

1 COMMITTEE SUBSTITUTE

2 FOR

3 **Senate Bill No. 540**

4 (By Senator Unger)

5 _____
6 [Originating in the Committee on the Judiciary;

7 reported February 24, 2011.]

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9
10 A BILL to amend the Code of West Virginia, 1931, as amended, by
11 adding thereto a new article, designated §19-33-1, §19-33-2,
12 §19-33-3, §19-33-4 and §19-33-5, all relating to creating the
13 Equine Rescue Facilities Act; providing definitions; licensing
14 of equine facilities; providing for inspections; authorizing
15 legislative rules; and providing penalties.

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

17 That the Code of West Virginia, 1931, as amended, be amended
18 by adding thereto a new article, designated §19-33-1, §19-33-2,
19 §19-33-3, §19-33-4 and §19-33-5, all to read as follows:

20 **ARTICLE 33. EQUINE RESCUE FACILITIES ACT.**

21 **§19-33-1. Definitions.**

22 For purposes of this article:

23 (1) "Commissioner" means the Commissioner of Agriculture.

24 (2) "Equine rescue facility" means a facility that is listed
25 as a nonprofit organization having a legitimate and current status

1 under Title 26 U.S.C. 501(c)(3), as amended, that fosters care to
2 unwanted equines due to age, health or other circumstances that
3 deem the equines homeless.

4 **§19-33-2. Licensing of equine rescue facilities.**

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

15 **§19-33-3. Inspections of equine rescue facilities.**

16 Upon application for an Equine Rescue Facility License, the
17 commissioner shall notify the county humane officer or animal
18 control officer in the county where the equine rescue facility is
19 located, who shall inspect the facility prior to issuance of an
20 Equine Rescue Facility License, and thereafter, not less than twice
21 annually. If the county does not have a humane officer or animal
22 control officer, the sheriff of that county is responsible for
23 inspections of equine rescue facilities in the county as set forth
24 in this section.

25 **§19-33-4. Legislative Rules.**

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

4 (1) The issuance of Equine Rescue Facility Licences and
5 revocation of the licenses for violations of the provisions of this
6 article or rules adopted hereunder;

7 (2) Notification of the application and issuance of an Equine
8 Rescue Facility License to the humane officer, animal control
9 officer or county sheriff in the county where the facility is
10 located and providing remittance of the annual Equine Rescue
11 Facility License fee;

12 (3) Standards for maintenance of the premises, the care and
13 health of the horses kept at equine rescue facilities and standards
14 for inspection of those facilities and horses, using guidelines
15 developed by the West Virginia Livestock Care Standards Board; and

16 (4) Standards for closure of an equine rescue facility and
17 seizure of horses at the facility where the health and welfare of
18 the horses are endangered.

19 **§19-33-5. Penalties.**

20 Any person who violates any provision of this article or rules
21 adopted hereunder is guilty of a misdemeanor and, upon conviction
22 thereof, shall be fined not less than \$100 nor more than \$500 for
23 the first offense, and for a second or subsequent offense shall be
24 fined not less than \$500 nor more than \$2,500.