



spay and neuter program and make funding recommendations to BVM. In addition to the existing misdemeanor criminal punishment for practicing veterinary medicine without a license, HB219 also provides for fines up to \$5,000. Finally, the bill extends BVM's sunset date from July 1, 2018, to July 1, 2024.

### **FISCAL IMPLICATIONS**

Currently, as reflected in the table above, the general fund provides approximately \$26.1 thousand annually to support ASB. ASB is administratively attached to RLD, which has advised that ASB is not self-sustaining; its licensing revenue does not fully fund its operating budget. ASB depends on general fund support to cover its expenses, and LFC staff has projected ASB will be operating at a deficit by FY18. Under this bill, ASB's revenues and expenses would be assumed by BVM.

### **SIGNIFICANT ISSUES**

In light of ASB's fiscal difficulties described above, this merger lessens the burden on ASB since BVM revenues would support the operations and activities of the reconstituted BVM. The strengthening of certain powers and duties assumed by BVM under this bill also may result in better and more comprehensive enforcement of regulations and policies governing veterinarians and animal shelters generally: the elimination of the exemption for local government-employed shelter veterinarians in the Veterinary Practices Act and the increased power to impose (rather than just recommend, as authorized under existing law) minimum standards on animal shelters in the Animal Sheltering Act may provide for better oversight of animal shelters and the care provided animals in those facilities. Other activities assigned to each of the two existing boards also would be assumed by BVM under this bill.

RLD, as the administrator of the existing ASB, strongly supports this merger. Currently, information provided by RLD demonstrates that ASB is operating with only four members, although its enabling act requires nine. The board as presently constituted cannot meet its quorum requirement of five members, although it continued to meet in FY16 with only three members present. Every one of four existing members is serving on an expired term.

As previously noted, under existing law ASB may only recommend shelter standards; it has no power to impose or to enforce those standards. ASB has proposed that the minimum standards for animal shelters be mandatory rather than simply recommended. Although funding may not be in place for some shelters to provide minimum care, that board believes it is the responsibility of shelters, including those that are funded by local governments, to provide adequate care as defined by the minimum shelter standards it has recommended.

### **RELATIONSHIP**

House Bill 123 creates a new spay and neuter program fee in the Commercial Feed Act of \$100 to be charged and collected on each brand name of commercial feed that is distributed in New Mexico for consumption by a dog or cat to be credited to the statewide spay and neuter subaccount.

### **TECHNICAL ISSUES**

On page 19, lines 16 and 17, the bill states that disbursements from the animal care and facility fund shall only be made "with consideration of the recommendation of a majority of the animal

sheltering committee.” It is unclear if this language restricts the Veterinary Board from making expenditures from the animal care and facility fund without a recommendation from a majority of the animal sheltering committee. If so, this seems to be at odds with other provisions of the bill stating that the committee shall “recommend” disbursements from the fund to the Veterinary Board.

The newly proposed penalties outlined the bill mostly mirror the Uniform Licensing Act (ULA). However, on page 11, lines 16 and 15, the BVM may impose a \$5,000 fine for unlicensed activity which is not in line with the ULA, which allows boards to impose civil penalties up to \$1,000 for practicing without a license.

### **OTHER SUBSTANTIVE ISSUES**

A 2012 ASB feasibility study on a statewide spay and neuter program found ASB lacked adequate funding and staff (1 FTE) to address animal shelter overpopulation issues in New Mexico, which cost the state \$27 million annually. ASB disbursed \$70 thousand of a \$100 thousand 2014 special appropriation for its spay and neuter program, and used the balance for operating costs. Although the Animal Sheltering Act provision that requires all fees collected under its provisions be deposited in the animal care and facility fund to be used for spay and neuter programs and other initiatives conducted under that act continues in effect under this bill, RLD has advised that current funding does not allow the board to develop and recommend spay and neuter programs and community outreach plans as required by that act.

### **WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL**

Appropriations from the general fund will continue to be required for ASB’s operational expenses, and the care provided animals in shelters will continue to not be subject to minimum standards.

JA/al/sb/jle