

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 5713-01
Bill No.: SB 850
Subject: Agriculture and Animals; Agriculture Dept.; Crimes and Punishment; Liability; Property, Real and Personal; Search and Seizure; Veterinarians
Type: Original
Date: March 6, 2012

Bill Summary: This proposal prohibits sterilization and disposition of seized or confiscated animals until the outcome of charges against the animals' owner have been determined.

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2013	FY 2014	FY 2015
Total Estimated Net Effect on General Revenue Fund	\$0	\$0	\$0

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2013	FY 2014	FY 2015
Total Estimated Net Effect on <u>Other</u> State Funds	\$0	\$0	\$0

Numbers within parentheses: () indicate costs or losses.
This fiscal note contains 8 pages.

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2013	FY 2014	FY 2015
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)			
FUND AFFECTED	FY 2013	FY 2014	FY 2015
Total Estimated Net Effect on FTE	0	0	0

- Estimated Total Net Effect on All funds expected to exceed \$100,000 savings or (cost).
- Estimated Net Effect on General Revenue Fund expected to exceed \$100,000 (cost).

ESTIMATED NET EFFECT ON LOCAL FUNDS			
FUND AFFECTED	FY 2013	FY 2014	FY 2015
Local Government	(Unknown)	(Unknown)	(Unknown)

FISCAL ANALYSIS

ASSUMPTION

Officials at the **Department of Agriculture (AGR)** assumes any political subdivision impounding animals for the purposes of ensuring their protection from abuse, neglect, or cruelty would be impacted by additional costs of keeping and caring for the animals.

AGR states, this proposal would require the AGR, Animal Care Facilities Act Program, to expand the program by constructing and staffing a shelter for animals taken under the authority of a warrant for the purpose of care and maintenance of the animals pending acquittal, conviction, or final discharge of the owner.

AGR states, an average of six (6) warrants per year are issued under 578.018 with an average of 75 animals per incident totaling 450 animals per year.

AGR states, this proposal would require an animal shelter with a holding capacity of 450 animals at a cost of \$4,566,903 to be built, plus operating and maintenance costs.

AGR assumes in order to operate a new animal shelter, One (1) Veterinarian I, nine (9) Animal Health Officers, and one (1) administrative assistant would be required to staff the shelter and carry out the provisions of this proposed legislation.

AGR states, for the last 3 years we have delivered an average of 450 animals to shelters. The cost of room, board, and veterinary care is estimated at \$20/day/animal. Therefore, the costs paid by the animal shelter for 30 days of care is 450 animals X \$20/day X 30 days = \$270,000.

AGR states, the fiscal note provides an estimate for dogs only, all animals would be affected (e.g. horses, cows, exotic animals, etc.). Therefore, the estimated costs are based on dogs only. Total costs for all species are unknown.

AGR states, currently the state of Missouri has 248 municipal or local government dog pounds, 294 non-profit licensees listed as animal shelters, contract kennels, or rescues, and one for profit animal shelter.

Oversight assumes this proposal will extend the time an animal is held until final disposition of the animal owner who is convicted or acquitted of the charges filed.

ASSUMPTION (Continued)

Oversight assumes under current law, AGR, along with local law enforcement, facilitates the removal and placement of animals subject to a warrant and seizure. Currently, all costs of sheltering seized or removed animals are incurred by the animal shelter, dog pound, or rescue facility for the first 30 days till the disposition hearing.

Oversight assumes any costs related this proposal would be incurred by local governments, non-profit organizations, or private animal shelters, dog pounds, and animal rescue facilities.

Oversight assumes upon conviction the owner will be liable for all costs incurred relating to this proposal.

Oversight assumes there is no fiscal impact from this proposed legislation on the Department of Agriculture.

Oversight assumes an unknown cost to local government dog pounds, shelters, and rescues as a result of this proposal.

Officials from the **Office of the Secretary of State (SOS)** state many bills considered by the General Assembly include provisions allowing or requiring agencies to submit rules and regulations to implement the act. The SOS is provided with core funding to handle a certain amount of normal activity resulting from each year's legislative session. The fiscal impact for this fiscal note to the SOS for Administrative Rules is less than \$2,500. The SOS recognizes that this is a small amount and does not expect that additional funding would be required to meet these costs. However, the SOS also recognizes that many such bills may be passed by the General Assembly in a given year and that collectively the costs may be in excess of what the office can sustain with the core budget. Therefore, the SOS reserves the right to request funding for the cost of supporting administrative rules requirements should the need arise based on a review of the finally approved bills signed by the governor.

Oversight assumes the SOS could absorb the costs of printing and distributing regulations related to this proposal. If multiple bills pass which require the printing and distribution of regulations at substantial costs, the SOS could request funding through the appropriation process.

ASSUMPTION (Continued)

Officials at the **Office of State Public Defender (SPD)** cannot assume that existing staff will provide effective representation for any new cases arising where indigent persons are faced with the proposed new crime of allowing the adoption, euthanasia, or other disposal of animals unlawfully seized or removed from an owner until final disposition of the charges against the owner. This would be a new Class B misdemeanor - subsequent offenses would be a Class A misdemeanor.

SPD states, while the number of new cases (or cases with increased penalties) may be too few or uncertain to request additional funding for this specific bill, the SPD will continue to request sufficient appropriations to provide effective representation.

Oversight assumes the SPD can absorb the additional caseload that may result from this proposal.

Officials at the **Office of Attorney General (AGO)** assumes that any potential costs arising from this proposal can be absorbed with existing resources.

Officials at the **Office of State Courts Administrator, Office of Prosecution Services, Joint Committee on Administrative Rules** each assume there is no fiscal impact from this proposed legislation.

<u>FISCAL IMPACT - State Government</u>	FY 2013 (10 Mo.)	FY 2014	FY 2015
	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
<u>FISCAL IMPACT - Local Government</u>	FY 2013 (10 Mo.)	FY 2014	FY 2015
LOCAL GOVERNMENT FUNDS			
<u>Revenue</u> - reimbursement of animal care costs from owner upon conviction	Unknown	Unknown	Unknown
<u>Cost</u> - Animal care of animals held till final disposition of charges	<u>(Unknown)</u>	<u>(Unknown)</u>	<u>(Unknown)</u>
ESTIMATED NET EFFECT ON LOCAL GOVERNMENT FUNDS	<u>(Unknown)</u>	<u>(Unknown)</u>	<u>(Unknown)</u>

FISCAL IMPACT - Small Business

Direct fiscal impact to non-profit and for profit animal shelters or animal rescue facilities would be expected as a result of this proposal.

FISCAL DESCRIPTION

This proposal provides if a person's animal is seized or confiscated, the outcome of the charges against the person must be determined before the confiscated animal may be sterilized, put up for adoption, euthanized, or otherwise disposed of. Confiscated animals must receive proper care while awaiting the outcome of the charges against their owners. Facilities that have custody of confiscated animals are liable for any negligent acts or abuse to the animals while in their custody.

If the animal owner is convicted of the charges that resulted in the loss of his or her animal, the court shall not return custody of the animal to the owner and the animal may be sterilized, put up for adoption, euthanized, or otherwise disposed of. The owner is liable for all costs relating to the animal's care and disposition.

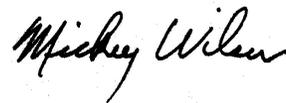
If the animal owner is acquitted of the charges or there is a final discharge without conviction, the owner may request that his or her animal be returned. The facility with custody of the animal must immediately return the animal to the owner upon receiving proof of the acquittal or non-conviction. The owner is not liable for any of the costs relating to the animal's care while in custody.

The Department of Agriculture must promulgate rules to implement the act. A first violation of the act is a class B misdemeanor and each animal for which a violation occurs is a separate offense. A second or subsequent violation is a class A misdemeanor and if the violator is a state licensed entity, the entity shall additionally be subject to license sanction.

This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space.

SOURCES OF INFORMATION

Department of Agriculture
Office of Secretary of State
Joint Committee on Administrative Rules
Office of State Courts Administrator
Office of Prosecution Services
State Public Defender's Office
Office of the Attorney General

A handwritten signature in black ink that reads "Mickey Wilson". The signature is written in a cursive, slightly slanted style.

Mickey Wilson, CPA
Director
March 6, 2012