

Fiscal Note & Local Impact Statement

127th General Assembly of Ohio

Ohio Legislative Service Commission
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BILL: **Am. H.B. 446** DATE: **May 14, 2008**

STATUS: **In House Local and Municipal Government and Urban Revitalization** SPONSOR: **Rep. Webster**

LOCAL IMPACT STATEMENT REQUIRED: **Yes**

CONTENTS: **Revise animal control statutes**

State Fiscal Highlights

STATE FUND	FY 2009	FY 2010	FUTURE YEARS
The Ohio State University – College of Veterinary Medicine			
Revenues	- 0 -	Potential gain in county auditor revenue proceeds	Potential gain in county auditor revenue proceeds
		Potential gain in revenues to the Animal Control Officer Training Fund	Potential gain in revenues to the Animal Control Officer Training Fund
Expenditures	- 0 -	Potential minimal increase for the administration of the Animal Control Officer Training Fund	Potential minimal increase for the administration of the Animal Control Officer Training Fund
Bureau of Motor Vehicles			
Revenues	- 0 -	- 0 -	- 0 -
Expenditures	- 0 -	Potential increase in administrative costs for overseeing the disbursement of money from the Ohio Pet Fund	Potential increase in administrative costs for overseeing the disbursement of money from the Ohio Pet Fund
Department of Agriculture – GRF			
Revenues	- 0 -	- 0 -	- 0 -
Expenditures	- 0 -	Potential increase in costs for compensation of camelid losses	Potential increase in costs for compensation of camelid losses

Note: The state fiscal year is July 1 through June 30. For example, FY 2009 is July 1, 2008 – June 30, 2009.

- The bill increases the amount from ten cents to twenty cents that a county auditor must give to The Ohio State University College of Veterinary Medicine, if the county increases dog or kennel registration fees to above \$10 and \$50 respectively. Additionally, the bill alters the distribution of these revenues.
- The bill requires the Registrar of Motor Vehicles to pay the contributions from "Pets" license plates directly to the Ohio Pet Fund, instead of to the Pets Program Funding Board, which would then disburse the money. The bill also abolishes the Pets Program Funding Board.



- The bill establishes the Animal Control Officer Training Fund. The fund will be administered by The Ohio State University College of Veterinary Medicine, and be used to pay the expenses of approved training academies for animal control officers. Two cents from each twenty-cent deposit received by The Ohio State University College of Veterinary Medicine must be deposited to the Animal Control Officer Training Fund.
- The bill adds camelids (llamas, alpacas) to the types of animals for which an owner may seek reimbursement when the animal has been injured or killed by a coyote or black vulture. This would be paid from the Department of Agriculture's GRF appropriation item 700-405, Animal Damage Control, appropriated at \$60,000 in each fiscal year.

Local Fiscal Highlights

LOCAL GOVERNMENT	FY 2008	FY 2009	FUTURE YEARS
Counties – Auditors and Courts			
Revenues	Potential gain in revenues from various fee increases and criminal penalties	Potential gain in revenues from various fee increases and criminal penalties	Potential gain in revenues from various fee increases and criminal penalties
Expenditures	Potential increase in court costs, animal housing costs, and microchip reading device purchases	Potential increase in court costs, animal housing costs, and microchip reading device purchases	Potential increase in court costs, animal housing costs, and microchip reading device purchases
Municipalities			
Revenues	Gain in penalty revenue	Gain in penalty revenue	Gain in penalty revenue
Expenditures	- 0 -	- 0 -	- 0 -

Note: For most local governments, the fiscal year is the calendar year. The school district fiscal year is July 1 through June 30.

Dog registration

- The bill increases the statutory minimum annual dog registration fee from \$2 to \$10. There could be a gain in revenues for those counties whose dog registration fee is currently below \$10. There are currently 72 counties that have a dog registration fee of at least \$10.
- The bill authorizes a board of county commissioners to offer an amnesty period for dogs that are not registered to allow for the owner to register the dog without paying a penalty fee. Electing to offer such amnesty may result in a loss of penalty fee revenue for counties.
- The bill abolishes the requirement that a registration fee for any dog purchased outside of the state after July 1 of any year be one-half of the original fee. Assuming counties will opt to charge the full fee, this provision could result in registration revenue gains.
- The bill requires counties to obtain a device that is capable of retrieving information that is contained in a microchip inserted into a dog. A microchip scanner can cost approximately \$350 for each device. The bill also establishes procedures for sheltering both licensed and unlicensed dogs with a microchip. Unlicensed dogs with a microchip are required to be held for seven days. As current law requires that unlicensed dogs be held for three days, this provision could result in an increase in costs for animal shelters.
- The bill revises the fee that a county auditor may charge for the issuance of duplicate dog registration tags from a range of 25 cents to \$1.50 to a fee that cannot exceed 15% of the registration fee. Given that the bill

raises the minimum registration fee to \$10, the 15% of the registration fee will likely equal or exceed the range that is in current law. Therefore, this provision will likely result in revenue gains for counties.

Dog kennel registration

- The bill increases the statutory minimum annual dog kennel registration fee from \$10 to \$50. This will result in a gain in revenue for counties.
- The bill eliminates the procedures under which five dog registration tags are provided with each kennel registration and each additional tag is provided at \$1. Instead it requires the owner of a kennel to register each dog that is two months of age or older as specified in the bill. This provision will result in significant revenue gains for counties.
- The bill establishes a minor misdemeanor offense for dog kennel owners that fail to file an application for kennel registration, or that fail to pay the applicable registration fee.
- The bill increases the transfer fee for the transferal of dogs from 25 cents to \$1, and increases and eliminates several fees related to the harboring and impounding of dogs.
- The bill increases from ten cents to twenty cents the amount that a county auditor must give to The Ohio State University College of Veterinary Medicine, if the county increases dog or kennel registration fees to above \$10 and \$50, respectively. Additionally, the bill alters the distribution of these revenues.

Other related provisions

- The bill requires cats to have a specified form of identification, and provides procedures for the disposition of cats and dogs surrendered to an animal shelter.
- The bill establishes requirements for rabies vaccinations and the quarantine of dogs, cats, and ferrets that are not properly vaccinated, which includes permitting boards of health to assess a \$50 penalty for failure to properly vaccinate a dog, cat, or ferret.
- The bill prohibits a sentencing court from suspending the imposition of fines for violating certain provisions of the Dogs Law.
- The bill increases the penalty from a minor misdemeanor to a fourth-degree misdemeanor for any person that violates either of the provisions against hindering the capture of an unregistered dog or owning, keeping, or harboring a dog wearing an invalid registration tag.

Detailed Fiscal Analysis

State fiscal effects

The Ohio State University College of Veterinary Medicine

The bill increases the amount from ten cents to twenty cents that a county auditor must give to The Ohio State University College of Veterinary Medicine if the county increases dog or kennel registration fees to above \$10 and \$50, respectively. Of that twenty cents, ten cents is to be used for research and study of the diseases of dogs, particularly those transmittable to humans, and for research of other diseases of dogs that by their nature will provide results applicable to the prevention and treatment of both human and canine illness; and eight cents is to be used to support a faculty position at the College of Veterinary Medicine of The Ohio State University. The bill requires at least 50% of the research, teaching, and outreach responsibilities of the faculty positions to focus on the advancement of veterinary medicine at animal shelters or humane societies. The remaining two cents is to be deposited into the Animal Control Officer Training Fund, which is created in the bill. The fund is to be administered by the College of Veterinary Medicine of The Ohio State University and be used to pay the expenses of approved training academies for animal control officers. The amount of the additional revenue the College of Veterinary Medicine might receive depends on how many counties increase their registration fees.

The bill requires the Registrar of Motor Vehicles to pay the contributions from "Pets" license plates directly to the Ohio Pet Fund, instead of to the Pets Program Funding Board, which disburses the money. The bill requires instead the Registrar of the Bureau of Motor Vehicles (BMV) to handle these disbursements. The BMV could experience some minor administrative cost increases as a result of these additional duties.

Reimbursement for camelids killed by a predator

The bill allows camelid owners to seek reimbursement when their animals are injured or killed by a coyote or black vulture. As it relates to Ohio, this would allow llama and alpaca owners to seek compensation. The Ohio Department of Agriculture is responsible for hearing such claims and making reimbursements when necessary. Payments are made from the Department of Agriculture's GRF appropriation item 700-405, Animal Damage Control, with annual appropriations of \$60,000.

Local fiscal effects

Dog registration

The bill increases the statutory minimum annual dog registration fee from \$2 to \$10. There could be an increase in revenues for those counties whose dog registration fees are currently below \$10. There are currently 72 counties that have a dog registration fee of at least \$10. Therefore, any revenue gains resulting from this provision would be limited to the 16 counties that charge less than \$10. Additionally, the revenue gains would be dependent upon how much those counties currently charge for registrations.

The bill also revises the fee that a county auditor may charge for the issuance of duplicate dog registration tags from a range of 25 cents to \$1.50 to a fee that cannot exceed 15% of the registration fee. Given that the bill raises the minimum registration fee to \$10, 15% of the registration fee will likely equal or exceed the range that is in current law. For example, some counties may already charge \$10 or more as a registration fee, but charge less than \$1.50 for a duplicate registration tag. On the whole, then, this provision could result in revenue gains for all counties, and not just those that currently have a registration fee of less than \$10.

The bill abolishes the requirement that a registration fee for any dog purchased outside of the state after July 1 of any year be one-half of the original fee. Assuming counties will opt to charge the full fee, this provision would result in registration revenue gains, depending on how many dogs are purchased out of state after July 1st.

Kennel registration

The bill increases the statutory minimum annual dog kennel registration fee from \$10 to \$50. To understand the effects of this change, recent survey research that LSC coordinated with the County Auditors Association of Ohio (CAAO) on dog kennel registrations may be helpful. Out of Ohio's 88 counties, 55 responded to the survey with the number of registrations they processed in 2005, and 65 responded with their kennel registration fee. The average county responding to the survey registered 159 dog kennels in 2005.

According to the registration data provided by county auditors, LSC estimates that there are approximately 14,000 kennels registered statewide, with an average kennel registration fee of approximately \$57. Therefore, it would seem highly probable that county revenues from this source would increase.

Additionally, the bill eliminates the procedures under which five dog registration tags are provided with each kennel registration, with additional tags costing \$1. Instead, the bill requires the owner of a kennel to register the facility and each dog that is two months of age or older. This provision could result in larger revenue gains for counties. As an example, assuming that a county charges \$10 for a dog registration, a person registering a kennel with ten dogs would pay \$100 for dog registrations under the bill, versus paying \$5 for the five additional tags under current law.

Other fee changes

In addition to the fees described above, the bill makes changes to several other fees. Section 955.17 of the Revised Code lists five fees that are charged for various activities. The table below shows the changes made to these fees.

Revision of Fees in H.B. 446		
O.R.C. Provision	Current Law	H.B. 446
Filing affidavit and order to seize a dog	\$1	Eliminated
Seizing dog and transfer to animal shelter	\$4	\$15
Serving or posting of notice to owner	\$2	\$3
Housing and feeding of dog per day	\$1.50	\$5
Selling or humanely destroying of dog	\$2	\$25

In addition to the fees listed above, the bill also increases the fee for the transfer of a vicious dog from 25 cents to \$1. Increasing these fees could result in revenue gains for counties; however, the magnitude of these gains is unknown.

Penalties and criminal offenses

The bill creates and alters several criminal offenses. First, the bill prohibits a dog kennel owner from failing to file an application for kennel registration or from failing to pay the registration fee. This offense is considered a minor misdemeanor in which the fine is between \$25 and \$100 for a first offense and between \$75 and \$250 for each subsequent offense with a potential jail sentence of not more than 30 days for each subsequent offense, making subsequent offenses a fourth-degree misdemeanor. Second, the bill increases the penalty from a minor misdemeanor to a fourth-degree misdemeanor for a person who violates the prohibitions against hindering the capture of an unregistered dog, or owning, keeping, or harboring a dog wearing an invalid registration tag. Generally, fourth-degree misdemeanors carry a jail sentence of not more than 30 days, and a maximum fine of \$250. Third, any person that violates a rabies quarantine order is guilty of a fourth-degree misdemeanor for a first offense, and a third-degree misdemeanor for each subsequent offense. These new penalties could result in increased court costs for counties.

In addition to these penalties, the bill requires that sentencing courts not waive fines imposed for violations of several existing criminal provisions of the Dogs Law. The provisions of the bill could potentially result in an increase in caseload for county courts, and therefore increases in court costs to counties. Some of these costs could be offset by fine revenue. Additionally, requiring courts to not waive fines for certain violations could also potentially generate more revenue. Presumably, such cases were prosecuted and processed through the court system, so those costs were already borne by the county courts. However, by requiring that fines be levied, it is possible that some cases that would have previously been resolved through a plea agreement could go to a jury trial. However, the number of such cases would probably be minimal.

Cat identification and disposition

The bill states that if a cat that has been surrendered to an animal shelter has a form of identification specified in the bill, the animal shelter shall (1) keep, house, and feed the cat for three business days, and (2) make a reasonable attempt to contact the owner of the cat. If a cat is not redeemed after three business days, the animal shelter shall be deemed the owner of the cat. If a cat that has been surrendered to an animal shelter has an obvious disease or injury, the cat may be humanely destroyed immediately. If the diseased or injured cat has a form of

identification specified in the bill, the necessity of humanely destroying the cat shall be certified by a veterinarian or a registered veterinary technician, who is in consultation with a veterinarian or is working under standing orders of a veterinarian. If the cat does not have a required form of identification, the decision to humanely destroy it shall be made by the animal shelter staff. There are no current law provisions that deal with the housing and disposition of cats. Presumably, the provisions of the bill would result in a decrease in costs for the housing of cats.

Vaccination against rabies and quarantine of dogs, cats, and ferrets

The bill establishes the requirements and procedures governing vaccination against rabies and for the quarantine of dogs, cats, and ferrets. The bill requires that these animals be properly vaccinated at all times, and requires a board of health to assess a penalty of \$50 for failure to properly vaccinate the animal. This could result in revenue gains for municipal corporations in which these boards of health exist. The bill also authorizes a board of health or other persons performing those duties to declare a quarantine of all dogs, cats, or ferrets, and authorizes any applicable entities to humanely destroy a dog, cat, or ferret that has been declared a nuisance and for which proof of vaccination cannot be demonstrated. The penalty issued under this provision could result in some revenue gains for jurisdictions in which boards of health exist.

Other provisions with fiscal implications

The bill requires counties to obtain a device that is capable of retrieving information that is contained in a microchip inserted into a dog. A microchip scanner, such as the AVID scanner, which is commonly used for the reading of microchips inserted into dogs, can cost approximately \$350 for each device. The bill also requires animal control officers to complete certain training courses developed by the Ohio Peace Officer Training Commission. The cost of these training courses will depend on criteria and specific training exercises that the Peace Officer Training Commission develops for animal control officers, as well as the number of attendees in each training session. Deposits to The Ohio State University's College of Veterinary Medicine's Animal Control Officer Training Fund, created in the bill, will presumably pay the costs of this training, or at least defray a portion of those costs.

The bill also establishes procedures for the disposition of microchipped dogs under care of a shelter. Under current law, animal shelters are required to house licensed dogs for 14 days, and unlicensed dogs for 3 days before determining the disposition of those animals. If a dog brought to an animal shelter has been microchipped, the shelter must house the animal for 14 days as is required for any licensed dog. However, if the dog is unlicensed, and has been microchipped, the shelter must house the dog for at least seven days. This requirement may result in an increase in animal housing costs for county animal shelters. Additionally, the bill requires that an animal control officer scan every dog that is brought to the shelter for a microchip. The bill grants immunity from liability for these officers in cases where no chip could be found on a dog that has been microchipped but is subsequently adopted or euthanized.

Synopsis of Changes

The following three changes in the bill appear to have some fiscal effect. These changes are noted in the preceding detailed analysis.

- The bill alters the distribution of money received by the Ohio Pet Fund, and establishes the Animal Control Officer Training Fund under The Ohio State University College of Veterinary Medicine to pay for such costs.
- The bill changes the registration age of a puppy from two months back to current law, which is three months of age, thus eliminating the potential for a slight increase in revenues.
- The bill establishes the length of time dogs with microchips, both which are registered and unregistered, may be held at an animal shelter, and the procedures for the disposition of such dogs. These changes could increase sheltering expenses.

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