

ACT No. 422

2017 Regular Session

HOUSE BILL NO. 466

BY REPRESENTATIVE CHANEY

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 to enact R.S. 36:629(C)(9), and to repeal R.S. 3:2365 and R.S. 36:4(W), relative to
5 the Louisiana Animal Control Advisory Task Force; to provide for the creation of
6 the Louisiana Animal Control Advisory Task Force; to provide for task force
7 membership and terms of office; to provide for the powers and duties of the state
8 veterinarian in relation to the task force; to abolish the Louisiana Animal Welfare
9 Commission and the Louisiana Pet Registry; to provide for the Louisiana Animal
10 Shelter Registry; to direct donations from the Louisiana Animal Welfare
11 Commission income tax checkoff to the Louisiana Pet Overpopulation Advisory
12 Council; to provide relative to reporting requirements; and to provide for related
13 matters.

14 Be it enacted by the Legislature of Louisiana:

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

17 §2364. ~~Louisiana Animal Welfare Commission~~ Louisiana Animal Control Advisory
18 Task Force

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

21 B. ~~Creation and membership. (1) The Louisiana Animal Welfare~~
22 ~~Commission is hereby created within the office of the governor for the purpose of~~

1 ~~assisting the governor's office of community programs to ensure and promote the~~
2 ~~proper treatment and well-being of animals. The commission shall receive no direct~~
3 ~~funding from the state, but may receive incidental services from state agencies in~~
4 ~~order to carry out its purpose.~~

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 for the purpose of impoundment of animals. The governing authority shall provide
 2 the state veterinarian, or his designee, with reasonable access to the facility, and
 3 access to its records, and personnel within seven days of receipt of a written request.

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

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

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

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

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

14 F. The department shall submit an annual report to the House and Senate
 15 committees on Agriculture, Forestry, Aquaculture, and Rural Development no later
 16 than February first of each year regarding the status of the animal control program
 17 as provided for in this Section.

18 G. If the department does not receive the necessary funds, incurs a reduction
 19 in funds, or receives insufficient monies to fund or continue the task force, the task
 20 force shall become inactive.

21 §2366. Louisiana Animal Shelter Registry

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

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

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

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

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

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

6 * * *

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

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

14 * * *

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

17 §120.71. Income tax checkoff; donation for ~~Louisiana Animal Welfare Commission~~
18 Louisiana Pet Overpopulation Advisory Council; creation; use of monies

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

29 * * *

1 Section 3. R.S. 36:629(C)(9) is hereby enacted to read as follows:

2 §629. Transfer of boards, commissions, departments, and agencies to the Department
3 of Agriculture and Forestry

4 * * *

5 C. The following agencies as defined by R.S. 36:3 are transferred to and
6 hereafter shall be within the Department of Agriculture and Forestry as provided in
7 R.S. 36:802.3:

8 * * *

9 (9) The Louisiana Animal Control Advisory Task Force (R.S. 3:2364).

10 * * *

11 Section 4. R.S. 3:2365 is hereby repealed in its entirety.

12 Section 5. R.S. 36:4(W) is hereby repealed in its entirety.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____