



SOUTH CAROLINA REVENUE AND FISCAL AFFAIRS OFFICE
STATEMENT OF ESTIMATED FISCAL IMPACT
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Bill Number: S. 0105 Signed by Governor on May 16, 2019
Author: Campbell
Subject: Animal Cruelty and Care
Requestor: Senate
RFA Analyst(s): Gardner and A. Martin
Impact Date: June 11, 2019

Fiscal Impact Summary

This bill establishes provisions related to animal welfare, including requiring magistrates to receive continuing education in the area of animal cruelty; including animal custodians to receive compensation for providing services to animals while their owners are under arrest or during any litigation proceedings; allowing local non-profit organizations that apply to the Department of Agriculture for special grant funding; and allowing veterinarians who are unlicensed in this jurisdiction but are licensed and in good standing in another jurisdiction to apply for an emergency limited veterinary medicine license during times on emergency or natural disaster.

This bill will have no expenditure impact for the Judicial Department or Department of Agriculture as the implementation of the bill will not materially impact the activities of these agencies.

South Carolina counties could collectively incur an expenditure impact of \$23,700 should magistrates have to arrange for outside training to fulfill continuing legal education requirements.

Explanation of Fiscal Impact

Signed by Governor on May 16, 2019

State Expenditure

This bill establishes a number of new provisions related to animal welfare. Among other things, it requires magistrates to receive 2 hours of continuing education in the area of animal cruelty every 4 years.

Additionally, the bill adds new definitions related to regulations by counties and municipalities for dogs and other domestic pets. It also allows a person to turn over a litter of unidentifiable dogs or cats 4 months of age or younger to any organization established for the purpose of caring for animals.

The bill creates a new provision related to compensation for services rendered to an animal by a person who is awarded custody of the animal due to the owner's arrest for animal neglect or mistreatment. Should the defendant be found guilty, the custodian may petition the court to require the defendant to secure payment for all reasonable expenses related to the animal's care during pending litigation. In this case, the custodian is authorized to subsequently place the animal for adoption or arrange for it to be euthanized. Should the defendant be found not guilty,

the county or municipality making the arrest must pay the custodian for the cost of services rendered to the animal. In this case, the defendant is authorized to subsequently recover custody of his animal. The municipal or magistrate's court will determine the actual cost of care for the animal once the custodian provides a good faith estimate of these costs.

With regard to the special fund administered by the Department of Agriculture to support local animal spay/neuter programs, the bill provides that local non-profit organizations offering these programs may apply for up to \$2,000 per grant application at the beginning of each fiscal year. These organizations must use grant funds within 6 months of receipt or return unused funds and must also submit a report to the Department of Agriculture listing the manner in which the funds were used.

The bill also provides an exception for licensure as a veterinarian to allow veterinarians or veterinary technicians who are unlicensed in this jurisdiction but are licensed and in good standing in another jurisdiction to apply for an emergency limited license to practice veterinary medicine during times of emergency or natural disaster. In order for a veterinarian or a veterinary technician to practice in emergency situations, the bill requires that: (1) the Governor or his designee has declared an official state of emergency, (2) an official invitation has been offered to the veterinarian or veterinary technician for a specified time by the Governor, (3) the applicant submits acceptable documentation to demonstrate eligibility for the limited license. The bill also modifies existing provisions to replace the term animal refuge or refuge with the term rescue organization.

Judicial Department. The bill will require magistrates and municipal court judges to receive 2 hours of continuing education on animal cruelty issues every 4 years at their mandatory continuing education programs. The department expects to absorb any costs associated with this additional instruction within current resources.

Department of Agriculture. The bill makes changes to the application process for grants from the special fund administered by the Department of Agriculture to support local animal spay/neuter programs. The South Carolina Animal Care and Control Association is responsible for the coordination of the grant program and distribution of individual grants. Therefore, this bill will have no impact to the General Fund, Federal Funds, or Other Funds of the agency.

State Revenue

N/A

Local Expenditure

All counties were surveyed as to what, if any, expenditure impact this would have on local governments. Four counties responded, including Charleston, Florence, Lancaster, and Lexington. Florence County reports that the bill will have no expenditure impact provided the number of continuing legal education (CLE) credits required for training on animal cruelty issues remains at 2 hours. Charleston County reports that as long as the training for these CLE credits is provided during the annual magistrate conference sponsored by Court Administration, there will be no expenditure impact on county governments. In the case that this training is not provided at the annual conference, however, county governments will have to pay for

magistrates to receive the training. There are approximately 300 magistrates in South Carolina, and 1 hour of CLE provided by the South Carolina Bar Association costs \$79.00. If outside training is required, it may result in a collective county government cost of approximately \$23,700.

Local Revenue

N/A



Frank A. Rainwater, Executive Director