

1 COMMITTEE SUBSTITUTE

2 FOR

3 **Senate Bill No. 479**

4 (By Senators Kessler (Mr. President), Jenkins, Stollings and
5 Yost)

6 _____
7 [Originating in the Committee on Agriculture;
8 reported February 22, 2012.]
9 _____

10
11 A BILL to amend the Code of West Virginia, 1931, as amended, by
12 adding thereto a new article, designated §19-20C-1, §19-20C-2,
13 §19-20C-3, §19-20C-4, §19-20C-5, §19-20C-6 and §19-20C-7, all
14 relating to establishing the West Virginia Spay Neuter Program
15 and Fund; establishing low-cost spay neuter and vaccination
16 program for residents receiving public assistance; creating
17 list of participating veterinarians to be reimbursed eighty
18 percent of the cost; creating voluntary checkoff option to
19 donate a portion of the tax refund to the fund; designating
20 the Commissioner of the Department of Agriculture to manage
21 the fund and program; limiting administrative expenses of
22 fund; requiring annual reporting; authorizing rulemaking; and
23 permitting administrative penalties.

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

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

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

6 **§19-20C-1. West Virginia Spay Neuter Program.**

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

16 **§19-20C-2. Eligibility of Owner of Dog or Cat to Participate.**

17 (a) A resident of the state who owns a dog or cat and who is
18 eligible for one of the following programs shall also be eligible
19 to participate in the West Virginia Spay Neuter Program if the
20 owner shows proof of program participation, signs a consent form
21 certifying that the person is the owner of the dog or cat, or is
22 authorized by the owner, to present the dog or cat for the
23 procedure, and pays a fee of \$15:

24 (1) Supplemental Assistance Program (SNAP);

1 (2) Medicaid;
2 (3) Supplemental Security Income;
3 (4) WV WORKS; or
4 (5) General public assistance as set forth by the department
5 by rule.

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

9 **§19-20C-3. Veterinarian Participation.**

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

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

20 (c) To the extent funds are available, the commissioner shall
21 reimburse, participating veterinarians for eighty percent of the
22 fee, less payment paid by the owner to the veterinarian as provided
23 herein, for each animal sterilization procedure administered. To
24 receive this reimbursement, the veterinarian shall submit an animal

1 sterilization certificate that is signed by the veterinarian and
2 the owner of the animal.

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

13 **§19-20C-4. Fund Established; Acceptance of Funds.**

14 (a) There is created in the State Treasury a special revenue
15 account to be designated the West Virginia Spay Neuter Fund.
16 Expenditures from the fund are for the purposes set forth in this
17 article and are not authorized from collections but are to be made
18 only in accordance with appropriation by the Legislature and in
19 accordance with the provisions of article three, chapter twelve of
20 this code and upon the fulfillment of the provisions set forth in
21 article two, chapter eleven-b of this code.

22 (b) All moneys received and collected pursuant to section ____
23 of this article shall be deposited into the fund. The fund may
24 receive any gifts, grants, contributions or other money from any

1 source that is specifically designated for deposit into the fund.

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

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

10 **§19-20C-5. Tax Checkoff For West Virginia Spay Neuter Fund.**

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

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

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

20 (b) Each individual taxpayer desiring to contribute to the
21 West Virginia Spay Neuter Checkoff Program may designate by placing
22 an "X" in the appropriate box on the state income tax return form.
23 His or her contribution shall be credited to the program.

24 **§19-20C-6. Rulemaking.**

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

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

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