

FIRST REGULAR SESSION

[PERFECTED]

HOUSE BILL NO. 627

103RD GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE MAYHEW.

1647H.01P

JOSEPH ENGLER, Chief Clerk

AN ACT

To repeal sections 77.150, 260.003, 263.070, and 292.606, RSMo, and to enact in lieu thereof five new sections relating to environmental protection.

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

Section A. Sections 77.150, 260.003, 263.070, and 292.606, RSMo, are repealed and
2 five new sections enacted in lieu thereof, to be known as sections 77.150, 260.003, 263.070,
3 292.606, and 640.900, to read as follows:

77.150. In addition to other powers, the mayor and council of cities of the third class
2 are hereby authorized and empowered to acquire by gift, devise, purchase or condemnation,
3 within such cities or within a mile thereof, such real and personal property as may be
4 necessary or desirable for the purpose of the erection or construction of dams, lake and flood
5 protection systems, bathhouses, therapeutic bathhouses, mineral water vending houses and in
6 connection therewith, auditoriums and lecture rooms and for the laying of pipelines for the
7 distribution of mineral waters and to so acquire, improve and operate mineral springs and
8 wells, and to construct all necessary and appropriate buildings and works therefor, and to do
9 any and all things necessary to maintain and operate said properties so acquired and
10 constructed as a self-liquidating revenue producing public project, and for that purpose to
11 lease or convey the same[; ~~provided such properties shall be so acquired, constructed and~~
12 ~~thereafter maintained and operated without increasing the indebtedness of such city and shall~~
13 ~~not be paid for, maintained or operated by taxes, either general or special~~].

260.003. Notwithstanding any provision of this chapter, the department of natural
2 resources shall require that before any permit, license, or grant of authority is issued or

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.

3 renewed by the department of natural resources pursuant to this chapter, the local jurisdiction
4 shall verify that the person and activity which is the subject of such permit, license, or grant
5 of authority **to which any preliminary or final application was first received by the**
6 **department**, is in compliance with all applicable local zoning, building, and health codes,
7 ordinances, and orders with regard to the person and activity regulated pursuant to this
8 chapter. Failure of the local jurisdiction to respond to a request from the department of
9 natural resources for such verification within thirty days of such request shall be deemed to be
10 verification of local compliance. **The department of natural resources shall not deny any**
11 **preliminary or final application for a permit, license, or grant of authority under this**
12 **section based on a local zoning, building, health code, ordinance, or order if the local**
13 **zoning, building, health code, ordinance, or order was enacted following the filing of the**
14 **application.**

263.070. 1. A schedule of fees to defray the cost of inspecting greenhouses,
2 nurseries, nursery dealers, nursery stock, plants, plant products and other materials is hereby
3 established and shall be listed in the rules made pursuant to sections 263.010 to 263.180. This
4 fee schedule may be revised from time to time to more accurately reflect the actual cost of
5 these inspections.

6 2. Greenhouse inspection shall be optional and any grower of greenhouse plants who
7 may desire or find need for a certificate of greenhouse inspection may obtain semiannual
8 inspection of his greenhouse, premises and plants, by making application to the state
9 entomologist. This semiannual inspection and certification of greenhouses shall be
10 performed under the same general provisions as apply to the annual inspection of
11 nurseries. Greenhouse inspection certificates shall expire on November thirtieth of each year.

12 3. All nurseries in this state shall be inspected at least once each year to ascertain
13 whether they are infested or infected with plant pests **and shall comply with the affidavit**
14 **requirements under paragraph (d) of subdivision (1) of subsection 5 of this section.**
15 Upon full payment of the fee **and submission of the affidavit** each nurseryman shall receive
16 a written notice of the findings of such inspection along with a nursery inspection certificate;
17 except that, the state entomologist may withhold certification of a nursery pending eradication
18 of extremely serious or abundant plant pests or weeds of such nature which would prevent the
19 adequate inspection of such nursery. This certificate shall be used in connection with the
20 shipment or movement of any nursery stock shown to be apparently free of harmful and
21 destructive plant pests or other nursery stock from which harmful and destructive plant pests
22 have been eliminated. All nursery inspection certificates shall expire on September thirtieth
23 of each year. Each nursery shall be allowed one retail sales outlet per certificate. Additional
24 outlets shall require separate nursery dealer registration-inspection certificates. When the
25 findings of the annual inspection of a nursery shall in the opinion of the state entomologist

26 warrant such action, additional inspections of the nursery may be made and the nursery may
27 be charged a fee sufficient to cover the cost of such reinspection.

28 4. By notice in writing the state entomologist may require a nurseryman to hold any
29 variety or any amount of nursery stock for inspection or reinspection by quarantining such
30 nursery stock whenever such action is necessary to determine that it is free from pests or to
31 allow time to eradicate any such pests. The state entomologist may further order the removal
32 from sale and the treatment or destruction of any nursery stock infested or infected with
33 especially injurious pests or nursery stock which is not viable or is in such damaged or
34 desiccated condition as to be incapable of reasonable growth. No compensation shall be paid
35 for any stock ordered destroyed.

36 5. (1) Each nursery dealer, before selling or offering for sale or otherwise distributing
37 nursery stock within this state, shall annually obtain a nursery dealers' registration-inspection
38 certificate for each individual location from which the dealer sells or offers for sale nursery
39 stock. Each nursery dealer shall make application on forms to be provided by the state
40 entomologist for each individual location, which shall include:

41 (a) The name and complete address of the nursery dealer's place of business for which
42 such certificate is requested;

43 (b) A declaration that applicant will obtain and distribute only inspected and certified
44 nursery stock; ~~and~~

45 (c) An up-to-date listing of all sources from which ~~he~~ **the nursery dealer** secures
46 nursery stock; **and**

47 (d) **An affidavit that the nursery dealer shall not knowingly and intentionally**
48 **import, export, buy, sell, transport, distribute, or propagate any viable plant portion or**
49 **seeds of:**

50 **a. Climbing euonymus (*Euonymus fortunei* variety *Coloratus*), all varieties and**
51 **cultivars of Japanese honeysuckle (*Lonicera japonica*), or all varieties and cultivars of**
52 ***Sericea lespedeza* (*Lespedeza cuneata*), or perilla mint (*Perilla frutescens*) on or after**
53 **January 1, 2027; or**

54 **b. Burning bush (*Euonymus alatus* 'Compactus') or all varieties and cultivars of**
55 **Callery pear (*Pyrus calleryana*) on or after January 1, 2029.**

56 (2) Each nursery dealer shall pay, at the time of making application, the annual
57 registration-inspection fee as set forth in the rules made pursuant to sections 263.010 to
58 263.180.

59 (3) All nursery dealer registration-inspection certificates shall expire on September
60 thirtieth of each year.

61 (4) The state entomologist may inspect or cause to be inspected the premises of any
62 nursery dealer including any sales yard, packing shed, nursery stock on hand or equipment,

63 for the presence of dangerous and destructive plant pests which may be disseminated on
64 nursery stock.

65 6. By notice in writing the state entomologist may require a nursery dealer to hold any
66 variety or any amount of nursery stock by quarantining such nursery stock whenever such
67 action is necessary to determine that it is free from pests or to allow time to eradicate any such
68 pests. The state entomologist may further order the removal from sale and the treatment or
69 destruction of any nursery stock infested or infected with especially injurious pests, or nursery
70 stock which is not viable or is in such damaged or desiccated condition as to be incapable of
71 reasonable growth. No compensation shall be paid for any stock ordered destroyed.

72 7. Any person in need of a special inspection and certification of nursery stock, other
73 plants or plant products may upon request to the state entomologist have same inspected for
74 plant pests. A fee sufficient to cover the cost of such inspection or certificate, or both, may be
75 charged. Upon completion of the inspection and payment of the fee, a certificate of
76 inspection shall be issued provided the plants or plant products are free of harmful plant pests.
77 The state entomologist may enter into agreements with various persons or companies, to carry
78 out the requirements of this state and importing states or countries.

79 8. All moneys received for any inspection fee or other receipts under this law shall be
80 deposited in the state treasury and shall be subject to appropriation by the general assembly.

292.606. 1. Fees shall be collected for a period of six years from August 28, ~~[2018]~~
2 **2025**.

3 2. (1) Any employer required to report under subsection 1 of section 292.605, except
4 local governments and family-owned farm operations, shall submit an annual fee to the
5 commission of one hundred dollars along with the Tier II form. Owners or operators of
6 petroleum retail facilities shall pay a fee of no more than fifty dollars for each such facility.
7 Any person, firm or corporation selling, delivering or transporting petroleum or petroleum
8 products and whose primary business deals with petroleum products or who is covered by the
9 provisions of chapter 323, if such person, firm or corporation is paying fees under the
10 provisions of the federal hazardous materials transportation registration and fee assessment
11 program, shall deduct such federal fees from those fees owed to the state under the provisions
12 of this subsection. If the federal fees exceed or are equal to what would otherwise be owed
13 under this subsection, such employer shall not be liable for state fees under this subsection.
14 In relation to petroleum products "primary business" shall mean that the person, firm or
15 corporation shall earn more than fifty percent of hazardous chemical revenues from the sale,
16 delivery or transport of petroleum products. For the purpose of calculating fees, all grades of
17 gasoline are considered to be one product, all grades of heating oils, diesel fuels, kerosenes,
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.

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

640.900. 1. (1) There is hereby created in the state treasury the "Soil Erosion
2 **Control Fund", which shall consist of moneys appropriated by the general assembly; all**
3 **gifts, grants, and bequests from any federal or private source; and all repayment of loan**
4 **moneys from eligible homeowners' associations. The state treasurer shall be custodian**
5 **of the fund. In accordance with sections 30.170 and 30.180, the state treasurer may**
6 **approve disbursements. The fund shall be a dedicated fund and, upon appropriation,**
7 **moneys in this fund shall be used solely as provided in this section.**

8 **(2) Notwithstanding the provisions of section 33.080 to the contrary, any moneys**
9 **remaining in the fund at the end of the biennium shall not revert to the credit of the**
10 **general revenue fund.**

11 **(3) The state treasurer shall invest moneys in the fund in the same manner as**
12 **other funds are invested. Any interest and moneys earned on such investments shall be**
13 **credited to the fund.**

14 **2. The fund shall be used to better equip neighborhoods and communities to**
15 **reduce sedimentation and erosion of creeks, streams, and waterways and to protect**

16 ecological integrity and environmental services provided by natural drainage channels
17 that run in close proximity to residential areas. The following types of projects are
18 eligible for loan funds:

19 (1) Daylighting waterways;

20 (2) Adding or restoring natural flood and catchment capacity to existing
21 waterways;

22 (3) Restoring or rehabilitating natural culverts or culverts that use natural
23 infrastructure;

24 (4) Bank stabilization using natural means such as vegetation, trees, or built
25 implements as long as such implements do not compromise the natural functionality of
26 the creek, stream, or waterway; and

27 (5) Any other project deemed eligible by the department.

28 3. The following projects shall not be eligible for loans under this section:

29 (1) Lining drainage-ways with impermeable surfaces; and

30 (2) Deploying impermeable surfaces throughout a creek, stream, or waterway
31 that covers large swaths of natural area.

32 4. To be eligible for a loan under this section, a homeowners' association shall be
33 incorporated as a nonprofit organization under Missouri law.

34 5. The department of natural resources shall distribute moneys from the fund
35 according to rules and regulations promulgated under this section. The distribution
36 shall also be subject to the following:

37 (1) The interest amount on loans granted under this section shall not exceed the
38 federal funds rate or two percent, whichever is greater;

39 (2) The loan amount shall not exceed eighty percent of the total cost of a project
40 in a single fiscal year;

41 (3) The terms of the loan shall include a repayment schedule of not more than
42 ten years; and

43 (4) A homeowners' association shall:

44 (a) Pass an assessment to the homeowners before qualifying for a loan under this
45 section. The assessment shall be documented in the minutes of a homeowners'
46 association meeting, indicating the meeting was held with appropriate notice, a quorum
47 was present, and the vote for the assessment was favorable;

48 (b) As loan collateral, place liens or contingent liens upon all property where
49 improvements from the project abut or are wholly within the property.

50 6. The department shall establish an application form for homeowners'
51 associations to apply for loans under this section that shall, at a minimum, require
52 homeowners' associations to certify their compliance with the requirements of this

53 section and provide any other information the department deems necessary for its
54 decision to award funds.

55 7. The director may promulgate all necessary rules and regulations for the
56 administration of this section. Any rule or portion of a rule, as that term is defined in
57 section 536.010, that is created under the authority delegated in this section shall
58 become effective only if it complies with and is subject to all of the provisions of chapter
59 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable
60 and if any of the powers vested with the general assembly pursuant to chapter 536 to
61 review, to delay the effective date, or to disapprove and annul a rule are subsequently
62 held unconstitutional, then the grant of rulemaking authority and any rule proposed or
63 adopted after August 28, 2025, shall be invalid and void.

✓