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## FISCAL IMPACT REPORT

ORIGINAL DATE 1/30/07

SPONSOR Swisstack LAST UPDATED \_\_\_\_\_ HB 453

SHORT TITLE Animal Sheltering Services Act SB \_\_\_\_\_

ANALYST Wilson

### APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Non-Rec	Fund Affected
FY07	FY08		
	\$200.0	Recurring	General Fund

(Parenthesis ( ) Indicate Expenditure Decreases)

### ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY07	FY08	FY09	3 Year Total Cost	Recurring or Non-Rec	Fund Affected
<b>Total</b>		\$0.1	\$0.1		Recurring	General Fund

(Parenthesis ( ) Indicate Expenditure Decreases)

Duplicates SB 458

### SOURCES OF INFORMATION

LFC Files

#### Responses Received From

Corrections Department (CD)

Regulation & Licensing Board (RLD)

### SUMMARY

#### Synopsis of Bill

House Bill 453 appropriates \$200,000 from the general fund to RLD to carry out the provisions of the Animal Sheltering Services Act

The bill creates the Animal Sheltering and Services Act 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 legislation will create the Animal Sheltering Services Board that will operate under, and be administratively attached to RLD. In addition, the legislation provides the creation of three new FTE's to operate the Board. The appropriation request of \$200,000 will make the board operational.

The legislation will allow the board to employ a board Administrator, a compliance officer and a veterinarian, all of whom will assist shelters with maintaining humane euthanasia standards and developing and utilizing minimum standards of operation to promote safe, healthy and clean living conditions for animals housed in shelters.

- The veterinarian will work with euthanasia agencies to establish the correct record keeping and storage protocols for controlled substances used in euthanizing animals; train staff on how to administer humane euthanasia when necessary; and help provide training for the proper protocols for animals while they are housed in an animal shelter.
- The compliance officer will assist shelter employees in all aspects of shelter training, conduct site reviews and inspections and help public shelters maintain minimum standards of operations and infrastructure to promote safe, healthy and clean living conditions for animals housed in shelters.
- The board administrator will help provide education and seminars for the public on humane care for animals housed in shelters; assist shelters with referrals and provide all necessary administrative support for the board.

## **FISCAL IMPLICATIONS**

The appropriation of \$200,000 contained in this bill is a recurring expense to the general fund for expenditure in fiscal year 2008 and subsequent fiscal years. Any unexpended or unencumbered balance remaining at the end of a fiscal year shall not revert to the general fund...

The Animal Care and Facility Fund is created in the state treasury. All fees collected pursuant to the Animal Sheltering Services Act shall be deposited in the fund.

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

The bill also allows the Board to collect funding through private sources such as gifts, grants, donations and bequests.

## **SIGNIFICANT ISSUES**

Animal services are a necessary part of every community in New Mexico, mandated in part by NMSA 77-1-1-20 and proven by the fact that over 90,000 unwanted animals are euthanized in New Mexico animal shelters each year. The constant outcry from the public and responsible agencies for effective and humane animal services underscores that need to implement humane animal services as the inherent responsibility of each community.

Animal shelters in New Mexico currently have no standards for animal care, employee conduct, humane animal handling, humane education or humane disposition of animals, yet they often seek guidance for such standards.

There is no infrastructure to support counties and municipalities, which are required by state law to manage domestic animals.

Taxpayers frequently lodge complaints regarding housing and levels of care in their local animal shelter but there is no agency regulating animal shelters or the humane euthanasia of unwanted sheltered animals in New Mexico. Complaints are often reported to private non-profits or are simply not addressed, allowing unchecked substandard care, inappropriate behavior and animal suffering, as well as higher liability for communities.

Animal shelter employees charged with the unpleasant burden of euthanasia, often without training, supervision or accountability, make frequent errors that result in animal suffering.

The Animal Sheltering Services Board will have responsibility for establishing recommended operating and infrastructure standards for public animal shelters. The Board will also maintain responsibility for establishing humane euthanasia protocols for public and private shelters, including helping to provide training in humane euthanasia procedures. The board will offer a mechanism for licensing euthanasia agencies, euthanasia providers and euthanasia instructors. The board will license euthanasia agencies and euthanasia instructors. In addition, the board will develop an examination to certify individuals as euthanasia providers.

### **ADMINISTRATIVE IMPLICATIONS**

RLD will assist with the implementation and administration of the Animal Sheltering Services Act.

### **SIGNIFICANT ISSUES**

The health, safety and general welfare of the animals and residents of New Mexico will be better served by requiring training, standards and regulations for animal shelters and licensed Euthanasia Providers.

Without a safe place to shelter stray, abandoned or unwanted animals, there are higher liability risks for the community and local government that include:

- an increase in animal bite incidents;
- an increase in property damage (i.e. livestock depredation, vehicle damage);
- potential for civil and criminal suits when taxpayers allege mistreatment of sheltered animals;
- an 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 (i.e. a spay-neuter plan);
- an increase in animal suffering and cruelty.

### **DUPLICATION**

HB 453 duplicates SB 458.

DW/nt