

FIRST REGULAR SESSION

HOUSE BILL NO. 966

94TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES HUNTER (Sponsor), WILSON (130), RUESTMAN, SATER,
QUINN (7), BIVINS AND WALLACE (Co-sponsors).

Read 1st time February 22, 2007 and copies ordered printed.

D. ADAM CRUMBLISS, Chief Clerk

1974L.01I

AN ACT

To amend chapter 640, RSMo, by adding thereto one new section relating to cease and desist order by the department of natural resources, with a penalty provision.

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

Section A. Chapter 640, RSMo, is amended by adding thereto one new section, to be
2 known as section 640.045, to read as follows:

**640.045. 1. The department of natural resources may issue a cease and desist order
2 if the director:**

3 **(1) Determines that any person is violating the requirements of this chapter and
4 chapter 236, 256, 260, 300, 304, 319, 444, 578, 643, or 644, RSMo; and**

5 **(2) Makes a finding that the violation constitutes a clear and present threat to life
6 or health of those in the area.**

7 **2. If such person continues the violation after the cease and desist order is issued,
8 the director shall cause to be filed by the attorney general or other counsel in the name of
9 this state suit for a temporary restraining order, temporary injunction, or permanent
10 injunction, as appropriate, and a penalty not to exceed ten thousand dollars per day for
11 each day or part thereof the violation occurred and continues to occur. Any such action
12 shall be given precedence over all other matter pending in the circuit courts.**

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

13 **3. Any cease and desist order issued under subsection 1 of this section is a final**
14 **order and is subject to judicial review upon the filing of a petition under section 536.100,**
15 **RSMo, by any person subject to the order.**

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