

**STATE and LOCAL
FISCAL IMPACT**

Drafting Number: LLS 12-0211
Prime Sponsor(s): Rep. Ramirez
 Sen. Steadman

Date: February 6, 2012
Bill Status: House Agriculture
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TITLE: CONCERNING PROCEDURES RELATED TO THE COSTS OF IMPOUNDED ANIMALS.

Fiscal Impact Summary	FY 2012-2013	FY 2013-2014
State Revenue	See State Revenue section.	
State Expenditures		
General Fund	\$20,865	\$24,034
FTE Position Change	0.2 FTE	0.2 FTE
Effective Date: August 8, 2012, if the General Assembly adjourns on May 9, 2012, as scheduled, and no referendum petition is filed.		
Appropriation Summary for FY 2012-2013: \$20,865 General Fund to the Department of Agriculture and 0.2 FTE; \$11,357 reappropriated to the Department of Law.		
Local Government Impact: See Local Government Impact section.		

Summary of Legislation

The bill modifies procedural requirements related to the payment of impoundment, care, and provision costs for an animal that has been impounded due to alleged neglect, abuse, or other criminal acts involving animals. Current law allows an animal owner to file a bond with the court to cover the costs of impoundment for at least 30 days. He or she may request a hearing within ten days after impoundment to determine the reasonableness and fairness of the costs. The bill expands the purpose of the hearing to include a determination as to probable cause for the impoundment of the animal and release of the animal to the impounding agency for disposition if the owner elects not to pay the costs associated with impoundment. It specifies that the hearing must be held within ten days after the request is made by the owner.

The bill delays the payment of costs to the court until the date of the hearing and describes circumstances under which such costs must be refunded to the owner. Failure to pay impoundment costs will result in forfeiture of the right to contest the costs and any ownership rights to the animal. Finally, the bill clarifies that the criminal law procedures governing impoundments do not apply to matters brought solely in an administrative context.

State Revenue

Information about possible revenue associated with filing payments for impound costs with the court has been solicited from the Judicial Branch, but was not available at the time the fiscal note was written. As more information becomes available, the fiscal note will be revised. However, it is important to note that any costs paid by an animal owner over and above the actual costs of impoundment are to be refunded to the owner. Additionally, all impoundment costs are to be refunded in the event that a judge or jury finds the owner not guilty of all charges related to the impoundment of the animal.

State Expenditures

The bill is expected to increase state expenditures by \$20,865 and 0.2 FTE in FY 2012-13 and \$24,034 and 0.2 FTE each year thereafter.

Department of Agriculture (CDA). To the extent that the bill increases the need for the CDA to intervene in certain cases where a local impounding agency does not, it will increase CDA expenditures. Handling ten new cases each year will increase expenditures by \$20,865 and 0.2 FTE in FY 2012-13 and \$24,034 and 0.2 FTE each year thereafter. These costs assume that each case requires 50 hours of investigation by CDA staff and that 150 hours of legal services will be needed annually in order to pursue such actions in court. Costs are shown in Table 1.

Cost Components	FY 2012-13	FY 2013-14
Personal Services	\$9,508	\$12,677
FTE	0.2	0.2
Legal Services	\$11,357	\$11,357
TOTAL	\$20,865	\$24,034

Department of Law (DOL). The DOL will require **\$11,357** reappropriated from the DOA for FY 2012-13 and each year thereafter. The fiscal note assumes that the CDA will require approximately 150 hours of legal services (at an hourly rate of \$75.71) each year as a result of the provision in the bill requiring the court to refund impoundment costs to owners who are found not guilty.

Judicial Branch. The bill will increase the number and duration of hearings required to determine probable cause for impoundment and the reasonableness of associated costs. It is also possible that the tight deadline for the hearings could cause delays in the courts as dockets are shuffled to accommodate the hearings related to impoundment. However, the total impact to the courts is expected to be less than 0.2 FTE, which is minimal and will be absorbed within existing resources.

Expenditures Not Included

Pursuant to a Joint Budget Committee policy, certain costs associated with this bill are addressed through the annual budget process and centrally appropriated in the Long Bill or supplemental appropriations bills, rather than in this bill. The centrally appropriated costs subject to this policy are summarized in Table 2.

Table 2. Expenditures Not Included Under HB 12-1125*		
Cost Components	FY 2012-13	FY 2013-14
Employee Insurance (Health, Life, Dental, and Short-term Disability)	\$1,225	\$1,230
Supplemental Employee Retirement Payments	507	778
TOTAL	\$1,732	\$2,008

**More information is available at: <http://colorado.gov/fiscalnotes>*

Local Government Impact

Local governments will incur both savings and costs as a result of the bill. The exact amount of each cannot be determined. Holding hearings within 20 days, at most, of an impoundment could lead to shorter impoundment times. While the cost of impoundment varies according to the impounding agency and the number and type of animals, the Humane Society of the Pikes Peak Region estimated that the bill would save approximately \$46,000 per year.

The bill's requirement that owners who are found not guilty be refunded the costs of impoundment will negatively impact local impounding agencies. Additionally, moving hearings to criminal court will increase the workload of district attorneys' offices.

State Appropriations

For FY 2012-13, the Department of Agriculture requires a General Fund appropriation of \$20,865 and 0.2 FTE. Of this amount, \$11,357 should be reappropriated to the Department of Law.

Departments Contacted

Agriculture Judicial