

FIRST REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 134
100TH GENERAL ASSEMBLY

0530H.02C

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To repeal sections 260.240 and 260.273, RSMo, and to enact in lieu thereof two new sections relating to solid waste.

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

Section A. Sections 260.240 and 260.273, RSMo, are repealed and two new sections
2 enacted in lieu thereof, to be known as sections 260.240 and 260.273, to read as follows:

260.240. 1. In the event the director determines that any provision of sections 260.200
2 to 260.245 and 260.330 or any standard, rule, regulation, final order or approved plan
3 promulgated pursuant thereto is being, was, or is in imminent danger of being violated, the
4 director may, in addition to those remedies provided in section 260.230, cause to have instituted
5 a civil action in any court of competent jurisdiction for injunctive relief to prevent any such
6 violation or further violation or in the case of violations concerning ~~a solid waste disposal area~~
7 ~~or~~ a solid waste processing facility, for the assessment of a penalty not to exceed one thousand
8 dollars per day ~~[for each day]~~, or part thereof, the violation occurred and continues to occur, or
9 both, as the court deems proper or in the case of violations concerning a solid waste disposal area
10 and in the case of a violation of section 260.330 by a solid waste processing facility, for the
11 assessment of a penalty not to exceed five thousand dollars per day, or part thereof, the violation
12 occurred and continues to occur, or both, as the court deems proper. A civil monetary penalty
13 under this section shall not be assessed for a violation where an administrative penalty was
14 assessed under section 260.249. The director may request either the attorney general or a
15 prosecuting attorney to bring any action authorized in this section in the name of the people of
16 the state of Missouri. Suit can be brought in any county where the defendant's principal place
17 of business is located or where the violation occurred. Any offer of settlement to resolve a civil
18 penalty under this section shall be in writing, shall state that an action for imposition of a civil

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.

19 penalty may be initiated by the attorney general or a prosecuting attorney representing the
20 department under authority of this section, and shall identify any dollar amount as an offer of
21 settlement which shall be negotiated in good faith through conference, conciliation and
22 persuasion.

23 2. Any rule, regulation, standard or order of a county commission, adopted pursuant to
24 the provisions of sections 260.200 to 260.245, may be enforced in a civil action for mandatory
25 or prohibitory injunctive relief or for the assessment of a penalty not to exceed five hundred
26 dollars per day for each day, or part thereof, that a violation of such rule, regulation, standard or
27 order of a county commission occurred and continues to occur, or both, as the commission deems
28 proper. The county commission may request the prosecuting attorney or other attorney to bring
29 any action authorized in this section in the name of the people of the state of Missouri.

30 3. The liabilities imposed by this section shall not be imposed due to any violation
31 caused by an act of God, war, strike, riot or other catastrophe.

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 to a person solely for the purpose of resale, if the subsequent
14 retail sale in this state is to the ultimate consumer and is subject to the fee.

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

22 4. Up to five percent of the revenue available may be allocated, upon appropriation, to
23 the department of natural resources to be used cooperatively with the department of elementary

24 and secondary education for the purposes of developing environmental educational materials,
25 programs, and curriculum that assist in the department's implementation of sections 260.200 to
26 260.345.

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

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

37 (1) Removal of scrap tires from illegal tire dumps;

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

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

42 7. The fee imposed in subsection 2 of this section shall begin the first day of the month
43 which falls at least thirty days but no more than sixty days immediately following August 28,
44 2005, and shall terminate [~~January 1, 2020~~] **December 31, 2025**.

✓