

November 6, 2007

Hon. Edmund G. Brown Jr.  
Attorney General  
1300 I Street, 17<sup>th</sup> Floor  
Sacramento, California 95814

Attention: Ms. Krystal Paris  
Initiative Coordinator

Dear Attorney General Brown:

Pursuant to Elections Code Section 9005, we have reviewed the proposed initiative entitled "Pet Animal Protection Act" (A.G. File No. 07-0059).

### **Background**

Under current law, local government animal shelters and their contractors are required to provide stray live animals with necessary and prompt veterinary care, nutrition, and shelter, and to treat the animals humanely. Among other things, the law requires shelters to make reasonable efforts to notify owners of the animal's location, keep records on every impounded animal, operate during hours that permit working pet owners to redeem pets during nonworking hours, and to work with humane animal adoption organizations to promote the adoption of animals. State law requires shelters to hold impounded animals for a minimum of four to six days (not including the day of impoundment) to allow owners to claim their pet, or to allow the animal to be adopted. Shelters are generally prohibited from adopting out animals that are not spayed or neutered, unless the owner agrees in writing to have the animal spayed or neutered within 30 days, and a veterinarian certifies that the animal is too sick or injured to be altered.

### **Major Provisions**

This measure would place new requirements on animal shelters operated by—and under contract with—local governments. It would require these shelters to (1) operate seven days a week for at least six hours per day; (2) hold animals for a minimum of five to seven days, not including the day of impoundment, which is longer than the current period; and (3) implement various programs, such as free and low-cost sterilization services, foster care networks, and comprehensive adoption programs that operate weekend and evening hours. Animal shelter employees would be required to meet specified educational requirements and pass a newly required state-administered exam.

This measure would also place restrictions on certain public shelter activities, as well as on the collection and use of shelter revenues. For example, shelters generally would no longer be authorized to euthanize unweaned animals and feral cats. Additionally, shelters would be able to use revenues from dog license fees only as follows: 60 percent for free and low-cost sterilizations of feral cats and other animals owned by low-income persons, and 40 percent for medical assistance of feral cats and other animals owned by low-income persons.

The measure establishes new civil penalties for violation of its provisions. It would also require animal rescue groups and other private shelters that adopt out animals transferred from local animal shelters to transfer to the public shelters 10 percent of the revenue generated from adoption activities.

### **Fiscal Effect**

Public animal shelters are operated by local governments, and supported by a combination of local general fund monies, user fees (including dog license fees), donations, and state reimbursements for certain functions.

*Local Animal Shelter Costs.* This measure would likely result in additional ongoing costs to operate animal shelters, as well as potential one-time costs to expand animal shelter capacity. While public animal shelters vary somewhat with regard to hours of operation and the types of services offered, the proposed measure generally would increase the overall required level of services. In order to comply with the measure's requirements, many animal shelters likely will require additional staff and supplies, and thus experience an increase in annual operating costs. On a statewide basis, the potential increase in operating costs resulting from this measure is unknown, but potentially in the mid tens of millions of dollars annually. The actual cost would depend on a number of factors, including for example, how local governments implement various provisions of the measure, the extent to which newly required programs are currently available, and the number of additional animals requiring services as a result of the measure.

Additionally, some local governments may have to acquire and outfit additional space for animal shelter operations to meet the measure's requirements. These one-time costs, if any, to local governments on a statewide basis are unknown, but potentially significant. It would depend on the capacity of existing shelters, and the amount of additional space necessary to serve unweaned animals and feral cats.

*Other Funding Impacts on Local Government.* Local governments rely on dog license fee revenues to cover some of the cost of animal shelter operations. As a result of the measure's proposed restrictions on the use of these funds, some local governments may have to use their general fund monies to continue activities that are currently funded by dog license revenues. It is unknown how much, if any, local government

funding might be used to maintain support for services that could no longer be funded using dog license revenues.

*Local Revenues.* An unknown, but potentially small, portion of the local costs would be offset by penalties and adoption fees. The amount of civil penalty revenue generated under the measure, if any, would largely depend on local enforcement activities. Generally, while enforcement of animal laws and regulations varies across local governments, related infractions and civil penalty collections are relatively infrequent. Thus, the measure is not likely to generate a significant level of new penalty revenues.

As regards the adoption fee revenues, private shelters, rescue groups, and other animal care organizations are not required to report the level of revenues generated by adoption fees. The amount of adoption fee revenues they would be required to share with public shelters is unknown.

*State Administrative Costs.* The measure would require the state to develop and routinely administer to prospective animal shelter employees an examination on state animal law, regulations, and procedures. This likely would result in minor absorbable one-time costs to develop the examination, and potential ongoing costs of a couple million dollars each year to administer the exam, certify individuals, and maintain a database.

## Summary

This measure would result in the following fiscal effects:

- Probably significant local animal shelter operating costs in the mid tens of millions of dollars annually on a statewide basis, potentially small portion of costs being offset by penalty and adoption revenues.
- Potential ongoing state administrative costs of a couple million dollars each year.

Sincerely,

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Elizabeth G. Hill  
Legislative Analyst

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Michael C. Genest  
Director of Finance