

FIRST REGULAR SESSION

HOUSE BILL NO. 453

91ST GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES RANSBALL, BERKOWITZ AND WIGGINS (Co-sponsors).

Read 1st time January 18, 2001, and 1000 copies ordered printed.

TED WEDEL, Chief Clerk

1171L.011

AN ACT

To repeal section 292.606, RSMo 2000, relating to the emergency response commission, and to enact in lieu thereof one new section relating to the same subject.

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

Section A. Section 292.606, RSMo 2000, is repealed and one new section enacted in lieu thereof, to be known as section 292.606, to read as follows: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 [ten] **twenty** years from August 28, 1992. [The commission shall review the adequacy of the fees imposed in this section and shall present its assessment to affected departments and the respective committees of jurisdiction of the house and senate before December 1, 1994.]

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, RSMo, 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

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

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

32 (2) Employers engaged in transporting hazardous materials by pipeline except local gas
33 distribution companies regulated by the Missouri public service commission shall pay to the
34 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 total
36 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 resources
38 damages made available pursuant to section 640.235, RSMo, exceed one million dollars, any
39 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. Local emergency planning committees receiving funds under section 292.604 shall
45 coordinate with the commission and the department in chemical emergency planning, training,
46 preparedness, and response activities. Local emergency planning committees receiving funds
47 under section 260.394, RSMo, sections 292.602, 292.604, 292.605, 292.606, 292.615 and section
48 640.235, RSMo, shall provide to the commission an annual report of expenditures and activities.

49 4. Fees collected by the department and all funds provided to local emergency planning
50 committees shall be used for chemical emergency preparedness purposes as outlined in sections
51 292.600 to 292.625 and the federal act, including contingency planning for chemical releases;
52 exercising, evaluating, and distributing plans, providing training related to chemical emergency

53 preparedness and prevention of chemical accidents; identifying facilities required to report;
54 processing the information submitted by facilities and making it available to the public; receiving
55 and handling emergency notifications of chemical releases; operating a local emergency planning
56 committee; and providing public notice of chemical preparedness activities. Local emergency
57 planning committees receiving funds under this section may combine such funds with other local
58 emergency planning committees to further the purposes of sections 292.600 to 292.625, or the
59 federal act.

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