

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 4882-02
Bill No.: HB 1444
Subject: Agriculture and Animals; Law Enforcement Officers and Agencies; Courts
Type: Original
Date: January 31, 2012

Bill Summary: This proposal prohibits the sterilization, adoption, euthanasia, or other disposal of animals unlawfully seized or removed from an owner until final disposition of the charges against the owner.

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 State Courts Administrator, Joint Committee on Administrative Rules** each assume there is no fiscal impact from this proposed legislation.

Officials at the **Office of the Attorney General** and **Office of Prosecution Services** did not respond to Oversight's request for fiscal impact

<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 bill prohibits any public or private animal pound, shelter, humane organization or other organization or individual which seizes, confiscates or accepts seized or confiscated animals from sterilizing, adopting, euthanizing or otherwise disposing of the animal unless there is a final disposition of any charges against the animal owner. All animals seized or confiscated must receive proper care as determined by state law and regulations. Any facility or organization will be liable to the owner for damages from any negligent acts or abuse of an animal while in its custody.

Upon the owner's conviction, the animals seized or confiscated will be adjudged by the court as forfeited and may then be sterilized, adopted, euthanized, or otherwise disposed of in accordance with state law and regulations. Upon conviction, the animal owner is liable for all costs incurred relating to the placement and care of the animals while the charges were pending and the sterilization, adoption, or euthanasia of the animal after the conviction.

If the owner is acquitted or there is a final discharge without a conviction, the owner may demand return of the seized or confiscated animals, and any organization or individual with custody of the animals must immediately return them to the owner. The animal owner is not liable for all costs incurred relating to the placement and care of the animals while the charges were pending.

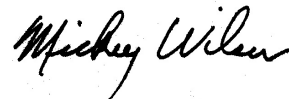
This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space.

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

NOT RESPONDING

Office of the Attorney General
Office of Prosecution Services

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

Mickey Wilson, CPA
Director
January 31, 2012