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

4278

2009-2010 Regular Sessions

I N S E N A T E

April 21, 2009

Introduced by Sen. DUANE -- read twice and ordered printed, and when printed to be committed to the Committee on Agriculture

AN ACT to amend the agriculture and markets law and the administrative code of the city of New York, in relation to establishing a New York city animal population control program and an animal population control fund; and to amend chapter 115 of the laws of 1894 relating to the better protection of lost and strayed animals and for securing the rights of owners thereof, in relation to licensing fees

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

Section 1. Subdivision 1 of section 107 of the agriculture and markets law, as amended by chapter 473 of the laws of 1995, is amended to read as follows:

1. This article shall apply to all areas of the state except any city having a population of over two million [except that the provisions in this article relating to the animal population control program shall be applicable to the entire state].

S 2. The administrative code of the city of New York is amended by adding a new section 17-811 to read as follows:

S 17-811 ANIMAL POPULATION CONTROL PROGRAM. THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE SHALL PROMULGATE RULES AND REGULATIONS TO ESTABLISH AND IMPLEMENT AN ANIMAL POPULATION CONTROL PROGRAM WITHIN ONE HUNDRED TWENTY DAYS FROM THE EFFECTIVE DATE OF THIS SECTION. THE PURPOSE OF THIS PROGRAM SHALL BE TO REDUCE THE POPULATION OF UNWANTED STRAY DOGS AND CATS THEREBY REDUCING POTENTIAL THREATS TO PUBLIC HEALTH AND SAFETY AND REDUCING THE COSTS OF CARING FOR THESE ANIMALS. THIS PROGRAM SHALL SEEK TO ACCOMPLISH ITS PURPOSE BY ENCOURAGING RESIDENTS OF THE CITY OF NEW YORK WHO ARE THE OWNERS OF DOGS AND CATS TO HAVE THEM SPAYED OR NEUTERED BY PROVIDING NO OR LOW-COST SPAYING AND NEUTERING SERVICES TO SUCH OWNERS. THE DEPARTMENT SHALL PROMULGATE RULES AND REGULATIONS NECESSARY TO ESTABLISH AN ANIMAL POPULATION CONTROL PROGRAM INCLUDING, BUT NOT

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

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LIMITED, TO CREATING CLINICS OR MOBILE UNITS WHERE SUCH SERVICES SHALL BE PERFORMED AND ESTABLISHING CRITERIA FOR PET OWNER ELIGIBILITY TO USE SUCH SERVICES. INDICIA OF ELIGIBILITY FOR PET OWNERS SEEKING NO OR LOW-COST SPAY AND NEUTER SERVICES SHALL INCLUDE BUT NOT BE LIMITED TO ANY CRITERIA DEEMED ACCEPTABLE BY THE AGENCIES PERFORMING THE SERVICES. THE COMMISSIONER OF THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE MAY SOLICIT AND ACCEPT FUNDS FROM THE ANIMAL POPULATION CONTROL FUND ESTABLISHED PURSUANT TO SECTION 17-812 OF THIS CHAPTER AND ANY OTHER PUBLIC OR PRIVATE SOURCE TO HELP CARRY OUT THE PROVISIONS OF THIS SECTION.

S 3. The administrative code of the city of New York is amended by adding a new section 17-812 to read as follows:

S 17-812 ANIMAL POPULATION CONTROL FUND. 1. THERE IS HEREBY ESTABLISHED IN THE JOINT CUSTODY OF THE CITY COMPTROLLER AND COMMISSIONER OF FINANCE A FUND TO BE KNOWN AS THE "ANIMAL POPULATION CONTROL FUND" WHICH SHALL BE USED BY THE DEPARTMENT TO SUBSIDIZE THE CITY'S ANIMAL POPULATION CONTROL PROGRAM AS ESTABLISHED BY SECTION 17-811 OF THIS CHAPTER.

2. SUCH FUND SHALL CONSIST OF ALL MONEYS COLLECTED FROM THE ANIMAL POPULATION CONTROL PROGRAM ESTABLISHED PURSUANT TO SECTION 17-811 OF THIS CHAPTER AND SECTION THREE-A OF CHAPTER ONE HUNDRED FIFTEEN OF THE LAWS OF EIGHTEEN HUNDRED NINETY-FOUR, AND ALL OTHER MONEYS CREDITED OR TRANSFERRED THERETO FROM ANY OTHER FUND OR SOURCE PURSUANT TO LAW.

3. MONEYS OF THE FUND SHALL BE MADE AVAILABLE TO THE DEPARTMENT AND SHALL BE EXPENDED FOR THE PURPOSES OF CARRYING OUT ANIMAL POPULATION CONTROL PROGRAMS PURSUANT TO THE PROVISIONS OF SECTION 17-811 OF THIS CHAPTER. MONEYS SHALL BE PAID OUT OF THE FUND ON THE AUDIT AND WARRANT OF THE CITY COMPTROLLER AND APPROVED BY THE COMMISSIONER OF THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE. ANY INTEREST RECEIVED BY THE CITY COMPTROLLER ON MONEYS ON DEPOSIT IN THE ANIMAL POPULATION CONTROL FUND SHALL BE RETAINED IN AND BECOME PART OF SUCH FUND.

S 4. Section 3-a of chapter 115 of the laws of 1894 relating to the better protection of lost and strayed animals and for securing the rights of owners thereof, as amended by chapter 180 of the laws of 2002, is amended to read as follows:

S 3-a. In addition to the fee charged pursuant to sections one and two of this chapter, any person applying for a dog license shall pay a fee of three dollars, OR SUCH GREATER AMOUNT AS DETERMINED BY THE CITY COUNCIL OR THE BOARD OF HEALTH IN THE CODE OF SUCH CITY, 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 reasons, the life of the dog would be endangered by spaying or neutering. All fees collected pursuant to the provisions of this section shall be forwarded to the [state] CITY comptroller for deposit in the animal population control fund created pursuant to section [97-xx of the state finance law and section 117-a of the agriculture and markets law] 17-812 OF THE ADMINISTRATIVE CODE OF THE CITY OF NEW YORK.

S 5. Any unspent moneys collected in prior fiscal years attributable to dog licensing fees in cities having a population of two million or more and collected and deposited in the New York state animal population control fund pursuant to section 97-xx of the state finance law shall be transferred to and retained in the animal population control fund created pursuant to section 17-812 of the administrative code of the city of New York.

S 6. This act shall take effect immediately.