

SECOND REGULAR SESSION
[TRULY AGREED TO AND FINALLY PASSED]
CONFERENCE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 795

95TH GENERAL ASSEMBLY

2010

4396S.06T

AN ACT

To repeal sections 196.316, 266.355, 270.260, 270.400, 273.327, 273.329, 274.180, 281.260, 311.550, 319.306, 319.321, 393.1025, and 393.1030, RSMo, and to enact in lieu thereof thirty new sections relating to animals and agriculture, with penalty provisions, and an emergency clause for a certain section.

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

Section A. Sections 196.316, 266.355, 270.260, 270.400, 273.327, 273.329, 274.180, 281.260, 311.550, 319.306, 319.321, 393.1025, and 393.1030, RSMo, are repealed and thirty new sections enacted in lieu thereof, to be known as sections 196.316, 246.310, 261.200, 266.355, 270.260, 270.270, 270.400, 273.327, 273.329, 274.180, 281.260, 311.550, 319.306, 319.321, 393.1025, 393.1030, 578.600, 578.602, 578.604, 578.606, 578.608, 578.610, 578.612, 578.614, 578.616, 578.618, 578.620, 578.622, 578.624, and 1, to read as follows:

196.316. 1. All persons engaged in buying, selling, trading or trafficking in, or processing eggs, except those listed in section 196.313, shall be required to be licensed under sections 196.311 to 196.361. Such persons shall file an annual application for such license on forms to be prescribed by the director, and shall obtain an annual license for each separate place of business from the director. The following types of licenses shall be issued:

(1) A "retailer's license" shall be required of any person defined as a retailer in section 196.311. A holder of a retailer's license shall not, by virtue of such license, be permitted or authorized to buy eggs from any person other than a licensed dealer, and any retailer desiring to buy eggs from persons other than

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

11 licensed dealers, shall obtain a dealer's license in addition to a retailer's license.

12 (2) A "dealer's license" shall be required of any person defined as a dealer
13 in section 196.311. A holder of a dealer's license shall not, by virtue of such
14 license, be authorized or permitted to sell eggs to consumers, and any dealer
15 desiring to sell eggs to consumers shall obtain a retailer's license in addition to
16 a dealer's license.

17 (3) A "processor's license" shall be required of any person defined as a
18 processor in section 196.311. A holder of a processor's license shall not, by virtue
19 of such license, be authorized or permitted to sell eggs in the shell to other
20 persons, and any person desiring to sell eggs in the shell to other persons, shall
21 obtain a dealer's license in addition to a processor's license.

22 2. The annual license fee shall be:

23 (1) Retailers \$ 5.00

24 (2) Dealers--License fees for dealers shall be
25 determined on the basis of cases (30 dozen per case)
26 of eggs sold in the shell in any one week, as follows:

27 (a) 1 to 25 cases \$ 5.00

28 (b) 26 to 50 cases 12.50

29 (c) 51 to 100 cases 25.00

30 (d) more than 100 cases 50.00

31 (3) Processors--License fees for processors shall
32 be determined on the basis of cases (30 dozen per case)
33 of eggs, or the equivalent in liquid or frozen eggs,

34 processed in any one day, as follows:

35 (a) Less than 50 cases \$ 25.00

36 (b) More than 50 and less than 250 cases 50.00

37 (c) More than 250 and less than 1000 cases 75.00

38 (d) More than 1000 cases 100.00

39 3. All licenses shall be conspicuously posted in the place of business to
40 which it applies. The license year shall be twelve months, or any fraction thereof,
41 beginning July first and ending June thirtieth.

42 4. No license shall be transferable, but it may be moved from one place
43 to another by the consent of the director.

44 5. All moneys received from license fees collected hereunder shall be
45 deposited in the state treasury to the credit of the [agricultural fees] **agriculture**
46 **protection fund created in section 261.200.**

246.310. The provisions of section 262.802 shall not apply to any
2 drainage district or levee district formed under the laws of this state.

261.200. 1. Any laws to the contrary notwithstanding, there is
2 hereby created in the state treasury the "Agriculture Protection Fund",
3 which shall consist of any monies or fees appropriated to the fund as
4 well as all fees assessed and collected by the department of agriculture
5 which are not otherwise placed in the state treasury to the credit of the
6 particular purpose or fund for which the fees are collected. The state
7 treasurer shall be custodian of the fund. In accordance with sections
8 30.170 and 30.180, the state treasurer may approve disbursements of the
9 fund. Upon appropriation by the general assembly, money in the fund
10 shall be used solely by the department of agriculture for the purposes
11 of carrying out its functions and responsibilities, and no money shall
12 be paid out of the fund created under this section except by
13 appropriation of the general assembly for the administration of the
14 program from which the fee was collected; except that, the provisions
15 of this section shall not apply to any moneys credited to the fund under
16 subdivision (2) of subsection 1 of section 311.550.

17 2. Notwithstanding the provisions of section 33.080 to the
18 contrary, any moneys remaining in the fund at the end of the biennium
19 shall not revert to the credit of the general revenue fund.

20 3. The state treasurer shall invest moneys in the fund in the
21 same manner as other funds are invested. Any interest and moneys
22 earned on such investments shall be credited to the fund.

266.355. Unless provided for by federal law, rule or regulation, the
2 director of the department of agriculture shall promulgate, pursuant to chapter
3 536, RSMo, and enforce regulations setting forth minimum general standards
4 covering the design, construction, location, installation, and operation of
5 equipment for storing, handling, transporting by tank truck, tank trailer, tank car
6 and utilizing anhydrous ammonia. The provisions of this section shall not apply
7 to equipment which is in use for storing anhydrous ammonia as of [September 28,
8 1983] **August 28, 2010**, and which is found by the department to be in
9 substantial compliance with generally accepted standards of safety regarding life
10 and property. **The department shall adopt the minimum general safety**
11 **standards for the storage and handling of anhydrous ammonia set forth**
12 **in ANSI Standard K61.1-1999, Safety Requirements for the Storage and**
13 **Handling of Anhydrous Ammonia; except that, ANSI Standard K61.1-**

14 **1999 shall not be adopted by the department prior to December 1,**
15 **2012. For purposes of this section, "ANSI" means the American National**
16 **Standards Institute.**

270.260. 1. Any person who **recklessly or** knowingly releases any swine
2 to live in a wild or feral state upon any public land or private land not completely
3 enclosed by a fence capable of containing such animals is guilty of a class A
4 misdemeanor. Each swine so released shall be a separate offense.

5 **2. Every person who has previously pled guilty to or been found**
6 **guilty of violating the provisions of this section, committed on two**
7 **separate occasions where such offense occurred within ten years of the**
8 **date of the occurrence of the present offense and who subsequently**
9 **pleads guilty to or is found guilty of violating this section shall be**
10 **guilty of a class D felony.**

11 **3. Nothing in this section shall be construed to criminalize the**
12 **accidental escape of domestic swine.**

270.270. 1. Any person possessing or transporting live Russian
2 or European wild boar or wild-caught swine on or through public land
3 without a Missouri department of agriculture permit is guilty of a class
4 A misdemeanor. Each violation of this subsection shall be a separate
5 offense.

6 **2. Any law enforcement officer, any agent of the conservation**
7 **commission, or the state veterinarian is authorized to enforce the**
8 **provisions of this section, section 270.260, and section 270.400.**

270.400. 1. For purposes of this section, the term "feral hog" means any
2 hog, including Russian and European wild boar, that is not conspicuously
3 identified by ear tags or other forms of identification and is roaming freely upon
4 public or private lands without the landowner's permission.

5 **2. A person may kill a feral hog roaming freely upon such person's land**
6 **and shall not be liable to the owner of the hog for the loss of the hog.**

7 **3. Any person may take or kill a feral hog on public land or private land**
8 **with the consent of the landowner; except that, during the firearms deer and**
9 **turkey hunting season the regulations of the Missouri wildlife code shall**
10 **apply. Such person shall not be liable to the owner of the hog for the loss of such**
11 **hog.**

12 **4. No person except a landowner or such landowner's agent on such**
13 **landowner's property shall take, attempt to take, or kill a feral hog with the use**

14 of an artificial light.

15 **5. The director of the department of agriculture shall promulgate**
16 **rules for fencing and health standards for Russian and European wild**
17 **boar and wild-caught swine held alive on private land. Any person**
18 **holding Russian or European wild boar or wild-caught swine on private**
19 **land shall annually submit an application to the department for a**
20 **permit. Any applicant that successfully meets the requirements under**
21 **this section as determined by the department and pays an application**
22 **fee shall be issued a permit.**

23 **6. Russian and European wild boar and wild-caught swine may**
24 **move only from a farm to a farm or directly to slaughter or to a**
25 **slaughter-only market. The department shall promulgate rules for**
26 **exemption permits and a fee structure to offset the actual and**
27 **necessary costs incurred to enforce the provisions of this section.**

28 **7. (1) There is hereby created in the state treasury the "Animal**
29 **Health Fund", which shall consist of all fees and administrative**
30 **penalties collected by the department of agriculture under this section**
31 **and section 270.260. The state treasurer shall be custodian of the fund.**
32 **In accordance with sections 30.170 and 30.180, the state treasurer may**
33 **approve disbursements. Upon appropriation, moneys in the fund shall**
34 **be used for the administration of this section and section 270.260.**

35 **(2) Notwithstanding the provisions of section 33.080 to the**
36 **contrary, any moneys remaining in the fund at the end of the biennium**
37 **shall not revert to the credit of the general revenue fund.**

38 **(3) The state treasurer shall invest moneys in the fund in the**
39 **same manner as other funds are invested. Any interest and moneys**
40 **earned on such investments shall be credited to the fund.**

41 **8. Any person who violates subsection 2 of section 270.260 may,**
42 **in addition to the penalty imposed under section 270.260, be assessed**
43 **an administrative penalty of up to one thousand dollars per**
44 **violation. Any person who is assessed an administrative penalty under**
45 **this section shall be notified in writing of the right to appeal. Such**
46 **person may request a hearing before the director of the department of**
47 **agriculture. Such request shall be made in writing no later than thirty**
48 **days after the date on which the person was notified of the violation of**
49 **section 270.260.**

50 **9. Any rule or portion of a rule, as that term is defined in section**

51 **536.010, that is created under the authority delegated in this section**
52 **shall become effective only if it complies with and is subject to all of**
53 **the provisions of chapter 536 and, if applicable, section 536.028. This**
54 **section and chapter 536 are nonseverable and if any of the powers**
55 **vested with the general assembly pursuant to chapter 536 to review, to**
56 **delay the effective date, or to disapprove and annul a rule are**
57 **subsequently held unconstitutional, then the grant of rulemaking**
58 **authority and any rule proposed or adopted after August 28, 2010, shall**
59 **be invalid and void.**

60 **10. Nothing in this section shall be construed to apply to**
61 **domestic swine.**

273.327. No person shall operate an animal shelter, pound or dog pound,
2 boarding kennel, commercial kennel, contract kennel, pet shop, or exhibition
3 facility, other than a limited show or exhibit, or act as a dealer or commercial
4 breeder, unless [he] **such person** has obtained a license for such operations from
5 the director. An applicant shall obtain a separate license for each separate
6 physical facility subject to sections 273.325 to 273.357 which is operated by the
7 applicant. Any person exempt from the licensing requirements of sections
8 273.325 to 273.357 may voluntarily apply for a license. Application for such
9 license shall be made in the manner provided by the director. The license shall
10 expire annually unless revoked. As provided by rules to be promulgated by the
11 director, the license fee shall range from one hundred to five hundred dollars per
12 year. Pounds[,] **or dog pounds [and animal shelters]** shall be exempt from
13 payment of such fee. License fees shall be levied for each license issued or
14 renewed on or after January 1, 1993.

273.329. 1. The director may refuse to issue or renew or may revoke a
2 license on any one or more of the following grounds:

3 (1) Material and deliberate misstatement in the application for any
4 original license or for any renewal license under sections 273.325 to 273.357;

5 (2) Disregard or violation of sections 273.325 to 273.357 or of any rules
6 promulgated pursuant thereto;

7 (3) Conviction of any violation of any state or federal law relating to the
8 disposition or treatment of animals;

9 (4) Failure to provide adequate food, water, housing or sanitary facilities
10 for animals under the control of an animal shelter, boarding kennel, commercial
11 breeder, commercial kennel, contract kennel, dealer, pet shop, pound, or exhibitor

12 as defined by regulations of the USDA.

13 2. **The department of agriculture shall not retain, contract with,**
14 **or otherwise utilize the services of the personnel of any nonprofit**
15 **organization for the purpose of inspection or licensing of any animal**
16 **shelter, pound, or dog pound, boarding kennel, commercial kennel,**
17 **contract kennel, commercial breeder, hobby or show breeder, or pet**
18 **shop under sections 273.325 to 273.357.**

19 3. Operation of an animal shelter, pound or dog pound, boarding kennel,
20 commercial kennel, contract kennel, pet shop, or exhibition facility, or activity as
21 a commercial breeder or dealer without a valid license shall constitute a class A
22 misdemeanor.

274.180. Each association organized hereunder shall pay an annual fee
2 of ten dollars only, in lieu of all franchise or license or corporation or other taxes,
3 **including state sales taxes**, or taxes or charges upon reserves held by it for
4 members.

281.260. 1. Every pesticide which is distributed, sold, offered for sale or
2 held for sale within this state, or which is delivered for transportation or
3 transported in intrastate commerce or between points within this state through
4 any point outside of this state, shall be registered in the office of the director, and
5 the registration shall be renewed annually.

6 2. The registrant shall file with the director a statement including:

7 (1) The name and address of the registrant and the name and address of
8 the person whose name will appear on the label, if other than the registrant;

9 (2) The name of the pesticide;

10 (3) Classification of the pesticide; and

11 (4) A complete copy of the labeling accompanying the pesticide and a
12 statement of all claims to be made for it, including directions for use.

13 3. The registrant shall pay an annual fee of [~~fifteen~~] **one hundred fifty**
14 **dollars** for each product registered in any calendar year or part thereof. The fee
15 shall be deposited in the state treasury to the credit of the [~~general revenue fund~~]
16 **agriculture protection fund created in section 261.200 to be used solely**
17 **to administer the pest and pesticide programs of the department of**
18 **agriculture. If the funding exceeds the reasonable costs to administer**
19 **the programs as set forth herein, the department of agriculture shall**
20 **reduce fees for all registrants if the fees derived exceed the reasonable**
21 **cost of administering the pest and pesticide programs of the**

22 **department of agriculture.** All such registrations shall expire on December
23 thirty-first of any one year, unless sooner canceled. A registration for a special
24 local need pursuant to subsection 6 of this section, which is disapproved by the
25 federal government, shall expire on the effective date of the disapproval.

26 4. Any registration approved by the director and in effect on the
27 thirty-first day of December for which a renewal application has been made and
28 the proper fee paid shall continue in full force and effect until such time as the
29 director notifies the applicant that the registration has been renewed, or
30 otherwise denied, in accord with the provisions of subsection 8 of this
31 section. Forms for registration shall be mailed to registrants at least ninety
32 days prior to the expiration date.

33 5. If the renewal of a pesticide registration is not filed prior to January
34 first of any one year, an additional fee of [five] **fifty** dollars shall be assessed and
35 added to the original fee and shall be paid by the applicant before the registration
36 renewal for that pesticide shall be issued; provided, that, such additional fee shall
37 not apply if the applicant furnishes an affidavit certifying that he did not
38 distribute such unregistered pesticide during the period of nonregistration. The
39 payment of such additional fee is not a bar to any prosecution for doing business
40 without proper registry. **The fee shall be credited to the agriculture**
41 **protection fund created under section 261.200 to be used solely to**
42 **administer the pest and pesticide programs of the department of**
43 **agriculture. If the funding exceeds the reasonable cost to administer**
44 **the programs as set forth herein, the department of agriculture shall**
45 **reduce fees for all registrants if the fees derived exceed the reasonable**
46 **cost of administering the pest and pesticide programs of the**
47 **department of agriculture.**

48 6. Provided the state complies with requirements of the federal
49 government to register pesticides to meet special local needs, the director shall
50 require that registrants comply with sections 281.210 to 281.310 and pertinent
51 federal laws and regulations. Where two or more pesticides meet the
52 requirements of this subsection, one shall not be registered in preference to the
53 other.

54 7. The director may require the submission of the complete formula of any
55 pesticide to approve or deny product registration. If it appears to the director
56 that the composition and efficacy of the pesticide is such as to warrant the
57 proposed claims for it and if the pesticide and its labeling and other material

58 required to be submitted comply with the requirements of sections 281.210 to
59 281.310, he shall register the pesticide.

60 8. Provided the state is authorized to issue experimental use permits, the
61 director may:

62 (1) Issue an experimental use permit to any person applying for an
63 experimental use permit if he determines that the applicant needs such permit
64 in order to accumulate information necessary to register a pesticide under
65 sections 281.210 to 281.310. An application for an experimental use permit may
66 be filed at the time of or before or after an application for registration is filed;

67 (2) Prescribe terms, conditions, and period of time for the experimental
68 permit which shall be under the supervision of the director;

69 (3) Revoke any experimental permit, at any time, if he finds that its terms
70 or conditions are being violated, or that its terms and conditions are inadequate
71 to avoid unreasonable adverse effects on the environment.

72 9. If it does not appear to the director that the pesticide is such as to
73 warrant the proposed claims for it or if the pesticide and its labeling and other
74 material required to be submitted do not comply with the provisions of sections
75 281.210 to 281.310 or with federal laws, he shall notify the registrant of the
76 manner in which the pesticide, labeling, or other material required to be
77 submitted fail to comply with sections 281.210 to 281.310 or with federal laws so
78 as to afford the registrant an opportunity to make the necessary corrections. If,
79 upon receipt of such notice, the registrant insists that such corrections are not
80 necessary and requests in writing that the pesticide be registered or, in the case
81 of a pesticide that is already registered, that it not be canceled, the director,
82 within ninety days, shall hold a public hearing to determine if the pesticide in
83 question should be registered or canceled. If, after such hearing, it is determined
84 that the pesticide should not be registered or that its registration should be
85 canceled, the director may refuse registration or cancel an existing registration
86 until the required label changes are accomplished. If the pesticide is shown to
87 be in compliance with sections 281.210 to 281.310 and federal laws, the pesticide
88 will be registered. Any appeals resulting from administrative decisions by the
89 director will be taken in accordance with sections 536.100 to 536.140, RSMo.

90 10. Notwithstanding any other provision of sections 281.210 to 281.310,
91 registration is not required in the case of a pesticide shipped from one plant or
92 warehouse within this state to another plant or warehouse within this state when
93 such plants are operated by the same persons.

94 11. The director shall not make any lack of essentiality a criterion for
95 denying registration of a pesticide except where none of the labeled uses are
96 present in the state. Where two or more pesticides meet the requirements of
97 sections 281.210 to 281.310, one shall not be registered in preference to the other.

98 12. Notwithstanding any other provision of law to the contrary, the
99 director may allow a reasonable period of time for the retailer to dispose of
100 existing stocks of pesticides after the manufacturer or distributor has ceased to
101 register the product with the state. The method of disposal shall be determined
102 by the director.

311.550. 1. In addition to all other licenses and charges, there shall be
2 paid to and collected by the director of revenue charges as follows:

3 (1) For the privilege of selling in the state of Missouri spirituous liquors,
4 including brandy, rum, whiskey, and gin, and other spirituous liquors and alcohol
5 for beverage purposes, there shall be paid, and the director of revenue shall be
6 entitled to receive, the sum of two dollars per gallon or fraction thereof;

7 (2) For the privilege of selling wines, the sum of thirty cents per gallon
8 **to the credit of the agriculture protection fund created under section**
9 **261.200 to be used solely for agricultural business development and**
10 **marketing-related functions of the department of agriculture.**

11 2. The person who shall first sell such liquor to any person in this state
12 shall be liable for the payment, except that no refund of any tax collected and
13 remitted to the director of revenue by a retail seller upon gross receipts from a
14 sale of beer, liquor or wine subject to the charges contained in sections 311.520,
15 311.550 and 311.554 shall be claimed for refund under chapter 144, RSMo, for
16 any amount illegally or erroneously overcharged or overcollected as a result of
17 imposition of sales tax by the retail seller upon amounts representing the charges
18 imposed under this chapter.

19 3. Any person who sells to any person within this state any intoxicating
20 liquors mentioned in subdivision (1) of subsection 1, unless the charge hereby
21 imposed is paid, is guilty of a felony and shall be punished by imprisonment by
22 the state department of corrections for a term of not less than two years nor more
23 than five years, or by imprisonment in the county jail for a term of not less than
24 one month nor more than one year, or by a fine of not less than fifty dollars nor
25 more than one thousand dollars, or by both such fine and imprisonment.

26 4. It shall be unlawful for any person to remove the contents of any
27 container containing any of the intoxicating liquors mentioned in subdivision (1)

28 of subsection 1 without destroying such container, or to refill any such container,
29 in whole or in part, with any of the liquors mentioned in subdivision (1) of
30 subsection 1. Any person violating the provisions of this subsection shall be
31 guilty of a misdemeanor.

32 5. Every manufacturer, out-state solicitor and wholesale dealer licensed
33 under this chapter shall make a true duplicate invoice of the same, showing the
34 date, amount and value of each class of such liquors shipped or delivered, and
35 retain a duplicate thereof, subject to the use and inspection of the supervisor of
36 liquor control and his representatives for two years.

37 6. Any person who shall sell in this state any intoxicating liquor without
38 first having procured a license from the supervisor of liquor control authorizing
39 him to sell such intoxicating liquor is guilty of a felony and upon conviction shall
40 be punished by imprisonment by the state department of corrections for a term
41 of not less than two years nor more than five years, or by imprisonment in the
42 county jail for a term of not less than three months nor more than one year, or
43 by a fine of not less than one hundred dollars nor more than one thousand
44 dollars, or by both such fine and imprisonment.

319.306. 1. Any individual who uses explosives in Missouri shall obtain
2 a blaster's license, except those exempted in subsection 18 of this section. A
3 person using explosives shall not be required to hold a blaster's license, but all
4 blasting on behalf of a person using explosives shall be performed only by
5 licensed blasters. Applications for a blaster's license or renewal of a blaster's
6 license shall be on a form designated by the Missouri division of fire safety, and
7 shall contain the following:

- 8 (1) The applicant's full name;
- 9 (2) The applicant's home address;
- 10 (3) The applicant's date of birth;
- 11 (4) The applicant's sex;
- 12 (5) The applicant's physical description;
- 13 (6) The applicant's driver's license number;
- 14 (7) The applicant's current place of employment;
- 15 (8) A listing of any other blasting license or certification held by the
16 applicant, to include the name, address, and phone number of the regulatory
17 authority that issued the license or certification;
- 18 (9) Any other information required to fulfill the obligations of sections
19 319.300 to 319.345.

20 2. Any individual who has met the qualifications set forth in subsection
21 4 of this section may apply for a blaster's license.

22 3. An applicant for a blaster's license shall submit an application fee and
23 two copies of the applicant's photograph with the application submitted to the
24 division of fire safety. The amount of such fee shall be established by rule
25 promulgated by the division of fire safety. The fee established by rule shall be
26 no greater than the cost of administering this section, but shall not exceed one
27 hundred dollars.

28 4. An applicant for a blaster's license shall:

29 (1) Be at least twenty-one years of age;

30 (2) Not have willfully violated any provisions of sections 319.300 to
31 319.345;

32 (3) Not have knowingly withheld information or **[has not] have** made any
33 false or fictitious statement intended or likely to deceive in connection with the
34 application;

35 (4) Have familiarity and understanding of relevant federal and state laws
36 relating to explosives materials;

37 (5) Not have been convicted in any court of, or pled guilty to, a felony;

38 (6) Not be a fugitive from justice;

39 (7) Not be an unlawful user of any controlled substance in violation of
40 chapter 195, RSMo;

41 (8) Except as provided in subsections 11 and 13 of this section, have
42 completed an approved blaster's training course that meets the requirements of
43 subsection 14 of this section and **[has] have** successfully passed the licensing
44 examination under the provisions of subdivisions (1) to (5) of subsection 15 of this
45 section;

46 (9) Have accumulated at least one thousand hours of experience directly
47 relating to the use of explosives within two years immediately prior to applying
48 for a blaster's license and shall provide signed documentation from an employer,
49 supervisor, or other responsible party verifying the applicant's experience;

50 (10) Not have been adjudicated as mentally defective; and

51 (11) Not advocate or knowingly belong to any organization or group that
52 advocates violent action against any federal, state, or local government, or against
53 any person.

54 5. Any individual holding a blaster's license under the provisions of this
55 section shall promptly notify the division of fire safety if he or she has had any

56 change of material fact relating to any qualification for holding a blaster's license.

57 6. If the division of fire safety finds that the requirements for a blaster's
58 license have been satisfied, a license shall be issued to the applicant.

59 7. A blaster's license shall expire three years from the date of issuance. To
60 qualify for a renewal of a blaster's license, an individual will be required to
61 provide documentation of completing eight hours of training in an
62 explosives-related course of instruction that is approved by the division of fire
63 safety, at least half of which shall have been completed within the year prior to
64 renewal. The remainder of such training for renewal of the license may be
65 acquired at any time during the three-year period that a license is
66 valid. Additional training beyond an accumulated eight hours during any
67 three-year period is not valid for more than one subsequent renewal of the
68 license.

69 8. Each license issued under the provisions of this section shall provide
70 documentation to the license holder in the form of a letter or letter-sized
71 certificate and a card that is approximately two inches by three inches in
72 size. Each shall specify a unique license number, the name of the individual, his
73 or her driver's license number, the individual's photograph, the blaster's license's
74 effective date and its expiration date, and any other record-keeping information
75 needed by the division of fire safety. In addition, the card form of the license
76 shall contain a photographic image of the license holder.

77 9. Each individual required to have a blaster's license shall keep at least
78 one form of license documentation on his or her person or at the site of blasting
79 and shall provide documentation that he or she has a currently valid license to
80 a representative of the division of fire safety upon a written or verbal request. No
81 enforcement action shall be taken against any individual that cannot comply with
82 such a request so long as the division of fire safety's records provide
83 documentation that the individual has a valid blaster's license.

84 10. (1) A blaster's license issued under the provisions of this section may
85 be suspended or revoked by the division of fire safety upon substantial proof that
86 the individual holding the license has:

87 (a) Knowingly failed to monitor the use of explosives as provided in
88 section 319.309;

89 (b) Negligently or habitually exceeded the limits established under section
90 319.312;

91 (c) Knowingly or habitually failed to create a record of blasts as required

92 by section 319.315;

93 (d) Had a change in material fact relating to their qualifications for
94 holding a blaster's license as described in subsection 4 of this section;

95 (e) Failed to advise the division of fire safety of any change of material
96 fact relating to his or her qualifications for holding a blaster's license; or

97 (f) Knowingly made a material misrepresentation of any information by
98 any means of false pretense, deception, fraud, misrepresentation, or cheating for
99 the purpose of obtaining training or otherwise meeting the qualifications of
100 obtaining a license.

101 (2) The division of fire safety shall provide any notice of suspension or
102 revocation, as provided in subdivision (1) of this subsection, in writing, sent by
103 certified mail to the last known address of the holder of the license. The notice
104 may also be verbal, but this does not eliminate the requirement for written
105 notice. Upon receipt of a verbal or written notice of suspension or revocation from
106 the division of fire safety, the individual holding the license shall immediately
107 surrender all copies of the license to a representative of the division of fire safety
108 and shall immediately cease all blasting activity.

109 (3) The individual holding the license may appeal any suspension or
110 revocation to the state blasting safety board established under section 319.324
111 within forty-five days of the date written notice was received. The division of fire
112 safety shall immediately notify the chairman of the board that an appeal has
113 been received and a hearing before the board shall be held. The board shall
114 consider and make a decision on any appeal received by the division of fire safety
115 within thirty days of the date the appeal is received by the division of fire
116 safety. The board shall make a decision on the appeal by majority vote of the
117 board and shall immediately notify the licensee of its decision in writing. The
118 written statement of the board's decision shall be prepared by the division of fire
119 safety or its designee and shall be approved by the chairman of the board. The
120 approved statement of the board's decision shall be sent by certified mail to the
121 last known address of the holder of the license.

122 11. Any individual whose license has been expired for a period of three
123 years or less shall be required to successfully pass the examination as provided
124 in subdivisions (1) to (5) of subsection 15 of this section and attend the eight
125 hours of training required for renewal of a license as minimum qualifications for
126 submitting an application for reinstatement of the license. Any individual whose
127 license has been expired for a period of more than three years shall meet the

128 qualifications set forth in subsection 4 of this section, including completing
129 twenty hours of training and passing the examination, prior to applying for a
130 blaster's license.

131 12. A license may be granted to applicants who within the last three years
132 have held a valid license or certification from any other source if all of the
133 qualifications for obtaining the license or certification meet or exceed the
134 provisions of this section. It is the duty of the division of fire safety to investigate
135 the qualifications required for obtaining a license or certification from any other
136 source. Licenses or certification held prior to the effective date of the rule
137 required by subsection 19 of this section shall be deemed to meet requirements
138 for this subsection, provided that they meet requirements of the rule.

139 13. A license may be granted upon the application of an individual
140 employed as a blaster on or before December 31, 2000, [and] who has
141 accumulated one thousand hours of training or education pertaining to blasting
142 and experience working for a specific person using explosives within two years
143 immediately prior to applying for a license. The application shall include a
144 statement of hours of experience in the form of an affidavit signed by the person
145 using explosives who has employed or contracted with the blaster for the
146 preceding two years. Such applicant also shall meet the requirement of
147 subdivisions (1), (2), (3), (4), (5), (6), (7), (10), and (11) of subsection 4 of this
148 section. Any individual granted a license under this subsection shall be limited
149 to blasting performed for the person using explosives submitting the affidavit
150 required by this subsection. Such licensee shall meet the requirements for
151 continuing training required by subsection 7 of this section.

152 14. (1) The division of fire safety or its authorized agent shall offer
153 annually at least two courses of instruction that fulfill the training requirement
154 [of qualifying] **to qualify** for a blaster's license and two courses that fulfill the
155 training requirement for renewal of a blaster's license. In addition, any person
156 may apply to the division of fire safety for approval of a course of instruction that
157 meets the training requirement of obtaining a blaster's license or renewal of a
158 blaster's license. The application shall include a description of the qualifications
159 of the instructor, a description of instructional materials to be used in the course,
160 and an outline of the subject matter to be taught, including minimum hours of
161 instruction on each topic. The division of fire safety shall review the application
162 regarding the knowledge and experience of proposed instructors, the total hours
163 of training and the adequacy of proposed training in subject matter with regard

164 to the provisions of sections 319.300 to 319.345. If the division of fire safety
165 determines that training proposed by the applicant is adequate, a letter of
166 approval shall be issued to the applicant. The letter of approval shall be effective
167 for a period of three years. If at any time the division of fire safety determines
168 that an approved training course no longer meets the standards of this section,
169 the letter of approval may be revoked with written notice. The division of fire
170 safety or any person providing a course of instruction may charge an appropriate
171 fee to recover the cost of conducting such instruction.

172 (2) To be approved by the division of fire safety, a blaster's training course
173 shall contain at least twenty hours of instruction to prepare attendees for
174 obtaining a blaster's license the first time, or eight hours of instruction to prepare
175 attendees for obtaining a license renewal.

176 (3) Any person providing training in a course of instruction approved by
177 the division of fire safety shall submit a list of individuals that attended any such
178 course to the division of fire safety within ten business days after completion of
179 the course.

180 (4) The division of fire safety shall maintain a current list of persons who
181 provide approved training and shall make this list available by any reasonable
182 means to professional and trade associations, labor organizations, universities,
183 vocational schools, and others upon request.

184 15. (1) The division of fire safety shall approve a standard examination
185 or examinations for the purpose of qualifying an individual to obtain a blaster's
186 license. Each individual taking the examination shall pay a fee to the division
187 of fire safety, or the division's agent, that is established by rule. Testing fees
188 shall be no greater than what is required to administer the testing provisions of
189 this section and shall not exceed fifty dollars per test.

190 (2) Except as provided in subsection 11 of this section, no individual shall
191 be allowed to take an examination for purposes of obtaining a blaster's license
192 unless that individual has completed a training course approved by the division
193 of fire safety. The individual must have completed an approved course of
194 instruction as provided in subdivision (1) of subsection 14 of this section no longer
195 than two years prior to taking the examination. The examination may be
196 administered by any person approved to provide a course of instruction, as
197 provided in subdivision (1) of subsection 14 of this section, at the site of
198 instruction, provided that any such examination may, at the discretion of the
199 state fire marshal, be conducted under the supervision of the division of fire

200 safety. The division of fire safety may also administer such examinations at other
201 times and locations.

202 (3) Standards for passing the examination shall be set by the division of
203 fire safety by rule.

204 (4) The division of fire safety or its authorized agent shall provide a
205 written statement within thirty days to the individual taking the examination as
206 to whether that individual passed or failed.

207 (5) Any individual failing to pass the examination may retake the
208 examination within six months without having to complete an additional
209 approved course of instruction. If the individual fails the second examination, the
210 person must complete another course of instruction as required in subdivision (1)
211 of subsection 14 of this section before taking the examination again. No limit will
212 be placed on how many times any individual may take the examination, subject
213 to the provisions of this subdivision.

214 (6) Individuals having previously taken an approved blaster's training
215 course, and **having** passed an approved examination, and having taken an
216 approved blaster's renewal training course, or that have obtained a blaster's
217 license as provided in subsections 12 and 13 of this section are eligible for
218 renewal of a blaster's license after meeting the requirements of subsection 7 of
219 this section. The fee for renewal of a license shall be the same as the fee
220 specified in subsection 3 of this section.

221 16. No individual shall load or fire explosives or direct, order, or otherwise
222 cause any individual to load or fire explosives in this state unless that individual
223 has a valid blaster's license or is under the direct supervision and responsibility
224 of an individual having a valid blaster's license. For purposes of this section,
225 "direct supervision" means the supervisor is physically present on the same job
226 site as the individual who is loading or firing explosives. An individual without
227 a blaster's license who is loading or firing explosives while under the direct
228 supervision and responsibility of someone having a blaster's license shall not be
229 in violation of sections 319.300 to 319.345.

230 17. **[Persons]** A **person** found guilty of loading or firing explosives, or
231 directing, ordering, or otherwise causing any individual to load or fire explosives
232 in this state without having a valid blaster's license, or that loads and fires
233 explosives without being under the direct supervision and responsibility of an
234 individual holding a blaster's license as provided in sections 319.300 to 319.345,
235 **[shall be]** is guilty of a class B misdemeanor for the first offense or a class A

236 misdemeanor for a second or subsequent offense. Any individual convicted of a
237 class A misdemeanor under the provisions of sections 319.300 to 319.345 shall be
238 permanently prohibited from obtaining a blaster's license in this state.

239 18. The requirement for obtaining a blaster's license shall not apply to:

240 (1) Individuals employed by universities, colleges, or trade schools when
241 the use of explosives is confined to instruction or research;

242 (2) Individuals using explosive materials in the forms prescribed by the
243 official U.S. Pharmacopoeia or the National Formulary and used in medicines and
244 medicinal agents;

245 (3) Individuals conducting training or emergency operations of any
246 federal, state, or local government including all departments, agencies, and
247 divisions thereof, provided they are acting in their official capacity and in the
248 proper performance of their duties or functions;

249 (4) Individuals that are members of the armed forces or any military unit
250 of Missouri or the United States who are using explosives while on official
251 training exercises or who are on active duty;

252 (5) Individuals using pyrotechnics, commonly known as fireworks,
253 including signaling devices such as flares, fuses, and torpedoes;

254 (6) Individuals using small arms ammunition and components thereof
255 which are subject to the Gun Control Act of 1968, 18 U.S.C., Section 44, and
256 regulations promulgated thereunder;

257 (7) Any individual performing duties in underground mines regulated by
258 30 CFR Part 48, Subpart A, 30 CFR Part 57, or performing duties in coal mining
259 regulated by 30 CFR Part 75, and 30 CFR Part 77 of the Code of Federal
260 Regulations, as amended, or using explosives within an industrial furnace;

261 (8) Any individual having a valid blaster's license or certificate issued
262 under the provisions of any requirement of the U.S. government in which the
263 requirements for obtaining the license or certificate meet or exceed the
264 requirements of sections 319.300 to 319.345;

265 (9) Individuals using agricultural fertilizers when used for agricultural
266 or horticultural purposes;

267 (10) Individuals handling explosives while in the act of transporting them
268 from one location to another;

269 (11) Individuals assisting or training under the direct supervision of a
270 licensed blaster;

271 (12) Individuals handling explosives while engaged in the process of

272 explosives manufacturing;

273 (13) Employees, agents, or contractors of rural electric cooperatives
274 organized or operating under chapter 394, RSMo; [and]

275 (14) Individuals discharging historic firearms and cannon or reproductions
276 of historic firearms and cannon; **and**

277 **(15) Individuals using explosive materials along with a well**
278 **screen cleaning device for the purpose of unblocking clogged screens**
279 **of agricultural irrigation wells located within the southeast Missouri**
280 **regional water district as created in section 256.643.**

281 19. The division of fire safety shall promulgate rules under this section
282 to become effective no later than July 1, 2008. Any individual loading or firing
283 explosives after the effective date of such rule shall obtain a license within one
284 hundred eighty days of the effective date of such rule. Any experience or training
285 prior to the effective date of such rule that meets the standards established by
286 the rule shall be deemed to comply with this section.

319.321. Sections 319.309, 319.312, 319.315, and 319.318 shall not apply
2 to:

3 (1) Universities, colleges, or trade schools when confined to the purpose
4 of instruction or research;

5 (2) The use of explosive materials in the forms prescribed by the official
6 U.S. Pharmacopoeia or the National Formulary and used in medicines and
7 medicinal agents;

8 (3) The training or emergency operations of any federal, state, or local
9 government including all departments, agencies, and divisions thereof, provided
10 they are acting in their official capacity and in the proper performance of their
11 duties or functions;

12 (4) The use of explosives by the military or any agency of the United
13 States;

14 (5) The use of pyrotechnics, commonly known as fireworks, including
15 signaling devices such as flares, fuses, and torpedoes;

16 (6) The use of small arms ammunition and components thereof which are
17 subject to the Gun Control Act of 1968, 18 U.S.C. Section 44, and regulations
18 promulgated thereunder. Any small arms ammunition and components thereof
19 exempted by the Gun Control Act of 1968 and regulations promulgated
20 thereunder are also exempted from the provisions of sections 319.300 to 319.345;

21 (7) Any person performing duties using explosives within an industrial

22 furnace;

23 (8) The use of agricultural fertilizers when used for agricultural or
24 horticultural purposes;

25 (9) The use of explosives for lawful demolition of structures;

26 (10) The use of explosives by employees, agents, or contractors of rural
27 electric cooperatives organized or operating under chapter 394, RSMo; [and]

28 (11) Individuals discharging historic firearms and cannon or reproductions
29 of historic firearms and cannon; **and**

30 **(12) Any person using explosive materials along with a well**
31 **screen cleaning device for the purpose of unblocking clogged screens**
32 **of agricultural irrigation wells located within the southeast Missouri**
33 **regional water district as created in section 256.643.**

393.1025. As used in sections 393.1020 to 393.1030, the following terms
2 mean:

3 (1) "Commission", the public service commission;

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

5 (3) "Electric utility", any electrical corporation as defined by section
6 386.020;

7 (4) "Renewable energy credit" or "REC", a tradeable certificate of proof
8 that one megawatt-hour of electricity has been generated from renewable energy
9 sources; and

10 (5) "Renewable energy resources", electric energy produced from wind,
11 solar thermal sources, photovoltaic cells and panels, dedicated crops grown for
12 energy production, cellulosic agricultural residues, plant residues, methane from
13 landfills, **from agricultural operations**, or from wastewater treatment,
14 **thermal depolymerization or pyrolysis for converting waste material to**
15 **energy**, clean and untreated wood such as pallets, hydropower (not including
16 pumped storage) that does not require a new diversion or impoundment of water
17 and that has a nameplate rating of ten megawatts or less, fuel cells using
18 hydrogen produced by one of the above-named renewable energy sources, and
19 other sources of energy not including nuclear that become available after
20 November 4, 2008, and are certified as renewable by rule by the department.

393.1030. 1. The commission shall, in consultation with the department,
2 prescribe by rule a portfolio requirement for all electric utilities to generate or
3 purchase electricity generated from renewable energy resources. Such portfolio
4 requirement shall provide that electricity from renewable energy resources shall

5 constitute the following portions of each electric utility's sales:

- 6 (1) No less than two percent for calendar years 2011 through 2013;
- 7 (2) No less than five percent for calendar years 2014 through 2017;
- 8 (3) No less than ten percent for calendar years 2018 through 2020; and
- 9 (4) No less than fifteen percent in each calendar year beginning in 2021.

10 At least two percent of each portfolio requirement shall be derived from solar
11 energy. The portfolio requirements shall apply to all power sold to Missouri
12 consumers whether such power is self-generated or purchased from another
13 source in or outside of this state. A utility may comply with the standard in
14 whole or in part by purchasing RECs. Each kilowatt-hour of eligible energy
15 generated in Missouri shall count as 1.25 kilowatt-hours for purposes of
16 compliance.

17 2. The commission, in consultation with the department and within one
18 year of November 4, 2008, shall select a program for tracking and verifying the
19 trading of renewable energy credits. An unused credit may exist for up to three
20 years from the date of its creation. A credit may be used only once to comply with
21 sections 393.1020 to 393.1030 and may not also be used to satisfy any similar
22 nonfederal requirement. An electric utility may not use a credit derived from a
23 green pricing program. Certificates from net-metered sources shall initially be
24 owned by the customer-generator. The commission, except where the department
25 is specified, shall make whatever rules are necessary to enforce the renewable
26 energy standard. Such rules shall include:

27 (1) A maximum average retail rate increase of one percent determined by
28 estimating and comparing the electric utility's cost of compliance with least-cost
29 renewable generation and the cost of continuing to generate or purchase
30 electricity from entirely nonrenewable sources, taking into proper account future
31 environmental regulatory risk including the risk of greenhouse gas regulation;

32 (2) Penalties of at least twice the average market value of renewable
33 energy credits for the compliance period for failure to meet the targets of
34 subsection 1. An electric utility will be excused if it proves to the commission
35 that failure was due to events beyond its reasonable control that could not have
36 been reasonably mitigated, or that the maximum average retail rate increase has
37 been reached. Penalties shall not be recovered from customers. Amounts
38 forfeited under this section shall be remitted to the department to purchase
39 renewable energy credits needed for compliance. Any excess forfeited revenues
40 shall be used by the department's energy center solely for renewable energy and

41 energy efficiency projects;

42 (3) Provisions for an annual report to be filed by each electric utility in
43 a format sufficient to document its progress in meeting the targets;

44 (4) Provision for recovery outside the context of a regular rate case of
45 prudently incurred costs and the pass-through of benefits to customers of any
46 savings achieved by an electrical corporation in meeting the requirements of this
47 section.

48 3. Each electric utility shall make available to its retail customers a
49 standard rebate offer of at least two dollars per installed watt for new or
50 expanded solar electric systems sited on customers' premises, up to a maximum
51 of twenty-five kilowatts per system, that become operational after 2009.

52 4. The department shall, in consultation with the commission, establish
53 by rule a certification process for electricity generated from renewable resources
54 and used to fulfill the requirements of subsection 1 of this section. Certification
55 criteria for renewable energy generation shall be determined by factors that
56 include fuel type, technology, and the environmental impacts of the generating
57 facility. Renewable energy facilities shall not cause undue adverse air, water, or
58 land use impacts, including impacts associated with the gathering of generation
59 feedstocks. If any amount of fossil fuel is used with renewable energy resources,
60 only the portion of electrical output attributable to renewable energy resources
61 shall be used to fulfill the portfolio requirements.

62 **5. In carrying out the provisions of this section, the commission**
63 **and the department shall include methane generated from the**
64 **anaerobic digestion of farm animal waste and thermal**
65 **depolymerization or pyrolysis for converting waste material to energy**
66 **as renewable energy resources for purposes of this section.**

578.600. 1. Sections 578.600 to 578.624 shall be known and may
2 **be cited as the "Large Carnivore Act".**

3 **2. As used in sections 578.600 to 578.624, the following terms**
4 **mean:**

5 **(1) "Circus", an incorporated, class C licensee that is licensed**
6 **under Chapter I of Title 9 of the Code of Federal Regulations, that is**
7 **temporarily in this state, and that offers skilled performances by live**
8 **animals, clowns, and acrobats for public entertainment;**

9 **(2) "Department", the Missouri department of agriculture;**

10 **(3) "Division", the division of animal health of the Missouri**

11 department of agriculture;

12 (4) "Facility", an indoor or outdoor cage, pen, or similar
13 enclosure where a large carnivore is kept;

14 (5) "Humane killing", the same meaning as such term is defined
15 in section 578.005;

16 (6) "Large carnivore", either of the following:

17 (a) Any of the following large cats of the *Felidae* family that are
18 nonnative to this state held in captivity: tiger, lion, jaguar, leopard,
19 snow leopard, clouded leopard, and cheetah, including a hybrid cross
20 with such cat, but excluding any unlisted nonnative cat, or any common
21 domestic or house cat; or

22 (b) A bear of a species that is nonnative to this state and held in
23 captivity;

24 (7) "Livestock", the same meaning as such term is defined in
25 section 267.565;

26 (8) "Permit", a permit issued under section 578.602;

27 (9) "Qualified veterinarian", a person licensed to practice
28 veterinary medicine under chapter 340.

29 578.602. 1. Except as permitted under sections 578.600 to 578.624,
30 no person shall:

31 (1) Own or possess a large carnivore;

32 (2) Breed a large carnivore;

33 (3) Transfer ownership or possession of or receive a transfer of
34 ownership or possession of a large carnivore, with or without
35 remuneration; or

36 (4) Transport a large carnivore.

37 2. The division shall implement and enforce the provisions of
38 sections 578.600 to 578.624 for the following purposes:

39 (1) The standardization of ownership, transport, and breeding of
40 large carnivores;

41 (2) Identification and location of large carnivores;

42 (3) Protection of members of the public from large carnivores;

43 and

44 (4) Practice best husbandry and health care protocols to ensure
45 the humane and safe treatment of large carnivores on behalf of their
46 physical well-being.

47 3. Any person possessing, breeding, or transporting a large

48 carnivore on or after January 1, 2012, shall apply for and obtain a
49 permit from the division. Any person possessing, breeding, or
50 transporting a large carnivore as of January 1, 2012, shall apply for a
51 permit from the division within sixty days of such date. One permit
52 shall be required for each large carnivore. Any permit so issued by the
53 division shall set forth all of the following:

54 (1) The name and address of the permit holder and the address
55 where each large carnivore will be kept, if different from that of the
56 permit holder;

57 (2) The identification number of each large carnivore required
58 under section 578.604 for which a permit is sought;

59 (3) The name and address of the veterinarian who is expected to
60 provide veterinary care to the large carnivore and, if different, the
61 name and address of the veterinarian who has inserted the
62 subcutaneous microchip required under section 578.604. The selected
63 veterinarian shall install the microchip, collect an appropriate sample
64 for DNA registration, provide a written summary of the physical
65 examination, and provide a signed health certificate as needed for
66 transport; and

67 (4) Any other reasonable information as determined by the
68 department, including the amount of the permit fee, not to exceed two
69 thousand five hundred dollars, as set by the division to offset the actual
70 and necessary costs incurred to enforce the provisions of sections
71 578.600 to 578.624 and the amount of the annual renewal fee, not to
72 exceed five hundred dollars, for such permits.

73 4. No permit shall be issued to any person under the age of
74 twenty-one years of age or who has been found guilty of, or pled guilty
75 to, a violation of any state or local law prohibiting neglect or
76 mistreatment of any animal or, within the previous ten years, any
77 felony.

578.604. The owner of a large carnivore shall have an
2 identification number placed in the large carnivore via subcutaneous
3 microchip, at the expense of the owner, by or under the supervision of
4 a veterinarian.

578.606. 1. Any person who owns, possesses, breeds, or sells a
2 large carnivore shall adhere to all United States Department of
3 Agriculture regulations and standards.

4 **2. Upon the death of a large carnivore, the owner shall notify the**
5 **state department of agriculture of such death within ten business**
6 **days. Such notification shall include the identification number from**
7 **the animal's subcutaneous microchip.**

578.608. 1. A law enforcement officer or other person may kill a
2 **large carnivore if such officer or person observes or has reason to**
3 **believe that the large carnivore is chasing, attacking, injuring, or**
4 **killing:**

5 **(1) A human being, whether the large carnivore is contained in**
6 **or is outside of its enclosure;**

7 **(2) Livestock;**

8 **(3) Poultry; or**

9 **(4) A mammalian pet, only if the large carnivore is outside of its**
10 **enclosure.**

11 **2. No law enforcement officer, animal control officer, or person**
12 **shall be held civilly liable for damages or otherwise for killing or**
13 **attempting to kill a large carnivore under subsection 1 of this section.**

14 **3. A large carnivore's entry onto a field or enclosure that is**
15 **owned by or leased by a person producing livestock or poultry**
16 **constitutes a trespass, and the person who owns or possesses the large**
17 **carnivore is liable in damages.**

578.610. 1. Any person who owns or possesses a large carnivore
2 **is liable in a civil action for the death or injury of a human and for**
3 **property damage, including but not limited to the death or injury of**
4 **another animal, caused by the large carnivore. Sections 578.600 to**
5 **578.624 do not limit the common law liability of the owner of a large**
6 **carnivore for the death or injury of a human or for property damage**
7 **caused by the large carnivore.**

8 **2. Any person who owns or possesses a large carnivore shall**
9 **maintain liability insurance in an amount of not less than two hundred**
10 **fifty thousand dollars. Each person subject to the provisions of this**
11 **subsection shall provide verification to the department on an annual**
12 **basis that such liability insurance is being maintained.**

13 **3. If a large carnivore escapes or is released, intentionally or**
14 **unintentionally, the person who owns or possesses the large carnivore**
15 **shall immediately contact law enforcement to report the loss, escape,**
16 **or release. The person who owns or possesses the large carnivore is**

17 liable for all expenses associated with efforts to recapture the large
18 carnivore that is released or escapes.

578.612. A person lawfully in possession of a large carnivore
2 under sections 578.600 to 578.624 shall be required to obtain a permit
3 to transport the large carnivore in a vehicle in compliance with all
4 federal and division requirements applicable to such large carnivores.

578.614. 1. Subject to subsection 2 of this section, any person
2 who violates sections 578.600 to 578.624 is guilty of a class A
3 misdemeanor. Any person who fails to obtain a permit as required by
4 sections 578.600 to 578.624 is guilty of a class A misdemeanor. Any
5 person who intentionally releases a large carnivore except to the care,
6 custody, and control of another person is guilty of a class D felony. In
7 addition, a person who violates sections 578.600 to 578.624 may be
8 punished by one or more of the following:

9 (1) Community service work for not more than five hundred
10 hours;

11 (2) The loss of privileges to own or possess any animal.

12 2. Subsection 1 of this section does not apply to a law
13 enforcement officer, animal control officer, qualified veterinarian, or
14 department of agriculture employee with respect to the performance of
15 the duties of a law enforcement officer, animal control officer, qualified
16 veterinarian, or department of agriculture employee under sections
17 578.600 to 578.624.

578.616. 1. If a person who owns, possesses, breeds, or sells a
2 large carnivore violates sections 578.600 to 578.624, such large
3 carnivore and any other large carnivore owned or possessed by such
4 person are subject to civil forfeiture.

5 2. The prosecuting attorney in an action under section 578.614
6 may file a petition requesting that the court issue an order for civil
7 forfeiture of all of the large carnivores owned or possessed by the
8 person violating sections 578.600 to 578.624.

578.618. A political subdivision may adopt an ordinance
2 governing large carnivores that is more restrictive than sections
3 578.600 to 578.624. The requirements of sections 578.600 to 578.624 are
4 in addition to any other requirements governing a large carnivore
5 under state and federal law.

578.620. 1. Sections 578.602 and 578.604 shall not apply to any of

2 the following:

3 (1) An animal control shelter or animal protection shelter that
4 is providing temporary care to a large carnivore for ninety days or less
5 and has proper facilities to handle the large carnivore;

6 (2) A law enforcement officer or department of agriculture
7 employee acting under the authority of sections 578.600 to 578.624;

8 (3) A veterinarian temporarily in possession of a large carnivore
9 to provide veterinary care for or humanely euthanize the large
10 carnivore;

11 (4) A class C licensee that possesses and maintains a class C
12 license under 9 C.F.R. 1.1 that meets the following conditions:

13 (a) The business is not conducted in connection with another
14 business as a means of attracting customers to such other business;

15 (b) The class C licensee currently owns or possesses a large
16 carnivore on August 28, 2010; except that, any class C licensee whose
17 license is revoked after August 28, 2010, shall be required to obtain a
18 state permit. For any large carnivore acquired after August 28, 2010,
19 the class C licensee shall obtain a state permit.

20 2. Sections 578.602 and 578.604 shall not apply to a person who
21 is not a resident of this state and who is in this state only for the
22 purpose of travel between locations outside of this state and is not
23 exhibiting in this state.

578.622. Sections 578.600 to 578.624 shall not apply to a circus,
2 the University of Missouri-Columbia College of Veterinary Medicine, or
3 a zoological park that is a part of a district created under chapter 184.

578.624. 1. (1) There is hereby created in the state treasury the
2 "Large Carnivore Fund", which shall consist of moneys collected under
3 sections 578.600 to 578.624, and any gifts, donations, bequests, or
4 appropriations. The state treasurer shall be custodian of the fund. In
5 accordance with sections 30.170 and 30.180, the state treasurer may
6 approve disbursements. Upon appropriation, money in the fund shall
7 be used solely for the administration of sections 578.600 to 578.624.

8 (2) Notwithstanding the provisions of section 33.080 to the
9 contrary, any moneys remaining in the fund at the end of the biennium
10 shall not revert to the credit of the general revenue fund.

11 (3) The state treasurer shall invest moneys in the fund in the
12 same manner as other funds are invested. Any interest and moneys

13 earned on such investments shall be credited to the fund.

14 **2. Any rule or portion of a rule, as that term is defined in section**
15 **536.010, that is created under the authority delegated in sections**
16 **578.600 to 578.624 shall become effective only if it complies with and is**
17 **subject to all of the provisions of chapter 536 and, if applicable, section**
18 **536.028. Sections 578.600 to 578.624 and chapter 536 are nonseverable**
19 **and if any of the powers vested with the general assembly pursuant to**
20 **chapter 536 to review, to delay the effective date, or to disapprove and**
21 **annul a rule are subsequently held unconstitutional, then the grant of**
22 **rulemaking authority and any rule proposed or adopted after August**
23 **28, 2010, shall be invalid and void.**

Section 1. No moneys collected under section 273.327 shall be
2 **used to operate or administer sections 578.600 to 578.624.**

 Section B. Because immediate action is necessary to ensure compliance
2 with the Missouri administrative hearing commission decision, the repeal and
3 reenactment of section 274.180 of section A of this act is deemed necessary for the
4 immediate preservation of the public health, welfare, peace, and safety, and is
5 hereby declared to be an emergency act within the meaning of the constitution,
6 and the repeal and reenactment of section 274.180 of section A of this act shall
7 be in full force and effect upon its passage and approval.

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