

741

2013-2014 Regular Sessions

I N A S S E M B L Y

(PREFILED)

January 9, 2013

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 FOURTEEN. 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

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

LBD05200-01-3

1 SHALL BE COORDINATED TO ENSURE GEOGRAPHIC REPRESENTATION FROM THE
2 ENTIRE STATE.

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

6 (D) A MAJORITY OF THE MEMBERS OF THE TASK FORCE THEN IN OFFICE SHALL
7 CONSTITUTE A QUORUM FOR THE TRANSACTION OF BUSINESS OR THE EXERCISE OF
8 ANY POWER OR FUNCTION OF THE TASK FORCE. AN ACT, DETERMINATION OR DECISION
9 OF THE MAJORITY OF THE MEMBERS PRESENT DURING THE PRESENCE OF A
10 QUORUM SHALL BE HELD TO BE THE ACT, DETERMINATION, OR DECISION OF THE
11 TASK FORCE.

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

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

19 3. THE TASK FORCE ESTABLISHED SHALL:

20 (A) STUDY CURRENT ANIMAL ABUSE INVESTIGATION AND ANTI-ANIMAL ABUSE LAW
21 ENFORCEMENT PRACTICES; AND

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

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

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

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

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

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

53 S 2. This act shall take effect on the sixtieth day after it shall
54 have become a law and shall expire March 1, 2015 when upon such date the
55 provisions of this act shall be deemed repealed.