

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2009

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SENATE BILL 1332  
Finance Committee Substitute Adopted 6/16/10

Short Title: Spay/Neuter Program Transfer.

(Public)

Sponsors:

Referred to:

May 20, 2010

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2  
3 A BILL TO BE ENTITLED  
4 AN ACT TO TRANSFER ADMINISTRATION OF THE VOLUNTARY SPAY/NEUTER  
5 PROGRAM TO THE DEPARTMENT OF AGRICULTURE AND CONSUMER  
6 SERVICES AND TO AMEND THE FUNDING FOR THE SPAY/NEUTER ACCOUNT.

7 The General Assembly of North Carolina enacts:

8 **SECTION 1.(a)** The Spay/Neuter Program established under G.S. 19A-61 and the  
9 Spay/Neuter Account established under G.S. 19A-61 are transferred from the Department of  
10 Health and Human Services to the Department of Agriculture and Consumer Services. Any  
11 unexpended funds appropriated to the Department of Health and Human Services for the  
12 2009-2010 fiscal year to implement the Spay/Neuter Program are transferred to the Department  
13 of Agriculture and Consumer Services.

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

15 **"§ 19A-61. Spay/Neuter Program established.**

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

- 20 (1) Education Program. – The Department shall establish a statewide program to  
21 educate the public about the benefits of having cats and dogs spayed and  
22 neutered. The Department may work cooperatively on the program with the  
23 North Carolina School of Veterinary Medicine, other State agencies and  
24 departments, county and city health departments and animal control  
25 agencies, and statewide and local humane organizations. The Department  
26 may employ outside consultants to assist with the education program.
- 27 (2) Local Spay/Neuter Assistance Program. – The Department shall administer  
28 the Spay/Neuter Account established in G.S. 19A-62. Monies deposited in  
29 the account shall be available to reimburse eligible counties and cities for the  
30 direct costs of spay/neuter surgeries for cats and dogs made available to  
31 low-income persons."

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

33 **"§ 19A-62. Spay/Neuter Account established.**

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

- 37 (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.~~



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- 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/Neuter Account the Department will  
28 have available for distribution to each county or city receiving notification to  
29 pay reimbursement requests submitted by the county or city during the  
30 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>
7	<u>Animal Lovers</u>	\$30.00
8	Back Country Horsemen of NC	\$30.00
9	Coastal Conservation Association	\$30.00
10	Crystal Coast	\$30.00
11	El Pueblo	\$30.00
12	First in Forestry	\$30.00
13	Historical Attraction	\$30.00
14	Home Care and Hospice	\$30.00
15	HOMES4NC	\$30.00
16	Hospice Care	\$30.00
17	In God We Trust	\$30.00
18	Maggie Valley Trout Festival	\$30.00
19	National Kidney Foundation	\$30.00
20	North Carolina 4-H Development Fund	\$30.00
21	North Carolina Libraries	\$30.00
22	Personalized	\$30.00
23	Share the Road	\$30.00
24	State Attraction	\$30.00
25	Stock Car Racing Theme	\$30.00
26	Support Our Troops	\$30.00
27	AIDS Awareness	\$25.00
28	Buffalo Soldiers	\$25.00
29	Collegiate Insignia	\$25.00
30	Goodness Grows	\$25.00
31	High School Insignia	\$25.00
32	Kids First	\$25.00
33	Olympic Games	\$25.00
34	National Multiple Sclerosis Society	\$25.00
35	National Wild Turkey Federation	\$25.00
36	NC Agribusiness	\$25.00
37	NC Children's Promise	\$25.00
38	NC Coastal Federation	\$30.00
39	Nurses	\$25.00
40	Rocky Mountain Elk Foundation	\$25.00
41	Special Olympics	\$25.00
42	Surveyor Plate	\$25.00
43	The V Foundation for Cancer Research Division	\$25.00
44	University Health Systems of Eastern Carolina	\$25.00
45	Alpha Phi Alpha Fraternity	\$20.00
46	ALS Association, Jim "Catfish" Hunter Chapter	\$20.00
47	<del>Animal Lovers</del>	<del>\$20.00</del>
48	ARC of North Carolina	\$20.00
49	Audubon North Carolina	\$20.00
50	Autism Society of North Carolina	\$20.00
51	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."

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

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

<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	<del>\$10</del> \$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.