

FIRST REGULAR SESSION

HOUSE BILL NO. 624

92ND GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES PEARCE, DAVIS (122) AND COOPER (120) (Co-sponsors).

Read 1st time March 6, 2003, and copies ordered printed.

STEPHEN S. DAVIS, Chief Clerk

2053L.021

AN ACT

To repeal sections 260.830 and 260.831, RSMo, 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Section A. Sections 260.830 and 260.831, RSMo, are repealed and two new sections
2 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 third classification **or any county of the fourth**
2 **classification with more than forty-eight thousand two hundred but less than forty-eight**
3 **thousand three hundred inhabitants** may, by a majority vote of its governing body, impose
4 a landfill fee pursuant to sections 260.830 and 260.831, for the benefit of the county. No order
5 or ordinance enacted pursuant to the authority granted by this section shall be effective unless
6 the governing body of the county submits to the qualified voters of the county, at a public
7 election, a proposal to authorize the governing body of the county to impose a fee under the
8 provisions of this section. The ballot of submission shall be in substantially the following form:

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

11 YES NO

12

13 If a majority of the votes cast on the proposal by the qualified voters voting thereon are in favor
14 of the proposal, then the order or ordinance and any amendments thereto shall become effective
15 on the first day of the calendar quarter immediately after such election results are certified. If
16 a majority of the votes cast by the qualified voters voting are opposed to the proposal, then the

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

17 governing body of the county shall have no power to impose the fee authorized by this section
18 unless and until the governing body of the county shall again have submitted another proposal
19 to authorize the governing body of the county to impose such fee, and the proposal is approved
20 by a majority of the qualified voters voting thereon. If an economic development authority does
21 not exist in a county at the time that a landfill fee is adopted by such county under this section,
22 then the governing body of such county shall establish an economic development authority in
23 the county.

24 2. The landfill fee authorized by such an election may not exceed one dollar and fifty
25 cents per ton or its volumetric equivalent of solid waste accepted, which charge may be in
26 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] **2003**, shall be renegotiated by the parties to the contract to include the additional fee
12 imposed 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
15 economic development within the county. Collection costs shall be the same as established by
16 the department of natural resources pursuant to section 260.330, and shall not exceed two percent
17 of the amount collected pursuant to this section.

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