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

9576

I N A S S E M B L Y

March 16, 2012

Introduced by M. of A. ROSENTHAL -- read once and referred to the Committee on Agriculture

AN ACT to amend the agriculture and markets law, in relation to establishing a task force to study how to improve investigations of animal abuse and enforcement of anti-animal abuse laws; and providing for the repeal of such provisions upon expiration thereof

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. TASK FORCE ON HOW TO IMPROVE INVESTIGATIONS OF ANIMAL ABUSE AND ENFORCEMENT OF ANTI-ANIMAL ABUSE LAWS. 1. THE TASK FORCE ON HOW TO IMPROVE INVESTIGATIONS OF ANIMAL ABUSE AND ENFORCEMENT OF ANTI-ANIMAL ABUSE LAWS IS HEREBY CREATED TO EXAMINE, EVALUATE AND DETERMINE HOW TO IMPROVE INVESTIGATIONS OF ANIMAL ABUSE AND THE ENFORCEMENT OF ANTI-ANIMAL ABUSE LAWS.

2.(A) SUCH TASK FORCE SHALL CONSIST OF NINE MEMBERS, EACH TO SERVE UNTIL MAY FIRST, TWO THOUSAND THIRTEEN. SUCH MEMBERS SHALL BE APPOINTED AS FOLLOWS: ONE SHALL BE APPOINTED BY THE GOVERNOR; ONE SHALL BE APPOINTED BY THE TEMPORARY PRESIDENT OF THE SENATE; ONE SHALL BE APPOINTED BY THE MINORITY LEADER OF THE SENATE; ONE SHALL BE APPOINTED BY THE SPEAKER OF THE ASSEMBLY; ONE SHALL BE APPOINTED BY THE MINORITY LEADER OF THE ASSEMBLY; ONE SHALL BE APPOINTED BY THE COMMISSIONER OF THE DEPARTMENT OF ENVIRONMENTAL CONSERVATION; ONE SHALL BE APPOINTED BY THE COMMISSIONER OF HEALTH AND THE REMAINING TWO MEMBERS SHALL BE APPOINTED BY THE COMMISSIONER. APPOINTMENTS SHALL BE MADE WITHIN SIXTY DAYS OF THE EFFECTIVE DATE OF THIS SECTION. VACANCIES IN THE TASK FORCE SHALL BE FILLED IN THE MANNER PROVIDED FOR ORIGINAL APPOINTMENTS.

(B) ALL APPOINTEES SHALL HAVE EXPERTISE IN FIELDS OR DISCIPLINES RELATED TO ANIMALS, ANIMAL ABUSE AND/OR INVESTIGATIONS. ALL APPOINTMENTS SHALL BE COORDINATED TO ENSURE GEOGRAPHIC REPRESENTATION FROM THE ENTIRE STATE.

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

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(C) THE TASK FORCE SHALL BE CHAIRED BY ONE OF THE COMMISSIONER'S APPOINTEES. THE TASK FORCE SHALL ELECT A VICE-CHAIR AND OTHER NECESSARY OFFICERS FROM AMONG ALL APPOINTED MEMBERS.

(D) A MAJORITY OF THE MEMBERS OF THE TASK FORCE THEN IN OFFICE SHALL CONSTITUTE A QUORUM FOR THE TRANSACTION OF BUSINESS OR THE EXERCISE OF ANY POWER OR FUNCTION OF THE TASK FORCE. AN ACT, DETERMINATION OR DECISION OF THE MAJORITY OF THE MEMBERS PRESENT DURING THE PRESENCE OF A QUORUM SHALL BE HELD TO BE THE ACT, DETERMINATION, OR DECISION OF THE TASK FORCE.

(E) THE TASK FORCE SHALL MEET AT LEAST QUARTERLY AT THE CALL OF THE CHAIR. MEETINGS MAY BE HELD VIA TELECONFERENCE. SPECIAL MEETINGS MAY BE CALLED BY THE CHAIR AT THE REQUEST OF A MAJORITY OF THE MEMBERS OF THE TASK FORCE.

(F) MEMBERS OF THE TASK FORCE SHALL RECEIVE NO COMPENSATION FOR THEIR SERVICES BUT SHALL BE REIMBURSED FOR THEIR ACTUAL EXPENSES INCURRED IN THE PERFORMANCE OF THEIR DUTIES IN THE WORK OF THE TASK FORCE.

3. THE TASK FORCE ESTABLISHED SHALL:

(A) STUDY CURRENT ANIMAL ABUSE INVESTIGATION AND ANTI-ANIMAL ABUSE LAW ENFORCEMENT PRACTICES; AND

(B) RECOMMEND ANIMAL ABUSE INVESTIGATION AND ANTI-ANIMAL ABUSE LAW ENFORCEMENT PRACTICES TO INCREASE EFFECTIVENESS ACROSS THE STATE.

4. THE TASK FORCE MAY ESTABLISH SUCH ADVISORY COMMITTEES AS IT DEEMS APPROPRIATE ON MATTERS RELATING TO THE TASK FORCE'S FUNCTIONS, POWERS AND DUTIES. SUCH COMMITTEES SHALL BE CHAIRED BY A TASK FORCE MEMBER, BUT MAY BE COMPOSED OF TASK FORCE MEMBERS AS WELL AS OTHER INDIVIDUALS SELECTED BY THE TASK FORCE TO PROVIDE EXPERTISE OF INTEREST SPECIFIC TO THE CHARGE OF SUCH COMMITTEE.

5. THE TASK FORCE MAY, AS IT DEEMS APPROPRIATE, REQUEST THAT STUDIES, SURVEYS, OR ANALYSES RELATING TO THE TASK FORCE'S POWERS AND DUTIES BE PERFORMED BY ANY STATE DEPARTMENT, COMMISSION, AGENCY OR PUBLIC AUTHORITY. ALL STATE DEPARTMENTS, COMMISSIONS, AGENCIES OR PUBLIC AUTHORITIES SHALL PROVIDE INFORMATION AND ADVICE IN A TIMELY MANNER AND OTHERWISE ASSIST THE TASK FORCE WITH ITS WORK.

6. THE TASK FORCE SHALL SUBMIT A REQUEST FOR ANY APPROPRIATION AS SHALL BE NECESSARY TO ENABLE THE TASK FORCE TO PERFORM ITS FUNCTIONS AND DUTIES TO THE GOVERNOR, DIRECTOR OF THE DIVISION OF THE BUDGET, AND CHAIRPERSONS OF THE SENATE FINANCE COMMITTEE AND THE ASSEMBLY WAYS AND MEANS COMMITTEE. THE DEPARTMENT SHALL PROVIDE STAFF SERVICES TO THE TASK FORCE AND SUCH OTHER ADMINISTRATIVE ASSISTANCE AS MAY BE NECESSARY FOR THE TASK FORCE TO CARRY OUT ITS DUTIES, FUNCTIONS AND POWERS.

7. THE TASK FORCE MAY HOLD PUBLIC HEARINGS, TAKE TESTIMONY AND MAKE INVESTIGATIONS AT SUCH PLACES AS IT DEEMS NECESSARY.

8. THE TASK FORCE SHALL MAKE A PRELIMINARY REPORT TO THE GOVERNOR AND THE LEGISLATURE OF ITS FINDINGS, CONCLUSIONS, RECOMMENDATIONS AND ACTIVITIES ALREADY UNDERTAKEN BY THE TASK FORCE, NOT LATER THAN JUNE FIRST, TWO THOUSAND THIRTEEN, AND A FINAL REPORT OF ITS FINDINGS, CONCLUSIONS, RECOMMENDATIONS AND ACTIVITIES ALREADY UNDERTAKEN BY THE TASK FORCE, NOT LATER THAN MARCH FIRST, TWO THOUSAND FOURTEEN AND SHALL SUBMIT WITH ITS REPORTS LEGISLATIVE PROPOSALS AS IT DEEMS NECESSARY TO IMPLEMENT ITS RECOMMENDATIONS.

S 2. This act shall take effect on the sixtieth day after it shall have become a law and shall expire March 1, 2014 when upon such date the provisions of this act shall be deemed repealed.