

SENATE SUBSTITUTE
FOR
HOUSE COMMITTEE SUBSTITUTE
FOR
HOUSE BILL NO. 661

AN ACT

To repeal sections 260.273, 260.275, 260.276, 640.107, 640.150, 644.036, 644.054, and 644.101, RSMo, and to enact in lieu thereof seventeen new sections relating to programs administered by the department of natural resources, with an emergency clause for certain sections.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF MISSOURI,
AS FOLLOWS:

1 Section A. Sections 260.273, 260.275, 260.276, 640.107,
2 640.150, 644.036, 644.054, and 644.101, RSMo, are repealed and
3 seventeen new sections enacted in lieu thereof, to be known as
4 sections 260.273, 260.275, 260.276, 260.1250, 260.1253, 260.1256,
5 260.1259, 260.1262, 260.1265, 260.1268, 260.1271, 640.107,
6 640.150, 640.160, 644.036, 644.054, and 644.101, to read as
7 follows:

8 260.273. 1. Any person purchasing a new tire may present
9 to the seller the used tire or remains of such used tire for
10 which the new tire purchased is to replace.

11 2. A fee for each new tire sold at retail shall be imposed
12 on any person engaging in the business of making retail sales of
13 new tires within this state. The fee shall be charged by the
14 retailer to the person who purchases a tire for use and not for

1 resale. Such fee shall be imposed at the rate of fifty cents for
2 each new tire sold. Such fee shall be added to the total cost to
3 the purchaser at retail after all applicable sales taxes on the
4 tires have been computed. The fee imposed, less six percent of
5 fees collected, which shall be retained by the tire retailer as
6 collection costs, shall be paid to the department of revenue in
7 the form and manner required by the department of revenue and
8 shall include the total number of new tires sold during the
9 preceding month. The department of revenue shall promulgate
10 rules and regulations necessary to administer the fee collection
11 and enforcement. The terms "sold at retail" and "retail sales"
12 do not include the sale of new tires to a person solely for the
13 purpose of resale, if the subsequent retail sale in this state is
14 to the ultimate consumer and is subject to the fee.

15 3. The department of revenue shall administer, collect and
16 enforce the fee authorized pursuant to this section pursuant to
17 the same procedures used in the administration, collection and
18 enforcement of the general state sales and use tax imposed
19 pursuant to chapter 144, RSMo, except as provided in this
20 section. The proceeds of the new tire fee, less four percent of
21 the proceeds, which shall be retained by the department of
22 revenue as collection costs, shall be transferred by the
23 department of revenue into an appropriate subaccount of the solid
24 waste management fund, created pursuant to section 260.330.

25 4. Up to five percent of the revenue available may be
26 allocated, upon appropriation, to the department of natural
27 resources to be used cooperatively with the department of
28 elementary and secondary education for the purposes of developing

1 environmental educational materials, programs, and curriculum
2 [pursuant to section 260.342] that assist in the department's
3 implementation of sections 260.200 to 260.345.

4 5. Up to [twenty-five] fifty percent of the moneys received
5 pursuant to this section may, upon appropriation, be used to
6 administer the programs imposed by this section. Up to [five]
7 forty-five percent of the moneys received under this section may,
8 upon appropriation, be used for the grants authorized in
9 subdivision (2) of subsection 6 of this section [and authorized
10 in section 260.274]. All remaining moneys shall be allocated,
11 upon appropriation, for the projects authorized in section
12 260.276, except that any unencumbered moneys may be used for
13 public health, environmental, and safety projects in response to
14 environmental or public health emergencies and threats as
15 determined by the director.

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

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

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

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

25 7. The fee imposed in subsection 2 of this section shall
26 begin the first day of the month which falls at least thirty days
27 but no more than sixty days immediately following August 28,
28 2005, and shall terminate January 1, [2010] 2015.

1 [8. By January 1, 2009, the department shall report to the
2 general assembly a complete accounting of the tire cleanups
3 completed or in progress, the cost of the cleanups, the number of
4 tires remaining, the balance of the fund, and enforcement actions
5 completed or initiated to address waste tires.]

6 260.275. 1. Each operator of a scrap tire site shall
7 ensure that the area is properly closed upon cessation of
8 operations. The department of natural resources may require that
9 a closure plan be submitted with the application for a permit.
10 The closure plan, as approved by the department, shall include at
11 least the following:

12 (1) A description of how and when the area will be closed;

13 (2) The method of final disposition of any scrap tires
14 remaining on the site at the time notice of closure is given to
15 the department.

16 2. The operator shall notify the department at least ninety
17 days prior to the date he expects closure to begin. No scrap
18 tires may be received by the scrap tire site after the date
19 closure is to begin.

20 3. The permittee shall provide a financial assurance
21 instrument in such an amount and form as prescribed by the
22 department to ensure that, upon abandonment, cessation or
23 interruption of the operation of the site, an approved closure
24 plan is completed. The amount of the financial assurance
25 instrument shall be based upon the current costs of similar
26 cleanups using data from actual scrap tire cleanup project bids
27 received by the department to remediate scrap tire sites of
28 similar size. If scrap tires are accumulated at a solid [scrap

1 management] waste disposal area, the existing closure financial
2 assurance instrument filed for the solid [scrap] waste disposal
3 area may be applied to the requirements of this section. Any
4 interest that accrues to any financial assurance instrument
5 established pursuant to this section shall remain with that
6 instrument and shall be applied against the operator's obligation
7 under this section until the instrument is released by the
8 department. The director shall authorize the release of the
9 financial assurance instrument after the department has been
10 notified by the operator that the site has been closed, and after
11 inspection, the department approves closure of the scrap tire
12 site.

13 4. If the operator of a scrap tire site fails to properly
14 implement the closure plan, the director shall order the operator
15 to implement such plan, and take other steps necessary to assure
16 the proper closure of the site pursuant to section 260.228 and
17 this section.

18 5. A coal-fired electric generating facility that burns
19 tire-derived fuel shall not be considered a scrap tire site or
20 solid waste disposal area.

21 260.276. 1. The department of natural resources shall,
22 subject to appropriation, conduct resource recovery or nuisance
23 abatement activities designed to reduce the volume of scrap tires
24 or alleviate any nuisance condition at any site if the owner or
25 operator of such a site fails to comply with the rules and
26 regulations authorized under section 260.270, or if the site is
27 in continued violation of such rules and regulations. The
28 department shall give first priority to cleanup of sites owned by

1 persons who present satisfactory evidence that such persons were
2 not responsible for the creation of the nuisance conditions or
3 any violations of section 260.270 at the site.

4 2. The department may ask the attorney general to initiate
5 a civil action to recover from any persons responsible the
6 reasonable and necessary costs incurred by the department for its
7 nuisance abatement activities and its legal expenses related to
8 the abatement; except that in no case shall the attorney general
9 seek to recover cleanup costs from the owner of the property if
10 such person presents satisfactory evidence that such person was
11 not responsible for the creation of the nuisance condition or any
12 violation of section 260.270 at the site.

13 3. The department shall allow any person, firm,
14 corporation, state agency, charitable, fraternal, or other
15 nonprofit organization to bid on a contract for each resource
16 recovery or nuisance abatement activity authorized under this
17 section. The contract shall specify the cost per tire for
18 delivery to a registered scrap tire processing or end-user
19 facility, and the cost per tire for processing. The recipient or
20 recipients of any contract shall not be compensated by the
21 department for the cost of delivery and the cost of processing
22 for each tire until such tire is delivered to a registered scrap
23 tire processing or end-user facility and the contract recipient
24 has provided proof of delivery to the department. [Any
25 charitable, fraternal, or other nonprofit organization which
26 voluntarily cleans up land or water resources may turn in scrap
27 tires collected in the course of such cleanup under the rules and
28 regulations of the department.]

1 4. Subject to the availability of funds, any charitable,
2 fraternal, or other nonprofit organization which voluntarily
3 cleans up land or water resources may be eligible for
4 reimbursement for the disposal costs of scrap tires collected in
5 the course of such cleanup under the rules and regulations of the
6 department. Also, subject to the availability of funds, any
7 municipal or county government which voluntarily cleans up scrap
8 tires from illegal dumps, not incidental to normal governmental
9 activities or resulting from tire collection events, may also be
10 eligible for reimbursement for the disposal costs of scrap tires
11 collected in the course of such cleanup under the rules and
12 regulations of the department.

13 260.1250. 1. Sections 260.1250 to 260.1271 shall be known
14 and may be cited as the "Television Electronic Recycling Act".
15 The purpose of sections 260.1250 to 260.1271 is to establish a
16 comprehensive and convenient television recycling and reuse
17 program based on shared responsibility among all stakeholders,
18 including manufacturers, consumers, retailers, and government.
19 The purposes of this recovery system are to ensure that end-of-
20 life televisions are responsibly retired or recycled to promote
21 resource conservation through the development of an effective and
22 efficient system for recycling such products, and to require
23 manufacturers to offer such service to consumers with
24 convenience.

25 2. For purposes of sections 260.1250 to 260.1271, the
26 following terms shall mean:

27 (1) "Brand", symbols, words, or marks that identify a
28 covered television, rather than any of its components;

1 (2) "Covered television", a television, but does not
2 include any of the following:

3 (a) An electronic device that is a part of a motor vehicle
4 or any component part of a motor vehicle assembled by, or for, a
5 vehicle manufacturer or franchised dealer, including replacement
6 parts for use in a motor vehicle;

7 (b) An electronic device that is functionally or physically
8 a part of, or connected to, or integrated within equipment or a
9 system designed and intended for use in an industrial,
10 governmental, commercial, research and development, or medical
11 setting, including but not limited to diagnostic, monitoring,
12 control, or medical products, as defined under the Federal Food,
13 Drug, and Cosmetic Act, or equipment used for security, sensing,
14 monitoring, anti-terrorism, emergency services purposes, or
15 equipment designed and intended primarily for use by professional
16 users;

17 (c) An electronic device that is contained within a clothes
18 washer, clothes dryer, refrigerator, refrigerator and freezer,
19 microwave oven, conventional oven or range, dishwasher, room air
20 conditioner, dehumidifier, air purifier, or exercise equipment;

21 (d) Telephones of any type, including mobile phones;

22 (e) A personal digital assistant (PDA); and

23 (f) Global positioning systems (GPS);

24 (3) "Department", the department of natural resources;

25 (4) "Household", any occupant of a single detached dwelling
26 unit or a single unit of a multiple dwelling unit who has used a
27 covered television primarily for personal or home business use;

28 (5) "Market share", a television manufacturer's obligation

1 to recycle discarded televisions. A television manufacturer's
2 market share is the television manufacturer's prior year's sales
3 of televisions, by weight, as calculated by the department
4 divided by all manufacturers' prior year's sales for all
5 televisions, by weight, as calculated by the department. Market
6 share may be expressed as a percentage, a fraction, or a decimal
7 fraction;

8 (6) "Person", means any individual, business entity,
9 partnership, limited liability company, corporation, not-for-
10 profit corporation, association, governmental entity, public
11 benefit corporation, or public authority;

12 (7) "Program year", a full calendar year beginning on or
13 after January 1, 2011;

14 (8) "Recover", to reuse or recycle;

15 (9) "Recoverer", a person or entity that reuses or
16 recycles;

17 (10) "Recycle", processing, including disassembling,
18 dismantling, and shredding, covered electronic devices or their
19 components to recover a useable product. This term does not
20 include any process defined as incineration under applicable laws
21 and regulations;

22 (11) "Retailer", a person who owns or operates a business
23 that sells covered televisions directly to a consumer, including
24 through sales outlets, catalogs, or the Internet, whether or not
25 the seller has a physical presence in this state;

26 (12) "Sell", "offer for sale", or "sale", any transfer for
27 consideration of title including, but not limited to,
28 transactions conducted through sales outlets, catalogs, or the

1 Internet or any other similar electronic means, but does not mean
2 financing or leasing;

3 (13) "Television", any electronic device that contains a
4 tuner that locks on to a selected carrier frequency and is
5 capable of receiving and displaying of television or video
6 programming via broadcast, cable, or satellite, including,
7 without limitation, any direct view or projection television with
8 a viewable screen of nine inches or larger whose display
9 technology is based on cathode ray tube (CRT), plasma, liquid
10 crystal (LCD), digital light processing (DLP), liquid crystal on
11 silicon (LCOS), silicon crystal reflective display (SXR), light
12 emitting diode (LED), or similar technology marketed and intended
13 for use by a household. This term does not include a computer,
14 computer printer, computer monitor, or portable computer;

15 (14) "Television manufacturer", a person who:

16 (a) Manufactures for sale in this state covered televisions
17 under a brand that it licenses or owns;

18 (b) Manufactures for sale in this state covered televisions
19 without affixing a brand;

20 (c) Resells into this state a covered television under a
21 brand it owns or is licensed to use produced by other suppliers,
22 including retail establishments that sell covered televisions
23 under a brand the retailer owns or licenses;

24 (d) Imports into the United States or exports from the
25 United States a covered television for sale in this state;

26 (e) Sells at retail a covered television acquired from an
27 importer that is the manufacturer as described in paragraph (d)
28 of this subdivision, and elects to register in lieu of the

1 importer as the manufacturer for those products;

2 (f) Manufactures covered televisions, supplies them to any
3 person or persons within a distribution network that includes
4 wholesalers or retailers in this state, and benefits from the
5 sale in this state of those covered television through such
6 distribution network; or

7 (g) Assumes the responsibilities and obligations of a
8 television manufacturer under this section. In the event the
9 television manufacturer is one who manufactures, sells, or
10 resells under a brand it licenses, the licensor or brand owner of
11 such brand shall not be included in the definition of television
12 manufacturer under paragraphs (a) or (b) of this subdivision.

13 3. The recovery provisions of sections 260.1250 to 260.1271
14 apply to covered televisions used and returned by consumers in
15 this state.

16 260.1253. 1. No television manufacturer shall sell or
17 offer for sale a covered television in this state unless the
18 television manufacturer includes the television manufacturer's
19 name and brand, whether owned or licensed, on the covered
20 television.

21 2. By January 1, 2011, each television manufacturer, before
22 selling or offering for sale covered televisions in the state,
23 shall register with the department. Thereafter, if a television
24 manufacturer has not previously registered, the television
25 manufacturer shall register with the department prior to any
26 offer for sale for delivery in this state of the television
27 manufacturer's new covered televisions. The department may
28 prescribe rules for registration updates.

1 3. The registration and any subsequent updates shall
2 include a list of all of the brands the television manufacturer
3 is using on covered televisions, regardless of whether it owns or
4 licenses the brands, and shall be effective on the second day of
5 the succeeding month after receipt by the department of the
6 registration or update.

7 4. A television manufacturer shall provide the department
8 with contact information for the television manufacturer's
9 designated agent or employee whom the department may contact for
10 information related to the television manufacturer's compliance
11 with the requirements of this section.

12 5. The obligation to recycle covered televisions shall be
13 allocated to each television manufacturer based on the television
14 manufacturer's market share multiplied by the total pounds of
15 covered televisions recycled by all television manufacturers
16 during the previous program year. Beginning in program year
17 2011, a television manufacturer shall annually recycle or arrange
18 for the recycling of covered televisions. Beginning in the
19 program year 2012, a television manufacturer shall annually
20 recycle or arrange for the recycling of its market share of
21 covered televisions, as calculated by the department.

22 6. A television manufacturer may fulfill the requirements
23 of this section either individually or in participation with
24 other television manufacturers.

25 7. A television manufacturer shall report to the department
26 by January 31, 2012, and annually thereafter, the total weight of
27 covered televisions the manufacturer collected in the state and
28 recycled during the previous year.

1 260.1256. 1. Beginning January 1, 2011, a retailer shall
2 not sell or offer to sell any covered television in this state
3 unless a visible, permanent label clearly identifying the
4 manufacturer of that device is affixed to the equipment and the
5 television manufacturer has registered with the state.

6 2. Beginning January 1, 2011, retailers shall make
7 available to their customers information on collection services
8 in the state, including the department's website and toll-free
9 telephone number. Remote retailers may include this information
10 in a visible location on their websites to fulfill this
11 requirement.

12 3. Retailers shall not be liable in any way for data or
13 other information that a consumer may leave on a covered
14 television that is collected or recycled.

15 260.1259. 1. The department shall use state-specific
16 television sales data or national television sales data available
17 from commercially available analytical sources to determine each
18 television manufacturer's recovery responsibilities for
19 televisions based on the manufacturer's market share. If the
20 department uses national sales data, the department shall
21 extrapolate data for the state from national data on the basis of
22 the state's share of national population. The department shall
23 seek to establish the most accurate determination of each
24 manufacturer's market share and may rely on supplemental sources
25 of information to achieve this goal.

26 2. By March 15, 2012, and annually thereafter, the
27 department shall notify each manufacturer of its non-binding
28 recycling obligation. Each manufacturer's obligation will be

1 based on that manufacturer's market share from the previous year
2 multiplied by the total pounds of televisions collected by all
3 manufacturers during the previous program year.

4 3. The department shall educate consumers about recovery of
5 covered televisions.

6 4. Beginning January 1, 2011, the department shall include
7 on its web site a toll-free number and information on where
8 households can return covered televisions for recycling.

9 260.1262. 1. The department may conduct audits and
10 inspections to determine compliance under sections 260.1250 to
11 260.1271. The department and the attorney general, as
12 appropriate, shall enforce the provisions of sections 260.1250 to
13 260.1271 and take enforcement action against any television
14 manufacturer, retailer, or recoverer for failure to comply with
15 any provisions of sections 260.1250 to 260.1271.

16 2. Any television manufacturer that fails to label its
17 covered televisions as required by subsection 1 of section
18 260.1253, or adopt and implement a recovery plan as required by
19 subsection 5 of section 260.1253 may be assessed a penalty of up
20 to ten thousand dollars for the first violation and up to twenty-
21 five thousand dollars for the second and each subsequent
22 violation, in addition to being responsible for any other
23 penalties required by or imposed under sections 260.1250 to
24 260.1271.

25 3. Any person who violates any requirement of sections
26 260.1250 to 260.1271 may be assessed a penalty of up to one
27 thousand dollars for the first violation and up to two thousand
28 dollars for the second and each subsequent violation, in addition

1 to being responsible for any other penalties required by or
2 imposed under sections 260.1250 to 260.1271.

3 4. A television manufacturer shall not be penalized for
4 failing to meet its nonbinding recycling obligations, as
5 calculated by the department.

6 5. Any violation of the sales prohibitions of sections
7 260.1250 to 260.1271 may be enjoined in an action, in the name of
8 the state, brought by the attorney general.

9 260.1265. 1. Financial or proprietary information
10 submitted to the department under sections 260.1250 to 260.1271
11 shall be considered a closed record under the provisions of
12 chapter 610, RSMo.

13 2. The department shall compile the information from
14 television manufacturers and issue a report to the general
15 assembly by April first each year, beginning the second program
16 year.

17 3. The department shall adopt such rules and regulations as
18 are necessary to implement the provisions of sections 260.1250 to
19 260.1271. Any rule or portion of a rule, as that term is defined
20 in section 536.010, RSMo, that is created under the authority
21 delegated in this section shall become effective only if it
22 complies with and is subject to all of the provisions of chapter
23 536, RSMo, and, if applicable, section 536.028, RSMo. This
24 section and chapter 536, RSMo, are nonseverable and if any of the
25 powers vested with the general assembly pursuant to chapter 536,
26 RSMo, to review, to delay the effective date, or to disapprove
27 and annul a rule are subsequently held unconstitutional, then the
28 grant of rulemaking authority and any rule proposed or adopted

1 after August 28, 2009, shall be invalid and void.

2 4. The department shall use any money received from
3 penalties under sections 260.1250 to 260.1271 to offset costs
4 associated with administering sections 260.1250 to 260.1271 and
5 to provide grants to local governments collecting covered
6 televisions.

7 5. All covered televisions collected under sections
8 260.1250 to 260.1271 shall be recovered in a manner that is in
9 compliance with all applicable federal, state, and local laws and
10 requirements.

11 6. The department shall adopt by reference the Institute of
12 Scrap Recycling Industries, Inc.'s Electronics Recycling
13 Operating Practices as requirements.

14 260.1268. 1. Any person who submits a bid for a contract
15 with a state agency for the purchase or lease of covered
16 televisions shall show that the brand of the covered television
17 is in compliance with sections 260.1250 to 260.1271.

18 2. A state agency that purchases or leases covered
19 televisions shall require each prospective bidder to certify
20 compliance with sections 260.1250 to 260.1271. Failure to
21 provide such certification shall render the prospective bidder
22 ineligible to bid on the procurement of covered televisions.

23 3. The state's procurement agency shall adopt rules to
24 implement this section's provisions.

25 260.1271. Sections 260.1250 to 260.1271 shall be deemed
26 repealed if a federal law or a combination of federal laws takes
27 effect that establishes a national program for the recycling of
28 covered televisions that substantially meets the intent of

1 sections 260.1250 to 260.1271.

2 640.107. 1. There is hereby established, as a subfund of
3 the water and wastewater fund established in section 644.122,
4 RSMo, the "Drinking Water Revolving Fund", which shall be
5 maintained and accounted for separately, and which shall consist
6 of moneys from all lawful public and private sources including
7 legislative appropriations, federal capitalization grants,
8 interest on investments and principal and interest payments with
9 respect to loans made from the drinking water revolving fund.
10 Money in the drinking water revolving fund may be used only for
11 purposes as are authorized in the federal Safe Drinking Water
12 Act, as amended and the American Recovery and Reinvestment Act of
13 2009 as enacted by the 111th United States Congress.

14 2. The commission shall, consistent with the requirements
15 of the federal Safe Drinking Water Act and the American Recovery
16 and Reinvestment Act of 2009 for the drinking water revolving
17 fund to become eligible for capitalization grants from the United
18 States Environmental Protection Agency, establish criteria and
19 procedures for the selection of projects and the making of loans
20 or the grant of loan subsidies for disadvantaged communities.

21 3. After providing for review and public comment, and in
22 accordance with the requirements for such plans set forth in the
23 federal Safe Drinking Water Act, the commission shall annually
24 prepare an intended use plan for the funds available in the
25 drinking water revolving fund.

26 4. Consistent with the requirements of the federal Safe
27 Drinking Water Act, and only to the extent funds are available to
28 be obligated for eligible projects of public water systems, in

1 developing its annual intended use plan, the commission shall
2 make available no less than thirty-five percent, but may make
3 available greater than thirty-five percent, of the moneys
4 credited to the drinking water revolving fund solely for project
5 loans and loan subsidies for projects of systems serving fewer
6 than ten thousand people in accordance with the following:

7 Systems Serving:	Percentage:
8 0 - 3,300 people	20%
9 3,301 - 9,999 people	15%

10 provided that, in any fiscal year, loan subsidies may not exceed
11 the maximum percentage as specified in the federal Safe Drinking
12 Water Act. In any fiscal year in which there are insufficient
13 applicants and projects in the population categories listed in
14 this subsection to allocate the percentages of funds specified
15 pursuant to this subsection, any balance of funds otherwise
16 reserved for systems serving fewer than ten thousand people shall
17 be available for obligation to eligible projects from any
18 eligible applicant. Such uncommitted balances shall be
19 redistributed in accordance with the intended use plan.

20 5. The department shall make available two percent of the
21 moneys from the federal capitalization grants received pursuant
22 to this section for training and technical assistance to public
23 water systems serving fewer than ten thousand people. Training
24 and technical assistance provided pursuant to this subsection
25 shall be consistent with rules of the commission.

26 6. The state may provide assistance, as funds are
27 available, pursuant to this chapter, to any eligible public water
28 system pursuant to the federal Safe Drinking Water Act, as

1 amended, to assist in the construction of public drinking water
2 facilities as authorized by the commission. Further, the state
3 may provide additional assistance or subsidies to any eligible
4 entity as described in this subsection in the form of principal
5 forgiveness, negative interest loans, grants, or any combination
6 thereof, to the extent allowed by the federal Safe Drinking Water
7 Act or American Recovery and Reinvestment Act of 2009, as enacted
8 by the 111th United States Congress, and within the process
9 provided by the Missouri Constitution and revised statutes of the
10 state of Missouri.

11 640.150. 1. The department of natural resources shall be
12 vested with the powers and duties prescribed by law and shall
13 have the power to carry out the following activities:

14 (1) Assessing the impact of national energy policies on
15 this state's supply and use of energy and this state's public
16 health, safety and welfare;

17 (2) Consulting and cooperating with all state and federal
18 governmental agencies, departments, boards and commissions and
19 all other interested agencies and institutions, governmental and
20 nongovernmental, public and private, on matters of energy
21 research and development, management, conservation and
22 distribution;

23 (3) The monitoring and analyzing of all federal, state,
24 local and voluntarily disclosed private sector energy research
25 projects and voluntarily disclosed private sector energy related
26 data and information concerning supply and consumption, in order
27 to plan for the future energy needs of this state. All
28 information gathered shall be maintained, revised and updated as

1 an aid to any interested person, foundation or other
2 organization, public or private;

3 (4) Analyzing the potential for increased utilization of
4 coal, nuclear, solar, resource recovery and reuse, landfill gas,
5 projects to reduce and capture methane and other greenhouse gas
6 emissions from landfills, energy efficient technologies and other
7 energy alternatives, and making recommendations for the expanded
8 use of alternate energy sources and technologies;

9 (5) Entering into cooperative agreements with other states,
10 political subdivisions, private entities, or educational
11 institutions for the purpose of seeking and securing federal
12 grants for the department and its partners in the grants;

13 (6) The development and promotion of state energy
14 conservation programs, including:

15 (a) Public education and information in energy related
16 areas;

17 (b) Developing energy efficiency standards for agricultural
18 and industrial energy use and for new and existing buildings, to
19 be promoted through technical assistance efforts by cooperative
20 arrangements with interested public, business and civic groups
21 and by cooperating with political subdivisions of this state;

22 (c) Preparing plans for reducing energy use in the event of
23 an energy or other resource supply emergency.

24 2. No funds shall be expended to implement the provisions
25 of this section until funds are specifically appropriated for
26 that purpose. In order to carry out its responsibilities under
27 this section, the department may expend any such appropriated
28 funds by entering into agreements, contracts, grants, subgrants,

1 or cooperative arrangements under various terms and conditions in
2 the best interest of the state with other state, federal, or
3 interstate agencies, political subdivisions, not-for-profit
4 entities or organizations, educational institutions, or other
5 entities, both public and private, to carry out its
6 responsibilities.

7 640.160. 1. There is hereby created in the state treasury
8 the "Energy Futures Fund", which shall consist of money
9 appropriated by the general assembly or received from gifts,
10 bequests, donations, or from the federal government. The state
11 treasurer shall be custodian of the fund and may approve
12 disbursements from the fund in accordance with sections 30.170
13 and 30.180, RSMo. Notwithstanding the provisions of section
14 33.080, RSMo, to the contrary, any moneys remaining in the fund
15 at the end of the biennium shall not revert to the credit of the
16 general revenue fund. The state treasurer shall invest moneys in
17 the fund in the same manner as other funds are invested. Any
18 interest and moneys earned on such investments shall be credited
19 to the fund.

20 2. Upon appropriation, the department of natural resources
21 may use moneys in the fund created under this section for the
22 purposes of carrying out the provisions of sections 640.150 to
23 640.160 including, but not limited to, energy efficiency
24 programs, energy studies, energy resource analyses, or energy
25 projects. After appropriation, the department may also expend
26 funds for the administration and management of energy
27 responsibilities and activities associated with projects and
28 studies funded from the energy futures fund.

1 644.036. 1. No standard, rule or regulation or any
2 amendment or repeal thereof shall be adopted except after a
3 public hearing to be held after thirty days' prior notice by
4 advertisement of the date, time and place of the hearing and
5 opportunity given to the public to be heard. Notice of the
6 hearings and copies of the proposed standard, rule or regulation
7 or any amendment or repeal thereof shall also be given by regular
8 mail, at least thirty days prior to the scheduled date of the
9 hearing, to any person who has registered with the director for
10 the purpose of receiving notice of such public hearings in
11 accordance with the procedures prescribed by the commission at
12 least forty-five days prior to the scheduled date of the hearing.
13 However, this provision shall not preclude necessary changes
14 during this thirty-day period.

15 2. At the hearing, opportunity to be heard by the
16 commission with respect to the subject thereof shall be afforded
17 any interested person upon written request to the commission,
18 addressed to the director, not later than seven days prior to the
19 hearing, and may be afforded to other persons if convenient. In
20 addition, any interested persons, whether or not heard, may
21 submit, within seven days subsequent to the hearings, a written
22 statement of their views. The commission may solicit the views,
23 in writing, of persons who may be affected by, or interested in,
24 proposed rules and regulations, or standards. Any person heard
25 or represented at the hearing or making written request for
26 notice shall be given written notice of the action of the
27 commission with respect to the subject thereof.

28 3. Any standard, rule or regulation or amendment or repeal

1 thereof shall not be deemed adopted or in force and effect until
2 it has been approved in writing by at least four members of the
3 commission. A standard, rule or regulation or an amendment or
4 repeal thereof shall not become effective until a certified copy
5 thereof has been filed with the secretary of state as provided in
6 chapter 536, RSMo.

7 4. Unless prohibited by any federal water pollution control
8 act, any standard, rule or regulation or any amendment or repeal
9 thereof which is adopted by the commission may differ in its
10 terms and provisions as between particular types and conditions
11 of water quality standards or of water contaminants, as between
12 particular classes of water contaminant sources, and as between
13 particular waters of the state.

14 5. Any listing required by Section 303(d) of the federal
15 Clean Water Act, as amended, 33 U.S.C. 1251, et seq., to be sent
16 to the U.S. Environmental Protection Agency for its approval
17 that will result in any waters of the state being classified as
18 impaired shall be adopted by the commission after a public
19 hearing, or series of hearings, held in accordance with the
20 following procedures. The department of natural resources shall
21 publish in at least six regional newspapers, in advance, a notice
22 by advertisement the availability of a proposed list of impaired
23 waters of the state and such notice shall include at least ninety
24 days' advance notice of the date, time, and place of the public
25 hearing and opportunity given to the public to be heard. Notice
26 of the hearings and copies of the proposed list of impaired
27 waters also shall be posted on the department of natural
28 resources' web site and given by regular mail, at least ninety

1 days prior to the scheduled date of the hearing, to any person
2 who has registered with the director for the purpose of receiving
3 notice of such public hearings. The proposed list of impaired
4 waters shall identify the water segment, the uses to be made of
5 such waters, the uses impaired, identify the pollutants causing
6 or expected to cause violations of the applicable water quality
7 standards, and provide a summary of the data relied upon to make
8 the preliminary determination. Contemporaneous with the
9 publication of the notice of public hearing, the department shall
10 make available on its web site all data and information it relied
11 upon to prepare the proposed list of impaired waters, including a
12 narrative explanation of how the department determined the water
13 segment was impaired. At any time after the public notice and
14 until seven days after the public hearing, the department shall
15 accept written comments on the proposed list of impaired waters.
16 After the public hearing and after all written comments have been
17 submitted, the department shall prepare a written response to all
18 comments and a revised list of impaired waters. The commission
19 shall adopt a list of impaired waters in a public meeting during
20 which the public shall be afforded an opportunity to respond to
21 the department's written response to comments and revised list of
22 impaired waters. Notice of the meeting shall include the date,
23 time, and place of the public meeting and shall provide notice
24 that the commission will give interested persons the opportunity
25 to respond to the department's revised list of impaired waters
26 and written responses to comments. At its discretion, the
27 commission may extend public comment periods or hold additional
28 public hearings on the proposed and revised lists of impaired

1 waters. The commission shall not vote to add to the list of
2 impaired waters any waters not recommended by the department in
3 the proposed or revised lists of impaired waters without granting
4 the public at least thirty additional days to comment on the
5 proposed addition. The list of impaired waters adopted by the
6 commission shall not be deemed to be a rule as defined by section
7 536.010, RSMo. The listing of any water segment on the list of
8 impaired waters adopted by the commission shall be subject to
9 judicial review by any adversely affected party under section
10 536.150, RSMo. The provisions in this subsection shall expire on
11 August 28, [2009] 2010.

12 644.054. 1. Fees imposed in sections 644.052 and 644.053
13 shall, except for those fees imposed pursuant to subsection 4 and
14 subsections 6 to 13 of section 644.052, become effective October
15 1, 1990, and shall expire December 31, [2009] 2010. Fees imposed
16 pursuant to subsection 4 and subsections 6 to 13 of section
17 644.052 shall become effective August 28, 2000, and shall expire
18 on December 31, [2009] 2010. The clean water commission shall
19 promulgate rules and regulations on the procedures for billing
20 and collection. All sums received through the payment of fees
21 shall be placed in the state treasury and credited to an
22 appropriate subaccount of the natural resources protection fund
23 created in section 640.220, RSMo. Moneys in the subaccount shall
24 be expended, upon appropriation, solely for the administration of
25 sections 644.006 to 644.141. Fees collected pursuant to
26 subsection 10 of section 644.052 by a city, a public sewer
27 district, a public water district or other publicly owned
28 treatment works are state fees. Five percent of the fee revenue

1 collected shall be retained by the city, public sewer district,
2 public water district or other publicly owned treatment works as
3 reimbursement of billing and collection expenses.

4 2. The commission may grant a variance pursuant to section
5 644.061 to reduce fees collected pursuant to section 644.052 for
6 facilities that adopt systems or technologies that reduce the
7 discharge of water contaminants substantially below the levels
8 required by commission rules.

9 3. Fees imposed in subsections 2 to 6 of section 644.052
10 shall be due on the date of application and on each anniversary
11 date of permit issuance thereafter until the permit is
12 terminated.

13 4. There shall be convened a joint committee appointed by
14 the president pro tem of the senate and the speaker of the house
15 of representatives to consider proposals for restructuring the
16 fees imposed in sections 644.052 and 644.053. The committee
17 shall review storm water programs, the state's implementation of
18 the federal clean water program, storm water, and related state
19 clean water responsibilities, and evaluate the costs to the state
20 for maintaining the programs. The committee shall prepare and
21 submit a report, including recommendations on funding the state
22 clean water program, and storm water programs, to the governor,
23 the house of representatives, and the senate no later than
24 December 31, 2008.

25 644.101. The state may provide assistance, as funds are
26 available, pursuant to this chapter, to any county, municipality,
27 public water district, public sewer district, or any combination
28 of the same, or any entity eligible pursuant to the Safe Drinking

1 Water Act, as amended, or the Clean Water Act, as amended, to
2 assist them in the construction of public drinking water and
3 water pollution control projects as authorized by the clean water
4 commission. The state may provide assistance pursuant to this
5 chapter, including but not limited to the purchase of water
6 and/or wastewater revenue or general obligation bonds, bonds of
7 any county, instrumentality of the state, state entity,
8 municipality, public sewer district, public water district,
9 community water system, nonprofit noncommunity water system or
10 any combination of the same, or any entity eligible pursuant to
11 the Safe Drinking Water Act, as amended, or the Clean Water Act,
12 as amended. Further, the state may provide additional assistance
13 or subsidies to any eligible entity as described in this section
14 in the form of principal forgiveness, negative interest loans,
15 grants, or any combination thereof, to the extent allowed by the
16 American Recovery and Reinvestment Act of 2009, as enacted by the
17 111th United States Congress, and within the process provided by
18 the Missouri Constitution and revised statutes of the state of
19 Missouri.

20 Section B. Because of the need to distribute funds from the
21 American Recovery and Reinvestment Act of 2009 in an efficient
22 and timely manner, sections 640.107, 640.150, and 644.101 of this
23 act are deemed necessary for the immediate preservation of the
24 public health, welfare, peace and safety, and is hereby declared
25 to be an emergency act within the meaning of the constitution,
26 and sections 640.107, 640.150, 644.054, and 644.101 of this act
27 shall be in full force and effect upon its passage and approval.