

Fiscal Note & Local Impact Statement

127th General Assembly of Ohio

Ohio Legislative Service Commission
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BILL: **Sub. H.B. 446** DATE: **December 17, 2008**

STATUS: **As Reported by Senate State & Local Govt. & Veterans Affairs** SPONSOR: **Rep. Webster**

LOCAL IMPACT STATEMENT REQUIRED: **Yes** **However, Dog Warden Training Fund in current version will pay for or offset training expenses that caused the local impact in the "As Introduced" bill**

CONTENTS: **To revise animal control statutes**

State Fiscal Highlights

STATE FUND	FY 2009 – FUTURE YEARS
The Ohio State University – College of Veterinary Medicine	
Revenues	Gain in county dog and kennel registration proceeds
Expenditures	Potential minimal increase for the administration of the Animal Control Officer Training Fund
Dog Warden Training Fund (New Fund)	
Revenues	Gain in amounts collected from county dog and kennel registration proceeds
Expenditures	Increase for dog warden training program costs
Department of Agriculture – GRF	
Revenues	- 0 -
Expenditures	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 Dog Warden Training Fund, to be administered by The Ohio State University College of Veterinary Medicine to pay the expenses of approved training academies for county dog wardens. Two cents from each twenty-cent deposit received by The Ohio State University College of Veterinary Medicine must be deposited to the Dog Warden 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, which could possibly increase the amounts expended from GRF appropriation item 700-405, Animal Damage Control.



Local Fiscal Highlights

LOCAL GOVERNMENT	FY 2009 – FUTURE YEARS
Counties – Auditors and Courts	
Revenues	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
Municipalities	
Revenues	Gain in penalty revenue
Expenditures	- 0 -
Local Boards of Health	
Revenues	Gain in rabies vaccination fees
Expenditures	Increase for running biannual rabies vaccination clinics

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 that county dog wardens must follow 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 kenneling costs for animal shelters.

- The bill increases the statutory minimum annual dog registration fee that county auditors collect 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.

- The bill establishes new criminal penalties for various violations of animal control statutes. These violations may result in an increase in caseloads for county courts as well as increases in fine revenues for counties and municipalities.

- The bill requires local boards of health to conduct rabies vaccination clinics for dogs on a biannual basis and establish a "nominal fee" for running these clinics. Presumably these fees would offset the costs of conducting these clinics.

Detailed Fiscal Analysis

Overview

The bill contains numerous provisions that modify state animal control statutes. This analysis describes these changes and their potential fiscal effects. The primary effect of these changes is mostly on county dog wardens and municipal animal control agencies, although there are some provisions that affect The Ohio State University College of Veterinary Medicine, the Ohio Department of Agriculture, and the Attorney General's Ohio Peace Officer Training Commission, which would be given new training oversight responsibilities. Much of the data concerning county dog warden operations and municipal animal control agencies that LSC cites in this analysis comes from the *2004 Ohio Survey of Animal Care and Control Agencies*.¹

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 registration fees above \$10 or kennel registration fees above \$50. Of that twenty cents, ten cents is to be used for research and study of dog diseases, particularly those transmittable to humans, and for research into other such diseases and their prevention among humans and dogs. 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 Dog Warden Training Fund, which is created in the bill. The Ohio State University College of Veterinary Medicine must use the fund to pay the expenses of approved training academies for dog wardens.

For county FY 2009, three counties have decided to increase their dog registration fees above the \$10 minimum and three counties are planning to increase kennel licenses beyond the \$50 fee specified in the bill.

Department of Agriculture – compensation for coyote and vulture attacks

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.

¹ The Ohio State University College of Veterinary Medicine, "2004 Survey of Animal Care and Control Agencies," <http://vet.osu.edu/assets/pdf/depts/prevMed/research/2004AnimalCareSurvey.pdf>.

Attorney General's Ohio Peace Officer Training Commission

The bill requires county and municipal dog wardens to complete training courses developed by the Attorney General's Ohio Peace Officer Training Commission and funded by the Dog Warden Training Fund. 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 the Ohio County Dog Wardens' Association.

The cost of these training courses will depend on criteria and specific training exercises that the Peace Officer Training Commission develops for dog wardens, as well as the number of attendees in each training session. According to the *2004 Ohio Survey of Animal Care and Control Agencies*, 78 animal control agencies provided some form of training for their employees and volunteers at an average cost of \$950 per person. Factoring in the additional requirements in the bill, it appears as though these training costs might increase, even though these new costs would be either offset or entirely borne by the Animal Control Officer Training Fund. As noted previously, this state fund, managed by The Ohio State University College of Veterinary Medicine, is capitalized by a two cent allocation of county dog registration fees in excess of \$10 and kennel registration fees in excess of \$50.

Local Fiscal Effects

Microchip scanners – dog wardens

The bill requires county dog shelters to obtain microchip scanners (approximately \$350 per unit) and establishes procedures for the disposition of micro-chipped dogs. Under current law, animal shelters are required to house licensed dogs for 14 days and unlicensed dogs for 3 days. If a dog brought to an animal shelter has been micro-chipped, the shelter would be required to house the animal for 14 days as is required for any licensed dog. Under the bill, unlicensed but micro-chipped dogs are to be kept at least seven days, a change that might result in an increase in animal housing costs for county animal shelters. Data compiled for the *2004 Ohio Survey of Animal Care and Control Agencies* show that the intake total for dogs among county, municipal, and humane society shelters in 2004 was 178,593, approximately 46% of which were euthanized, approximately 38% of which were adopted, and 16% of which were reclaimed by the original owners.

Fees

Dog registration – county auditors

As noted earlier, the bill increases the statutory minimum annual dog registration fee from \$2 to \$10, a change that would increase dog registration revenue for the 16 counties whose 2008 fees are currently below that \$10 amount. Additionally, three of the 16 counties that currently have dog registration fees below \$10 intend to increase the fee to \$10 or above in calendar year 2009. 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. 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. The bill instead states that the owner of any dog who moves into this state from another state and has registered the dog in accordance with the laws of that state must pay the fee established in the bill for duplicate tags. The fees would take effect December 1, 2009.

Kennel registration – county auditors

The bill increases the statutory minimum annual dog kennel registration fee from \$10 to \$50, and makes other adjustments to the registration process. There are currently 12 counties that have a kennel registration fee below \$50. Of those 12 counties, three intend to increase their kennel registration fee to \$50 or more in calendar year 2009. To further 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. 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, a change that would allow counties to obtain additional kennel registration fees from this source. For example, 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.

These fees would take effect on December 1, 2009.

Other fee changes

In addition to the fees described above, the bill makes changes to several other fees listed in the table below. All of the additional revenue would accrue to county dog and kennel funds.

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	\$7
Selling or humanely destroying of dog	\$2	\$25
Transfer of a vicious dog	\$.25	\$1

Penalties and criminal offenses – county and municipal courts

The bill creates and alters several criminal offenses that might have some effect on prosecution and adjudication costs. 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. Under the bill, this offense is considered a minor misdemeanor subject to a fine 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. Finally, the bill makes any person that violates a rabies quarantine order 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 Dog Law. The provisions of the bill could potentially result in an increase in caseload and costs for county courts. 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. One possible result of this change is that some cases that would have previously been resolved through a plea agreement would go to trial.

Cat identification and disposition – county and municipal animal control

The bill specifies responsibilities in caring for cats by requiring a shelter to keep, house, and feed them for three business days and make reasonable attempts to contact owners. 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. According to the *2004 Ohio Survey of Animal Care and Control Agencies*, the intake total for cats among all types of shelters in 2004 was 128,977, approximately 69% of which were euthanized, 30% of which were adopted, and 1% of which were reclaimed.

Vaccination against rabies and quarantine for infected dogs

The bill establishes requirements and procedures governing rabies vaccination and quarantining infected dogs. The bill requires that these animals be properly vaccinated at all times and requires a board of health to assess an owner a penalty of \$50 for failing to do so. 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 and authorizes any applicable entities to humanely

destroy a dog that has been declared a nuisance and for which proof of vaccination cannot be demonstrated.

The bill also requires boards of health to conduct rabies vaccination clinics for dogs for a nominal fee at least on a biannual basis. In counties where proof of vaccination against rabies is required for dog registration, any owner of a dog under 12 months of age is permitted to have an additional 180 days from the date of registration to provide proof of vaccination. Presumably, a board of health would establish a fee that would recoup all or most of the costs of running such clinics.

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