



# Ohio Legislative Service Commission

*Terry Steele*

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## Fiscal Note & Local Impact Statement

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

**Date:** April 12, 2011

**Status:** As Introduced

**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 both current and prospective humane society agents to file proof with the county recorder that they have completed a 20-hour training course mandated under current law. Half of the \$28 fee that the recorder charges for filing these documents is remitted to the state for deposit into the Low- and Moderate-Income Housing Trust Fund (Fund 6460). That state fund will realize some small gain in filing revenue as a result of this new requirement.
- 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. Furthermore, because county recorders will store these documents electronically, the bill is unlikely to add significant new recordkeeping costs.
- 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.

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## Detailed Fiscal Analysis

### Overview

Under current law, all humane society agents employed by county humane societies must successfully complete a 20-hour training course on issues relating to the investigation and prosecution of cruelty to and neglect of animals. The training must comply with rules recommended by the Peace Officer Training Commission. One of the principal statewide organizations that provide the type of required training is the Ohio Federated Humane Societies. The organization has scheduled 14 training sessions in calendar year 2011.

Since this law was enacted during the 124th General Assembly, there has been no mechanism in place to ensure that the requisite training has been completed. To ensure compliance, the bill requires that any person fulfill the training requirement and file proof of successful completion of training with the county recorder before he or she is appointed as a humane society agent. The bill also requires that current humane society agents file proof of successful completion of training within six months after the effective date of the bill. To enforce this new requirement, the bill requires the appointment of a humane society agent to be suspended or revoked if the training requirement has not been met. Altogether, these changes are unlikely to increase costs for county recorders, mayors, or probate judges. The potential fiscal effects of the bill are described in more detail below.

### County recordation fees

County recorders charge a fee for documents filed with their offices. These fees are designed to offset the expenses associated with processing and storing these filings. The 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. Overall, it is unlikely that the documentary proof of training will exceed two pages in length. Any new costs that county recorders might incur for processing these documents are likely to be offset by the additional fees.

### Responsibilities of mayors and probate judges

Under current law, all appointments of humane society agents must be approved by the mayor of the municipal corporation for which they are made. If the humane society is outside a municipal corporation, then it is the county probate judge who must approve of these appointments. The bill requires an appointment to be suspended or revoked if there is proof that a humane society agent has either (1) not successfully completed the required training or (2) provided false or misleading information concerning their training. Any costs that mayors or probate judges might incur in

investigating these cases are likely to be small. Presumably, such cases would be rare, and if they were to occur, there would be sufficient evidence in existence that would make any investigative costs for these entities minimal at the most.

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