

SECOND REGULAR SESSION  
SENATE COMMITTEE SUBSTITUTE FOR

# SENATE BILL NO. 1586

103RD GENERAL ASSEMBLY

6560S.06C

KRISTINA MARTIN, Secretary

## AN ACT

To repeal sections 260.213, 260.300, 260.302, 260.305, 260.310, 260.315, 260.320, 260.324, 260.325, 260.330, 260.335, and 260.345, RSMo, and to enact in lieu thereof five new sections relating to solid waste management.

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

Section A. Sections 260.213, 260.300, 260.302, 260.305,  
2 260.310, 260.315, 260.320, 260.324, 260.325, 260.330, 260.335,  
3 and 260.345, RSMo, are repealed and five new sections enacted  
4 in lieu thereof, to be known as sections 260.213, 260.324,  
5 260.330, 260.335, and 260.336, to read as follows:

260.213. No person may knowingly sell, convey or  
2 transfer title to any property that contains a permitted or  
3 unpermitted solid waste disposal site or demolition  
4 landfill, without disclosing **[to] the sale, conveyance, or**  
5 **transfer to the department of natural resources. The seller**  
6 **shall inform** the buyer **with a written notice signed and**  
7 **dated by the seller** early in the negotiation process **about**  
8 the existence and location of the **disposal or landfill**  
9 site. **If the seller fails to inform the buyer with the**  
10 **written notice about the existence and location of the**  
11 **disposal or landfill site under this section, the buyer may**  
12 **cancel the sale agreement and the seller shall be required**  
13 **to disburse to the buyer any earnest money paid by the buyer**  
14 **to the seller.** The seller shall also notify the buyer that

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

15 he may be assuming liability to the state for any remedial  
16 action at the site, except that the sale, conveyance or  
17 transfer of property shall not absolve any person  
18 responsible for the illegal disposition of solid waste,  
19 including the seller, of liability for any remedial action  
20 at the site.

260.324. [1.] Any person or entity that applies for a  
2 grant under section 260.335 shall not be disqualified from  
3 receiving such grant on the basis that there exists a  
4 familial relationship between the applicant and any member  
5 of the [solid waste management district executive board  
6 within the fourth degree by consanguinity or affinity. For  
7 applicants with a familial relationship with any member of  
8 the solid waste management district executive board within  
9 the fourth degree by consanguinity or affinity, the solid  
10 waste management district executive board shall only approve  
11 such grant application if approved by a vote of two-thirds  
12 of the solid waste management district executive board]

13 **department.**

14 [2. If a person, who by virtue of his or her  
15 membership on a solid waste management district executive  
16 board, does not abstain from a vote to award a solid waste  
17 management district grant to any person or entity providing  
18 solid waste management services who is a relative within the  
19 fourth degree by consanguinity or affinity, the person shall  
20 forfeit membership on the solid waste management district  
21 executive board and the solid waste management district  
22 council.]

260.330. 1. Except as otherwise provided in  
2 subsection 6 of this section, effective October 1, 1990,  
3 each operator of a solid waste sanitary landfill shall  
4 collect a charge equal to one dollar and fifty cents per ton

5 or its volumetric equivalent of solid waste accepted and  
6 each operator of the solid waste demolition landfill shall  
7 collect a charge equal to one dollar per ton or its  
8 volumetric equivalent of solid waste accepted. Each  
9 operator shall submit the charge, less collection costs, to  
10 the department of natural resources for deposit in the  
11 "Solid Waste Management Fund" which is hereby created. On  
12 October 1, 1992, and thereafter, the charge imposed herein  
13 shall be adjusted annually by the same percentage as the  
14 increase in the general price level as measured by the  
15 Consumer Price Index for All Urban Consumers for the United  
16 States, or its successor index, as defined and officially  
17 recorded by the United States Department of Labor or its  
18 successor agency. No annual adjustment shall be made to the  
19 charge imposed under this subsection during October 1, 2005,  
20 to October 1, 2027, except an adjustment amount consistent  
21 with the need to fund the operating costs of the department  
22 and taking into account any annual percentage increase in  
23 the total of the volumetric equivalent of solid waste  
24 accepted in the prior year at solid waste sanitary landfills  
25 and demolition landfills and solid waste to be transported  
26 out of this state for disposal that is accepted at transfer  
27 stations. No annual increase during October 1, 2005, to  
28 October 1, 2027, shall exceed the percentage increase  
29 measured by the Consumer Price Index for All Urban Consumers  
30 for the United States, or its successor index, as defined  
31 and officially recorded by the United States Department of  
32 Labor or its successor agency and calculated on the  
33 percentage of revenues dedicated under subdivision (1) of  
34 subsection 2 of section 260.335. Any such annual adjustment  
35 shall only be made at the discretion of the director,  
36 subject to appropriations. **After October 1, 2027, an annual**

37 **adjustment shall be based on the percentage increase**  
38 **measured by the Consumer Price Index for All Urban Consumers**  
39 **for the United States, or its successor index, as defined**  
40 **and officially recorded by the United States Department of**  
41 **Labor or its successor agency, for the preceding year.**

42 Collection costs shall be established by the department and  
43 shall not exceed two percent of the amount collected  
44 pursuant to this section.

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

47 3. The charges established in this section shall be  
48 enumerated separately from the disposal fee charged by the  
49 landfill and may be passed through to persons who generated  
50 the solid waste. Moneys transmitted to the department shall  
51 be no less than the amount collected less collection costs  
52 and in a form, manner and frequency as the department shall  
53 prescribe. The provisions of section 33.080 to the contrary  
54 notwithstanding, moneys in the account shall not lapse to  
55 general revenue at the end of each biennium. Failure to  
56 collect the charge does not relieve the operator from  
57 responsibility for transmitting an amount equal to the  
58 charge to the department.

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

66 5. Effective October 1, 1990, any person who operates  
67 a transfer station in Missouri shall transmit a fee to the  
68 department for deposit in the solid waste management fund

69 which is equal to one dollar and fifty cents per ton or its  
70 volumetric equivalent of solid waste accepted. Such fee  
71 shall be applicable to all solid waste to be transported out  
72 of the state for disposal. On October 1, 1992, and  
73 thereafter, the charge imposed herein shall be adjusted  
74 annually by the same percentage as the increase in the  
75 general price level as measured by the Consumer Price Index  
76 for All Urban Consumers for the United States, or its  
77 successor index, as defined and officially recorded by the  
78 United States Department of Labor or its successor agency.  
79 No annual adjustment shall be made to the charge imposed  
80 under this subsection during October 1, 2005, to October 1,  
81 2027, except an adjustment amount consistent with the need  
82 to fund the operating costs of the department and taking  
83 into account any annual percentage increase in the total of  
84 the volumetric equivalent of solid waste accepted in the  
85 prior year at solid waste sanitary landfills and demolition  
86 landfills and solid waste to be transported out of this  
87 state for disposal that is accepted at transfer stations.  
88 No annual increase during October 1, 2005, to October 1,  
89 2027, shall exceed the percentage increase measured by the  
90 Consumer Price Index for All Urban Consumers for the United  
91 States, or its successor index, as defined and officially  
92 recorded by the United States Department of Labor or its  
93 successor agency and calculated on the percentage of  
94 revenues dedicated under subdivision (1) of subsection 2 of  
95 section 260.335. Any such annual adjustment shall only be  
96 made at the discretion of the director, subject to  
97 appropriations. **After October 1, 2027, an annual adjustment**  
98 **shall be based on the percentage increase measured by the**  
99 **Consumer Price Index for All Urban Consumers for the United**  
100 **States, or its successor index, as defined and officially**

101 **recorded by the United States Department of Labor or its**  
102 **successor agency, for the preceding year.** The department  
103 shall prescribe rules and regulations governing the  
104 transmittal of fees and verification of waste volumes  
105 transported out of state from transfer stations. Collection  
106 costs shall also be established by the department and shall  
107 not exceed two percent of the amount collected pursuant to  
108 this subsection. A transfer station with the sole function  
109 of separating materials for recycling or resource recovery  
110 activities shall not be subject to the fee imposed in this  
111 subsection.

112         6. Each political subdivision which owns an  
113 operational solid waste disposal area may designate,  
114 pursuant to this section, up to two free disposal days  
115 during each calendar year. On any such free disposal day,  
116 the political subdivision shall allow residents of the  
117 political subdivision to dispose of any solid waste which  
118 may be lawfully disposed of at such solid waste disposal  
119 area free of any charge, and such waste shall not be subject  
120 to any state fee pursuant to this section. Notice of any  
121 free disposal day shall be posted at the solid waste  
122 disposal area site and in at least one newspaper of general  
123 circulation in the political subdivision no later than  
124 fourteen days prior to the free disposal day.

260.335. 1. **The department shall have the authority**  
2 **to assess, investigate, test, remediate, and manage**  
3 **abandoned solid waste disposal areas. For purposes of this**  
4 **section, "abandoned" means that a legally responsible person**  
5 **for the site cannot be identified, located, or was**  
6 **determined to be financially insolvent by the department.**  
7 Each fiscal year eight hundred thousand dollars from the  
8 solid waste management fund shall be made available, upon

9 appropriation, to the department and the environmental  
10 improvement and energy resources authority to fund  
11 activities that promote the development and maintenance of  
12 markets for recovered materials. [Each fiscal year up to  
13 two hundred thousand dollars from the solid waste management  
14 fund may be used by the department upon appropriation for  
15 grants to solid waste management districts for district  
16 grants and district operations. Only those solid waste  
17 management districts that are allocated fewer funds under  
18 subsection 2 of this section than if revenues had been  
19 allocated based on the criteria in effect in this section on  
20 August 27, 2004, are eligible for these grants. An eligible  
21 district shall receive a proportionate share of these grants  
22 based on that district's share of the total reduction in  
23 funds for eligible districts calculated by comparing the  
24 amount of funds allocated under subsection 2 of this section  
25 with the amount of funds that would have been allocated  
26 using the criteria in effect in this section on August 27,  
27 2004.] The department and the authority shall establish a  
28 joint interagency agreement with the department of economic  
29 development to identify state priorities for market  
30 development and to develop the criteria to be used to judge  
31 proposed projects. Additional moneys may be appropriated in  
32 subsequent fiscal years if requested. The authority shall  
33 establish a procedure to measure the effectiveness of the  
34 grant program under this subsection and shall provide a  
35 report to the governor and general assembly by January  
36 fifteenth of each year regarding the effectiveness of the  
37 program.

38 2. All remaining revenues deposited into the fund each  
39 fiscal year after moneys have been made available under  
40 subsection 1 of this section shall be allocated as follows:

41           (1) [Thirty-nine percent of the revenues] The  
42 department shall allocate a percentage of revenue dedicated  
43 to grants previously managed by solid waste management  
44 districts. This percentage shall serve as a minimum  
45 percentage of revenue to fund such grants and shall be  
46 calculated as follows: the total grant amount previously  
47 administered by solid waste management districts for the  
48 previous three fiscal years divided by the total amount of  
49 solid waste tonnage fees from the previous three fiscal  
50 years. Revenues to be allocated under this subdivision  
51 shall be divided as follows: forty percent shall be  
52 allocated based on the population within the geographical  
53 area of each regional office of the department in the latest  
54 decennial census, and sixty percent shall be allocated based  
55 on the amount of revenue generated within the geographical  
56 area of each regional office of the department. For the  
57 purposes of this subdivision, revenue generated within each  
58 geographical area of each regional office of the department  
59 shall be determined from the previous year's data. Moneys  
60 shall be awarded based upon grant applications. The  
61 following criteria may be considered to establish the order  
62 of grant priority:

63           (a) Grants to facilities of organizations employing  
64 individuals with disabilities under sections 178.900 to  
65 178.960 or sections 205.968 to 205.972;

66           (b) Grants for proposals which provide methods of  
67 recycling and solid waste reduction; and

68           (c) All other grants. Any allocated moneys remaining  
69 in any fiscal year due to insufficient or inadequate grant  
70 applications shall be reallocated for grant applications in  
71 subsequent years or for department operations, including  
72 investigation and remediation work.

73           **(2) Any remaining revenue not included in the**  
74 **calculation under subdivision (1) of this subsection** shall  
75 be dedicated, upon appropriation, to the elimination of  
76 illegal solid waste disposal, to identify and prosecute  
77 persons disposing of solid waste illegally, to conduct solid  
78 waste permitting activities, to administer grants and  
79 perform other duties imposed in sections 260.200 to  
80 ~~[260.345]~~ **260.335**, and section 260.432[. In addition to the  
81 ~~thirty-nine percent of the revenues, the department may~~  
82 ~~receive any annual increase in the charge during October 1,~~  
83 ~~2005, to October 1, 2027, under section 260.330 and such~~  
84 ~~increases shall be used solely to fund the operating costs~~  
85 ~~of the department];~~

86           **[(2) Sixty-one percent of the revenues, except any**  
87 **annual increases in the charge under section 260.330 during**  
88 **October 1, 2005, to October 1, 2027, which shall be used**  
89 **solely to fund the operating costs of the department, shall**  
90 **be allocated to solid waste management districts. Revenues**  
91 **to be allocated under this subdivision shall be divided as**  
92 **follows: forty percent shall be allocated based on the**  
93 **population of each district in the latest decennial census,**  
94 **and sixty percent shall be allocated based on the amount of**  
95 **revenue generated within each district. For the purposes of**  
96 **this subdivision, revenue generated within each district**  
97 **shall be determined from the previous year's data. No more**  
98 **than fifty percent of the revenue allocable under this**  
99 **subdivision may be allocated to the districts upon approval**  
100 **of the department for implementation of a solid waste**  
101 **management plan and district operations, and at least fifty**  
102 **percent of the revenue allocable to the districts under this**  
103 **subdivision shall be allocated to the cities and counties of**  
104 **the district or to persons or entities providing solid waste**

105 management, waste reduction, recycling and related services  
106 in these cities and counties. Each district shall receive a  
107 minimum of seventy-five thousand dollars under this  
108 subdivision. After August 28, 2015, each district shall  
109 receive a minimum of ninety-five thousand dollars under this  
110 subdivision for district grants and district operations.  
111 Each district receiving moneys under this subdivision shall  
112 expend such moneys pursuant to a solid waste management plan  
113 required under section 260.325, and only in the case that  
114 the district is in compliance with planning requirements  
115 established by the department. Moneys shall be awarded  
116 based upon grant applications. The following criteria may  
117 be considered to establish the order of district grant  
118 priority:

119 (a) Grants to facilities of organizations employing  
120 individuals with disabilities under sections 178.900 to  
121 178.960 or sections 205.968 to 205.972;

122 (b) Grants for proposals that will promote and  
123 maximize the sharing of district resources;

124 (c) Grants for proposals which provide methods of  
125 recycling and solid waste reduction; and

126 (d) All other grants. Any allocated district moneys  
127 remaining in any fiscal year due to insufficient or  
128 inadequate grant applications shall be reallocated for grant  
129 applications in subsequent years or for solid waste  
130 management projects other than district operations,  
131 including a district's next request for solid waste  
132 management project proposals.

133 Any allocated district moneys remaining after a period of  
134 five years shall revert to the credit of the solid waste  
135 management fund created under section 260.330;]

136 (3) [Except for the amount up to one-fourth of the  
137 department's previous fiscal year expense, any remaining  
138 unencumbered funds generated under subdivision (1) of this  
139 subsection in prior fiscal years shall be reallocated under  
140 this section;

141 (4)] Funds may be made available under this subsection  
142 for the administration and grants of the used motor oil  
143 program described in section 260.253[;

144 (5) The department and the environmental improvement  
145 and energy resources authority shall conduct sample audits  
146 of grants provided under this subsection].

147 3. [In addition to the criteria listed in this  
148 section, the advisory board created in section 260.345 shall  
149 recommend criteria to be used to allocate grant moneys to  
150 districts, cities and counties. These criteria shall  
151 establish a priority for proposals which provide methods of  
152 solid waste reduction and recycling. The department shall  
153 promulgate criteria for evaluating grants by rule and  
154 regulation. Projects of cities and counties located within  
155 a district which are funded by grants under this section  
156 shall conform to the district solid waste management plan]

157 **The department shall promulgate criteria for evaluating**  
158 **grants by rule and regulation. Any rule or portion of a**  
159 **rule, as that term is defined in section 536.010, that is**  
160 **created under the authority delegated in this section shall**  
161 **become effective only if it complies with and is subject to**  
162 **all of the provisions of chapter 536 and, if applicable,**  
163 **section 536.028. This section and chapter 536 are**  
164 **nonseverable and if any of the powers vested with the**  
165 **general assembly pursuant to chapter 536 to review, to delay**  
166 **the effective date, or to disapprove and annul a rule are**  
167 **subsequently held unconstitutional, then the grant of**

168 **rulemaking authority and any rule proposed or adopted after**  
169 **August 28, 2026, shall be invalid and void.**

170 4. [The funds awarded to the districts pursuant to  
171 this section shall be used for the purposes set forth in  
172 sections 260.300 to 260.345, and shall be used in addition  
173 to existing funds appropriated by counties and cities for  
174 solid waste management and shall not supplant county or city  
175 appropriated funds.]

176 5. Once grants are approved by the solid waste  
177 management district, the district shall submit to the  
178 department the appropriate forms associated with the grant  
179 application and any supporting information to verify that  
180 appropriate public notice procedures were followed, that  
181 grant proposals were reviewed and ranked by the district,  
182 and that only eligible costs as set forth in regulations are  
183 to be funded. Within thirty days, the department shall  
184 review the grant application. If the department finds any  
185 deficiencies, or needs more information in order to evaluate  
186 the grant application, the department shall notify the  
187 district in writing. The district shall have an additional  
188 thirty days to respond to the department's request and to  
189 submit any additional information to the department. Within  
190 thirty days of receiving additional information, the  
191 department shall either approve or deny the grant  
192 application. If the department takes no action, the grant  
193 application shall be deemed approved.] The department[, in  
194 conjunction with the solid waste advisory board,] shall  
195 review the performance of all grant recipients to ensure  
196 that grant moneys were appropriately and effectively  
197 expended to further the purposes of the grant, as expressed  
198 in the recipient's grant application. The grant application  
199 shall contain specific goals and implementation dates, and

200 grant recipients shall be contractually obligated to fulfill  
201 same. The department may require the recipient to submit  
202 periodic reports and such other data as are necessary, both  
203 during the grant period and up to five years thereafter, to  
204 ensure compliance with this section. The department may  
205 audit the records of any recipient to ensure compliance with  
206 this section. Recipients of grants [under sections 260.300  
207 to 260.345] shall maintain such records as required by the  
208 department. If a grant recipient fails to maintain records  
209 or submit reports as required herein, refuses the department  
210 access to the records, or fails to meet the department's  
211 performance standards, the department may withhold  
212 subsequent grant payments, if any, and may compel the  
213 repayment of funds provided to the recipient pursuant to a  
214 grant.

215 [6.] 5. The department shall provide for a security  
216 interest in any machinery or equipment purchased through  
217 grant moneys distributed pursuant to this section.

218 [7.] 6. If the moneys are not transmitted to the  
219 department within the time frame established by the rule  
220 promulgated, interest shall be imposed on the moneys due the  
221 department at the rate of ten percent per annum from the  
222 prescribed due date until payment is actually made. These  
223 interest amounts shall be deposited to the credit of the  
224 solid waste management fund.

**260.336. 1. The state solid waste management  
2 districts shall be dissolved effective August 28, 2026. By  
3 December 31, 2026, each solid waste management district  
4 shall:**

5 (1) **Submit a final financial audit that includes a  
6 comprehensive financial balance sheet clearly showing, at a**

7 minimum, bank account numbers and balances, assets, and  
8 debts;

9 (2) Remit any leftover moneys to the solid waste  
10 management fund;

11 (3) Provide a list of open grants, including a time  
12 frame for closure of each grant; and

13 (4) Provide a complete itemized list of all grants  
14 awarded for the previous three fiscal years to include the  
15 following:

16 (a) The total grant amount;

17 (b) Individual grant amounts; and

18 (c) The names of all recipients of each grant under  
19 this subdivision.

20 2. Effective August 28, 2026, the department shall  
21 take over the oversight of open district grants.

[260.300. 1. The department shall propose  
2 a plan to divide the state into proposed solid  
3 waste management regions in consultation with  
4 the governing bodies of the counties of the  
5 state. The department shall propose the  
6 boundaries of solid waste management regions by  
7 March 1, 1991.

8 2. The department shall hold public  
9 meetings in each of the regions proposed  
10 pursuant to subsection 1 of this section within  
11 three months of its division of the state into  
12 proposed regions. Any county may request that  
13 it be placed with another regional grouping, and  
14 the department shall authorize any such change  
15 if the county clearly and convincingly  
16 demonstrates that the change is necessary for  
17 effective solid waste management within the  
18 county and will not negatively affect the solid  
19 waste management system of either region. The  
20 department shall adopt final boundaries for the  
21 regions by June 30, 1991.

22 3. Counties may, for the purpose of  
23 managing districts, cooperate as provided in

24 sections 260.300 to 260.345 or formulate an  
25 alternative management structure agreed to by  
26 each county in the district. A solid waste  
27 management district, regardless of how formed,  
28 shall be governed by an executive board and  
29 comply with the provisions of sections 260.200  
30 to 260.345.]

[260.302. On June 19, 1992, and for three  
2 months thereafter and for the last three months  
3 of the year 1994 and every third year  
4 thereafter, the governing body of a county may  
5 apply to the department to request that the  
6 county be placed with another regional grouping  
7 or, if necessary, in a new regional grouping.  
8 After public notice and comment and within no  
9 more than ninety days after the completed  
10 application has been submitted, the department  
11 shall authorize any such change if the county  
12 clearly and convincingly demonstrates that the  
13 change is necessary for effective solid waste  
14 management within the county and will not  
15 negatively affect the solid waste management  
16 system of either region. The procedure for  
17 establishing solid waste management regions set  
18 forth in section 260.300 shall take priority  
19 over and be followed in exclusion to the  
20 rulemaking procedure set forth in chapter 536  
21 and section 260.225.]

[260.305. 1. A solid waste management  
2 district may be created and incorporated in each  
3 solid waste management region as provided in  
4 sections 260.300 to 260.345 and may exercise the  
5 powers granted to it in sections 260.300 to  
6 260.345.

7 2. When a solid waste management district  
8 is organized it shall be a body corporate of the  
9 state and shall be known as "\_\_\_\_\_ Solid Waste  
10 Management District".

11 3. A county or two or more counties within  
12 a region may form or join a district as provided  
13 herein. The governing body of any county, by  
14 adoption of an ordinance or order, may join an  
15 existing district or form a district if the

16 county is located in a region which does not  
17 have an existing district. The governing body  
18 of any two or more counties within the same  
19 region may join together to form a district by  
20 adoption of an ordinance or order. A city  
21 located in more than one county may join a  
22 district which encompasses any one of the  
23 counties within which it is located, regardless  
24 of whether the remaining counties containing the  
25 city join the district.

26 4. A solid waste management district  
27 created and organized under authority of  
28 sections 260.300 to 260.345 shall become a body  
29 corporate and politic of the state at the time  
30 the governing body of the county or counties  
31 forming the district has adopted an order or  
32 ordinance to form the district under the  
33 provisions of this section and has provided  
34 written notice to the department of natural  
35 resources of the adoption of such order or  
36 ordinance. A county shall become a part of an  
37 existing district at the time the governing body  
38 of such county has adopted an order or ordinance  
39 to join the district and has provided written  
40 notice to the governing body of each county in  
41 the existing district and has provided written  
42 notice to the department of natural resources.

43 5. If a county governing body does not  
44 form or join a district, the question of forming  
45 or joining a district may be submitted to the  
46 voters of any county on any regular election day  
47 as provided in section 115.123. The question  
48 may be submitted or resubmitted to the voters of  
49 any county upon the submission of a petition  
50 signed by a number of voters which is at least  
51 equal to five percent of those voting in the  
52 most recent gubernatorial election. The  
53 question shall be submitted in substantially  
54 either of the following forms:

55 Shall \_\_\_\_\_ (insert county name) become a  
56 member of the \_\_\_\_\_ (insert name) solid waste  
57 management district?;  
58 or if a solid waste management district has not  
59 been formed within the region:

60            Shall \_\_\_\_\_ (insert county name) form the  
61            \_\_\_\_\_ (insert name) solid waste management  
62            district?

63            The election authority shall notify the  
64            secretary of state as to the results of the  
65            election. The secretary of state shall transmit  
66            the election results to the director of the  
67            department of natural resources who shall  
68            declare districts created within all counties of  
69            each region wherein the question received a  
70            majority of the votes cast. The director's  
71            declaration shall be transmitted to the  
72            governing body of each county within the  
73            district.]

                 [260.310. 1. The authority of the  
2            district shall not extend to any county within  
3            the region which has not joined the district.

4            2. The district may enter into a contract  
5            with any city or county within the district to  
6            provide all or part of the solid waste  
7            management services for the city or county. A  
8            city or county shall not be required to meet the  
9            provisions of section 260.220 or of section  
10           260.325 if a district includes the city or  
11           county within its solid waste plan and the city  
12           or county has by contract given the district  
13           complete authority for managing the solid waste  
14           of the city or county.

15           3. The district and the counties and  
16           cities within the district may enter into  
17           whatever contracts or agreements they deem  
18           necessary to fulfill their responsibilities  
19           under this chapter. Nothing in this section  
20           shall preclude the transfer of solid waste  
21           outside the boundaries of the district.

22           4. Contracts issued for the collection or  
23           disposal of solid waste in cities, counties, and  
24           districts shall not require either security  
25           instruments or performance bonds in excess of  
26           twenty percent of the total cost of the contract.

27           5. Any county or counties which are within  
28           a solid waste management district may, in  
29           cooperation with the district, require by

30 ordinance or order that any solid waste  
31 transported from outside the district to a solid  
32 waste processing facility or solid waste  
33 disposal area within the district be subject to  
34 the same requirements as solid waste originating  
35 from within the district as set forth in the  
36 solid waste management plan under section  
37 260.325, including the separation of recyclable  
38 or compostable materials from the solid waste  
39 stream before entering a district's solid waste  
40 management system.

41 6. A solid waste management district may  
42 be created and incorporated in each solid waste  
43 management region as provided in sections  
44 260.200 to 260.345 and may exercise the powers  
45 granted to it in sections 260.200 to 260.345.]

2 [260.315. 1. There is hereby established  
3 a solid waste management council for each solid  
4 waste management district, except for those  
5 districts which formulate an alternative  
6 management structure pursuant to section  
7 260.300. The governing body of each city with a  
8 population over five hundred within the district  
9 shall appoint one member of the city governing  
10 body and the governing body of each county  
11 within the district shall appoint two members of  
12 the county governing body to the council.

13 2. Council members shall serve a term of  
14 two years and may be reappointed thereafter;  
15 however, members whose elected term of office in  
16 a city or county has expired shall be  
17 expeditiously replaced by the governing bodies  
18 from whence they were selected.

19 3. The council shall meet within thirty  
20 days of the receipt of notification of formation  
21 of the district at the call of the governing  
22 body of the county containing the largest  
23 population among those counties approving the  
24 formation of the district or, at the call of the  
25 director of the department, if the county does  
26 not call the meeting. A majority of the council  
27 shall constitute a quorum.

28 4. The council shall:

- 28           (1) Organize itself and select a chairman  
29 and such other officers as it deems appropriate;  
30           (2) Select seven persons to serve on the  
31 executive board, at least a majority of whom  
32 shall be selected from members of the council.  
33 The council shall establish the terms of office  
34 for members of the executive board. The balance  
35 shall be selected in any manner approved by the  
36 council, including district-wide elections. Any  
37 subsequent member of the board shall be selected  
38 in the same manner as the person he replaces.  
39 If the council is composed of twelve or fewer  
40 members, the council shall act as the executive  
41 board;
- 42           (3) Meet at least twice annually and upon  
43 the call of either the chairman of the council  
44 or the chairman of the executive board; and
- 45           (4) Review and act upon the solid waste  
46 management plan recommended by the executive  
47 board.]

          [260.320. 1. The executive board shall  
2 meet within thirty days after the selection of  
3 the initial members. The time and place of the  
4 first meeting of the board shall be designated  
5 by the council. A majority of the members of  
6 the board shall constitute a quorum. At its  
7 first meeting the board shall elect a chairman  
8 from its members and select a secretary,  
9 treasurer and such officers or employees as it  
10 deems expedient or necessary for the  
11 accomplishment of its purposes. The secretary  
12 and treasurer need not be members of the board.

13           2. The executive board may adopt, alter or  
14 repeal its own bylaws, rules and regulations  
15 governing the manner in which its business may  
16 be transacted, including procedures for the  
17 replacement of persons who habitually fail to  
18 attend board meetings, and may establish its  
19 fiscal year, adopt an official seal, apply for  
20 and accept grants, gifts or appropriations from  
21 any public or private sector, make all  
22 expenditures which are incidental and necessary  
23 to carry out its purposes and powers, and take

24 such action, enter into such agreements and  
25 exercise all other powers and functions  
26 necessary or appropriate to carry out the duties  
27 and purposes of sections 260.200 to 260.345.

28 3. The executive board shall:

29 (1) Review and comment upon applications  
30 for permits submitted pursuant to section  
31 260.205, for solid waste processing facilities  
32 and solid waste disposal areas which are to be  
33 located within the region or, if located in an  
34 adjacent region, which will impact solid waste  
35 management practices within the region;

36 (2) Prepare and recommend to the council a  
37 solid waste management plan for the district;

38 (3) Identify illegal dump sites and  
39 provide all available information about such  
40 sites to the appropriate county prosecutor and  
41 to the department;

42 (4) Establish an education program to  
43 inform the public about responsible solid waste  
44 management practices;

45 (5) Establish procedures to minimize the  
46 introduction of small quantities of hazardous  
47 waste, including household hazardous waste, into  
48 the solid waste stream;

49 (6) Assure adequate capacity to manage  
50 waste which is not otherwise removed from the  
51 solid waste stream; and

52 (7) Appoint one or more geographically  
53 balanced advisory committees composed of the  
54 representatives of commercial generators,  
55 representatives of the solid waste management  
56 industry, and two citizens unaffiliated with a  
57 solid waste facility or operation to assess and  
58 make recommendations on solid waste management.

59 4. The executive board may enter into  
60 contracts with any person or entity for services  
61 related to any component of the solid waste  
62 management system. Bid specifications for solid  
63 waste management services shall be designed to  
64 meet the objectives of sections 260.200 to  
65 260.345, encourage small businesses to engage  
66 and compete in the delivery of solid waste  
67 management services and to minimize the long-run

68 cost of managing solid waste. Bid  
69 specifications shall enumerate the minimum  
70 components and minimum quantities of waste  
71 products which shall be recycled by the  
72 successful bidder. The board shall divide the  
73 district into units to maximize access for small  
74 businesses when it requests bids for solid waste  
75 management services, but in no case shall a  
76 district executive board perform solid waste  
77 management projects that compete with a  
78 qualified private enterprise.

79 5. No person shall serve as a member of  
80 the council or of the executive board who is a  
81 stockholder, officer, agent, attorney or  
82 employee or who is in any way pecuniarily  
83 interested in any business which engages in any  
84 aspect of solid waste management regulated under  
85 sections 260.200 to 260.345; provided, however,  
86 that such member may own stock in a publicly  
87 traded corporation which may be involved in  
88 solid waste management as long as such holdings  
89 are not substantial.]

2 [260.325. 1. The executive board of each  
3 district shall submit to the department a plan  
4 which has been approved by the council for a  
5 solid waste management system serving areas  
6 within its jurisdiction and shall, from time to  
7 time, submit officially adopted revisions of its  
8 plan as it deems necessary or the department may  
9 require. In developing the district's solid  
10 waste management plan, the board shall consider  
11 the model plan distributed to the board pursuant  
12 to section 260.225. Districts may contract with  
13 a licensed professional engineer or as provided  
14 in chapter 70 for the development and submission  
15 of a joint plan.

16 2. The board shall hold at least one  
17 public hearing in each county in the district  
18 when it prepares a proposed plan or substantial  
19 revisions to a plan in order to solicit public  
20 comments on the plan.

21 3. The solid waste management plan shall  
be submitted to the department within eighteen

22 months of the formation of the district. The  
23 plan shall be prepared and submitted according  
24 to the procedures specified in section 260.220  
25 and this section.

26 4. Each plan shall:

27 (1) Delineate areas within the district  
28 where solid waste management systems are in  
29 existence;

30 (2) Reasonably conform to the rules and  
31 regulations adopted by the department for  
32 implementation of sections 260.200 to 260.345;

33 (3) Delineate provisions for the  
34 collection of recyclable materials or collection  
35 points for recyclable materials;

36 (4) Delineate provisions for the  
37 collection of compostable materials or  
38 collection points for compostable materials;

39 (5) Delineate provisions for the  
40 separation of household waste and other small  
41 quantities of hazardous waste at the source or  
42 prior to disposal;

43 (6) Delineate provisions for the orderly  
44 extension of solid waste management services in  
45 a manner consistent with the needs of the  
46 district, including economic impact, and in a  
47 manner which will minimize degradation of the  
48 waters or air of the state, prevent public  
49 nuisances or health hazards, promote recycling  
50 and waste minimization and otherwise provide for  
51 the safe and sanitary management of solid waste;

52 (7) Take into consideration existing  
53 comprehensive plans, population trend  
54 projections, engineering and economics so as to  
55 delineate those portions of the district which  
56 may reasonably be expected to be served by a  
57 solid waste management system;

58 (8) Specify how the district will achieve  
59 a reduction in solid waste placed in sanitary  
60 landfills through waste minimization, reduction  
61 and recycling;

62 (9) Establish a timetable, with  
63 milestones, for the reduction of solid waste  
64 placed in a landfill through waste minimization,  
65 reduction and recycling;

66 (10) Establish an education program to  
67 inform the public about responsible waste  
68 management practices;

69 (11) Establish procedures to minimize the  
70 introduction of small quantities of hazardous  
71 waste, including household hazardous waste, into  
72 the solid waste stream;

73 (12) Establish a time schedule and  
74 proposed method of financing for the  
75 development, construction and operation of the  
76 planned solid waste management system together  
77 with the estimated cost thereof;

78 (13) Identify methods by which rural  
79 households that are not served by a regular  
80 solid waste collection service may participate  
81 in waste reduction, recycling and resource  
82 recovery efforts within the district; and

83 (14) Include such other reasonable  
84 information as the department shall require.

85 5. The board shall review the district's  
86 solid waste management plan at least every  
87 twenty-four months for the purpose of evaluating  
88 the district's progress in meeting the  
89 requirements and goals of the plan, and shall  
90 submit plan revisions to the department and  
91 council.

92 6. In the event any plan or part thereof  
93 is disapproved, the department shall furnish any  
94 and all reasons for such disapproval and shall  
95 offer assistance for correcting deficiencies.  
96 The executive board shall within sixty days  
97 revise and resubmit the plan for approval or  
98 request a hearing in accordance with section  
99 260.235. Any plan submitted by a district shall  
100 stand approved one hundred twenty days after  
101 submission unless the department disapproves the  
102 plan or some provision thereof.

103 7. The director may institute appropriate  
104 action under section 260.240 to compel  
105 submission of plans in accordance with sections  
106 260.200 to 260.345 and the rules and regulations  
107 adopted pursuant to sections 260.200 to 260.345.

108 8. Funds may, upon appropriation, be made  
109 available to districts under section 260.335 for

110 the purpose of implementing the requirements of  
111 this section.

112 9. Based upon the financial assistance  
113 amounts set forth in this section, the district  
114 executive board shall arrange for an independent  
115 financial statement audit of the records and  
116 accounts of its operations by a certified public  
117 accountant or a firm of certified public  
118 accountants. Districts receiving more than  
119 eight hundred thousand dollars of financial  
120 assistance annually shall have annual  
121 independent financial statement audits;  
122 districts receiving between two hundred fifty  
123 thousand dollars and eight hundred thousand  
124 dollars of financial assistance annually shall  
125 have a biennial independent financial statement  
126 audit for the two-year period. All other  
127 districts shall be monitored biennially by the  
128 department and, based upon the findings within  
129 the monitoring report, may be required to  
130 arrange for an independent financial statement  
131 audit for the biennial monitoring period under  
132 review. Subject to limitations caused by the  
133 availability of resources, the department shall  
134 conduct a performance audit of grants to each  
135 district at least once every five years, or as  
136 deemed necessary by the department based upon  
137 district grantee performance.]

[260.345. 1. A state "Solid Waste  
2 Advisory Board" is created within the department  
3 of natural resources. The advisory board shall  
4 be composed of the chairman of the executive  
5 board of each of the solid waste management  
6 districts or his or her designee, and other  
7 members as provided in this section. Up to five  
8 additional members shall be appointed by the  
9 program director of the solid waste management  
10 program of which two members shall represent the  
11 solid waste management industry and have an  
12 economic interest in or activity with any solid  
13 waste facility or operation, one member may  
14 represent the solid waste composting or  
15 recycling industry businesses, and the remaining

16 members shall be public members who have  
17 demonstrated interest in solid waste management  
18 issues and shall have no economic interest in or  
19 activity with any solid waste facility or  
20 operation but may own stock in a publicly traded  
21 corporation which may be involved in waste  
22 management as long as such holdings are not  
23 substantial. Beginning January 1, 2016, the  
24 advisory board shall prepare an annual report  
25 due on or before January first advising the  
26 department regarding:

- 27 (1) The efficacy of its technical  
28 assistance program;
- 29 (2) Solid waste management problems  
30 experienced by solid waste management districts;
- 31 (3) The effects of proposed rules and  
32 regulations upon solid waste management within  
33 the districts;
- 34 (4) Criteria to be used in awarding grants  
35 pursuant to section 260.335;
- 36 (5) Waste management issues pertinent to  
37 the districts;
- 38 (6) The development of improved methods of  
39 solid waste minimization, recycling and resource  
40 recovery;
- 41 (7) Unfunded solid waste management  
42 projects; and
- 43 (8) Such other matters as the advisory  
44 board may determine.

45 2. The advisory board shall also prepare a  
46 report on the subjects listed in subdivisions  
47 (1) to (8) of subsection 1 of this section for  
48 any standing, statutory, interim, or select  
49 committee or task force of the general assembly  
50 having jurisdiction over solid waste. If a  
51 report is so prepared, it shall be delivered to  
52 the chair and vice chair of each committee or  
53 task force having such jurisdiction. Such a  
54 report shall not be generated and distributed on  
55 more than an annual basis.

56 3. The advisory board shall hold regular  
57 meetings on a quarterly basis. A special  
58 meeting of the advisory board may occur upon a  
59 majority vote of all advisory board members at a

60 regular quarterly meeting. Reasonable written  
61 notice of all meetings shall be given by the  
62 director of the solid waste management program  
63 to all members of the advisory board. A  
64 majority of advisory board members shall  
65 constitute a quorum for the transaction of  
66 business. All actions of the advisory board  
67 shall be taken at regular quarterly meetings  
68 open to the public.]

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