

SECOND REGULAR SESSION

HOUSE BILL NO. 1795

96TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE RUZICKA.

5801H.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal section 260.330, RSMo, and to enact in lieu thereof one new section relating to solid waste landfill charges.

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

Section A. Section 260.330, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 260.330, to read as follows:

260.330. 1. Except as otherwise provided in subsection 6 of this section, effective October 1, 1990, each operator of a solid waste sanitary landfill shall collect a charge equal to one dollar and fifty cents per ton or its volumetric equivalent of solid waste accepted and each operator of the solid waste demolition landfill shall collect a charge equal to one dollar per ton or its volumetric equivalent of solid waste accepted. Each operator shall submit the charge, less collection costs, to the department of natural resources for deposit in the "Solid Waste Management Fund" which is hereby created. On October 1, 1992, and thereafter, the charge imposed herein shall be adjusted annually by the same percentage as the increase in the general price level as measured by the Consumer Price Index for All Urban Consumers for the United States, or its successor index, as defined and officially recorded by the United States Department of Labor or its successor agency. No annual adjustment shall be made to the charge imposed under this subsection [during] **beyond** October 1, 2005, [to October 1, 2014,] except an adjustment amount consistent with the need to fund the operating costs of the department and taking into account any annual percentage increase in the total of the volumetric equivalent of solid waste accepted in the prior year at solid waste sanitary landfills and demolition landfills and solid waste to be transported out of this state for disposal that is accepted at transfer stations. No annual increase [during] **beyond** October 1, 2005, [to October 1, 2014,] shall exceed the

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

18 percentage increase measured by the Consumer Price Index for All Urban Consumers for the
19 United States, or its successor index, as defined and officially recorded by the United States
20 Department of Labor or its successor agency and calculated on the percentage of revenues
21 dedicated under subdivision (1) of subsection 2 of section 260.335. Any such annual adjustment
22 shall only be made at the discretion of the director, subject to appropriations. Collection costs
23 shall be established by the department and shall not exceed two percent of the amount collected
24 pursuant to this section.

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

27 3. The charges established in this section shall be enumerated separately from the
28 disposal fee charged by the landfill and may be passed through to persons who generated the
29 solid waste. Moneys shall be transmitted to the department shall be no less than the amount
30 collected less collection costs and in a form, manner and frequency as the department shall
31 prescribe. The provisions of section 33.080 to the contrary notwithstanding, moneys in the
32 account shall not lapse to general revenue at the end of each biennium. Failure to collect the
33 charge does not relieve the operator from responsibility for transmitting an amount equal to the
34 charge to the department.

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

40 5. Effective October 1, 1990, any person who operates a transfer station in Missouri shall
41 transmit a fee to the department for deposit in the solid waste management fund which is equal
42 to one dollar and fifty cents per ton or its volumetric equivalent of solid waste accepted. Such
43 fee shall be applicable to all solid waste to be transported out of the state for disposal. On
44 October 1, 1992, and thereafter, the charge imposed herein shall be adjusted annually by the
45 same percentage as the increase in the general price level as measured by the Consumer Price
46 Index for All Urban Consumers for the United States, or its successor index, as defined and
47 officially recorded by the United States Department of Labor or its successor agency. No annual
48 adjustment shall be made to the charge imposed under this subsection [during] **beyond** October
49 1, 2005, [to October 1, 2014,] except an adjustment amount consistent with the need to fund the
50 operating costs of the department and taking into account any annual percentage increase in the
51 total of the volumetric equivalent of solid waste accepted in the prior year at solid waste sanitary
52 landfills and demolition landfills and solid waste to be transported out of this state for disposal
53 that is accepted at transfer stations. No annual increase [during] **beyond** October 1, 2005, [to

54 October 1, 2014,] shall exceed the percentage increase measured by the Consumer Price Index
55 for All Urban Consumers for the United States, or its successor index, as defined and officially
56 recorded by the United States Department of Labor or its successor agency and calculated on the
57 percentage of revenues dedicated under subdivision (1) of subsection 2 of section 260.335. Any
58 such annual adjustment shall only be made at the discretion of the director, subject to
59 appropriations. The department shall prescribe rules and regulations governing the transmittal
60 of fees and verification of waste volumes transported out of state from transfer stations.
61 Collection costs shall also be established by the department and shall not exceed two percent of
62 the amount collected pursuant to this subsection. A transfer station with the sole function of
63 separating materials for recycling or resource recovery activities shall not be subject to the fee
64 imposed in this subsection.

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

✓