

SECOND REGULAR SESSION

# SENATE BILL NO. 778

96TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR RICHARD.

Read 1st time February 13, 2012, and ordered printed.

TERRY L. SPIELER, Secretary.

5257S.021

## AN ACT

To repeal section 260.330, RSMo, and to enact in lieu thereof one new section relating to adjustments to solid waste management fees.

*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Section A. Section 260.330, RSMo, is repealed and one new section  
2 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,  
2 effective October 1, 1990, each operator of a solid waste sanitary landfill shall  
3 collect a charge equal to one dollar and fifty cents per ton or its volumetric  
4 equivalent of solid waste accepted and each operator of the solid waste demolition  
5 landfill shall collect a charge equal to one dollar per ton or its volumetric  
6 equivalent of solid waste accepted. Each operator shall submit the charge, less  
7 collection costs, to the department of natural resources for deposit in the "Solid  
8 Waste Management Fund" which is hereby created. On October 1, 1992, and  
9 thereafter, the charge imposed herein shall be adjusted annually by the same  
10 percentage as the increase in the general price level as measured by the  
11 Consumer Price Index for All Urban Consumers for the United States, or its  
12 successor index, as defined and officially recorded by the United States  
13 Department of Labor or its successor agency. No annual adjustment shall be  
14 made to the charge imposed under this subsection [during] **beyond** October 1,  
15 2005, [to October 1, 2014,] except an adjustment amount consistent with the need  
16 to fund the operating costs of the department and taking into account any annual  
17 percentage increase in the total of the volumetric equivalent of solid waste  
18 accepted in the prior year at solid waste sanitary landfills and demolition  
19 landfills and solid waste to be transported out of this state for disposal that is

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

20 accepted at transfer stations. No annual increase [during] **beyond** October 1,  
21 2005, [to October 1, 2014,] shall exceed the percentage increase measured by the  
22 Consumer Price Index for All Urban Consumers for the United States, or its  
23 successor index, as defined and officially recorded by the United States  
24 Department of Labor or its successor agency and calculated on the percentage of  
25 revenues dedicated under subdivision (1) of subsection 2 of section 260.335. Any  
26 such annual adjustment shall only be made at the discretion of the director,  
27 subject to appropriations. Collection costs shall be established by the department  
28 and shall not exceed two percent of the amount collected pursuant to this section.

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

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

40         4. The department may examine or audit financial records and landfill  
41 activity records and measure landfill usage to verify the collection and  
42 transmittal of the charges established in this section. The department may  
43 promulgate by rule and regulation procedures to ensure and to verify that the  
44 charges imposed herein are properly collected and transmitted to the department.

45         5. Effective October 1, 1990, any person who operates a transfer station  
46 in Missouri shall transmit a fee to the department for deposit in the solid waste  
47 management fund which is equal to one dollar and fifty cents per ton or its  
48 volumetric equivalent of solid waste accepted. Such fee shall be applicable to all  
49 solid waste to be transported out of the state for disposal. On October 1, 1992,  
50 and thereafter, the charge imposed herein shall be adjusted annually by the same  
51 percentage as the increase in the general price level as measured by the  
52 Consumer Price Index for All Urban Consumers for the United States, or its  
53 successor index, as defined and officially recorded by the United States  
54 Department of Labor or its successor agency. No annual adjustment shall be  
55 made to the charge imposed under this subsection [during] **beyond** October 1,

56 2005, [to October 1, 2014,] except an adjustment amount consistent with the need  
57 to fund the operating costs of the department and taking into account any annual  
58 percentage increase in the total of the volumetric equivalent of solid waste  
59 accepted in the prior year at solid waste sanitary landfills and demolition  
60 landfills and solid waste to be transported out of this state for disposal that is  
61 accepted at transfer stations. No annual increase [during] **beyond** October 1,  
62 2005, [to October 1, 2014,] shall exceed the percentage increase measured by the  
63 Consumer Price Index for All Urban Consumers for the United States, or its  
64 successor index, as defined and officially recorded by the United States  
65 Department of Labor or its successor agency and calculated on the percentage of  
66 revenues dedicated under subdivision (1) of subsection 2 of section 260.335. Any  
67 such annual adjustment shall only be made at the discretion of the director,  
68 subject to appropriations. The department shall prescribe rules and regulations  
69 governing the transmittal of fees and verification of waste volumes transported  
70 out of state from transfer stations. Collection costs shall also be established by  
71 the department and shall not exceed two percent of the amount collected  
72 pursuant to this subsection. A transfer station with the sole function of  
73 separating materials for recycling or resource recovery activities shall not be  
74 subject to the fee imposed in this subsection.

75         6. Each political subdivision which owns an operational solid waste  
76 disposal area may designate, pursuant to this section, up to two free disposal  
77 days during each calendar year. On any such free disposal day, the political  
78 subdivision shall allow residents of the political subdivision to dispose of any  
79 solid waste which may be lawfully disposed of at such solid waste disposal area  
80 free of any charge, and such waste shall not be subject to any state fee pursuant  
81 to this section. Notice of any free disposal day shall be posted at the solid waste  
82 disposal area site and in at least one newspaper of general circulation in the  
83 political subdivision no later than fourteen days prior to the free disposal day.

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