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I N A S S E M B L Y

April 16, 2010

Introduced by M. of A. GLICK, ROSENTHAL, MILLMAN, KELLNER, CARROZZA,
CASTRO -- Multi-Sponsored by -- M. of A. MARKEY, PHEFFER, TITONE,
WEISENBERG -- read once and referred to the Committee on Agriculture

AN ACT to amend the agriculture and markets law, in relation to estab-
lishing a twelve percent surcharge on the sale of animals by pet deal-
ers; and to amend the state finance law, in relation to establishing
the "New York animal shelter and wildlife rehabilitator account"

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

1 Section 1. The agriculture and markets law is amended by adding a new
2 section 380 to read as follows:
3 S 380. ANIMAL SALE SURCHARGE. 1. WHENEVER ANY PET DEALER SELLS ANY
4 ANIMAL, THERE SHALL BE LEVIED UPON SUCH PET DEALER A MANDATORY SURCHARGE
5 IN THE AMOUNT OF TWELVE PERCENT OF THE TOTAL OF THE PRICE OF THE ANIMAL
6 AND ANY ANCILLARY PRODUCTS SOLD ON THE DATE SUCH ANIMAL WAS PURCHASED.
7 SUCH MANDATORY SURCHARGE SHALL BE PAID TO THE STATE COMPTROLLER WHO
8 SHALL DEPOSIT SUCH MONEY IN THE STATE TREASURY TO THE CREDIT OF THE NEW
9 YORK ANIMAL SHELTER AND WILDLIFE REHABILITATOR ACCOUNT ESTABLISHED
10 PURSUANT TO SECTION NINETY-NINE-T OF THE STATE FINANCE LAW.
11 2. FOR THE PURPOSES OF THIS SECTION, THE TERM "PET DEALER" SHALL MEAN
12 ANY PERSON WHO ENGAGES IN THE SALE OR OFFERING FOR SALE OF MORE THAN
13 NINE ANIMALS PER YEAR FOR PROFIT TO THE PUBLIC. SUCH DEFINITION SHALL
14 INCLUDE BREEDERS WHO SELL OR OFFER TO SELL ANIMALS; PROVIDED THAT A
15 BREEDER WHO SELLS OR OFFERS TO SELL DIRECTLY TO THE CONSUMER FEWER THAN
16 TWENTY-FIVE ANIMALS PER YEAR THAT ARE BORN AND RAISED ON THE BREEDER'S
17 RESIDENTIAL PREMISES SHALL NOT BE CONSIDERED A PET DEALER AS A RESULT OF
18 SELLING OR OFFERING TO SELL SUCH ANIMALS. SUCH DEFINITION SHALL FURTHER
19 NOT INCLUDE DULY INCORPORATED HUMANE SOCIETIES DEDICATED TO THE CARE OF
20 UNWANTED ANIMALS WHICH MAKE SUCH ANIMALS AVAILABLE FOR ADOPTION WHETHER
21 OR NOT A FEE FOR SUCH ADOPTION IS CHARGED.
22 S 2. The state finance law is amended by adding a new section 99-t to
23 read as follows:
24 S 99-T. ANIMAL SHELTER AND WILDLIFE REHABILITATOR ACCOUNT. 1. THERE
25 IS HEREBY ESTABLISHED IN THE JOINT CUSTODY OF THE COMMISSIONER OF TAXA-

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

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1 TION AND FINANCE, THE COMPTROLLER AND A NON-GOVERNMENTAL ENTITY TO BE
2 CHOSEN BY THE COMMISSIONER OF TAXATION AND FINANCE AND THE COMPTROLLER
3 PURSUANT TO SUBDIVISION FOUR OF THIS SECTION, A SPECIAL ACCOUNT TO BE
4 KNOWN AS THE "NEW YORK ANIMAL SHELTER AND WILDLIFE REHABILITATOR
5 ACCOUNT".

6 2. SUCH ACCOUNT SHALL CONSIST OF ALL REVENUES RECEIVED PURSUANT TO THE
7 PROVISIONS OF SECTION THREE HUNDRED EIGHTY OF THE AGRICULTURE AND
8 MARKETS LAW AND ALL OTHER MONEYS APPROPRIATED, CREDITED, OR TRANSFERRED
9 THERETO FROM ANY OTHER FUND OR SOURCE PURSUANT TO LAW. NOTHING CONTAINED
10 IN THIS SECTION SHALL PREVENT THE STATE FROM RECEIVING GRANTS, GIFTS OR
11 BEQUESTS FOR THE PURPOSES OF THE ACCOUNT AS DEFINED IN THIS SECTION AND
12 DEPOSITING THEM INTO THE FUND ACCORDING TO LAW.

13 3. MONIES OF THE ACCOUNT SHALL BE EXPENDED AS FOLLOWS:

14 (A) SEVENTY-FIVE PERCENT OF SUCH MONIES SHALL BE USED TO SUBSIDIZE
15 ANIMAL SHELTERS;

16 (B) TWENTY PERCENT OF SUCH MONIES SHALL BE USED TO SUBSIDIZE WILDLIFE
17 REHABILITATORS LICENSED PURSUANT TO SECTION 11-0515 OF THE ENVIRONMENTAL
18 CONSERVATION LAW; AND

19 (C) FIVE PERCENT OF SUCH MONIES SHALL BE USED BY THE ORGANIZATION
20 CHOSEN PURSUANT TO SUBDIVISION FOUR OF THIS SECTION FOR ADMINISTRATIVE
21 COSTS INCURRED DURING THE ADMINISTRATION OF THIS ACCOUNT.

22 4. THE COMPTROLLER IN CONSULTATION WITH THE COMMISSIONER OF AGRICUL-
23 TURE AND MARKETS SHALL DESIGNATE A NON-GOVERNMENTAL ORGANIZATION
24 SPECIALIZING IN ANIMAL PROTECTION TO ADMINISTER THE ACCOUNT ESTABLISHED
25 PURSUANT TO THIS SECTION.

26 S 3. This act shall take effect on the sixtieth day after it shall
27 have become a law; provided, however, that effective immediately, the
28 addition, amendment and/or repeal of any rule or regulation necessary
29 for the implementation of this act on its effective date is authorized
30 to be made and completed on or before such date.