SENATE BILL 65

52ND LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2016

INTRODUCED BY

Pat Woods

AN ACT

RELATING TO LIVESTOCK; AMENDING SECTIONS OF THE LIVESTOCK CODE

TO PROVIDE FOR AN OPTION FOR PRODUCERS TO OPT OUT OF THE

COUNCIL ASSESSMENT.

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

SECTION 1. Section 77-2A-7.1 NMSA 1978 (being Laws 1983,

Chapter 228, Section 3, as amended) is amended to read:

"77-2A-7.1. ASSESSMENTS--<u>COUNCIL ASSESSMENT OPT-OUT</u>.--

<u>A.</u> There is levied and imposed upon all cattle

involved in a transfer of ownership in this state an assessment

to be called the "council assessment". The council assessment

is to be fixed by the council at a rate of not more than one

dollar ($1.00) per head. The board shall collect this council

assessment [~~or~~] <u>and</u> the federal domestic assessment imposed

pursuant to the Beef Promotion and Research Act of 1985 at the

.201909.3

1   same time and in the same manner as the fee charged for the

2   state brand inspection required upon the movement of those

3   cattle. The board shall not deliver the certificate of

4   inspection or permit the cattle to move until all fees have

5   been paid. The proceeds of the council assessment shall be

6   remitted by the board to the council at the end of each month,

7   along with information that will allow the council to make

8   necessary refunds. At the request of the board, the council

9   shall reimburse the board for the responsible and necessary

10   expenses incurred for such collections and information at not

11   more than four cents ($.04) per [head] dollar on only those

12   cattle involved in a transfer of ownership and not on refunded

13   council assessments.

14   B. Producers may elect not to participate in the

15   council assessment through an application process. The

16   application must be in writing, on a form prescribed by the

17   council for that purpose. The council assessment opt-out form

18   may be obtained from the council by contacting the council or

19   making an online request for the form. The council assessment

20   opt-out form shall be sent to producers by United States mail.

21   Incomplete information on an opt-out form may delay the

22   processing of the form. The council assessment opt-out form

23   shall be returned to the council by United States mail, fax or

24   email. Upon receipt of the completed form, the council shall

25   notify the board. The board shall enter the request in the

.201909.3

1   board database in order to stop collection of the council

2   assessment. The council shall notify the producer requesting

3   the council assessment opt-out within thirty days from the date

4   of receipt of the completed form. The council assessment opt-

5   out shall be in effect for three years from the application

6   date. A notice shall be mailed notifying the producer when the

7   three-year opt-out form has expired. A producer may revoke the

8   opt-out option at anytime by request made through the council."

9   **SECTION 2.** Section 77-2A-7.3 NMSA 1978 (being Laws 1983,

10   Chapter 228, Section 5) is amended to read:

11   "77-2A-7.3. REFUNDS.--Any person who has paid a council

12   assessment is entitled to a refund of the amount paid by making

13   written application therefor to the council. The application

14   form shall be returned within thirty days after the inspection

15   was made giving rise to the council assessment and shall

16   contain enough detail to enable the council to find the record

17   of payment. Refunds shall be made within thirty days of the

18   date of the application unless the proceeds and the necessary

19   information have not been received by the council, in which

20   case the refund shall be made within fifteen days after receipt

21   of the proceeds and necessary information. The form shall be

22   provided by the [board at the time of inspection] council."

- 3 -

.201909.3