

FIRST REGULAR SESSION

[PERFECTED]

HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NOS. 647 & 841

101ST GENERAL ASSEMBLY

1591H.02P

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To repeal section 262.217, RSMo, and to enact in lieu thereof two new sections relating to working animals.

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

Section A. Section 262.217, RSMo, is repealed and two new sections enacted in lieu thereof, to be known as sections 262.217 and 262.760, to read as follows:

262.217. Effective September 1, 1995, there is created a "State Fair Commission" whose domicile for the purposes of sections 262.215 to 262.280 shall be the department of agriculture of this state. The commission shall consist of nine members, ~~[two of whom shall be active farmers, two of whom shall be either current members or past presidents of county or regional fair boards,]~~ one of whom shall be the director of the department of agriculture ~~[, one of whom shall be employed in agribusiness, and three at-large members who shall be Missouri residents].~~ The director of the department of agriculture ~~[shall be the chairman of the commission until January 31, 1997, and]~~ shall not be counted against membership from a congressional district ~~[at which time]~~ . The ~~[chairman]~~ **chair** shall be elected from among the members of the commission by the commission members. Such officer shall serve for a term of two years. Commissioners shall be reimbursed for their actual and necessary expenses incurred when attending meetings of the commission, to be paid from appropriations made therefor. Commissioners shall be appointed by the governor, with the advice and consent of the senate. ~~[The county fair association in the state may submit to the governor a list of nominees for appointment, three from each congressional district, for those commission members who are required to be current members or past presidents of county fair boards. Not more than four commissioners excluding the director of agriculture shall be members of the same political~~

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 party.] Each commissioner shall be a resident of the state for five years prior to [his] the
19 commissioner's appointment. The eight initial commissioners shall be appointed as follows:
20 two shall be appointed for terms of one year, two for terms of two years, two for terms of three
21 years and two for terms of four years. Their successors shall be appointed for terms of four
22 years. A commissioner shall continue to serve until [his] a successor is appointed and qualified.
23 Whenever any vacancy occurs on the commission, the governor shall fill the vacancy by
24 appointment for the remainder of the term of the commissioner who was replaced. **Up to three**
25 **commission members may be appointed from the congressional district containing the state**
26 **fairgrounds as described in section 262.220, but** there shall be no more than two commission
27 members from [any] each of the other congressional [district] districts.

262.760. 1. Notwithstanding any other provision of law to the contrary, except as
2 **provided in this section, no village, town, city, or county, including any home rule city, shall**
3 **enact any law, ordinance, or rule that terminates, bans, or effectively bans by creating**
4 **undue financial hardship the job or use of working animals or an enterprise employing**
5 **working animals.**

6 **2. Nothing in this section shall alter state or federal laws or statutes that regulate**
7 **animal care, public health, or safety.**

8 **3. Nothing in this section shall prevent the establishment of or alter village, town,**
9 **city, or county laws, ordinances, or rules enacted under chapter 89 regarding animal care,**
10 **public health, traffic regulations, or public safety unless such law, ordinance, or rule is in**
11 **violation of this section, in which case this section shall supersede such law, ordinance, or**
12 **rule.**

13 **4. For purposes of this section, the term "working animal" means any animal used**
14 **for the purpose of performing a specific duty or function including entertainment,**
15 **transportation, education, or exhibition by for-profit and not-for-profit entities.**

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