

HOUSE AGRICULTURE AND WATER RESOURCES COMMITTEE SUBSTITUTE FOR  
HOUSE BILL 459

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

AN ACT

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

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

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

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

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

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underscored material = new  
[bracketed material] = delete

1 same time and in the same manner as the fee charged for the  
2 state brand inspection required upon the movement of those  
3 cattle. The board shall not deliver the certificate of  
4 inspection or permit the cattle to move until all fees have  
5 been paid. The proceeds of the council assessment shall be  
6 remitted by the board to the council at the end of each month,  
7 along with information that will allow the council to make  
8 necessary refunds. At the request of the board, the council  
9 shall reimburse the board for the responsible and necessary  
10 expenses incurred for such collections and information at not  
11 more than four cents (\$.04) per ~~head~~ one dollar (\$1.00)  
12 collected on only those cattle involved in a transfer of  
13 ownership and not on refunded council assessments.

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

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

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

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

