

1 **ENROLLED**

2 COMMITTEE SUBSTITUTE

3 FOR

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5 FOR

6 **Senate Bill No. 202**

7 (SENATORS KESSLER (MR. PRESIDENT), FITZSIMMONS, BEACH, MILLER, LAIRD, NOHE
8 AND STOLLINGS, *original sponsors*)

9 _____
10 [Passed April 13, 2013; in effect ninety days from passage.]
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14 AN ACT to amend the Code of West Virginia, 1931, as amended, by
15 adding thereto a new article, designated §19-20C-1, §19-20C-2
16 and §19-20C-3, all relating to establishing the West Virginia
17 Spay Neuter Assistance Program and Fund; designating the
18 Commissioner of the Department of Agriculture to manage the
19 program and fund; providing grants to nonprofit spay neuter
20 programs in state; limiting administrative expenses of fund;
21 requiring annual reporting; and authorizing rulemaking.

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

23 That the Code of West Virginia, 1931, as amended, be amended
24 by adding thereto a new article, designated §19-20C-1, §19-20C-2

1 and §19-20C-3, all to read as follows:

2 **ARTICLE 20C. WEST VIRGINIA SPAY NEUTER ASSISTANCE PROGRAM.**

3 **§19-20C-1. West Virginia Spay Neuter Assistance Program.**

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

11 **§19-20C-2. Fund established; acceptance of funds.**

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

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

24 (c) Administrative expenses of the department may not exceed

1 ten percent of the funds deposited in any fiscal year. The
2 remainder shall be used exclusively for implementation of the
3 program.

4 **§19-20C-3. Rulemaking; annual report.**

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

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

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

11 (2) Establish parameters for spay neuter grants;

12 (3) Establish procedures and requirements for grant
13 applications; and

14 (4) Establish administration, record-keeping and reporting
15 requirements for nonprofit organizations and programs that receive
16 spay neuter grants.

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