

FIRST REGULAR SESSION

# SENATE BILL NO. 278

96TH GENERAL ASSEMBLY

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INTRODUCED BY SENATORS MUNZLINGER, PARSON AND BROWN.

Read 1st time February 15, 2011, and ordered printed.

TERRY L. SPIELER, Secretary.

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## AN ACT

To amend chapter 537, RSMo, by adding thereto one new section relating to private nuisances.

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

Section A. Chapter 537, RSMo, is amended by adding thereto one new  
2 section, to be known as section 537.291, to read as follows:

**537.291. 1. A person shall not maintain an action to enjoin,  
2 abate, or recover damages for a private nuisance based upon an air  
3 emission or water or solid waste discharge, other than the placement  
4 of nuclear waste, where the emission or discharge was expressly  
5 authorized by and is not in violation of a term or condition of:**

6 **(1) A statute or regulation;**

7 **(2) A license, permit, or order that is issued after public hearing  
8 by a municipal, county, state, or federal government and subject to  
9 continuing compliance monitoring, periodic review by the issuing  
10 agency, and renewal on a periodic basis; or**

11 **(3) A court order or judgment.**

12 **2. The provisions of subsection 1 of this section do not apply to  
13 actions in which the air emission or water or solid waste discharge that  
14 is the subject of the action produces a result that was unknown or not  
15 reasonably foreseeable at the time of the authorization.**

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