

SENATE SUMMARY OF HOUSE AMENDMENTS

SB 36 By Senator Thompson**KEYWORD AND SUMMARY AS RETURNED TO THE SENATE**

ANIMALS. Requires the Louisiana Board of Animal Health to establish animal care standards for livestock and poultry. (gov sig)

SUMMARY OF HOUSE AMENDMENTS TO THE SENATE BILL

1. Technical amendment.

DIGEST OF THE SENATE BILL AS RETURNED TO THE SENATE

Thompson (SB 36)

Proposed law requires the Louisiana Board of Animal Health to adopt rules and regulations establishing standards governing the care and well-being of bovine, equine, ovine, caprine, porcine, and poultry bred, kept, maintained, raised, or used for show, profit or for the purpose of selling or otherwise producing crops, animals, or plant or animal products for market. The board shall consider the following when adopting the standards:

- (1) The health and husbandry of the bovine, equine, ovine, caprine, porcine, and poultry.
- (2) Generally accepted farm management practices.
- (3) Generally accepted veterinary standards and practices.
- (4) The economic impact the standards may have on bovine, equine, ovine, caprine, porcine, and poultry farmers, the affected bovine, equine, ovine, caprine, porcine, and poultry sector, and consumers.

Proposed law prohibits municipalities, parishes, local governmental entities or governing authorities of any group or association, private or public, having jurisdiction over a specific geographic area from enacting ordinances, laws, subdivision restrictions or regulations establishing standards applicable to the care and well-being of bovine, equine, ovine, caprine, porcine, and poultry.

Proposed law provides that municipalities, parishes, and local governmental entities or governing authorities of any group or association may request that the rules and regulations establishing standards applicable to the care and well-being of bovine, equine, ovine, caprine, porcine, and poultry be amended to provide for specific problems encountered in or by the entity, group or association. The following provisions shall govern any such request:

- (1) The request shall be addressed to the commissioner.
- (2) The Board of Animal Health shall conduct a hearing.
- (3) The Board of Animal Health shall make a preliminary determination as to the advisability of amending the state rules and regulations and shall transmit its determination to the commissioner.
- (4) The commissioner shall make the final determination as to the desirability of amending the state rules and regulations.
- (5) If the commissioner determines that the rules and regulations should be amended, a rule or regulation consistent with the commissioner's determination shall be adopted by the commission in accordance with the APA. If the commissioner determines that

the rules or regulations should not be amended, a written notice of the decision shall be provided to the requesting party.

Proposed law allows municipalities, parishes, and local governmental entities to petition the commissioner for approval of an ordinance establishing standards applicable to the care and well-being of bovine, equine, ovine, caprine, porcine, and poultry. The governing authority of a public or private group or association may petition the commissioner for approval of restrictions applicable to the specific geographic area over which the group or association has jurisdiction. Provides a procedure for obtaining such approval.

Proposed law provides that municipalities, parishes, and local governmental entities or governing authorities of a public or private group or association, having in effect, on July 1, 2010, an ordinance or restriction establishing standards applicable to the care and well-being of bovine, equine, ovine, caprine, porcine, and poultry shall submit the ordinance to the commissioner on or before December 1, 2010, for approval. Any such ordinance or restriction received by the commissioner on or before December 1, 2010, shall continue in full force and effect unless the commissioner disapproves the ordinance or restriction in accordance with proposed law. Voids any such ordinance not received by the commissioner on or before December 1, 2010.

Proposed law specifies that the local governing authorities are still authorized to enact laws, ordinances, subdivision restrictions or regulations regarding the possession of such animals.

Effective upon signature of the governor or lapse of time for gubernatorial action.

(Adds R.S. 3:2093(10) and 2095.1)

Thomas F. Wade
Director, Legal Affairs Division