

SECOND REGULAR SESSION
[CORRECTED]
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 925
93RD GENERAL ASSEMBLY

Reported from the Special Committee on Energy and Environment April 20, 2006 with recommendation that House Committee Substitute for Senate Committee Substitute for Senate Bill No. 925 Do Pass. Referred to the Committee on Rules pursuant to Rule 25(26)(f).

STEPHEN S. DAVIS, Chief Clerk

4110L.10C

AN ACT

To repeal sections 227.240, 260.200, 260.262, 260.273, 260.360, 260.380, 260.391, 260.800, 393.900, and 644.054, RSMo, and to enact in lieu thereof nineteen new sections relating to environmental issues, with penalty provisions.

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

Section A. Sections 227.240, 260.200, 260.262, 260.273, 260.360, 260.380, 260.391, 260.800, 393.900, and 644.054, RSMo, are repealed and nineteen new sections enacted in lieu thereof, to be known as sections 67.1848, 135.710, 227.240, 260.200, 260.262, 260.273, 260.360, 260.380, 260.391, 260.800, 324.760, 324.763, 324.766, 393.900, 640.237, 644.054, 644.587, 644.588, and 644.589, to read as follows:

67.1848. All public water supply districts, sewer districts, and municipalities, including villages, shall have the right to lay, install, construct, repair, and maintain sewer and water lines in public highways, roads, streets, and alleys, subject to the reasonable rules and regulations of governmental bodies having jurisdiction of such public places. Due regard shall be taken for the rights of the public in its use of thoroughfares and the equal rights of other utilities thereto.

135.710. 1. As used in this section, the following terms mean:

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

(1) "Alternative fuels", any motor fuel at least seventy percent of the volume of which consists of one or more of the following:

- (a) Ethanol;
- (b) Natural gas;
- (c) Compressed natural gas;
- (d) Liquified natural gas;
- (e) Liquified petroleum gas;
- (f) Any mixture of biodiesel and diesel fuel, without regard to any use of kerosene;

(2) "Department", the department of natural resources;

(3) "Eligible applicant", a business entity that is the owner of a qualified alternative fuel vehicle refueling property;

(4) "Qualified alternative fuel vehicle refueling property", property in this state owned by a firm or corporation and used for storing alternative fuels and for dispensing such alternative fuels into fuel tanks of motor vehicles owned by such firm or corporation or private citizens.

2. For all tax years beginning on or after January 1, 2007, but before January 1, 2010, any eligible applicant who installs and operates a qualified alternative fuel vehicle refueling property shall be allowed a credit against the tax otherwise due under chapter 143, RSMo, excluding withholding tax imposed by sections 143.191 to 143.265, RSMo, or due under chapter 147, RSMo, or chapter 148, RSMo, for any tax year in which the applicant is constructing the refueling property. The credit allowed in this section per eligible applicant shall not exceed the lesser of twenty thousand dollars or twenty percent of the total costs directly associated with the purchase and installation of any alternative fuel storage and dispensing equipment on any qualified alternative fuel vehicle refueling property, which shall not include the following:

(1) Costs associated with the purchase of land upon which to place a qualified alternative fuel vehicle refueling property;

(2) Costs associated with the purchase of an existing qualified alternative fuel vehicle refueling property; or

(3) Costs for the construction or purchase of any structure.

3. The tax credits allowed by this section shall be claimed by the eligible applicant at the time such applicant files a return for the tax year in which the storage and dispensing facilities were placed in service at a qualified alternative fuel vehicle refueling property, and shall be applied against the income tax liability imposed by chapter 143, RSMo, chapter 147, RSMo, or chapter 148, RSMo, after all other credits provided by law have been applied. The cumulative amount of tax credits which may be claimed by eligible

38 applicants claiming all credits authorized in this section shall not exceed the following
39 amounts:

40 (1) In taxable year 2007, three million dollars;

41 (2) In taxable year 2008, two million dollars; and

42 (3) In taxable year 2009, one million dollars.

43 4. If the amount of the tax credit exceeds the eligible applicant's tax liability, the
44 difference shall not be refundable. Any amount of credit that an eligible applicant is
45 prohibited by this section from claiming in a taxable year may be carried forward to any
46 of such applicant's two subsequent taxable years. Tax credits allowed under this section
47 may be assigned, transferred, sold, or otherwise conveyed.

48 5. The director of revenue shall establish the procedure by which the tax credits in
49 this section may be claimed, and shall establish a procedure by which the cumulative
50 amount of tax credits is apportioned equally among all eligible applicants claiming the
51 credit. To the maximum extent possible, the director of revenue shall establish the
52 procedure described in this subsection in such a manner as to ensure that eligible
53 applicants can claim all the tax credits possible up to the cumulative amount of tax credits
54 available for the taxable year. No eligible applicant claiming a tax credit under this section
55 shall be liable for any interest or penalty for filing a tax return after the date fixed for
56 filing such return as a result of the apportionment procedure under this subsection.

57 6. Any eligible applicant desiring to claim a tax credit under this section shall
58 submit the appropriate application for such credit with the department. The application
59 for a tax credit under this section shall include any information required by the
60 department. The department shall review the applications and certify to the department
61 of revenue each eligible applicant that qualifies for the tax credit.

62 7. The department and the department of revenue may promulgate rules to
63 implement the provisions of this section. Any rule or portion of a rule, as that term is
64 defined in section 536.010, RSMo, that is created under the authority delegated in this
65 section shall become effective only if it complies with and is subject to all of the provisions
66 of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter
67 536, RSMo, are nonseverable and if any of the powers vested with the general assembly
68 pursuant to chapter 536, RSMo, to review, to delay the effective date, or to disapprove and
69 annul a rule are subsequently held unconstitutional, then the grant of rulemaking
70 authority and any rule proposed or adopted after August 28, 2006, shall be invalid and
71 void.

227.240. 1. The location and removal of all telephone, cable television, and electric light
2 and power transmission lines, poles, wires, and conduits and all pipelines and tramways, erected

3 or constructed, or hereafter to be erected or constructed by any corporation, **municipality, public**
4 **water supply district, sewer district**, association or persons, within the right-of-way of any
5 state highway, insofar as the public travel and traffic is concerned, and insofar as the same may
6 interfere with the construction or maintenance of any such highway, shall be under the control
7 and supervision of the state highways and transportation commission. **Nothing contained in**
8 **this section shall lessen, remove, or eliminate property rights bestowed upon sewer districts**
9 **established under the Missouri Constitution at their creation.**

10 2. A cable television corporation or company shall be permitted to place its lines within
11 the right-of-way of any state highway, consistent with the rules and regulations of the state
12 highways and transportation commission. The state highways and transportation commission
13 shall establish a system for receiving and resolving complaints with respect to cable television
14 lines placed in, or removed from, the right-of-way of a state highway.

15 3. The commission or some officer selected by the commission shall serve a written
16 notice upon the entity, person or corporation owning or maintaining any such lines, poles, wires,
17 conduits, pipelines, or tramways, which notice shall contain a plan or chart indicating the places
18 on the right-of-way at which such lines, poles, wires, conduits, pipelines or tramways may be
19 maintained. The notice shall also state the time when the work of hard surfacing said roads is
20 proposed to commence, and shall further state that a hearing shall be had upon the proposed plan
21 of location and matters incidental thereto, giving the place and date of such hearing.
22 Immediately after such hearing the said owner shall be given a notice of the findings and orders
23 of the commission and shall be given a reasonable time thereafter to comply therewith; provided,
24 however, that the effect of any change ordered by the commission shall not be to remove all or
25 any part of such lines, poles, wires, conduits, pipelines or tramways from the right-of-way of the
26 highway. The removal of the same shall be made at the cost and expense of the owners thereof
27 unless otherwise provided by said commission, and in the event of the failure of such owners to
28 remove the same at the time so determined they may be removed by the state highways and
29 transportation commission, or under its direction, and the cost thereof collected from such
30 owners, and such owners shall not be liable in any way to any person for the placing and
31 maintaining of such lines, poles, wires, conduits, pipelines and tramways at the places prescribed
32 by the commission.

33 4. The commission is authorized in the name of the state of Missouri to institute and
34 maintain, through the attorney general, such suits and actions as may be necessary to enforce the
35 provisions of this section. Any corporation, association or the officers or agents of such
36 corporations or associations, or any other person who shall erect or maintain any such lines,
37 poles, wires, conduits, pipelines or tramways, within the right-of-way of such roads which are

38 hard-surfaced, which are not in accordance with such orders of the commission, shall be deemed
39 guilty of a misdemeanor.

260.200. 1. The following words and phrases when used in sections 260.200 to 260.345
2 shall mean:

3 (1) "Alkaline-manganese battery" or "alkaline battery", a battery having a manganese
4 dioxide positive electrode, a zinc negative electrode, an alkaline electrolyte, including
5 alkaline-manganese button cell batteries intended for use in watches, calculators, and other
6 electronic products, and larger-sized alkaline-manganese batteries in general household use;

7 (2) "Button cell battery" or "button cell", any small alkaline-manganese or
8 mercuric-oxide battery having the size and shape of a button;

9 (3) "City", any incorporated city, town, or village;

10 (4) "Clean fill", uncontaminated soil, rock, sand, gravel, concrete, asphaltic concrete,
11 cinderblocks, brick, minimal amounts of wood and metal, and inert solids as approved by rule
12 or policy of the department for fill, reclamation or other beneficial use;

13 (5) "Closure", the permanent cessation of active disposal operations, abandonment of
14 the disposal area, revocation of the permit or filling with waste of all areas and volumes specified
15 in the permit and preparing the area for long-term care;

16 (6) "Closure plan", plans, designs and relevant data which specify the methods and
17 schedule by which the operator will complete or cease disposal operations, prepare the area for
18 long-term care, and make the area suitable for other uses, to achieve the purposes of sections
19 260.200 to 260.345 and the regulations promulgated thereunder;

20 (7) "Conference, conciliation and persuasion", a process of verbal or written
21 communications consisting of meetings, reports, correspondence or telephone conferences
22 between authorized representatives of the department and the alleged violator. The process shall,
23 at a minimum, consist of one offer to meet with the alleged violator tendered by the department.
24 During any such meeting, the department and the alleged violator shall negotiate in good faith
25 to eliminate the alleged violation and shall attempt to agree upon a plan to achieve compliance;

26 (8) "Demolition landfill", a solid waste disposal area used for the controlled disposal of
27 demolition wastes, construction materials, brush, wood wastes, soil, rock, concrete and inert
28 solids insoluble in water;

29 (9) "Department", the department of natural resources;

30 (10) "Director", the director of the department of natural resources;

31 (11) "District", a solid waste management district established under section 260.305;

32 (12) "Financial assurance instrument", an instrument or instruments, including, but not
33 limited to, cash or surety bond, letters of credit, corporate guarantee or secured trust fund,
34 submitted by the applicant to ensure proper closure and postclosure care and corrective action

35 of a solid waste disposal area in the event that the operator fails to correctly perform closure and
36 postclosure care and corrective action requirements, except that the financial test for the
37 corporate guarantee shall not exceed one and one-half times the estimated cost of closure and
38 postclosure. The form and content of the financial assurance instrument shall meet or exceed
39 the requirements of the department. The instrument shall be reviewed and approved or
40 disapproved by the attorney general;

41 (13) "Flood area", any area inundated by the one hundred year flood event, or the flood
42 event with a one percent chance of occurring in any given year;

43 (14) "Household consumer", an individual who generates used motor oil through the
44 maintenance of the individual's personal motor vehicle, vessel, airplane, or other machinery
45 powered by an internal combustion engine;

46 (15) "Household consumer used motor oil collection center", any site or facility that
47 accepts or aggregates and stores used motor oil collected only from household consumers or
48 farmers who generate an average of twenty-five gallons per month or less of used motor oil in
49 a calendar year. This section shall not preclude a commercial generator from operating a
50 household consumer used motor oil collection center;

51 (16) "Household consumer used motor oil collection system", any used motor oil
52 collection center at publicly owned facilities or private locations, any curbside collection of
53 household consumer used motor oil, or any other household consumer used motor oil collection
54 program determined by the department to further the purposes of sections 260.200 to 260.345;

55 (17) "Infectious waste", waste in quantities and characteristics as determined by the
56 department by rule, including isolation wastes, cultures and stocks of etiologic agents, blood and
57 blood products, pathological wastes, other wastes from surgery and autopsy, contaminated
58 laboratory wastes, sharps, dialysis unit wastes, discarded biologicals known or suspected to be
59 infectious; provided, however, that infectious waste does not mean waste treated to department
60 specifications;

61 (18) "Lead-acid battery", a battery designed to contain lead and sulfuric acid with a
62 nominal voltage of at least six volts and of the type intended for use in motor vehicles and
63 watercraft;

64 (19) "Major appliance", clothes washers and dryers, water heaters, trash compactors,
65 dishwashers, conventional ovens, ranges, stoves, woodstoves, air conditioners, refrigerators and
66 freezers;

67 (20) "Mercuric-oxide battery" or "mercury battery", a battery having a mercuric-oxide
68 positive electrode, a zinc negative electrode, and an alkaline electrolyte, including
69 mercuric-oxide button cell batteries generally intended for use in hearing aids and larger size
70 mercuric-oxide batteries used primarily in medical equipment;

71 (21) "Minor violation", a violation which possesses a small potential to harm the
72 environment or human health or cause pollution, was not knowingly committed, and is not
73 defined by the United States Environmental Protection Agency as other than minor;

74 (22) "Motor oil", any oil intended for use in a motor vehicle, as defined in section
75 301.010, RSMo, train, vessel, airplane, heavy equipment, or other machinery powered by an
76 internal combustion engine;

77 (23) "Motor vehicle", as defined in section 301.010, RSMo;

78 (24) "Operator" and "permittee", anyone so designated, and shall include cities, counties,
79 other political subdivisions, authority, state agency or institution, or federal agency or institution;

80 (25) "Permit modification", any permit issued by the department which alters or modifies
81 the provisions of an existing permit previously issued by the department;

82 (26) "Person", any individual, partnership, corporation, association, institution, city,
83 county, other political subdivision, authority, state agency or institution, or federal agency or
84 institution;

85 (27) "Postclosure plan", plans, designs and relevant data which specify the methods and
86 schedule by which the operator shall perform necessary monitoring and care for the area after
87 closure to achieve the purposes of sections 260.200 to 260.345 and the regulations promulgated
88 thereunder;

89 (28) "Recovered materials", those materials which have been diverted or removed from
90 the solid waste stream for sale, use, reuse or recycling, whether or not they require subsequent
91 separation and processing;

92 (29) "Recycled content", the proportion of fiber in a newspaper which is derived from
93 postconsumer waste;

94 (30) "Recycling", the separation and reuse of materials which might otherwise be
95 disposed of as solid waste;

96 (31) "Resource recovery", a process by which recyclable and recoverable material is
97 removed from the waste stream to the greatest extent possible, as determined by the department
98 and pursuant to department standards, for reuse or remanufacture;

99 (32) "Resource recovery facility", a facility in which recyclable and recoverable material
100 is removed from the waste stream to the greatest extent possible, as determined by the
101 department and pursuant to department standards, for reuse or remanufacture;

102 (33) "Sanitary landfill", a solid waste disposal area which accepts commercial and
103 residential solid waste;

104 (34) "Scrap tire", a tire that is no longer suitable for its original intended purpose because
105 of wear, damage, or defect;

- 106 (35) "Scrap tire collection center", a site where scrap tires are collected prior to being
107 offered for recycling or processing and where fewer than five hundred tires are kept on site on
108 any given day;
- 109 (36) "Scrap tire end-user facility", a site where scrap tires are used as a fuel or fuel
110 supplement or converted into a useable product. Baled or compressed tires used in structures,
111 or used at recreational facilities, or used for flood or erosion control shall be considered an end
112 use;
- 113 (37) "Scrap tire generator", a person who sells tires at retail or any other person, firm,
114 corporation, or government entity that generates scrap tires;
- 115 (38) "Scrap tire processing facility", a site where tires are reduced in volume by
116 shredding, cutting, or chipping or otherwise altered to facilitate recycling, resource recovery, or
117 disposal;
- 118 (39) "Scrap tire site", a site at which five hundred or more scrap tires are accumulated,
119 but not including a site owned or operated by a scrap tire end-user that burns scrap tires for the
120 generation of energy or converts scrap tires to a useful product;
- 121 (40) "Solid waste", garbage, refuse and other discarded materials including, but not
122 limited to, solid and semisolid waste materials resulting from industrial, commercial,
123 agricultural, governmental and domestic activities, but does not include hazardous waste as
124 defined in sections 260.360 to 260.432, recovered materials, overburden, rock, tailings, matte,
125 slag or other waste material resulting from mining, milling or smelting;
- 126 (41) "Solid waste disposal area", any area used for the disposal of solid waste from more
127 than one residential premises, or one or more commercial, industrial, manufacturing,
128 recreational, or governmental operations;
- 129 (42) "Solid waste fee", a fee imposed pursuant to sections 260.200 to 260.345 and may
130 be:
- 131 (a) A solid waste collection fee imposed at the point of waste collection; or
132 (b) A solid waste disposal fee imposed at the disposal site;
- 133 (43) "Solid waste management area", a solid waste disposal area which also includes one
134 or more of the functions contained in the definitions of recycling, resource recovery facility,
135 waste tire collection center, waste tire processing facility, waste tire site or solid waste processing
136 facility, excluding incineration;
- 137 (44) "Solid waste management system", the entire process of managing solid waste in
138 a manner which minimizes the generation and subsequent disposal of solid waste, including
139 waste reduction, source separation, collection, storage, transportation, recycling, resource
140 recovery, volume minimization, processing, market development, and disposal of solid wastes;

141 (45) "Solid waste processing facility", any facility where solid wastes are salvaged and
142 processed, including:

143 (a) A transfer station; or

144 (b) An incinerator which operates with or without energy recovery but excluding waste
145 tire end-user facilities; or

146 (c) A material recovery facility which operates with or without composting;

147 (46) "Solid waste technician", an individual who has successfully completed training in
148 the practical aspects of the design, operation and maintenance of a permitted solid waste
149 processing facility or solid waste disposal area in accordance with sections 260.200 to 260.345;

150 (47) "Tire", a continuous solid or pneumatic rubber covering encircling the wheel of any
151 self-propelled vehicle not operated exclusively upon tracks, or a trailer as defined in chapter 301,
152 RSMo, except farm tractors and farm implements owned and operated by a family farm or family
153 farm corporation as defined in section 350.010, RSMo;

154 (48) "Used motor oil", any motor oil which, as a result of use, becomes unsuitable for
155 its original purpose due to loss of original properties or the presence of impurities, but used
156 motor oil shall not include ethylene glycol, oils used for solvent purposes, oil filters that have
157 been drained of free flowing used oil, oily waste, oil recovered from oil tank cleaning operations,
158 oil spilled to land or water, or industrial nonlube oils such as hydraulic oils, transmission oils,
159 quenching oils, and transformer oils;

160 (49) "Utility waste landfill", a solid waste disposal area used for fly ash waste, bottom
161 ash waste, slag waste and flue gas emission control waste generated primarily from the
162 combustion of coal or other fossil fuels;

163 (50) "Yard waste", leaves, grass clippings, yard and garden vegetation and Christmas
164 trees. The term does not include stumps, roots or shrubs with intact root balls.

165 2. For the purposes of this section and sections 260.270 to [260.278] **260.279** and any
166 rules in place as of August 28, 2005, or promulgated under said sections, the term "scrap" shall
167 be used synonymously with and in place of "waste", as it applies only to scrap tires.

260.262. A person selling lead-acid batteries at retail or offering lead-acid batteries for
2 retail sale in the state shall:

3 (1) Accept, at the point of transfer, in a quantity at least equal to the number of new
4 lead-acid batteries purchased, used lead-acid batteries from customers, if offered by customers;

5 (2) Post written notice which must be at least four inches by six inches in size and must
6 contain the universal recycling symbol and the following language:

7 (a) It is illegal to discard a motor vehicle battery or other lead-acid battery;

8 (b) Recycle your used batteries; and

9 (c) State law requires us to accept used motor vehicle batteries, or other lead-acid
10 batteries for recycling, in exchange for new batteries purchased; and

11 (3) Manage used lead-acid batteries in a manner consistent with the requirements of the
12 state hazardous waste law;

13 (4) Collect at the time of sale a fee of fifty cents for each **new** lead-acid battery sold.
14 Such fee shall be added to the total cost to the purchaser at retail after all applicable sales taxes
15 on the battery have been computed. The fee imposed, less six percent of fees collected, which
16 shall be retained by the seller as collection costs, shall be paid to the department of revenue in
17 the form and manner required by the department and shall include the total number of batteries
18 sold during the preceding month. The department of revenue shall promulgate rules and
19 regulations necessary to administer the fee collection and enforcement. The terms "sold at retail"
20 and "retail sales" do not include the sale of batteries **contained in and part of a vehicle or other**
21 **motorized equipment being purchased as a whole, or sold** to a person solely for the purpose
22 of resale, if the subsequent retail sale in this state is to the ultimate consumer and is subject to
23 the fee. However, this fee shall not be paid on batteries sold for use in agricultural operations
24 upon written certification by the purchaser; and

25 (5) The department of revenue shall administer, collect, and enforce the fee authorized
26 pursuant to this section pursuant to the same procedures used in the administration, collection,
27 and enforcement of the general state sales and use tax imposed pursuant to chapter 144, RSMo,
28 except as provided in this section. The proceeds of the battery fee, less [four] **one** percent of the
29 proceeds, which shall be retained by the department of revenue as collection costs, shall be
30 transferred by the department of revenue into the hazardous waste fund, created pursuant to
31 section 260.391. The fee created in subdivision (4) and this subdivision shall be effective
32 October 1, 2005. The provisions of subdivision (4) and this subdivision shall terminate June
33 30, 2011.

260.273. 1. Any person purchasing a new tire may present to the seller the used tire or
2 remains of such used tire for which the new tire purchased is to replace.

3 2. A fee for each new tire sold at retail shall be imposed on any person engaging in the
4 business of making retail sales of new tires within this state. The fee shall be charged by the
5 retailer to the person who purchases a tire for use and not for resale. Such fee shall be imposed
6 at the rate of fifty cents for each new tire sold. Such fee shall be added to the total cost to the
7 purchaser at retail after all applicable sales taxes on the tires have been computed. The fee
8 imposed, less six percent of fees collected, which shall be retained by the tire retailer as
9 collection costs, shall be paid to the department of revenue in the form and manner required by
10 the department of revenue and shall include the total number of new tires sold during the
11 preceding month. The department of revenue shall promulgate rules and regulations necessary

12 to administer the fee collection and enforcement. The terms "sold at retail" and "retail sales" do
13 not include the sale of [new] tires **mounted on and a part of a vehicle or other motorized**
14 **equipment being purchased as a whole, or new tires sold** to a person solely for the purpose
15 of resale, if the subsequent retail sale in this state is to the ultimate consumer and is subject to
16 the fee.

17 3. The department of revenue shall administer, collect and enforce the fee authorized
18 pursuant to this section pursuant to the same procedures used in the administration, collection
19 and enforcement of the general state sales and use tax imposed pursuant to chapter 144, RSMo,
20 except as provided in this section. The proceeds of the new tire fee, less four percent of the
21 proceeds, which shall be retained by the department of revenue as collection costs, shall be
22 transferred by the department of revenue into an appropriate subaccount of the solid waste
23 management fund, created pursuant to section 260.330.

24 4. Up to five percent of the revenue available may be allocated, upon appropriation, to
25 the department of natural resources to be used cooperatively with the department of elementary
26 and secondary education for the purposes of developing educational programs and curriculum
27 pursuant to section 260.342.

28 5. Up to twenty-five percent of the moneys received pursuant to this section may, upon
29 appropriation, be used to administer the programs imposed by this section. Up to five percent
30 of the moneys received under this section may, upon appropriation, be used for the grants
31 authorized in subdivision (2) of subsection 6 of this section and authorized in section 260.274.
32 All remaining moneys shall be allocated, upon appropriation, for the projects authorized in
33 section 260.276, except that any unencumbered moneys may be used for public health,
34 environmental, and safety projects in response to environmental emergencies as determined by
35 the director.

36 6. The department shall promulgate, by rule, a statewide plan for the use of moneys
37 received pursuant to this section to accomplish the following:

38 (1) Removal of waste tires from illegal tire dumps;

39 (2) Providing grants to persons that will use products derived from waste tires, or used
40 waste tires as a fuel or fuel supplement; and

41 (3) Resource recovery activities conducted by the department pursuant to section
42 260.276.

43 7. The fee imposed in subsection 2 of this section shall begin the first day of the month
44 which falls at least thirty days but no more than sixty days immediately following August 28,
45 2005, and shall terminate January 1, 2010.

46 8. By January 1, 2009, the department shall report to the general assembly a complete
47 accounting of the tire cleanups completed or in progress, the cost of the cleanups, the number

48 of tires remaining, the balance of the fund, and enforcement actions completed or initiated to
49 address waste tires.

260.360. When used in sections 260.350 to 260.430 and in standards, rules and
2 regulations adopted pursuant to sections 260.350 to 260.430, the following words and phrases
3 mean:

4 (1) "Cleanup", all actions necessary to contain, collect, control, treat, disburse, remove
5 or dispose of a hazardous waste;

6 (2) "Commission", the hazardous waste management commission of the state of
7 Missouri created by sections 260.350 to 260.430;

8 (3) "Conference, conciliation and persuasion", a process of verbal or written
9 communications consisting of meetings, reports, correspondence or telephone conferences
10 between authorized representatives of the department and the alleged violator. The process shall,
11 at a minimum, consist of one offer to meet with the alleged violator tendered by the department.
12 During any such meeting, the department and the alleged violator shall negotiate in good faith
13 to eliminate the alleged violation and shall attempt to agree upon a plan to achieve compliance;

14 (4) "Department", the Missouri department of natural resources;

15 (5) "Detonation", an explosion in which chemical transformation passes through the
16 material faster than the speed of sound, which is 0.33 kilometers per second at sea level;

17 (6) "Director", the director of the Missouri department of natural resources;

18 (7) "Disposal", the discharge, deposit, injection, dumping, spilling, leaking, or placing
19 of any waste into or on any land or water so that such waste, or any constituent thereof, may enter
20 the environment or be emitted into the air or be discharged into the waters, including
21 groundwaters;

22 (8) "Final disposition", the location, time and method by which hazardous waste loses
23 its identity or enters the environment, including, but not limited to, disposal, resource recovery
24 and treatment;

25 (9) "Generation", the act or process of producing waste;

26 (10) "Generator", any person who produces waste;

27 (11) "Hazardous waste", any waste or combination of wastes, as determined by the
28 commission by rules and regulations, which, because of its quantity, concentration, or physical,
29 chemical or infectious characteristics, may cause or significantly contribute to an increase in
30 mortality or an increase in serious irreversible, or incapacitating reversible, illness, or pose a
31 present or potential threat to the health of humans or the environment;

32 (12) "Hazardous waste facility", any property that is intended or used for hazardous
33 waste management including, but not limited to, storage, treatment and disposal sites;

34 (13) "Hazardous waste management", the systematic recognition and control of
35 hazardous waste from generation to final disposition including, but not limited to, its
36 identification, containerization, labeling, storage, collection, transfer or transportation, treatment,
37 resource recovery or disposal;

38 (14) "Infectious waste", waste in quantities and characteristics as determined by the
39 department by rule and regulation, including the following wastes known or suspected to be
40 infectious: isolation wastes, cultures and stocks of etiologic agents, contaminated blood and
41 blood products, other contaminated surgical wastes, wastes from autopsy, contaminated
42 laboratory wastes, sharps, dialysis unit wastes, discarded biologicals and antineoplastic
43 chemotherapeutic materials; provided, however, that infectious waste does not mean waste
44 treated to department specifications;

45 (15) "Manifest", a department form accompanying hazardous waste from point of
46 generation, through transport, to final disposition;

47 (16) "Minor violation", a violation which possesses a small potential to harm the
48 environment or human health or cause pollution, was not knowingly committed, and is not
49 defined by the United States Environmental Protection Agency as other than minor;

50 (17) "Person", an individual, partnership, copartnership, firm, company, public or private
51 corporation, association, joint stock company, trust, estate, political subdivision or any agency,
52 board, department or bureau of the state or federal government or any other legal entity whatever
53 which is recognized by law as the subject of rights and duties;

54 (18) **"Plasma arc technology", a process that converts electrical energy into thermal**
55 **energy. The plasma arc is created when a voltage is established between two points;**

56 (19) "Resource recovery", the reclamation of energy or materials from waste, its reuse
57 or its transformation into new products which are not wastes;

58 [(19)] (20) "Storage", the containment or holding of waste at a designated location in
59 such manner or for such a period of time, as determined in regulations adopted hereunder, so as
60 not to constitute disposal of such waste;

61 [(20)] (21) "Treatment", the processing of waste to remove or reduce its harmful
62 properties or to contribute to more efficient or less costly management or to enhance its potential
63 for resource recovery including, but not limited to, existing or future procedures for
64 biodegradation, concentration, reduction in volume, detoxification, fixation, incineration,
65 **vitrification, by means of plasma arc technology**, or neutralization;

66 [(21)] (22) "Waste", any material for which no use or sale is intended and which will be
67 discarded or any material which has been or is being discarded. "Waste" shall also include
68 certain residual materials, to be specified by the rules and regulations, which may be sold for

69 purposes of energy or materials reclamation, reuse or transformation into new products which
70 are not wastes;

71 [(22)] **(23)** "Waste explosives", any waste which has the potential to detonate, or any
72 bulk military propellant which cannot be safely disposed of through other modes of treatment.

260.380. 1. After six months from the effective date of the standards, rules and
2 regulations adopted by the commission pursuant to section 260.370, hazardous waste generators
3 located in Missouri shall:

4 (1) Promptly file and maintain with the department, on registration forms it provides for
5 this purpose, information on hazardous waste generation and management as specified by rules
6 and regulations. Hazardous waste generators shall pay a one hundred dollar registration fee upon
7 initial registration[, and a one hundred dollar registration renewal fee annually thereafter to
8 maintain an active registration]. Such fees shall be deposited in the hazardous waste fund
9 created in section 260.391;

10 (2) Containerize and label all hazardous wastes as specified by standards, rules and
11 regulations;

12 (3) Segregate all hazardous wastes from all nonhazardous wastes and from
13 noncompatible wastes, materials and other potential hazards as specified by standards, rules and
14 regulations;

15 (4) Provide safe storage and handling, including spill protection, as specified by
16 standards, rules and regulations, for all hazardous wastes from the time of their generation to the
17 time of their removal from the site of generation;

18 (5) Unless provided otherwise in the rules and regulations, utilize only a hazardous waste
19 transporter holding a license pursuant to sections 260.350 to 260.430 for the removal of all
20 hazardous wastes from the premises where they were generated;

21 (6) Unless provided otherwise in the rules and regulations, provide a separate manifest
22 to the transporter for each load of hazardous waste transported from the premises where it was
23 generated. The generator shall specify the destination of such load on the manifest. The manner
24 in which the manifest shall be completed, signed and filed with the department shall be in
25 accordance with rules and regulations;

26 (7) Utilize for treatment, resource recovery, disposal or storage of all hazardous wastes,
27 only a hazardous waste facility authorized to operate pursuant to sections 260.350 to 260.430 or
28 the federal Resource Conservation and Recovery Act, or a state hazardous waste management
29 program authorized pursuant to the federal Resource Conservation and Recovery Act, or any
30 facility exempted from the permit required pursuant to section 260.395;

31 (8) Collect and maintain such records, perform such monitoring or analyses, and submit
32 such reports on any hazardous waste generated, its transportation and final disposition, as

33 specified in sections 260.350 to 260.430 and rules and regulations adopted pursuant to sections
34 260.350 to 260.430;

35 (9) Make available to the department upon request samples of waste and all records
36 relating to hazardous waste generation and management for inspection and copying and allow
37 the department to make unhampered inspections at any reasonable time of hazardous waste
38 generation and management facilities located on the generator's property and hazardous waste
39 generation and management practices carried out on the generator's property;

40 (10) Pay annually, on or before January first of each year, effective January 1, 1982, a
41 fee to the state of Missouri to be placed in the hazardous waste fund. The fee shall be five
42 dollars per ton or portion thereof of hazardous waste registered with the department as specified
43 in subdivision (1) of this subsection for the twelve-month period ending June thirtieth of the
44 previous year. However, the fee shall not exceed fifty-two thousand dollars per generator site
45 per year nor be less than one hundred fifty dollars per generator site per year;

46 (a) All moneys payable pursuant to the provisions of this subdivision shall be promptly
47 transmitted to the department of revenue, which shall deposit the same in the state treasury to the
48 credit of the hazardous waste fund created in section 260.391;

49 (b) The hazardous waste management commission shall establish and submit to the
50 department of revenue procedures relating to the collection of the fees authorized by this
51 subdivision. Such procedures shall include, but not be limited to, necessary records identifying
52 the quantities of hazardous waste registered, the form and submission of reports to accompany
53 the payment of fees, the time and manner of payment of fees, which shall not be more often than
54 quarterly.

55 2. Missouri treatment, storage, or disposal facilities **and resource recovery facilities**
56 shall pay annually, on or before January first of each year **in a manner prescribed in rules**
57 **promulgated by the commission**, a fee to the department equal to two dollars per ton or portion
58 thereof for all hazardous waste received from outside the state. **All revenues from the fee**
59 **prescribed in this subsection shall be deposited to the hazardous waste fund created in**
60 **section 260.391.** This fee shall be based on the hazardous waste received for the twelve-month
61 period ending June thirtieth of the previous year.

62 3. Exempted from the requirements of this section are individual householders and
63 farmers who generate only small quantities of hazardous waste and any person the commission
64 determines generates only small quantities of hazardous waste on an infrequent basis, except
65 that:

66 (1) Householders, farmers and exempted persons shall manage all hazardous wastes they
67 may generate in a manner so as not to adversely affect the health of humans, or pose a threat to
68 the environment, or create a public nuisance; and

69 (2) The department may determine that a specific quantity of a specific hazardous waste
70 requires special management. Upon such determination and after public notice by press release
71 or advertisement thereof, including instructions for handling and delivery, generators exempted
72 pursuant to this subsection shall deliver, but without a manifest or the requirement to use a
73 licensed hazardous waste transporter, such waste to:

74 (a) Any storage, treatment or disposal site authorized to operate pursuant to sections
75 260.350 to 260.430 or the federal Resource Conservation and Recovery Act, or a state hazardous
76 waste management program authorized pursuant to the federal Resource Conservation and
77 Recovery Act which the department designates for this purpose; or

78 (b) A collection station or vehicle which the department may arrange for and designate
79 for this purpose.

80 4. Failure to pay the fee, or any portion thereof, prescribed in this section by the due date
81 shall result in the imposition of a penalty equal to fifteen percent of the original fee. **All**
82 **revenues from the penalty prescribed in this subsection shall be deposited to the hazardous**
83 **waste fund created in section 260.391.** The fee prescribed in this section shall expire
84 December 31, 2011, except that the department shall levy and collect this fee for any hazardous
85 waste generated **or received** prior to such date and reported to the department.

260.391. 1. There is hereby created in the state treasury a fund to be known as the
2 "Hazardous Waste Fund". All funds received from hazardous waste permit and license fees,
3 generator fees or taxes, penalties, or interest assessed on those fees or taxes, taxes collected by
4 contract hazardous waste landfill operators, general revenue, federal funds, gifts, bequests,
5 donations, or any other moneys so designated shall be paid to the director of revenue and
6 deposited in the state treasury to the credit of the hazardous waste fund. The hazardous waste
7 fund, subject to appropriation by the general assembly, shall be used by the department as
8 provided by appropriations and consistent with rules and regulations established by the
9 hazardous waste management commission for the purpose of carrying out the provisions of
10 sections 260.350 to 260.430 and sections 319.100 to 319.127, [and] **319.135**, 319.137, and
11 319.139, RSMo, for the management of hazardous waste, responses to hazardous substance
12 releases as provided in sections 260.500 to 260.550, corrective actions at regulated facilities and
13 illegal hazardous waste sites, prevention of leaks from underground storage tanks and response
14 to petroleum releases from underground and aboveground storage tanks and other related
15 activities required to carry out provisions of sections 260.350 to 260.575 and sections 319.100
16 to 319.127, **319.135, 319.137, and 319.139**, RSMo, and for payments to other state agencies for
17 such services consistent with sections 260.350 to 260.575 and sections 319.100 to [319.139]
18 **319.127, 319.135, 319.137, and 319.139**, RSMo, upon proper warrant issued by the
19 commissioner of administration, and for any other expenditures which are not covered pursuant

20 to the federal Comprehensive Environmental Response, Compensation and Liability Act of 1980,
21 including but not limited to the following purposes:

22 (1) Administrative services as appropriate and necessary for the identification,
23 assessment and cleanup of abandoned or uncontrolled sites pursuant to sections 260.435 to
24 260.550;

25 (2) Payments to other state agencies for such services consistent with sections 260.435
26 to 260.550, upon proper warrant issued by the commissioner of administration, including, but
27 not limited to, the department of health and senior services for the purpose of conducting health
28 studies of persons exposed to waste from an uncontrolled or abandoned hazardous waste site or
29 exposed to the release of any hazardous substance as defined in section 260.500;

30 (3) Acquisition of property as provided in section 260.420;

31 (4) The study of the development of a hazardous waste facility in Missouri as authorized
32 in section 260.037;

33 (5) Financing the nonfederal share of the cost of cleanup and site remediation activities
34 as well as postclosure operation and maintenance costs, pursuant to the federal Comprehensive
35 Environmental Response, Compensation and Liability Act of 1980; and

36 (6) Reimbursement of owners or operators who accept waste pursuant to departmental
37 orders pursuant to subdivision (2) of subsection 1 of section 260.420.

38 2. The unexpended balance in the hazardous waste fund at the end of each fiscal year
39 shall not be transferred to the general revenue fund of the state treasurer, except as directed by
40 the general assembly by appropriation, and shall be invested to generate income to the fund. The
41 provisions of section 33.080, RSMo, relating to the transfer of funds to the general revenue fund
42 of the state by the state treasurer shall not apply to the hazardous waste fund.

43 3. There is hereby created within the hazardous waste fund a subaccount known as the
44 "Hazardous Waste Facility Inspection Subaccount". All funds received from hazardous waste
45 facility inspection fees shall be paid to the director of revenue and deposited in the state treasury
46 to the credit of the hazardous waste facility inspection subaccount. Moneys from such
47 subaccount shall be used by the department for conducting inspections at facilities that are
48 permitted or are required to be permitted as hazardous waste facilities by the department.

49 4. The fund balance remaining in the hazardous waste remedial fund shall be transferred
50 to the hazardous waste fund created in this section.

51 5. No moneys shall be available from the fund for abandoned site cleanup unless the
52 director has made all reasonable efforts to secure voluntary agreement to pay the costs of
53 necessary remedial actions from owners or operators of abandoned or uncontrolled hazardous
54 waste sites or other responsible persons.

55 6. The director shall make all reasonable efforts to recover the full amount of any funds
56 expended from the fund for cleanup through litigation or cooperative agreements with
57 responsible persons. All moneys recovered or reimbursed pursuant to this section through
58 voluntary agreements or court orders shall be deposited to the hazardous waste fund created
59 herein.

60 7. In addition to revenue from all licenses, taxes, fees, penalties, and interest, specified
61 in subsection 1 of this section, the department shall request an annual appropriation of general
62 revenue equal to any state match obligation to the U.S. Environmental Protection Agency for
63 cleanup performed pursuant to the authority of the Comprehensive Environmental Response,
64 Compensation and Liability Act of 1980.

260.800. As used in sections 260.800 to 260.815, the following terms shall mean:

2 (1) "Governing body", any city, municipality, county or combination thereof, or an
3 authority or agency created by intergovernmental compact;

4 (2) "Solid waste", garbage, refuse and other discarded materials including, but not
5 limited to, solid and semisolid waste materials resulting from industrial, commercial,
6 agricultural, governmental and domestic activities, but does not include overburden, rock,
7 tailings, matte, slag or other waste material resulting from mining, milling or smelting;

8 (3) "Waste to energy facility", any facility with the electric generating capacity **including**
9 **plasma arc technology** of up to eighty megawatts which is fueled by solid waste.

324.760. As used in this section, the following terms shall mean:

2 (1) "Commercial septage", materials, such as human excreta and wastewater,
3 **including bath and toilet waste, commercial laundry waste, commercial kitchen waste and**
4 **other similar waste from establishment appurtenances, and wastes removed from a septic**
5 **tank. Sewage and domestic sewage waste are further categorized as:**

6 (a) "Blackwater", waste carried off by toilets, urinals, and kitchen drains;

7 (b) "Graywater", all domestic waste not covered in paragraph (a) of this
8 subdivision, including bath, lavatory, laundry, and sink waste;

9 (2) "Commercial septage pumper", any corporation, limited liability company,
10 partnership, or individual that removes commercial septage from a septic tank for the
11 purpose of further treatment or disposal at another location;

12 (3) "Department", the department of natural resources;

13 (4) "Residential septage", materials, such as human excreta and wastewater,
14 **including bath and toilet waste, residential laundry waste, residential kitchen waste and**
15 **other similar waste from household or establishment appurtenances, and wastes removed**
16 **from a septic tank. Sewage and domestic sewage waste are further categorized as:**

17 (a) "Blackwater", waste carried off by toilets, urinals, and kitchen drains;

18 (b) "Graywater", all domestic waste not covered in paragraph (a) of this
19 subdivision, including bath, lavatory, laundry, and sink waste;

20 (5) "Residential septage pumper", any corporation, limited liability company,
21 partnership, or individual that removes residential septage from a septic tank for the
22 purpose of further treatment or disposal at another location.

324.763. 1. (1) All residential or commercial septage pumpers operating in this
2 state shall register with the department. The registration shall be made upon a form
3 furnished by the department; shall include the residential or commercial septage pumper's
4 commercial name, postal and physical addresses, and telephone number; shall include a
5 list of all counties the residential or commercial septage pumper operates or intends to
6 operate in; shall provide the name of the owner or person upon whom process may be
7 served; shall contain a signed statement that all representations in the application are made
8 under oath or affirmation; and shall be accompanied by a fee, set by the department, at an
9 amount sufficient to recover the cost of processing registrations. The department shall
10 register any residential or commercial septage pumper upon submission to the department
11 of a registration form and fee, and shall provide the residential or commercial septage
12 pumper evidence of registration.

13 (2) The list of counties the residential or commercial septage pumper operates in
14 or intends to operate in, required under subdivision (1) of this subsection, shall not restrict
15 the residential or commercial septage pumper from operating in counties not appearing
16 on the list.

17 (3) It shall be the duty of the residential or commercial septage pumper to notify
18 the department of any changes in the information provided in the registration form.

19 2. A registration issued under subsection 1 of this section shall expire after four
20 years, and shall be renewable upon payment of a renewal fee to be set by the department.

21 3. Any residential or commercial septage pumper operating in this state shall
22 maintain a record of the sites from where the residential or commercial septage has been
23 removed. Upon request, the record shall be made available to the department, the
24 department of health and senior services, or any county health department during the
25 regular business hours at the physical address of the residential or commercial septage
26 pumper. The record shall include the following:

27 (1) The amount of the residential or commercial septage removed to the best
28 estimate of the residential or commercial septage pumper;

29 (2) The date or dates the residential or commercial septage pumper removed the
30 residential or commercial septage;

31 **(3) The location where the residential or commercial septage pumper was taken;**
32 **and**

33 **(4) The date the residential or commercial septage was discharged. In the event the**
34 **residential or commercial septage was discharged to a municipal or private treatment**
35 **plant, the time of discharge shall be recorded.**

36 **4. In the event that any residential or commercial septage was land-applied, the**
37 **location of the land application shall be tied to an existing permit.**

38 **5. Beginning June 1, 2007, and each year thereafter, the department shall provide**
39 **an updated list of registered residential and commercial septage pumpers to each county**
40 **health department. The department may comply with this subsection by posting the list**
41 **on the Internet and giving notice of the posting to each county health department. Such**
42 **notice may be electronic.**

324.766. 1. The department shall promulgate rules necessary for the
2 **implementation, administration, and enforcement of sections 324.760 to 324.763.**

3 **2. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo,**
4 **that is created under the authority delegated in this section shall become effective only if**
5 **it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if**
6 **applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable**
7 **and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo,**
8 **to review, to delay the effective date, or to disapprove and annul a rule are subsequently**
9 **held unconstitutional, then the grant of rulemaking authority and any rule proposed or**
10 **adopted after August 28, 2006, shall be invalid and void.**

 393.900. 1. Nonprofit, membership corporations may be organized pursuant to sections
2 393.900 to 393.951 only for the purpose of supplying water for distribution, wholesale and
3 treatment services within the state of Missouri. Corporations which become subject to sections
4 393.900 to 393.951 are referred to in sections 393.900 to 393.951 as nonprofit water companies.
5 Five or more persons may organize a nonprofit water company pursuant to sections 393.900 to
6 393.951.

7 2. The articles of incorporation of a nonprofit water company shall recite in the caption
8 that they are executed pursuant to sections 393.900 to 393.951, shall be signed and
9 acknowledged in duplicate by at least five of the incorporators and shall state:

10 (1) The name of the company;

11 (2) The address of its principal office;

12 (3) The names and addresses of the incorporators;

13 (4) The number of years the company is to continue, which may be any number including
14 perpetuity;

- 15 (5) The legal description of the territory in which the company intends to operate;
16 (6) The names and addresses of the persons who shall constitute its first board of
17 directors;
18 (7) Whether the company chooses to operate pursuant to chapter 347, RSMo, or chapter
19 355, RSMo;
20 (8) The method chosen for distributing the assets of the company upon dissolution; and
21 (9) Any provisions not inconsistent with sections 393.900 to 393.951 deemed necessary
22 or advisable for the conduct of its business and affairs. Such articles of incorporation shall be
23 submitted to the secretary of state for filing.

24 **3. In areas not located within a rural water district or municipal water district, and**
25 **where wastewater treatment service is already provided by a nonprofit sewer company**
26 **organized under sections 393.175 and 393.825 to 393.861, the nonprofit sewer company**
27 **may operate as a member nonprofit water company upon vote by its membership with all**
28 **the powers granted under sections 393.900 to 393.951.**

640.237. No claim or assessment of any fine or penalty shall be allowed against a
2 **publicly owned wastewater treatment works for exceeding the limits of an applicable**
3 **National Pollution Discharge Elimination System Permit or state law if the excessive**
4 **discharge was caused by a sewage treatment malfunction due to the publicly owned**
5 **wastewater treatment works' acceptance of residential or commercial septage from a**
6 **residential or commercial septage pumper, registered under chapter 324, RSMo, provided**
7 **that when the malfunction occurred the publicly owned wastewater treatment works**
8 **responded in a reasonable manner to prohibit any additional environmental damage. The**
9 **publicly owned wastewater treatment works shall have the burden of proving that it acted**
10 **in a reasonable manner. Nothing in this section shall be construed to reduce any reporting**
11 **requirement to both the Missouri department of natural resources and the Environmental**
12 **Protection Agency for the plant failure.**

644.054. 1. Fees imposed in sections 644.052 and 644.053 shall, except for those fees
2 imposed pursuant to subsection 4 and subsections 6 to 13 of section 644.052, become effective
3 October 1, 1990, and shall expire December 31, [2007] **2009**. Fees imposed pursuant to
4 subsection 4 and subsections 6 to 13 of section 644.052 shall become effective August 28, 2000,
5 and shall expire on December 31, [2007] **2009**. The clean water commission shall promulgate
6 rules and regulations on the procedures for billing and collection. All sums received through the
7 payment of fees shall be placed in the state treasury and credited to an appropriate subaccount
8 of the natural resources protection fund created in section 640.220, RSMo. Moneys in the
9 subaccount shall be expended, upon appropriation, solely for the administration of sections
10 644.006 to 644.141. Fees collected pursuant to subsection 10 of section 644.052 by a city, a

11 public sewer district, a public water district or other publicly owned treatment works are state
12 fees. Five percent of the fee revenue collected shall be retained by the city, public sewer district,
13 public water district or other publicly owned treatment works as reimbursement of billing and
14 collection expenses.

15 2. The commission may grant a variance pursuant to section 644.061 to reduce fees
16 collected pursuant to section 644.052 for facilities that adopt systems or technologies that reduce
17 the discharge of water contaminants substantially below the levels required by commission rules.

18 3. Fees imposed in subsections 2 to 6 of section 644.052 shall be due [in accordance with
19 the following schedule after August 27, 2000:

20 (1) For new or renewed permits, fees shall be due] on the date of application and on each
21 anniversary date of permit issuance thereafter until the permit is terminated[;

22 (2) For permits in effect on August 27, 2000, fees shall be due on each anniversary date
23 of permit issuance until the permit is terminated;

24 (3) For general permits issued pursuant to subdivisions (2) and (4) of subsection 6 of
25 section 644.052 and in effect on August 27, 2000, the permittee will be credited thirty dollars on
26 each anniversary date of permit issuance that falls between August 27, 2000, and the date the
27 permit expires].

28 **4. There shall be convened a joint committee appointed by the president pro tem**
29 **of the senate and the speaker of the house of representatives to consider proposals for**
30 **restructuring the fees imposed in sections 644.052 and 644.053. The committee shall review**
31 **the state's implementation of the federal clean water program, storm water management,**
32 **and related state clean water responsibilities, and evaluate the costs to the state for**
33 **maintaining the program. The committee shall prepare and submit a report, including**
34 **recommendations on funding the state clean water program, to the governor, the house of**
35 **representatives, and the senate no later than December 31, 2008.**

2 **644.587. In addition to those sums authorized prior to August 28, 2007, the board**
3 **of fund commissioners of the state of Missouri, as authorized by section 37(e) of article III**
4 **of the Constitution of the state of Missouri, may borrow on the credit of this state the sum**
5 **of ten million dollars in the manner described, and for the purposes set out, in chapter 640,**
6 **RSMo, and this chapter.**

2 **644.588. In addition to those sums authorized prior to August 28, 2007, the board**
3 **of fund commissioners of the state of Missouri, as authorized by section 37(g) of article III**
4 **of the Constitution of the state of Missouri, may borrow on the credit of this state the sum**
5 **of ten million dollars in the manner described, and for the purposes set out, in chapter 640,**
6 **RSMo, and in this chapter.**

**644.589. In addition to those sums authorized prior to August 28, 2007, the board
2 of fund commissioners of the state of Missouri, as authorized by section 37(h) of article III
3 of the Constitution of the state of Missouri, may borrow on the credit of this state the sum
4 of twenty million dollars in the manner described, and for the purposes set out, in chapter
5 640, RSMo, and in this chapter.**

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