



Sen. Don Harmon

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1 AMENDMENT TO SENATE BILL 2612

2 AMENDMENT NO. _____. Amend Senate Bill 2612, AS AMENDED,
3 by replacing everything after the enacting clause with the
4 following:

5 "Section 1. Short title. This Act may be cited as the Dog
6 and Cat Overpopulation Control Act.

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

9 (1) Controlling the dog and cat population would have a
10 significant benefit to the public health by aiding in the
11 prevention of dog attacks, reducing the number of dog and cat
12 bite cases involving children, and decreasing the number of
13 automobile accidents caused by stray dogs and cats.

14 (2) Controlling the dog and cat population will save
15 taxpayer dollars by reducing the number of dogs and cats
16 handled by county and municipal animal control agencies. A
17 similar program was implemented in New Hampshire in 1994 and
18 has significantly reduced the number of dogs and cats
19 euthanized in shelters in that state. Every dollar spent on the
20 New Hampshire neutering program has saved \$3.15 in reduced
21 impoundment costs there.

22 Section 10. Definitions. For purposes of this Act:

23 "Director" means the Director of Agriculture.

1 "Department" means the Department of Agriculture.

2 "Fund" means the Dog and Cat Overpopulation Control Fund
3 established in this Act.

4 Section 15. Program established. The Department shall
5 establish and implement a Dog and Cat Overpopulation Control
6 Program. The purpose of this program is to reduce the
7 population of unwanted and stray dogs and cats in Illinois by
8 encouraging the owners of dogs and cats to have them
9 permanently sexually sterilized, thereby reducing potential
10 threats to public health and safety. The program shall begin
11 collecting funds on January 1, 2005 and shall begin
12 distributing funds for spaying and neutering operations or
13 chemical sterilizations on January 1, 2006. No dog or cat
14 imported from another state is eligible to be sterilized under
15 this program. Beginning June 30, 2006, the Director must make
16 an annual written report concerning the progress of the program
17 to the President of the Senate, the Speaker of the House of
18 Representatives, and the Governor.

19 Section 20. Eligibility.

20 (a) A resident of this State who has adopted a dog or cat
21 from a licensed Illinois animal shelter shall be eligible to
22 participate in the program if the applicant signs a consent
23 form certifying that he or she is the owner of the dog or cat or
24 is authorized by the owner to present the dog or cat for the
25 procedure. The sterilization shall be performed by a
26 participating veterinarian, and the copayment for the
27 procedure shall be \$30.

28 (b) A resident of the State who owns a dog or cat and who is
29 eligible for the Food Stamp Program, the Medicaid Program, or
30 the Disability Insurance Benefits Program shall also be
31 eligible to participate in the program at a reduced rate if the
32 applicant signs a consent form certifying that he or she is the

1 owner of the dog or cat or is authorized by the owner to
2 present the dog or cat for the procedure. The sterilization
3 shall be performed by a participating veterinarian, and the
4 copayment for the procedure shall be \$15.

5 Section 25. Veterinarian participation. Any veterinarian
6 licensed in this State may participate in the program
7 established under this Act. A veterinarian shall file with the
8 Director an application on which the veterinarian must supply,
9 in addition to any other information requested by the Director,
10 a fee schedule listing the fees charged for dog and cat
11 sterilization, examination, and the pre-surgical immunizations
12 specified in this Act in the normal course of business. The dog
13 or cat sterilization fee may vary with the animal's weight,
14 sex, and species. The Director may, however, disqualify from
15 participation in the program any veterinarian whose fees the
16 Director deems unreasonable.

17 The Director shall reimburse, to the extent funds are
18 available, participating veterinarians for 80% of the fee, less
19 payment paid by the owner to the veterinarian as provided in
20 this Act, for each dog or cat sterilization procedure
21 administered. To receive this reimbursement, the veterinarian
22 must submit a dog or cat preauthorization sterilization
23 certificate on a form approved by the Director that must be
24 signed by the veterinarian and the owner of the dog or cat. The
25 Director shall notify all participating veterinarians if the
26 program must be suspended for any period due to a lack of
27 revenue and shall also notify all participating veterinarians
28 when the program will resume.

29 For all dogs and cats sterilized under this Act, the
30 Director shall also reimburse, to the extent funds are
31 available, any licensed veterinarian of this State
32 participating in the program for (i) examination fees and the
33 pre-surgical immunizations of dogs against rabies and other

1 immunizations such as distemper, hepatitis, leptospirosis, and
2 parvovirus or (ii) examination fees and the pre-surgical
3 immunizations of cats against rabies and other immunizations
4 such as feline panleukopenia, calici, pneumonitis, and
5 rhinotracheitis, as the case may be. Reimbursement for the full
6 cost of pre-surgical immunizations shall be made by the
7 Director to the participating veterinarian upon written
8 certification, signed by the veterinarian and the owner of the
9 dog or cat, that the immunization has been administered. There
10 shall be no additional charges to the owner of a dog or cat
11 sterilized under subsection (b) of Section 20 of this Act for
12 examination fees or pre-surgical immunizations. An owner of a
13 dog or cat sterilized under this Act who has adopted the dog or
14 cat from a licensed animal shelter shall pay the cost of all
15 pre-surgical immunizations and examination fees directly to
16 the participating veterinarian.

17 Section 30. Rulemaking. The Director shall adopt rules
18 concerning:

- 19 (1) the format and content of all forms required under
20 this Act;
- 21 (2) proof of eligibility;
- 22 (3) the administration of the fund; and
- 23 (4) any other matter necessary for the administration
24 of the Dog and Cat Overpopulation Control Program without the
25 approval of the livestock commission.

26 Section 35. Enforcement; administrative fine. Any person
27 who knowingly falsifies proof of eligibility for or
28 participation in any program under this Act, furnishes any
29 licensed veterinarian with inaccurate information concerning
30 the ownership of a dog or cat submitted for a sterilization
31 procedure, furnishes the Director with false information
32 concerning a dog or cat sterilization fee schedule or a dog or

1 cat sterilization certificate submitted pursuant to this Act,
2 fails to remit to the Department of Agriculture on a quarterly
3 basis the appropriate amount of dog and cat population control
4 fees collected, or violates any provision of this Act may be
5 subject to an administrative fine not to exceed \$1,000 for each
6 violation.

7 Section 40. Dog and Cat Overpopulation Control Fund.

8 (a) The Dog and Cat Overpopulation Control Fund is hereby
9 established as a special fund in the State Treasury. The moneys
10 generated from the fee collected under subsection (b) of this
11 Section must be kept in the Fund and shall only be used to
12 sterilize dogs and cats in this State pursuant to the program,
13 to promote the sterilization program, and for reasonable
14 administrative costs related to the Fund.

15 (b) Beginning January 1, 2005, each veterinarian in this
16 State who administers a rabies vaccination on a dog or cat in
17 addition to filling out the rabies inoculation certificate
18 shall collect a \$3 dog and cat overpopulation control fee on
19 each vaccinated dog and cat. The veterinarian shall keep for
20 his or her own use \$0.50 of the fee. The veterinarian shall
21 remit on a quarterly basis the remainder of the fees to the
22 Department of Agriculture to deposit in the Fund.

23 (c) The \$3 dog and cat overpopulation control fee does not
24 apply to feral cats as defined in the Illinois Animal Control
25 Act.

26 Section 45. Repeal. If the Director's annual report
27 required under Section 15 in 2011 does not find that 30% fewer
28 cats and dogs were euthanized in Illinois animal shelters in
29 2011 than in 2005, taking into account any change in the
30 statewide human population during the interim, this Act is
31 automatically repealed on July 1, 2011.

1 Section 905. The State Finance Act is amended by changing
2 Section 8h and by adding Section 5.625 as follows:

3 (30 ILCS 105/5.625 new)

4 Sec. 5.625. The Dog and Cat Overpopulation Control Fund.

5 (30 ILCS 105/8h)

6 Sec. 8h. Transfers to General Revenue Fund.
7 Notwithstanding any other State law to the contrary, the
8 Director of the Governor's Office of Management and Budget may
9 from time to time direct the State Treasurer and Comptroller to
10 transfer a specified sum from any fund held by the State
11 Treasurer to the General Revenue Fund in order to help defray
12 the State's operating costs for the fiscal year. The total
13 transfer under this Section from any fund in any fiscal year
14 shall not exceed the lesser of 8% of the revenues to be
15 deposited into the fund during that year or 25% of the
16 beginning balance in the fund. No transfer may be made from a
17 fund under this Section that would have the effect of reducing
18 the available balance in the fund to an amount less than the
19 amount remaining unexpended and unreserved from the total
20 appropriation from that fund for that fiscal year. This Section
21 does not apply to any funds that are restricted by federal law
22 to a specific use or to any funds in the Motor Fuel Tax Fund or
23 the Hospital Provider Fund. No transfers may be made under this
24 Section from the Dog and Cat Overpopulation Control Fund.

25 Notwithstanding any other provision of this Section, the total
26 transfer under this Section from the Road Fund or the State
27 Construction Account Fund shall not exceed 5% of the revenues
28 to be deposited into the fund during that year.

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

1 The State Treasurer and Comptroller shall transfer the
2 amounts designated under this Section as soon as may be
3 practicable after receiving the direction to transfer from the
4 Director of the Governor's Office of Management and Budget.
5 (Source: P.A. 93-32, eff. 6-20-03; 93-659, eff. 2-3-04.)

6 Section 910. The State Mandates Act is amended by adding
7 Section 8.28 as follows:

8 (30 ILCS 805/8.28 new)

9 Sec. 8.28. Exempt mandate. Notwithstanding Sections 6 and 8
10 of this Act, no reimbursement by the State is required for the
11 implementation of any mandate created by this amendatory Act of
12 the 93rd General Assembly.

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