



Ohio Legislative Service Commission

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Fiscal Note & Local Impact Statement

Bill: [Sub. H.B. 138 of the 129th G.A.](#)

Date: May 23, 2011

Status: As Reported by House Local Government

Sponsor: Rep. Gerberry

Local Impact Statement Procedure Required: No

Contents: Requires proof that a humane society agent has successfully completed training to be filed with the county recorder and makes other changes

State and Local Fiscal Highlights

- The bill requires proof that a humane society agent has successfully completed a 20-hour training program required under current law be filed with the county recorder. This applies to both current and prospective humane society agents. The bill also requires that county humane societies file with the county recorder when a county humane society agent appointment has been revoked. Half of the \$28 fee that the recorder charges for filing documents is remitted to the state for deposit into the Low- and Moderate-Income Housing Trust Fund (Fund 6460).
- The county recorder's share of fees is deposited into the county general fund. The filing fees that recorders charge for processing the documentary proof of training will offset the small additional cost incurred for handling these new filings.
- Mayors or probate judges are unlikely to incur significant new costs for investigating situations where a humane society agent is alleged not to have completed the required training or has falsified information concerning that training.

Detailed Fiscal Analysis

Overview

Under current law, all humane society agents employed by county humane societies must successfully complete a 20-hour training course that meets prescribed standards on issues relating to the investigation and prosecution of cruelty to and neglect of animals. Despite this training requirement, there has been no mechanism in place to ensure that the requisite training has been completed. The bill addresses this situation by requiring that there be proof that both current and prospective humane society agents have completed the training filed with the county recorder. The bill also requires that any revocation of an individual's appointment be filed with the county recorder. The bill makes humane societies responsible for paying the recordation fees associated with either of these filings. Altogether, these changes are unlikely to increase costs for county recorders, or for mayors and probate judges who also have a role in approving the appointment of humane society agents.

County recordation fees

As with other official documents, county recorders will charge a fee for recording the proof of training or appointment revocations required under the bill. These fees are shared between the county recorders and the state. For most recorded documents, the fee is \$28 for the first two pages of filings. Of this fee, \$14 is retained by the county recorder and \$14 is remitted to the state Low- and Moderate-Income Housing Trust Fund (Fund 6460). Additional pages cost \$8 per page, also split evenly between the county and state. As a result of the new filing requirement, there will be some additional filings for prospective humane society agents as well as a temporary but small influx of filings for individuals currently appointed as humane society agents who must file proof of training within six months of the effective date of the bill. The number of revocation filings will probably be quite small. Overall, the new costs that county recorders will incur for handling the additional filings are likely to be offset by the additional fee income.

Responsibilities of mayors and probate judges

Under current law, the appointment of humane society agents must be approved by the mayor of the municipal corporation in whose jurisdiction the humane society is located. If the humane society is outside a municipal corporation, then it is the county probate judge who must approve of these appointments. The bill adds to these responsibilities by requiring that a mayor or probate judge, as applicable, investigate complaints that a humane society agent has either not successfully completed the required training or provided false or misleading information about the training. If either situation is proved, the mayor or probate judge must then order the humane society to revoke the individual's appointment as a humane society agent. Although

the expense of investigating these cases will depend on the circumstances, in most cases the evidence needed to conclude an investigation and make a finding will be readily available. As a result, the additional costs that mayors or probate judges are likely to incur for resolving these cases would be minimal.

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