

SECOND REGULAR SESSION

HOUSE BILL NO. 1823

98TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE MCGAUGH.

5221H.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal sections 192.300 and 640.710, RSMo, and to enact in lieu thereof two new sections relating to county health ordinances.

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

Section A. Sections 192.300 and 640.710, RSMo, are repealed and two new sections enacted in lieu thereof, to be known as sections 192.300 and 640.710, to read as follows:

192.300. The county commissions [and] **with the concurrence of** the county health center boards of the several counties may make and promulgate orders, ordinances, rules or regulations, respectively as will tend to enhance the public health and prevent the entrance of infectious, contagious, communicable or dangerous diseases into such county, but any orders, ordinances, rules or regulations shall not be in conflict with any rules or regulations authorized and made by the department of health and senior services in accordance with this chapter; **the department of natural resources under chapters 260, 640, 643, and 644;** or by the department of social services under chapter 198. **However, no structure used for agricultural purposes or agricultural activity whose use is exclusively in connection with the production, harvesting, storage, drying, or raising of agricultural commodities, including the raising of livestock, shall be subject to any orders, ordinances, rules, or regulations adopted under this section.** The county commissions [and] **with the concurrence of** the county health center boards of the several counties may establish reasonable fees to pay for any costs incurred in carrying out such orders, ordinances, rules or regulations, however, the establishment of such fees shall not deny personal health services to those individuals who are unable to pay such fees or impede the prevention or control of communicable disease. Fees generated shall be deposited in the county treasury. All fees generated under the provisions of this section shall be used to

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.

18 support the public health activities for which they were generated. After the promulgation and
19 adoption of such orders, ordinances, rules or regulations by such county commission [or county
20 health board], such commission [or county health board] shall make and enter an order or record
21 declaring such orders, ordinances, rules or regulations to be printed and available for distribution
22 to the public in the office of the county clerk, and shall require a copy of such order to be
23 published in some newspaper in the county in three successive weeks, not later than thirty days
24 after the entry of such order, ordinance, rule or regulation. Any person, firm, corporation or
25 association which violates any of the orders or ordinances adopted, promulgated and published
26 by such county commission is guilty of a misdemeanor and shall be prosecuted, tried and fined
27 as otherwise provided by law. The county commission [or county health board] of any such
28 county has full power and authority to initiate the prosecution of any action under this section.

640.710. 1. The department shall promulgate rules regulating the establishment,
2 permitting, design, construction, operation and management of class I facilities. The department
3 shall have the authority and jurisdiction to regulate the establishment, permitting, design,
4 construction, operation and management of any class I facility. Such rules may require
5 monitoring wells on a site-specific basis when, in the determination of the division of geology
6 and land survey, class IA concentrated animal feeding operation lagoons are located in
7 hydrologically sensitive areas where the quality of groundwater may be compromised. Such
8 rules and regulations shall be designed to afford a prudent degree of environmental protection
9 while accommodating modern agricultural practices.

10 2. Except as provided in subsections 3 and 4 of this section, the department shall require
11 at least but not more than the following buffer distances between the nearest confinement
12 building or lagoon and any public building or occupied residence, except a residence which is
13 owned by the concentrated animal feeding operation or a residence from which a written
14 agreement for operation is obtained:

15 (1) For concentrated animal feeding operations with at least one thousand animal units,
16 one thousand feet;

17 (2) For concentrated animal feeding operations with between three thousand and six
18 thousand nine hundred ninety-nine animal units inclusive, two thousand feet; and

19 (3) For concentrated animal feeding operations of seven thousand or more animal units,
20 three thousand feet.

21 3. All concentrated animal feeding operations in existence as of June 25, 1996, shall be
22 exempt from the buffer distances prescribed in subsection 2 of this section. Such distances shall
23 not apply to concentrated animal feeding operations which have received a written agreement
24 which has been signed by all affected property owners within the buffer distance.

25 4. The department may, upon review of the information contained in the site plan
26 including, but not limited to, the prevailing winds, topography and other local environmental
27 factors, authorize a distance which is less than the distance prescribed in subsection 2 of this
28 section. The department's recommendation shall be sent to the governing body of the county in
29 which such site is proposed. The department's authorized buffer distance shall become effective
30 unless the county governing body rejects the department's recommendation by a majority vote
31 at the next meeting of the governing body after the recommendation is received.

32 [5. Nothing in this section shall be construed as restricting local controls.]

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