

SENATE CONSERVATION COMMITTEE SUBSTITUTE FOR
SENATE BILL 378

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

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--COUNCIL ASSESSMENT OPT-OUT.--

A. 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 [ø] and the federal domestic assessment imposed
pursuant to the Beef Promotion and Research Act of 1985 at the

.207663.1

underscored material = new
[bracketed material] = delete

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~~ one dollar (\$1.00)
12 collected on only those cattle involved in a transfer of
13 ownership and not on refunded council assessments.

14 B. Producers may elect not to participate in the
15 council assessment for each duly registered New Mexico
16 livestock brand through an application process. The
17 application must be in writing, on a form prescribed by the
18 council for that purpose. The council assessment opt-out form
19 may be obtained from the council by contacting the council or
20 making an online request for the form. The council assessment
21 opt-out form shall be sent to producers by United States mail.
22 Incomplete information on an opt-out form may delay the
23 processing of the form. The council assessment opt-out form
24 shall be returned to the council by United States mail, fax or
25 email. Upon receipt of the completed form, the council shall

.207663.1

1 notify the board. The board shall enter the request in the
 2 board brand database in order to stop collection of the council
 3 assessment for the given brand. The council shall notify the
 4 producer requesting the council assessment opt-out within
 5 thirty days from the date of receipt of the completed form.
 6 The council assessment opt-out shall be in effect for three
 7 years from the application date. A notice shall be mailed by
 8 the council notifying the producer when the three-year opt-out
 9 form has expired. A producer may revoke the opt-out option at
 10 any time by request made through the council."

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

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