

HOUSE BILL 113

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

INTRODUCED BY

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This document may incorporate amendments proposed by a committee, but not yet adopted, as well as amendments that have been adopted during the current legislative session. The document is a tool to show amendments in context and cannot be used for the purpose of adding amendments to legislation.

AN ACT

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

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

.228806.4AIC February 6, 2025 (8:05pm)

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

A. The "animal welfare program" is created to provide funding for projects that support the welfare of domestic cats and dogs as provided in this section. Beginning July 1, 2028, the department may award a grant to a municipality or county HGEIC→**or an Indian nation, tribe or pueblo**←HGEIC , or contract for services with an eligible entity, for a project to repair, renovate or operate an animal shelter, purchase equipment and supplies or provide services for:

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

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

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

(4) providing spay and neuter services;

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

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

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

B. To receive a grant or contract for services, an applicant shall apply to the department on forms and in a manner prescribed by the department. An application shall include:

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

C. The department shall determine, through a competitive review process pursuant to rules promulgated by the department, which proposed projects are approved to receive a grant or contract for services. The department may adjust the amount of money requested for a proposed project based on its determination of the reasonable costs of the proposal or on the availability of funds available for the fiscal year for the animal welfare program. Once the projects are approved, the department shall promptly offer each applicant a grant or

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contract for services, as appropriate. If a grantee or contractor accepts an offer, the project may commence and the grantee or contractor shall report to the department on the progress of the project on a periodic basis, as determined by the department, including an accounting of expenditures made for the project. Funds allocated to an approved project shall be spent within two years of receiving a grant or contract for services, and if any unexpended or unencumbered balance remains at the end of the project period, the applicant shall immediately return that balance to the department. The department shall deposit returned amounts in the animal welfare program fund.

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

- (1) establish procedures for review, evaluation and approval of proposed project applications;
- (2) accord priority attention to areas with the greatest need for animal welfare projects; and
- (3) evaluate the ability and competence of an applicant to provide efficiently and adequately for the completion of a proposed project.

E. Beginning October 1, 2028 and each October 1 thereafter, the department shall submit a report to the legislative finance committee on the animal welfare program

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that shall include:

- (1) for each funded project:
 - (a) a description of the project;
 - (b) the name of the grantee or contractor;
 - (c) how much funding the project received;
 - (d) the progress or completion of the project; and
 - (e) how the project supports animal welfare;
- (2) the number and proposed costs of proposed projects that were approved for but did not receive funding due to the insufficiency of available funds for the animal welfare program; and
- (3) the total amount of administrative costs incurred by the department to administer the program.

F. As used in this section:

- (1) "department" means the department of finance and administration;
- (2) "eligible entity" means a nonprofit organization whose primary purpose is to provide services that support the welfare of domestic cats and dogs; and
- (3) "equipment and supplies" means vehicles, equipment and tools, computer hardware and software, training

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materials and supplies that are necessary and directly related to providing support for animal welfare.

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

A. The "animal welfare trust fund" is created as a nonreverting fund in the state treasury. The fund consists of distributions, appropriations, gifts, grants and donations. Income from investment of the fund shall be credited to the fund. Money in the fund shall be expended only as provided in this section.

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

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

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

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

D. On July 1, 2028 and each July 1 thereafter, a distribution shall be made from the animal welfare trust fund to the animal welfare program fund in an amount equal to five percent of the average of the year-end market values of the

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trust fund for the immediately preceding three calendar years.

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

The "animal welfare program fund" is created in the state treasury. The fund consists of appropriations, gifts, grants, donations and income from investment of the fund. The department of finance and administration shall administer the fund, and money in the fund is appropriated to the department to administer the animal welfare program. Expenditures from the fund shall be by warrant of the secretary of finance and administration pursuant to vouchers signed by the secretary of finance and administration or the secretary's authorized representative. Any unexpended or unencumbered balance remaining at the end of a fiscal year shall revert to the animal welfare trust fund.

SECTION 4. TRANSFER.--Ten million dollars (\$10,000,000)

is transferred from the general fund to the animal welfare trust fund.