

# SENATE BILL NO. 1586

103RD GENERAL ASSEMBLY

INTRODUCED BY SENATOR BROWN (26).

6560S.041

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3 and 260.345, RSMo, are repealed and five new sections enacted  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 shall be  
42 dedicated, upon appropriation, to the elimination of illegal  
43 solid waste disposal, to identify and prosecute persons  
44 disposing of solid waste illegally, to conduct solid waste  
45 permitting activities, to administer grants and perform  
46 other duties imposed in sections 260.200 to ~~260.345~~  
47 **260.335**, and section 260.432. ~~In addition to the thirty-~~  
48 ~~nine percent of the revenues, the department may receive any~~  
49 ~~annual increase in the charge during October 1, 2005, to~~  
50 ~~October 1, 2027, under section 260.330 and such increases~~  
51 ~~shall be used solely to fund the operating costs of the~~  
52 ~~department~~;

53           (2) ~~Sixty-one percent of the revenues, except any~~  
54 ~~annual increases in the charge under section 260.330 during~~  
55 ~~October 1, 2005, to October 1, 2027, which shall be used~~  
56 ~~solely to fund the operating costs of the department, shall~~  
57 ~~be allocated to solid waste management districts. Revenues~~  
58 ~~to be allocated under this subdivision shall be divided as~~  
59 ~~follows: forty percent shall be allocated based on the~~  
60 ~~population of each district in the latest decennial census,~~  
61 ~~and sixty percent shall be allocated based on the amount of~~  
62 ~~revenue generated within each district. For the purposes of~~  
63 ~~this subdivision, revenue generated within each district~~  
64 ~~shall be determined from the previous year's data. No more~~  
65 ~~than fifty percent of the revenue allocable under this~~  
66 ~~subdivision may be allocated to the districts upon approval~~  
67 ~~of the department for implementation of a solid waste~~  
68 ~~management plan and district operations, and at least fifty~~  
69 ~~percent of the revenue allocable to the districts under this~~  
70 ~~subdivision shall be allocated to the cities and counties of~~  
71 ~~the district or to persons or entities providing solid waste~~  
72 ~~management, waste reduction, recycling and related services~~



73 in these cities and counties. Each district shall receive a  
74 minimum of seventy-five thousand dollars under this  
75 subdivision. After August 28, 2015, each district shall  
76 receive a minimum of ninety-five thousand dollars under this  
77 subdivision for district grants and district operations.  
78 Each district receiving moneys under this subdivision shall  
79 expend such moneys pursuant to a solid waste management plan  
80 required under section 260.325, and only in the case that  
81 the district is in compliance with planning requirements  
82 established by the department. Moneys shall be awarded  
83 based upon grant applications.] **Any remaining revenue shall**  
84 **be made available annually for grants awarded by the**  
85 **department based upon applications.** The following criteria  
86 may be considered to establish the order of [district] grant  
87 priority:

88 (a) Grants to facilities of organizations employing  
89 individuals with disabilities under sections 178.900 to  
90 178.960 or sections 205.968 to 205.972;

91 (b) [Grants for proposals that will promote and  
92 maximize the sharing of district resources;

93 (c)] Grants for proposals which provide methods of  
94 recycling and solid waste reduction; and

95 [(d)] (c) All other grants. Any allocated [district]  
96 moneys remaining in any fiscal year due to insufficient or  
97 inadequate grant applications shall be reallocated for grant  
98 applications in subsequent years or for [solid waste  
99 management projects other than district operations,  
100 including a district's next request for solid waste  
101 management project proposals] **department operations,**  
102 **including investigation and remediation work.**

103       [Any allocated district moneys remaining after a period  
104 of five years shall revert to the credit of the solid waste  
105 management fund created under section 260.330;]

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

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

114       [(5) The department and the environmental improvement  
115 and energy resources authority shall conduct sample audits  
116 of grants provided under this subsection.]

117       3. [In addition to the criteria listed in this  
118 section, the advisory board created in section 260.345 shall  
119 recommend criteria to be used to allocate grant moneys to  
120 districts, cities and counties. These criteria shall  
121 establish a priority for proposals which provide methods of  
122 solid waste reduction and recycling. The department shall  
123 promulgate criteria for evaluating grants by rule and  
124 regulation. Projects of cities and counties located within  
125 a district which are funded by grants under this section  
126 shall conform to the district solid waste management plan]

127 **The department shall promulgate criteria for evaluating**  
128 **grants by rule and regulation. Any rule or portion of a**  
129 **rule, as that term is defined in section 536.010, that is**  
130 **created under the authority delegated in this section shall**  
131 **become effective only if it complies with and is subject to**  
132 **all of the provisions of chapter 536 and, if applicable,**  
133 **section 536.028. This section and chapter 536 are**  
134 **nonseverable and if any of the powers vested with the**

135 general assembly pursuant to chapter 536 to review, to delay  
136 the effective date, or to disapprove and annul a rule are  
137 subsequently held unconstitutional, then the grant of  
138 rulemaking authority and any rule proposed or adopted after  
139 August 28, 2026, shall be invalid and void.

140 4. [The funds awarded to the districts pursuant to  
141 this section shall be used for the purposes set forth in  
142 sections 260.300 to 260.345, and shall be used in addition  
143 to existing funds appropriated by counties and cities for  
144 solid waste management and shall not supplant county or city  
145 appropriated funds.]

146 5. Once grants are approved by the solid waste  
147 management district, the district shall submit to the  
148 department the appropriate forms associated with the grant  
149 application and any supporting information to verify that  
150 appropriate public notice procedures were followed, that  
151 grant proposals were reviewed and ranked by the district,  
152 and that only eligible costs as set forth in regulations are  
153 to be funded. Within thirty days, the department shall  
154 review the grant application. If the department finds any  
155 deficiencies, or needs more information in order to evaluate  
156 the grant application, the department shall notify the  
157 district in writing. The district shall have an additional  
158 thirty days to respond to the department's request and to  
159 submit any additional information to the department. Within  
160 thirty days of receiving additional information, the  
161 department shall either approve or deny the grant  
162 application. If the department takes no action, the grant  
163 application shall be deemed approved.] The department[, in  
164 conjunction with the solid waste advisory board,] shall  
165 review the performance of all grant recipients to ensure  
166 that grant moneys were appropriately and effectively

expended to further the purposes of the grant, as expressed in the recipient's grant application. The grant application shall contain specific goals and implementation dates, and grant recipients shall be contractually obligated to fulfill same. The department may require the recipient to submit periodic reports and such other data as are necessary, both during the grant period and up to five years thereafter, to ensure compliance with this section. The department may audit the records of any recipient to ensure compliance with this section. Recipients of grants [under sections 260.300 to 260.345] shall maintain such records as required by the department. If a grant recipient fails to maintain records or submit reports as required herein, refuses the department access to the records, or fails to meet the department's performance standards, the department may withhold subsequent grant payments, if any, and may compel the repayment of funds provided to the recipient pursuant to a grant.

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

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

**260.336. 1. The state solid waste management districts shall be dissolved effective August 28, 2026. By December 31, 2026, each solid waste management district 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; and

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

13           2. Effective August 28, 2026, the department shall  
14 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.]

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

          3. Counties may, for the purpose of  
22 managing districts, cooperate as provided in  
23 sections 260.300 to 260.345 or formulate an  
24 alternative management structure agreed to by  
25 each county in the district. A solid waste  
26 management district, regardless of how formed,  
27 shall be governed by an executive board and  
28 comply with the provisions of sections 260.200  
29 to 260.345.]  
30

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

2 [260.305. 1. A solid waste management  
3 district may be created and incorporated in each  
4 solid waste management region as provided in  
5 sections 260.300 to 260.345 and may exercise the  
6 powers granted to it in sections 260.300 to  
7 260.345.

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

12 3. A county or two or more counties within  
13 a region may form or join a district as provided  
14 herein. The governing body of any county, by  
15 adoption of an ordinance or order, may join an  
16 existing district or form a district if the  
17 county is located in a region which does not  
18 have an existing district. The governing body  
19 of any two or more counties within the same  
20 region may join together to form a district by  
21 adoption of an ordinance or order. A city  
22 located in more than one county may join a  
district which encompasses any one of the

counties within which it is located, regardless of whether the remaining counties containing the city join the district.

4. A solid waste management district created and organized under authority of sections 260.300 to 260.345 shall become a body corporate and politic of the state at the time the governing body of the county or counties forming the district has adopted an order or ordinance to form the district under the provisions of this section and has provided written notice to the department of natural resources of the adoption of such order or ordinance. A county shall become a part of an existing district at the time the governing body of such county has adopted an order or ordinance to join the district and has provided written notice to the governing body of each county in the existing district and has provided written notice to the department of natural resources.

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

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

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

The election authority shall notify the secretary of state as to the results of the election. The secretary of state shall transmit 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.]

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

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

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

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

28 5. Any county or counties which are within  
29 a solid waste management district may, in  
30 cooperation with the district, require by  
31 ordinance or order that any solid waste  
32 transported from outside the district to a solid  
33 waste processing facility or solid waste  
34 disposal area within the district be subject to  
35 the same requirements as solid waste originating  
36 from within the district as set forth in the  
solid waste management plan under section



260.325, including the separation of recyclable or compostable materials from the solid waste stream before entering a district's solid waste management system.

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

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

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

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

4. The council shall:

(1) Organize itself and select a chairman and such other officers as it deems appropriate;

(2) Select seven persons to serve on the executive board, at least a majority of whom shall be selected from members of the council. The council shall establish the terms of office for members of the executive board. The balance

shall be selected in any manner approved by the council, including district-wide elections. Any subsequent member of the board shall be selected in the same manner as the person he replaces. If the council is composed of twelve or fewer members, the council shall act as the executive board;

(3) Meet at least twice annually and upon the call of either the chairman of the council or the chairman of the executive board; and

(4) Review and act upon the solid waste management plan recommended by the executive board.]

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

2. The executive board may adopt, alter or repeal its own bylaws, rules and regulations governing the manner in which its business may be transacted, including procedures for the replacement of persons who habitually fail to attend board meetings, and may establish its fiscal year, adopt an official seal, apply for and accept grants, gifts or appropriations from any public or private sector, make all expenditures which are incidental and necessary to carry out its purposes and powers, and take such action, enter into such agreements and exercise all other powers and functions necessary or appropriate to carry out the duties and purposes of sections 260.200 to 260.345.

3. The executive board shall:

(1) Review and comment upon applications for permits submitted pursuant to section

260.205, for solid waste processing facilities and solid waste disposal areas which are to be located within the region or, if located in an adjacent region, which will impact solid waste management practices within the region;

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

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

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

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

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

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

4. The executive board may enter into contracts with any person or entity for services related to any component of the solid waste management system. Bid specifications for solid waste management services shall be designed to meet the objectives of sections 260.200 to 260.345, encourage small businesses to engage and compete in the delivery of solid waste management services and to minimize the long-run cost of managing solid waste. Bid specifications shall enumerate the minimum components and minimum quantities of waste products which shall be recycled by the successful bidder. The board shall divide the district into units to maximize access for small businesses when it requests bids for solid waste

management services, but in no case shall a district executive board perform solid waste management projects that compete with a qualified private enterprise.

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

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

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

3. The solid waste management plan shall be submitted to the department within eighteen months of the formation of the district. The plan shall be prepared and submitted according to the procedures specified in section 260.220 and this section.

4. Each plan shall:

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

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

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

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

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

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

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

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

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

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

(11) Establish procedures to minimize the introduction of small quantities of hazardous

waste, including household hazardous waste, into the solid waste stream;

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

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

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

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

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

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

8. Funds may, upon appropriation, be made available to districts under section 260.335 for the purpose of implementing the requirements of this section.

9. Based upon the financial assistance amounts set forth in this section, the district 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

corporation which may be involved in waste management as long as such holdings are not substantial. Beginning January 1, 2016, the advisory board shall prepare an annual report due on or before January first advising the department regarding:

(1) The efficacy of its technical assistance program;

(2) Solid waste management problems experienced by solid waste management districts;

(3) The effects of proposed rules and regulations upon solid waste management within the districts;

(4) Criteria to be used in awarding grants pursuant to section 260.335;

(5) Waste management issues pertinent to the districts;

(6) The development of improved methods of solid waste minimization, recycling and resource recovery;

(7) Unfunded solid waste management projects; and

(8) Such other matters as the advisory board may determine.

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

3. The advisory board shall hold regular meetings on a quarterly basis. A special meeting of the advisory board may occur upon a majority vote of all advisory board members at a regular quarterly meeting. Reasonable written notice of all meetings shall be given by the director of the solid waste management program to all members of the advisory board. A 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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