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HOUSE BILL 42

45TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2002

INTRODUCED BY

Joe M Stell

AN ACT

RELATING TO LIVESTOCK; INCREASING FEES FOR THE SUPPORT OF THE
NEW MEXICO LIVESTOCK BOARD.

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

Section 1. Section 77-2-29 NMSA 1978 (being Laws 1981,
Chapter 357, Section 2, as amended) is amended to read:

"77-2-29. FEES.--The following fees shall be fixed by
the board for services rendered pursuant to the provisions of
The Livestock Code:

A. an inspection or permit fee not to exceed
~~[sixteen cents (\$.16)]~~ thirty cents (\$.30) per head to be
charged for the importation or exportation of sheep and goats
pursuant to Section 77-8-3 NMSA 1978 and a service charge in
an amount not to exceed ten dollars (\$10.00) for each
inspection request ~~[provided that the board shall not increase~~

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1 ~~the fee more than four cents (\$.04) in any one fiscal year];~~

2 B. a fee for recording a transfer of a brand
3 pursuant to Section [~~77-9-7 NMSA 1978, as recompiled~~] 77-2-7.1
4 NMSA 1978 in an amount not to exceed [~~fifty dollars (\$50.00)~~]
5 one hundred dollars (\$100);

6 C. a fee for recording a brand or researching a
7 brand pursuant to Section [~~77-9-10 NMSA 1978, as recompiled~~]
8 77-2-7.4 NMSA 1978 in an amount not to exceed [~~fifty dollars~~
9 ~~(\$50.00)~~] one hundred dollars (\$100);

10 D. a fee for additional copies of certified copies
11 of brands pursuant to Section [~~77-9-10 NMSA 1978, as~~
12 ~~recompiled~~] 77-2-7.4 NMSA 1978 in an amount not to exceed
13 [~~five dollars (\$5.00)~~] ten dollars (\$10.00) per copy;

14 E. a fee for the recording of a holding brand
15 pursuant to Section [~~77-9-16 NMSA 1978, as recompiled~~]
16 77-2-7.9 NMSA 1978 in an amount not to exceed one hundred
17 dollars (\$100), which recording shall be valid for one year
18 from the date of recording, and an additional fee in an amount
19 not to exceed one hundred dollars (\$100) for each annual
20 renewal;

21 F. a fee for the rerecording of brands pursuant to
22 Section [~~77-9-20 NMSA 1978, as recompiled~~] 77-2-7.12 NMSA 1978
23 in an amount not to exceed [~~fifty dollars (\$50.00)~~] one
24 hundred dollars (\$100);

25 G. a fee for the inspection of livestock pursuant

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1 to Section 77-9-38 or 77-10-4 NMSA 1978 in an amount not to
2 exceed [~~fifty cents (\$.50)~~] one dollar (\$1.00) per head and a
3 service charge in an amount not to exceed ten dollars (\$10.00)
4 for each inspection request [~~provided that the board may not~~
5 ~~increase the inspection fee more than ten cents (\$.10) in any~~
6 ~~one fiscal year~~];

7 H. a fee for the inspection of hides pursuant to
8 Section 77-9-54 NMSA 1978 in an amount not to exceed [~~fifty~~
9 ~~cents (\$.50)~~] one dollar (\$1.00) per hide and a service charge
10 in an amount not to exceed ten dollars (\$10.00) for each
11 inspection request [~~provided that the board may not increase~~
12 ~~the inspection fee more than ten cents (\$.10) in any one~~
13 ~~fiscal year~~];

14 I. a fee for the handling of the proceeds of the
15 sale of an estray pursuant to Section 77-13-6 NMSA 1978 in an
16 amount not to exceed ten dollars (\$10.00);

17 J. a fee for the impoundment of trespass livestock
18 pursuant to Section 77-14-36 NMSA 1978 in an amount not to
19 exceed ten dollars (\$10.00) per head per day and a reasonable
20 charge for the moving of trespass livestock pursuant to
21 Section 77-14-36 NMSA 1978 to be set by the board;

22 K. a fee for the licensing of a livestock auction
23 market pursuant to Section 77-10-2 NMSA 1978 in an amount not
24 to exceed [~~twenty-five dollars (\$25.00)~~] one hundred dollars
25 (\$100);

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1 L. a fee for issuing a transportation permit
2 pursuant to Section 77-9-42 NMSA 1978 in an amount not to
3 exceed fifty dollars (\$50.00);

4 M. a fee for the licensing of a cattle or sheep
5 rest station pursuant to Section 77-9A-2 NMSA 1978 in an
6 amount not to exceed [~~twenty-five dollars (\$25.00)~~] one
7 hundred dollars (\$100); and

8 N. a fee for issuing a certificate of brand
9 exemption pursuant to Section 77-8-22 or [~~Section~~] 77-9-3 NMSA
10 1978 in an amount not to exceed [~~fifty dollars (\$50.00)~~] one
11 hundred dollars (\$100). "

12 Section 2. Section 77-17-2 NMSA 1978 (being Laws 1939,
13 Chapter 115, Section 2, as amended) is amended to read:

14 "77-17-2. LICENSES-- BUTCHER OR SLAUGHTERER-- DEALER IN
15 FRESH MEAT OR LIVESTOCK OR POULTRY MEAT PRODUCTS OR MEAT FROM
16 OTHER BIRDS AND ANIMALS USED FOR HUMAN CONSUMPTION-- COLD
17 STORAGE LOCKER-- RENDERING PLANT. --

18 A. A person carrying on or desiring to carry on
19 the business of butcher or slaughterer of livestock used for
20 human consumption shall procure a license from the board prior
21 to carrying on the business and shall pay a yearly license fee
22 [~~of twenty-five dollars (\$25.00)~~] not to exceed one hundred
23 dollars (\$100).

24 B. In addition, such person may be charged
25 reasonable fees for meat inspection service over and above the

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1 inspector's normal working assignment under the rules of the
2 board pertaining to meat inspection.

3 C. Application for licensure shall be made upon a
4 form prescribed by the board and shall be accompanied by the
5 amount of the license fee provided in this section. The
6 license ~~[fees]~~ fee shall not be prorated on account of the
7 applicant doing business for less than a full calendar year,
8 and the license renewal fee in ~~[these]~~ the same ~~[amounts]~~
9 amount shall be paid for each calendar year in which any
10 person engages in the business and be paid at the time
11 prescribed by rules of the board.

12 D. A person carrying on or desiring to carry on
13 the business of selling or dealing in the fresh meat or meat
14 products of livestock used for human consumption or livestock
15 or poultry meat products or manufacturing or processing of
16 meat or poultry products or operating a rendering plant or
17 operating a cold storage locker plant in which cold storage
18 lockers are rented or leased to other persons shall obtain a
19 license to engage in the business from the board after making
20 application upon forms prescribed by the board and upon
21 payment of an annual license fee in an amount set by the board
22 not to exceed ~~[ten dollars (\$10.00)]~~ one hundred dollars
23 (\$100). Annual renewal fees are payable at times prescribed
24 by rule of the board. No bond or bond filing fee is required
25 for any person licensed pursuant to this subsection.

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E. Licenses provided for in this section shall not be issued to a person who is not meeting the requirements for facilities and product handling provided for in the federal and state meat inspection acts and United States department of agriculture food safety inspection service and board rules. For good cause shown, the board may, after notice to the holder of a license provided for in this section and after a reasonable hearing, revoke a license."