

CCS HCS SB 795 -- ANIMALS AND AGRICULTURE

This bill changes the laws regarding animals and agriculture.

PESTICIDE FEES AND AGRICULTURE PROTECTION FUND (Sections 196.316, 261.200, 281.260, 311.550, and 322.550, RSMo)

The bill increases the fee for registering a pesticide which is distributed, sold, offered for sale, held for sale, or delivered for transportation or transported in intrastate commerce within the state from \$15 per year with a late charge of \$5 assessed for any pesticide not registered by January 1 to \$150 per year with a late charge of \$50 assessed for any pesticide not registered by January 1 and requires the fee and late charge to be deposited into the newly created Agriculture Protection Fund. Fees are to be used solely to administer the pest and pesticide programs of the Department of Agriculture. If funding exceeds the reasonable cost of administering the programs for which the fees were collected, the department must reduce the fee for all registrants.

The fund will also consist of any appropriated moneys or fees and all fees collected and assessed by the department which are not already credited to a program-specific purpose. Fees related to egg licenses, the sale of wine, and pesticide registration are specifically directed to the fund. The fund must be used by the department for functions and responsibilities relating to the programs from which the fees are collected, except for the fees collected for the privilege of selling wine which are to be used solely for agricultural business development and marketing-related functions of the department.

DRAINAGE AND LEVEE DISTRICTS (Section 246.310)

The bill specifies that the provisions of Section 262.802 regarding the abeyance of water and sewer district assessments until certain farmland property is connected to the system will not apply to any drainage or levee district established under state law.

ANHYDROUS AMMONIA (Section 266.355)

The Department of Agriculture is required to adopt the minimum general safety standards for the storage and handling of anhydrous ammonia in American National Standards Institute's Standard K61.1-1999, except that the department must not adopt the standards prior to December 1, 2012. The provisions of Section 266.355 regarding the storage of anhydrous ammonia will not apply to any storage equipment in use as of August 28, 2010, and which is found by the department to be in substantial

compliance with generally accepted standards of safety regarding life and property.

WILD AND FERAL SWINE (Sections 270.260, 270.270, and 270.400)

The bill changes the laws regarding wild or feral swine. The Director of the Department of Agriculture must establish rules regarding the fencing and health standards for Russian and European wild boars or wild-caught swine held on private land. Any person holding these swine on private land must annually obtain a permit from the department. The capture and possession of feral hogs on public land and the transport of live Russian and European wild boars or wild-caught swine through or on public land without a permit is prohibited. The transport of live Russian and European wild boars or wild-caught swine for any purpose other than to slaughter or to move to another farm requires a permit from the department unless the transporter is issued an exemption permit by the department. Any person in violation of these provisions will be guilty of a class A misdemeanor. An administrative penalty of up to \$1,000 per occurrence may be assessed in the case of certain multiple violations.

Any person who recklessly or knowingly releases any swine on public or private land without adequate fencing will be guilty of a class A misdemeanor and will be subject to an administrative penalty of \$1,000 for each swine released for the first offense. Anyone who has previously pled guilty to or been found guilty of violating this provision on two separate occasions within 10 years of the current violation will be guilty of a class D felony and may be assessed an administrative penalty of up to \$1,000 per violation.

The Animal Health Fund is created which will consist of all administrative penalties and fees collected by the department under these provisions. Moneys appropriated from the fund must be used to administer these provisions.

These provisions do not apply to domestic swine.

LICENSURE AND REGULATION OF ANIMAL CARE FACILITIES (Sections 273.327 and 273.329)

The bill changes the laws regarding the Animal Care Facilities Act. The bill:

- (1) Removes the exemption for animal shelters from the required annual licensure fee; and
- (2) Prohibits the Department of Agriculture from retaining,

contracting with, or otherwise utilizing the services of the personnel of any nonprofit organization for the purpose of inspecting or licensing a shelter, pound, kennel, breeder, or pet shop subject to the provisions of the Animal Care Facilities Act.

NONPROFIT COOPERATIVE MARKETING ASSOCIATIONS (Section 274.180)

The bill specifies that a nonprofit cooperative marketing association must pay an annual fee of \$10 in lieu of certain taxes including state sales taxes.

BLASTING SAFETY (Sections 319.306 and 319.321)

Individuals using explosives along with a well screen cleaning device for the purpose of unblocking clogged agricultural irrigation well screens located within the Southeast Missouri Regional Water District are added to the list of individuals who are exempt from the requirement of obtaining a blaster's license from the Division of Fire Safety within the Department of Public Safety. These individuals are also exempt from the requirement of calculating the scaled distance to the nearest uncontrolled structure, of complying with ground vibration limits, of using a seismograph to record ground vibration and acoustic levels, of retaining seismograph recordings and the accompanying records for three years, of registering with the division, and of filing an annual report.

RENEWABLE ENERGY STANDARD (Sections 393.1025 and 393.1030)

Currently, the Missouri Public Service Commission and the Department of Natural Resources are required to make rules to satisfy the provisions of the Renewable Energy Standard, commonly known as Proposition C, passed by voters in November 2008. The bill revises the definition of "renewable energy resources" to include methane from agricultural operations and thermal depolymerization or pyrolysis for converting waste material to energy. The commission and the department must include methane generated from the anaerobic digestion of farm animal waste and thermal depolymerization or pyrolysis for converting waste material to energy as renewable energy resources for purposes of production requirements of the standard.

LARGE CARNIVORE ACT (Sections 578.600 - 578.624 and Section 1)

The Large Carnivore Act is established which prohibits, beginning January 1, 2012, any person from owning or possessing, breeding, transferring or receiving ownership or possession, or transporting a large carnivore unless he or she has a permit from the Division of Animal Health within the Department of Agriculture. "Large carnivore" is defined as any of the

following large cats of the Felidae family that are nonnative to this state held in captivity including a tiger, lion, jaguar, leopard, snow leopard, clouded leopard, cheetah, and any hybrid cross with the cat or any nonnative species of bear. The division is required to implement and enforce these provisions. Certain requirements regarding the care and control of a large carnivore are specified. Upon the death of a large carnivore, the owner must notify the department within 10 business days.

Any person who owns or possesses a large carnivore is liable in a civil action for the death or injury of a human or another animal and for any property damage caused by the large carnivore. If a large carnivore escapes or is released, intentionally or unintentionally, the owner is required to immediately notify law enforcement and is liable for all expenses associated with the efforts to recapture the large carnivore. The owner is required to maintain liability insurance in an amount of not less than \$250,000 and annually provide verification of the coverage to the department. An application for a permit is to be accompanied by a fee not to exceed \$2,500 for each large carnivore with an annual renewal fee not to exceed \$500 as established by the department to offset the costs to enforce the provisions of the act. The Large Carnivore Fund is created for the deposit of moneys collected under these provisions and any gifts, donations, bequests, or appropriations for the administration of the act.

The specified requirements for large carnivore ownership are in addition to any applicable state or federal law and do not prohibit any local political subdivision from adopting more restrictive laws. Certain entities, law enforcement officers, animal control officers, veterinarians, and department employees are exempt from certain provisions of the act. The act does not apply to circuses, the University of Missouri College of Veterinary Medicine, or to certain zoological parks.

Any person violating these provisions will be guilty of a class A misdemeanor. Any person who intentionally releases a large carnivore will be guilty of a class D felony. Anyone violating a provision of the act may also be required to do community service work not to exceed 500 hours and/or lose the privilege of owning or possessing any animal.

The bill contains an emergency clause for the provisions regarding nonprofit cooperative marketing associations.