

AN ACT

RELATING TO ANIMALS; CLARIFYING THE DISTRIBUTION OF THE PET CARE SPECIAL REGISTRATION PLATE FEE; REQUIRING THE ANIMAL SHELTERING BOARD TO DEVELOP AND IMPLEMENT A STATEWIDE DOG AND CAT SPAY AND NEUTER PROGRAM; ESTABLISHING THE STATEWIDE SPAY AND NEUTER SUBACCOUNT IN THE ANIMAL CARE AND FACILITY FUND; PROVIDING FOR AN OPTIONAL TAX REFUND CONTRIBUTION TO THE STATEWIDE DOG AND CAT SPAY AND NEUTER PROGRAM.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

SECTION 1. A new section of the Income Tax Act is enacted to read:

"OPTIONAL DESIGNATION OF TAX REFUND CONTRIBUTION--ANIMAL CARE AND FACILITY FUND.--

A. An individual whose state income tax liability after application of allowable credits and tax rebates in any year is lower than the amount of money held by the department to the credit of that individual for that tax year may designate a portion of the income tax refund due to the individual to be paid to the animal care and facility fund to carry out the statewide dog and cat spay and neuter program. In the case of a joint return, both individuals must make that designation.

B. The department shall revise the state income tax form to allow the designation of a contribution in the

following form:

"Statewide Dog and Cat Spay and Neuter Program - Check if you wish to contribute a part or all of your tax refund to the Animal Care and Facility Fund to carry out the statewide dog and cat spay and neuter program. Enter here \$_____ the amount of your contribution."

C. The provisions of this section do not apply to an income tax refund subject to interception under the provisions of the Tax Refund Intercept Program Act, and a designation made pursuant to the provisions of this section to that refund is void."

SECTION 2. Section 66-3-424.3 NMSA 1978 (being Laws 2003, Chapter 175, Section 2, as amended) is amended to read:

"66-3-424.3. SPECIAL PET CARE REGISTRATION PLATES.--

A. The division shall issue a standardized pet care special registration plate with a logo specified in Section 66-3-424 NMSA 1978 indicating that the recipient supports pet care.

B. The division, with the advice and consultation of animal control offices and animal shelters in communities around the state, shall determine the color and design of the pet care special registration logo and provide for its issuance.

C. For a fee of thirty-five dollars (\$35.00) in addition to the regular motor vehicle registration fees, an owner of a motor vehicle may apply for the issuance of a pet care special registration plate. The owner of a motor vehicle shall apply and pay the fee each year that the owner wishes to retain and renew a pet care special registration plate.

D. The revenue from the pet care special registration plates shall be distributed as follows:

(1) ten dollars (\$10.00) of the fee collected for each pet care special registration plate shall be retained by and is appropriated to the division for the manufacture and issuance of the registration plates; and

(2) twenty-five dollars (\$25.00) of the fee collected for each pet care special registration plate shall be paid to the state treasurer for credit to the animal care and facility fund, statewide spay and neuter subaccount."

SECTION 3. Section 77-1B-4 NMSA 1978 (being Laws 2007, Chapter 60, Section 4, as amended by Laws 2009, Chapter 102, Section 6 and by Laws 2009, Chapter 192, Section 2) is amended to read:

"77-1B-4. ANIMAL CARE AND FACILITY FUND CREATED--
ADMINISTRATION.--

A. The "animal care and facility fund" is created in the state treasury. All fees collected pursuant to the Animal Sheltering Act shall be deposited in the fund.

B. The animal care and facility fund shall consist of money collected by the board pursuant to the Animal Sheltering Act; income from investment of the fund; and money appropriated to the fund or accruing to it through fees or administrative penalties, cooperative research agreements, income, gifts, grants, donations, bequests, sales of promotional items, handbooks or educational materials or any other source. Money in the fund shall not be transferred to another fund or encumbered or expended except for expenditures authorized pursuant to the Animal Sheltering Act.

C. Money in the fund is appropriated by the legislature to the department to be used to help animal shelters and communities defray the cost of implementing the board's initiatives conducted pursuant to the Animal Sheltering Act. The fund shall be administered by the department to carry out the purposes of the Animal Sheltering Act.

D. The "statewide spay and neuter subaccount" is established in the animal care and facility fund. Money in the subaccount shall only be used to carry out the board's dog and cat sterilization assistance program. Money collected pursuant to Section 1 of this 2015 act and Section 66-3-424.3 NMSA 1978 shall be deposited in the subaccount.

E. A disbursement from the fund shall be made only upon a warrant drawn by the secretary of finance and

administration pursuant to a voucher signed by the superintendent of regulation and licensing or the superintendent's designee.

F. Unexpended and unencumbered balances in the fund at the end of a fiscal year shall not revert to the general fund."

SECTION 4. Section 77-1B-5 NMSA 1978 (being Laws 2007, Chapter 60, Section 5, as amended) is amended to read:

"77-1B-5. BOARD POWERS AND DUTIES.--The board shall:

A. provide board-recommended standards regarding the infrastructure for all animal shelters;

B. provide board-recommended operating standards for all animal shelters;

C. adopt methods and procedures acceptable for conducting emergency field euthanasia;

D. adopt, promulgate and revise rules necessary to carry out the provisions of the Animal Sheltering Act;

E. have authority to issue licenses and certificates pursuant to the Animal Sheltering Act;

F. establish the types of licenses and certificates that may be issued pursuant to the Animal Sheltering Act and establish criteria for issuing the licenses and certificates;

G. prescribe standards and approve curricula for educational programs that will be used to train and prepare

persons for licensure or certification pursuant to the Animal Sheltering Act;

H. implement continuing education requirements for licensees and certificate holders pursuant to the Animal Sheltering Act;

I. conduct administrative hearings upon charges relating to violations of provisions of the Animal Sheltering Act or rules adopted pursuant to that act in accordance with the Uniform Licensing Act;

J. provide for all examinations and for issuance and renewal of licenses and certificates;

K. establish fees not to exceed one hundred fifty dollars (\$150) for licenses and certificates pursuant to the Animal Sheltering Act;

L. establish committees as the board deems necessary to effect the provisions of the Animal Sheltering Act;

M. apply for injunctive relief to enforce the provisions of the Animal Sheltering Act;

N. conduct national criminal background checks on applicants seeking licensure or certification under the Animal Sheltering Act;

O. keep a record of all proceedings;

P. make an annual report to the legislature and to the governor;

Q. provide for the inspection of animal shelters and euthanasia agencies;

R. develop mechanisms to address complaints of misconduct at animal shelters and euthanasia agencies and noncompliance with the provisions of the Animal Sheltering Act or rules adopted pursuant to that act;

S. develop mechanisms to address complaints of licensee and certificate holder misconduct and noncompliance;

T. develop a voluntary statewide dog and cat spay and neuter program in conjunction with animal shelters and euthanasia agencies;

U. develop criteria for individuals, groups, animal shelters and euthanasia agencies to receive assistance for dog and cat sterilization from the animal care and facility fund;

V. disburse money from the animal care and facility fund to qualifying individuals, groups, animal shelters and euthanasia agencies;

W. provide board-recommended standards for maintaining records concerning health care and disposition of animals; and

X. refer to national animal control association standards in determining its regulations."

SECTION 5. APPLICABILITY.--

A. The provisions of Section 1 of this act apply

to taxable years beginning on or after January 1, 2015.

B. The provisions of Section 3 of this act that require money collected pursuant to Section 66-3-424.3 NMSA 1978 to be deposited in the statewide spay and neuter subaccount apply to collections made on and after July 1, 2015.

SECTION 6. EFFECTIVE DATE.--A. The effective date of the provisions of this act is July 1, 2015. _____