

FINAL
FISCAL NOTE

Drafting Number: LLS 11-0283
Prime Sponsor(s): Rep. McKinley

Date: June 6, 2011
Bill Status: Postponed Indefinitely
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TITLE: CONCERNING LAWS RELATED TO ANIMAL WELFARE.

Fiscal Impact Summary	FY 2011-2012	FY 2012-2013
State Revenue		
Cash Funds		
CBI Identification Unit Cash Fund	\$11,550	\$1,925
State Expenditures		
General Fund	\$9,010	\$0
Cash Funds		
Dangerous Dog Microchip Licensure Cash Fund	10,642	0
CBI Identification Unit Cash Fund	11,550	1,925
FTE Position Change		
Effective Date: The bill was postponed indefinitely by the House Agriculture Committee on February 21, 2011.		
Appropriation Summary for FY 2011-2012: 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, effective January 1, 2012;
- aligning county training standards with the standards required by the state Bureau of Animal Protection (BAP);

- eliminating the current requirement that each employee of a nonprofit corporation that is appointed as an agent must carry a minimum liability insurance of \$100,000; and
- making the dangerous dog database accessible online.

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 non-governmental 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 2011-12 and \$1,925 in FY 2012-13 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 2011-12, the fiscal note assumes that all of the animal control officers would require a background check. In FY 2012-13 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 at total of \$19,652 for FY 2011-12 for computer programming costs. The bill requires the department to make the dangerous dog database accessible online. To complete this, the department requires 148 hours of computer programming at \$74 per hour, 35 hours of project management at \$100 per hour, and 80 hours of network/information security evaluation and analysis at \$65 per hour. At the end of FY 2009-10, the Dangerous Dog Microchip Licensure Cash Fund had a balance of \$10,642. It is assumed that the General Fund will be responsible for the remaining cost of \$9,010 to provide the dangerous dog database online.

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. A minimal amount of additional workload is anticipated for the courts to address issues identified in the bill. While there may be an increase in the number of hearings, and an increase in the length of those hearings, it is believed that the workload on the Judicial Branch will be minimal and absorbable within existing resources.

Local Government Impact

This bill creates a fiscal impact for county governments and non-governmental 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.

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.

State Appropriations

For FY 2011-12, the fiscal note indicates that the Department of Agriculture should receive an appropriation of \$9,010 from the General Fund and \$10,642 from the Dangerous Dog Microchip Licensure 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
Judicial

Local Affairs
Law

Public Safety
Public Health and Environment