

1 SENATE BILL 378

2 **53RD LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2017**

3 INTRODUCED BY

4 Pat Woods

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10 AN ACT

11 RELATING TO LIVESTOCK; AMENDING SECTIONS OF THE LIVESTOCK CODE
12 TO PROVIDE FOR AN OPTION FOR PRODUCERS TO OPT OUT OF THE
13 COUNCIL ASSESSMENT.

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

16 SECTION 1. Section 77-2A-7.1 NMSA 1978 (being Laws 1983,
17 Chapter 228, Section 3, as amended) is amended to read:

18 "77-2A-7.1. ASSESSMENTS--COUNCIL ASSESSMENT OPT-OUT.--

19 A. There is levied and imposed upon all cattle
20 involved in a transfer of ownership in this state an assessment
21 to be called the "council assessment". The council assessment
22 is to be fixed by the council at a rate of not more than one
23 dollar (\$1.00) per head. The board shall collect this council
24 assessment [~~or~~] and the federal domestic assessment imposed
25 pursuant to the Beef Promotion and Research Act of 1985 at the

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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

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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 any time by request made through the
9 council."

10 SECTION 2. Section 77-2A-7.3 NMSA 1978 (being Laws 1983,
11 Chapter 228, Section 5) is amended to read:

12 "77-2A-7.3. REFUNDS.--Any person who has paid a council
13 assessment is entitled to a refund of the amount paid by making
14 written application therefor to the council. The application
15 form shall be returned within thirty days after the inspection
16 was made giving rise to the council assessment and shall
17 contain enough detail to enable the council to find the record
18 of payment. Refunds shall be made within thirty days of the
19 date of the application unless the proceeds and the necessary
20 information have not been received by the council, in which
21 case the refund shall be made within fifteen days after receipt
22 of the proceeds and necessary information. The form shall be
23 provided by the [~~board at the time of inspection~~] council."