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HOUSE BILL 191

**56TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2024**

INTRODUCED BY

Tara L. Lujan and Joseph L. Sanchez and Cynthia Borrego

AN ACT

RELATING TO ANIMAL WELFARE; ENACTING THE ANIMAL WELFARE FUNDING ACT; REQUIRING THE DEPARTMENT OF FINANCE AND ADMINISTRATION TO ADMINISTER ANIMAL WELFARE GRANTS; CREATING THE ANIMAL WELFARE TRUST FUND AND THE ANIMAL WELFARE GRANT FUND; PROVIDING DUTIES; MAKING AN APPROPRIATION.

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

SECTION 1. [NEW MATERIAL] SHORT TITLE.--This act may be cited as the "Animal Welfare Funding Act".

SECTION 2. [NEW MATERIAL] DEFINITIONS.--As used in the Animal Welfare Funding Act:

A. "department" means the department of finance and administration;

B. "qualified entity" means a state agency, a county or municipal government or its agent, a tribal

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1 government or its agent or a nonprofit corporation; and

2 C. "trust fund" means the animal welfare trust  
3 fund.

4 SECTION 3. [NEW MATERIAL] ANIMAL WELFARE GRANTS--GENERAL  
5 REQUIREMENTS.--

6 A. A qualified entity shall apply for an animal  
7 welfare grant for a project relating to domestic cats, dogs or  
8 equines in a form provided by the department. An application  
9 for an animal welfare grant shall identify that funding will be  
10 used:

11 (1) for construction, renovation or remodeling  
12 to build, maintain or improve an animal shelter as defined  
13 pursuant to Section 77-1B-2 NMSA 1978 or an equine rescue or  
14 retirement facility as defined pursuant to Section 77-2-30 NMSA  
15 1978;

16 (2) to purchase vehicles, equipment,  
17 furniture, software, training materials or supplies with the  
18 purpose of:

19 (a) reducing animal intake and  
20 euthanasia rates at animal shelters, equine rescues or  
21 retirement facilities;

22 (b) mitigating threats to public safety,  
23 livestock or other domestic animals due to loose or stray  
24 animals;

25 (c) investigating and responding to

1 reports of animal cruelty; or

2 (d) providing emergency housing and care  
3 for seized animals suspected of being cruelly treated in  
4 violation of local, state or federal law;

5 (3) to provide animal feed, shelter material,  
6 including straw bedding and dog houses, fencing and kennels,  
7 veterinary care, temporary housing of dogs, cats or equines of  
8 hospitalized, incarcerated or unhoused persons and other  
9 supplies to a person or household whose income does not exceed  
10 two hundred percent of the federal poverty level to aid in  
11 humane animal care;

12 (4) for the development and distribution of  
13 animal welfare education and outreach materials to be  
14 distributed to the public; and

15 (5) to contract with the state or other  
16 eligible entities as necessary to carry out the business of an  
17 animal shelter, an equine rescue or retirement facility or a  
18 project or program as described in Paragraphs (1) through (4)  
19 of this subsection.

20 B. The department shall receive and review  
21 applications for animal welfare grants. In addition to the  
22 other requirements provided pursuant to the Animal Welfare  
23 Funding Act, the department shall provide a grant only if:

24 (1) the application demonstrates a public  
25 benefit, as defined by rules promulgated by the department; and

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1 (2) funding is available.

2 SECTION 4. [NEW MATERIAL] ANIMAL WELFARE GRANTS--  
3 DEPARTMENT--DUTIES--REPORTING.--

4 A. The department shall promulgate rules regarding:

5 (1) applying and qualifying for animal welfare  
6 grants;

7 (2) application procedures, including forms,  
8 and other requirements for animal welfare grants; and

9 (3) the criteria for selecting applications  
10 and awarding animal welfare grants, including:

11 (a) determining if the application meets  
12 the requirements of Section 3 of the Animal Welfare Funding  
13 Act;

14 (b) considering supplementary or  
15 matching funding, intergovernmental partnerships or public-  
16 private partnerships to complete a proposed project pursuant to  
17 Subsection A of Section 3 of the Animal Welfare Funding Act;  
18 and

19 (c) evidence necessary to include in an  
20 application to establish that the grant will have a direct  
21 impact on animal welfare.

22 B. By September 30, 2025 and every succeeding  
23 September 30 thereafter, the department shall report to the  
24 governor and the appropriate interim legislative committee on  
25 grants awarded during the previous fiscal year and the progress

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1 of projects funded.

2 SECTION 5. [NEW MATERIAL] ANIMAL WELFARE TRUST FUND--  
3 CREATED.--

4 A. The "animal welfare trust fund" is created in  
5 the state treasury. The trust fund consists of appropriations,  
6 grants, gifts, donations and income from investment of the  
7 fund. Money in the trust fund shall be invested by the state  
8 investment officer as land grant permanent funds are invested  
9 pursuant to Chapter 6, Article 8 NMSA 1978. Earnings from  
10 investment of the trust fund shall be credited to the trust  
11 fund. Money in the trust fund shall not be expended for any  
12 purpose, but an annual distribution shall be made to the animal  
13 welfare grant fund in accordance with Subsection B of this  
14 section.

15 B. On July 1, 2025 and on July 1 of each year  
16 thereafter, an annual distribution shall be made from the trust  
17 fund to the animal welfare grant fund in the amount of one  
18 hundred thousand dollars (\$100,000) until that amount is less  
19 than an amount equal to four and seven-tenths percent of the  
20 average of the year-end market values of the trust fund for the  
21 immediately preceding five calendar years. Thereafter, the  
22 amount of the annual distribution shall be four and seven-  
23 tenths percent of the average of the year-end market values of  
24 the trust fund for the immediately preceding five calendar  
25 years.

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1           SECTION 6.  [NEW MATERIAL] ANIMAL WELFARE GRANT FUND.--The  
2           "animal welfare grant fund" is created in the state treasury.  
3           The fund consists of appropriations, gifts, grants, donations,  
4           distributions from the trust fund and income from the  
5           investment of the fund.  Money in the fund at the end of a  
6           fiscal year shall revert to the trust fund.  The department  
7           shall administer the fund.  Money in the fund is appropriated  
8           by the legislature to the department to provide grants pursuant  
9           to the provisions of the Animal Welfare Funding Act and to pay  
10          administrative costs of the department in administering the  
11          Animal Welfare Funding Act.  Disbursements from the fund shall  
12          be made by warrant of the secretary of finance and  
13          administration pursuant to vouchers signed by the secretary of  
14          finance and administration or the secretary's authorized  
15          representative.

16          SECTION 7.  APPROPRIATION.--Ten million dollars  
17          (\$10,000,000) is appropriated from the general fund to the  
18          animal welfare trust fund for expenditure in fiscal year 2025  
19          and subsequent fiscal years to carry out the purposes of the  
20          Animal Welfare Funding Act.  Any unexpended or unencumbered  
21          balance remaining at the end of a fiscal year shall not revert  
22          to the general fund.