

Representative John G. Mathis proposes the following substitute bill:

ANIMAL CONTROL MODIFICATIONS

2011 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: John G. Mathis

Senate Sponsor: Kevin T. Van Tassell

LONG TITLE

General Description:

This bill modifies the Cat and Dog Community Spay and Neuter Program Restricted Account Act by moving control of the restricted account from the Department of Health to the Department of Agriculture and by changing the requirements to receive funding from the restricted account.

Highlighted Provisions:

This bill:

- ▶ provides control of the Cat and Dog Community Spay and Neuter Program Restricted Account to the Department of Agriculture;
- ▶ modifies the requirements to receive funding from the restricted account; and
- ▶ makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

This bill takes effect on July 1, 2011.

Utah Code Sections Affected:

RENUMBERS AND AMENDS:

4-40-101, (Renumbered from 26-48-101, as enacted by Laws of Utah 2006, Chapter

1st Sub. H.B. 495



26 280)

27 **4-40-102**, (Renumbered from 26-48-102, as last amended by Laws of Utah 2008,
28 Chapters 382 and 389)

29

30 *Be it enacted by the Legislature of the state of Utah:*

31 Section 1. Section **4-40-101**, which is renumbered from Section 26-48-101 is
32 renumbered and amended to read:

33 **CHAPTER 40. CAT AND DOG COMMUNITY SPAY AND NEUTER**
34 **PROGRAM RESTRICTED ACCOUNT ACT**

35 ~~[26-48-101]~~. **4-40-101**. Title.

36 This chapter is known as the "Cat and Dog Community Spay and Neuter Program
37 Restricted Account Act."

38 Section 2. Section **4-40-102**, which is renumbered from Section 26-48-102 is
39 renumbered and amended to read:

40 ~~[26-48-102]~~. **4-40-102**. **Cat and Dog Community Spay and Neuter**
41 **Program Restricted Account -- Interest -- Use of contributions and interest.**

42 (1) There is created within the General Fund the Cat and Dog Community Spay and
43 Neuter Program Restricted Account.

44 (2) The account shall be funded by contributions deposited into the Cat and Dog
45 Community Spay and Neuter Program Restricted Account in accordance with Section
46 59-10-1310.

47 (3) (a) The Cat and Dog Community Spay and Neuter Program Restricted Account
48 shall earn interest.

49 (b) Interest earned on the Cat and Dog Community Spay and Neuter Program
50 Restricted Account shall be deposited into the Cat and Dog Community Spay and Neuter
51 Program Restricted Account.

52 (4) The ~~[department]~~ Department of Agriculture shall distribute contributions and
53 interest deposited into the Cat and Dog Community Spay and Neuter Program Restricted
54 Account to one or more organizations that:

55 (a) are exempt from federal income taxation under Section 501(c)(3), Internal Revenue
56 Code; or

57 (b) operate as a city or county animal shelter.
 58 ~~[(b) operate a mobile spay and neuter clinic for cats and dogs;]~~
 59 ~~[(c) provide annual spay and neuter services at the mobile spay and neuter clinic~~
 60 ~~described in Subsection (4)(b):]~~
 61 ~~[(i) to one or more communities in at least 20 counties in the state; and]~~
 62 ~~[(ii) by veterinarians who are licensed by Title 58, Chapter 28, Veterinary Practice Act;~~
 63 ~~and]~~
 64 ~~[(d) (i) spay and neuter cats and dogs owned by persons having low incomes; and]~~
 65 ~~[(ii) have established written guidelines for determining what constitutes a person~~
 66 ~~having a low income in accordance with any rules made by the department as authorized by~~
 67 ~~Subsection (5)(c):]~~

68 (5) (a) An organization described in Subsection (4) may apply to the department to
 69 receive a distribution in accordance with Subsection (4).

70 (b) An organization that receives a distribution from the department in accordance with
 71 Subsection (4):

- 72 (i) shall expend the distribution only to spay or neuter dogs and cats:
 - 73 (A) owned by persons having low incomes; and
 - 74 (B) by veterinarians who are licensed by Title 58, Chapter 28, Veterinary Practice Act;
 - 75 and
 - 76 ~~[(C) through a statewide voucher program; and]~~
 - 77 ~~[(D) at a location that:]~~
 - 78 ~~[(E) is not a mobile spay and neuter clinic; and]~~
 - 79 ~~[(H) does not receive any funding from a governmental entity; and]~~
- 80 (ii) may not expend the distribution for any administrative cost relating to an
 81 expenditure authorized by Subsection (5)(b)(i).

82 (c) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
 83 department may make rules:

- 84 (i) providing procedures and requirements for an organization to apply to the
 85 department to receive a distribution in accordance with Subsection (4); and
- 86 (ii) to define what constitutes a person having a low income.

87 Section 3. **Effective date.**

88 This bill takes effect on July 1, 2011.

FISCAL NOTE

H.B. 495 1st Sub. (Buff)

SHORT TITLE: **Animal Control Modifications**

SPONSOR: **Mathis, J.**

2011 GENERAL SESSION, STATE OF UTAH

STATE GOVERNMENT (UCA 36-12-13(2)(b))

Enactment of this bill likely will not materially impact the state budget. This bill transfers the Cat and Dog Community Spay and Neuter Program Restricted Account from the Department of Health to the Department of Agriculture beginning in FY 2012.

STATE BUDGET DETAIL TABLE

	FY 2011	FY 2012	FY 2013
Revenue	\$0	\$0	\$0
Expenditure:			
General Fund Restricted	\$0	(\$80,000)	(\$80,000)
General Fund Restricted	\$0	\$80,000	\$80,000
Total Expenditure	\$0	\$0	\$0
Net Impact, All Funds (Rev.-Exp.)	\$0	\$0	\$0
Net Impact, General/Education Funds	\$0	\$0	\$0

LOCAL GOVERNMENTS (UCA 36-12-13(2)(c))

Organizations operating as a city or county animal shelter would now be eligible to receive funds from the Cat and Dog Community Spay and Neuter Program Restricted Account.

DIRECT EXPENDITURES BY UTAH RESIDENTS AND BUSINESSES (UCA 36-12-13(2)(d))

Enactment of this bill likely will not result in direct, measurable expenditures by Utah residents or businesses.