S T A T E O F N E W Y O R K

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I N S E N A T E

February 5, 2013

Introduced by Sens. GRISANTI, AVELLA, BOYLE, ESPAILLAT, GIPSON, HOYLMAN, SERRANO -- read twice and ordered printed, and when printed to be committed to the Committee on Agriculture -- reported favorably from said committee and committed to the Committee on Finance -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- committee discharged and said bill committed to the Committee on Rules -- ordered to a third reading, amended and ordered reprinted, retaining its place in the order of third reading -- again amended and ordered reprinted, retaining its place in the order of third reading

AN ACT to amend the agriculture and markets law, in relation to establishing and implementing training programs for dog control officers

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. The agriculture and markets law is amended by adding a new section 113-a to read as follows:

S 113-A. TRAINING PROGRAM FOR DOG CONTROL OFFICERS. 1. THE DEPARTMENT SHALL ESTABLISH AND IMPLEMENT A TRAINING PROGRAM FOR DOG CONTROL OFFICERS.

2. (A) EXCEPT AS PROVIDED IN PARAGRAPH (B), (C) OR (D) OF THIS SUBDIVISION, ANY PERSON APPOINTED BY A LOCAL GOVERNMENT AS A DOG CONTROL OFFICER SHALL COMPLETE A COURSE OF TRAINING APPROVED BY THE DEPARTMENT. ANY PERSON EMPLOYED ON THE EFFECTIVE DATE OF THIS SECTION AS A DOG CONTROL OFFICER SHALL COMPLETE THE FIRST SUCH TRAINING PROGRAM NO LATER THAN JANUARY FIRST, TWO THOUSAND FIFTEEN. ANY PERSON APPOINTED AFTER THE EFFECTIVE DATE OF THIS SECTION SHALL COMPLETE SUCH TRAINING BY JANUARY FIRST, TWO THOUSAND FIFTEEN OR WITHIN ONE HUNDRED EIGHTY DAYS OF SUCH APPOINTMENT, WHICHEVER IS LATER. DOCUMENTATION THAT SUCH PERSON HAS COMPLETED SUCH TRAINING SHALL BE MAINTAINED BY THE LOCAL GOVERNMENT AND BE MADE AVAILABLE TO THE DEPARTMENT UPON REQUEST.

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets [ ] is old law to be omitted.

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(B) ANY LOCAL GOVERNMENT, INCLUDING A LOCAL GOVERNMENT THAT PROVIDES DOG CONTROL OFFICER SERVICES BY A CONTRACT PURSUANT TO SUBDIVISION TWO OF SECTION ONE HUNDRED THIRTEEN OF THIS ARTICLE, AND ANY INCORPORATED HUMANE SOCIETY OR SIMILAR INCORPORATED DOG PROTECTIVE ASSOCIATION THAT PROVIDES DOG CONTROL OFFICER SERVICES BY A CONTRACT WITH A LOCAL GOVERNMENT PURSUANT TO SUBDIVISION TWO OF SECTION ONE HUNDRED THIRTEEN OF THIS ARTICLE IS RESPONSIBLE FOR ENSURING THAT THE DOG CONTROL TRAINING REQUIRED BY THIS SECTION IS COMPLETED.

(C) A VETERINARIAN LICENSED PURSUANT TO ARTICLE ONE HUNDRED THIRTY-FIVE OF THE EDUCATION LAW SHALL BE EXEMPT FROM THE TRAINING PROGRAM REQUIRED BY THIS SECTION.

(D) A LOCAL GOVERNMENT THAT EMPLOYS A DOG CONTROL OFFICER MAY ELECT NOT TO PARTICIPATE IN THE TRAINING PROGRAM REQUIRED BY THIS SECTION IF SUCH LOCAL GOVERNMENT HAS A TRAINING PROGRAM FOR DOG CONTROL OFFICERS THAT MEETS THE REQUIREMENTS SET FORTH IN SUBDIVISION THREE OF THIS SECTION, AND IS APPROVED BY THE DEPARTMENT. THE GOVERNING BODY OF A LOCAL GOVERNMENT THAT ELECTS TO CONDUCT ITS OWN DOG CONTROL OFFICER PROGRAM MUST DO SO BY ADOPTING A RESOLUTION DECLARING THAT IT WILL CONDUCT ITS OWN TRAINING PROGRAM AND PROVIDING SUCH RESOLUTION TO THE DEPARTMENT.

3. THE TRAINING PROGRAM REQUIRED BY THIS SECTION SHALL INCLUDE TRAINING REGARDING:

(A) THE SCOPE OF THE RESPONSIBILITIES OF THE DOG CONTROL OFFICER;

(B) APPROPRIATE AND HUMANE HANDLING OF ANIMALS, INCLUDING TRANSPORTING ANIMALS SAFELY, GENERAL ANIMAL CONTROL AND PROPER METHODS FOR CAPTURING ANIMALS;

(C) THE LAWS AND RULES REGARDING DOG LICENSING;

(D) THE LAWS AND RULES REGARDING SEARCH AND SEIZURE RELEVANT TO DOG CONTROL OFFICERS;

(E) PROPER DISPOSAL OF THE REMAINS OF DECEASED ANIMALS;

(F) IDENTIFICATION AND NOTIFICATION OF AN ANIMAL'S OWNER; AND

(G) OTHER SUBJECT MATTER RELEVANT TO DOG CONTROL OFFICERS AS DEEMED NECESSARY OR APPROPRIATE BY THE COMMISSIONER.

4. THE DEPARTMENT SHALL, IN CONSULTATION WITH INDIVIDUALS AND ORGANIZATIONS INVOLVED WITH ANIMAL CARE AND CONTROL THAT THE COMMISSIONER DEEMS APPROPRIATE, IDENTIFY AND APPROVE A MODEL TRAINING PROGRAM FOR DOG CONTROL OFFICERS TO MEET THE REQUIREMENTS OF SUBDIVISIONS TWO AND THREE OF THIS SECTION THAT IS BOTH COST-EFFECTIVE AND ACCESSIBLE. THE DEPARTMENT SHALL MAKE INFORMATION ABOUT SUCH PROGRAM AVAILABLE UPON ITS INTERNET WEBSITE. SUCH PROGRAM MAY BE PROVIDED IN AN INTERNET-BASED FORMAT. IF THE DEPARTMENT DOES NOT APPROVE AN INTERNET-BASED FORMAT, THE DEPARTMENT SHALL ENSURE THAT THE TRAINING PROGRAM IS AVAILABLE IN VARIOUS REGIONS OF THE STATE IN ORDER TO ENSURE REASONABLE ACCESSIBILITY FOR DOG CONTROL OFFICERS.

5. THE DEPARTMENT IS AUTHORIZED TO PROMULGATE RULES, REGULATIONS AND STANDARDS FOR IMPLEMENTATION OF THE TRAINING PROGRAM INCLUDING RULES FOR APPROVAL AND IMPLEMENTATION OF LOCAL TRAINING PROGRAMS, RULES FOR COMPLIANCE BY DOG CONTROL OFFICERS AND THE FREQUENCY WITH WHICH SUCH OFFICERS SHALL BE REQUIRED TO COMPLETE THE TRAINING PROGRAM.

6. THE COMMISSIONER OR ANY LOCAL GOVERNMENT THAT HAS ITS OWN TRAINING PROGRAM MAY SOLICIT AND ACCEPT FUNDS FROM ANY PUBLIC OR PRIVATE SOURCE TO HELP CARRY OUT THE TRAINING PROVISIONS OF THIS SECTION.

S 2. This act shall take effect immediately; provided that the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date takes place within eighteen months of the effective date.