

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 2650-05
Bill No.: Truly Agreed to and Finally Passed SCS for SB 901
Subject: Environmental Protection; Natural Resources Department; Boards, Commissions, Committees, Councils
Type: Original
Date: May 17, 2004

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2005	FY 2006	FY 2007
Total Estimated Net Effect on General Revenue Fund	\$0	\$0	\$0

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2005	FY 2006	FY 2007
Total Estimated Net Effect on <u>All</u> State Funds	\$0	\$0	\$0

Numbers within parentheses: () indicate costs or losses.
This fiscal note contains 5 pages.

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2005	FY 2006	FY 2007
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON LOCAL FUNDS			
FUND AFFECTED	FY 2005	FY 2006	FY 2007
Local Government	\$0	\$0	\$0

FISCAL ANALYSIS

ASSUMPTION

Officials with the **Attorney General's Office** and **State Treasurer's Office** assume no fiscal impact to their agency.

Officials with the **Department of Transportation (MoDOT)** assume this proposal changes jurisdiction over underground storage tanks from the Clean Water Commission to the Missouri Hazardous Waste Management Commission. MoDOT is currently regulated by the Underground Storage Tank Law and Regulations and the proposed changes only transfer authority from the Clean Water Commission to the Missouri Hazardous Waste Management Commission. Therefore there is no fiscal impact to MoDOT or the MHTC.

Officials with the **Department of Natural Resources** assume this proposal would shift the authority over tank rules from the Clean Water Commission to the Hazardous Waste Commission. The Department of Natural Resources would not anticipate any fiscal impact from this proposal.

Officials with the **Office of the Secretary of State** assume this proposal provides for changing underground storage tank rules from the Clean Water Commission to the Missouri Hazardous Waste Management Commission. The Department of Natural Resources, Hazardous Waste Management Commission is charged with creating rules to administer this fund. The Clean

ASSUMPTION (continued)

Water Commission may also rescind the rules for underground storage tanks from their division. These rules would be published in both the Missouri Register and the Code of State Regulations. Based on experience with other divisions, the rules, regulations, and forms issued by the Department of Natural Resources, Hazardous Waste Management Commission and Clean Water Commission could require as many as 64 pages in the Code of State Regulations and half again as many pages in the Missouri Register because cost statements, fiscal notes and the like are repeated in Code. These costs are estimated. The estimated cost of a page in the Register is \$23 and the estimated cost of a page in the Code is \$27. The actual cost could be more or less than the numbers given. The impact of the legislation in future years is unknown and depends upon the frequency and length of rules filed, amended, rescinded or withdrawn.
[(60x\$27)+(90x\$23)=\$3,690]

Oversight assumes the SOS could absorb the costs of printing and distributing regulations related to this proposal. Oversight assumes at least part of the cost of printing and distributing rules relating to this proposal could be recovered through sales of the regulations. If multiple bills pass which require the printing and distribution of regulations at substantial costs, the SOS could request funding through the appropriation process. Any decisions to raise fees to defray costs would likely be made in subsequent fiscal years.

<u>FISCAL IMPACT - State Government</u>	FY 2005 (10 Mo.)	FY 2006	FY 2007
	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>

<u>FISCAL IMPACT - Local Government</u>	FY 2005 (10 Mo.)	FY 2006	FY 2007
	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>

FISCAL IMPACT - Small Business

No direct fiscal impact to small businesses would be expected as a result of this proposal.

DESCRIPTION

This act pertains to environmental control.

The act changes the reference in various statutes from the Department of Natural Resources to the Hazardous Waste Management Commission to reflect the transfer of oversight and rulemaking authority.

This act outlines the Department of Natural Resources' responsibilities including but not limited to, certificates of registration, when such registration should be denied, when it is appropriate for the department to institute clean up operations, and when liability for those operations can be transferred to the owner.

This act allows for commencement of a civil action by the Department, on behalf of the state, against a non-compliant owner/operator. This act dictates that when a violation is alleged, the department shall provide the owner/operator written criteria detailing exactly what action is necessary for compliance.

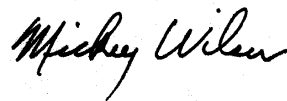
This act provides the authority for the Department to adopt more stringent state regulations than those furnished by the federal government if such rules are necessary to protect human health or the environment. The procedure by which those rules are adopted is laid out in this act.

Through this act, the Department has the authority to assess an administrative penalty to any owner/operator not in compliance with the regulations governing underground storage tanks. Finally, this act changes the jurisdiction over underground storage tanks from the Clean Water Commission to the Missouri Hazardous Waste Management Commission.

This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space.

SOURCES OF INFORMATION

Department of Natural Resources
Department of Transportation
Attorney General's Office
Secretary of State's Office
State Treasurer's Office



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