

1 COMMITTEE SUBSTITUTE

2 FOR

3 **Senate Bill No. 202**

4 (By Senator Kessler (Mr. President), Fitzsimmons, Beach, Miller,
5 Laird, Nohe and Stollings)

6 _____
7 [Originating in the Committee on Agriculture and Rural
8 Development;
9 reported February 26, 2013.]
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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 and §19-20C-3, all relating to establishing the West Virginia
16 Spay Neuter Program and Fund; designating the Commissioner of
17 the Department of Agriculture to manage the program and fund;
18 providing grants to nonprofit spay neuter programs in state;
19 limiting administrative expenses of fund; requiring annual
20 reporting; and authorizing rulemaking.

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

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

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

2 **§19-20C-1. West Virginia Spay Neuter Program.**

3 The Department of Agriculture shall establish a spay neuter
4 assistance program that provides grants to nonprofit spay neuter
5 organizations and programs in the state. The purpose of this
6 program is to have more dogs and cats sterilized, thereby reducing
7 shelter populations and costs, euthanasia rates, and threats to
8 public health and safety from rabies and other problems posed by
9 the growing population of stray, feral and abandoned dogs and cats.

10 **§19-20C-2. Fund established; acceptance of funds.**

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

18 (b) All moneys received and collected pursuant to this article
19 shall be deposited into the fund. The fund may receive any
20 appropriations, gifts, grants, contributions or other money from
21 any source that is designated for deposit into the fund.

22 (c) Administrative expenses of the department may not exceed
23 ten percent of the funds deposited in any fiscal year. The
24 remainder shall be used exclusively for implementation of the

1 program.

2 **§19-20C-3. Rulemaking; annual report.**

3 (a) The commissioner shall propose rules for legislative
4 approval in accordance with article three, chapter twenty-nine-a of
5 this code, to implement the provisions of this article.

6 (b) Rules promulgated under this section shall, at a minimum:

7 (1) Identify the types of nonprofit organizations and programs
8 that qualify for spay neuter grants;

9 (2) Establish parameters for spay neuter grants, and
10 procedures and requirements for grant application; and

11 (3) Establish administration, record keeping and reporting
12 requirements for nonprofit organizations and programs that receive
13 spay neuter grants.

14 (c) Beginning the year following the program's inception, the
15 commissioner shall file an annual report to the Joint Committee on
16 Government and Finance regarding the program, funds received and
17 grants awarded, number of dogs and cats sterilized, and other
18 pertinent data.

NOTE: The purpose of this bill is to create West Virginia
Spay Neuter Program and Fund.

Article 20C is new; therefore, strike-throughs and
underscoring have been omitted.