

SECOND REGULAR SESSION

HOUSE BILL NO. 2252

97TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES FITZPATRICK (Sponsor) AND ANDERSON (Co-sponsor).

6254H.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal sections 260.300, 260.302, and 260.335, RSMo, and to enact in lieu thereof three new sections relating to solid waste management districts.

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

Section A. Sections 260.300, 260.302, and 260.335, RSMo, are repealed and three new sections enacted in lieu thereof, to be known as sections 260.300, 260.335, and 260.337, to read as follows:

260.300. 1. [The department shall propose a plan to divide the state into proposed solid waste management regions in consultation with the governing bodies of the counties of the state. The department shall propose the boundaries of solid waste management regions by March 1, 1991.

2. The department shall hold public meetings in each of the regions proposed pursuant to subsection 1 of this section within three months of its division of the state into proposed regions. Any county may request that it be placed with another regional grouping, and the department shall authorize any such change if the county clearly and convincingly demonstrates that the change is necessary for effective solid waste management within the county and will not negatively affect the solid waste management system of either region. The department shall adopt final boundaries for the regions by June 30, 1991.

3.] **The state shall be divided into ten solid waste management regions as follows:**

(1) District 1: Atchison, Nodaway, Holt, Andrew, Buchanan, Worth, Gentry, DeKalb, Clinton, Harrison, Daviess, Caldwell, Mercer, Grundy, Livingston, Carroll, Putnam, Sullivan, Linn, and Chariton counties;

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.

- 16 **(2) District 2: Schuyler, Adair, Macon, Randolph, Scotland Knox, Shelby, Monroe,**
17 **Clark, Lewis, Marion, Ralls, Pike, Lincoln, Montgomery, Warren, and Franklin counties;**
18 **(3) District 3: Platte, Clay, Ray, Jackson, and Cass counties;**
19 **(4) District 4: Bates, Lafayette, Johnson, Henry, St. Clair, Cedar, Saline, Pettis,**
20 **Benton, Hickory, and Morgan counties;**
21 **(5) District 5: Howard, Cooper, Moniteau, Miller, Camden, Laclede, Boone, Cole,**
22 **Audrain, Callaway, and Osage counties;**
23 **(6) District 6: St. Charles, St. Louis, and Jefferson counties, and the city of St.**
24 **Louis;**
25 **(7) District 7: Vernon, Barton, Jasper, Newton, McDonald, Dade, Lawrence, Barry,**
26 **Stone, and Taney counties;**
27 **(8) District 8: Polk, Greene, Christian, Dallas, Webster, Wright, Douglas, Ozark,**
28 **Texas, Howell, Shannon, and Oregon counties;**
29 **(9) District 9: Pulaski, Maries, Phelps, Gasconade, Crawford, Dent, Washington,**
30 **Iron, St. Francois, Madison, Ste. Genevieve, Perry, Bollinger, and Cape Girardeau**
31 **counties;**
32 **(10) District 10: Reynolds, Carter, Ripley, Wayne, Butler, Stoddard, Dunklin, Scott,**
33 **Mississippi, New Madrid, and Pemiscot counties.**

34 **2.** Counties may, for the purpose of managing districts, cooperate as provided in sections
35 260.300 to 260.345 or formulate an alternative management structure agreed to by each county
36 in the district. A solid waste management district, regardless of how formed, shall be governed
37 by an executive board and comply with the provisions of sections 260.200 to 260.345.

260.335. 1. Each fiscal year eight hundred thousand dollars from the solid waste
2 management fund shall be made available, upon appropriation, to the department and the
3 environmental improvement and energy resources authority to fund activities that promote the
4 development and maintenance of markets for recovered materials. [Each fiscal year up to two
5 hundred thousand dollars from the solid waste management fund be used by the department upon
6 appropriation for grants to solid waste management districts for district grants and district
7 operations. Only those solid waste management districts that are allocated fewer funds under
8 subsection 2 of this section than if revenues had been allocated based on the criteria in effect in
9 this section on August 27, 2004, are eligible for these grants. An eligible district shall receive
10 a proportionate share of these grants based on that district's share of the total reduction in funds
11 for eligible districts calculated by comparing the amount of funds allocated under subsection 2
12 of this section with the amount of funds that would have been allocated using the criteria in
13 effect in this section on August 27, 2004.] The department and the authority shall establish a
14 joint interagency agreement with the department of economic development to identify state

15 priorities for market development and to develop the criteria to be used to judge proposed
16 projects. Additional moneys may be appropriated in subsequent fiscal years if requested. The
17 authority shall establish a procedure to measure the effectiveness of the grant program under this
18 subsection and shall provide a report to the governor and general assembly by January fifteenth
19 of each year regarding the effectiveness of the program.

20 2. All remaining revenues deposited into the fund each fiscal year after moneys have
21 been made available under subsection 1 of this section shall be allocated as follows:

22 (1) Thirty-nine percent of the revenues shall be dedicated, upon appropriation, to the
23 elimination of illegal solid waste disposal, to identify and prosecute persons disposing of solid
24 waste illegally, to conduct solid waste permitting activities, to administer grants and perform
25 other duties imposed in sections 260.200 to 260.345 and section 260.432. [In addition to the
26 thirty-nine percent of the revenues, the department may receive any annual increase in the charge
27 during October 1, 2005, to October 1, 2014, under section 260.330 and such increases shall be
28 used solely to fund the operating costs of the department];

29 (2) Sixty-one percent of the revenues[, except any annual increases in the charge under
30 section 260.330 during October 1, 2005, to October 1, 2014, which shall be used solely to fund
31 the operating costs of the department,] shall be allocated through grants, upon appropriation, to
32 participating cities, counties, and districts. Revenues to be allocated under this subdivision shall
33 be divided as follows: [forty] **twenty-five** percent shall be allocated based on the population of
34 each district in the latest decennial census, **thirty-five percent shall be allocated based on the**
35 **land area of each district**, and [sixty] **forty** percent shall be allocated based on the amount of
36 revenue generated within each district. For the purposes of this subdivision, revenue generated
37 within each district shall be determined from the previous year's data. [No] **At least fifty**
38 **thousand dollars but no more than [fifty] two hundred fifty thousand dollars or fifteen**
39 **percent, whichever is less**, of the revenue allocable under this subdivision may be allocated to
40 the districts upon approval of the department for [implementation of a solid waste management
41 plan and district operations] **district administration**, and [at least fifty percent of] the
42 **remaining** revenue allocable to the districts under this subdivision shall be allocated to the cities
43 and counties of the district or to persons or entities providing solid waste management, waste
44 reduction, recycling and related services in these cities and counties. [Each district shall receive
45 a minimum of seventy-five thousand dollars under this subdivision. After August 28, 2005, each
46 district shall receive a minimum of ninety-five thousand dollars under this subdivision for district
47 grants and district operations.] Each district receiving moneys under this subdivision shall
48 expend such moneys pursuant to a solid waste management plan required under section 260.325,
49 and only in the case that the district is in compliance with planning requirements established by
50 the department. Moneys shall be awarded based upon grant applications. Any moneys

51 remaining in any fiscal year due to insufficient or inadequate applications may be reallocated
52 pursuant to this subdivision;

53 (3) Except for the amount up to one-fourth of the department's previous fiscal year
54 expense, any remaining unencumbered funds generated under subdivision (1) of this subsection
55 in prior fiscal years shall be reallocated under this section;

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

58 (5) The department and the environmental improvement and energy resources authority
59 shall conduct sample audits of grants provided under this subsection.

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

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

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

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

85 7. If the moneys are not transmitted to the department within the time frame established
86 by the rule promulgated, interest shall be imposed on the moneys due the department at the rate

87 of ten percent per annum from the prescribed due date until payment is actually made. These
88 interest amounts shall be deposited to the credit of the solid waste management fund.

2 **260.337. For purposes of sections 260.300 to 260.345, the term “district
administration” shall include:**

3 **(1) Providing for operational and overhead expenses including, but not limited to,**
4 **office rental or leasing, utilities, technology services, telephone services, internet services,**
5 **purchase or rental of office equipment, supplies, insurance, repairs, and postage;**

6 **(2) Providing staff salaries, fringe benefits, fees for services, and travel expenses**
7 **sufficient to provide for the following:**

8 **(a) Day-to-day operation of the district and district administrative office;**

9 **(b) Administrative assistance and support for the district, executive board, council,**
10 **officers, committees, and employees as required or requested;**

11 **(c) Coordination of all meetings and record keeping of the executive board and**
12 **council;**

13 **(d) Serving on state and local committees, regional boards, work groups,**
14 **community events, and other organizations as needed;**

15 **(e) Researching and maintaining current information regarding recycling**
16 **infrastructure and processors;**

17 **(f) Procuring products and services as needed;**

18 **(g) Responding to daily information requests from citizens, businesses,**
19 **municipalities, organizations, the media, and others regarding recycling, composting, and**
20 **other waste issues;**

21 **(h) Waste reduction and recycling planning and program development; and**

22 **(i) Developing and presenting waste reduction and recycling educational programs**
23 **for schools, service clubs, and other organizations;**

24 **(3) District administration shall include the following accounting and fiscal**
25 **activities:**

26 **(a) Preparing and maintaining all necessary financial records of the district,**
27 **including appropriate journals, ledgers, quarterly district financial status reports, district**
28 **fund carryover amounts, and district bank accounts using generally accepted accounting**
29 **principles;**

30 **(b) Preparing financial statements, an annual budget, all fiscal reports, and bank**
31 **reconciliations; and**

32 **(c) Preparing and assisting with all financial, performance, and compliance audits**
33 **conducted on the district, including a review of audit reports and preparation of any audit**
34 **responses;**

35 (4) District administration shall include preparing and submitting all required
36 reports including:

37 (a) All statutory and regulatory reports not correlated to a specific, numbered
38 district grant, such as inventory assessment to collect and maintain information on local
39 recycling programs, a district annual report, annual carryover worksheet, and other
40 reports as required; and

41 (b) All statutory and regulatory reports directly correlated to a specific, numbered
42 district grant, such as quarterly status reports, diversion reporting, final project reports,
43 any UCC filings, liens on titles to equipment, and other reports as required;

44 (5) District administration shall include grant administration and compliance
45 assistance including the following:

46 (a) Ensuring compliance with any and all state regulations affecting waste
47 reduction and recycling;

48 (b) Monitoring grants to ensure that subgrantees are following all aspects of the
49 general terms and conditions, financial assistance agreement, security agreements, and
50 district grant rules;

51 (c) Coordinating the solicitation of grant applications, processing of applications,
52 evaluation of applications, grant packet preparation, and provision of information as set
53 forth in district grant rules prior to grant application final approval;

54 (d) Developing, providing, and coordinating district grant workshops;

55 (e) Providing technical assistance to grantees;

56 (f) Preparing and processing all forms related to a specific project, such as district
57 aggregate rankings worksheets, subgrantee profile budget forms, financial assistance
58 agreements, reimbursement and certification statements, and budgetary line item changes;

59 (g) Managing telephone, fax, written, and email correspondence to and from
60 grantees;

61 (h) Serving as liaison between grantees and the executive board;

62 (i) Providing all necessary staff activity required for mandated performance audits;

63 and

64 (j) Monitoring diversion rates for up to five years; and

65 (6) District administration shall include providing technical assistance including
66 the following:

67 (a) Providing technical assistance to non-subgrantees;

68 (b) Implementing waste reduction programs not funded by a district grant; and

69 (c) Working with staff of other solid waste districts.

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2 [260.302. On June 19, 1992, and for three months thereafter and for the
3 last three months of the year 1994 and every third year thereafter, the governing
4 body of a county may apply to the department to request that the county be placed
5 with another regional grouping or, if necessary, in a new regional grouping. After
6 public notice and comment and within no more than ninety days after the
7 completed application has been submitted, the department shall authorize any
8 such change if the county clearly and convincingly demonstrates that the change
9 is necessary for effective solid waste management within the county and will not
10 negatively affect the solid waste management system of either region. The
11 procedure for establishing solid waste management regions set forth in section
12 260.300 shall take priority over and be followed in exclusion to the rulemaking
procedure set forth in chapter 536 and section 260.225.]

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