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1 AMENDMENT TO HOUSE BILL 315

2 AMENDMENT NO. _____. Amend House Bill 315 by replacing the
3 title with the following:

4 "AN ACT concerning animals, which may be referred to as the
5 Anna Cieslewicz Act."; and

6 by replacing everything after the enacting clause with the
7 following:

8 "Section 1. Short title. This Act may be cited as the
9 Illinois Public Health and Safety Animal Population Control
10 Act.

11 Section 5. Findings. The General Assembly finds the
12 following:

13 (1) The number of unwanted or dangerous dogs and cats
14 has placed financial and logistic burden upon Illinois
15 counties and municipalities and presents a threat to public
16 safety.

17 (2) Reducing the number of unwanted or dangerous dogs
18 will work to lessen the administrative and operational
19 tasks and the amount of revenue expended by counties and
20 municipalities for animal control.

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

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

6 (5) This Act is established to provide a means by which
7 population control and rabies vaccinations may be
8 financed.

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

10 "Director" means the Director of Public Health.

11 "Department" means the Department of Public Health.

12 "Companion animal" means any domestic dog (*canis lupus*
13 *familiaris*) or domestic cat (*felis catus*).

14 "Farm dog" means a dog that resides on a farming business.

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

17 Section 15. Income tax checkoff. Each individual income tax
18 payer may contribute to the Illinois Public Health and Safety
19 Animal Population Control Fund through the income tax checkoff
20 described in Section 507EE of the Illinois Income Tax Act.

21 Section 20. Program established. The Department shall
22 establish and implement an Illinois Public Health and Safety
23 Animal Population Control Program by December 31, 2005. The
24 purpose of this program is to reduce the population of unwanted
25 and stray dogs and cats in Illinois by encouraging the owners
26 of dogs and cats to have them permanently sexually sterilized
27 and vaccinated, thereby reducing potential threats to public
28 health and safety. The program shall begin collecting funds on
29 January 1, 2006 and shall begin distributing funds for
30 vaccinations, spaying and neutering operations, or chemical
31 sterilizations in January, 2007. No dog or cat imported from

1 another state is eligible to be sterilized or vaccinated under
2 this program. Beginning June 30, 2007, the Director must make
3 an annual written report relative to the progress of the
4 program to the President of the Senate, the Speaker of the
5 House of Representatives, and the Governor.

6 Section 25. Eligibility to participate. A resident of the
7 State who owns a dog or cat and who is eligible for the Food
8 Stamp Program, the Medicaid Program, or the Disability
9 Insurance Benefits Program shall be eligible to participate in
10 the program at a reduced rate if the owner signs a consent form
11 certifying that he or she is the owner of the dog or cat or is
12 authorized by the owner to present the dog or cat for the
13 procedure. A resident of this State who is managing a feral cat
14 colony and who humanely traps feral cats for spaying or
15 neutering and return is eligible to participate in the program
16 provided the trap, spay, neuter, and return program is
17 recognized by the municipality or by the county, if it is
18 located in an unincorporated area. The sterilization shall be
19 performed by a voluntarily participating veterinarian or
20 veterinary student under the supervision of a veterinarian. The
21 co-payment for the cat or dog sterilization procedure and
22 vaccinations shall be \$15.

23 Section 30. Veterinarian participation. Any veterinarian
24 may participate in the program established under this Act. The
25 Director shall establish a reasonable schedule of rates for
26 reimbursement of examination, presurgical immunization, and
27 sterilization services specified in this Act.

28 The Director shall reimburse, to the extent funds are
29 available, participating veterinarians for each dog or cat
30 sterilization procedure administered. To receive this
31 reimbursement, the veterinarian must submit a dog or cat
32 preauthorization sterilization or vaccination certificate on a

1 form approved by the Director that must be signed by the
2 veterinarian and the owner of the dog or cat or the feral cat
3 caretaker. The Director shall notify all participating
4 veterinarians if the program must be suspended for any period
5 due to a lack of revenue and shall also notify all
6 participating veterinarians when the program will resume.
7 Veterinarians who voluntarily participate in this
8 sterilization and vaccination program may decline to treat
9 feral cats if they choose.

10 For all dogs or cats sterilized under this Act, the
11 Director shall also reimburse, to the extent funds are
12 available, participating veterinarians for (1) an examination
13 fee and the presurgical immunization of dogs against rabies and
14 other diseases pursuant to Department rules or (2) examination
15 fees and the presurgical immunizations of cats against rabies
16 and other diseases pursuant to Department rules. Reimbursement
17 for the full cost of the covered presurgical immunizations
18 shall be made by the Director to the participating veterinarian
19 upon the written certification, signed by the veterinarian and
20 the owner of the companion animal or the feral cat caretaker,
21 that the immunization has been administered. There shall be no
22 additional charges to the owner of a dog or cat sterilized
23 under this Act or feral cat caretaker for examination fees or
24 the presurgical immunizations.

25 Section 35. Rulemaking. The Director shall adopt rules
26 relative to:

27 (1) Other immunizations covered.

28 (2) Format and content of all forms required under this
29 Act.

30 (3) Proof of eligibility.

31 (4) Administration of the Fund.

32 (5) Any other matter necessary for the administration
33 of this Act.

1 Section 40. Enforcement; administrative fine. Any person
2 who knowingly falsifies proof of eligibility for or
3 participation in any program under this Act, knowingly
4 furnishes any licensed veterinarian with inaccurate
5 information concerning the ownership of a dog or cat submitted
6 for a sterilization procedure, or violates any provision of
7 this Act may be subject to an administrative fine not to exceed
8 \$500 for each violation.

9 Section 45. Illinois Public Health and Safety Animal
10 Population Control Fund.

11 (a) The Illinois Public Health and Safety Animal Population
12 Control Fund is established as a special fund in the State
13 treasury. The moneys generated from the fees collected under
14 subsection (b) of this Section, from Section 507EE of the
15 Illinois Income Tax Act, and from voluntary contributions must
16 be kept in the Fund and shall be used only to sterilize and
17 vaccinate dogs and cats in this State pursuant to the program,
18 to promote the sterilization program, to educate the public
19 about the importance of spaying and neutering, for grants to
20 counties and municipalities under the local grant program
21 established under this Section, and for reasonable
22 administrative and personnel costs related to the Fund. Ten
23 percent of the Fund shall be set aside and allocated each year
24 to the University of Illinois Veterinary School Urban Practice
25 Project of the Anthrozoologic Initiative to spay, neuter, and
26 vaccinate animals in underserved areas of Illinois. Twenty
27 percent of the Fund shall be set aside for a local grant
28 program administered by the Department under the rules
29 established by the Department, through which counties and
30 municipalities that offer spaying and neutering services shall
31 receive reimbursement for a portion of their expenses in
32 offering those services.

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

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

11 (30 ILCS 105/5.640 new)

12 Sec. 5.640. Illinois Public Health and Safety Animal
13 Population Control Fund.

14 (30 ILCS 105/8h)

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

16 (a) Except as provided in subsection (b), notwithstanding
17 any other State law to the contrary, the Governor may, through
18 June 30, 2007, from time to time direct the State Treasurer and
19 Comptroller to transfer a specified sum from any fund held by
20 the State Treasurer to the General Revenue Fund in order to
21 help defray the State's operating costs for the fiscal year.
22 The total transfer under this Section from any fund in any
23 fiscal year shall not exceed the lesser of (i) 8% of the
24 revenues to be deposited into the fund during that fiscal year
25 or (ii) an amount that leaves a remaining fund balance of 25%
26 of the July 1 fund balance of that fiscal year. In fiscal year
27 2005 only, prior to calculating the July 1, 2004 final
28 balances, the Governor may calculate and direct the State
29 Treasurer with the Comptroller to transfer additional amounts
30 determined by applying the formula authorized in Public Act
31 93-839 ~~this amendatory Act of the 93rd General Assembly~~ to the

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

25 In determining the available balance in a fund, the
26 Governor may include receipts, transfers into the fund, and
27 other resources anticipated to be available in the fund in that
28 fiscal year.

29 The State Treasurer and Comptroller shall transfer the
30 amounts designated under this Section as soon as may be
31 practicable after receiving the direction to transfer from the
32 Governor.

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

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

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

7 (35 ILCS 5/507EE new)

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

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

28 Section 915. The Animal Control Act is amended by changing
29 Section 3 as follows:

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

34 In obtaining information required to implement this Act,

1 the Department shall have power to subpoena and bring before it
2 any person in this State and to take testimony either orally or
3 by deposition, or both, with the same fees and mileage and in
4 the same manner as prescribed by law for civil cases in courts
5 of this State.

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

10 This Section does not apply to farm dogs or feral cats. As
11 used in this Section, "farm dog" means a dog that resides on a
12 farming business.

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

14 Section 999. Effective date. This Act takes effect upon
15 becoming law."