

COMMITTEE SUBSTITUTE

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Senate Bill No. 479

(By Senators Kessler (Mr. President),
Jenkins, Stollings and Yost)

[Originating in the Committee on the Judiciary;
reported February 24, 2012.]

A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §19-20C-1, §19-20C-2, §19-20C-3, §19-20C-4, §19-20C-5, §19-20C-6 and §19-20C-7, all relating to establishing the West Virginia Spay Neuter Program and Fund; establishing low-cost spay neuter and vaccination program for residents receiving public assistance; creating list of participating veterinarians to be reimbursed eighty percent of the cost; creating voluntary checkoff option to donate a portion of the tax refund to the fund; providing a

form for the checkoff program; designating the Commissioner of the Department of Agriculture to manage the fund and program; limiting administrative expenses of fund; requiring annual reporting; authorizing rulemaking; and permitting administrative penalties.

Be it enacted by the Legislature of West Virginia:

That the Code of West Virginia, 1931, as amended, be amended by adding thereto a new article, designated §19-20C-1, §19-20C-2, §19-20C-3, §19-20C-4, §19-20C-5, §19-20C-6 and §19-20C-7, all to read as follows:

ARTICLE 20C. WEST VIRGINIA SPAY NEUTER PROGRAM.

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

1 The Department of Agriculture shall establish and
2 implement a spay neuter assistance program. The purpose of
3 this program shall be to reduce the population of unwanted
4 and stray dogs and cats by encouraging the owners of dogs
5 and cats to have them sterilized, thereby reducing potential
6 threats to public health and safety from rabies and other
7 problems posed by the growing population of unwanted and
8 stray animals, and by providing low-cost animal sterilization
9 services to owners meeting at least one of the criteria of
10 need.

§19-20C-2. Eligibility of owner of dog or cat to participate.

1 (a) A resident of the state who owns a dog or cat and who
2 is eligible for one of the following programs shall also be
3 eligible to participate in the West Virginia Spay Neuter
4 Program if the owner shows proof of program participation,
5 signs a consent form certifying that the person is the owner
6 of the dog or cat, or is authorized by the owner, to present
7 the dog or cat for the procedure and pays a fee of \$15:

- 8 (1) Supplemental Assistance Program (SNAP);
- 9 (2) Medicaid;
- 10 (3) Supplemental Security Income;
- 11 (4) WV WORKS; or
- 12 (5) General public assistance as set forth by the depart-
13 ment by rule.

14 (b) Dogs and cats imported from out of state into West
15 Virginia animal shelters or adoption agencies shall not be
16 eligible for this program.

§19-20C-3. Veterinarian participation.

1 (a) Any veterinarian licensed in this state may partici-
2 pate in this program. The commissioner shall establish an
3 application to be completed by a participating veterinarian
4 that shall include the fee schedule for animal sterilization,

5 examination and presurgical immunizations. The animal
6 sterilization fee may vary with the animal's weight, sex and
7 species.

8 (b) The commissioner may disqualify any veterinarian
9 from participating in the program if his or her fees are
10 deemed unreasonable, or are not the veterinarian's fees
11 charged in the normal course of business.

12 (c) To the extent funds are available, the commissioner
13 shall reimburse participating veterinarians for eighty
14 percent of the fee, less payment paid by the owner to the
15 veterinarian as provided herein, for each animal sterilization
16 procedure administered. To receive this reimbursement, the
17 veterinarian shall submit an animal sterilization certificate
18 that is signed by the veterinarian and the owner of the
19 animal.

20 (d) For animals sterilized pursuant to this article, the
21 commissioner shall also reimburse, to the extent funds are
22 available, any licensed veterinarian of this state participat-
23 ing in the program for the presurgical immunization of dogs
24 and cats. Reimbursement for eighty percent of the fee of the
25 presurgical immunization shall be made by the commissioner
26 to the participating veterinarian upon the written certifica-

27 tion, signed by the veterinarian and the owner of the animal,
28 that the immunization has been administered. There shall be
29 no additional charges to the owners of animals sterilized
30 under this article.

§19-20C-4. Fund established; acceptance of funds.

1 (a) There is created in the State Treasury a special
2 revenue account to be designated the West Virginia Spay
3 Neuter Fund. Expenditures from the fund are for the pur-
4 poses set forth in this article and are to be made only in
5 accordance with appropriation by the Legislature and in
6 accordance with the provisions of article three, chapter
7 twelve of this code and upon the fulfillment of the provisions
8 set forth in article two, chapter eleven-b of this code.

9 (b) All moneys received and collected pursuant to this
10 article shall be deposited into the fund. The fund may receive
11 any gifts, grants, contributions or other money from any
12 source that is specifically designated for deposit into the
13 fund.

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

17 of the program, specifically veterinarian reimbursement for
18 spaying and neutering dogs and cats.

19 (d) The commissioner shall make an annual report
20 relative to the progress of the program beginning in 2013 to
21 the Joint Committee on Government and Finance.

§19-20C-5. Tax checkoff for West Virginia Spay Neuter Fund.

1 (a) Each West Virginia individual income tax return form
2 shall contain a designation as follows:

3 “**West Virginia Spay Neuter Checkoff Program** - Dona-
4 tions to be used as a source of revenue for the West Virginia
5 Spay Neuter Fund to decrease the number of homeless,
6 neglected and euthanized dogs and cats in West Virginia.

7 Check () if you wish to designate \$5, \$10, \$25 or more of
8 your tax refund for this program. If joint return, check () if
9 spouse wishes to designate \$5, \$10, \$25 or more.”

10 (b) Each individual taxpayer desiring to contribute to the
11 West Virginia Spay Neuter Checkoff Program may designate
12 by placing an “X” in the appropriate box on the state income
13 tax return form. His or her contribution shall be credited to
14 the program.

§19-20C-6. Rulemaking.

1 The commissioner shall propose rules for legislative
2 approval in accordance with article three, chapter twenty-
3 nine-a of this code, to implement the provisions of this
4 article, including the format and content of forms, proof of
5 eligibility, veterinarian reimbursement, administration of the
6 fund, penalties and any rules necessary for the administra-
7 tion of the program.

§19-20C-7. Administrative penalty.

1 Any person who knowingly falsifies proof of eligibility
2 for, or participation in, the West Virginia Spay Neuter
3 Program, who furnishes any licensed veterinarian with
4 inaccurate information concerning the ownership of an
5 animal submitted for a sterilization procedure, who furnishes
6 the commissioner with false information concerning an
7 animal sterilization fee schedule or an animal sterilization
8 certificate or who violates a provision of this article or its
9 rules may be subject to an administrative penalty not to
10 exceed \$500 for each violation.