

FIRST REGULAR SESSION

SENATE BILL NO. 564

103RD GENERAL ASSEMBLY

INTRODUCED BY SENATOR WILLIAMS.

0612S.01H

KRISTINA MARTIN, Secretary

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.

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Section A. Section 292.606, RSMo, is repealed and one new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

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

3 2. (1) Any employer required to report under
4 subsection 1 of section 292.605, except local governments
5 and family-owned farm operations, shall submit an annual fee
6 to the commission of one hundred dollars along with the Tier
7 II form. Owners or operators of petroleum retail facilities
8 shall pay a fee of no more than fifty dollars for each such
9 facility. Any person, firm or corporation selling,
10 delivering or transporting petroleum or petroleum products
11 and whose primary business deals with petroleum products or
12 who is covered by the provisions of chapter 323, if such
13 person, firm or corporation is paying fees under the
14 provisions of the federal hazardous materials transportation
15 registration and fee assessment program, shall deduct such
16 federal fees from those fees owed to the state under the
17 provisions of this subsection. If the federal fees exceed
18 or are equal to what would otherwise be owed under this

EXPLANATION-Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

19 subsection, such employer shall not be liable for state fees
20 under this subsection. In relation to petroleum products
21 "primary business" shall mean that the person, firm or
22 corporation shall earn more than fifty percent of hazardous
23 chemical revenues from the sale, delivery or transport of
24 petroleum products. For the purpose of calculating fees,
25 all grades of gasoline are considered to be one product, all
26 grades of heating oils, diesel fuels, kerosenes, naphthas,
27 aviation turbine fuel, and all other heavy distillate
28 products except for grades of gasoline are considered to be
29 one product, and all varieties of motor lubricating oil are
30 considered to be one product. For the purposes of this
31 section "facility" shall mean all buildings, equipment,
32 structures and other stationary items that are located on a
33 single site or on contiguous or adjacent sites and which are
34 owned or operated by the same person. If more than three
35 hazardous substances or mixtures are reported on the Tier II
36 form, the employer shall submit an additional twenty-dollar
37 fee for each hazardous substance or mixture. Fees collected
38 under this subdivision shall be for each hazardous chemical
39 on hand at any one time in excess of ten thousand pounds or
40 for extremely hazardous substances on hand at any one time
41 in excess of five hundred pounds or the threshold planning
42 quantity, whichever is less, or for explosives or blasting
43 agents on hand at any one time in excess of one hundred
44 pounds. However, no employer shall pay more than ten
45 thousand dollars per year in fees. Moneys acquired through
46 litigation and any administrative fees paid pursuant to
47 subsection 3 of this section shall not be applied toward
48 this cap.

49 (2) Employers engaged in transporting hazardous
50 materials by pipeline except local gas distribution

51 companies regulated by the Missouri public service
52 commission shall pay to the commission a fee of two hundred
53 fifty dollars for each county in which they operate.

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

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

68 3. Beginning January 1, 2013, any employer filing its
69 Tier II form pursuant to subsection 1 of section 292.605 may
70 request that the commission distribute that employer's Tier
71 II report to the local emergency planning committees and
72 fire departments listed in its Tier II report. Any employer
73 opting to have the commission distribute its Tier II report
74 shall pay an additional fee of ten dollars for each facility
75 listed in the report at the time of filing to recoup the
76 commission's distribution costs. Fees shall be deposited in
77 the chemical emergency preparedness fund established under
78 section 292.607. An employer who pays the additional fee
79 and whose Tier II report includes all local emergency
80 planning committees and fire departments required to be
81 notified under subsection 1 of section 292.605 shall satisfy
82 the reporting requirements of subsection 1 of section

83 292.605. The commission shall develop a mechanism for an
84 employer to exercise its option to have the commission
85 distribute its Tier II report.

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

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

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

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