

HCS SB 315 -- LIABILITY FOR AGRICULTURAL DAMAGE AND DESTRUCTION

SPONSOR: Clemens (Munzlinger)

COMMITTEE ACTION: Voted "do pass" by the Special Committee on Agri-Business by a vote of 6 to 3.

This substitute specifies that when a hazardous substance release occurs, the person having control of the hazardous substance is liable for the reasonable and necessary costs for the cleanup or containment incurred by the political subdivision or volunteer fire protection association providing the emergency services. No later than 60 days after completion of the hazardous substance cleanup, the emergency services provider is required to furnish the liable person with an itemized statement of all costs associated with the hazardous substance release. A cleanup cost statement may be appealed to the Director of the Department of Natural Resources with the burden of proof on the political subdivision or the emergency services provider.

The substitute also specifies that a person or entity who negligently damages or destroys a field crop product will be liable for compensatory damages only.

The department is required to establish rules and regulations regarding the establishment, permitting, design, construction, operation, and management of voluntarily regulated concentrated animal feeding operations (CAFOs). A voluntarily regulated facility is any CAFO with a capacity of less than 1,000 animal units that voluntarily applies to the department to be regulated and which is not otherwise required by law to have a class II permit.

Eligible voluntarily regulated facilities are not required to obtain a construction or operating permit. However, upon application to become a voluntarily regulated facility, the department has the authority to regulate the permitting, design, construction, operation, and management of the facility. Any permit issued to a class II facility prior to the effective date of the substitute will remain in effect, and the facility will be considered a voluntarily regulated facility. The permit will remain in effect pending issuance of a new permit if the facility submits a timely and sufficient application and the department is unable to issue the new permit prior to the expiration date of the previous permit.

FISCAL NOTE: No impact on state funds in FY 2008, FY 2009, and FY 2010.

PROPONENTS: Supporters say that the bill corrects past

anti-terrorism legislation that inadvertently requires local chemical applicators spraying the wrong field to pay double the damages.

Testifying for the bill were Senator Clemens; and Missouri Agriculture Industries Council.

OPPONENTS: There was no opposition voiced to the committee.