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

7140--B

Cal. No. 237

2011-2012 Regular Sessions

I N A S S E M B L Y

April 13, 2011

Introduced by M. of A. MAGEE -- read once and referred to the Committee on Agriculture -- advanced to a third reading, amended and ordered reprinted, retaining its place on the order of third reading -- again amended on third reading, ordered reprinted, retaining its place on the order of third reading

AN ACT to amend the agriculture and markets law, in relation to fees collected for animal licenses

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

Section 1. Subdivisions 19 and 25 of section 108 of the agriculture and markets law, subdivision 19 as added by chapter 220 of the laws of 1978 and subdivision 25 as added by chapter 170 of the laws of 1998, are amended to read as follows:

19. "Recognized registry association" means any registry association that operates on a nationwide basis[,] AND issues numbered registration certificates [and keeps such records as may be required by the commissioner].

25. "Working search dog" means any dog that is trained to aid in the search for missing persons[,] AND is actually used for such purpose [and is registered with the department; provided, however, that such services provided by said dog shall be performed without charge or fee].

S 2. Subdivision 3 of section 109 of the agriculture and markets law, as added by section 4 of part T of chapter 59 of the laws of 2010, is amended to read as follows:

3. Municipalities may provide for the establishment and issuance of purebred licenses and, in the event they do so, shall provide for the assessment of a surcharge of at least three dollars for the purposes of carrying out animal population control efforts as provided in section one hundred seventeen-a of this article. MUNICIPALITIES WHICH ISSUE PUREBRED LICENSES SHALL REMIT SUCH SURCHARGE COLLECTED TO THE COMMISSIONER.

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

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S 3. Subdivision 3 of section 110 of the agriculture and markets law, as added by section 5 of part T of chapter 59 of the laws of 2010, is amended to read as follows:

3. In addition to the fee charged pursuant to subdivision one of this section, all municipalities issuing dog licenses pursuant to this article are required to provide for the assessment of an additional surcharge of at least one dollar for altered dogs and at least three dollars for unaltered dogs for the purposes of carrying out animal population control efforts as provided in section one hundred seventeen-a of this article. SUCH SURCHARGES SHALL BE SUBMITTED BY MUNICIPALITIES TO THE COMMISSIONER.

S 4. Subdivision 4 of section 116 of the agriculture and markets law, as amended by chapter 473 of the laws of 1995 and such section as renumbered by section 10 of part T of chapter 59 of the laws of 2010, is amended to read as follows:

4. In no event shall any of the moneys or fees derived from, or collected pursuant to, the provisions of this article except as provided in [paragraph c of] subdivision [four] THREE of section one hundred ten of this article and section one hundred seventeen-a of this article be used to subsidize the spaying or neutering of cats.

S 5. Subdivision 10 of section 117 of the agriculture and markets law, as added by chapter 220 of the laws of 1978 and such section as renumbered by section 12 of part T of chapter 59 of the laws of 2010, is amended to read as follows:

10. The seizure of any dog shall not relieve any person from any violation provided for by section one hundred [nineteen] EIGHTEEN of this article.

S 6. Subdivision 6 of section 117-a of the agriculture and markets law, as added by section 11 of part T of chapter 59 of the laws of 2010, is amended to read as follows:

6. Any county which has created its own program, which has been approved by the administrative entity pursuant to this section, may receive the funds collected by the municipalities within the county pursuant to SUBDIVISION THREE OF SECTION ONE HUNDRED NINE OF THIS ARTICLE AND subdivision three of section one hundred ten of this article for the sole purpose of administering such ANIMAL POPULATION CONTROL program. Such county program shall be subject to this article and the terms and conditions of the animal population control program, as may be amended from time to time.

S 7. Paragraph (c) of subdivision 2 of section 122 of the agriculture and markets law, as separately amended by chapters 714 and 843 of the laws of 1980 and such section as renumbered by section 21 of part T of chapter 59 of the laws of 2010, is amended to read as follows:

(c) provide for the issuance pursuant to the criminal procedure law of an appearance ticket, or in lieu thereof, a uniform appearance ticket, or in lieu thereof, a uniform appearance ticket and simplified information, as provided in section one hundred [fourteen] THIRTEEN of this article, by any dog control officer, peace officer, acting pursuant to his special duties, or police officer, who is authorized by any municipality to assist in the enforcement of this article for any such violation.

S 8. This act shall take effect on the sixtieth day after it shall have become a law.