

# SENATE BILL NO. 1356

102ND GENERAL ASSEMBLY

INTRODUCED BY SENATOR WILLIAMS.

5121S.01H

KRISTINA MARTIN, Secretary

## AN ACT

To repeal section 292.606, RSMo, and to enact in lieu thereof one new section relating to fees paid to the Missouri emergency response commission.

*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Section A. Section 292.606, RSMo, is repealed and one new  
2 section enacted in lieu thereof, to be known as section 292.606,  
3 to read as follows:

292.606. 1. [Fees shall be collected for a period of  
2 six years from August 28, 2018.

3 **2.1** (1) Any employer required to report under  
4 subsection 1 of section 292.605, except local governments  
5 and family-owned farm operations, shall submit an annual fee  
6 to the commission of one hundred dollars along with the Tier  
7 II form. Owners or operators of petroleum retail facilities  
8 shall pay a fee of no more than fifty dollars for each such  
9 facility. Any person, firm or corporation selling,  
10 delivering or transporting petroleum or petroleum products  
11 and whose primary business deals with petroleum products or  
12 who is covered by the provisions of chapter 323, if such  
13 person, firm or corporation is paying fees under the  
14 provisions of the federal hazardous materials transportation  
15 registration and fee assessment program, shall deduct such  
16 federal fees from those fees owed to the state under the  
17 provisions of this subsection. If the federal fees exceed  
18 or are equal to what would otherwise be owed under this

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

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

49 (2) Employers engaged in transporting hazardous  
50 materials by pipeline except local gas distribution

51 companies regulated by the Missouri public service  
52 commission shall pay to the commission a fee of two hundred  
53 fifty dollars for each county in which they operate.

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

58 (4) If, on March first of each year, fees collected  
59 under this section and natural resources damages made  
60 available pursuant to section 640.235 exceed one million  
61 dollars, any excess over one million dollars shall be  
62 proportionately credited to fees payable in the succeeding  
63 year by each employer who was required to pay a fee and who  
64 did pay a fee in the year in which the excess occurred. The  
65 limit of one million dollars contained herein shall be  
66 reviewed by the commission concurrent with the review of  
67 fees as required in subsection 1 of this section.

68 [3.] 2. Beginning January 1, 2013, any employer filing  
69 its Tier II form pursuant to subsection 1 of section 292.605  
70 may request that the commission distribute that employer's  
71 Tier II report to the local emergency planning committees  
72 and fire departments listed in its Tier II report. Any  
73 employer opting to have the commission distribute its Tier  
74 II report shall pay an additional fee of ten dollars for  
75 each facility listed in the report at the time of filing to  
76 recoup the commission's distribution costs. Fees shall be  
77 deposited in the chemical emergency preparedness fund  
78 established under section 292.607. An employer who pays the  
79 additional fee and whose Tier II report includes all local  
80 emergency planning committees and fire departments required  
81 to be notified under subsection 1 of section 292.605 shall  
82 satisfy the reporting requirements of subsection 1 of

83 section 292.605. The commission shall develop a mechanism  
84 for an employer to exercise its option to have the  
85 commission distribute its Tier II report.

86 [4.] 3. Local emergency planning committees receiving  
87 funds under section 292.604 shall coordinate with the  
88 commission and the department in chemical emergency  
89 planning, training, preparedness, and response activities.  
90 Local emergency planning committees receiving funds under  
91 this section, section 260.394, sections 292.602, 292.604,  
92 292.605, 292.615 and section 640.235 shall provide to the  
93 commission an annual report of expenditures and activities.

94 [5.] 4. Fees collected by the department and all funds  
95 provided to local emergency planning committees shall be  
96 used for chemical emergency preparedness purposes as  
97 outlined in sections 292.600 to 292.625 and the federal act,  
98 including contingency planning for chemical releases;  
99 exercising, evaluating, and distributing plans, providing  
100 training related to chemical emergency preparedness and  
101 prevention of chemical accidents; identifying facilities  
102 required to report; processing the information submitted by  
103 facilities and making it available to the public; receiving  
104 and handling emergency notifications of chemical releases;  
105 operating a local emergency planning committee; and  
106 providing public notice of chemical preparedness  
107 activities. Local emergency planning committees receiving  
108 funds under this section may combine such funds with other  
109 local emergency planning committees to further the purposes  
110 of sections 292.600 to 292.625, or the federal act.

111 [6.] 5. The commission shall establish criteria and  
112 guidance on how funds received by local emergency planning  
113 committees may be used.

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