

2013-2014 Regular Sessions

I N S E N A T E

(PREFILED)

January 9, 2013

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.