

MARYLAND REGISTER

Proposed Action on Regulations

Transmittal Sheet PROPOSED OR REPROPOSED Actions on Regulations	Date Filed with AELR Committee	TO BE COMPLETED BY DSD
	02/06/2014	Date Filed with Division of State Documents
		Document Number
		Date of Publication in MD Register

1. Desired date of publication in Maryland Register: 3/21/2014

2. COMAR Codification

Title Subtitle Chapter Regulation

15 01 10 01-10

3. Name of Promulgating Authority

Department of Agriculture

4. Name of Regulations Coordinator

Tonia C Martin

Telephone Number

410-841-5829

Mailing Address

50 Harry S. Truman Parkway

City State Zip Code
Annapolis MD 21401

Email

5. Name of Person to Call About this Document

Tonia Martin

Telephone No.

410-841-5883

Email Address

tonia.martin@maryland.gov

6. Check applicable items:

New Regulations

Amendments to Existing Regulations

DEPARTMENT OF AGRICULTURE

Subtitle 01 OFFICE OF THE SECRETARY

15.01.10 Spay/Neuter Grant Program

Authority: Agriculture Article, §2-1605, Annotated Code of Maryland

Notice of Proposed Action

□

The Secretary of Agriculture proposes to adopt new Regulations .01 — .10, under a new Chapter COMAR 15.01.10 Spay/Neuter Grant Program.

Statement of Purpose

The purpose of this action is to explain the requirements for the Spay/Neuter Grant program that is established to assist in the reduction of animal shelter overpopulation, and cat and dog euthanasia rates by financing grants to local governments and qualifying animal welfare organizations for programs, on a competitive basis, that will effectively facilitate and promote spay and neuter services for cats and dogs.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

The proposed action has no economic impact.

Economic Impact on Small Businesses

The proposed action has minimal or no economic impact on small businesses.

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to Mark Powell, Chief of Marketing, Maryland Department of Agriculture, Marketing and Agricultural Development, 50 Harry S. Truman Parkway, Annapolis, MD 21401, or call (410) 841-5770, or email to mark.powell@maryland.gov, or fax to 410-841-5987. Comments will be accepted through April 21, 2014. A public hearing has not been scheduled.

Economic Impact Statement Part C

A. Fiscal Year in which regulations will become effective: FY 2014

B. Does the budget for the fiscal year in which regulations become effective contain

funds to implement the regulations?

Yes

C. If 'yes', state whether general, special (exact name), or federal funds will be used:

Special Funds

D. If 'no', identify the source(s) of funds necessary for implementation of these regulations:

E. If these regulations have no economic impact under Part A, indicate reason briefly:

These regulations merely explain the requirements for the Department of Agriculture's Spay/Neuter Grant Program; there is no economic impact.

F. If these regulations have minimal or no economic impact on small businesses under Part B, indicate the reason and attach small business worksheet.

Same as E. above.

G. Small Business Worksheet:

Attached Document:

Title 15 DEPARTMENT OF AGRICULTURE

Subtitle 01 OFFICE OF THE SECRETARY

Chapter 10 Spay/Neuter Grant Program

Authority: Agriculture Article, §2-1605, Annotated Code of Maryland

.01 Purpose.

This chapter explains the requirements of the Spay/Neuter Grant Program. The purpose of this program, administered by the Department of Agriculture, is to reduce animal shelter overpopulation and cat and dog euthanasia rates by financing grants to local governments and animal welfare organizations for programs that most efficiently and effectively facilitate and promote spay and neuter services for cats and dogs.

.02 Definitions.

A. In this chapter, the following terms have the meanings indicated.

B. Terms Defined.

(1) "Animal Welfare Organization" means a not-for-profit organization established to promote animal welfare that has received tax exempt status under 501 (c)(3) of the U.S. Internal Revenue Code and is registered to do business in Maryland.

(2) "Department" means the Maryland Department of Agriculture.

(3) "Fund" means the Spay/Neuter Fund.

(4) "Project" means an action plan that the applicant agrees to follow for spay and neuter services for cats and dogs.

(5) "Spay/Neuter Advisory Board" means the Spay/Neuter Advisory Board of the Department.

.03 Who May Apply for Grants.

Only the following may apply for a grant under this chapter:

- A. A municipal or county government; or
- B. An animal welfare organization.

.04 Grant Application Contents.

A qualified applicant who applies for a grant shall apply on a departmental form that includes, among other things, the following:

- A. The project title;
- B. The applicant's name and contact information;
- C. The qualifications of the applicant and the personnel who will work on the project, including veterinary services, if applicable;
- D. The amount of the grant requested; and
- E. A project description, which shall include:
 - (1) The project's objectives and expected outcomes;
 - (2) A work plan and budget summary of the proposed project;
 - (3) How the project meets the purposes of the Fund and the requirements of the grant; and
 - (4) Any additional information required by the Department.

.05 Application Review and Approval.

A. The Department shall solicit one or more times annually, depending on available funding, competitive grant proposals to facilitate the delivery of spay and neuter services. It is the Department's intent to select the best proposals that most efficiently and effectively facilitate and promote the provision of those services and target low-income communities and populations to the maximum extent possible.

B. The Department shall provide guidelines and detailed instructions for submitting a proposal for the Department's consideration.

C. The Department will rank eligible applications and select for funding those that most effectively and efficiently achieve the purpose of the Fund.

(1) In determining which projects to fund, the Department will consider:

(a) How low-income communities and populations are targeted and how the goal of reaching those communities and populations will be accomplished;

(b) How well the project proposal identifies and assesses the need for additional spay and neuter services in the targeted community or population, and how effectively and efficiently the project will meet that need;

(c) Whether or not the project conforms to local laws; including but not limited to local laws regarding feral cat populations;

(d) How the project proposal identifies and meets the need to promote spay/neuter services to the targeted population or community through education and outreach;

(e) The extent to which the project increases the number of spay/neuter procedures in Maryland and impacts animal shelter over-population and cat and dog euthanasia rates;

(f) The expected project results relative to the amount of funds requested;

(g) The qualifications and experience of the applicant and the individuals who will be responsible for implementing the project; and

(h) The recommendations of the Spay Neuter Advisory Board.

.06 Grant Agreement.

Upon approval of a grant application by the Department, the applicant on a Departmental form, shall execute a grant agreement that, among other things, requires the applicant to:

A. Establish and operate the project according to the project description;

B. Maintain and provide records and reports as required to the Department; and

C. Use grant funds for only those activities provided in the approved project application.

.07 Distribution of Grant.

The Department shall distribute grants, unless otherwise provided in the grant agreement, as follows:

A. 50% of the grant will be disbursed after receipt of an executed grant agreement and after receipt of any required documentation; and

B. The remaining 50% of the grant will be disbursed after receipt of the 2nd quarter report that is due 180 days after the grant cycle begins.

.08 Project Monitoring and Reporting.

A. The recipient of a spay/neuter grant shall:

(1) Keep and maintain complete and accurate records of all activities connected with the grant;

(2) Report relevant information to the Department on how the grant was used to date; including data on the number and type of spay or neuter procedures performed, and such other information as requested by the Department;

(3) Submit a final report, to the Department, both narrative and financial, within 30 days after the conclusion of the grant cycle, or upon completion of the project, whichever comes first. The final report shall be in a form as required by the Department, and shall include:

(a) Data on the number of spay and neuter procedures performed under the grant;

(b) A description of any public education and outreach efforts implemented;

(c) An evaluation of the degree to which the project's objectives and expected outcomes were met;

(d) A detailed accounting of the disbursement of all funds; and

(e) Any other information required by the Department.

(4) Notify the Department in writing immediately of any significant change to the grant application or any funded grant activity.

B. Failure to report as required by this regulation may jeopardize future grants to the grant recipient, and may result in the grant recipient being required to repay current grant funds.

.09 Penalties.

If the Department determines that the grant recipient has violated the grant agreement or that grant funds have not been used for their intended purpose as provided in the grant agreement, the Department may:

A. Discontinue any future grant payments;

B. Require the grant recipient to repay immediately to the Department the full amount of the grant, or a portion of the grant; and

C. Deny any future grant eligibility to the grant recipient.

.10 Spay/Neuter Fund.

A. Any person who registers a commercial feed under §6-107 of the Agriculture Article, that is prepared and distributed for consumption by a cat or dog shall:

(1) Pay to the Department for use in the spay/neuter fund, the following fees for each registered brand or product:

(a) From October 1, 2013, through September 30, 2014, inclusive, \$50;

(b) From October 1, 2014, through September 30, 2015, inclusive, \$75; and

(c) After September 30, 2015, \$100.

(2) A person who applies to register a feed under §6-107 of the Agriculture Article, shall report on the application if the product is prepared and distributed for consumption by a cat or dog.

B. Any person who fails to pay any fees required by this regulation, is subject to the standards, policies and procedures for the collection of claims of the State pursuant to COMAR 17.01.01.