

FIRST REGULAR SESSION

[P E R F E C T E D]

SENATE BILL NO. 134

100TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR WALLINGFORD.

Pre-filed December 1, 2018, and ordered printed.

Read 2nd time January 24, 2019, and referred to the Committee on Commerce, Consumer Protection, Energy and the Environment.

Reported from the Committee February 14, 2019, with recommendation that the bill do pass.

Taken up for Perfection February 20, 2019. Bill declared Perfected and Ordered Printed.

ADRIANE D. CROUSE, Secretary.

0530S.01P

AN ACT

To repeal section 260.240, RSMo, and to enact in lieu thereof one new section relating to solid waste penalty assessments.

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

Section A. Section 260.240, RSMo, is repealed and one new section
2 enacted in lieu thereof, to be known as section 260.240, to read as follows:

260.240. 1. In the event the director determines that any provision of
2 sections 260.200 to 260.245 and 260.330 or any standard, rule, regulation, final
3 order or approved plan promulgated pursuant thereto is being, was, or is in
4 imminent danger of being violated, the director may, in addition to those
5 remedies provided in section 260.230, cause to have instituted a civil action in
6 any court of competent jurisdiction for injunctive relief to prevent any such
7 violation or further violation or in the case of violations concerning [a solid waste
8 disposal area or] a solid waste processing facility, for the assessment of a penalty
9 not to exceed one thousand dollars per day [for each day], or part thereof, the
10 violation occurred and continues to occur, or both, as the court deems proper or
11 in the case of violations concerning a solid waste disposal area and in the case of
12 a violation of section 260.330 by a solid waste processing facility, for the
13 assessment of a penalty not to exceed five thousand dollars per day, or part
14 thereof, the violation occurred and continues to occur, or both, as the court deems
15 proper. A civil monetary penalty under this section shall not be assessed for a
16 violation where an administrative penalty was assessed under section

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

17 260.249. The director may request either the attorney general or a prosecuting
18 attorney to bring any action authorized in this section in the name of the people
19 of the state of Missouri. Suit can be brought in any county where the defendant's
20 principal place of business is located or where the violation occurred. Any offer
21 of settlement to resolve a civil penalty under this section shall be in writing, shall
22 state that an action for imposition of a civil penalty may be initiated by the
23 attorney general or a prosecuting attorney representing the department under
24 authority of this section, and shall identify any dollar amount as an offer of
25 settlement which shall be negotiated in good faith through conference,
26 conciliation and persuasion.

27 2. Any rule, regulation, standard or order of a county commission, adopted
28 pursuant to the provisions of sections 260.200 to 260.245, may be enforced in a
29 civil action for mandatory or prohibitory injunctive relief or for the assessment
30 of a penalty not to exceed five hundred dollars per day for each day, or part
31 thereof, that a violation of such rule, regulation, standard or order of a county
32 commission occurred and continues to occur, or both, as the commission deems
33 proper. The county commission may request the prosecuting attorney or other
34 attorney to bring any action authorized in this section in the name of the people
35 of the state of Missouri.

36 3. The liabilities imposed by this section shall not be imposed due to any
37 violation caused by an act of God, war, strike, riot or other catastrophe.

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