

1657--E

R. R. 205

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, MAISEL, ENGLEBRIGHT -- Multi-Sponsored by -- M. of A. MILLMAN -- 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 -- again reported from said committee with amendments, ordered reprinted as amended and recommitted to said committee -- reported and referred to the Committee on Rules -- Rules Committee discharged, bill amended, ordered reprinted as amended and recommitted to the Committee on Rules -- amended on the special order of third reading, ordered reprinted as amended, retaining its place on the special order of third reading

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), (C) OR (D) OF THIS SUBDI-
7 VISION, ANY PERSON APPOINTED BY A LOCAL GOVERNMENT AS A DOG CONTROL
8 OFFICER SHALL COMPLETE A COURSE OF TRAINING APPROVED BY THE DEPARTMENT.
9 ANY PERSON EMPLOYED ON THE EFFECTIVE DATE OF THIS SECTION AS A DOG
10 CONTROL OFFICER SHALL COMPLETE THE FIRST SUCH TRAINING PROGRAM NO LATER
11 THAN 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

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

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1 COMPLETED SUCH TRAINING SHALL BE MAINTAINED BY THE LOCAL GOVERNMENT AND
2 BE MADE AVAILABLE TO THE DEPARTMENT UPON REQUEST.

3 (B) ANY LOCAL GOVERNMENT, INCLUDING A LOCAL GOVERNMENT THAT PROVIDES
4 DOG CONTROL OFFICER SERVICES BY A CONTRACT PURSUANT TO SUBDIVISION TWO
5 OF SECTION ONE HUNDRED THIRTEEN OF THIS ARTICLE, AND ANY INCORPORATED
6 HUMANE SOCIETY OR SIMILAR INCORPORATED DOG PROTECTIVE ASSOCIATION THAT
7 PROVIDES DOG CONTROL OFFICER SERVICES BY A CONTRACT WITH A LOCAL GOVERN-
8 MENT PURSUANT TO SUBDIVISION TWO OF SECTION ONE HUNDRED THIRTEEN OF
9 THIS ARTICLE IS RESPONSIBLE FOR ENSURING THAT THE DOG CONTROL TRAINING
10 REQUIRED BY THIS SECTION IS COMPLETED.

11 (C) A VETERINARIAN LICENSED PURSUANT TO ARTICLE ONE HUNDRED
12 THIRTY-FIVE OF THE EDUCATION LAW SHALL BE EXEMPT FROM THE TRAINING
13 PROGRAM REQUIRED BY THIS SECTION.

14 (D) A LOCAL GOVERNMENT THAT EMPLOYS A DOG CONTROL OFFICER MAY ELECT
15 NOT TO PARTICIPATE IN THE TRAINING PROGRAM REQUIRED BY THIS SECTION IF
16 SUCH LOCAL GOVERNMENT HAS A TRAINING PROGRAM FOR DOG CONTROL OFFICERS
17 THAT MEETS THE REQUIREMENTS SET FORTH IN SUBDIVISION THREE OF THIS
18 SECTION, AND IS APPROVED BY THE DEPARTMENT. THE GOVERNING BODY OF A
19 LOCAL GOVERNMENT THAT ELECTS TO CONDUCT ITS OWN DOG CONTROL OFFICER
20 PROGRAM MUST DO SO BY ADOPTING A RESOLUTION DECLARING THAT IT WILL
21 CONDUCT ITS OWN TRAINING PROGRAM AND PROVIDING SUCH RESOLUTION TO THE
22 DEPARTMENT.

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

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

26 (B) APPROPRIATE AND HUMANE HANDLING OF ANIMALS, INCLUDING TRANSPORTING
27 ANIMALS SAFELY, GENERAL ANIMAL CONTROL AND PROPER METHODS FOR CAPTURING
28 ANIMALS;

29 (C) THE LAWS AND RULES REGARDING DOG LICENSING;

30 (D) THE LAWS AND RULES REGARDING SEARCH AND SEIZURE RELEVANT TO DOG
31 CONTROL OFFICERS;

32 (E) PROPER DISPOSAL OF THE REMAINS OF DECEASED ANIMALS;

33 (F) IDENTIFICATION AND NOTIFICATION OF AN ANIMAL'S OWNER; AND

34 (G) OTHER SUBJECT MATTER RELEVANT TO DOG CONTROL OFFICERS AS DEEMED
35 NECESSARY OR APPROPRIATE BY THE COMMISSIONER.

36 4. THE DEPARTMENT SHALL, IN CONSULTATION WITH INDIVIDUALS AND ORGAN-
37 IZATIONS INVOLVED WITH ANIMAL CARE AND CONTROL THAT THE COMMISSIONER
38 DEEMS APPROPRIATE, IDENTIFY AND APPROVE A MODEL TRAINING PROGRAM FOR DOG
39 CONTROL OFFICERS TO MEET THE REQUIREMENTS OF SUBDIVISIONS TWO AND THREE
40 OF THIS SECTION THAT IS BOTH COST-EFFECTIVE AND ACCESSIBLE. THE DEPART-
41 MENT SHALL MAKE INFORMATION ABOUT SUCH PROGRAM AVAILABLE UPON ITS INTER-
42 NET WEBSITE. SUCH PROGRAM MAY BE PROVIDED IN AN INTERNET-BASED FORMAT.
43 IF THE DEPARTMENT DOES NOT APPROVE AN INTERNET-BASED FORMAT, THE DEPART-
44 MENT SHALL ENSURE THAT THE TRAINING PROGRAM IS AVAILABLE IN VARIOUS
45 REGIONS OF THE STATE IN ORDER TO ENSURE REASONABLE ACCESSIBILITY FOR DOG
46 CONTROL OFFICERS.

47 5. THE DEPARTMENT IS AUTHORIZED TO PROMULGATE RULES, REGULATIONS AND
48 STANDARDS FOR IMPLEMENTATION OF THE TRAINING PROGRAM INCLUDING RULES FOR
49 APPROVAL AND IMPLEMENTATION OF LOCAL TRAINING PROGRAMS, RULES FOR
50 COMPLIANCE BY DOG CONTROL OFFICERS AND THE FREQUENCY WITH WHICH SUCH
51 OFFICERS SHALL BE REQUIRED TO COMPLETE THE TRAINING PROGRAM.

52 6. THE COMMISSIONER OR ANY LOCAL GOVERNMENT THAT HAS ITS OWN TRAINING
53 PROGRAM MAY SOLICIT AND ACCEPT FUNDS FROM ANY PUBLIC OR PRIVATE SOURCE
54 TO HELP CARRY OUT THE TRAINING PROVISIONS OF THIS SECTION.

55 S 2. This act shall take effect immediately; provided that the addi-
56 tion, amendment and/or repeal of any rule or regulation necessary for

1 the implementation of this act on its effective date takes place within
2 eighteen months of the effective date.