



Senate

General Assembly

File No. 665

February Session, 2014

Substitute Senate Bill No. 309

Senate, April 24, 2014

The Committee on Planning and Development reported through SEN. OSTEN of the 19th Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

***AN ACT CONCERNING MUNICIPAL COSTS FOR THE CARE OF
CONFISCATED ANIMALS AND ESTABLISHING A TASK FORCE ON
THE HUMANE TREATMENT OF ANIMALS IN MUNICIPAL SHELTERS.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Subsections (f) to (k), inclusive, of section 22-329a of the
2 general statutes are repealed and the following is substituted in lieu
3 thereof (*Effective from passage*):

4 (f) If the court issues an order vesting the animal's temporary care
5 and custody in some suitable state, municipal or other public or
6 private agency or person, the owner or owners shall either relinquish
7 ownership of the animal or post a surety bond or cash bond with the
8 agency or person in whom the animal's temporary care and custody
9 was vested. The surety bond or cash bond shall be in the amount of
10 five hundred dollars for each animal placed in the temporary care or
11 custody of such agency or person and shall secure payment for the
12 reasonable expenses of the agency or person having temporary care

13 and custody of the animal in caring and providing for such animal
14 until the court makes a finding as to the animal's disposition under
15 subsection (g) of this section. The requirement that a bond be posted
16 may be waived if such owner provides satisfactory evidence that such
17 owner is indigent and unable to pay for such bond.

18 (g) (1) If, after hearing, the court finds that the animal is neglected or
19 cruelly treated, it shall vest ownership of the animal in any state,
20 municipal or other public or private agency which is permitted by law
21 to care for neglected or cruelly treated animals or with any person
22 found to be suitable or worthy of such responsibility by the court.

23 (2) If, after hearing, the court finds that the animal is so injured or
24 diseased that it should be destroyed, the court may order that such
25 animal be humanely destroyed.

26 (3) If, after hearing, the court finds that the animal is not neglected
27 or cruelly treated, it may cause the animal to be returned to its owner
28 or owners or person having responsibility for its care or, if such owner
29 or owners or person is unknown or unwilling to resume caring for
30 such animal, it may vest ownership of the animal in any state,
31 municipal or other public or private agency or person found to be
32 suitable or worthy of such responsibility.

33 (4) If the court makes a finding under subdivision (1) or (2) of this
34 subsection less than thirty days after the issuance of an order of
35 temporary care and custody and the owner of the animal has posted a
36 bond, the agency or person with whom the bond was posted shall
37 return the balance of such bond, if any, to the owner. The amount of
38 the bond to be returned to the owner shall be calculated at the rate of
39 fifteen dollars per day per animal or twenty-five dollars per day per
40 animal if the animal is a horse or other large livestock for the number
41 of days less than thirty that such agency or person has not had
42 temporary care and custody of the animal less any veterinary costs and
43 expenses incurred for the welfare of the animal.

44 (5) If the court makes a finding under subdivision (3) of this

45 subsection after the issuance of an order of temporary care and
46 custody and the owner of the animal has posted a bond, the agency or
47 person with whom the bond was posted shall return such bond to such
48 owner.

49 (h) If the court finds that the animal is neglected or cruelly treated,
50 the expenses incurred by the state or a municipality in providing
51 proper food, shelter and care to an animal it has taken custody of
52 under subsection (a) or (b) of this section and the expenses incurred by
53 any state, municipal or other public or private agency or person in
54 providing temporary care and custody pursuant to an order vesting
55 temporary care and custody, calculated at the rate of fifteen dollars per
56 day per animal or twenty-five dollars per day per animal if the animal
57 is a horse or other large livestock until the date ownership is vested
58 pursuant to subdivision (1) of subsection (g) of this section shall be
59 paid by the owner or owners or person having responsibility for the
60 care of the animal. In addition, all veterinary costs and expenses
61 incurred for the welfare of the animal that are not covered by the per
62 diem rate shall be paid by the owner or owners or person having
63 responsibility for the animal.

64 (i) If the court vests ownership of the animal in the Commissioner of
65 Agriculture or a municipality, the commissioner or the municipality
66 may conduct or participate in a public auction of the animal under
67 such conditions the commissioner or the municipality deems necessary
68 or the commissioner or the municipality may consign the animal to an
69 auction or sell the animal through an open advertised bid process
70 whereby bid price and demonstration of sufficient knowledge and
71 ability to care for such animal are factors for the commissioner's or
72 municipality's consideration. All moneys collected from the sale of
73 animals sold by the Commissioner of Agriculture through such open
74 advertised bid process shall be deposited in the animal abuse cost
75 recovery account established in subsection (j) of this section. All
76 moneys collected from the sale of animals sold by a municipality
77 through such open advertised bid process shall be deposited by the
78 town treasurer or other fiscal officer in the town's general fund. The

79 commissioner or the municipality may also vest ownership of any such
80 animal in an individual or a public or private nonprofit animal rescue
81 or adoption organization.

82 (j) There is established a separate, nonlapsing account within the
83 General Fund, to be known as the "animal abuse cost recovery
84 account". All moneys collected from sales at public auction of animals
85 seized by the Department of Agriculture pursuant to this section shall
86 be deposited into the account. Deposits of moneys may be made into
87 the account from public or private sources, including, but not limited
88 to, the federal government or municipal governments.

89 (k) Notwithstanding any provision of the general statutes, any
90 moneys received by the Department of Agriculture pursuant to
91 subsection (j) of this section shall be deposited in the General Fund and
92 credited to the animal abuse cost recovery account. The account shall
93 be available to the Commissioner of Agriculture for the purpose of the
94 housing, care and welfare of any animal seized by the department,
95 until final disposition of such animal and for the purpose of providing
96 reimbursement to any municipal, public or private agency or person
97 for the costs of providing temporary care to such animal if such
98 temporary care exceeded thirty days in duration and such costs exceed
99 the amount of any surety bond or cash bond posted pursuant to
100 subsection (f) of this section. Nothing in this section shall prevent the
101 commissioner from obtaining or using funds from sources other than
102 the account for the housing, care and welfare of any animal seized by
103 the department pursuant to this section.

104 Sec. 2. Subsection (e) of section 22-380g of the 2014 supplement to
105 the general statutes is repealed and the following is substituted in lieu
106 thereof (*Effective from passage*):

107 (e) Any revenue collected pursuant to the provisions of sections 22-
108 380f and 22-380l shall be deposited in the animal population control
109 account. All money in the account shall be used by the commissioner
110 exclusively for (1) the implementation and promotion of the animal
111 population control program, (2) the costs associated with the

112 administration of such program, provided not more than two hundred
113 twenty-five thousand dollars may be expended for administrative
114 costs per year, [and] (3) reimbursement of persons completing a
115 training program pursuant to subsections (c) and (d) of section 22-328,
116 for the costs of such program, and (4) reimbursement to any
117 municipal, public or private agency or person for the costs of
118 providing temporary care to any animal pursuant to section 22-329a, as
119 amended by this act, if such temporary care exceeded thirty days in
120 duration and such costs exceed the amount of any surety bond or cash
121 bond posted pursuant to subsection (f) of section 22-329a, as amended
122 by this act.

123 Sec. 3. (*Effective from passage*) (a) There is established a task force to
124 study the humane treatment of animals in municipal shelters. The task
125 force shall consider: (1) The establishment of standards for the humane
126 treatment of animals; (2) education for animal control officers on
127 current license laws; (3) rules and regulations regarding and penalties
128 for abuse; (4) the development of a system to track persons who have
129 been convicted of animal abuse in order to prevent such persons from
130 acquiring animals from shelters in other municipalities or states; (5) the
131 establishment of standards for rescue organizations to use when
132 evaluating foster homes; (6) the establishment of rules and
133 responsibilities for volunteer groups that work with municipal shelters
134 and animal control officers; and (7) the creation of a framework to
135 coordinate the efforts of local humane organizations with volunteer
136 groups, foster groups and municipal animal shelters.

137 (b) The task force shall consist of the following members:

138 (1) Two appointed by the speaker of the House of Representatives;

139 (2) Two appointed by the president pro tempore of the Senate;

140 (3) One appointed by the majority leader of the House of
141 Representatives;

142 (4) One appointed by the majority leader of the Senate;

143 (5) One appointed by the minority leader of the House of
144 Representatives; and

145 (6) One appointed by the minority leader of the Senate.

146 (c) Any member of the task force appointed under subdivision (1),
147 (2), (3), (4), (5) or (6) of subsection (b) of this section may be a member
148 of the General Assembly.

149 (d) All appointments to the task force shall be made not later than
150 thirty days after the effective date of this section. Any vacancy shall be
151 filled by the appointing authority.

152 (e) The speaker of the House of Representatives and the president
153 pro tempore of the Senate shall select the chairpersons of the task force
154 from among the members of the task force. Such chairpersons shall
155 schedule the first meeting of the task force, which shall be held not
156 later than sixty days after the effective date of this section.

157 (f) The administrative staff of the joint standing committee of the
158 General Assembly having cognizance of matters relating to local
159 governments shall serve as administrative staff of the task force.

160 (g) Not later than January 1, 2015, the task force shall submit a
161 report on its findings and recommendations to the joint standing
162 committees of the General Assembly having cognizance of matters
163 relating to local governments and the environment, in accordance with
164 the provisions of section 11-4a of the general statutes. The task force
165 shall terminate on the date that it submits such report or January 1,
166 2015, whichever is later.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	22-329a(f) to (k)
Sec. 2	<i>from passage</i>	22-380g(e)
Sec. 3	<i>from passage</i>	New section

PD Joint Favorable Subst.

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Effect	FY 15 \$	FY 16 \$
Department of Agriculture	GF - Cost	Potential	Potential
Various State Agencies	GF - Potential Cost	Less than 1,000	None

Municipal Impact:

Municipalities	Effect	FY 15 \$	FY 16 \$
Various Municipalities	Revenue Gain	Potential	Potential

Explanation

The bill expands the Department of Agriculture’s (DoAg) use of the (1) animal abuse cost recovery (AACR) and (2) animal population control account (APCA) to reimburse a municipal or other public agency for the cost of providing temporary care to animals under certain conditions. This may result in additional costs to both the AACR and APCA accounts, which are non-appropriated, non-lapsing accounts of the general fund.¹ To the extent reimbursements are made, there could be a corresponding municipal revenue gain.

Additionally, the bill also establishes a task force to study the humane treatment of animals in municipal shelters. There may be a cost of less than \$1,000 in FY 15 to those agencies participating in the task force to reimburse legislators and agency staff for mileage expenses.

¹ The available cash balance of (1) the AACR account is \$37,894 and (2) the APCA account is \$947,882 as of 4/3/2014.

Lastly, the bill makes other changes which do not result in a fiscal impact to the state or municipalities.

The Out Years

There is no ongoing cost for the task force, as it terminates in FY 15. Any other ongoing fiscal impacts depend upon actual reimbursements made from the AACR and APCA accounts to municipalities.

OLR Bill Analysis**sSB 309*****AN ACT CONCERNING MUNICIPAL COSTS FOR THE CARE OF CONFISCATED ANIMALS AND ESTABLISHING A TASK FORCE ON THE HUMANE TREATMENT OF ANIMALS IN MUNICIPAL SHELTERS.*****SUMMARY:**

By law, a court may vest temporary ownership of neglected or cruelly treated animals in a person or state, municipal, or other agency. When it does this, the animal's owner generally must either (1) give up ownership of the animal or (2) post a surety or cash bond with the agency or person in whom the court vested the animal's temporary care and custody. This bill increases the bond amount from \$500 total to \$500 per animal.

The bill expands the Department of Agriculture (DoAg) commissioner's use of the animal abuse cost recovery and animal population control accounts (see BACKGROUND). It requires him to use these accounts to reimburse a person or municipal or other public or private agency for the cost of providing temporary care to animals that lasts more than 30 days and exceeds the posted bond amount.

The bill also establishes an eight-member task force to study the humane treatment of animals in municipal shelters. The task force must report its findings and recommendations to the Environment and Planning and Development committees by January 1, 2015.

EFFECTIVE DATE: Upon passage

TASK FORCE***Areas Task Force Must Consider***

The bill requires the task force to consider:

1. establishing standards for the humane treatment of animals;
2. education for animal control officers (ACOs) on current license laws;
3. rules, regulations, and penalties for abuse;
4. developing a system to track people who have been convicted of animal abuse to prevent them from acquiring animals from shelters in other municipalities or states;
5. establishing standards for rescue organizations when evaluating foster homes;
6. establishing rules and responsibilities for volunteer groups that work with municipal shelters and ACOs; and
7. creating a framework to coordinate the efforts of local humane organizations with volunteer groups, foster groups, and municipal shelters.

Membership

Under the bill, the task force consists of eight members the top six legislative leaders appoint. The Senate President pro tempore and House Speaker each appoint two members and the Senate and House majority and minority leaders each appoint one member. Legislators may be appointed members. Appointments must be made within 30 days after the bill's passage, and the appointing authority fills any vacancy.

Chairpersons and Meetings

The bill requires the Senate President and House Speaker to select the task force's chairpersons from among the task force members. The chairpersons must schedule and hold the first task force meeting within 60 days after the bill's passage.

Staff

The bill requires the Planning and Development Committee's

administrative staff to serve as the task force's staff.

Report and Termination

The bill requires the task force to report its findings and recommendations to the Environment and Planning and Development committees by January 1, 2015. The task force terminates when it submits its report or on that date, whichever is later.

BACKGROUND

Animal Abuse Recovery Account

By law, the commissioner uses the animal abuse recovery account to cover the cost of housing and caring for animals DoAg seizes. The account is made up of (1) money DoAg collects from sales of seized animals at public auctions and (2) public or private donations.

Animal Population Control Account

By law, the commissioner uses the animal population control account to (1) implement, promote, and administer the animal population control program and (2) reimburse people completing animal control officer training. The account is made up of money collected from municipal pound adoption fees and license surcharges on unspayed or unneutered dogs.

Legislative History

The Senate referred the bill (File 279) to the Planning and Development Committee, which reported a substitute bill that added the task force requirements.

COMMITTEE ACTION

Environment Committee

Joint Favorable

Yea 28 Nay 0 (03/17/2014)

Planning and Development Committee

Joint Favorable Substitute

Yea 18 Nay 0 (04/15/2014)