

STATE OF NEW YORK

4278

2009-2010 Regular Sessions

IN SENATE

April 21, 2009

Introduced by Sen. DUANE -- 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 and the administrative code of the city of New York, in relation to establishing a New York city animal population control program and an animal population control fund; and to amend chapter 115 of the laws of 1894 relating to the better protection of lost and strayed animals and for securing the rights of owners thereof, in relation to licensing fees

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Subdivision 1 of section 107 of the agriculture and markets
2 law, as amended by chapter 473 of the laws of 1995, is amended to read
3 as follows:

4 1. This article shall apply to all areas of the state except any city
5 having a population of over two million [~~except that the provisions in~~
6 ~~this article relating to the animal population control program shall be~~
7 ~~applicable to the entire state~~].

8 § 2. The administrative code of the city of New York is amended by
9 adding a new section 17-811 to read as follows:

10 § 17-811 Animal population control program. The department of health
11 and mental hygiene shall promulgate rules and regulations to establish
12 and implement an animal population control program within one hundred
13 twenty days from the effective date of this section. The purpose of this
14 program shall be to reduce the population of unwanted stray dogs and
15 cats thereby reducing potential threats to public health and safety and
16 reducing the costs of caring for these animals. This program shall seek
17 to accomplish its purpose by encouraging residents of the city of New
18 York who are the owners of dogs and cats to have them spayed or neutered
19 by providing no or low-cost spaying and neutering services to such
20 owners. The department shall promulgate rules and regulations necessary
21 to establish an animal population control program including, but not

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

LBD07076-07-9

S. 4278

2

1 limited, to creating clinics or mobile units where such services shall
2 be performed and establishing criteria for pet owner eligibility to use
3 such services. Indicia of eligibility for pet owners seeking no or
4 low-cost spay and neuter services shall include but not be limited to
5 any criteria deemed acceptable by the agencies performing the services.
6 The commissioner of the department of health and mental hygiene may
7 solicit and accept funds from the animal population control fund estab-
8 lished pursuant to section 17-812 of this chapter and any other public
9 or private source to help carry out the provisions of this section.

10 § 3. The administrative code of the city of New York is amended by
11 adding a new section 17-812 to read as follows:

12 § 17-812 Animal population control fund. 1. There is hereby estab-
13 lished in the joint custody of the city comptroller and commissioner of
14 finance a fund to be known as the "animal population control fund" which
15 shall be used by the department to subsidize the city's animal popu-
16 lation control program as established by section 17-811 of this chapter.

17 2. Such fund shall consist of all moneys collected from the animal
18 population control program established pursuant to section 17-811 of
19 this chapter and section three-a of chapter one hundred fifteen of the
20 laws of eighteen hundred ninety-four, and all other moneys credited or
21 transferred thereto from any other fund or source pursuant to law.

22 3. Moneys of the fund shall be made available to the department and
23 shall be expended for the purposes of carrying out animal population
24 control programs pursuant to the provisions of section 17-811 of this
25 chapter. Moneys shall be paid out of the fund on the audit and warrant
26 of the city comptroller and approved by the commissioner of the depart-
27 ment of health and mental hygiene. Any interest received by the city
28 comptroller on moneys on deposit in the animal population control fund
29 shall be retained in and become part of such fund.

30 § 4. Section 3-a of chapter 115 of the laws of 1894 relating to the
31 better protection of lost and strayed animals and for securing the
32 rights of owners thereof, as amended by chapter 180 of the laws of 2002,
33 is amended to read as follows:

34 § 3-a. In addition to the fee charged pursuant to sections one and two
35 of this chapter, any person applying for a dog license shall pay a fee
36 of three dollars, or such greater amount as determined by the city coun-
37 cil or the board of health in the code of such city, for any dog four
38 months of age or older which has not been spayed or neutered unless an
39 owner presents with the license application a statement certified by a
40 licensed veterinarian stating that he or she has examined the dog and
41 found that because of old age or other reasons, the life of the dog
42 would be endangered by spaying or neutering. All fees collected pursuant
43 to the provisions of this section shall be forwarded to the ~~[state]~~ city
44 comptroller for deposit in the animal population control fund created
45 pursuant to section ~~[97-xx of the state finance law and section 117-a of~~
46 ~~the agriculture and markets law]~~ 17-812 of the administrative code of
47 the city of New York.

48 § 5. Any unspent moneys collected in prior fiscal years attributable
49 to dog licensing fees in cities having a population of two million or
50 more and collected and deposited in the New York state animal population
51 control fund pursuant to section 97-xx of the state finance law shall be
52 transferred to and retained in the animal population control fund
53 created pursuant to section 17-812 of the administrative code of the
54 city of New York.

55 § 6. This act shall take effect immediately.

**NEW YORK STATE SENATE
INTRODUCER'S MEMORANDUM IN SUPPORT
submitted in accordance with Senate Rule VI. Sec 1**

BILL NUMBER: S4278

SPONSOR: DUANE

TITLE OF BILL:

An act to amend the agriculture and markets law and the administrative code of the city of New York, in relation to establishing a New York city animal population control program and an animal population control fund; and to amend chapter 115 of the laws of 1894 relating to the better protection of lost and strayed animals and for securing the rights of owners thereof, in relation to licensing fees

PURPOSE OR GENERAL IDEA OF BILL:

To require the establishment of an animal population control program that would reduce the significant cost to the city of sheltering and finding homes for or euthanizing these animals by reducing the population of unwanted stray dogs and cats, as well as the establishment of an animal population control fund to pay for such a program.

SUMMARY OF SPECIFIC PROVISIONS:

Section 1 amends subdivision 1 of section 107 of the agriculture and markets law, as amended by chapter 473 of the laws of 1995, to apply to all areas of the state except any city with a population of over two million.

Section 2 amends the administrative code of the city of New York by adding a new section 17-811 requiring the Department of Health and Mental Hygiene to establish and implement an animal population control program, the purpose of which is to reduce the significant cost to the city of sheltering and finding homes for or euthanizing these animals by reducing the population of unwanted stray dogs and cats. The Department must promulgate rules and regulations related to this program within 120 days from the effective date of this bill. The program will encourage New York City residents who own cats or dogs to have them spayed or neutered by providing low-cost spaying and neutering services to such owners. The program will include but not be limited to the creation of clinics where such services shall be performed and establishing criteria for pet owner eligibility to use such services. Indicia of eligibility for pet owners seeking low-cost spay and neuter services shall include but not be limited to any criteria, including proof of income, deemed acceptable or necessary by the agencies performing the services. To carry out the provisions of this section, the commissioner of the Department of Health and Mental Hygiene may use funds from the animal population control fund established by section 17-812 of this chapter, as well as any other public or private source.

Section 3 amends the administrative code of the city of New York by adding a new section 17-812 that would establish in the joint custody of the City comptroller and commissioner of finance an animal population control fund consisting of all moneys collected from the animal popu-

lation control program established pursuant to section 17-811 of this chapter and all other moneys from any fund or source. Moneys of the fund will be used for the purpose of carrying out animal population control programs for the general public and shall be paid out of the fund on the audit and warrant of the city comptroller on vouchers approved by the commissioner of the Department of Health and Mental Hygiene. Any interest the city comptroller receives from these moneys shall go back into the fund.

Section 4 amends section 3-a of chapter 115 of the laws of 1894 relating to the better protection of lost and strayed animals and the rights of owners thereof to add to the fee charged pursuant to sections one and two of that chapter a fee of three dollars or any greater amount as determined by the city council for any person applying for a dog license who is the owner of a dog four months of age or older which has not been spayed or neutered, unless the owner presents with his or her license application a statement certified by a licensed veterinarian stating that he or she has examined the dog and found that, due to old age or other reasons, the life of the dog would be endangered by spaying or neutering. All fees collected pursuant to the provisions of this section shall be forwarded to the comptroller for deposit in the animal population control fund established by this chapter.

Section 5 requires any unspent moneys garnered from dog licensing fees in cities with populations of two million or more and collected and deposited in the animal population control fund to be retained in the fund. Section 6 sets out the effective date.

JUSTIFICATION:

New York's huge population of unwanted cats and dogs imposes an undue financial burden on the city that must shelter and find homes for or euthanize these animals. It also results in millions of healthy animals being euthanized every year due to a shortage of shelter for every unwanted animal. Surgery is the only foolproof and permanent method of birth control for cats and dogs, and it is the most effective and humane way to address the problem of animal overpopulation. This bill, which is supported by the Department of Health and Mental Hygiene and the Department of Agriculture and Markets, would create an animal population control fund to fund the New York City animal population control program. Such a program would reduce the population of unwanted stray dogs and cats and encourage the neutering of animals. By establishing an animal population control program and an animal population control fund for the purposes of ensuring that all pets are spayed and neutered, New York State will be acting justly and responsibly on behalf of the people and animals of New York.

FISCAL IMPLICATIONS:

Undetermined.

EFFECTIVE DATE:

Immediately.

STATE OF NEW YORK

6158--A

2009-2010 Regular Sessions

IN ASSEMBLY

February 26, 2009

Introduced by M. of A. ROSENTHAL, KELLNER -- read once and referred to the Committee on Agriculture -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the agriculture and markets law and the administrative code of the city of New York, in relation to establishing a New York city animal population control program and an animal population control fund; and to amend chapter 115 of the laws of 1894 relating to the better protection of lost and strayed animals and for securing the rights of owners thereof, in relation to licensing fees

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Subdivision 1 of section 107 of the agriculture and markets
2 law, as amended by chapter 473 of the laws of 1995, is amended to read
3 as follows:

4 1. This article shall apply to all areas of the state except any city
5 having a population of over two million [~~except that the provisions in~~
6 ~~this article relating to the animal population control program shall be~~
7 ~~applicable to the entire state~~].

8 § 2. The administrative code of the city of New York is amended by
9 adding a new section 17-811 to read as follows:

10 § 17-811 Animal population control program. The department of health
11 and mental hygiene shall promulgate rules and regulations to establish
12 and implement an animal population control program within one hundred
13 twenty days from the effective date of this section. The purpose of this
14 program shall be to reduce the population of unwanted stray dogs and
15 cats thereby reducing potential threats to public health and safety and
16 reducing the costs of caring for these animals. This program shall seek
17 to accomplish its purpose by encouraging residents of the city of New
18 York who are the owners of dogs and cats to have them spayed or neutered
19 by providing no or low-cost spaying and neutering services to such
20 owners. The department shall promulgate rules and regulations necessary

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

LBD07076-06-9

A. 6158--A

2

1 to establish an animal population control program including, but not
2 limited, to creating clinics or mobile units where such services shall
3 be performed and establishing criteria for pet owner eligibility to use
4 such services. Indicia of eligibility for pet owners seeking no or
5 low-cost spay and neuter services shall include but not be limited to
6 any criteria deemed acceptable by the agencies performing the services.
7 The commissioner of the department of health and mental hygiene may
8 solicit and accept funds from the animal population control fund estab-
9 lished pursuant to section 17-812 of this chapter and any other public
10 or private source to help carry out the provisions of this section.

11 § 3. The administrative code of the city of New York is amended by
12 adding a new section 17-812 to read as follows:

13 § 17-812 Animal population control fund. 1. There is hereby estab-
14 lished in the joint custody of the city comptroller and commissioner of
15 finance a fund to be known as the "animal population control fund" which
16 shall be used by the department to subsidize the city's animal popu-
17 lation control program as established by section 17-811 of this chapter.

18 2. Such fund shall consist of all moneys collected from the animal
19 population control program established pursuant to section 17-811 of
20 this chapter and section three-a of chapter one hundred fifteen of the
21 laws of eighteen hundred ninety-four, and all other moneys credited or
22 transferred thereto from any other fund or source pursuant to law.

23 3. Moneys of the fund shall be made available to the department and
24 shall be expended for the purposes of carrying out animal population
25 control programs pursuant to the provisions of section 17-811 of this
26 chapter. Moneys shall be paid out of the fund on the audit and warrant
27 of the city comptroller and approved by the commissioner of the depart-
28 ment of health and mental hygiene. Any interest received by the city
29 comptroller on moneys on deposit in the animal population control fund
30 shall be retained in and become part of such fund.

31 § 4. Section 3-a of chapter 115 of the laws of 1894 relating to the
32 better protection of lost and strayed animals and for securing the
33 rights of owners thereof, as amended by chapter 180 of the laws of 2002,
34 is amended to read as follows:

35 § 3-a. In addition to the fee charged pursuant to sections one and two
36 of this chapter, any person applying for a dog license shall pay a fee
37 of three dollars, or such greater amount as determined by the city coun-
38 cil or the board of health in the code of such city, for any dog four
39 months of age or older which has not been spayed or neutered unless an
40 owner presents with the license application a statement certified by a
41 licensed veterinarian stating that he or she has examined the dog and
42 found that because of old age or other reasons, the life of the dog
43 would be endangered by spaying or neutering. All fees collected pursuant
44 to the provisions of this section shall be forwarded to the [state] city
45 comptroller for deposit in the animal population control fund created
46 pursuant to section [97-xx of the state finance law and section 117-a of
47 ~~the agriculture and markets law~~] 17-812 of the administrative code of
48 the city of New York.

49 § 5. Any unspent moneys collected in prior fiscal years attributable
50 to dog licensing fees in cities having a population of two million or
51 more and collected and deposited in the New York state animal population
52 control fund pursuant to section 97-xx of the state finance law shall be
53 transferred to and retained in the animal population control fund
54 created pursuant to section 17-812 of the administrative code of the
55 city of New York.

56 § 6. This act shall take effect immediately.

NEW YORK STATE ASSEMBLY
MEMORANDUM IN SUPPORT OF LEGISLATION
submitted in accordance with Assembly Rule III, Sec 1(f)

BILL NUMBER: A6158A

SPONSOR: Rosenthal (MS)

TITLE OF BILL: An act to amend the agriculture and markets law and the administrative code of the city of New York, in relation to establishing a New York city animal population control program and an animal population control fund; and to amend chapter 115 of the laws of 1894 relating to the better protection of lost and strayed animals and for securing the rights of owners thereof, in relation to licensing fees

PURPOSE OR GENERAL IDEA OF BILL: To require the establishment of an animal population control program that would reduce the significant cost to the city of sheltering and finding homes for or euthanizing these animals by reducing the population of unwanted stray dogs and cats, as well as the establishment of an animal population control fund to pay for such a program.

SUMMARY OF SPECIFIC PROVISIONS: Section 1 amends subdivision 1 of section 107 of the agriculture and markets law, as amended by chapter 473 of the laws of 1995, to apply to all areas of the state except any city with a population of over two million.

Section 2 amends the administrative code of the city of New York by adding a new section 17-811 requiring the Department of Health and Mental Hygiene to establish and implement an animal population control program, the purpose of which is to reduce the significant cost to the city of sheltering and finding homes for or euthanizing these animals by reducing the population of unwanted stray dogs and cats. The Department must promulgate rules and regulations related to this program within 120 days from the effective date of this bill. The program will encourage New York City residents who own cats or dogs to have them spayed or neutered by providing low-cost spaying and neutering services to such owners. The program will include but not be limited to the creation of clinics where such services shall be performed and establishing criteria for pet owner eligibility to use such services. Indicia of eligibility for pet owners seeking low-cost spay and neuter services shall include but not be limited to any criteria, including proof of income, deemed acceptable or necessary by the agencies performing the services. To carry out the provisions of this section, the commissioner of the Department of Health and Mental Hygiene may use funds from the animal population control fund established by section 17-812 of this chapter, as well as any other public or private source.

Section 3 amends the administrative code of the city of New York by adding a new section 17-812 that would establish in the joint custody of the city comptroller and commissioner of finance an animal population control fund consisting of all moneys collected from the animal population control program established pursuant to section 17-811 of this chapter and all other moneys from any fund or source. Moneys of the fund will be used for the purpose of carrying out animal population

control programs for the general public and shall be paid out of the fund on the audit and warrant of the city comptroller on vouchers approved by the commissioner of the Department of Health and Mental Hygiene. Any interest the city comptroller receives from these moneys shall go back into the fund.

Section 4 amends section 3-a of chapter 115 of the laws of 1894 relating to the better protection of lost and strayed animals and the rights of owners thereof to add to the fee charged pursuant to sections one and two of that chapter a fee of three dollars or any greater amount as determined by the city council for any person applying for a dog license who is the owner of a dog four months of age or older which has not been spayed or neutered, unless the owner presents with his or her license application a statement certified by a licensed veterinarian stating that he or she has examined the dog and found that, due to old age or other reasons, the life of the dog would be endangered by spaying or neutering. All fees collected pursuant to the provisions of this section shall be forwarded to the comptroller for deposit in the animal population control fund established by this chapter.

Section 5 requires any unspent moneys garnered from dog licensing fees in cities with populations of two million or more and collected and deposited in the animal population control fund to be retained in the fund.

Section 6 sets out the effective date.

JUSTIFICATION: New York's huge population of unwanted cats and dogs imposes an undue financial burden on the city that must shelter and find homes for or euthanize these animals. It also results in millions of healthy animals being euthanized every year due to a shortage of shelter for every unwanted animal. Surgery is the only foolproof and permanent method of birth control for cats and dogs, and it is the most effective and humane way to address the problem of animal overpopulation. This bill, which is supported by the Department of Health and Mental Hygiene and the Department of Agriculture and Markets, would create an animal population control fund to fund the New York City animal population control program. Such a program would reduce the population of unwanted stray dogs and cats and encourage the neutering of animals. By establishing an animal population control program and an animal population control fund for the purposes of ensuring that all pets are spayed and neutered, New York State will be acting justly and responsibly on behalf of the people and animals of New York.

LEGISLATIVE HISTORY: A11722 was introduced in 2008 and referred to agriculture on 06/20/08.

FISCAL IMPLICATIONS: Undetermined

EFFECTIVE DATE: Immediately
