

REFERENCE TITLE: animal shelters; procedures; requirements

State of Arizona
Senate
Forty-ninth Legislature
First Regular Session
2009

SB 1446

Introduced by
Senator Melvin

AN ACT

AMENDING SECTIONS 11-1006, 11-1013 AND 11-1021, ARIZONA REVISED STATUTES; AMENDING TITLE 11, CHAPTER 7, ARTICLE 6.1, ARIZONA REVISED STATUTES, BY ADDING SECTIONS 11-1021.01 AND 11-1021.02; AMENDING SECTIONS 13-2910, 28-2422.02 AND 43-222, ARIZONA REVISED STATUTES; AMENDING TITLE 43, CHAPTER 10, ARTICLE 5, ARIZONA REVISED STATUTES, BY ADDING SECTION 43-1073.01; RELATING TO ANIMAL CONTROL.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 11-1006, Arizona Revised Statutes, is amended to
3 read:

4 11-1006. Hearing officer; hearing on civil violations; post
5 seizure hearing; additional remedies

6 A. A county board of supervisors that establishes a civil penalty for
7 violating an animal statute or ordinance may appoint one or more hearing
8 officers to hear and determine such cases. The board may appoint a county
9 employee to serve as hearing officer in addition to ~~his~~ THE EMPLOYEE'S other
10 work.

11 B. The hearing officer shall hold a hearing on each violation reported
12 by the county enforcement agent. Notice of the hearing shall be served
13 personally on the defendant at least ten days before the hearing. The county
14 enforcement agent shall use a uniform traffic ticket and complaint for civil
15 traffic cases pursuant to the rules of procedure in traffic cases adopted by
16 the supreme court, modified as applicable, in citing persons for violations
17 of ordinances adopted with a civil penalty pursuant to section 11-1005,
18 subsection A, paragraph 6, subdivision (b).

19 C. At the hearing the county enforcement agent shall present evidence
20 of the violation and the defendant, or ~~his~~ THE DEFENDANT'S attorney or other
21 designated representative, shall have an opportunity to present evidence. The
22 county attorney may represent and present evidence for the county enforcement
23 agent.

24 D. At the conclusion of the hearing the hearing officer shall
25 determine whether a violation occurred and, if so, impose civil penalties
26 provided for under section 11-1005, subsection A, paragraph 6, subdivision
27 (b). Monies collected for civil penalties shall be deposited in the county
28 general fund. The board of supervisors shall adopt, in the same manner as
29 the animal ordinances, written rules of procedure for the hearings and review
30 of hearings. Final decisions of the hearing officer under this subsection
31 are subject to judicial review under title 12, chapter 7, article 6.

32 E. IF THE COUNTY ENFORCEMENT AGENT OR A PEACE OFFICER SEIZES OR
33 IMPOUNDS AN ANIMAL BASED ON A REASONABLE BELIEF THAT PROMPT ACTION IS
34 REQUIRED TO PROTECT THE HEALTH OR SAFETY OF THE ANIMAL OR THE HEALTH OR
35 SAFETY OF OTHERS, THE AGENT OR OFFICER SHALL PROVIDE NOTICE TO THE OWNER OR
36 KEEPER OF THE ANIMAL, IF KNOWN, OF THE OPPORTUNITY FOR A POST SEIZURE HEARING
37 TO DETERMINE THE VALIDITY OF THE SEIZURE OR IMPOUNDMENT.

38 ~~E.~~ F. In addition to other remedies provided by law, the board of
39 supervisors, the county attorney, the county enforcement agent or a private
40 individual or other entity that is specially damaged by a violation of an
41 animal statute or ordinance may institute an injunction, mandamus, abatement
42 or other appropriate action or proceeding to prevent or abate the violation.

1 Sec. 2. Section 11-1013, Arizona Revised Statutes, is amended to read:
2 11-1013. Establishment of county pounds; impounding and
3 disposing of dogs and cats; reclaiming impounded
4 dogs and cats; pound fees

5 A. The board of supervisors in each county may provide or authorize a
6 county pound or pounds or enter into a cooperative agreement with a city, a
7 veterinarian or an Arizona incorporated humane society for the establishment
8 and operation of a county pound.

9 B. Any stray dog shall be impounded. All dogs and cats impounded
10 shall be given proper care and maintenance.

11 C. Each stray dog or any cat impounded shall be kept and maintained at
12 the county pound for ~~a minimum of~~ **AT LEAST** seventy-two hours **OR ONE HUNDRED**
13 **TWENTY HOURS FOR A LICENSED ANIMAL**, unless claimed by its owner. Any person
14 may purchase such a dog or cat ~~upon~~ **ON** expiration of the impoundment period,
15 ~~provided such~~ **IF THE** person pays all pound fees established by the county
16 board of supervisors and complies with the licensing and vaccinating
17 provisions of this article. If such dog or cat is to be used for medical
18 research, no license or vaccination shall be required.

19 D. Any impounded licensed dog or any cat may be reclaimed by its owner
20 or such owner's agent provided that the person reclaiming the dog or cat
21 furnishes proof of ~~his~~ **THE PERSON'S** right to do so and pays all pound fees
22 established by the board of supervisors. Any person purchasing such a dog or
23 cat shall pay all pound fees established by the board of supervisors.

24 E. If the dog or cat is not reclaimed within the impoundment period,
25 the county enforcement agent shall take possession of and may place the dog
26 or cat for sale or may dispose of the dog or cat in a humane manner. The
27 county enforcement agent may destroy impounded sick or injured dogs or cats
28 if destruction is necessary to prevent the dog or cat from suffering or to
29 prevent the spread of disease.

30 Sec. 3. Section 11-1021, Arizona Revised Statutes, is amended to read:
31 11-1021. Proper care, maintenance, release and destruction of
32 impounded animals

33 A. Any animal impounded in a county, city or town pound shall be given
34 ~~proper and humane care and maintenance~~ **NECESSARY AND PROMPT HUMANE CARE,**
35 **ADEQUATE NUTRITION, WATER AND SHELTER AND KIND TREATMENT.**

36 B. **IF THE ANIMAL HAS ANY IDENTIFICATION, THE POUND SHALL MAKE A**
37 **REASONABLE ATTEMPT TO NOTIFY THE OWNER OF THE ANIMAL'S LOCATION.**

38 C. **IF THE POUND HAS FEWER THAN THREE FULL-TIME EMPLOYEES OR IS NOT**
39 **OPEN DURING ALL REGULAR WEEKDAY BUSINESS HOURS, IT SHALL ESTABLISH A**
40 **PROCEDURE THAT ENABLES OWNERS TO RECLAIM THEIR ANIMALS BY APPOINTMENT AT A**
41 **MUTUALLY AGREEABLE TIME WHEN THE POUND WOULD OTHERWISE BE CLOSED.**

42 D. **BEFORE DESTROYING AN IMPOUNDED ANIMAL FOR ANY REASON OTHER THAN**
43 **IRREMIABLE SUFFERING OR TO PREVENT THE SPREAD OF DISEASE, THE POUND MAY**
44 **RELEASE THE ANIMAL TO A COUNTY-APPROVED NONPROFIT ANIMAL RESCUE OR ADOPTION**
45 **ORGANIZATION AT THE REQUEST OF THE ORGANIZATION. IN ADDITION TO ANY REQUIRED**

1 STERILIZATION DEPOSIT, THE POUND MAY ASSESS A FEE, NOT TO EXCEED THE ADOPTION
2 FEE, FOR THE RELEASE OF THE ANIMAL.

3 E. A FERAL CAT SHALL BE KEPT AND MAINTAINED AT THE POUND FOR AT LEAST
4 SEVENTY-TWO HOURS. THE POUND SHALL VERIFY WHETHER THE ANIMAL IS A FERAL CAT
5 USING A STANDARDIZED PROTOCOL. FOR THE PURPOSES OF THIS SUBSECTION, "FERAL
6 CAT" MEANS A CAT THAT DOES NOT HAVE OWNER IDENTIFICATION OF ANY KIND, WHOSE
7 USUAL AND CONSISTENT TEMPERAMENT IS EXTREME FEAR OF AND RESISTANCE TO CONTACT
8 WITH PEOPLE AND THAT IS TOTALLY UNSOCIALIZED TO PEOPLE.

9 ~~B-~~ F. Any animal destroyed while impounded in a county, city or town
10 pound shall be destroyed only by the use of one of the following:

- 11 1. Sodium pentobarbital or a derivative of sodium pentobarbital.
- 12 2. Nitrogen gas.
- 13 3. T-61 euthanasia solution or its generic equivalent.

14 ~~G-~~ G. If an animal is destroyed by means specified in subsection ~~B-~~
15 F, paragraph 1 or 3 of this section, it shall be done by a licensed
16 veterinarian or in accordance with procedures established by the state
17 veterinarian pursuant to section 3-1213.

18 ~~D-~~ H. The governing body of any county, city or town ~~which~~ THAT
19 operates a pound shall establish procedures for the humane destruction of
20 impounded animals by the methods described in subsections ~~B-~~ F and ~~G-~~ G of
21 this section.

22 Sec. 4. Title 11, chapter 7, article 6.1, Arizona Revised Statutes, is
23 amended by adding sections 11-1021.01 and 11-1021.02, to read:

24 11-1021.01. Adoptable animals; impoundment records

25 A. AN ADOPTABLE ANIMAL SHALL NOT BE EUTHANIZED IF IT CAN BE ADOPTED
26 INTO A SUITABLE HOME. ADOPTABLE ANIMALS INCLUDE ONLY THOSE ANIMALS THAT ARE
27 EIGHT WEEKS OF AGE OR OLDER AND THAT, AT OR SUBSEQUENT TO THE TIME THE ANIMAL
28 IS IMPOUNDED OR OTHERWISE TAKEN INTO POSSESSION, HAVE MANIFESTED NO SIGN OF A
29 BEHAVIORAL OR TEMPERAMENTAL DEFECT THAT COULD POSE A HEALTH OR SAFETY RISK OR
30 OTHERWISE MAKE THE ANIMAL UNSUITABLE FOR PLACEMENT AS A PET AND HAVE
31 MANIFESTED NO SIGN OF DISEASE, INJURY OR CONGENITAL OR HEREDITARY CONDITION
32 THAT ADVERSELY AFFECTS THE HEALTH OF THE ANIMAL OR THAT IS LIKELY TO
33 ADVERSELY AFFECT THE ANIMAL'S HEALTH IN THE FUTURE.

34 B. ANY POUND OR ANIMAL SHELTER SHALL KEEP ACCURATE RECORDS ON EACH
35 ANIMAL TAKEN UP, MEDICALLY TREATED, DESTROYED OR IMPOUNDED. THE RECORDS
36 SHALL INCLUDE THE FOLLOWING INFORMATION:

- 37 1. THE DATE THE ANIMAL WAS TAKEN UP, MEDICALLY TREATED, DESTROYED OR
38 IMPOUNDED.
- 39 2. THE CIRCUMSTANCES UNDER WHICH THE ANIMAL WAS TAKEN UP, MEDICALLY
40 TREATED, DESTROYED OR IMPOUNDED.
- 41 3. A DESCRIPTION OF ANY MEDICAL TREATMENT PROVIDED TO THE ANIMAL AND
42 THE NAME OF THE VETERINARIAN OF RECORD.

43 4. THE FINAL DISPOSITION OF THE ANIMAL.

44 C. THE RECORDS SHALL BE MAINTAINED FOR AT LEAST THREE YEARS AFTER THE
45 DATE THE ANIMAL'S IMPOUNDMENT ENDS.

11-1021.02. Lost and found posting

ANY POUND OR ANIMAL SHELTER SHALL PROVIDE THE OWNERS OF LOST ANIMALS AND PERSONS WHO FIND LOST ANIMALS WITH ALL OF THE FOLLOWING:

1. THE ABILITY TO POST THE ANIMALS THEY HAVE LOST OR FOUND.
2. THE ABILITY TO ACCESS OTHER POSTINGS OF LOST OR FOUND ANIMALS.
3. THE TELEPHONE NUMBERS AND ADDRESSES OF OTHER POUNDS AND SHELTERS IN THE SAME AREA.
4. ADVICE AS TO MEANS OF PUBLISHING AND DISSEMINATING INFORMATION REGARDING LOST ANIMALS.
5. THE TELEPHONE NUMBERS AND ADDRESSES OF VOLUNTEER GROUPS THAT MAY BE OF ASSISTANCE IN LOCATING LOST ANIMALS.

Sec. 5. Section 13-2910, Arizona Revised Statutes, is amended to read:

13-2910. Cruelty to animals; interference with working or service animal; classification; definitions

A. A person commits cruelty to animals if the person does any of the following:

1. Intentionally, knowingly or recklessly subjects any animal under the person's custody or control to cruel neglect or abandonment.
2. Intentionally, knowingly or recklessly fails to provide medical attention necessary to prevent protracted suffering to any animal under the person's custody or control.
3. Intentionally, knowingly or recklessly inflicts unnecessary physical injury to any animal.
4. Recklessly subjects any animal to cruel mistreatment.
5. Intentionally, knowingly or recklessly kills any animal under the custody or control of another person without either legal privilege or consent of the owner.
6. Recklessly interferes with, kills or harms a working or service animal without either legal privilege or consent of the owner.
7. Intentionally, knowingly or recklessly leaves an animal unattended and confined in a motor vehicle and physical injury to or death of the animal is likely to result.
8. Intentionally or knowingly subjects any animal under the person's custody or control to cruel neglect or abandonment that results in serious physical injury to the animal.
9. Intentionally or knowingly subjects any animal to cruel mistreatment.
10. Intentionally or knowingly interferes with, kills or harms a working or service animal without either legal privilege or consent of the owner.
11. Intentionally or knowingly allows any dog that is under the person's custody or control to interfere with, kill or cause physical injury to a service animal.
12. Recklessly allows any dog that is under the person's custody or control to interfere with, kill or cause physical injury to a service animal.

1 13. Intentionally or knowingly obtains or exerts unauthorized control
2 over a service animal with the intent to deprive the service animal handler
3 of the service animal.

4 B. It is a defense to subsection A of this section if:

5 1. Any person exposes poison to be taken by a dog that has killed or
6 wounded livestock or poison to be taken by predatory animals on premises
7 owned, leased or controlled by the person for the purpose of protecting the
8 person or the person's livestock or poultry, ~~and~~ the treated property is kept
9 posted by the person who authorized or performed the treatment until the
10 poison has been removed, ~~and~~ the poison is removed by the person exposing
11 the poison after the threat to the person, ~~or~~ the person's livestock or
12 poultry has ceased to exist. The posting required shall provide adequate
13 warning to persons who enter the property by the point or points of normal
14 entry. The warning notice that is posted shall be readable at a distance of
15 fifty feet, shall contain a poison statement and symbol and shall state the
16 word "danger" or "warning".

17 2. Any person uses poisons in and immediately around buildings owned,
18 leased or controlled by the person for the purpose of controlling wild and
19 domestic rodents as otherwise allowed by the laws of the state, excluding any
20 fur-bearing animals as defined in section 17-101.

21 C. This section does not prohibit or restrict:

22 1. The taking of wildlife or other activities permitted by or pursuant
23 to title 17.

24 2. Activities permitted by or pursuant to title 3.

25 3. Activities regulated by the Arizona game and fish department or the
26 Arizona department of agriculture.

27 D. A peace officer, animal control enforcement agent or animal control
28 enforcement deputy may use reasonable force to open a vehicle to rescue an
29 animal if the animal is left in the vehicle as prescribed in subsection A,
30 paragraph 7 of this section.

31 E. A person who is convicted of a violation of subsection A, paragraph
32 6 or 10 of this section is liable as follows:

33 1. If the working or service animal was killed or disabled, to the
34 owner or agency that owns the working or service animal and that employs the
35 handler or to the owner or handler for the replacement and training costs of
36 the working or service animal and for any veterinary bills.

37 2. To the owner or agency that owns a working or service animal for
38 the salary of the handler for the period of time that the handler's services
39 are lost to the owner or agency.

40 3. To the owner for the owner's contractual losses with the agency.

41 F. An incorporated city or town or a county may adopt an ordinance
42 with misdemeanor provisions at least as stringent as the misdemeanor
43 provisions of this section.

44 G. AS A CONDITION OF PROBATION, THE COURT MAY PROHIBIT A PERSON WHO IS
45 CONVICTED OF A VIOLATION OF THIS SECTION FROM OWNING ANIMALS.

1 ~~G.~~ H. A person who violates subsection A, paragraph 1, 2, 3, 4, 5, 6,
2 7 or 12 of this section is guilty of a class 1 misdemeanor. A person who
3 violates subsection A, paragraph 8, 9, 10, 11 or 13 of this section is guilty
4 of a class 6 felony.

5 ~~H.~~ I. For the purposes of this section:

6 1. "Animal" means a mammal, bird, reptile or amphibian.

7 2. "Cruel mistreatment" means to torture or otherwise inflict
8 unnecessary serious physical injury upon an animal or to kill an animal in a
9 manner that causes protracted suffering to the animal.

10 3. "Cruel neglect" means to fail to provide an animal with necessary
11 food, water or shelter.

12 4. "Handler" means a law enforcement officer or any other person who
13 has successfully completed a course of training prescribed by the person's
14 agency or the service animal owner and who used a specially trained animal
15 under the direction of the person's agency or the service animal owner.

16 5. "Service animal" means an animal that has completed a formal
17 training program, that assists its owner in one or more daily living tasks
18 that are associated with a productive lifestyle and that is trained to not
19 pose a danger to the health and safety of the general public.

20 6. "Working animal" means a horse or dog that is used by a law
21 enforcement agency, that is specially trained for law enforcement work and
22 that is under the control of a handler.

23 Sec. 6. Section 28-2422.02, Arizona Revised Statutes, is amended to
24 read:

25 28-2422.02. Spaying and neutering of animals fund: definitions

26 A. The spaying and neutering of animals fund is established consisting
27 of monies received pursuant to section 28-2422 **AND VOLUNTARY CASH**
28 **CONTRIBUTIONS MADE PURSUANT TO SECTION 43-1073.01**. The companion animal spay
29 and neuter committee shall administer the fund. The first thirty-two
30 thousand dollars received shall be reimbursed to the entity that paid the
31 implementation fee to the department of transportation pursuant to section
32 28-2422. Excluding the initial thirty-two thousand dollar reimbursement, not
33 more than ten per cent of monies deposited in the fund annually shall be used
34 for the cost of administering the fund. Monies in the fund are continuously
35 appropriated.

36 B. The companion animal spay and neuter committee shall allocate
37 monies to a qualifying entity that allocates the monies to programs that seek
38 to reduce pet overpopulation by sterilizing, at minimal or no cost, dogs and
39 cats in this state, including those that are impounded and sterilized
40 pursuant to section 11-1022. The companion animal spay and neuter committee
41 shall annually distribute all monies deposited in the spaying and neutering
42 of animals fund, excluding administrative fees, to any qualifying entities.
43 Funds awarded pursuant to this section shall not be used to sterilize animals
44 that may be euthanized unless euthanasia becomes necessary due to illness,
45 injury or behavior.

1 C. On notice from the companion animal spay and neuter committee, the
2 state treasurer shall invest and divest monies in the fund as provided by
3 section 35-313, and monies earned from investment shall be credited to the
4 fund.

5 D. Monies in the fund are exempt from the provisions of section 35-190
6 relating to lapsing of appropriations.

7 E. Before allocating monies pursuant to subsection B of this section:

8 1. The companion animal spay and neuter committee shall prepare and
9 issue a request for donation application that includes at least the following
10 information:

11 (a) A description of the project types eligible for funding, including
12 the scope of the work to be performed by an awardee.

13 (b) Identification of the funding source and the total amount of
14 available monies.

15 (c) Whether a single award or multiple awards may be made.

16 (d) Encouragement of collaboration by entities for community
17 partnerships, if appropriate.

18 (e) Any additional information required by the applications.

19 (f) The criteria or factors under which an application will be
20 evaluated for award and the relative importance of each criteria or factor.

21 (g) The due date for submittal of an application and the anticipated
22 time the awards may be made.

23 2. Adequate public notice of the request for donation application
24 shall be given a reasonable time before the date set forth in the request for
25 application. The notice may include publication one or more times in a
26 newspaper of general circulation in this state a reasonable time before the
27 application opening.

28 3. A preapplication conference may be conducted before the due date
29 for the submittal of an application to explain the donation application
30 requirements. Statements made at a preapplication conference are not
31 amendments to a request for a donation application unless a written amendment
32 is issued.

33 4. A donation application shall be publicly received at the time and
34 place designated in the request for donation application. The name of each
35 applicant shall be publicly read and recorded. All other information in the
36 donation application is confidential during the process of evaluation. All
37 applications shall be open for public inspection after donations are awarded.
38 To the extent the applicant designates and the state concurs, trade secrets
39 and other proprietary information contained in the application shall remain
40 confidential.

41 5. An application shall be evaluated by at least four evaluators who
42 are members of the companion animal spay and neuter committee. The
43 evaluators may allow an applicant to make an oral or written presentation
44 regarding the scope of work, terms and conditions of the donations, budget
45 and other relevant matters set forth in the request for application. An

1 applicant shall be accorded fair treatment with respect to any opportunity
2 for oral or written presentations. The evaluators may require an applicant
3 to revise the application to reflect information provided in an oral or
4 written presentation. Any person who has information contained in the
5 application of competing applicants shall not disclose that information.

6 6. The evaluators shall review each application based solely on the
7 evaluation criteria or factors set forth in the request for donation
8 application. Each evaluator shall maintain a written record of the
9 evaluator's assessment of each application, which shall include comments
10 regarding compliance with each evaluation criteria or factor, the citation of
11 a specific criteria or factor as the basis of each stated strength or
12 weakness and a clear differentiation between comments based on facts
13 presented in the application and comments based on professional judgment.

14 7. The evaluators shall make award recommendations to the companion
15 animal spay and neuter committee based on the evaluators' reviews of each
16 application. The evaluators' recommendations may include the adjustment of
17 the budgets of the applicants individually or collectively.

18 8. The companion animal spay and neuter committee may affirm, modify
19 or reject the evaluators' recommendations in whole or in part. Modification
20 of the evaluators' recommendations may include the adjustment of the budget
21 on any proposed award individually or on all awards by an amount or
22 percentage. If the companion animal spay and neuter committee modifies or
23 rejects the recommendations, the committee shall document in writing the
24 specific justifications for the action taken.

25 9. The companion animal spay and neuter committee may enter into
26 agreements with other state governmental units to furnish assistance in
27 conducting the solicitation of donation applications.

28 10. The companion animal spay and neuter committee may resolve protests
29 of the award or proposed award of a donation. An appeal from a decision of
30 the companion animal spay and neuter committee may be made to the director of
31 the department of administration. A protest of an award or proposed award of
32 a donation and any appeals shall be resolved in accordance with the rules of
33 procedure adopted by the department of administration pursuant to section
34 41-2611.

35 F. On or before December 31 of each year, the companion animal spay
36 and neuter committee shall submit a written report to the governor, the
37 president of the senate and the speaker of the house of representatives on
38 all expenditures made from the fund in that calendar year. The report shall
39 include all administrative expenses, all grants of monies, the names of
40 grantees and any remaining balance in the fund. The committee shall provide
41 a copy of the report to the secretary of state and the director of the
42 Arizona state library, archives and public records.

43 G. The companion animal spay and neuter committee shall make available
44 to the public a list of all grants awarded pursuant to this section.

1 H. For the purposes of this section:

2 1. "Donation" means furnishing financial or other assistance,
3 including state monies or federal grant monies, by the companion animal spay
4 and neuter committee to any qualifying entity that allocates the monies to
5 programs that seek to reduce pet overpopulation by sterilizing, at minimal or
6 no cost, dogs and cats in this state that are owned by the general public or
7 that are impounded and sterilized pursuant to section 11-1022.

8 2. "Qualifying entity" means either of the following:

9 (a) An animal welfare organization that files under section 501(c)(3)
10 of the United States internal revenue code for federal income tax purposes
11 and that offers or subsidizes sterilization services of dogs and cats,
12 including organizations represented on the companion animal spay and neuter
13 committee.

14 (b) An animal control agency that offers or subsidizes sterilization
15 services of dogs and cats, including organizations represented on the
16 companion animal spay and neuter committee.

17 Sec. 7. Section 43-222, Arizona Revised Statutes, is amended to read:

18 43-222. Income tax credit review schedule

19 Each year the joint legislative income tax credit review committee
20 shall review the following income tax credits:

21 1. In 2007, sections 43-1077, 43-1078, 43-1079, 43-1080, 43-1165,
22 43-1166, 43-1167 and 43-1169.

23 2. In 2008, sections 43-1074.01, 43-1081, 43-1168, 43-1170 and
24 43-1178.

25 3. In 2009, sections 43-1076, 43-1081.01, 43-1084, 43-1162 and
26 43-1170.01.

27 4. In 2010, sections 43-1075, 43-1075.01, 43-1079.01, 43-1087,
28 43-1088, 43-1090.01, 43-1163, 43-1163.01, 43-1167.01, 43-1175 and 43-1182.

29 5. In 2011, sections 43-1074.02, 43-1083, 43-1085, 43-1164 and
30 43-1183.

31 6. In 2012, sections 43-1073, 43-1086, 43-1089, 43-1089.01,
32 43-1089.02, 43-1090, 43-1176 and 43-1181.

33 7. IN 2014, SECTION 43-1073.01.

34 Sec. 8. Title 43, chapter 10, article 5, Arizona Revised Statutes, is
35 amended by adding section 43-1073.01, to read:

36 43-1073.01. Credit for spay or neuter expenses; definition

37 A. A CREDIT IS ALLOWED AGAINST THE TAXES IMPOSED BY THIS TITLE FOR
38 VOLUNTARY CASH CONTRIBUTIONS MADE BY THE TAXPAYER DURING THE TAXABLE YEAR TO
39 THE SPAYING AND NEUTERING OF ANIMALS FUND ESTABLISHED BY SECTION 28-2422.02
40 OR TO A QUALIFYING ANIMAL SHELTER TO DEFRAY THE COSTS FOR SPAY OR NEUTER
41 SERVICES, BUT NOT EXCEEDING:

42 1. TEN DOLLARS IN ANY TAXABLE YEAR FOR A SINGLE INDIVIDUAL OR A HEAD
43 OF HOUSEHOLD.

44 2. TWENTY DOLLARS IN ANY TAXABLE YEAR FOR A MARRIED COUPLE FILING A
45 JOINT RETURN.

1 B. A HUSBAND AND WIFE WHO FILE SEPARATE RETURNS FOR A TAXABLE YEAR IN
2 WHICH THEY COULD HAVE FILED A JOINT RETURN MAY EACH CLAIM ONLY ONE-HALF OF
3 THE TAX CREDIT THAT WOULD HAVE BEEN ALLOWED FOR A JOINT RETURN.

4 C. IF THE ALLOWABLE TAX CREDIT EXCEEDS THE TAXES OTHERWISE DUE UNDER
5 THIS TITLE ON THE CLAIMANT'S INCOME, OR IF THERE ARE NO TAXES DUE UNDER THIS
6 TITLE, THE TAXPAYER MAY CARRY FORWARD THE AMOUNT OF THE CLAIM NOT USED TO
7 OFFSET THE TAXES UNDER THIS TITLE FOR NOT MORE THAN FIVE CONSECUTIVE TAXABLE
8 YEARS' INCOME TAX LIABILITY.

9 D. FOR THE PURPOSES OF THIS SECTION, "QUALIFYING ANIMAL SHELTER" MEANS
10 A COUNTY POUND ESTABLISHED PURSUANT TO SECTION 11-1013.

11 Sec. 9. Legislative findings; purposes

12 A. The legislature finds and declares the following;

13 1. That public and private shelters and humane organizations share a
14 common purpose in saving animals' lives, preventing animal suffering and
15 eliminating animal abandonment.

16 2. That public and private shelters and humane groups should work
17 together to end euthanasia of adoptable and treatable animals by 2020.

18 B. The legislature encourages private citizens to support spaying and
19 neutering of animals through purchase of the spaying and neutering of animals
20 special plates and by providing other monetary donations to animal shelters
21 to defray the costs for spay and neuter services.

22 C. Pursuant to section 43-223, Arizona Revised Statutes, the
23 legislature enacts section 43-1073.01, Arizona Revised Statutes, as added by
24 this act, to encourage taxpayers to make voluntary cash contributions to the
25 spaying and neutering of animals fund established by section 28-2422.02,
26 Arizona Revised Statutes, as amended by this act, and to qualifying animal
27 shelters.

28 Sec. 10. Short title

29 This act may be cited as the "No Kill Animal Shelter Act".