

SECOND REGULAR SESSION

HOUSE BILL NO. 1536

92ND GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES SCHLOTTACH (Sponsor), GOODMAN, LIPKE,
MYERS AND WITTE (Co-sponsors).

Read 1st time February 19, 2004, and copies ordered printed.

STEPHEN S. DAVIS, Chief Clerk

4649L.011

AN ACT

To repeal section 260.335, RSMo, and to enact in lieu thereof one new section relating to solid waste management.

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

Section A. Section 260.335, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 260.335, to read as follows:

260.335. 1. For fiscal years 1992-1997, one million dollars from the solid waste management fund shall be made available, upon appropriation, to the department and the environmental improvement and energy resources authority to fund activities that promote the development and maintenance of markets for recovered materials, and beginning in fiscal year 1998, ten percent of the moneys in the solid waste management fund, not to exceed one million dollars, shall be made available for such purposes. Up to fifteen percent of such moneys may be used, upon appropriation, to administer the management of household hazardous waste and agricultural hazardous waste from family farms and family farm corporations, as defined in section 350.010, RSMo, to provide for establishment of an education program and a plan for the collection of household hazardous waste on a statewide basis by January 1, 2000. The department and the authority shall establish a joint interagency agreement with the department of economic development to identify state priorities for market development and to develop the criteria to be used to judge proposed projects. Additional moneys may be appropriated in subsequent fiscal years if requested. The authority shall establish a procedure to measure the effectiveness of the grant program under this subsection and shall provide a report to the governor and general assembly by January fifteenth of each year regarding the effectiveness of

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 the program.

18 2. All remaining [moneys in] **revenues deposited into** the fund **each fiscal year** after
19 moneys have been made available for market development under subsection 1 of this section
20 shall be allocated as follows:

21 (1) Up to [ten] **forty-three** percent of the [moneys] **revenues** shall be dedicated, upon
22 appropriation, to the elimination of illegal solid waste disposal, to identify and prosecute persons
23 disposing of solid waste illegally[;

24 (2) Up to fifteen percent of the moneys may, upon appropriation, be used], **to conduct**
25 **solid waste permitting activities**, to administer grants and perform other duties imposed in
26 sections [260.255] **260.200** to 260.345 and section 260.432;

27 [(3)] **(2)** At least [fifty] **fifty-seven** percent of the [moneys] **revenues** shall be allocated
28 through grants, upon appropriation, to participating cities, counties, and districts [through grants
29 or loans]. Forty percent of the revenue generated within each region and allocable under this
30 subdivision may be allocated to the district upon approval of the department for implementation
31 of a solid waste management plan, and sixty percent of the revenue generated within each region
32 and allocable under this subdivision shall be allocated to the cities and counties [within] **of the**
33 **district or to persons or entities providing solid waste management, waste reduction, or**
34 **recycling services in these cities and counties.** For the purposes of this subdivision, revenue
35 generated within each district shall be determined from the previous year's data. Each district
36 shall receive a minimum of [forty-five] **seventy-five** thousand dollars under this subdivision.
37 Each district receiving moneys under this subdivision shall expend such moneys pursuant to a
38 solid waste management plan required under section 260.325, and only in the case that the
39 district is in compliance with planning requirements established by the department, and shall
40 submit, within ninety days of the end of the fiscal year, an audited report of the expenditure of
41 all funds received under this subsection. Moneys shall be awarded based upon grant
42 applications. **Up to four hundred thousand dollars of the moneys allocated in this**
43 **subdivision shall be made available upon appropriation for solid waste management**
44 **districts to apply to the department for a three-to-one matching grant of up to twenty**
45 **thousand dollars per district per year to be used for the purpose of solid waste district**
46 **operations.** Any moneys remaining in any fiscal year due to insufficient or inadequate
47 applications may be reallocated pursuant to subdivision [(4)] **(3)** of this subsection. [Moneys
48 received from a region without a district which are allocable under this subsection shall be
49 accumulated through September 30, 1993, and may be allocated to any district which forms
50 within the region before July 1, 1996, and to cities and counties within the district to further the
51 purposes of sections 260.300 to 260.345. Moneys collected in and accumulated for a region
52 without a district on June 30, 1996, shall be reallocated to existing districts after July 1, 1996,

53 pursuant to this section;

54 (4) The] (3) Any remaining moneys in the fund shall be used, upon appropriation, to
55 provide grants [or loans] for **statewide** solid waste management **planning or research** projects
56 to any district, county or city of the state or to any other person or entity involved in waste
57 reduction or recycling **or for contracted services** to further the purposes of **section 260.225 and**
58 sections 260.255 to 260.345]. Solid waste management districts may apply annually to the
59 department for a three-to-one matching grant of up to twenty thousand dollars per district per
60 year to be used for the purpose of district operations];

61 [(5)] (4) Funds may be made available under this subsection for the administration and
62 grants of the used motor oil program described in section 260.253;

63 [(6)] (5) The department and the environmental improvement and energy resources
64 authority shall conduct sample audits of grants provided under this subsection.

65 3. The advisory board created in section 260.345 shall recommend criteria to be used to
66 allocate grant moneys to districts, cities and counties. These criteria shall establish a priority for
67 proposals which provide methods of solid waste reduction and recycling. The department shall
68 promulgate criteria for evaluating grants by rule and regulation. Projects of cities and counties
69 located within a district which are funded by grants under this section shall conform to the
70 district solid waste management plan.

71 4. The funds awarded to the districts, counties and cities pursuant to this section shall
72 be used for the purposes set forth in sections 260.300 to 260.345, and shall be used in addition
73 to existing funds appropriated by counties and cities for solid waste management and shall not
74 supplant county or city appropriated funds.

75 5. The department, in conjunction with the solid waste advisory board, shall review the
76 performance of all grant recipients to ensure that grant moneys were appropriately and effectively
77 expended to further the purposes of the grant, as expressed in the recipient's grant application.
78 The grant application shall contain specific goals and implementation dates, and grant recipients
79 shall be contractually obligated to fulfill same. The department may require the recipient to
80 submit periodic reports and such other data as are necessary, both during the grant period and
81 up to five years thereafter, to ensure compliance with this section. The department may audit the
82 records of any recipient to ensure compliance with this section. Recipients of grants under
83 sections 260.300 to 260.345 shall maintain such records as required by the department. If a grant
84 recipient fails to maintain records or submit reports as required herein, refuses the department
85 access to the records, or fails to meet the department's performance standards, the department
86 may withhold subsequent grant payments, if any, and may compel the repayment of funds
87 provided to the recipient pursuant to a grant. The department shall make available all of the
88 unencumbered funds generated during prior fiscal years by the fees established under section

89 260.330 through grants or loans to solid waste management areas and processing facilities,
90 municipalities, counties, districts, and other appropriate persons who demonstrate a need for
91 assistance to comply with section 260.250. Such grants or loans shall be used for educational
92 programs, transportation, low-interest or no-interest loans to purchase property for composting
93 or other solid waste source reduction activities stated to facilitate compliance with section
94 260.250.

95 6. The department shall provide for a security interest in any machinery or equipment
96 purchased through grant moneys distributed pursuant to this section.

97 **7. If the moneys are not transmitted to the department within the time frame**
98 **established by the rule promulgated, interest shall be imposed on the moneys due the**
99 **department at the rate of ten percent per annum from the prescribed due date until**
100 **payment is actually made. These interest amounts shall be deposited to the credit of the**
101 **solid waste management fund.**