

2013-2014 Regular Sessions

I N   S E N A T E

(PREFILED)

January 9, 2013

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

AN ACT to amend the agriculture and markets law, in relation to establishing a five percent surcharge on the sale of animals by pet dealers; and to amend the state finance law, in relation to establishing the "New York animal shelter and wildlife rehabilitator account"

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. ANIMAL SALE SURCHARGE. 1. WHENEVER ANY PET DEALER SELLS ANY  
4     ANIMAL, THERE SHALL BE LEVIED UPON SUCH PET DEALER A MANDATORY SURCHARGE  
5     IN THE AMOUNT OF FIVE PERCENT OF THE TOTAL OF THE PRICE OF THE ANIMAL  
6     AND ANY ANCILLARY PRODUCTS SOLD ON THE DATE SUCH ANIMAL WAS PURCHASED.  
7     SUCH MANDATORY SURCHARGE SHALL BE PAID TO THE STATE COMPTROLLER WHO  
8     SHALL DEPOSIT SUCH MONEY IN THE STATE TREASURY TO THE CREDIT OF THE NEW  
9     YORK ANIMAL SHELTER AND WILDLIFE REHABILITATOR ACCOUNT ESTABLISHED  
10    PURSUANT TO SECTION NINETY-NINE-U OF THE STATE FINANCE LAW.  
11    2. FOR THE PURPOSES OF THIS SECTION, THE TERM "PET DEALER" SHALL MEAN  
12    ANY PERSON WHO ENGAGES IN THE SALE OR OFFERING FOR SALE OF MORE THAN  
13    NINE ANIMALS PER YEAR FOR PROFIT TO THE PUBLIC. SUCH DEFINITION SHALL  
14    INCLUDE BREEDERS WHO SELL OR OFFER TO SELL ANIMALS; PROVIDED THAT A  
15    BREEDER WHO SELLS OR OFFERS TO SELL DIRECTLY TO THE CONSUMER FEWER THAN  
16    TWENTY-FIVE ANIMALS PER YEAR THAT ARE BORN AND RAISED ON THE BREEDER'S  
17    RESIDENTIAL PREMISES SHALL NOT BE CONSIDERED A PET DEALER AS A RESULT OF  
18    SELLING OR OFFERING TO SELL SUCH ANIMALS. SUCH DEFINITION SHALL FURTHER  
19    NOT INCLUDE DULY INCORPORATED HUMANE SOCIETIES DEDICATED TO THE CARE OF  
20    UNWANTED ANIMALS WHICH MAKE SUCH ANIMALS AVAILABLE FOR ADOPTION WHETHER  
21    OR NOT A FEE FOR SUCH ADOPTION IS CHARGED.

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

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1 S 2. The state finance law is amended by adding a new section 99-u to  
2 read as follows:

3 S 99-U. ANIMAL SHELTER AND WILDLIFE REHABILITATOR ACCOUNT. 1. THERE  
4 IS HEREBY ESTABLISHED IN THE JOINT CUSTODY OF THE COMMISSIONER OF TAXA-  
5 TION AND FINANCE, THE COMPTROLLER AND A NON-GOVERNMENTAL ENTITY TO BE  
6 CHOSEN BY THE COMMISSIONER OF TAXATION AND FINANCE AND THE COMPTROLLER  
7 PURSUANT TO SUBDIVISION FOUR OF THIS SECTION, A SPECIAL ACCOUNT TO BE  
8 KNOWN AS THE "NEW YORK ANIMAL SHELTER AND WILDLIFE REHABILITATOR  
9 ACCOUNT".

10 2. SUCH ACCOUNT SHALL CONSIST OF ALL REVENUES RECEIVED PURSUANT TO THE  
11 PROVISIONS OF SECTION THREE HUNDRED EIGHTY OF THE AGRICULTURE AND  
12 MARKETS LAW AND ALL OTHER MONEYS APPROPRIATED, CREDITED, OR TRANSFERRED  
13 THERETO FROM ANY OTHER FUND OR SOURCE PURSUANT TO LAW. NOTHING CONTAINED  
14 IN THIS SECTION SHALL PREVENT THE STATE FROM RECEIVING GRANTS, GIFTS OR  
15 REQUESTS FOR THE PURPOSES OF THE ACCOUNT AS DEFINED IN THIS SECTION AND  
16 DEPOSITING THEM INTO THE FUND ACCORDING TO LAW.

17 3. MONIES OF THE ACCOUNT SHALL BE EXPENDED AS FOLLOWS:

18 (A) SEVENTY-FIVE PERCENT OF SUCH MONIES SHALL BE USED TO SUBSIDIZE  
19 ANIMAL SHELTERS;

20 (B) TWENTY PERCENT OF SUCH MONIES SHALL BE USED TO SUBSIDIZE WILDLIFE  
21 REHABILITATORS LICENSED PURSUANT TO SECTION 11-0515 OF THE ENVIRONMENTAL  
22 CONSERVATION LAW; AND

23 (C) FIVE PERCENT OF SUCH MONIES SHALL BE USED BY THE ORGANIZATION  
24 CHOSEN PURSUANT TO SUBDIVISION FOUR OF THIS SECTION FOR ADMINISTRATIVE  
25 COSTS INCURRED DURING THE ADMINISTRATION OF THIS ACCOUNT.

26 4. THE COMPTROLLER IN CONSULTATION WITH THE COMMISSIONER OF AGRICUL-  
27 TURE AND MARKETS SHALL DESIGNATE A NON-GOVERNMENTAL ORGANIZATION  
28 SPECIALIZING IN ANIMAL PROTECTION TO ADMINISTER THE ACCOUNT ESTABLISHED  
29 PURSUANT TO THIS SECTION.

30 S 3. This act shall take effect on the sixtieth day after it shall  
31 have become a law; provided, however, that effective immediately, the  
32 addition, amendment and/or repeal of any rule or regulation necessary  
33 for the implementation of this act on its effective date is authorized  
34 to be made and completed on or before such date.