

FIRST REGULAR SESSION

[PERFECTED]

SENATE BILL NO. 109

102ND GENERAL ASSEMBLY

INTRODUCED BY SENATOR BERNSKOETTER.

0871S.01P

KRISTINA MARTIN, Secretary

AN ACT

To repeal sections 256.700 and 256.710, RSMo, and to enact in lieu thereof two new sections relating to mining.

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

Section A. Sections 256.700 and 256.710, RSMo, are
2 repealed and two new sections enacted in lieu thereof, to be
3 known as sections 256.700 and 256.710, to read as follows:

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

10 2. The director of the department of natural resources
11 may require a geologic resources fee for each permit not to
12 exceed one hundred dollars. The director may also require a
13 geologic resources fee for each site listed on a permit not
14 to exceed one hundred dollars for each site. The director
15 may also require a geologic resources fee for each acre
16 permitted by the operator under section 444.772 not to
17 exceed ten dollars per acre. If such fee is assessed, the

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

18 fee per acre on all acres bonded by a single operator that
19 exceeds a total of three hundred acres shall be reduced by
20 fifty percent. In no case shall the geologic resources fee
21 portion for any permit issued under section 444.772 be more
22 than three thousand five hundred dollars.

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

32 4. Fees imposed under this section shall become
33 effective August 28, 2007, and shall expire on December 31,
34 **[2025] 2030**. No other provisions of sections 256.700 to
35 256.710 shall expire.

36 5. The department of natural resources may promulgate
37 rules to implement the provisions of sections 256.700 to
38 256.710. Any rule or portion of a rule, as that term is
39 defined in section 536.010, that is created under the
40 authority delegated in this section shall become effective
41 only if it complies with and is subject to all of the
42 provisions of chapter 536 and, if applicable, section
43 536.028. This section and chapter 536 are nonseverable and
44 if any of the powers vested with the general assembly under
45 chapter 536 to review, to delay the effective date, or to
46 disapprove and annul a rule are subsequently held
47 unconstitutional, then the grant of rulemaking authority and
48 any rule proposed or adopted after August 28, 2007, shall be
49 invalid and void.

256.710. 1. There is hereby created an advisory council to the state geologist known as the "Industrial Minerals Advisory Council". The council shall be composed of nine members as follows:

(1) The director of the department of transportation or his or her designee;

(2) Eight representatives of the following industries, **with no more than four appointees from any one industry**, appointed by the director of the department of natural resources:

[(a) Three representing the limestone quarry operators;

(b) One representing the clay mining industry;

(c) One representing the sandstone mining industry;

(d) One representing the sand and gravel mining industry;

(e) One representing the barite mining industry; and

(f) One representing the granite mining industry.]

limestone quarry operators, granite mining, clay mining, sandstone mining, barite mining, other nonmetallic surface mining, or sand and gravel mining. The director of the department of natural resources or his or her designee shall act as chairperson of the council and convene the council as needed.

2. The advisory council shall:

(1) Meet at least once each year;

(2) Annually review with the state geologist the income received and expenditures made under sections 256.700 and 256.705;

(3) Consider all information and advise the director of the department of natural resources in determining the method and amount of fees to be assessed;

32 (4) In performing its duties under this subsection,
33 represent the best interests of the Missouri mining industry;

34 (5) Serve in an advisory capacity in all matters
35 pertaining to the administration of this section and section
36 256.700;

37 (6) Serve in an advisory capacity in all other matters
38 brought before the council by the director of the department
39 of natural resources.

40 3. All members of the advisory council, with the
41 exception of the director of the department of
42 transportation or his or her designee who shall serve
43 indefinitely, shall serve for terms of three years and until
44 their successors are duly appointed and qualified; except
45 that, of the members first appointed:

46 (1) One member who represents the limestone quarry
47 operators, the representative of the clay mining industry,
48 and the representative of the sandstone mining industry
49 shall serve terms of three years;

50 (2) One member who represents the limestone quarry
51 operators, the representative of the sand and gravel mining
52 industry, and the representative of the barite mining
53 industry shall serve terms of two years; and

54 (3) One member who represents the limestone quarry
55 operators, and the representative of the granite mining
56 industry shall serve a term of one year.

57 4. All members shall be residents of this state. Any
58 member may be reappointed.

59 5. All members shall be reimbursed for reasonable
60 expenses incurred in the performance of their official
61 duties in accordance with the reimbursement policy set by
62 the director. All reimbursements paid under this section
63 shall be paid from fees collected under section 256.700.

64 6. Every vacancy on the advisory council shall be
65 filled by the director of the department of natural
66 resources. The person selected to fill any such vacancy
67 shall possess the same qualifications required by this
68 section as the member he or she replaces and shall serve
69 until the end of the unexpired term of his or her
70 predecessor.

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