

SECOND REGULAR SESSION

SENATE BILL NO. 756

90TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR CASKEY.

Pre-filed December 30, 1999, and 1,000 copies ordered printed.

TERRY L. SPIELER, Secretary.

3170S.021

AN ACT

To repeal sections 273.327, 273.333 and 273.357, RSMo 1994, relating to animal care facilities, and to enact in lieu thereof three new sections relating to the same subject.

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

Section A. Sections 273.327, 273.333 and 273.357, RSMo 1994, are repealed and three new sections enacted in lieu thereof, to be known as sections 273.327, 273.333 and 273.357, to read as follows:

273.327. No person shall operate an animal shelter, pound or dog pound, 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, 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 which is operated by the applicant. Any person exempt from the licensing requirements of sections 273.325 to 273.357 may voluntarily apply for a license. Application for such license shall be made in the manner provided by the director. **Such license shall be granted pursuant to an inspection of each animal care facility during which such facility must be found in compliance with standards promulgated by the director.** The license shall expire annually unless revoked. [As provided by rules to be promulgated by the director,] The [license] fee [shall range from one hundred to five hundred dollars per year] **per inspection shall be established by rules promulgated by the director pursuant to sections 273.325 to 273.357.** Pounds, dog pounds and animal shelters shall [be exempt from payment of such fee] **pay a minimum fee of one hundred dollars per**

EXPLANATION--Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

facility per annual inspection pursuant to licensing. [License] **Inspection** fees shall be [levied] **charged** for each [license issued or renewed] **inspection pursuant to license issuance or renewal** on or after January 1, 1993.

273.333. The state veterinarian or an animal welfare official, upon his own information or upon the complaint of any person, may 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 or of any rule promulgated pursuant to sections 273.325 to 273.357 is deemed to exist. 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 and the extent of damage to third parties and the state. All penalties collected shall be deposited to the [state general revenue fund] **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. Any person aggrieved by the decision of the director may appeal as provided in sections 536.100 to 536.140, RSMo. **No fee shall be charged for inspections made pursuant to a complaint.**

273.357. All fees collected by the director [from] **for inspections pursuant to** licenses issued under sections 273.325 to 273.357 shall be used to administer the provisions of sections 273.325 to 273.357, 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.** 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. 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.**