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FISCAL IMPACT REPORT

SPONSOR SFC DATE TYPED 2/16/04 HB _____

SHORT TITLE Animal Protective Services Act SB 306/SFCS

ANALYST Wilson

APPROPRIATION

Appropriation Contained		Estimated Additional Impact		Recurring or Non-Rec	Fund Affected
FY04	FY05	FY04	FY05		
			See Narrative		

Relates to SB51

REVENUE

Estimated Revenue		Subsequent Years Impact	Recurring or Non-Rec	Fund Affected
FY04	FY05			
	\$5.0		Recurring	Animal Care and Facilities Fund

SOURCES OF INFORMATION

LFC Files

SUMMARY

Synopsis of Bill

The Senate Finance Committee Substitute for Senate Bill 306 creates the Animal Sheltering Services Act. This bill creates a seven member Animal Sheltering Services Board (ASSB) appointed by the Governor.

The APSB will:

- ❑ Assist animal shelters by regulating city or county operated or contracted facilities and promulgate rules and regulations using public comment to establish minimum standards and infrastructure for sheltering agencies serving New Mexico communities.
- ❑ Establish Licensed Euthanasia Providers who, when sufficiently trained and qualified, shall be licensed at a nominal fee to handle controlled substances for the limited purpose of humanely euthanizing unwanted animals in animal shelters licensed by the APSB.
- ❑ Revoke licenses of individuals who are not in compliance with euthanasia practitioner re-

quirement and levy fines for shelters who are not in compliance.

- ❑ Develop a statewide spay and neuter plan to address the pet overpopulation crisis, ultimately reducing costs, liability and animal suffering.

Significant Issues

Animal services are a necessary part of every community in our State, mandated in part by NMSA 77-1-1-20 (specifically NMSA 77-1-12) and proven by the over 90,000 unwanted animals euthanized in New Mexico animal shelters each year. The constant outcry from the public for effective and humane animal services underscores that the cost of implementing humane animal services is the inherent responsibility of each community.

Without a safe place to shelter stray, abandoned or unwanted animals there are higher liability risks for the community and administration including:

- An increase in animal bite incidents;
- An increase in property damage (i.e. livestock depredation, vehicle damage, etc.);
- Civil and criminal suits when taxpayers allege mistreatment of sheltered animals;
- Increase in negative human and animal contact when taxpayers do not use or support their local shelter due to lack of faith in conduct and care;
- An increase in animal shelter costs that will continue to escalate without intervention which can be resolved by a spay and neuter plan;
- An increase in animal cruelty; and
- An increase in animal suffering.

This bill will not affect the livestock industry, although the number of livestock depredation cases involving domestic dogs should decrease dramatically once citizens know they can trust their local shelter to humanely care for and dispose of stray or unwanted animals. If livestock inspectors choose to collaborate with animal shelters, they can benefit from the infrastructure created by the ASSB.

A critical responsibility for those in the animal care and sheltering field is to provide the most humane death possible for companion animals when euthanasia is necessary. In order to be humane, every euthanasia technique must result in painless, rapid unconsciousness, followed by cardiac or respiratory arrest, and ultimately death.

FISCAL IMPLICATIONS

This bill creates the Animal Care and Facility Fund (ACFF). The fees and civil fines collected by the APSB shall be deposited into this fund. The ACFF may accept gifts, grants and donations. The ACFF shall be used by the ASSB to implement the provisions of this bill. The ACFF shall not revert funds to the General Fund.

This bill creates a new fund and provides for continuing appropriations. The LFC objects to including continuing appropriation language in the statutory provisions for newly created funds. Earmarking reduces the ability of the legislature to establish spending priorities.

RLD estimates annual revenues to the ACFF from fees and fines will be less than \$5.0.

ADMINISTRATIVE IMPLICATIONS

The APSB will be administratively attached to the RLD. The APSB will hire one administrator, one investigator and one veterinary specialist or euthanasia service provider to carry out the functions of the board.

RELATIONSHIP

SB306 relates to SB51 by incorporating the humane euthanasia requirements contained in that bill.

OTHER SUBSTANTIVE ISSUES

RLD believes the State needs to have standards in place for promoting clean, safe and healthy living conditions for animals housed in public animal shelter facilities. In addition, the State must have procedures in place to implement humane euthanasia practices in all public animal shelter facilities.

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