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 .199357.2
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 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--
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. Each fiscal year, an amount of money in the fund appropriated pursuant to this section that is equal to the total amount of money credited to the fund for that fiscal year from special registration plates issued pursuant to Section 199357.2]
66-3-424.3 NMSA 1978 shall be administered so that spay and
neuter programs in a county receive money attributable to the
number of those special registration plates issued in that
county.]}

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
statewide dog and cat spay and neuter 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 3. 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 and implement a statewide dog and cat spay and neuter program in conjunction with animal shelters and euthanasia agencies;
U. disburse money from the animal care and facility fund;
V. provide board-recommended standards for maintaining records concerning health care and disposition of animals; and

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

SECTION 4. 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 2 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 5. EFFECTIVE DATE.--The effective date of the provisions of this act is July 1, 2015.