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FISCAL IMPACT REPORT

ORIGINAL DATE 2/14/07

SPONSOR Gutierrez LAST UPDATED _____ HB 1106

SHORT TITLE Pet Owner Responsibility Act SB _____

ANALYST Propst

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Non-Rec	Fund Affected
FY07	FY08		
	\$1,000.0	Recurring	General Fund

(Parenthesis () Indicate Expenditure Decreases)

SOURCES OF INFORMATION

LFC Files

Responses Received From

Administrative Office of the Courts (AOC)

SUMMARY

Synopsis of Bill

House Bill 1106 enacts the Pet Owner Responsibility Act, requiring dogs and cats to be spayed or neutered prior to reaching six months of age. The Act provides exceptions, including for an animal certified by a veterinarian as medically unfit to undergo the operation, or for a working dog, as defined in the Act, or for an animal for which an intact animal permit has been issued. An intact animal permit must be annually applied for and received from the county clerk or animal control authority having jurisdiction over the residence of the dog or cat.

FISCAL IMPLICATIONS

The appropriation of \$1,000.0 contained in this bill is a recurring expense to the General Fund. Any unexpended or unencumbered balance remaining at the end of FY08 shall revert to the General Fund.

SIGNIFICANT ISSUES

HB 1106 provides that, beginning on July 1, 2008, an animal control authority shall assess the owner of an intact animal who is in violation of the Act a civil penalty of \$50 for a first violation

and a civil penalty of \$100 for a second and subsequent violation unless the owner can prove exemption under the Act. The Act provides for waiver of the civil penalty upon a first violation if the owner agrees in writing at the time of the discovery of the violation to have the animal spayed or neutered within 30 days of the violation. If the owner breaches the agreement, the civil penalty will be reinstated. HB 1106 grants authority to the animal control authority to bring an action in magistrate court for the collection of the civil penalty assessed. Any penalty collected is to be credited to the general fund of the municipality, county or state that the animal control authority represents. Under the bill, the municipality, county or state having jurisdiction over the animal control authority is required to pay the cost of spaying or neutering a dog or cat for a low-income person.

HB 1106 provides that the Act does not preempt a local ordinance or resolution that mandates the spaying or neutering of dogs or cats. A \$1,000.0 appropriation is made from the general fund to the Animal Care and Facility Fund contingent upon the adoption of SB 458 or HB 453. If neither bill is adopted, however, the appropriation is made to the local government division of the DFA for expenditure in FY08 for distribution to municipalities and counties to fund spay and neuter services for animals or low-income persons.

RELATIONSHIP

Relates to SB 458 and HB 453.

TECHNICAL ISSUES

The Administrative Office of the Courts notes that:

- 1) Section 4 provides an exemption for a person having an intact animal permit issued pursuant to the Act, and Section 5 requires annual application to receive an intact dog or cat permit. HB 1106, however, does not provide guidance to an animal control authority as to the conditions that will permit the granting of an intact animal permit. The construction of Section 4 seems to indicate that having an intact animal permit is an exemption in addition to other exemptions, not a requirement to prove the existence of another exemption.
- 2) SB 458 and HB 453 enact the Animal Sheltering Services Act, creating the Animal Care and Facility Fund. If SB 458 and HB 453 become law, the \$1 million appropriation will be made to the newly-created fund.

WEP/mt