

1 HB238
2 147634-1
3 By Representative McMillan
4 RFD: Agriculture and Forestry
5 First Read: 12-FEB-13

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8 SYNOPSIS: This bill would require an animal shelter
9 owner or operator to submit an annual report to the
10 Department of Public Health detailing the total
11 number of animals that have entered the facility
12 and the disposition of the animals.

13 Amendment 621 of the Constitution of Alabama
14 of 1901, now appearing as Section 111.05 of the
15 Official Recompilation of the Constitution of
16 Alabama of 1901, as amended, prohibits a general
17 law whose purpose or effect would be to require a
18 new or increased expenditure of local funds from
19 becoming effective with regard to a local
20 governmental entity without enactment by a 2/3 vote
21 unless: it comes within one of a number of
22 specified exceptions; it is approved by the
23 affected entity; or the Legislature appropriates
24 funds, or provides a local source of revenue, to
25 the entity for the purpose.

26 The purpose or effect of this bill would be
27 to require a new or increased expenditure of local

1 funds within the meaning of the amendment. However,
2 the bill does not require approval of a local
3 governmental entity or enactment by a 2/3 vote to
4 become effective because it comes within one of the
5 specified exceptions contained in the amendment.

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7 A BILL
8 TO BE ENTITLED
9 AN ACT

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11 Relating to animal control; to require an animal
12 shelter owner or operator to submit an annual report to the
13 Department of Public Health detailing the total number of
14 animals that have entered the facility and the disposition of
15 the animals; and in connection therewith would have as its
16 purpose or effect the requirement of a new or increased
17 expenditure of local funds within the meaning of Amendment 621
18 of the Constitution of Alabama of 1901, now appearing as
19 Section 111.05 of the Official Recompilation of the
20 Constitution of Alabama of 1901, as amended.

21 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

22 Section 1. This act shall be known and cited as the
23 "Alabama Animal Control System Accountability Act."

24 Section 2. The following words shall have the
25 following meanings:

26 (1) ANIMAL SHELTER. Any facility operated in whole
27 or in part for the purpose of impounding or harboring seized,

1 stray, homeless, abandoned, or unwanted dogs, cats, or other
2 pets, including any facility operated, owned, controlled, or
3 maintained by a duly incorporated humane society or
4 organization designed to prevent animal cruelty, a for-profit
5 or not-for-profit rescue organization, or any person who
6 serves the same purpose as a humane society or organization to
7 prevent animal cruelty.

8 (2) DEPARTMENT. The State Department of Public
9 Health.

10 (3) REPORTED YEAR. Calendar year for which a report
11 is made.

12 Section 3. On an annual basis, each animal shelter
13 operator shall submit to the department a report that details
14 the total number of animals of each species that have been:

15 (1) Adopted.

16 (2) Released to or claimed by the owner or owners.

17 (3) Transferred to other facilities or released to
18 rescue organizations. The name of the facility or rescue
19 organization shall be reported.

20 (4) Euthanized or have died from causes other than
21 euthanasia while in the custody of the animal shelter.

22 (5) Sold, bartered, brokered, or transferred to a
23 research laboratory, school, college, university, or agency
24 that supplies or sells animals to these facilities whether for
25 profit or not for profit.

26 (6) Found to be sterilized upon arrival at the
27 shelter.

1 (7) Sterilized after arrival by personnel of the
2 shelter or contract veterinarian.

3 (b) The department shall develop and provide a
4 standard reporting form accessible to all animal shelter
5 operators. The form shall include a statement that the author
6 of the report certifies it to be true and correct.

7 (c) The department may charge animal shelters a
8 reasonable fee to cover the cost of collecting and processing
9 the reports. The department may charge any person who requests
10 a report any cost associated with reproducing and mailing the
11 report.

12 Section 4. The department shall compile these
13 reports on a statewide and county by county basis. Reports
14 shall be kept and maintained by the department for at least
15 five years. Reports made under this act shall be considered
16 public record and access to the reports shall not be denied
17 pursuant to any exemption under the Freedom of Information
18 Act.

19 Section 5. Any person who is required to file a
20 report and fails to do so during the reporting period, or who
21 knowingly makes or submits a false or fraudulent report
22 required under this act, is guilty of a Class A misdemeanor.

23 Section 6. The department shall promulgate rules to
24 administer and enforce this act.

25 Section 7. Although this bill would have as its
26 purpose or effect the requirement of a new or increased
27 expenditure of local funds, the bill is excluded from further

1 requirements and application under Amendment 621, now
2 appearing as Section 111.05 of the Official ReCompilation of
3 the Constitution of Alabama of 1901, as amended, because the
4 bill defines a new crime or amends the definition of an
5 existing crime.

6 Section 8. This act shall become effective on the
7 first day of the third month following its passage and
8 approval by the Governor, or its otherwise becoming law.