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HOUSE BILL 629

47TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2006

INTRODUCED BY

Andy Nunez

AN ACT

RELATING TO AGRICULTURE; PROVIDING FOR CONFIDENTIALITY OF STATE
INFORMATION ON LIVESTOCK PREMISES AND IDENTIFICATION RECORDS;
PROVIDING PENALTIES.

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

Section 1. A new section of The Livestock Code is enacted
to read:

"~~[NEW MATERIAL]~~ NATIONAL LIVESTOCK IDENTIFICATION
PROGRAM--CONFIDENTIALITY OF RECORDS.--

A. Except as provided by Subsection B of this
section, all records, data and information collected by the
state, recorded or otherwise, for the purposes of a national
livestock identification program shall be confidential and are
not public records for purposes of the Inspection of Public
Records Act. The records, data and information shall be

.160465.1

underscoring material = new
[bracketed material] = delete

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[bracketed material] = delete

1 released only upon order of the board to appropriate
2 governmental agencies for the purposes of a national livestock
3 identification program, disease outbreak or law enforcement
4 investigation. The board shall not release any records, data
5 or information to a federal agency until the agency confirms in
6 writing that it will maintain the records, data and information
7 as confidential and that they are not subject to release under
8 the federal Freedom of Information Act. Upon release by the
9 board of any information to any other governmental entity, the
10 board shall notify the person to whom the information refers or
11 pertains that the release has been made and the name of the
12 entity to whom the information was released, and the board
13 shall provide a copy or summary of the information contained in
14 the release. The records, data and information shall not be
15 subject to discovery or introduction into evidence in any civil
16 action.

17 B. The board may release information collected for
18 the purposes of a national livestock identification program
19 related to the ownership and location of individual animals to
20 the extent the information is useful in controlling or
21 preventing a disease outbreak or to show particular animals or
22 herds are not involved in a disease outbreak. The information
23 released may be a public release or may be limited to specific
24 individuals with a need to know the information, as the board
25 deems the circumstances require.

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underscored material = new
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C. A person who knowingly provides false information to the board for purposes of a national livestock identification program is guilty of a misdemeanor punishable by a fine of up to one thousand dollars (\$1,000), imprisonment for up to six months, or both.

D. A person who refuses to provide to the board information that is required pursuant to the authority of the board for purposes of a mandatory national livestock identification program is guilty of a misdemeanor punishable by a fine of up to one thousand dollars (\$1,000), imprisonment for up to six months, or both."