

By: Cameron, Davis, Moak, Reeves, Smith
(39th)

To: Ways and Means

HOUSE BILL NO. 745

1 AN ACT TO CREATE A NEW SECTION TO BE CODIFIED AS SECTION
2 27-19-56.15, MISSISSIPPI CODE OF 1972, TO AUTHORIZE THE ISSUANCE
3 OF DISTINCTIVE LICENSE TAGS AND LICENSE TAG DECALS IN SUPPORT OF
4 ANIMAL CARE AND ANIMAL CARE ORGANIZATIONS; TO PROVIDE FOR AN
5 ADDITIONAL FEE TO BE IMPOSED FOR THE ISSUANCE OF SUCH TAGS; TO
6 CREATE A SPECIAL FUND IN THE STATE TREASURY IN WHICH SHALL BE
7 DEPOSITED A PORTION OF THE ADDITIONAL FEES COLLECTED FROM THE
8 ISSUANCE OF SUCH DISTINCTIVE TAGS; TO PROVIDE THAT THE MISSISSIPPI
9 BOARD OF ANIMAL HEALTH SHALL ADMINISTER THE SPECIAL FUND AND SHALL
10 DISTRIBUTE MONIES IN THE FUND TO THE BOARDS OF SUPERVISORS AND
11 GOVERNING AUTHORITIES OF MUNICIPALITIES; TO PROVIDE THAT THE
12 BOARDS OF SUPERVISORS AND THE GOVERNING AUTHORITIES OF
13 MUNICIPALITIES MAY EXPEND SUCH MONIES FOR THE OPERATION AND
14 SUPPORT OF COUNTY OR MUNICIPAL AGENCIES, BOARDS OR DEPARTMENTS
15 THAT PROVIDE CARE, FOR LOST, ABANDONED OR UNWANTED PETS OR MAY
16 DONATE SUCH MONIES TO NONPROFIT GROUPS, ORGANIZATIONS AND
17 ASSOCIATIONS THAT OPERATE SIMILAR PROGRAMS; TO AUTHORIZE THE
18 MISSISSIPPI BOARD OF ANIMAL HEALTH TO ADOPT RULES AND REGULATIONS
19 GOVERNING THE PROPER ADMINISTRATION OF THE ANIMAL CARE FUND, AND
20 ESTABLISHING GUIDELINES AND CRITERIA FOR THE DISTRIBUTION AND
21 ALLOCATION OF MONIES IN THE FUND; TO AMEND SECTION 69-15-9,
22 MISSISSIPPI CODE OF 1972, IN CONFORMITY TO THE PROVISIONS OF THIS
23 ACT; AND FOR RELATED PURPOSES.

24 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

25 SECTION 1. The following shall be codified as Section

26 27-19-56.15, Mississippi Code of 1972:

27 27-19-56.15. (1) Any owner of a motor vehicle who is a
28 resident of this state, upon payment of the road and bridge
29 privilege taxes, ad valorem taxes and registration fees as
30 prescribed by law for private carriers of passengers, pickup
31 trucks and other noncommercial motor vehicles, and upon payment of

32 an additional fee in the amount provided in subsection (4) of this
33 section, shall be issued a distinctive license tag for each motor
34 vehicle registered in his name, which license tag shall depict the
35 silhouettes of a dog and a cat and within a heart, and shall be
36 produced in such color and design as the State Tax Commission may
37 prescribe. The words "I Care for Animals" shall be centered at
38 the bottom of the license tag, with a silhouette on each side.
39 The State Tax Commission shall prescribe such letters or numbers,
40 or both, as may be necessary to distinguish each license tag.

41 (2) Each person to whom a distinctive license tag is issued
42 under this section also shall be issued one (1) decal for
43 placement upon the distinctive license tag. The decal shall be
44 issued at the time that the distinctive license tag is issued and,
45 upon request of the applicant, once annually at the time of
46 renewal registration. The State Tax Commission shall design,
47 produce and provide to the county tax collectors for distribution
48 a variety of decals, with each decal depicting the silhouette of a
49 dog, a cat, a horse or any other animal that the commission deems
50 appropriate and desirable. The applicant shall indicate to the
51 tax collector his or her choice of the decal to be issued. The
52 State Tax Commission shall adopt such rules and regulations as may
53 be necessary to prescribe proper placement of the decal on the
54 distinctive license tag. The decals may not be placed upon any
55 license tag except the distinctive license tag authorized to be
56 issued under this section.

57 (3) Application for the distinctive license tags authorized
58 by this section shall be made to the county tax collector on forms
59 prescribed by the State Tax Commission. The application and the
60 additional fee imposed under subsection (4) of this section, less
61 five percent (5%) thereof to be retained by the tax collector,
62 shall be remitted to the State Tax Commission within seven (7)

63 days of the date the application is made. The portion of the
64 additional fee retained by the tax collector shall be deposited
65 into the county general fund.

66 (4) Beginning with any registration year commencing on or
67 after July 1, 2000, any person applying for a distinctive license
68 tag under this section shall pay an additional fee in the amount
69 of Fifty Dollars (\$50.00) for each distinctive license tag applied
70 for under this section, which shall be in addition to all other
71 taxes and fees. The additional fee paid shall be for a period of
72 time to run concurrent with the vehicle's established license tag
73 year. The additional fee is due and payable at the time the
74 original application is made for a distinctive license tag under
75 this section and thereafter annually at the time of renewal
76 registration as long as the owner retains the distinctive license
77 tag. If the owner does not wish to retain the distinctive license
78 tag, he must surrender it to the local county tax collector.

79 (5) The State Tax Commission shall deposit all fees into the
80 State Treasury on the day collected. At the end of each month,
81 the State Tax Commission shall certify to the State Treasurer the
82 total fees collected under this section from the issuance of the
83 distinctive license tags issued under this section. The State
84 Treasurer shall distribute an amount equal to Seven Dollars
85 (\$7.00) of the additional fees collected for each such distinctive
86 license tag issued under this section to the State General Fund,
87 and the remainder of such additional fees collected shall be
88 deposited by the State Treasurer into the special fund created in
89 Section 2 of this act.

90 (6) A regular license tag must be properly displayed as

91 required by law until replaced by a distinctive license tag under
92 this section. The regular license tag must be surrendered to the
93 tax collector upon issuance of the distinctive license tag under
94 this section. The tax collector shall issue up to two (2) month
95 and year license decals for each distinctive license tag issued
96 under this section, which will expire the same month and year as
97 the license tag.

98 (7) In the case of loss or theft of a distinctive license
99 tag issued under this section, the owner may make application and
100 affidavit for a replacement distinctive license tag as provided by
101 Section 27-19-37. The fee for a replacement distinctive license
102 tag shall be Ten Dollars (\$10.00). The tax collector receiving
103 such application and affidavit shall be entitled to retain and
104 deposit into the county general fund five percent (5%) of the fee
105 for such replacement license tag and the remainder shall be
106 distributed in the same manner as funds from the sale of regular
107 distinctive license tags issued under this section.

108 SECTION 2. (1) There is created in the State Treasury a
109 special fund to be known and designated as the "Animal Care Fund."

110 There shall be deposited in the fund (a) the additional fees
111 collected from the issuance of distinctive license tags under
112 Section 27-19-56.15, (b) any gifts, grants, donations or matching
113 money from federal, state or local governmental bodies and private
114 persons, associations, groups or corporations making contributions
115 to the fund; and (c) such other monies as the Legislature may
116 appropriate or authorize to be deposited therein.

117 (2) The special fund created under subsection (1) of this
118 section shall be administered by the Mississippi Board of Animal

119 Health. Monies in the special fund shall be allocated and
120 distributed by the Mississippi Board of Animal Health to and among
121 the boards of supervisors of each of the counties and the
122 governing authorities of municipalities in the state. Monies
123 allocated, distributed and received by the boards of supervisors
124 and governing authorities (a) may be expended for the operation
125 and support of county or municipal agencies, boards or departments
126 that provide food, shelter and care, and/or spaying and neutering,
127 of lost, abandoned or unwanted pets; (b) may be expended for the
128 creation, development or expansion of such agencies, boards or
129 departments; or (c) may be donated by the boards of supervisors
130 and governing authorities to nonprofit groups, organizations and
131 associations that operate similar programs. However, priority for
132 expenditure of such monies shall be given to spaying and neutering
133 programs. None of such monies may be expended for euthanasia.

134 (3) The Mississippi Board of Animal Health shall adopt rules
135 and regulations governing the proper administration of the Animal
136 Care Fund, and establishing guidelines and criteria for the
137 distribution and allocation of monies in the fund, including
138 qualifications for those groups, organizations and associations to
139 which boards of supervisors and governing authorities may make
140 donations.

141 SECTION 3. Section 69-15-9, Mississippi Code of 1972, is
142 amended as follows:

143 69-15-9. The Board of Animal Health shall have plenary power
144 to deal with all contagious and infectious diseases of animals as
145 in the opinion of the board may be prevented, controlled or
146 eradicated, and with full power to make, promulgate and enforce

147 such rules and regulations as in the judgment of the board may be
148 necessary to control, eradicate and prevent the introduction and
149 spread of anthrax, tuberculosis, hog cholera, Texas and splenic
150 fever and the fever-carrying tick (*margaropus annulatus*), cattle
151 brucellosis, anaplasmosis, infectious bovine rhinotracheitis,
152 muscosal disease, cattle viral diarrhea, cattle scabies, sheep
153 scabies, hog cholera, swine erysipelas, swine brucellosis, equine
154 encephalomyelitis, rabies, vesicular diseases, salmonella group,
155 newcastle disease, infectious laryngotracheitis,
156 ornithosis-psittacosis, mycoplasma group and any suspected new
157 and/or foreign diseases of livestock and poultry and all other
158 diseases of animals in this state, and the board is hereby vested
159 with full authority to establish and maintain quarantine lines and
160 to quarantine by county, supervisors district, parcel of land or
161 herd. The State Veterinarian shall appoint as many inspectors and
162 range riders as may be deemed necessary, and the funds at his
163 disposal will permit, and shall delegate authority to said
164 inspectors and range riders, to enter premises to inspect and
165 disinfect livestock and premises, and enforce quarantine including
166 counties, farms, pens, stables and other premises.

167 No officer or agent of the State Veterinarian may enter the
168 actual enclosures of any person except (1) with the consent of the
169 person lawfully in possession thereof or (2) in the absence of
170 such consent, with a proper writ obtained as in other cases of
171 searches and seizures under constitutional law. When such
172 officers and agents are lawfully on the premises, either by
173 permission or writ, they shall be authorized to inspect the
174 premises and the livestock and animals found thereon by entering

175 the enclosures and buildings and they are authorized to check
176 livestock and poultry found therein for any contagious diseases
177 and take proper action to control or eradicate any such diseases
178 that may be found. While such officers and agents are performing
179 their duties hereunder, they shall not be personally liable except
180 for gross negligence. The refusal without lawful reason of any
181 person to give the consent aforesaid shall be deemed a misdemeanor
182 and shall be punishable as for violations of Article 5 of this
183 chapter as provided for in Section 69-15-115.

184 The Board of Animal Health shall administer the special fund
185 created in Section 2 of this act.

186 SECTION 4. This act shall take effect and be in force from
187 and after July 1, 2000.