SENATE DOCKET, NO. 1133 FILED ON: 1/20/2011

SENATE . . . . . No. 1041

The Commonwealth of Massachusetts

PRESENTED BY:

Mark C. Montigny

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act establishing a Massachusetts cat and dog spay and neuter fund..

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Mark C. Montigny	
Christopher N. Speranzo	*3rd Berkshire*
Christine E. Canavan	*10th Plymouth*
Michael D. Brady	*9th Plymouth*
Robert L. Hedlund	
James J. Dwyer	*30th Middlesex*
James B. Eldridge	
Sheila C. Harrington	*1st Middlesex*
Brian M. Ashe	*2nd Hampden*
Michael F. Rush	*Norfolk and Suffolk*
Jonathan Hecht	*29th Middlesex*
Louis L. Kafka	*8th Norfolk*
Kathi-Anne Reinstein	*16th Suffolk*
Kay Khan	*11th Middlesex*
William N. Brownsberger	
Jennifer E. Benson	*37th Middlesex*
Cheryl A. Coakley-Rivera	*10th Hampden*
John W. Scibak	*2nd Hampshire*

Carl M. Sciortino, Jr.	*34th Middlesex*
David B. Sullivan	*6th Bristol*
John P. Fresolo	*16th Worcester*
Cory Atkins	*14th Middlesex*
Bruce J. Ayers	*1st Norfolk*
Timothy J. Toomey, Jr.	*26th Middlesex*
Alice Hanlon Peisch	*14th Norfolk*
Denise Andrews	*2nd Franklin*

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SENATE . . . . . No. 1041

By Mr. Montigny, petition (accompanied by bill, Senate, No. 1041) of Khan, Reinstein, Kafka and other members of the General Court for legislation to establish a cat and dog spay and nueter fund [Joint Committee on Municipalities and Regional Government].

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE SENATE, NO. *778* OF 2009-2010.]

The Commonwealth of Massachusetts

In the Year Two Thousand Eleven

An Act establishing a Massachusetts cat and dog spay and neuter fund..

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. Chapter 10 of the General Laws is hereby amended by inserting after section 35JJ the following section:- Section 35KK. There shall be established and set up on the books of the commonwealth a separate fund, to be known as the Massachusetts Spay and Neuter Fund, to assist residents of the Commonwealth in paying all or part of any costs associated with reducing the numbers of homeless animals through spaying and neutering. The Fund shall be used to assist persons meeting income limit standards to sterilize and vaccinate dogs and cats, including feral cats, to educate the public about the importance of spaying and neutering, and for necessary and reasonable administrative and personnel costs related to the Fund.

Said fund shall consist of all revenues received by the commonwealth: (I) under the provisions of law authorizing the voluntary check-off donation indicated on the department of revenue's annual income tax return, pursuant to section 6L of chapter 62; and (2) from public and private sources as gifts, grants and donations to further the elimination of homeless animals.

The state treasurer shall not deposit the revenues in or transfer the revenues to the General Fund or to any other fund other than the Massachusetts Cat and Dog Spay and Neuter Fund . The state treasurer shall deposit the fund in accordance with sections 34 and 34A of chapter 29 in such manner as will secure the highest interest rate available consistent with the safety of the fund and with the requirement that all amounts on deposit shall be available for immediate withdrawal at any time. The fund shall be expended only for the purposes stated above at the direction of the commissioner of the Department of Agricultural Resources and any unexpended balances shall be redeposited in the fund for future use consistent with this section.

SECTION 2. Chapter 62 of the General Laws is hereby amended by inserting after section 6L the following section:

Section 6M. (a) An individual who files a separate return and a husband and wife filing a return jointly may voluntarily contribute all or part of any refund to which they are entitled, or may voluntarily add an amount onto any amount due, to be credited to the Massachusetts Cat and Dog Spay and Neuter Fund established pursuant to section thirty-five CC of chapter 10.

A contribution made under this section may be with respect to any taxable year at the time of filing a return of the tax established by this chapter for such taxable year; provided,

however, that the commissioner shall prescribe the manner in which such contribution shall be made on the face of the return required by section five of chapter sixty-two C; provided, further, that the commissioner shall assure that taxpayers filing any such forms are made clearly aware of their ability to make the contributions provided for by this section.

The commissioner shall annually report the total amount designated under this section to the state treasurer, who shall credit such amount to said Massachusetts Cat and Dog Spay and Neuter Fund.

(b) There is hereby established an advisory committee to assist the commissioner in establishing procedures for disbursements from the Massachusetts Cat and Dog Spay and Neuter Fund. Members of the advisory committee shall receive no compensation or reimbursement for expenses incurred in the performance of their duties. The advisory committee shall consist of the following members appointed by the Governor:

(1) one member from a humane society, animal rescue or sheltering organization

(2) one representative from the an association organized in Massachusetts for animal control officers

(3) one representative from the state veterinary medical association

(4) one representative from the Department of Agricultural Resources

(5) one member of the general public with an interest in reducing the number of homeless animals

All members of the advisory committee shall be residents of the commonwealth. The board members shall serve three-year terms; except that three of the members appointed initially shall serve a term of two years. All members shall have an active interest in reducing homeless pets and educating the community regarding the benefits of pet population control in Massachusetts.