

SECOND REGULAR SESSION
[TRULY AGREED TO AND FINALLY PASSED]
HOUSE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 659

99TH GENERAL ASSEMBLY

2018

4761H.02T

AN ACT

To repeal sections 260.242, 260.262, 260.391, 319.129, 414.032, and 640.620, RSMo, and to enact in lieu thereof ten new sections relating to the department of natural resources.

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

Section A. Sections 260.242, 260.262, 260.391, 319.129, 414.032, and
2 640.620, RSMo, are repealed and ten new sections enacted in lieu thereof, to be
3 known as sections 253.147, 260.242, 260.262, 260.391, 260.558, 260.1150, 319.129,
4 319.140, 414.032, and 640.620, to read as follows:

**253.147. The department of natural resources shall submit a
2 report to the general assembly on or before January 1, 2019, and
3 annually thereafter, regarding maintenance, repair, and construction
4 at state parks and historic sites. The report shall include the following:**

**5 (1) The total cost of all maintenance, repair, and construction
6 projects completed in the prior fiscal year;**

**7 (2) For each project for which the total cost exceeded the state
8 competitive bid minimum referenced in section 34.040, a list of all such
9 projects, the total cost of all such projects, and the amount and source
10 of funding for each such project;**

**11 (3) For each project for which the total cost was less than the
12 state competitive bid minimum referenced in section 34.040, the total
13 cost of all such projects and aggregate total costs by category;**

**14 (4) A list of planned maintenance, repair, and construction
15 projects the department expects will exceed the state competitive bid**

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

16 **minimum referenced in section 34.040 for the upcoming fiscal year;**

17 **(5) The current status of each project that was planned but not**
18 **completed in the previous fiscal year;**

19 **(6) The amount of revenue generated by, and the operating**
20 **expenditures of, each state park and historic site averaged over the two**
21 **previous fiscal years; and**

22 **(7) The total amount of revenue generated by all state parks and**
23 **historic sites averaged over the two previous fiscal years.**

260.242. [All fly ash produced by coal combustion generating facilities
2 shall be exempt from all solid waste permitting requirements of this chapter, if
3 such ash is constructively reused or disposed of by a grout technique in any active
4 or inactive noncoal, non-open-pit mining operation located in a city having a
5 population of at least three hundred fifty thousand located in more than one
6 county and is also located in a county of the first class without a charter form of
7 government with a population of greater than one hundred fifty thousand and
8 less than one hundred sixty thousand, provided said ash is not considered
9 hazardous waste under the Missouri hazardous waste law.] **1. The department**
10 **shall have the authority to promulgate rules for the management,**
11 **closure, and post-closure of coal combustion residual (CCR) units in**
12 **accordance with Sections 1008(a)(3) and 4004(a) of the Resource**
13 **Conservation and Recovery Act (RCRA) and to approve site-specific**
14 **groundwater criteria. At the discretion of the department, the Missouri**
15 **risk-based corrective action (MRBCA) rules, 10 CSR 25-18.010, and**
16 **accompanying guidance may be used to establish site-specific targets**
17 **for soil and groundwater impacted by coal combustion residual (CCR)**
18 **constituents. As used in this section, a "CCR unit" means a surface**
19 **impoundment, utility waste landfill, or a CCR landfill. To the extent**
20 **there is a conflict between this section and section 644.026 or 644.143,**
21 **this section shall prevail.**

22 **2. Prior to federal approval of a state CCR program pursuant to**
23 **4004(a) of the RCRA, nothing in this section shall prohibit the**
24 **department from issuing guidance or entering into enforceable**
25 **agreements with CCR unit owners or operators to establish risk-based**
26 **target levels, using all or part of the MRBCA rules and guidance, for**
27 **closure and corrective action at CCR units. Nothing in this section**
28 **shall prohibit the department, owners, or operators of CCR units not**

29 otherwise covered by 40 CFR 257 from utilizing the MRBCA rules and
30 guidance.

31 3. No later than December 31, 2018, the department shall propose
32 for promulgation a state CCR program, including procedures regarding
33 payment, submission of fees, reimbursement of excess fee collection,
34 inspection, and record keeping.

35 4. The department shall not apply standards to any existing
36 landfill or new landfills constructed contiguous to existing power
37 station facilities located on municipally owned land that was purchased
38 by the municipality prior to December 31, 2018, that are in conflict with
39 40 CFR 257, unless sound and reasonably proven scientific data confirm
40 an imminent threat to human health and the environment.

41 5. Effective January 1, 2019, and in order to implement the state
42 CCR program, the department shall have the authority to assess one-
43 time enrollment and annual fees on each owner, operator, or permittee
44 of a CCR unit subject to 40 CFR 257, only as follows:

45 (1) For units that have not closed, an enrollment fee in the
46 amount of sixty-two thousand dollars per CCR unit, except no fee shall
47 apply to CCR units permitted as a utility waste landfill;

48 (2) For CCR units that have completed closure in place under 40
49 CFR 257 prior to December 31, 2018, an enrollment fee of forty-eight
50 thousand dollars per CCR unit;

51 (3) An annual fee of fifteen thousand dollars per CCR unit,
52 except an annual fee shall not be assessed on CCR units that have
53 closed prior to December 31, 2018. The obligation to pay an annual fee
54 under this section shall terminate at the end of the CCR unit's post-
55 closure period, so long as the CCR unit is not under a requirement to
56 complete a corrective action, or sooner, if authorized by the
57 department.

58 6. All fees received under this section shall be deposited into the
59 "Coal Combustion Residuals Subaccount" of the solid waste management
60 fund created under section 260.330. Fees collected under this section
61 are dedicated, upon appropriation, to the department for conducting
62 activities required by this section and rules adopted under this
63 section. Fees established by this section shall not yield revenue greater
64 than the cost of administering this section and the rules adopted under

65 this section, but shall be adequate to ensure sustained operation of the
66 state CCR program. The department shall prepare an annual report
67 detailing costs incurred in connection with the management and
68 closure of CCR units. The provisions of section 33.080 to the contrary
69 notwithstanding, moneys and interest earned on moneys in the
70 subaccount shall not revert to the general revenue fund at the end of
71 each biennium.

72 7. Interest shall be imposed on the moneys due to the department
73 at the rate of ten percent per annum from the prescribed due date until
74 payment is actually made. These interest amounts shall be deposited
75 to the credit of the subaccount created under this section.

76 8. All fees under this section shall be paid by check or money
77 order made payable to the department and, unless otherwise required
78 by this section, shall be due on January first of each calendar year and
79 be accompanied by a form provided by the department.

80 9. The department may pursue penalties under section 260.240
81 for failure to timely submit the fees imposed in this section.

82 10. Any rule or portion of a rule, as that term is defined in
83 section 536.010, that is created under the authority delegated in this
84 section shall become effective only if it complies with and is subject to
85 all of the provisions of chapter 536 and, if applicable, section
86 536.028. This section and chapter 536 are nonseverable, and if any of
87 the powers vested with the general assembly pursuant to chapter 536
88 to review, to delay the effective date, or to disapprove and annul a rule
89 are subsequently held unconstitutional, then the grant of rulemaking
90 authority and any rule proposed or adopted after August 28, 2018, shall
91 be invalid and void.

260.262. A person selling lead-acid batteries at retail or offering lead-acid
2 batteries for retail sale in the state shall:

3 (1) Accept, at the point of transfer, in a quantity at least equal to the
4 number of new lead-acid batteries purchased, used lead-acid batteries from
5 customers, if offered by customers;

6 (2) Post written notice which must be at least four inches by six inches in
7 size and must contain the universal recycling symbol and the following language:

8 (a) It is illegal to discard a motor vehicle battery or other lead-acid
9 battery;

10 (b) Recycle your used batteries; and
11 (c) State law requires us to accept used motor vehicle batteries, or other
12 lead-acid batteries for recycling, in exchange for new batteries purchased; and
13 (3) Manage used lead-acid batteries in a manner consistent with the
14 requirements of the state hazardous waste law;
15 (4) Collect at the time of sale a fee of fifty cents for each lead-acid battery
16 sold. Such fee shall be added to the total cost to the purchaser at retail after all
17 applicable sales taxes on the battery have been computed. The fee imposed, less
18 six percent of fees collected, which shall be retained by the seller as collection
19 costs, shall be paid to the department of revenue in the form and manner
20 required by the department and shall include the total number of batteries sold
21 during the preceding month. The department of revenue shall promulgate rules
22 and regulations necessary to administer the fee collection and enforcement. The
23 terms "sold at retail" and "retail sales" do not include the sale of batteries to a
24 person solely for the purpose of resale, if the subsequent retail sale in this state
25 is to the ultimate consumer and is subject to the fee. However, this fee shall not
26 be paid on batteries sold for use in agricultural operations upon written
27 certification by the purchaser; and
28 (5) The department of revenue shall administer, collect, and enforce the
29 fee authorized pursuant to this section pursuant to the same procedures used in
30 the administration, collection, and enforcement of the general state sales and use
31 tax imposed pursuant to chapter 144 except as provided in this section. The
32 proceeds of the battery fee, less four percent of the proceeds, which shall be
33 retained by the department of revenue as collection costs, shall be transferred by
34 the department of revenue into the hazardous waste fund, created pursuant to
35 section 260.391. The fee created in subdivision (4) and this subdivision shall be
36 effective October 1, 2005. The provisions of subdivision (4) and this subdivision
37 shall terminate December 31, [2018] **2023**.

260.391. 1. There is hereby created in the state treasury a fund to be
2 known as the "Hazardous Waste Fund". All funds received from hazardous waste
3 permit and license fees, generator fees or taxes, penalties, or interest assessed on
4 those fees or taxes, taxes collected by contract hazardous waste landfill operators,
5 general revenue, federal funds, gifts, bequests, donations, or any other moneys
6 so designated shall be paid to the director of revenue and deposited in the state
7 treasury to the credit of the hazardous waste fund. The hazardous waste fund,
8 subject to appropriation by the general assembly, shall be used by the department

9 as provided by appropriations and consistent with rules and regulations
10 established by the hazardous waste management commission for the purpose of
11 carrying out the provisions of sections 260.350 to 260.430 and sections 319.100
12 to 319.127, and 319.137, and 319.139 for the management of hazardous waste,
13 responses to hazardous substance releases as provided in sections 260.500 to
14 260.550, corrective actions at regulated facilities and illegal hazardous waste
15 sites, prevention of leaks from underground storage tanks and response to
16 petroleum releases from underground and aboveground storage tanks and other
17 related activities required to carry out provisions of sections 260.350 to 260.575
18 and sections 319.100 to 319.127, and for payments to other state agencies for such
19 services consistent with sections 260.350 to 260.575 and sections 319.100 to
20 319.139 upon proper warrant issued by the commissioner of administration, and
21 for any other expenditures which are not covered pursuant to the federal
22 Comprehensive Environmental Response, Compensation and Liability Act of 1980,
23 including but not limited to the following purposes:

24 (1) Administrative services as appropriate and necessary for the
25 identification, assessment and cleanup of abandoned or uncontrolled sites
26 pursuant to sections 260.435 to 260.550;

27 (2) Payments to other state agencies for such services consistent with
28 sections 260.435 to 260.550, upon proper warrant issued by the commissioner of
29 administration, including, but not limited to, the department of health and senior
30 services for the purpose of conducting health studies of persons exposed to waste
31 from an uncontrolled or abandoned hazardous waste site or exposed to the release
32 of any hazardous substance as defined in section 260.500;

33 (3) Acquisition of property as provided in section 260.420;

34 (4) The study of the development of a hazardous waste facility in Missouri
35 as authorized in section 260.037;

36 (5) Financing the nonfederal share of the cost of cleanup and site
37 remediation activities as well as postclosure operation and maintenance costs,
38 pursuant to the federal Comprehensive Environmental Response, Compensation
39 and Liability Act of 1980; [and]

40 (6) Reimbursement of owners or operators who accept waste pursuant to
41 departmental orders pursuant to subdivision (2) of subsection 1 of section
42 260.420; **and**

43 **(7) Transfer of funds, upon appropriation, into the radioactive**
44 **waste investigation fund in section 260.558.**

45 2. The unexpended balance in the hazardous waste fund at the end of
46 each fiscal year shall not be transferred to the general revenue fund of the state
47 treasurer, except as directed by the general assembly by appropriation, and shall
48 be invested to generate income to the fund. The provisions of section 33.080
49 relating to the transfer of funds to the general revenue fund of the state by the
50 state treasurer shall not apply to the hazardous waste fund.

51 3. There is hereby created within the hazardous waste fund a subaccount
52 known as the "Hazardous Waste Facility Inspection Subaccount". All funds
53 received from hazardous waste facility inspection fees shall be paid to the director
54 of revenue and deposited in the state treasury to the credit of the hazardous
55 waste facility inspection subaccount. Moneys from such subaccount shall be used
56 by the department for conducting inspections at facilities that are permitted or
57 are required to be permitted as hazardous waste facilities by the department.

58 4. The fund balance remaining in the hazardous waste remedial fund
59 shall be transferred to the hazardous waste fund created in this section.

60 5. No moneys shall be available from the fund for abandoned site cleanup
61 unless the director has made all reasonable efforts to secure voluntary agreement
62 to pay the costs of necessary remedial actions from owners or operators of
63 abandoned or uncontrolled hazardous waste sites or other responsible persons.

64 6. The director shall make all reasonable efforts to recover the full amount
65 of any funds expended from the fund for cleanup through litigation or cooperative
66 agreements with responsible persons. All moneys recovered or reimbursed
67 pursuant to this section through voluntary agreements or court orders shall be
68 deposited to the hazardous waste fund created herein.

69 7. In addition to revenue from all licenses, taxes, fees, penalties, and
70 interest, specified in subsection 1 of this section, the department shall request an
71 annual appropriation of general revenue equal to any state match obligation to
72 the U.S. Environmental Protection Agency for cleanup performed pursuant to the
73 authority of the Comprehensive Environmental Response, Compensation and
74 Liability Act of 1980.

**260.558. 1. There is hereby created in the state treasury the
2 "Radioactive Waste Investigation Fund". The state treasurer shall be
3 custodian of the fund. In accordance with sections 30.170 and 30.180,
4 the state treasurer may approve disbursements. The fund shall be a
5 dedicated fund and, upon appropriation, moneys in the fund shall be
6 used solely by the department of natural resources to investigate**

7 concerns of exposure to radioactive waste. Upon written request by a
8 local governing body expressing concerns of radioactive waste
9 contamination in a specified area within its jurisdiction, the
10 department of natural resources shall use moneys in the radioactive
11 waste investigation fund to develop and conduct an investigation, using
12 sound scientific methods, for the specified area of concern. The request
13 by a local governing body shall include a specified area of concern and
14 any supporting documentation related to the concern. The department
15 shall prioritize requests in the order in which they are received, except
16 that the department may give priority to requests that are in close
17 proximity to federally designated sites where radioactive contaminants
18 are known or reasonably expected to exist. The investigation shall be
19 performed by applicable federal or state agencies or by a qualified
20 contractor selected by the department through a competitive bidding
21 process. In conducting an investigation under this section, the
22 department shall work with the applicable government agency or
23 approved contractor, as well as local officials, to develop a sampling
24 and analysis plan to determine if radioactive contaminants in the area
25 of concern exceed federal standards for remedial action due to
26 contamination. Within a residential area, this plan may include dust
27 samples collected inside residential homes only after obtaining
28 permission from the homeowners. The samples shall be analyzed for
29 the isotopes necessary to correlate the samples with the suspected
30 contamination, as described in the sampling and analysis plan. Within
31 forty-five days of receiving the final sampling results, the department
32 shall report the results to the attorney general and the local governing
33 body that requested the investigation and make the finalized report
34 and testing results publicly available on the department's website.

35 2. The transfer to the fund shall not exceed one hundred fifty
36 thousand dollars per fiscal year. Investigation costs expended from
37 this fund shall not exceed one hundred fifty thousand dollars per fiscal
38 year. Any moneys remaining in the fund at the end of the biennium
39 shall revert to the credit of the hazardous waste fund.

40 3. The state treasurer shall invest moneys in the fund in the
41 same manner as other funds are invested. Any interest and moneys
42 earned on such investments shall be credited to the fund.

260.1150. 1. This section shall be known and may be cited as the
2 “Environmental Restoration Corporation Act”.

3 2. (1) A public benefit nonprofit corporation may be formed
4 under the provisions of chapter 355 to hold, manage, or own
5 environmentally impaired property that is otherwise subject to an
6 ongoing cleanup or remedial action under the Comprehensive
7 Environmental Response, Compensation, and Liability Act, 42 U.S.C.
8 Section 9601, et seq.; the Missouri hazardous waste management law,
9 sections 260.350 to 260.433; the Federal Water Pollution Control Act, 33
10 U.S.C Section 1251, et seq.; or the Missouri clean water law, sections
11 644.006 to 644.150, for the purpose of promoting social welfare in
12 Missouri by facilitating efforts to restore and redevelop such
13 environmentally impaired property.

14 (2) The provisions of this section shall only apply to property
15 located in:

16 (a) A county with a charter form of government and with more
17 than two hundred thousand but fewer than three hundred fifty
18 thousand inhabitants;

19 (b) A county of the third classification without a township form
20 of government and with more than twenty-three thousand but fewer
21 than twenty-six thousand inhabitants and with a city of the fourth
22 classification with more than two thousand four hundred but fewer
23 than two thousand seven hundred inhabitants as the county seat;

24 (c) A county of the first classification with more than sixty-five
25 thousand but fewer than seventy-five thousand inhabitants and with a
26 county seat with more than fifteen thousand but fewer than seventeen
27 thousand inhabitants;

28 (d) A county of the third classification without a township form
29 of government and with more than ten thousand but fewer than twelve
30 thousand inhabitants and with a city of the fourth classification with
31 more than one thousand three hundred fifty but fewer than one
32 thousand five hundred inhabitants as the county seat;

33 (e) A county of the third classification without a township form
34 of government and with more than twelve thousand but fewer than
35 fourteen thousand inhabitants and with a city of the fourth
36 classification with more than three thousand seven hundred but fewer

37 than four thousand inhabitants as the county seat;

38 (f) A county of the third classification without a township form
39 of government and with more than six thousand but fewer than seven
40 thousand inhabitants and with a city of the fourth classification with
41 more than one hundred fifty but fewer than two hundred inhabitants
42 as the county seat; and

43 (g) A county of the third classification without a township form
44 of government and with more than twelve thousand but fewer than
45 fourteen thousand inhabitants and with a city of the fourth
46 classification with more than five hundred but fewer than five hundred
47 fifty inhabitants as the county seat.

48 3. Any such nonprofit corporation organized under this section
49 shall, in addition to all powers conferred by chapter 355, have the
50 following powers, which shall be exercised at the sole and exclusive
51 discretion of the directors:

52 (1) To adopt bylaws and rules for the regulation of its affairs and
53 the conduct of its business;

54 (2) To adopt an official seal;

55 (3) To sue and be sued;

56 (4) To accept gifts, contributions, disbursements, distributions,
57 donations, endowments, loans, grants, settlement proceeds, and
58 payments from the federal and state government, and from other
59 sources, public or private, for carrying out any of its functions, which
60 funds shall not be expended other than for the purposes provided;

61 (5) To acquire, accept, convey, dispose, encumber, manage, and
62 own any real property that is subject to any cleanup or remedial action
63 as described in subsection 2 of this section;

64 (6) To make and execute leases, contracts, releases, compromises,
65 and other instruments necessary or convenient to carry out its
66 purposes;

67 (7) To convey real property when the board of directors finds, at
68 its sole discretion, that it has acquired all rights, title, and interest in
69 the property within the area designated for cleanup or remediation and
70 such conveyance is in the public interest. In any such conveyance, the
71 board of directors may impose such conditions and covenants,
72 including conservation easements, as it determines are reasonable and

73 appropriate;

74 (8) To employ and pay compensation to such employees and
75 agents, including accountants, attorneys, and others as the board of
76 directors shall deem necessary to further the purposes of such
77 nonprofit corporation; and

78 (9) To enter into contracts with private or public entities to
79 conduct, implement, manage, oversee, and regulate any and all
80 activities that may be necessary or required in connection with the
81 management of the real property and the implementation of any
82 cleanup or remedial action as described in subsection 2 of this
83 section. Any such contract may include provisions for the delivery of
84 administrative support services to the corporation and for a reasonable
85 fee to be paid for management services related to the execution and
86 implementation of any and all activities required by such contract.

87 4. Any such nonprofit corporation organized under this section
88 shall be managed and regulated by a board consisting of no less than
89 five directors, who shall initially be appointed by the
90 incorporators. Any director shall not have any personal liability
91 related to any official acts or obligations of the corporation. However,
92 any such immunity shall not apply with regard to any intentional or
93 negligent act or omission that results in a violation of any law set forth
94 in subsection 2 of this section. No more than two directors shall be
95 employed by a state, county, or local government, and no more than two
96 directors shall be public nongovernmental members. The board shall
97 meet at least four times per calendar year. A quorum of the board shall
98 consist of three members. An action taken by a majority vote of the
99 board at a meeting where a quorum is present shall be an act of the
100 board. All powers and duties conferred upon the directors shall be
101 exercised personally by the directors and not by alternates or
102 representatives. All actions of any such nonprofit corporation shall be
103 taken at meetings open to the public, except for confidential matters
104 relating to personnel, contracts, or litigation.

105 5. If any such nonprofit corporation receives public funds in
106 connection with any specific environmental restoration activity at a
107 specific property:

108 (1) The corporation shall allow for reasonable periodic audits by

109 the state auditor with respect to the corporation's use of such public
110 funds in relation to the property for which such public funds were
111 received; and

112 (2) The corporation shall, upon reasonable request, provide an
113 annual report to the general assembly concerning the receipt and use
114 of such public funds.

115 6. Any such nonprofit corporation may include in any
116 conveyance of any real property to any third party an environmental
117 covenant in the form as set forth in sections 260.1000 to 260.1039 or a
118 conservation easement under section 442.014.

119 7. Prior to acquiring any interest in any real property that is the
120 subject of any environmental restoration activities, any such nonprofit
121 corporation shall undertake all reasonable and appropriate due
122 diligence activities in accordance with all applicable regulations
123 adopted by the United States Environmental Protection Agency in
124 order to qualify the nonprofit corporation as a bona fide prospective
125 purchaser as defined in 42 U.S.C. Section 9601(40), as
126 amended. Provided such nonprofit corporation qualifies as a bona fide
127 prospective purchaser, such nonprofit corporation shall be immune
128 from any liability of any kind or nature under the Missouri hazardous
129 waste management law under sections 260.350 to 260.433; the Missouri
130 solid waste management law under sections 260.200 to 260.345; or the
131 Missouri clean water law under chapter 644 for any conditions that
132 may exist at, on, or under any such real property; however, such
133 corporation shall comply with all applicable regulatory requirements.

134 8. Any such nonprofit corporation owes no duty of care and shall
135 have no liability of any kind or nature whatsoever to any trespasser
136 who enters on any real property held, managed, or owned by the
137 nonprofit corporation in relation to keeping the land safe for
138 recreational or any other use or to giving any general or specific notice
139 or warning with respect to any natural or artificial condition,
140 structure, or personal property thereon.

319.129. 1. There is hereby created a special trust fund to be known as
2 the "Petroleum Storage Tank Insurance Fund" within the state treasury which
3 shall be the successor to the underground storage tank insurance fund. Moneys
4 in such special trust fund shall not be deemed to be state funds. Notwithstanding

5 the provisions of section 33.080 to the contrary, moneys in the fund shall not be
6 transferred to general revenue at the end of each biennium.

7 2. The owner or operator of any underground storage tank, including the
8 state of Missouri and its political subdivisions and public transportation systems,
9 in service on August 28, 1989, shall submit to the department a fee of one
10 hundred dollars per tank on or before December 31, 1989. The owner or operator
11 of any underground storage tank who seeks to participate in the petroleum
12 storage tank insurance fund, including the state of Missouri and its political
13 subdivisions and public transportation systems, and whose underground storage
14 tank is brought into service after August 28, 1998, shall transmit one hundred
15 dollars per tank to the board with his or her initial application. Such amount
16 shall be a one-time payment, and shall be in addition to the payment required by
17 section 319.133. The owner or operator of any aboveground storage tank
18 regulated by this chapter, including the state of Missouri and its political
19 subdivisions and public transportation systems, who seeks to participate in the
20 petroleum storage tank insurance fund, shall transmit one hundred dollars per
21 tank to the board with his or her initial application. Such amount shall be a one-
22 time payment and shall be in addition to the payment required by section
23 319.133. Moneys received pursuant to this section shall be transmitted to the
24 director of revenue for deposit in the petroleum storage tank insurance fund.

25 3. The state treasurer may deposit moneys in the fund in any of the
26 qualified depositories of the state. All such deposits shall be secured in a manner
27 and upon the terms as are provided by law relative to state deposits. Interest
28 earned shall be credited to the petroleum storage tank insurance fund.

29 4. The general administration of the fund and the responsibility for the
30 proper operation of the fund, including all decisions relating to payments from the
31 fund, are hereby vested in a board of trustees. The board of trustees shall consist
32 of the commissioner of administration or the commissioner's designee, the director
33 of the department of natural resources or the director's designee, the director of
34 the department of agriculture or the director's designee, and eight citizens
35 appointed by the governor with the advice and consent of the senate. Three of
36 the appointed members shall be owners or operators of retail petroleum storage
37 tanks, including one tank owner or operator of greater than one hundred tanks;
38 one tank owner or operator of less than one hundred tanks; and one aboveground
39 storage tank owner or operator. One appointed trustee shall represent a financial
40 lending institution, and one appointed trustee shall represent the insurance

41 underwriting industry. One appointed trustee shall represent industrial or
42 commercial users of petroleum. The two remaining appointed citizens shall have
43 no petroleum-related business interest, and shall represent the nonregulated
44 public at large. The members appointed by the governor shall serve four-year
45 terms except that the governor shall designate two of the original appointees to
46 be appointed for one year, two to be appointed for two years, two to be appointed
47 for three years and two to be appointed for four years. Any vacancies occurring
48 on the board shall be filled in the same manner as provided in this section.

49 5. The board shall meet in Jefferson City, Missouri, within thirty days
50 following August 28, 1996. Thereafter, the board shall meet upon the written call
51 of the chairman of the board or by the agreement of any six members of the
52 board. Notice of each meeting shall be delivered to all other trustees in person
53 or by registered mail not less than six days prior to the date fixed for the
54 meeting. The board may meet at any time by unanimous mutual consent. There
55 shall be at least one meeting in each quarter.

56 6. Six trustees shall constitute a quorum for the transaction of business,
57 and any official action of the board shall be based on a majority vote of the
58 trustees present.

59 7. The trustees shall serve without compensation but shall receive from
60 the fund their actual and necessary expenses incurred in the performance of their
61 duties for the board.

62 8. The board of trustees shall be a type III agency and shall appoint an
63 executive director and other employees as needed, who shall be state employees
64 and be eligible for all corresponding benefits. The executive director shall have
65 charge of the offices, operations, records, and other employees of the board,
66 subject to the direction of the board. Employees of the board shall receive such
67 salaries and necessary expenses as shall be fixed by the board.

68 9. Staff resources for the Missouri petroleum storage tank insurance fund
69 may be provided by the department of natural resources or another state agency
70 as otherwise specifically determined by the board. The fund shall compensate the
71 department of natural resources or other state agency for all costs of providing
72 staff required by this subsection. Such compensation shall be made pursuant to
73 contracts negotiated between the board and the department of natural resources
74 or other state agency.

75 10. In order to carry out the fiduciary management of the fund, the board
76 may select and employ, or may contract with, persons experienced in insurance

77 underwriting, accounting, the servicing of claims and rate making, and legal
78 counsel to defend third-party claims, who shall serve at the board's
79 pleasure. Invoices for such services shall be presented to the board in sufficient
80 detail to allow a thorough review of the costs of such services.

81 11. At the first meeting of the board, the board shall elect one of its
82 members as chairman. The chairman shall preside over meetings of the board
83 and perform such other duties as shall be required by action of the board.

84 12. The board shall elect one of its members as vice chairman, and the
85 vice chairman shall perform the duties of the chairman in the absence of the
86 latter or upon the chairman's inability or refusal to act.

87 13. The board shall determine and prescribe all rules and regulations as
88 they relate to fiduciary management of the fund, pursuant to the purposes of
89 sections 319.100 to 319.137. In no case shall the board have oversight regarding
90 environmental cleanup standards for petroleum storage tanks.

91 14. No trustee or staff member of the fund shall receive any gain or profit
92 from any moneys or transactions of the fund. This shall not preclude any eligible
93 trustee from making a claim or receiving benefits from the petroleum storage
94 tank insurance fund as provided by sections 319.100 to 319.137.

95 15. The board may reinsure all or a portion of the fund's liability. Any
96 insurer who sells environmental liability insurance in this state may, at the
97 option of the board, reinsure some portion of the fund's liability.

98 16. The petroleum storage tank insurance fund shall expire on December
99 31, [2020] **2025**, unless extended by action of the general assembly. After
100 December 31, [2020] **2025**, the board of trustees may continue to function for the
101 sole purpose of completing payment of claims made prior to December 31, [2020]
102 **2025**.

103 17. The board shall annually commission an independent financial audit
104 of the petroleum storage tank insurance fund. The board shall biennially
105 commission an actuarial analysis of the petroleum storage tank insurance
106 fund. The results of the financial audit and the actuarial analysis shall be made
107 available to the public. The board may contract with third parties to carry out
108 the requirements of this subsection.

**319.140. 1. There is established a task force of the general
2 assembly to be known as the "Task Force on the Petroleum Storage
3 Tank Insurance Fund". Such task force shall be composed of eight
4 members. Three members shall be from the house of representatives**

5 with two appointed by the speaker of the house of representatives and
6 one appointed by the minority floor leader of the house of
7 representatives. Three members shall be from the senate with two
8 appointed by the president pro tempore of the senate and one
9 appointed by the minority floor leader of the senate. Two members
10 shall be industry stakeholders with one appointed by the speaker of the
11 house of representatives and one appointed by the president pro
12 tempore of the senate. No more than two members from either the
13 house of representatives or the senate shall be from the same political
14 party. A majority of the task force shall constitute a quorum.

15 2. The task force shall conduct research and compile a report for
16 delivery to the general assembly by December 31, 2018, on the
17 following:

18 (1) The efficacy of the petroleum storage tank insurance fund
19 and program;

20 (2) The sustainability of the petroleum storage tank insurance
21 fund and program;

22 (3) The administration of the petroleum storage tank insurance
23 fund and program;

24 (4) The availability of private insurance for above and below
25 ground petroleum storage tanks, and the necessity of insurance
26 subsidies created through the petroleum storage tank insurance
27 program;

28 (5) Compliance with federal programs, regulations, and advisory
29 reports; and

30 (6) The comparability of the petroleum storage tank insurance
31 program to other states' programs and states without such programs.

32 3. The task force shall meet within thirty days after its creation
33 and organize by selecting a chairperson and vice chairperson, one of
34 whom shall be a member of the senate and the other a member of the
35 house of representatives. Thereafter, the task force may meet as often
36 as necessary in order to accomplish the tasks assigned to it.

37 4. The task force shall be staffed by legislative staff as necessary
38 to assist the task force in the performance of its duties.

39 5. The members of the task force shall serve without
40 compensation but shall be entitled to reimbursement for actual and

41 **necessary expenses incurred in the performance of their official duties.**

42 **6. This section shall expire on December 31, 2018.**

414.032. 1. All kerosene, diesel fuel, heating oil, aviation turbine fuel,
2 gasoline, gasoline-alcohol blends and other motor fuels shall meet the
3 requirements in the annual book of ASTM standards and supplements
4 thereto. The director may promulgate rules and regulations on the labeling,
5 standards for, and identity of motor fuels and heating oils.

6 2. The director may inspect gasoline, gasoline-alcohol blends or other
7 motor fuels to insure that these fuels conform to advertised grade and octane. In
8 no event shall the penalty for a first violation of this section exceed a written
9 reprimand.

10 **3. The director may waive specific requirements in this section**
11 **and in regulations promulgated according to this section, or may**
12 **establish temporary alternative requirements for fuels as determined**
13 **to be necessary in the event of an extreme and unusual fuel supply**
14 **circumstance as a result of a petroleum pipeline or petroleum refinery**
15 **equipment failure, emergency, or a natural disaster as determined by**
16 **the director for a specified period of time. If any action is taken by the**
17 **director under this section, the director shall:**

18 **(1) Advise the U.S. Environmental Protection Agency of such**
19 **action;**

20 **(2) Review the action after thirty days; and**

21 **(3) Notify industry stakeholders of such action.**

22 4. Any waiver issued or action taken under subsection 3 of this
23 section shall be as limited in scope and applicability as necessary, and
24 shall apply equally and uniformly to all persons and companies in the
25 impacted petroleum motor fuel supply and distribution system,
26 including but not limited to petroleum producers, terminals,
27 distributors, and retailers.

640.620. In any case, the grant shall not be in excess of [one] **three**
2 thousand [four hundred] dollars per connection, or, in the case of a source water
3 protection project, for more than twenty percent of the cost per acre for
4 conservation reserve and, except as otherwise provided in this section, no district
5 or system may receive more than one grant for any purpose in any two-year
6 period. Grantees who received or who are receiving funds under the 1993-1994
7 special allocation for flood-impacted communities are not subject to the

8 prohibition against receiving more than one grant during any two-year period for
9 a period ending two years after the final grant allocation for flood-impacted
10 communities is received by that grantee.

✓

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