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

5842

2011-2012 Regular Sessions

I N S E N A T E

June 22, 2011

Introduced by Sen. ESPAILLAT -- read twice and ordered printed, and when printed to be committed to the Committee on Rules

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 PER YEAR PER DOG 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 ON A MONTHLY BASIS.

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:

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

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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 PER YEAR for EACH altered [dogs] DOG and at least three dollars PER YEAR for EACH unaltered [dogs] DOG 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 ON A MONTHLY BASIS.

S 4. Subdivision 4 of section 111 of the agriculture and markets law, as amended by section 6 of part T of chapter 59 of the laws of 2010, is amended to read as follows:

4. A municipality offering a license for any guide dog, service dog, hearing dog or detection dog may issue a special tag for identifying such dog, provided that such tag shall be in addition to the identification tag required by subdivision one of this section. The municipality may prescribe the shape, size, color, and form of imprint of the tag which shall be a different color and shape than the standard identification tag. [Upon application, the commissioner shall furnish such tags without payment of a fee.]

S 5. 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 6. 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 7. 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 8. 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 9. This act shall take effect on the sixtieth day after it shall have become a law.