

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

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HOUSE BILL 208
Committee Substitute Favorable 6/10/10

Short Title: Spay/Neuter Program Transfer/Funds.

(Public)

Sponsors:

Referred to:

February 18, 2009

A BILL TO BE ENTITLED

AN ACT TO TRANSFER ADMINISTRATION OF THE VOLUNTARY SPAY/NEUTER PROGRAM TO THE DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES AND TO AMEND THE FUNDING FOR THE SPAY/NEUTER ACCOUNT.

The General Assembly of North Carolina enacts:

SECTION 1.(a) The Spay/Neuter Program established under G.S. 19A-61 and the Spay/Neuter Account established under G.S. 19A-61 are transferred from the Department of Health and Human Services to the Department of Agriculture and Consumer Services. Any unexpended funds appropriated to the Department of Health and Human Services for the 2009-2010 fiscal year to implement the Spay/Neuter Program are transferred to the Department of Agriculture and Consumer Services.

SECTION 1.(b) G.S. 19A-61 reads as rewritten:

"§ 19A-61. Spay/Neuter Program established.

There is established in the Department of ~~Health and Human Services~~Agriculture and Consumer Services a voluntary statewide program to foster the spaying and neutering of dogs and cats for the purpose of reducing the population of unwanted animals in the State. The program shall consist of the following components:

(1) Education Program. – The Department shall establish a statewide program to educate the public about the benefits of having cats and dogs spayed and neutered. The Department may work cooperatively on the program with the North Carolina School of Veterinary Medicine, other State agencies and departments, county and city health departments and animal control agencies, and statewide and local humane organizations. The Department may employ outside consultants to assist with the education program.

(2) Local Spay/Neuter Assistance Program. – The Department shall administer the Spay/Neuter Account established in G.S. 19A-62. Monies deposited in the account shall be available to reimburse eligible counties and cities for the direct costs of spay/neuter surgeries for cats and dogs made available to low-income persons."

SECTION 1.(c) G.S. 19A-62 reads as rewritten:

"§ 19A-62. Spay/Neuter Account established.

(a) Creation. – The Spay/Neuter Account is established as a nonreverting special revenue account in the Department of ~~Health and Human Services~~Agriculture and Consumer Services. The Account consists of the following:

(1) ~~The portion of the fee imposed under G.S. 130A-190(b)(4) for obtaining a rabies vaccination tag from the Department of Health and Human Services.~~



- 1 (2) ~~Ten dollars (\$10.00)~~ Twenty dollars (\$20.00) of the additional fee imposed
2 by G.S. 20-79.7 for an Animal Lovers special license plate.
- 3 (3) Any other funds available from appropriations by the General Assembly or
4 from contributions and grants from public or private sources.
- 5 (b) Use. – The revenue in the Account shall be used by the Department of ~~Health and~~
6 ~~Human Services~~ Agriculture and Consumer Services as follows:
- 7 (1) ~~If the revenue generated by the portion of the fee imposed under~~
8 ~~G.S. 130A-190(b)(3) is less than forty seven thousand five hundred dollars~~
9 ~~(\$47,500) for the fiscal year, then funds up to the difference between~~
10 ~~forty seven thousand five hundred dollars (\$47,500) and the amount of~~
11 ~~revenue generated may be used from this Account to fund rabies education~~
12 ~~and prevention programs.~~
- 13 (2) Up to Twenty ~~twenty~~ percent (20%) ~~shall~~ may be used to develop and
14 implement the statewide education program component of the Spay/Neuter
15 Program established in G.S. 19A-61(a).
- 16 (3) Up to twenty percent (20%) of the money in the Account may be used to
17 defray the costs of administering the Spay/Neuter Program established in
18 this Article.
- 19 (4) Funds remaining after deductions for the education program and
20 administrative expenses shall be distributed quarterly to eligible counties and
21 cities seeking reimbursement for reduced-cost spay/neuter surgeries
22 performed during the previous calendar year. A county or city is ineligible to
23 receive funds under this subdivision unless it requires the owner to show
24 proof of rabies vaccination at the time of the procedure or, if none, require
25 vaccination at the time of the procedure.
- 26 (c) Report. – In February of each year, the Department must report to the Joint
27 Legislative Commission on Governmental Operations and the Fiscal Research Division. The
28 report must contain information regarding all revenues and expenditures of the Spay/Neuter
29 Account."

30 **SECTION 1.(d)** G.S. 19A-63 reads as rewritten:

31 "**§ 19A-63. Eligibility for distributions from Spay/Neuter Account.**

- 32 (a) A county or city is eligible for reimbursement from the Spay/Neuter Account if it
33 meets the following condition:
- 34 (1) The county or city offers one or more of the following programs to
35 low-income persons on a year-round basis for the purpose of reducing the
36 cost of spaying and neutering procedures for dogs and cats:
- 37 a. A spay/neuter clinic operated by the county or city.
- 38 b. A spay/neuter clinic operated by a private organization under
39 contract or other arrangement with the county or city.
- 40 c. A contract or contracts with one or more veterinarians, whether or
41 not located within the county, to provide reduced-cost spaying and
42 neutering procedures.
- 43 d. Subvention of the spaying and neutering costs incurred by
44 low-income pet owners through the use of vouchers or other
45 procedure that provides a discount of the cost of the spaying or
46 neutering procedure fixed by a participating veterinarian or other
47 provider.
- 48 e. Subvention of the spaying and neutering costs incurred by persons
49 who adopt a pet from an animal shelter operated by or under contract
50 with the county or city.
- 51 (2) Reserved for future codification purposes.

1 (b) For purposes of this Article, the term "low-income person" shall mean an individual
2 who qualifies for one or more of the programs of public assistance administered by the
3 Department of Health and Human Services pursuant to Chapter 108A of the General Statutes.
4 Statutes or whose annual household income is under three hundred percent (300%) of the
5 federal poverty level guidelines published by the United States Department of Health and
6 Human Services.

7 (c) Each county shall make rules or publish guidelines that designate what proof a
8 low-income person must submit to establish that the person qualifies for public assistance
9 under subsection (b) of this section or has an annual household income lower than three
10 hundred percent (300%) of the federal poverty level guidelines published by the United States
11 Department of Health and Human Services."

12 SECTION 1.(e) G.S. 19A-64 reads as rewritten:

13 "§ 19A-64. Distributions to counties and cities from Spay/Neuter Account.

14 (a) Reimbursable Costs. – Counties and cities eligible for distributions from the
15 Spay/Neuter Account may receive reimbursement for the direct costs of a spay/neuter surgical
16 procedure for a dog or cat owned by a low-income person ~~meeting the Department's eligibility~~
17 ~~requirements for spay/neuter services as defined in G.S. 19A-63(b).~~ Reimbursable costs shall
18 include anesthesia, medication, and veterinary services. Counties and cities shall not be
19 reimbursed for the administrative costs of providing reduced-cost spay/neuter services or
20 capital expenditures for facilities and equipment associated with the provision of such services.

21 (b) Application. – A county or city eligible for reimbursement of spaying and neutering
22 costs from the Spay/Neuter Account shall apply to the Department of ~~Health and Human~~
23 ~~Services~~ Agriculture and Consumer Services by the last day of January, April, July, and October
24 of each year to receive a distribution from the Account for that quarter. The application shall be
25 submitted in the form required by the Department and shall include an itemized listing of the
26 costs for which reimbursement is sought.

27 (c) Distribution. – The Department shall make payments from the Spay/Neuter Account
28 to eligible counties and cities who have made timely application for reimbursement within 30
29 days of the closing date for receipt of applications for that quarter. In the event that total
30 requests for reimbursement exceed the amounts available in the Spay/Neuter Account for
31 distribution, the monies available will be distributed as follows:

- 32 (1) Fifty percent (50%) of the monies available in the Spay/Neuter Account
33 shall be reserved for reimbursement for eligible applicants within
34 development tier one areas as defined in G.S. 143B-437.08. The remaining
35 fifty percent (50%) of the funds shall be used to fund reimbursement
36 requests from eligible applicants in development tier two and three areas as
37 defined in G.S. 143B-437.08.
- 38 (2) Among the eligible counties and cities in development tier one areas,
39 reimbursement shall be made to each eligible county or city ~~in proportion to~~
40 ~~the number of dogs and cats that have received rabies vaccinations during~~
41 ~~the preceding fiscal year in that county or city as compared to the number of~~
42 ~~dogs and cats that have received rabies vaccinations during the preceding~~
43 ~~fiscal year by all of the eligible applicants in development tier one areas.~~
44 pursuant to rules adopted by the Department.
- 45 (3) Among the eligible counties and cities in development tier two and three
46 areas, reimbursement shall be made to each eligible county or city ~~in~~
47 ~~proportion to the number of dogs and cats that have received rabies~~
48 ~~vaccinations during the preceding fiscal year in that county or city as~~
49 ~~compared to the number of dogs and cats that have received rabies~~
50 ~~vaccinations during the preceding fiscal year by all of the eligible applicants~~

1 ~~in development tier two and three areas pursuant to rules adopted by the~~
2 ~~Department.~~

- 3 (4) Should funds remain available from the fifty percent (50%) of the
4 Spay/Neuter Account designated for development tier one areas after
5 reimbursement of all claims by eligible applicants in those areas, the
6 remaining funds shall be made available to reimburse eligible applicants in
7 development tier two and three areas."

8 **SECTION 1.(f)** G.S. 19A-65 reads as rewritten:

9 **"§ 19A-65. Annual Report Required From Every Animal Shelter in Receipt of State or**
10 **Local Funding.**

11 Every county or city animal shelter, or animal shelter operated under contract with a county
12 or city or otherwise in receipt of State or local funding shall prepare an annual report in the
13 form required by the Department setting forth the numbers, by species, of animals received into
14 the shelter, the number adopted out, the number returned to owner, and the number destroyed.
15 The report shall also contain the total operating expenses of the shelter and the cost per animal
16 handled. The report shall be filed with the Department of ~~Health and Human~~
17 ~~Services~~ Agriculture and Consumer Services by ~~August 1~~ March 1 of each year. A city or
18 county that does not timely file the report required by this section is not eligible to receive
19 reimbursement payments under G.S. 19A-64 during the calendar year in which the report was
20 to be filed."

21 **SECTION 2.** Article 5 of Chapter 19A of the General Statutes is amended by
22 adding a new section to read:

23 **"§ 19A-66. Notification of available funding.**

24 Prior to January 1 of each year, the Department shall notify counties and cities that have,
25 prior to that notification deadline, established eligibility for distribution of funds from the
26 Spay/Neuter Account pursuant to G.S. 19A-63, of the following:

- 27 (1) The amount of funding in the Spay and Neuter Account that the Department
28 will have available for distribution to each county or city receiving
29 notification to pay reimbursement requests submitted by the county or city
30 during the calendar year following the notification deadline; and
31 (2) The amount of additional funding, if any, the Department estimates, but does
32 not guarantee, may be available to pay reimbursement requests submitted by
33 the notified county or city to the Department during the calendar year
34 following the notification deadline."

35 **SECTION 3.** G.S. 130A-190(b) reads as rewritten:

36 "(b) Fee. – Rabies vaccination tags, links, and rivets may be obtained from the
37 ~~Department.~~ Department of Health and Human Services. The Secretary is authorized to collect
38 ~~establish by rule~~ a fee for the rabies tags, links, and rivets in accordance with this subsection.
39 The fee for each tag is the sum of the following:

- 40 (1) The actual cost of the rabies tag, links, and rivets.
41 (2) Transportation costs.
42 (3) ~~Five cents (5¢).~~ Fifteen cents (15¢). This portion of the fee shall be used to
43 fund rabies education and prevention programs.
44 (4) ~~Twenty cents (20¢). This portion of the fee shall be credited to the~~
45 ~~Spay/Neuter Account established in G.S. 19A-62 and used to fund statewide~~
46 ~~spay/neuter programs. This portion of the fee shall not be imposed for tags~~
47 ~~provided to persons who operate establishments primarily for the purpose of~~
48 ~~boarding or training hunting dogs or who own and vaccinate 10 or more~~
49 ~~dogs per year."~~

50 **SECTION 4.(a)** G.S. 20-79.7(a) reads as rewritten:

"(a) Fees. – Upon request, the Division shall provide and issue free of charge one registration plate to a recipient of a Legion of Valor award, a 100% disabled veteran, and an ex-prisoner of war. All other special registration plates, including additional Legion of Valor, 100% Disabled Veteran, and Ex-Prisoner of War plates, are subject to the regular motor vehicle registration fee in G.S. 20-87 or G.S. 20-88 plus an additional fee in the following amount:

<u>Special Plate</u>	<u>Additional Fee Amount</u>
Animal Lovers	\$30.00
Back Country Horsemen of NC	\$30.00
Coastal Conservation Association	\$30.00
Crystal Coast	\$30.00
El Pueblo	\$30.00
First in Forestry	\$30.00
Historical Attraction	\$30.00
Home Care and Hospice	\$30.00
HOMES4NC	\$30.00
Hospice Care	\$30.00
In God We Trust	\$30.00
Maggie Valley Trout Festival	\$30.00
National Kidney Foundation	\$30.00
North Carolina 4-H Development Fund	\$30.00
North Carolina Libraries	\$30.00
Personalized	\$30.00
Share the Road	\$30.00
State Attraction	\$30.00
Stock Car Racing Theme	\$30.00
Support Our Troops	\$30.00
AIDS Awareness	\$25.00
Buffalo Soldiers	\$25.00
Collegiate Insignia	\$25.00
Goodness Grows	\$25.00
High School Insignia	\$25.00
Kids First	\$25.00
Olympic Games	\$25.00
National Multiple Sclerosis Society	\$25.00
National Wild Turkey Federation	\$25.00
NC Agribusiness	\$25.00
NC Children's Promise	\$25.00
NC Coastal Federation	\$30.00
Nurses	\$25.00
Rocky Mountain Elk Foundation	\$25.00
Special Olympics	\$25.00
Surveyor Plate	\$25.00
The V Foundation for Cancer Research Division	\$25.00
University Health Systems of Eastern Carolina	\$25.00
Alpha Phi Alpha Fraternity	\$20.00
ALS Association, Jim "Catfish" Hunter Chapter	\$20.00
Animal Lovers	\$20.00
ARC of North Carolina	\$20.00
Audubon North Carolina	\$20.00
Autism Society of North Carolina	\$20.00
Be Active NC	\$20.00

1	Brain Injury Awareness	\$20.00
2	Breast Cancer Earlier Detection	\$20.00
3	Buddy Pelletier Surfing Foundation	\$20.00
4	Daughters of the American Revolution	\$20.00
5	Ducks Unlimited	\$20.00
6	Greyhound Friends of North Carolina	\$20.00
7	Guilford Battleground Company	\$20.00
8	Juvenile Diabetes Research Foundation	\$20.00
9	Harley Owners' Group	\$20.00
10	Litter Prevention	\$20.00
11	March of Dimes	\$20.00
12	NC Tennis Foundation	\$20.00
13	NC Trout Unlimited	\$20.00
14	NC Wildlife Habitat Foundation	\$20.00
15	Omega Psi Phi Fraternity	\$20.00
16	Prince Hall Mason	\$20.00
17	Save the Sea Turtles	\$20.00
18	Scenic Rivers	\$20.00
19	School Technology	\$20.00
20	SCUBA	\$20.00
21	Soil and Water Conservation	\$20.00
22	Special Forces Association	\$20.00
23	Support Public Schools	\$20.00
24	US Equine Rescue League	\$20.00
25	Wildlife Resources	\$20.00
26	Zeta Phi Beta Sorority	\$20.00
27	Carolina's Aviation Museum	\$15.00
28	Leukemia & Lymphoma Society	\$15.00
29	Lung Cancer Research	\$15.00
30	Shag Dancing	\$15.00
31	Active Member of the National Guard	None
32	100% Disabled Veteran	None
33	Ex-Prisoner of War	None
34	Gold Star Lapel Button	None
35	Legion of Valor	None
36	Purple Heart Recipient	None
37	Silver Star Recipient	None
38	All Other Special Plates	\$10.00."

39 **SECTION 4.(b)** G.S. 20-97.7(b) reads as rewritten:

40 "(b) Distribution of Fees. – The Special Registration Plate Account and the Collegiate
41 and Cultural Attraction Plate Account are established within the Highway Fund. The Division
42 must credit the additional fee imposed for the special registration plates listed in subsection (a)
43 among the Special Registration Plate Account (SRPA), the Collegiate and Cultural Attraction
44 Plate Account (CCAPA), the Natural Heritage Trust Fund (NHTF), which is established under
45 G.S. 113-77.7, and the Parks and Recreation Trust Fund, which is established under
46 G.S. 113-44.15, as follows:

47	<u>Special Plate</u>	<u>SRPA</u>	<u>CCAPA</u>	<u>NHTF</u>	<u>PRTF</u>
48	AIDS Awareness	\$10	\$15	0	0
49	Alpha Phi Alpha Fraternity	\$10	\$10	0	0
50	ALS Association, Jim "Catfish"				
51	Hunter Chapter	\$10	\$10	0	0

1	Animal Lovers	\$10	\$10 \$20	0	0
2	ARC of North Carolina	\$10	\$10	0	0
3	Audubon North Carolina	\$10	\$10	0	0
4	Autism Society of North				
5	Carolina	\$10	\$10	0	0
6	Back Country Horsemen of NC	\$10	\$20	0	0
7	Be Active NC	\$10	\$10	0	0
8	Brain Injury Awareness	\$10	\$10	0	0
9	Breast Cancer Earlier Detection	\$10	\$10	0	0
10	Buddy Pelletier Surfing				
11	Foundation	\$10	\$10	0	0
12	Buffalo Soldiers	\$10	\$15	0	0
13	Carolina's Aviation Museum	\$10	\$5	0	0
14	Coastal Conservation				
15	Association	\$10	\$20	0	0
16	Crystal Coast	\$10	\$20	0	0
17	Daughters of the American				
18	Revolution	\$10	\$10	0	0
19	Ducks Unlimited	\$10	\$10	0	0
20	El Pueblo	\$10	\$20	0	0
21	First in Forestry	\$10	\$10	\$10	0
22	Goodness Grows	\$10	\$15	0	0
23	Greyhound Friends of North				
24	Carolina	\$10	\$10	0	0
25	Guilford Battleground				
26	Company	\$10	\$10	0	0
27	Harley Owners' Group	\$10	\$10	0	0
28	High School Insignia	\$10	\$15	0	0
29	Historical Attraction	\$10	\$20	0	0
30	Home Care and Hospice	\$10	\$20	0	0
31	HOMES4NC	\$10	\$20	0	0
32	Hospice Care	\$10	\$20	0	0
33	In God We Trust	\$10	\$20	0	0
34	In-State Collegiate Insignia	\$10	\$15	0	0
35	Juvenile Diabetes Research				
36	Foundation	\$10	\$10	0	0
37	Kids First	\$10	\$15	0	0
38	Leukemia & Lymphoma Society	\$10	\$5	0	0
39	Litter Prevention	\$10	\$10	0	0
40	Lung Cancer Research	\$10	\$5	0	0
41	Maggie Valley Trout Festival	\$10	\$20	0	0
42	March of Dimes	\$10	\$10	0	0
43	National Kidney Foundation	\$10	\$20	0	0
44	National Multiple Sclerosis				
45	Society	\$10	\$15	0	0
46	National Wild Turkey				
47	Federation	\$10	\$15	0	0
48	NC Agribusiness	\$10	\$15	0	0
49	NC Children's Promise	\$10	\$15	0	0
50	NC Coastal Federation	\$10	\$20	0	0
51	NC 4-H Development Fund	\$10	\$20	0	0

1	NC Tennis Foundation	\$10	\$10	0	0
2	NC Trout Unlimited	\$10	\$10	0	0
3	North Carolina Libraries	\$10	\$20	0	0
4	NC Wildlife Habitat				
5	Foundation	\$10	\$10	0	0
6	Nurses	\$10	\$15	0	0
7	Olympic Games	\$10	\$15	0	0
8	Omega Psi Phi Fraternity	\$10	\$10	0	0
9	Out-of-state Collegiate Insignia	\$10	0	\$15	0
10	Personalized	\$10	0	\$15	\$5
11	Prince Hall Mason	\$10	\$10	0	0
12	Rocky Mountain Elk				
13	Foundation	\$10	\$15	0	0
14	Save the Sea Turtles	\$10	\$10	0	0
15	Scenic Rivers	\$10	\$10	0	0
16	School Technology	\$10	\$10	0	0
17	SCUBA	\$10	\$10	0	0
18	Shag Dancing	\$10	\$5	0	0
19	Share the Road	\$10	\$20	0	0
20	Soil and Water Conservation	\$10	\$10	0	0
21	Special Forces Association	\$10	\$10	0	0
22	Special Olympics	\$10	\$15	0	0
23	State Attraction	\$10	\$20	0	0
24	Stock Car Racing Theme	\$10	\$20	0	0
25	Support Our Troops	\$10	\$20	0	0
26	Support Public Schools	\$10	\$10	0	0
27	Surveyor Plate	\$10	\$15	0	0
28	The V Foundation for Cancer				
29	Research	\$10	\$15	0	0
30	University Health Systems of				
31	Eastern Carolina	\$10	\$15	0	0
32	US Equine Rescue League	\$10	\$10	0	0
33	Wildlife Resources	\$10	\$10	0	0
34	Zeta Phi Beta Sorority	\$10	\$10	0	0
35	All other Special Plates	\$10	0	0	0."

36 **SECTION 5.(a)** The Department of Agriculture and Consumer Services may study
37 the State's role in reducing the number of unwanted dogs and cats and in ensuring the humane
38 treatment of dogs and cats by breeders, shelters, and other facilities that house dogs and cats.
39 As part of this study, the Department may do the following:

- 40 (1) Conduct a comprehensive evaluation of the need for revisions of or additions
41 to existing regulatory authority designed to address animal welfare issues in
42 the State, including a review of existing State and federal law.
- 43 (2) Evaluate the existing needs among county and State agencies for improving
44 responses to animal welfare incidents.
- 45 (3) Consider the extent to which the existing infrastructure of the State Animal
46 Response Team may be expanded to handle animal emergencies that involve
47 companion animals and the feasibility and needs for such an expansion.
- 48 (4) Survey local government to determine the total fiscal demand for a voluntary
49 Statewide program to foster the spaying and neutering of dogs and cats for
50 the purpose of reducing the population of unwanted animals.

- 1 (5) Review data regarding the economic impact of animal sheltering and other
2 animal welfare programs, including the costs of such programs to counties
3 and the State, and identify ways that the State might reduce the number of
4 animals being sent to animal shelters and whether more cost-effective means
5 exist to control the pet population without compromising animal welfare.
6 (6) Evaluate the needs of the Animal Welfare program within the Department,
7 specifically with regard to dealing with inquiries from the public, inspection
8 capability and frequency, and staff development and training for Department
9 personnel and others in the State that conduct animal welfare work.
10 (7) Consult with other organizations and entities it deems appropriate.
11 (8) Examine any other issues the Department deems pertinent to its charge
12 under this act.

13 **SECTION 5.(b)** The Department of Agriculture and Consumer Services shall
14 conduct the study set out in subsection (a) of this section within funds available for the
15 2010-2011 fiscal year. The Department may make interim reports as it deems necessary and
16 shall report its findings and recommendations to the Chairs of the House Agriculture
17 Committee, the Senate Agriculture, Environment, and Natural Resources Committee, and the
18 House and Senate Appropriations Subcommittees on Natural and Economic Resources on or
19 before May 1, 2011.

20 **SECTION 6.** This act becomes effective October 1, 2010.