FIRST REGULAR SESSION

SENATE BILL NO. 494

92ND GENERAL ASSEMBLY

INTRODUCED BY SENATOR KLINDT.

Read 1st time February 13, 2003, and 1,000 copies ordered printed.

TERRY L. SPIELER, Secretary.

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AN ACT

To repeal sections 256.635, 259.190, 260.203, 260.273, 260.330, 260.391, 260.475, 260.479, 260.480, 260.920, 319.123, 414.359, 414.407, 444.370, 444.730, 444.915, 444.960, 640.110, 640.220, 640.665, 640.740, 643.245, 643.350, and 644.055, RSMo, section 307.366 as enacted by conference committee substitute for senate committee substitute for house committee substitute for house bills nos. 603, 722 and 783, ninetieth general assembly, first regular session, and section 307.366 as enacted by conference committee substitute for house substitute for senate substitute for senate committee substitute for senate bill no. 19, ninetieth general assembly, first regular session, and to enact in lieu thereof twenty-three new sections relating to the department of natural resources, with penalty provisions and an emergency clause for a certain section.

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

Section A. Sections 256.635, 259.190, 260.203, 260.273, 260.330, 260.391, 260.475, 260.479, 260.480, 260.920, 319.123, 414.359, 414.407, 444.370, 444.730, 444.915, 444.960, 640.110, 640.220, 640.665, 640.740, 643.245, 643.350, and 644.055, RSMo, section 307.366 as enacted by conference committee substitute for senate committee substitute for house committee substitute for house bills nos. 603, 722 and 783, ninetieth general assembly, first regular session, and section 307.366 as enacted by conference committee substitute for house substitute for senate substitute for senate committee substitute for senate bill no. 19, ninetieth general assembly, first regular session, are repealed and twenty-three new sections enacted in lieu thereof, to be known as sections 33.565, 256.635, 259.190, 260.203, 260.273, 260.330, 260.391, 260.475, 260.920, 307.366, 319.123, 414.359, 414.407, 444.370, 444.730, 444.960, 640.110, 640.220, 640.665,

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

640.740, 643.245, 643.350, and 644.055, to read as follows:

33.565. Notwithstanding any other provision of law to the contrary, if any state fund set up in section 256.635, RSMo, section 259.190, RSMo, sections 260.203, 260.273, 260.330, 260.391, 260.475, and 260.920, RSMo, section 307.366, RSMo, section 319.123, RSMo, sections 414.359 and 414.407, RSMo, sections 444.370, 444.730, and 444.960, RSMo, sections 640.110, 640.220, 640.665, and 640.740, RSMo, sections 643.245 and 643.350, RSMo, and section 644.055, RSMo, has an excess unobligated cash balance, the general assembly, by appropriation, may transfer all or a portion of the unobligated cash balance to the general revenue fund.

256.635. 1. The state auditor shall audit the financial transactions of the division in connection with the administration of sections 256.600 to 256.640.

2. All money collected by the division under the provisions of sections 256.600 to 256.640 shall be deposited in the state treasury to the credit of **[**a special fund hereby established to be known as the "Groundwater Protection Fund"**] the general revenue fund**. **[**Moneys in the fund shall be expended only for the purposes of administering sections 256.600 to 256.640. Notwithstanding the provisions of section 33.080, RSMo, any balance remaining in the fund at the end of an appropriation period shall not be transferred to general revenue, except that should there be a balance remaining in the fund at the end of an appropriation period exceeding one-half of the next year's projected operating budget for administration of sections 256.600 to 256.640, the amount exceeding one-half of the next year's projected budget shall be transferred to the general revenue fund.

3. Any balance in the water well drillers' fund on August 28, 1997, shall be transferred to the groundwater protection fund on that date, and following such transfer, the water well drillers' fund shall be abolished.**]**

3. Any balance in the groundwater protection fund on the effective date of this act, shall be transferred to the general revenue fund on that date.

259.190. 1. Illegal oil, illegal gas, and illegal product are declared to be contraband and are subject to seizure and sale as herein provided; seizure and sale to be in addition to any and all other remedies and penalties provided in this chapter for violations relating to illegal oil, illegal gas, or illegal product. Whenever the council believes that any oil, gas or product is illegal, the council, acting by the attorney general, shall bring a civil action in rem in the circuit court of the county where such oil, gas, or product is found, to seize and sell the same, or the council may include such an action in rem for the seizure and sale of illegal oil, illegal gas, or illegal product in any suit brought for an injunction or penalty involving illegal oil, illegal gas, or illegal product. Any person claiming an interest in oil, gas, or product affected by any such action shall have the right to intervene as an interested party in such action.

2. Actions for the seizure and sale of illegal oil, illegal gas, or illegal product shall be

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strictly in rem, and shall proceed in the name of the state as plaintiff against the illegal oil, illegal gas, or illegal products as defendant. No bond or similar undertaking shall be required of the plaintiff. Upon the filing of the petition for seizure and sale, the attorney general shall issue a notice, with a copy of the complaint attached thereto, which shall be served in the manner provided for service of original notices in civil actions, upon any and all persons having or claiming any interest in the illegal oil, illegal gas, or illegal products described in the petition. Service shall be completed by the filing of an affidavit by the person making the service, stating the time and manner of making such service. Any person who fails to appear and answer within the period of thirty days shall be forever barred by the judgment based on such service. If the court, on a properly verified petition, or affidavits, or oral testimony, finds that grounds for seizure and for sale exist, the court shall issue an immediate order of seizure, describing the oil, gas, or product to be seized and directing the sheriff of the county to take such oil, gas, or product into his custody, actual or constructive, and to hold the same subject to the further order of the court. The court, in such order of seizure, may direct the sheriff to deliver the oil, gas, or product seized by him under the order to an agent appointed by the court as the agent of the court; such agent to give bond in an amount and with such surety as the court may direct, conditioned upon his compliance with the orders of the court concerning the custody and disposition of such oil, gas, or product.

3. Any person having an interest in oil, gas, or product described in an order of seizure and contesting the right of the state to the seizure and sale thereof may, prior to the sale thereof as herein provided, obtain the release thereof, upon furnishing bond to the sheriff, approved by the court, in an amount equal to one hundred fifty percent of the market value of the oil, gas, or product to be released, and conditioned as the court may direct upon redelivery to the sheriff of such product released or upon payment to the sheriff of the market value thereof as the court may direct, if and when ordered by the court, and upon full compliance with the further orders of the court.

4. If the court, after a hearing upon a petition for the seizure and sale of oil, gas, or product, finds that such oil, gas, or product is contraband, the court shall order the sale thereof by the sheriff in the same manner and upon the same notice of sale as provided by law for the sale of personal property on execution of judgment entered in a civil action except that the court may order that the illegal oil, illegal gas, or illegal product be sold in specified lots or portions and at specified intervals. Upon such sale, title to the oil, gas, or product sold shall vest in the purchaser free of the claims of any and all persons having any title thereto or interest therein at or prior to the seizure thereof, and the same shall be legal oil, legal gas, or legal product, as the case may be, in the hands of the purchaser.

5. All proceeds derived from the sale of illegal oil, illegal gas, or illegal product, as above provided, after payment of costs of suit and expenses incident to the sale, all amounts obtained

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by the council from the forfeiture of surety or personal bonds required under paragraph (d) of subdivision (1) of section 259.070, and any money recovered under subsection 1 of section 259.200 shall be paid to the state treasurer and credited to the **[**"Oil and Gas Remedial Fund", which is hereby created. The money in the oil and gas remedial fund may be used by the council to pay for the plugging of, or other remedial measures on, wells and to pay the expenses incurred by the council in performing the duties imposed on it by this chapter. Any unexpended balance in the fund at the end of the fiscal year not exceeding fifty thousand dollars is exempt from the provisions of section 33.080, RSMo, relating to transfer of unexpended balances to the ordinary revenue funds**] general revenue fund**.

6. Any balance in the oil and gas remedial fund on the effective date of this act, shall be transferred to the general revenue fund on that date.

260.203. 1. Any infectious waste transferred from the premises of the generator shall be taken to an infectious waste processing facility that holds a valid permit issued by the department, or a hospital as defined in section 197.020, RSMo.

2. No infectious waste shall be placed into a solid waste disposal area except as otherwise provided for in sections 260.200 to 260.245 unless it has been treated or rendered innocuous by a permitted infectious waste processing facility as provided in sections 260.200 to 260.245, or by a hospital as defined in section 197.020, RSMo, by autoclaving, incineration, chemical disinfection, or other methods of treatment approved by the department. The department of health and senior services shall promulgate rules covering the handling and treatment of infectious waste by hospitals as defined in section 197.020, RSMo, and such rules shall be consistent with the rules of the department under sections 260.200 to 260.245, and shall be effective no later than January 1, 1989.

3. All such wastes, when transported off the premises of the generator shall be packaged and transported as provided by rule under sections 260.200 to 260.245, except that hospitals and small quantity generators as defined by the department under this section may transport infectious waste to a hospital for treatment, an infectious waste processing facility for treatment or to a central collection point using their employees and vehicles as long as they meet all other requirements of sections 260.200 to 260.245 and the rules and regulations promulgated under sections 260.200 to 260.245.

4. The department of health and senior services shall provide for a registration process for all hospitals pursuant to the provisions of sections 260.200 to 260.245 and section 192.005, RSMo. The process shall include a completed and signed application on forms provided by the department of health and senior services. The forms shall contain the following:

(1) A statement certifying that the applicant understands and will comply with the applicable requirements of sections 260.200 to 260.245; and

(2) Other requirements established by the department of health and senior services.

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5. Registrations shall be renewed annually.

6. Unless otherwise provided for in sections 260.200 to 260.245, any person who treats infectious waste to the specifications of the department of natural resources or the department of health and senior services, and who proposes to dispose of the residue thereof in a sanitary landfill shall properly identify the waste and shall certify to the transporter and the sanitary landfill operator that the waste has been rendered innocuous and may be legally placed in a sanitary landfill pursuant to the provisions of this section. Persons found to be in violation of this subsection shall be guilty of a class A misdemeanor.

7. Facilities permitted to treat infectious waste shall adhere to an operation plan for the handling and treatment of infectious waste approved by the department of natural resources as provided by rule, and hospitals, as defined in section 197.020, RSMo, allowed to treat infectious waste shall adhere to an operation plan for the handling and treatment of infectious waste approved by the department of health and senior services as provided by rule. The plan shall include, but not be limited to, methods of handling and treating the waste, protection of employees and the public and the maximum amount of waste which may be handled per month. Approval for acceptance of infectious waste may be withdrawn for noncompliance with the operation plan. No permitted infectious waste treatment facility shall operate unless it has a solid waste technician trained in the handling of infectious waste on site during any treatment process. Such operator shall meet the requirements established by the department pursuant to section 260.205.

8. Any transporter or generator who delivers infectious waste to an infectious waste processing facility, except small quantity generators and hospitals located in Missouri and defined in section 197.020, RSMo, shall pay a fee of two dollars for each ton of infectious waste so delivered. Such fees shall be collected by the infectious waste processing facility accepting the waste and transmitted to the department. The department shall promptly transmit funds collected under this section to the director of the department of revenue for deposit in the **[**solid waste management fund. Moneys, upon appropriation, shall be used to help pay for the administrative costs associated with infectious waste management**] general revenue fund**. Any transporter or generator who transports infectious waste for more than three hundred miles for management in Missouri shall pay, in addition to the charges above, an additional charge equal to ten percent of the gross charge charged by the processing facility for the management of such waste. Such fees shall be collected by the infectious waste processing facility accepting the waste and transmitted to the department which shall promptly transmit such fees to the department of revenue for deposit in the general revenue fund.

9. Hospitals defined in chapter 197, RSMo, and located in Missouri, may manage infectious waste generated on the premises by autoclaving, incineration, chemical disinfection or other methods of treatment approved by the department of health and senior services. Such

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hospitals may also treat infectious waste produced by small quantity generators and other hospitals located in Missouri upon the approval of the department of natural resources and the department of health and senior services. Failure of either department to respond by issuing a certification to accept infectious waste in writing to a hospital which has filed in writing to both departments a notice of intent to treat waste from another hospital within ninety days constitutes approval of the treatment. All hospitals licensed by the state of Missouri pursuant to chapter 197, RSMo, are exempt from all taxes or fees imposed pursuant to sections 260.350 to 260.480, provided that no more than twenty-five percent, by weight, of the infectious waste managed by such hospitals is produced by other generators which are not owned or operated by the hospital.

10. Persons generating one hundred kilograms or less of infectious waste per month are exempt from the provisions of this section except that the department of health and senior services shall specify by rule, in accordance with section 192.005, RSMo, infectious waste that shall be rendered innocuous regardless of quantity. Any person who disposes of waste exempt from the provisions of this act in a sanitary landfill shall certify to the transporter or the sanitary landfill operator that the waste has been handled in a manner consistent with the law and may be legally placed in a sanitary landfill. Rules promulgated by the department of natural resources and the department of health and senior services pursuant to this subsection shall be effective no later than July 1, 1989. Persons found to be in violation of this subsection shall be guilty of a class A misdemeanor.

11. A generator of infectious waste who operates single or multiple site research facilities for research and experimental activities as defined in section 174 of the 1986 Internal Revenue Code, who generates such waste as a part of research and experimentation activities, and who manages such waste on site, shall not be required to obtain an infectious waste processing facility permit under this section to manage infectious waste. The generator may accept infectious waste from other sites of the parent research company located in Missouri but shall not accept infectious waste from other sources and shall comply with all other requirements and provisions of sections 260.200 to 260.245, and the rules and regulations promulgated thereunder. The University of Missouri Ellis Fischel Cancer Center and the other facilities of the University of Missouri-Columbia shall be considered a multiple site research facility for the purposes of this section.

12. Nothing in this section shall prohibit the transportation of infectious or hazardous waste from the state of Missouri for management in another state.

13. The department of natural resources shall establish, by rule, inspection fees to be paid to the department by owners or operators of commercial infectious waste incinerators. The fees shall not exceed the costs of the inspections and shall not exceed ten thousand dollars per year for a facility. Funds derived from these inspection fees shall be **[**used for the purpose of funding the inspection of commercial infectious waste incinerators**] deposited in the general**

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revenue fund.

14. All owners or operators of commercial infectious waste incinerators shall pay the fees, established by the department by rule, for inspections conducted by the department pursuant to this section.

15. **[**There is hereby created the "Infectious Waste Incinerator Inspection Fund".**]** All funds received from infectious waste incinerator inspection fees shall be paid to the director of the department of revenue and deposited in the state treasury to the credit of the **[**infectious waste incinerator inspection fund. Moneys from such fund shall be used by the department of natural resources for conducting inspections at commercial infectious waste incinerators**] general revenue fund**.

16. The department shall furnish to the person, firm or corporation operating the commercial infectious waste facility a complete, full and detailed accounting of the cost of the department's inspection of the facility each time the facility is inspected within thirty days after the inspection is commenced. Failure to do so shall require the department to refund the inspection fee.

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17. Any balance in the infectious waste incinerator inspection fund on the effective date of this act, shall be transferred to the general revenue fund on that date.

260.273. 1. Any person purchasing a new tire may present to the seller the used tire or remains of such used tire for which the new tire purchased is to replace.

2. A fee for each new tire sold at retail shall be imposed on any person engaging in the business of making retail sales of new tires within this state. The fee shall be charged by the retailer to the person who purchases a tire for use and not for resale. Such fee shall be imposed at the rate of fifty cents for each new tire sold. Such fee shall be added to the total cost to the purchaser at retail after all applicable sales taxes on the tires have been computed. The fee imposed, less six percent of fees collected, which shall be retained by the tire retailer as collection costs, shall be paid to the department of revenue in the form and manner required by the department of revenue and shall include the total number of new tires sold during the preceding month. The department of revenue shall promulgate rules and regulations necessary to administer the fee collection and enforcement. The terms "sold at retail" and "retail sales" do not include the sale of new tires to a person solely for the purpose of resale, if the subsequent retail sale in this state is to the ultimate consumer and is subject to the fee.

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3. The department of revenue shall administer, collect and enforce the fee authorized pursuant to this section pursuant to the same procedures used in the administration, collection and enforcement of the general state sales and use tax imposed pursuant to chapter 144, RSMo, except as provided in this section. The proceeds of the new tire fee, less four percent of the proceeds, which shall be retained by the department of revenue as collection costs, shall be transferred by the department of revenue into **[**an appropriate subaccount of the solid waste

management fund, created pursuant to section 260.330**] the general revenue fund**.

4. Up to five percent of the revenue available may be allocated, upon appropriation, to the department of natural resources to be used cooperatively with the department of elementary and secondary education for the purposes of developing educational programs and curriculum pursuant to section 260.342.

5. Up to twenty-five percent of the moneys received pursuant to this section may, upon appropriation, be used to administer the programs imposed by this section. Up to five percent of the moneys received under this section may, upon appropriation, be used for the grants authorized in subdivision (2) of subsection 6 of this section and authorized in section 260.274. All remaining moneys shall be allocated, upon appropriation, for the projects authorized in section 260.276.

6. The department shall promulgate, by rule, a statewide plan for the use of moneys received pursuant to this section to accomplish the following:

(1) Removal of waste tires from illegal tire dumps;

(2) Providing grants to persons that will use products derived from waste tires, or used waste tires as a fuel or fuel supplement; and

(3) Resource recovery activities conducted by the department pursuant to section 260.276.

7. The fee imposed in subsection 2 of this section shall terminate January 1, 2004.

8. Any balance in the solid waste management fund on the effective date of this act, shall be transferred to the general revenue fund on that date.

260.330. 1. Except as otherwise provided in subsection **[**6**]** **4** of this section, effective October 1, 1990, each operator of a solid waste sanitary landfill shall collect a charge equal to one dollar and fifty cents per ton or its volumetric equivalent of solid waste accepted and each operator of the solid waste demolition landfill shall collect a charge equal to one dollar per ton or its volumetric equivalent of solid waste accepted. Each operator shall submit the charge, less collection costs, to the department of natural resources for deposit in the **[**"Solid Waste Management Fund" which is hereby created**] general revenue fund**. On October 1, 1992, and thereafter, the charge imposed herein shall be adjusted annually by the same percentage as the increase in the general price level as measured by the Consumer Price Index for All Urban Consumers for the United States, or its successor index, as defined and officially recorded by the United States Department of Labor or its successor agency. Collection costs shall be established by the department and shall not exceed two percent of the amount collected pursuant to this section.

2. **[**The department shall, by rule and regulation, provide for the method and manner of collection.

3. The charges established in this section shall be enumerated separately from the disposal fee charged by the landfill and may be passed through to persons who generated the

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solid waste. Moneys shall be transmitted to the department shall be no less than the amount collected less collection costs and in a form, manner and frequency as the department shall prescribe. The provisions of section 33.080, RSMo, to the contrary notwithstanding, moneys in the account shall not lapse to general revenue at the end of each biennium. Failure to collect the charge does not relieve the operator from responsibility for transmitting an amount equal to the charge to the department.

4.**]** The department may examine or audit financial records and landfill activity records and measure landfill usage to verify the collection and transmittal of the charges established in this section. The department may promulgate by rule and regulation procedures to ensure and to verify that the charges imposed herein are properly collected and transmitted to the department.

[5.**]** **3.** Effective October 1, 1990, any person who operates a transfer station in Missouri shall transmit a fee to the department for deposit in the solid waste management fund which is equal to one dollar and fifty cents per ton or its volumetric equivalent of solid waste accepted. Such fee shall be applicable to all solid waste to be transported out of the state for disposal. On October 1, 1992, and thereafter, the charge imposed herein shall be adjusted annually by the same percentage as the increase in the general price level as measured by the Consumer Price Index for All Urban Consumers for the United States, or its successor index, as defined and officially recorded by the United States Department of Labor or its successor agency. The department shall prescribe rules and regulations governing the transmittal of fees and verification of waste volumes transported out of state from transfer stations. Collection costs shall also be established by the department and shall not exceed two percent of the amount collected pursuant to this subsection. A transfer station with the sole function of separating materials for recycling or resource recovery activities shall not be subject to the fee imposed in this subsection.

[6.**]** **4.** Each political subdivision which owns an operational solid waste disposal area may designate, pursuant to this section, up to two free disposal days during each calendar year. On any such free disposal day, the political subdivision shall allow residents of the political subdivision to dispose of any solid waste which may be lawfully disposed of at such solid waste disposal area free of any charge, and such waste shall not be subject to any state fee pursuant to this section. Notice of any free disposal day shall be posted at the solid waste disposal area site and in at least one newspaper of general circulation in the political subdivision no later than fourteen days prior to the free disposal day.

5. Any balance in the solid waste management fund on the effective date of this act, shall be transferred to the general revenue fund on that date.

260.391. 1. **[**There is hereby created in the state treasury a fund to be known as the "Hazardous Waste Fund".**]** All funds received from hazardous waste permit and license fees,

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generator fees, taxes collected by contract hazardous waste landfill operators, general revenue, federal funds, gifts, bequests, donations, or any other moneys so designated shall be paid to the director of revenue and deposited in the state treasury to the credit of the **[**hazardous waste**]** **general revenue** fund. **[**The hazardous waste fund, subject to appropriation by the general assembly, shall be used by the department as provided by appropriations and consistent with rules and regulations established by the hazardous waste management commission for the purpose of carrying out the provisions of sections 260.350 to 260.430, for the management of hazardous waste, responses to hazardous substance releases as provided in sections 260.500 to 260.550, corrective actions at regulated facilities and illegal hazardous waste sites and for payments to other state agencies for such services consistent with sections 260.350 to 260.430, upon proper warrant issued by the commissioner of administration.

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

3. There is hereby created within the hazardous waste fund a subaccount known as the "Hazardous Waste Facility Inspection Subaccount".**]** **2.** All funds received from hazardous waste facility inspection fees shall be paid to the director of revenue and deposited in the state treasury to the credit of the **[**hazardous waste facility inspection subaccount. Moneys from such subaccount shall be used by the department for conducting inspections at facilities that are permitted or are required to be permitted as hazardous waste facilities by the department**]** **general revenue fund**.

3. Any balance in the hazardous waste fund on the effective date of this act, shall be transferred to the general revenue fund on that date.

260.475. 1. Every hazardous waste generator shall pay, in addition to the fees imposed in section 260.380, a fee of twenty-five dollars per ton annually on all hazardous waste which is discharged, deposited, dumped or placed into or on the soil as a final action, and two dollars per ton on all other hazardous waste transported off site. No fee shall be imposed upon any hazardous waste generator who registers less than ten tons of hazardous waste annually pursuant to section 260.380, or upon:

(1) Hazardous waste which must be disposed of as provided by a remedial plan for an abandoned or uncontrolled hazardous waste site;

(2) Fly ash waste, bottom ash waste, slag waste and flue gas emission control waste generated primarily from the combustion of coal or other fossil fuels;

(3) Solid waste from the extraction, beneficiation and processing of ores and minerals, including phosphate rock and overburden from the mining of uranium ore and smelter slag waste

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from the processing of materials into reclaimed metals;

(4) Cement kiln dust waste;

(5) Waste oil; or

(6) Hazardous waste that is:

(a) Reclaimed or reused for energy and materials;

(b) Transformed into new products which are not wastes;

(c) Destroyed or treated to render the hazardous waste nonhazardous; or

(d) Waste discharged to a publicly owned treatment works.

2. The fees imposed in this section shall be reported and paid to the department on an annual basis not later than the first of January. **[**The payment shall be accompanied by a return in such form as the department may prescribe.

3. Sixty percent of all moneys collected or received by the department pursuant to this section shall be transmitted to the department of revenue for deposit in the state treasury to the credit of the hazardous waste remedial fund created in section 260.480. Forty percent of all moneys collected or received by the department pursuant to this section shall be transmitted to the department of revenue for deposit in the state treasury to the credit of the hazardous waste fund created pursuant to section 260.391. Following each annual reporting date, the state treasurer shall certify the amount deposited in the fund to the commission.

4. If any generator or transporter fails or refuses to pay the fees imposed by this section, or fails or refuses to furnish any information reasonably requested by the department relating to such fees, there shall be imposed, in addition to the fee determined to be owed, a penalty of fifteen percent of the fee, sixty percent of which shall be deposited in the hazardous waste remedial fund, and forty percent of which shall be deposited in the hazardous waste fund.

5. If the fees or any portion of the fees imposed by this section are not paid by the date prescribed for such payment, there shall be imposed interest upon the unpaid amount at the rate of ten percent per annum from the date prescribed for its payment until payment is actually made, sixty percent of which shall be deposited in the hazardous waste remedial fund, forty percent of which shall be deposited in the hazardous waste fund.

6. The state treasurer is authorized to deposit all of the moneys in the hazardous waste remedial fund in any of the qualified depositories of the state. All such deposits shall be secured in such a manner and shall be made upon such terms and conditions as are now or may hereafter be provided for by law relative to state deposits. Interest received on such deposits shall be credited to the hazardous waste remedial fund.

7. No fee shall be collected pursuant to this section after January 1, 2005.**] All fees shall be transmitted to the state treasury for deposit in the general revenue fund.**

3. Any balance in the hazardous waste fund on the effective date of this act, shall be transferred to the general revenue fund on that date.

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260.920. 1. **[**There is hereby created within the state treasury a fund to be known as the "Dry-cleaning Environmental Response Trust Fund".**]** All moneys received from the environmental response surcharges, fees, gifts, bequests, donations and moneys recovered by the state pursuant to sections 260.900 to 260.960, except for any moneys paid under an agreement with the director or as civil damages, or any other money so designated shall be deposited in the state treasury to the credit of the **[**dry-cleaning environmental response trust fund**]** **general revenue fund**, and shall be invested to generate income to the fund. **[**Notwithstanding the provisions of section 33.080, RSMo, the unexpended balance in the dry-cleaning environmental response trust fund at the end of each fiscal year shall not be transferred to the general revenue fund.

2. Moneys in the fund may be expended for only the following purposes and for no other governmental purpose:

(1) The direct costs of administration and enforcement of sections 260.900 to 260.960; and

(2) The costs of corrective action as provided in section 260.925.

3. The state treasurer is authorized to deposit all of the moneys in the dry-cleaning environmental response trust fund in any of the qualified depositories of the state. All such deposits shall be secured in such a manner and shall be made upon such terms and conditions as are now or may hereafter be provided by law relative to state deposits. Interest received on such deposits shall be credited to the dry-cleaning environmental response trust fund.

4. Any funds received pursuant to sections 260.900 to 260.960 and deposited in the dry-cleaning environmental response trust fund shall not be considered a part of "total state revenue" as provided in sections 17 and 18 of article X of the Missouri Constitution.**]**

2. Any balance in the dry-cleaning environmental response trust fund on the effective date of this act, shall be transferred to the general revenue fund on that date.

307.366. 1. This enactment of the emissions inspection program is a mandate of the United States Congress pursuant to the federal Clean Air Act, as amended, 42 U.S.C. 7401, et seq. In any city not within a county, any county of the first classification having a population of over nine hundred thousand inhabitants according to the most recent decennial census, any county of the first classification with a charter form of government and a population of not more than two hundred twenty thousand inhabitants and not less than two hundred thousand inhabitants according to the most recent decennial census, any county of the first classification without a charter form of government with a population of not more than one hundred eighty thousand inhabitants and not less than one hundred seventy thousand inhabitants according to the most recent decennial census and any county of the first classification without a charter form of government with a population of not more than eighty-two thousand inhabitants and not less than eighty thousand inhabitants according to the most recent decennial census certain motor vehicles shall be tested annually to determine that the emissions system is functioning

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within the emission standards as specified by the Missouri air conservation commission and as required to attain the national health standards for air quality. The motor vehicles to be tested shall be all motor vehicles except those specifically exempted pursuant to subdivisions (1) to (3) of subsection 1 of section 307.350 and those exempted pursuant to this section.

2. The provisions of this section shall not apply to:

(1) Motor vehicles with a manufacturer's gross vehicle weight rating in excess of eight thousand five hundred pounds;

(2) Motorcycles and motortricycles;

(3) Model year vehicles prior to 1971;

(4) School buses;

(5) Diesel-powered vehicles;

(6) Motor vehicles registered in the area covered by this section but which are based and operated exclusively in an area of this state not subject to the provisions of this section if the owner of such vehicle presents to the director a sworn affidavit that the vehicle will be based and operated outside the covered area; and

(7) New motor vehicles not previously titled or registered prior to the initial motor vehicle registration or the next succeeding registration which is required by law. Each official inspection station which conducts safety or emissions inspections in a city or county referred to in subsection 1 of this section shall indicate the gross vehicle weight rating of the motor vehicle on the safety inspection certificate if the vehicle is exempt from the emissions inspection pursuant to subdivision (1) of this subsection.

3. (1) At the time of sale, a licensed motor vehicle dealer, as defined in section 301.550, RSMo, may choose to sell a motor vehicle subject to the inspection requirements of this section either:

(a) With prior inspection and approval as provided in subdivision (2) of this subsection; or

(b) Without prior inspection and approval as provided in subdivision (3) of this subsection.

(2) If the dealer chooses to sell the vehicle with prior inspection and approval, the dealer shall disclose, in writing, prior to sale, whether the vehicle obtained approval by meeting the emissions standards established pursuant to this section or by obtaining a waiver pursuant to subsection 6 of this section. A vehicle sold pursuant to this subdivision by a licensed motor vehicle dealer shall be inspected and approved within the one hundred twenty days immediately preceding the date of sale, and, for the purpose of registration of such vehicle, such inspection shall be considered timely.

(3) If the dealer chooses to sell the vehicle without prior inspection and approval, the purchaser may return the vehicle within fourteen days of the date of purchase, provided that

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the vehicle has no more than one thousand additional miles since the time of sale, if the vehicle fails, upon inspection, to meet the emissions standards specified by the commission and the dealer shall have the vehicle inspected and approved without the option for a waiver of the emissions standard and return the vehicle to the purchaser with a valid emissions certificate and sticker within five working days or the purchaser and dealer may enter into any other mutually acceptable agreement. If the dealer chooses to sell the vehicle without prior inspection and approval, the dealer shall disclose conspicuously on the sales contract and bill of sale that the purchaser has the option to return the vehicle within fourteen days, provided that the vehicle has no more than one thousand additional miles since the time of sale, to have the dealer repair the vehicle and provide an emissions certificate and sticker within five working days if the vehicle fails, upon inspection, to meet the emissions standards established by the commission, or enter into any mutually acceptable agreement with the dealer. A violation of this **[**subdivisions**]** **subdivision** shall be an unlawful practice as defined in section 407.020, RSMo. No emissions inspection shall be required pursuant to this section for the sale of any motor vehicle which may be sold without a certificate of inspection and approval, as provided pursuant to subsection 2 of section 307.380.

4. In addition to the fee authorized by subsection 5 of section 307.365, a fee, not to exceed eight dollars and fifty cents for inspections conducted prior to January 1, 1993, and not to exceed ten dollars and fifty cents for inspections conducted thereafter, as determined by each official emissions inspection station located in any city or county described in subsection 1 of this section, may be charged for an automobile emissions and air pollution control inspection in order to attain the national health standards for air quality. Such fee shall be conspicuously posted on the premises of each such inspection station. The official emissions inspection station shall issue a certificate of inspection and an approval sticker or seal certifying the emissions system is functioning properly. The certificate or approval issued shall bear the legend: "This cost is mandated by your United States Congress.". No owner shall be charged an additional fee after having corrected defects or unsafe conditions in the automobile's emissions and air pollution control system if the reinspection is completed within twenty consecutive days, excluding Saturdays, Sundays and holidays, and if such follow-up inspection is made by the station making the initial inspection.

5. The air conservation commission shall establish, by rule, a waiver amount which may be lower for older model vehicles and which shall be no greater than seventy-five dollars for model year vehicles prior to 1981 and no greater than two hundred dollars for model year vehicles of 1981 and all subsequent model years.

6. An owner whose vehicle fails upon reinspection to meet the emission standards specified by the Missouri air conservation commission shall be issued a certificate of inspection and an approval sticker or seal by the official emissions inspection station that provided the

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inspection if the vehicle owner furnishes a complete, signed affidavit satisfying the requirements of this subsection and the cost of emissions repairs and adjustments is equal to or greater than the waiver amount established by the air conservation commission pursuant to this section. The air conservation commission shall establish, by rule, a form and a procedure for verifying that repair and adjustment was performed on a failing vehicle prior to the granting of a waiver and approval. The waiver form established pursuant to this subsection shall be an affidavit requiring:

(1) A statement signed by the repairer that the specified work was done and stating the itemized charges for the work; and

(2) A statement signed by the inspector that an inspection of the vehicle verified, to the extent practical, that the specified work was done.

7. The department of revenue shall require evidence of the inspection and approval required by this section in issuing the motor vehicle annual registration in conformity with the procedure required by sections 307.350 to 307.370.

8. Each emissions inspection station located in any city or county described in subsection 1 of this section shall purchase from the highway patrol sufficient forms and stickers or other devices to evidence approval of the motor vehicle's emissions control system. In addition, emissions inspection stations may be required to purchase forms for use in automated analyzers from outside vendors of the inspection station's choice. The forms must comply with state regulations.

9. In addition to the fee collected by the superintendent pursuant to subsection 5 of section 307.365, the highway patrol shall collect a fee of seventy-five cents for each automobile emissions certificate issued to the applicable official emissions inspection stations, except that no charge shall be made for certificates of inspection issued to official emissions inspection stations operated by governmental entities. All fees collected by the superintendent pursuant to this section shall be deposited in the state treasury to the credit of the **[**"Missouri Air Pollution Control Fund", which is hereby created**] general revenue fund**.

10. **[**The moneys collected and deposited in the Missouri air pollution control fund pursuant to this section shall be allocated on an equal basis to the Missouri state highway patrol and the Missouri department of natural resources, air pollution control program, and shall be expended subject to appropriation by the general assembly for the administration and enforcement of sections 307.350 to 307.390. The unexpended balance in the fund at the end of each appropriation period shall not be transferred to the general revenue fund, except as directed by the general assembly by appropriation, and the provisions of section 33.080, RSMo, relating to the transfer of funds to the general revenue fund at the end of the biennium, shall not apply to this fund.

The moneys in the fund shall be invested by the treasurer as provided by law, and the interest

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shall be credited to the fund.

11.**]** The superintendent of the Missouri state highway patrol shall issue such rules and regulations as are necessary to determine whether a motor vehicle's emissions control system is operating as required by subsection 1 of this section, and the superintendent and the state highways and transportation commission shall use their best efforts to seek federal funds from which reimbursement grants may be made to those official inspection stations which acquire and use the necessary testing equipment which will be required to perform the tests required by the provisions of this section.

[12.**]** **11.** The provisions of this section shall not apply in any county for any time period during which the air conservation commission has established a motor vehicle emissions inspection program pursuant to sections 643.300 to 643.355, RSMo, for such county.

[13.**]** **12.** Notwithstanding the provisions of section 307.390, violation of this section shall be deemed a class C misdemeanor.

13. Any balance in the Missouri air pollution control fund on the effective date of this act, shall be transferred to the general revenue fund on that date.

319.123. **1.** Application for a certificate of registration shall be accompanied by a fee. The fee shall be fifteen dollars per tank per year assessed on a rotating basis during a five-year period. All fees collected under this subsection shall be **[**placed in the "Underground Storage Tank Regulation Program Fund" which is hereby established in the state treasury. All moneys in the fund shall be used solely for expenses related to the administration of sections 319.100 to 319.137**] deposited in the general revenue fund**.

2. Any balance in the underground storage tank regulation program fund on the effective date of this act, shall be transferred to the general revenue fund on that date.

414.359. 1. **[**There is hereby created in the state treasury the "Missouri Alternative Fuel Vehicle Loan Fund". The fund may receive moneys from appropriations by the general assembly,**]** Repayments by political subdivisions of loans made pursuant to sections 414.350 to 414.359**,** including interest on such loans, and gifts, bequests, donations or any other payments made by any public or private entity **[**for use in carrying out the provisions of sections 414.350 to 414.359**] shall be deposited in the general revenue fund**.

[2. The state treasurer shall deposit all of the moneys in the fund into any of the qualified depositories of this state. All such deposits shall be secured in such a manner and shall be made upon such terms and conditions as are now or may hereafter be provided by law relative to state deposits. Interest accrued by the fund shall be credited to the fund. Notwithstanding the provisions of section 33.080, RSMo, to the contrary, moneys in the fund shall not revert to the credit of the general revenue fund at the end of the biennium.

3. The fund shall be used solely for the purposes of sections 414.350 to 414.359 and for

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no other purpose.**]**

2. Any balance in the Missouri alternative fuel vehicle loan fund on the effective date of this act, shall be transferred to the general revenue fund on that date.

414.407. 1. As used in this section, the following terms mean:

(1) "B-20", a blend of twenty percent by volume biodiesel fuel and eighty percent by volume petroleum-based diesel fuel;

(2) "Biodiesel", fuel as defined in ASTM Standard PS121;

(3) "EPAct", the federal Energy Policy Act, 42 U.S.C. 13201, et seq.;

(4) "EPAct credit", a credit issued pursuant to EPAct;

(5) "Fund", the biodiesel fuel revolving fund;

(6) "Incremental cost", the difference in cost between biodiesel fuel and conventional petroleum-based diesel fuel at the time the biodiesel fuel is purchased.

2. The department, in cooperation with the department of agriculture, shall establish and administer an EPAct credit banking and selling program to allow state agencies to use moneys generated by the sale of EPAct credits to purchase biodiesel fuel for use in state vehicles. Each state agency shall provide the department with all vehicle fleet information necessary to determine the number of EPAct credits generated by the agency. The department may sell credits in any manner pursuant to the provisions of EPAct.

3. **[**There is hereby created in the state treasury the "Biodiesel Fuel Revolving Fund", into which shall be deposited**]** Moneys received from the sale of EPAct credits banked by state agencies on August 28, 2001, and in future reporting years, **[**any moneys appropriated to the fund by the general assembly,**]** and any other moneys obtained or accepted by the department **[**for deposit**] shall be deposited** into the **general revenue** fund. **[**The fund shall be managed to maximize benefits to the state in the purchase of biodiesel fuel and, when possible, to accrue those benefits to state agencies in proportion to the number of EPAct credits generated by each respective agency.

4. Moneys deposited into the fund shall be used to pay for the incremental cost of biodiesel fuel with a minimum biodiesel concentration of B-20 for use in state vehicles and for administration of the fund. Not later than January thirty-first of each year, the department shall submit an annual report to the general assembly on the expenditures from the fund during the preceding fiscal year.

5. Notwithstanding the provisions of section 33.080, RSMo, no portion of the fund shall be transferred to the general revenue fund, and any appropriation made to the fund shall not lapse. The state treasurer shall invest moneys in the fund in the same manner as other funds are invested. Interest and moneys earned on such investments shall be credited to the fund.

6. The department shall promulgate such rules as are necessary to implement this section. No rule or portion of a rule promulgated pursuant to this section shall become effective

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unless it has been promulgated pursuant to chapter 536, RSMo.

7. The department shall conduct a study of the use of alternative fuels in motor vehicles in the state and shall report its findings and recommendations to the general assembly no later than January 1, 2002. Such study shall include:

(1) An analysis of the current use of alternative fuels in public and private vehicle fleets in the state;

(2) An assessment of methods that the state may use to increase use of alternative fuels in vehicle fleets, including the sale of credits generated pursuant to the federal Energy Policy Act, 42 U.S.C. 13201, et seq., to pay for the difference in cost between alternative fuels and conventional fuels;

(3) An assessment of the benefits or harm that increased use of alternative fuels may make to the state's economy and environment;

(4) Any other information that the department deems relevant.**]**

4. Any balance in the biodiesel fuel revolving fund on the effective date of this act, shall be transferred to the general revenue fund on that date.

444.370. 1. A processing fee of ten thousand dollars shall accompany the filing of the application for a facility or metallic minerals waste management area. An annual fee of seven thousand five hundred dollars per facility or metallic minerals waste management area shall be paid when the permit is approved and on each anniversary date thereafter until the determination is made that inspection-maintenance is no longer required.

2. All sums received through the payment of fees or the forfeiture of bonds pursuant to sections 444.352 to 444.380 shall be placed in the state treasury and credited to the **[**"Metallic Minerals Waste Management Fund" which is hereby created**] general revenue fund**.

[3. After appropriations by the general assembly, the money in this fund shall be expended for the administration and enforcement of sections 444.352 to 444.380 and for any other purpose directly related to effective management of remediation of a metallic minerals waste management area. Any portion of the fund not immediately needed for the purposes authorized shall be invested by the state treasurer as provided by the constitution and laws of this state. All income from such investments shall be deposited in the metallic minerals waste management fund. The provisions of section 33.080, RSMo, to the contrary notwithstanding, moneys in the fund shall not lapse to general revenue until the amount in the fund is in excess of three million dollars, exclusive of the interest and security forfeiture proceeds.

4. The moneys collected from any forfeiture of a financial assurance instrument shall be expended upon the area for which the permit was issued and for which the instrument was given.

5. General revenue of the state may be appropriated for or expended only for the administration and enforcement of sections 444.352 to 444.380.**]**

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3. Any balance in the metallic minerals waste management fund on the effective date of this act, shall be transferred to the general revenue fund on that date.

444.730. 1. All sums received through the payment of fees or the forfeiture of bonds pursuant to sections 444.500 to 444.970 shall be placed in the state treasury and credited to the **[**"Mined Land Reclamation Fund" which is hereby created**]** **general revenue fund**.

[2. After appropriation by the general assembly, the money in this fund shall be expended for the administration and enforcement of sections 444.500 to 444.970 and for reclamation of land affected by strip mine and surface mine and for no other purpose. Any portion of the fund not immediately needed for the purposes authorized shall be invested by the state treasurer as provided by the constitution and laws of this state. All income from such investments shall, unless otherwise prohibited by the constitution of this state, be deposited in the mined land reclamation fund. The provisions of section 33.080, RSMo, relating to the transfer of unexpended balances in various funds to the general revenue fund at the end of each biennium shall not apply to funds in the mined land reclamation fund. However, any amount in the fund in excess of three million dollars, exclusive of interest and security forfeiture proceeds, shall lapse to general revenue at the end of each biennium.

3. The moneys collected from any bond forfeiture shall be expended upon the lands for which the permit was issued and for which the bond was given.

4. General revenue of the state may be appropriated or expended for the administration or enforcement of sections 444.500 to 444.970.**]**

2. Any balance in the mined land reclamation fund on the effective date of this act, shall be transferred to the general revenue fund on that date.

444.960. 1. **[**A "Coal Mine Land Reclamation Fund" is hereby established in the state treasury.**]** Assessments paid pursuant to the provisions of section 444.965 shall be placed in **[**this**]** **the general revenue** fund. **[**If a permittee has filed a phase I reclamation bond pursuant to section 444.950, and then fails to complete the reclamation plan for any land for which he has received a permit, moneys within the fund shall be used by the commission to complete the reclamation after the proceeds from any applicable performance bond for such reclamation have been exhausted. Any penalty levied by the commission under section 444.970 shall be paid into the fund.

2. Any portion of the fund not immediately needed to pay for reclamation work shall be deposited by the state treasurer in interest-bearing accounts in the same manner as other state funds are so deposited, and the interest earned thereon shall be credited to the fund.

3. The fund shall be allowed to accumulate until it reaches the greater of seven million dollars or two thousand five hundred dollars times the number of acres within the state that have been mined but which have not been released by the commission as having been reclaimed. Moneys which accumulate above this ceiling shall be distributed to the contributing

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companies on an equitable basis as determined by the commission.

4. Notwithstanding other provisions of law, the fund shall not lapse at the end of any fiscal year, but shall be held separate and apart from other state funds and shall be used solely for the purposes authorized by the provisions of this section.

5. All moneys assessed for the coal mine land reclamation fund after September 1, 1988, shall be allocated such that forty percent of such assessments shall be applied to the reclamation of those permits that have been revoked by the commission prior to September 1, 1988, and sixty percent of such assessments shall be applied to the reclamation of those permits that have been revoked by the commission after September 1, 1988. All moneys within the coal mine land reclamation fund as of September 1, 1988, shall be allocated to the forty percent portion of the fund. After enough moneys have accumulated in the forty percent pool to complete reclamation of those permits that have been revoked by the commission prior to September 1, 1988, all moneys assessed to the coal mine land reclamation fund shall be allocated to the sixty percent fund. The moneys within the respective funds may be utilized by the commission on any aspect of reclamation.**]**

2. Any balance in the coal mine land reclamation fund on the effective date of this act, shall be transferred to the general revenue fund on that date.

640.110. **[**There is hereby established in the state treasury the "Safe Drinking Water Fund".**]** **1.** All fees or other moneys payable under the provisions of section 192.320, RSMo, and sections 640.100 to 640.140 shall be payable to and collected by the director of the department of revenue and deposited in the **[**safe drinking water**]** **general revenue** fund. **[**The money in the safe drinking water fund, after appropriation, shall be expended upon proper warrants issued by the commissioner of administration for the payment of salaries and expenses, including any fee or payment necessary for carrying out the provisions of section 192.320, RSMo, and sections 640.100 to 640.140. Any portion of the fund not immediately needed for the purposes authorized shall be invested by the state treasurer as provided by the constitution and laws of this state. All income from such investments shall be deposited in the safe drinking water fund. Any unexpended balance in the safe drinking water fund at the end of any appropriation period shall not be transferred to the general revenue fund and, accordingly, shall be exempt from the provisions of section 33.080, RSMo, relating to the transfer of funds to the general revenue funds of the state by the state treasurer.**]**

2. Any balance in the safe drinking water fund on the effective date of this act, shall be transferred to the general revenue fund on that date.

640.220. 1. **[**For the purpose of protecting the air, water and land resources of the state, there is hereby created in the state treasury a fund to be known as the "Natural Resources Protection Fund".**]** All funds received from air pollution permit fees, gifts, bequests, donations, or any other moneys so designated shall be paid to the director of the department of natural

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resources, transmitted to the director of revenue and deposited in the state treasury to the credit of **[**an appropriate subaccount of the natural resources protection fund and shall be used for the purposes specified by law**] the general revenue fund**. The air pollution permit fee revenues shall be deposited in **[**an appropriate subaccount of the natural resources protection fund and, subject to appropriation by the general assembly, shall be used by the department to carry out the general administration of section 643.075, RSMo**] the general revenue fund**. The water pollution permit fee revenues generated through sections 644.052, 644.053, 644.054 and 644.061, RSMo, shall be paid to the director of the department of natural resources, transmitted to the director of the department of revenue and deposited to the credit of the **[**water pollution permit fee subaccount of the natural resources protection fund and, subject to appropriation by the general assembly, shall be used by the department to carry out the administration of sections 644.006 to 644.141, RSMo**] general revenue fund**.

[2. Effective July 1, 1991, the provisions of section 33.080, RSMo, to the contrary notwithstanding, any unexpended balance in the subaccounts of the natural resources protection fund that exceeds the preceding biennium's collections shall revert to the general revenue fund of the state at the end of each biennium. All interest earned on the natural resources protection funds shall accrue to appropriate subaccounts.**]**

2. Any balance in the natural resources protection fund on the effective date of this act, shall be transferred to the general revenue fund on that date.

640.665. 1. **[**The state treasurer shall establish, maintain, and administer a special trust fund to be administered by the department and to be known as the "Energy Set-aside Program Fund", from which applicants as determined by the department may seek and obtain loans and financial assistance. The department shall determine which applicants shall obtain loans or financial assistance as provided in sections 640.651 to 640.686.

2.**]** All moneys duly authorized and appropriated by the general assembly, all moneys received from federal funds, gifts, bequests, donations or any other moneys so designated, all moneys received pursuant to sections 640.651 to 640.686, **[**and all interest earned on and income generated from moneys in the fund**]** shall be paid to and deposited in the **[**energy set-aside program**] general revenue** fund.

[3. All principal deposits, as authorized in subsection 2 of this section, and all repayments of loans as specified in subsection 6 of section 640.660, to the energy set-aside program fund shall be available to be issued and reissued for loans and financial assistance as authorized by sections 640.651 to 640.686. After appropriation from the general assembly, the department may expend any fees or interest earned on the energy set-aside program fund for the administration of the department's energy responsibilities and activities.

4. The commissioner of administration shall disburse such moneys from the fund at such times as are authorized by the department.

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5. Except as otherwise provided in sections 640.651 to 640.686, the provisions of section 33.080, RSMo, requiring the transfer of unexpended funds to the general revenue fund of the state shall not apply to funds in the energy set-aside program fund.**]**

2. Any balance in the energy set-aside program fund on the effective date of this act, shall be transferred to the general revenue fund on that date.

640.740. **[**There is hereby established in the state treasury the "Concentrated Animal Feeding Operation Indemnity Fund", to be known as the "fund" for the purposes of sections 640.740 to 640.747.**]** **1.** All fees or other moneys payable pursuant to the provisions of section 640.745 or other moneys received including gifts, grants, appropriations, and bequests from federal, private or other sources made for the purpose of the provisions of this act shall be payable to and collected by the director of the department of natural resources and deposited in **[**this**] the general revenue** fund. **[**The money in this fund, upon appropriation, shall be expended to close class IA, class IB, class IC and class II concentrated animal feeding operations as defined in the department's rules, that have been placed in the control of the government due to bankruptcy or failure to pay property taxes, or if the class IA, class IB, class IC or class II concentrated animal feeding operation is abandoned property. "Abandoned property", for the purposes of this section, means real property previously used for, or which has the potential to be used for, agricultural purposes which has been placed in the control of the state, a county, or municipal government, or an agency thereof, through donation, purchase, tax delinquency, foreclosure, default or settlement, including conveyance by deed in lieu of foreclosure, and has been vacant for a period of not less than three years. Any portion of the fund not immediately needed for the purposes authorized shall be invested by the state treasurer as provided by the constitution and laws of this state. All income from such investments shall be deposited in the fund. Any unexpended balance in the fund at the end of any appropriation period shall not be transferred to the general revenue fund and, accordingly, shall be exempt from the provisions of section 33.080, RSMo, relating to the transfer of funds to the general revenue funds of the state by the state treasurer.**]**

2. Any balance in the concentrated animal feeding operation indemnity fund on the effective date of this act, shall be transferred to the general revenue fund on that date.

643.245. 1. All moneys received pursuant to sections 643.225 to 643.250 and any other moneys so designated shall be placed in the state treasury and credited to the **[**"Natural Resources Protection Fund--Air Pollution Asbestos Fee Subaccount", which is hereby created. Such moneys received pursuant to sections 643.225 to 643.250 shall, subject to appropriation, be used solely for the purpose of administering this chapter. Any unexpended balance in such fund at the end of any appropriation period shall not be transferred to the general revenue fund of the state treasury and shall be exempt from the provisions of section

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33.080, RSMo**] general revenue fund**.

[2. The state treasurer, with the approval of the board of fund commissioners, is authorized to deposit all of the moneys in any of the qualified state depositories. All such deposits shall be secured in such manner and shall be made upon such terms and conditions as are now and may hereafter be approved by law relative to state deposits. Any interest received on such deposits shall be credited to the natural resources protection fund--air pollution asbestos fee subaccount.**]**

2. Any balance in the natural resources protection fund-air pollution asbestos fee subaccount fund on the effective date of this act, shall be transferred to the general revenue fund on that date.

643.350. 1. A fee, not to exceed twenty-four dollars, may be charged for an emissions inspection conducted under the emissions inspection program established pursuant to sections 643.300 to 643.355, except that on days of operation, other than the last three days of operation in each calendar month, the fee shall be reduced by:

(1) Ten dollars for any person who is required to wait more than thirty minutes before the inspection begins; and

(2) Twenty dollars for any person who is required to wait more than sixty minutes before the inspection begins.

The waiting time shall begin at the time when the customer's vehicle is on the premises of the inspection station and available for inspection.

2. The commission shall establish, by rule, a time-stamping system to ensure that the time of arrival and the time inspection begins is accurately recorded for each vehicle at each emissions inspection facility.

3. The fee shall be conspicuously posted on the premises of each emissions inspection station.

4. The commission shall establish, by rule, the portion of the fee amount to be remitted by the contractor to the director of revenue and the number of days allowed for remitting fees.

5. The contractor shall remit the **[**portion of**]** fees collected**[**, as established by the commission pursuant to this section,**]** to the director of revenue **[**within the time period established by the commission**]**. The director of revenue shall deposit the fees received in the state treasury to the credit of the **[**"Missouri Air Emission Reduction Fund", which is hereby created**] general revenue fund**. **[**Moneys in the fund shall, subject to appropriation, be expended for the administration and enforcement of sections 643.300 to 643.355 by the department of natural resources, the Missouri highway patrol, and other appropriate agencies. Any balance in the fund at the end of the biennium shall remain in the fund and shall not be subject to the provisions of section 33.080, RSMo. All interest earned by moneys in the fund shall accrue to the fund.

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6. In addition to funds from the Missouri air emission reduction fund, costs of capital or operations may be supplemented, upon appropriation, from the general revenue fund, the state highway department fund, federal funds or other funds available for that purpose.**]**

6. Any balance in the Missouri air emission reduction fund on the effective date of this act, shall be transferred to the general revenue fund on that date.

644.055. **1.** Any person who fails to pay the required fees shall be subject to a penalty of the amount of interest accrued on the unpaid fees at the rate of two percent for each month that the fee is delinquent. If the fees are not paid within six months of the due date, the attorney general of the state of Missouri shall initiate appropriate action for the collection of said fees and interest accrued. The court shall assess attorney fees and court costs against any delinquent permittee. All remaining moneys shall be placed in the **[**appropriate subaccount of the natural resources protection**] general revenue** fund.

2. Any balance in the natural resources protection fund on the effective date of this act, shall be transferred to the general revenue fund on that date.

[260.479. 1. The hazardous waste management commission shall establish, by rule, two subdivisions of hazardous waste based upon the management method. Subdivision A shall include waste which is placed in a hazardous waste disposal facility or which is stored for a period of more than one hundred eighty days; provided, however, for the purposes of this section, the commission may identify hazardous waste which shall be taxed pursuant to subdivision A when stored for longer than ninety days as well as waste which may be stored for up to one year and taxed as provided in subdivision B below. Subdivision B shall include all other hazardous waste produced. The director shall annually request that a minimum of one million dollars be appropriated from general revenue funds for deposit in the hazardous waste remedial fund created pursuant to section 260.480.

2. Except as provided in this subsection and subsection 5 of this section, each hazardous waste generator registered with the department of natural resources, except the state and any political subdivision thereof, shall pay a fee based on the volume of waste produced in each of the subdivisions A and B as follows:

(1) For subdivision A waste, the fee shall be equal to 0.90785 times the amount of waste in short tons times the following sum: twenty-one dollars and eighty cents plus the product of 7.9890 cents times the amount of waste in short tons, except that the fee for subdivision A waste shall not exceed eighty thousand dollars; and

(2) For subdivision B waste, the fee shall be equal to 0.90785 times the amount of waste in short tons times the following sum: ten dollars and ninety cents plus the product of 3.9945 cents times the amount of waste in short tons, except that the fee for subdivision B waste shall not exceed forty thousand dollars.

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No company shall pay more than eighty thousand dollars annually pursuant to this subsection; provided that all fee amounts established pursuant to this subsection may be adjusted annually by the commission by an amount not to exceed two and fifty-five hundredths percent. No individual generator subject to a fee pursuant to this section shall pay less than fifty dollars annually.

3. No tax shall be imposed pursuant to this section upon hazardous waste generators whose waste consists solely of waste oil or facilities licensed pursuant to chapter 197, RSMo. The commission may exempt intermittent generators or generators of very small volumes of hazardous waste from payment of fees required pursuant to this section, provided those generators comply with all other applicable provisions of sections 260.360 to 260.430.

4. Any hazardous waste generator registered with the department which discharges waste to a publicly owned treatment works having an approved pretreatment program as required by chapter 204, RSMo, shall not pay any fee required in sections 260.350 to 260.550 on such waste discharged which is in compliance with pretreatment requirements. The hazardous waste management commission may exempt such generators from the provisions of sections 260.350 to 260.430 if such exemption will not be in violation of the federal Resource Conservation and Recovery Act.

5. No fee shall be imposed pursuant to this section upon any hazardous waste which must be disposed of as provided by a remedial plan for an abandoned or uncontrolled hazardous waste site, or upon smelter slag waste from the processing of materials into reclaimed metals. Fees on hazardous waste fuel produced from hazardous waste by processing, blending or other off-site treatment shall be assessed and collected only at the facility where such hazardous waste fuel is utilized as a substitute for other fuel. No facility using hazardous waste fuel shall pay more than eighty thousand dollars annually pursuant to this subsection for the first fiscal year fees are assessed pursuant to this section, and such maximum amount may be adjusted annually thereafter by the commission by an amount not to exceed two and fifty-five hundredths percent. This subsection shall not be construed to apply to hazardous waste used directly as a fuel that has not been processed, blended, or otherwise treated off site. Such waste shall be subject to the fees established in subsection 2 of this section.

6. The department may establish by rule and regulation categories of waste based upon waste characteristics pursuant to subsection 2 of section 260.370. When the commission adopts hazardous waste categories, it shall establish and annually revise a fee schedule based upon waste characteristics. Each generator shall annually pay a fee, in lieu of the fee required in subsection 2 of this section, based upon the volume of waste produced annually within each hazard category.

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7. All fees within this section shall be based on hazardous waste produced within the preceding state fiscal year beginning with July first of the year this section goes into effect and payable at the end of the calendar year on December thirty-first and annually thereafter in the same manner; provided that no liability for fees shall be accrued pursuant to subsection 5 of this section for any waste used as a fuel prior to August 28, 2000.

8. The department shall promptly transmit sixty percent of all funds collected pursuant to this section to the director of revenue for deposit in the hazardous waste remedial fund created pursuant to section 260.480. The department shall promptly transmit forty percent of all funds collected pursuant to this section to the director of revenue for deposit in the hazardous waste fund created pursuant to section 260.391.

9. Notwithstanding any other provision of law to the contrary, no tax based on the number of employees employed by a hazardous waste generator shall be collected. No tax or fee shall be levied pursuant to this section after January 1, 2005.**]**

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[260.480. 1. There is hereby created within the state treasury a fund to be known as the "Hazardous Waste Remedial Fund". All moneys received from fees, penalties, general revenue, federal funds, gifts, bequests, donations, or any other moneys so designated shall be deposited in the state treasury to the credit of such fund, and shall be invested to generate income to the fund.

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Notwithstanding the provisions of section 33.080, RSMo, the unexpended balance in the hazardous waste remedial fund at the end of each fiscal year shall not be transferred to the general revenue fund except as directed by the general assembly by appropriation to replace funds appropriated from the general revenue fund for the purposes for which expenditures from the hazardous waste remedial fund are allowed.

2. The department may use the fund, upon appropriation, for the nonfederal share and any other expenditures which are not covered pursuant to the federal Comprehensive Environmental Response, Compensation and Liability Act of 1980, for the following purposes:

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

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

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

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

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

(6) Reimbursement of owners or operators who accept waste pursuant to departmental orders pursuant to subdivision (2) of subsection 1 of section 260.420.

3. Neither the state of Missouri nor its officers, employees or agents shall be liable for any injury caused by a dangerous condition at any abandoned or uncontrolled site unless such condition is the result of an act or omission constituting gross negligence on the part of the state, its officers, employees or agents.

4. The department may contract with any person to perform the acts authorized in this section.

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

6. The director shall make all reasonable efforts to recover the full amount of any funds expended from the fund through litigation or cooperative agreements with responsible persons. All moneys recovered or reimbursed pursuant to this section through voluntary agreements or court orders shall be deposited with the state treasurer and credited to the account of the hazardous waste remedial fund.**]**

[307.366. 1. This enactment of the emissions inspection program is a mandate of the United States Congress pursuant to the federal Clean Air Act, as amended, 42 U.S.C. 7401, et seq. In any city not within a county, any county of the first classification having a population of over nine hundred thousand inhabitants according to the most recent decennial census, any county of the first classification with a charter form of government and a population of not more than two hundred twenty thousand inhabitants and not less than two hundred thousand inhabitants according to the most recent decennial census, any county of the first classification without a charter form of government with a population of not more than one hundred eighty thousand inhabitants and not less than one hundred seventy thousand inhabitants according to the most recent decennial census and any county of the first classification without a charter form of government with a population of not more than eighty-two thousand inhabitants and not less than eighty thousand inhabitants according to the most recent decennial census certain motor vehicles shall be tested annually to determine that the emissions system is

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functioning within the emission standards as specified by the Missouri air conservation commission and as required to attain the national health standards for air quality. The motor vehicles to be tested shall be all motor vehicles except those specifically exempted pursuant to subdivisions (1) to (3) of subsection 1 of section 307.350 and those exempted pursuant to this section.

2. The provisions of this section shall not apply to:

(1) Motor vehicles with a manufacturer's gross vehicle weight rating in excess of eight thousand five hundred pounds;

(2) Motorcycles and motortricycles;

(3) Model year vehicles prior to 1971;

(4) School buses;

(5) Diesel-powered vehicles;

(6) Motor vehicles registered in the area covered by this section but which are based and operated exclusively in an area of this state not subject to the provisions of this section if the owner of such vehicle presents to the director a sworn affidavit that the vehicle will be based and operated outside the covered area;

(7) New motor vehicles not previously titled or registered prior to the initial motor vehicle registration or the next succeeding registration which is required by law; and

(8) Motor vehicles owned by a person who resides in a county of the first classification without a charter form of government with a population of less than one hundred thousand inhabitants according to the most recent decennial census who has chosen to have a biennial motor vehicle registration pursuant to section 301.147, RSMo, and who has completed an emission inspection pursuant to section 643.315, RSMo.

Each official inspection station which conducts safety or emissions inspections in a city or county referred to in subsection 1 of this section shall indicate the gross vehicle weight rating of the motor vehicle on the safety inspection certificate if the vehicle is exempt from the emissions inspection pursuant to subdivision (1) of this subsection.

3. (1) At the time of sale, a licensed motor vehicle dealer, as defined in section 301.550, RSMo, may choose to sell a motor vehicle subject to the inspection requirements of this section either:

(a) With prior inspection and approval as provided in subdivision (2) of this subsection; or

(b) Without prior inspection and approval as provided in subdivision (3) of this subsection.

(2) If the dealer chooses to sell the vehicle with prior inspection and approval, the dealer shall disclose, in writing, prior to sale, whether the vehicle obtained approval by meeting the emissions standards established pursuant to this section or by obtaining a

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waiver pursuant to subsection 6 of this section. A vehicle sold pursuant to this subdivision by a licensed motor vehicle dealer shall be inspected and approved within the one hundred twenty days immediately preceding the date of sale, and, for the purpose of registration of such vehicle, such inspection shall be considered timely.

(3) If the dealer chooses to sell the vehicle without prior inspection and approval, the purchaser may return the vehicle within ten days of the date of purchase, provided that the vehicle has no more than one thousand additional miles since the time of sale, if the vehicle fails, upon inspection, to meet the emissions standards specified by the commission and the dealer shall have the vehicle inspected and approved without the option for a waiver of the emissions standard and return the vehicle to the purchaser with a valid emissions certificate and sticker within five working days or the purchaser and dealer may enter into any other mutually acceptable agreement. If the dealer chooses to sell the vehicle without prior inspection and approval, the dealer shall disclose conspicuously on the sales contract and bill of sale that the purchaser has the option to return the vehicle within ten days, provided that the vehicle has no more than one thousand additional miles since the time of sale, to have the dealer repair the vehicle and provide an emissions certificate and sticker within five working days if the vehicle fails, upon inspection, to meet the emissions standards established by the commission, or enter into any mutually acceptable agreement with the dealer. A violation of this subdivisions shall be an unlawful practice as defined in section 407.020, RSMo. No emissions inspection shall be required pursuant to this section for the sale of any motor vehicle which may be sold without a certificate of inspection and approval, as provided pursuant to subsection 2 of section 307.380.

4. In addition to the fee authorized by subsection 5 of section 307.365, a fee, not to exceed eight dollars and fifty cents for inspections conducted prior to January 1, 1993, and not to exceed ten dollars and fifty cents for inspections conducted thereafter, as determined by each official emissions inspection station located in any city or county described in subsection 1 of this section, may be charged for an automobile emissions and air pollution control inspection in order to attain the national health standards for air quality. Such fee shall be conspicuously posted on the premises of each such inspection station. The official emissions inspection station shall issue a certificate of inspection and an approval sticker or seal certifying the emissions system is functioning properly. The certificate or approval issued shall bear the legend: "This cost is mandated by your United States Congress.". No owner shall be charged an additional fee after having corrected defects or unsafe conditions in the automobile's emissions and air pollution control system if the reinspection is completed within twenty consecutive days, excluding Saturdays, Sundays and holidays, and if such follow-up inspection is made by the station

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making the initial inspection.

5. The air conservation commission shall establish, by rule, a waiver amount which may be lower for older model vehicles and which shall be no greater than seventy-five dollars for model year vehicles prior to 1981 and no greater than two hundred dollars for model year vehicles of 1981 and all subsequent model years.

6. An owner whose vehicle fails upon reinspection to meet the emission standards specified by the Missouri air conservation commission shall be issued a certificate of inspection and an approval sticker or seal by the official emissions inspection station that provided the inspection if the vehicle owner furnishes a complete, signed affidavit satisfying the requirements of this subsection and the cost of emissions repairs and adjustments is equal to or greater than the waiver amount established by the air conservation commission pursuant to this section. The air conservation commission shall establish, by rule, a form and a procedure for verifying that repair and adjustment was performed on a failing vehicle prior to the granting of a waiver and approval. The waiver form established pursuant to this subsection shall be an affidavit requiring:

(1) A statement signed by the repairer that the specified work was done and stating the itemized charges for the work; and

(2) A statement signed by the inspector that an inspection of the vehicle verified, to the extent practical, that the specified work was done.

7. The department of revenue shall require evidence of the inspection and approval required by this section in issuing the motor vehicle annual registration in conformity with the procedure required by sections 307.350 to 307.370.

8. Each emissions inspection station located in any city or county described in subsection 1 of this section shall purchase from the highway patrol sufficient forms and stickers or other devices to evidence approval of the motor vehicle's emissions control system. In addition, emissions inspection stations may be required to purchase forms for use in automated analyzers from outside vendors of the inspection station's choice. The forms must comply with state regulations.

9. In addition to the fee collected by the superintendent pursuant to subsection 5 of section 307.365, the highway patrol shall collect a fee of seventy-five cents for each automobile emissions certificate issued to the applicable official emissions inspection stations, except that no charge shall be made for certificates of inspection issued to official emissions inspection stations operated by governmental entities. All fees collected by the superintendent pursuant to this section shall be deposited in the state treasury to the credit of the "Missouri Air Pollution Control Fund", which is hereby created.

10. The moneys collected and deposited in the Missouri air pollution control fund pursuant to this section shall be allocated on an equal basis to the Missouri state highway

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patrol and the Missouri department of natural resources, air pollution control program, and shall be expended subject to appropriation by the general assembly for the administration and enforcement of sections 307.350 to 307.390. The unexpended balance in the fund at the end of each appropriation period shall not be transferred to the general revenue fund, except as directed by the general assembly by appropriation, and the provisions of section 33.080, RSMo, relating to the transfer of funds to the general revenue fund at the end of the biennium, shall not apply to this fund. The moneys in the fund shall be invested by the treasurer as provided by law, and the interest shall be credited to the fund.

11. The superintendent of the Missouri state highway patrol shall issue such rules and regulations as are necessary to determine whether a motor vehicle's emissions control system is operating as required by subsection 1 of this section, and the superintendent and the state highways and transportation commission shall use their best efforts to seek federal funds from which reimbursement grants may be made to those official inspection stations which acquire and use the necessary testing equipment which will be required to perform the tests required by the provisions of this section.

12. The provisions of this section shall not apply in any county for any time period during which the air conservation commission has established a motor vehicle emissions inspection program pursuant to sections 643.300 to 643.355, RSMo, for such county, except where motor vehicle owners have the option of biennial testing pursuant to chapter 643, RSMo. In counties where such option is available, the emissions inspection may be conducted in stations conducting only an emissions inspection under contract to the state.

13. Notwithstanding the provisions of section 307.390, violation of this section shall be deemed a class C misdemeanor.**]**

[444.915. 1. All moneys in the abandoned mine reclamation fund may be used for the following purposes:

(1) Reclamation and restoration of land and water resources adversely affected by past coal mining, including, but not limited to, reclamation and restoration of abandoned surface mine areas, abandoned coal processing areas, and abandoned coal refuse disposal areas; sealing and filling abandoned deep mine entries and voids; planting of land adversely affected by past coal mining to prevent erosion and sedimentation; prevention, abatement, treatment, and control of water pollution created by coal mine drainage including restoration of stream beds, and construction and operation of water treatment plants; prevention, abatement, and control of burning coal refuse disposal areas and burning coal in situ; and prevention, abatement, and control of coal mine subsidence;

(2) Acquisition and filling of voids and sealing of tunnels, shafts, and entryways

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under section 444.935;

(3) Acquisition of land as provided for in this law;

(4) Studies by contract with public and private organizations to provide information, advice, and technical assistance, including research and demonstration projects, conducted for these purposes;

(5) Restoration, reclamation, abatement, control, or prevention of adverse effects of coal mining which constitutes an emergency;

(6) Administrative expenses to accomplish these purposes;

(7) All other necessary expenses to accomplish these purposes.

2. Expenditure of moneys from the abandoned mine reclamation fund shall reflect the following priorities in the order stated:

(1) The protection of public health, safety, general welfare, and property from extreme danger of adverse effects of coal mining practices;

(2) The protection of public health, safety, and general welfare from adverse effects of coal mining practices;

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(3) The restoration of land and water resources and the environment previously degraded by adverse effects of coal mining practices including measures for the conservation and development of soil, water (excluding channelization), woodland, fish and wildlife, recreation resources, and agricultural productivity;

(4) The protection, repair, replacement, construction, or enhancement of public facilities such as utilities, roads, recreation, and conservation facilities adversely affected by coal mining practices;

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(5) The development of publicly owned land adversely affected by coal mining practices including land acquired as provided in this title for recreation and historic purposes, conservation, and reclamation purposes and open space benefits.

3. If there is no continuing reclamation responsibility under state or federal laws for lands or water, lands and water eligible for reclamation or drainage abatement expenditures from the abandoned mine reclamation fund are those:

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(1) Which were mined for coal or which were affected by such mining, wastebanks, coal processing, or other coal mining processes, and abandoned or left in an inadequate reclamation status prior to September 28, 1979;

(2) For which a finding that the surface coal mining operation occurred during the period beginning on August 4, 1977, and ending on or before November 21, 1980, and that funds for reclamation or abatement which are available pursuant to a bond or other form of financial guarantee or from any other source are not sufficient to provide for adequate reclamation or abatement at the site;

(3) For which a finding that the surface coal mining operation occurred during

the period beginning on August 4, 1977, and ending on or before October 1, 1991, and that the surety of such mining operator became insolvent during such period, and as of October 1, 1991, funds immediately available from proceedings relating to such insolvency, or from any financial guarantee or other source are not sufficient to provide for adequate reclamation or abatement at the site.**]**

Section B. Because of the current status of the state budget and the past management practices of the department of natural resources, section A of this act is deemed necessary for the immediate preservation of the public health, welfare, peace and safety, and is hereby declared to be an emergency act within the meaning of the constitution, and section A of this act shall be in full force and effect upon its passage and approval.

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