

SECOND REGULAR SESSION

[PERFECTED]

SENATE BILL NO. 984

101ST GENERAL ASSEMBLY

INTRODUCED BY SENATOR HEGEMAN.

4622S.02P

ADRIANE D. CROUSE, Secretary

AN ACT

To repeal section 99.847, RSMo, and to enact in lieu thereof five new sections relating to environmental protection.

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

Section A. Section 99.847, RSMo, is repealed and five new
2 sections enacted in lieu thereof, to be known as sections
3 99.847, 160.077, 256.800, 260.221, and 644.060, to read as
4 follows:

99.847. 1. Notwithstanding the provisions of sections
2 99.800 to 99.865 to the contrary, for all years ending on or
3 before December 31, 2021, no new tax increment financing
4 project shall be authorized in any area which is within an
5 area designated as flood plain by the Federal Emergency
6 Management Agency and which is located in or partly within a
7 county with a charter form of government with greater than
8 two hundred fifty thousand inhabitants but fewer than three
9 hundred thousand inhabitants, unless the redevelopment area
10 actually abuts a river or a major waterway and is
11 substantially surrounded by contiguous properties with
12 residential, industrial, or commercial zoning
13 classifications. Notwithstanding the provisions of sections
14 99.800 to 99.865 to the contrary, for all years beginning on
15 or after January 1, 2022, no new tax increment financing
16 project shall be authorized in any area which is within an

17 area designated as flood plain by the Federal Emergency
18 Management Agency, **or was designated as flood plain by the**
19 **Federal Emergency Management Agency but due to flood**
20 **resiliency measures and flood resiliency projects under**
21 **section 256.800 such area is no longer designated as flood**
22 **plain by the Federal Emergency Management Agency,** unless
23 such project is located in:

24 (1) A county with a charter form of government and
25 with more than six hundred thousand but fewer than seven
26 hundred thousand inhabitants;

27 (2) A county of the first classification with more
28 than two hundred thousand but fewer than two hundred sixty
29 thousand inhabitants;

30 (3) A county of the first classification with more
31 than eighty-three thousand but fewer than ninety-two
32 thousand inhabitants and with a city of the fourth
33 classification with more than four thousand five hundred but
34 fewer than five thousand inhabitants as the county seat;

35 (4) A county of the first classification with more
36 than seventy thousand but fewer than eighty-three thousand
37 inhabitants and with a home rule city with more than forty-
38 one thousand but fewer than forty-seven thousand inhabitants
39 as the county seat;

40 (5) A home rule city with more than seventy-one
41 thousand but fewer than seventy-nine thousand inhabitants;

42 (6) A home rule city with more than one hundred fifty-
43 five thousand but fewer than two hundred thousand
44 inhabitants;

45 (7) A home rule city with more than seventeen thousand
46 but fewer than nineteen thousand inhabitants and partially
47 located in any county of the third classification without a

township form of government and with more than twenty-six thousand but fewer than twenty-nine thousand inhabitants;

(8) A home rule city with more than forty-one thousand but fewer than forty-seven thousand inhabitants and partially located in any county of the first classification with more than seventy thousand but fewer than eighty-three thousand inhabitants;

(9) A port district created under the provisions of chapter 68, provided that such financing is exclusively utilized to fund a port infrastructure project that is approved by the port authority; or

(10) A levee district created pursuant to chapter 245 or a drainage district created pursuant to chapter 242 or 243 prior to August 28, 2021.

2. This section shall not apply to tax increment financing projects or districts approved prior to July 1, 2003, and shall allow such tax increment financing projects to modify, amend, or expand such projects, including redevelopment project costs, by not more than forty percent of such project original projected cost, including redevelopment project costs, as such projects, including redevelopment project costs, existed as of June 30, 2003, and shall allow such tax increment financing district to modify, amend, or expand such districts by not more than five percent as such districts existed as of June 30, 2003.

3. The provisions of subsections 1 and 2 of this section notwithstanding, no new tax increment financing project shall be authorized in any area which is within an area designated as flood plain by the Federal Emergency Management Agency and which is located in or partly within a county with a charter form of government and with more than three hundred thousand but fewer than four hundred fifty

thousand inhabitants, unless the redevelopment area actually abuts a river or a major waterway and is substantially surrounded by contiguous properties with residential, industrial, or commercial zoning classifications.

160.077. 1. This section shall be known and may be cited as the "Get the Lead Out of School Drinking Water Act".

2. As used in this section, the following terms mean:

(1) "Commission", the safe drinking water commission established under section 640.105;

(2) "Disadvantaged school district", any school district that serves students from a county in which at least twenty-five percent of the households in such county are below the federal poverty guidelines updated periodically in the Federal Register by the U.S. Department of Health and Human Services under the authority of 42 U.S.C. Section 9902(2), as amended, or any school district in which more than seventy percent of students in the district qualify for a free or reduced price lunch under the federal Richard B. Russell National School Lunch Act, 42 U.S.C. Section 1751 et seq.;

(3) "Drinking water outlet", a potable water fixture that is used for drinking or food preparation. "Drinking water outlet" includes, but is not limited to:

(a) A water fountain, faucet, or tap that is used or potentially used for drinking or food preparation; and

(b) Ice-making and hot drink machines;

(4) "First draw", a two-hundred-fifty-milliliter sample immediately collected from a drinking water outlet that has been turned on after a stagnation period of at least eight hours;

(5) "NSF/ANSI 53-2017", the standard for drinking water treatment systems that are designed to reduce specific

29 health-related contaminants in water supplies that is
30 published by NSF International/ANSI with the title "Drinking
31 Water Treatment Units - Health Effects", or any more
32 stringent subsequent standard;

33 (6) "Parent", a parent, guardian, or other person
34 having control or custody of a child;

35 (7) "Private school", the same definition as in
36 section 166.700;

37 (8) "Public school", the same definition as in section
38 160.011;

39 (9) "Remediation", decreasing the lead concentration
40 in water from a drinking water outlet to less than one part
41 per billion without relying solely on flushing practices, or
42 using methods such as the replacement of lead-containing
43 pipes, solder, fittings, or fixtures with lead-free
44 components. Flushing as a stand alone action shall not be
45 considered remediation;

46 (10) "School", any public school, private school, or
47 provider of an early childhood education program that
48 receives state funding.

49 3. Beginning in the 2023-2024 school year and for each
50 subsequent school year, each school shall provide drinking
51 water with a lead concentration level below the American
52 Academy of Pediatrics' recommended maximum level for schools
53 of one part per billion in sufficient amounts to meet the
54 drinking water needs of all students and staff as provided
55 in this section.

56 4. (1) Before January 1, 2024, each school shall:

57 (a) Conduct an inventory of all drinking water outlets
58 and nonpotable water fixtures in each of the school's
59 buildings;

60 (b) Remove any drinking watercoolers that the United
61 States Environmental Protection Agency has determined are
62 not lead-free under the federal Lead Contamination Control
63 Act of 1988, as amended;

64 (c) Install a filter that reduces lead in drinking
65 water on each drinking water outlet, maintain such filters
66 to ensure that lead concentration levels are below one part
67 per billion, and replace such filters at least as frequently
68 as provided for in the manufacturer's instructions. This
69 paragraph shall apply only to schools with drinking water
70 determined to have a lead concentration level above the
71 American Academy of Pediatrics' recommended maximum level
72 for schools of one part per billion; and

73 (d) Upon request, provide general information on the
74 health effects of lead contamination and additional
75 informational resources for employees and parents of
76 children at each school.

77 (2) Each school shall make buildings housing early
78 childhood education programs, kindergartens, and elementary
79 schools the priority when complying with paragraphs (a) to
80 (c) of subdivision (1) of this subsection.

81 (3) Filters described in paragraph (c) of subdivision
82 (1) of this subsection and any replacement filters shall be
83 certified as compliant with NSF/ANSI 53-2017 and shall
84 incorporate an integral performance indication device as
85 specified in section 6.1 of NSF/ANSI 53-2017.

86 (4) Each school shall provide sufficient filtered
87 water to meet the drinking water needs of all students and
88 staff.

89 (5) Within sixty days after filters are installed as
90 required under paragraph (c) of subdivision (1) of this
91 subsection and annually thereafter, each school shall

92 conduct testing for lead by first-draw and follow-up flush
93 samples of a random sampling of at least twenty-five percent
94 of remediated drinking water outlets until all remediated
95 sources have been tested as recommended by the 2018 version
96 of the United States Environmental Protection Agency's
97 "Training, Testing, and Taking Action" program. The testing
98 shall be conducted and the results analyzed for both types
99 of tests by an entity or entities approved by the department.

100 (6) Within two weeks after receiving test results,
101 each school shall make all testing results and any lead
102 remediation plans available on the school's website.

103 (7) School districts shall submit such annual testing
104 results to the commission.

105 (8) This subsection shall not be construed to prevent
106 a school from conducting more frequent testing than required
107 under this section.

108 5. (1) If a first draw sample shows a lead
109 concentration of one part per billion or greater, the
110 affected school shall:

111 (a) Within one business day after receiving the test
112 result, shut off the drinking water outlet;

113 (b) Provide bottled water if there is not enough water
114 to meet the drinking water needs of the students, teachers,
115 and staff; and

116 (c) Within thirty days after receiving the test
117 result, determine interim remediation steps to implement to
118 address the elevated lead concentration level. Such steps
119 shall be posted to the school website.

120 (2) If a pipe, solder, fitting, or fixture is replaced
121 as part of remediation, the replacement shall be lead-free,
122 as such term is defined in 40 CFR 143.12, as amended.

123 (3) If a test result exceeds one part per billion, the
124 affected school shall contact parents and staff via written
125 notification within seven business days after receiving the
126 test result. The notification shall include at least:

127 (a) The test results and a summary that explains such
128 results;

129 (b) A description of any remedial steps taken; and

130 (c) A description of general health effects of lead
131 contamination and community specific resources.

132 (4) If, in the ten years prior to the 2023-2024 school
133 year a fixture tested above one part per billion for lead,
134 such fixture does not need to be repeat tested for lead, but
135 instead remediation shall begin on such fixture.

136 6. (1) In addition to the apportionments payable to a
137 school district under chapter 163, the department of natural
138 resources is hereby authorized to apportion to any school
139 additional funding for the filtration, testing, and other
140 remediation of drinking water systems required under this
141 section, subject to appropriation.

142 (2) To the extent permitted by federal law, a school
143 district may seek reimbursement or other funds for
144 compliance incurred under this section under any applicable
145 federal law including, but not limited to, America's Water
146 Infrastructure Act of 2018 and the Water Infrastructure
147 Finance and Innovation Act of 2014, 33 U.S.C. Section 3901
148 et seq.

149 (3) Disadvantaged school districts shall receive
150 funding priority under this subsection.

151 7. The commission, in conjunction with the department
152 of elementary and secondary education, shall publish a
153 report biennially based on the findings from the water
154 testing conducted under this section. Such report shall be

sent to the governor and the joint committee on education and shall be made available on the website of the commission.

8. The commission shall:

(1) On or before July 1, 2023, provide guidance to schools regarding the maintenance of filters and filtration systems and the development and implementation of flushing plans. Such guidance shall include recommendations for flushing after stagnant times including, but not limited to, the morning of each school day and after weekends, school holidays, and summer break. Flushing plans shall include details for flushing the incoming water line and the filter; and

(2) On or before July 1, 2023, create an online program to provide training for custodial staff on the maintenance of filters and filtration systems and on the implementation of flushing plans, emphasizing that proper maintenance is critical to improved drinking water quality and safety.

9. (1) For public schools, the commission shall ensure compliance with this section. Each school district shall be responsible for ensuring compliance within each school within the school district's jurisdiction.

(2) The commission shall have the authority to enter a school building governed by this section to determine compliance with this section.

10. No school building constructed after January 4, 2014, as provided in the federal Reduction of Lead in Drinking Water Act (42 U.S.C. Section 300g-6), as amended, shall be required to install, maintain, or replace filters under paragraph (c) of subdivision (1) of subsection 4 of this section.

186 11. A school that tests and does not find a drinking
187 water source with a lead concentration above the acceptable
188 level as defined in subsection 3 of this section shall be
189 required to test only every five years.

190 12. The commission may promulgate all necessary rules
191 and regulations for the administration of this section. Any
192 rule or portion of a rule, as that term is defined in
193 section 536.010, that is created under the authority
194 delegated in this section shall become effective only if it
195 complies with and is subject to all of the provisions of
196 chapter 536 and, if applicable, section 536.028. This
197 section and chapter 536 are nonseverable, and if any of the
198 powers vested with the general assembly pursuant to chapter
199 536 to review, to delay the effective date, or to disapprove
200 and annul a rule are subsequently held unconstitutional,
201 then the grant of rulemaking authority and any rule proposed
202 or adopted after August 28, 2022, shall be invalid and void.

256.800. 1. This section shall be known and may be
2 cited as the "Flood Resiliency Act".

3 2. As used in this section, unless the context
4 otherwise requires, the following terms shall mean:

5 (1) "Director", the director of the department of
6 natural resources;

7 (2) "Flood resiliency measures", structural
8 improvements, studies, and activities employed to improve
9 flood resiliency in local to regional or multi-
10 jurisdictional areas;

11 (3) "Flood resiliency project", a project containing
12 planning, design, construction, or renovation of flood
13 resiliency measures, or the conduct of studies or activities
14 in support of flood resiliency measures;

15 (4) "Partner", a political subdivision, entity, or
16 person working in conjunction with a promoter to facilitate
17 the completion of a flood resiliency project;

18 (5) "Plan", a preliminary report describing the need
19 for, and implementation of, flood resiliency measures;

20 (6) "Promoter", any political subdivision of the
21 state, or any levee district or drainage district organized
22 or incorporated in the state.

23 3. (1) There is hereby established in the state
24 treasury a fund to be known as the "Flood Resiliency
25 Improvement Fund", which shall consist of all money
26 deposited in such fund from whatever source, whether public
27 or private. The state treasurer shall be custodian of the
28 fund. In accordance with sections 30.170 and 30.180, the
29 state treasurer may approve disbursements. The fund shall
30 be a dedicated fund and money in the fund shall be used
31 solely for the purposes of this section. Notwithstanding
32 the provisions of section 33.080 to the contrary, any moneys
33 remaining in the fund at the end of the biennium shall not
34 revert to the credit of the general revenue fund. The state
35 treasurer shall invest moneys in the fund in the same manner
36 as other funds are invested. Any interest and other moneys
37 earned on such investments shall be credited to the fund.

38 (2) Upon appropriation, the department of natural
39 resources shall use money in the fund created by this
40 subsection for the purposes of carrying out the provisions
41 of this section, including, but not limited to, the
42 provision of grants or other financial assistance, and, if
43 limitations or conditions are imposed, only upon such other
44 limitations or conditions specified in the instrument that
45 appropriates, grants, bequeaths, or otherwise authorizes the
46 transmission of money to the fund.

47 4. In order to increase flood resiliency along the
48 Missouri and Mississippi Rivers and their tributaries, and
49 improve statewide flood forecasting and monitoring ability,
50 there is hereby established a "Flood Resiliency Program".
51 The program shall be administered by the department of
52 natural resources. The state may participate with a
53 promoter in the development, construction, or renovation of
54 a flood resiliency project if the promoter has a plan which
55 has been submitted to and approved by the director, or the
56 state may promote a flood resiliency project and initiate a
57 plan on its own accord.

58 5. The plan shall include a description of the flood
59 resiliency project, the need for the project, the flood
60 resiliency measures to be implemented, the partners to be
61 involved in the project, and other such information as the
62 director may require to adequately evaluate the merit of the
63 project.

64 6. The director shall only approve a plan upon a
65 determination that long-term flood mitigation is needed in
66 that area of the state, and that such a plan proposes flood
67 resiliency measures which will provide long-term flood
68 resiliency.

69 7. Promoters with approved flood resiliency plans and
70 projects shall be eligible to receive any gifts,
71 contributions, grants, or bequests from federal, state,
72 private, or other sources for engineering, construction or
73 renovation costs associated with such projects.

74 8. Promoters with approved flood resiliency projects
75 may be granted funds from the flood resiliency improvement
76 fund pursuant to subsection 3 of this section.

77 9. The department of natural resources is hereby
78 granted authority to promulgate rules to implement this

79 section. Any rule or portion of a rule, as that term is
80 defined in section 536.010, that is created under the
81 authority delegated in this section shall become effective
82 only if it complies with and is subject to all of the
83 provisions of chapter 536 and, if applicable, section
84 536.028. This section and chapter 536 are nonseverable and
85 if any of the powers vested with the general assembly
86 pursuant to chapter 536 to review, to delay the effective
87 date, or to disapprove and annul a rule are subsequently
88 held unconstitutional, then the grant of rulemaking
89 authority and any rule proposed or adopted after August 28,
90 2022, shall be invalid and void.

260.221. 1. As used in this section, the following
2 terms mean:

3 (1) "Processed recycled asphalt shingles", recycled
4 asphalt shingles that do not contain extraneous metals,
5 glass, rubber, nails, soil, brick, tars, paper, wood, and
6 plastics and that have been reduced in size to produce a
7 commercially reasonable usable product. "Processed recycled
8 asphalt shingles" shall also be considered clean fill, as
9 such term is defined in section 260.200;

10 (2) "Recycled asphalt shingles", manufacture waste
11 scrap shingles and post-consumer, tear-off scrap shingles
12 that are accumulated as products for commercial purposes
13 related to recycling or reuse as processed recycled asphalt
14 shingles.

15 2. Processed recycled asphalt shingles may be used for
16 fill, reclamation, and other beneficial purposes without a
17 permit under sections 260.200 to 260.345 if such processed
18 recycled asphalt shingles are inspected for toxic and
19 hazardous substances in accordance with requirements
20 established by the department of natural resources, provided

21 that processed recycled asphalt shingles shall not be used
22 for such purposes within five hundred feet of any lake,
23 river, sink hole, perennial stream, or ephemeral stream, and
24 shall not be used for such purposes below surface level and
25 closer than fifty feet above the water table.

26 3. This section shall not be construed to authorize
27 the abandonment, accumulation, placement, or storage of
28 recycled asphalt shingles or processed recycled asphalt
29 shingles on any real property without the consent of the
30 real property owner.

644.060. 1. Processed recycled asphalt shingles, as
2 defined in section 260.221, may be used for fill,
3 reclamation, and other beneficial purposes without a permit
4 under sections 644.006 to 644.141 if such processed recycled
5 asphalt shingles are inspected for toxic and hazardous
6 substances in accordance with requirements established by
7 the department of natural resources, provided that processed
8 recycled asphalt shingles shall not be used for such
9 purposes within five hundred feet of any lake, river, sink
10 hole, perennial stream, or ephemeral stream, and shall not
11 be used for such purposes below surface level and closer
12 than fifty feet above the water table.

13 2. This section shall not be construed to authorize
14 the abandonment, accumulation, placement, or storage of
15 recycled asphalt shingles or processed recycled asphalt
16 shingles on any real property without the consent of the
17 real property owner.

✓