

HB 255 -- ANIMAL SHELTER FEES

SPONSOR: Torpey

COMMITTEE ACTION: Voted "Do Pass" by the Committee on Ways and Means by a vote of 11 to 1.

This bill exempts, effective January 1, 2014, an animal shelter from the payment of any licensing and other fees under the provisions of the Animal Care Facilities Act and reduces the maximum amount a commercial breeder can be charged for a license from \$2,500 to \$1,000 per year. The Director of the Department of Agriculture, upon promulgation of rules, may exempt an animal shelter from the payment of the fees prior to that date.

The department director may deny any applicant of an animal shelter license or revoke the license of an animal shelter licensee if he or she determines that the applicant or licensee unreasonably profits from the charges for adoption or sales of the shelter's animals.

PROPOSERS: Supporters say that 284 shelters will be exempt from fees under this bill, and the bill gives the Director of Agriculture more control in determining which shelter is really a nonprofit shelter. Currently, shelters within cities are already exempt. The fee charged to dog breeders is used to get more inspectors on the street. Nonprofit shelters and rescues are helping the state by taking in unwanted dogs and animals, and they provide a community service and public health function to the state as well as numerous other services to the public such as low cost spay/neuter surgeries; free pet food programs; taking in litters of puppies; general animal care including checkups, shots, dental care, mending injuries, fixing broken legs, spaying animals, and in general making the animals healthy and available for adoption. The adoption fee charged is not enough to cover the cost of care so shelters rely on fund raising and donations to stay open.

Testifying for the bill were Representative Torpey; Marilyn Hughes, Excelsior Springs Friends of Animals; Missouri Alliance for Animal Legislation; Nancy Campbell, Missouri German Shepherd Rescue (MOGS); Steven Kaufman, Animal Protective Association of Missouri; Jackie Koerner, St. Louis Pet Rescue; American Society for the Prevention of Cruelty to Animals (ASPCA); Humane Society of the United States; Tisha Jackson, Coalition for Animal Response and Rescue Missouri; and Catherine Kenney, Kansas City Siamese Rescue Inc.

OPPOSERS: Opponents of the bill say that while they do not support the abuse and neglect of animals, they want the definition

used to determine which shelter is for profit and which is nonprofit tightened. They want a level playing field. If operating at a profit, a shelter should pay its fair share for the cost of inspections. Shelters have the same number of violations per capita and require inspectors from the Department of Agriculture to return to the facility until the shelter reaches compliance. This fee has been passed by the legislature twice, once in 2010 and again in 2011. Shelters, rescues, and societies have filed a lawsuit to remove the fees, have lost twice, and are now at the Supreme Court of Missouri. The courts believe they should pay the fees.

Licensed veterinary clinics already undergo an annual fee-based facility inspection process under 20 CSR 2270-5. Vet clinics are providing a formal or informal service to local law enforcement by supplying a place to shelter abandoned animals, and these clinics should not be required to undergo a second fee-based inspection process.

Testifying against the bill were Missouri Federation of Animal Owners; Missouri Pet Breeders; and Missouri Veterinary Medical Association.

OTHERS: Others testifying on the bill provided clarifying information about the fee issues and answered general questions.

Testifying on the bill was Department of Agriculture.