.~~**] 6.** The transfer to the fund **from the hazardous waste fund** shall not exceed one hundred fifty thousand dollars per fiscal year. **[**~~Investigation costs expended from this fund shall not exceed one hundred fifty thousand dollars per fiscal year.~~**]** Any moneys **transferred from the hazardous waste fund** remaining in the fund at the end of the biennium shall revert to the credit of the hazardous waste fund. **Moneys received from general revenue, gifts, bequests, devises, or any other source shall remain in the radioactive waste investigation fund.**

[~~3.~~**] 7.** The state treasurer shall invest moneys in the fund in the same manner as other funds are invested. Any interest and moneys earned on such investments shall be credited to the fund.

8. The department shall seek reimbursement of expenses incurred during radioactive waste testing from any federal agency responsible for the site.

292.606. 1. Fees shall be collected for a period of six years from August 28, **[**~~2018~~**] 2025**.

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

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

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

(4) If, on March first of each year, fees collected under this section and natural resources damages made available pursuant to section 640.235 exceed one million dollars, any excess over one million dollars shall be proportionately credited to fees payable in the

succeeding year by each employer who was required to pay a fee and who did pay a fee in the year in which the excess occurred. The limit of one million dollars contained herein shall be reviewed by the commission concurrent with the review of fees as required in subsection 1 of this section.

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

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

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

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

7. A one-time fee shall be assessed in accordance with subsection 2 of this section and shall be calculated based on the filing due on March 1, 2025, and shall be paid by November 1, 2025.

393.2600. 1. As used in this section, the following terms mean:

(1) "Light-mitigating technology system", aircraft detection lighting or any other comparable system capable of reducing the impact of facility obstruction lighting while maintaining conspicuity sufficient to assist aircraft in identifying and avoiding collision with a wind energy conversion system;

(2) "Power offtake agreement", a long-term contract that provides for:

(a) The whole or any part of the available capacity or the sale or other disposal of the whole or any part of the output of a wind energy conversion system; or

(b) A contract for differences or financial hedge ties to the output from the wind energy conversion system;

(3) "Wind energy conversion system", an electric generation facility consisting of five or more wind turbines that are fifty feet tall or taller in height and any accessory structures and buildings, including substations, meteorological towers, electrical infrastructure, transmission lines, and other appurtenant structures.

2. After August 28, 2025, no new wind energy conversion system shall begin commercial operations in this state unless the developer, owner, or operator of the wind energy conversion systems applies to the Federal Aviation Administration for installation of a light-mitigating technology system that complies with 14 CFR 1.1, et seq. If the installation is approved by the Federal Aviation Administration, the developer, owner, or operator of such wind energy conversion system shall install the light-mitigating technology system on approved turbines within twenty-four months of receipt of approval.

3. Prior to August 28, 2033, any developer, owner, or operator of a wind energy conversion system that has commenced commercial operations in the state without a light-mitigating technology system shall apply to the Federal Aviation Administration for installation and operation of a light-mitigating technology system that complies with 14 CFR 1.1, et seq. If the installation is approved by the Federal Aviation Administration, the developer, owner, or operator of such wind energy conversion system shall install the light-mitigating technology system on approved turbines within twenty-four months of receipt of approval.

4. Any vendor that is selected for installation of light-mitigating technology system on a wind energy conversion system under the provisions of this section and is approved by the Federal Aviation Administration for such installation shall provide to the Missouri department of natural resources, in the form and manner prescribed by

the department, notice of the progress of the installation of such light-mitigating technology system.

5. If the installation of the light-mitigating technology system is delayed beyond the twenty-four-month installation requirement established under this section, the vendor shall provide notice to the Missouri department of natural resources no less than once every three months with an update on the reasons for the delay and the current status of installation. The department shall establish policies and procedures to establish a uniform schedule for submitting notice as required under this subsection.

6. Any costs associated with the installation, implementation, operation, and maintenance of a light-mitigating technology system shall be the responsibility of the developer, owner, or operator of the wind energy conversion system.

7. Any developer, owner, or operator of a wind energy conversion system that is approved to install light-mitigating technology but does not install such approved light-mitigating technology in the time frames established in subsections 3 and 5 of this section shall be liable for a fine of five thousand dollars per day per wind turbine until the developer, owner, or operator installs the light-mitigating technology as approved.

8. The director may promulgate all necessary rules and regulations for the administration of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2025, shall be invalid and void.

701.040. **[**~~1.~~**]** The department of health and senior services shall:

(1) Develop by September 1, 1995, a state standard for the location, size of sewage tanks and length of lateral lines based on the **[**~~percolation or permeability rate of the~~**]** soil **properties**, construction, installation, and operation of on-site sewage disposal systems. Advice from the department of natural resources shall be considered. City or county governments may adopt, by order or ordinance, the state standard in accordance with the provisions of sections 701.025 to 701.059. In any jurisdiction where a city or county has not adopted the state standard, the department of health and senior services shall enforce the state standard until such time as the city or county adopts the standard;

(2) Define by rule a list of **[**~~those persons who are qualified to perform the percolation tests or~~**] on-site soil evaluators registered by the department to conduct** soils morphology **[**~~tests~~**] evaluations** required by the state standard. The list shall include the following:

(a) Persons trained and certified by either the department, which shall include on-site sewage disposal system contractors or a certified agent of the department;

(b) Licensed **professional** engineers as defined in section 327.011;

(c) Sanitarians meeting standards defined by the department;

(d) Qualified geologists as defined in section **[**~~256.501~~**]** **256.453**; and

(e) "Soil scientists", defined as a person that has successfully completed at least fifteen semester credit hours of soils science course work, including at least three hours of course work in soil morphology and interpretations;

(3) Develop in accordance with sections 701.053 to 701.055 a voluntary registration program for on-site sewage disposal system contractors. Approved county programs shall implement the contractor registration program. In any area where a county has not adopted, by order or ordinance, the contractor registration program, the department shall implement the program until such time as the county adopts the registration program;

(4) Establish an education training program specifically developed for contractors and city and county employees. **[**~~Contractors may be taught and allowed to perform percolation tests.~~**]** Reasonable fees may be charged of the participants to cover the cost of the training and shall be deposited in the public health services fund created in section 192.900. The department shall provide, as a part of the education training program, an installation manual for on-site sewage disposal systems. The manual shall also be made available, at the cost of publication and distribution, to persons not participating in the education and training program;

(5) **[**~~Periodically review, but not more than annually, any county's or city's ordinance or order and enforcement record to assure that the state standard is being consistently and appropriately enforced. In its review the department shall assess the timeliness of the county's or city's inspections of on-site sewage systems, and county or city enforcement may be terminated if the department determines that the county or city is unable to provide prompt inspections. If the department determines that the standard is not being consistently or appropriately enforced in any city or county, the department shall notify the county or city of the department's intent to enforce the standard in that jurisdiction and after thirty days' notice hold a public hearing in such county or city to make a determination as to whether the state shall enforce the state standard. Any city or county aggrieved by a decision of the department may appeal a decision of the department to the state board of health and senior services established under section 191.400. Any city or county aggrieved by a decision of the state board of health and senior services may appeal that decision to the administrative hearing commission in the manner provided in section 621.120~~**]** **Administer, in accordance with sections 701.025 to 701.059, a mandatory registration program requiring continuing education before January 1, 2026, for on-site wastewater treatment system professionals**

qualified to perform percolation tests in accordance with the standards promulgated under subdivision (1) of this section. Before January 1, 2026, if a soil morphology evaluation cannot be reasonably obtained, a percolation test may be accepted, at the discretion of the administrative authority. The provisions of this subdivision shall be void and of no effect after December 31, 2025; and

(6) Promulgate such rules and regulations as are necessary to carry out the provisions of sections 701.025 to 701.059.

[~~2. Subdivision (5) of this section shall be void and of no effect after January 1, 1998.~~**]**

701.046. Except as otherwise provided in section 701.031, no person may, on or after September 1, 1995, construct or make a major modification or major repair to an on-site sewage disposal system without first notifying the city, county or department and completing an application, upon a form provided by the department**[**~~, and~~**];** submitting **[**~~a~~**] an application** fee in the amount established by the city, county or department**; and obtaining a construction permit**. **[**~~The fee shall be set at an amount no greater than that necessary to cover the cost to implement the state standard for on-site sewage disposal systems and the registration of contractors.~~**]** For areas of the state where the department is enforcing the state standard or registering contractors, the department shall **[**~~establish the fee, by rule, at an amount not greater than ninety dollars. The department may charge an additional fee, as necessary, to cover the expenses of training those contractors electing to perform the percolation tests~~**] promulgate regulations establishing the conditions and requirements for the construction permit application, including the collection of reasonable fees. The fees shall be set at a level to produce revenue that shall not exceed the cost and expense of administering the provisions of sections 701.025 to 701.059**. The application form shall require such information necessary to show that the on-site sewage disposal system will comply with the state standard. Such fees, when collected by the department, shall be deposited in the state treasury to the credit of the Missouri public health services fund. The department shall provide technical assistance regarding the type and location of the system to be installed when processing applications received under sections 701.046 to 701.048 and 701.050. Fees collected by the department shall be deposited in the Missouri public health services fund created in section 192.900 and shall be used to implement sections 701.025 to 701.059 and for no other purpose.

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