

HCS HB 352 & 494 -- LIVESTOCK AGRICULTURE

SPONSOR: Myers (Guest)

COMMITTEE ACTION: Voted "do pass" by the Committee on Agriculture by a vote of 19 to 1.

ANIMAL RESEARCH AND PRODUCTION FACILITIES

This substitute prohibits any person, except any state or federal regulatory agency or any law enforcement agency, from photographing, videotaping, or otherwise obtaining images from a location within an animal facility that is not legally accessible to the public without the express written consent of the animal facility. Any documents, photographs, video tape, or images obtained from a location within the animal facility are not to be subject to the Sunshine Law. Persons who violate this portion of the substitute are guilty of a class D felony.

The substitute also prohibits any person from intentionally releasing in any animal facility any pathogen or disease that has the potential to cause disease in any animal or threatens human health or biosecurity. Persons who violate this portion of the substitute are guilty of a class B felony.

The definition of an "animal facility" is expanded to include barns, buildings, or other structures which are part of any animal farming operation, business, or organization engaged in legal scientific research or agricultural production.

The Director of the Department of Agriculture is given the authority to initiate a civil action in the circuit court of the county in which a violation of the provisions of the substitute occurred.

CONCENTRATED ANIMAL FEEDING OPERATIONS

The substitute repeals all provisions of Chapter 640, RSMo, Department of Resources, relating to concentrated animal feeding operations and reenacts the provisions in Chapter 644, Water Pollution, with the following changes:

(1) The Missouri Clean Water Commission is to promulgate rules regulating the establishment, permitting, design, construction, operation, and management of class I concentrated animal feeding operations;

(2) Regulatory or local controls imposed by any form of local government concerning the establishment, permitting, design, construction, operation, or management of any class I or class II

concentrated animal feeding operation must be consistent with the provisions of the substitute, except that local governing bodies with the recommendation and approval of the respective local Soil and Water Conservation District may impose stricter controls if they are based on empirical peer-reviewed scientific and economic data that clearly document the need and cost-effectiveness for the more restrictive provisions;

(3) Any corporation or cooperative engaged in farming will not be eligible for any state tax credits, deductions, state grants, loans, or other financial or economic assistance, unless a family farm or family farm corporation receives the same assistance. Agricultural processing or food processing facilities are not restricted by the provisions of the substitute; and

(4) The requirement for a class IA, class IB, or class IC concentrated animal feeding operation to give notice of application to the county governing body and adjoining property owners within one and a half times the maximum buffer distance for the size of the proposed operation is repealed.

LOAN GUARANTEES

Currently, the Missouri Agricultural and Small Business Development Authority issues certificates of guaranty covering a first loan guarantee up to 25% of an Agricultural Business Development Loan. The substitute increases the guarantee to up to 50% of a loan.

The substitute also decreases from 40% to 20% the immediate redemption amount of the outstanding loans guaranteed by way of the Agricultural Product Utilization and Business Development Loan Guarantee Fund.

FISCAL NOTE: Not available at time of printing.

PROPOSERS: Supporters of House Bill 352 say that animal rights groups use pictures obtained covertly in animal facilities as propaganda against the animal industry. These pictures may be used in the planning and execution of acts of terrorism against animal facilities. The animal agriculture antiterrorism provisions are of critical importance given the current world political situation.

Supporters of House Bill 494 say that ordinances promulgated by county health departments and adopted by local governments based on fear, myth, bad information, and emotion are limiting animal agricultural production in Missouri. Sixty percent of net farm income in Missouri is derived from animal agriculture. The Governor's Task Force on Agriculture recommended discouraging

local governments from imposing additional restrictions on concentrated animal feeding operations.

Testifying for House Bill 352 were Representative Guest; Missouri Pork Association; Missouri Federation of Animal Owners; Missouri Dairy Association; Missouri Pet Breeders Association; Poultry Federation; Jim Foster; Missouri Cattlemen's Association; Missouri Farm Bureau; Paula Moore; Nick Wilmesher; Elizabeth Limbach; Ruth and Roy Milan; Cheryl Sides; Bev and Gary Wilmesher; and Cathy Griesbauer.

Testifying for House Bill 494 were Dale Whiteside, former State Representative; Missouri Cattlemen's Association; Department of Agriculture; Missouri Pork Producers Association; Kathy Chinn; and Missouri Dairy Association.

OPPONENTS: Those who oppose House Bill 352 say that the bill is unnecessary, violates freedom of the press, and makes whistle blowers felons. The bill interferes with federal, state, and local law enforcement as well as federal and state regulatory agencies. The bill does not require criminal intent for persons to be in violation.

Those who oppose House Bill 494 say that they want to retain local control of concentrated animal feeding operations and want statutory requirements for notification of expansion or placement of concentrated animal feeding operations to remain in place. Smell, water pollution, lowered property values, and health issues were cited as reasons for local governments to retain the right to impose requirements stricter than those imposed by the state.

Testifying against House Bill 352 were Missouri Press Association; Human Society of Missouri; Missouri Alliance for Animal Legislation; Sierra Club; American Society for the Prevention of Cruelty to Animals; Terry Spence; and Nick Smith, Missouri Animal Control.

Testifying against House Bill 494 were Margo McMillan; Missouri Association of Counties; Terry Spence; Bryce Oates, Rural Crisis Center; Catholic Diocese of Jefferson City; Farmers Union; Brent Sandidse; Lowell Schachtseik; Sierra Club; and Winston Simpson.

Roland Tackett, Legislative Analyst