

**SENATE . . . . . No. 01041**

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 passage of the accompanying bill:

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

PETITION OF:

NAME:	DISTRICT/ADDRESS:
<i>Mark C. Montigny</i>	<i>Second Bristol and Plymouth</i>
<i>Christopher N. Speranzo</i>	<i>3rd Berkshire</i>
<i>Christine E. Canavan</i>	<i>10th Plymouth</i>
<i>Michael D. Brady</i>	<i>9th Plymouth</i>
<i>Robert L. Hedlund</i>	<i>Plymouth and Norfolk</i>
<i>James J. Dwyer</i>	<i>30th Middlesex</i>
<i>James B. Eldridge</i>	<i>Middlesex and Worcester</i>
<i>Sheila Harrington</i>	<i>1st Middlesex</i>
<i>Brian Ashe</i>	<i>2nd Hampden</i>
<i>Michael F. Rush</i>	<i>Suffolk and Norfolk</i>
<i>Jonathan Hecht</i>	<i>29th Middlesex</i>
<i>Louis L. Kafka</i>	<i>8th Norfolk</i>
<i>Kathi-Anne Reinstein</i>	<i>16th Suffolk</i>
<i>Kay Khan</i>	<i>11th Middlesex</i>
<i>William N. Brownsberger</i>	<i>24th Middlesex</i>
<i>Jennifer E. Benson</i>	<i>37th Middlesex</i>
<i>Cheryl A. Coakley-Rivera</i>	<i>10th Hampden</i>

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

# SENATE . . . . . No. 01041

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 neuter 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:*

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

10 Said fund shall consist of all revenues received by the commonwealth: (1) under the  
11 provisions of law authorizing the voluntary check-off donation indicated on the department of  
12 revenue's annual income tax return, pursuant to section 6L of chapter 62; and (2) from public  
13 and private sources as gifts, grants and donations to further the elimination of homeless animals.

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

22

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

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

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

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

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

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

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

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

48                   (3) one representative from the state veterinary medical association

49                   (4) one representative from the Department of Agricultural Resources

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

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