

9576

I N   A S S E M B L Y

March 16, 2012

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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:

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

3     S 380. TASK FORCE ON HOW TO IMPROVE INVESTIGATIONS OF ANIMAL ABUSE  
4     AND ENFORCEMENT OF ANTI-ANIMAL ABUSE LAWS. 1. THE TASK FORCE ON HOW TO  
5     IMPROVE INVESTIGATIONS OF ANIMAL ABUSE AND ENFORCEMENT OF ANTI-ANIMAL  
6     ABUSE LAWS IS HEREBY CREATED TO EXAMINE, EVALUATE AND DETERMINE HOW TO  
7     IMPROVE INVESTIGATIONS OF ANIMAL ABUSE AND THE ENFORCEMENT OF ANTI-ANI-  
8     MAL ABUSE LAWS.

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

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

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

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

4 (D) A MAJORITY OF THE MEMBERS OF THE TASK FORCE THEN IN OFFICE SHALL  
5 CONSTITUTE A QUORUM FOR THE TRANSACTION OF BUSINESS OR THE EXERCISE OF  
6 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  
7 QUORUM SHALL BE HELD TO BE THE ACT, DETERMINATION, OR DECISION OF THE  
8 TASK FORCE.

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

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

17 3. THE TASK FORCE ESTABLISHED SHALL:

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

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

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

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

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

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

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

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