

SECOND REGULAR SESSION

# HOUSE BILL NO. 1652

## 92ND GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVES BROWN (Sponsor) AND SALVA (Co-sponsor).

Read 1<sup>st</sup> time March 10, 2004, and copies ordered printed.

STEPHEN S. DAVIS, Chief Clerk

4467L.011

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### AN ACT

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

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*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Section A. Section 260.335, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 260.335, to read as follows: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 the **solid waste management** fund after moneys have been  
19 made available for market development under subsection 1 of this section shall be allocated as  
20 follows:

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

24           (2) Up to fifteen percent of the moneys may, upon appropriation, be used to administer  
25 grants and perform other duties imposed in sections 260.255 to 260.345 and section 260.432;

26           (3) At least [fifty] **sixty** percent of the moneys shall be allocated through grants, upon  
27 appropriation, to [participating cities, counties, and districts through grants or loans.] **solid waste**  
28 **management districts. Of the amount that can be allocated under this subdivision, up to**  
29 **forty percent of the [revenue generated within each region and allocable under this subdivision**  
30 **may] moneys shall be allocated to the district upon approval of the department for**  
31 **implementation of a solid waste management plan, and sixty percent of the [revenue generated**  
32 **within each region and allocable under this subdivision shall be allocated to the cities and**  
33 **counties within the district] moneys shall be used upon appropriation to provide grants to**  
34 **solid waste management projects to any county, city, person, or entity within the district**  
35 **involved in waste reduction or recycling to further the purposes of sections 260.255 to**  
36 **260.345.** For the purposes of this subdivision, [revenue generated within] **moneys that can be**  
37 **allocated under this subdivision shall be distributed on a per capita basis to** each district  
38 [shall be determined from the previous year's data]. Each district shall receive a minimum of  
39 [forty-five] **seventy-five** thousand dollars under this subdivision. Each district receiving moneys  
40 under this subdivision shall expend such moneys pursuant to a solid waste management plan  
41 required under section 260.325, and only in the case that the district is in compliance with  
42 planning requirements established by the department, and shall submit, within ninety days of the  
43 end of the fiscal year, an audited report of the expenditure of all funds received under this  
44 subsection. Moneys shall be awarded based upon grant applications. Any moneys remaining  
45 in any fiscal year due to insufficient or inadequate applications may be reallocated pursuant to  
46 subdivision (4) of this subsection. [Moneys received from a region without a district which are  
47 allocable under this subsection shall be accumulated through September 30, 1993, and may be  
48 allocated to any district which forms within the region before July 1, 1996, and to cities and  
49 counties within the district to further the purposes of sections 260.300 to 260.345.] Moneys  
50 collected in and accumulated for a region without a district on June 30, 1996, shall be reallocated  
51 to existing districts [after July 1, 1996], [pursuant to] **under** this section;

52           (4) The remaining moneys in the fund shall be used, upon appropriation, to provide

53 grants or loans for solid waste management projects to any district, county or city of the state or  
54 to any other person or entity involved in waste reduction or recycling to further the purposes of  
55 sections 260.255 to 260.345. Solid waste management districts may apply annually to the  
56 department for a three-to-one matching grant of up to twenty thousand dollars per district per  
57 year to be used for the purpose of district operations;

58 (5) Funds may be made available under this subsection for the administration and grants  
59 of the used motor oil program described in section 260.253;

60 (6) The department and the environmental improvement and energy resources authority  
61 shall conduct sample audits of grants provided under this subsection.

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

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

72 5. The department, in conjunction with the solid waste advisory board, shall review the  
73 performance of all grant recipients to ensure that grant moneys were appropriately and effectively  
74 expended to further the purposes of the grant, as expressed in the recipient's grant application.  
75 The grant application shall contain specific goals and implementation dates, and grant recipients  
76 shall be contractually obligated to fulfill same. The department may require the recipient to  
77 submit periodic reports and such other data as are necessary, both during the grant period and  
78 up to five years thereafter, to ensure compliance with this section. The department may audit the  
79 records of any recipient to ensure compliance with this section. Recipients of grants under  
80 sections 260.300 to 260.345 shall maintain such records as required by the department. If a grant  
81 recipient fails to maintain records or submit reports as required herein, refuses the department  
82 access to the records, or fails to meet the department's performance standards, the department  
83 may withhold subsequent grant payments, if any, and may compel the repayment of funds  
84 provided to the recipient pursuant to a grant. The department shall make available all of the  
85 unencumbered funds generated during prior fiscal years by the fees established under section  
86 260.330 through grants or loans to solid waste management areas and processing facilities,  
87 municipalities, counties, districts, and other appropriate persons who demonstrate a need for  
88 assistance to comply with section 260.250. Such grants or loans shall be used for educational

89 programs, transportation, low-interest or no-interest loans to purchase property for composting  
90 or other solid waste source reduction activities stated to facilitate compliance with section  
91 260.250.

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