

SECOND REGULAR SESSION

HOUSE BILL NO. 1931

94TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES HARRIS (23) (Sponsor), WALSH, LeVOTA, HARRIS (110),
ROORDA, PAGE, KUESSNER, DONNELLY AND SPRENG (Co-sponsors).

Read 1st time January 30, 2008 and copies ordered printed.

D. ADAM CRUMBLISS, Chief Clerk

4310L.03I

AN ACT

To repeal section 640.715, RSMo, and to enact in lieu thereof two new sections relating to concentrated animal feeding operations.

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

Section A. Section 640.715, RSMo, is repealed and two new sections enacted in lieu
2 thereof, to be known as sections 640.715 and 640.720, to read as follows:

640.715. 1. Prior to filing an application to acquire a construction permit from the
2 department, the owner or operator of any class IA, class IB, or class IC concentrated animal
3 feeding operation shall provide the following information to the department, to the county
4 governing body and to all adjoining property owners of property located within [one and
5 one-half] **five** times the buffer distance as specified in subsection 2 of section 640.710 for the
6 size of the proposed facility:

- 7 (1) The number of animals anticipated at such facility;
- 8 (2) The waste handling plan and general layout of the facility;
- 9 (3) The location and number of acres of such facility;
- 10 (4) Name, address, telephone number and registered agent for further information as it
11 relates to subdivisions (1) to (3) of this subsection;
- 12 (5) Notice that the department will accept written comments from the public for a period
13 of thirty days; and
- 14 (6) The address of the regional or state office of the department.

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.

15

16 The department shall require proof of such notification upon accepting an application for a
17 construction permit. The department shall accept written comments from the public for thirty
18 days after receipt of application for construction permit.

19 2. The department shall not issue a permit to a facility described in subsection 1 of this
20 section to engage in any activity regulated by the department [unless] if:

21 (1) The applicant is **not** in compliance with sections 640.700 to 640.755; or

22 (2) **A petition in opposition to the issuance of a permit for such facility is filed**
23 **before the final day of comment for such permit application in accordance with section**
24 **640.720.**

25 3. The department shall issue a permit or respond with a letter of comment to the owner
26 or operator of such facility within forty-five days of receiving a completed permit application and
27 verification of compliance with subsection 1 of this section.

640.720. 1. No permit shall be issued under sections 640.700 to 640.755 if a petition
2 **in opposition to the issuance of a permit for a facility is filed before the final day of**
3 **comment for such permit application with the department or county in which the facility**
4 **will be located. Such petition shall contain the valid signatures of at least five percent of**
5 **the registered voters of:**

6 (1) **The smallest political subdivision classification in which the facility is proposed**
7 **to be located; or**

8 (2) **If the facility is proposed to be located in an unincorporated area, the county**
9 **in which the facility is proposed to be located.**

10

11 **Petition signatures shall be verified by the department or the county clerk with the**
12 **assistance of the secretary of state's office.**

13 2. **Upon receipt and verification of the signatures of a petition submitted in**
14 **accordance with subsection 1 of this section, the petition shall be submitted to the**
15 **governing body of the political subdivision or county in which the proposed facility will be**
16 **located and, upon such submission, the governing body of the political subdivision or**
17 **county shall submit to the voters of the political subdivision or county at the next general**
18 **election the question of whether to deny issuance of a concentrated animal feeding**
19 **operation permit for a specific facility. The political subdivision or county clerk shall**
20 **prepare the ballot substantially in the following form:**

21 **Shall the application for issuance of a permit for construction of a concentrated**
22 **animal feeding operation submitted by (name of facility) be denied?**

23

☐ YES☐ NO

24

25 To vote in favor of the question, place an "X" in the box opposite the word "Yes". To vote
26 against the question place an "X" in the box opposite the word "No".

27 3. If a majority of those voting on the question vote in favor of the question to deny
28 the application for the issuance of a concentrated animal feeding operation permit, the
29 department shall not issue a permit to the facility. If a majority of those voting on the
30 question vote against the question, the determination of issuance of a permit for the facility
31 shall return to the department and the department shall make such determination in
32 accordance with the requirements of sections 640.700 to 640.755.

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