

Fiscal impact reports (FIRs) are prepared by the Legislative Finance Committee (LFC) for standing finance committees of the NM Legislature. The LFC does not assume responsibility for the accuracy of these reports if they are used for other purposes.

Current FIRs (in HTML & Adobe PDF formats) are available on the NM Legislative Website (legis.state.nm.us). Adobe PDF versions include all attachments, whereas HTML versions may not. Previously issued FIRs and attachments may be obtained from the LFC in Suite 101 of the State Capitol Building North.

## FISCAL IMPACT REPORT

SPONSOR SFC DATE TYPED 3/12/05 HB \_\_\_\_\_

SHORT TITLE Animal Sheltering Services Act SB 414/SFCS/aSFI#1

ANALYST Wilson

### APPROPRIATION

Appropriation Contained		Estimated Additional Impact		Recurring or Non-Rec	Fund Affected
FY05	FY06	FY05	FY06		
			\$0.1	Recurring	Animal Care and Facility Fund

### REVENUE

Estimated Revenue		Subsequent Years Impact	Recurring or Non-Rec	Fund Affected
FY05	FY06			
	\$0.1		Recurring	Animal Care and Facility Fund

(Parenthesis ( ) Indicate Revenue Decreases)

### SOURCES OF INFORMATION

LFC Files

### SUMMARY

#### Synopsis of SFI#1 Amendment

The Senate Floor amendment #1 to the Senate Finance Committee substitute for Senate Bill 414 removes the language making an appropriation to conform to the substitute bill which does not contain an appropriation.

#### Synopsis of Original Bill

The Senate Finance Committee substitute for Senate Bill 414 enacts the Animal Sheltering Services Act. The purpose of the Animal Sheltering Services Act is to promote safe, healthy and clean living conditions for animals housed in animal shelters, to license euthanasia providers and euthanasia agencies and to certify euthanasia instructors.

The Animal Sheltering Services Board is created. The board shall be attached to the Regulations

& Licensing Department (RLD) and it shall consist of nine members as follows:

- one animal shelter employee with training and education in euthanasia;
- one licensed veterinarian who has provided paid or unpaid services to an animal shelter;
- one representative from a nonprofit animal advocacy group;
- one member of the public;
- an employee of the animal shelter industry;
- one representative of the New Mexico association of counties;
- one representative of the New Mexico municipal league;
- one member of a rescue organization; and
- one member of an all-breed kennel club.

Senate Bill 414 creates the animal sheltering services board, which is administratively attached to RLD and provides for its membership, procedures, powers and duties. Those powers and duties shall include, among others,

- issuing licenses to, and prescribing the requirements for, euthanasia providers,
- issuing licenses to, establishing operating rules for, and inspecting, euthanasia agencies
- issuing certificates to, and prescribing the requirements for, euthanasia instructors,
- establishing recommended standards for infrastructure and operations for animal shelters,
- conducting administrative hearings and issuing administrative penalties for violations of the Act
- establishing fees, not to exceed \$150, for licenses and certificates
- developing pet sterilization and community outreach plans for animal shelters and euthanasia agencies
- disbursing money from the animal care and facility fund to animal shelters

This bill provides for violations of the Act and establishes enforcement procedures, allowing the Board to issue cease-and-desist orders and to seek injunctive relief for practices in violation of the Act. The bill provides that a person who engages in acts that require a license or certificate without the required license or certificate is guilty of a misdemeanor. The bill also provides for the revocation of licenses and the issuance of administrative penalties for violations of the Act.

### Significant Issues

According to Animal Protection Voters, animal shelters in New Mexico currently have no standards for animal care, employee conduct, humane animal handling, humane education or humane disposition of animals.

The bill requires that RLD hire at a minimum three employees to execute the daily operations of the board. RLD indicates that these employees would be a board administrator, a compliance officer and a veterinarian. However, it may be overly prescriptive to establish the minimum number of employees to be hired by RLD.

The bill specifies that the board can establish fees for required licenses and certificates.

## **FISCAL IMPLICATIONS**

This bill contains no appropriation. In order to fulfill the requirements of this bill an appropriation will be needed.

The bill creates the animal sheltering and services board, which will be administratively attached to RLD. Unlike many other regulatory boards, this board will not be self-funded through license and certification fees, but rather, will be funded from a general fund appropriation. Revenues from fees will be deposited in the animal care and services fund and distributed by RLD to animal shelters.

### Continuing Appropriations

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.

The funds that will be earmarked for distribution to animal shelters.

## **ADMINISTRATIVE IMPLICATIONS**

RLD staff should be able to handle the start up of the responsibilities contained in this bill with existing personnel.

**DW/lg:rs**