

SENATE SUBSTITUTE
FOR
SENATE COMMITTEE SUBSTITUTE
FOR
SENATE BILL NO. 96
AN ACT

To repeal sections 67.1421, 238.225, and 260.205, RSMo, and to enact in lieu thereof three new sections relating to votes in political subdivisions, with an emergency clause for a certain section.

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

Section A. Sections 67.1421, 238.225, and 260.205, RSMo, are repealed and three new sections enacted in lieu thereof, to be known as sections 67.1421, 238.225, and 260.205, to read as follows:

67.1421. 1. Upon receipt of a proper petition filed with its municipal clerk, the governing body of the municipality in which the proposed district is located shall hold a public hearing in accordance with section 67.1431 and may adopt an ordinance to establish the proposed district, provided that if the proposed funding mechanism for the proposed district includes a sales tax, such ordinance shall be adopted by at least a two-thirds majority vote.

2. A petition is proper if, based on the tax records of the county clerk, or the collector of revenue if the district is located in a city not within a county, as of the time of filing the petition with the municipal clerk, it meets the following requirements:

(1) It has been signed by property owners collectively owning more than fifty percent by assessed value of the real property within the boundaries of the proposed district;

17 (2) It has been signed by more than fifty percent per
18 capita of all owners of real property within the boundaries
19 of the proposed district; and

20 (3) It contains the following information:

21 (a) The legal description of the proposed district,
22 including a map illustrating the district boundaries;

23 (b) The name of the proposed district;

24 (c) A notice that the signatures of the signers may
25 not be withdrawn later than seven days after the petition is
26 filed with the municipal clerk;

27 (d) A five-year plan stating a description of the
28 purposes of the proposed district, the services it will
29 provide, each improvement it will make from the list of
30 allowable improvements under section 67.1461, an estimate of
31 the costs of these services and improvements to be incurred,
32 the anticipated sources of funds to pay the costs, and the
33 anticipated term of the sources of funds to pay the costs;

34 (e) A statement as to whether the district will be a
35 political subdivision or a not-for-profit corporation and if
36 it is to be a not-for-profit corporation, the name of the
37 not-for-profit corporation;

38 (f) If the district is to be a political subdivision,
39 a statement as to whether the district will be governed by a
40 board elected by the district or whether the board will be
41 appointed by the municipality, and, if the board is to be
42 elected by the district, the names and terms of the initial
43 board may be stated;

44 (g) If the district is to be a political subdivision,
45 the number of directors to serve on the board;

46 (h) The total assessed value of all real property
47 within the proposed district;

48 (i) A statement as to whether the petitioners are
49 seeking a determination that the proposed district, or any
50 legally described portion thereof, is a blighted area;

51 (j) The proposed length of time for the existence of
52 the district, which in the case of districts established
53 after August 28, 2021, shall not exceed twenty-seven years
54 from the adoption of the ordinance establishing the district
55 unless the municipality extends the length of time under
56 section 67.1481;

57 (k) The maximum rates of real property taxes, and,
58 business license taxes in the county seat of a county of the
59 first classification without a charter form of government
60 containing a population of at least two hundred thousand,
61 that may be submitted to the qualified voters for approval;

62 (l) The maximum rates of special assessments and
63 respective methods of assessment that may be proposed by
64 petition;

65 (m) The limitations, if any, on the borrowing capacity
66 of the district;

67 (n) The limitations, if any, on the revenue generation
68 of the district;

69 (o) Other limitations, if any, on the powers of the
70 district;

71 (p) A request that the district be established; and

72 (q) Any other items the petitioners deem appropriate;

73 (4) The signature block for each real property owner
74 signing the petition shall be in substantially the following
75 form and contain the following information:

76 Name of owner: _____

77 Owner's telephone number and mailing address: _____

78 If signer is different from owner:

79 Name of signer: _____

80 State basis of legal authority to sign: _____
81 Signer's telephone number and mailing address: _____
82

83 If the owner is an individual, state if owner is
84 single or married: _____

85 If owner is not an individual, state what type of
86 entity: _____

87 Map and parcel number and assessed value of each
88 tract of real property within the proposed district
89 owned: _____

90 By executing this petition, the undersigned
91 represents and warrants that he or she is authorized
92 to execute this petition on behalf of the property
93 owner named immediately above

94 _____
95 Signature of person Date
96 signing for owner

97 STATE OF MISSOURI)
98) ss.
99 COUNTY OF _____)

100 Before me personally appeared _____, to me
101 personally known to be the individual described in
102 and who executed the foregoing instrument.

103 WITNESS my hand and official seal this _____ day of
104 _____ (month), _____ (year).

105 _____
106 Notary Public

107 My Commission Expires: _____ ; and

108 (5) Alternatively, the governing body of any home rule
109 city with more than four hundred thousand inhabitants and
110 located in more than one county may file a petition to
111 initiate the process to establish a district in the portion
112 of the city located in any county of the first
113 classification with more than two hundred thousand but fewer

114 than two hundred sixty thousand inhabitants containing the
115 information required in subdivision (3) of this subsection;
116 provided that the only funding methods for the services and
117 improvements will be a real property tax.

118 3. Upon receipt of a petition the municipal clerk
119 shall, within a reasonable time not to exceed ninety days
120 after receipt of the petition, review and determine whether
121 the petition substantially complies with the requirements of
122 subsection 2 of this section. In the event the municipal
123 clerk receives a petition which does not meet the
124 requirements of subsection 2 of this section, the municipal
125 clerk shall, within a reasonable time, return the petition
126 to the submitting party by hand delivery, first class mail,
127 postage prepaid or other efficient means of return and shall
128 specify which requirements have not been met.

129 4. After the close of the public hearing required
130 pursuant to subsection 1 of this section, the governing body
131 of the municipality may adopt an ordinance approving the
132 petition and establishing a district as set forth in the
133 petition and may determine, if requested in the petition,
134 whether the district, or any legally described portion
135 thereof, constitutes a blighted area. If the petition was
136 filed by the governing body of a municipality pursuant to
137 subdivision (5) of subsection 2 of this section, after the
138 close of the public hearing required pursuant to subsection
139 1 of this section, the petition may be approved by the
140 governing body and an election shall be called pursuant to
141 section 67.1422. Any ordinance or petition approved
142 pursuant to this subsection that establishes a district for
143 which the proposed funding mechanism for the proposed
144 district includes a sales tax shall be by at least a two-
145 thirds majority vote.

146 5. Amendments to a petition may be made which do not
147 change the proposed boundaries of the proposed district if
148 an amended petition meeting the requirements of subsection 2
149 of this section is filed with the municipal clerk at the
150 following times and the following requirements have been met:

151 (1) At any time prior to the close of the public
152 hearing required pursuant to subsection 1 of this section;
153 provided that, notice of the contents of the amended
154 petition is given at the public hearing;

155 (2) At any time after the public hearing and prior to
156 the adoption of an ordinance establishing the proposed
157 district; provided that, notice of the amendments to the
158 petition is given by publishing the notice in a newspaper of
159 general circulation within the municipality and by sending
160 the notice via registered certified United States mail with
161 a return receipt attached to the address of record of each
162 owner of record of real property within the boundaries of
163 the proposed district per the tax records of the county
164 clerk, or the collector of revenue if the district is
165 located in a city not within a county. Such notice shall be
166 published and mailed not less than ten days prior to the
167 adoption of the ordinance establishing the district. Such
168 notice shall also be sent to the Missouri department of
169 revenue, which shall publish such notice on its website;

170 (3) At any time after the adoption of any ordinance
171 establishing the district a public hearing on the amended
172 petition is held and notice of the public hearing is given
173 in the manner provided in section 67.1431 and the governing
174 body of the municipality in which the district is located
175 adopts an ordinance approving the amended petition after the
176 public hearing is held.

177 6. Upon the creation of a district, the municipal
178 clerk shall report in writing the creation of such district

179 to the Missouri department of economic development and the
180 state auditor.

181 7. (1) The governing body of the municipality or
182 county establishing a district or the governing body of such
183 district shall, as soon as is practicable, submit the
184 following information to the state auditor and the
185 department of revenue:

186 (a) A description of the boundaries of such district
187 as well as the rate of property tax or sales tax levied in
188 such district;

189 (b) Any amendments made to the boundaries of a
190 district or the tax rates levied in such district; and

191 (c) The date on which the district is to expire unless
192 sooner terminated.

193 (2) The governing body of a community improvement
194 district established on or after August 28, 2022, shall not
195 order any assessment to be made on any real property located
196 within a district and shall not levy any property or sales
197 tax until the information required by paragraph (a) of
198 subdivision (1) of this subsection has been submitted.

238.225. 1. Before construction or funding of any
2 project the district shall submit the proposed project to
3 the commission for its prior approval which shall be by at
4 least a two-thirds majority vote if the funding mechanism of
5 the project includes a sales tax. If the commission by
6 minute finds that the project will improve or is a necessary
7 or desirable extension of the state highways and
8 transportation system, the commission may preliminarily
9 approve the project subject to the district providing plans
10 and specifications for the proposed project and making any
11 revisions in the plans and specifications required by the
12 commission and the district and commission entering into a
13 mutually satisfactory agreement regarding development and

14 future maintenance of the project. After such preliminary
15 approval, the district may impose and collect such taxes and
16 assessments as may be included in the commission's
17 preliminary approval. After the commission approves the
18 final construction plans and specifications, the district
19 shall obtain prior commission approval of any modification
20 of such plans or specifications.

21 2. If the proposed project is not intended to be
22 merged into the state highways and transportation system
23 under the commission's jurisdiction, the district shall also
24 submit the proposed project and proposed plans and
25 specifications to the local transportation authority that
26 will become the owner of the project for its prior approval
27 which shall be by at least a two-thirds majority vote if the
28 funding mechanism of the project includes a sales tax.

29 3. In those instances where a local transportation
30 authority is required to approve a project and the
31 commission determines that it has no direct interest in that
32 project, the commission may decline to consider the
33 project. Approval of the project shall then vest
34 exclusively with the local transportation authority subject
35 to the district making any revisions in the plans and
36 specifications required by the local transportation
37 authority and the district and the local transportation
38 authority entering into a mutually satisfactory agreement
39 regarding development and future maintenance of the
40 project. After the local transportation authority approves
41 the final construction plans and specifications, the
42 district shall obtain prior approval of the local
43 transportation authority before modifying such plans or
44 specifications.

45 4. Notwithstanding any provision of this section to
46 the contrary, this section shall not apply to any district
47 whose project is a public mass transportation system.

 260.205. 1. It shall be unlawful for any person to
2 operate a solid waste processing facility or solid waste
3 disposal area of a solid waste management system without
4 first obtaining an operating permit from the department. It
5 shall be unlawful for any person to construct a solid waste
6 processing facility or solid waste disposal area without
7 first obtaining a construction permit from the department
8 pursuant to this section. A current authorization to
9 operate issued by the department pursuant to sections
10 260.200 to 260.345 shall be considered to be a permit to
11 operate for purposes of this section for all solid waste
12 disposal areas and processing facilities existing on August
13 28, 1995. A permit shall not be issued for a sanitary
14 landfill to be located in a flood area, as determined by the
15 department, where flood waters are likely to significantly
16 erode final cover. A permit shall not be required to
17 operate a waste stabilization lagoon, settling pond or other
18 water treatment facility which has a valid permit from the
19 Missouri clean water commission even though the facility may
20 receive solid or semisolid waste materials.

21 2. No person or operator may apply for or obtain a
22 permit to construct a solid waste disposal area unless the
23 person has requested the department to conduct a preliminary
24 site investigation and obtained preliminary approval from
25 the department. The department shall, within sixty days of
26 such request, conduct a preliminary investigation and
27 approve or disapprove the site.

28 3. All proposed solid waste disposal areas for which a
29 preliminary site investigation request pursuant to
30 subsection 2 of this section is received by the department

31 on or after August 28, 1999, shall be subject to a public
32 involvement activity as part of the permit application
33 process. The activity shall consist of the following:

34 (1) The applicant shall notify the public of the
35 preliminary site investigation approval within thirty days
36 after the receipt of such approval. Such public
37 notification shall be by certified mail to the governing
38 body of the county or city in which the proposed disposal
39 area is to be located and by certified mail to the solid
40 waste management district in which the proposed disposal
41 area is to be located;

42 (2) Within ninety days after the preliminary site
43 investigation approval, the department shall conduct a
44 public awareness session in the county in which the proposed
45 disposal area is to be located. The department shall
46 provide public notice of such session by both printed and
47 broadcast media at least thirty days prior to such session.
48 Printed notification shall include publication in at least
49 one newspaper having general circulation within the county
50 in which the proposed disposal area is to be located.
51 Broadcast notification shall include public service
52 announcements on radio stations that have broadcast coverage
53 within the county in which the proposed disposal area is to
54 be located. The intent of such public awareness session
55 shall be to provide general information to interested
56 citizens on the design and operation of solid waste disposal
57 areas;

58 (3) At least sixty days prior to the submission to the
59 department of a report on the results of a detailed site
60 investigation pursuant to subsection 4 of this section, the
61 applicant shall conduct a community involvement session in
62 the county in which the proposed disposal area is to be
63 located. Department staff shall attend any such session.

64 The applicant shall provide public notice of such session by
65 both printed and broadcast media at least thirty days prior
66 to such session. Printed notification shall include
67 publication in at least one newspaper having general
68 circulation within the county in which the proposed disposal
69 area is to be located. Broadcast notification shall include
70 public service announcements on radio stations that have
71 broadcast coverage within the county in which the proposed
72 disposal area is to be located. Such public notices shall
73 include the addresses of the applicant and the department
74 and information on a public comment period. Such public
75 comment period shall begin on the day of the community
76 involvement session and continue for at least thirty days
77 after such session. The applicant shall respond to all
78 persons submitting comments during the public comment period
79 no more than thirty days after the receipt of such comments;

80 (4) If a proposed solid waste disposal area is to be
81 located in a county or city that has local planning and
82 zoning requirements, the applicant shall not be required to
83 conduct a community involvement session if the following
84 conditions are met:

85 (a) The local planning and zoning requirements include
86 a public meeting;

87 (b) The applicant notifies the department of intent to
88 utilize such meeting in lieu of the community involvement
89 session at least thirty days prior to such meeting;

90 (c) The requirements of such meeting include providing
91 public notice by printed or broadcast media at least thirty
92 days prior to such meeting;

93 (d) Such meeting is held at least thirty days prior to
94 the submission to the department of a report on the results
95 of a detailed site investigation pursuant to subsection 4 of
96 this section;

97 (e) The applicant submits to the department a record
98 of such meeting;

99 (f) A public comment period begins on the day of such
100 meeting and continues for at least fourteen days after such
101 meeting, and the applicant responds to all persons
102 submitting comments during such public comment period no
103 more than fourteen days after the receipt of such comments.

104 4. No person may apply for or obtain a permit to
105 construct a solid waste disposal area unless the person has
106 submitted to the department a plan for conducting a detailed
107 surface and subsurface geologic and hydrologic investigation
108 and has obtained geologic and hydrologic site approval from
109 the department. The department shall approve or disapprove
110 the plan within thirty days of receipt. The applicant shall
111 conduct the investigation pursuant to the plan and submit
112 the results to the department. The department shall provide
113 approval or disapproval within sixty days of receipt of the
114 investigation results.

115 5. (1) Every person desiring to construct a solid
116 waste processing facility or solid waste disposal area shall
117 make application for a permit on forms provided for this
118 purpose by the department. Every applicant shall submit
119 evidence of financial responsibility with the application.
120 Any applicant who relies in part upon a parent corporation
121 for this demonstration shall also submit evidence of
122 financial responsibility for that corporation and any other
123 subsidiary thereof.

124 (2) Every applicant shall provide a financial
125 assurance instrument or instruments to the department prior
126 to the granting of a construction permit for a solid waste
127 disposal area. The financial assurance instrument or
128 instruments shall be irrevocable, meet all requirements
129 established by the department and shall not be cancelled,

130 revoked, disbursed, released or allowed to terminate without
131 the approval of the department. After the cessation of
132 active operation of a sanitary landfill, or other solid
133 waste disposal area as designed by the department, neither
134 the guarantor nor the operator shall cancel, revoke or
135 disburse the financial assurance instrument or allow the
136 instrument to terminate until the operator is released from
137 postclosure monitoring and care responsibilities pursuant to
138 section 260.227.

139 (3) The applicant for a permit to construct a solid
140 waste disposal area shall provide the department with plans,
141 specifications, and such other data as may be necessary to
142 comply with the purpose of sections 260.200 to 260.345. The
143 application shall demonstrate compliance with all applicable
144 local planning and zoning requirements. The department
145 shall make an investigation of the solid waste disposal area
146 and determine whether it complies with the provisions of
147 sections 260.200 to 260.345 and the rules and regulations
148 adopted pursuant to sections 260.200 to 260.345. Within
149 twelve consecutive months of the receipt of an application
150 for a construction permit the department shall approve or
151 deny the application. The department shall issue rules and
152 regulations establishing time limits for permit
153 modifications and renewal of a permit for a solid waste
154 disposal area. The time limit shall be consistent with this
155 chapter.

156 (4) The applicant for a permit to construct a solid
157 waste processing facility shall provide the department with
158 plans, specifications and such other data as may be
159 necessary to comply with the purpose of sections 260.200 to
160 260.345. Within one hundred eighty days of receipt of the
161 application, the department shall determine whether it
162 complies with the provisions of sections 260.200 to

163 260.345. Within twelve consecutive months of the receipt of
164 an application for a permit to construct an incinerator as
165 described in the definition of solid waste processing
166 facility in section 260.200 or a material recovery facility
167 as described in the definition of solid waste processing
168 facility in section 260.200, and within six months for
169 permit modifications, the department shall approve or deny
170 the application. Permits issued for solid waste facilities
171 shall be for the anticipated life of the facility.

172 (5) If the department fails to approve or deny an
173 application for a permit or a permit modification within the
174 time limits specified in subdivisions (3) and (4) of this
175 subsection, the applicant may maintain an action in the
176 circuit court of Cole County or that of the county in which
177 the facility is located or is to be sited. The court shall
178 order the department to show cause why it has not acted on
179 the permit and the court may, upon the presentation of
180 evidence satisfactory to the court, order the department to
181 issue or deny such permit or permit modification. Permits
182 for solid waste disposal areas, whether issued by the
183 department or ordered to be issued by a court, shall be for
184 the anticipated life of the facility.

185 (6) The applicant for a permit to construct a solid
186 waste processing facility shall pay an application fee of
187 one thousand dollars. Upon completion of the department's
188 evaluation of the application, but before receiving a
189 permit, the applicant shall reimburse the department for all
190 reasonable costs incurred by the department up to a maximum
191 of four thousand dollars. The applicant for a permit to
192 construct a solid waste disposal area shall pay an
193 application fee of two thousand dollars. Upon completion of
194 the department's evaluations of the application, but before
195 receiving a permit, the applicant shall reimburse the

196 department for all reasonable costs incurred by the
197 department up to a maximum of eight thousand dollars.
198 Applicants who withdraw their application before the
199 department completes its evaluation shall be required to
200 reimburse the department for costs incurred in the
201 evaluation. The department shall not collect the fees
202 authorized in this subdivision unless it complies with the
203 time limits established in this section.

204 (7) When the review reveals that the facility or area
205 does conform with the provisions of sections 260.200 to
206 260.345 and the rules and regulations adopted pursuant to
207 sections 260.200 to 260.345, the department shall approve
208 the application and shall issue a permit for the
209 construction of each solid waste processing facility or
210 solid waste disposal area as set forth in the application
211 and with any permit terms and conditions which the
212 department deems appropriate. In the event that the
213 facility or area fails to meet the rules and regulations
214 adopted pursuant to sections 260.200 to 260.345, the
215 department shall issue a report to the applicant stating the
216 reason for denial of a permit.

217 6. Plans, designs, and relevant data for the
218 construction of solid waste processing facilities and solid
219 waste disposal areas shall be submitted to the department by
220 a registered professional engineer licensed by the state of
221 Missouri for approval prior to the construction, alteration
222 or operation of such a facility or area.

223 7. Any person or operator as defined in section
224 260.200 who intends to obtain a construction permit in a
225 solid waste management district with an approved solid waste
226 management plan shall request a recommendation in support of
227 the application from the executive board created in section
228 260.315. The executive board shall consider the impact of

229 the proposal on, and the extent to which the proposal
230 conforms to, the approved district solid waste management
231 plan prepared pursuant to section 260.325. The executive
232 board shall act upon the request for a recommendation within
233 sixty days of receipt and shall submit a resolution to the
234 department specifying its position and its recommendation
235 regarding conformity of the application to the solid waste
236 plan. The board's failure to submit a resolution
237 constitutes recommendation of the application. The
238 department may consider the application, regardless of the
239 board's action thereon and may deny the construction permit
240 if the application fails to meet the requirements of
241 sections 260.200 to 260.345, or if the application is
242 inconsistent with the district's solid waste management plan.

243 8. If the site proposed for a solid waste disposal
244 area is not owned by the applicant, the owner or owners of
245 the site shall acknowledge that an application pursuant to
246 sections 260.200 to 260.345 is to be submitted by signature
247 or signatures thereon. The department shall provide the
248 owner with copies of all communication with the operator,
249 including inspection reports and orders issued pursuant to
250 section 260.230.

251 9. (1) The department shall not issue a permit for
252 the operation of a solid waste disposal area designed to
253 serve a [city] service area with a population of greater
254 than four hundred thousand located in more than one county,
255 if the site is located within [one-half mile] two miles of
256 an adjoining municipality, without [the approval of the
257 governing body of such municipality] receiving approval
258 pursuant to subdivision (2) of this subsection.

259 (2) The governing body of the adjoining municipality
260 shall conduct a public hearing within [fifteen] thirty days
261 of providing public notice, shall publicize the hearing in

262 at least one newspaper having general circulation in the
263 adjoining municipality, and shall vote to approve or
264 disapprove the [land] location of the solid waste disposal
265 [facility within thirty days after the close of the hearing]
266 area. If the governing body of the municipality disapproves
267 of the location of the solid waste disposal area, then the
268 department shall not issue the permit. If the governing
269 body of the municipality approves of the location of the
270 solid waste disposal area, then the governing body shall
271 thereafter submit to the registered voters of the
272 municipality a ballot measure asking whether to approve or
273 disapprove the location of the solid waste disposal area.
274 Such proposal shall be submitted to the voters on the next
275 date available to the county for public elections under
276 chapter 115 after the public hearing held by the governing
277 body. If a majority of the votes cast on the ballot measure
278 by the registered voters voting thereon are in favor of the
279 ballot measure, then the location of the solid waste
280 disposal area is approved. If a majority of the votes cast
281 on the ballot measure by the registered voters voting
282 thereon are opposed to the ballot measure, then the location
283 of the solid waste disposal area is not approved.

284 10. (1) Upon receipt of an application for a permit
285 to construct a solid waste processing facility or disposal
286 area, the department shall notify the public of such receipt:

287 (a) By legal notice published in a newspaper of
288 general circulation in the area of the proposed disposal
289 area or processing facility;

290 (b) By certified mail to the governing body of the
291 county or city in which the proposed disposal area or
292 processing facility is to be located; and

293 (c) By mail to the last known address of all record
294 owners of contiguous real property or real property located

295 within one thousand feet of the proposed disposal area and,
296 for a proposed processing facility, notice as provided in
297 section 64.875 or section 89.060, whichever is applicable.

298 (2) If an application for a construction permit meets
299 all statutory and regulatory requirements for issuance, a
300 public hearing on the draft permit shall be held by the
301 department in the county in which the proposed solid waste
302 disposal area is to be located prior to the issuance of the
303 permit. The department shall provide public notice of such
304 hearing by both printed and broadcast media at least thirty
305 days prior to such hearing. Printed notification shall
306 include publication in at least one newspaper having general
307 circulation within the county in which the proposed disposal
308 area is to be located. Broadcast notification shall include
309 public service announcements on radio stations that have
310 broadcast coverage within the county in which the proposed
311 disposal area is to be located.

312 11. After the issuance of a construction permit for a
313 solid waste disposal area, but prior to the beginning of
314 disposal operations, the owner and the department shall
315 execute an easement to allow the department, its agents or
316 its contractors to enter the premises to complete work
317 specified in the closure plan, or to monitor or maintain the
318 site or to take remedial action during the postclosure
319 period. After issuance of a construction permit for a solid
320 waste disposal area, but prior to the beginning of disposal
321 operations, the owner shall submit evidence that such owner
322 has recorded, in the office of the recorder of deeds in the
323 county where the disposal area is located, a notice and
324 covenant running with the land that the property has been
325 permitted as a solid waste disposal area and prohibits use
326 of the land in any manner which interferes with the closure

327 and, where appropriate, postclosure plans filed with the
328 department.

329 12. Every person desiring to obtain a permit to
330 operate a solid waste disposal area or processing facility
331 shall submit applicable information and apply for an
332 operating permit from the department. The department shall
333 review the information and determine, within sixty days of
334 receipt, whether it complies with the provisions of sections
335 260.200 to 260.345 and the rules and regulations adopted
336 pursuant to sections 260.200 to 260.345. When the review
337 reveals that the facility or area does conform with the
338 provisions of sections 260.200 to 260.345 and the rules and
339 regulations adopted pursuant to sections 260.200 to 260.345,
340 the department shall issue a permit for the operation of
341 each solid waste processing facility or solid waste disposal
342 area and with any permit terms and conditions which the
343 department deems appropriate. In the event that the
344 facility or area fails to meet the rules and regulations
345 adopted pursuant to sections 260.200 to 260.345, the
346 department shall issue a report to the applicant stating the
347 reason for denial of a permit.

348 13. Each solid waste disposal area, except utility
349 waste landfills unless otherwise and to the extent required
350 by the department, and those solid waste processing
351 facilities designated by rule, shall be operated under the
352 direction of a certified solid waste technician in
353 accordance with sections 260.200 to 260.345 and the rules
354 and regulations promulgated pursuant to sections 260.200 to
355 260.345.

356 14. Base data for the quality and quantity of
357 groundwater in the solid waste disposal area shall be
358 collected and submitted to the department prior to the
359 operation of a new or expansion of an existing solid waste

360 disposal area. Base data shall include a chemical analysis
361 of groundwater drawn from the proposed solid waste disposal
362 area.

363 15. Leachate collection and removal systems shall be
364 incorporated into new or expanded sanitary landfills which
365 are permitted after August 13, 1986. The department shall
366 assess the need for a leachate collection system for all
367 types of solid waste disposal areas, other than sanitary
368 landfills, and the need for monitoring wells when it
369 evaluates the application for all new or expanded solid
370 waste disposal areas. The department may require an
371 operator of a solid waste disposal area to install a
372 leachate collection system before the beginning of disposal
373 operations, at any time during disposal operations for
374 unfilled portions of the area, or for any portion of the
375 disposal area as a part of a remedial plan. The department
376 may require the operator to install monitoring wells before
377 the beginning of disposal operations or at any time during
378 the operational life or postclosure care period if it
379 concludes that conditions at the area warrant such
380 monitoring. The operator of a demolition landfill or
381 utility waste landfill shall not be required to install a
382 leachate collection and removal system or monitoring wells
383 unless otherwise and to the extent the department so
384 requires based on hazardous waste characteristic criteria or
385 site specific geohydrological characteristics or conditions.

386 16. Permits granted by the department, as provided in
387 sections 260.200 to 260.345, shall be subject to suspension
388 for a designated period of time, civil penalty or revocation
389 whenever the department determines that the solid waste
390 processing facility or solid waste disposal area is, or has
391 been, operated in violation of sections 260.200 to 260.345
392 or the rules or regulations adopted pursuant to sections

393 260.200 to 260.345, or has been operated in violation of any
394 permit terms and conditions, or is creating a public
395 nuisance, health hazard, or environmental pollution. In the
396 event a permit is suspended or revoked, the person named in
397 the permit shall be fully informed as to the reasons for
398 such action.

399 17. Each permit for operation of a facility or area
400 shall be issued only to the person named in the
401 application. Permits are transferable as a modification to
402 the permit. An application to transfer ownership shall
403 identify the proposed permittee. A disclosure statement for
404 the proposed permittee listing violations contained in the
405 definition of disclosure statement found in section 260.200
406 shall be submitted to the department. The operation and
407 design plans for the facility or area shall be updated to
408 provide compliance with the currently applicable law and
409 rules. A financial assurance instrument in such an amount
410 and form as prescribed by the department shall be provided
411 for solid waste disposal areas by the proposed permittee
412 prior to transfer of the permit. The financial assurance
413 instrument of the original permittee shall not be released
414 until the new permittee's financial assurance instrument has
415 been approved by the department and the transfer of
416 ownership is complete.

417 18. Those solid waste disposal areas permitted on
418 January 1, 1996, shall, upon submission of a request for
419 permit modification, be granted a solid waste management
420 area operating permit if the request meets reasonable
421 requirements set out by the department.

422 19. In case a permit required pursuant to this section
423 is denied or revoked, the person may request a hearing in
424 accordance with section 260.235.

425 20. Every applicant for a permit shall file a
426 disclosure statement with the information required by and on
427 a form developed by the department of natural resources at
428 the same time the application for a permit is filed with the
429 department.

430 21. Upon request of the director of the department of
431 natural resources, the applicant for a permit, any person
432 that could reasonably be expected to be involved in
433 management activities of the solid waste disposal area or
434 solid waste processing facility, or any person who has a
435 controlling interest in any permittee shall be required to
436 submit to a criminal background check under section 43.543.

437 22. All persons required to file a disclosure
438 statement shall provide any assistance or information
439 requested by the director or by the Missouri state highway
440 patrol and shall cooperate in any inquiry or investigation
441 conducted by the department and any inquiry, investigation
442 or hearing conducted by the director. If, upon issuance of
443 a formal request to answer any inquiry or produce
444 information, evidence or testimony, any person required to
445 file a disclosure statement refuses to comply, the
446 application of an applicant or the permit of a permittee may
447 be denied or revoked by the director.

448 23. If any of the information required to be included
449 in the disclosure statement changes, or if any additional
450 information should be added after the filing of the
451 statement, the person required to file it shall provide that
452 information to the director in writing, within thirty days
453 after the change or addition. The failure to provide such
454 information within thirty days may constitute the basis for
455 the revocation of or denial of an application for any permit
456 issued or applied for in accordance with this section, but
457 only if, prior to any such denial or revocation, the

458 director notifies the applicant or permittee of the
459 director's intention to do so and gives the applicant or
460 permittee fourteen days from the date of the notice to
461 explain why the information was not provided within the
462 required thirty-day period. The director shall consider
463 this information when determining whether to revoke, deny or
464 conditionally grant the permit.

465 24. No person shall be required to submit the
466 disclosure statement required by this section if the person
467 is a corporation or an officer, director or shareholder of
468 that corporation or any subsidiary thereof, and that
469 corporation:

470 (1) Has on file and in effect with the federal
471 Securities and Exchange Commission a registration statement
472 required under Section 5, Chapter 38, Title 1 of the
473 Securities Act of 1933, as amended, 15 U.S.C. Section 77e(c);

474 (2) Submits to the director with the application for a
475 permit evidence of the registration described in subdivision
476 (1) of this subsection and a copy of the corporation's most
477 recent annual form 10-K or an equivalent report; and

478 (3) Submits to the director on the anniversary date of
479 the issuance of any permit it holds under the Missouri solid
480 waste management law evidence of registration described in
481 subdivision (1) of this subsection and a copy of the
482 corporation's most recent annual form 10-K or an equivalent
483 report.

484 25. After permit issuance, each facility shall
485 annually file an update to the disclosure statement with the
486 department of natural resources on or before March thirty-
487 first of each year. Failure to provide such update may
488 result in penalties as provided for under section 260.240.

489 26. Any county, district, municipality, authority, or
490 other political subdivision of this state which owns and

491 operates a sanitary landfill shall be exempt from the
492 requirement for the filing of the disclosure statement and
493 annual update to the disclosure statement.

494 27. Any person seeking a permit to operate a solid
495 waste disposal area, a solid waste processing facility, or a
496 resource recovery facility shall, concurrently with the
497 filing of the application for a permit, disclose any
498 convictions in this state, county or county-equivalent
499 public health or land use ordinances related to the
500 management of solid waste. If the department finds that
501 there has been a continuing pattern of adjudicated
502 violations by the applicant, the department may deny the
503 application.

504 28. No permit to construct or permit to operate shall
505 be required pursuant to this section for any utility waste
506 landfill located in a county of the third classification
507 with a township form of government which has a population of
508 at least eleven thousand inhabitants and no more than twelve
509 thousand five hundred inhabitants according to the most
510 recent decennial census, if such utility waste landfill
511 complies with all design and operating standards and closure
512 requirements applicable to utility waste landfills pursuant
513 to sections 260.200 to 260.345 and provided that no waste
514 disposed of at such utility waste landfill is considered
515 hazardous waste pursuant to the Missouri hazardous waste law.

516 29. Advanced recycling facilities are not subject to
517 the requirements of this section as long as the feedstocks
518 received by such facility are source-separated or diverted
519 or recovered from municipal or other waste streams prior to
520 acceptance at the advanced recycling facility.

Section B. Because of the need to ensure that
2 Missourians have a say in whether solid waste disposal areas
3 are present near their communities, the repeal and

4 reenactment of section 260.205 of this act is deemed
5 necessary for the immediate preservation of the public
6 health, welfare, peace, and safety, and is hereby declared
7 to be an emergency act within the meaning of the
8 constitution, and the repeal and reenactment of section
9 260.205 of this act shall be in full force and effect upon
10 its passage and approval.