

2017 Regular Session

HOUSE BILL NO. 466

BY REPRESENTATIVE CHANEY

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

AGRICULTURE: Provides relative to animal control

1 AN ACT

2 To amend and reenact R.S. 3:2364 and 2366(A), (B), (C), (D)(introductory paragraph), and
3 (E)(introductory paragraph) and (1), and R.S. 47:120.71(section heading) and (A)
4 and to repeal R.S. 3:2365, relative to the Louisiana Animal Control Advisory Task
5 Force; to provide for the creation of the Louisiana Animal Control Advisory Task
6 Force; to provide for task force membership and terms of office; to provide for the
7 powers and duties of the state veterinarian in relation to the task force; to provide for
8 the Louisiana Animal Shelter Registry; to provide for the Louisiana Animal Welfare
9 Commission income tax checkoff; and to provide for related matters.

10 Be it enacted by the Legislature of Louisiana:

11 Section 1. R.S. 3:2364 and 2366 (A), (B), (C), (D)(introductory paragraph), and
12 (E)(introductory paragraph) and (1) are hereby amended and reenacted to read as follows:

13 §2364. ~~Louisiana Animal Welfare Commission~~ Louisiana Animal Control Advisory
14 Task Force

15 ~~A. Definition. For purposes of this Section, "animal" shall mean dogs and~~
16 ~~cats.~~

17 ~~B. Creation and membership. (1) The Louisiana Animal Welfare~~
18 ~~Commission is hereby created within the office of the governor for the purpose of~~
19 ~~assisting the governor's office of community programs to ensure and promote the~~
20 ~~proper treatment and well-being of animals. The commission shall receive no direct~~

1 ~~funding from the state, but may receive incidental services from state agencies in~~
2 ~~order to carry out its purpose.~~

3 ~~(2) Members of the commission shall serve four-year terms and shall not~~
4 ~~receive any compensation or reimbursement of expenses. Each member of the~~
5 ~~commission shall hold office until the appointment and qualification of his~~
6 ~~successor. Whenever a vacancy occurs in an appointed position, the vacancy shall~~
7 ~~be filled in the same manner and under the same terms and conditions as required for~~
8 ~~the original appointment. The commission shall meet at the call of the chairman at~~
9 ~~least quarterly and more often if necessary.~~

10 ~~(3) The executive director of the governor's office of community programs~~
11 ~~or his designee shall be a member of the commission. Other members of the~~
12 ~~commission shall be appointed by the governor in accordance with the following~~
13 ~~provisions:~~

14 ~~(a) One representative of the Louisiana Department of Health.~~

15 ~~(b) One small animal veterinarian, appointed at large.~~

16 ~~(c) One member who is a director of a public animal control agency.~~

17 ~~(d) One commercial breeder of dogs.~~

18 ~~(e) Three representatives from separately operating humane societies or~~
19 ~~private animal shelters.~~

20 ~~(f) One representative from the Louisiana State Police.~~

21 ~~(g) One member of the public, appointed at large.~~

22 ~~(h) Two representatives appointed from a list of five nominations submitted~~
23 ~~by the Louisiana Veterinary Medical Association.~~

24 ~~(i) One representative of the Louisiana Quarterhorse Association.~~

25 ~~(j) One representative of the Louisiana Thoroughbred Breeders Association.~~

26 ~~(4) The governor shall appoint the initial chairman and initial vice chairman~~
27 ~~of the commission from members appointed by the governor. Thereafter, the~~
28 ~~members shall elect the chairman and vice chairman every odd-numbered year.~~

29 ~~(5) The domicile of the commission shall be in East Baton Rouge Parish.~~

1 ~~C. Transaction of business. A majority of the membership shall constitute~~
2 ~~a quorum for the transaction of official business. All official actions of the~~
3 ~~commission shall require the affirmative vote of a majority of the members of the~~
4 ~~commission.~~

5 ~~D. Duties and functions. The commission shall have powers and duties~~
6 ~~necessary to carry out its purpose, including but not limited to the following:~~

7 ~~(1) To support local and municipal animal control enforcement efforts.~~

8 ~~(2) To support law enforcement in the investigation and prosecution of~~
9 ~~animal cruelty cases.~~

10 ~~(3) To make recommendations concerning the care and keeping of animals.~~

11 ~~(4) To coordinate a statewide voluntary pet database that will assist animal~~
12 ~~owners in recovering lost animals.~~

13 ~~(5) To provide a centralized public animal information, education, and~~
14 ~~communication service.~~

15 ~~(6) To formulate and implement proposals to deal with pet overpopulation.~~

16 ~~(7) To make recommendations for rules and regulations, which may be~~
17 ~~adopted by parish and local authorities for the proper care and treatment of animals.~~

18 ~~(8) To gather information from public records pertaining to the animals~~
19 ~~within the purview of the commission. The government custodians of such records~~
20 ~~shall make them accessible to the commission upon request under the provisions of~~
21 ~~R.S. 44:1 et seq.~~

22 ~~(9) To inspect any animal impoundment facility for the purpose of making~~
23 ~~recommendations to the appropriate governing authority for improvements to those~~
24 ~~facilities and their operations wherever such facilities are operated by a government~~
25 ~~animal control agency or designated by municipal or parish governments to be used~~
26 ~~for the purpose of impoundment of animals. The governing authority shall provide~~
27 ~~to the commission reasonable access to the facility, its records, and personnel within~~
28 ~~seven days of receipt of a written request.~~

1 ~~(10) To request, in the form of a letter to the appropriate governing authority,~~
2 ~~an animal control agency to produce public records pertaining to animal intake,~~
3 ~~adoption, and euthanasia.~~

4 ~~(11) To establish and maintain the Louisiana Animal Shelter Registry.~~

5 ~~E. Louisiana Animal Welfare Fund. (1) The commission may accept and~~
6 ~~solicit advice, services, and donations. Donations shall be remitted immediately to~~
7 ~~the state treasury. After compliance with the requirements of Article VII, Section~~
8 ~~9(B) of the Constitution of Louisiana relative to the Bond Security and Redemption~~
9 ~~Fund, the monies shall be deposited in the Louisiana Animal Welfare Fund,~~
10 ~~hereinafter referred to as the "fund", which is hereby created within the state treasury~~
11 ~~and shall be used solely to carry out the functions and duties of the Louisiana Animal~~
12 ~~Welfare Commission.~~

13 ~~(2) The commission shall maintain a checking account in a Louisiana~~
14 ~~licensed banking establishment for holding and distributing money that may be~~
15 ~~transferred from the fund to be used by the commission in fulfillment of its purposes.~~
16 ~~The checking account shall be entitled "Louisiana Animal Welfare Commission".~~
17 ~~It shall be held jointly in the names of the current chairman and treasurer of the~~
18 ~~commission. All checks shall require joint signatures.~~

19 ~~(3) The treasurer of the state of Louisiana shall transfer monies from the fund~~
20 ~~upon receiving a written order signed by the chairman and treasurer of the~~
21 ~~commission. If the funds are insufficient to meet the full amount of the order, the~~
22 ~~treasurer of the state of Louisiana may transfer the remaining balance in the fund.~~
23 ~~The transfer of monies in the fund to the commission's checking account shall be~~
24 ~~made within five business days of receiving the written order.~~

25 ~~(4) The financial records of the commission shall be maintained by the~~
26 ~~treasurer of the commission. A copy of the records, jointly certified by the treasurer~~
27 ~~and the chairman, shall be provided by the chairman to the legislative auditor for~~
28 ~~inspection within twenty business days of the close of the state's fiscal year. The~~
29 ~~legislative auditor shall report the findings of the inspection to the governor and the~~

1 ~~chairman of the commission within ninety days of receiving the certified copy of the~~
2 ~~records:~~

3 A. For purposes of this Section, the term "animal" shall mean a dog or cat.

4 B. The Louisiana Animal Control Advisory Task Force is hereby created
5 within the office of the Louisiana Department of Agriculture and Forestry under the
6 direction of the state veterinarian for the purpose of assisting community programs
7 in ensuring and promoting the proper treatment and well-being of animals. The task
8 force shall consist of the following six members to be appointed by the
9 commissioner of agriculture:

10 (1) One member who is a small animal veterinarian.

11 (2) One member who is a director of a public animal control agency.

12 (3) One individual from the public at large.

13 (4) One representative from the Louisiana Animal Control Association.

14 (5) One representative from the Louisiana Veterinary Medical Association.

15 (6) The state veterinarian.

16 C. The state veterinarian shall have the powers and duties necessary to carry
17 out its purpose, including but not limited to the following:

18 (1) Support local and municipal animal control enforcement efforts.

19 (2) Support law enforcement in the investigation and prosecution of animal
20 cruelty cases.

21 (3) Make recommendations concerning the care and keeping of animals.

22 (4) Coordinate a statewide voluntary pet database that will assist animal
23 owners in recovering lost animals.

24 (5) Formulate and implement proposals to deal with animal overpopulation.

25 (6) Promulgate rules and regulations that may be adopted by parish and local
26 authorities for the proper care and treatment of animals.

27 (7) Inspect animal impoundment facilities for the purpose of making
28 recommendations to the appropriate governing authority for improvements to those
29 facilities and their operations wherever such facilities are operated by a government

1 animal control agency or designated by municipal or parish governments to be used
2 for the purpose of impoundment of animals. The governing authority shall provide
3 the state veterinarian, or his designee, with reasonable access to the facility, and
4 access to its records, and personnel within seven days of receipt of a written request.

5 (8) Submit written request to the appropriate governing authority to have its
6 animal control agency produce public records pertaining to animal intake, adoption,
7 and euthanasia.

8 D. The task force shall act in an advisory capacity to the state veterinarian
9 and report activities periodically.

10 E.(1) Members of the task force shall serve at the pleasure of the appointing
11 authority.

12 (2) The task force shall meet at least once per calendar year. Additional
13 special or regular meetings may be held upon the call of the chairman.

14 (3) Task force members shall serve without compensation.

15 F. If the department does not receive the necessary funds, incurs a reduction
16 in funds, or receives insufficient monies to fund or continue the program, the
17 program shall become inactive.

18 §2366. Louisiana Animal Shelter Registry

19 A. The legislature finds that the establishment and maintenance of a
20 voluntary animal shelter registry will enable the ~~Louisiana Animal Welfare~~
21 ~~Commission~~ Louisiana Animal Control Advisory Task Force to carry out its duties.

22 B. As used in this Section, ~~the following terms are defined as follows:~~ the
23 term

24 (1) ~~"Commission"~~ means the ~~Louisiana Animal Welfare Commission~~.

25 (2) ~~"Public animal shelter"~~ "public animal shelter" means an animal shelter
26 owned, operated, or designated for the purpose of impoundment of animals by any
27 parish, municipality, or other subdivision of the state.

28 C. The ~~commission~~ state veterinarian shall establish and maintain a registry
29 for animal shelters called the Louisiana Animal Shelter Registry.

1 D. On or before the first day of February of each calendar year, each parish
2 governing authority may submit to the ~~commission~~ state veterinarian a list of all
3 public animal shelters located within the parish's jurisdiction. The list shall include:

4 * * *

5 E. On or before the first day of February of each calendar year, each public
6 animal shelter may submit the following to the ~~commission~~ state veterinarian:

7 (1) The Basic Animal Data Matrix, submitted as "transparent" data, to the
8 Shelter Animals Count database found at <http://www.shelteranimalscount.org>. Public
9 animal shelters may submit the matrix electronically through this website ~~or fill it out~~
10 ~~manually and mail it to the commission, which will input the data on behalf of the~~
11 ~~shelter.~~

12 * * *

13 Section 2. R.S. 47:120.71(section heading) and (A) are hereby amended and
14 reenacted to read as follows:

15 §120.71. Income tax checkoff; donation for ~~Louisiana Animal Welfare Commission~~
16 Louisiana Pet Overpopulation Advisory Council; creation; use of monies

17 A. Every individual who files an individual income tax return for the current
18 tax year and who is entitled to a refund may designate on his current-year return that
19 all or any portion of the total amount of the refund to which he is entitled shall be
20 donated to the ~~Louisiana Animal Welfare Commission~~ Louisiana Pet Overpopulation
21 Advisory Council in lieu of that amount being paid to him as a refund, in which case
22 the refund shall be reduced by the amount so designated. The designation shall be
23 made at the time of the filing of the current-year tax return and shall be made upon
24 the income tax return form as provided by the secretary of the Department of
25 Revenue. No donation made under the provisions of this Subsection shall be invalid
26 for lack of an authentic act.

27 * * *

28 Section 3. R.S. 3:2365 is hereby repealed in its entirety.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 466 Reengrossed

2017 Regular Session

Chaney

Abstract: Modifies provisions of law providing for the La. Animal Welfare Commission and the La. Animal Shelter Registry, and repeals the La. Pet Registry.

Present law provides for the La. Animal Welfare Commission (commission), which assists the governor's office of community programs with ensuring and promoting the proper treatment and well-being of animals by supporting local and municipal animal control efforts, making recommendations concerning the care and keeping of animals, and establishing the La. Animal Welfare Fund to be used solely to carry out the functions and duties of the commission.

Proposed law modifies present law by removing provisions relative to the creation, membership, inspection authority, public records request authority, and funding relative to the commission and instead creates the La. Animal Control Advisory Task Force under the direction of the state veterinarian within the Dept. of Agriculture and Forestry to ensure and promote the proper treatment and well-being of animals.

Proposed law specifies that the task force shall consist of six members appointed by the commissioner as follows: one member who is a small animal veterinarian, one member who is a director of a public animal control agency, one individual from the public at large, one representative from the La. Animal Control Assoc., one representative from the La. Veterinary Medical Assoc., and the state veterinarian. Specifies that the members serve at the pleasure of the appointing authority. Specifies that members must serve without compensation. Further requires the task force act in an advisory capacity to the state veterinarian and report activities periodically.

Proposed law empowers the state veterinarian to carry out its purpose, including but not limited to the following: support local and municipal animal control efforts; support law enforcement in the investigation and prosecution of animal cruelty cases; make recommendations concerning the care and keeping of animals; coordinate a statewide pet database; formulate and implement proposals to deal with animal overpopulation; promulgate rules and regulations which may be adopted by parish and local authorities for the proper care and treatment of animals; inspect any animal impoundment facilities for the purpose of making recommendations for improvement to those facilities and their operations to the appropriate governing authority under certain circumstances; and request any animal control agency to produce public records pertaining to animal intake, adoption, and euthanasia.

Proposed law provides that if the department does not receive the necessary funds or receives insufficient monies to fund the program, the program will become inactive.

Present law provides for the La. Pet Registry. Requires the commission to establish and maintain a voluntary registry for animals, and provides that the current owner of any animal may register that animal with the commission. Further provides registration requirements, registration identification numbers, animal license tags and procedures for affixing the tag to the registered animal, notification of animal registration by the owner to the commission, a registration fee, directions for where the fees should be deposited, and where applications for registration and public notices pertaining to the registry must be provided.

Proposed law repeals present law.

Present law provides for the La. Animal Shelter Registry, a voluntary animal shelter registry used by the commission to carry out its duties by requiring each parish to submit to the commission a list of all public animal shelters located within the parish's jurisdiction.

Proposed law modifies present law by removing the commission and replacing it with the La. Animal Control Task Force, removing the definition of commission and any references to commission in present law, and removing the option granted to public animal shelters that allows them to manually fill out the basic animal data matrix and mail it in.

Present law provides that an individual may donate all or a portion of his income tax refund to the La. Animal Welfare Commission.

Proposed law modifies present law by changing the La. Animal Welfare Commission to the La. Pet Overpopulation Advisory Council for purposes of income tax refund donation.

(Amends R.S. 3:2364 and 2366(A), (B), (C), (D)(intro. para.), and (E)(intro. para.) and (1) and R.S. 47:120.71(section heading) and (A); Repeals R.S. 3:2365)

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Agriculture, Forestry, Aquaculture, and Rural Development to the original bill:

1. Make technical changes.
2. Increase the membership on the La. Animal Control Advisory Task Force from five to six.
3. Replace the private animal shelter member on the task force with an individual from the public at large.
4. Add the state veterinarian to the task force.
5. Clarify that the governing authority of an animal impoundment facility grants the state veterinarian access to its records and personnel within seven days of receipt of a written request.
6. Repeal requirements relative to the La. Pet Registry and remove any references to the law.
7. Add the La. Animal Shelter Registry to proposed law and change reference to the La. Animal Welfare Commission to the La. Animal Control Advisory Task Force.
8. Remove the definition of commission and any reference to the commission under the La. Animal Shelter Registry law.
9. Change the La. Animal Welfare Commission to the La. Pet Overpopulation Advisory Council for income tax refund donation purposes.

The House Floor Amendments to the engrossed bill:

1. Make technical changes.