S T A T E O F N E W Y O R K

2778

2015-2016 Regular Sessions

I N A S S E M B L Y

January 20, 2015

Introduced by M. of A. McDONALD, CLARK, STECK, TITONE, BROOK-KRASNY, GOTTFRIED, FAHY, CUSICK, BRINDISI, GUNTHER, SCHIMEL, WEPRIN, SKOUFIS -- Multi-Sponsored by -- M. of A. ARROYO, CAMARA, FINCH, GIGLIO, GLICK, LUPARDO, MALLIOTAKIS, McLAUGHLIN, RAIA, TEDISCO -- read once and referred to the Committee on Agriculture

AN ACT to amend the agriculture and markets law, in relation to community based initiatives for the purpose of trapping, neutering, vaccinating and returning feral cats to the area from which they were trapped

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Subdivision 1 of section 117-a of the agriculture and markets law, as amended by section 11 of part T of chapter 59 of the laws of 2010, is amended and a new subdivision 10 is added to read as follows:

1. The commissioner shall submit a request for proposals from not-for-profit entities as described herein for the purpose of administering a state animal population control program. The entity chosen to administer such program shall enter into a contract with the state for a term of five years, which may be renewed subject to the approval of the commissioner. The purpose of this program shall be to reduce the population of unwanted and stray dogs and cats thereby reducing incidence of euthanasia and potential threats to public health and safety posed by the large population of these animals. This program shall seek to accomplish its purpose by encouraging residents of New York state who are the owners of dogs and cats OR, SUBJECT TO THE CONDITIONS ESTABLISHED PURSUANT TO SUBDIVISION TEN OF THIS SECTION, COMMUNITY-BASED INITIATIVES OPERATING IN COORDINATION WITH AN ELIGIBLE NOT-FOR-PROFIT ENTITY AS DEFINED IN SUBDIVISION EIGHT OF THIS SECTION FOR THE PURPOSES OF TRAPPING, NEUTERING, VACCINATING AND RELEASING FERAL CATS AS DEFINED IN SUBPARAGRAPH TWO OF PARAGRAPH E OF SUBDIVISION SIX OF SECTION 11-0103 OF THE ENVIRONMENTAL CONSERVATION LAW, to have them spayed or neutered by providing

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

LBD02582-01-5

low-cost spaying and neutering services to such owners AND INITIATIVES meeting the criteria enumerated in subdivision three of this section. For purposes of this section, "low-cost" shall mean substantially less than the average cost in a particular region of the state for spaying or neutering services, including any and all ancillary [changes] CHARGES for services, including but not limited to, presurgical examinations, tests and immunizations, and other services related to the spay or neuter procedure. All veterinary services provided pursuant to this section must be performed by a veterinarian licensed in this state.

10. NOTWITHSTANDING ANY PROVISION OF THIS SECTION TO THE CONTRARY, THE ADMINISTRATIVE ENTITY SHALL BE AUTHORIZED TO UTILIZE UP TO TWENTY PERCENT OF THE ANIMAL POPULATION CONTROL PROGRAM FUND BALANCE ANNUALLY FOR GRANTS TO ELIGIBLE ENTITIES AS DEFINED IN SUBDIVISION EIGHT OF THIS SECTION WORKING IN COORDINATION WITH COMMUNITY BASED INITIATIVES FOR THE PURPOSES OF TRAPPING, NEUTERING, VACCINATING AND RETURNING, TO THE AREA FROM WHICH THEY WERE TRAPPED, FERAL CATS AS DEFINED IN SUBPARAGRAPH TWO OF PARAGRAPH E OF SUBDIVISION SIX OF SECTION 11-0103 OF THE ENVIRONMENTAL CONSERVATION LAW.

S 2. Subdivision 3 of section 117-a of the agriculture and markets law is amended by adding a new paragraph (d) to read as follows:

(D) SUBJECT TO THE CONDITIONS ESTABLISHED PURSUANT TO SUBDIVISION TEN OF THIS SECTION, THE PROVISIONS OF THIS SUBDIVISION SHALL NOT APPLY TO COMMUNITY-BASED INITIATIVES OPERATED IN COORDINATION WITH AN ELIGIBLE ENTITY AS DEFINED IN SUBDIVISION EIGHT OF THIS SECTION FOR THE PURPOSE OF TRAPPING, NEUTERING, VACCINATING AND RELEASING FERAL CATS AS DEFINED IN SUBPARAGRAPH TWO OF PARAGRAPH E OF SUBDIVISION SIX OF SECTION 11-0103 OF THE ENVIRONMENTAL CONSERVATION LAW.

S 3. This act shall take effect immediately.