

**GENERAL ASSEMBLY OF NORTH CAROLINA**



**Session 2009**

**Legislative Fiscal Note**

**BILL NUMBER:** Senate Bill 467 (Second Edition)

**SHORT TITLE:** Recover Pets/Relieve Overcrowding at Shelters.

**SPONSOR(S):** Senator McKissick

<b>FISCAL IMPACT</b>					
	<b>Yes ( )</b>	<b>No (X)</b>	<b>No Estimate Available ( )</b>		
	<b><u>FY 2009-10</u></b>	<b><u>FY 2010-11</u></b>	<b><u>FY 2011-12</u></b>	<b><u>FY 2012-13</u></b>	<b><u>FY 2013-14</u></b>
<b>REVENUES</b>					
Dept. of Agriculture & Consumer Services	\$0	\$0	\$0	\$0	\$0
<b>EXPENDITURES</b>					
Dept. of Agriculture & Consumer Services	\$0	\$0	\$0	\$0	\$0
<b>POSITIONS (cumulative):</b>					
Dept. of Agriculture & Consumer Services	0	0	0	0	0
<b>PRINCIPAL DEPARTMENT(S) &amp; PROGRAM(S) AFFECTED:</b>					
Dept. of Agriculture & Consumer Services					
<b>EFFECTIVE DATE:</b> January 1, 2010					

**BILL SUMMARY:**

S.B. 467 amends G.S. 130A-192 (a), requiring that Animal Control Officers check for owner identification via microchip scan if a microchip scanning device is available. If the animal must be euthanized, S.B. 467 mandates that Animal Control use a euthanasia method approved by rules adopted by the Department of Agriculture and Consumer Services (DACS) or, in the absence of such rules, by a procedure approved by the American Veterinary Medical Association, the Humane Society of the United States or the American Humane Society.

S.B. 467 also requires that, except in extreme cases, all animals must be offered for adoption before being sold or put to death. In addition, the statute would be amended to require that any

person attempting to locate a lost pet is entitled to view every animal at the shelter, and that shelters must provide viewing time for at least four hours a day, three days a week.

S.B. 467 adds three new subsections to 130A-192.

- Subsection (b) applies the provisions of Section (a) of 130A-192 to other categories of animals, including other animals that appear to be pets, cats and dogs taken into custody for violations other than a lack of rabies vaccination tag, and animals surrendered to the shelter by the owners.
- For animals not wearing tags or other mode of owner identification, subsection (c) provides that shelters may appoint, in writing, the finder of the animal or an approved rescue organization to hold the animal for the 72-hour waiting period. After the waiting period, the shelter may transfer the animal by adoption to that person or organization. The bill indicates that the shelter shall not be liable for the cost of care while the animal is in the care of an appointed individual or organization.
- Subsection (d) allows shelters to place animals being held for the 72-hour period in foster care, and, with the written approval of a licensed veterinarian, to euthanize animals prior to the end of the 72-hour holding period if the animal is seriously ill or injured.

Lastly, S.B. 467 amends 130A-184(1) to include agents of private organizations operating animal shelters under contract with a city or county within the definition of an Animal Control Officer.

#### **ASSUMPTIONS AND METHODOLOGY:**

S.B. 467 is not expected to alter the operating costs or revenue for the Department of Agriculture and Consumer Services (DACs). Animal shelters are operated by county and city governments; DACs' Animal Welfare Service (AWS) does not operate any animal shelters. Thus, since there are no state shelters, there will be no costs to the state associated with bringing shelters into compliance with the law.

However, because S.B. 467 allows shelters to place animals in the care of non-profit rescue organizations, AWS may be required to perform additional inspections and to register additional rescue organizations. Under current AWS policy, an entity holding 10 or more animals at any one site is required to obtain a certificate of registration as a private shelter. Once registered, shelters must comply with the standards set in the Animal Welfare Act and are subject to inspection by AWS for compliance with that Act.

Since there is no registration fee for shelters, registering new shelters brings in no additional revenue; however, it does increase costs. There are costs to process registration applications as well as costs associated with inspecting facilities. If S.B. 467 were to significantly increase the number of organizations holding 10 or more dogs at any one site, then there could be additional costs to DACs.

It is impossible to know how many, if any, rescue organizations would meet the requirements for registration. Non-profit rescue organizations are aware of the registration policy and the ensuing requirement to comply with the Animal Welfare Act. According to AWS, many of these small rescue groups operate out of individuals' homes; it is nearly impossible to comply with the Animal Welfare Act when operating out of a home. Consequently, most small non-profit rescue groups

make a specific effort to avoid having 10 or more dogs located at any one site. Because of this, Fiscal Research expects that very few new private shelters will be registered due to S.B. 467, and that the additional operating costs associated with these registrations will be negligible.

This fiscal note estimates the cost to the State only. AWS noted the fact that city and county shelters could have increased expenses due to this bill. But, because of the differences in operating procedures among county shelters, it is impossible to determine the fiscal impact on local shelters. AWS provided a few examples of ways in which S.B. 467 could impact costs at local shelters, including the requirement that:

1. *Each animal be available for viewing by any person trying to locate a lost animal* – According to AWS, many of city and county facilities do not have the cages/runs necessary to provide viewing services for the public for all of the animals in their facility; they have viewing areas in the front while the back of the shelter is used for housing animals. While these facilities can comply with this law, this could be time-consuming and create the need for additional personnel.
2. *Public viewing be available four hours a day, three days a week* – According to AWS, many shelters, especially small, rural shelters, may not have the staff to be open to the public four hours per day, three days per week.
3. *Other animal categories (described above in the bill summary) be subject to G.S. 130A-192(a)* - These mandates will increase the number of animals held in city and county shelters each day, and, therefore, the operating costs of the shelter. Currently, animals that are brought into the shelter and signed over by their owner are considered the property of the county and may be euthanized immediately. While immediate euthanasia can occur provided owner consent, AWS believes that many owners will be reluctant to allow for the possibility of immediate euthanasia.

**SOURCES OF DATA:**

Department of Agriculture and Consumer Services

**TECHNICAL CONSIDERATIONS:**

**FISCAL RESEARCH DIVISION:** (919) 733-4910

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