

FIRST REGULAR SESSION

SENATE BILL NO. 553

98TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR MUNZLINGER.

Read 1st time February 26, 2015, and ordered printed.

ADRIANE D. CROUSE, Secretary.

2410S.011

AN ACT

To repeal sections 192.300 and 640.710, RSMo, and to enact in lieu thereof two new sections relating to county health ordinances, with a penalty provision.

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

Section A. Sections 192.300 and 640.710, RSMo, are repealed and two new
2 sections enacted in lieu thereof, to be known as sections 192.300 and 640.710, to
3 read as follows:

192.300. The county commissions [and] **with the concurrence of the**
2 county health center boards of the several counties may make and promulgate
3 orders, ordinances, rules or regulations, respectively as will tend to enhance the
4 public health and prevent the entrance of infectious, contagious, communicable
5 or dangerous diseases into such county, but any orders, ordinances, rules or
6 regulations shall not be in conflict with any rules or regulations authorized and
7 made by the department of health and senior services in accordance with this
8 chapter, **or by the department of natural resources under chapters 260,**
9 **640, 643, and 644,** or by the department of social services under chapter
10 198. **However, no structure used for agricultural purposes or**
11 **agricultural activity whose use is exclusively in connection with the**
12 **production, harvesting, storage, drying, or raising of agricultural**
13 **commodities, including the raising of livestock, shall be subject to any**
14 **orders, ordinances, rules, or regulations adopted under this**
15 **section.** The county commissions [and] **with the concurrence of the county**
16 health center boards of the several counties may establish reasonable fees to pay
17 for any costs incurred in carrying out such orders, ordinances, rules or
18 regulations, however, the establishment of such fees shall not deny personal

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

19 health services to those individuals who are unable to pay such fees or impede
20 the prevention or control of communicable disease. Fees generated shall be
21 deposited in the county treasury. All fees generated under the provisions of this
22 section shall be used to support the public health activities for which they were
23 generated. After the promulgation and adoption of such orders, ordinances, rules
24 or regulations by such county commission [or county health board], such
25 commission [or county health board] shall make and enter an order or record
26 declaring such orders, ordinances, rules or regulations to be printed and available
27 for distribution to the public in the office of the county clerk, and shall require
28 a copy of such order to be published in some newspaper in the county in three
29 successive weeks, not later than thirty days after the entry of such order,
30 ordinance, rule or regulation. Any person, firm, corporation or association which
31 violates any of the orders or ordinances adopted, promulgated and published by
32 such county commission is guilty of a misdemeanor and shall be prosecuted, tried
33 and fined as otherwise provided by law. The county commission [or county health
34 board] of any such county has full power and authority to initiate the prosecution
35 of any action under this section.

640.710. 1. The department shall promulgate rules regulating the
2 establishment, permitting, design, construction, operation and management of
3 class I facilities. The department shall have the authority and jurisdiction to
4 regulate the establishment, permitting, design, construction, operation and
5 management of any class I facility. Such rules may require monitoring wells on
6 a site-specific basis when, in the determination of the division of geology and land
7 survey, class IA concentrated animal feeding operation lagoons are located in
8 hydrologically sensitive areas where the quality of groundwater may be
9 compromised. Such rules and regulations shall be designed to afford a prudent
10 degree of environmental protection while accommodating modern agricultural
11 practices.

12 2. Except as provided in subsections 3 and 4 of this section, the
13 department shall require at least but not more than the following buffer distances
14 between the nearest confinement building or lagoon and any public building or
15 occupied residence, except a residence which is owned by the concentrated animal
16 feeding operation or a residence from which a written agreement for operation is
17 obtained:

18 (1) For concentrated animal feeding operations with at least one thousand
19 animal units, one thousand feet;

20 (2) For concentrated animal feeding operations with between three
21 thousand and six thousand nine hundred ninety-nine animal units inclusive, two
22 thousand feet; and

23 (3) For concentrated animal feeding operations of seven thousand or more
24 animal units, three thousand feet.

25 3. All concentrated animal feeding operations in existence as of June 25,
26 1996, shall be exempt from the buffer distances prescribed in subsection 2 of this
27 section. Such distances shall not apply to concentrated animal feeding operations
28 which have received a written agreement which has been signed by all affected
29 property owners within the buffer distance.

30 4. The department may, upon review of the information contained in the
31 site plan including, but not limited to, the prevailing winds, topography and other
32 local environmental factors, authorize a distance which is less than the distance
33 prescribed in subsection 2 of this section. The department's recommendation
34 shall be sent to the governing body of the county in which such site is
35 proposed. The department's authorized buffer distance shall become effective
36 unless the county governing body rejects the department's recommendation by a
37 majority vote at the next meeting of the governing body after the recommendation
38 is received.

39 [5. Nothing in this section shall be construed as restricting local controls.]

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