



2019 LEGISLATIVE AGENDA AND BILLS



**THE LEAGUE
OF
HUMANE VOTERS®
OF NEW YORK**

POLITICAL ACTION FOR ANIMALS

The League of Humane Voters® of New York
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THE LEAGUE OF HUMANE VOTERS



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INTRODUCTION

The Mission of the League of Humane Voters® is to create, unite, and strengthen local political action committees, which work to enact animal-friendly legislation and elect candidates for public office who will use their votes and influence for animal protection. LOHV® works for animal protection by:

- Lobbying for animal-friendly laws;
- Campaigning for candidates who support animal protection;
- Being a strong political voice for all animals --domestic, wildlife, farm, and all animals who suffer from abuse and exploitation; and,
- Demonstrating that animal advocates are a substantial voting bloc.

THE LOHV DELIVERS THE VOTE

The LOHV® recognizes that animal protection requires laws and enforcement. Animal exploitation is a political issue and not just a moral one, and our goal is to make animal protection a mainstream political issue by building support among citizens, activists, political parties, and elected representatives.

Those who hold elective office can pass laws to protect animals. LOHV® endorses candidates and then campaigns for their election to public office. We help to get out the vote for our candidates. Once in office, we lobby office-holders to enact animal protective legislation.

LOHV® is strictly non-partisan.

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PROHIBITS KILLING CONTESTS

Provides that it shall be unlawful for any person to organize, sponsor, conduct, promote, or participate in any contest, competition, tournament or derby where the objective of such contest or competition is to take wildlife.

A722 Assembly Member Glick

Cosponsor: Cook, Rosenthal L, Englebright, Colton,
D'Urso, McDonough, Simon, Ortiz, Dinowitz, Lifton
Mltspnsr: Epstein, Hevesi

S.4253 Senator Martinez

IN ENCON COMMITTEE IN BOTH HOUSES

Amends the Environmental Conservation law to make contests and competitions to kill wildlife illegal



Wildlife killing events target wildlife species for which there are no protections. Frequently, there is no limit to the number of animals that may be killed. The participants who kill the greatest number, the largest, the heaviest, or some other criterion for assessing wildlife-killing success, are declared winners and awarded prizes.

- A large amount of lead is introduced into the environment at one time that other animals ingest. This concentration of lead can lead to lead poisoning.
- *The wanton and wasteful killing of wildlife interrupts the natural ecology and actually INCREASES populations via a well-known biological phenomenon called *Compensatory Rebound*, which results from the remaining members having more food available, and consequently a higher birthrate the following season. With coyotes, once the alpha pair is destroyed, all the coyotes will begin to breed, leading to a continuing supply of animals to kill.
- Thousands of crows, coyotes, and squirrels are killed in mindless contests.
- Recently, in Brockport, NY, hundreds of shooters participated to see which of them could shoot the heaviest set of five squirrels in one day. The first prize was \$200. The first prize in the children's division was \$50. This contest was sponsored by the local lodge.
- Bars and other drinking establishments tend to organize or conduct these events, which encourages a drinking party atmosphere and often encourages shooting while drinking, which is ignored by the regulators.
- It wrongfully teaches that wild animals have no value and no individuality, as well as teaching violence.

Restrict tethering of companion animals between the hours of 11 pm and 6 am

A.729 Assembly Member Rosenthal
Co-sponsor Mosley

Sen. Martinez

IN AGRICULTURE – Assembly Member Lupardo

Amends the Agriculture and Markets law regarding the outside confinement of companion animals

- Dogs are social animals and desire to be in the company of humans, and not chained 24/7.
- Dogs that have been chained over a period of time can become aggressive.
- Chained dogs are at risk of other dogs who may be free roaming, wildlife, sadistic humans, and dangerous weather conditions that can cause heat stroke or frostbite.
- In addition dogs face inclement weather conditions of which they cannot escape. Every year several dogs die of frost bite or heat stroke.



In some instances, dogs are confined or restricted from motion in places and under conditions that are not consistent with the requirements for proper maintenance of that species.

BACKGROUND While some restrictions on the tethering of animals are codified and enforced in New York State, and some local governments have passed even more specific restrictions, many of these restrictions are vague, contradictory or unnecessarily complicated. More uniform restrictions need to be put in place on a state level so that law enforcement and animal control officers can better enforce the law, ensure compliance and protect vulnerable animals.

SUMMARY OF PROPOSED BILL Relates to outdoor restraints of companion animals; prohibits tethering for more than 3 hours, or a time approved by in writing by animal control but not to exceed 12 hours in any 24 hour period. Prior to approving an extension of the three hour maximum tethering limit, animal control must obtain a written certification signed by a veterinarian licensed in New York state stating that the health of the dog will not be jeopardized by the extension of the three hour maximum tethering limit. This bill ensures that companion animals are tethered safely and humanely and increases the penalty of violating this law from a violation to a misdemeanor. The dog must not be tethered outdoors when a weather advisory or warning is issued by local, state or federal authorities or when outdoor environmental conditions, including, but not limited to, heat, cold, wind, rain, snow or hail, pose an adverse risk to the health or safety of a dog based on its breed, age or physical condition. The tethered dog is at least six months old and free of any health condition that would be exacerbated by tethering. For a second and any subsequent offense, a person will be guilty of a class B misdemeanor.

The LOHV@/NY would like to expand these restrictions to include that dogs must not be left unattended, and should not be tethered unless the temperature is between 32F and 80F.

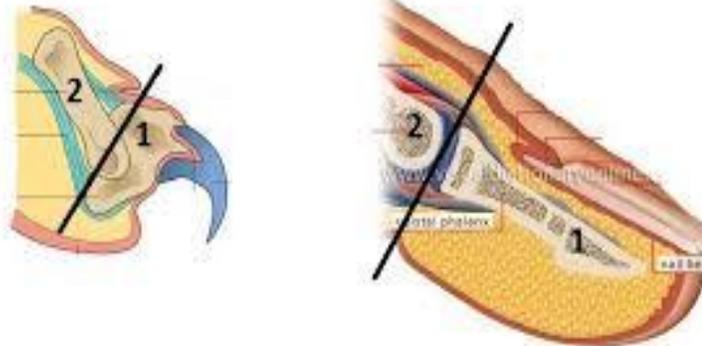
A bill to prohibit the declawing of cats

A.1303 Assembly Member Rosenthal

IN AGRICULTURE – Assembly Member Lupardo, Chair

No Same As

What declawing actually is compared to a human finger



Declawing is an invasive procedure that will change the cat's physiology and seems to go against the laws of nature. Cats are *supposed* to have claws, which is why they're born with them. Claws are used to catch prey and escape from predators, groom, scratch, climb, help them fully stretch, maintain balance and relieve stress through kneading.

Despite the term "declaw," it is important to understand that this surgery involves more than just claw removal. The last bone of the digit must be amputated in order to make sure the claw does not grow back. Declawing has been treated as a routine veterinary procedure for decades. But increasingly, the surgery is recognized as inhumane, unnecessary, and can cause cats to live with chronic pain. That's why at least 42 countries and nine U.S. cities have banned declaw surgery.

Cats can feel unsafe and are more likely to bite without the natural protection of their claws. The surgery also can make using the litter box uncomfortable as paws often remain tender for a lifetime. Biting and litter box avoidance—effects of declawing—are the most common reasons cats are abandoned in shelters, where 70 percent are killed nationwide.

According to Alley Cat Allies: *At least 41 countries have made declawing illegal, including England, France, Wales, New Zealand, Germany, Switzerland, and Israel. In North America, declawing is outlawed in nine U.S. cities—Denver, Colorado and eight cities in California—and in the Canadian provinces of Nova Scotia, British Columbia, Newfoundland and Prince Edward Island. In the past few years, an increasing number of state bills have been introduced to ban declawing, indicating that jurisdictions are finally recognizing declawing as cruel and inhumane.*

PLANT-BASED LUNCH OPTION IN PUBLIC SCHOOLS

Amends the Education law to require public schools to provide a plant-based lunch entrée option.

A.1624/Assembly Member Gottfried
COSPNSR Epstein, Woerner

S.1472/Senator Hoylman

In Education Committee in both houses
A/M Benedetto, Chair/Sen. Mayer, Chair



Delicious...Heathful...Better for the Environment!

*This measure falls in line with the Governor's own Farm to School Program.

* It's a proven fact that plant based foods are a healthy alternative to conventional meals.

* It's imperative that our public schools meet the changing nutritional needs of its students.

Plant-based cheese, milk, and meats are readily available. IKEA started serving plant-based Swedish meatballs and it has been so successful that they have expanded their plant-based options.

- The Food Climate Research Network (FCRN) at the University of Oxford, concluded that a plant-based diet has advantages for health and the environment. This is in accordance with a new study by the United Nations Food and Agriculture Organization (FAO) published on May 19, 2016.
- Medical professionals promote a PBD for patients suffering from heart disease, obesity, diabetes and certain types of cancers. In some cases, the diet has been known to reverse symptoms, as well as the disease itself. In 2017,
- The Los Angeles Unified School District voted in favor of adopting a healthful PBD option in L.A. schools. The pilot program was championed by students, parents and doctors. 1,200 public schools in the NYC school district began offering at least one PB entrée at the commencement of the 2017 semester, thanks to Brooklyn Borough President Eric Adams who is a vegan.
- New York State cares about the health and well-being of its children. Diet is a major component in the critical stages of a child's development. It is also essential for a child's concentration. Not only will students benefit from a PBD entrée option but, faculty and other staff in the school system will as well.

SUMMARY OF BILL:

Public schools -- grammar through high school -- would be required to offer at least one PB entrée for every meal throughout the school year. All their written material describing food offerings shall include the availability of a plant-based food option. The entrée should be affordable for all students and employees.

Establish a crime registry of all convicted animal abusers in New York State

A.1090 Assembly Member Rosenthal

Co-sponsors Lupardo, Dinowitz, Colton, Jaffee, Hevesi, Benedetto, Englebright, Montesano, Otis, Perry, Stirpe, Hunter, Byrne, Mosley, Galef, Simon

Multi-sponsors: Barnwell, Cook, Glick, Gottfried, Malliotakis, McDonough, Miller MG, Raia, Thiele

IN AGRICULTURE COMMITTEE
A/M LUPARDO, CHAIR

S. 2602 Senator Brooks

Co-sponsors: Addabbo, Helming

IN DOMESTIC ANIMAL WELFARE COMMITTEE,
SEN. MARTINEZ, CHAIR

Amends the Agriculture and Markets law to establish an animal abuser registry that would be available to the public.

FAMOUS ANIMAL ABUSERS



Nikolas Cruz

Ted Bundy

Jeffrey Dahmer

David Berkowitz

THE LINK BETWEEN ANIMAL CRUELTY AND HUMAN VIOLENCE IS INDISPUTABLE

It would require abusers to register with their local law enforcement agency. It enhances protection by warning the community, particularly pet owners, and operators of animal adoption programs, when a convicted animal abuser may be living nearby. It is intended to function in much the same way that sex-offender registries function. Further, it will give notice to potential employers of pet shops or shelters, or even animal laboratories.

BACKGROUND

- **The link between violence against animals and violence against human beings is well documented. According to the FBI, those who harm animals are four times more likely to commit violence against other people. Individuals who mistreat, abuse, or kill domestic animals or wildlife often extend that behavior to humans in the form of domestic violence, child abuse, and in certain cases, even murder.** It is essential for the safety and well-being of the community to deal seriously with crimes against animals, and to keep animal abusers from potential victims.
- A database of this kind would further assist law enforcement by providing a catalog of individuals who may not show up in other databases. Many criminals who have performed violent acts against another person have “started small” by harming animals.
- Albany, Rockland, Ulster, Westchester, Suffolk, Orange, Nassau, and Cattaraugus Counties, and NYC have recognized the importance of an animal abuse registry and have passed laws to establish them. A statewide law would close the loopholes that currently exist when a convicted animal abuser changes locations.

SUMMARY OF PROPOSED BILL

Convicted animal abuser’s photo and legal name must be provided along with any aliases, date of birth, race, gender, home address, and nature and date(s) of the offense(s). These lists should be public so that information can also be checked by other law enforcement agencies, humane societies, animal shelters, animal-welfare organizations, and other animal-related entities.

Convicted abusers would pay registration fees annually as one funding possibility.

NEW BILL (IN SEARCH OF SPONSORS/CO-SPONSORS)

CODE RED/CODE BLUE

Amends the Agriculture and Markets law by requiring domestic companion animals be removed from extreme weather conditions.



This cat actually was found in time, the dog didn't make it.

Enacts a standard temperature to protect domestic companion animals that are at risk of extreme cold or heat

SUMMARY OF PROPOSED BILL:

When the National Weather Service declares a "Cold Code Blue": Temperature falls below 32 degrees or wind chill below 0 degrees (Fahrenheit), or ice storms or freezing rain or snow greater than 6 inches or a "Hot Code Red" Heat index of 90 degrees is predicted within 24 hours, the State of New York must issue a public service announcement notifying pet owners and guardians to remove their animals from the above conditions. Animal control and humane officers would have the authority to seize the animal(s) immediately if pet owners and guardians do not comply.

BACKGROUND:

Every year in New York State domestic companion animals fall victim to extreme temperatures that often prove fatal. On average, most pet owners and guardians care enough to keep their animals indoors when temperatures are extreme, however, for whatever reason, some leave their animals outdoors. This is a blatant form of neglect which, all too often, leads to injury and in some cases death. Between 2017 and 2018, there were at least 50 companion animal deaths related to cold weather—and those are just the ones that were reported.

Animal fatalities due to heat stroke are just as common, although they may not be reported as often by the media.

Local weather stations inform the public about severe weather conditions, when they will occur, and what the temperature ranges will be. Some cities even announce a "Cold Code Blue" or "Hot Code Red" for people to take shelter from the elements. Animal control and humane societies are inundated with complaints concerning animals left out in the cold or heat, however, there is little they can do. **Currently there is no New York State law on the books that requires a pet owner or guardian to take their animal inside.**

THREE BILL PROPOSALS TO SAVE SWANS (IN SEARCH OF SPONSORS/CO-SPONSORS)

Assembly:

Senate:



Mute swans



Tundra swan



Trumpeter swan

PROPOSAL 1: PROTECT ALL SPECIES OF SWANS

- 1) Protect all species of swans, including: Mute swans, Tundra swans and Trumpeter swans.
- 2) Protect swans, as noted above, by prohibiting 'harvesting' by hunting (either by bow-and-arrow, or by guns/rifle), or killing by other means (examples: breaking swans' necks, gassing, drowning), or removing from the wild to a captive location.
- 3) PROTECT SWAN NESTS FROM HARASSMENT. Signage to be posted near swan nests is recommended to educate the public about aggressive parent behavior. Offenders violating harassment guidelines would be subject to a fine.

Currently, Wildlife Services works with the NYS DEC to lethally remove mute swans. Recently, Wildlife Services cooperated with the DEC to shoot the parent swans and drown the cygnets due to one complaint from a kayaker who said she was attacked by the adult male as she approached too close to the cygnets. -----

PROPOSAL 2: REMOVE MUTE SWANS FROM THE PROHIBITED INVASIVE SPECIES LIST

The full proposed bill can be found in the LOHV Booklet. -----

PROPOSAL 3: BILL TO PROVIDE DEC TRANSPARENCY AND PROVIDE RESTRICTIONS ON LETHAL ACTIONS AGAINST MUTE SWANS

To protect mute swans, increase transparency and ensure robust and general public participation when considering management actions against mute swans. This legislation would prohibit the DEC from issuing any depredation permit related to management of mute swans unless certain preconditions have been satisfied which ensure that lethal methods are exclusively used as a last resort, only after first having considered site-specific non-lethal management strategies and actions, provide substantial opportunity for public input prior to lethal management of mute swans, and require complete transparency regarding mute swan management. No person may kill or injure any mute swan without such permit.

A. the permit applicant must provide detailed information regarding the alleged qualifying threat to human health or safety, or other nuisance, demonstrate to the DEC failure to address such complaints after concerted use of site-specific non-lethal management strategies and actions, to justify the issuance of a depredation permit.

B. the DEC must, upon intent to issue a depredation permit for lethal management of mute swans:

- (i) provide public notice of their intent to issue all depredation permits
- (ii) issue a written report which details the alleged qualifying threat to human health or safety, or nuisance, which assumes justification of lethal management of mute swans and detail the failure of previously attempted site-specific non-lethal management efforts, with the name of the licensed company that provided service. The DEC must allow at least two independent, scientific studies prior to allowing any lethal action.
- (iii) maintain a publicly accessible database on the DEC website which lists all permits issued, sortable by species and county
- (iv) provide advance public notice of any planned management activities, including the specific location and time
- (v) maintain a publicly accessible sortable database on the DEC website which includes quarterly reports of the number of mute swans taken pursuant to any DEC issued permit, including the specific location, specific method of killing.

PROPOSED ACT REMOVING MUTE SWANS FROM THE DEPARTMENT OF ENVIRONMENTAL CONSERVATION'S "PROHIBITED INVASIVE SPECIES" LIST

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

§ 1. The Department of Environmental Conservation shall remove mute swans (*Cygnus olor*) from the list of declared invasive species in New York, and upon any proposal to relist mute swans as a declared invasive species, at a minimum,

- (a) Hold not less than two public hearings in areas with mute swan populations, following adequate public notice, and, after the last of such public hearings, include a public comment period of not less than forty-five days.
- (b) Any such proposal shall, at a minimum, fully document the scientific basis for future population projections of mute swans and other species alleged to be impacted by mute swans, and fully document the scientific basis for current and projected environmental damage, based on scientific studies conducted within New York State within three (3) years from the date such listing is proposed; and include responses to all substantive public comments.

§ 2. This act shall take effect immediately

BILL NUMBER:

SPONSOR:

TITLE OF BILL: An act delisting mute swans from the Department of Environmental Conservation's "prohibited invasive species" list

PURPOSE OR GENERAL IDEA OF BILL:

Removes mute swans from the list of prohibited invasive species in New York State, and requires the Department of Environmental Conservation to conduct public hearings and provide rationale and current scientific justification prior to re-listing mute swans as a prohibited invasive species

SUMMARY OF SPECIFIC PROVISIONS:

Section 1 of the bill removes mute swans from the list of prohibited invasive species in New York State, and requires the Department of Environmental Conservation to conduct public hearings and provide current empirical data and scientific justification of projected and current environmental damage caused by New York State's mute swan population prior to re-listing mute swans as a prohibited invasive species.

Section 2 establishes the effective date.

JUSTIFICATION:

The legal definition of "invasive" is a species that is non-native to the ecosystem under consideration, and whose introduction causes or is likely to cause economic or environmental harm or harm to human health. For the purposes of 6 NYCRR Part 575, the harm must significantly outweigh any benefits. The fact that a species is introduced and non-native does not in and of itself lead to the conclusion that it is invasive. Many non-native species are present in New York State, including some introduced by the Department of Environmental Conservation, such as the Chinese ringneck pheasant (*Phasianus colchicus*) and the European brown trout (*Salmo trutta*). Rather, the declaration of a species as invasive must be based on empirical data, and on current and comprehensive scientific evidence, which agrees with the stated definition of causing economic or environmental harm or harm to human health, and whose said harm significantly outweighs any benefits. Whether to declare a species invasive is a decidedly subjective determination, which should be based on empirical data and current and comprehensive scientific evidence, in combination with public comment.

Wildlife experts, rehabilitators and environmentalists have not unanimously agreed that New York State's current mute swan population of less than 2,000 across the state meets the definition of invasive. The Department of Environmental Conservation added mute swans to the New York State list of declared invasive species in 2013 with extremely limited public notice, in fact, only one individual comment was submitted in response to the proposed listing, which was in opposition to any killing of mute swans. Nevertheless, the Department proceeded to list mute swans as an invasive species in New York State, and immediately thereafter, the Department issued a draft mute swan management plan which proposed eradicating the entire population of mute swans in New York State on the basis that they were listed as an invasive species. There is a lack of documentation, including empirical data and scientific research as to whether the eradication of the mute swan population is even minimally beneficial to the ecosystem or to our environment. The Department of Environmental Conservation must engage in a comprehensive notice and comment rulemaking process before relisting mute swans as invasive.

PRIOR LEGISLATIVE HISTORY:

FISCAL IMPLICATIONS: None

EFFECTIVE DATE:

This act shall take effect immediately.

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