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

4836

2011-2012 Regular Sessions

I N S E N A T E

April 27, 2011

Introduced by Sen. AVELLA -- 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 establishing a five percent surcharge on the sale of animals by pet dealers; 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 ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. The agriculture and markets law is amended by adding a new section 380 to read as follows:

S 380. ANIMAL SALE SURCHARGE. 1. WHENEVER ANY PET DEALER SELLS ANY ANIMAL, THERE SHALL BE LEVIED UPON SUCH PET DEALER A MANDATORY SURCHARGE IN THE AMOUNT OF FIVE PERCENT OF THE TOTAL OF THE PRICE OF THE ANIMAL AND ANY ANCILLARY PRODUCTS SOLD ON THE DATE SUCH ANIMAL WAS PURCHASED. SUCH MANDATORY SURCHARGE SHALL BE PAID TO THE STATE COMPTROLLER WHO SHALL DEPOSIT SUCH MONEY IN THE STATE TREASURY TO THE CREDIT OF THE NEW YORK ANIMAL SHELTER AND WILDLIFE REHABILITATOR ACCOUNT ESTABLISHED PURSUANT TO SECTION NINETY-NINE-U OF THE STATE FINANCE LAW.

2. FOR THE PURPOSES OF THIS SECTION, THE TERM "PET DEALER" SHALL MEAN ANY PERSON WHO ENGAGES IN THE SALE OR OFFERING FOR SALE OF MORE THAN NINE ANIMALS PER YEAR FOR PROFIT TO THE PUBLIC. SUCH DEFINITION SHALL INCLUDE BREEDERS WHO SELL OR OFFER TO SELL ANIMALS; PROVIDED THAT A BREEDER WHO SELLS OR OFFERS TO SELL DIRECTLY TO THE CONSUMER FEWER THAN TWENTY-FIVE ANIMALS PER YEAR THAT ARE BORN AND RAISED ON THE BREEDER'S RESIDENTIAL PREMISES SHALL NOT BE CONSIDERED A PET DEALER AS A RESULT OF SELLING OR OFFERING TO SELL SUCH ANIMALS. SUCH DEFINITION SHALL FURTHER NOT INCLUDE DULY INCORPORATED HUMANE SOCIETIES DEDICATED TO THE CARE OF UNWANTED ANIMALS WHICH MAKE SUCH ANIMALS AVAILABLE FOR ADOPTION WHETHER OR NOT A FEE FOR SUCH ADOPTION IS CHARGED.

S 2. The state finance law is amended by adding a new section 99-u to read as follows:

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

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S 99-U. ANIMAL SHELTER AND WILDLIFE REHABILITATOR ACCOUNT. 1. THERE IS HEREBY ESTABLISHED IN THE JOINT CUSTODY OF THE COMMISSIONER OF TAXATION AND FINANCE, THE COMPTROLLER AND A NON-GOVERNMENTAL ENTITY TO BE CHOSEN BY THE COMMISSIONER OF TAXATION AND FINANCE AND THE COMPTROLLER PURSUANT TO SUBDIVISION FOUR OF THIS SECTION, A SPECIAL ACCOUNT TO BE KNOWN AS THE "NEW YORK ANIMAL SHELTER AND WILDLIFE REHABILITATOR ACCOUNT".

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

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

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

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

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

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

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