

SENATE RULES COMMITTEE SUBSTITUTE FOR  
SENATE BILL 326

**50TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2012**

AN ACT

RELATING TO THE PUBLIC PEACE, HEALTH, SAFETY AND WELFARE;  
ELIMINATING THE NEW MEXICO LIVESTOCK BOARD AND MOVING FUNCTIONS  
TO THE NEW MEXICO DEPARTMENT OF AGRICULTURE; PROVIDING FOR  
RULES TO BE ADOPTED BY THE BOARD OF REGENTS OF NEW MEXICO STATE  
UNIVERSITY; TRANSFERRING FUNCTIONS, PERSONNEL, APPROPRIATIONS,  
MONEY, FUNDS, RECORDS, FURNITURE, EQUIPMENT, OTHER PROPERTY,  
CONTRACTUAL OBLIGATIONS AND STATUTORY REFERENCES.

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

**SECTION 1.** Section 7-36-21 NMSA 1978 (being Laws 1973,  
Chapter 258, Section 22, as amended) is amended to read:

"7-36-21. SPECIAL METHOD OF VALUATION--LIVESTOCK.--

A. All livestock located in the state on January 1  
of the tax year shall be valued for property taxation purposes  
as of January 1.

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1           B. All livestock not located in the state on  
2 January 1 but brought into the state and located there for more  
3 than twenty days subsequent to January 1 shall be valued for  
4 property taxation purposes as of the first day of the month  
5 following the month in which they have remained in the state  
6 for more than twenty days.

7           C. The owner of livestock subject to valuation for  
8 property taxation purposes shall report the livestock for  
9 valuation to the county assessor of the county in which they  
10 are located on the valuation date specified in [~~Subsections~~  
11 Subsection A or B of this section. However, if an importation  
12 or movement report is made by the [~~livestock board~~] New Mexico  
13 department of agriculture under the provisions of Section  
14 [~~72-31-45 NMSA 1953~~] 7-38-45 NMSA 1978, the owner of livestock  
15 is relieved of [~~his~~] the responsibility to report the livestock  
16 covered by the [~~livestock board~~] report, and that report  
17 fulfills the owner's responsibility for reporting the livestock  
18 under this section. The owner's report shall be in a form and  
19 contain the information required by taxation and revenue  
20 department regulations and shall be made no later than:

21                   (1) the last day of February for livestock  
22 required to be valued as of the first day of January or  
23 February of the tax year; or

24                   (2) ten days after the valuation date  
25 determined under Subsection B of this section for livestock

1 required to be valued as of dates other than those in Paragraph  
 2 (1) of this subsection.

3 D. The department shall establish for each tax year  
 4 the various classes of livestock and the value of each class.  
 5 This determination shall be implemented by an order of the  
 6 [~~director~~] secretary, and the order shall be made no later than  
 7 December 1 of the year prior to the tax year to which the  
 8 classification and values apply.

9 E. The department shall adopt regulations for the  
 10 allocation of value of livestock, which regulations shall  
 11 provide for:

12 (1) a basic allocation formula that prorates  
 13 value on the basis of the amount of time that livestock are in  
 14 the state and subject to valuation for property taxation  
 15 purposes;

16 (2) determining proration of value under  
 17 Paragraph (1) of this subsection using estimates of the amount  
 18 of time that livestock will be in the state to cover those  
 19 situations in which livestock are imported for an indeterminate  
 20 time during a tax year or in which resident livestock are  
 21 exported for an indeterminate time during a tax year but are  
 22 returned during the same tax year; and

23 (3) a method of allocating value of livestock,  
 24 both resident and transient, among different governmental units  
 25 when the livestock range on land in more than one governmental

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1 unit.

2 F. Any person who intentionally refuses to make a  
3 report required [~~of him~~] under this section or who knowingly  
4 makes a false statement in a report required under this section  
5 is guilty of a misdemeanor and shall be punished by the  
6 imposition of a fine of not more than one thousand dollars  
7 (\$1,000).

8 G. Any person who fails to make a report required  
9 [~~of him~~] under this section is liable for a civil penalty in an  
10 amount equal to five percent of the property taxes ultimately  
11 determined to be due on the property for the tax year or years  
12 for which [~~he~~] the person failed to make the required report.

13 H. Any person who intentionally refuses to make a  
14 report required [~~of him~~] under this section with the intent to  
15 evade any tax or who fails to make a report required [~~of him~~]  
16 under this section with the intent to evade any tax is liable  
17 for a civil penalty in an amount equal to twenty-five percent  
18 of the property taxes ultimately determined to be due on the  
19 property for the tax year or years for which [~~he~~] the person  
20 refused or failed to make the required report.

21 I. The civil penalties authorized under Subsections  
22 G and H of this section shall be imposed and collected at the  
23 time and in the manner that the tax is imposed and collected.  
24 In order to assist in the imposition and collection of the  
25 penalties, the person having responsibility for determining the

.189421.1

1 value of the property shall make an entry in the valuation  
 2 records indicating the liability for any penalties due under  
 3 this section."

4 SECTION 2. Section 7-38-45 NMSA 1978 (being Laws 1973,  
 5 Chapter 258, Section 85, as amended) is amended to read:

6 "7-38-45. SPECIAL PROVISIONS RELATING TO ADMINISTRATION  
 7 OF TAXES ON LIVESTOCK.--

8 A. The New Mexico [~~livestock board~~] department of  
 9 agriculture shall furnish to the taxation and revenue  
 10 department who shall forward to the county assessor of each  
 11 county information obtained by it about the number, name and  
 12 address of owner, description, movement, origin and destination  
 13 of livestock being moved into and from any county. All such  
 14 information shall be sent in duplicate to the county assessor  
 15 into or from whose county livestock are being moved. Upon  
 16 receipt of the information, the assessor shall send the  
 17 duplicate to the taxation and revenue department with a  
 18 notation indicating the date on which it was received. The  
 19 [~~livestock board~~] New Mexico department of agriculture report  
 20 made under this section fulfills the livestock owner's  
 21 responsibility to make a report of the livestock under Section  
 22 [~~72-29-10 NMSA 1953~~] 7-36-21 NMSA 1978.

23 B. Notwithstanding any other provision in the  
 24 Property Tax Code to the contrary, either the county assessor  
 25 or the [~~director~~] secretary may:

.189421.1

1 (1) determine the value of livestock for  
2 property taxation purposes at any time the livestock are  
3 subject to valuation under the Property Tax Code whether or not  
4 the owner of the livestock or any other person has reported  
5 them for valuation;

6 (2) issue a notice of valuation of livestock  
7 at any time after a determination of valuation has been made of  
8 livestock for property taxation purposes;

9 (3) prepare and deliver a tax bill and collect  
10 taxes on livestock at any time after a notice of valuation has  
11 been issued when there is reasonable cause to believe that it  
12 would jeopardize the collection of the taxes if the regular tax  
13 collection cycle in the Property Tax Code [~~was~~] were followed;  
14 and

15 (4) issue a demand warrant to enforce  
16 collection of taxes on livestock as delinquent taxes if there  
17 is reasonable cause to believe that the livestock may be moved  
18 out of the state prior to the payment of taxes and proceed to  
19 collect the taxes as delinquent taxes by sale of the livestock  
20 in accordance with Sections [~~72-31-53 through 72-31-59 NMSA~~  
21 ~~1953~~] 7-38-53 through 7-38-59 NMSA 1978.

22 C. In the preparation of a tax bill under this  
23 section, the assessor or [~~director~~] secretary may determine the  
24 tax due on the basis of the prior year's tax rates if the  
25 current year's tax rates have not yet been set. Taxes

.189421.1

1 determined on livestock under this section are due when the tax  
2 bill is delivered to the owner or the person in charge of the  
3 livestock and are delinquent if not paid upon demand. Payment  
4 of taxes determined on the basis of the prior year's tax rates  
5 constitutes full payment of the taxes on the livestock for the  
6 current tax year."

7       **SECTION 3.** Section 77-2-1.1 NMSA 1978 (being Laws 1993,  
8 Chapter 248, Section 2, as amended by Laws 2001, Chapter 8,  
9 Section 2 and also by Laws 2001, Chapter 341, Section 2) is  
10 amended to read:

11       "77-2-1.1. DEFINITIONS.--As used in The Livestock Code:

12           A. "animals" or "livestock" means all domestic or  
13 domesticated animals that are used or raised on a farm or  
14 ranch, including the carcasses thereof, and exotic animals in  
15 captivity and includes horses, asses, mules, cattle, sheep,  
16 goats, swine, bison, poultry, ostriches, emus, rheas, camelids  
17 and farmed cervidae upon any land in New Mexico; provided that  
18 for the purposes of Chapter 77, Article 9 NMSA 1978, "animals"  
19 or "livestock" have the meaning defined in that article.  
20 "Animals" or "livestock" does not include canine or feline  
21 animals. For the purpose of the rules governing meat  
22 inspection, wild animals, poultry and birds used for human  
23 consumption shall also be included within the meaning of  
24 "animals" or "livestock";

25           B. "bill of sale" means an instrument in

.189421.1

1 substantially the form specified in The Livestock Code by which  
2 the owner or [~~his~~] the owner's authorized agent transfers to  
3 the buyer the title to animals described in the bill of sale;

4 C. "bison" or "buffalo" means a bovine animal of  
5 the species bison;

6 D. "board" means the New Mexico [~~livestock board~~]  
7 department of agriculture;

8 E. "board of regents" means the board of regents of  
9 New Mexico state university;

10 [~~E.~~] F. "bond" means cash or an insurance agreement  
11 from a New Mexico licensed surety or insurance corporation  
12 pledging surety for financial loss caused to another, including  
13 certificate of deposit, letter of credit or other surety as may  
14 be approved by the grain inspection, packers and stockyards  
15 administration of the United States department of agriculture  
16 [~~packers and stockyards administration~~] or the [~~board~~]  
17 department;

18 [~~F.~~] G. "brand" means a symbol or device in a form  
19 approved by and recorded with the [~~board~~] department as may be  
20 sufficient to readily distinguish livestock should they become  
21 intermixed with other livestock;

22 [~~G.~~] H. "brand inspector" means an inspector who is  
23 not certified as a peace officer;

24 [~~H.~~] I. "carcasses" means dead or dressed bodies of  
25 livestock or parts thereof;



1           ~~[F.]~~ J. "cattle" means animals of the genus bos,  
2 including dairy cattle, and does not include any other kind of  
3 livestock;

4           ~~[J.]~~ K. "dairy cattle" means animals of the genus  
5 bos raised not for consumption but for dairy products and  
6 distinguished from meat breed cattle;

7           L. "department" means the New Mexico department of  
8 agriculture;

9           ~~[K.]~~ M. "director" means the ~~[executive]~~ director  
10 of the ~~[board]~~ department;

11           ~~[L.]~~ N. "disease" means a communicable, infectious  
12 or contagious disease;

13           ~~[M.]~~ O. "district" means a livestock inspection  
14 district;

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

22           ~~[O.]~~ Q. "inspector" means a livestock or brand  
23 inspector;

24           ~~[P.]~~ R. "livestock inspector" means a certified  
25 inspector who is granted full law enforcement powers for

.189421.1

1 enforcement of The Livestock Code and other criminal laws  
2 relating to livestock;

3 ~~[Q.]~~ S. "mark" means an ear tag or ownership mark  
4 that is not a brand;

5 ~~[R.]~~ T. "meat" means the edible flesh of poultry,  
6 birds or animals sold for human consumption and includes  
7 livestock, poultry and livestock and poultry products;

8 ~~[S.]~~ U. "mule" means a hybrid resulting from the  
9 cross of a horse and an ass; and

10 ~~[T.]~~ V. "person" means an individual, firm,  
11 partnership, association, corporation or similar legal entity."

12 **SECTION 4.** Section 77-2-2 NMSA 1978 (being Laws 1967,  
13 Chapter 213, Section 2) is amended to read:

14 "77-2-2. NEW MEXICO LIVESTOCK BOARD ~~[CREATED]~~--TRANSFER  
15 OF POWERS--TRANSFER OF PROPERTY.--

16 A. In order to achieve the purposes set forth in  
17 Section ~~[1, there is hereby created a board to be known as the~~  
18 ~~"New Mexico livestock board"]~~ 72-2-1 NMSA 1978, the ~~[New Mexico~~  
19 ~~livestock]~~ department, under the control of the board of  
20 regents, shall have all powers ~~[which]~~ that have ~~[heretofore]~~  
21 been held by the cattle sanitary board, ~~[or]~~ the sheep sanitary  
22 board and the New Mexico livestock board and those powers are  
23 ~~[hereby]~~ transferred to the ~~[New Mexico livestock]~~ board of  
24 regents or department as provided in The Livestock Code.

25 ~~[B. Wherever in the New Mexico Statutes Annotated,~~

1 ~~1953 Compilation the term "board" or "sanitary board" is used~~  
 2 ~~in relation to the sheep sanitary board or the cattle sanitary~~  
 3 ~~board, it shall mean the New Mexico livestock board. Wherever~~  
 4 ~~in the New Mexico Statutes Annotated, 1953 Compilation the~~  
 5 ~~terms "sheep sanitary board" or "cattle sanitary board" are~~  
 6 ~~used, it shall mean the New Mexico livestock board.~~

7 ~~G. Wherever in the New Mexico Statutes Annotated,~~  
 8 ~~1953 Compilation, the term "secretary", "secretary of the~~  
 9 ~~board", "secretary of the sheep sanitary board", "secretary of~~  
 10 ~~the cattle sanitary board" or any similar term is used in~~  
 11 ~~relation to the secretary of the sheep sanitary board or the~~  
 12 ~~secretary of the cattle sanitary board, it shall mean the~~  
 13 ~~executive director of the New Mexico livestock board.~~

14 ~~D.]~~ B. All appropriations, money, books, records,  
 15 property and equipment of the [sheep sanitary board and the  
 16 cattle sanitary] New Mexico livestock board are transferred to  
 17 the ~~[New Mexico livestock board]~~ department."

18 SECTION 5. Section 77-2-5 NMSA 1978 (being Laws 1967,  
 19 Chapter 213, Section 5) is amended to read:

20 "77-2-5. REPORT OF ~~[BOARD]~~ DEPARTMENT.--It ~~[shall be]~~ is  
 21 the duty of the ~~[board]~~ department during the first week in  
 22 December of each year to transmit to the board of regents and  
 23 the governor a report of its activities related to The  
 24 Livestock Code for the previous calendar year. This report  
 25 shall contain a detailed account of all of the receipts and

.189421.1

1 expenditures of money by the [~~board~~] department together with  
2 other facts relating to the livestock industry in New Mexico  
3 [~~which~~] that may be of public interest. The report of the  
4 [~~board~~] department shall be transmitted by the governor to the  
5 legislature."

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

8 "77-2-7. ADDITIONAL POWERS OF THE [~~BOARD~~] DEPARTMENT.--In  
9 addition to the powers transferred from the cattle and sheep  
10 sanitary boards and the New Mexico livestock board, the [~~board~~]  
11 department, under the control of the board of regents, may:

12 A. exercise general regulatory supervision over the  
13 livestock industry of this state in order to protect the  
14 industry from theft and diseases and in order to protect the  
15 public from diseased or unwholesome meat or meat products;

16 [~~B. appoint and fix the salary of an executive~~  
17 ~~director who shall file an oath and be bonded in an amount~~  
18 ~~fixed by the board. The director shall manage the affairs of~~  
19 ~~the board under the direction of the board. He shall be chosen~~  
20 ~~solely on qualifications and fitness for the office. He shall~~  
21 ~~devote his entire time to the duties of the office;~~

22 G. ~~employ clerical help, provide office space and~~  
23 ~~purchase equipment, including vehicles;~~

24 D.] B. employ [livestock] inspectors [~~and brand~~  
25 ~~inspectors~~] and other personnel necessary to carry out the

1 purposes of The Livestock Code. All livestock inspectors  
2 appointed by the [~~board~~] department shall have the same powers  
3 as any other peace officer in the enforcement of that code;

4 [~~E.~~] C. appoint a state veterinarian and  
5 subordinate veterinarians as are necessary to carry out the  
6 duties of the [~~board~~] department;

7 [~~F.~~] D. request the board of regents to adopt and  
8 promulgate rules to control the importation and exportation of  
9 animals;

10 [~~G.~~] E. establish livestock inspection districts;

11 [~~H.~~] F. establish quarantine, provide its  
12 boundaries and give notice of the quarantine and do all other  
13 things necessary to effect the object of the quarantine and to  
14 protect the livestock industry of this state from disease and  
15 prevent the spread of disease;

16 [~~I.~~] G. request the board of regents to adopt and  
17 promulgate rules for meat inspection, including the slaughter  
18 and disposition of the carcasses of livestock affected with  
19 diseases when the action appears necessary to prevent the  
20 spread of any contagion or infection among livestock;

21 [~~J.~~] H. request the board of regents to adopt and  
22 promulgate rules governing the importation, manufacture, sale,  
23 distribution or use within the state of [~~serums, vaccine~~] sera,  
24 vaccines and other biologicals intended for diagnostic or  
25 therapeutic uses with livestock and regulate the importation,

.189421.1

1 manufacture or use of virulent blood or living virus of any  
2 diseases affecting livestock;

3 ~~[K.]~~ I. request the board of regents to set fees or  
4 charges, not to exceed one hundred dollars (\$100) per call, for  
5 any services rendered by the ~~[board]~~ department or its  
6 employees that are deemed necessary by the ~~[board]~~ department  
7 and for which no fee has been set by statute;

8 ~~[H.]~~ J. consider the views of the livestock  
9 industry in the administration of The Livestock Code;

10 ~~[M.]~~ K. request the board of regents to adopt and  
11 promulgate rules to otherwise carry out the purposes of The  
12 Livestock Code;

13 ~~[N.]~~ L. with the approval of the board of regents  
14 hold hearings and subpoena witnesses for the purpose of  
15 investigating or enforcing The Livestock Code or rules  
16 established pursuant to that code; and

17 ~~[O.]~~ M. request the board of regents to enter into  
18 joint powers agreements with Indian nations, tribes or pueblos  
19 to promote cooperation in carrying out the provisions of The  
20 Livestock Code."

21 **SECTION 7.** Section 77-2-7.1 NMSA 1978 (being Laws 1895,  
22 Chapter 6, Section 3, as amended) is amended to read:

23 "77-2-7.1. BRANDS--SUBJECT TO CHANGE IN OWNERSHIP--FEES  
24 FOR TRANSFER.--Brands recorded in accordance with the  
25 provisions of Section ~~[77-9-10]~~ 77-2-7.4 NMSA 1978 are personal

.189421.1

1 property of the person in whose name they are recorded.  
 2 Ownership may be transferred in the same manner as other  
 3 personal property. The fee for recording a transfer of  
 4 ownership with the director [~~of the New Mexico livestock board~~]  
 5 shall be a sum fixed by the board of regents not to exceed the  
 6 amount prescribed by law."

7 SECTION 8. Section 77-2-7.2 NMSA 1978 (being Laws 1895,  
 8 Chapter 6, Section 4, as amended) is amended to read:

9 "77-2-7.2. REGISTRATION OF BRANDS AND MARKS--~~[BOARD]~~  
 10 DEPARTMENT.--~~[Except as otherwise authorized by the board]~~ The  
 11 ~~[board]~~ department is the sole authority for the registration  
 12 of brands, marks or electronic identification on livestock in  
 13 this state."

14 SECTION 9. Section 77-2-7.3 NMSA 1978 (being Laws 1895,  
 15 Chapter 6, Section 5, as amended) is amended to read:

16 "77-2-7.3. BRAND BOOKS.--The ~~[board]~~ department shall  
 17 keep a suitable record of all registered brands, marks and  
 18 electronic identification used for the identification of  
 19 livestock in this state."

20 SECTION 10. Section 77-2-7.4 NMSA 1978 (being Laws 1895,  
 21 Chapter 6, Section 9, as amended) is amended to read:

22 "77-2-7.4. RECORDING BEFORE USE--RECORDING FEE--  
 23 CONFLICTING BRANDS.--

24 A. A brand shall not be used until recorded. A  
 25 facsimile of the brand and a recording fee fixed by the board

.189421.1

1 of regents shall be forwarded to the director. One certified  
2 copy of the recorded brand shall be furnished to the owner of  
3 the brand by the director when the brand is recorded.

4 B. The director shall immediately record the brand  
5 unless it has been recorded previously or conflicts with a  
6 prior recorded brand. In that event, the director shall return  
7 the facsimile unrecorded and charge a fee for the research.

8 C. Additional certified copies of brands recorded  
9 may be obtained from the director by the payment of a fee to be  
10 fixed by the board of regents in a sum not to exceed the amount  
11 prescribed by law."

12 SECTION 11. Section 77-2-7.5 NMSA 1978 (being Laws 1905,  
13 Chapter 30, Section 1, as amended) is amended to read:

14 "77-2-7.5. FEES--DISPOSITION.--The fees for recording or  
15 researching brands and for furnishing certified copies of the  
16 recording or research shall be placed to the credit of the [~~New~~  
17 ~~Mexico~~] livestock [~~board interim~~] receipts and disbursements  
18 fund."

19 SECTION 12. Section 77-2-7.6 NMSA 1978 (being Laws 1895,  
20 Chapter 6, Section 12, as amended) is amended to read:

21 "77-2-7.6. BRAND BOOK.--The director shall publish a  
22 brand book in which shall be given a facsimile [~~or copy~~] of all  
23 brands recorded in the office of the [~~board~~] department,  
24 together with the owner's name and address. The [~~board~~]  
25 department may publish if it deems best to do so a limited

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1 number of brand books in addition to the number required by the  
 2 provisions of this section and to sell them for such price as  
 3 the board of regents considers reasonable and proper. The  
 4 price shall not be less than the actual cost."

5 **SECTION 13.** Section 77-2-7.9 NMSA 1978 (being Laws 1912,  
 6 Chapter 55, Section 2, as amended) is amended to read:

7 "77-2-7.9. FILING OF FACSIMILE--DESIGNATION OF BRANDS--  
 8 HOLDING BRAND RENEWAL AND FEE--BRANDING INCREASE--OFFENSES--  
 9 PENALTY.--An owner of livestock desiring to use in branding a  
 10 brand not already recorded [~~in the office of the board~~] with  
 11 the department shall file with the director a facsimile of the  
 12 desired brand. The owner may record the desired [~~brands~~] brand  
 13 as a holding [~~brands~~] brand upon livestock so owned upon  
 14 furnishing to the director a full description as to the number,  
 15 class and locality of all livestock branded with the holding  
 16 brand. A recorded holding brand may be used also on a show  
 17 animal. A fee shall be charged for the recording of a holding  
 18 brand, which recording shall be valid for a period of one year  
 19 or until the described livestock depart the state, whichever  
 20 comes first. The recording may be renewed for additional years  
 21 by the payment of a fee at each yearly renewal; provided that  
 22 it is unlawful for the owner to brand the increase of such  
 23 livestock in any other brand than the recorded brand of the  
 24 owner except in the case of mortgaged livestock as provided in  
 25 Section [~~77-9-14 NMSA 1978, as recompiled~~] 77-2-7.7 NMSA 1978.

.189421.1

1 A person who violates the provisions of this section is guilty  
2 of a misdemeanor and upon conviction shall be sentenced in  
3 accordance with the provisions of Section 31-19-1 NMSA 1978 for  
4 each offense."

5 SECTION 14. Section 77-2-7.10 NMSA 1978 (being Laws 1912,  
6 Chapter 55, Section 5, as amended) is amended to read:

7 "77-2-7.10. BRANDS--~~[BOARD]~~ DEPARTMENT MAY REJECT.--The  
8 ~~[board shall have]~~ department has the power to reject any brand  
9 offered for record ~~[under]~~ pursuant to the provisions of  
10 Section ~~[77-9-16]~~ 77-2-7.9 NMSA 1978 when upon satisfactory  
11 evidence it is shown to the ~~[board]~~ department that the same is  
12 offered for or is of such character that may be used for  
13 malicious or deceptive purposes or is not in conformity with  
14 the provisions of Section ~~[77-9-16]~~ 77-2-7.9 NMSA 1978."

15 SECTION 15. Section 77-2-7.11 NMSA 1978 (being Laws 1912,  
16 Chapter 55, Section 6, as amended) is amended to read:

17 "77-2-7.11. BRAND--PRIORITY OF RIGHT TO.--The time of  
18 record of any brand by the owner in the county wherein the  
19 brand was originally recorded before the creation of the New  
20 Mexico livestock board shall determine the priority of right  
21 and property in the brand and not the time of filing with the  
22 New Mexico livestock board, provided the brand has been  
23 continuously used from the date of original record."

24 SECTION 16. Section 77-2-7.12 NMSA 1978 (being Laws 1923,  
25 Chapter 146, Section 1, as amended) is amended to read:

1 "77-2-7.12. RE-RECORDING OF BRANDS--NOTICE--PUBLICATION--  
 2 FEES.--

3 A. The [~~board~~] department shall cause all brands  
 4 now on record to be re-recorded whenever the [~~board~~] department  
 5 deems necessary to clear records of unused brands. For this  
 6 purpose, the [~~board~~] department shall mail a notice, addressed  
 7 to each owner of a brand now of record with the [~~board~~]  
 8 department at the current address shown on the brand record,  
 9 requiring the owners of brands to file with the director any  
 10 brand being on record to the owners. In addition to this  
 11 notice, the [~~board~~] department shall publish in either English  
 12 or Spanish or both in at least one newspaper in each county in  
 13 this state where there is a newspaper a copy of the notice to  
 14 re-record. The publication shall continue for at least four  
 15 consecutive weeks.

16 B. Within three months from the date of the first  
 17 publication of the notice to re-record, owners of brands of  
 18 record in the [~~office of the board~~] department shall file with  
 19 the director the brands in actual use and recorded by them and  
 20 pay the re-recording fee. The fees shall be deposited in the  
 21 proper fund of the [~~board~~] department. Re-recording shall not  
 22 be required more often than once in a three-year period."

23 SECTION 17. Section 77-2-8 NMSA 1978 (being Laws 1969,  
 24 Chapter 177, Section 1, as amended) is amended to read:

25 "77-2-8. RESEARCH AND PROMOTION OF MEAT AND MEAT

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underscored material = new  
 [bracketed material] = delete

1 PRODUCTS.--The [~~board~~] department may enter into contracts for  
2 research into and promotion of meat and meat products. The  
3 contracts shall carry provisions for financing, and the [~~board~~]  
4 department may accept and expend voluntary contributions from  
5 any source to finance the contracts. The provisions of this  
6 section shall not apply to or include cattle coming out of feed  
7 lots."

8 SECTION 18. Section 77-2-9 NMSA 1978 (being Laws 1967,  
9 Chapter 213, Section 8, as amended by Laws 2001, Chapter 8,  
10 Section 3 and also by Laws 2001, Chapter 341, Section 3) is  
11 amended to read:

12 "77-2-9. REPORTS OF INSPECTORS--PROSECUTION OF VIOLATIONS  
13 OF LIVESTOCK LAWS.--

14 A. The [~~board~~] department shall keep reports of its  
15 veterinarians and inspectors in accordance with the Public  
16 Records Act.

17 B. The [~~board~~] department shall assist in the  
18 prosecution of persons charged with the violation of the  
19 livestock laws, including criminal laws relating to livestock,  
20 and may call upon a livestock inspector or other peace officer  
21 to execute its orders, and when it does, the peace officer  
22 shall obey the order of the [~~board~~] department.

23 C. Livestock inspectors may arrest persons found in  
24 the act or whom they have probable cause to believe to be  
25 guilty of driving, holding or slaughtering stolen livestock; of

1 violating the inspection laws of the state; or of violating any  
 2 provision of Chapter 30, Article 18 NMSA 1978 relating to  
 3 livestock or other criminal law relating to livestock."

4 SECTION 19. Section 77-2-13 NMSA 1978 (being Laws 1891,  
 5 Chapter 34, Section 9, as amended) is amended to read:

6 "77-2-13. RECORDS--CERTIFIED COPY EVIDENCE.--The records  
 7 required to be kept by the [~~director~~] department, including  
 8 inspector reports, shall be maintained by the [~~board~~]  
 9 department in a readily available manner, and a certified copy  
 10 of [~~any such~~] the records under the hand and seal of the  
 11 director or the verified oath of an inspector shall be prima  
 12 facie evidence in all courts of this state of the truth of any  
 13 fact required to be recorded therein."

14 SECTION 20. Section 77-2-15 NMSA 1978 (being Laws 1937,  
 15 Chapter 205, Section 2, as amended) is amended to read:

16 "77-2-15. SPECIAL TAXES--LEVY--COLLECTION.--

17 A. Each year the board of county commissioners of  
 18 each county shall at its first meeting after the return of the  
 19 assessment of the property for taxation by the county assessors  
 20 of each county, levy a special tax at a rate to be fixed each  
 21 year by the [~~New Mexico livestock~~] board of regents. Subject  
 22 to the provisions of Section 7-37-7.1 NMSA 1978, the [~~New~~  
 23 ~~Mexico livestock board~~] department shall, in each year, order  
 24 the levy of a tax on livestock at a rate not to exceed ten  
 25 dollars (\$10.00) on each one thousand dollars (\$1,000) of net

.189421.1

1 taxable value, as that term is defined in the Property Tax  
2 Code, of the livestock. The [~~New Mexico livestock board~~]  
3 department may set different rates for individual classes of  
4 livestock.

5 B. The order imposing the levy of the tax shall be  
6 made on or before June 30 in each year and shall be certified  
7 to the department of finance and administration by the  
8 director. The department of finance and administration shall  
9 certify the amount of the levy to the board of county  
10 commissioners of each county, and the board of county  
11 commissioners shall include the levy in its annual levy of  
12 taxes. The special tax shall be collected in each county and  
13 paid to the state treasurer in the manner provided by law for  
14 the collection and payment of other state taxes. Such funds  
15 shall be remitted to the [~~New Mexico livestock board~~]  
16 department for deposit in the [~~interim~~] livestock receipts and  
17 disbursements fund."

18 SECTION 21. Section 77-2-16 NMSA 1978 (being Laws 1915,  
19 Chapter 85, Section 1, as amended) is amended to read:

20 "77-2-16. FINANCIAL REPORT AND TAX ESTIMATE--STATE LEVY--  
21 MAXIMUM RATE.--It is the duty of the [~~board~~] department on or  
22 before June 30 of each year to make and file with the  
23 department of finance and administration a report and estimate  
24 showing the amount of money in the custody or under the control  
25 of the [~~treasurer of the board~~] department related to The

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1 Livestock Code, the estimated receipts from all sources and the  
 2 actual and estimated expenditures for the current fiscal year.  
 3 The department of finance and administration shall annually, at  
 4 the time and in the manner of certifying rates under the  
 5 Property Tax Code, certify a rate and impose a levy upon all  
 6 cattle, horses, mules, asses, sheep, goats and buffalo in every  
 7 county in the state, provided that such levy shall not exceed  
 8 the amount required by operation of the rate limitation  
 9 provisions of Section 7-37-7.1 NMSA 1978."

10 SECTION 22. Section 77-2-17 NMSA 1978 (being Laws 1915,  
 11 Chapter 85, Section 2, as amended) is amended to read:

12 "77-2-17. PAYMENT OF TAX COLLECTIONS TO STATE TREASURER--  
 13 DISBURSEMENT.--The special tax provided by Section 77-2-16 NMSA  
 14 1978 shall be assessed and collected in every county and paid  
 15 over to the state treasurer as provided by law for the  
 16 assessment, collection and payment of other state taxes, and  
 17 all money so collected and paid over on account of such special  
 18 tax levies shall be transferred each month to the [~~board~~]  
 19 department for deposit in the [~~interim~~] livestock receipts and  
 20 disbursements fund and shall be used for fees, salaries, wages,  
 21 costs and expenses as provided for by laws relating to the  
 22 powers, duties and expenditures of the [~~board~~] department  
 23 related to its duties under The Livestock Code."

24 SECTION 23. Section 77-2-21 NMSA 1978 (being Laws 1893,  
 25 Chapter 67, Section 3, as amended) is amended to read:

.189421.1

1 "77-2-21. FEES.--All fees and charges collected pursuant  
2 to the provisions of The Livestock Code shall be paid to the  
3 [~~executive~~] director [~~of the board~~] to be deposited in the [~~New~~  
4 ~~Mexico~~] livestock [~~board general~~] receipts and disbursements  
5 fund [~~hereby created~~]. All fees and charges deposited in the  
6 [~~New Mexico livestock board general~~] fund may be expended [~~in~~  
7 ~~accordance with a budget approved by the department of finance~~  
8 ~~and administration~~] to carry out the provisions of The  
9 Livestock Code."

10 SECTION 24. Section 77-2-22 NMSA 1978 (being Laws 1933,  
11 Chapter 53, Section 2, as amended) is amended to read:

12 "77-2-22. PENALTY FOR VIOLATING RULE.--Any person who  
13 violates a rule adopted [~~under the power granted to the board~~]  
14 by the board of regents pursuant to The Livestock Code unless  
15 the penalty has been fixed by law is guilty of a misdemeanor  
16 and upon conviction shall be sentenced in accordance with the  
17 provisions of Section 31-19-1 NMSA 1978."

18 SECTION 25. Section 77-2-25 NMSA 1978 (being Laws 1959,  
19 Chapter 291, Section 2, as amended) is amended to read:

20 "77-2-25. [~~INTERIM~~] LIVESTOCK RECEIPTS AND DISBURSEMENTS  
21 FUND CREATED.--~~[There is created]~~ The "~~[interim]~~ livestock  
22 receipts and disbursements fund" is created. All money  
23 received by the [~~board~~] department from tax levies authorized  
24 by [~~this article~~] Chapter 77, Article 2 NMSA 1978 shall be  
25 credited to [~~this~~] the fund and deposited in a designated bank



1 in the name of the [~~board. Money shall be disbursed from this~~  
 2 ~~fund only upon a warrant issued by the executive director in~~  
 3 ~~the name of the board]~~ department. Disbursements may be made  
 4 to pay necessary expenses and obligations of the [~~board]~~  
 5 department, which include expenses for salaries, supplies,  
 6 equipment, rent on office space or other goods and services, in  
 7 accordance with a budget approved by the [~~department of finance~~  
 8 ~~and administration]~~ board of regents. The [~~board]~~ department  
 9 shall prescribe any additional administrative procedure  
 10 necessary to administer [~~this]~~ the fund."

11 SECTION 26. Section 77-2-26 NMSA 1978 (being Laws 1959,  
 12 Chapter 291, Section 3, as amended) is amended to read:

13 "77-2-26. [~~BOARD]~~ DEPARTMENT NOT TO BE ASSESSED FOR  
 14 GENERAL ADMINISTRATIVE OVERHEAD.--No appropriation for the  
 15 [~~board]~~ department shall include an item for general  
 16 administrative overhead. No charge for general administrative  
 17 overhead shall be assessed against or appropriated out of the  
 18 [~~interim]~~ livestock receipts and [~~disbursement]~~ disbursements  
 19 fund or from any other fund or money administered by the  
 20 [~~board]~~ department for purposes of The Livestock Code. No fees  
 21 or money collected by the [~~board]~~ department for purposes of  
 22 The Livestock Code shall be subject to assessment for any  
 23 charge for general administrative overhead."

24 SECTION 27. Section 77-2-29 NMSA 1978 (being Laws 1981,  
 25 Chapter 357, Section 2, as amended) is amended to read:

.189421.1

1           "77-2-29. FEES.--The following fees shall be fixed by the  
2 board of regents for services rendered pursuant to the  
3 provisions of The Livestock Code:

4           A. an inspection or permit fee not to exceed  
5 sixteen cents (\$.16) per head to be charged for the importation  
6 or exportation of sheep and goats pursuant to Section 77-8-3  
7 NMSA 1978 and a service charge in an amount not to exceed ten  
8 dollars (\$10.00) for each inspection request; provided that the  
9 board of regents shall not increase the inspection fee more  
10 than four cents (\$.04) in any one fiscal year;

11           B. a fee for recording a transfer of a brand  
12 pursuant to Section 77-2-7.1 NMSA 1978 in an amount not to  
13 exceed one hundred dollars (\$100);

14           C. a fee for recording a brand or researching a  
15 brand pursuant to Section 77-2-7.4 NMSA 1978 in an amount not  
16 to exceed one hundred dollars (\$100);

17           D. a fee for additional copies of certified copies  
18 of brands pursuant to Section 77-2-7.4 NMSA 1978 in an amount  
19 not to exceed ten dollars (\$10.00) per copy;

20           E. a fee for the recording of a holding brand  
21 pursuant to Section 77-2-7.9 NMSA 1978 in an amount not to  
22 exceed one hundred dollars (\$100), which recording shall be  
23 valid for one year from the date of recording, and an  
24 additional fee in an amount not to exceed one hundred dollars  
25 (\$100) for each annual renewal;

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1 F. a fee for the re-recording of brands pursuant to  
2 Section 77-2-7.12 NMSA 1978 in an amount not to exceed one  
3 hundred dollars (\$100);

4 G. a fee for the inspection of livestock pursuant  
5 to Section 77-9-38 or 77-10-4 NMSA 1978 in an amount not to  
6 exceed fifty cents (\$.50) per head and a service charge in an  
7 amount not to exceed ten dollars (\$10.00) for each inspection  
8 request; provided that the board [~~may~~] of regents shall not  
9 increase the inspection fee more than ten cents (\$.10) in any  
10 one fiscal year;

11 H. a fee for the inspection of hides pursuant to  
12 Section 77-9-54 NMSA 1978 in an amount not to exceed fifty  
13 cents (\$.50) per hide and a service charge in an amount not to  
14 exceed ten dollars (\$10.00) for each inspection request;  
15 provided that the board [~~may~~] of regents shall may not increase  
16 the inspection fee more than ten cents (\$.10) in any one fiscal  
17 year;

18 I. a fee for the handling of the proceeds of the  
19 sale of an estray pursuant to Section 77-13-6 NMSA 1978 in an  
20 amount not to exceed ten dollars (\$10.00);

21 J. a fee for the impoundment of trespass livestock  
22 pursuant to Section 77-14-36 NMSA 1978 in an amount not to  
23 exceed ten dollars (\$10.00) per head per day and a reasonable  
24 charge for the moving of trespass livestock pursuant to Section  
25 77-14-36 NMSA 1978 to be set by the board of regents;

.189421.1

1           K. a fee for the licensing of a livestock auction  
2 market pursuant to Section 77-10-2 NMSA 1978 in an amount not  
3 to exceed twenty-five dollars (\$25.00);

4           L. a fee for issuing a transportation permit  
5 pursuant to Section 77-9-42 NMSA 1978 in an amount not to  
6 exceed fifty dollars (\$50.00);

7           M. a fee for the licensing of a cattle or sheep  
8 rest station pursuant to Section 77-9A-2 NMSA 1978 in an amount  
9 not to exceed twenty-five dollars (\$25.00); and

10           N. a fee for issuing a certificate of brand  
11 exemption pursuant to Section 77-8-22 or 77-9-3 NMSA 1978 in an  
12 amount not to exceed one hundred dollars (\$100)."

13           **SECTION 28.** Section 77-2-30 NMSA 1978 (being Laws 2005,  
14 Chapter 236, Section 1) is amended to read:

15           "77-2-30. HORSE RESCUE OR RETIREMENT FACILITY--  
16 REGISTRATION--~~[BOARD]~~ DEPARTMENT POWERS AND DUTIES--FEES.--

17           A. As used in this section, "facility" means a  
18 horse rescue or retirement facility, including a private  
19 reserve or private preserve, that advertises or solicits for  
20 horses and provides lifelong care or finds new owners for  
21 horses that are unwanted or have been neglected or abused or  
22 captured wild horses that cannot be returned to their range.

23           B. A facility shall not operate in New Mexico  
24 unless registered by the ~~[board]~~ department.

25           C. The ~~[board]~~ department shall:

1 (1) register facilities that meet the  
2 requirements of this section;

3 (2) annually consult with representatives from  
4 the equine industry, equine rescue organizations and  
5 veterinarians on facility standards; and

6 (3) after consideration of recommendations by  
7 national organizations for the care of unwanted horses and  
8 equine rescue and retirement facilities, [~~promulgate~~] propose  
9 to the board of regents rules for facilities, including:

10 (a) health and sanitary requirements;

11 (b) standards for barns, paddocks,  
12 pastures and ranges;

13 (c) qualifications of the facility  
14 staff;

15 (d) provision of veterinary care;

16 (e) feeding and watering requirements;

17 (f) transportation; and

18 (g) other requirements necessary to  
19 ensure the humane care of horses.

20 D. The [~~board~~] department may charge the following  
21 fees set by the board of regents:

22 (1) an initial inspection and registration fee  
23 of not more than two hundred fifty dollars (\$250);

24 (2) an annual inspection and registration fee  
25 of not more than one hundred dollars (\$100); and

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1 (3) reinspection fees of not more than one  
2 hundred dollars (\$100).

3 E. Fees collected pursuant to this section shall be  
4 deposited in the ~~[New Mexico]~~ livestock ~~[board general]~~  
5 receipts and disbursements fund and may be used to carry out  
6 the provisions of ~~[Sections 1 and 2 of this act]~~ this section  
7 and Section 77-2-31 NMSA 1978."

8 SECTION 29. Section 77-2-31 NMSA 1978 (being Laws 2005,  
9 Chapter 236, Section 2) is amended to read:

10 "77-2-31. HORSE RESCUE OR RETIREMENT FACILITIES--  
11 INSPECTIONS--REINSPECTION.--

12 A. Prior to annual registration, each facility  
13 shall be inspected in accordance with board of regents rules.

14 B. The ~~[board]~~ department or its agents may enter  
15 the premises of a facility to conduct unannounced inspections.

16 C. If, following an inspection, the ~~[board]~~  
17 department determines that the facility does not meet the  
18 ~~[board's]~~ department's minimum facility requirements, it shall  
19 give the registrant written notice of the deficiencies and  
20 schedule a reinspection, allowing a reasonable time for the  
21 registrant to correct the deficiencies.

22 D. The registrant shall remedy the deficiencies and  
23 submit evidence to the ~~[board]~~ department demonstrating  
24 compliance with board of regents rules for the facility.

25 E. If on reinspection the ~~[board]~~ department

1 determines that the facility is still deficient in those areas  
 2 for which it has been given written notice, the horses may be  
 3 impounded in accordance with the provisions of Section 77-18-2  
 4 NMSA 1978 and the ~~[board]~~ department shall hold a hearing as  
 5 provided in the Uniform Licensing Act to determine if the  
 6 registration should be suspended or revoked.

7 F. If a facility's registration is suspended or  
 8 revoked, the ~~[board]~~ department shall place the horses in  
 9 another facility."

10 SECTION 30. Section 77-2A-2 NMSA 1978 (being Laws 1979,  
 11 Chapter 197, Section 2, as amended) is amended to read:

12 "77-2A-2. DEFINITIONS.--As used in the New Mexico Beef  
 13 Council Act:

14 A. "board" means the New Mexico ~~[livestock board]~~  
 15 department of agriculture;

16 B. "council" means the New Mexico beef council;

17 C. "director" means the director of the ~~[New~~  
 18 ~~Mexico]~~ department ~~[of agriculture]~~;

19 D. "department" means the New Mexico department of  
 20 agriculture; and

21 E. "producer" means any person engaged in the  
 22 business of raising, breeding, feeding or growing cattle or  
 23 calves for beef production or for dairy production."

24 SECTION 31. Section 77-3-1 NMSA 1978 (being Laws 1909,  
 25 Chapter 9, Section 1, as amended) is amended to read:

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1 "77-3-1. DISEASES--INSPECTION--QUARANTINE.--

2 A. The [~~board~~] department may use all proper means  
3 to prevent the spreading of dangerous and fatal diseases among  
4 livestock and for the extirpation of such diseases. If a  
5 disease breaks out in the state, it is the duty of all persons  
6 owning or having in their charge livestock infected to  
7 immediately notify the [~~board~~] department of the existence of  
8 such disease. The [~~board~~] department shall cause proper  
9 examination to be made by a veterinarian and, if the disease is  
10 found to be a dangerously contagious or infectious malady, the  
11 [~~board~~] department shall order the diseased livestock that have  
12 been exposed to be strictly quarantined and shall order any  
13 premises or farms where such disease exists or has recently  
14 existed to be put in quarantine so that no livestock subject to  
15 the disease is removed from or brought to the premises or  
16 places so quarantined. The board of regents shall prescribe  
17 such rules as it deems necessary to prevent the disease from  
18 being communicated in any way from the premises so quarantined.

19 B. The [~~board~~] department may expend funds to  
20 prevent, suppress, control or eradicate any disease or parasite  
21 of livestock that the board of regents has by rule declared to  
22 be a disease or pest of significant economic impact to any  
23 segment of the livestock industry. This power shall include  
24 the right to purchase and destroy or sell infected or exposed  
25 livestock.

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1           C. Whenever the [~~board~~] department finds any  
2 livestock infested with a disease or pest declared by the board  
3 of regents to be of significant economic impact, the [~~board~~]  
4 department may request the governor to declare an emergency as  
5 provided in Section 6-7-3 NMSA 1978."

6           **SECTION 32.** Section 77-3-2 NMSA 1978 (being Laws 1909,  
7 Chapter 9, Section 2, as amended) is amended to read:

8           "77-3-2. REPORT OF DISEASED LIVESTOCK--OFFENSES--EXPENSE  
9 RECOVERY--DUTIES OF SHERIFFS--PENALTY.--

10           A. A person who [~~has in his possession~~] possesses  
11 or [~~under his care~~] provides care for any livestock that [~~he~~]  
12 the person knows or has reason to believe is affected with a  
13 disease shall without unnecessary delay tell the [~~board or some~~  
14 ~~member of the board~~] department or the sheriff of the county in  
15 which the livestock is situate. The sheriff shall immediately  
16 notify the director.

17           B. A person shall not bring into this state or sell  
18 or dispose of any livestock known to be affected or exposed to  
19 disease or move diseased or exposed livestock from quarantine  
20 or move any livestock to or from a district in the state  
21 declared to be infected with a disease or bring into this state  
22 any diseased livestock from a district outside the state that  
23 may at any time be legally declared to be affected with such  
24 disease without the consent of the [~~board~~] department.

25           C. A person who violates a provision of Subsection

.189421.1

1 A or B of this section is guilty of a misdemeanor and upon  
2 conviction shall be sentenced in accordance with the provisions  
3 of Section 31-19-1 NMSA 1978 for each head illegally moved.

4 D. Any guard or other proper expenses incurred in  
5 the quarantining of the livestock shall be paid by the owner,  
6 and if the same is refused, after demand made by order of the  
7 [~~board~~] department, an action may be brought to recover the  
8 same with costs of suit, which action may be brought in the  
9 name of the state for the use of the [~~board~~] department. It is  
10 the duty of all sheriffs to execute all lawful orders of the  
11 [~~board~~] department."

12 SECTION 33. Section 77-3-4 NMSA 1978 (being Laws 1909,  
13 Chapter 9, Section 3, as amended) is amended to read:

14 "77-3-4. DEAD ANIMALS--DISPOSAL.--The bodies of all dead  
15 animals shall be buried, burned or disposed of by the owners as  
16 provided by [~~regulations~~] rules of the board of regents."

17 SECTION 34. Section 77-3-5 NMSA 1978 (being Laws 1917,  
18 Chapter 30, Section 1, as amended) is amended to read:

19 "77-3-5. INFECTED PASTURES AND BUILDINGS--NOTICES.--

20 A. If a pasture, building, corral, yard or  
21 enclosure where livestock have been or may be pastured or  
22 confined is infected with or has become dangerous on account of  
23 a disease or poisonous weed or plant, the [~~board~~] department  
24 may post danger or quarantine notices in not less than two  
25 conspicuous places in or upon such pasture, building, corral,

1 yard or enclosure sufficient to warn all owners and others in  
2 charge of livestock of the danger or quarantine. When the  
3 danger has passed or the quarantine is lifted, the [~~board~~]  
4 department shall require the posted notices to be removed.

5 B. Except as authorized by the director, a person  
6 who removes a posted notice of danger or quarantine is guilty  
7 of a misdemeanor and upon conviction shall be sentenced in  
8 accordance with the provisions of Section 31-19-1 NMSA 1978."

9 SECTION 35. Section 77-3-8 NMSA 1978 (being Laws 1909,  
10 Chapter 9, Section 8, as amended) is amended to read:

11 "77-3-8. DESTRUCTION OF DISEASED LIVESTOCK--PAYMENT TO  
12 THE OWNER--APPRAISAL.--In cases where the [~~board~~] department  
13 deems it necessary to destroy any diseased, infected or exposed  
14 livestock in order to prevent the spread of dangerous and fatal  
15 diseases such as glanders, farcy, tuberculosis, pleuro-  
16 pneumonia, rinderpest, foot and mouth disease or any other  
17 dangerous and fatal disease, foreign or other, which according  
18 to the rules, regulations and standards adopted by the United  
19 States department of agriculture animal and plant health  
20 inspection service cannot be extirpated by means other than the  
21 destroying of the diseased, infected or exposed livestock, the  
22 [~~board~~] department may have the livestock killed and burned or  
23 buried under such rules as the board of regents may prescribe.  
24 The [~~board~~] department shall cooperate with the United States  
25 department of agriculture in paying to the owners of the

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1 slaughtered livestock the allowed indemnity determined by the  
2 United States department of agriculture animal and plant health  
3 inspection service and the board of regents."

4 SECTION 36. Section 77-3-9 NMSA 1978 (being Laws 1909,  
5 Chapter 9, Section 4, as amended) is amended to read:

6 "77-3-9. ACCEPTANCE OF FEDERAL RULES AND REGULATIONS--  
7 COOPERATION.--The board of regents may accept on behalf of the  
8 state the rules and regulations prepared by the secretary of  
9 the United States department of agriculture relating to the  
10 control of diseases of livestock and to cooperate with the  
11 authorities of the United States in the enforcement of the  
12 provisions of all acts and regulations relating to diseased  
13 livestock."

14 SECTION 37. Section 77-3-10 NMSA 1978 (being Laws 1909,  
15 Chapter 9, Section 5, as amended) is amended to read:

16 "77-3-10. FEDERAL OFFICERS--POWERS.--The representatives  
17 of the United States department of agriculture animal and plant  
18 health inspection service under the specific authorization of  
19 the board of regents may inspect, quarantine and condemn  
20 livestock affected with a disease or suspected of being  
21 affected with a disease or that have been exposed to a disease  
22 and for these purposes may enter any grounds or premises in the  
23 state. The representatives may call upon peace officers to  
24 assist them in the discharge of their duties as specified by  
25 the [~~board~~] department in carrying out federal laws and

.189421.1

1 regulations as provided in Section 77-3-9 NMSA 1978. The peace  
2 officers shall assist the representatives when so requested and  
3 authorized by the [~~board~~] department."

4 SECTION 38. Section 77-3-11 NMSA 1978 (being Laws 1949,  
5 Chapter 48, Section 1, as amended) is amended to read:

6 "77-3-11. MARKING OR BRANDING OF CATTLE AND BISON FOUND  
7 INFECTED WITH TUBERCULOSIS OR BANG'S DISEASE.--Whenever cattle  
8 or bison within this state are tested for tuberculosis or  
9 Bang's disease by the [~~board~~] department or its agents or  
10 employees or by an authorized agent or employee of the United  
11 States department of agriculture animal and plant health  
12 inspection service, if an animal so tested is found to have a  
13 positive reaction to such tests, it shall be permanently marked  
14 or branded according to the requirements of the [~~board~~]  
15 department by the owner or [~~his~~] the owner's agent. The type  
16 of mark or brand to be used shall be designated by the [~~board~~]  
17 department, and an animal shall be marked or branded  
18 immediately upon instructions from the [~~board~~] department."

19 SECTION 39. Section 77-3-13 NMSA 1978 (being Laws 1889,  
20 Chapter 106, Section 8, as amended) is amended to read:

21 "77-3-13. DANGEROUS EPIDEMICS--EMERGENCY RULES--IMPORTS  
22 PROHIBITED--PENALTY.--

23 A. When the [~~board~~] department or any of its  
24 authorized representatives finds that a disease, the nature of  
25 which is known to be fatal or highly injurious to livestock,

.189421.1

1 pigeons or fowl of any kind, has become epidemic or exists in a  
2 locality in a country, state or territory beyond the limits of  
3 this state, the board of regents shall immediately adopt and  
4 promulgate emergency rules to prohibit the importation into  
5 this state of any animals, including livestock, subject to the  
6 disease that may be so reported.

7 B. The board of regents shall specify such  
8 restrictions and safeguards as it deems proper and shall  
9 specify for the protection of livestock in this state and may  
10 also prohibit the importation into this state of any hoofs,  
11 hides, skins or meat of any animals or any hay, straw fodder,  
12 cottonseed or other products or material calculated to carry  
13 the infection of such disease.

14 C. Emergency rules may be adopted and promulgated  
15 without the notice and hearing required of other rules and  
16 shall take effect immediately. If the board of regents  
17 contemplates that an emergency rule will be in effect for  
18 longer than ninety days, it shall give notice and hold a  
19 hearing to adopt the emergency rule as a rule.

20 D. Any person who violates any provision of this  
21 section or an emergency rule issued in accordance with this  
22 section is guilty of a misdemeanor and upon conviction shall be  
23 sentenced in accordance with the provisions of Section 31-19-1  
24 NMSA 1978 for each head and is also liable in a civil action  
25 for any damages and loss sustained by reason of such

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1 importation of the livestock or of any of the products provided  
 2 for in this section."

3 SECTION 40. Section 77-3-14 NMSA 1978 (being Laws 1889,  
 4 Chapter 106, Section 9, as amended) is amended to read:

5 "77-3-14. HEALTH CERTIFICATE--INSPECTION--PERMIT--  
 6 PENALTY.--

7 A. After the issuance of an emergency rule pursuant  
 8 to the provisions of Section 77-3-13 NMSA 1978 and while the  
 9 emergency rule continues in force, it is unlawful for a person  
 10 to drive or transport or cause to be driven or transported into  
 11 this state any livestock that by any direct or circuitous route  
 12 might have come from any place or district covered by the  
 13 emergency rule without first having obtained a certificate of  
 14 health from a veterinarian or a permit in writing from the  
 15 [~~board~~] department under such rules as the board of regents  
 16 prescribes.

17 B. A person failing to comply with this provision  
 18 is guilty of a misdemeanor and upon conviction shall be  
 19 sentenced in accordance with the provisions of Section 31-19-1  
 20 NMSA 1978 and is also personally liable for all loss and  
 21 damages sustained by any persons by reason of the introduction  
 22 of a disease from the livestock unlawfully imported into this  
 23 state.

24 C. During the time covered by the emergency rule,  
 25 all livestock desiring to enter the state shall submit to an

.189421.1

underscored material = new  
 [bracketed material] = delete

1 inspection and shall not be permitted to enter the state until  
2 a written or printed permit is issued by the [~~board~~]  
3 department. A livestock inspector or other agent of the  
4 [~~board~~] department may require the person in charge of the  
5 livestock to produce the permit for [~~his~~] inspection, and any  
6 person refusing to produce the permit at any time within a year  
7 from the time the livestock were driven in is guilty of a  
8 misdemeanor and upon conviction shall be sentenced in  
9 accordance with the provisions of Section 31-19-1 NMSA 1978."

10 SECTION 41. Section 77-3-14.1 NMSA 1978 (being Laws 1993,  
11 Chapter 248, Section 28, as amended) is amended to read:

12 "77-3-14.1. AGID TESTS REQUIRED.--The board of regents  
13 shall adopt rules prohibiting the driving or transporting into  
14 this state of any horses or other equidae that have not tested  
15 negative to the AGID, or Coggins, test or a United-States-  
16 department-of-agriculture-approved equivalent test for equine  
17 infectious anemia within twelve months prior to the date of  
18 entry, the evidence of which test result shall be shown on a  
19 health certificate; excepting from regulation only those foals  
20 accompanied in shipment by a negative-tested dam or those  
21 horses or other equidae consigned directly to slaughter."

22 SECTION 42. Section 77-3-15 NMSA 1978 (being Laws 1889,  
23 Chapter 106, Section 11, as amended) is amended to read:

24 "77-3-15. INVESTIGATION OF SUSPECTED ILLEGAL IMPORTS--  
25 OATHS--HEALTH CERTIFICATE OF PERMIT.--Whenever the [~~board~~]



1 department, during the continuance in force of any prohibition  
2 against the importation into this state of livestock, has good  
3 reason to believe or suspect that any [~~such~~] livestock against  
4 the importation of which prohibition then exists have been or  
5 are about to be driven, conveyed or transported into this state  
6 in violation of any [~~such~~] prohibition then existing and then  
7 in force, it is the duty of the [~~board~~] department, either by  
8 its own [~~members~~] employees or through a veterinarian [~~or~~  
9 ~~through one or more of such persons then in their employ~~] as  
10 circumstances shall seem to require, to thoroughly investigate  
11 the same. [~~They~~] The department or veterinarian may examine,  
12 under oath or affirmation, any person in charge of the  
13 livestock or any person cognizant of any facts or circumstances  
14 material to the investigations and all facts connected with the  
15 driving or transportation of the livestock, including the  
16 [~~place or~~] places from which the livestock have been driven or  
17 transported; the places or districts through which they have  
18 been driven or transported; the length of time and where they  
19 have remained, fed or grazed at any designated place or  
20 district; what contagious or infectious disease of livestock,  
21 if any, they have been exposed to and when and where; and any  
22 other facts or circumstances material to the investigation and  
23 reduce such testimony to writing in all cases where the  
24 certificate of health or the permit in writing provided for in  
25 this section [~~shall be~~] is refused. The [~~members of the board,~~

.189421.1

1 a] department or veterinarian [~~and all other persons as~~  
2 ~~aforsaid so in the employ of the board~~] through whom any  
3 [~~such~~] investigation [~~shall be~~] is made [~~hereby are~~] is  
4 authorized to administer all oaths and affirmations required in  
5 [~~any such~~] the investigation. If [~~any such~~] an investigation  
6 is made by [~~such~~] a veterinarian and [~~he~~] the veterinarian is  
7 satisfied that the livestock are free from all contagious and  
8 infectious disease and will not communicate any disease to any  
9 livestock in this state, [~~he~~] the veterinarian shall deliver to  
10 the person in charge of the livestock a certificate of health  
11 to the effect that the livestock are healthy and entitled to  
12 pass into the state; otherwise, [~~he~~] the veterinarian shall  
13 refuse the [~~same~~] certificate of health. If [~~such~~] an  
14 investigation is made by any other persons authorized as  
15 specified in this section to make the investigation and they  
16 are satisfied that the livestock will not transmit to the  
17 livestock in this state any livestock disease and that the  
18 facts and circumstances attending their transportation warrant  
19 the presumption that [~~such~~] the livestock are not from any  
20 prohibited areas, a recommendation that the importation of the  
21 livestock shall then be permitted shall be communicated to the  
22 [~~board~~] department, and the [~~board~~] department shall [~~upon~~  
23 ~~concurrence~~] give the person in charge of the livestock a  
24 written permit to pass the [~~same~~] livestock into the state;  
25 otherwise, [~~such~~] the permit shall be refused."

.189421.1

1           **SECTION 43.** Section 77-3-16 NMSA 1978 (being Laws 1889,  
2 Chapter 106, Section 12, as amended) is amended to read:

3           "77-3-16. RULES ~~[AND REGULATIONS]~~.--It is the duty of the  
4 board of regents to make all useful rules ~~[and regulations]~~  
5 respecting examinations and investigations for the granting or  
6 refusing of certificates of health and permits provided for in  
7 ~~[the next succeeding]~~ Section 77-3-15 NMSA 1978 and give ample  
8 publicity ~~[thereto]~~ so that all persons, companies and  
9 corporations who may desire to drive or transport any livestock  
10 into the state may be conveniently advised of what will be  
11 required to obtain ~~[any such]~~ a certificate of health or permit  
12 during the existence of any prohibition to the importation of  
13 livestock into the state and of when, where and to whom  
14 application therefor may be made."

15           **SECTION 44.** Section 77-3-17 NMSA 1978 (being Laws 1889,  
16 Chapter 106, Section 14, as amended) is amended to read:

17           "77-3-17. QUARANTINE--SEIZURE OF ~~[CATTLE]~~ LIVESTOCK.--  
18 Whenever any livestock are driven or transported into the state  
19 without obtaining a certificate of health or permit by the  
20 person in charge thereof, in any case where a certificate or  
21 permit is required and if ~~[such]~~ the livestock have been  
22 inspected and an investigation ~~[had in relation thereto]~~  
23 conducted and the certificate or permit refused, then the  
24 livestock may be seized and securely held in quarantine under  
25 such reasonable rules ~~[and regulations]~~ as shall be prescribed

.189421.1

1 [therefor] by the board of regents and as [~~they may deem~~  
2 deemed necessary to guard against other livestock becoming  
3 affected with any [~~such~~] livestock diseases. [~~They~~] The  
4 livestock shall be held in quarantine for such length of time  
5 as the [~~board shall in their opinion deem~~] department deems  
6 necessary for the sanitary protection of livestock in this  
7 state. If [~~such~~] the livestock [~~shall~~] have not [~~have~~] been  
8 [~~so~~] inspected and an investigation had, then the [~~same~~]  
9 inspection and investigation shall take place wherever the  
10 livestock may be found, and [~~they~~] the livestock may be seized  
11 and held for that purpose and a certificate of health or permit  
12 granted or refused, as the case may require. If refused, the  
13 livestock may [~~in like manner~~] be held in quarantine. All the  
14 necessary expenses of quarantine and inspection under the  
15 provisions of this section shall be paid by the owners of the  
16 livestock."

17 **SECTION 45.** Section 77-3-18 NMSA 1978 (being Laws 1889,  
18 Chapter 106, Section 15, as amended) is amended to read:

19 "77-3-18. LIENS FOR EXPENSES AND FOR DAMAGES FOR  
20 COMMUNICATING DISEASE.--All expenses incurred in and by the  
21 inspection and quarantine of livestock under Section 77-3-17  
22 NMSA 1978 shall be a lien on such livestock to secure the  
23 payment [~~thereof~~] in favor of the [~~board~~] department, as an  
24 indemnity for the expenses so incurred. All loss and damages  
25 incurred and suffered by any person [~~company or corporation~~]

.189421.1

1 because of any of the provisions of this [~~chapter~~] article  
 2 shall be a lien on the livestock [~~so~~] unlawfully imported in  
 3 favor of the person [~~company or corporation so~~] incurring or  
 4 suffering [~~such~~] the loss or damage. All liens covered by this  
 5 section shall take precedence and priority over any other lien  
 6 or encumbrance on [~~any such~~] the livestock existing at the time  
 7 of their unlawful importation [~~as aforesaid~~] or at any time  
 8 subsequent thereto. All such liens shall subsist and become  
 9 effective as security for ultimate payment without any other  
 10 act or proceeding whatever, and after judgment any such lien  
 11 may be foreclosed by sale of the livestock on execution."

12 **SECTION 46.** Section 77-7-16 NMSA 1978 (being Laws 1970,  
 13 Chapter 79, Section 1) is amended to read:

14 "77-7-16. DEFINITIONS.--As used in [~~this act~~] Sections  
 15 77-7-16 through 77-7-19 NMSA 1978:

16 A. "garbage" means waste consisting in whole or in  
 17 part of animal waste resulting from handling, preparing,  
 18 cooking and consuming [~~of~~] food, including the offal from  
 19 animal carcasses or parts thereof, but excluding such waste  
 20 obtained by [~~an individual~~] a person from [~~his~~] the person's  
 21 own household operations and fed to [~~his~~] the person's own  
 22 swine on the same premises;

23 B. "special processing" means handling swine and  
 24 subjecting swine products to heat treatment in accordance with  
 25 current requirements of the [~~board~~] department;

.189421.1

1 C. "permit for special processing" means a permit  
2 by the [~~board~~] department for the handling, slaughtering and  
3 special processing of swine and [~~which~~] that shall be limited  
4 to a point or points designated by the [~~board~~] department; and

5 D. "board" or "department" means the New Mexico  
6 [~~livestock board~~] department of agriculture."

7 SECTION 47. Section 77-7-17 NMSA 1978 (being Laws 1970,  
8 Chapter 79, Section 2, as amended) is amended to read:

9 "77-7-17. FEEDING OF GARBAGE UNLAWFUL--REGISTRATION  
10 REQUIRED--MOVEMENT OF SWINE FED ON GARBAGE UNLAWFUL EXCEPT BY  
11 PERMIT--PENALTY.--

12 A. It is unlawful for any person [~~firm, partnership~~  
13 ~~or corporation~~] not registered with the [~~livestock board~~]  
14 department, as provided by [~~this act~~] Sections 77-7-16 through  
15 77-7-19 NMSA 1978, to feed garbage to any swine in this state.

16 B. It is unlawful to slaughter or transport within  
17 the state any swine [~~which~~] that have been fed garbage except  
18 under the appropriate permit for either special processing or  
19 for the transportation of swine fed with garbage as issued by  
20 the [~~livestock board~~] department.

21 C. Any person [~~firm, partnership or corporation~~]  
22 violating the provisions of this section is guilty of a petty  
23 misdemeanor, and each day the provisions of this section are  
24 violated shall be a separate offense."

25 SECTION 48. Section 77-7-18 NMSA 1978 (being Laws 1970,

1 Chapter 79, Section 3, as amended) is amended to read:

2 "77-7-18. GARBAGE FEEDERS--SLAUGHTERERS OF GARBAGE-FED  
3 SWINE--REGISTRATION--GARBAGE COOKING--PENALTY.--

4 A. All persons feeding garbage to or slaughtering  
5 swine ~~[which]~~ that have been fed garbage shall first obtain a  
6 certificate of registration or a permit for special processing  
7 from the ~~[livestock board]~~ department. Application for  
8 registration or a permit shall be made to the ~~[office of the~~  
9 ~~livestock board]~~ department on forms ~~[which]~~ that may be  
10 obtained from the ~~[board]~~ department. The ~~[board]~~ department  
11 shall be notified when ~~[such]~~ the operation is discontinued or  
12 upon sale of equipment, transfer of ownership or change of  
13 location. Such rights and privileges as are granted by the  
14 registration may be revoked for cause by the director ~~[of the~~  
15 ~~livestock board subject to review by the livestock board]~~.

16 B. All garbage fed in New Mexico shall be cooked  
17 and brought to the boiling point or equivalent temperature for  
18 a period of not less than thirty minutes.

19 C. A recording thermometer shall be used and  
20 maintained with dated charts for examination by ~~[a~~  
21 ~~representative of the board]~~ the department and be kept on file  
22 for a period of not less than ninety days. Each such chart  
23 shall bear ~~[therein]~~ the name and address of the person for  
24 whom the garbage was cooked. There shall be no retracing of  
25 charts.

.189421.1

1           D. Cooking facilities shall be approved by the  
2     ~~[board]~~ department before a certificate of registration is  
3     issued.

4           E. Periodic inspections shall be made of cooking  
5     facilities and premises. Premises shall be open for  
6     inspection, including cooking operations, equipment and  
7     animals, at any reasonable time by ~~[designated representatives~~  
8     ~~of the board]~~ the department.

9           F. The ~~[livestock]~~ board of regents shall  
10    promulgate and adopt ~~[in accordance with the provisions of the~~  
11    ~~State Rules Act, regulations]~~ rules setting standards for the  
12    maintenance and operation of swine feeding and slaughtering  
13    facilities and providing for the regulation of the movement of  
14    garbage-fed swine.

15          G. Any person ~~[firm or corporation]~~ failing to meet  
16    the standards set by the ~~[regulations]~~ rules of the ~~[livestock]~~  
17    board of regents for the maintenance and operation of  
18    facilities for the feeding or slaughtering of swine or failing  
19    to obtain a permit or to meet the requirements of the ~~[board]~~  
20    department for moving garbage-fed swine may be denied  
21    registration or if registered may have ~~[such]~~ the registration  
22    revoked and ~~[shall be]~~ is guilty of a petty misdemeanor.

23          H. The board of regents may by ~~[regulation]~~ rule  
24    set an inspection fee for the permit to transport swine fed on  
25    garbage in an amount not to exceed twenty-five cents (\$ .25) per



1 animal."

2 SECTION 49. Section 77-7-19 NMSA 1978 (being Laws 1970,  
3 Chapter 79, Section 4) is amended to read:

4 "77-7-19. FEES FOR REGISTRATION--RENEWAL.--For each  
5 certificate of registration issued under Section [~~47-7-25 NMSA~~  
6 ~~1953~~] 77-7-18 NMSA 1978, the [~~livestock board~~] department may  
7 charge and receive a fee not to exceed ten dollars (\$10.00) at  
8 the time of issuance and, in addition, on the anniversary date  
9 of each such certificate of registration an annual renewal fee  
10 in an amount not to exceed ten dollars (\$10.00)."

11 SECTION 50. Section 77-8-2 NMSA 1978 (being Laws 1951,  
12 Chapter 188, Section 11, as amended) is amended to read:

13 "77-8-2. QUARANTINE--TREATMENT.--Sheep or goats afflicted  
14 with or exposed to a disease shall be immediately placed under  
15 quarantine under the supervision of a veterinarian or inspector  
16 in conformity with the rules of the board of regents. The  
17 sheep or goats shall not be moved from the quarantine area  
18 except under the supervision of a veterinarian or inspector  
19 until a veterinarian declares them to be free of disease or  
20 until the [~~board~~] department otherwise grants permission for  
21 the moving of the sheep or goats. The sheep or goats shall be  
22 treated under the direction of a veterinarian or inspector at  
23 once and thereafter as often as necessary until they are  
24 declared free of the disease by a veterinarian [~~or inspector~~]."

25 SECTION 51. Section 77-8-3 NMSA 1978 (being Laws 1951,

.189421.1

1 Chapter 188, Section 12, as amended) is amended to read:

2 "77-8-3. IMPORTATION--NOTICE--INSPECTION--FEES.--

3 A. A person intending to bring sheep or goats into  
4 the state from another country or state shall give notice of  
5 [~~his~~] that intention to the director by certified letter or  
6 delivery in person or by telephone to the director or other  
7 [~~authorized official of the board~~] employee of the department  
8 so that the notice is received prior to the proposed day of  
9 entry. The notice shall state the number of head, the date and  
10 place the sheep or goats will be loaded and their destination.  
11 The director shall then issue a permit for entry of the sheep  
12 or goats into the state, stating in the permit the applicable  
13 board of regents rules to be complied with before or after  
14 entry into the state.

15 B. The shipment shall be accompanied by a health  
16 certificate issued by a federal or state inspector or  
17 authorized veterinarian that the sheep or goats are healthy and  
18 free from disease. On arrival, the owner or person in charge  
19 of the sheep or goats shall not commingle the imported sheep or  
20 goats or release them to pasture until the inspector examines  
21 the sheep or goats as to their sanitary condition and inspects  
22 and makes a record of all the marks and brands on the sheep or  
23 goats, which record shall be forwarded to the [~~board~~]  
24 department office and used for future reference. The inspector  
25 shall issue the owner or person in charge of the sheep or goats

.189421.1

1 a copy of the brand inspection certificate if the inspector is  
2 satisfied that all requirements have been met.

3 C. An inspection fee to be fixed by the board of  
4 regents shall be charged and paid by the owner or person in  
5 charge of the sheep or goats to the [~~board~~] department and  
6 received by the inspector for the inspection and certificates.  
7 If the inspector suspects that the sheep or goats are infected  
8 with a disease or finds that the owner or person in charge has  
9 not met the entry requirements, the inspector shall require the  
10 owner or the person in charge to comply with the provisions of  
11 Section 77-8-2 NMSA 1978 or other applicable statutes and  
12 rules. The provisions of this section shall not apply to sheep  
13 or goats loaded on transport vehicles that are being  
14 transported from some country or state to another country or  
15 state through New Mexico if the sheep or goats are not to be  
16 unloaded in this state except in approved rest stations or  
17 other quarantine pens for the purpose of feeding and watering  
18 the sheep or goats for a period [~~of time~~] not to exceed twenty-  
19 four hours."

20 SECTION 52. Section 77-8-7 NMSA 1978 (being Laws 1951,  
21 Chapter 188, Section 16, as amended) is amended to read:

22 "77-8-7. EXPORTATION--NOTICE--INSPECTION AND PERMIT  
23 FEES--PENALTY.--

24 A. A person intending to ship sheep or goats beyond  
25 the limits of the district or the limits of the state shall

.189421.1

1 give notice of [~~his~~] that intention to the director or to the  
2 inspector for [~~his~~] the person's district by certified letter  
3 or by delivery in person or by telephone to the director or  
4 inspector so that the notice is received in a reasonable time  
5 previous to the proposed date of shipment. The notice shall  
6 state the date and place that the sheep or goats will be loaded  
7 and destination of the sheep or goats. The [~~board~~] department  
8 may require an inspector to inspect the sheep or goats as to  
9 their sanitary conditions and make a record of all the marks  
10 and brands upon the sheep or goats, or the board of regents may  
11 provide by rule an alternate means of allowing the movement of  
12 sheep or goats. The inspector shall not allow sheep or goats  
13 bearing any of the marks declared by the law of this state to  
14 be unlawful to be shipped except under express authority of the  
15 [~~board~~] department. The inspector shall also require each  
16 person shipping sheep or goats to exhibit a bill of sale  
17 executed as provided by Section 77-8-15 NMSA 1978 or authority  
18 in writing to ship the sheep or goats from the recorded owner  
19 of all marks and brands upon the sheep or goats unless the  
20 person is [~~himself~~] the recorded owner of the marks and brands.

21 B. The inspector shall issue to the shipper a [~~New~~  
22 ~~Mexico livestock board~~] department form-1 certificate of  
23 inspection or other document or permit approved by the [~~board~~]  
24 department if [~~he~~] the inspector is fully satisfied that the  
25 sheep or goats are free from disease and that the person

.189421.1

1 shipping has rightful ownership of the sheep or goats as  
2 evidenced by the brands or marks and bill of sale or has  
3 complied with the [~~board's alternative~~] department's alternate  
4 method as provided for in this section and all other applicable  
5 rules of the board of regents. This certificate or permit  
6 shall authorize the shipping of the sheep and goats out of the  
7 state.

8 C. A fee to be fixed by the board of regents in a  
9 sum not to exceed the amount prescribed by law shall be charged  
10 for the inspection and certificates, and the inspector shall  
11 refuse to issue the certificates until [~~he~~] the fee has been  
12 paid [~~the fee~~]. The [~~board~~] department shall charge a fee not  
13 to exceed the amount prescribed by law for issuing the permits  
14 allowed in this section in lieu of inspection. The inspector  
15 shall make a report to the director after each inspection of  
16 any matters contained in this section that may be required of  
17 [~~him~~] the inspector by the director.

18 D. A person who knowingly ships sheep or goats from  
19 one district to another district without an inspection  
20 certificate is guilty of a misdemeanor and shall be sentenced  
21 in accordance with the provisions of Section 31-19-1 NMSA 1978.  
22 A person who knowingly ships sheep or goats outside the state  
23 without an inspection certificate is guilty of a fourth degree  
24 felony and shall be sentenced in accordance with the provisions  
25 of Section 31-18-15 NMSA 1978."

.189421.1

1           SECTION 53. Section 77-8-10 NMSA 1978 (being Laws 1951,  
2 Chapter 188, Section 22) is amended to read:

3           "77-8-10. RECORDING OR RE-RECORDING BY PERSON WITH LIEN  
4 OR INTEREST.--~~[Any]~~ A person having a lien or interest in any  
5 sheep may cause the mark or brand appearing on ~~[said]~~ the sheep  
6 to be recorded or re-recorded in the name of the owner,  
7 provided ~~[he]~~ the person follows the recording or re-recording  
8 procedure set forth in ~~[this act]~~ Chapter 77, Article 8 NMSA  
9 1978. The ~~[secretary]~~ director shall mail a certificate of  
10 mark to the owner and a duplicate copy of the certificate to  
11 the person having a lien or interest in the sheep."

12           SECTION 54. Section 77-8-13 NMSA 1978 (being Laws 1951,  
13 Chapter 188, Section 25) is amended to read:

14           "77-8-13. EVIDENTIAL VALUE OF MARK OR BRAND RECORDS.--A  
15 certified copy of the records of the ~~[board]~~ department  
16 relating to any mark or brand shall be accepted in all courts  
17 of this state as prima facie evidence of the ownership of sheep  
18 bearing the same."

19           SECTION 55. Section 77-8-17 NMSA 1978 (being Laws 1951,  
20 Chapter 188, Section 29) is amended to read:

21           "77-8-17. ENFORCEMENT OF PROVISIONS--RECOVERY OF COSTS  
22 AND EXPENSES.--Upon the failure or refusal of any owner or  
23 person in charge of sheep to comply with the provisions of  
24 ~~[Sections 11, 12, 14, 16, or 18 of this act]~~ Section 77-8-2,  
25 77-8-3, 77-8-5 or 77-8-7 NMSA 1978 or rules ~~[and regulations]~~

1 made in pursuance thereof, the inspector shall summarily take  
 2 custody of and hold the sheep involved in the violation of  
 3 [~~said~~] the sections or rules [~~and regulations~~] until [~~said~~] the  
 4 provisions are complied with or until there is a determination  
 5 of any legal proceedings brought under [~~said~~] those sections.  
 6 The [~~board~~] department shall bring legal proceedings against  
 7 any violator who after reasonable notice still refuses to  
 8 comply with these provisions for the enforcement of these  
 9 provisions or for the costs and expenses incurred in holding  
 10 the sheep and of bringing [~~said~~] legal proceedings or for both  
 11 purposes. In these proceedings, no bond [~~shall be~~] is required  
 12 from the [~~board~~] department."

13 SECTION 56. Section 77-8A-2 NMSA 1978 (being Laws 1997,  
 14 Chapter 99, Section 2 and Laws 1997, Chapter 147, Section 2) is  
 15 amended to read:

16 "77-8A-2. DEFINITIONS.--As used in the New Mexico Sheep  
 17 and Goat Act:

18 [~~A.~~] ~~"board" means the New Mexico livestock board;~~

19 B.] A. "council" means the New Mexico sheep and  
 20 goat council;

21 [~~G.~~] B. "department" means the New Mexico  
 22 department of agriculture;

23 [~~D.~~] C. "director" means the director of the [~~New~~  
 24 Mexico] department [~~of agriculture~~];

25 [~~E.~~] D. "handler" means any producer, processor,

.189421.1

1 distributor or other person engaged in handling, marketing or  
2 dealing in sheep or haired goats or their products; and

3 ~~[F-]~~ E. "producer" means any person engaged in the  
4 business of raising, breeding, feeding or growing sheep or  
5 haired goats."

6 **SECTION 57.** Section 77-8A-6 NMSA 1978 (being Laws 1997,  
7 Chapter 99, Section 6 and Laws 1997, Chapter 147, Section 6) is  
8 amended to read:

9 "77-8A-6. DUTIES--POWERS.--

10 A. The council shall:

11 (1) conduct marketing programs, including  
12 promotion, education and research, promoting sheep and haired  
13 goat products;

14 (2) submit to the director a detailed annual  
15 budget for the council on a fiscal-year basis and provide a  
16 copy of the budget upon request to any person who has paid an  
17 assessment or made a contribution ~~[under]~~ pursuant to  
18 provisions of the New Mexico Sheep and Goat Act;

19 (3) bond officers and employees of the council  
20 who receive and disburse council funds;

21 (4) keep detailed and accurate records for all  
22 receipts and disbursements, have those records audited annually  
23 and keep the audit available for inspection in the council  
24 office;

25 (5) establish procedures for the adoption of

.189421.1



1 regulations that will provide for input from producers;

2 (6) determine and publish each year the  
3 assessment rates to be collected by the ~~[board]~~ department; and

4 (7) employ staff not to exceed three persons.

5 B. The council may:

6 (1) contract for scientific research to  
7 discover and improve the commercial value of sheep and haired  
8 goats and products thereof;

9 (2) disseminate information showing the value  
10 of sheep and haired goats and products for any purpose for  
11 which they may be found useful and profitable;

12 (3) fund programs to enhance the efficiencies  
13 of sheep and haired goat production;

14 (4) make grants to research agencies for  
15 financing studies or for the purchase or acquisition of  
16 facilities necessary to carry out the purposes of the council  
17 as authorized by the New Mexico Sheep and Goat Act;

18 (5) cooperate with any local, state or  
19 national organizations or agencies, whether created by law or  
20 voluntary, engaged in work or activities similar to that of the  
21 council and enter into contracts with those organizations or  
22 agencies and expend funds ~~[in connection therewith]~~ for  
23 carrying on joint programs;

24 (6) study federal and state legislation with  
25 respect to tariffs, duties, reciprocal trade agreements, import

.189421.1

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1 quotas and other matters concerning the effect on the sheep and  
2 haired goat industry and represent and protect the interests of  
3 the industry with respect to any legislation or proposed  
4 legislation or executive action that may affect that industry;

5 (7) enter into contracts that it deems  
6 appropriate to the carrying out of the purposes of the council  
7 as authorized by the New Mexico Sheep and Goat Act;

8 (8) sue and be sued as a council without  
9 individual liability for acts of the council within the scope  
10 of the powers conferred upon it by the New Mexico Sheep and  
11 Goat Act;

12 (9) appoint subordinate officers and employees  
13 of the council and prescribe their duties and fix their  
14 compensation;

15 (10) adopt regulations for the exercise of its  
16 powers and duties. A copy of all council regulations shall be  
17 filed with the department; and

18 (11) cooperate with other state councils or  
19 agencies in the collection of assessments."

20 **SECTION 58.** Section 77-8A-8 NMSA 1978 (being Laws 1997,  
21 Chapter 99, Section 8 and Laws 1997, Chapter 147, Section 8) is  
22 amended to read:

23 "77-8A-8. ASSESSMENTS.--There is levied and imposed upon  
24 all sheep and haired goats involved in a transfer of ownership  
25 in the state an assessment to be called the "council

.189421.1

1 assessment". The council assessment is to be fixed by the  
 2 council at a rate not more than seventy-five cents (\$.75) per  
 3 head. The [~~board~~] department shall collect this council  
 4 assessment at the same time and in the same manner as the fee  
 5 charged for the state inspection required upon the movement of  
 6 those sheep and haired goats. The [~~board~~] department shall not  
 7 deliver the certificate of inspection or permit the sheep or  
 8 haired goats to move until all fees have been paid. The  
 9 proceeds of the council assessment shall be remitted by the  
 10 [~~board~~] department to the council at the end of each month  
 11 along with information that will allow the council to make  
 12 necessary refunds. At the request of the [~~board~~] department,  
 13 the council shall reimburse the [~~board~~] department for the  
 14 reasonable and necessary expenses incurred for such collections  
 15 and information, not to exceed four percent of collections on  
 16 those sheep and haired goats involved in a transfer of  
 17 ownership."

18 SECTION 59. Section 77-9-3 NMSA 1978 (being Laws 1895,  
 19 Chapter 6, Section 1, as amended) is amended to read:

20 "77-9-3. NECESSITY OF BRAND--REBRANDING REQUIRED--  
 21 EXCEPTIONS.--

22 A. A person who owns livestock shall have and adopt  
 23 a brand for them. The brand shall be applied with a hot iron  
 24 on each animal except registered livestock that are properly  
 25 identified by a legible tattoo and whose owner has been issued

.189421.1

1 a certificate of brand exemption for [~~his~~] the owner's herd by  
2 the [~~board~~] department. Each brand shall be recorded in the  
3 office of the [~~board~~] department.

4 B. Unbranded livestock, except offspring with a  
5 branded mother or offspring with a mother properly identified  
6 as provided in Subsection F of this section, shall be subject  
7 to seizure by a peace officer or livestock inspector and shall  
8 be handled and disposed of in the same manner as is provided  
9 for the handling and disposal of estrays.

10 C. Livestock that [~~is~~] are purchased shall be  
11 rebranded by the new owner with [~~his~~] the new owner's recorded  
12 brand within thirty days, except as provided in Section 77-9-4  
13 NMSA 1978.

14 D. Subsection A of this section shall not apply to  
15 a person owning horses, mules or asses who has been issued a  
16 transportation permit as provided in Section 77-9-42 NMSA 1978  
17 or who has a registration certificate for an animal from a  
18 recognized breed association or to any person owning horses,  
19 mules or asses that have been identified by a freeze mark or a  
20 freeze brand recorded with the [~~board~~] department. Freeze  
21 branding or freeze mark identification requires an iron, first  
22 submerged in a bath of liquid nitrogen, to be applied on each  
23 animal, resulting in a permanent loss of color in the hair or  
24 cessation of hair growth where the brand or mark has been  
25 applied.

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1 E. This section does not apply to bison.

2 F. This section does not apply to a person who owns  
3 cattle in confinement at a dairy or feedlot and who has elected  
4 to identify [~~his~~] the cattle by an alternative means approved  
5 by the [~~board~~] department for cattle held in those facilities.  
6 If cattle held in confinement and identified in accordance with  
7 this subsection are removed from confinement and otherwise held  
8 in the state, the provisions of Subsection A of this section  
9 shall be met prior to removal, unless the cattle are being  
10 delivered to an approved auction."

11 SECTION 60. Section 77-9-4 NMSA 1978 (being Laws 1961,  
12 Chapter 4, Section 1, as amended) is amended to read:

13 "77-9-4. PENALTY FOR FAILURE TO BRAND OR REBRAND--CERTAIN  
14 SALES PROHIBITED.--

15 A. All livestock required to be branded pursuant to  
16 the provisions of Section 77-9-3 NMSA 1978 shall bear the  
17 identical and complete brand recorded in the name of the  
18 present owner with the [~~board~~] department, or, in the  
19 alternative, the livestock shall bear the identical and  
20 complete brand of a former owner as recorded with the [~~board~~]  
21 department, in which case, the livestock shall be accompanied  
22 by a bill of sale from the former owner to the person claiming  
23 to be the present owner, which bill of sale meets the  
24 requirements of Section 77-9-22 NMSA 1978.

25 B. The bill of sale shall contain a written

.189421.1

1 statement by the former owner granting permission to the  
2 present owner to use the recorded brand appearing on the  
3 livestock listed in the bill of sale and filed with the [~~board~~]  
4 department; otherwise the livestock shall be rebranded within  
5 thirty days from the date of purchase.

6 C. A person shall not sell, buy or receive any  
7 livestock in the state unless the livestock is branded or has  
8 other means of identification acceptable to the [~~board~~]  
9 department except livestock directly imported from another  
10 state. Except as provided in Section [~~77-9-16 NMSA 1978, as~~  
11 ~~recompiled~~] 77-2-7.9 NMSA 1978, all livestock shall be branded  
12 with a New Mexico brand within thirty days of entry into the  
13 state.

14 D. A person who violates the provisions of either  
15 Section 77-9-3 NMSA 1978 or this section is guilty of a  
16 misdemeanor and upon conviction shall be sentenced in  
17 accordance with Section 31-19-1 NMSA 1978 for each head."

18 SECTION 61. Section 77-9-23 NMSA 1978 (being Laws 1884,  
19 Chapter 47, Section 13, as amended) is amended to read:

20 "77-9-23. BILL OF SALE OF LIVESTOCK--DUTY TO EXHIBIT--  
21 VIOLATION--PENALTY.--

22 A. A person who has purchased or received or has  
23 [~~in his~~] possession of any livestock, either for [~~himself~~] the  
24 person or another person, shall exhibit the bill of sale for  
25 the livestock at the reasonable request of an inspector or

.189421.1

1 other peace officer. A person who fails to produce the bill of  
 2 sale required in Section 77-9-21 NMSA 1978 or who is unable to  
 3 exhibit other written evidence of ownership or legal possession  
 4 is guilty of a misdemeanor and shall be sentenced in accordance  
 5 with the provisions of Section 31-19-1 NMSA 1978.

6 B. A person who has purchased or received or has  
 7 [~~in his~~] possession of any livestock, either for [~~himself~~] the  
 8 person or another person, and who cannot produce proof of  
 9 ownership as required by Subsection A of this section shall  
 10 have the livestock impounded. If sufficient proof of ownership  
 11 has not been established to the satisfaction of the [~~board~~]  
 12 department within fifteen days of the impoundment, the  
 13 impounded livestock [~~will~~] shall be handled and disposed of in  
 14 the same manner as provided for the handling and disposal of  
 15 estrays."

16 SECTION 62. Section 77-9-28 NMSA 1978 (being Laws 1943,  
 17 Chapter 11, Section 1, as amended) is amended to read:

18 "77-9-28. IMPORTATION OF LIVESTOCK--PERMIT REQUIRED--  
 19 PENALTY.--

20 A. A person who brings livestock into this state by  
 21 any manner or causing them to be brought in shall, before doing  
 22 so, obtain a permit from the [~~board~~] department or its  
 23 authorized representative. The permit shall contain a list of  
 24 all the requirements of the [~~board~~] department to be complied  
 25 with before the livestock can be brought into the state and

.189421.1

1 shall also stipulate any requirements of further tests of the  
2 livestock for disease after the livestock are within the state,  
3 if required by the [~~board~~] department. The permit shall  
4 accompany the livestock at the time they enter the state, and  
5 the requirements set forth in the permit as to tests for  
6 diseases or otherwise shall be complied with in every  
7 particular before the livestock are permitted to enter. The  
8 owner or [~~his~~] the owner's agent shall make application to the  
9 proper inspector to inspect the imported livestock. The  
10 imported livestock shall not be commingled or released to  
11 pasture without inspection, except as authorized by the  
12 inspector.

13 B. No prior permits are required for livestock  
14 transported directly to international import receiving  
15 facilities that are inspected for health of livestock contained  
16 in the facilities by the United States department of  
17 agriculture or other agency of the United States. Livestock  
18 entering at these facilities from a foreign country shall be  
19 inspected by an inspector.

20 C. A person who violates the provisions of this  
21 section is guilty of a misdemeanor and upon conviction shall be  
22 punished in accordance with the provisions of Section 31-19-1  
23 NMSA 1978 for each head in offense."

24 SECTION 63. Section 77-9-29 NMSA 1978 (being Laws 1891,  
25 Chapter 34, Section 2, as amended) is amended to read:

.189421.1



1           "77-9-29. INSPECTION RULES.--~~[In the exercise of the~~  
2 ~~powers and performance of the duties conferred and prescribed~~  
3 ~~by Sections 77-9-30 through 77-9-36 NMSA 1978]~~ The board of of  
4 regents shall make all necessary rules respecting the  
5 inspection of livestock intended for shipment or to be driven  
6 from a district or beyond the limits of this state and also  
7 respecting the inspection of hides and slaughterhouses in this  
8 state."

9           **SECTION 64.** Section 77-9-30 NMSA 1978 (being Laws 1891,  
10 Chapter 34, Section 3, as amended) is amended to read:

11           "77-9-30. EXPORTED LIVESTOCK--INSPECTION OF BRANDS AND  
12 EAR MARKS--RECORD.--The [~~board~~] department shall cause the  
13 brands and ear marks upon livestock shipped or driven from a  
14 district or out of this state to be inspected and a true and  
15 correct record of the result of such inspections to be kept in  
16 the office of the director for three years. The record shall  
17 set forth the date of the inspection; the place where and the  
18 person by whom made; the name and current address of the owner,  
19 shipper or claimant of the livestock inspected or the names and  
20 current addresses of all persons in charge of the livestock at  
21 the time of the inspection; the destination of the livestock; a  
22 list of all brands and ear marks upon the livestock inspected;  
23 and the number and classification of the livestock."

24           **SECTION 65.** Section 77-9-35 NMSA 1978 (being Laws 1891,  
25 Chapter 34, Section 10, as amended) is amended to read:

.189421.1

1           "77-9-35. OFFENSE BY INSPECTORS--PENALTY.--Any inspector  
2 employed by the [~~board~~] department who knowingly makes any  
3 false certificate or who knowingly swears falsely as to the  
4 truth of any report made by [~~him~~] the inspector to the  
5 [~~executive~~] director [~~of the board~~] or who accepts any bribe or  
6 compensation for the performance of or failure to perform any  
7 of the duties prescribed by law, except such compensation as  
8 may be paid [~~him~~] the inspector by the [~~board~~] department,  
9 shall upon conviction [~~thereof~~] be fined in any sum not  
10 exceeding one thousand dollars (\$1,000) or imprisoned in the  
11 state penitentiary not exceeding five years, at the discretion  
12 of the court."

13           **SECTION 66.** Section 77-9-38 NMSA 1978 (being Laws 1899,  
14 Chapter 53, Section 2, as amended) is amended to read:

15           "77-9-38. INSPECTION FEES--LIEN--RECORD.--There shall be  
16 a fee for the inspection of livestock to be fixed by the board  
17 of regents not to exceed the amount prescribed by law for each  
18 inspection request, and the fee shall be a lien upon the  
19 livestock of the owner until paid. Each inspector shall keep a  
20 complete record of all livestock inspected [~~by him~~], listing  
21 all brands and marks and the names of the shippers, and a copy  
22 of the record shall be preserved by the [~~board~~] department."

23           **SECTION 67.** Section 77-9-41 NMSA 1978 (being Laws 1929,  
24 Chapter 87, Section 1, as amended) is amended to read:

25           "77-9-41. TRANSPORTATION OF HORSES, MULES, ASSES,

1 CATTLE, SHEEP OR GOATS OR CARCASSES THEREOF--INSPECTION  
2 CERTIFICATE.--It [~~shall be~~] is unlawful for any person [~~firm or~~  
3 ~~corporation~~] to move, transport or cause to be transported from  
4 the state [~~of New Mexico~~] to any point beyond the limits  
5 [~~thereof~~] of the state or within the state except as provided  
6 under Section [~~47-9-38.1 NMSA 1953~~] 77-9-42 NMSA 1978 any  
7 horses, mules, asses, cattle, sheep or goats or the carcasses  
8 thereof by driving or in any motor or other vehicle or  
9 conveyance unless [~~such~~] the animal, animals or carcasses  
10 [~~shall~~] first have been inspected by an inspector of the [~~New~~  
11 ~~Mexico livestock board~~] department and unless, upon  
12 satisfactory showing of the ownership of [~~said~~] the animals or  
13 carcasses, [~~said~~] the inspector [~~shall have~~] has issued  
14 inspection certificates in the form to be prescribed by the  
15 [~~New Mexico livestock board~~] department and unless such  
16 certificate shall at all times accompany the animals or  
17 carcasses [~~so~~] being driven or transported in [~~such~~] the motor  
18 or other vehicle; provided that no inspection [~~shall be~~] is  
19 required where the transportation or movement from one point to  
20 another within the state is entirely upon lands exclusively  
21 within the control of the party moving or transporting or  
22 procuring the transporting of [~~such~~] the animals or carcasses  
23 or is done under the provisions of Section [~~47-9-38.1 NMSA~~  
24 ~~1953~~] 77-9-42 NMSA 1978 or when such transportation is  
25 authorized by the [~~board~~] department to a location within the

.189421.1

1 state."

2 SECTION 68. Section 77-9A-1 NMSA 1978 (being Laws 1961,  
3 Chapter 3, Section 1, as amended) is amended to read:

4 "77-9A-1. INTERSTATE CATTLE OR SHEEP TRANSPORTATION--  
5 CATTLE OR SHEEP REST STATIONS.--It is unlawful for any person  
6 to unload cattle or sheep in interstate transit by truck for  
7 feed, rest and water except at cattle or sheep rest stations  
8 licensed by the [~~board~~] department except in emergency  
9 situations. In emergency situations, cattle or sheep in  
10 transit shall be inspected by an inspector before being  
11 reloaded."

12 SECTION 69. Section 77-9A-2 NMSA 1978 (being Laws 1961,  
13 Chapter 3, Section 2, as amended) is amended to read:

14 "77-9A-2. CATTLE OR SHEEP REST STATIONS--LICENSING.--The  
15 [~~board~~] department shall license all cattle and sheep rest  
16 stations, which shall meet minimum rules of the board of  
17 regents, and shall collect a license fee set by the board of  
18 regents for each station licensed. [~~No~~] An applicant shall not  
19 be licensed until [~~he~~] the applicant has posted a bond in a  
20 form and amount approved by the [~~board~~] department covering the  
21 faithful compliance by the licensee with all laws and rules of  
22 the board of regents pertaining to cattle or sheep rest  
23 stations."

24 SECTION 70. Section 77-9A-3 NMSA 1978 (being Laws 1961,  
25 Chapter 3, Section 3, as amended) is amended to read:

.189421.1

1 "77-9A-3. REST STATIONS--RULES.--The board of regents  
 2 may prescribe rules covering the operation of rest stations for  
 3 cattle or sheep in transit by truck."

4 SECTION 71. Section 77-9A-4 NMSA 1978 (being Laws 1961,  
 5 Chapter 3, Section 4, as amended) is amended to read:

6 "77-9A-4. VIOLATIONS--PENALTY.--A person who violates  
 7 any of the provisions of Chapter 77, Article 9A NMSA 1978 or  
 8 any rule of the board of regents pertaining to rest stations is  
 9 guilty of a misdemeanor and upon conviction shall be sentenced  
 10 in accordance with the provisions of Section 31-19-1 NMSA  
 11 1978."

12 SECTION 72. Section 77-10-2 NMSA 1978 (being Laws 1937,  
 13 Chapter 59, Section 2, as amended) is amended to read:

14 "77-10-2. NECESSITY OF LICENSE--APPLICATION--FEE--  
 15 BOND--CANCELLATION OF LICENSE--COPIES.--

16 A. It is unlawful for a person to operate a  
 17 livestock auction market in this state unless [~~he~~] the person  
 18 is the holder of an unexpired, uncanceled license issued by the  
 19 [~~board~~] department.

20 B. An application to operate a livestock auction  
 21 market shall set forth:

- 22 (1) the name and address of the applicant;
- 23 (2) the location of the livestock auction
- 24 market for which application is made; and
- 25 (3) a description of the facilities afforded

.189421.1

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1 by the livestock auction market.

2 C. The application shall be accompanied by  
3 the payment of a license fee set by the board of regents not to  
4 exceed the amount prescribed by law.

5 D. The applicant shall file with the grain  
6 inspection, packers and stockyards [~~division~~] administration of  
7 the United States department of agriculture a bond in the penal  
8 sum as prescribed by the grain inspection, packers and  
9 stockyards [~~division~~] administration and approved by the  
10 [~~board~~] department and conditioned that the principal shall  
11 comply with the terms of the surety and with all of the terms  
12 and conditions of Chapter 77, Article 10 NMSA 1978, with some  
13 surety company authorized to do business in this state.

14 E. If the applicant satisfies the conditions of  
15 application, the [~~board~~] department shall issue a license good  
16 for one year to operate the livestock auction market at the  
17 location specified in the application.

18 F. A license issued in accordance with this section  
19 may be canceled by the [~~board~~] department for violation of  
20 Chapter 77, Article 10 NMSA 1978 by the licensee, and the  
21 [~~board~~] department may refuse to issue a license to a person  
22 whose previous license has been canceled or to any firm,  
23 association or corporation of which [~~he~~] the person is a member  
24 or by which [~~he~~] the person is employed.

25 G. It is unlawful for an operator to employ a

1 person whose license was canceled by the [~~board~~] department or  
2 to operate a livestock auction market in which that person has  
3 direct or indirect interest.

4 H. The bond required by this section shall be for  
5 the benefit of a person damaged by a breach of the condition of  
6 the bond, and the person damaged shall be entitled to bring an  
7 action on the bond in [~~his~~] the person's own name. The [~~board~~]  
8 department shall furnish a certified copy of the bond to a  
9 person who applies for a copy on payment of the fee set by the  
10 board for copy services."

11 SECTION 73. Section 77-10-3 NMSA 1978 (being Laws 1937,  
12 Chapter 59, Section 3, as amended) is amended to read:

13 "77-10-3. DUTIES OF LICENSEES.--The operator shall:

14 A. keep posted and on display in a conspicuous  
15 place at the livestock auction market an unexpired, uncanceled  
16 license issued by the [~~board~~] department as provided in Section  
17 77-10-2 NMSA 1978;

18 B. keep the livestock auction market clean and  
19 sanitary and, whenever required by the [~~board~~] department or a  
20 veterinarian authorized by the [~~board~~] department, shall  
21 disinfect the livestock auction market or any part thereof and  
22 shall procure to be administered preventive or curative  
23 treatment of livestock in the possession of the operator, all  
24 under the supervision and direction of the [~~board~~] department  
25 or its authorized veterinarian and without expense to the

.189421.1

1       ~~[board]~~ department;

2               C. allow the ~~[board and its members and officials]~~  
3       department and its inspectors and authorized veterinarians to  
4       have convenient access to the livestock auction market and its  
5       books and records or any livestock that may be in ~~[his]~~ the  
6       operator's possession at all reasonable times for the purpose  
7       of inspection;

8               D. post in a conspicuous place at the livestock  
9       auction market a schedule of all charges for services,  
10       accommodations and facilities that ~~[he holds himself out as]~~  
11       the operator purports to be ready, able and willing to furnish  
12       at the livestock auction market to owners of livestock and  
13       shall file a true copy of the schedule with the ~~[board]~~  
14       department. The schedule shall be the sole basis for all  
15       charges until a different schedule has been posted and filed;

16              E. immediately after the sale of any livestock at  
17       the livestock auction market, account and pay to the owner of  
18       the livestock the entire proceeds of the sale less ~~[his]~~ the  
19       operator's applicable scheduled charges;

20              F. make promptly after each sale and keep for a  
21       period of three years a complete record of the sale that  
22       contains a description of the livestock sold, the name of the  
23       owner and of the purchaser, the date of sale, the sale price  
24       and the amount and items of the operator's charges and open all  
25       such records to examination by the ~~[board]~~ department or its



1 inspector at any time on request;

2 G. be responsible for the wrongful acts or  
3 omissions of [~~his~~] the operator's agents and employees; and

4 H. comply with and conform to all lawful rules of  
5 the board of regents pursuant to Chapter 77, Article 10 NMSA  
6 1978 and shall cooperate with the [~~board~~] department in  
7 preventing the spread of diseases through the operation of the  
8 livestock auction market and in the suppression of livestock  
9 theft."

10 SECTION 74. Section 77-10-4 NMSA 1978 (being Laws 1937,  
11 Chapter 59, Section 4, as amended) is amended to read:

12 "77-10-4. NOTICE [~~TO BOARD~~] OF RECEIPT OF LIVESTOCK--  
13 CONTENTS--FEES.--Immediately on receipt of any livestock at the  
14 livestock auction market, the operator shall give written  
15 notice to the [~~board~~] department in such form as the [~~board~~]  
16 department may prescribe, stating the kind and number and  
17 description of the livestock received. At the same time, the  
18 operator shall collect and remit to the [~~board~~] department or  
19 agent for the [~~board~~] department the inspection fees prescribed  
20 by law for each head of livestock received. All money paid to  
21 the [~~board~~] department shall be deposited to the [~~proper board~~]  
22 livestock receipts and disbursements fund."

23 SECTION 75. Section 77-10-9 NMSA 1978 (being Laws 1937,  
24 Chapter 59, Section 8 1/2, as amended) is amended to read:

25 "77-10-9. LIVESTOCK--OWNERS BOUND BY RULES.--Whenever an

.189421.1

1 owner of livestock [~~avails himself~~] makes use of the provisions  
2 of Chapter 77, Article 10 NMSA 1978, [~~he~~] the owner is bound by  
3 the rules of the board of regents as to health and ownership."

4 SECTION 76. Section 77-10-10 NMSA 1978 (being Laws 1937,  
5 Chapter 59, Section 9, as amended) is amended to read:

6 "77-10-10. VIOLATIONS--PENALTY.--A person who violates  
7 Chapter 77, Article 10 NMSA 1978 or any rule of the board of  
8 regents made pursuant to that article is guilty of a  
9 misdemeanor and upon conviction shall be sentenced in  
10 accordance with the provisions of Section 31-19-1 NMSA 1978,  
11 and each day's violation constitutes a separate offense."

12 SECTION 77. Section 77-12-6 NMSA 1978 (being Laws 1923,  
13 Chapter 68, Section 6, as amended) is amended to read:

14 "77-12-6. DISTRAINT OF LIVESTOCK FOR DAMAGES.--A person  
15 damaged by trespassing livestock may hold and distrain the  
16 trespassing livestock until the damages that [~~he~~] the person  
17 has suffered and the costs, including a reasonable amount set  
18 by the board of regents per head per day for feeding and caring  
19 for the livestock during the time the livestock is so  
20 distrained, are paid or legally tendered. The person  
21 distraining the livestock shall give notice to the owner, if  
22 known or ascertainable, within forty-eight hours after  
23 distraint."

24 SECTION 78. Section 77-13-2 NMSA 1978 (being Laws 1907,  
25 Chapter 80, Section 2, as amended) is amended to read:

## 1 "77-13-2. IMPOUNDMENT OF ESTRAY ANIMALS.--

2 A. A person shall not impound an estray except when  
3 the estray is found on property the person owns or controls.  
4 When a person impounds an estray, [~~he~~] the person shall, within  
5 five days of the impoundment, notify the director or an  
6 inspector of the impoundment.

7 B. A person having knowledge of an estray upon any  
8 public or private range, fenced or unfenced, may notify the  
9 director or an inspector, giving description of the estray, and  
10 upon instructions from the [~~board~~] director or inspector, the  
11 estray shall be turned over to an inspector for disposition as  
12 the [~~board~~] director may direct according to law.

13 C. It is lawful for a person having knowledge of an  
14 estray grazing on public land, public highways or other lands  
15 used for grazing purposes in conjunction with public land and  
16 who has the prior approval of or is acting in cooperation with  
17 an agent of the [~~board~~] department to impound and detain the  
18 estray for the purpose of ascertaining ownership by brand or  
19 other means of identification. The owner of the estray found  
20 to be in trespass shall be allowed forty-eight hours from  
21 receipt of notice of impoundment within which to claim the  
22 animal and make settlement for trespass damage. If the owner  
23 fails to claim the animal and effect a settlement for trespass  
24 damages within the time allowed, the estray detained shall be  
25 turned over to an inspector or other agent of the [~~board~~]

.189421.1

1 department for disposition in the same manner as provided for  
2 other estrays under Chapter 77, Article 13 NMSA 1978."

3 SECTION 79. Section 77-13-3 NMSA 1978 (being Laws 1907,  
4 Chapter 80, Section 3, as amended) is amended to read:

5 "77-13-3. EXAMINATION OF BRAND RECORDS--NOTICE TO  
6 OWNER--CHARGE FOR CARE--LIMITATION.--Upon receiving notice of  
7 the impoundment of an estray, the director shall make or cause  
8 to be made an examination of the brand records. If from this  
9 record the name of the owner or probable owner can be  
10 determined, the director shall notify the owner of the  
11 impoundment of the estray and, upon the owner proving to the  
12 satisfaction of the ~~[board]~~ director that the estray is  
13 lawfully ~~[his]~~ the owner's animal, the ~~[board]~~ director shall  
14 issue to ~~[him]~~ the owner an order to receive the estray upon  
15 payment of any reasonable charges that may have been incurred  
16 in the care of the estray impounded."

17 SECTION 80. Section 77-13-4 NMSA 1978 (being Laws 1907,  
18 Chapter 80, Section 4, as amended) is amended to read:

19 "77-13-4. OWNER UNKNOWN--PUBLICATION AND POSTING OF  
20 NOTICE.--If the director ~~[of the New Mexico livestock board]~~ is  
21 unable to determine from the records and description who is the  
22 owner or probable owner of ~~[such]~~ an estray, ~~[or estrays, he]~~  
23 the director shall publish at least once in some publication in  
24 general circulation in the county in which the estray animal  
25 was picked up, ~~[said]~~ the publication to be designated by the

1 ~~[New Mexico livestock board]~~ department, a notice of ~~[such]~~ the  
 2 estray ~~[which]~~. The notice shall give a description of the  
 3 animal ~~[or animals]~~, shall state when and where ~~[the same were]~~  
 4 it was impounded and shall give notice that unless the animal  
 5 ~~[or animals are]~~ is claimed by the legal owner within five days  
 6 after the publication of the notice, the ~~[same]~~ animal shall be  
 7 sold by the ~~[New Mexico livestock board]~~ department for the  
 8 benefit of the owner when found."

9 **SECTION 81.** Section 77-13-5 NMSA 1978 (being Laws 1907,  
 10 Chapter 80, Section 5, as amended) is amended to read:

11 "77-13-5. SALE OF UNCLAIMED ESTRAYS--BILL OF SALE--  
 12 EFFECT--SALE WITHOUT ADVERTISEMENT--CONDITIONS.--If an estray  
 13 is not claimed within five days after the last publication of  
 14 notice, it may be sold by the ~~[board]~~ department through an  
 15 inspector in such manner as the ~~[board]~~ department may direct.  
 16 The inspector making the sale shall give a bill of sale to the  
 17 purchaser from the ~~[board]~~ department, signed by ~~[himself as]~~  
 18 the inspector. The bill of sale shall be legal evidence of the  
 19 ownership of the livestock by the purchaser and shall be a  
 20 legal title to the livestock. Where the director determines  
 21 that it is impractical to publish notice, the estray may be  
 22 sold immediately without notice. In such case, the ~~[board]~~  
 23 department shall publish notice of the proceeds from the sale  
 24 of the estray in the same manner and for the same length of  
 25 time as provided for the notice of the sale and shall hold and

.189421.1

1 distribute the proceeds from the sale in the same manner as if  
2 the sale were made after notice."

3 SECTION 82. Section 77-13-6 NMSA 1978 (being Laws 1907,  
4 Chapter 80, Section 6, as amended) is amended to read:

5 "77-13-6. DISPOSITION OF PROCEEDS--RECORD OF SALE--  
6 PAYMENTS TO OWNER.--The inspector making the sale of an estray  
7 shall return the proceeds of the sale to the [~~board~~]  
8 department. The [~~board~~] department shall pay the expenses  
9 incurred in the impounding, publishing of notice and selling of  
10 the animal and place the balance in the livestock receipts and  
11 disbursements fund of the [~~board~~] department, making a record  
12 of the same showing the marks and brands and other means of  
13 identification of the livestock and giving the amount realized  
14 from the sale. The record shall be open to [~~the~~] inspection  
15 [~~of~~] by the public. Should the lawful owner of an estray that  
16 has been sold be found within two years after the sale of the  
17 livestock, the net amount received from the sale of the estray  
18 less the sum prescribed by law for office handling fees shall  
19 be paid to the owner upon [~~his~~] the owner's proving ownership  
20 to the satisfaction of the [~~board~~] department."

21 SECTION 83. Section 77-13-7 NMSA 1978 (being Laws 1907,  
22 Chapter 80, Section 7, as amended) is amended to read:

23 "77-13-7. RIGHTS OF IMPOUNDER--CHARGES--DETERMINATION BY  
24 [~~BOARD~~] DEPARTMENT.--Upon the impoundment of [~~any~~] an estray  
25 animal [~~or animals~~] as provided in Section [~~47-14-2 NMSA 1953]~~

.189421.1

1 77-13-2 NMSA 1978, the impounder shall be entitled to hold  
 2 [~~same~~] the estray lawfully until relieved of [~~their~~] its  
 3 custody by the [~~New Mexico livestock board~~] department. Should  
 4 a claimant for the animal [~~or animals~~] apply to the impounder  
 5 for possession [~~of the same~~], the impounder shall at once  
 6 notify the [~~New Mexico livestock board~~] department in writing  
 7 of [~~such~~] the application. Should the [~~board~~] department be  
 8 satisfied that the applicant is the lawful owner, it shall  
 9 [~~forthwith~~] issue an order by the director authorizing the  
 10 impounder to deliver [~~said~~] the estray [~~or estrays~~] to the  
 11 owner, who may be required to pay any reasonable charges  
 12 incurred by the impounder; provided, that in case of a  
 13 controversy as to what [~~shall constitute~~] constitutes a  
 14 reasonable charge, the [~~New Mexico livestock board~~] department  
 15 shall fix the amount and the time of service for which the  
 16 impounder may claim remuneration, commencing on the date of  
 17 notification made by the impounder to the [~~New Mexico livestock~~  
 18 ~~board~~] department."

19 **SECTION 84.** Section 77-13-9 NMSA 1978 (being Laws 1907,  
 20 Chapter 80, Section 9, as amended) is amended to read:

21 "77-13-9. ESCAPE OR REMOVAL OF ESTRAY--POSSESSORY RIGHT  
 22 OF PERSON IMPOUNDING.--If [~~any~~] an animal, after having been  
 23 impounded by [~~any~~] a person under the provisions of [~~this~~  
 24 ~~Article, shall escape~~] Chapter 77, Article 13 NMSA 1978,  
 25 escapes or [~~be~~] is taken from the possession or custody of

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1 ~~[such]~~ the person before the ~~[same shall have been]~~ animal is  
2 disposed of under the provisions of ~~[this]~~ that article, then  
3 such the person or the ~~[New Mexico livestock board]~~ department  
4 or its authorized inspector ~~[shall have]~~ has the right to  
5 recover the animal wherever ~~[the same]~~ it may be found to be  
6 held until disposed of as provided for in this article."

7 **SECTION 85.** Section 77-14-22 NMSA 1978 (being Laws 1919,  
8 Chapter 88, Section 16, as amended) is amended to read:

9 "77-14-22. SALE OF LIVESTOCK--SURPLUS FUNDS--COSTS AND  
10 EXPENSES.--The magistrate, after paying all costs, fees and  
11 claims from the proceeds of a sale that is made under ~~[his]~~ the  
12 magistrate's direction as provided in Sections 77-14-8 through  
13 77-14-24 NMSA 1978, shall pay the remainder to the owner of the  
14 livestock. If the owner is unknown, the magistrate shall  
15 deposit the proceeds of the sale, after paying all costs and  
16 claims, with the ~~[board]~~ department, which shall handle the  
17 proceeds in accordance with the provisions of Chapter 77,  
18 Article 13 NMSA 1978; provided, however, that in case the sale  
19 is made under execution, as provided in Section 77-14-18 NMSA  
20 1978, the magistrate shall file with the officer making the  
21 sale a certified statement of all costs and expenses that may  
22 have accrued, which shall be paid by the officer selling the  
23 livestock under execution as other costs are paid."

24 **SECTION 86.** Section 77-14-36 NMSA 1978 (being Laws 1975,  
25 Chapter 329, Section 1, as amended) is amended to read:



## 1 "77-14-36. IMPOUNDMENT OF TRESPASS LIVESTOCK.--

2 A. Any livestock found to be in trespass upon the  
3 lands of another or running at large upon any public highway  
4 ~~[which]~~ that is fenced on both sides or running at large within  
5 the limits of any municipality, town or village, whether  
6 incorporated or not, or within a military reservation or  
7 enclave ~~[whether incorporated or not]~~ is subject to impoundment  
8 by an agent of the ~~[New Mexico livestock board]~~ department.  
9 The place of impoundment shall be at the nearest or most  
10 convenient location from where the trespass occurred.

11 B. Any livestock impounded under the provisions of  
12 this section ~~[will]~~ shall be released to the owner or ~~[his]~~ the  
13 owner's representative upon the payment by the owner of a fee  
14 set by ~~[regulation]~~ rule of the ~~[New Mexico livestock]~~ board of  
15 regents not to exceed amounts prescribed by law for impounding  
16 ~~[if any incurred]~~.

17 C. The ~~[New Mexico livestock board]~~ department  
18 shall designate ~~[the person]~~ a custodian and a place of  
19 impoundment and allow a reasonable fee to be charged by the  
20 custodian of the impounded livestock; provided that in case of  
21 a controversy as to what constitutes a reasonable charge, the  
22 ~~[board]~~ department shall set the amount of the charge.

23 D. This section shall not be construed to affect  
24 the obligation of a property owner of meeting the requirements  
25 of Section 77-16-1 NMSA 1978 for fencing against such

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1 trespasses.

2 E. Any cost charged against trespass livestock will  
3 be a lien on the livestock. If the owner does not pay the  
4 charges and reclaim possession of the livestock within five  
5 days after receipt of notification by the owner, the livestock  
6 shall be considered unclaimed estrays and may be sold in  
7 accordance with the provisions of Section 77-13-5 NMSA 1978."

8 SECTION 87. Section 77-16-18 NMSA 1978 (being Laws 1963,  
9 Chapter 180, Section 1) is amended to read:

10 "77-16-18. REPORT OF KILLED OR CRIPPLED LIVESTOCK--  
11 INSPECTION AND REMOVAL.--

12 A. Every railroad in this state, upon discovery of  
13 livestock killed or crippled upon a section of the railroad  
14 right of way, shall immediately make a report thereof to an  
15 inspector of the [~~cattle sanitary board~~] department or to any  
16 other person designated by the [~~board~~] department for the  
17 purpose of receiving the report.

18 B. The report required by Subsection A of this  
19 section shall designate the place where the crippled or killed  
20 livestock is located and the brand on the livestock. The  
21 [~~board~~] department or a person designated by it shall promptly  
22 inspect the stock, notify the owner and make a report of the  
23 inspection, including [~~therein~~] in the report the age, color,  
24 sex, approximate weight, marks and brand of the stock. One  
25 copy of the report shall be transmitted by the inspector to the

.189421.1

1     ~~[board]~~ department, one to the owner of the stock and one to  
2     the railroad.

3             C. Dead livestock shall not be destroyed by the  
4     railroad until the inspection required by this section is made,  
5     but if the inspection is not made within twenty-four hours  
6     after transmittal of the report by the railroad, the railroad  
7     may bury the dead stock and shall ~~[thereupon]~~ promptly notify  
8     the ~~[board]~~ department or the person designated by it of the  
9     place of burial so that inspection may be made.

10            D. A railroad ~~[which]~~ that fails to make any report  
11     required by this section is guilty of a petty misdemeanor.

12            E. "Railroad" as used in this section includes any  
13     person, firm or corporation."

14            **SECTION 88.** Section 77-17-2 NMSA 1978 (being Laws 1939,  
15     Chapter 115, Section 2, as amended) is amended to read:

16            "77-17-2. LICENSES--BUTCHER OR SLAUGHTERER--DEALER IN  
17     FRESH MEAT OR LIVESTOCK OR POULTRY MEAT PRODUCTS OR MEAT FROM  
18     OTHER BIRDS AND ANIMALS USED FOR HUMAN CONSUMPTION--COLD  
19     STORAGE LOCKER--RENDERING PLANT.--

20            A. A person carrying on or desiring to carry on the  
21     business of butcher or slaughterer of livestock used for human  
22     consumption shall procure a license from the ~~[board]~~ department  
23     prior to carrying on the business and shall pay a yearly  
24     license fee not to exceed one hundred dollars (\$100).

25            ~~[B. In addition, such person may be charged~~

.189421.1

1 ~~reasonable fees for meat inspection service over and above the~~  
2 ~~inspector's normal working assignment under the rules of the~~  
3 ~~board pertaining to meat inspection.~~

4           ~~G.]~~ B. Application for licensure shall be made upon  
5 a form prescribed by the [~~board~~] department and shall be  
6 accompanied by the amount of the license fee provided in this  
7 section. The license fee shall not be prorated on account of  
8 the applicant doing business for less than a full calendar  
9 year, and the license renewal fee in the same amount shall be  
10 paid for each calendar year in which any person engages in the  
11 business and be paid at the time prescribed by rules of the  
12 board of regents.

13           ~~D.]~~ C. A person carrying on or desiring to carry  
14 on the business of selling or dealing in the fresh meat or meat  
15 products of livestock used for human consumption or livestock  
16 or poultry meat products or manufacturing or processing of meat  
17 or poultry products or operating a rendering plant or operating  
18 a cold storage locker plant in which cold storage lockers are  
19 rented or leased to other persons shall obtain a license to  
20 engage in the business from the [~~board~~] department after making  
21 application upon forms prescribed by the [~~board~~] department and  
22 upon payment of an annual license fee in an amount set by the  
23 [~~board~~] department not to exceed one hundred dollars (\$100).  
24 Annual renewal fees are payable at times prescribed by rule of  
25 the board of regents. No bond or bond filing fee is required

.189421.1

1 for any person licensed pursuant to this subsection.

2 ~~[E-]~~ D. Licenses provided for in this section shall  
 3 not be issued to a person who is not meeting the requirements  
 4 for facilities and product handling provided for in the federal  
 5 and state meat inspection acts and United States department of  
 6 agriculture food safety and inspection service and board of  
 7 regents rules. For good cause shown, the ~~[board]~~ department  
 8 may, after notice to the holder of a license provided for in  
 9 this section and after a reasonable hearing, revoke a license."

10 **SECTION 89.** Section 77-17-3 NMSA 1978 (being Laws 1939,  
 11 Chapter 115, Section 3, as amended) is amended to read:

12 "77-17-3. BOND FOR LICENSES.--

13 A. Except as provided in Subsection ~~[D]~~ C of  
 14 Section 77-17-2 NMSA 1978, ~~[no]~~ a person ~~[firm or corporation]~~  
 15 shall not carry on any of the businesses set forth in Section  
 16 77-17-1 NMSA 1978 without filing with the ~~[New Mexico livestock~~  
 17 ~~board]~~ department a bond in the sum of one thousand dollars  
 18 (\$1,000) payable to the ~~[New Mexico livestock board]~~ department  
 19 and conditioned that the principal shall:

20 (1) ~~[will]~~ keep a correct record, in a book  
 21 kept for that purpose, of all cattle or other animals purchased  
 22 or slaughtered ~~[by him]~~ with a description of each animal,  
 23 including marks, brands, age and weight, from whom purchased  
 24 and the date of its slaughter; ~~[and]~~

25 (2) ~~[will]~~ not slaughter or cause to be

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1 slaughtered any animal at any place other than the place of  
2 slaughter named in ~~[his]~~ the application for license; and

3 (3) ~~[will]~~ keep the hides of all animals  
4 slaughtered ~~[by him]~~ at the place of slaughter until inspected  
5 by an authorized inspector of the ~~[New Mexico livestock board]~~  
6 department and until a hide inspection fee is paid to the  
7 ~~[board]~~ department in a sum fixed by the board of regents  
8 pursuant to law.

9 B. The bond shall be signed by the person ~~[firm or~~  
10 ~~corporation]~~ engaging in the business together with a corporate  
11 surety company authorized to do business in this state and  
12 approved by the ~~[New Mexico livestock board or its~~  
13 ~~representatives]~~ department.

14 C. The bond shall be executed in duplicate, one  
15 copy filed with the ~~[New Mexico livestock board]~~ department and  
16 the other copy, after being approved by the ~~[board]~~ department,  
17 posted in the place of business of the principal, where it can  
18 easily be seen by persons interested.

19 D. If, in the opinion of the ~~[New Mexico livestock~~  
20 ~~board, if]~~ department, the bond appears at any time to be  
21 insecure, exhausted or otherwise doubtful, an additional or new  
22 bond of not more than one thousand dollars (\$1,000) and  
23 satisfactory to the ~~[New Mexico livestock board]~~ department  
24 shall be filed by the licensee within ten days after written  
25 demand upon the licensee by the ~~[board]~~ department. Upon

1 failure of the licensee to file the additional or new bond, the  
 2 license shall be revoked by the [~~New Mexico livestock board~~]  
 3 department."

4 SECTION 90. Section 77-17-5 NMSA 1978 (being Laws 1939,  
 5 Chapter 115, Section 4, as amended) is amended to read:

6 "77-17-5. DISPOSITION OF LICENSE FEES.--The proceeds  
 7 from the license fees shall be paid into the [~~board's interim~~]  
 8 livestock receipts and [~~disbursement~~] disbursements fund [~~for~~  
 9 ~~credit to the meat inspection division and shall be expended by~~  
 10 ~~the board for the same purposes and in a like manner as other~~  
 11 ~~money in the board's meat inspection division]."~~

12 SECTION 91. Section 77-17-10 NMSA 1978 (being Laws 1884,  
 13 Chapter 47, Section 21, as amended) is amended to read:

14 "77-17-10. INSPECTION OF RECORD, HIDES AND EARS.--The  
 15 record, hides and ears of cattle, sheep and goats shall be open  
 16 to the inspection by the [~~board~~] department for the period of  
 17 thirty days or until inspected by an inspector, and any butcher  
 18 or slaughterer who refuses to permit such inspection or  
 19 examination is guilty of a misdemeanor and upon conviction  
 20 shall be sentenced in accordance with the provisions of Section  
 21 31-19-1 NMSA 1978."

22 SECTION 92. Section 77-18-2 NMSA 1978 (being Laws 1987,  
 23 Chapter 151, Section 1, as amended) is amended to read:

24 "77-18-2. SEIZURE AND DISPOSITION OF CRUELLY TREATED  
 25 LIVESTOCK.--

.189421.1

1           A. If a livestock inspector or other peace officer  
2 has reason to believe that livestock [~~is~~] are being cruelly  
3 treated, the inspector or peace officer may apply to a court in  
4 the county where the livestock [~~is~~] are located for a warrant  
5 to seize the allegedly cruelly treated livestock.

6           B. On a showing of probable cause to believe that  
7 the livestock [~~is~~] are being cruelly treated, the court shall  
8 issue a warrant for the seizure of the livestock and set the  
9 matter for hearing as expeditiously as possible within thirty  
10 days unless good cause for a later time is demonstrated by the  
11 state. Seizure as authorized by this section shall be  
12 restricted to only those livestock allegedly being cruelly  
13 treated. The board of regents by rule shall establish  
14 procedures for preserving evidence of alleged cruel treatment  
15 of livestock.

16           C. If criminal charges are filed against the owner,  
17 the court shall, upon proper petition, proceed to determine if  
18 security is required to be posted pursuant to Section 30-18-1.2  
19 NMSA 1978. Otherwise, the judge or magistrate executing the  
20 warrant shall notify the [~~board~~] department, have the livestock  
21 impounded and give written notice to the owner of the livestock  
22 of the time and place of a hearing to determine disposition of  
23 the livestock.

24           D. All interested parties, including the district  
25 attorney, shall be given an opportunity to present evidence at

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1 the hearing, and if the court finds that the owner has cruelly  
 2 treated the livestock, the court shall order the sale of the  
 3 livestock at fair market value or order humane destruction. If  
 4 the livestock [~~is~~] are ordered sold, the sale shall occur  
 5 within ten days of the order. If the court does not find that  
 6 the owner has cruelly treated the livestock, the court shall  
 7 order the livestock returned to the owner.

8 E. If the court orders the sale of the livestock,  
 9 the [~~board~~] department shall take proper action to ensure the  
 10 livestock [~~is~~] are sold at fair market value, including  
 11 acceptance of reasonable bids or sale at auction. A bid by the  
 12 owner of the livestock or the owner's representative shall not  
 13 be accepted.

14 F. Proceeds from the sale of the livestock shall be  
 15 forwarded to the court ordering the sale. From these proceeds,  
 16 the court shall pay all expenses incurred in caring for the  
 17 livestock while [~~it was~~] they were impounded and any expenses  
 18 involved in [~~its~~] their sale. Any excess proceeds of the sale  
 19 shall be forwarded to the former owner. If the expenses  
 20 incurred in caring for and selling the livestock exceed the  
 21 amount received from the sale, the court shall order the former  
 22 owner to pay the additional cost."

23 SECTION 93. TEMPORARY PROVISION--TRANSFERS OF  
 24 APPROPRIATIONS, MONEY, PROPERTY, FUNDS, PROPERTY TAX RECEIPTS,  
 25 CONTRACTUAL OBLIGATIONS, STATUTORY REFERENCES AND RULES.--

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1           A. On the effective date of this act, all  
2 functions, personnel, appropriations, money, records, vehicles,  
3 equipment, furniture and other property of the New Mexico  
4 livestock board shall be transferred to the New Mexico  
5 department of agriculture.

6           B. On the effective date of this act, all money in  
7 the New Mexico livestock board interim receipts and  
8 disbursements fund and the New Mexico livestock board general  
9 fund shall be transferred to the livestock receipts and  
10 disbursements fund administered by the New Mexico department of  
11 agriculture.

12           C. On the effective date of this act, all property  
13 tax receipts due and owing to the New Mexico livestock board  
14 shall be paid to the New Mexico department of agriculture to be  
15 credited to the livestock receipts and disbursements fund.

16           D. On the effective date of this act, all  
17 contractual obligations of the New Mexico livestock board shall  
18 be binding on the New Mexico department of agriculture.

19           E. On the effective date of this act, all statutory  
20 references to the New Mexico livestock board in its duties  
21 pursuant to The Livestock Code or livestock shall be deemed to  
22 be references to the New Mexico department of agriculture;  
23 provided that statutory references to the New Mexico livestock  
24 board's power to adopt rules or set fees shall be deemed to be  
25 references to the board of regents of New Mexico state

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1 university.

2 F. On the effective date of this act, all rules of  
 3 the New Mexico livestock board shall be deemed to be rules of  
 4 the board of regents of New Mexico state university until  
 5 amended or repealed by the board of regents of New Mexico state  
 6 university.

7 SECTION 94. REPEAL.--Sections 77-2-3, 77-2-4, 77-2-6,  
 8 77-2-10, 77-2-12, 77-2-14, 77-2-18, 77-2-19 and 77-10-8 NMSA  
 9 1978 (being Laws 1967, Chapter 213, Sections 3 and 4, Laws  
 10 1977, Chapter 256, Section 3, Laws 1973, Chapter 84, Section 1,  
 11 Laws 1891, Chapter 34, Section 11, Laws 1937, Chapter 205,  
 12 Section 1, Laws 1889, Chapter 106, Sections 21 and 22 and Laws  
 13 1937, Chapter 59, Section 8, as amended) are repealed.

14 SECTION 95. EFFECTIVE DATE.--The effective date of the  
 15 provisions of this act is July 1, 2012.

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