

1 S.74

2 Introduced by Senators Campbell, Giard, Kittell and McCormack

3 Referred to Committee on Government Operations

4 Date: February 18, 2011

5 Subject: Government operations; secretary of state; animal spaying and  
6 neutering program

7 Statement of purpose: This bill proposes to transfer the dog, cat, and  
8 wolf-hybrid spaying and neutering program and its supporting special fund  
9 from the agency of agriculture, food and markets to the office of the secretary  
10 of state.

~~*An act relating to the transferring of the animal spaying and neutering  
program to the department of health*~~

~~*An act relating to the transferring of the animal spaying and neutering  
program to the agency of human services*~~

11 ~~*An act relating to the transferring of the animal spaying and neutering*~~  
12 ~~*program to the office of the secretary of state department of health*~~

13 It is hereby enacted by the General Assembly of the State of Vermont:

14 ~~Sec. 1. 20 V.S.A § 3815 is amended to read:~~

15 ~~§ 3815. DOG, CAT, AND WOLF-HYBRID SPAYING AND NEUTERING~~  
16 ~~PROGRAM~~

17 ~~(a) The agency of agriculture, food and markets shall establish by rule~~  
18 ~~secretary of state shall be responsible for the enforcement of the administrative~~  
19 ~~rule establishing a process by which a qualified organization shall administer a~~

1 ~~program providing reduced cost spaying and neutering services and~~  
2 ~~presurgical immunization for dogs, cats, and wolf-hybrids owned by low~~  
3 ~~income individuals.~~

4 (b) The program shall reimburse veterinarians who voluntarily consent to  
5 spay or neuter dogs, cats, and wolf-hybrids under the auspices of the program.  
6 The reimbursement shall be less any co-payment by the owner of a dog, cat, or  
7 wolf-hybrid for the cost of each spaying or neutering procedure.

8 ~~(c) The agency of agriculture, food and markets is authorized to promulgate~~  
9 ~~an emergency administrative rule by August 1, 2009, the purpose of which~~  
10 ~~shall be that only a dog, cat, or wolf hybrid acquired for no compensation shall~~  
11 ~~be eligible for funding from the animal spaying and neutering program~~  
12 ~~established under this section. The rule shall provide consideration for the~~  
13 ~~financial ability of the funding applicant to pay for the requested service. For~~  
14 ~~the purposes of this subsection, a nominal fee or donation required for adoption~~  
15 ~~of a dog, cat, or wolf hybrid shall not constitute compensation paid for the~~  
16 ~~animal.~~

17 Sec. 2. 20 V.S.A. § 3816 is amended to read:

18 § 3816. ANIMAL SPAYING AND NEUTERING FUND; CREATION

19 (a) There is created, pursuant to subchapter 5 of chapter 7 of Title 32, in the  
20 ~~agency of agriculture, food and markets~~ office of the secretary of state the dog,  
21 cat, and wolf-hybrid spaying and neutering special fund to finance the costs of

1 ~~the dog, cat, and wolf-hybrid spaying and neutering program established in~~  
2 ~~section 3815 of this title.~~

3 (b) Revenue for the fund shall be derived from:

4 (1) ~~The \$2.00 surcharge payment paid to a municipality pursuant to~~  
5 ~~subdivision 3581(c)(1) of this title.~~

6 (2) ~~Gifts from private donors.~~

7 (3) ~~Any appropriation which the general assembly makes to the fund.~~

8 (c) ~~Interest earned on the fund shall be retained in the fund.~~

9 (d) ~~The agency office of the secretary of state may offset the cost of~~  
10 ~~administering the dog, cat, and wolf-hybrid spaying and neutering program~~  
11 ~~from the fund created in subsection (a) of this section in accordance with the~~  
12 ~~provisions of section 6 V.S.A. § 10 of Title 6.~~

13 Sec. 3. EFFECTIVE DATE

14 This act shall take effect on passage.

*Sec. 1. 20 V.S.A § 3815 is amended to read:*

*§ 3815. DOG, CAT, AND WOLF-HYBRID SPAYING AND NEUTERING PROGRAM*

*(a) ~~The agency of agriculture, food and markets shall establish by rule a process by which a qualified organization~~ department of health shall administer a dog, cat, and wolf-hybrid spaying and neutering program providing reduced-cost spaying and neutering services and presurgical immunization for dogs, cats, and wolf-hybrids owned or cared for by low income individuals. The department shall implement the program through an agreement with a qualified organization consistent with the applicable administrative rules.*

*(b) ~~The program shall reimburse veterinarians who voluntarily consent to~~ spay or neuter dogs, cats, and wolf-hybrids under the auspices of the program.*

~~The reimbursement shall be less any co-payment by the owner of a dog, cat, or wolf-hybrid for the cost of each spaying or neutering procedure.~~

~~(c) The agency of agriculture, food and markets is authorized to promulgate an emergency administrative rule by August 1, 2009, the purpose of which shall be that only a dog, cat, or wolf-hybrid acquired for no compensation shall be eligible for funding from the animal spaying and neutering program established under this section. The rule shall provide consideration for the financial ability of the funding applicant to pay for the requested service. For the purposes of this subsection, a nominal fee or donation required for adoption of a dog, cat, or wolf-hybrid shall not constitute compensation paid for the animal. The secretary of human services may adopt and amend rules pursuant to chapter 25 of Title 3 to enable the department of health to carry out the purposes of this act.~~

~~Sec. 2. 20 V.S.A. § 3816 is amended to read:~~

~~§ 3816. ANIMAL SPAYING AND NEUTERING FUND; CREATION~~

~~(a) There is created, pursuant to subchapter 5 of chapter 7 of Title 32, in the agency of agriculture, food and markets department of health the dog, cat, and wolf-hybrid spaying and neutering special fund to finance the costs of the dog, cat, and wolf-hybrid spaying and neutering program established in section 3815 of this title.~~

~~(b) Revenue for the fund shall be derived from:~~

~~(1) The \$2.00 surcharge payment paid to a municipality pursuant to subdivision 3581(c)(1) of this title.~~

~~(2) Gifts from private donors.~~

~~(3) Any appropriation which the general assembly makes to the fund.~~

~~(c) Interest earned on the fund shall be retained in the fund.~~

~~(d) The agency may offset the cost of administering the dog, cat, and wolf-hybrid spaying and neutering program from the fund created in subsection (a) of this section in accordance with the provisions of section 10 of Title 6 department of health shall use the revenue in the fund created in subsection (a) of this section for administering the dog, cat, and wolf-hybrid spaying and neutering program.~~

~~Sec. 3. ADMINISTRATIVE RULE APPLICABILITY~~

~~The department of health shall administer the dog, cat, and wolf-hybrid spaying and neutering program established in 20 V.S.A. § 3815 pursuant to the applicable administrative rule which became effective on July 1, 2010 until~~

~~the rule is amended to reflect the transfer of the jurisdiction of the program to the department of health.~~

~~Sec. 4. EFFECTIVE DATE~~

~~This act shall take effect on July 1, 2011.~~

~~Sec. 1. 20 V.S.A. § 3815 is amended to read:~~

~~§ 3815. DOG, CAT, AND WOLF-HYBRID SPAYING AND NEUTERING PROGRAM~~

~~(a) The agency of agriculture, food and markets shall establish by rule a process by which a qualified organization agency of human services shall administer a dog, cat, and wolf-hybrid spaying and neutering program providing reduced-cost spaying and neutering services and presurgical immunization for dogs, cats, and wolf-hybrids owned or cared for by low income individuals. The agency shall implement the program through an agreement with a qualified organization consistent with the applicable administrative rules.~~

~~(b) The program shall reimburse veterinarians who voluntarily consent to spay or neuter dogs, cats, and wolf-hybrids under the auspices of the program. The reimbursement shall be less any co-payment by the owner of a dog, cat, or wolf-hybrid for the cost of each spaying or neutering procedure.~~

~~(c) The agency of agriculture, food and markets is authorized to promulgate an emergency administrative rule by August 1, 2009, the purpose of which shall be that only a dog, cat, or wolf hybrid acquired for no compensation shall be eligible for funding from the animal spaying and neutering program established under this section. The rule shall provide consideration for the financial ability of the funding applicant to pay for the requested service. For the purposes of this subsection, a nominal fee or donation required for adoption of a dog, cat, or wolf hybrid shall not constitute compensation paid for the animal. The secretary of human services, in consultation with the chair of the Vermont Board of Veterinary Medicine, may adopt and amend rules pursuant to chapter 25 of Title 3 to enable the agency to carry out the purposes of this act.~~

~~Sec. 2. 20 V.S.A. § 3816 is amended to read:~~

~~§ 3816. ANIMAL SPAYING AND NEUTERING FUND; CREATION~~

~~(a) There is created, pursuant to subchapter 5 of chapter 7 of Title 32, in the agency of agriculture, food and markets agency of human services the dog, cat, and wolf-hybrid spaying and neutering special fund to finance the costs of the dog, cat, and wolf-hybrid spaying and neutering program established in section 3815 of this title.~~

*(b) Revenue for the fund shall be derived from:*

*(1) The ~~\$2.00~~ surcharge payment paid to a municipality pursuant to subdivision 3581(c)(1) of this title.*

*(2) Gifts from private donors.*

*(3) Any appropriation which the general assembly makes to the fund.*

*(c) Interest earned on the fund shall be retained in the fund.*

*~~(d) The agency may offset the cost of administering the dog, cat, and wolf-hybrid spaying and neutering program from the fund created in subsection (a) of this section in accordance with the provisions of section 10 of Title 6~~ agency of human services shall use the revenue in the fund created in subsection (a) of this section for administering the dog, cat, and wolf-hybrid spaying and neutering program.*

*Sec. 3. ADMINISTRATIVE RULE APPLICABILITY*

*The agency of human services shall administer the dog, cat, and wolf-hybrid spaying and neutering program established in 20 V.S.A. § 3815 pursuant to the applicable administrative rule which became effective on July 1, 2010 until the rule is amended to reflect the transfer of the jurisdiction of the program to the agency of human services.*

*Sec. 4. EFFECTIVE DATE*

*This act shall take effect on July 1, 2011.*