

# SENATE BILL No. 350

March 14, 2007, Introduced by Senators GARCIA, BARCIA and PAPPAGEORGE and referred to the Committee on Finance.

A bill to establish the animal welfare fund in the department of agriculture; to provide for the distribution of money from the fund; to prescribe the powers and duties of certain agencies and officials; and to provide for appropriations.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1           Sec. 1. This act shall be known and may be cited as the  
2 "animal welfare fund act".

3           Sec. 2. As used in this act:

4           (a) "Animal control shelter" and "animal protection shelter"  
5 mean those terms as defined in section 1 of 1969 PA 287, MCL  
6 287.331.

7           (b) "Department" means the department of agriculture.

8           (c) "Fund" means the animal welfare fund created in section 3.

9           (d) "Qualified veterinarian" means a person licensed or  
10 otherwise authorized to engage in the practice of veterinary

1 medicine under part 188 of article 15 of the public health code,  
2 1978 PA 368, MCL 333.18801 to 333.18838, and who practices  
3 veterinary medicine in this state.

4 (e) "State animal anticruelty laws" means the laws and  
5 standards provided for the adequate care of animals in chapter IX  
6 of the Michigan penal code, 1931 PA 328, MCL 750.49 to 750.70,  
7 including the provisions of section 50(8) of the Michigan penal  
8 code, 1931 PA 328, MCL 750.50.

9 Sec. 3. (1) The animal welfare fund is created in the  
10 department to provide funds to promote sterilization and adoption  
11 of dogs and cats, to improve knowledge of the proper care of  
12 animals pursuant to state animal anticruelty laws by educating the  
13 public and training personnel authorized by law to enforce state  
14 animal anticruelty laws, to support and enhance programs that  
15 provide for the care and protection of animals pursuant to state  
16 anticruelty laws, and to allow the purchase of equipment and  
17 supplies for programs that receive grants under this act.

18 (2) The state treasurer shall credit to the fund all amounts  
19 appropriated for this purpose under section 433 of the income tax  
20 act of 1967, 1967 PA 281, MCL 206.433.

21 (3) The fund shall consist of the money credited to the fund  
22 pursuant to section 433 of the income tax act of 1967, 1967 PA 281,  
23 MCL 206.433, any interest and earnings accruing from the saving and  
24 investment of that money, and other appropriations, money, or other  
25 things of value received by the fund.

26 (4) The state treasurer shall direct the investment of the  
27 fund.

1 (5) Money in the fund at the close of the year shall remain in  
2 the fund and shall not lapse to the general fund.

3 Sec. 4. (1) The money, interest, and earnings of the fund  
4 shall be expended solely for the purposes described in this act.

5 (2) Money granted or received as a gift or donation to the  
6 fund is available for distribution upon appropriation.

7 (3) Money in the fund may be expended by the department for  
8 actual administrative costs related to the administration of  
9 programs or activities authorized under this act.

10 Sec. 5. (1) The department shall solicit proposals for grants  
11 under this act.

12 (2) The department shall approve proposals for funding under  
13 this act. Only the following entities shall receive grants from the  
14 fund:

15 (a) An animal control shelter or animal protection shelter.

16 (b) An organization exempt from taxation under section  
17 501(c)(3) of the internal revenue code that is based in this state  
18 and whose primary purpose is to increase the number of dogs and  
19 cats that are sterilized and adopted.

20 (3) The department shall make grants to animal control  
21 shelters or animal protection shelters for only 1 or more of the  
22 following purposes:

23 (a) Increase the number of dogs and cats that are sterilized  
24 and adopted.

25 (b) Provide information to the public about the value of  
26 sterilization and adoption of dogs and cats.

27 (c) Improve knowledge of the proper care of animals pursuant

1 to state animal anticruelty laws by educating the public and  
2 training personnel authorized by law to enforce state animal  
3 anticruelty laws.

4 (d) Support and enhance programs that provide for the care and  
5 protection of animals pursuant to state anticruelty laws.

6 (e) Purchase equipment and supplies for programs that receive  
7 grants under this act.

8 (4) The department shall make grants to organizations  
9 described in subsection (2)(b) only for 1 or both of the following  
10 purposes:

11 (a) To increase the number of dogs and cats that are  
12 sterilized and adopted.

13 (b) To provide information to the public about the value of  
14 sterilization and adoption of dogs and cats.

15 (5) The department shall not approve a grant under this act to  
16 an organization described in subsection (2)(b) unless the  
17 organization has complied with section 9a of 1969 PA 287, MCL  
18 287.339a.

19 (6) A grant received under this act shall not be used to  
20 replace funds otherwise designated by a grantee to support similar  
21 programs or projects if existing funds for those programs or  
22 projects are included in the grantee's budget before receiving a  
23 grant under this act.

24 Sec. 6. (1) For the 2008 and 2009 tax years only, the amount  
25 in the fund that exceeds \$200,000.00 shall be available for  
26 distribution.

27 (2) If the total cumulative contributions to the fund for the

1 2008 and 2009 tax years do not exceed \$200,000.00 at any time, the  
2 fund shall be closed and all of the money in the fund shall be  
3 distributed during the 2010 tax year. The money in the fund that is  
4 available for distribution shall be appropriated each year.

5       Sec. 7. An organization that receives a grant under this act  
6 shall provide a written report of activities funded by the grant to  
7 the department annually on a form prescribed by the department.

8       Sec. 8. (1) An organization that receives a grant under this  
9 act that does not comply with the provisions of this act or the  
10 terms of the grant as determined by the department is not eligible  
11 for any future grant under this act.

12       (2) An organization that receives a grant under this act that  
13 does not comply with the provisions of this act or the terms of the  
14 grant shall be required to repay to the department the amount of  
15 the grant, or a portion of the grant, as determined by the  
16 department.

17       Enacting section 1. This act does not take effect unless  
18 Senate Bill No. 349  
19 of the 94th Legislature is enacted into law.