

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1989

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SENATE BILL 278\*

Marine Resources Committee Substitute Adopted 3/30/89

Finance Committee Substitute #2 Adopted 4/19/89

Short Title: Animal Welfare Act/Revisions.

(Public)

Sponsors:

Referred to:

February 27, 1989

A BILL TO BE ENTITLED

AN ACT TO REVISE ANIMAL WELFARE AND CONTROL LAWS AND CREATE THE ANIMAL WELFARE ACT ENFORCEMENT FUND.

The General Assembly of North Carolina enacts:

Section 1. G.S. 19A-23 is amended by adding a new subsection to read:

"(4a) 'Animal control officer' means a city or county employee designated as animal control officer, dog warden, or other designation that may be used, whose responsibility includes the seizing, impounding, or keeping custody of animals."

Sec. 2. G.S. 19A-23(5) reads as rewritten:

"(5) 'Animal shelter' means a facility which is used to house or contain animals and which is under contract with, owned, operated, or maintained by a county, city, town, or other municipality, or by a duly incorporated humane society, animal welfare society, society for the prevention of cruelty to animals, or other nonprofit organization devoted to the welfare, protection and humane treatment of animals."

Sec. 3. G.S. 19A-23(7) reads as rewritten:

"(7) 'Dealer' means any person who sells, exchanges, or donates, or offers to sell, exchange, or donate animals to the general public, another dealer, pet shop, or research facility; provided, however, that an individual who breeds and raises on his own premises no

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1 more than the offspring of five canine or feline females per year,  
2 unless bred and raised specifically for research purposes shall not  
3 be considered to be a dealer for the purposes of this Article."

4 Sec. 4. G.S. 19A-24 reads as rewritten:

5 **"§ 19A-24. Powers of Board of Agriculture.**

6 The Board of Agriculture may:

- 7 (1) Establish standards for the care of animals at animal shelters,  
8 boarding kennels, pet shops, and public auctions.  
9 (2) Prescribe the manner in which animals may be transported to and  
10 from registered or licensed premises.  
11 (3) Require licensees and holders of certificates to keep records of the  
12 identity, confinement, and disposition of purchase and sale of animals  
13 and to identify animals at their establishments. establishments on  
14 such forms as the Board may establish in order to standardize such  
15 record keeping.  
16 (3a) Require licensees and holders of certificates to submit records  
17 maintained pursuant to this Article to the Board on a periodic basis.  
18 (4) Adopt rules to implement this Article, including federal regulations  
19 promulgated under Title 7, Chapter 54, of the United States Code."

20 Sec. 5. G.S. 19A-36 reads as rewritten:

21 **"§ 19A-36. Penalty for violation of Article by animal control officer or dog warden.**

22 Violation of any provision of this Article which relates to the seizing, impoundment,  
23 and custody of an animal by an animal control officer or a dog warden shall constitute a  
24 misdemeanor and the person convicted thereof shall be subject to a fine of not less than  
25 fifty dollars (\$50.00) and not more than one hundred dollars (\$100.00), and each animal  
26 handled in violation shall constitute a separate offense."

27 Sec. 6. Article 34 of Chapter 106 of the General Statutes is amended by  
28 adding a new Part to read:

29 **"PART 6A. ANIMAL WELFARE ACT ENFORCEMENT FUND.**

30 **"§ 106-363.5. Fund established; money for Animal Welfare Section and grants to**  
31 **local governments.**

32 (a) The Animal Welfare Act Enforcement Fund is established in the Animal  
33 Welfare Section of the Department of Agriculture. The Department of Agriculture shall  
34 be responsible for receipt and disbursement of all funds in the Animal Welfare Act  
35 Enforcement Fund as provided in this section.

36 (b) Moneys in the Animal Welfare Act Enforcement Fund shall be used annually  
37 for personnel and administrative costs incurred by the Animal Welfare Section of the  
38 Department of Agriculture in enforcing the provisions of the Animal Welfare Act.

39 (c) Moneys in the Fund in excess of personnel and administrative costs shall be  
40 available to units of local government as assistance funding for compliance with the act  
41 on the terms and conditions set forth in G.S. 106-363.6.

42 **"§ 106-363.6. Animal control facility grants; eligible purpose; terms and**  
43 **conditions.**

1       (a) The Department of Agriculture shall make grants from the Animal Welfare  
2 Act Enforcement Fund to units of local government for new construction of animal  
3 control facilities, for capital improvements of existing facilities to ensure compliance  
4 with the standards of the Animal Welfare Act, and for assistance for operating costs.

5       (b) The Commissioner or his designee shall set a priority on and approve  
6 applications for funds based on a review of the local government's existing facility  
7 needs, and the need for State funding to ensure the facility's compliance with the  
8 standards of the act.

9       (c) Upon approval of the Commissioner or his designee, based on criteria  
10 established by the Board of Agriculture, units of local government shall receive five  
11 thousand dollars (\$5,000) in matching grant funds for each five thousand dollars  
12 (\$5,000) allocated by the unit of local government either for new construction of an  
13 animal control facility or for capital improvements of an existing facility. No unit of  
14 local government may receive more than ten thousand dollars (\$10,000) in matching  
15 funds per year for new construction or capital improvements. Grants for animal control  
16 facility operating costs shall be limited to a matching grant in the amount collected  
17 annually by the unit of local government under the provisions of G.S. 153A-153 or G.S.  
18 160A-212, and no unit of local government may receive more than five thousand dollars  
19 (\$5,000) in matching grants per year for operating costs.

20       (d) One or more units of local government may apply separately for funds under  
21 this section for a jointly utilized facility.

22 **"§ 106-363.7 Rabies tag fee.**

23       (a) There is levied on every rabies tag issued under the provisions of G.S. 130A-  
24 190 a fee of one dollar (\$1.00) per tag.

25       (b) Every person who issues a rabies tag shall collect the fee levied by this  
26 section and shall state and charge the fee separately from the sales price of the tag and  
27 show the fee separately on the tag issuer's sales records. The fee shall be paid by the  
28 purchaser of the tag to the issuer as trustee for and on account of the State. It is the  
29 intent of this section that the fee shall be added to the cost of the rabies tag when issued  
30 and be borne by and passed on to the customer, instead of being borne by the tag issuer.

31       (c) The Director of the Animal Welfare Section shall collect and administer the  
32 fee levied by this section and shall design, print, and furnish to all tag issuers in the  
33 State the necessary forms for filing returns and instructions to ensure the full collection  
34 of the fee.

35       (d) The fee levied under this section is due and payable to the Department of  
36 Agriculture in quarterly installments on or before the 15th day of the month following  
37 the end of the quarter in which the fee accrues. Every tag issuer liable for the fee shall  
38 prepare and render a return on the prescribed form. The return shall state the total  
39 number of tags issued in the preceding quarterly reporting period, and include payment  
40 of the fee.

41       (e) The Department of Agriculture shall deposit, on a quarterly basis, the  
42 proceeds in the Animal Welfare Act Enforcement Fund.

43       (f) The Department of Agriculture may adopt such rules as are necessary to  
44 implement the provisions of this section.

1 (g) Penalties;

2 (1) A person who fails or refuses to file the return required by this  
3 section shall pay a penalty of ten dollars (\$10.00) for each day's  
4 omission. In case of failure or refusal to file the return and pay the  
5 fee for a period of 30 days after the time required for filing the  
6 return and for paying the fee, there shall be an additional fee, as a  
7 penalty, of five percent (5%) of the fee due in addition to any other  
8 penalty, with an additional fee of five percent (5%) for each  
9 additional month or fraction thereof until the fee is paid.

10 (2) Any person who willfully attempts in any manner to evade a fee  
11 imposed under this section or who willfully fails to pay the fee or  
12 make and file a return shall, in addition to all other penalties  
13 provided by law, be guilty of a misdemeanor and shall be  
14 punishable by a fine not to exceed one thousand dollars (\$1,000),  
15 imprisonment not to exceed six months, or both."

16 Sec. 7. Section 6 of this act shall become effective January 1, 1990, and G.S.  
17 106-363.7 shall apply to rabies tags issued on or after that date. The remainder of this  
18 act shall become effective on July 1, 1991.