



94TH GENERAL ASSEMBLY

State of Illinois

2005 and 2006

HB0315

Introduced 01/19/05, by Rep. Daniel J. Burke

SYNOPSIS AS INTRODUCED:

New Act

30 ILCS 105/5.640 new

30 ILCS 105/8h

35 ILCS 5/507EE new

510 ILCS 5/3

from Ch. 8, par. 353

30 ILCS 805/8.29 new

Creates the Illinois Public Health and Safety Animal Population Control Act. Requires the Department of Public Health to develop and administer a program of reimbursements to veterinarians for the sterilization and rabies vaccination of the dogs and cats of low-income owners and feral cat colony caretakers. Requires a co-payment by the owner or feral cat colony caretaker. Funds the program through a voluntary individual income tax checkoff and a \$3 fee on each rabies vaccination required by the Animal Control Act. Authorizes administrative fines for violations of the program. Amends the State Finance Act to create the necessary special fund within the State treasury and amends the Illinois Income Tax Act to establish the checkoff. Amends the Animal Control Act. Requires (now, authorizes) a county board to require the registration of dogs and cats. Imposes a \$100 fine for failure to register. Requires that the fine be divided between the local animal control fund and the Illinois Public Health and Safety Animal Population Control Fund. Amends the State Mandates Act to require implementation without reimbursement. Effective immediately.

LRB094 06336 JAM 36412 b

FISCAL NOTE ACT
MAY APPLY

STATE MANDATES
ACT MAY REQUIRE
REIMBURSEMENT

1 AN ACT concerning animals.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 1. Short title. This Act may be cited as the
5 Illinois Public Health and Safety Animal Population Control
6 Act.

7 Section 5. Findings. The General Assembly finds the
8 following:

9 (1) The number of unwanted or dangerous dogs and cats
10 has placed financial and logistic burden upon Illinois
11 counties and municipalities and presents a threat to public
12 safety.

13 (2) Reducing the number of unwanted or dangerous dogs
14 will work to lessen the administrative and operational
15 tasks and the amount of revenue expended by counties and
16 municipalities for animal control.

17 (3) An increase in rabies-vaccinated and spayed or
18 neutered pets will work to reduce the number of unwanted or
19 dangerous dogs and cats.

20 (4) Access to statewide information and a means to
21 procure rabies vaccinations and spayed or neuter service to
22 financially disadvantaged pet owners will reduce the
23 number of unwanted and dangerous animals, promote public
24 safety, and assist counties and municipalities.

25 (5) This Act is established to provide a means by which
26 population control and rabies vaccinations may be
27 financed.

28 Section 10. Definitions. As used in this Act:

29 "Director" means the Director of Public Health.

30 "Department" means the Department of Public Health.

31 "Companion animal" means any domestic dog (canis lupus

1 familiaris) or domestic cat (felis catus).

2 "Fund" means the Illinois Public Health and Safety Animal
3 Population Control Fund established in this Act.

4 Section 15. Income tax checkoff. Each individual income tax
5 payer may contribute to the Illinois Public Health and Safety
6 Animal Population Control Fund through the income tax checkoff
7 described in Section 507EE of the Illinois Income Tax Act.

8 Section 20. Program established. The Department shall
9 establish and implement an Illinois Public Health and Safety
10 Animal Population Control Program by December 31, 2005. The
11 purpose of this program is to reduce the population of unwanted
12 and stray dogs and cats in Illinois by encouraging the owners
13 of dogs and cats to have them permanently sexually sterilized
14 and vaccinated, thereby reducing potential threats to public
15 health and safety. The program shall begin collecting funds on
16 January 1, 2006 and shall begin distributing funds for
17 vaccinations, spaying and neutering operations, or chemical
18 sterilizations in January, 2007. No dog or cat imported from
19 another state is eligible to be sterilized or vaccinated under
20 this program. Beginning June 30, 2007, the Director must make
21 an annual written report relative to the progress of the
22 program to the President of the Senate, the Speaker of the
23 House of Representatives, and the Governor.

24 Section 25. Eligibility to participate. A resident of the
25 State who owns a dog or cat and who is eligible for the Food
26 Stamp Program, the Medicaid Program, or the Disability
27 Insurance Benefits Program shall be eligible to participate in
28 the program at a reduced rate if the owner signs a consent form
29 certifying that he or she is the owner of the dog or cat or is
30 authorized by the owner to present the dog or cat for the
31 procedure. A resident of this State who is managing a feral cat
32 colony and who humanely traps feral cats for spaying or
33 neutering and return is eligible to participate in the program

1 provided the trap, spay, neuter, and return program is
2 recognized by the municipality or by the county, if it is
3 located in an unincorporated area. The sterilization shall be
4 performed by a voluntarily participating veterinarian or
5 veterinary student under the supervision of a veterinarian. The
6 co-payment for the cat or dog sterilization procedure and
7 vaccinations shall be \$15.

8 Section 30. Veterinarian participation. Any veterinarian
9 may participate in the program established under this Act. The
10 Director shall establish a reasonable schedule of rates for
11 reimbursement of examination, presurgical immunization, and
12 sterilization services specified in this Act.

13 The Director shall reimburse, to the extent funds are
14 available, participating veterinarians for each dog or cat
15 sterilization procedure administered. To receive this
16 reimbursement, the veterinarian must submit a dog or cat
17 preauthorization sterilization or vaccination certificate on a
18 form approved by the Director that must be signed by the
19 veterinarian and the owner of the dog or cat or the feral cat
20 caretaker. The Director shall notify all participating
21 veterinarians if the program must be suspended for any period
22 due to a lack of revenue and shall also notify all
23 participating veterinarians when the program will resume.
24 Veterinarians who voluntarily participate in this
25 sterilization and vaccination program may decline to treat
26 feral cats if they choose.

27 For all dogs and cats sterilized under this Act, the
28 Director shall also reimburse, to the extent funds are
29 available, participating veterinarians for (1) an examination
30 fee and the presurgical immunization of dogs against rabies and
31 other diseases pursuant to Department rules or (2) examination
32 fees and the presurgical immunizations of cats against rabies
33 and other diseases pursuant to Department rules. Reimbursement
34 for the full cost of the covered presurgical immunizations
35 shall be made by the Director to the participating veterinarian

1 upon the written certification, signed by the veterinarian and
2 the owner of the companion animal or the feral cat caretaker,
3 that the immunization has been administered. There shall be no
4 additional charges to the owner of a dog or cat sterilized
5 under this Act or feral cat caretaker for examination fees or
6 the presurgical immunizations.

7 Section 35. Rulemaking. The Director shall adopt rules
8 relative to:

9 (1) Other immunizations covered.

10 (2) Format and content of all forms required under this
11 Act.

12 (3) Proof of eligibility.

13 (4) Administration of the Fund.

14 (5) Any other matter necessary for the administration
15 of this Act.

16 Section 40. Enforcement; administrative fine. Any person
17 who knowingly falsifies proof of eligibility for or
18 participation in any program under this Act, knowingly
19 furnishes any licensed veterinarian with inaccurate
20 information concerning the ownership of a dog or cat submitted
21 for a sterilization procedure, or violates any provision of
22 this Act may be subject to an administrative fine not to exceed
23 \$500 for each violation.

24 Section 45. Illinois Public Health and Safety Animal
25 Population Control Fund.

26 (a) The Illinois Public Health and Safety Animal Population
27 Control Fund is established as a special fund in the State
28 treasury. The moneys generated from the fees collected under
29 subsection (b) of this Section, from Section 507EE of the
30 Illinois Income Tax Act, and from voluntary contributions must
31 be kept in the Fund and shall be used only to sterilize and
32 vaccinate dogs and cats in this State pursuant to the program,
33 to promote the sterilization program, to educate the public

1 about the importance of spaying and neutering, and for
2 reasonable administrative and personnel costs related to the
3 Fund. Ten percent of the Fund shall be set aside and allocated
4 each year to the University of Illinois Veterinary School Urban
5 Practice Project of the Anthrozoologic Initiative to spay,
6 neuter, and vaccinate animals in underserved areas of Illinois.

7 (b) Beginning January 1, 2006, each time a rabies tag is
8 issued by a veterinarian or county, the collecting entity
9 established by county ordinance shall collect a \$3 public
10 safety fee on each vaccinated dog and cat required to be
11 registered under the Animal Control Act. The fees shall be
12 remitted for the Department for deposit in the Fund on a
13 quarterly basis. Feral cats are exempt from the requirement of
14 this subsection.

15 Section 905. The State Finance Act is amended by changing
16 Section 8h and by adding Section 5.640 as follows:

17 (30 ILCS 105/5.640 new)

18 Sec. 5.640. Illinois Public Health and Safety Animal
19 Population Control Fund.

20 (30 ILCS 105/8h)

21 Sec. 8h. Transfers to General Revenue Fund.

22 (a) Except as provided in subsection (b), notwithstanding
23 any other State law to the contrary, the Governor may, through
24 June 30, 2007, from time to time direct the State Treasurer and
25 Comptroller to transfer a specified sum from any fund held by
26 the State Treasurer to the General Revenue Fund in order to
27 help defray the State's operating costs for the fiscal year.
28 The total transfer under this Section from any fund in any
29 fiscal year shall not exceed the lesser of (i) 8% of the
30 revenues to be deposited into the fund during that fiscal year
31 or (ii) an amount that leaves a remaining fund balance of 25%
32 of the July 1 fund balance of that fiscal year. In fiscal year
33 2005 only, prior to calculating the July 1, 2004 final

1 balances, the Governor may calculate and direct the State
2 Treasurer with the Comptroller to transfer additional amounts
3 determined by applying the formula authorized in Public Act
4 93-839 ~~this amendatory Act of the 93rd General Assembly~~ to the
5 funds balances on July 1, 2003. No transfer may be made from a
6 fund under this Section that would have the effect of reducing
7 the available balance in the fund to an amount less than the
8 amount remaining unexpended and unreserved from the total
9 appropriation from that fund estimated to be expended for that
10 fiscal year. This Section does not apply to any funds that are
11 restricted by federal law to a specific use, to any funds in
12 the Motor Fuel Tax Fund, the Hospital Provider Fund, ~~or~~ the
13 Medicaid Provider Relief Fund, or the Reviewing Court
14 Alternative Dispute Resolution Fund, or to any funds to which
15 subsection (f) of Section 20-40 of the Nursing and Advanced
16 Practice Nursing Act applies. No transfers may be made under
17 this Section from the Illinois Public Health and Safety Animal
18 Population Control Fund. Notwithstanding any other provision
19 of this Section, for fiscal year 2004, the total transfer under
20 this Section from the Road Fund or the State Construction
21 Account Fund shall not exceed the lesser of (i) 5% of the
22 revenues to be deposited into the fund during that fiscal year
23 or (ii) 25% of the beginning balance in the fund. For fiscal
24 year 2005 through fiscal year 2007, no amounts may be
25 transferred under this Section from the Road Fund, the State
26 Construction Account Fund, the Criminal Justice Information
27 Systems Trust Fund, the Wireless Carrier Reimbursement Fund, or
28 the Mandatory Arbitration Fund.

29 In determining the available balance in a fund, the
30 Governor may include receipts, transfers into the fund, and
31 other resources anticipated to be available in the fund in that
32 fiscal year.

33 The State Treasurer and Comptroller shall transfer the
34 amounts designated under this Section as soon as may be
35 practicable after receiving the direction to transfer from the
36 Governor.

1 (b) This Section does not apply to any fund established
2 under the Community Senior Services and Resources Act.

3 (Source: P.A. 93-32, eff. 6-20-03; 93-659, eff. 2-3-04; 93-674,
4 eff. 6-10-04; 93-714, eff. 7-12-04; 93-801, eff. 7-22-04;
5 93-839, eff. 7-30-04; 93-1054, eff. 11-18-04; revised
6 12-1-04.)

7 Section 910. The Illinois Income Tax Act is amended by
8 adding Section 507EE as follows:

9 (35 ILCS 5/507EE new)

10 Sec. 507EE. Illinois Public Health and Safety Animal
11 Population Control Fund checkoff. The Department must print on
12 its standard individual income tax form a provision indicating
13 that if the taxpayer wishes to contribute to the Illinois
14 Public Health and Safety Animal Population Control Fund, as
15 established in the Illinois Public Health and Safety Animal
16 Population Control Act, he or she may do so by stating the
17 amount of the contribution (not less than \$1) on the return and
18 that the contribution will reduce the taxpayer's refund or
19 increase the amount of payment to accompany the return. Failure
20 to remit any amount of increased payment reduces the
21 contribution accordingly. This Section does not apply to any
22 amended return.

23 The Department of Revenue shall determine annually the
24 total amount contributed to the Fund pursuant to this Section
25 and shall notify the State Comptroller and the State Treasurer
26 of the amount to be transferred to the Illinois Public Health
27 and Safety Animal Population Control Fund, and upon receipt of
28 the notification the State Comptroller shall transfer the
29 amount.

30 Section 915. The Animal Control Act is amended by changing
31 Section 3 as follows:

32 (510 ILCS 5/3) (from Ch. 8, par. 353)

1 Sec. 3. The County Board Chairman with the consent of the
2 County Board shall appoint an Administrator. Appointments
3 shall be made as necessary to keep this position filled at all
4 times. The Administrator may appoint as many Deputy
5 Administrators and Animal Control Wardens to aid him or her as
6 authorized by the Board. The compensation for the
7 Administrator, Deputy Administrators, and Animal Control
8 Wardens shall be fixed by the Board. The Administrator may be
9 removed from office by the County Board Chairman, with the
10 consent of the County Board.

11 The Board shall provide necessary personnel, training,
12 equipment, supplies, and facilities, and shall operate pounds
13 or contract for their operation as necessary to effectuate the
14 program. The Board may enter into contracts or agreements with
15 persons to assist in the operation of the program.

16 The Board shall be empowered to utilize monies from their
17 General Corporate Fund to effectuate the intent of this Act.

18 The Board shall ~~is authorized by ordinance to~~ require the
19 registration of dogs and cats and may require microchipping of
20 all dogs and cats. ~~and~~ The Board shall impose an individual dog
21 or cat animal and litter registration fee to be deposited in a
22 county animal control fund. In addition to the rabies
23 registration fee, pursuant to the Illinois Public Health and
24 Safety Animal Population Control Act, a \$3 public safety fee on
25 each dog or cat shall be collected and forwarded quarterly to
26 the Department of Public Health for deposit in the Illinois
27 Public Health and Safety Animal Population Control Fund. All
28 persons selling dogs or cats or keeping registries of dogs or
29 cats shall cooperate and provide information to the
30 Administrator as required by Board ordinance, including sales,
31 number of litters, and ownership of dogs and cats. If
32 microchips are required, the microchip number may ~~shall~~ serve
33 as the county animal control registration number. ~~All~~
34 ~~microchips shall have an operating frequency of 125 kilohertz.~~

35 In obtaining information required to implement this Act,
36 the Department shall have power to subpoena and bring before it

1 any person in this State and to take testimony either orally or
2 by deposition, or both, with the same fees and mileage and in
3 the same manner as prescribed by law for civil cases in courts
4 of this State.

5 The Director shall have power to administer oaths to
6 witnesses at any hearing which the Department is authorized by
7 law to conduct, and any other oaths required or authorized in
8 any Act administered by the Department.

9 Any owner who fails to register his or her dog or cat shall
10 pay a \$100 fine, with 50% deposited into the county animal
11 control fund and 50% deposited into the Illinois Public Health
12 and Safety Animal Population Control Fund.

13 This Section does not apply to feral cats.

14 (Source: P.A. 93-548, eff. 8-19-03.)

15 Section 995. The State Mandates Act is amended by adding
16 Section 8.29 as follows:

17 (30 ILCS 805/8.29 new)

18 Sec. 8.29. Exempt mandate. Notwithstanding Sections 6 and 8
19 of this Act, no reimbursement by the State is required for the
20 implementation of any mandate created by this amendatory Act of
21 the 94th General Assembly.

22 Section 999. Effective date. This Act takes effect upon
23 becoming law.