

1 COMMITTEE SUBSTITUTE

2 FOR

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4 FOR

5 **Senate Bill No. 202**

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

8 _____
9 [Originating in the Committee on Finance;
10 reported March 28, 2013.]

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14 A BILL 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. Expenditures from the fund are for the purposes set forth in
15 this article and are to be made in accordance with appropriation by
16 the Legislature and in accordance with the provisions of article
17 three, chapter twelve of this code and upon the fulfillment of the
18 provisions set forth in article two, chapter eleven-b of this code.

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

23 (c) Administrative expenses of the department may not exceed
24 ten percent of the funds deposited in any fiscal year. The

1 remainder shall be used exclusively for implementation of the
2 program.

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

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

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

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

10 (2) Establish parameters for spay neuter grants;

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

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

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