

1 HOUSE BILL 113

2 **57TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2025**

3 INTRODUCED BY

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10 AN ACT

11 RELATING TO ANIMALS; CREATING THE ANIMAL WELFARE PROGRAM TO
12 PROVIDE FUNDING FOR PROJECTS THAT SUPPORT THE WELFARE OF
13 DOMESTIC CATS AND DOGS; CREATING THE ANIMAL WELFARE TRUST FUND
14 AND ANIMAL WELFARE PROGRAM FUND; MAKING AN APPROPRIATION;
15 PROVIDING FOR A TRANSFER FROM THE GENERAL FUND TO THE ANIMAL
16 WELFARE TRUST FUND.

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

19 SECTION 1. [NEW MATERIAL] ANIMAL WELFARE PROGRAM.--

20 A. The "animal welfare program" is created to
21 provide funding for projects that support the welfare of
22 domestic cats and dogs as provided in this section. Beginning
23 July 1, 2028, the department may award a grant to a
24 municipality or county, or contract for services with an
25 eligible entity, for a project to repair, renovate or operate

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1 an animal shelter, purchase equipment and supplies or provide
2 services for:

3 (1) controlling loose or stray cats and dogs
4 to mitigate threats to public safety, livestock or other
5 domestic animals;

6 (2) improving the enforcement of animal
7 cruelty laws, including investigation and response to reports
8 of animal cruelty;

9 (3) reducing animal shelter intake and
10 euthanasia rates or expanding animal shelter building facility
11 capacity;

12 (4) providing spay and neuter services;

13 (5) providing shelter and care for cats and
14 dogs seized by law enforcement that are suspected of being
15 cruelly treated in violation of local, state or federal laws;

16 (6) developing, publishing or distributing
17 animal welfare education and outreach materials to the public;
18 or

19 (7) providing persons with essential resources
20 necessary to care for animals in a person's custody, including
21 animal feed, adequate shelter, fencing and kennels and basic or
22 emergency veterinary care, including spay and neuter services;
23 provided that the household income of the person shall not
24 exceed two hundred percent of the federal poverty level.

25 B. To receive a grant or contract for services, an

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1 applicant shall apply to the department on forms and in a
2 manner prescribed by the department. An application shall
3 include:

- 4 (1) a description of the proposed project;
- 5 (2) a demonstration that the proposed project
6 will meet one or more of the purposes provided in Subsection A
7 of this section; and
- 8 (3) details and specifics as to the reasonable
9 expected costs and completion date of the proposed project.

10 C. The department shall determine, through a
11 competitive review process pursuant to rules promulgated by the
12 department, which proposed projects are approved to receive a
13 grant or contract for services. The department may adjust the
14 amount of money requested for a proposed project based on its
15 determination of the reasonable costs of the proposal or on the
16 availability of funds available for the fiscal year for the
17 animal welfare program. Once the projects are approved, the
18 department shall promptly offer each applicant a grant or
19 contract for services, as appropriate. If a grantee or
20 contractor accepts an offer, the project may commence and the
21 grantee or contractor shall report to the department on the
22 progress of the project on a periodic basis, as determined by
23 the department, including an accounting of expenditures made
24 for the project. Funds allocated to an approved project shall
25 be spent within two years of receiving a grant or contract for

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1 services, and if any unexpended or unencumbered balance remains
2 at the end of the project period, the applicant shall
3 immediately return that balance to the department. The
4 department shall deposit returned amounts in the animal welfare
5 program fund.

6 D. The department shall promulgate rules to
7 administer the animal welfare program. The rules shall include
8 provisions to:

9 (1) establish procedures for review,
10 evaluation and approval of proposed project applications;

11 (2) accord priority attention to areas with
12 the greatest need for animal welfare projects; and

13 (3) evaluate the ability and competence of an
14 applicant to provide efficiently and adequately for the
15 completion of a proposed project.

16 E. Beginning October 1, 2028 and each October 1
17 thereafter, the department shall submit a report to the
18 legislative finance committee on the animal welfare program
19 that shall include:

20 (1) for each funded project:

21 (a) a description of the project;

22 (b) the name of the grantee or
23 contractor;

24 (c) how much funding the project
25 received;

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1 (d) the progress or completion of the
2 project; and

3 (e) how the project supports animal
4 welfare;

5 (2) the number and proposed costs of proposed
6 projects that were approved for but did not receive funding due
7 to the insufficiency of available funds for the animal welfare
8 program; and

9 (3) the total amount of administrative costs
10 incurred by the department to administer the program.

11 F. As used in this section:

12 (1) "department" means the department of
13 finance and administration;

14 (2) "eligible entity" means a nonprofit
15 organization whose primary purpose is to provide services that
16 support the welfare of domestic cats and dogs; and

17 (3) "equipment and supplies" means vehicles,
18 equipment and tools, computer hardware and software, training
19 materials and supplies that are necessary and directly related
20 to providing support for animal welfare.

21 SECTION 2. [NEW MATERIAL] ANIMAL WELFARE TRUST FUND.--

22 A. The "animal welfare trust fund" is created as a
23 nonreverting fund in the state treasury. The fund consists of
24 distributions, appropriations, gifts, grants and donations.

25 Income from investment of the fund shall be credited to the

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1 fund. Money in the fund shall be expended only as provided in
2 this section.

3 B. The state investment officer, subject to the
4 approval of the state investment council, shall invest money in
5 the animal welfare trust fund:

6 (1) in accordance with the prudent investor
7 rule set forth in the Uniform Prudent Investor Act; and

8 (2) in consultation with the department of
9 finance and administration.

10 C. The state investment officer shall report
11 quarterly to the legislative finance committee and the state
12 investment council on the investments made pursuant to this
13 section. Annually, a report shall be submitted no later than
14 October 1 to the legislative finance committee.

15 D. On July 1, 2028 and each July 1 thereafter, a
16 distribution shall be made from the animal welfare trust fund
17 to the animal welfare program fund in an amount equal to five
18 percent of the average of the year-end market values of the
19 trust fund for the immediately preceding three calendar years.

20 SECTION 3. [NEW MATERIAL] ANIMAL WELFARE PROGRAM FUND.--

21 The "animal welfare program fund" is created in the state
22 treasury. The fund consists of appropriations, gifts, grants,
23 donations and income from investment of the fund. The
24 department of finance and administration shall administer the
25 fund, and money in the fund is appropriated to the department

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1 to administer the animal welfare program. Expenditures from
2 the fund shall be by warrant of the secretary of finance and
3 administration pursuant to vouchers signed by the secretary of
4 finance and administration or the secretary's authorized
5 representative. Any unexpended or unencumbered balance
6 remaining at the end of a fiscal year shall revert to the
7 animal welfare trust fund.

8 SECTION 4. TRANSFER.--Ten million dollars (\$10,000,000)
9 is transferred from the general fund to the animal welfare
10 trust fund.

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