

FIRST REGULAR SESSION

# HOUSE BILL NO. 192

## 96TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE JONES (89).

0577L.011

D. ADAM CRUMBLISS, Chief Clerk

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### AN ACT

To repeal sections 260.965 and 414.072, RSMo, and to enact in lieu thereof five new sections relating to environmental protection.

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

Section A. Sections 260.965 and 414.072, RSMo, are repealed and five new sections  
2 enacted in lieu thereof, to be known as sections 260.965, 319.130, 414.072, 414.074, and 1, to  
3 read as follows:

260.965. The provisions of sections 260.900 to 260.965 shall expire August 28, [2012]  
2 **2022.**

**319.130. 1. On or before August 28, 2012, the board of trustees of the petroleum  
2 storage tank insurance fund shall hold one or more public hearings to determine whether  
3 to create and fund an underground storage tank operator training program. The board  
4 shall consider at a minimum:**

- 5 **(1) Input from the department of natural resources, the department of agriculture,  
6 the board's advisory committee, and affected portions of the private sector;**  
7 **(2) Relevant deadlines, time frames, costs, and benefits, including federal funding  
8 consequences for the state's underground storage tank regulatory program if such a  
9 training program is not implemented;**  
10 **(3) Training programs already in existence in other states;**  
11 **(4) Training programs already being used by tank owners and operators; and**  
12 **(5) Such other factors as the board deems necessary and prudent.**

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.

13           **2. If after completing the requirements of subsection 1 of this section, the board**  
14 **decides by majority vote to create and fund an underground storage tank operator training**  
15 **program, the training program shall at a minimum:**

16           **(1) Satisfy the federal requirements for such a program;**

17           **(2) Be developed in collaboration with the department of natural resources, the**  
18 **department of agriculture, the board's advisory committee, and affected portions of the**  
19 **private sector;**

20           **(3) Be offered at no cost to those who are required to participate;**

21           **(4) Specify standards, reporting, and documentation requirements; and**

22           **(5) Be established by rule.**

23           **3. The board may contract with one or more third parties to carry out the**  
24 **requirements of this section.**

25           **4. At any time after the board creates and funds the underground storage tank**  
26 **operator training program under subsection 2 of this section, the board may, by rule,**  
27 **modify or eliminate the program.**

28           **5. Any records created or maintained by the board as part of the underground**  
29 **storage tank operator training program created herein shall be public records under**  
30 **chapter 610 and shall be made readily available to the department of natural resources.**

31           **6. Any rule or portion of a rule, as that term is defined in section 536.010, that is**  
32 **created under the authority delegated in this section shall become effective only if it**  
33 **complies with and is subject to all of the provisions of chapter 536 and, if applicable,**  
34 **section 536.028. This section and chapter 536 are nonseverable and if any of the powers**  
35 **vested with the general assembly under chapter 536 to review, to delay the effective date,**  
36 **or to disapprove and annul a rule are subsequently held unconstitutional, then the grant**  
37 **of rulemaking authority and any rule proposed or adopted after August 28, 2011, shall be**  
38 **invalid and void.**

414.072. 1. At least every six months, the director shall test and inspect the measuring  
2 devices used by any person selling an average of two hundred or more gallons of gasoline,  
3 gasoline-alcohol blends, diesel fuel, heating oil, kerosene, or aviation turbine fuel per month at  
4 either retail or wholesale in this state, except marine installations, which shall be tested and  
5 inspected at least once per year.

6           **2. The state and all political subdivisions shall disregard the manufacturer's**  
7 **expiration date on motor fuel pump nozzles, hoses, and hose breakaway equipment, if any,**  
8 **shall not issue or impose any fines or penalties regarding the manufacturer's expiration**  
9 **date on such devices and equipment, and shall continue to require the replacement of such**  
10 **devices and equipment only when it fails inspection. The manufacturer's expiration date**

11 **on motor fuel pump nozzles, hoses, and hose breakaway equipment shall not impose any**  
12 **new or additional liability on motor fuel retailers and wholesalers as well as the retailers**  
13 **and wholesalers of such devices and equipment.**

14 **3.** When the director finds that any measuring device does not correctly and accurately  
15 register and measure the monetary cost, if applicable, or the volume sold, he shall require the  
16 correction, removal, or discontinuance of the same.

17 **[3.] 4.** Notwithstanding any other law or rule to the contrary, it has been and continues  
18 to be the public policy of this state to prohibit gasoline and diesel motor fuel in a retail sale  
19 transaction from being dispensed by any measuring device or equipment that is not approved by  
20 the department of agriculture or the National Type Evaluation Program (NTEP). **Any automatic**  
21 **volumetric correction device for measuring gasoline, gasoline-alcohol blends, diesel fuel,**  
22 **and diesel fuel-biodiesel blends sold at retail fueling facilities is prohibited by state rule or**  
23 **the automatic adoption or incorporation of national standards or rules unless the device**  
24 **is first specifically authorized and required by state statute.**

**414.074.** Notwithstanding any other law or rule to the contrary, any motor fuel  
2 **mandate is prohibited by state rule or the automatic adoption or incorporation of national**  
3 **standards or rules unless the mandate is first specifically authorized and required by state**  
4 **statute.**

**Section 1.** Notwithstanding any other law or rule to the contrary, only the  
2 **department of natural resources shall set stage 1 and 2 motor fuel vapor recovery fees,**  
3 **including permit and construction fees, which shall be uniform across the state and which**  
4 **shall not be modified, expanded, or increased by political subdivisions or local enforcement**  
5 **agencies.**