

H. B. 2966

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(By Delegates Manypenny, Boggs, Caputo,
Fragale, Morgan and White)

[Introduced February 1, 2011; referred to the
Committee on Agriculture then Finance.]

10 A BILL to amend the Code of West Virginia, 1931, as amended, by
11 adding thereto a new article, designated §19-10-1, §19-10-2,
12 §19-10-3, §19-10-4 and §19-10-5; and to amend and reenact §19-
13 20A-5 of said code, all relating to creating and funding the
14 Spay Neuter Assistance Fund; creating the Spay Neuter
15 Assistance Fund Advisory Board; defining the purposes of the
16 fund; requiring bookkeeping standards and annual reporting;
17 and establishing a rabies vaccination fee which is dedicated
18 to the fund.

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

20 That the Code of West Virginia, 1931, as amended, be amended
21 by adding thereto a new article, designated §19-10-1, §19-10-2,
22 §19-10-3, §19-10-4 and §19-10-5; and that §19-14-5 of said code be
23 amended and reenacted, all to read as follows:

24 **ARTICLE 10. SPAY NEUTER ASSISTANCE FUND.**

25 **§19-10-1. Fund created; administration of funds; advisory board**
26 **created.**

1 (a) There is created in the State Treasury a special revenue
2 account to be designated the "Spay Neuter Assistance Fund" which
3 shall be an interest-bearing account that may be invested and
4 retain all earnings.

5 (b) All moneys received and collected pursuant to this article
6 shall be deposited into the "Spay Neuter Assistance Fund".
7 Expenditures from the fund shall be exclusively for the purposes
8 set forth in this article.

9 (c) There is created a Spay Neuter Assistance Fund Advisory
10 Board to advise and consult with the Spay Neuter Assistance Program
11 of West Virginia as to the distribution of moneys pursuant to the
12 provisions of this article. The board shall be composed of the
13 Commissioner of Agriculture, or his or her designee, one member of
14 the Senate appointed by the President of the Senate, one member of
15 the House of Delegates appointed by the Speaker of the House of
16 Delegates, the current Chairman of the West Virginia Board of
17 Veterinary Medicine, or his or her designee, and the current
18 President of the West Virginia Veterinary Medical Association, or
19 his or her designee. The board shall meet annually to review
20 distributions from the Spay Neuter Assistance Fund and to make any
21 recommendations to the Spay Neuter Assistance Program of West
22 Virginia to improve utilization of moneys distributed from the
23 fund. The Department of Agriculture shall provide administrative
24 assistance to the board as necessary to facilitate the board's
25 operation.

1 (d) Nothing in this article may be construed to mandate
2 additional funding to the Spay Neuter Assistance Fund or to require
3 any additional appropriations by the Legislature.

4 **§19-10-2. Purpose of fund.**

5 The purposes of the fund is to provide funding to the Spay
6 Neuter Assistance Program of West Virginia, Inc., a 26 U.S.C.
7 §501(c) (3) nonprofit corporation. All moneys shall be used by the
8 Spay Neuter Assistance Program of West Virginia, Inc. for the
9 purpose of funding spay neuter programs throughout West Virginia in
10 order to decrease the number of animals euthanized in West Virginia
11 animal shelters.

12 **§19-10-3. Contents of fund.**

13 The fund consists of moneys from specific statutory references
14 in this article, gifts, donations and any additional appropriations
15 by the Legislature.

16 **§19-10-4. Records and annual report.**

17 The Spay Neuter Assistance Program of West Virginia, Inc.
18 shall maintain a separate checking account and separate bookkeeping
19 procedure for all moneys received from the fund. The Spay Neuter
20 Assistance Program of West Virginia, Inc. shall file an annual
21 report with the Department of Agriculture and the Spay Neuter
22 Assistance Fund Advisory Board no later than January 31 of each
23 year detailing expenditures of all money from the fund during the
24 previous calendar year.

1 **§19-10-5. Rabies vaccination fee.**

2 As stated in section five, article twenty-a of this chapter,
3 a \$3 rabies vaccination fee remitted to the Department of
4 Agriculture shall be deposited into the Spay Neuter Assistance
5 Fund created in section one of this article.

6 **ARTICLE 20A. VACCINATION OF DOGS AND CATS FOR RABIES.**

7 **§19-20A-5. Type of vaccine to be furnished; fees.**

8 It is the duty of the veterinarian, or person vaccinating each
9 animal to furnish vaccine of a type capable of establishing and
10 maintaining immunity for a period of not less than thirty-six
11 months and he or she shall charge and collect a fee of not more
12 than \$8 for each animal vaccinated, if done at a clinic established
13 by a county commission or, if vaccinated at any other place, he or
14 she shall charge and collect a reasonable fee for his or her
15 services. In addition to any fee charged for a rabies vaccination,
16 a \$3 surcharge shall be collected for each rabies vaccination by
17 the veterinarian or clinic to be remitted to the Department of
18 Agriculture for deposit in the Spay Neuter Assistance Fund created
19 by section one, article ten of this chapter. The commissioner
20 shall propose rules in accordance with the provisions of article
21 three, chapter twenty-nine-a of this code to implement the
22 provisions of this section and article ten of this chapter.

NOTE: The purpose of this bill is to implement a \$3 fee on rabies vaccinations to help finance spay neuter programs in West

Virginia. Moneys collected from the \$3 fee will be deposited in the newly created Spay Neuter Assistance Fund, and will be distributed to the Spay Neuter Assistance Program of West Virginia, which is a program currently providing spay neuter assistance in the state.

Strike-throughs indicate language that would be stricken from the present law, and underscoring indicates new language that would be added.

Article §19-10 is new; therefore, it has been completely underscored.