

# Journal of the Senate

FIRST REGULAR SESSION

FIFTY-FIRST DAY—THURSDAY, APRIL 5, 2001

The Senate met pursuant to adjournment.

President Pro Tem Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

“God’s firm foundation stands bearing this inscription: ‘The Lord knows those who are his.’” (1 Timothy 2:19)

Merciful God, we complete a week knowing we are not nearly done with the work we have to finish and are increasingly concerned by it. But help us dear Lord that we do not forget those You have entrusted to us to love and to care for. May our time away from here provide us with opportunities to be mindful of the stresses and loneliness that our families feel as we are so preoccupied with our responsibilities. May we draw those we love closer to us and share the joy of what it means to be married and have children and grandchildren. Bless us with Your word and presence as we join others to worship You this weekend. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

Photographers from the Associated Press were given permission to take pictures in the Senate Chamber today.

The following Senators were present during the day’s proceedings:

Present—Senators

Bentley	Bland	Caskey	Cauthorn
Childers	DePasco	Dougherty	Foster
Gibbons	Goode	Gross	House
Jacob	Johnson	Kenney	Kinder

Klarich	Klindt	Loudon	Mathewson
Quick	Rohrbach	Russell	Schneider
Scott	Sims	Singleton	Staples
Steelman	Stoll	Westfall	Wiggins
Yeckel—33			

Absent with leave—Senator Carter—1

## RESOLUTIONS

Senator Klarich offered Senate Resolution No. 516, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Robert Lee Simpson, which was adopted.

## REPORTS OF STANDING COMMITTEES

Senator Kenney, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which were referred **SS** for **SCS** for **SB 372**; **SB 462**; and **SB 428**, begs leave to report that it has examined the same and finds that the bills have been truly perfected and that the printed copies furnished the Senators are correct.

## SENATE BILLS FOR PERFECTION

Senator Johnson moved that **SB 27**, with **SCS**, be taken up for perfection, which motion prevailed.

**SCS** for **SB 27**, entitled:

## SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 27

An Act to repeal sections 322.010 and 578.023, RSMo 2000, relating to animals, and to enact in lieu thereof four new sections relating to

the same subject, with penalty provisions.

Was taken up.

Senator Johnson moved that **SCS** for **SB 27** be adopted.

Senator Johnson offered **SS** for **SCS** for **SB 27**, entitled:

SENATE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 27

An Act to repeal sections 322.010 and 578.023, RSMo 2000, relating to animals, and to enact in lieu thereof four new sections relating to the same subject, with penalty provisions.

Senator Johnson moved that **SS** for **SCS** for **SB 27** be adopted.

Senator Klarich assumed the Chair.

Senator Gibbons offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 27, Page 1, Section A, Line 4, by inserting after all of said line the following:

“273.325. 1. Sections 273.325 to [273.357] **273.360** shall be known as the “Animal Care Facilities Act”.

2. As used in sections 273.325 to [273.357] **273.360**, the following terms mean:

(1) “Adequate food”, the provision, at suitable intervals of not more than twelve hours, unless the dietary requirements of the species require a longer interval, of a quantity of wholesome foodstuff, suitable for the species and age, sufficient to maintain a reasonable level of nutrition in each animal, all of which foodstuff [is] **must be** served in a safe receptacle, dish, or container;

(2) “Adequate housing”, the continuous provision of a sanitary facility, protection from the extremes of weather conditions, proper ventilation, and appropriate space depending on the species of animal, as defined by regulations of the USDA, as revised;

(3) “Adequate water”, the provision, either

continuously or at intervals suitable to the species, which intervals shall not exceed eight hours, of a supply of **clean, fresh, unfrozen**, potable water **supplied in a sanitary manner** in a safe receptacle, dish, or container; **constant potable water must be supplied if the ambient temperature is more than eighty-five degrees;**

(4) “**Adult animal**”, any dog or cat that has reached the age of six months or more;

(5) “**Ambient temperature**”, the temperature immediately surrounding the animal;

(6) “**Animal**”, any dog or cat, which is being used, or is intended [for use] **to be used**, for research, teaching, testing, breeding, or exhibition purposes, or as a pet;

(7) “**Animal care facilities act compliance official**” or “**ACFA compliance official**”, any licensed veterinarian, designated by and under the supervision of the state veterinarian, who administers or assists in the administration of the provisions of sections 273.325 to 273.360, or any appointee of the director, and shall include all deputy state veterinarians;

(8) “**Animal care reserve fund**”, a separate fund within the state treasury specifically created for sections 273.325 to 273.360 and into which all moneys generated by sections 273.325 to 273.360 are deposited for the sole purpose of administering sections 273.325 to 273.360;

(9) “**Animal distributor**”, any person who owns, conducts, or operates an animal distributor premises; this term shall also include persons who buy and sell animals at wholesale, including auctions and flea markets, whether or not an animal distributor premises is maintained;

(10) “**Animal distributor premises**”, any premises where dogs or cats, or both, are bought or sold, auctioned, traded, bartered, given, or offered or maintained for sale, at wholesale for resale to another, including auctions and flea markets;

[(5)] (11) “**Animal shelter**”, a facility which is used to house or contain animals, which is owned,

operated, or maintained by an incorporated humane society, animal welfare society, society for the prevention of cruelty to animals, or other not-for-profit organization devoted to the welfare, protection, and humane treatment of such animals, or a person whose primary purpose is to act as an animal rescue, to collect and care for unwanted animals or to offer them for adoption **but does not include an individual who volunteers to render humane assistance or shelter in his or her home to fewer than ten dogs or cats per year;**

[(6) “Animal welfare official”, any licensed veterinarian, designated by and under the supervision of the state veterinarian, who administers or assists in the administration of the provisions of sections 273.325 to 273.357, or any appointee of the director, and shall include all deputy state veterinarians;]

(12) “Auction”, any person selling any consignment of dogs or cats to a bidder; this shall include any means, procedure or practice in which ownership of a dog or cat is conveyed from one person to another by any type or method of bidding process;

[(7)] (13) “Boarding kennel”, a place or establishment, other than a [pound] **municipal shelter** or animal shelter, where animals, not owned by the proprietor, are sheltered, fed, and watered in return for a consideration; however, “boarding kennel” shall not include hobby or show breeders who board intact females for a period of time for the sole purpose of breeding such intact females, and shall not include individuals who temporarily, and not in the normal course of business, board or care for animals owned by other individuals;

[(8)] (14) “Commercial breeder”, a person, other than a hobby or show breeder, engaged in the business of breeding animals for sale or for exchange in return for a consideration, and who harbors more than three intact females for the primary purpose of breeding animals for sale;

[(9)] (15) “Commercial kennel”, a kennel which performs grooming or training services for animals, and may or may not render boarding services in return for a consideration;

[(10)] (16) “Contract kennel”, any facility operated by any person or entity [other than the state or any political subdivision of the state,] for the purpose of impounding or harboring seized, stray, homeless, abandoned or unwanted animals, on behalf of and pursuant to a contract with the state or any political subdivision;

[(11)] (17) “Dealer”, any person who is engaged in the business of buying for resale, selling or exchanging animals, as a principal or agent, or who holds himself out to be so engaged or is otherwise classified as a dealer by the USDA as defined by regulations of the USDA;

[(12)] (18) “Director”, the director of the department of agriculture of the state of Missouri;

(19) “Exhibitor”, any person exhibiting any dog or cat to the public for compensation or consideration of any kind, whether directly or indirectly;

[(13)] (20) “Hobby or show breeder”, a noncommercial breeder who breeds dogs or cats with the primary purpose of exhibiting or showing dogs or cats, improving the breed or selling the dogs or cats, and having no more than [ten] **three** intact females. Such breeder shall be classified as a hobby or show breeder if such person only sells animals to other breeders or to individuals;

[(14)] (21) “Humane euthanasia”, the act [or practice] of putting an animal to death in a humane [or instantaneous] manner under guidelines and procedures established by rules promulgated by the director;

[(15)] (22) “Intact female”, with respect to a dog, refers to a female dog between the ages of six months and [ten] **twelve** years of age which is capable of being bred **has not been sterilized by a licensed veterinarian and;** and with respect to a cat, refers to a female cat between the ages of six months and [eight] **ten** years which is capable of being bred **has not been sterilized by a licensed veterinarian. Proof of sterilization must be made available upon request to the ACFA compliance official or his or her authorized representative;**

(23) “Intermediate handler”, any person engaged in any business in which he or she

receives custody of animals through boarding, ownership or brokering in connection with their transportation in commerce;

(24) “Municipal shelter”, a facility operated by the state or any political subdivision of the state for the purpose of impounding or harboring seized, stray, homeless, relinquished, abandoned, or unwanted animals;

(25) “Person”, any individual, association, partnership, corporation, LLC, firm, joint stock company, cooperative, trust, estate or other entity;

[(16)] (26) “Pet shop”, any facility where animals are bought, sold, exchanged, or offered for retail sale to the general public;

[(17)] “Pound” or “dog pound”, a facility operated by the state or any political subdivision of the state for the purpose of impounding or harboring seized, stray, homeless, abandoned, or unwanted animals;]

(27) “Premises”, the physical location where animals are housed, fed, exercised, treated, isolated, whelped, shipped, handled, sold; where food or medication are stored or prepared; or any area where records required to be maintained pursuant to sections 273.325 to 273.360 are maintained. Premises shall not include portions of a licensee's home not used for these purposes;

(28) “Retail”, any transaction where the animal is sold to the final consumer;

[(18)] (29) “State veterinarian”, the state veterinarian as provided by chapter 267, RSMo;

(30) “Sterilize”, the surgical removal of the reproductive organs of a dog or cat in order to render the animal unable to reproduce, or the use of an approved drug which will render the animal permanently unable to reproduce;

(31) “Wholesale”, any transaction where the animal is sold for the purpose of resale to another;

[(19)] (32) “USDA”, the United States Department of Agriculture.

273.327. No person shall operate or permit to

be operated on any premises owned, leased, managed or otherwise controlled by such person, an animal distributor premises, an auction, an animal shelter, [pound or dog pound] **municipal shelter**, boarding kennel, commercial kennel, contract kennel, pet shop, or exhibition facility, other than a limited show or exhibit, or act as a dealer [or], commercial breeder or **intermediate handler**, unless he has obtained a license for such operations from the director. An applicant shall obtain a separate license for each separate physical facility subject to sections 273.325 to [273.357] **273.360** which is operated by the applicant **and no more than one license shall be issued for each physical facility**. Any person exempt from the licensing requirements of sections 273.325 to [273.357] **273.360** may voluntarily apply for a license. Application for such license shall be made in the manner provided by the director. **Any premises where activities required to be licensed pursuant to sections 273.325 to 273.360 occur shall be shown on the application. Applications must list the names of all owners and the respective percentage of ownership therein, and such information shall be updated annually by the licensee. Any transfer or change in ownership shall require application for a new license.** The license shall expire annually unless revoked. As provided by rules to be promulgated by the director, the **basic minimum** license fee shall [range from] **be one hundred [to five hundred] dollars per year with an additional minimum charge of one dollar per animal sold, traded, bartered, brokered, auctioned, given away, transferred or otherwise disposed of other than by euthanasia or death over the course of a year.** If the per capita fee cannot be determined because the applicant is operating a new facility, the director shall determine the per capita fee for the first year of the license based on the operating capacity of the facility six months after the license is issued and shall be payable by the applicant at that time. All other per capita fees are to be set by rules promulgated by the director. [Pounds, dog pounds] **Municipal shelters** and animal shelters shall be exempt from payment of [such fee] **license and per capita fees.** License fees shall be levied for each license issued

or renewed on or after January 1, 1993.

273.329. 1. The director may refuse to issue or renew or may revoke a license on any one or more of the following grounds:

(1) Material and deliberate misstatement in the application for any original license or for any renewal license under sections 273.325 to [273.357] **273.360**;

(2) Disregard or violation of sections 273.325 to [273.357] **273.360** or of any rules promulgated pursuant thereto;

(3) Conviction of any violation of any state or federal law relating to the disposition or treatment of animals;

(4) **Knowingly aiding or abetting of another in violation of any provision of sections 273.325 to 273.360 or of any rules promulgated thereto;**

(5) **Knowingly permitting any license issued hereunder to be used by an unlicensed person or transferred to an unlicensed premises other than that specified on the license;**

(6) **Misrepresentation or false promise, made through advertising, salespersons, agents or otherwise, in connection with the operation of the business of the licensee;**

(7) **A fraudulent bill of sale knowingly issued or accepted involving any activities regulated pursuant to sections 273.325 to 273.360 or in violation of regulations of the USDA;**

(8) Failure to provide adequate food, water, housing or sanitary facilities for animals under the control of an **animal distributor**, animal shelter, boarding kennel, commercial breeder, commercial kennel, contract kennel, dealer, **intermediate handler**, pet shop, [pound] **municipal shelter**, or exhibitor as defined by regulations of the USDA;

(9) **Failure to report to the director the sale or transfer of any business or premises licensed pursuant to sections 273.325 to 273.360;**

(10) **Refusal to allow the ACFA compliance official access to inspect any records required by sections 273.325 to 273.360 or any animal, premises, area, equipment, vehicle or facility required to be licensed or inspected pursuant to**

**sections 273.325 to 273.360.**

2. **The director shall revoke a license, and shall refuse to issue or renew a license, when the applicant has been convicted of, or has pled guilty or nolo contendere to, any violation of local, state or federal law involving mistreatment, cruelty, neglect or abuse of animals or fined by the United States Department of Agriculture for a violation of the Animal Welfare Act, 7 U.S.C. Section 2131, et seq., involving mistreatment, cruelty, neglect or abuse of animals. When a license is revoked, denied, or not renewed due to a fine or fines levied by the United States Department of Agriculture for a violation of the federal Animal Welfare Act, the applicant or licensee may request an administrative hearing pursuant to chapter 536, RSMo.**

3. **Notwithstanding the above provisions, if failure to comply with any of the provisions of sections 273.325 to 273.360 results in substantial risk to the health or welfare of the animals under the licensee's care, custody or control, or on the premises owned, leased or managed by the licensee, the license shall be immediately suspended pending the outcome of any legal, administrative or other proceeding.**

4. **In exercising discretion granted pursuant to this section whether to issue, renew, or revoke a license, the director shall consider criteria including but not limited to, the frequency or severity of the offense or offenses, and the overall condition, health and welfare of the animals involved.**

5. **Whenever a license is revoked, denied or not renewed, the director shall investigate or inspect the facility as permitted by section 273.331 no sooner than thirty days after, and no later than ninety days after, the revocation, denial or non-renewal to verify that there is no evidence of activity that should otherwise be licensed pursuant to sections 273.325 to 273.360. If upon such investigation or inspection, there is evidence of continuing activity which should otherwise be licensed pursuant to sections 273.325 to 273.360, the director shall initiate legal, administrative, or other proceedings to**

enforce and collect the appropriate fines and penalties. The ACFA compliance official shall report any continuing activity which should otherwise be licensed pursuant to sections 273.325 to 273.360 to the local law enforcement authority and local animal control authority. In addition, the ACFA compliance official may report such activity to any humane organization as he or she deems appropriate. It shall be a class A misdemeanor for a licensee to engage in any activity required to be licensed pursuant to sections 273.325 to 273.360 with another person whose license has been revoked, denied or not renewed.

6. Whenever a license has been revoked, denied or not renewed, prior to issuance of a subsequent license, a full and complete reinspection of the premises or of any facility operated by the licensee in question shall be required. Any such reinspection shall require a one hundred dollar fee. Following revocation, denial or non-renewal of a license, the change of ownership or transfer of property in question into another person's name shall not justify any failure to reinspect the premises by the director. If a subsequent license is issued, all parties previously notified in subsection 6 of this section, shall be notified by the director of such reinstatement.

7. Operation of an animal shelter, [pound or dog pound] animal distributor premises, auction, municipal shelter, boarding kennel, commercial kennel, contract kennel, pet shop, or exhibition facility, or activity as a commercial breeder, intermediate handler or dealer without a valid license shall constitute a class A misdemeanor.

273.331. 1. A license shall be issued only upon inspection by the state veterinarian, his designee, or an [animal welfare official] ACFA compliance official. [A facility subject to the provisions of sections 273.325 to 273.357, at the time it applies for licensure, shall be granted a provisional license which shall allow operation of the facility until the facility is inspected or until December 31, 1994, whichever earlier occurs.] A license shall be denied if entry and inspection of premises or vehicles used to transport or house animals is

refused. Notice need not be given to any person prior to inspection or reinspection.

2. The [state veterinarian] director shall have the duty and authority to inspect all facilities licensed under sections 273.325 to [273.357] 273.360. Inspections shall be conducted a minimum of once [a year, or] within each twelve-month period. In addition, one-fourth of all facilities inspected during each twelve-month period shall be reinspected. Notice need not be given to any person prior to reinspection. Upon a complaint to the department regarding a particular facility[. The validity of the complaint will be ascertained by the state veterinarian or his designated representative.], an additional inspection shall be conducted to determine the validity of the complaint. However, if the director determines there have been two or more documented unsubstantiated complaints regarding the particular facility the director shall have discretion as to whether the particular facility will be inspected. Pursuant to section 273.331, the identity of any named complainant shall remain confidential except to employees of the director when such identity is necessary to validate and substantiate complaints within the normal course of their duties and shall not be released to any person or agency without the express written consent of the complainant, or unless required to be released to a court of competent jurisdiction. For the purposes of this section, an unsubstantiated complaint shall be one that does not reveal a violation of any provision of sections 273.325 to 273.360 after an inspection has been conducted. Any person who intentionally makes a false complaint to the director shall be guilty of a class A misdemeanor.

3. Any person acting as a ACFA compliance official who intentionally fails or refuses to make an inspection or conduct an investigation pursuant to sections 273.325 to 273.360 shall be subject to suspension or dismissal.

4. Any person acting as an ACFA compliance official for purposes of inspecting and conducting investigations who knowingly

falsifies the results or findings of any inspection or investigation pursuant to sections 273.325 to 273.360 shall be guilty of a class D felony.

5. Any person making inspections pursuant to this section shall be comprehensively trained in the requirements of sections 273.325 to 273.360 and any rules and regulations promulgated thereunder; identification of symptoms of disease, injury, neglect and abuse in animals; state law regarding neglect, abuse and control of animals; basic principles of animal behavior and proper handling and hold a national animal control association or national cruelty investigation certificate. Such training is to be completed within the first twelve months of employment as an inspector.

6. The director shall promulgate rules and regulations which will implement a uniform and consistent method for inspecting facilities licensed pursuant to sections 273.325 to 273.360. Such rules and regulations shall include, but not be limited to, inspection of the following areas:

- (1) Adequacy of shelter, including conditions of sanitation and ventilation;
- (2) Adequacy of food and water;
- (3) Maintenance and verification of records of acquisition and disposition of animals in the custody of the licensee; and
- (4) Adequacy of health and veterinary care.

7. If the director enters into a memorandum of understanding with the United States Department of Agriculture to ensure thorough and efficient inspections for facilities licensed pursuant to sections 273.325 to 273.360 and the Animal Welfare Act, 7 U.S.C. Section 2131, et seq., the director shall retain primary responsibility for the enforcement of sections 273.325 to 273.360.

8. Animal care facilities act compliance officials shall report any and all violations discovered during any inspection of a facility licensed pursuant to sections 273.325 to 273.360. A record of the violation shall be created and maintained by the director and a copy of the violation report shall be provided to the facility

and the political subdivision in the case of a publicly-owned facility. The director shall promulgate rules and regulations to:

- (1) Track reporting of violations;
- (2) Monitor repeat violations; and
- (3) Increase the frequency of inspections for repeated violations.

9. Records of all inspections pursuant to this section shall be maintained in the offices of the director. Records of inspections shall not disclose the identity of complainants without the express written permission of the complainant, and shall be available for public inspection during regular business hours.

273.332. 1. No employee, appointee, or designee of the state or any of its agencies, shall be allowed to perform any action required or permitted by sections 273.325 to 273.360, or the rules and regulations promulgated by the director thereunder, if there exists a conflict of interest.

2. A conflict of interest is created by, but not limited to, the following circumstances:

(1) The impartiality of the employee, appointee or designee, of the state or any of its agencies, is limited by that person's responsibilities to a third person or business interest, or by that person's own interests;

(2) The employee, appointee or designee, of the state or any of its agencies or such person's child, parent, sibling or spouse, has within the past five years, entered into a business or financial transaction with any person who is required to be licensed pursuant to sections 273.325 to 273.360 other than the purchase of a pet or pet articles and supplies related to the care, feeding and socialization of such animals for personal use;

(3) The employee, appointee or designee, of the state or any of its agencies or that person's relative is related by marriage or blood within the second degree of affinity or consanguinity to any person who is required to be licensed pursuant to sections 273.325 to 273.360;

(4) The employee, appointee or designee, of the state or any of its agencies, is related by marriage or blood within the second degree of affinity or consanguinity to any person who presently has, or within the past five years has had, any ownership interest in or received income from a person, business or other entity required to be licensed pursuant to sections 273.325 to 273.360.

3. No person who has a conflict of interest as provided in this section shall act as the administrator of the animal care facilities act program.

4. If the employee, appointee or designee is prohibited from performing any action pursuant to sections 273.325 to 273.360 due to a conflict as provided in this section, another qualified person shall be immediately designated and directed to perform the action which such person is prohibited from performing. Nevertheless, nothing in this section shall prohibit such person from performing any action, on an emergency basis, that is meant to prevent or stop an ongoing risk to the health and welfare of any animal covered by sections 273.325 to 273.360.

5. Each employee, appointee or designee, of the state or any of its agencies, that is charged with the duty of performing any action pursuant to sections 273.325 to 273.360, shall at the initiation of his or her employment, on a yearly basis thereafter, and at any time any such knowledge or information comes to his or her attention, be required to disclose in writing to the director any information that may constitute a conflict of interest.

6. Provisions of this section shall not limit or restrict the ability to be licensed pursuant to sections 273.325 to 273.360, but in any case, a written acknowledgment of the actual conflict shall remain on file and available for public review upon request.

7. Provisions of this section may not necessarily apply to members of any advisory committee or body requiring representation from licensees who are performing duties within

a committee or other body as required by sections 273.325 to 273.360. Such licensees shall nonetheless file the required disclosure form indicating any conflict or potential conflict of interest.

273.333. The state veterinarian or an [animal welfare] **ACFA compliance** official, upon his or her own information or upon the complaint of any person, [may] **shall** institute an investigation including the inspection during normal business hours of any premises or vehicle upon which any animal is or may be found, and may determine if any violation of sections 273.325 to [273.357] **273.360** or of any rule promulgated pursuant to sections 273.325 to [273.357] **273.360** is deemed to exist. **However, if the director determines there have been two or more documented unsubstantiated complaints regarding the particular facility the director shall have discretion as to whether the particular facility will be inspected.** The director[, or his designee,] may issue an order to the person responsible for the violation to appear at an administrative hearing. The director[, or his designee,] upon a finding that such a violation occurred after a hearing thereon, shall issue remedial orders enforceable in the circuit courts of this state to correct such violations, and in addition may assess an administrative penalty in an amount not to exceed one thousand dollars for each violation. In assessing the amount of penalty under sections 273.327 to 273.342, the director shall take into account the seriousness of the violation, **harm suffered by any animals involved, the number and severity of previous violations,** and the extent of damage to third parties and the state. **In addition, the director may suspend the license until such violations stated in the remedial orders are corrected. Suspension of the license may remain in effect during the appeal process at the discretion of the director. Any violations of sections 273.325 to 273.360 affecting the health or welfare of the animals involved may be considered separate violations per each animal affected.** All penalties collected shall be deposited to the [state general revenue] **credit of the animal care reserve** fund. In addition, the director may assess the reasonable costs of remedying a violation in the event that the



person responsible is unwilling or unable to correct the violation within a reasonable period of time, **taking into account the health and welfare of the animals involved.** Any person aggrieved by the decision of the director may appeal as provided in sections 536.100 to 536.140, RSMo.

273.335. **1.** When, in the judgment of the state veterinarian or an [animal welfare] **ACFA compliance** official, any person has been in violation of sections 273.325 to [273.357] **273.360** so as to pose a substantial ongoing risk to the health and welfare of animals in his custody or so as to pose a substantial ongoing risk that consumers will purchase diseased animals from such person, the director [may] **shall immediately suspend a license and direct remedial action for the animals involved. If the licensee is unwilling to relinquish the license, or to take remedial action for the animals involved, the director shall** apply to the circuit court of the county in which such person resides **or in which the animals are located at the time of the violation or in Cole County,** and such court may grant an order enjoining temporarily or permanently that person from engaging in activities described in [section 273.327] **sections 273.325 to 273.360.**

**2.** If the animals being held in any of the facilities **subject to the provisions of sections 273.325 to 273.360 and** licensed under sections 273.325 to [273.357] **273.360** are found to be suffering unrelieved pain or distress [or], disease **or are malnourished or dehydrated,** the animals may be taken into custody [for humane euthanasia] **pursuant to section 578.018, RSMo,** at the expense of the licensee. Reasonable effort shall be made to notify the facility operator of such intent and [only] **such action to ensure care for the animals shall be taken immediately if the operator cannot be located or** upon his refusal or inability to immediately correct the causative violation and provide adequate veterinary care [shall such action be taken]. **If such action is taken, the director shall cooperate with local law enforcement authorities in seeking prosecution for the crime of neglect or abuse pursuant to sections 578.005 to 578.023, RSMo, and shall suspend said facility's license during such**

**investigation and prosecution. Nothing in this section shall preclude the director from pursuing any and all remedies provided pursuant to sections 273.325 to 273.360.**

**3.** Nothing in sections 273.325 to [273.357] **273.360** shall be construed to interfere with scientific research as enunciated in subsection 2 of section 273.354.

**273.336. 1.** An ACFA compliance official has a mandatory duty to report animal abuse or neglect as defined in sections 578.005 to 578.188, RSMo, of animals as defined in section 273.325 observed in the course of their duties to the local law enforcement authority and local animal control authority. Failure to report such abuse or neglect shall be a class A misdemeanor and may subject the ACFA compliance official to suspension or dismissal. However, intentional failure to report such abuse or neglect shall subject the ACFA compliance official to suspension or dismissal.

**2.** The director shall provide a standardized, mandatory animal abuse and neglect reporting form with specific criteria delineated which shall be made available and submitted to the local law enforcement authority and the local animal control authority when abuse or neglect are observed in the course of their duties. Copies of all completed animal abuse and neglect reporting forms shall remain permanently on file with the director.

**273.337.** The director shall publish a listing of enforcement activity. Such listing is to be updated quarterly and shall include, but not necessarily be limited to, names of facilities and facility operators whose licenses have been revoked; the number of inspections, reinspections, suspensions, fines or other such regulatory activity performed in any given month. Form of publication may include electronic means through the department's website.

273.338. Persons and facilities which subsequently fail two consecutive reinspections for [an original] **a similar** violation shall be charged a fee of one hundred dollars[,] which shall be paid

before subsequent inspection and renewal of such person's or facility's license.

273.340. A dealer shall only purchase animals from persons in this state who are licensed under sections 273.325 to [273.357] **273.360**, or who are exempt from licensure. Any dealer who knowingly purchases animals in violation of this section [shall be] **or who knowingly purchases animals from a person or facility whose license has been suspended or revoked or from a registered hobby or show breeder is guilty of a class A misdemeanor and each purchase made shall constitute a separate offense.** In addition to such penalties, the director [may] **shall** revoke such dealer's license.

273.342. 1. Persons engaged in breeding dogs and cats who harbor three or less intact females shall be exempt from the provisions of sections 273.325 to [273.357] **273.360**.

2. A hobby or show breeder shall be exempt from the licensure and inspection requirements of sections 273.325 to [273.357] **273.360**. The director shall develop a form for registration of persons who meet the definition of hobby or show breeder, and any such hobby or show breeder shall register annually with the director for the purpose of establishing that such person is a hobby or show breeder, at no cost to said hobby or show breeder. **Any person who intentionally provides false information on the registration form is guilty of a class A misdemeanor.**

273.344. 1. Persons and facilities subject to USDA licensure shall comply with the standards and regulations as prescribed by the USDA, as revised from time to time.

2. Persons and facilities who are subject to sections 273.325 to [273.357] **273.360**, but who are not subject to USDA licensure, shall comply with **the provisions of sections 273.325 to 273.360 as well as any and all** rules promulgated by the director which establish standards relating to, **but not limited to**, the following:

(1) Adequate shelter, including proper conditions of sanitation and ventilation;

(2) Adequate food and water; [and]

(3) Maintenance of records of acquisition and disposition of animals in the custody of the licensee; **and**

**(4) Health and veterinary care.**

273.346. 1. The director shall promulgate rules for an adequate program of health and veterinary care which shall be maintained for all animals in the custody of persons and facilities subject to licensure pursuant to sections 273.325 to [273.357, except pounds or dog pounds] **273.360**. Records of veterinary services provided to such animals shall be maintained and made available to the state veterinarian or an [animal welfare] **ACFA compliance** official upon request.

2. Any such rules promulgated to cover [pounds or dog pounds] **municipal shelters** shall not require or be applied so as to require the construction of any new buildings or major reconstruction of any physical plant beyond the scope of normal upkeep and repair.

273.348. 1. The premises of each licensee shall be open for inspection.

2. If, upon investigation, the state veterinarian or an [animal welfare] **ACFA compliance** official finds that an animal or group of animals is suffering from any highly contagious, communicable or infectious disease or exposure thereto, [against which he may think best to quarantine,] **he or she** shall immediately quarantine the animal or group of animals to the premises and separate from other susceptible animals not so diseased or infected until such diseased animals are:

(1) Recovered and no longer capable of transmitting the diseases;

(2) Isolated;

(3) Humanely euthanized and disposed of as provided for in the rules [of the] **promulgated by the** director;

(4) Tested, vaccinated or otherwise treated; or

(5) Otherwise released by the state veterinarian. Animals under quarantine and treatment or testing may not be removed from the premises until the licensee is notified that such

animals are recovered and incapable of spreading the disease and otherwise released by the state veterinarian or an [animal welfare] **ACFA compliance** official. The method of eliminating the disease problem shall be at the discretion and in accordance with such procedures as may be outlined by the state veterinarian. **Facilities with animals found to be suffering from an infectious disease which is dangerous or communicable to humans, as determined by the director by rule shall be immediately reported to the state department of health.**

3. Violation of the provisions of sections 273.344 to 273.348 shall be a class A misdemeanor.

273.350. The director shall promulgate rules pursuant to the provisions of chapter 536, RSMo, required to implement the provisions of sections 273.325 to [273.357] **273.360**. Such rules shall include establishing health and safety standards for motor vehicles regularly used in the commercial transportation of live animals. The director shall also by rule define the term “exotic animals”, which shall generally refer to canines and felines not ordinarily kept for domestic purposes, and shall promulgate rules establishing standards for food, water, housing and health care for exotic animals and standards for determining whether a particular operation is a farming practice or is a breeder of pets; provided that the authority of the department of conservation to regulate wildlife within the state of Missouri as provided by section 252.030, RSMo, shall not be deprived or diminished. [Any animal welfare] **An ACFA compliance** official shall have the authority of an animal control officer as defined by chapter 578, RSMo. It shall be unlawful for any person licensed or registered pursuant to sections 273.325 to [273.357] **273.360** to knowingly ship a diseased animal, and any such person who violates this provision shall be subject to a fine of not more than one hundred dollars for each diseased animal shipped. Sections 273.325 to [273.357] **273.360** and the rules promulgated thereunder shall apply to all businesses, individuals and agents which transport animals in or through this state, except that such businesses, individuals and agents licensed by the USDA shall be subject to USDA

standards relating to transportation of animals.

[273.352. 1. There is hereby established an advisory committee to assist the director in establishing rules under sections 273.350 and 273.352 and to provide ongoing review of the administration of sections 273.325 to 273.357. The members of the advisory committee shall receive no compensation or reimbursement for their expenses incurred in the performance of their duties. The advisory committee shall consist of thirteen persons appointed by the director as follows:

(1) One person who operates or supervises an animal shelter;

(2) One person who operates or is employed by a pound or dog pound;

(3) One person who operates a commercial kennel or a boarding kennel;

(4) One person who operates a pet shop and who sells both dogs and cats;

(5) One dealer;

(6) One person who operates or is employed by an animal humane society or other humane organization;

(7) One veterinarian licensed pursuant to chapter 340, RSMo;

(8) One person who is a commercial animal breeder, who breeds both dogs and cats;

(9) One person representing the Missouri Animal Control Association;

(10) One person representing professional cat breeders;

(11) The state veterinarian of the department of agriculture;

(12) The state public health veterinarian of the department of health;

(13) One hobby or show breeder.

2. No rule or portion of a rule promulgated under the authority of this

chapter shall become effective unless it has been promulgated pursuant to the provisions of section 536.024, RSMo.]

**273.353. 1. There is hereby established the “ACFA Advisory Board” to assist the director in establishing rules pursuant to sections 273.325 to 273.360 and to provide ongoing review of the administration and enforcement of sections 273.325 to 273.360. The members of the advisory board shall receive no compensation or reimbursement for their expenses incurred in the performance of their duties. The members of the advisory board shall serve for three-year terms but not to exceed two consecutive complete terms. Any members of the advisory committee appointed pursuant to section 273.352 shall be eligible for appointment to the advisory board created pursuant to this section. Vacancies on the advisory board shall be filled for the unexpired term by appointment by the governor with the advice and consent of the senate. The advisory board shall meet at least quarterly and at such other times as a majority of the advisory board members may determine.**

**2. The advisory board shall consist of thirteen persons appointed by the governor, with the advice and consent of the senate, as follows:**

- (1) One person who operates or supervises an animal shelter;**
- (2) One person who operates or is employed by a municipal shelter or a representative of the Missouri animal control association;**
- (3) One person who operates a commercial kennel or a boarding kennel;**
- (4) One person who operates a pet shop;**
- (5) One dealer;**
- (6) One person who operates or is employed by an animal humane society;**
- (7) One veterinarian licensed pursuant to chapter 340, RSMo;**
- (8) One person who is a commercial animal breeder, who breeds dogs or cats;**
- (9) The state veterinarian of the department**

**of agriculture;**

**(10) The state public health veterinarian of the department of health;**

**(11) One hobby or show breeder;**

**(12) One person representing a non-profit humane advocacy group; and**

**(13) One public member who is not associated with the breeding industry or any animal rights group.**

**3. No rule or portion of a rule promulgated under the authority of this chapter shall become effective unless it has been promulgated pursuant to the provisions of chapter 536, RSMo.**

273.354. 1. Sections 273.325 to [273.357] **273.360** shall not apply to a place or establishment which operates under the immediate supervision and control of a duly licensed veterinarian as a facility where animals are hospitalized or boarded.

2. Nothing in sections 273.325 to [273.357] **273.360** shall be construed as requiring licensing of research facilities or authorizing promulgation of rules affecting the design, outlines, guidelines, or performance of actual research or experimentation by a research facility as determined by that research facility’s institution animal care and use committee.

273.357. All fees collected by the director from licenses issued under sections 273.325 to [273.357] **273.360 and all administrative fees, penalties and other moneys collected by the director pursuant to sections 273.325 to 273.360** shall be used to administer the provisions of sections 273.325 to [273.357] **273.360**, and shall be deposited in the state treasury to the credit of the “Animal Care Reserve Fund”, which is hereby created. **Such fund may also receive gifts, grants, contributions, appropriations and funds or benefits from any other source or sources. A complete listing of all donors and amounts given to the fund will be available for review upon request.** All moneys deposited in the animal care reserve fund shall be subject to appropriation for the use and benefit of the department of agriculture to administer the provisions of sections 273.325 to [273.357] **273.360**. Notwithstanding the provisions

of section 33.080, RSMo, to the contrary, moneys in the animal care reserve fund shall not be transferred to the general revenue fund at the end of the biennium. **Any portion of the fund not immediately needed for the purposes authorized shall be invested by the state treasurer as provided by the constitution and laws of this state. All income from such investments shall be retained in the animal care reserve fund.**

**273.360. If any provisions of sections 273.325 to 273.360, or the application to any person or circumstance, shall be held invalid, the remainder of sections 273.325 to 273.360, and the application of any such provision to any person or circumstance other than those to which it is held invalid, shall not be affected thereby.”; and**

Further amend the title and enacting clause accordingly.

Senator Gibbons moved that the above amendment be adopted.

At the request of Senator Johnson, **SB 27**, with **SCS, SS** for **SCS** and **SA 1** (pending), was placed on the Informal Calendar.

Senator Rohrbach assumed the Chair.

**SB 99**, with **SCS**, was placed on the Informal Calendar.

Senator Westfall moved that **SB 247** and **SB 330**, with **SCS**, be taken up for perfection, which motion prevailed.

**SCS** for **SBs 247** and **330**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILLS NOS. 247 and 330

An Act to repeal sections 226.540, 226.550 and 226.585, RSMo 2000, relating to highway beautification, and to enact in lieu thereof three new sections relating to the same subject, with an emergency clause.

Was taken up.

Senator Westfall moved that **SCS** for **SBs 247** and **330** be adopted.

Senator Westfall offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bills Nos. 247 and 330, Page 8, Section 226.585, Line 1, by inserting after the numeral “226.585.” the numeral “1.”; and

Further amend said bill and section, Page 9, Line 14, by inserting after all of said line the following:

**“2. Trees and other vegetation located on the highways or public rights of way may be removed or trimmed without a permit for the purpose of installation and maintenance of utility facilities permitted in the right-of-way pursuant to section 227.240 RSMo.**

**3. Nothing in this section shall be construed as prohibiting a rural electric cooperative from exercising its powers pursuant to section 394.080. No permit pursuant to this section shall be required by a rural electric cooperative to exercise such powers.”.**

Senator Westfall moved that the above amendment be adopted.

Senator House offered **SA 1** to **SA 1**:

SENATE AMENDMENT NO. 1 TO  
SENATE AMENDMENT NO. 1

Amend Senate Amendment No. 1 to Senate Committee Substitute for Senate Bills Nos. 247 and 330, Page 1, Section 226.585, Line 2 of said amendment by, inserting after all of said line the following:

“Further amend said bill and section, Page 9, Lines 6 and 7, by striking said lines and inserting in lieu thereof the following: “billboard. **The right to a vegetation permit shall be issued in accordance with the rules and regulations promulgated by the highways and transportation commission**”; and further amend line 8, by striking the following: “**to public safety**”; and”.

Senator House moved that the above amendment be adopted.

Senator Singleton offered **SSA 1** for **SA 1** to **SA 1**:

SENATE SUBSTITUTE AMENDMENT NO. 1  
FOR SENATE AMENDMENT NO. 1 TO  
SENATE AMENDMENT NO. 1

Amend Senate Amendment No. 1 to Senate Committee Substitute for Senate Bills Nos. 247 and 330, Pages 8 and 9, Section 226.585, Lines 1-14, by striking all of said lines; and

Further amend said bill, Page 9, Section B, Line 2, by striking the following: “, 226.550 and 226.585” and inserting in lieu thereof the following: “and 226.550”; and further amend line 5, by striking the following: “, 226.550 and 226.585” and inserting in lieu thereof the following: “and 226.550”; and

Further amend the title and enacting clause accordingly.

Senator Singleton moved that the above substitute amendment be adopted.

Senator Westfall raised the point of order that **SSA 1** for **SA 1** to **SA 1** is out of order as it is in the third degree.

The point of order was referred to the President Pro Tem.

At the request of Senator Singleton, **SSA 1** for **SA 1** to **SA 1** was withdrawn, rendering the point of order moot.

**SA 1** to **SA 1** was again taken up.

Senator House moved that the above amendment be adopted, which motion prevailed.

**SA 1**, as amended, was again taken up.

Senator Westfall moved that the above amendment be adopted, which motion prevailed.

Senator Caskey offered **SA 2**, which was read:

SENATE AMENDMENT NO. 2

Amend Senate Committee Substitute for Senate Bills Nos. 247 and 330, Page 9, Section 226.585, Line 14, by inserting immediately after said line the following:

**“Section 1. Notwithstanding the provisions of sections 226.500 to 226.600 to the contrary, any person may erect a business sign in an agriculturally zoned area of a zoned county.”;**

and

Further amend the title and enacting clause accordingly.

Senator Caskey moved that the above amendment be adopted, which motion prevailed.

Senator Jacob offered **SS** for **SCS** for **SBs 247** and **330**, entitled:

SENATE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILLS NOS. 247 and 330

An Act to repeal sections 226.527, 226.540 and 226.585, RSMo 2000, relating to highway beautification, and to enact in lieu thereof four new sections relating to the same subject.

Senator Jacob moved that **SS** for **SCS** for **SBs 247** and **330** be adopted.

At the request of Senator Westfall, **SB 247** and **SB 330**, with **SCS**, as amended, and **SS** for **SCS** (pending), were placed on the Informal Calendar.

RESOLUTIONS

Senators Wiggins, Quick and DePasco offered the following resolution, which was adopted:

SENATE RESOLUTION NO. 517

WHEREAS, the members of the Missouri Senate have been deeply saddened to learn of the death of Richard “Dick” Fletcher, of Kansas City; and

WHEREAS, Richard Fletcher, a native of Kansas City and Independence, was a long time career officer of the Kansas City Police Department, having risen through the ranks to Lt. Colonel as Deputy Chief at the time of his retirement in 1990; and

WHEREAS, Colonel Fletcher’s commands over many distinguished years included the Field Services Bureau, Internal Affairs Division, Regional Training Academy, Records and Communications Division, and the North, Metro and South Patrol Divisions; and

WHEREAS, Colonel Fletcher helped establish the Street Narcotics Unit, the 911 communications system, a citizen ride-along program, he established utilization of Emergency Radio Systems members as surveillance teams for the Police Department, and assisted in evaluating processes that resulted in the use of helicopters for the Kansas City Police Department; and

WHEREAS, Colonel Fletcher, a former Chief of Police in Riverside, chaired the Police Task Force on Domestic Violence, he served as Board Member of the Missouri Police Chiefs Association

and a member of the Metropolitan Chiefs and Sheriff's Association; and

WHEREAS, Colonel Fletcher was most of all a devoted husband and father in whose heart and love his family always came first; and

NOW, THEREFORE, BE IT RESOLVED, that the members of the Missouri Senate pause in their deliberations to salute the memory of a premier law enforcement officer and distinguished community leader, express their appreciation for his lifetime of good citizenship and his contributions to Kansas City and to Missouri and extend to his wife, Mrs. Sharon Baughman Fletcher, family and many friends most sincere sympathy on his death;

BE IT FURTHER RESOLVED, that the Secretary of the Senate prepare properly inscribed copies of this resolution for his wife, Mrs. Sharon Baughman Fletcher, daughter Debbie Gilmore, sons Rich Fletcher and Ron Fletcher, and the Kansas City, Missouri, Police Department.

## REPORTS OF STANDING COMMITTEES

Senator Kinder, Chairman of the Committee on Gubernatorial Appointments, submitted the following reports:

Mr. President: Your Committee on Gubernatorial Appointments, to which was referred the appointment of Joseph E. Maxwell, as a member of the Missouri Community Service Commission, begs leave to report that it has considered the same and recommends that the Senate do give its advice and consent to said appointment.

Senator Cauthorn moved that the committee report be adopted and the Senate do give its advice and consent to the above appointment, which motion prevailed.

Also,

Mr. President: Your Committee on Gubernatorial Appointments, to which was referred the appointment of Michael T. Schwend, as a member of the Board of Governors for Truman State University, begs leave to report that it has considered the same and recommends that the Senate do give its advice and consent to said appointment.

Senator Cauthorn moved that the committee report be adopted and the Senate do give its advice and consent to the above appointment, which motion prevailed.

Also,

Mr. President: Your Committee on Gubernatorial Appointments, to which was referred the appointment of Sarah B. Burkemper, as a member of the Board of Governors for Truman State University, begs leave to report that it has considered the same and recommends that the Senate do give its advice and consent to said appointment.

Senator House moved that the committee report be adopted and the Senate do give its advice and consent to the above appointment, which motion prevailed.

Also,

Mr. President: Your Committee on Gubernatorial Appointments, to which was referred the appointment of Mary Louise Bussabarger, as a member of the State Mental Health Commission, begs leave to report that it has considered the same and recommends that the Senate do give its advice and consent to said appointment.

Senator Jacob moved that the committee report be adopted and the Senate do give its advice and consent to the above appointment, which motion prevailed.

Also,

Mr. President: Your Committee on Gubernatorial Appointments, to which was referred the appointment of Carol Russell Fischer, as a member of the Multi-State Tax Commission, begs leave to report that it has considered the same and recommends that the Senate do give its advice and consent to said appointment.

On behalf of Senator Rohrbach, Senator Kenney moved that the committee report be adopted and the Senate do give its advice and consent to the above appointment, which motion prevailed.

Also,

Mr. President: Your Committee on Gubernatorial Appointments, to which was referred the appointment of Kenneth M. Kielty, as a member of the St. Charles County Convention and Sports Facilities Authority, begs leave to report that it has considered the same and recommends that the Senate do give its advice and consent to said appointment.

Senator Gross moved that the committee report be adopted and the Senate do give its advice and consent to the above appointment, which motion prevailed.

#### HOUSE BILLS ON SECOND READING

The following Bills were read the 2nd time and referred to the Committees indicated:

**HS** for **HCS** for **HBs 328** and **88**—Aging, Families and Mental Health.

**HB 249**—Financial and Governmental Organization, Veterans' Affairs and Elections.

**HB 321**—Ways and Means.

**HB 453**—Commerce and Environment.

**HB 537**—Aging, Families and Mental Health.

**HB 314**—Aging, Families and Mental Health.

**HS** for **HCS** for **HB 327**—Commerce and Environment.

**HB 285**—Public Health and Welfare.

**HB 796**—Public Health and Welfare.

**HB 816**—Ways and Means.

**HB 52**—Judiciary.

**HB 704**—Pensions and General Laws.

**HB 951**—Local Government and Economic Development.

**HB 596**—Local Government and Economic Development.

**HB 745**—Financial and Governmental Organization, Veterans' Affairs and Elections.

**HB 945**—Judiciary.

**HB 909**—Local Government and Economic Development.

**HB 606**—Local Government and Economic Development.

**HB 955**—Appropriations.

**HS** for **HCS** for **HB 762**—Aging, Families and Mental Health.

**HB 471**—Civil and Criminal Jurisprudence.

**HCS** for **HB 274**—Education.

**HB 662**—Labor and Industrial Relations.

**HB 70**—Pensions and General Laws.

**HB 679**—Labor and Industrial Relations.

**HB 120**—Transportation.

**HCS** for **HBs 533** and **724**—Civil and Criminal Jurisprudence.

**HB 498**—Local Government and Economic Development.

**HCS** for **HB 581**—Agriculture, Conservation, Parks and Tourism.

#### REPORTS OF STANDING COMMITTEES

Senator Kenney, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SCR 28**, begs leave to report that it has considered the same and recommends that the concurrent resolution do pass.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SR 495**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

#### SENATE COMMITTEE SUBSTITUTE FOR SENATE RESOLUTION NO. 495

WHEREAS, providing public education is the primary duty of the state after paying state debts, as provided pursuant to Article III, Section 36 of the Missouri Constitution; and

WHEREAS, the General Assembly has a core responsibility in securing this constitutional guarantee by the passage of laws and appropriations; and

WHEREAS, the Kansas City School District emerged from federal court ordered desegregation in 1999; and

WHEREAS, since emerging from court ordered desegregation, the Kansas City School District comprises approximately 35,600 students; and

WHEREAS, the Kansas City School District has a graduation rate of approximately 59 percent; and

WHEREAS, the Kansas City School District has only approximately 22 percent of its students entering two or four year colleges and universities; and



WHEREAS, the Kansas City School District has only approximately 11 percent of its students scoring at or above the national average on the ACT; and

WHEREAS, the Kansas City School District lost district accreditation in May 2000, only meeting three of the eleven Missouri School Improvement Program performance indicators required to achieve state accreditation; and

WHEREAS, the Kansas City School District has experienced continuing governance issues including a high rate of superintendent turnover, and dissention between and among those responsible for governance of the district; and

WHEREAS, the Kansas City School District has been the subject of various proposals in the General Assembly dealing with governance and state involvement; and

WHEREAS, the St. Louis School District faces many of the same issues and difficulties in delivering education in an urban environment:

NOW, THEREFORE, BE IT RESOLVED by the members of the Missouri Senate, Ninety-first General Assembly, First Regular Session, that a committee on Urban Education be created to be composed of seven members of the Senate, to be appointed by the President Pro Tem of the Senate; and

BE IT FURTHER RESOLVED that said committee study issues concerning the delivery of urban education, which may include all issues relating to governance, financial accountability, the relationship between governance and the failure to deliver public education in the urban environment and any other education-related issues related to the delivery of urban education the committee deems relevant; and

BE IT FURTHER RESOLVED that said committee prepare a report, as soon as practical, together with its recommendations for any legislative action it deems necessary for submission to the Senate; and

BE IT FURTHER RESOLVED that said committee may solicit any input and information necessary to fulfill its obligations from the Missouri Department of Elementary and Secondary Education, the State Board of Education, the Department of Higher Education, the Coordinating Board for Higher Education, the State Tax Commission, the Kansas City School District, all school districts and other political subdivisions of this state, teachers and teacher groups, business and other commercial interests and any other interested persons; and

BE IT FURTHER RESOLVED that Senate Research shall provide such legal, research, clerical, technical and bill drafting services as the committee may require in the performance of its duties; and

BE IT FURTHER RESOLVED that the actual and necessary expenses of the committee, its members and any staff personnel assigned to the committee incurred in attending meetings of the committee or any subcommittee thereof shall be paid from the Senate Contingent Fund.

On behalf of Senator Bentley, Chairman of the Committee on Education, Senator Kenney submitted the following report:

Mr. President: Your Committee on Education, to which were referred **SB 42** and **SB 108**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

On behalf of Senator Westfall, Chairman of the Committee on Transportation, Senator Kenney submitted the following report:

Mr. President: Your Committee on Transportation, to which was referred **SB 565**, begs leave to report that it has considered the same and recommends that the bill do pass.

#### MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HS** for **HJR 11**, entitled:

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing sections 31, 32(a) and 32(b) of article VI of the Constitution of Missouri relating to the city of St. Louis, and adopting four new sections in lieu thereof relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 410**, entitled:

An Act to repeal section 71.285, RSMo 2000, relating to removal of weeds, and to enact in lieu thereof one new section relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HS** for **HB 612**, entitled:

An Act to repeal section 208.151, RSMo, relating to the community first act, and to enact in lieu thereof five new sections relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HS** for **HCS** for **HB 824**, entitled:

An Act to repeal section 135.095, RSMo 2000, and to enact in lieu thereof three new sections relating to a pharmaceutical investment program for seniors, with an effective date for a certain section.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 825**, entitled:

An Act to repeal section 144.815, RSMo 2000, relating to the exemption from taxation of bullion and investment coins, and to enact in lieu thereof one new section relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

## RESOLUTIONS

Senator Bentley offered Senate Resolution No. 518, regarding Liz Viele, Springfield, which was adopted.

## INTRODUCTIONS OF GUESTS

Senator Westfall introduced to the Senate, his wife, Sharon, and their grandson, Cody Ray, Halfway; and Cody Ray was made an honorary page.

Senator Cauthorn introduced to the Senate, Andy Atzenweiler, Kansas City; Amy Prokop, Livingston County; David Mahnken, Lafayette County; David Dick, Linda Kahrs and Kristy Fisher, Pettis County; Jack Taylor and Dustin Van Meter, Lewis County; Chanda Campbell, Texas County; Steve Baima, Boone County; Melissa Wright, Audrain County; Ken Disselhorst, Marion County; and Darrell Skiles, Dent County.

On behalf of Senator Gross and himself, Senator House introduced to the Senate, Kurt Vallin and thirty-nine seventh grade students from Zion Lutheran School, St. Charles County.

Senator Staples introduced to the Senate, Linda Kirkman and students from Summersville Elementary School, Shannon County.

Senator Loudon introduced to the Senate, fourth grade students from Carrolton Elementary School, Bridgeton.

On behalf of Senator Schneider, Senator Goode introduced to the Senate, students from McCurdy Elementary School, North St. Louis County; and Emily Dunn, Ashley and Emily Marston and Olivia Thornton were made honorary pages.

Senator Klindt introduced to the Senate, five teachers, one student teacher and ninety-six fourth grade students from Brookfield Elementary School, Brookfield.

Senator Westfall introduced to the Senate, Cindy Kisling and eighth grade students from Willard Junior High School, Willard; and Scott Halle, Annie Farr, Maribeth Liveoak, Sarah Billines, Teri Gilbert and Greg French were made honorary pages.

Senator Dougherty introduced to the Senate, Mayor-elect Francis Slay, St. Louis.

Senator Sims introduced to the Senate, fifty-five students from Willowbrook School, Creve Coeur.

Senator Jacob introduced to the Senate, the Physician of the Day, Dr. Frank Rieger, M.D., Columbia.

On motion of Senator Kenney, the Senate adjourned until 3:00 p.m., Monday, April 9, 2001.

SENATE CALENDAR

FIFTY-SECOND DAY—MONDAY, APRIL 9, 2001

FORMAL CALENDAR

HOUSE BILLS ON SECOND READING

HCS for HBs 754, 29, 300 & 505  
HCS for HB 106  
HS for HJR 11-Gambaro  
HB 410-Holt, et al

HS for HB 612-Ladd Baker  
HS for HCS for HB 824-Abel  
HB 825-Kennedy

THIRD READING OF SENATE BILLS

SCS for SB 60-Steelman  
(In Budget Control)  
SCS for SBs 69 & 458-Gross  
(In Budget Control)  
SS for SCS for SBs 323 &  
230-Childers  
SB 385-Mathewson

SS for SCS for SBs 214,  
124, 209 & 322-Gross  
(In Budget Control)  
SCS for SBs 5 & 21-Wiggins, et al  
SS for SCS for SB 372-Gibbons  
SB 462-Westfall  
SB 428-Loudon

SENATE BILLS FOR PERFECTION

1. SB 351-Singleton and Scott, with SCS
2. SJRs 1 & 4-Schneider, with SCS
3. SBs 510, 512 & 133-Kenney, with SCS
4. SJR 11-Yeckel
5. SBs 551, 410, 539, 528 & 296-Sims, with SCS

6. SBs 476, 427 & 62-Yeckel, et al, with SCS
7. SB 369-Steelman and Stoll, with SCS
8. SB 505-Loudon, with SCS
9. SB 578-Goode and Russell, with SCS
10. SBs 448 & 588-Sims, et al, with SCS

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| <ul style="list-style-type: none"> <li>11. SB 535-Rohrbach, with SCS</li> <li>12. SB 66-Gibbons, with SCS#2</li> <li>13. SB 525-Cauthorn, with SCS</li> <li>14. SB 242-Kenney</li> <li>15. SB 225-Mathewson,<br/>with SCS</li> <li>16. SB 180-Klarich</li> <li>17. SB 583-Yeckel</li> <li>18. SB 488-Klindt, et al,<br/>with SCS</li> <li>19. SB 387-Goode, et al,<br/>with SCS</li> <li>20. SB 455-Kinder, et al,<br/>with SCS</li> </ul> | <ul style="list-style-type: none"> <li>21. SBs 334 &amp; 228-Kinder,<br/>with SCS</li> <li>22. SB 469-Gross, et al</li> <li>23. SB 546-Kenney, et al,<br/>with SCS</li> <li>24. SB 337-House and Kinder</li> <li>25. SB 593-Klindt, with SCS</li> <li>26. SB 509-Cauthorn and<br/>Klindt</li> <li>27. SBs 42 &amp; 108-Kenney,<br/>with SCS</li> <li>28. SB 565-Staples</li> </ul> |
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### INFORMAL CALENDAR

#### SENATE BILLS FOR PERFECTION

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| <ul style="list-style-type: none"> <li>SBs 22 &amp; 106-Singleton,<br/>with SCS &amp; SS for SCS<br/>(pending)</li> <li>SB 27-Johnson and<br/>Westfall, with SCS, SS<br/>for SCS &amp; SA 1 (pending)</li> <li>SBs 52 &amp; 91-Childers, with<br/>SCS and SA 3 (pending)</li> <li>SB 65-Gibbons, with SCS</li> <li>SBs 67 &amp; 40-Gross, with SCS</li> <li>SB 68-Gross and House</li> <li>SBs 89 &amp; 37-Kinder, with SCS</li> <li>SB 99-Sims, with SCS</li> <li>SB 114-Loudon, with SCS,<br/>SS for SCS &amp; SA 1<br/>(pending)</li> <li>SB 184-Johnson, et al,<br/>with SS#2 (pending)</li> <li>SB 222-Caskey, with SA 3<br/>&amp; SSA 1 for SA 3<br/>(pending)</li> <li>SB 226-Goode, et al, with SCS</li> <li>SBs 238 &amp; 250-Staples, et<br/>al, with SCS (pending)</li> </ul> | <ul style="list-style-type: none"> <li>SB 239-Stoll, with SCS &amp;<br/>SA 11 (pending)</li> <li>SBs 247 &amp; 330-Westfall<br/>and Staples, with SCS<br/>&amp; SS for SCS (pending)</li> <li>SB 251-Kinder</li> <li>SBs 253 &amp; 260-Gross, with<br/>SCS (pending)</li> <li>SB 331-DePasco, et al,<br/>with SCS &amp; SS for SCS<br/>(pending)</li> <li>SBs 347 &amp; 487-Caskey,<br/>with SCS (pending)</li> <li>SB 373-Gibbons and Yeckel,<br/>with SCS</li> <li>SB 375-Steelman, with SCS,<br/>SS for SCS, SA 1 &amp;<br/>SSA 3 for SA 1 (pending)</li> <li>SBs 391 &amp; 395-Rohrbach,<br/>with SCS &amp; SS for SCS<br/>(pending)</li> <li>SBs 433 &amp; 248-Kinder and<br/>Gross, with SCS, SS<br/>for SCS &amp; SA 2 (pending)</li> </ul> |
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SB 438-Bentley and Stoll,  
with SS & SA 3 (pending)  
SB 445-Singleton, with  
SCS & SS for SCS  
(pending)

SB 454-Kinder, with SCS  
SBs 459, 305, 396 & 450-  
Westfall, with SCS &  
SS for SCS (pending)

CONSENT CALENDAR

Senate Bills

Reported 2/5

SB 143-Childers

Reported 2/19

SB 315-Childers, with SCS

Reported 3/5

SB 354-Johnson and Scott,  
with SCS

Reported 3/12

SB 526-Dougherty, with SCS

BILLS IN CONFERENCE AND BILLS  
CARRYING REQUEST MESSAGES

In Conference

HCS for HB 15, with SCS  
(Russell)

RESOLUTIONS

SR 58-Singleton  
SR 345-Quick, et al

SR 346-Kinder, with SA 3  
& SSA 1 for SA 3  
(pending)

Reported from Committee

SCR 8-Caskey, with SA 2 (pending)  
SCR 17-Steelman, et al  
HCR 16-Green and Holt  
(House)

SCR 28-DePasco  
SR 495-Klarich, with SCS

Requests to Recede or Grant Conference

SS for SCR 2-Singleton,  
with HCS  
(Senate requests House  
recede or grant conference)

Unofficial



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