START\_STATUTE28-2422.02.  Spaying and neutering of animals fund; applications; award of fund monies; report; definitions

A.  The spaying and neutering of animals fund is established consisting of monies received pursuant to sections 28‑2422 and 43‑619.  The companion animal spay and neuter committee shall administer the fund. The first thirty‑two thousand dollars received shall be reimbursed to the entity that paid the implementation fee to the department of transportation pursuant to section 28‑2422.  Excluding the initial thirty‑two thousand dollar reimbursement, not more than ten percent of monies deposited in the fund annually shall be used for the cost of administering the fund. Monies in the fund are continuously appropriated.

B.  The companion animal spay and neuter committee shall allocate monies to a qualifying entity that allocates the monies to programs that seek to reduce pet overpopulation by sterilizing, at minimal or no cost, dogs and cats in this state, including those that are impounded and sterilized pursuant to section 11‑1022.  The companion animal spay and neuter committee shall annually distribute all monies deposited in the spaying and neutering of animals fund, excluding administrative fees, to any qualifying entities. Monies awarded pursuant to this section shall not be used to sterilize animals that may be euthanized unless euthanasia becomes necessary due to illness, injury or behavior.

C.  On notice from the companion animal spay and neuter committee, the state treasurer shall invest and divest monies in the fund as provided by section 35‑313, and monies earned from investment shall be credited to the fund.

D.  Monies in the fund are exempt from the provisions of section 35‑190 relating to lapsing of appropriations.

E.  Before allocating monies pursuant to subsection B of this section:

1.  The companion animal spay and neuter committee shall prepare and issue a request for donation application that includes at least the following information:

(a)  A description of the project types that are eligible for funding, including the scope of the work to be performed by an awardee.

(b)  Identification of the funding source and the total amount of available monies.

(c)  Whether a single award or multiple awards may be made.

(d)  Encouragement of collaboration by entities for community partnerships, if appropriate.

(e)  Any additional information required by the applications.

(f)  The criteria or factors under which an application will be evaluated for an award and the relative importance of each criterion or factor.

(g)  The due date for submittal of an application and the anticipated time the awards may be made.

2.  Adequate public notice of the request for donation application shall be given a reasonable time before the date set forth in the request for application.  The notice may include publication one or more times in a newspaper of general circulation in this state a reasonable time before the application opening.

3.  A preapplication conference may be conducted before the due date for the submittal of an application to explain the donation application requirements.  Statements made at a preapplication conference are not amendments to a request for a donation application unless a written amendment is issued.

4.  A donation application shall be publicly received at the time and place designated in the request for donation application.  The name of each applicant shall be publicly read and recorded.  All other information in the donation application is confidential during the process of evaluation.  All applications shall be open for public inspection after donations are awarded.  To the extent the applicant designates and the state concurs, trade secrets and other proprietary information contained in the application shall remain confidential.

5.  An application shall be evaluated by at least four evaluators who are members of the companion animal spay and neuter committee.  The evaluators may allow an applicant to make an oral or written presentation regarding the scope of work, terms and conditions of the donations, budget and other relevant matters set forth in the request for application.  An applicant shall be accorded fair treatment with respect to any opportunity for oral or written presentations.  The evaluators may require an applicant to revise the application to reflect information provided in an oral or written presentation.  Any person who has information contained in the application of competing applicants shall not disclose that information.

6.  The evaluators shall review each application based solely on the evaluation criteria or factors set forth in the request for donation application.  Each evaluator shall maintain a written record of the evaluator's assessment of each application, which shall include comments regarding compliance with each evaluation criterion or factor, the citation of a specific criterion or factor as the basis of each stated strength or weakness and a clear differentiation between comments based on facts presented in the application and comments based on professional judgment.

7.  The evaluators shall make award recommendations to the companion animal spay and neuter committee based on the evaluators' reviews of each application.  The evaluators' recommendations may include the adjustment of the budgets of the applicants individually or collectively.

8.  The companion animal spay and neuter committee may affirm, modify or reject the evaluators' recommendations in whole or in part.  Modification of the evaluators' recommendations may include the adjustment of the budget on any proposed award individually or on all awards by an amount or percentage.  If the companion animal spay and neuter committee modifies or rejects the recommendations, the committee shall document in writing the specific justifications for the action taken.

9.  The companion animal spay and neuter committee may enter into agreements with other state governmental units to furnish assistance in conducting the solicitation of donation applications.

10.  The companion animal spay and neuter committee may resolve protests of the award or proposed award of a donation.  An appeal from a decision of the companion animal spay and neuter committee may be made to the director of the department of administration.  A protest of an award or proposed award of a donation and any appeals shall be resolved in accordance with the rules of procedure adopted by the department of administration pursuant to section 41‑2611.

F.  On or before December 31 of each year, the companion animal spay and neuter committee shall submit a written report to the governor, the president of the senate and the speaker of the house of representatives on all expenditures made from the fund in that calendar year.  The report shall include all administrative expenses, all grants of monies, the names of grantees and any remaining balance in the fund.  The committee shall provide a copy of the report to the secretary of state.

G.  The companion animal spay and neuter committee shall make available to the public a list of all grants awarded pursuant to this section.

H.  For the purposes of this section:

1.  "Donation" means furnishing financial or other assistance, including state monies or federal grant monies, by the companion animal spay and neuter committee to any qualifying entity that allocates the monies to programs that seek to reduce pet overpopulation by sterilizing, at minimal or no cost, dogs and cats in this state that are owned by the general public or that are impounded and sterilized pursuant to section 11‑1022.

2.  "Qualifying entity" means either of the following:

(a)  An animal welfare organization that files under section 501(c)(3) of the United States internal revenue code for federal income tax purposes and that offers or subsidizes sterilization services of dogs and cats, including organizations represented on the companion animal spay and neuter committee.

(b)  An animal control agency that offers or subsidizes sterilization services of dogs and cats, including organizations represented on the companion animal spay and neuter committee. END\_STATUTE