



Economic Impact Analysis Virginia Department of Planning and Budget

2 VAC 5-100 – Rules and Regulations Governing the Qualifications for Humane Investigators

Department of Agriculture and Consumer Services

July 3, 2008

Summary of the Proposed Regulation

The Virginia Department of Agriculture and Consumer Services (VDACS) proposes to repeal the Rules and Regulations Governing the Qualifications for Humane Investigators because its authority to establish and to administer this regulation was removed by the 2003 Acts of Assembly.

Results of Analysis

The benefits likely exceed costs for all proposed changes.

Estimated Economic Impact

Humane investigators are volunteer animal welfare investigators. The current Rules and Regulations Governing the Qualifications for Humane Investigators (regulation) was adopted in 1985. The 2003 Acts of Assembly removed the direct authority of the State Veterinarian over humane investigators, removed the authority of the Board of Agriculture to establish by regulation the qualifications for humane investigators, and removed the requirement for the State Veterinarian to maintain a current list of persons meeting the qualifications for humane investigators. The qualifications for humane investigators were added into the Code of Virginia (Code). Since 2003, the local animal control administrative agencies have had oversight over humane investigators and the circuit courts appoint or reappoint humane investigators.¹

¹ The humane investigator program has been limited to the existing localities with humane investigators and to the existing numbers of positions after 2003.

Repealing this regulation will likely not have any adverse impact because the Code applies when there is a conflict between the Code and the regulation. Instead, the proposed repeal will likely eliminate any confusion regarding which entity has authority over humane investigators. VDACS reports that currently there are citizens within Virginia who still refer to the requirements of this regulation without knowing that the regulations no longer have any legal standing. The proposed action will likely benefit the current humane investigators, localities with current appointments, and citizens of interest.

Businesses and Entities Affected

VDACS estimates that currently there are about 6 to 12 humane investigators in the Commonwealth.

Localities Particularly Affected

The proposed regulations will particularly affect the 6 to 12 localities with current humane investigator appointments.

Projected Impact on Employment

The proposed repeal will likely not have any adverse effect on employment.

Effects on the Use and Value of Private Property

The proposed repeal will likely not have any adverse effect on the use and value of private properties.

Small Businesses: Costs and Other Effects

The proposed repeal will likely not have any adverse impact on small businesses.

Small Businesses: Alternative Method that Minimizes Adverse Impact

Small businesses will likely not be adversely affected by the proposed action.

Real Estate Development Costs

The proposed amendments are unlikely to significantly affect real estate development costs.

Legal Mandate

The Department of Planning and Budget (DPB) has analyzed the economic impact of this proposed regulation in accordance with Section 2.2-4007.04 of the Administrative Process Act

and Executive Order Number 36 (06). Section 2.2-4007.04 requires that such economic impact analyses include, but need not be limited to, the projected number of businesses or other entities to whom the regulation would apply, the identity of any localities and types of businesses or other entities particularly affected, the projected number of persons and employment positions to be affected, the projected costs to affected businesses or entities to implement or comply with the regulation, and the impact on the use and value of private property. Further, if the proposed regulation has adverse effect on small businesses, Section 2.2-4007.04 requires that such economic impact analyses include (i) an identification and estimate of the number of small businesses subject to the regulation; (ii) the projected reporting, recordkeeping, and other administrative costs required for small businesses to comply with the regulation, including the type of professional skills necessary for preparing required reports and other documents; (iii) a statement of the probable effect of the regulation on affected small businesses; and (iv) a description of any less intrusive or less costly alternative methods of achieving the purpose of the regulation. The analysis presented above represents DPB's best estimate of these economic impacts.