

FIRST REGULAR SESSION

HOUSE BILL NO. 1024

91ST GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE WILLIAMS.

Read 1st time March 15, 2001, and 1000 copies ordered printed.

TED WEDEL, Chief Clerk

2214L.03I

AN ACT

To repeal sections 260.830 and 260.831, RSMo 2000, and to enact in lieu thereof two new sections relating to landfill fees.

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

Section A. Sections 260.830 and 260.831, RSMo 2000, are repealed and two new sections enacted in lieu thereof, to be known as sections 260.830 and 260.831, to read as follows:

260.830. 1. Any county of the **second**, third **or fourth** classification may, by a majority vote of its governing body, impose a landfill fee pursuant to sections 260.830 and 260.831, for the benefit of the county. No order or ordinance enacted pursuant to the authority granted by this section shall be effective unless the governing body of the county submits to the qualified voters of the county, at a public election, a proposal to authorize the governing body of the county to impose a fee [under] **pursuant to** the provisions of this section. The ballot of submission shall be in substantially the following form:

Shall the county of (insert name of county) impose a landfill fee of (insert amount of fee per ton or volumetric equivalent of solid waste)?

☐ YES

☐ NO

11

If a majority of the votes cast on the proposal by the qualified voters voting thereon are in favor of the proposal, then the order or ordinance and any amendments thereto shall become effective on the first day of the calendar quarter immediately after such election results are certified. If a majority of the votes cast by the qualified voters voting are opposed to the proposal, then the governing body of the county shall have no power to impose the fee authorized by this section

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

17 unless and until the governing body of the county shall again have submitted another proposal
18 to authorize the governing body of the county to impose such fee, and the proposal is approved
19 by a majority of the qualified voters voting thereon. If an economic development authority does
20 not exist in a county at the time that a landfill fee is adopted by such county [under] **pursuant**
21 **to** this section, then the governing body of such county shall establish an economic development
22 authority in the county.

23 2. The landfill fee authorized by such an election may not exceed one dollar and fifty
24 cents per ton or its volumetric equivalent of solid waste accepted, which charge may be in
25 addition to any such fee currently imposed pursuant to the provisions of section 260.330.

260.831. 1. Each operator of a solid waste sanitary or demolition landfill in any county
2 wherein a landfill fee has been approved by the voters pursuant to section 260.830 shall collect
3 a charge equal to the charge authorized by the voters in such election, not to exceed one dollar
4 and fifty cents per ton or its volumetric equivalent of solid waste accepted. Such fee shall be
5 collected in addition to any fee authorized or imposed pursuant to the provisions of section
6 260.330, and shall be paid to such operator by all political subdivisions, municipalities,
7 corporations, entities or persons disposing of solid waste or demolition waste, whether pursuant
8 to contract or otherwise, and notwithstanding that any such contract may provide for collection,
9 transportation and disposal of such waste at a fixed fee. Any such contract providing for
10 collections, transportation and disposal of such waste at a fixed fee which is in force on August
11 28, 1993, shall be renegotiated by the parties to the contract to include the additional fee imposed
12 by this section. Each such operator shall submit the charge, less collection costs, to the
13 governing body of the county, which shall dedicate such funds for use by the industrial
14 development authority within the county and such funds shall be used by the authority for **road**
15 **construction and maintenance for those roads directly affected by a landfill located within**
16 **the county and for** economic development within the county. Collection costs shall be the same
17 as established by the department of natural resources pursuant to section 260.330, and shall not
18 exceed two percent of the amount collected pursuant to this section.

19 2. The charges established in this section shall be enumerated separately from any
20 disposal fee charged by the landfill. After January 1, 1994, the fee authorized under section
21 260.830 and this section shall be stated as a separate surcharge on each individual solid waste
22 collection customer's invoice and shall also name the economic development authority which
23 receives the funds. Moneys transmitted to the governing body of the county shall be no less than
24 the amount collected less collection costs and in a form, manner and frequency as the governing
25 body may prescribe. Failure to collect such charge shall not relieve the operator from
26 responsibility for transmitting an amount equal to the charge to the governing body.