

FIRST REGULAR SESSION

[P E R F E C T E D]

# SENATE BILL NO. 84

100TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR CUNNINGHAM.

Pre-filed December 1, 2018, and ordered printed.

Read 2nd time January 22, 2019, and referred to the Committee on Agriculture, Food Production and Outdoor Resources.

Reported from the Committee February 14, 2019, with recommendation that the bill do pass and be placed on the Consent Calendar.

Taken up March 26, 2019. Read 3rd time and placed upon its final passage; bill passed.

ADRIANE D. CROUSE, Secretary.

0526S.01P

## AN ACT

To repeal section 256.700, RSMo, and to enact in lieu thereof one new section relating to geologic resources fees.

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

Section A. Section 256.700, RSMo, is repealed and one new section  
2 enacted in lieu thereof, to be known as section 256.700, to read as follows:

256.700. 1. Any operator desiring to engage in surface mining who  
2 applies for a permit under section 444.772 shall, in addition to all other fees  
3 authorized under such section, annually submit a geologic resources fee. Such fee  
4 shall be deposited in the geologic resources fund established and expended under  
5 section 256.705. For any operator of a gravel mining operation where the annual  
6 tonnage of gravel mined by such operator is less than five thousand tons, there  
7 shall be no fee under this section.

8 2. The director of the department of natural resources may require a  
9 geologic resources fee for each permit not to exceed one hundred dollars. The  
10 director may also require a geologic resources fee for each site listed on a permit  
11 not to exceed one hundred dollars for each site. The director may also require a  
12 geologic resources fee for each acre permitted by the operator under section  
13 444.772 not to exceed ten dollars per acre. If such fee is assessed, the fee per  
14 acre on all acres bonded by a single operator that exceeds a total of three hundred  
15 acres shall be reduced by fifty percent. In no case shall the geologic resources fee  
16 portion for any permit issued under section 444.772 be more than three thousand

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

17 five hundred dollars.

18           3. Beginning August 28, 2007, the geologic resources fee shall be set at a  
19 permit fee of fifty dollars, a site fee of fifty dollars, and an acre fee of six  
20 dollars. Fees may be raised as allowed in this subsection by a regulation change  
21 promulgated by the director of the department of natural resources. Prior to such  
22 a regulation change, the director shall consult the industrial minerals advisory  
23 council created under section 256.710 in order to determine the need for such an  
24 increase in fees.

25           4. Fees imposed under this section shall become effective August 28, 2007,  
26 and shall expire on December 31, [2020] **2025**. No other provisions of sections  
27 256.700 to 256.710 shall expire.

28           5. The department of natural resources may promulgate rules to  
29 implement the provisions of sections 256.700 to 256.710. Any rule or portion of  
30 a rule, as that term is defined in section 536.010, that is created under the  
31 authority delegated in this section shall become effective only if it complies with  
32 and is subject to all of the provisions of chapter 536 and, if applicable, section  
33 536.028. This section and chapter 536 are nonseverable and if any of the powers  
34 vested with the general assembly under chapter 536 to review, to delay the  
35 effective date, or to disapprove and annul a rule are subsequently held  
36 unconstitutional, then the grant of rulemaking authority and any rule proposed  
37 or adopted after August 28, 2007, shall be invalid and void.

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