1	Senate Bill No. 75
2	(By Senator Unger)
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4	[Introduced January 11, 2012; referred to the Committee on
5	Agriculture; and then to the Committee on Government
6	Organization.]
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11	A BILL to amend the Code of West Virginia, 1931, as amended, by
12	adding thereto a new article, designated §19-33-1, §19-33-2,
13	919-33-3, $919-33-4$ and $919-33-5$, all relating to creating the
14	Equine Rescue Facilities Act; providing definitions; licensing
15	of equine facilities; providing for inspections; authorizing
16	legislative rules; and providing penalties.
17	Be it enacted by the Legislature of West Virginia:
18	That the Code of West Virginia, 1931, as amended, be amended
19	by adding thereto a new article, designated §19-33-1, §19-33-2,
20	19-33-3, $19-33-4$ and $19-33-5$, all to read as follows:
21	ARTICLE 33. EQUINE RESCUE FACILITIES ACT.
22	§19-33-1. Definitions.
23	For purposes of this article:

(a) "Commissioner" means the Commissioner of Agriculture.

2 (b) "Equine rescue facility" means a facility that is listed 3 as a nonprofit organization having a legitimate and current status 4 under Title 26 U. S. C. 501(c)(3), as amended, that fosters care to 5 unwanted equines due to age, health or other circumstances that 6 deem the equines homeless.

7 §19-33-2. Licensing of equine rescue facilities.

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8 No person may operate an equine rescue facility as defined in 9 this section without an equine rescue facility license issued by 10 the Department of Agriculture. The annual fee for an equine rescue 11 facility license is \$100, which shall be remitted by the 12 commissioner to the humane officer or animal control officer in the 13 county where the facility is located to offset the expense of 14 inspecting that facility. If the county does not have a humane 15 officer or animal control officer, the commissioner shall remit the 16 license fee to the sheriff of the county where the facility is 17 located.

18 §19-33-3. Inspections of equine rescue facilities.

19 Upon application for an equine rescue facility license, the 20 commissioner shall notify the county humane officer or animal 21 control officer in the county where the equine rescue facility is 22 located, who shall inspect the facility prior to issuance of an 23 equine rescue facility license and, thereafter, not less than twice 24 annually. If the county does not have a humane officer or animal

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1 control officer, the sheriff of that county is responsible for 2 inspections of equine rescue facilities in the county as set forth 3 in this section.

4 §19-33-4. Legislative Rules.

5 The commissioner shall propose rules for legislative approval 6 in accordance with the provisions of article three, chapter twenty-7 nine-a of this code to provide for the following:

8 (a) The issuance of equine rescue facility licences and 9 revocation of the licenses for violations of the provisions of this 10 article or rules adopted hereunder;

11 (b) Notification of the application and issuance of an equine 12 rescue facility license to the humane officer, animal control 13 officer or county sheriff in the county where the facility is 14 located and providing remittance of the annual equine rescue 15 facility license fee;

16 (c) Standards for maintenance of the premises, the care and 17 health of the horses kept at equine rescue facilities and standards 18 for inspection of those facilities and horses, using guidelines 19 developed by the West Virginia Livestock Care Standards Board; and 20 (d) Standards for closure of an equine rescue facility and 21 seizure of horses at the facility where the health and welfare of 22 the horses are endangered.

23 **§19-33-5**. Penalties.

24 Any person who violates any provision of this article or rules

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1 adopted hereunder is guilty of a misdemeanor and, upon conviction 2 thereof, shall be fined not less than \$100 nor more than \$500 for 3 the first offense, and for a second or subsequent offense shall be 4 fined not less than \$500 nor more than \$2,500.

(NOTE: The purpose of this bill is to create the Equine Rescue Facilities Act, authorize rulemaking and licensing, and set penalties for violations.

This article is new; therefore, strike-throughs and underscoring have been omitted.)