

1657--B

2013-2014 Regular Sessions

I N A S S E M B L Y

(PREFILED)

January 9, 2013

Introduced by M. of A. ROSENTHAL, MOSLEY -- read once and referred to the Committee on Agriculture -- reported and referred to the Committee on Ways and Means -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the agriculture and markets law, in relation to establishing and implementing training programs for dog control officers

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 113-a to read as follows:

3 S 113-A. TRAINING PROGRAM FOR DOG CONTROL OFFICERS. 1. THE DEPARTMENT
4 SHALL ESTABLISH AND IMPLEMENT A TRAINING PROGRAM FOR DOG CONTROL OFFI-
5 CERS.

6 2. (A) EXCEPT AS PROVIDED IN PARAGRAPH (B) OR (C) OF THIS SUBDIVISION,
7 ANY PERSON APPOINTED BY A LOCAL GOVERNMENT AS A DOG CONTROL OFFICER
8 SHALL COMPLETE A COURSE OF TRAINING APPROVED BY THE DEPARTMENT. ANY
9 PERSON EMPLOYED ON THE EFFECTIVE DATE OF THIS SECTION AS A DOG CONTROL
10 OFFICER SHALL COMPLETE THE FIRST SUCH TRAINING PROGRAM NO LATER THAN
11 JANUARY FIRST, TWO THOUSAND FIFTEEN. ANY PERSON APPOINTED AFTER THE
12 EFFECTIVE DATE OF THIS SECTION SHALL COMPLETE SUCH TRAINING BY JANUARY
13 FIRST, TWO THOUSAND FIFTEEN OR WITHIN ONE HUNDRED EIGHTY DAYS OF SUCH
14 APPOINTMENT WHICHEVER IS LATER. DOCUMENTATION THAT SUCH PERSON HAS
15 COMPLETED SUCH TRAINING SHALL BE MAINTAINED BY THE LOCAL GOVERNMENT AND
16 BE MADE AVAILABLE TO THE DEPARTMENT UPON REQUEST.

17 (B) A VETERINARIAN LICENSED PURSUANT TO ARTICLE ONE HUNDRED
18 THIRTY-FIVE OF THE EDUCATION LAW SHALL BE EXEMPT FROM THE TRAINING
19 PROGRAM REQUIRED BY THIS SECTION.

20 (C) A LOCAL GOVERNMENT THAT EMPLOYS A DOG CONTROL OFFICER MAY ELECT
21 NOT TO PARTICIPATE IN THE TRAINING PROGRAM REQUIRED BY THIS SECTION IF
22 SUCH LOCAL GOVERNMENT HAS A TRAINING PROGRAM FOR DOG CONTROL OFFICERS

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

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1 THAT MEETS THE REQUIREMENTS SET FORTH IN SUBDIVISION THREE OF THIS
2 SECTION, AND IS APPROVED BY THE DEPARTMENT. THE GOVERNING BODY OF A
3 LOCAL GOVERNMENT THAT ELECTS TO CONDUCT ITS OWN DOG CONTROL OFFICER
4 PROGRAM MUST DO SO BY ADOPTING A RESOLUTION DECLARING THAT IT WILL
5 CONDUCT ITS OWN TRAINING PROGRAM AND PROVIDING SUCH RESOLUTION TO THE
6 DEPARTMENT.

7 3. THE TRAINING PROGRAM REQUIRED BY THIS SECTION SHALL INCLUDE TRAIN-
8 ING REGARDING:

9 (A) THE SCOPE OF THE RESPONSIBILITIES OF THE DOG CONTROL OFFICER;

10 (B) APPROPRIATE AND HUMANE HANDLING OF ANIMALS, INCLUDING TRANSPORTING
11 ANIMALS SAFELY, GENERAL ANIMAL CONTROL AND PROPER METHODS FOR CAPTURING
12 ANIMALS;

13 (C) THE LAWS AND RULES REGARDING DOG LICENSING, SEARCH AND SEIZURE
14 RELEVANT TO DOG CONTROL OFFICERS;

15 (D) PROPER DISPOSAL OF THE REMAINS OF DECEASED ANIMALS;

16 (E) IDENTIFICATION AND NOTIFICATION OF AN ANIMAL'S OWNER; AND

17 (F) OTHER SUBJECT MATTER RELEVANT TO DOG CONTROL OFFICERS AS DEEMED
18 NECESSARY OR APPROPRIATE BY THE COMMISSIONER.

19 4. GOVERNING BODIES OF LOCAL GOVERNMENTS SHALL TERMINATE THE APPOINT-
20 MENT OF ANY DOG CONTROL OFFICER WHO FAILS TO COMPLETE THE TRAINING
21 PROGRAM REQUIRED BY THIS SECTION.

22 5. THE DEPARTMENT SHALL, IN CONSULTATION WITH INDIVIDUALS AND ORGAN-
23 IZATIONS INVOLVED WITH ANIMAL CARE AND CONTROL THAT THE COMMISSIONER
24 DEEMS APPROPRIATE, IDENTIFY AND APPROVE AT LEAST ONE TRAINING PROGRAM
25 FOR DOG CONTROL OFFICERS TO MEET THE REQUIREMENTS OF SUBDIVISIONS TWO
26 AND THREE OF THIS SECTION THAT IS BOTH COST-EFFECTIVE AND ACCESSIBLE.
27 THE DEPARTMENT SHALL MAKE INFORMATION ABOUT SUCH PROGRAM AVAILABLE UPON
28 ITS INTERNET WEBSITE. SUCH PROGRAM MAY BE PROVIDED IN AN INTERNET-BASED
29 FORMAT. IF THE DEPARTMENT DOES NOT APPROVE AN INTERNET-BASED FORMAT, THE
30 DEPARTMENT SHALL ENSURE THAT THE TRAINING PROGRAM IS AVAILABLE IN VARI-
31 OUS REGIONS OF THE STATE IN ORDER TO ENSURE REASONABLE ACCESSIBILITY FOR
32 DOG CONTROL OFFICERS.

33 6. THE DEPARTMENT IS AUTHORIZED TO PROMULGATE RULES, REGULATIONS AND
34 STANDARDS FOR IMPLEMENTATION OF THE TRAINING PROGRAM, INCLUDING RULES
35 FOR COMPLIANCE BY DOG CONTROL OFFICERS AND THE FREQUENCY WITH WHICH SUCH
36 OFFICERS SHALL BE REQUIRED TO COMPLETE THE TRAINING PROGRAM.

37 7. THE COMMISSIONER MAY SOLICIT AND ACCEPT FUNDS FROM ANY PUBLIC OR
38 PRIVATE SOURCE TO HELP CARRY OUT THE PROVISIONS OF THIS SECTION.

39 S 2. This act shall take effect immediately; provided that the addi-
40 tion, amendment and/or repeal of any rule or regulation necessary for
41 the implementation of this act on its effective date takes place within
42 eighteen months of the effective date.