

DEPARTMENT OF FINANCE BILL ANALYSIS

AMENDMENT DATE: May 5, 2009
POSITION: Oppose

BILL NUMBER: SB 250
AUTHOR: D. Florez

BILL SUMMARY: Dogs and Cats: Spaying and Neutering

This bill would make it unlawful to own an unsterilized dog or cat unless specified conditions are met. The bill would also require sterilization of dogs upon the first violation of specified infractions, and require owners/custodians of an impounded or cited unsterilized dog or impounded cat to comply with impoundment procedures.

FISCAL SUMMARY

This bill would result in a substantial increase to the General Fund cost of the Animal Adoption mandate. The Animal Adoption mandate currently costs more than \$24 million annually to reimburse local government shelters' cost to care for impounded animals. Given the current economic climate, requiring the owners of dogs and cats to pay for sterilization procedures would result in more animals being abandoned or surrendered because of the owners' inability to finance the sterilization procedure and pay additional fines.

This bill could create a new state-mandated local program by requiring local agencies to utilize existing procedures or establish new procedures for unaltered dog license denials and appeals, which would create additional pressures on the General Fund. The increased administrative costs of these new tasks are unknown.

Because fines for owning an unsterilized dog or cat would only be assessed if there were a concurrent citation for another violation, this bill would also limit local agencies' ability to collect additional revenue to offset new costs associated with enforcing the bill's new provisions.

COMMENTS

The Department of Finance is opposed to this measure because it would increase costs for an existing state-mandated local program, potentially create a new state mandated local program, and result in General Fund costs that are not included in the 2009-10 Budget Act.

Mandatory spay and neuter provisions have failed throughout California at the local government level. According to the National Animal Interest Alliance (NAIA), Los Angeles City experienced a 20 percent increase in shelter impounds and a 30 percent increase in shelter euthanasias after passage of a mandatory spay and neuter ordinance. NAIA also indicates that in Santa Cruz County, animal control costs doubled after mandatory spay and neuter ordinances were passed.

Los Angeles City Controller Laura Chick's 2008 audit on the Los Angeles Department of Animal Services found that the Department was "ill-prepared to implement or enforce mandatory spay and neuter law and that very few veterinarian providers are responding to the City's call for bids for services." The audit also found that, "though Animal Services is charged with enforcing the mandatory spay and neuter law, it does not intend to do so." The report goes on to state, "the Department, as it does with leash law and dog licensing, will rely on voluntary compliance." Expanding local animal control efforts would likely increase

Analyst/Principal (0221) R. Baker Date Program Budget Manager Todd Jerue Date

Department Deputy Director Date

Governor's Office: By: Date: Position Approved Position Disapproved

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local agencies' budget demands; however, there is no conclusive evidence that these efforts would result in additional revenue to the state or counteract animal overpopulation.

### **BILL ANALYSIS**

Existing law requires fines for owners of unsterilized dogs and cats that are impounded as follows:

- First occurrence: \$35
- Second occurrence: \$50
- Third and subsequent occurrences: \$100

This bill would preclude local animal shelters or other agencies that impound animals from receiving fines for each additional "occurrence" because upon the first occurrence for dogs and cats, the animal must be sterilized and no additional fines may be charged. These funds are expended for the purpose of humane education and programs for low cost spaying and neutering of dogs. Reducing funding for these programs is counterintuitive to the purpose of this bill.

This bill would require owners and custodians of dogs and cats to "comply with impoundment procedures." While this language is vague and unclear, the most probable outcome is that owners and custodians of dogs and cats will be forced to either pay for the cost of the sterilization procedure or abandon the animal to the licensing agency.

This bill would add the term "custodian" to the Food and Agricultural Code, which would have far-reaching implications. Specifically, the term "custodian" may reduce the legal status and value of dogs and cats and restrict the rights of owners, veterinarians, and government agencies to protect and care for animals. The term "custodian" would also discourage volunteers from participating in trap/neuter/release programs for feral cats, also resulting in increased rates of impounded cats.

This bill would require sterilization of dogs or cats that "roam at large." It is unclear what constitutes "roaming at large", and therefore could lead to numerous complications relating to enforcement, licensing, and license appeals of unsterilized dogs.

This bill would exempt hunting dogs, as specified, from the sterilization requirement; however does not exclude other working or herding breeds. Service dogs that work off lead, such as search and rescue dogs, would also be subject to sterilization requirements. Exempting specific types of dogs from the sterilization could subject the state to litigation.

Specifically, this bill would:

- Require an owner or custodian of an unsterilized dog to have the dog sterilized at six months of age, provide a license of sterility, or obtain an unaltered dog license, as specified.
- Establish criteria by which an unaltered dog license can be denied or revoked and the appellate process thereof.
- Require an owner or custodian who offers any unsterilized dog for sale, trade, or adoption at the age of four months or older to provide an unaltered dog license as well as provide that the ownership document include the unaltered dog's license number and any existing microchip number.
- Require an owner or custodian of an unsterilized cat to have the cat sterilized.
- Require an owner or custodian who offers any unsterilized cat for sale, trade, or adoption to notify the licensing agency, if applicable, of the name and address of the transferee within ten days after transfer and provide that the ownership transfer document include any existing microchip number.
- Authorize any penalty to be imposed upon an owner or custodian of an unsterilized dog for violating the bill's requirements only if the owner or custodian is concurrently cited for another violation under

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state or local law pertaining to the obligations of a person owning or possessing a dog, as specified, and require that the dog to be sterilized.

- Require an owner or custodian of an impounded, unlicensed, and unsterilized dog or cat to provide written proof of the animal's sterilization, or have the animal sterilized.
- Require an owner or custodian of an unsterilized dog or cat be held responsible for impoundment costs, which if not paid, would require the animal to be abandoned to the licensing agency.

**FISCAL ANALYSIS**

The Department of Finance is opposed to this measure because it would increase costs for an existing state-mandated local program, potentially create a new state mandated local program, and result in General Fund costs that are not included in the 2009-10 Budget Act.

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| Code/Department<br>Agency or Revenue<br>Type | SO | (Fiscal Impact by Fiscal Year) |                                |    |           |    |           |  | Fund<br>Code |
|--|----|--------------------------------|--------------------------------|----|-----------|----|-----------|--|--------------|
|  | LA | (Dollars in Thousands)         |                                |    |           |    |           |  |              |
|  | CO | PROP                           | 2008-2009                      |    | 2009-2010 |    | 2010-2011 |  |              |
|  | RV | 98                             | FC                             | FC | FC        | FC |           |  |              |
| 8994/St Mandates                             | SO | No                             | ----- See Fiscal Summary ----- |    |           |    |           |  | 0001         |