

Department of Planning and Budget 2008 Fiscal Impact Statement

1. Bill Number: HB538

House of Origin ☐ Introduced ☐ Substitute ☐ Engrossed
 Second House ☐ In Committee ☐ Substitute ☒ Enrolled

2. Patron: Orrock

3. Committee: Passed both Houses

4. Title: Commercial dog breeding operations; penalty

5. Summary: The bill defines commercial breeders as persons who maintain 30 or more unsterilized adult females for commercial breeding purposes. Commercial breeders will be required to: (i) apply for a business license from their respective locality; (ii) cooperate with inspections by animal control officers to ensure compliance with state and federal animal care laws; (iii) maintain records of animal sales, purchases, breeding history, and veterinary care; (iv) dispose of dead dogs and confined waste in accordance with law; and (vi) maintain no more than 50 adult dogs at one time. Commercial breeders that violate any of these provisions are guilty of a Class 1 misdemeanor. Pet shops must ensure that their dogs are purchased from dealers that are properly registered and licensed with the U.S. Department of Agriculture. Sales of animals by a person who has been convicted of cruelty or neglect is prohibited except under provisions of a court order and is a Class 1 misdemeanor. The provisions of the bill will become effective on July 1, 2009.

6. Fiscal Impact Estimates: Final.

6a. Expenditure Impact:

<i>Fiscal Year</i>	<i>Dollars</i>	<i>Positions</i>	<i>Fund</i>
2009	\$0	0.0	n/a
2010	\$53,381 to \$102,742	0.5 to 1.0	general
2011	\$53,381 to \$102,742	0.5 to 1.0	general
2012	\$53,381 to \$102,742	0.5 to 1.0	general
2013	\$53,381 to \$102,742	0.5 to 1.0	general
2014	\$53,381 to \$102,742	0.5 to 1.0	general

7. Budget Amendment Necessary: Yes, Item 93 of House Bill 30. The bill includes an enactment clause which states that the bill does not take effect unless a general fund appropriation is included in the 2008 Appropriation Act. The budget as passed by the House includes funding for an additional animal welfare position.

8. Fiscal Implications: According to the Department of Agriculture and Consumer Services, any increase in inspection activity by local animal control officers will increase the requirements for assistance from the department.

The Department of Agriculture and Consumer Services estimates that the bill will result in an increased need for technical support to local animal control officers, private practice veterinarians, and Commonwealth's attorneys in recognizing, investigating, collecting evidence, prosecuting, and giving expert testimony on commercial animal breeders. In addition, the legislation may result in a greater number of animal cruelty and animal welfare investigations in general.

In recent years, it has been the experience of the department that animal control offices in rural localities have much less funding, fewer staff positions, and are much less experienced as law enforcement officials than their counterparts in urban settings. Because of this significant disparity, the Department of Agriculture and Consumer Services will be called upon to offer a much greater level of technical support in those instances where commercial breeder violations are encountered in rural localities.

The department estimates that the legislation will require at least one-half of a full-time position to carry out the responsibilities associated with it. The cost of the position includes salary and fringes of \$45,175, and other costs, such as office space, computer, cell phone, and travel of \$8,206 in the first year and \$6,196 in subsequent years. The department estimates that it must provide from four to 18 days of staff veterinary support to a locality dealing with a single commercial breeder who is significantly out of compliance. The amount of support needed will depend on the size of the commercial breeding operation, the ability of local public and private sectors to manage the incident, the type of response the locality chooses for the incident, and the length of time required for court proceedings.

The Department of Agriculture and Consumer Services has difficulty recruiting veterinarians, and anticipates that it may be difficult to fill a part time position. In addition, with the enactment of House Bill 656 or Senate Bill 592, the cumulative impact on the department will result in the need for a full-time animal welfare veterinarian at a cost of \$102,742 annually.

The bill makes it a Class 1 misdemeanor for commercial breeders to violate the provisions and for anyone convicted of cruelty or neglect to sell animals. The penalties of a Class 1 misdemeanor include confinement in jail for not more than 12 months and a fine of not more than \$2,500. Therefore, this proposal could result in an increase in the number of persons in jail. There is not enough information available to reliably estimate how many additional inmates in jail could result from this proposal. Any increase in jail population will increase costs to the state. The Commonwealth pays localities \$8 a day for each misdemeanant or otherwise local responsible prisoner held in a jail. It also funds much of the jails' operating costs, e.g. correctional officers. The state's share of these costs, on a per prisoner, per day basis varies from locality to locality. However, according to the Compensation Board's most recent jail cost report (November 2007), the estimated total state support for local jails averaged \$28.42 per inmate per day in FY 2006.

9. Specific Agency or Political Subdivisions Affected: Department of Agriculture and Consumer Services, localities, judicial system.

10. Technical Amendment Necessary: No.

11. Other Comments: The bill includes enactment clauses that delay the effective date to July 1, 2009 and require an appropriation of general fund support for the bill to become effective.

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cc: Secretary of Agriculture and Forestry