

HOUSE AGRICULTURE AND WATER RESOURCES COMMITTEE SUBSTITUTE FOR
HOUSE BILL 33

55TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2021

AN ACT

RELATING TO THE NEW MEXICO LIVESTOCK BOARD; AUTHORIZING THE NEW
MEXICO LIVESTOCK BOARD TO CONDUCT MEAT INSPECTIONS TO ENSURE
THE SAFETY AND QUALITY OF MEAT FOR HUMAN CONSUMPTION; EXEMPTING
PRODUCERS FROM THE GROSS RECEIPTS TAX AND THE GOVERNMENTAL
GROSS RECEIPTS TAX FOR THE SALE OF MEAT AND AGRICULTURAL
PRODUCTS.

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

SECTION 1. Section 7-9-18 NMSA 1978 (being Laws 1969,
Chapter 144, Section 11, as amended) is amended to read:

"7-9-18. EXEMPTION--GROSS RECEIPTS TAX AND GOVERNMENTAL
GROSS RECEIPTS TAX--AGRICULTURAL PRODUCTS.--

A. Exempted from the gross receipts tax and from
the governmental gross receipts tax are the receipts from
selling livestock and receipts of growers, producers, trappers

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1 or nonprofit marketing associations from selling livestock,
2 live poultry, [~~unprocessed~~] agricultural products, hides or
3 pelts. Persons engaged in the business of buying and selling
4 wool or mohair or of buying and selling livestock or meat on
5 their own account are producers for the purposes of this
6 section.

7 B. Receipts from selling dairy products at retail
8 are not exempted from the gross receipts tax.

9 C. As used in this section, "livestock" means all
10 domestic or domesticated animals that are used or raised on a
11 farm or ranch, including the carcasses thereof, and also
12 includes horses, asses, mules, cattle, sheep, goats, swine,
13 bison, poultry, ostriches, emus, rheas, camelids and farmed
14 cervidae upon any land in New Mexico; provided that for the
15 purposes of Chapter 77, Article 9 NMSA 1978, "animals" or
16 "livestock" have the meaning defined in that article.

17 "Animals" or "livestock" does not include canine or feline
18 animals. For the purpose of the rules governing meat
19 inspection, wild animals, poultry and birds used for human
20 consumption shall also be included within the meaning of
21 "animals" or "livestock".

22 SECTION 2. Section 77-2-1.1 NMSA 1978 (being Laws 1993,
23 Chapter 248, Section 2, as amended) is amended to read:

24 "77-2-1.1. DEFINITIONS.--As used in The Livestock Code:

25 A. "animals" or "livestock" means all domestic or

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1 domesticated animals that are used or raised on a farm or
2 ranch, including the carcasses thereof, and exotic animals in
3 captivity and includes horses, asses, mules, cattle, sheep,
4 goats, swine, bison, poultry, ostriches, emus, rheas, camelids
5 and farmed cervidae upon any land in New Mexico. "Animals" or
6 "livestock" does not include canine or feline animals. For the
7 purpose of the rules governing meat inspection, wild animals,
8 poultry and birds used for human consumption shall also be
9 included within the meaning of "animals" or "livestock";

10 B. "bill of sale" means an instrument in
11 substantially the form specified in The Livestock Code by which
12 the owner or the owner's authorized agent transfers to the
13 buyer the title to animals described in the bill of sale;

14 C. "bison" or "buffalo" means a bovine animal of
15 the species bison;

16 D. "board" means the New Mexico livestock board;

17 E. "bond" means cash or an insurance agreement from
18 a New Mexico licensed surety or insurance corporation pledging
19 surety for financial loss caused to another, including
20 certificate of deposit, letter of credit or other surety as may
21 be approved by the grain inspection, packers and stockyards
22 administration of the United States department of agriculture
23 or the board;

24 F. "brand" means a symbol or device in a form
25 approved by and recorded with the board as may be sufficient to

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1 readily distinguish livestock should they become intermixed
2 with other livestock;

3 G. "brand inspector" means an inspector who is not
4 certified as a peace officer;

5 H. "carcasses" means dead or dressed bodies of
6 livestock or parts thereof;

7 I. "cattle" means animals of the genus bos,
8 including dairy cattle, and does not include any other kind of
9 livestock;

10 J. "dairy cattle" means animals of the genus bos
11 raised not for consumption but for dairy products and
12 distinguished from meat breed cattle;

13 K. "director" means the executive director of the
14 board;

15 L. "disease" means a communicable, infectious or
16 contagious disease;

17 M. "district" means a livestock inspection
18 district;

19 N. "estrays" means livestock found running at large
20 upon public or private lands, either fenced or unfenced, whose
21 owner is unknown, or that is branded with a brand that is not
22 on record in the office of the board or is a freshly branded or
23 marked offspring not with its branded or marked mother, unless
24 other proof of ownership is produced;

25 O. "inspector" means a livestock, [Ø] brand or

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1 meat inspector;

2 P. "livestock inspector" means a certified
3 inspector who is granted full law enforcement powers for
4 enforcement of The Livestock Code and other criminal laws
5 relating to livestock;

6 Q. "mark" means an ear tag or ownership mark that
7 is not a brand;

8 R. "meat" means the edible flesh of poultry, birds
9 or animals sold for human consumption and includes livestock,
10 poultry and livestock and poultry products;

11 S. "meat inspector" means an inspector who is not
12 certified as a peace officer;

13 [~~S.~~] T. "mule" means a hybrid resulting from the
14 cross of a horse and an ass; and

15 [~~F.~~] U. "person" means an individual, firm,
16 partnership, association, corporation or similar legal entity."

17 SECTION 3. Section 77-2-7 NMSA 1978 (being Laws 1967,
18 Chapter 213, Section 6, as amended) is amended to read:

19 "77-2-7. ADDITIONAL POWERS OF THE BOARD.--In addition to
20 the powers transferred from the cattle and sheep sanitary
21 boards, the board may:

22 A. exercise general regulatory supervision over the
23 livestock industry of this state in order to protect the
24 industry from theft and diseases and in order to protect the
25 public from diseased or unwholesome meat or meat products;

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1 B. appoint and fix the salary of an executive
2 director who shall file an oath and be bonded [~~in an amount~~
3 ~~fixed by the board~~]. The director shall manage the affairs of
4 the board under the direction of the board. [~~He~~] The director
5 shall be chosen solely on qualifications and fitness for the
6 office. [~~He~~] The director shall devote [~~his entire~~] all time
7 in office to the duties of the office;

8 C. employ clerical help, provide office space and
9 purchase equipment, including vehicles;

10 D. employ [~~livestock~~] inspectors [~~and brand~~
11 ~~inspectors~~] and other personnel necessary to carry out the
12 purposes of The Livestock Code. All livestock inspectors
13 appointed by the board shall have the same powers as any other
14 peace officer in the enforcement of that code;

15 E. appoint a state veterinarian and subordinate
16 veterinarians as are necessary to carry out the duties of the
17 board;

18 F. adopt and promulgate rules to control the
19 importation and exportation of animals;

20 G. establish livestock inspection districts;

21 H. establish quarantine, provide its boundaries and
22 give notice of the quarantine and do all other things necessary
23 to effect the object of the quarantine and to protect the
24 livestock industry of this state from disease and prevent the
25 spread of disease;

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1 I. adopt and promulgate rules for meat inspection
2 [~~including~~]:

3 (1) to ensure the safety and quality of meat
4 for human consumption; and

5 (2) to include rules for the slaughter and
6 disposition of the carcasses of livestock affected with
7 diseases when the action appears necessary to prevent the
8 spread of any contagion or infection among livestock;

9 J. adopt and promulgate rules governing the
10 importation, manufacture, sale, distribution or use within the
11 state of [~~serums, vaccine~~] sera, vaccines and other biologicals
12 intended for diagnostic or therapeutic uses with livestock and
13 regulate the importation, manufacture or use of virulent blood
14 or living virus of any diseases affecting livestock;

15 K. set fees or charges, not to exceed one hundred
16 dollars (\$100) per call, for any services rendered by the board
17 or its employees that are deemed necessary by the board and for
18 which no fee has been set by statute;

19 L. consider the views of the livestock industry in
20 the administration of The Livestock Code;

21 M. adopt and promulgate rules to otherwise carry
22 out the purposes of The Livestock Code;

23 N. hold hearings and subpoena witnesses for the
24 purpose of investigating or enforcing The Livestock Code or
25 rules established pursuant to that code; and

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0. enter into joint powers agreements with Indian nations, tribes or pueblos to promote cooperation in carrying out the provisions of The Livestock Code."

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