

1 COMMITTEE SUBSTITUTE

2 FOR

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4 FOR

5 **Senate Bill No. 479**

6 (By Senators Kessler (Mr. President), Jenkins, Stollings and

7 Yost)

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9 _____
[Originating in the Committee on the Judiciary;

10 reported February 24, 2012.]

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13 A BILL to amend the Code of West Virginia, 1931, as amended, by
14 adding thereto a new article, designated §19-20C-1, §19-20C-2,
15 §19-20C-3, §19-20C-4, §19-20C-5, §19-20C-6 and §19-20C-7, all
16 relating to establishing the West Virginia Spay Neuter Program
17 and Fund; establishing low-cost spay neuter and vaccination
18 program for residents receiving public assistance; creating
19 list of participating veterinarians to be reimbursed eighty
20 percent of the cost; creating voluntary checkoff option to
21 donate a portion of the tax refund to the fund; providing a
22 form for the checkoff program; designating the Commissioner of
23 the Department of Agriculture to manage the fund and program;
24 limiting administrative expenses of fund; requiring annual

1 reporting; authorizing rulemaking; and permitting
2 administrative penalties.

3 *Be it enacted by the Legislature of West Virginia:*

4 That the Code of West Virginia, 1931, as amended, be amended
5 by adding thereto a new article, designated §19-20C-1, §19-20C-2,
6 §19-20C-3, §19-20C-4, §19-20C-5, §19-20C-6 and §19-20C-7, all to
7 read as follows:

8 **ARTICLE 20C. WEST VIRGINIA SPAY NEUTER PROGRAM.**

9 **§19-20C-1. West Virginia Spay Neuter Program.**

10 The Department of Agriculture shall establish and implement a
11 spay neuter assistance program. The purpose of this program shall
12 be to reduce the population of unwanted and stray dogs and cats by
13 encouraging the owners of dogs and cats to have them sterilized,
14 thereby reducing potential threats to public health and safety from
15 rabies and other problems posed by the growing population of
16 unwanted and stray animals, and by providing low-cost animal
17 sterilization services to owners meeting at least one of the
18 criteria of need.

19 **§19-20C-2. Eligibility of owner of dog or cat to participate.**

20 (a) A resident of the state who owns a dog or cat and who is
21 eligible for one of the following programs shall also be eligible
22 to participate in the West Virginia Spay Neuter Program if the
23 owner shows proof of program participation, signs a consent form
24 certifying that the person is the owner of the dog or cat, or is

1 authorized by the owner, to present the dog or cat for the
2 procedure and pays a fee of \$15:

3 (1) Supplemental Assistance Program (SNAP);

4 (2) Medicaid;

5 (3) Supplemental Security Income;

6 (4) WV WORKS; or

7 (5) General public assistance as set forth by the department
8 by rule.

9 (b) Dogs and cats imported from out of state into West
10 Virginia animal shelters or adoption agencies shall not be eligible
11 for this program.

12 **§19-20C-3. Veterinarian participation.**

13 (a) Any veterinarian licensed in this state may participate in
14 this program. The commissioner shall establish an application to
15 be completed by a participating veterinarian that shall include the
16 fee schedule for animal sterilization, examination and presurgical
17 immunizations. The animal sterilization fee may vary with the
18 animal's weight, sex and species.

19 (b) The commissioner may disqualify any veterinarian from
20 participating in the program if his or her fees are deemed
21 unreasonable, or are not the veterinarian's fees charged in the
22 normal course of business.

23 (c) To the extent funds are available, the commissioner shall
24 reimburse participating veterinarians for eighty percent of the

1 fee, less payment paid by the owner to the veterinarian as provided
2 herein, for each animal sterilization procedure administered. To
3 receive this reimbursement, the veterinarian shall submit an animal
4 sterilization certificate that is signed by the veterinarian and
5 the owner of the animal.

6 (d) For animals sterilized pursuant to this article, the
7 commissioner shall also reimburse, to the extent funds are
8 available, any licensed veterinarian of this state participating in
9 the program for the presurgical immunization of dogs and cats.
10 Reimbursement for eighty percent of the fee of the presurgical
11 immunization shall be made by the commissioner to the participating
12 veterinarian upon the written certification, signed by the
13 veterinarian and the owner of the animal, that the immunization has
14 been administered. There shall be no additional charges to the
15 owners of animals sterilized under this article.

16 **§19-20C-4. Fund established; acceptance of funds.**

17 (a) There is created in the State Treasury a special revenue
18 account to be designated the West Virginia Spay Neuter Fund.
19 Expenditures from the fund are for the purposes set forth in this
20 article and are to be made only in accordance with appropriation by
21 the Legislature and in accordance with the provisions of article
22 three, chapter twelve of this code and upon the fulfillment of the
23 provisions set forth in article two, chapter eleven-b of this code.

24 (b) All moneys received and collected pursuant to this article

1 shall be deposited into the fund. The fund may receive any gifts,
2 grants, contributions or other money from any source that is
3 specifically designated for deposit into the fund.

4 (c) Administrative expenses of the department may not exceed
5 ten percent of the funds deposited in any fiscal year. The
6 remainder shall be used exclusively for implementation of the
7 program, specifically veterinarian reimbursement for spaying and
8 neutering dogs and cats.

9 (d) The commissioner shall make an annual report relative to
10 the progress of the program beginning in 2013 to the Joint
11 Committee on Government and Finance.

12 **§19-20C-5. Tax checkoff for West Virginia Spay Neuter Fund.**

13 (a) Each West Virginia individual income tax return form shall
14 contain a designation as follows:

15 **"West Virginia Spay Neuter Checkoff Program** - Donations to be
16 used as a source of revenue for the West Virginia Spay Neuter Fund
17 to decrease the number of homeless, neglected and euthanized dogs
18 and cats in West Virginia.

19 Check () if you wish to designate \$5, \$10, \$25 or more of
20 your tax refund for this program. If joint return, check () if
21 spouse wishes to designate \$5, \$10, \$25 or more."

22 (b) Each individual taxpayer desiring to contribute to the
23 West Virginia Spay Neuter Checkoff Program may designate by placing
24 an "X" in the appropriate box on the state income tax return form.

1 His or her contribution shall be credited to the program.

2 **§19-20C-6. Rulemaking.**

3 The commissioner shall propose rules for legislative approval
4 in accordance with article three, chapter twenty-nine-a of this
5 code, to implement the provisions of this article, including the
6 format and content of forms, proof of eligibility, veterinarian
7 reimbursement, administration of the fund, penalties and any rules
8 necessary for the administration of the program.

9 **§19-20C-7. Administrative penalty.**

10 Any person who knowingly falsifies proof of eligibility for,
11 or participation in, the West Virginia Spay Neuter Program, who
12 furnishes any licensed veterinarian with inaccurate information
13 concerning the ownership of an animal submitted for a sterilization
14 procedure, who furnishes the commissioner with false information
15 concerning an animal sterilization fee schedule or an animal
16 sterilization certificate or who violates a provision of this
17 article or its rules may be subject to an administrative penalty
18 not to exceed \$500 for each violation.