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HOUSE BILL 415

52ND LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2015

INTRODUCED BY

Carl Trujillo

AN ACT

RELATING TO ANIMALS; 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:

"[NEW MATERIAL] 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

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1 to the credit of that individual for that tax year may
2 designate a portion of the income tax refund due to the
3 individual to be paid to the animal care and facility fund to
4 carry out the statewide dog and cat spay and neuter program.
5 In the case of a joint return, both individuals must make that
6 designation.

7 B. The department shall revise the state income tax
8 form to allow the designation of a contribution in the
9 following form:

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

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

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

25 "77-1B-4. ANIMAL CARE AND FACILITY FUND CREATED--

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1 ADMINISTRATION.--

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

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

15 C. Money in the fund is [~~subject to appropriation~~]
16 appropriated by the legislature to the department to be used to
17 help animal shelters and communities defray the cost of
18 implementing the board's initiatives conducted pursuant to the
19 Animal Sheltering Act. The fund shall be administered by the
20 department to carry out the purposes of the Animal Sheltering
21 Act.

22 [~~D. Each fiscal year, an amount of money in the~~
23 ~~fund appropriated pursuant to this section that is equal to the~~
24 ~~total amount of money credited to the fund for that fiscal year~~
25 ~~from special registration plates issued pursuant to Section~~

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1 ~~66-3-424.3 NMSA 1978 shall be administered so that spay and~~
2 ~~neuter programs in a county receive money attributable to the~~
3 ~~number of those special registration plates issued in that~~
4 ~~county.]~~

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

11 E. A disbursement from the fund shall be made only
12 upon a warrant drawn by the secretary of finance and
13 administration pursuant to a voucher signed by the
14 superintendent of regulation and licensing or the
15 superintendent's designee.

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

19 **SECTION 3.** Section 77-1B-5 NMSA 1978 (being Laws 2007,
20 Chapter 60, Section 5, as amended) is amended to read:

21 "77-1B-5. BOARD POWERS AND DUTIES.--The board shall:

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

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

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- 1 C. adopt methods and procedures acceptable for
2 conducting emergency field euthanasia;
- 3 D. adopt, promulgate and revise rules necessary to
4 carry out the provisions of the Animal Sheltering Act;
- 5 E. have authority to issue licenses and
6 certificates pursuant to the Animal Sheltering Act;
- 7 F. establish the types of licenses and certificates
8 that may be issued pursuant to the Animal Sheltering Act and
9 establish criteria for issuing the licenses and certificates;
- 10 G. prescribe standards and approve curricula for
11 educational programs that will be used to train and prepare
12 persons for licensure or certification pursuant to the Animal
13 Sheltering Act;
- 14 H. implement continuing education requirements for
15 licensees and certificate holders pursuant to the Animal
16 Sheltering Act;
- 17 I. conduct administrative hearings upon charges
18 relating to violations of provisions of the Animal Sheltering
19 Act or rules adopted pursuant to that act in accordance with
20 the Uniform Licensing Act;
- 21 J. provide for all examinations and for issuance
22 and renewal of licenses and certificates;
- 23 K. establish fees not to exceed one hundred fifty
24 dollars (\$150) for licenses and certificates pursuant to the
25 Animal Sheltering Act;

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

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

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

9 O. keep a record of all proceedings;

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

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

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

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

20 T. develop and ~~[recommend]~~ implement a statewide
21 dog and cat spay and neuter ~~[plans and community outreach plans~~
22 ~~in support of and]~~ program in conjunction with animal shelters
23 and euthanasia agencies;

24 U. disburse money from the animal care and facility
25 fund;

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