

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 1742S.04C
Bill No.: SCS for HCS for HB 779
Subject: Mining and Oil and Gas Production; Federal - State Relations; Department of Natural Resources; Office of Administration; Counties; Agriculture; Department of Agriculture; Fees; Licenses - Miscellaneous
Type: Original
Date: May 5, 2023

Bill Summary: This proposal modifies provisions relating to environmental regulations.

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND				
FUND AFFECTED	FY 2024	FY 2025	FY 2026	Fully Implemented (FY 2027)
General Revenue	\$0 or (Up to \$400,000)	\$148,194 or (Up to \$206,174)	\$177,833	\$177,833
Total Estimated Net Effect on General Revenue	\$0 or (Up to \$400,000)	\$148,194 or (Up to \$206,174)	\$177,833	\$177,833

Numbers within parentheses: () indicate costs or losses.

ESTIMATED NET EFFECT ON OTHER STATE FUNDS				
FUND AFFECTED	FY 2024	FY 2025	FY 2026	Fully Implemented (FY 2027)
Geologic Resources Fund (0801)	\$0	\$0	\$94,499	\$188,998
Oil and Gas Wells Fund (0543)	\$0	\$0	\$42,376	\$50,851
Hazardous Waste Fund (0676)	\$410,713	\$2,637,746	\$3,001,010	\$3,001,010
Solid Waste Management Fund – Scrap Tire Subaccount (0569)	\$0	\$0	\$1,256,718	\$2,513,435
Environmental Radiation Monitoring Fund (0656)	\$0	\$116,111	\$139,333	\$139,333
Mined Land Reclamation Fund (0906)	\$0	\$621,523	\$745,828	\$745,828
Safe Drinking Water Fund (0679)	\$0	\$4,635,702	\$5,562,842	\$5,562,842
Natural Resources Protection Fund – Air Pollution Permit Fee Subaccount (0594)	\$0	\$5,469,282	\$6,563,138	\$6,563,138
Natural Resources Protection Fund – Water Pollution Permit Fee Subaccount (0568)	\$0	\$4,827,794	\$5,793,353	\$5,793,353
Total Estimated Net Effect on <u>Other</u> State Funds	\$410,713	\$18,308,158	\$23,199,097	\$24,558,778

*Oversight notes this fee revenue is currently set to expire prior to January 1, 2026 (FY 2026). This proposal extends the sunset for six years (for each fee respectively). This reflects a continuance of the existing fees authorized in Sections 256.700, 259.080, 260.262, 260.273, 260.380, 260.392, 260.475, 444.768, 444.772, 640.100, 643.079 & 644.057.

ESTIMATED NET EFFECT ON FEDERAL FUNDS				
FUND AFFECTED	FY 2024	FY 2025	FY 2026	Fully Implemented (FY 2027)
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0	\$0

ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)				
FUND AFFECTED	FY 2024	FY 2025	FY 2026	Fully Implemented (FY 2027)
Total Estimated Net Effect on FTE	0	0	0	\$0

- Estimated Net Effect (expenditures or reduced revenues) expected to exceed \$250,000 in any of the three fiscal years after implementation of the act or at full implementation of the act.
- Estimated Net Effect (savings or increased revenues) expected to exceed \$250,000 in any of the three fiscal years after implementation of the act or at full implementation of the act.

ESTIMATED NET EFFECT ON LOCAL FUNDS				
FUND AFFECTED	FY 2024	FY 2025	FY 2026	Fully Implemented (FY 2027)
Local Government*	\$0	\$0	\$0	\$0

*Income and costs net to zero.

FISCAL ANALYSIS

ASSUMPTION

§12.070 – Federal Mining Revenue Distribution

Officials from the **Missouri Department of Agriculture, Department of Natural Resources, Office of Administration - Budget and Planning** and **Missouri Department of Transportation** each assume the proposal will have no fiscal impact on their respective organizations.

In response to a similar proposal from 2023 (HCS for HB Nos. 948 & 915), officials from the **Missouri Department of Conservation** assumed the proposal would have no fiscal impact on their organization.

Oversight notes that the above mentioned agencies have stated the proposal would not have a direct fiscal impact on their organizations. Oversight does not have any information to the contrary. Therefore, Oversight will reflect a zero impact on the fiscal note for these agencies and for this section of the proposal.

Officials from the **Department of Elementary and Secondary Education (DESE)**, DESE state based on their review of the legislation, it is somewhat unclear as to who distributes these funds when they are sent to the state. DESE assumes no ITSD costs for this part of the proposal.

Oversight assumes DESE will not be materially fiscally impacted by updating these distribution changes and will show DESE's zero fiscal estimate for ITSD programming.

Oversight does not have information to the contrary and therefore, Oversight will reflect the estimates as provided by DESE.

Upon further inquiry, MDA notes the department has not received any payments from the National Forest Receipts Program. **Oversight** assumes the Mark Twain National Forest is located in the following counties:

Carter	Bollinger	Ozark	Howell	Butler	Barry
Texas	Taney	Stone	Ste. Gen.	Wright	Douglas
Christian	Washington	Ripley	Iron	Callaway	Boone
Phelps	Oregon	Laclede	Wayne	Reynolds	Crawford
Shannon	St. Francois	Madison	Dent	Pulaski	

Section 163.024 - Fine Revenue for Certain School Districts

Officials from **Department of Elementary and Secondary Education (DESE)** believe the potential impact is unknown based on the language as written. If the school district had to record the Doe Run Fines as fines, it would reduce the amount of basic formula funds owed to the school district which could be a savings to the state. If the school district has received Doe Run Fines and it has reduced their basic formula payment DESE will be required to pay those funds back to the district which would be a cost to the state. DESE is unable to estimate the exact amount of the impact without knowing the amount of fines involved.

Officials from the **Department of Natural Resources** assume the proposal will have no fiscal impact on their organization. **Oversight** does not have any information to the contrary. Therefore, Oversight will reflect a zero impact in the fiscal note for this agency for this section.

In response to a similar proposal from 2023 (HCS for HB Nos. 948 & 915), officials from the **Office of Administration - Budget and Planning (B&P)** stated B&P defers to the Department of Natural Resources for potential impacts to the county school funds based on their issuance of penalties authorized in this section. To the extent that any additional revenues to the county school funds are considered fines that could impact school finances, B&P defers to the Department of Elementary and Secondary Education for the potential impact.

Previously, **DESE** stated the fines paid into the Iron County school fund are from the Doe Run mine settlement and if those fines had to be included in the districts local effort calculations it would result in a lower foundation formula to those districts.

That being said, the last time these same fines where paid, this exact same law was in place to prevent the large fine amount from devastating the amount of foundation formula the affected districts would receive. So the reply was in reference to the fact that last time these same fines were paid they were not included as part of the local effort deduction.

But there would officially be a lower formula call if this law were not in place, but at this time DESE does not have enough information in order to estimate that.

Oversight notes the following school districts appear to be located in Iron County:

- South Iron County R-I School Districts (Hold Harmless)
- Arcadia Valley R-II
- Belleview R-III
- Iron County C-4 School District (Hold Harmless)

Per the second amended and restated Administrative Order on Consent No. APCP-2019-001 the penalty to be paid by the respondents is \$1,200,000 in three annual payments of \$400,000, a fourth payment of \$354,368 plus an additional payment of \$384,771.

Based on information provided by DNR, **Oversight** notes the first two payments of \$400,000 have been paid as well as the payment for \$384,771 for a total of \$1,184,771. The remaining payment of \$400,000 was due by September 9, 2022 and a fourth payment of \$354,368 is due September 8, 2023.

Based on information provided by DESE, **Oversight** notes some of the school districts located in Iron County are considered hold harmless and the state aid payment would not change regardless of the whether the fine revenue is included in the calculation of local effort for districts considered hold harmless. However, two of the districts are not considered hold harmless and any fine revenue not included in the calculation of local effort as a result of this proposal would result in a dollar for dollar increase in the state aid calculation. Therefore, Oversight will show a range of impact from \$0 (districts impacted are considered hold harmless) to a potential increased call to the foundation formula.

Oversight anticipates the exclusion of the fine revenue from the calculation of local effort would not impact the foundation formula until the year following remittance. Therefore, Oversight will show a cost for General Revenue beginning in FY 2024 for an amount equal to the fine revenue of \$400,000 followed by \$354,368 in FY 2025.

Oversight only reflects the responses received from state agencies and political subdivisions; however, county commissioners, and school districts were requested to respond to this proposed legislation but did not. A listing of political subdivisions included in the Missouri Legislative Information System (MOLIS) database is available upon request.

§§196.311, 196.316, 323.100 & 413.225 – Missouri Department of Agriculture Fees

Officials from the **Missouri Department of Agriculture (MDA)** assume the proposal will have no fiscal impact on their organization. MDA notes the provisions in this proposal will allow MDA to collect the same amount of revenue as it currently does.

Oversight notes the proposal sets the following annual fee limits:

Dealer's licence for eggs	\$100
Retailer's license for eggs	\$175
Processor's license for eggs	\$250
Testing of meters for liquefied petroleum gas	\$400
Calibrations testing	\$500 per calibration

Oversight notes the new fee limits become effective January, 2025 and allow the MDA additional flexibility in setting the annual fees. Oversight assumes there will be no direct additional fiscal impact to the MDA.

§§256.700, 259.080, 260.262, 260.273, 260.380, 260.392, 260.475, 444.768, 444.772, 640.100, 643.079 & 644.057 – Extension of Department of Natural Resources Fees

Officials from the **Department of Natural Resources (DNR)** assume the proposal will have no fiscal impact on their organization.

DNR notes the following amounts have been collected for the various fees:

§256.700 – Geologic Resources Fund (0801) (in response to SB 109 (2023))

FY 2020	\$200,585
FY 2021	\$180,593
FY 2022	\$185,816

Oversight notes there was a \$232,585 balance in the Geologic Resources Fund as of January 31, 2023. Oversight will reflect revenue in the amount of \$188,998 (average of past three fiscal years) continuing due to the fee extension from 2025 to 2031 on the fiscal note.

§259.080 – Oil and Gas Well Resources Fund (0543)

FY 2020	\$57,548
FY 2021	\$46,155
FY 2022	\$48,851

Oversight notes there was a \$324,596 balance in the Fund as of January 31, 2023. Oversight will reflect revenue in the amount of \$50,851 (average of past three fiscal years) continuing due to the fee extension from 2025 to 2031 on the fiscal note.

§260.262 – Lead-Acid Battery Fee (Hazardous Waste Fund 0676)

FY 2020	\$757,417
FY 2021	\$842,281
FY 2022	\$864,578

Oversight notes there was an \$11,131,094 balance in the Fund as of January 31, 2023. Oversight will reflect revenue in the amount of \$821,425 (average of past three fiscal years) continuing due to the fee extension from 2023 to 2029 on the fiscal note.

§260.273 – Scrap Tire Fee (Solid Waste Management – Scrap Tire Fund Subaccount Fund 0569)

FY 2020	\$2,481,163
FY 2021	\$2,015,512
FY 2022	\$3,043,631

Oversight notes there was a \$7,121,634 balance in the Fund as of January 31, 2023. Oversight will reflect revenue in the amount of \$2,513,435 (average of past three fiscal years) continuing due to the fee extension from 2025 to 2031 on the fiscal note.

§260.380 – Hazardous Waste Generator Fee (Hazardous Waste Fund 0676)

FY 2020	\$1,900,159
FY 2021	\$1,920,783
FY 2022	\$1,816,939

Oversight notes there was an \$11,131,094 balance in the Fund as of January 31, 2023. Oversight will reflect revenue in the amount of \$1,879,294 (average of past three fiscal years) continuing due to the fee extension from 2024 to 2030 on the fiscal note.

§260.392 – Environmental Radiation Monitoring Transport Fee (Environmental Radiation Monitoring Fund (0656)

FY 2020	\$134,000
FY 2021	\$102,725
FY 2022	\$181,275

Oversight notes there was an \$181,046 balance in the Fund as of January 31, 2023. Oversight will reflect revenue in the amount of \$139,333 (average of past three fiscal years) continuing due to the fee extension from 2024 to 2030 on the fiscal note.

§260.475 – Hazardous Waste Land Disposal Fee (Hazardous Waste Fund 0676)

FY 2020	\$305,370
FY 2021	\$335,681
FY 2022	\$259,822

Oversight notes there was an \$11,131,094 balance in the Fund as of January 31, 2023. Oversight will reflect revenue in the amount of \$300,291 (average of past three fiscal years) continuing due to the fee extension from 2024 to 2030 on the fiscal note.

§§444.768 & 444.772 – Surface Mining -Land Reclamation Act (Mined Land Reclamation Fund (0906)

FY 2020	\$773,335 (Mined Land Reclamation Fund)	\$145,500 (General Revenue)
FY 2021	\$704,629 (Mined Land Reclamation Fund)	\$194,000 (General Revenue)
FY 2022	\$759,521 (Mined Land Reclamation Fund)	\$194,000 (General Revenue)

Oversight notes there was a \$1,615,826 balance in the Fund as of January 31, 2023. Oversight will reflect revenue in the amount of \$745,828 for the Mined Land Reclamation Fund and \$177,833 for the General Revenue Fund (average of past three fiscal years) continuing due to the fee extension from 2024 to 2030 on the fiscal note.

§640.100 – Safe Drinking Water Fund (0679)

FY 2020	\$5,295,605
FY 2021	\$5,455,159
FY 2022	\$5,937,761

Oversight notes there was an \$8,925,790 balance in the Fund as of January 31, 2023. Oversight will reflect revenue in the amount of \$5,562,842 (average of past three fiscal years) continuing due to the fee extension from 2024 to 2030 on the fiscal note.

§643.079 – Clean Air Fees – Emissions and Permit Fees (Natural Resources Protection Fund – Air Pollution Permit Fee Subaccount (0594)

FY 2020	\$6,268,040
FY 2021	\$6,339,541
FY 2022	\$7,081,832

Oversight notes there was a \$3,356,322 balance in the Fund as of January 31, 2023. Oversight will reflect revenue in the amount of \$6,563,138 (average of past three fiscal years) continuing due to the fee extension from 2024 to 2030 on the fiscal note.

§644.057 – Clean Water Fee (Natural Resources Protection Fund – Water Pollution Permit Fee Subaccount 0568)

FY 2020	\$5,490,416
FY 2021	\$5,574,843
FY 2022	\$6,314,800 (higher due to land disturbance being due every five years)

Oversight notes there was a \$26,039,664 balance in the Fund as of January 31, 2023. Oversight will reflect revenue in the amount of \$5,793,353 (average of past three fiscal years) continuing due to the fee extension from 2024 to 2030 on the fiscal note.

§256.710 – Industrial Minerals Advisory Council

Officials from the **Department of Natural Resources** and **Missouri Department of Transportation** each assume the proposal will have no fiscal impact on their respective organizations. **Oversight** does not have any information to the contrary. Therefore, Oversight will reflect a zero impact in the fiscal note for these agencies.

§640.023 – Provisions relating to the Department of Natural Resources

Officials from the **Department of Natural Resources** assume the proposal will have no fiscal impact on their organization. **Oversight** does not have any information to the contrary. Therefore, Oversight will reflect a zero impact in the fiscal note for these agencies.

§§640.099 & 644.051 – Clean Water Law

Officials from the **Department of Natural Resources** assume the proposal will have no fiscal impact on their organization. **Oversight** does not have any information to the contrary. Therefore, Oversight will reflect a zero impact in the fiscal note for this agency for these sections.

<u>FISCAL IMPACT – State Government</u>	FY 2024	FY 2025	FY 2026	Fully Implemented (FY 2027)
GENERAL REVENUE FUND				
<u>Revenue Extension – extension of fee from 2024 to 2030 §§444.768 & 444.772 p. 6</u>	\$0	\$148,194	\$177,833	\$177,833
<u>Cost - increased call to the foundation formula if the increase in specific fine revenue is not include in the calculation of local effort (§163.024) p. 5</u>	<u>\$0 or (Up to \$400,000)</u>	<u>\$0 or (Up to \$354,368)</u>	<u>\$0</u>	<u>\$0</u>
ESTIMATED NET EFFECT ON THE GENERAL REVENUE FUND	<u>\$0 or (Up to \$400,000)</u>	<u>\$148,194 or (Up to \$206,174)</u>	<u>\$177,833</u>	<u>\$177,833</u>

GEOLOGIC RESOURCES FUND (0801)				
<u>Revenue Extension</u> – extension of fee from 2025 to 2031 §256.700 p. 9	<u>\$0</u>	<u>\$0</u>	<u>\$94,499</u>	<u>\$188,998</u>
ESTIMATED NET EFFECT ON THE GEOLOGIC RESOURCES FUND (0801)	<u>\$0</u>	<u>\$0</u>	<u>\$94,499</u>	<u>\$188,998</u>
OIL AND GAS WELLS RESOURCE FUND (0543)				
<u>Revenue Extension</u> – extension of fee from 2025 to 2031 §259.080 p. 7	<u>\$0</u>	<u>\$0</u>	<u>\$42,376</u>	<u>\$50,851</u>
ESTIMATED NET EFFECT ON THE OIL AND GAS WELLS RESOURCE FUND (0543)	<u>\$0</u>	<u>\$0</u>	<u>\$42,376</u>	<u>\$50,851</u>
HAZARDOUS WASTE FUND (0676)				
<u>Revenue Extension</u> – extension of fee from				

2023 to 2029 §260.262 p. 7	\$410,713	\$821,425	\$821,425	\$821,425
<u>Revenue Extension</u> – extension of fee from 2024 to 2030 §260.380 p. 8	\$0	\$1,566,078	\$1,879,294	\$1,879,294
<u>Revenue Extension</u> – extension of fee from 2024 to 2030 §260.475 p. 8	\$0	\$250,243	\$300,291	\$300,291
ESTIMATED NET EFFECT ON THE HAZARDOUS WASTE FUND (0676)	<u>\$410,713</u>	<u>\$2,637,746</u>	<u>\$3,001,010</u>	<u>\$3,001,010</u>
SOLID WASTE MANAGEMENT – SCRAP TIRE SUBACCOUNT (0569)				
<u>Revenue Extension</u> – extension of fee from 2025 to 2031 §260.273 p. 8	\$0	\$0	\$1,256,718	\$2,513,435
ESTIMATED NET EFFECT ON THE SOLID WASTE MANAGEMENT – SCRAP TIRE SUBACCOUNT (0569)	<u>\$0</u>	<u>\$0</u>	<u>\$1,256,718</u>	<u>\$2,513,435</u>
ENVIRONMENTAL RADIATION MONITORING FUND (0656)				

<u>Revenue Extension</u> – extension of fee from 2024 to 2030 §260.392 p. 8	\$0	\$116,111	\$139,333	\$139,333
ESTIMATED NET EFFECTON THE ENVIRONMENTAL RADIATION MONITORING FUND (0656)	\$0	\$116,111	\$139,333	\$139,333
MINED LAND RECLAMATION FUND (0906)				
<u>Revenue Extension</u> – extension of fee from 2024 to 2030 §§444,768 & 444.772 p. 9	\$0	\$621,523	\$745,828	\$745,828
ESTIMATED NET EFFECTON THE MINED LAND RECLAMATION FUND (0906)	\$0	\$621,523	\$745,828	\$745,828
SAFE DRINKING WATER FUND (0679)				
<u>Revenue Extension</u> – extension of fee from 2024 to 2030 §640.100 p. 9	\$0	\$4,635,702	\$5,562,842	\$5,562,842

ESTIMATED NET EFFECT ON THE SAFE DRINKING WATER FUND (0679)	\$0	\$4,635,702	\$5,562,842	\$5,562,842
NATURAL RESOURCES PROTECTION FUND – AIR POLLUTION PERMIT FEE SUBACCOUTN (0594)				
<u>Revenue Extension</u> – extension of fee from 2024 to 2030 §643.079 p. 9	\$0	\$5,469,282	\$6,563,138	\$6,563,138
ESTIMATED NET EFFECT ON THE NATURAL RESOURCES PROTECTION FUND – AIR POLLUTION PERMIT FEE SUBACCOUNT (0594)	\$0	\$5,469,282	\$6,563,138	\$6,563,138
NATURAL RESOURCES PROTECTION FUND – WATER POLLUTION PERMIT FEE SUBACCOUNT (0568)				
<u>Revenue Extension</u> – extension of fee from				

2024 to 2030 §644.057 p. 9	<u>\$0</u>	<u>\$4,827,794</u>	<u>\$5,793,353</u>	<u>\$5,793,353</u>
ESTIMATED NET EFFECT ON THE NATURAL RESOURCES PROTECTION FUND – WATER POLLUTION PERMIT FEE SUBACCOUNT (0568)	<u>\$0</u>	<u>\$4,827,794</u>	<u>\$5,793,353</u>	<u>\$5,793,353</u>

<u>FISCAL IMPACT</u> – <u>Local Government</u>	FY 2024 (10 Mo.)	FY 2025	FY 2026	Fully Implemented (FY 2027)
COUNTIES				
<u>Counties</u> - where mining occurs (§12.070) p. 4	\$0 or Unknown	\$0 or Unknown	\$0 or Unknown	\$0 or Unknown
<u>Counties</u> – where mining does not occur (§12.070) p. 4	<u>\$0 or (Unknown)</u>	<u>\$0 or (Unknown)</u>	<u>\$0 or (Unknown)</u>	<u>\$0 or (Unknown)</u>
ESTIMATED NET EFFECT ON COUNTIES	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>

FISCAL IMPACT – Small Business

Small businesses that are required to pay the fees mentioned above could be impacted as a result of this proposal.

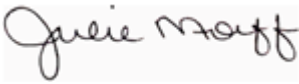
FISCAL DESCRIPTION

This proposal modifies provisions relating to certain administrative fees.

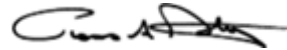
This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space.

SOURCES OF INFORMATION

Missouri Department of Agriculture
Office of Administration - Budget and Planning
Department of Elementary and Secondary Education
Department of Natural Resources
Missouri Department of Conservation
Missouri Department of Transportation
Department of Natural Resources



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May 5, 2023



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