

SECOND REGULAR SESSION

[P E R F E C T E D]

# SENATE BILL NO. 626

99TH GENERAL ASSEMBLY

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INTRODUCED BY SENATOR MUNZLINGER.

Pre-filed December 1, 2017, and ordered printed.

Read 2nd time January 9, 2018, and referred to the Committee on Transportation, Infrastructure and Public Safety.

Reported from the Committee January 18, 2018, with recommendation that the bill do pass.

Taken up for Perfection January 30, 2018. Bill declared Perfected and Ordered Printed.

ADRIANE D. CROUSE, Secretary.

4351S.01P

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## AN ACT

To repeal section 292.606, RSMo, and to enact in lieu thereof one new section relating to distribution of petroleum products.

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*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Section A. Section 292.606, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 292.606, to read as follows: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 six years from August 28, [2012] **2018**.

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

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

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

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

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

43 (4) If, on March first of each year, fees collected under this section and  
44 natural resources damages made available pursuant to section 640.235 exceed one  
45 million dollars, any excess over one million dollars shall be proportionately  
46 credited to fees payable in the succeeding year by each employer who was  
47 required to pay a fee and who did pay a fee in the year in which the excess  
48 occurred. The limit of one million dollars contained herein shall be reviewed by  
49 the commission concurrent with the review of fees as required in subsection 1 of  
50 this section.

51 3. Beginning January 1, 2013, any employer filing its Tier II form  
52 pursuant to subsection 1 of section 292.605 may request that the commission

53 distribute that employer's Tier II report to the local emergency planning  
54 committees and fire departments listed in its Tier II report. Any employer opting  
55 to have the commission distribute its Tier II report shall pay an additional fee of  
56 ten dollars for each facility listed in the report at the time of filing to recoup the  
57 commission's distribution costs. Fees shall be deposited in the chemical  
58 emergency preparedness fund established under section 292.607. An employer  
59 who pays the additional fee and whose Tier II report includes all local emergency  
60 planning committees and fire departments required to be notified under  
61 subsection 1 of section 292.605 shall satisfy the reporting requirements of  
62 subsection 1 of section 292.605. The commission shall develop a mechanism for  
63 an employer to exercise its option to have the commission distribute its Tier II  
64 report.

65 4. Local emergency planning committees receiving funds under section  
66 292.604 shall coordinate with the commission and the department in chemical  
67 emergency planning, training, preparedness, and response activities. Local  
68 emergency planning committees receiving funds under this section, section  
69 260.394, sections 292.602, 292.604, 292.605, 292.615 and section 640.235 shall  
70 provide to the commission an annual report of expenditures and activities.

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

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