

FIRST REGULAR SESSION

HOUSE BILL NO. 964

97TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES HOUGHTON (Sponsor), MCGAUGH,
SPENCER AND ANDERSON (Co-sponsors).

0613H.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To amend chapter 265, RSMo, by adding thereto two new sections relating to animal slaughter and processing facilities.

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

Section A. Chapter 265, RSMo, is amended by adding thereto two new sections, to be known as sections 265.474 and 265.475, to read as follows:

265.474. 1. No court of this state shall issue an injunction stopping or delaying the construction of any animal slaughter or processing facility licensed in this state based on a challenge or appeal of a permit, license, certificate, or other approval issued in conjunction with a proposed animal slaughter or processing facility based on the provisions of chapter 260, 643, or 644, or the inspection provisions of sections 265.300 to 265.471.

2. If a person files an action against the operation of an animal slaughter or processing facility and does not prevail, the person is liable for all financial losses the facility suffers if the court issues an injunction that halts operations while the action is pending.

265.475. 1. (1) If a court action is filed to challenge the issuance of a license, permit, certificate, or other approval for an animal slaughter or processing facility under sections 265.300 to 265.471, the court shall require a surety bond of the person filing the action. The bond shall be set at an amount representing twenty percent of the estimated cost of building the facility or the operational costs of an existing facility.

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.

6 **(2) The bonding requirements of this subsection shall not apply to an indigent**
7 **person.**

8 **2. If the bond required under subsection 1 of this section is not paid within thirty**
9 **days of the filing of the action, the action shall be dismissed.**

10 **3. An action to challenge a decision to issue a license, permit, certificate, or other**
11 **approval for an animal slaughter or processing facility shall be brought in the circuit court**
12 **in which the facility will be built. If a facility would be located in more than one county,**
13 **the action may be brought in any of the circuit courts with jurisdiction in any of the**
14 **counties in which the facility would be built.**

15 **4. If the court determines that a court action challenging a license, permit,**
16 **certificate, or other approval for an animal slaughter or processing facility was without**
17 **merit or was for an improper purpose designed to harass, cause delay, or improperly**
18 **interfere with the ongoing operation of a facility, the court may award attorney fees and**
19 **costs incurred in defending the action.**

20 **5. This section does not prevent a defendant in an action brought under this section**
21 **from filing an action or counterclaim for any claim for relief available by law and does not**
22 **limit the recovery that may be obtained in a claim for relief.**

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