

**STATE and LOCAL
FISCAL IMPACT**

Drafting Number: LLS 10-0071
Prime Sponsor(s): Rep. McKinley

Date: January 18, 2010
Bill Status: House Agriculture
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TITLE: CONCERNING LAWS RELATED TO ANIMAL WELFARE.

| Fiscal Impact Summary | FY 2010-2011 | FY 2011-2012 |
|--|---------------------|---------------------|
| State Revenue | | |
| Cash Funds | | |
| Colorado Bureau of Investigation Identification Unit Cash Fund | \$11,550 | \$1,925 |
| State Expenditures | | |
| Cash Funds | | |
| Dangerous Dog Cash Fund | \$9,250 | \$0 |
| FTE Position Change | | |
| Effective Date: August 11, 2010, assuming the General Assembly adjourns May 12, 2010, as scheduled and no referendum petition is filed. | | |
| Appropriation Summary for FY 2010-2011: See State Appropriations section. | | |
| Local Government Impact: See Local Government Impact section. | | |

Summary of Legislation

This bill makes a variety of changes to the animal welfare laws concerning animal control officers, the bonding requirements for animals seized during a neglect case, and reporting requirements.

Animal control officers. The bill makes several changes to the requirements and procedures for animal control officers, including:

- prohibiting hiring an individual who has been convicted of a felony;
- requiring each governmental entity that employs animal control officers to issue identification cards that the officers must carry;
- requiring animal control officers to submit to, and pay for, a fingerprint-based criminal background check;
- aligning county training standards with the standards required by the state Bureau of Animal Protection (BAP);
- increasing the liability insurance entities are required to carry from \$100,000 to \$1,000,000; and
- changing the search warrant procedure from an administrative subpoena to a criminal search warrant.

Bonding requirements. Currently, if an animal is seized in a neglect or abuse case, the owner may pay a bond to cover the costs for care of the animal during the investigation to ensure that the impound agency does not dispose of the animal. The owner of the animal is responsible for all of the costs for the care of the animal. This bill amends the law to only require the owner to pay for the costs for care of the animal if the owner is found guilty. If the owner is found not guilty, the owner is entitled to recover the entire bond. If an animal is sold, the owner (if found not guilty) is also entitled to the entire proceeds from the sale of the animal. Under current law, the proceeds are used to pay for the cost for the care of the animal with any remaining proceeds going to the owner.

Reporting requirements. The bill requires state and local entities to have information available to the public. The Department of Agriculture is required to place the dangerous dog database online for public access. Local nongovernmental entities that have contracted with counties to enforce the animal control regulations also are required to have information available during business hours concerning the number of animals impounded and the costs associated with impoundment.

State Revenue

This bill increases state revenue by \$11,550 in FY 2010-11 and \$1,925 in FY 2011-12 to the Colorado Bureau of Investigation Identification Unit Cash Fund for the fee assessed on each animal control officer for conducting a background check. The fiscal note estimates that about 300 animal control officers are employed throughout the state who would require the criminal background check. The current fee for a criminal background check is \$38.50 with \$17.25 going to the federal government for an FBI record check. In FY 2010-11, the fiscal note assumes that all of the animal control officers would require a background check. In FY 2011-12 and in subsequent years, the fiscal note estimates that about 50 new animal control officers would require a background check to account for any staff turnover that may occur.

State Expenditures

Department of Agriculture. The Department of Agriculture requires **\$9,250 for FY 2010-11 from the Dangerous Dog Cash Fund** for computer programming costs. The bill requires the department to make the dangerous dog database accessible online. To complete this, the department requires 125 hours of computer programming at \$74 per hour.

Department of Public Safety. The Colorado Bureau of Investigation within the Department of Public Safety is responsible for conducting criminal background checks. The fiscal note assumes that the small number of background checks required can be absorbed within existing resources.

Judicial Branch. Under the bill, a search warrant must be obtained from the court before an agent may access private property to investigate an animal welfare case. Current law allows the warrant to be obtained from an administrative law judge. This represents a shift in workload to the state courts; however, there are not enough animal welfare investigations to necessitate an increase in staff to the branch.

Local Government Impact

This bill creates a fiscal impact for county governments and nongovernmental agencies involved in animal control; however, the impact will vary by county. Counties handle animal control enforcement in two primary ways. Some counties contract with one or more local humane societies to perform animal control functions. Other counties place animal control under the auspices of the county sheriffs office. The fiscal note assumes that any costs from this bill that might be borne by a local humane society would be passed along to the county as a part of contract negotiations. Potential impacts to the counties are discussed in greater detail below.

Training requirements. The statewide cost for all animal control agents to obtain the training required by the state is estimated at \$340,000. Animal control agents commissioned by the BAP undergo a week-long training offered by the University of Missouri. The training is offered several times a year and costs, on average, \$1,700 per person. There are about 200 animal control officers who would be required to undergo this training.

Insurance requirements. The bill requires non-profit organizations providing animal control functions to increase liability insurance from the current amount of \$100,000 to \$1 million. Some non-profits already maintain insurance at these levels; it is estimated that it costs about \$2,500 in total for a non-profit to obtain the insurance required under the bill.

Bonding requirements. The bill changes bonding procedures so that if an owner is found not guilty, the owner will have the entire bond returned. Owners also may apply for a waiver from the bond due to indigency. The fiscal note estimates that it costs, on average, \$20 per day to impound a dog. However, in many instances, research indicates that when an animal is impounded owners do not actually put up a bond. At this time, it is not possible to quantify the cost to counties from this change in the bonding requirement.

Departmental Differences

It is the position of the Department of Agriculture that the increased costs for county governments associated with this bill would reduce the number of people willing to be animal control officers. Currently, there are 103 animal control officers commissioned by the BAP. The department assumes that the number of commissioned officers would drop by 30 percent reducing the number of officers to 72. Because of this drop off, the department states that it would require 0.5 FTE and \$45,462 in FY 2010-11. This additional FTE would conduct investigations on cases that would previously have been handled by county officers. The fiscal note assumes that even with the new requirements under the bill, the counties and non-profit organizations performing animal control functions would continue to do so; therefore, these costs are not included in the fiscal note.

State Appropriations

For FY 2010-11, the fiscal note indicates that the Department of Agriculture should receive an appropriation of \$9,250 from the Dangerous Dog Cash Fund. The Department of Public Safety requires an appropriation of \$11,550 from the Colorado Bureau of Investigation Identification Unit Cash Fund. Of that amount, the department will pass through \$5,175 to the FBI.

Departments Contacted

Agriculture
Law
Public Health and Environment

Judicial
Public Safety