

# Fiscal Note & Local Impact Statement

127<sup>th</sup> General Assembly of Ohio

Ohio Legislative Service Commission  
77 South High Street, 9<sup>th</sup> Floor, Columbus, OH 43215-6136 ♦ Phone: (614) 466-3615  
♦ Internet Web Site: <http://www.lsc.state.oh.us/>

BILL: **Sub. H.B. 446**

DATE: **May 27, 2008**

STATUS: **As Reported by House Local & Municipal Government and Urban Revitalization**

SPONSOR: **Rep. Webster**

LOCAL IMPACT STATEMENT REQUIRED: **Yes**

**However, Animal Control Officer Training Fund in current version will pay for or offset training expenses that caused the local impact in the "As Introduced" bill**

CONTENTS: **Revises animal control statutes**

## State Fiscal Highlights

STATE FUND	FY 2009	FY 2010	FUTURE YEARS
<b>The Ohio State University – College of Veterinary Medicine</b>			
Revenues	Gain in county dog and kennel registration proceeds	Gain in county dog and kennel registration proceeds	Gain in county dog and kennel registration proceeds
Expenditures	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	Potential minimal increase for the administration of the Animal Control Officer Training Fund
<b>Animal Control Officer Training Fund (New Fund)</b>			
Revenues	Gain in amounts collected from county dog and kennel registration proceeds	Gain in amounts collected from county dog and kennel registration proceeds	Gain in amounts collected from county dog and kennel registration proceeds
Expenditures	Increase for animal control officer training program costs	Increase for animal control officer training program costs	Increase for animal control officer training program costs
<b>Department of Agriculture – GRF</b>			
Revenues	- 0 -	- 0 -	- 0 -
Expenditures	Potential increase in animal damage claims	Potential increase in animal damage claims	Potential increase in animal damage claims

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 from ten cents to twenty cents the amount directed to The Ohio State University College of Veterinary Medicine when a county increases its dog registration fee above \$10 and kennel registration fee above \$50, and also specifies how the College is to use these amounts.
- The bill establishes the Animal Control Officer Training Fund, to be administered by The Ohio State University College of Veterinary Medicine and used to pay the expenses of approved training academies for



county 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.

- Current law allows owners of certain livestock to obtain reimbursement from the Department of Agriculture for injuries or death caused by coyote or black vulture attacks. The bill adds camelids (alpacas and llamas) to this list. This could possibly increase the amounts expended from GRF appropriation item 700-405, Animal Damage Control.

### *Local Fiscal Highlights*

LOCAL GOVERNMENT	FY 2008	FY 2009	FUTURE YEARS
<b>Counties – Auditors and Courts</b>			
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
<b>Municipalities</b>			
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.

- The bill requires counties to obtain microchip scanners and establishes procedures for sheltering both licensed and unlicensed micro-chipped dogs. Shelters would be required to keep unlicensed, micro-chipped dogs for seven days rather than three as in current law. This could result in an increase in costs for animal shelters.
- The bill increases the statutory minimum annual dog registration fee from \$2 to \$10, the dog kennel registration fee from \$10 to \$50, and adjusts a number of other fees. These fee increases would presumably offset some or most of the costs of the new sheltering requirements in the bill.

---

## *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. Eight cents is to be used to support a faculty position at the College of Veterinary Medicine of The Ohio State University. 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.

#### *Department of Agriculture – Animal Damage Control*

Existing law provides for livestock owners to be compensated for animals killed by coyote or black vultures. The bill adds alpacas and llamas to the list of animals qualifying for reimbursement. The Ohio Department of Agriculture is responsible for hearing such claims and making reimbursements when necessary via GRF appropriation item 700-405, Animal Damage Control, which is appropriated \$60,000 in each fiscal year for the FY 2008-FY 2009 biennium.

### *Local fiscal effects*

#### *Animal Control Officer Training*

The bill requires animal control officers to complete certain training courses developed by the Ohio Peace Officer Training Commission. The Commission is required to consult with the Department of Health, the Ohio Farm Bureau Federation, the Ohio County Dog Wardens Association, the Ohio Veterinary Medical Association, the County Commissioners Association of Ohio, and the Ohio Federation of Humane Societies to determine the proper curriculum needed. The Commission must also ensure the availability of the training courses through regional criminal justice training academies or other entities approved by the Commission. The regional criminal justice training academies or other entities are required to keep and maintain records of all animal control officers appointed or employed who complete training courses provided by them. 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. The Animal Control Officer Training Fund will presumably pay the costs of this training, or at least defray a portion of those costs.

### **Microchip scanners**

The bill requires counties to obtain microchip scanners, which can cost approximately \$350 per unit. The bill also establishes procedures for the disposition of micro-chipped 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 micro-chipped, the shelter must house the animal for 14 days as is required for any licensed dog. Unlicensed, but micro-chipped dogs would have to be kept at least seven days. This requirement may result in an increase in animal housing costs for county animal shelters.

### **Dog registration**

The bill increases the statutory minimum annual dog registration fee from \$2 to \$10, a change that would increase dog registration fee revenue for the 16 counties whose fees are currently below that \$10 amount. The bill also revises duplicate dog registration tag fees from a range of 25 cents to \$1.50 to a fee that cannot exceed 15% of the registration fee. Because the bill raises the minimum registration fee to \$10, the new fee will likely equal or exceed the amount that counties are able to collect under current law. This provision could result in revenue gains for all counties, and not just those that currently have a registration fee of less than \$10. Finally, the bill abolishes current law 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 they will opt to charge the full fee, counties stand to gain some small amount of additional revenue from this change.

### **Kennel registration**

The bill increases the statutory minimum annual dog kennel registration fee from \$10 to \$50, and makes other adjustments to the registration process. These changes will likely increase kennel registration fees. To assess the impact of these changes on counties, LSC coordinated with the County Auditors Association of Ohio (CAAO) on a statewide survey. Fifty-five responded to the survey with the number of registrations they processed in 2005, and 65 responded with their kennel registration fees. The average number of registered dog kennels per county was 159 dog kennels. The average kennel fee collected was \$57, including the registration fee and a supplemental amount charged for additional dog tags described below.

Under current law, five dog registration tags are provided with each kennel registration, with additional tags costing \$1. The bill replaces this with a provision that requires the owner of a kennel to register the facility and each dog that is two months of age or older, meaning that counties could obtain additional kennel registration fees from this source. Assuming that a county charges \$10 for a dog registration, a person registering a kennel with ten dogs would pay \$100 in dog tag fees under the bill, versus \$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 specifies a shelter's responsibility in caring for cats by requiring a shelter to keep, house, and feed the cat for three business days, and make a reasonable attempt to contact the owner. After that time, the shelter is deemed the owner of the cat. There are no current law provisions that deal with housing and disposing of cats, so it is unclear whether this would lead to increased or reduced cat care costs for shelters.

### **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. The bill also prohibits a person from removing a quarantined animal from a health district in which it was quarantined. A first violation of this provision is a fourth-degree misdemeanor offense and a fine of at least \$75. Any subsequent violations are third-degree misdemeanors with a fine of at least \$150. 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.

### **Fair market value for animals killed or injured by a dog**

The bill creates a uniform determination of the fair market value to be paid to owners of certain animals killed or injured by dogs and establishes new authority for county commissioners in this process. Animals for which owners are eligible for compensation under this provision include horses, mules, sheep, cattle, swine, goats, domestic rabbits, and domestic fowl or poultry. The provisions contained within the bill simply conform the language of the bill to incorporate changes made in Am. H.B. 281, recent legislation dealing with this subject that now awaits the Governor's signature.

*LSC fiscal staff: Terry Steele, Budget Analyst*

*HB0446HR/rh*