

FIRST REGULAR SESSION  
HOUSE COMMITTEE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
**SENATE BILL NO. 405**  
**99TH GENERAL ASSEMBLY**

1807H.03C

D. ADAM CRUMBLISS, Chief Clerk

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**AN ACT**

To repeal sections 67.990, 67.993, 190.327, and 260.242, RSMo, and to enact in lieu thereof four new sections relating to public safety.

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

Section A. Sections 67.990, 67.993, 190.327, and 260.242, RSMo, are repealed and four  
2 new sections enacted in lieu thereof, to be known as sections 67.990, 67.993, 190.327, and  
3 260.244, to read as follows:

67.990. 1. The governing body of any county or city not within a county may, upon  
2 approval of a majority of the qualified voters of such county or city voting thereon, levy and  
3 collect a tax not to exceed five cents per one hundred dollars of assessed valuation, or in any  
4 county of the first classification with more than eighty-five thousand nine hundred but less than  
5 eighty-six thousand inhabitants, the governing body may, upon approval of a majority of the  
6 qualified voters of the county voting thereon, levy and collect a tax not to exceed ten cents per  
7 one hundred dollars of assessed valuation upon all taxable property within the county or city or  
8 for the purpose of providing services to persons sixty years of age or older. The tax so levied  
9 shall be collected along with other county or city taxes, in the manner provided by law. All  
10 funds collected for this purpose shall be deposited in a special fund for the provision of services  
11 for persons sixty years of age or older, and shall be used for no other purpose except those  
12 purposes authorized in sections 67.990 to 67.995. Deposits in the fund shall be expended only  
13 upon approval of the board of directors established in section 67.993 and only in accordance with  
14 the fund budget approved by the county or city governing body. **In any city not within a**  
15 **county, deposits into the fund shall be expended only in accordance with the budget**  
16 **approved by the board established in section 67.993.**

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.

17 2. The question of whether the tax authorized by this section shall be imposed shall be  
18 submitted in substantially the following form:

19 OFFICIAL BALLOT

20 Shall ..... (name of county/city) levy a tax of ..... cents per each one  
21 hundred dollars assessed valuation for the purpose of providing services to persons sixty years  
22 of age or older?

23  YES  NO

67.993. 1. Upon the approval of the tax authorized by section 67.990 by the voters of  
2 the county or city not within a county, the tax so approved shall be imposed upon all taxable  
3 property within the county or city and the proceeds therefrom shall be deposited in a special  
4 fund, to be known as the "Senior Citizens' Services Fund", which is hereby established within  
5 the county [~~or city~~] treasury. **In any city not within a county, the proceeds shall be deposited**  
6 **with the board established by law to administer the funds, which shall be know as the**  
7 **"Senior Citizen Services Fund" to accomplish the purposes set out herein and for no other**  
8 **purpose.** No moneys in the senior citizens' services fund shall be spent until the board of  
9 directors provided for in subsection 2 of this section has been appointed and has taken office.

10 2. Upon approval of the tax authorized by section 67.990 by the voters of the county or  
11 city, the governing body of the county or the mayor of the city shall appoint a board of directors  
12 consisting of seven directors, who shall be selected from the county or city at large and shall, as  
13 nearly as practicable, represent the various groups to be served by the board. Each director shall  
14 be a resident of the county or city. Each director shall be appointed to serve for a term of four  
15 years and until his successor is duly appointed and qualified; except that, of the directors first  
16 appointed, one director shall be appointed for a term of one year, two directors shall be appointed  
17 for a term of two years, two directors shall be appointed for a term of three years, and two  
18 directors shall be appointed for a term of four years. Directors may be reappointed. All  
19 vacancies on the board of directors shall be filled for the remainder of the unexpired term by the  
20 governing body of the county or mayor of the city. The directors shall not receive any  
21 compensation for their services, but may be reimbursed for all actual and necessary expenses  
22 incurred in the performance of their official duties from the moneys in the senior citizens'  
23 services fund.

24 3. The administrative control and management of the funds in the senior citizens'  
25 services fund and all programs to be funded therefrom shall rest solely with the board of directors  
26 appointed under subsection 2 of this section; except that, the budget for the senior citizens'  
27 services fund shall be approved by the governing body of the county or city prior to making of  
28 any payments from the fund in any fiscal year. **In any city not within a county, the fund shall**  
29 **be administered by and expended only upon approval by a board of directors established**

30 **under this section.** The board of directors shall use the funds in the senior citizens' services  
31 fund to provide programs which will improve the health, nutrition, and quality of life of persons  
32 who are sixty years of age or older. The budget may allocate funds for operational and capital  
33 needs to senior-related programs in the county or city in which such property taxes are collected.  
34 No funds in the senior citizens' services fund may be used, directly or indirectly, for any political  
35 purpose. In providing such services, the board of directors may contract with any person to  
36 provide services relating, in whole or in part, to the services which the board itself may provide  
37 under this section, and for such purpose may expend the tax proceeds derived from the tax  
38 authorized by section 67.990.

39 4. The board of directors shall elect a chairman, vice chairman, and such other officers  
40 as it deems necessary; shall establish eligibility requirements for the programs it furnishes; and  
41 shall do all other things necessary to carry out the purposes of sections 67.990 to 67.995. A  
42 majority of the board of directors shall constitute a quorum.

43 5. The board of directors, with the approval of the governing body of the county or city,  
44 may accept any gift of property or money for the use and benefit of the persons to be served  
45 through the programs established and funded under sections 67.990 to 67.995, and may sell or  
46 exchange any such property so long as such sale or exchange is in the best interests of the  
47 programs provided under sections 67.990 to 67.995 and the proceeds from such sale or exchange  
48 are used exclusively to fund such programs. **In any city not within a county, the board of**  
49 **directors may solicit, accept, and expend grants from private or public entities and enter**  
50 **into agreements to effectuate the grants so long as the transaction is in the best interests**  
51 **of the program provided by the board and the proceeds are used exclusively to fund the**  
52 **programs.**

190.327. 1. Immediately upon the decision by the commission to utilize a portion of the  
2 emergency telephone tax for central dispatching and an affirmative vote of the telephone tax, the  
3 commission shall appoint the initial members of a board which shall administer the funds and  
4 oversee the provision of central dispatching for emergency services in the county and in  
5 municipalities and other political subdivisions which have contracted for such service.  
6 Beginning with the general election in 1992, all board members shall be elected according to this  
7 section and other applicable laws of this state. At the time of the appointment of the initial  
8 members of the board, the commission shall relinquish to the board and no longer exercise the  
9 duties prescribed in this chapter with regard to the provision of emergency telephone service and  
10 in chapter 321, with regard to the provision of central dispatching service, and such duties shall  
11 be exercised by the board.

12 2. Elections for board members may be held on general municipal election day, as  
13 defined in subsection 3 of section 115.121, after approval by a simple majority of the county  
14 commission.

15           3. For the purpose of providing the services described in this section, the board shall  
16 have the following powers, authority and privileges:

17           (1) To have and use a corporate seal;

18           (2) To sue and be sued, and be a party to suits, actions and proceedings;

19           (3) To enter into contracts, franchises and agreements with any person, partnership,  
20 association or corporation, public or private, affecting the affairs of the board;

21           (4) To acquire, construct, purchase, maintain, dispose of and encumber real and personal  
22 property, including leases and easements;

23           (5) To have the management, control and supervision of all the business affairs of the  
24 board and the construction, installation, operation and maintenance of any improvements;

25           (6) To hire and retain agents and employees and to provide for their compensation  
26 including health and pension benefits;

27           (7) To adopt and amend bylaws and any other rules and regulations;

28           (8) To fix, charge and collect the taxes and fees authorized by law for the purpose of  
29 implementing and operating the services described in this section;

30           (9) To pay all expenses connected with the first election and all subsequent elections;  
31 and

32           (10) To have and exercise all rights and powers necessary or incidental to or implied  
33 from the specific powers granted in this subsection. Such specific powers shall not be  
34 considered as a limitation upon any power necessary or appropriate to carry out the purposes and  
35 intent of sections 190.300 to 190.329.

36           **4. (1) If such county commission of any county of the first classification with more  
37 than two hundred thousand but fewer than two hundred sixty thousand inhabitants seeks  
38 to provide for the central dispatching of fire protection, emergency ambulance service, or  
39 any other emergency services, which may include the purchase and maintenance of  
40 communications and emergency equipment, the commission may establish a board to  
41 oversee the provision of central dispatching for emergency services in the county and in  
42 municipalities and other political subdivisions which have contracted for such service upon  
43 the request of said municipalities and other political subdivisions.**

44           **(2) The board shall consist of ten members appointed without regard to political  
45 affiliation. The members shall include:**

46           **(a) Eight members who shall serve for so long as they remain in their respective  
47 county or municipal positions as follows:**

48           **a. The county sheriff, or a designee;**

49           **b. The head of the municipal police department in the largest municipality in the  
50 county, but not wholly located within the county, that has contracted for central  
51 dispatching service, or his or her designee;**

52           **c. The head of the municipal fire department or fire division in the largest**  
53 **municipality in the county, but not wholly located within the county, that has contracted**  
54 **for central dispatching service, or his or her designee;**

55           **d. The heads of the municipal police departments in the two largest municipalities**  
56 **wholly contained within the county which have contracted for central dispatching service,**  
57 **or their designees; and**

58           **e. The heads of the municipal fire departments or fire divisions in the three largest**  
59 **municipalities wholly contained within the county which have contracted for central**  
60 **dispatching service, or their designees; and**

61           **(b) Two members, residing in the county but not residing in a particular**  
62 **municipality, who shall be appointed by the county commission to serve two-year terms.**

**260.244. 1. The department shall have the authority to promulgate rules for the**  
2 **management and risk-based closure of coal combustion residual (CCR) surface**  
3 **impoundments and CCR landfills in accordance with this section. Except as otherwise**  
4 **provided by this section, such rules shall be as protective as but not more restrictive than**  
5 **40 CFR 257, or successor regulations promulgated under Sections 1008(a)(3) and 4004(a)**  
6 **of the Resource Conservation and Recovery Act, 90 Stat. 2795. Such rules shall allow the**  
7 **use of risk-based measures, including all or part of Missouri risk-based corrective action**  
8 **(MRBCA), for closure and corrective action at CCR units, including a process for the use**  
9 **of alternate groundwater effluent limitations based on a demonstration that impacts on**  
10 **groundwater quality will not result in an unreasonable risk to human health or the**  
11 **environment and that existing and potential uses are not impaired.**

12           **2. No later than June 1, 2018, the department shall promulgate rules applicable to**  
13 **CCR surface impoundments that shall include a provision for the assessment and collection**  
14 **of a one-time fee not to exceed one thousand six hundred dollars per surficial acre.**  
15 **Nothing in this section shall authorize the department to promulgate rules requiring:**

16           **(1) A construction or operating permit pursuant to sections 260.200 through**  
17 **260.345 for impoundment closure or corrective action; or**

18           **(2) Post-closure and groundwater monitoring for impoundments that complete**  
19 **closure by removal of coal combustion residuals.**

20           **3. No later than June 1, 2019, the department shall amend and promulgate rules**  
21 **applicable to CCR landfills as necessary under 40 CFR 257, or successor rules**  
22 **promulgated under Sections 1008(a)(3) and 4004(a) of the Resource Conservation and**  
23 **Recovery Act, 90 Stat. 2795. Such rules, including location restrictions and design**  
24 **standards, shall not be more restrictive than those in 40 CFR 257, with the following**  
25 **exceptions:**

26           **(1) Each operator or permittee of a CCR landfill to provide a financial assurance**  
27 **instrument in such amount and form as prescribed by the department under the authority**  
28 **of sections 260.226 and 260.227;**

29           **(2) Construction quality assurance measures for the construction and closure of**  
30 **CCR landfills; and**

31           **(3) A process for assessing and collecting an annual fee not to exceed five hundred**  
32 **dollars per acre for active landfill cells not officially closed. A requirement to pay such fee**  
33 **shall terminate at such time the owner of the CCR landfill certifies and the department**  
34 **approves closure of all active landfill cells.**

35           **4. All moneys received pursuant to this section shall be deposited into the coal**  
36 **combustion residuals subaccount of the “solid waste management fund” created pursuant**  
37 **to section 260.330 and are solely dedicated to the department for conducting activities**  
38 **required by this section and rules adopted pursuant to this section. Fees established by this**  
39 **section shall not yield revenue greater than the cost of administering this section and the**  
40 **rules adopted pursuant to this section. The department shall prepare an annual report**  
41 **detailing costs incurred in connection with the management and closure of CCR surface**  
42 **impoundments and CCR landfills. Every five years the department shall convene a task**  
43 **force including industry representatives to evaluate the sufficiency and level of fees**  
44 **assessed by the department. The provisions of section 33.080 to the contrary**  
45 **notwithstanding, moneys and interest earned on moneys in the subaccount shall not lapse**  
46 **to general revenue at the end of each biennium.**

47           **5. Until such time as the department promulgates rules under subsections 2 and 3**  
48 **of this section, nothing in this section shall restrict the authority of the department to issue**  
49 **guidance or enter enforceable agreements with site owners or operators to use risk-based**  
50 **measures, including all or part of Missouri risk-based corrective action (MRBCA), for**  
51 **closure and corrective action at CCR units prior to the effective date of such rules.**

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2           ~~[260.242 All fly ash produced by coal combustion generating facilities~~  
3 ~~shall be exempt from all solid waste permitting requirements of this chapter, if~~  
4 ~~such ash is constructively reused or disposed of by a grout technique in any active~~  
5 ~~or inactive noncoal, non-open-pit mining operation located in a city having a~~  
6 ~~population of at least three hundred fifty thousand located in more than one~~  
7 ~~county and is also located in a county of the first class without a charter form of~~  
8 ~~government with a population of greater than one hundred fifty thousand and less~~  
9 ~~than one hundred sixty thousand, provided said ash is not considered hazardous~~  
~~waste under the Missouri hazardous waste law.]~~

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