

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:

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.

LBD13772-02-2

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.

9
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.

33
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.

49
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.
53