

5499

2009-2010 Regular Sessions

I N S E N A T E

May 12, 2009

Introduced by Sen. VALESKY -- 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, in relation to dog license fees

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

1 Section 1. Subdivision 1 of section 111 of the agriculture and markets
2 law, as amended by chapter 473 of the laws of 1995, is amended to read
3 as follows:
4 1. (a) On or before the fifth day of each month, the clerk or author-
5 ized county dog control officer shall remit to the [appropriate county
6 financial officer] COMMISSIONER forty-seven percent of all license fees,
7 except those exempted by paragraphs a, b and c of subdivision four of
8 section one hundred ten of this article, collected during the preceding
9 month. The remittance shall be accompanied by a report of license sales
10 made during said month. [A copy of such report shall simultaneously be
11 sent to the commissioner.] The balance of such license fees shall be the
12 property of the reporting municipality and shall be used only for
13 controlling dogs and enforcing this article and any rule, regulation, or
14 local law or ordinance adopted pursuant thereto, including subsidizing
15 the spaying or neutering of dogs and any facility, as authorized under
16 section one hundred seventeen of this article, used therefor, and subsi-
17 dizing public humane education programs in responsible dog ownership.
18 (b) On or before the fifth day of each month, the authorized pound or
19 shelter manager shall remit to the [financial officer of the county
20 within which the shelter is located] COMMISSIONER, forty-seven percent
21 of all license fees, except those exempted by paragraphs a, b and c of
22 subdivision four of section one hundred ten of this article, collected
23 during the preceding month. The remittance shall be accompanied by a
24 report of license sales made during said month. [A copy of such report
25 shall simultaneously be sent to the commissioner.] The authorized pound

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

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1 or shelter manager shall remit the balance of such license fees to the
2 financial officer of the licensing municipality within which the shelter
3 is located. The fees remitted to the municipality shall be the property
4 of that municipality and shall be used only for controlling dogs and
5 enforcing this article and any rule, regulation, or local law or ordi-
6 nance adopted pursuant thereto, including subsidizing the spaying or
7 neutering of dogs and any facility, as authorized under section one
8 hundred seventeen of this article, used therefor, and subsidizing public
9 humane education programs in responsible dog ownership.

10 S 2. Subdivision 2 of section 111 of the agriculture and markets law,
11 as amended by chapter 377 of the laws of 1993, is amended to read as
12 follows:

13 2. On the fifteenth day of each month, the [county financial officer]
14 COMMISSIONER shall remit to the [commissioner thirty-six] COUNTY FINAN-
15 CIAL OFFICER SIXTY-FOUR percent of all license fees received by the
16 [county] COMMISSIONER FROM LICENSING AGENTS under this article, ACCOMPA-
17 NIED BY A REPORT WHICH CONTAINS SUFFICIENT INFORMATION TO ALLOW THE
18 COUNTY FINANCIAL OFFICER TO COMPLY WITH SUBDIVISION THREE OF THIS
19 SECTION. The moneys [retained] RECEIVED by the county shall be used for
20 controlling dogs and enforcing this article and any rule, regulation, or
21 local law or ordinance adopted pursuant thereto, including subsidizing
22 the spaying or neutering of dogs and any facility, as authorized under
23 section one hundred seventeen of this article, used therefor, and subsi-
24 dizing public humane education programs in responsible dog ownership,
25 and may also be used for the prevention and investigation of cruelty to
26 animals.

27 S 3. Subdivision 3 of section 111 of the agriculture and markets law,
28 as amended by chapter 645 of the laws of 1988, is amended to read as
29 follows:

30 3. On or before the first day of February in each year, the county
31 financial officer shall apportion and pay to the appropriate financial
32 officer of each town, city and village in the county, ratably to the
33 annual remittance made to the [county] COMMISSIONER by such town, city
34 or village, seventy-five percent of any portion of the moneys not
35 expended by the county during the preceding calendar year for the
36 purposes set forth in subdivision two of this section. Such moneys shall
37 be used by the towns, cities and villages only for the purposes set
38 forth in subdivision one of this section.

39 S 4. Paragraph (a) of subdivision 4 of section 111 of the agriculture
40 and markets law, as amended by chapter 269 of the laws of 2005, is
41 amended to read as follows:

42 (a) The moneys [received] RETAINED by the commissioner pursuant to
43 subdivision two of this section shall be paid into the state treasury,
44 and shall, so far as necessary, be appropriated annually by the legisla-
45 ture to the department to be used by the commissioner in supervising the
46 enforcement of and in implementing this article and rules and regu-
47 lations promulgated pursuant thereto, including, without limitation, the
48 issuance of special identification tags for guide dogs, service dogs,
49 hearing dogs and detection dogs. In addition, from such moneys paid into
50 the state treasury, the legislature shall appropriate annually to the
51 New York State Veterinary College at Cornell a sum equivalent to ten
52 cents for each dog license issued for a period of up to and including
53 one year, a sum equivalent to twenty cents for each dog license issued
54 for a period of more than one and no more than two years and a sum
55 equivalent to thirty cents for each dog license issued for a period of
56 more than two and no more than three years, to be used by the college to

1 conduct studies into diseases of dogs and to search for and study virus-
2 es that affect man and animals, or to study and develop a pharmaceutical
3 contraceptive for dogs.

4 S 5. This act shall take effect on the one hundred eightieth day after
5 it shall have become a law; provided, however, that effective immediate-
6 ly, the department of agriculture and markets is authorized to promul-
7 gate, amend or repeal any rule or regulation which it deems necessary or
8 appropriate to implement this act.