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

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I N A S S E M B L Y

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Introduced by M. of A. KAVANAGH, GLICK, McENENY, ENGLEBRIGHT -- Multi-Sponsored by -- M. of A. BING, BRENNAN, COOK, DINOWITZ, GALEF, MAYER-SOHN, MILLMAN, ORTIZ, PHEFFER, WEISENBERG -- read once and referred to the Committee on Agriculture

AN ACT to amend the agriculture and markets law, in relation to the licensing of dogs

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

Section 1. Legislative findings. The legislature finds that the crisis of pet overpopulation presents a humane and public health dilemma for New York state residents. Countless homeless dogs and cats wander the streets and countryside scavenging for food, suffering from exposure, hunger and attacks by wildlife predators. Public safety is threatened by dog bites and potential disease transmission from dogs and cats at large and unsupervised. Dogs and cats that find their way to shelters do not necessarily fare better. While no official records are kept, conservative estimates indicate that more than fifty percent of cats and dogs received at shelters and humane societies are euthanized simply because there are not enough homes for them.

Widespread availability of low-cost spay and neuter services is the single most effective method of curtailing unchecked reproduction and the resulting high rate of euthanasia. Through its animal population control program, implemented in 1996 and made permanent in 2000, New York state has made possible the spay and neuter of thousands of dogs and cats adopted from shelters. Still, shelters and humane societies regularly report the need for more spay/neuter vouchers than are available from the fund. The inadequacy of funding is due in large part to one simple fact - while a three dollar surcharge on dog licenses for unaltered dogs provides the principal funding for the program, the majority of dogs owned by New Yorkers are not licensed as required by

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

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law. Effective dog control is also dependent upon funding to localities derived from dog license fees.

Thus, a step as simple as enforcing New York's existing dog licensing will infuse much needed funding into local animal control programs and into the animal population control program. Enforcement of dog licensing serves another public health function - it helps protect our communities against the threat of rabies by requiring immunization against that disease as a prerequisite for licensing. Enforcement of New York's dog licensing law can be accomplished by requiring collection of dog license applications and fees upon adoption from shelters, humane societies, duly incorporated societies for the prevention of cruelty to animals, dog protection associations, pounds, and upon purchase from licensed pet dealers. Making dog licenses more widely available through the Internet and through veterinarian offices as well as through local clerks and other government offices, will also increase compliance with the law.

Minimal increases in the license fee, and the fines imposed for violations of the licensing laws, and increasing the three dollar surcharge for unaltered dogs to five dollars will help ensure the financial vitality of the Animal Population Control program.

Ensuring compliance with dog licensing laws will safeguard the health and safety of companion animals and the communities in which they live. And, by funding more widespread low-cost spay and neuter services, it will help New York avert the tragic consequences of far too many "surplus" dogs and cats.

S 2. Subdivision 5 of section 107 of the agriculture and markets law is renumbered subdivision 6 and a new subdivision 5 is added to read as follows:

5. (A) THIS ARTICLE SHALL AUTHORIZE THE DEPARTMENT TO PERMIT COUNTY SHELTERS, SHELTERS ESTABLISHED, MAINTAINED OR CONTRACTED FOR PURSUANT TO SECTION ONE HUNDRED FIFTEEN OF THIS ARTICLE, DULY INCORPORATED SOCIETIES FOR THE PREVENTION OF CRUELTY TO ANIMALS, DULY INCORPORATED HUMANE SOCIETIES, DULY INCORPORATED ANIMAL PROTECTIVE ASSOCIATIONS, PET DEALERS REQUIRED TO BE LICENSED PURSUANT TO SECTION FOUR HUNDRED THREE OF THIS CHAPTER, VETERINARIANS AND MUNICIPAL OFFICES, TO ISSUE AND RENEW DOG LICENSES. WHERE THE DEPARTMENT HAS AUTHORIZED ANY OF THESE ENTITIES TO ISSUE LICENSES, THE LICENSE FEES SHALL BE DISTRIBUTED IN ACCORDANCE WITH THE PROVISIONS OF SECTION ONE HUNDRED ELEVEN OF THIS ARTICLE.

(B) EXCEPT AS PROVIDED IN PARAGRAPH (A) OF THIS SUBDIVISION, THIS ARTICLE SHALL REQUIRE THAT PRIOR TO SELLING ANY DOG OR RELEASING ANY DOG FOR ADOPTION, A DULY INCORPORATED SOCIETY FOR THE PREVENTION OF CRUELTY TO ANIMALS, DULY INCORPORATED HUMANE SOCIETY, DULY INCORPORATED ANIMAL PROTECTIVE ASSOCIATION, OR PET DEALER REQUIRED TO BE LICENSED PURSUANT TO SECTION FOUR HUNDRED THREE OF THIS CHAPTER, SHALL OBTAIN FROM THE PURCHASER OR ADOPTER A COMPLETED APPLICATION FOR A DOG LICENSE AND THE REQUIRED FEES AND REMIT SUCH APPLICATIONS AND FEES TO THE CLERK OF THE TOWN, CITY OR VILLAGE IN WHICH THE ENTITY SELLING OR RELEASING THE DOG FOR ADOPTION PURSUANT TO THIS PARAGRAPH IS LOCATED. ANY ADOPTING AGENT OR SELLER PROCESSING AN APPLICATION FOR A DOG LICENSE PURSUANT TO THIS PARAGRAPH, SHALL ON OR BEFORE THE TENTH DAY OF THE MONTH NEXT SUCCEEDING THE MONTH IN WHICH COLLECTED, REMIT TO SUCH CLERK ALL APPLICATIONS AND LICENSE FEES COLLECTED LESS AN AMOUNT NOT TO EXCEED THREE DOLLARS FOR EACH APPLICATION PROCESSED. RENEWAL NOTICES SENT BY THE DEPARTMENT SHALL INCLUDE THE ADDRESS OF THE CLERK OF THE CITY, TOWN OR VILLAGE IN WHICH THE NEW OWNER RESIDES.

(C) THIS ARTICLE SHALL AUTHORIZE THE DEPARTMENT TO ISSUE DOG LICENSES THROUGH THE INTERNET.

S 3. Paragraphs (b), (c), (e) and (h) of subdivision 1 of section 109 of the agriculture and markets law, paragraph (b) as amended by chapter 562 of the laws of 1995, paragraphs (c) and (e) as amended by chapter 645 of the laws of 1988 and paragraph (h) as amended by chapter 39 of the laws of 2002, are amended to read as follows:

(b) Application for a dog license shall be made to the clerk of the town or city or, in the counties of Nassau and Westchester, incorporated village in which the dog is harbored or to the village clerk of those villages in the county of Rockland with a population of fifteen thousand or more which have elected to accept applications pursuant to the provisions of this paragraph or to the village clerk of the village of Newark in the county of Wayne upon the election of the village of Newark pursuant to the provisions of this paragraph. Provided, however, that in the counties of Nassau and Westchester, the board of trustees of any incorporated village may by resolution provide that applications for licenses shall no longer be made to the village clerk, but to the clerk of the town in which the village is situated. If such resolution is approved by the town board of the town in which the village is situated, such resolution shall become effective not less than six months after a certified copy of such resolution of the village board and of the resolution of approval of the town board shall have been filed with the commissioner. Provided further, however, that in the county of Rockland, the board of trustees of any incorporated village with a population of fifteen thousand or more may by resolution provide that application for licenses shall be made to the village clerk. Provided further, however, that in the county of Wayne, the board of trustees of the village of Newark may by resolution provide that application for licenses shall be made to the village clerk. If such resolution is approved by the town or towns in which the village is located, it shall become effective not less than six months after a certified copy of such approved resolution shall have been filed with the commissioner. The governing body of any town or city or, in the counties of Nassau and Westchester, incorporated village or in the county of Rockland, those villages with a population of fifteen thousand or more which have so elected to accept applications or in the county of Wayne, the village of Newark if such village has so elected to accept applications may, on resolution of such body, authorize that such application be made to one or more named dog control officers of any such town, city or village. The issuance of any license by any such officer shall be under the control and supervision of the clerk. In the case of a seized dog being redeemed or a dog being otherwise obtained from a county animal shelter or pound, such application may be made to the county dog control officer in charge of such facility provided such officer has been authorized by the commissioner to accept such applications. In the case of a dog being redeemed or a dog being adopted from a shelter or pound established, maintained or contracted for, pursuant to section one hundred fifteen of this article, such application may be made to the manager of such facility, provided such manager has been authorized by the commissioner to accept such application. Such authorization shall be requested by the governing body of the pound or shelter and the granting or denial of such authorization shall be in the discretion of the commissioner. THE COMMISSIONER SHALL MAKE LICENSE APPLICATIONS AVAILABLE FOR DISTRIBUTION AT EVERY RABIES INOCULATION CLINIC HELD PURSUANT TO SUBDIVISION SEVEN OF SECTION TWENTY-ONE HUNDRED FORTY-FIVE OF THE PUBLIC HEALTH LAW. THE COMMISSIONER SHALL ALSO

MAKE AVAILABLE FOR DISTRIBUTION AT SUCH CLINICS PAMPHLETS OR LITERATURE CONTAINING BUT NOT LIMITED TO THE FOLLOWING INFORMATION:

(I) THAT ALL DOGS AGED FOUR MONTHS OR OLDER MUST BE LICENSED;

(II) LICENSE FEES FOR ALTERED AND UNALTERED DOGS;

(III) HOW AND WHERE TO OBTAIN A DOG LICENSE; AND

(IV) THAT DOG LICENSING FEES HELP TO FUND LOCAL DOG CONTROL AS WELL AS THE ANIMAL POPULATION CONTROL PROGRAM WHICH PROVIDES LOW-COST SPAY/NEUTER SERVICES TO PERSONS WHO ADOPT PETS FROM HUMANE SOCIETIES, SHELTERS, POUNDS, DULY INCORPORATED SOCIETIES FOR THE PREVENTION OF CRUELTY TO ANIMALS AND DULY INCORPORATED ANIMAL PROTECTIVE ASSOCIATIONS AND ELIGIBLE LOW INCOME NEW YORK STATE RESIDENTS. EACH COUNTY SHALL DISTRIBUTE LICENSE APPLICATIONS AND THE INFORMATIONAL PAMPHLETS OR LITERATURE AT SUCH CLINICS.

THE COMMISSIONER MAY MAKE DOG LICENSES AVAILABLE FOR PURCHASE THROUGH THE INTERNET. THE COMMISSIONER SHALL EVALUATE THE FEASIBILITY OF INTERNET LICENSING AND SHALL REPORT ITS FINDINGS TO THE GOVERNOR AND LEGISLATURE BY SEPTEMBER FIRST, TWO THOUSAND TEN. THE COMMISSIONER MAY ALSO MAKE DOG LICENSES AVAILABLE FOR PURCHASE THROUGH MUNICIPAL OFFICES INCLUDING, BUT NOT LIMITED TO POST OFFICES, TOWN AND CITY HALLS, COUNTY CLERKS AND PUBLIC LIBRARIES. THE COMMISSIONER MAY AUTHORIZE VETERINARIANS TO ISSUE CERTIFICATES OF LICENSE.

THE COMMISSIONER, IN CONSULTATION WITH THE NEW YORK STATE VETERINARY MEDICAL SOCIETY SHALL MAKE AVAILABLE FOR DISTRIBUTION TO ALL VETERINARY OFFICES, POST OFFICES AND MUNICIPAL OFFICES A PUBLIC INFORMATION POSTER CONTAINING BUT NOT LIMITED TO THE FOLLOWING INFORMATION:

(I) THAT ALL DOGS AGED FOUR MONTHS OR OLDER MUST BE LICENSED;

(II) THE LICENSE FEE FOR ALTERED AND UNALTERED DOGS; AND

(III) THE PROGRAMS FUNDED BY THE LICENSE FEES.

(c) The application shall state the sex, actual or approximate age, breed, color, and official identification number of the dog, and other identification marks, if any, and the name, address, telephone number, county and town, city or village of residence of the owner. THE APPLICATION SHALL BE ACCOMPANIED BY A STATEMENT, AS PRESCRIBED BY THE COMMISSIONER, NOTIFYING THE APPLICANT THAT HE OR SHE MAY SUBMIT, ALONG WITH THE LICENSE FEE REQUIRED BY SECTION ONE HUNDRED TEN OF THIS ARTICLE, AN ADDITIONAL AMOUNT OF ANY DENOMINATION TO BE UTILIZED FOR THE SOLE PURPOSE OF FUNDING LOW-COST SPAY/NEUTER SERVICES UNDER THE ANIMAL POPULATION CONTROL PROGRAM ESTABLISHED PURSUANT TO SECTION ONE HUNDRED SEVENTEEN-A OF THIS ARTICLE. ALL MONIES COLLECTED PURSUANT TO THIS SUBDIVISION, EXCEPT FOR THE LICENSE FEE COLLECTED PURSUANT TO SECTION ONE HUNDRED TEN OF THIS ARTICLE, SHALL BE DEPOSITED IN THE ANIMAL POPULATION CONTROL FUND AS ESTABLISHED PURSUANT TO SECTION NINETY-SEVEN-XX OF THE STATE FINANCE LAW.

(e) Upon validation by the clerk, authorized dog control officer or [authorized pound or shelter manager] OTHER AGENT AUTHORIZED TO ISSUE LICENSES, the application shall become a license for the dog described therein. Once an application has been validated, no refund therefor shall be made.

(h) Notwithstanding the provisions of any general, special or local law, or any rule or regulation to the contrary, the clerk, authorized dog control officer or [authorized pound or shelter manager] ANY OTHER AGENT AUTHORIZED TO ISSUE LICENSES, in municipalities having a population of less than one hundred thousand shall send to the commissioner a copy of the validated license, or a report of the information therein, by the fifth day of the month following the month of license issuance. In addition, the authorized dog control officer or [authorized pound or

shelter manager] OTHER AGENT AUTHORIZED TO ISSUE A LICENSE, in such municipalities shall, within five business days after the license has been validated, send a copy of the validated license to the licensing municipality in which the dog is to be harbored.

S 4. Paragraphs (c), (e), (f) and (h) of subdivision 2 of section 109 of the agriculture and markets law, paragraph (c) as amended by chapter 180 of the laws of 2002, paragraph (e) as added by chapter 220 of the laws of 1978 and paragraphs (f) and (h) as amended by chapter 39 of the laws of 2002, are amended to read as follows:

(c) The application shall state the name, address and telephone number of the owner; the county and city, town or village where such dogs are harbored; the sex, breed, registry name and number of each purebred registered dog over the age of four months which is harbored on the premises; and the sex and breed of each purebred dog over the age of four months which is harbored on the premises and which is eligible for registration. The application shall also include a statement by the owner that all purebred dogs over the age of four months which are harbored on the premises have been listed. THE APPLICATION SHALL BE ACCOMPANIED BY A STATEMENT, AS PRESCRIBED BY THE COMMISSIONER, NOTIFYING THE APPLICANT THAT HE OR SHE MAY SUBMIT, ALONG WITH THE LICENSE FEE REQUIRED BY SECTION ONE HUNDRED TEN OF THIS ARTICLE, AN ADDITIONAL AMOUNT OF ANY DENOMINATION TO BE UTILIZED FOR THE SOLE PURPOSE OF FUNDING LOW-COST SPAY/NEUTER SERVICES UNDER THE ANIMAL POPULATION CONTROL PROGRAM AS ESTABLISHED PURSUANT TO SECTION ONE HUNDRED SEVENTEEN-A OF THIS ARTICLE. ALL MONIES COLLECTED PURSUANT TO THIS SUBDIVISION, EXCEPT FOR THE LICENSE FEE COLLECTED PURSUANT TO SECTION ONE HUNDRED TEN OF THIS ARTICLE, SHALL BE DEPOSITED IN THE ANIMAL POPULATION CONTROL FUND AS ESTABLISHED PURSUANT TO SECTION NINETY-SEVEN-XX OF THE STATE FINANCE LAW.

(e) Upon receipt of the foregoing items, the clerk [or], authorized dog control officer OR OTHER AGENT AUTHORIZED TO ISSUE LICENSES, shall assign a license number, which shall be reserved for the sole use of the named owner, and shall issue a purebred license. Once a purebred license has been issued, no refund therefor shall be made.

(f) The clerk, authorized dog control officer or [authorized pound or shelter manager] OTHER AGENT AUTHORIZED TO ISSUE LICENSES shall: (i) provide a copy of the purebred license to the owner; (ii) send, by the fifth day of the month following the month of license issuance, a copy of the purebred license, or a report of the information contained therein, to the commissioner; and (iii) retain a record of the purebred license in the manner prescribed by the commissioner. In addition, the authorized dog control officer or [authorized pound or shelter manager] OTHER AGENT AUTHORIZED TO ISSUE LICENSES shall send, within forty-eight hours of validation, a copy of the license to the licensing municipality within which the dog is to be harbored.

(h) Notwithstanding the provisions of any general, special or local law, or any rule or regulation to the contrary, the clerk, authorized dog control officer or [authorized pound or shelter manager] OTHER AGENT AUTHORIZED TO ISSUE LICENSES in municipalities having a population of less than one hundred thousand shall send to the commissioner a copy of the validated license, or a report of the information contained therein, by the fifth day of the month following the month of license issuance. In addition, the authorized dog control officer or [authorized pound or shelter manager] OTHER AGENT AUTHORIZED TO ISSUE LICENSES in such municipalities shall, within five business days after the license has been

validated, send a copy of the validated license to the licensing municipality within which the dog is to be harbored.

S 5. Subdivision 3 of section 109 of the agriculture and markets law, as amended by chapter 269 of the laws of 2005, is amended and a new subdivision 4 is added to read as follows:

3. The clerk, authorized dog control officer or [authorized pound or shelter manager] AGENT AUTHORIZED TO ISSUE LICENSES, at the time of issuing any license pursuant to this article, shall require the applicant to present a statement certified by a licensed veterinarian showing that the dog or dogs WHICH ARE FOUR MONTHS OF AGE OR OLDER have been vaccinated to prevent rabies or, in lieu thereof, a statement certified by a licensed veterinarian stating that because of old age or other reason, the life of the dog or dogs would be endangered by the administration of vaccine. The clerk, authorized dog control officer or [authorized pound or shelter manager] OTHER AGENT AUTHORIZED TO ISSUE LICENSES shall make or cause to be made from such statement a record of such information as may be required by the commissioner and shall file such record with a copy of the license.

4. THE COMMISSIONER, IN CONSULTATION WITH THE COMMISSIONER OF HEALTH, SHALL HAVE THE AUTHORITY TO PROMULGATE RULES AND REGULATIONS TO IMPLEMENT THE PROVISIONS OF THIS SECTION.

S 6. Subdivision 1 of section 110 of the agriculture and markets law, as amended by chapter 86 of the laws of 2006, is amended to read as follows:

1. The license fee for each dog license issued pursuant to subdivision one of section one hundred nine of this article shall be:

(a) [two] FIVE dollars [and fifty cents] for each spayed or neutered dog and [seven] FIFTEEN dollars [and fifty cents] for each unspayed or unneutered dog licensed for one year;

(b) [five] TEN dollars for each spayed or neutered dog and [fifteen] THIRTY dollars for each unspayed or unneutered dog licensed for two years;

(c) [seven] FIFTEEN dollars [and fifty cents] for each spayed or neutered dog and [twenty-two dollars and fifty cents] FORTY-FIVE DOLLARS for each unspayed or unneutered dog licensed for three years[.];

(D) FIVE DOLLARS FOR EACH UNSPAYED OR UNNEUTERED DOG UPON REDEMPTION OR ADOPTION FROM A SHELTER, POUND, SOCIETY FOR THE PREVENTION OF CRUELTY TO ANIMALS, DULY INCORPORATED HUMANE SOCIETY, OR DOG PROTECTIVE ASSOCIATION AND FIFTEEN DOLLARS FOR EACH SUCH UNSPAYED OR UNNEUTERED DOG UPON RENEWAL OF SUCH LICENSE AND FOR EVERY YEAR THEREAFTER.

S 7. Subdivision 2 of section 110 of the agriculture and markets law, as added by chapter 220 of the laws of 1978, is amended to read as follows:

2. The annual fee for each purebred license issued pursuant to subdivision two of section one hundred nine of this article shall be:

(a) [twenty-five] FIFTY dollars, if no more than ten registered purebred dogs or purebred dogs eligible for registration over the age of six months are harbored on the owner's premises at the time of the application;

(b) [fifty] ONE HUNDRED dollars, if no more than twenty-five registered purebred dogs or purebred dogs eligible for registration over the age of six months are harbored on the premises at the time of application; or

(c) [one] TWO hundred dollars, if more than twenty-five registered purebred dogs or purebred dogs eligible for registration over the age of six months are harbored on the premises at the time of application.

S 8. Paragraphs a and c of subdivision 4 of section 110 of the agriculture and markets law, as amended by chapter 269 of the laws of 2005, are amended to read as follows:

a. Any town or city or any village issuing licenses pursuant to the provisions of this article may, by local law or ordinance, set license fees in addition to those set by subdivisions one and two of this section, provided that the total fee for an unspayed or unneutered dog shall be at least five dollars more than the total fee for a spayed or neutered dog, and further provided that such additional fees FOR AN UNSPAYED OR UNNEUTERED DOG shall not exceed, in the case of subdivision one of this section, ten dollars for each year or portion thereof for which a license is issued and, in the case of subdivision two of this section, twenty-five dollars; AND PROVIDED FURTHER THAT SUCH FEES SHALL NOT BE BASED IN WHOLE OR IN PART ON THE BREED OF THE DOG OWNED. Such additional fees shall be the property of the municipality setting the same and shall be used only for controlling dogs and enforcing this article and any rule, regulation, or local law or ordinance adopted pursuant thereto, including subsidizing the spaying or neutering of dogs AND CATS and any facility as authorized under section one hundred seventeen of this article used therefor, and subsidizing public humane education programs in responsible dog ownership.

c. In addition to the fee charged pursuant to subdivisions one and two of this section, any person applying for a dog license for a period of up to and including one year or purebred license shall pay a fee of [three] FIVE dollars ANNUALLY for any dog four months of age or older which has not been spayed or neutered unless an owner presents with the license application a statement certified by a licensed veterinarian stating that he or she has examined the dog and found that because of old age or other reason, the life of the dog would be endangered by spaying or neutering. Provided, however, that the fee shall be [six] TEN dollars in the case of an unspayed or unneutered dog licensed for a period of more than one and no more than two years and [nine] FIFTEEN dollars in the case of an unspayed or unneutered dog licensed for a period of more than two and no more than three years, unless the owner presents with the license application a statement certified by a licensed veterinarian stating that because of old age or other reason, the life of the dog would be endangered by spaying or neutering. All fees collected pursuant to the provisions of this paragraph shall be forwarded by the commissioner to the state comptroller for deposit in the animal population control fund, created pursuant to section ninety-seven-xx of the state finance law and section one hundred seventeen-a of this article.

S 9. Paragraph (a) of subdivision 1 and subdivisions 2, 3 and 6 of section 111 of the agriculture and markets law, paragraph (a) of subdivision 1 as amended and subdivision 6 as added by chapter 473 of the laws of 1995 and such subdivision 6 as renumbered by chapter 269 of the laws of 2005, subdivision 2 as amended by chapter 377 of the laws of 1993 and subdivision 3 as amended by chapter 645 of the laws of 1988, are amended to read as follows:

(a) On or before the fifth day of each month, the clerk [or], authorized county dog control officer OR OTHER AGENT AUTHORIZED TO ISSUE LICENSES, shall remit to the appropriate county financial officer forty-seven percent of all license fees, except those exempted by paragraphs a, b and c of subdivision four of section one hundred ten of this article, collected during the preceding month. The remittance shall be accompanied by a report of license sales made during said month. A copy

of such report shall simultaneously be sent to the commissioner. The balance of such license fees shall be the property of the reporting municipality and shall be used only for controlling dogs and enforcing this article and any rule, regulation, or local law or ordinance adopted pursuant thereto, including subsidizing the spaying or neutering of dogs AND CATS and any facility, as authorized under section one hundred seventeen of this article, used therefor, and subsidizing public humane education programs in responsible [dog] PET ownership.

2. On the fifteenth day of each month, the county financial officer shall remit to the commissioner thirty-six percent of all license fees received by the county under this article. The moneys retained by the county shall be used for controlling dogs and enforcing this article and any rule, regulation, or local law or ordinance adopted pursuant thereto, including subsidizing the spaying or neutering of dogs AND CATS and any facility, as authorized under section one hundred seventeen of this article, used therefor, and subsidizing public humane education programs in responsible [dog] PET ownership, and may also be used for the prevention and investigation of cruelty to animals.

3. On or before the first day of February in each year, the county financial officer shall apportion and pay to the appropriate financial officer of each town, city and village in the county, ratably to the annual remittance made to the county by such town, city or village AND BY ANY AGENTS AUTHORIZED TO ISSUE LICENSES WITHIN SUCH TOWN, CITY OR VILLAGE, seventy-five percent of any portion of the moneys not expended by the county during the preceding calendar year for the purposes set forth in subdivision two of this section. Such moneys shall be used by the towns, cities and villages only for the purposes set forth in subdivision one of this section.

6. Notwithstanding any other provision in this article, on or before the fifth day of each month, all clerks and authorized county dog control officers and [authorized pound and shelter managers] ANY AGENT AUTHORIZED TO ISSUE LICENSES, shall remit to the commissioner all moneys they received during the preceding month pursuant to paragraph c of subdivision four of section one hundred ten of this article. The remittance shall be accompanied by a report of license sales to persons who paid the additional [three dollar] license fee PURSUANT TO PARAGRAPH C OF SUBDIVISION FOUR OF SECTION ONE HUNDRED TEN OF THIS ARTICLE. Such report shall also contain such other information as the commissioner may require by rule or regulation.

S 10. Subdivision 5 of section 111 of the agriculture and markets law, as added by chapter 279 of the laws of 1995, is amended to read as follows:

5. (a) On or before the fifteenth day of each month, the clerk of any city, town or village located in Nassau county where licenses are validated or issued pursuant to this article OR ANY OTHER AGENT AUTHORIZED TO ISSUE LICENSES IN SUCH CITY, TOWN OR VILLAGE, shall remit directly to the commissioner sixteen and ninety-two hundredths percent of all license fees collected during the preceding month, except the fees exempted by subdivision four of section one hundred ten of this article. The remittance shall be accompanied by a report of license sales made during such preceding month.

(b) The remaining eighty-three and eight hundredths percent of such license fees shall be the property of the reporting municipality and shall be used only for controlling dogs and enforcing the provisions of this article and any rule or regulation, or local law or ordinance adopted pursuant thereto, including subsidizing the spaying or neutering

of dogs AND CATS and any facility, as authorized under section one hundred seventeen of this article, used therefor, and subsidizing public humane education programs in responsible dog ownership.

(c) On or before the fifth day of each month, [the authorized pound or shelter manager of each pound or shelter] ANY AGENT AUTHORIZED TO ISSUE LICENSES located in Nassau county shall remit directly to the commissioner sixteen and ninety-two hundredths percent of all license fees collected during the preceding month, except the fees exempted by subdivision four of section one hundred ten of this article. The remittance shall be accompanied by a report of license sales made during such preceding month.

(d) On or before the fifth day of the month, [the authorized pound or shelter manager] ANY AGENT AUTHORIZED TO ISSUE LICENSES shall remit to the financial officer of the licensing municipality within which the [shelter] AGENT AUTHORIZED TO ISSUE LICENSES, is located, the remaining license fees collected during the preceding month, including those collected pursuant to subdivision four of section one hundred ten of this [chapter] ARTICLE. Such fees shall be the property of the municipality and shall be used only for controlling dogs and enforcing this article and any rule, regulation, or local law or ordinance adopted pursuant thereto, including subsidizing the spaying or neutering of dogs AND CATS and any facility, as authorized under section one hundred seventeen of this article, used therefor, and subsidizing public humane education programs in responsible [dog] PET ownership.

S 11. Paragraph (b) of subdivision 1 of section 111 of the agriculture and markets law, as amended by chapter 473 of the laws of 1995, is amended to read as follows:

(b) On or before the fifth day of each month, [the authorized pound or shelter manager] ANY AGENT AUTHORIZED TO ISSUE LICENSES shall remit to the financial officer of the county within which the shelter is located, forty-seven percent of all license fees, except those exempted by paragraphs a, b and c of subdivision four of section one hundred ten of this article, collected during the preceding month. The remittance shall be accompanied by a report of license sales made during said month. A copy of such report shall simultaneously be sent to the commissioner. [The authorized pound or shelter manager] ANY AGENT AUTHORIZED TO ISSUE LICENSES shall remit the balance of such license fees to the financial officer of the licensing municipality within which the [shelter] AGENT AUTHORIZED TO ISSUE LICENSES is located. The fees remitted to the municipality shall be the property of that municipality and shall be used only for controlling dogs and enforcing this article and any rule, regulation, or local law or ordinance adopted pursuant thereto, including subsidizing the spaying or neutering of dogs AND CATS and any facility, as authorized under section one hundred seventeen of this article, used therefor, and subsidizing public humane education programs in responsible [dog] PET ownership.

S 12. The opening paragraph of subdivision 4 and subdivisions 5 and 6 of section 118 of the agriculture and markets law, as added by chapter 220 of the laws of 1978, are amended to read as follows:

Each dog which is not identified, whether or not licensed, shall be held for a period of five days from the day seized during which period the dog may be redeemed by its owner, provided that such owner produces [proof that the dog has been licensed and has been identified pursuant to the provisions of this article] SUFFICIENT PROOF OF OWNERSHIP OF THE DOG AND PRODUCES PROOF THAT THE DOG HAS BEEN LICENSED, OR IN THE ALTERNATIVE, LICENSES THE DOG IN ACCORDANCE WITH THE PROVISIONS OF SECTION

ONE HUNDRED NINE OF THIS ARTICLE, and further provided that [the owner pays] SUCH OWNERS PAY the following impoundment fees:

5. All impoundment fees shall be the property of the municipality to which they are paid and shall be used only for controlling dogs and enforcing this article and any rule, regulation, or local law or ordinance adopted pursuant thereto, including subsidizing the spaying or neutering of dogs AND CATS and any facility as authorized under section one hundred seventeen of this article used therefor, and subsidizing public humane education programs in responsible dog ownership.

6. Promptly upon seizure of any identified dog, the owner of record of such dog shall be notified personally or by certified mail, return receipt requested, of the facts of seizure and the procedure for redemption. If notification is personally given, such dog shall be held for a period of seven days after day of notice, during which period the dog may be redeemed by the owner. If such notification is made by mail, such dog shall be held for a period of nine days from the date of mailing, during which period the dog may be redeemed by the owner. In either case, the owner may redeem such dog upon payment of the impoundment fees prescribed by subdivision four of this section and by [producing] proof that the dog has been licensed OR BY LICENSING THE DOG IN ACCORDANCE WITH THE PROVISIONS OF SECTION ONE HUNDRED NINE OF THIS ARTICLE.

S 13. Subdivision 2 of section 119 of the agriculture and markets law, as amended by chapter 221 of the laws of 1978, is amended to read as follows:

2. It shall be the duty of the dog control officer of any municipality to bring an action against any person who has committed within such municipality any violation set forth in subdivision one of this section. Any municipality may elect either to prosecute such action as a violation under the penal law or to commence an action to recover a civil penalty.

A violation of this section shall be punishable, subject to such an election, either:

(a) where prosecuted pursuant to the penal law, by a fine of NOT LESS THAN TWENTY-FIVE DOLLARS AND not more than [twenty-five] FIFTY dollars, except that (i) where the person was found to have violated this section or former article seven of this chapter within the preceding five years, the fine [may] SHALL be NOT LESS THAN FIFTY DOLLARS AND not more than [fifty] ONE HUNDRED dollars, and (ii) where the person was found to have committed two or more such violations within the preceding five years, it shall be punishable by a fine of NOT LESS THAN ONE HUNDRED DOLLARS AND not more than [one] TWO hundred dollars or imprisonment for not more than fifteen days, or both; or

(b) where prosecuted as an action to recover a civil penalty, by a civil penalty of NOT LESS THAN TWENTY-FIVE DOLLARS AND not more than [twenty-five] FIFTY dollars, except that (i) when the person was found to have violated this section or former article seven of this chapter within the preceding five years, the civil penalty [may] SHALL be not LESS THAN FIFTY DOLLARS AND NOT more than [fifty] ONE HUNDRED dollars, and (ii) where the person was found to have committed two or more such violations within the preceding five years, the civil penalty [may] SHALL be not LESS THAN ONE HUNDRED DOLLARS AND NOT more than [one] TWO hundred dollars[.]; OR

(C) A MUNICIPALITY MAY WAIVE THE APPLICABLE FINES PURSUANT TO PARAGRAPHS (A) AND (B) OF THIS SUBDIVISION FOR FAILURE TO LICENSE A DOG OR DOGS, FOR OWNERS WHO LICENSE THEIR DOG OR DOGS DURING THE SIX MONTH PERIOD PRECEDING AN ENUMERATION CONDUCTED PURSUANT TO SUBDIVISION SEVEN

OF SECTION ONE HUNDRED FOURTEEN OF THIS ARTICLE. ANY SUCH WAIVER SHALL BE PRECEDED BY A PUBLIC EDUCATION ANNOUNCEMENT, ADVERTISEMENT OR PROGRAM TO INFORM THE PUBLIC OF THE AMNESTY PERIOD AND TO PROVIDE THE REQUISITE INFORMATION FOR COMPLYING WITH STATE AND LOCAL LICENSING LAWS AS WELL AS INFORMATION CONCERNING APPLICABLE PENALTIES FOR FAILURE TO COMPLY WITH THESE LAWS.

S 14. Section 120 of the agriculture and markets law, as added by chapter 220 of the laws of 1978, is amended to read as follows:

S 120. Disposition of fines. Notwithstanding any other provision of law, all moneys collected as fines or penalties by any municipality as a result of any prosecution for violations of the provisions of this article or any local law or ordinance and all bail forfeitures by persons charged with such violations shall be the property of the municipality and shall be paid to the financial officer of such municipality. Such moneys shall be used only for controlling dogs and enforcing this article and any rule, regulation, or local law or ordinance adopted pursuant thereto, including subsidizing the spaying or neutering of dogs AND CATS and any facility as authorized under section one hundred seventeen of this article used therefor, and subsidizing public humane education programs in responsible [dog] PET ownership.

S 15. This act shall take effect on the ninetieth day after it shall have become a law.